

SENATE JOURNAL

— 2001 —

REGULAR SESSION

FIFTY-SEVENTH LEGISLATURE STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol

2001 Regular Session Convened January 8, 2001
Adjourned Sine Die April 22, 2001

2001 First Special Session Convened April 25, 2001
Adjourned Sine Die May 24, 2001

2001 Second Special Session Convened June 4, 2001
Adjourned Sine Die June 21, 2001

2001 Third Special Session Convened July 16, 2001
Adjourned Sine Die July 25, 2001

Compiled, Edited and Indexed by
Tony M. Cook, *Secretary of the Senate*



MARY WILEY
Minute and Journal Clerk

LIEUTENANT GOVERNOR BRAD OWEN, *President of the Senate*
SENATOR ROSA FRANKLIN, *President Pro Tempore*
SENATOR PAULL SHIN, *Vice President Pro Tempore*

SENATE CAUCUS OFFICERS

2001

DEMOCRATIC CAUCUS

Majority Leader.....Sid Snyder
Majority Caucus Chair.....Harriet A. Spanel
Majority Floor Leader.....Betti L. Sheldon
Majority Whip.....Tracey Eide
Majority Caucus Vice Chair.....Ken Jacobsen
Majority Assistant Floor Leader.....Georgia Gardner
Majority Assistant Whip.....Jim Kastama

REPUBLICAN CAUCUS

Republican Leader.....James E. West
Caucus Chair.....Patricia S. Hale
Republican Floor Leader.....Larry Sheahan
Republican Whip.....Jim Honeyford
Republican Deputy Leader.....Stephen L. Johnson
Republican Caucus Vice Chair.....Joseph Zarelli
Republican Assistant Floor Leader.....Don Carlson
Republican Assistant Whip.....Mike Hewitt

Secretary of the Senate.....Tony M. Cook
Deputy Secretary.....Brad Hendrickson
Sergeant at Arms.....Gene Gotovac
Minute and Journal Clerk.....Mary Wiley
Readers.....Norm Josephson and Dale Larson

TABLE OF CONTENTS

VOLUME I

Regular Session, First Day, January 8, 2001 through One Hundred-Fifth Day, April 22, 2001.....	page 1
---	--------

VOLUME II

First Special Session, First Day, April 25, 2001 through Thirtieth Day, May 24, 2001.....	page 1431
Second Special Session, First Day, June 4, 2001 through Eighteenth Day, June 21, 2001.....	page 1645
Third Special Session, First Day, July 16, 2001 through Tenth Day, July 25, 2001.....	page 1943
Roster of Members and Committee Assignments.....	page 1962
Bills, Memorials and Resolutions Passed by Both Houses.....	page 1970
History of Bills.....	page 1983
General Index.....	page 2057

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

**JOURNAL OF THE SENATE
2001 REGULAR SESSION
STATE OF WASHINGTON
FIFTY-SEVENTH LEGISLATURE**

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 8, 2001

At 12:00 noon, pursuant to law, the Senate of the 2001 Regular Session of the Fifty-seventh Legislature of the state of Washington assembled in the Senate Chamber at the State Capitol. Lieutenant Governor Brad Owen, President of the Senate, called the Senate to order.

The Washington State Patrol Honor Guard, consisting of Troopers Craig Anders, Wilhelmina Boxhorn, Mark Brown, Jimmy Craig, Ted Dehart, Zachary Elmore, Jimmy Foster, Tracy Foster, Dean Gundermann, Keith Huntley, Barry Kirk, Darrin Latimer, John-Paul Sager, Len Walker and Robert Veliz, presented the Colors.

The President led the Senate in the Pledge of Allegiance.

Reverend Anna Grayson, pastor of the Unity Church of Olympia, offered the prayer.

INTRODUCTION OF LAKEFAIR QUEEN

The President welcomed and introduced Sarah Rutledge, 2000-2001 Lakefair Queen, who was seated on the rostrum.

With permission of the Senate, business was suspended for Queen Sarah to welcome the Senators to Olympia.

EDITOR'S NOTE: The following letter of resignation and oath of office were received during the 2000 Interim:

LETTER OF RESIGNATION

WASHINGTON STATE SENATE
Senator Michael Heavey
34th Legislative District

August 2, 2000

Honorable Gary Locke
Washington State Governor
Legislative Building
P.O. Box 40002
Olympia, WA 98504-0002

Dear Governor Locke:

As a member of the Washington State Senate, it has been an honor to work with you over the past four years. It was also a pleasure to serve as your colleague in the House of Representative for five years.

As you are aware, I will be taking on a new responsibility soon on the King County Superior Court bench. For this reason, I am offering my resignation from the Washington State Senate effective at Midnight on August 21, 2000.

I will sincerely miss working with you and with my colleagues in the Legislature. It has been a remarkable experience.

Sincerely,
MICHAEL HEAVEY, State Senator, 34th Legislative District

CERTIFICATE OF ELECTION
STATE OF WASHINGTON

KING COUNTY

The Manager of Records and Elections in and for King County, Washington, does hereby certify that an election was held in King County on the Seventh day of November, 2000

DOW CONSTANTINE
was elected to the office of
34th LEGISLATIVE DISTRICT, SENATOR

As appears from the official records of King County now on file
And of record in this office, for an unexpired 2 year term

IN WITNESS THEREFORE, I have hereunto set my hand and affixed the official seal,
This 22nd day of November, 2000

ROBERT BRUCE
Manager of Records and Elections

OATH OF OFFICE FOR UNEXPIRED TERM
OATH OF SENATOR FOR THE STATE OF WASHINGTON
34th LEGISLATIVE DISTRICT

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

SENATOR DOW CONSTANTINE

Subscribed and sworn to before me this 26th day of November, 2000

JUSTICE PHILIP A. TALMADGE
State of Washington, Supreme Court

MOTION

On motion of Senator Eide, Senator Jacobsen was excused.
MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

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

SENATORS ELECTED NOVEMBER 7, 2000

DISTRICT NAME COUNTIES REPRESENTED

No.1 McAuliffe (D) Snohomish (part)
No. 2 Rasmussen (D) Pierce (part)
No. 3 Brown (D) Spokane (part)
No.4 McCaslin (R) Spokane (part)
No. 5 Rossi (R) King (part)
No .9 Sheahan (R) Adams, Asotin (part), Spokane (part), Whitman
No.10 Haugen (D) Island, Skagit (part), Snohomish (part)
No.11 Prentice (D) King (part)
No.12 Parlette (R) Chelan, Douglas, Grant (part), Okanogan (part)
No.14 Deccio (R) Yakima (part)
No.16 Hewitt (R) Asotin (part), Columbia, Franklin, Garfield, Walla Walla
No.17 Benton (R) Clark (part), Skamania (part)

No.18 Zarelli (R) Clark (part), Cowlitz (part), Lewis (part)
No.19 Snyder (D) Cowlitz (part), Grays Harbor (part), Pacific, Wahkiakum
No.20 Swecker (R) Lewis (part), Pierce (part), Thurston (part)
No.22 Fraser (D) Thurston (part)
No.23 Sheldon, Betti (D) Kitsap (part)
No.24 Hargrove (D) Clallam, Grays Harbor (part), Jefferson
No.25 Kastama (D) King (part), Pierce (part)
No.27 Regala (D) Pierce (part)
No.28 Winsley (R) Pierce (part)
No.34 Constantine (D) King (part)
No.39 Stevens (R) King (part), Snohomish (part)
No.40 Spanel (D) San Juan, Skagit (part), Whatcom (part)
No.41 Horn (R) King (part)
No.49 Carlson (R) Clark (part)

STATE SENATORS "HOLDOVERS"

DISTRICT NAME COUNTIES REPRESENTED

No. 6 West (R) Spokane (part)
No. 7 Morton (R) Ferry, Lincoln, Okanogan (part), Pend Oreille, Spokane (part), Stevens
No. 8 Hale (R) Benton (part)
No.13 Hochstatter (R) Benton (part), Grant (part), Kittitas, Yakima (part)
No 15 Honeyford (R) Benton (part), Klickitat, Skamania (part), Yakima (part)
No.21 Shin (D) Snohomish (part)
No.26 Oke (R) Kitsap (part), Pierce (part)
No.29 Franklin (D) Pierce (part)
No.30 Eide (D) King (part), Pierce (part)
No.31 Roach (R) King (part), Pierce (part)
No.32 Fairley (D) King (part)
No.33 Patterson (D) King (part)
No. 35 Sheldon, Tim (D) Grays Harbor (part), Kitsap (part), Mason, Thurston (part)
No. 36 Kohl-Welles (D) King (part)
No.37 Kline (D) King (part)
No.38 Costa (D) Snohomish (part)
No.42 Gardner (D) Whatcom (part)
No.43 Thibaudeau (D) King (part)
No.44 Long (R) Snohomish (part)
No.45 Finkbeiner (R) King (part)
No.46 Jacobsen (D) King (part)
No.47 Johnson (R) King (part)
No.48 McDonald (R) King (part)

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

(Seal)

RALPH MUNRO
Secretary of State

FURTHER MESSAGE FROM THE SECRETARY OF STATE

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

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

STATE OF WASHINGTON, INITIATIVE TO THE PEOPLE 713

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

YES 1,315,903
NO 1,093,587

STATE OF WASHINGTON, INITIATIVE TO THE PEOPLE 722

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

YES 1,295,391
NO 1,022,349

STATE OF WASHINGTON, INITIATIVE TO THE PEOPLE 728

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

YES 1,714, 485
NO 675,635

STATE OF WASHINGTON, INITIATIVE TO THE PEOPLE 729

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

YES 1,125,766
NO 1,211,390

STATE OF WASHINGTON, INITIATIVE TO THE PEOPLE 732

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

YES 1,501,261 NO 893,601

STATE OF WASHINGTON, INITIATIVE TO THE PEOPLE 745

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

YES 955, 329 NO 1,394,387

STATE OF WASHINGTON, SENATE JOINT RESOLUTION NO. 8214

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

YES 1,450,749 NO 786,185

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

FEDERAL OFFICES, UNITED STATES PRESIDENT

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

FEDERAL OFFICES, UNITED STATES SENATOR

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

CONGRESSIONAL DISTRICT 1, U.S. REPRESENTATIVE

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

CONGRESSIONAL DISTRICT 2, U.S. REPRESENTATIVE

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

CONGRESSIONAL DISTRICT 3, U.S. REPRESENTATIVE

Brian Baird (D) 159,428
Trent R. Matson (R) 114,861
Erne Lewis (L) 8,375

CONGRESSIONAL DISTRICT 4, U.S. REPRESENTATIVE

Jim Davis (D) 87,585
Doc Hastings (R) 143,259
Fred D. Krauss (L) 4,260

CONGRESSIONAL DISTRICT 5, U.S. REPRESENTATIVE

Tom Keefe (D) 97,703
George R. Nethercutt, Jr. (R) 144,038
Greg Holmes (L) 9,473

CONGRESSIONAL DISTRICT 6, U.S. REPRESENTATIVE

Norm Dicks (D) 164,853
Bob Lawrence (R) 79,215
John Bennett (L) 10,645

CONGRESSIONAL DISTRICT 7, U.S. REPRESENTATIVE

Jim McDermott (D) 193,470
Joel Grus (L) 20,197
Joe Szwaja (GRN) 52,142

CONGRESSIONAL DISTRICT 8, U.S. REPRESENTATIVE

Heidi Behrens-Benedict (D) 104,944
Jennifer Dunn (R) 183,255
Bernard McIlroy (L) 6,269

CONGRESSIONAL DISTRICT 9, U.S. REPRESENTATIVE

Adam Smith (D) 135,452
Chris Vance (R) 76,766
Jonathan V. Wright (L) 7,405

STATE OF WASHINGTON, GOVERNOR

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

STATE OF WASHINGTON, LT. GOVERNOR

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

STATE OF WASHINGTON, SECRETARY OF STATE

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

STATE OF WASHINGTON, STATE TREASURER

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

STATE OF WASHINGTON, STATE AUDITOR

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

STATE OF WASHINGTON, ATTORNEY GENERAL

Christine Gregoire (D) 1,292,887
Richard Pope (R) 883,002
Richard Shepard (L) 90,941
Stan Lippmann (NM) 19,120
Luanne Coachman (NL) 23,685

STATE OF WASHINGTON, COMMISSIONER OF PUBLIC LANDS

Mike Lowry (D) 1,052,366
Doug Sutherland (R) 1,154,048
Steve Layman (L) 125,985

STATE OF WASHINGTON, SUPT. OF PUBLIC INSTRUCTION

Teresa "Terry" Bergeson (NP) 1,653,830

STATE OF WASHINGTON, INSURANCE COMMISSIONER

Mike Kreidler (D) 1,174,039
Don Davidson (R) 933,568
Mike Hihn (L) 92,185

STATE SUPREME COURT, JUSTICE, POSITION 2

Susan J. Owens (NP) 982,275
Jeff Sullivan (NP) 891,535

STATE SUPREME COURT, JUSTICE, POSITION 7

Bobbe J. Bridge (NP) 1,523,168

STATE SUPREME COURT, JUSTICE, POSITION 8

Gerry L. Alexander (NP) 1,491,751

STATE SUPREME COURT, JUSTICE, POSITION 9

Tom Chambers (NP) 1,031,395

Jim Foley (NP) 785,301

COURT OF APPEALS DIVISION 1, DISTRICT 3, JUDGE, POSITION 1

Mary Kay Becker (NP) 93,148

COURT OF APPEALS DIVISION 2, DISTRICT 2, JUDGE, POSITION 2

David H. Armstrong (NP) 183,673

COURT OF APPEALS DIVISION 2, DISTRICT 3, JUDGE, POSITION 1

J. Dean Morgan (NP) 137,221

COURT OF APPEALS DIVISION 3, DISTRICT 1, JUDGE, POSITION 1

John A. Schultheis (NP) 148,854

COURT OF APPEALS DIVISION 3, DISTRICT 3, JUDGE, POSITION 2

Frank L. Kurtz (NP) 88,153

SUPERIOR COURT, BENTON, FRANKLIN - JUDGE, POSITION 2

Robert (Bob) Swisher (NP) 36,771

Carl Sonderman (NP) 27,611

SUPERIOR COURT, FERRY, PEND OREILLE, STEVENS - JUDGE, POSITION 1

Rebecca M. Baker (NP) 16,963

SUPERIOR COURT, FERRY, PEND OREILLE, STEVENS - JUDGE, POSITION 2

Larry M. Kristianson (NP) 17,502

SUPERIOR COURT, ISLAND, SAN JUAN - JUDGE, POSITION 1

Alan R. Hancock (NP) 24,914

SUPERIOR COURT, ISLAND, SAN JUAN - JUDGE, POSITION 2

Vickie I. Churchill (NP) 24,160

SUPERIOR COURT, KLUCKITAT, SKAMANIA - JUDGE, POSITION 1

E. Thompson "Tom" Reynolds (NP) 8,260

SUPERIOR COURT, PACIFIC, WAHKIAKUM - JUDGE, POSITION 1

Joel Penoyar (NP) 8,049

STATE LEGISLATURE DISTRICT 1, SENATOR

Rosemary McAuliff (D) 25,460

Leo Van Hollebeke (R) 21,247

STATE LEGISLATURE, DISTRICT 1, REPRESENTATIVE, Position 1

Al O'Brien (D) 27, 666

Eric Marrs (R) 17,033

STATE LEGISLATURE, DISTRICT 1, REPRESENTATIVE, Position 2

Jeanne A. Edwards (D) 25,917

Andy Vanderhoff (R) 19,181

STATE LEGISLATURE, DISTRICT 7, REPRESENTATIVE, Position 1

Ronald Lloyd McCoy (D) 16,939
Bob Sump (R) 35,366

STATE LEGISLATURE, DISTRICT 7, REPRESENTATIVE, Position 2

Gary E. McKinney (D) 14,544
Cathy McMorris (R) 34,482

STATE LEGISLATURE, DISTRICT 9, SENATOR

Larry Sheahan (R) 29,645
Randall S. Keeney (L) 5,678

STATE LEGISLATURE, DISTRICT 9, REPRESENTATIVE, Position 1

Mike Johnson, (D) 13,083
Don Cox (R) 24,032

STATE LEGISLATURE, DISTRICT 9, REPRESENTATIVE, Position 2

Mark G. Schoesler (R) 27,727
John Gearhart (L) 6,803

STATE LEGISLATURE, DISTRICT 10, SENATOR

Mary Margaret Haugen (D) 27,689
Norma Smith (R) 25,029
Bradley Carey (L) 1,595

STATE LEGISLATURE, DISTRICT 10, REPRESENTATIVE, Position 1 Dave Anderson, (D) 24,707 Barry Sehlin
(R) 26,837

Dean Brittain (L) 1,525

STATE LEGISLATURE, DISTRICT 10, REPRESENTATIVE, Position 2

John R. McCoy (D) 19,613
Kelly Barlean (R) 30, 267
Lew Randall (L) 1,918

STATE LEGISLATURE, DISTRICT 12, SENATOR

Linda Evans Parlette (R) 37,563

STATE LEGISLATURE, DISTRICT 12, REPRESENTATIVE, Position 1 Clyde Ballard (R) 36,572

STATE LEGISLATURE, DISTRICT 12, REPRESENTATIVE, Position 2

Todd R. Smith (D) 13,657
Mike Armstrong (R) 30, 465

STATE LEGISLATURE, DISTRICT 13, REPRESENTATIVE, Position 1 Aaron J. Anderson (D) 12,301 Gary D.
Chandler (R) 32,685

STATE LEGISLATURE, DISTRICT 13, REPRESENTATIVE, Position 2

Michael W. Pearson (D) 13,231
Joyce Mulliken (R) 31,304

STATE LEGISLATURE, DISTRICT 15, REPRESENTATIVE, Position 1 William J. Yallup, Jr. (D) 10,600 Bruce.
Chandler (R) 19,842

STATE LEGISLATURE, DISTRICT 15, REPRESENTATIVE, Position 2

Walter J. Braten (D) 10,736
Barb Lisk (R) 19,480

STATE LEGISLATURE, DISTRICT 16, SENATOR

Valoria H. Loveland (D) 19,660
Mike Hewitt (R) 21,717

STATE LEGISLATURE, DISTRICT 16, REPRESENTATIVE, Position 1 Yolanda Cortinas Trout (D) 12,008 Dave Mastin (R) 28,277

STATE LEGISLATURE, DISTRICT 16, REPRESENTATIVE, Position 2
Bill Grant (D) 28,717 Lorne Blackman (AH) 9,211

STATE LEGISLATURE, DISTRICT 17, SENATOR
Lou Peterson (D) 27,291
Don Benton (R) 30,948

STATE LEGISLATURE, DISTRICT 17, REPRESENTATIVE, Position 1 Carl Dugger (D) 24,116 Marc Boldt (R) 30,491
Lori Loranger (L) 3,211

STATE LEGISLATURE, DISTRICT 17, REPRESENTATIVE, Position 2
Jeanne Harris (D) 25,961 Jim Dunn (R) 31,654

STATE LEGISLATURE, DISTRICT 18, SENATOR
Kent Landerholm (D) 22,844
Joseph Zarelli (R) 32,289

STATE LEGISLATURE, DISTRICT 18, REPRESENTATIVE, Position 1 Michele Cotner (D) 21,380 Tom Mielke (R) 32,954

STATE LEGISLATURE, DISTRICT 18, REPRESENTATIVE, Position 2
Marlene Adams (D) 18,543 John Pennington (R) 35,156
Jonathan Fant (RFM) 1,073

STATE LEGISLATURE, DISTRICT 19, SENATOR
Sid Snyder (D) 27,174
Bill Schumacher (R) 14,036

STATE LEGISLATURE, DISTRICT 19, REPRESENTATIVE, Position 1 Brian Hatfield (D) 26,450 Doug Camenzind (R) 14,812

STATE LEGISLATURE, DISTRICT 19, REPRESENTATIVE, Position 2
Mark L.Doumit (D) 27,349 Rachel Alexy (R) 12,973

STATE LEGISLATURE, DISTRICT 20, SENATOR
Tom Beattie (D) 16,175
Dan Swecker (R) 30,276
Mary Lou Kaffel (NL) 2,774

STATE LEGISLATURE, DISTRICT 20, REPRESENTATIVE, Position 1 Richard DeBolt (R) 36,546 Carlos Perez (NL) 9,272

STATE LEGISLATURE, DISTRICT 20, REPRESENTATIVE, Position 2
Gary Alexander (R) 37,027 Bruce Brown (L) 8,719

STATE LEGISLATURE, DISTRICT 24, SENATOR
Jim Hargrove (D) 40,746
William F. "Bill" Wolper (L) 9,035

STATE LEGISLATURE, DISTRICT 24, REPRESENTATIVE, Position 1 Pat Slaten (D) 20,519 Jim Buck (R) 32,478

STATE LEGISLATURE, DISTRICT 24, REPRESENTATIVE, Position 2
Lynn Kessler (D) 34,408 Teri Schwiethale (R) 17,694

STATE LEGISLATURE, DISTRICT 25, SENATOR

Jim Kastama (D) 24,259
Joyce McDonald (R) 23,804
Jerry Christensen (L) 1,320

STATE LEGISLATURE, DISTRICT 25, REPRESENTATIVE, Position 1 Richard Hildreth (D) 22,261 Sarah Casada
(R) 26,315

STATE LEGISLATURE, DISTRICT 25, REPRESENTATIVE, Position 2
AdrienneThompson (D) 23,474 Dave Morell (R) 24,224

STATE LEGISLATURE, DISTRICT 26, REPRESENTATIVE, Position 1
Patricia Lantz (D) 29,328 Randy Boss (R) 23,827
Don Vandervelde (L) 1,651

STATE LEGISLATURE, DISTRICT 26, REPRESENTATIVE, Position 2 Brock Jackley (D) 27,589 Lois McMahan
(R) 26,525

STATE LEGISLATURE, DISTRICT 30, REPRESENTATIVE, Position 1
Mark Miloscia (D) 24,633 Tom Pierson (R) 18,036

STATE LEGISLATURE, DISTRICT 30, REPRESENTATIVE, Position 2 Michael R. Maine (D) 15,962 Maryann
Mitchell (R) 25,292

STATE LEGISLATURE, DISTRICT 31, REPRESENTATIVE, Position 1
Mike Stensen (D) 21,060 Dan Roach (R) 22,761
Don Bingham (L) 1,359

STATE LEGISLATURE, DISTRICT 31, REPRESENTATIVE, Position 2 Christopher Hurst (D) 24,031 Steve
Hammond (R) 20,031

STATE LEGISLATURE, DISTRICT 35, REPRESENTATIVE, Position 1
Kathy Haigh (D) 29,406 Frank Dare (R) 17,491
Marti Lewis (L) 2,600

STATE LEGISLATURE, DISTRICT 35, REPRESENTATIVE, Position 2 William "Ike" Eickmeyer
(D) 28,016 Edward B. Mitchell (R) 17,935
Ronald A. Ralstin (L) 2,364

STATE LEGISLATURE, DISTRICT 39, SENATOR
Fredda J.Smith (D) 23,302
Val Stevens (R) 31,176
Craig Chase (L) 2,268

STATE LEGISLATURE, DISTRICT 39, REPRESENTATIVE, Position 1 Hans Dunshee (D) 29,012 Dan
Kristiansen (R) 26,564
Robert Donat (L) 1,736

STATE LEGISLATURE, DISTRICT 39, REPRESENTATIVE, Position 2
Liz Loomis (D) 26,866 Kirk Pearson (R) 27,164
Christine Lawniczak (L) 2,039

STATE LEGISLATURE, DISTRICT 40, SENATOR
Harriet A. Spanel (D) 33,349
Jerry Ferrier (R) 19,079
Ian N. Bannerman (L) 2,432

STATE LEGISLATURE, DISTRICT 40, REPRESENTATIVE, Position 1 Dave Quall (D) 38,976 Mark G. Leigh
(L) 11,160

STATE LEGISLATURE, DISTRICT 40, REPRESENTATIVE, Position 2

Jeff Morris (D) 30,887 Bruce Ayers (R) 19,122
Charles (Chuck) Manning (L) 3,159

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

(Seal)

RALPH MUNRO,
Secretary of State

EDITOR'S NOTE: Senator McAuliffe, 1st District; Senator Rasmussen, 2nd District; Senator Brown, 3rd District; Senator McCaslin, 4th District; Senator Rossi, 5th District; Senator Prentice, 11th District; Senator Deccio, 14th District; Senator Fraser, 22nd District; Senator Betti Sheldon, 23rd District; Senator Regala, 27th District; Senator Winsley, 28th District; Senator Constantine, 34th District; Senator Horn, 41st District; and Senator Carlson, 49th District; all representing single counties, were certified by their county election officials.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Kline and Johnson to escort the Honorable Gerry Alexander, Justice of the Supreme Court of the state of Washington, to the Senate Chamber and a seat upon the rostrum.

The President welcomed and introduced the Honorable Gerry Alexander, who will administer the oath of office to the newly elected and newly reelected Senators.

MOTIONS

On motion of Senator Eide, Senator Jacobsen was excused.
On motion of Senator Honeyford, Senator Long was excused.

ROLL CALL

The Secretary called the roll of the following holdover members of the Senate and all were present except Senators Jacobsen and Long who were excused: Jeralita Costa, Tracey Eide, Darlene Fairley, Bill Finkbeiner, Rosa Franklin, Georgia Gardner, Pat Hale, Harold Hochstatter, Jim Honeyford, Ken Jacobsen, Stephen Johnson, Adam Kline, Jeanne Kohl-Welles, Jeanine Long, Dan McDonald, Bob Morton, Bob Oke, Julia Patterson, Pam Roach, Tim Sheldon, Paull Shin, Pat Thibaudeau and Jim West.

ROLL CALL

The Acting Secretary called the roll of the following newly reelected Senators and all were present: Senators Don Benton, Lisa Brown, Alex Deccio, Karen Fraser, Jim Hargrove, Mary Margaret Haugen, Jim Horn, Rosemary McAuliffe, Bob McCaslin, Margarita Prentice, Marilyn Rasmussen, Dino Rossi, Larry Sheahan, Betti Sheldon, Sid Snyder, Harriet Spanel, Val Stevens, Dan Swecker, Shirley Winsley, and Joseph Zarelli

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

Justice Gerry Alexander thereupon administered the oath of office to each of the newly reelected members.

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

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

ROLL CALL

The Acting Secretary of the Senate called the roll of the following newly elected members of the Senate and all were present: Don Carlson, Dow Constantine, Mike Hewitt, Jim Kastama, Linda Evans Parlette and Debbie Regala.

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

Justice Gerry Alexander thereupon administered the oath of office to each of the newly elected members.

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

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

ELECTION OF PRESIDENT PRO TEMPORE

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

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you, Mr. President. Mr. President, it is indeed my honor and privilege to put forth the name of Senator Rosa Franklin for the office of President Pro Tempore. She has served this institution well and she will be a wonderful President Pro Tempore. As her mentor and her friend, I am very, very proud of all of her accomplishments. She is loved, not only by her constituents, but she is loved by all of us. Rosa is really bright; she is energetic and she works very, very hard. So, I am very pleased to present Senator Rosa Franklin's name as President Pro Tempore of the Senate.

REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you, Mr. President I would like to second the nomination. I feel like I have know Rosa for ever. I really haven't, but I feel I would have been a lot better off if I had. She is certainly one of the sweetest people I know and it has been just a true privilege to call you a friend, Rosa. We recognize her as a sweetheart. Have you ever see her without a smile on her face? She certainly has given me some sage advise many times. I know she will preside with grace and fairness for all. If anyone could ever get mad at Rosa, it would be a first. I am privileged to second the nomination of Rosa Franklin as President Pro Tempore of the Senate."

MOTION

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

ROLL CALL

The Acting Secretary called the roll and Senator Rosa Franklin was elected President Pro Tempore: Franklin 47; Excused 2;

Voting Franklin: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheldon B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli -47.

Excused: Jacobsen, Long - 2.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Spanel and Hale as a committee of honor to escort Senator Franklin to the rostrum.

Justice Gerry Alexander administered the oath of office to Senator Franklin.

The President introduced the President Pro Tempore of the Washington State Senate, Senator Rosa Franklin.

REMARKS BY PRESIDENT PRO TEMPORE FRANKLIN

President Pro Tempore Franklin: "Thank you, Mr. President, my colleagues and ladies and gentlemen. This is indeed a great pleasure and an honor to stand before you and to be able to preside. Never in my wildest dreams would I ever believe that I would be standing before you, but indeed America is a great place. You can be all that you want to be. My husband is here. My children are not here, but they will be watching. I will serve with honor; I will be fair. I love this place. Thank you for your confidence. I look forward to continuing to work with you."

ELECTION OF VICE PRESIDENT PRO TEMPORE

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

REMARKS BY SENATOR SNYDER

Senator Snyder: "Thank you, Mr. President. I would like to place in nomination for Vice President Pro Tempore, the name of the Honorable Senator Paull Shin. It is truly with great pleasure and high honor that I stand and nominate Senator Shin and say a few words about him. I have been privileged to know the good Senator for a number of years. I think most of you know his background. He came here a number of years ago as a young boy from Korea and was adopted by an American soldier. Paull used to hang around the medical camps, like we used to see on *MASH*, as a young boy. This army officer fell in love with him and adopted him and brought him to America.

"Paull has a long and distinguished career. He started late, but he got an education and received a Ph.D and taught for a number of years. As I mentioned before, I was privileged to know Paull a number of years ago. We were on Trade Missions with Lieutenant Governor John Cherberg, particularly in Asia. I saw the wonderful work he does promoting the state of Washington. I saw him bring a baby back from Korea on the baby life program on our plane. He is really a remarkable person; he has been successful in business. I know that he will do a wonderful job as Vice President Pro Tempore when called on to do so. It is indeed an honor to nominate Senator Shin as Vice President Pro Tempore."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you, Mr. President. Well, I would just like to second that nomination of Senator Paull Shin. Paul and I are great friends, but he is man that has integrity, honesty and he is a friend. He is a friend to everyone. We are so honored to have him in the state of Washington to serve as our Senator. To pick him out to be our Vice President Pro Tempore is indeed a privilege. I think he and Senator Franklin will serve as a wonderful team when you are absent, Mr. President. I am so very, very proud to say that I not only know Paull, but I love Paull. He is just a wonderful, wonderful person and he will serve the office well. I urge your support."

MOTION

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

ROLL CALL

The Acting Secretary called the roll and Senator Paull Shin was elected Vice President Pro Tempore: Shin 46; Excused, 2; Absent, 1

Voting Shin: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheldon B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Jacobsen, Long - 2.

Absent: Roach - 1.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Kline and Benton as a committee of honor to escort Senator Shin to the rostrum.

Justice Gerry Alexander administered the oath of office to Senator Shin.

The President introduced Vice President Pro Tempore of the Washington State Senate, Senator Paull Shin.

REMARKS BY VICE PRESIDENT PRO TEMPORE SHIN

Vice President Pro Tempore Shin: "Mr. President, my dear colleagues and ladies and gentlemen. I don't know how to express my feelings inside. It is hard to imagine that a street urchin from Korea can come to the United States, not only be educated, but receiving much blessings and even to serving in the State Senate in a leadership position. If it is not an American blessing, I don't know what it is. I appreciate your trust in me and faith in me. I will try with the best of my ability to honor my colleagues and serve each one of you faithfully--as I was sworn in. My colleagues, on a personal note, I want to thank you so much. With me today, my family understands and also my great American friends who came to congratulate me. This is the first time in the history of the United States that a Korean-American ever to be nominated and elected to this position. Thank you so much!"

The committee of honor escorted Vice President Pro Tempore Shin to his seat in the Senate Chamber and the committee was discharged.

ELECTION OF SECRETARY OF THE SENATE

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

REMARKS BY SENATOR SNYDER

Senator Snyder: "Thank you, Mr. President. I rise to place in nomination for Secretary of the Senate, the name of Tony Cook. I think most of you realize that this is the old job I had a number of years ago. I think it is the best job in the state of Washington, outside of being an elected official. I think Tony has carried on a tradition that was taught to me many years ago when I first worked in the House of Representatives--that regardless, you treat everyone the same. I think Tony has exemplified that. He has done a wonderful job; he has treated everyone fairly on both sides of the aisle. I don't think anybody has any complaints at all. He has put together a magnificent staff that is helpful to all of us. The Senate rolls along so smoothly and we don't realize how much work there is that goes on behind the scenes under Tony's control. It is with great pride that I place in nomination, Tony Cook, for another two years as Secretary of the Senate."

MOTION

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

ROLL CALL

The Acting Secretary called the roll and Tony Cook was elected Secretary of the Senate: Cook 46; Excused, 2; Absent, 1

Voting Cook: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheldon B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Jacobsen, Long - 2.

Absent: Roach - 1.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Rasmussen and McCaslin as a committee of honor to escort Tony Cook to the rostrum.

Justice Gerry Alexander administered the oath of office to Tony Cook.

The President introduced Tony Cook as Secretary of the Senate.

The committee of honor escorted Secretary of the Senate Tony Cook to his seat on the rostrum and the committee was discharged.

MOTION

On motion of Senator Hale, Senator Roach was excused.

ELECTION OF SERGEANT AT ARMS

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

REMARKS BY SENATOR PRENTICE

Senator Prentice: "Thank you, Mr. President. It is my pleasure and my honor to place in nomination for Sergeant at Arms of the Senate, the name of Gene Gotovac. Gene has been with us for about seventeen years. Somehow or other, he puts up with us, but he has the respect of each one of us. One of the many remarkable things about Gene is that he anticipates our needs even before we know we have a need. For someone who has had more than my share lately, believe me, I know. We are on a roll here today. Let's keep it up. Let's finish it right and vote for Gene Gotovac for Sergeant at Arms of the Washington State Senate."

MOTION

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

ROLL CALL

The Secretary called the roll and Gene Gotovac was elected Sergeant at Arms of the Senate: Gotovac, 46; Excused, 3

Voting Gotovac: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheldon B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Jacobsen, Long, Roach - 3.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Tim Sheldon and Deccio to escort Gene Gotovac to the rostrum.

Justice Gerry Alexander administered the oath of office to Gene Gotovac.

The President introduced Gene Gotovac as Sergeant at Arms of the Senate.

The committee of honor escorted Sergeant at Arms Gene Gotovac to his seat on the rostrum and the committee was discharged.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Constantine and Sheahan to escort the Honorable Gerry Alexander from the Senate Chamber.

MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

SENATE RESOLUTION 2001-8600

By Senators Snyder, Spanel, West and Hale

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

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution 2001-8600, the President appointed Senators Constantine, Regala, Kastama, Parlette, Carlson and Hewitt to notify the House of Representatives that the Senate is organized and ready to transact business.

MOTION

On motion of Senator Betti Sheldon, the appointments were confirmed.

The committee retired to the House of Representatives.

COMMITTEE FROM THE HOUSE

A committee from the House of Representatives, consisting of Representatives Chandler, Roach, Darneille and Lovick, appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5000 by Senators Roach, Finkbeiner, Johnson and Swecker

AN ACT Relating to charges for surface water runoff; and amending RCW 36.89.080, 36.94.140, and 86.15.160.

Referred to Committee on Environment, Energy and Water.

SB 5001 by Senators Roach, Johnson, Swecker and Rossi

AN ACT Relating to paper size of initiative and referendum petitions; and amending RCW 29.79.080.

Referred to Committee on State and Local Government.

SB 5002 by Senators Roach and Swecker

AN ACT Relating to height restrictions on amateur radio antennas; and amending RCW 35.21.315, 35A.21.260, and 36.32.600.

Referred to Committee on Economic Development and Telecommunications.

SB 5003 by Senators Roach, Finkbeiner and Swecker

AN ACT Relating to state board of education membership; amending RCW 28A.305.010, 28A.305.030, and 28A.305.090; adding a new section to chapter 28A.305 RCW; and repealing RCW 28A.305.020, 28A.305.040, 28A.305.050, 28A.305.060, and 28A.305.070.

Referred to Committee on Education.

SB 5004 by Senators Roach, West, Johnson, Swecker, Hale, McCaslin and Sheahan

AN ACT Relating to aggravating circumstances for first degree murder; amending RCW 10.95.020; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5005 by Senators Roach, West and McCaslin

AN ACT Relating to murder in the first degree; amending RCW 9A.32.040, 9.94A.110, 9.94A.560, 10.95.030, 10.95.050, 10.95.060, 10.95.090, 10.95.120, 43.43.830, and 43.330.190; reenacting and amending RCW 9.94A.320 and 9.94A.440; repealing RCW 10.95.020 and 10.95.040; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5006 by Senator McCaslin

AN ACT Relating to the election of electors for president and vice-president; and amending RCW 29.71.010.

Referred to Committee on State and Local Government.

SB 5007 by Senators McCaslin and Carlson

AN ACT Relating to the election of electors of president and vice-president; and amending RCW 29.71.010.

Referred to Committee on State and Local Government.

SB 5008 by Senators Stevens, Swecker, Zarelli, Hochstatter and Rossi

AN ACT Relating to primary and secondary forest roads; adding new sections to chapter 79.38 RCW; and creating new sections.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5009 by Senators Stevens, Kohl-Welles, Honeyford, Hochstatter and Gardner

AN ACT Relating to aquatic residences; and amending RCW 79.90.465.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5010 by Senators Stevens, Swecker, Zarelli, Hochstatter, Winsley and Rossi

AN ACT Relating to reduced rate licenses for veterans of foreign wars; and amending RCW 77.32.480 and 77.32.490.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5011 by Senators Stevens, Honeyford and Hochstatter

AN ACT Relating to reducing the assessed value of property by amounts spent on mitigation fees, impact fees, and system improvement charges; and amending RCW 84.40.030.

Referred to Committee on State and Local Government.

SB 5012 by Senators McCaslin, Winsley and Gardner

AN ACT Relating to weight limitations for authorized emergency vehicles; and adding a new section to chapter 46.44 RCW.

Referred to Committee on Transportation.

SB 5013 by Senators McCaslin, Haugen and Long

AN ACT Relating to sentencing persistent sex offenders; and amending RCW 9.94A.030.

Referred to Committee on Judiciary.

SB 5014 by Senators Costa, Long, Fraser, Carlson and Gardner

AN ACT Relating to harmonizing the definitions of sex and kidnapping offenders under the criminal and registration statutes; amending RCW 9.94A.030 and 9A.44.130; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 5015 by Senators Morton, McCaslin and Gardner

AN ACT Relating to the definition of border area; and amending RCW 66.08.195.

Referred to Committee on Judiciary.

SB 5016 by Senator Roach

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

Referred to Committee on Transportation.

SB 5017 by Senators Franklin, Winsley and Regala

AN ACT Relating to sale of precursor drugs; amending RCW 69.43.030 and 69.43.070; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5018 by Senators Costa and Thibaudeau

AN ACT Relating to the imposition of civil penalties by the department of health against a licensed hospital that fails to report a required event; amending RCW 70.41.130; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 5019 by Senators Jacobsen and Patterson

AN ACT Relating to controlling wildfires through emergency restrictions on outdoor burning; adding a new section to chapter 48.48 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5020 by Senator Jacobsen

AN ACT Relating to the closure of rivers and streams for protection of threatened or endangered salmon; adding new sections to chapter 77.85 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5021 by Senator Oke

AN ACT Relating to the protection of threatened or endangered salmon in commercial salmon net fisheries; and adding new sections to chapter 77.12 RCW.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5022 by Senators Jacobsen and Oke

AN ACT Relating to the salmon recovery funding board's reporting of financial affairs; and amending RCW 42.17.2401.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5023 by Senators Jacobsen and Oke

AN ACT Relating to state parks and recreation operations; and adding a new section to chapter 79A.05 RCW.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5024 by Senators Jacobsen, Oke and Carlson

AN ACT Relating to policies of the parks and recreation commission; and creating a new section.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5025 by Senators Fairley, Kohl-Welles, McCaslin, Haugen, Deccio, Winsley, Costa, McAuliffe and T. Sheldon

AN ACT Relating to parking privileges for disabled veterans; and amending RCW 46.16.381.

Referred to Committee on Transportation.

SB 5026 by Senators Franklin, Thibaudeau, Kohl-Welles, Winsley, Regala and Costa

AN ACT Relating to the aggregate purchasing prescription drug discount program; amending RCW 41.05.011; reenacting and amending RCW 41.05.011; adding new sections to chapter 41.05 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Health and Long-Term Care.

SB 5027 by Senators Franklin, Winsley, Regala and Costa

AN ACT Relating to the purchase of prescription drugs by public entities; creating a new section; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 5028 by Senators Franklin and Regala

AN ACT Relating to the legal presumption from certification of medical records; and amending RCW 70.02.070.

Referred to Committee on Judiciary.

SB 5029 by Senators Franklin and Carlson

AN ACT Relating to nonparental visitation rights; amending RCW 26.09.240 and 26.10.160; and creating a new section.

Referred to Committee on Judiciary.

SB 5030 by Senators Thibaudeau, Franklin, Kohl-Welles, Prentice, Deccio, Eide, Winsley, Regala and Fraser

AN ACT Relating to the Washington pharmacy access program; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 5031 by Senators Franklin, Thibaudeau, Kohl-Welles, Regala and Costa

AN ACT Relating to transportation for recipients of temporary assistance for needy families; adding a new section to chapter 74.08A RCW; creating new sections; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 5032 by Senators Rasmussen, Swecker and T. Sheldon

AN ACT Relating to the taxation of natural or manufactured gas used for growing agricultural crops, poultry, or livestock; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Agriculture and International Trade.

SB 5033 by Senators Fairley and Costa

AN ACT Relating to personnel files; amending RCW 49.12.005, 49.12.250, and 49.12.260; repealing RCW 49.12.240; and prescribing penalties.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5034 by Senators Parlette and Carlson

AN ACT Relating to presidential electors; and amending RCW 29.71.020 and 29.71.040.

Referred to Committee on State and Local Government.

SB 5035 by Senators Prentice, Winsley, Deccio and Fairley (by request of Department of Financial Institutions)

AN ACT Relating to creating the financial services regulation fund; amending RCW 43.320.080, 43.320.110, 18.44.121, 19.146.205, 19.146.228, 19.146.280, 31.35.050, 31.35.080, 31.40.070, 31.40.110, 31.45.030, 31.45.050, and 31.45.077; creating a new section; repealing RCW 43.320.120 and 43.320.130; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5036 by Senators Franklin, Winsley, Prentice, Patterson and Costa

AN ACT Relating to a temporary exemption for clothing and footwear from sales and use taxes; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5037 by Senators Kline, Patterson, McCaslin, Kohl-Welles and Winsley

AN ACT Relating to the time for signing and receipt of absentee and mail ballots; and amending RCW 29.36.045, 29.36.060, 29.36.126, and 29.36.139.

Referred to Committee on State and Local Government.

SB 5038 by Senators McCaslin and Kline

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

Referred to Committee on Judiciary.

SB 5039 by Senators Thibaudeau, Deccio, Kohl-Welles, Prentice and Costa

AN ACT Relating to the endorsement of school sealant endorsed dental hygienists; adding new sections to chapter 18.29 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5040 by Senators Honeyford, Hale, Hochstatter and Deccio

AN ACT Relating to completion of water project construction work; and amending RCW 90.03.320.

Referred to Committee on Environment, Energy and Water.

SB 5041 by Senators Honeyford, Hale, Hochstatter, Swecker and Deccio

AN ACT Relating to water conservancy board authority; and amending RCW 90.80.010, 90.80.070, 90.80.120, and 90.80.140.

Referred to Committee on Environment, Energy and Water.

SB 5042 by Senators Honeyford, Hale, Hochstatter and Deccio

AN ACT Relating to water right certificates; and amending RCW 90.03.330 and 90.44.100.

Referred to Committee on Environment, Energy and Water.

SB 5043 by Senators McCaslin, Carlson, Haugen and Winsley

AN ACT Relating to reissuance of license plates; and repealing RCW 46.16.233.

Referred to Committee on Transportation.

SB 5044 by Senator McCaslin

AN ACT Relating to parental involvement in AIDS education; and amending RCW 28A.230.070.

Referred to Committee on Education.

SB 5045 by Senators McCaslin and T. Sheldon

AN ACT Relating to election of supreme court justices; amending RCW 2.04.071 and 2.04.100; adding a new section to chapter 2.04 RCW; and providing a contingent effective date.

Referred to Committee on Judiciary.

SB 5046 by Senators McCaslin and T. Sheldon

AN ACT Relating to election of supreme court justices; amending RCW 2.04.071 and 2.04.100; adding a new section to chapter 2.04 RCW; and providing a contingent effective date.

Referred to Committee on Judiciary.

SJM 8000 by Senators Jacobsen and Oke

Requesting the appointment of a federal multiagency contact person for Columbia River salmon and trout recovery.

Referred to Committee on Natural Resources, Parks and Shorelines.

SJM 8001 by Senators Franklin, Thibaudeau, Winsley, Costa and Kohl-Welles

Exploring the option of managing prescription drug prices through cooperative strategies with other Northwest states.

Referred to Committee on Health and Long-Term Care.

SJM 8002 by Senators McCaslin and Morton

Petitioning Congress to consent to the formation of a new state.

Referred to Committee on State and Local Government.

SJR 8200 by Senator Stevens

Reducing the assessed value of real estate by amounts spent on certain fees.

Referred to Committee on State and Local Government.

SJR 8201 by Senators McCaslin, Deccio, Rossi and T. Sheldon

Amending the Constitution to provide for election of supreme court justices from three judicial districts.

Referred to Committee on Judiciary.

SJR 8202 by Senators McCaslin, Rossi and T. Sheldon

Amending the Constitution to provide for election of supreme court justices from nine judicial districts.

Referred to Committee on Judiciary.

SCR 8400 by Senators Snyder and West

Notifying the Governor that the Legislature is organized.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8400, was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8400, by Senators Snyder and West

Notifying the Governor that the Legislature is organized.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8400 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted. SENATE CONCURRENT RESOLUTION NO. 8400 was adopted by voice vote.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Concurrent Resolution No. 8400, the President appointed Senators Brown and Rossi to join a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to transact business.

MOTION

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

REPORT OF COMMITTEE

The Senate committee composed of Senators Constantine, Regala, Kastama, Parlette, Carlson and Hewitt appeared before the bar of the Senate to report that the House of Representatives had been notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

MOTION

Senator Betti Sheldon moved that the proposed 2001 Senate Standing Committee appointments be confirmed.

Membership of Senate Standing Committees 2001

Agriculture and International Trade (7) -- Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder, Spanel, *Swecker.

Economic Development and Telecommunications (9) -- T. Sheldon, Chair; B. Sheldon, Vice Chair; Brown, Fairley, Finkbeiner, Haugen, McCaslin, Rossi, *Stevens.

Education (13) -- McAuliffe, Chair; Eide, Vice Chair; Carlson, *Finkbeiner, Hewitt, Hochstatter, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala, Zarelli.

Environment, Energy and Water (9) -- Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald, *Morton, Patterson.

Health and Long Term Care (7) -- Thibaudeau, Chair; Franklin, Vice Chair; Costa, *Deccio, Fraser, Parlette, Winsley.

Higher Education (10) -- Kohl-Welles, Chair; Shin, Vice Chair; Carlson, *Horn, Jacobsen, McAuliffe, Parlette, B. Sheldon, Swecker.

Human Services and Corrections (9) -- Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, *Long, Stevens.

Judiciary (11) -- Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, *McCaslin, Roach, Thibaudeau, Zarelli.

Labor, Commerce and Financial Institutions (13) -- Prentice, Chair; Gardner, Vice Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West, *Winsley.

Natural Resources, Parks and Shorelines (9) -- Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Morton, *Oke, Snyder, Stevens.

Rules (16) **Lt. Governor Owen, Chair; Franklin, Vice Chair; Constantine, Costa, Deccio, Eide, Gardner, Hale, Hochstatter, Horn, Johnson, *Sheahan, B. Sheldon, Shin, Snyder, Spanel, West.

State and Local Government (11) -- Patterson, Chair; Fairley, Vice Chair; Gardner, Haugen, Horn, Kline, McCaslin, *Roach, T. Sheldon, Swecker, Hale.

Transportation (17) -- Haugen, Chair; Gardner, Vice Chair; *Benton, Eide, Finkbeiner, Hale, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin.

Ways and Means (20) -- Brown, Chair; Constantine, Vice Chair; Fairley, Vice Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Regala, Roach, *Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley, Zarelli.

* Ranking Minority Member
** Lt. Gov. Owen is a voting member

EDITOR'S NOTE: See Tenth Day, January 17, 2001, in accordance with Rule 41, for appointments and changes to the Standing Committees.

REMARKS BY THE PRESIDENT

President Owen: "Senator Sheldon has moved that all members shown on the committee assignment sheet be confirmed.

REMARKS BY SENATE WEST

Senator West: "Mr. President, I guess I wasn't listening. I didn't hear you make the appointments. Did you make that announcement that you had made the appointments?"

REPLY BY THE PRESIDENT

President Owen: "No, I did not, Senator."
Senator West: "Is it premature to confirm the appointments prior to making the appointments?"
President Owen: "I think the President may have misunderstood your question. The President has placed the appointments before you as shown on the lilac sheet and has made those in that gesture and therefore they are before you to be confirmed."

MOTION TO DIVIDE QUESTION

Senator West: "I. move that the question be divided and that the Committee on Transportation, the Committee on Ways and Means and the Committee on Rules be considered separate from the rest of the committees."

REPLY TO SENATOR WEST

President Owen: "Senator West has moved that the question be divided and that the Committees on Transportation, Ways and Means and Rules be considered on a separate vote. Did you wish to elaborate on that, Senator West?"

REMARKS BY SENATOR WEST

Senator West: "Yes, Mr. President. Thank you very much. It is my intent that the committees that would be taken at this point in time, other than the Committees on Transportation, Ways and Means and Rules-- to speak in favor of the confirmation of those appointments. You might notice that the Senate is divided twenty-five to twenty-four and that each of those committees is represented by a one vote majority of the majority, similar to the body itself. But, you will also note that the President's recommendations on the Committee on Ways and Means, I believe, there is a four vote difference, not a one vote difference. On the Committee on Transportation, there is a three vote difference and on the Committee on Rules, there is a two vote difference, technically. But, considering that the President is the Chairman of the Rules Committee, there is actually a three vote difference.

"It would be my intent when we get to the confirmations on the other three that we address those and try to bring some balance and bipartisanship there. So, I will make those arguments at that time."

REMARKS BY SENATOR SNYDER

Senator Snyder: "Thank you, Mr. President. I would rise to object to dividing the question. I think the purpose of Senator West's motion is to offer amendments to those three committees to add some additional Republican members. I think it could be handled without dividing the question and I think he could offer his amendments and let the amendments go up or down and then we can go ahead to confirm the committees as a whole."

PARLIAMENTARY INQUIRY

Senator Sheahan: "A point of parliamentary inquiry, Mr. President. I am wondering what rules we are operating under at this moment."

REPLY BY THE PRESIDENT

President Owen: "Presently, the Senate has not adopted Senate Rules, so without the adoption of the Senate Rules, the Senate operates under, what would be considered, general parliamentary rules."

The President declared the question before the Senate to be the motion by Senator West to divide the question and that the Committees on Transportation, Ways and Means and Rules be considered separately.

REMARKS BY SENATOR WEST

Senator West: "Mr. President, in closing debate. This morning I went over to Senator Snyder and brought to him the attention of this issue. He mentioned, given more time, he may be able to consider some adjustments to those three committees. I wonder, rather than delay the entire Senate, again, my motion to divide the issues, proceed with those committees where there is no dispute--if we could get to the point of dividing the issue and those other three committees could be left to later when Senator Snyder and I could meet in more detail."

REMARKS BY SENATOR SNYDER

Senator Snyder: "Mr. President, I still urge the body not to divide the question. Senator West came over this morning and suggested that he had three names of Republicans to add to the Ways and Means Committee, two to Transportation and one to the Rules Committee. Now, in the past, we have all known, regardless who has had control, Democrat or Republican, they have always had super majorities on especially Ways and Means and the Rules Committee. So, this is no different than we have had in the past.

"It is kind of a short notice of 9 o'clock this morning when Senator West came over and asks to add some names to these committees. In the past, we have tried to accommodate--I think we did this time, by increasing or decreasing members of other committees to allow more participation. I think that we should go ahead and adopt these committees; I will be glad to work with Senator West in the future. I am not committing to adding names, but I would certainly like to work with him and also think that we need to adopt these committees today, because we had referred bills to committees and the committee chairman would like to scheduling committee meetings and if the committees aren't officially adopted, I don't how they can go along with their proceedings. We know we are in for a long one-hundred five day session and the sooner we can get started, I think, the better off we are. I would urge you to go ahead and adopt the standing committees that have been recommended.

"I pledge to work with Senator West, without making any commitment whatsoever. We will take a look at his arguments and then proceed from there. I wish that Senator West would have come to me earlier than three hours before the session started this morning--with his request."

The President declared the question before the Senate to be the motion by Senator West that the vote on confirmation of the committee members be divided and that the Transportation, Ways and Means and Rules Committees be separate.

The motion by Senator West failed and the question was not divided.

The President declared the question before the Senate to be the confirmation of the recommended appointed members of the committees.

MOTION

Senator West: "Considering that motion failed, I would like to move now that the appointments to the Committee on Transportation, the Committee on Rules and the Committee on Ways and Means be added to as follows: I would like to move to confirm additional appointments to the Transportation Committee, adding the names of Senator Swecker and Senator West; additional names to the Rules Committee, adding the name of Senator Honeyford; and additional members to the Ways and Means Committee, adding the names of Senator Carlson, Senator Hochstatter and Senator Parlette; and I would like to speak to my motion."

REPLY BY THE PRESIDENT

President Owen: "Senator West has moved the motion be amended to include the addition to the Transportation Committee of Senator Swecker and Senator West; the addition to the Rules Committee of Senator Honeyford; and the addition to the Ways and Means Committee of Senator Carlson, Senator Hochstatter and Senator Parlette."

REMARKS BY SENATOR WEST

Senator West: "Thank you, Mr. President. We hear a lot about bipartisanship leading up to this session. We know the House ended in a tie and the Senate is virtually in a tie. The people in the state of Washington have sent us here to do their business in a bipartisan manner. There are key issues this legislative session. The budget is always a key issue, but transportation is also a key issue. This side of the aisle represents nearly fifty percent of the population of the state of Washington. In fact, with a population growth in certain districts, it may in fact represent more than fifty percent of the people of the state of Washington.

In essence, those people are being disfranchised by having lesser votes on the Transportation Committee, the Ways and Means Committee and the Rules Committee. I would also point out that the United States Senate is equally divided--actually the Republicans have a one vote majority with the Vice President. Yet, they have decided to divide their committee equally--down the line. There are many state legislatures, this particular year, that are clearly divided. I think there are three state Senates in the United States that are also fifty, fifty.

"In the interest of bipartisanship, it is very important that these committees be adjusted to reflect that. The distinguished gentlemen from Long Beach pointed out that it is tradition to have these numbers in this fashion. I actually had staff go back and do a little research since 1980. In fact, in 1987, when the Democrats controlled, the Committee on Transportation, for instance, had a nine, eight difference. There was a one vote majority. In fact, last year, when the Democrat party controlled, they had twenty-seven, twenty-two here on the floor, but they only had an eleven to nine in the committee. Now that those numbers are closer here on the floor, there are further apart on the committee. It is ten to seven. Instead of two votes, it is now three votes.

"There is precedence for this in 1988, when the Republicans took control. The Transportation Committee was a seven, seven tie. In the 1989-90 session; that was a one year session. In the 1989-90 biennium, there was a tie; seven, seven. In the 91-92 biennium, that was a one vote majority; eight to seven. Then, when the Democrats took over--twenty-eight Democrats to twenty-one Republicans; they maintained eight to seven on Transportation.

"Mr. President, I would concede that past practice has lead us to have super majorities on Ways and Means, but this is no time to be looking to past practice at a time in this session when we need to listen closely to each other and when we need to cooperate closely with each other. It is no time to decide that three very key, very important committees will have super majorities. How does that foster getting along?. How does that foster working together? That clearly is the tyranny of the majority--not respecting the rights of the minority and not respecting fifty percent of the people in the state of Washington--clearly disfranchising them on the budget and transportation issues and all legislation, because of the Rules Committee. So, I ask the Senate to approve this amendment to add those Senators to these three committees. Thank you, Mr. President."

PARLIAMENTARY INQUIRY

Senator Snyder: "Thank you, Mr. President. I have a parliamentary inquiry. This is an oral amendment to the motion by Senator Betti Sheldon to confirm the appointees to the standing committees?"

REPLY BY THE PRESIDENT

President Owen: "That is the way the President understands it. This is an oral amendment to the motion by Senator Betti Sheldon to confirm the appointees by the President to the committees."

REMARKS BY SENATOR SNYDER

Senator Snyder: "Well, I would hope that we would postpone, and I know we are going to have differences, but bickering on the first day of the legislative session and here again, I was first confronted with this three hours before the session started without any change to give it any thought, without any chance to talk it over with my colleagues on my side of the aisle. Here, again, I will sit down and there may be some wiggle room. I am not guaranteeing there will be some wiggle room, but my suggestion is that we go ahead and adopt the committee assignments as presented by the President of the Senate and give us a chance to work with you this week. You might be able to convince us that there is some room to add Republican members. I can tell you flat out right now that you are not going to get everything you are asking for. You may not get anything, but I have been a reasonable person in the past and I will continue to be a reasonable person in the future. I would urge that the amendment by Senator West be voted down."

PARLIAMENTARY INQUIRY

Senator Sheahan: "Thank you, Mr. President. A point of parliamentary inquiry. Because we are operating without Senate Rules and under general parliamentary rules, I would like to know how many votes are necessary to pass the motion to confirm the standing committee appointments."

REPLY BY THE PRESIDENT

President Owen: "In response to the parliamentary inquiry by Senator Sheahan, the President believes that it takes a majority of those present."

The President declared the question before the Senate to be the motion by Senator West to amend the motion by Senator Betti Sheldon that the committees be confirmed as appointed by the President to add to the Committee on Transportation, Senator Swecker and Senator West, to the Committee on Rules, Senator Hochstatter and to the Committee on Ways and Means, Senator Carlson, Senator Hochstatter and Senator Parlette.

REMARKS BY SENATOR WEST

Senator West: "Thank you, Mr. President. I know in general rules and parliamentary procedure, you don't address, directly, someone on the floor and I won't do that. It was stated in remarks that we shouldn't start the first day with bickering and I don't believe that what we are asking for here is bickering, but bipartisan cooperation. When we ask for something, it shouldn't be labeled bickering. We are not demanding everything, we just want fairness. Again, I plead with the body to approve these amendments."

The President declared the question before the Senate to be the adoption of the amendment by Senator West to the motion by Senator Betti Sheldon to confirm the 2001 Standing Committee Assignments.

The motion by Senator West failed and the amendment was not adopted.

The President declared the question before the Senate to be the motion by Senator Betti Sheldon to adopt the proposed 2001 Standing Committee Assignments.

The motion by Senator Betti Sheldon carried on a rising vote and the 2001 Standing Committee Assignments were approved.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

January 8, 2001

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4400, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

REPORT OF COMMITTEE

The Senate Committee composed of Senators Brown and Rossi appeared before the bar of the Senate and reported that the Governor had been notified, under the provisions of Senate Concurrent Resolution No. 8400, that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4400 By Representative Kessler and Mastin

Calling joint sessions of the Legislature.

MOTIONS

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4400 was advanced to second reading and read the second time.

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No 4400 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 4400 was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Snyder: "A point of personal privilege, Mr. President. I just want to say that November is behind us. Now, we are confronted with keeping our commitments. The tasks will not be easy, but the journey along the way does not need to be bitter and divisive. Our goals are the same: To educate our youth for their future; To retrain those whose skills need redirection; To ease the traffic snarls; To let our seniors live their later years with dignity; To create family wage jobs for all our citizens; To strike a fair balance between our environment and growth; To create safe streets and neighborhoods..... and many more subjects that are vital to our residents.

"They are looking to us to solve their problems and our problems. It will not be easy, because we have different approaches to solving these problems, but we can make the tasks as pleasant as possible by treating each other with dignity and respect. We will have disagreements, but we do not need to be disagreeable. Let's hope ten or twenty years from now people aren't saying 'Things would be much better if the Legislature had done something back in 0-1.'

"I pledge my cooperation to Democrats and Republicans, House and Senate, to make this session as productive and as civil as possible. Let's hope we can call concentrate on the next generation instead of the next election. Thank you."

PERSONAL PRIVILEGE

Senator West: "Thank you, Mr. President. A point of personal privilege. We join in that message. I think that Senator Snyder, the Senator from Long Beach, has clearly laid out the issues that are most important to the people in the state of Washington. Traffic issues, transportation issues and the congestion thereof and the education of our children and good well-paying jobs in our state. We look forward to working cooperatively with the other side. But, we will say that cooperation means that we will not surrender our principles. We will join together in those places where we can agree and work together. I pledge to you that the people on this side of the aisle will listen to what you have to say and try and get at the heart of what it is that you are representing with your constituents--and we will ask nothing in return. We would hope that you would listen closely to what we have to say. The point we made earlier remains. We certainly hope and I think the people in the state of Washington expect both parties to share power, both parties to share dreams for the state of Washington. Both parties need to do their level best to make this a great place to live for everybody in the state of Washington. I will pledge to you, Senator Snyder, that I will do that with you and our caucus will work with your caucus. Let's show each other respect and not a harsh word passed."

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Brad Owen
President of the Senate
Legislature of the State of Washington
Olympia, Washington 98504
Dear President Owen:

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

Engrossed Second Substitute Senate Bill No. 6499;
Second Engrossed Second Substitute Senate Bill No. 6856.

IN TESTIMONY WHEREOF, I have
hereunto set my hand, and affixed
the seal of the state of Washington
this 8th day of January, 2001.

(Seal) RALPH MUNRO

Secretary of State

PARTIALLY VETOED BILLS

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6499

May 2, 2000

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

I am returning herewith, without my approval as to section 1, Engrossed Second Substitute Senate Bill No. 6499 entitled:

"AN ACT Relating to transportation funding and appropriations;"
The Constitution of the State of Washington, Article III, Section 12, makes clear that every act passed by the legislature shall be presented for consideration by the governor. That constitutional section further provides that the governor may veto less than an entire bill. The phrase "enacted in a form passed by the legislature" as defined in section 1 of E2SSB 6499 effectively makes such presentment conditional upon the governor's approval of the entire referenced bill, and incorporates substantive legislation into an appropriations bill. This violates several constitutional principles, including the doctrine of separation of powers. It improperly restricts the governor's constitutional veto power, and sets a bad precedent.

For these reasons, I have vetoed section 1 of Engrossed Second Substitute Senate Bill No. 6499.
With the exception of section 1, Engrossed Second Substitute Senate Bill No. 6499 is approved.

Respectfully submitted,
GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6856

May 2, 2000

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

I am returning herewith, without my approval as to sections 8(2) and 15 of Second Engrossed Second Substitute Senate Bill No. 6856 entitled:

"AN ACT Relating to transportation funding;"
Section 8(2) (found at page 14, line 37 through page 15, line 6 of the bill) would have amended RCW 46.68.035 and Chapter 102, Section 7, laws of 1993, to redirect the portion of the combined vehicle license fee revenues that are currently distributed to the State Patrol Highway Account to instead be distributed to the Motor Vehicle Account. This change in distribution was inadvertently copied from an earlier version of the bill and would have the effect of putting the State Patrol Highway Account in a deficit position. In order to restore legislative intent and to avoid fund balance problems in the State Patrol Highway Account, I have vetoed this section.

Section 15 (found on pages 24 and 25 of the bill) would have amended RCW 44.40.070 and Chapter 245, Section 87, laws of 1998, so that the transportation revenue forecast council would be responsible for adopting a comprehensive six-year program and financial plans for state agency transportation activities. The section also would have codified the membership of the transportation revenue forecast council to include only transportation agencies. The council currently includes representatives from transportation agencies, as well as the Office of Financial Management, the Economic and Revenue Forecast Council, the Office of the State Treasurer, and the House and Senate Transportation Committees. I do not support the exclusion of non-transportation agencies from the council, and I believe that the development and adoption of six-year transportation expenditure and revenue plans should remain with the agencies.

For these reasons, I have vetoed sections 8(2) and 15, Second Engrossed Second Substitute Senate Bill No. 6856.

With the exception of sections 8(2) and 15, Second Engrossed Second Substitute Senate Bill No. 6856 is approved.

Respectfully submitted,
GARY LOCKE, Governor

MOTION

On motion of Senator Betti Sheldon, the Messages from the Secretary of State regarding the bills that the Governor partially vetoed and signed after the 2000 Session were held on the desk.

MESSAGE FROM STATE OFFICE
STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

December 1, 2000

The Honorable Michael Heavey, Chair
Senate Judiciary Committee
P. O. Box 40482
Olympia, Washington 98504-0482

Dear Senator Heavey:

Enclosed is the department's Report to the Legislature entitled "Intensive Supervision Program." It is mandated under RCW 13.40.212 (2).

Please call Robin Cummings at (360) 902-8080 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on the "Intensive Supervision Program" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE
STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

December 21, 2000

The Honorable Michael Heavey
Chairman, Senate Judiciary Committee
P. O. Box 40482
Olympia, Washington 98504-0482

Dear Senator Heavey:

Enclosed is the department's Report to the Legislature entitled "Racial Disproportionality." It is mandated under RCW 13.06.050 (3).

Please call Rebecca Sayan at (360) 902-8098 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on the "Racial Disproportionality" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P. O. Box 47600
Olympia, Washington 98504-7600

December 22, 2000

Tony Cook
Secretary of the Senate
P. O. Box 40482
Olympia, Washington 98504

Dear Mr. Cook:

Please find a copy of the "Biennial Report to the Legislature, State Litter Program Activity," enclosed. This report is submitted in accordance with RCW 70.93.220. Copies have been sent to the Senate Environmental Quality and Water Resources Committee under separate cover.

If you need additional copies of the report, please contact me at 407-6963.

Thank you,
MEGAN THOMAS, Litter Programs Coordinator

The Department of Ecology's "Biennial Report to the Legislature, State Litter Program Activity" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY
110 East Fifth Avenue, Suite 214
Olympia, Washington 98504-0999

December 28, 2000

Secretary Tony Cook
Secretary of the Senate
P. O. Box 40482
Olympia, Washington 98504-0482

Dear Secretary Cook:

The 2000 Legislature requested that the Washington State Institute for Public Policy conduct a 15-month study on education opportunities in Washington's public high schools (Section 607(4), Engrossed House Bill No. 2487). Enclosed is the interim report which is due January 1, 2001. A final report will be submitted in September 2001. The interim report provides background for the study, with a special emphasis on high school student outcomes and performance. The final report will include information from eight case studies and responses to a statewide questionnaire from all high schools.

Key Findings

Washington Public High Schools' Characteristics:

The average size of standard high schools in Washington is 912 students.
Twenty-two percent of the high school students are people of color.

High School Student Performance:

Three-quarters of youth under age 19 in Washington graduate "on time."
Sixty-five percent of young adults ages 25 to 29 have some additional education after high school: 9 percent receive associate degrees and 31 percent receive a bachelor's degree or higher.
Eighteen percent of juniors and seniors in high school take college level learning courses (e.g., Running Start and Advanced Placement).
Fifty-one percent of community and technical college students and twenty-two percent of four-year public university students take at least one remedial course.

If you have any questions about this report, please contact Edie Harding at (360) 586-2765.

Sincerely,
ROXANNE LIEB, Director

The Washington State Institute for Public Policy interim study on educational opportunities in Washington's public high schools is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

A MESSAGE FROM THE EXECUTIVE DIRECTOR

Over the last two years, the Washington State Criminal Justice Training Commission (WSCJTC) has worked with customers to create a learning environment that better meets the specific job requirements for criminal justice professionals. Through partnerships, the WSCJTC has increased regional training, expanded the basic law enforcement academy and enhanced the overall satisfaction of professionals who attend courses.

This report summarizes the activities of the last two years, documents the status and satisfaction of service, and identifies the efforts currently underway, as well as those under development, that provide state of the art training

to criminal justice professionals in Washington State. Although much improvement and growth has occurred since this report was submitted two years ago, there will always be areas of opportunity for the organization.

The impact of 1-695 cuts has had a direct impact upon customers of the WSCJTC. Funding limitation will continue to strain the ability the WSCJTC has to provide training that takes advantage of the current technology and provides criminal investigators, in particular, with the edge they need investigate crimes of technology.

I invite your comments regarding this report. If I may be of assistance, please do not hesitate to contact me directly at (206) 835-7347.

Sincerely,
MICHAEL D. PARSONS, Ph.D, Executive Director

The Washington State Criminal Justice Training Commission's Legislative Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

DEPARTMENT OF AGRICULTURE
P. O. Box 42560
Olympia, Washington 98504-2560

January 2, 2001

Tony Cook, Secretary of the Senate
Washington State Senate
P.O. Box 40482
Olympia, WA 98504-0482

RE: Report to the Legislature - Spartina and Purple Loosestrife Control

Dear Mr. Cook:

Enclosed is the December 15, 2000 Progress Report to the Legislature on Spartina and Purple Loosestrife Control. As lead agency, the Washington State Department of Agriculture is mandated by RCW 17.26.015 to report to the appropriate standing committees of the House of Representatives and the Senate on the progress of the Spartina and Purple Loosestrife Control Program, the number of acres treated by various methods of control, and on the funds spent.

Sincerely,
MARY BETH LANG, Assistant to the Director

The Department of Agriculture's 2000 Report on Spartina and Purple Loosestrife Control is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

WASHINGTON STATE BOARD OF EDUCATION
Old Capitol Building, P. O. Box 47206
Olympia, Washington 98504-7206

DATE: January 8, 2001

TO: Members, House Education Committee
Members, Senate Education Committee

FROM: Gary Gainer, President
State Board of Education

RE: 1st Annual Report - SBE Certificate of Mastery Study Committee

I am pleased to submit this first annual report to the Legislative Education Committees on the work to date of the State Board of Education's Certificate of Mastery (CoM) Study Committee. This report is required under State Board rule adopted in January 2000.

If you have questions or need additional information, please do not hesitate to contact me or Larry Davis, the State Board's Executive Director, at (360) 753-6715, (360) 586-2357 (Fax), or "ldavis@ospi.wednet.edu."

The Washington State Board of Education Report on the Certificate of Mastery Study is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

July 27, 1999

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

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

Christine Yorozu, appointed July 27, 1999, for a term ending December 31, 2002, as a member of the Public Disclosure Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on State and Local Government.

January 10, 2000

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

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

Steven W. Koch, appointed January 10, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Bellingham Technical College District No. 25.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 12, 2000

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

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

Beverly Hermanson, reappointed January 12, 2000, for a term ending December 31, 2002, as a member of the Investment Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Labor, Commerce and Financial Institutions.

January 27, 2000

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

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

Neil McReynolds, to be appointed March 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

March 7, 2000

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

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

San Juana Gonzalez, appointed March 7, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

March 28, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jack C. McRae, appointed March 28, 2000, for a term ending September 30, 2003, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

March 30, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Margaret M. Martinez, to be reappointed April 16, 2000, for a term ending April 15, 2005, as a member of the Indeterminate Sentence Review Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Judiciary.

April 3, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gene L. Chase, appointed April 3, 2000, for a term ending September 30, 2002, as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

April 4, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kathleen Paukert, appointed April 4, 2000, for a term ending January 19, 2004, as a member of the Board of Pharmacy.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

April 4, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judith D. Roland, appointed April 4, 2000, for a term ending January 7, 2006, as a member of the Horse Racing Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Labor, Commerce and Financial Institutions.

April 13, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Elizabeth A. Cowles, appointed April 13, 2000, for a term ending September 30, 2005, as a member of the Board of Regents for Washington State University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

April 13, 2000

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

I have the honor to submit the following reappointment, subject to your confirmation.
Daniel J. Evans, reappointed April 13, 2000, for a term ending September 30, 2005, as a member of the
Board of Regents for the University of Washington.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

April 13, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Rafael Stone, appointed April 13, 2000, for a term ending September 30, 2005, as a member of the Board of
Regents for Washington State University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

April 19, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Debra Jones, appointed April 19, 2000, for a term ending September 30, 2004, as a member of the Board of
Trustees for Whatcom Community College District No. 21.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

April 19, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Carla Maulden, appointed April 19, 2000, for a term ending March 26, 2002, as a member of the Higher
Education Facilities Authority.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

April 19, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Harry Pryde, appointed April 19, 2000, for a term ending June 30, 2003, as a member of the Housing
Finance Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Labor, Commerce and Financial Institutions.

April 20, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
David R. Edwards, appointed April 20, 2000, for a term ending September 30, 2004, as a member of the
Board of Trustees for Tacoma Community College District No. 22.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 4, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Alan R. Parker, to be appointed May 15, 2000, for a term ending June 30, 2003, as a member of the
Gambling Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Labor, Commerce and Financial Institutions.

May 17, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Kelly Behne, appointed May 17, 2000, for a term ending May 31, 2001, as a member of the Board of
Trustees for Eastern Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 17, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Vagmayi, to be appointed June 1, 2000, for a term ending May 31, 2001, as a member of the Board of
Trustees for The Evergreen State College.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 18, 2000

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

I have the honor to submit the following reappointment, subject to your confirmation.
Carolyn J. Purnell, reappointed May 18, 2000, for a term ending April 3, 2004, as a member of the State
Board for Community and Technical Colleges.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 24, 2000

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

I have the honor to submit the following reappointment, subject to your confirmation.
James A. Tupper, Jr., to be reappointed July 1, 2000, for a term ending June 30, 2006, as a member of the
Pollution Control/Shorelines Hearings Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Environment, Energy and Water.

May 25, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Matthew Moore, to be appointed June 1, 2000, for a term ending May 31, 2001, as a member of the Board
of Regents for Washington State University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 1, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
John W. Amaya, appointed June 1, 2000, for a term ending May 31, 2001, as a member of the Board of Regents for the University of Washington.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 1, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Shawnte' Pearson, appointed June 1, 2000, for a term ending May 31, 2001, as a member of the Board of Trustees for Central Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 7, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Dolores Sibonga, to be appointed June 26, 2000, for a term ending June 17, 2005, as a member of the Human Rights Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Judiciary.

June 12, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Curtis Ludwig, reappointed June 12, 2000, for a term ending June 30, 2006, as a member of the Gambling Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Labor, Commerce and Financial Institutions.

June 14, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Dave Fisher, appointed June 14, 2000, for a term ending June 30, 2002, as a member of the Academic Achievement and Accountability Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education

June 26, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Dennis Braddock, to be appointed July 1, 2000, for a term ending at the pleasure of the Governor, as Secretary of the Department of Social and Health Services.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Human Services and Corrections.

July 1, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul L. Hutton, appointed July 1, 2000, for a term ending April 3, 2001, as a member of the State Board for Community and Technical Colleges.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 10, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Elaine M. Aoki, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

July 10, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carolyn Bradley, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

July 10, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Emmitt Ray Jackson, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

July 10, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tom Charouhas, appointed July 10, 2000, for a term ending May 31, 2004, as Chair of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

July 10, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carol Coar, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

July 10, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nancy Diaz-Miller, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

July 10, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ken Evans, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

July 10, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sheila L. Fox, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,

- GARY LOCKE, Governor

Referred to Committee on Education.

July 10, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gary Kipp, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

July 10, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tim Knue, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

July 10, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gary A. Livingston, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

July 10, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kathryn A. Nelson, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

July 10, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Helen Lousie Nelson-Throssell, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

July 10, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Martha Rice, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

July 10, 2000

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

I have the honor to submit the following appointment and reappointment, subject to your confirmation.
Donald Root, appointed July 10, 2000, for a partial term ending September 30, 2000, and for another full term ending September 30, 2005, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 10, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Ron Scutt, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

July 10, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Dennis W. Sterner, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

July 10, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Yvonne Ullas, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

July 10, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Patricia A. Wasley, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the
Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

July 12, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Lawton Case, to be appointed July 19, 2000, for a term ending September 30, 2005, as a member of the
Board of Trustees for Green River Community College District No. 10.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 12, 2000

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

I have the honor to submit the following reappointment, subject to your confirmation.
Gay V. Selby, reappointed July 12, 2000, for a term ending June 30, 2004, as a member of the Higher
Education Coordinating Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 12, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Herb Simon, appointed July 12, 2000, for a term ending June 30, 2004, as a member of the Higher
Education Coordinating Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 12, 2000

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

I have the honor to submit the following reappointment, subject to your confirmation.
Chang Mook Sohn, Ph.D., reappointed July 12, 2000, for a term ending June 30, 2004, as a member of the
Higher Education Coordinating Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 20, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Wayne E. Wooster, appointed July 20, 2000, for a term ending June 12, 2004, as a member of the Columbia
Gorge Bi-State Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation.

July 31, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Representative Jim Buck, appointed July 31, 2000, for a term ending June 30, 2003, as a member of the
Pacific Marine Fisheries Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Shorelines.

July 31, 2000

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

I have the honor to submit the following reappointment, subject to your confirmation.
Robert C. Petersen, reappointed July 31, 2000, for a term ending December 31, 2002, as a member of the
Parks and Recreation Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Shorelines.

July 31, 2000

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

I have the honor to submit the following reappointment, subject to your confirmation.
Senator Harriet A. Spanel, reappointed July 31, 2000, for a term ending June 30, 2003, as a member of the
Pacific Marine Fisheries Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Shorelines.

July 31, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Joe Taller, appointed July 31, 2000, for a partial term ending December 31, 2000, and a full term beginning
January 1, 2001, and ending December 31, 2006, as a member of the Parks and Recreation Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Recreation..

August 8, 2000

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

I have the honor to submit the following reappointment, subject to your confirmation.
Deborah J. Barnett, to be reappointed October 1, 2000, for a term ending September 30, 2006, as a
member of the Board of Trustees for The Evergreen State College.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 8, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Yvonne Cartwright, to be appointed October 1, 2000, for a term ending September 30, 2005, as a member
of the Board of Trustees for Bellingham Technical College District No. 25.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 8, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

F. Murray "Red" Haskell, to be appointed October 1, 2000, for a term ending September 30, 2006, as a member of the Board of Trustees for Western Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 8, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joe King, reappointed August 8, 2000, for a term ending September 30, 2006, as a member of the Board of Regents for Washington State University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 8, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jay Reich, to be reappointed October 1, 2000, for a term ending September 30, 2006, as a member of the Board of Trustees for Central Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 8, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michele Yapp, reappointed August 8, 2000, for a term ending September 30, 2006, as a member of the Board of Regents for the University of Washington.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 9, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judy Guenther, to be reappointed October 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 9, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ronald S. Howell, to be appointed November 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 9, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Shoubee Liaw, to be reappointed October 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 9, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Wayne J. Martin, to be appointed October 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 9, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Elizabeth McInturff, to be reappointed October 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges District No. 17.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 9, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Gloria Mitchell, to be reappointed October 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 9, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Ann Mottet, to be reappointed October 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 9, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Douglas D. Peters, to be reappointed October 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 9, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Diana Postlewait, to be appointed October 1, 2000, for a term ending September 30, 2005, as a member of
the Board of Trustees for Renton Technical College District No. 27.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 9, 2000

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

I have the honor to submit the following reappointment, subject to your confirmation.
Donald V. Rhodes, to be reappointed October 1, 2000, for a term ending September 30, 2005, as a member
of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 9, 2000

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

I have the honor to submit the following reappointment, subject to your confirmation.
James Wilson, reappointed October 1, 2000, for a term ending September 30, 2005, as a member of the
Board of Trustees for Whatcom Community College District No. 21.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 9, 2000

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

I have the honor to submit the following reappointment, subject to your confirmation.
Marilyn Walton, to be reappointed October 1, 2000, for a term ending September 30, 2005, as a member of
the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 21, 2000

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

I have the honor to submit the following reappointment, subject to your confirmation.
Karen Gates-Hildt, to be reappointed October 1, 2000, for a term ending September 30, 2005, as a member
of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 21, 2000

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

I have the honor to submit the following reappointment, subject to your confirmation.
William H. Gates, reappointed August 21, 2000, for a term ending September 30, 2006, as a member of the
Board of Regents for the University of Washington.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 21, 2000

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

I have the honor to submit the following reappointment, subject to your confirmation.
Kayleen Bye, to be reappointed October 1, 2000, for a term ending September 30, 2005, as a member of
the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 21, 2000

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

I have the honor to submit the following reappointment, subject to your confirmation.
James B. Dagnon, reappointed October 1, 2000, for a term ending September 30, 2005, as a member of the
Board of Trustees for Bellevue Community College District No. 8.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 21, 2000

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

I have the honor to submit the following reappointment, subject to your confirmation.
Walter Waisath, Jr., to be reappointed October 1, 2000, for a term ending September 30, 2005, as a
member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 22, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Debra D. Doran, appointed August 22, 2000, for a term ending September 30, 2004, as a member of the
Board of Trustees for Olympic Community College District No. 3.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 30, 2000

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

I have the honor to submit the following appointment, subject to your confirmation.
Sanford Kinzer, to be appointed October 1, 2000, for a term ending September 30, 2005, as a member of
the Board of Trustees for Everett Community College District No. 5.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 15, 2000

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

I have the honor to submit the following reappointment, subject to your confirmation.
Margaret Allen, reappointed September 15, 2000, for a term ending June 30, 2004, as a member of the
Executive Board of the Washington Public Power Supply System.

Sincerely,
GARY LOCKE, Governor

Referred to Committee Environment, Energy and Water.

September 19, 2000

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

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

Parijat Nandi, appointed September 19, 2000, for a term ending May 31, 2001, as a member of the Board of Trustees for Western Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 2, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

C. Thomas Moser, appointed October 2, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 3, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carol Carlstad, appointed October 3, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 3, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Pat E. Clothier, appointed October 3, 2000, for a term ending June 30, 2005, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

October 4, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Allie M. Joiner, reappointed October 4, 2000, for a term ending July 1, 2005, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

November 13, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ray Huckaby, to be reappointed December 6, 2000, for a term ending December 5, 2004, as a member of the Eastern State Hospital Advisory Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

November 13, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mark Kreilkamp, to be reappointed December 6, 2000, for a term ending December 5, 2004, as a member of the Eastern State Hospital Advisory Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

November 13, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gregory Ochoa, to be reappointed December 6, 2000, for a term ending December 5, 2004, as a member of the Eastern State Hospital Advisory Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

November 15, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Marilyn Glenn Sayan, reappointed November 15, 2000, for a term ending September 8, 2005, as Chair of the Public Employment Relations Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Labor, Commerce and Financial Institutions.

November 27, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tom Karier, to be reappointed January 16, 2001, for a term ending January 15, 2004, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Environment, Energy and Water.

December 4, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kris Pomianek, appointed December 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

December 4, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Elmira Forner, appointed December 11, 2000, for a term ending June 30, 2006, as a member of the Transportation Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Transportation.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fourth order of business.

MESSAGE FROM HOUSE

January 8, 2001

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION 8400 and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION 8400.

MOTION

At 2:33 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease. The Senate was called to order at 4:05 p.m. by President Owen.

MOTION

At 4:05 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 11:45 a.m., Tuesday, January 9, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIRST DAY, JANUARY 8, 2001

JOURNAL OF THE SENATE

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

SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 9, 2001

The Senate was called to order at 11:45 a.m. by President Owen. No roll call was taken.

MOTION

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

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

October 25, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Edward Delmore, appointed October 24, 2000, for a term ending August 2, 2001, as a member of the Sentencing Guidelines Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Judiciary.

December 14, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Vera Ing, to be reappointed January 16, 2001, for a term ending January 15, 2007, as a member of the Liquor Control Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Labor, Commerce and Financial Institutions.

December 19, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Vince Addington, to be reappointed December 27, 2000, for a term ending December 26, 2004, as a member of the Board of Pilotage Commissioners.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Transportation

INTRODUCTION AND FIRST READING

SB 5047 by Senators Long, Costa, Hargrove and Carlson (by request of Department of Corrections)

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

Referred to Committee on Human Services and Corrections.

SB 5048 by Senators Long, Hargrove, Winsley and Costa

AN ACT Relating to less restrictive alternative mental health commitments; and amending RCW 71.05.285.

Referred to Committee on Human Services and Corrections.

SB 5049 by Senators Kohl-Welles, Hargrove, Stevens, Zarelli, Costa and Long

AN ACT Relating to conflicts of interest in the placement of children in out-of-home care; and adding new sections to chapter 74.13 RCW.

Referred to Committee on Human Services and Corrections.

SB 5050 by Senator Fairley

AN ACT Relating to motor vehicle transfer of ownership; and adding a new section to chapter 46.12 RCW.

Referred to Committee on Transportation.

SB 5051 by Senators Long, Hargrove, Winsley, Haugen, Stevens, Patterson, McAuliffe, Fairley and Carlson

AN ACT Relating to chemical dependency; and amending RCW 70.96A.020, 70.96A.050, and 70.96A.140.

Referred to Committee on Human Services and Corrections.

SJR 8203 by Senators Prentice, McAuliffe and Kohl-Welles

Barring rejected ballot measures from legislative actions.

Referred to Committee on State and Local Government.

MOTION

At 11:47 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease to retire to the House of Representatives for the purpose of a Joint Session.

JOINT SESSION

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

Co-Speaker Chopp instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort the President of the Senate, Lieutenant Governor Brad Owen, President Pro Tempore Rosa Franklin, Majority Leader Sid Snyder and Minority Leader Jim West to seats on the rostrum.

The Senators were invited to seats within the House Chamber.

Co-Speaker Chopp declared the Joint Session to be in order.

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

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

REMARKS BY CO-SPEAKER CHOPP

Co-Speaker Chopp: "The purpose of this joint session is to recognize retiring state elected officials for their long and effective service to the state of Washington. The joint session also complies with the Constitutional requirement of canvassing the vote for and against referendums and initiatives and for the constitutional elected officers. For this latter purpose, the Clerk will read the Message from the Secretary of State."

EDITOR'S NOTE: The Message from the Secretary of State canvassing the vote for and against referendums and initiatives and for the constitutional elected officers was read in the Senate on the first day of session, January 8, 2001.

Co-Speaker Chopp presented the gavel to the President of the Senate, Lieutenant Governor Brad Owen.

APPOINTMENT OF SPECIAL COMMITTEES

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

The President of the Senate appointed Senators Costa, Oke, Roach and Tim Sheldon and Representatives Edmonds, Hunt, Morrell and Schmidt as a special committee to escort the State Elected Officials from the State Reception Room to the House Chamber.

The President of the Senate appointed Senators Honeyford and Prentice and Representatives Ballasiotes and Veloria as a special committee to escort the Retiring State Elected Officials, being honored today, from the State Reception Room to the House Chamber.

The President of the Senate appointed Senators Deccio and Eide and Representatives Armstrong and Linville as a special committee to inform Governor Gary Locke that the Joint Session has been assembled and to escort him from his office to the House Chamber.

INTRODUCTION OF SPECIAL GUESTS

The President of the Senate welcomed and introduced the Supreme Court Justices: Chief Justice Gerry L. Alexander, Charles W. Johnson, Justice Barbara A. Madsen, Justice Richard B. Sanders, Justice Faith Ireland, Justice Bobbe J. Bridge, Justice Tom Chambers and Susan J. Owens.

The President welcomed and introduced the State Elected Officials: Superintendent of Public Instruction Terry Bergeson, State Treasurer Mike Murphy, State Auditor Brian Sonntag and State Attorney General Christine Gregoire.

The President welcomed and introduced Governor Gary Locke and instructed the committee to escort him to the rostrum.

The President welcomed and introduced the newly elected State Elected Officials who were seated in the gallery: Secretary of State Elect Sam Reed, Commission of Public Lands Elect Doug Sutherland and Insurance Commissioner Elect Mike Kreidler.

The President welcomed and introduced the Retiring State Elected Officials being honored today: Insurance Commissioner Deborah Senn, Commissioner of Public Lands Jennifer Belcher and Secretary of State Ralph Munro and asked the committee to escort them to the rostrum.

The flags were escorted to the rostrum by the Sergeant at Arms Color Guard consisting of Pages Kyle Ritter and Tyler Seick.

The prayer was offered by Joe Harris, Chief Financial Officer of the St. Vincent DePaul in Seattle.

REMARKS BY PRESIDENT OWEN

President Owen: "As the Speaker announced earlier, this occasion provides all of us with the opportunity to recognize old friends who are leaving office. They have done an incredible job for the time they have served here. Speaker Ballard would like to take this opportunity to say a few words. Mr. Speaker."

REMARKS BY CO-SPEAKER BALLARD

Co-Speaker Ballard: "Actually, one of the honorees I am going to be speaking for is a member of the House, even though she has had a lot influence on statewide issues. Since she is leaving, we wanted to take this opportunity and that is Representative Renee Radcliff. It is with great sadness that we say goodbye temporarily to a distinguished colleague. Representative Renee Radcliff has served her constituents and this institution with honor and dignity. She has raised the level of esteem for public service. In her own way, she has touched each of us and left a lasting mark on this institution by setting high standards for herself and all of us as law makers. We owe a great deal of thanks to Renee Radcliff for her years of dedicated service in Olympia.

"We will miss her thoughtful leadership and her kind manner. She has been a model legislator. Each of us would do well to conduct the businesses of our offices with the same strong passionate approach that has made her such an effective voice for her constituents. We will miss her warm demeanor and we will miss her great singing voice. I asked her to help me with my singing. She listened briefly and said, 'I don't mind the difficult, but I can't handle the impossible.' We will miss her great sense of humor.

"We will lose her as a colleague, but never as a friend. I hope she will accept this invitation to be here to spend time with us and counsel us and to laugh with us whenever she wishes to bless us with her presence. You are welcome back anytime, Renee. Perhaps, the only consultation that I have is that I know she has the desire and the strength to return to us one day as a legislator. You and I and the people of this state can look forward to the day when she will serve in this body once again. Renee, we love you. God Speed!"

Co-Speaker Ballard presented Representative Radcliff with a gift.

REMARKS BY REPRESENTATIVE RADCLIFF

Representative Radcliff: "Speaker Ballard told me I had to open this and it is quite heavy and it is from Talcotts. I was hoping it was a diamond. It is very large and I have a hunch it is a paper weight. Oh yes, it is; it is the seal of the state of Washington--a beautiful paper weight. Thank you so much and thank you for your kind remarks, Speaker Ballard.

"I knew I should have prepared remarks and I didn't. Until very recently, I thought I would serve in this Chamber forever--or at least until I am as old as Speaker Ballard. You know, he can't take me off any committees at

this point. Sometimes, life deals us a hand that we are not entirely prepared to play, but we take those cards and we play those to the best of our ability. Even at times when the game is painful and difficult, we still play to win. Those of you who know me best know that ultimately I never lose.

"So, it is with difficulty, somewhat, that I leave you, but I do hope that someday I will be able to return. I have thoroughly enjoyed serving with each and everyone of you. Even on those days, when we had vigorous disagreements, I never doubted for a moment that you had the best interest of the people of your district at heart and I value that in you. If there is just one thing I could leave you with, and I would like to leave you with a thousand suggestions, but this is not an opportunity for me to lobby you. Just the one thing--as you are having those vigorous disagreements, work those issues out because they tend to be the most important things we do. As you work those issues diligently, remember who you are dealing with and that each one of you represents the people of this state and treat each other with the kindness and a dignity and respect that each one of you so richly deserves.

"In closing, I want to say thank you to the House Republican Caucus and Speaker Ballard and to my legislative assistant, Nina Fallema. Thank you to all of you for putting up with me. Some days that was a greater challenge than others and--I appreciated it. To each one of you, thank you for your friendship. I hope that even though I am not here, you will know that my heart is here with you and that friendship will continue. Especially, thank you so much for so thoughtfully representing the people of your district and for caring so deeply about this state that we all love. Thank you and do good work."

INTRODUCTION OF RETIRING INSURANCE COMMISSIONER DEBORAH SENN

Representative Schual-Berke: "It is a distinct privilege for me to have the honor to be the one to say 'Thank you, Deborah, for all the dedication and service that you have given to the people of the state of Washington.' Deborah, you are talented and bright and you have always championed the people. Deborah's commitment to fairness and justice shines through her every action and has for every moment that she has been in public service. We know that Deborah has transformed the office of the Insurance Commissioner from a little known agency, quietly working with the insurance industry, into a strong and an effective consumer advocacy agency that has been there for our people when they have most needed it. Thanks to her vision and efforts, everyone knows they can call the SHIBA Hotline when they need to. She has worked for the vulnerable and to create meaningful solutions for them. Solutions which will continue, Deborah, long after your term of office has been completed. And this is Deborah Senn's real gift and her legacy to us, the people of the state of Washington.

"You know, her instinct has always been for how do real people feel the affect of what we do. One of my most moving experiences as a freshman legislator was when I met a young woman who had had a heart transplant. It is not difficult to imagine how sick that young woman must have been, but she survived her surgery and was doing well--thanks to life sustaining medication. I met her though after her insurance company denied continued coverage for that life sustaining medication and despite the fact that she had done everything she could for herself. I met her, because Deborah Senn and her office intervened for this young woman and got coverage continued for her medication. Today, this woman is healthy and vibrant.

"There are so many others who have Deborah and her good work to thank for their continued well-being. Now, in the short time that I have known Deborah Senn, I have come to realize that she can also surprise us. Many have come to expect to see her riding her Harley in black leather in parades. She certainly hasn't shied away from the press or publicity now, has she? I heard a story when I first got here about then, Representative Dyer, who introduced a bill that some felt was just a little bit favorable for the insurance industry and how Commissioner Senn held a press conference with bags of Gravy Train dog food at her door.

"Deborah is also committed to families. Like all of us, she has many sides. Despite all of her hard work, she spends much time with her Mother. She is an ardent advocate of fairness and justice. We know that many people have opinions, but relatively few step forward and step up to the plate to take action. In a personal relative example just this past session, Deborah championed the Holocaust Survivors Rights to get their insurance assets that had been withheld from them for so many years. Yet, her style has at times been controversial. Well, that is what people who fight for our rights sometimes need to be. You can be certain of this, there are many people in Washington who are alive today, because Deborah Senn was fighting in their corner in their time of need and today feel a tremendous sense of loss.

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

Representative Schual-Berke presented Insurance Commissioner Senn with a gift.

REMARKS BY INSURANCE COMMISSIONER DEBORAH SENN

Commissioner Senn: "Thank you, Shay. Thank you members of the Legislature, state elected officials and Governor Locke. I am so honored to be here. Actually, I was going to wear my leathers and I didn't think it was suitable until I saw Ralph and then I was sorry that I didn't wear the leather outfit that I had planned. I want to start, if you will allow me, by asking my chief deputy and members of my staff, who have come to be here today, to stand and be recognized, because this is the most awesome staff in state government. Please stand up.

"Everyone in this room knows how hard political life is on spouses or partners. They are, truly, the unsung heroes of politics. They share your joys and your highs, but they also suffer your blows and your stress and they are very patient about the countless hours of out of town meetings--and that you are missing in action.

"About sixteen years ago, I had a big wedding reception, but we held the ceremony in private, because I was too shy to get married in front of people. Well, I am over my shyness. So, I want to, in front of all of you, recognize and to say 'thank you' to my incredible husband, Rudi Bertchi, and tell him that I love him so much.

"This has been the best eight years of my life. I know that every day. I know that because when I am in a restaurant in Seattle, the waiter comes up to me and says that our rules lending preexisting conditions enabled him to get health insurance. I know that every day. Just last Saturday at Costco, a meat cutter stuck her head out from behind the counter and thanked me for my work on prescription drug coverage. I know that because, at the Ellensburg Rodeo, one of the one hundred thousand Prudential policy holders came up to me and said, 'Thank you Commissioner, Prudential gave us thirteen thousand dollars in a refund because of a settlement of a case on unfair sales practices.' I know that everyday, because Kittis Buldoc was able to rebuild her home, because her husband blew up her house and she was able to do it with her home owner's insurance money that she got because of the hard work of my great staff and because this Legislature passed good laws.

"Perhaps, the greatest satisfaction is to know that particularly because the Office of the Insurance Commissioner does health care that my staff and I are part of saving a life. The scriptures say that if you save one life, you save the world. I am proud, everyday, that we fought to continue the coverage as Shay mentioned of Victoria Doyle's transplant medicine. We also helped to get Jay Ellison a transplant for his multiple sclerosis coverage and now he is walking. Both Jay and Victoria, in spite of their struggles, came to Olympia to advocate for a patient's bill of rights. And they have come today, so once again can we recognize Jay Ellison and Victoria Doyle? It was you, the Legislature, and Jay and Victoria who did this for the people of the state of Washington.

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

"Finally, on a personal note, perhaps one of the proudest moments of this eight years was when this Legislature unanimously passed the Holocaust Survivors Assistance Act--opening your arms and your hearts to small, but mighty survivor populations in the state of Washington. I thank you Senator Margarita Prentice, Senator Adam Kline, Senator Jim West and Senator Don Benton for that. I thank you Representative Shay Schual-Berke, Representative Renee Radcliff, Representative Sharon Tomiko Santos, Representative Brad Benson and many, many others for that

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

INTRODUCTION OF RETIRING COMMISSIONER OF PUBLIC LANDS JENNIFER BELCHER

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

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

"The voters recognized her enormous capabilities and twice elected her to serve as Commissioner of Public Lands. There, she continued to demonstrate these qualities in addition to showing what a capable executive she is. The role of Public Lands Commissioner, for those who are watching the ceremony, who are not as familiar with it as some of us, is truly a position of very great public trust for present and future generations. The impact of her work will

last centuries or more. Her role is critical to our state's economy, the quality of our natural resources, our state's financial capacity and continuation of our recreational and cultural heritage.

"As Commissioner of Public Lands, she has been the manager of our great state legacy of trust lands and resources granted to us by statehood. We are one of the few western states that continues to have a large amount of these lands still in the public trust. These lands include timber lands, agriculture lands, aquatic lands, which includes the bottom of Puget Sound, the bottom of many of our lakes and rivers and she was entrusted with leadership on forest practice policies. As we all know, there is no shortage of diverse and strongly held opinions on what should be contained in all these complex policies. It takes a clear head and firm commitment to serve effectively in this role, which she has certainly done. This is in the easiest of times, but during her tenure, we have gone through a period of considerable change in our state. The context has included very great population growth, significant economic change, growing stress on our natural resources, which has culminated in many listings under the Endangered Species Act.

"So, Commissioner Belcher will be remember for much during her eight year--two term tenure as Commissioner of Public Lands. She has promoted a shared vision for natural resources; she is very good at establishing goals and working through strategy to implement them. She has promoted the management of our eco-systems as a whole, not just piecemeal, which is essential to good judgement. She has worked to enhance the value of our public lands legacy through diversification. She has increased the priority intention given to our aquatic land resources, particularly to some of the pollution problems. She has promoted quality public administration through investing in a quality workforce and efficiency through technology and use of the best available science.

"Absolutely vital to success is her work to form strong partnership between the Department of Natural Resources and the myriad of local, state and federal agencies, tribal organizations, private organizations and land owners throughout the state. Through all of this, she has served with intelligence, integrity and steady commitment to the public interest for which we can all be proud and appreciative.

"So, Jennifer, we thank you for your truly dedicated leadership to the people of the state of Washington, present and future. Thank you for the great legacy you are leaving and personally, thank you for being a wonderful colleague and friend. We wish you pleasant opportunities to engage in your many personal interests now that you will have a little more personal time. We would like to present you with a wonderful gift which is a replica of a historic door knob here in the Legislative Building. We hope you will view this as an invitation to come back and visit."

Senator Fraser presented Commissioner of Public Lands Belcher with a gift.

REMARKS BY RETIRING COMMISSIONER OF PUBLIC LANDS JENNIFER BELCHER

Commissioner of Public Lands Belcher: "This is particularly appropriate as a gift since I serve on the State Capitol Committee and have been actively engaged in helping to get these buildings back into some greater condition. So, I will truly treasure that. Ladies and gentlemen, honored guests and my treasured colleagues, it is with distinct pleasure that only those of you in this room can truly understand that I can say, in this Chamber, 'Today, I end twenty-nine years of public service to the state of Washington.' As a good friend of mine said, 'You have finally reached the point where the state of Washington will pay you to do nothing.' I like that definition of retirement; I think that is pretty good.

"I have had a wonderful varied career as Karen pointed out some of those things. I began as an Administrative Secretary in what was then known as the State Planning and Community Affairs Agency--an interesting name. I was working for Dan Evans' state planning director, who had been brought to the state of Washington to try to adopt a statewide land use plan in 1967. Ironically, while he wasn't successful then, a little more than twenty years later, I was one of the members of this body who helped to pass the Growth Management Act. For me, it brought things full circle. I very much appreciated my opportunity to participate in that Act. I have served as staff to two very different Governors--Dan Evans and Dixie Lee Ray--and learned a lot from both those people--different lessons--but a lot from each one.

"It was there that I met my very good friend, Ralph Munro, who has continued to be a mentor to me and has helped me to achieve many successes. For ten years, as most of you know, I was fortunate to represent the people of the Twenty-second District in this Chamber and to work on many important policy changes. My class, the class of '82, has given the state two Speakers of this House, several judges, a Governor and a Commissioner of Public Lands. My time in this body was especially rewarding. I will never forget the thrill of taking that first oath of office and being sworn in to serve the people. It is an incredible experience as some of you experienced yesterday. I hope you will treasure it and the thrill of adopting good policy. During the ten years that I was here, we adopted the Growth Management Act after much hard work. We adopted the Model Toxic Control Act; we increased the state's minimum wage and set in place a process to assure that it never again falls behind. We passed the Family Leave Act. We passed Comparable Worth and there are many more. These are just some of the successes of the time that I served here in this body.

"We also knew how to have fun and I hope you haven't forgotten that as you serve here, as well. I will also never forget slipping into this Chamber in the wee hours of the morning when it was dark with my two very good cohorts and co-trouble makers--Representative Katie Allen, who was an absolutely incredible Republican Activist--

and someone at the time, not as quite as well known--Gary Locke--who is now Governor--and switching the 'yes' and 'no' buttons on some very key desks. We were innocent and we picked a cut-off day by mistake and as a result, later in the day when votes were taken, all pandemonium broke out. But, you don't get the leaders, my class produced if you aren't willing to take a few risks and we demonstrated that.

"During my last eight years as Commissioner of Public Lands, I've concentrated on the natural resources of this state, which are truly unique throughout the world. Being Commissioner is an incredible job; the challenges are over whelming and they will become more so as we continue toward our doubling of the state's population in the next forty-five years. My service as Commissioner has been extremely rewarding, because we have been able to make long-lasting change and to enhance the value of the legacy that your grandchildren will inherit. "I just sent you my final report, chronicling our achievements and making recommendations. Let me just bring one to your attention today. The rest I will let you read for yourselves. In 1992, I set out to demonstrate that we could generate revenue from our lands and be environmentally responsible--something that in 1992, few people believed we could do. We adopted a habitat conservation plan, which is a totally new way of doing business. But, we also filled the coffers of the trust. Since statehood, the trust lands have generated five and a half billion dollars in revenue to the people of this state. In the last eight years, we have generated two point one billion of that five point five billion. Thirty-nine percent of the total revenue since statehood has been generated during my administration. We should, once and for all, reject the notion that we must choose between environmental responsibility and money for our schools.

"My report to you includes, as the statute requires, recommendations. I know you have a difficult session before you, but there are two areas that I would ask you to consider this session. They are both vitally important to the health of this state. First, commit to cleaning up Puget Sound. There are currently more than one hundred and twelve underwater contaminated landfills on the bottom of Puget Sound. Here is a fact that you should all know. Between 1992 and 1996, Washington discharged one point five million pounds of cancer causing pollutants directly into the water. That is more than any other state in the nation and that, my friends, is a folly.

"Second, protect our shorelines from inappropriate development. The people of this state felt so strongly in the early 1970s that we should protect these fragile areas that they passed the Shorelines Management Act by Initiative. Yet, we have granted more than twenty-six thousand substantial developments permits, not counting single family residences, since the Act was passed. We cannot recover salmon and other troubled species unless we step up to the need for greater protection of this critical habitat area.

"Well, that is enough seriousness. When my good friend Charlie Reed retired from DSHS last year, he named the things that he would miss and the things that he would not miss. I am going to share a few of mine. I won't miss people who call you at home on Sunday to discuss a problem with their neighbor. I won't miss the few members of the press who think a balanced news story means getting two bad quotes from people on opposite sides of the issue--present company excepted, of course. I won't miss legislators who take ten minutes to ask you a question and give you one minute to answer and I won't miss biting my tongue while listening to jokes about politicians.

"Things I will miss--the many friends I have made over the years, but I, too, will be back and I expect to come visit with all of you. The dedicated state employees who work without recognition for often sixty plus hours a week--every week. While I am at it, let me recognize my staff in the gallery. Some of whom joined me today. Will you please stand and be recognized? They are a phenomenal team and they have done great things for you. I would also like to recognize the person on the podium with me today, who is Michelle Benton, my administrative assistant and good friend. She has worked with me for eleven years.

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

INTRODUCTION OF RETIRING SECRETARY OF STATE RALPH MUNRO

Senator Hale: "Thank you Mr. President, Governor Locke, colleagues and honored guests. It is a privilege and an honor to rise today in recognition of the outstanding contributions to the state of Washington by one of its most effective and certainly its most beloved leaders--our retiring Secretary of State, Ralph Munro. Ralph has been a guiding light to many of us in this body for a long, long time. His dedication to public service and his commitment to the people of our state is unsurpassed by those who have walked these halls. His career has been a model of public service and an example for the rest of us to follow. (Sound like a saint, don't you, Ralph?)

"As our ambassador to the world, Ralph has helped to bring thousands of new jobs to the state. He has opened countless markets for our products overseas and he has won friends for us around the globe. I can say that with authority, because I have watched. I had the good fortune to accompany Ralph on a trade mission to Northern Ireland. I was amazed at the way all the people we met related to him--whether they were heads of state, a hotel clerk or people who served us at the tavern. He made an instant connection to people, because he treated everyone with respect. He treated everyone as a friend.

"His understanding of good business practices and common sense government led him to streamline the state's business licensing requirements into a 'one-stop shop.' Ralph also knows that good work requires good

people, so he developed incentive plans to reward employees who figured out ways to save the state money or improve our efficiently. He has worked to help the developmentally disabled for thirty years.

"At Ralph's retirement party not long ago, former Governor Dan Evans said, 'Ralph was the person who taught me to care.' The person who taught me to care--that is a powerful, powerful testimonial. He was the state's first volunteer coordinator and he has been volunteering to help others ever since. His commitment to the preservation of wildlife and the environment is well known and so is his reverence for the state's history and his gratitude for the opportunity provided to his own family. He has been involved in historic preservation efforts throughout Washington and has helped establish four regional archives to preserve that history.

"Our Secretary of State has been a tireless promoter of voter education, registration and participation. He, also, has been a tireless champion of the best and newest voting technology--and I dare say he is an example for others to follow when it comes to conducting recounts without judicial interference. The Florida fiasco could not have happened on Ralph's watch. He wouldn't have allowed it.

"Ralph's accomplishments in more than thirty years of public service have been recognized by many organizations in the state and the nation. Certainly, he has been honored by foreign countries and international heads of state. They include Spain's King Juan Carlos and former Russian President Boris Yeltsin--both of whom honored Ralph with the highest awards they can give to non-citizens. Ralph has truly been our worldwide secret weapon.

"That is Ralph--the consummate professional--but we here at home have had an opportunity to get to know Ralph, the man--the warm and supportive friend with the booming and gravel-for-breakfast voice and the relentless sense of humor. Ralph is one in a million. We are going to miss you so much, Ralph--your sensitivity, your decency and your honesty. We are going to miss your caring, your civility and your boundless good nature. We are going to miss your stories and your kilts--but probably not your bagpipes.

"Your grandfather Alexander may have carved some of the stones used to build this great building, but you my friend, have been the rock that helped to make it great. Good luck to you and Karen. God Bless and Godspeed."

Senator Hale presented Secretary of State Munro with a gift.

REMARKS BY RETIRING SECRETARY OF STATE RALPH MUNRO

Secretary of State Munro: "Governor Locke, members of the Legislature, members of the court and citizens all, thank you so very much. It has been an honor and pleasure to serve. Not one of us as elected officials could possible carry out these tasks without an outstanding team beside us. In the front roll of the gallery today, there are four or five individuals I would like to briefly introduce. The first is Don Whiting, often called Mr. Credibility in state government. Don started as a clerk in the Secretary of State's office over thirty years ago. He has served as a junior level staff person, as a clerk for numerous task forces, as a Chief Election Officer for the state of Washington and finally as Assistant Secretary of State. He is the best that I know and I am so proud of his work--Mr. Don Whiting. The second is Tracy Guerin, our financial director. Tracy can stretch a dollar farther than any other financial officer in a state agency that I know of. If she was in charge of the state's budget, we would have so much money to spend, you wouldn't know where to put it all. She is outstanding and most recently she has served as our Assistant Secretary of State--Tracy Guerin. The third is Michelle Burkheimer. Her work in the international arena and the development of international student programs including our well known data base have contributed immensely to Washington State's Business Development both here and overseas. She has been an excellent Deputy Secretary of State--Michelle Burkheimer. The fourth is David Brine. David took the office of communications director to an entirely new level with the improvements to the Voter's Pamphlet and the development of our Web Site and the beginnings of a system to announce timely election results over the Web immediately following the closing of the polls. I should tell you that our Elections Reporting Web Site had over two million hits in the thirty hour period following the polls closing--David Brine. Of those two million hits, one point six million hits came from the personal computers of Maria Cantwell and Slate Gordon. The final is Jan Nutting, my personal secretary. She is the best that state government has and I will be indebted to her for the rest of my life--one of our outstanding state employees--Jan Nutting. We can all be thankful that Washington State government attracts the very best. Our team in the Secretary of State's Office, including these folks and many others, have been the very best.

"Karen and I wear our kilts today to pay respect to my grandparents who came to America. My grandfather was a poor Scottish stone mason, having experience working on the castles of Northern Scotland. He went to work on state capitol buildings here in the United States of America. He recruited the work of the Texas capitol. He later worked in the capitol buildings in Kansas, Colorado, Victoria British Columbia and finally here in Olympia. He considered this structure to be the grandest of all and he worked full time on the job starting at the Wilkenson Stone Quarry on the side of Mt. Rainier, then at the Walker Stone Company on the Tacoma tideflats and finally here in Olympia from 1922 to 1928. What a task it was to create such a beautiful structure!

"Our family has always been immensely proud of this building as it was completed and the workers stared into the lavish new offices for the elected officials. I doubt that my grandfather ever dreamed that one of his grandchildren would occupy a spot in this capitol. I came to work here several days before Christmas in 1966 as

supply clerk in the House of Representatives. The Republicans had taken control and Speaker Don Eldridge and Sergeant at Arms Eugene Prince hired me fresh out of college. I worked as a supply clerk, a reader on this podium, bill room supervisor, assistant sergeant at arms, the state's first volunteer coordinator, assistant to Governor Dan Evans, a lobbyist for handicapped children and finally as the Secretary of State. I am afraid my career has not been very successful. Since my opening day of work in 1966, the farthest I have ever moved is about one hundred and fifty feet down the hall and in all those years, I only moved up one floor. "My roommate, Mel Dodd, and I were prowling the halls looking for good looking women to date on the opening day of session in 1971."

REMARKS BY MRS. RALPH MUNRO

Mrs. Munro: "Well, I guess that is where I come in. I had just started working for the Senate Republican Caucus that year. Things were a little different back then, because a woman by the name of Helen Bonds and myself were the two people who did the press relations for the Republican Caucus. We did the press releases, the Radio/TV contacts and whatever needed to be done. We had our desks right in the caucus room then. All of the Senators were men and from time to time one of them would light up a cigar. Cigarettes were quite common, but cigars were a little more unusual. Some of the jokes told then would not be told today, but we had a good time there and we got a lot of work done, as well.

"Mel Dodd, Ralph's roommate, did come to my desk one day to say hello and I thought that was nice of him. The next day my roommate, Mary Ann Holt, said that she had had an invitation for dinner that night from her good friend Ralph and they wanted me to come along. So, that sounded like a good idea. That must have been just about thirty years ago tomorrow, because I know we were going to have dinner and then hear the Governor's address that evening. So, we went off in Ralph's old truck to Shakey's Pizza Parlor. The truck had one window that was stuck down and we couldn't roll it up and it was a driving snow storm that night. It was a little unusual and I wasn't impressed with the truck, but I was impressed with the fact that Ralph worked for Dan Evans and he owned two ponies, which I thought was a very good omen. I had been quite horsey in my youth and that was a nice sign.

"We starting dating quite frequently and then later that year, we both moved to Washington, D.C. Ralph didn't last very long. When he had a chance to come back out here and go on Dan Evans personal staff, he came right away. I stayed for a while and worked for The Drug Prevention office at the White House. Then, Ralph persuaded me that maybe I should come back to Washington State, and so I did, and we became engaged and were married in 1973.

"At that point, I determined that one politician in the family was probably enough and I had an opportunity to become the Assistant Director of the Washington Commission for the Humanities, which was just being formed at the time. I had a wonderful experience inventing this program and it still is a very successful program today. When Dan Evans went out of office, Ralph and I moved up to Bainbridge Island and George was born there. He did spend most of his childhood when we came back to Olympia--most of his childhood was spent here. I remember how he and his friends like to slide down the marble ramps of the capitol out here and I remember some football games that took place in the house garage."

REMARKS BY RALPH MUNRO

Secretary Munro: "Let the record show that the ball that hit your car was his."

FURTHER REMARKS BY MRS. MUNRO

Mrs. Munro: "Later on, as many of you know, I did some lobbying here in the capitol. First, I worked for the National Humanities, Arts and Sciences to obtain funding for summer institutes that we held for teachers from all across the state. Then, later, as a volunteer, I have lobbied on behalf of the Washington State Horse Foundation and most recently for the Washington Wildlife and Recreation Coalition. In fact, this year, I will be in the building more that Ralph, because I will still be representative of the WRC around here.

"Like Ralph, I have many wonderful memories of the times that we have spent here with the Secretary of State's office, as well as in these other activities. I would like to personally thank you all for your support and for all the good times that we have had here."

FURTHER REMARKS BY RALPH MUNRO

Secretary Munro: "So, you can see that this old capitol building means a lot to us. When I die, you can just scatter my ashes out there in Ulcer Gulch. The lobbyist have been trampling on my bills and legislation for so many years, they might as well trample on me after I am gone. Our parting request to you regards this beautiful structure that Grandpa Munro helped to build. I hope you will cherish it. I know the Capitol Committees are going to be faced with terrible decisions without much money to spend to reserve and restore the internal workings of this grand old capitol building, which serves as our symbol of government itself. I urge you to be supportive.

"In conclusion, Karen and George and I have tremendous respect for each of you. We have always admired the people who had the courage to leave the bleachers and the grandstands and to enter the arena of politics--the

people who are willing to stand up to the challenges, the hard work, as well as the dust and the dirt of the arena itself. You have the opportunity in the months and years ahead to make a remarkable difference to the people of the state of Washington. I urge you to do so. Best of luck to our new Secretary of State, Sam and his wife, Margie Reed. They will do an excellent job. Good luck and God Speed to each and everyone of you. Thank you.”

The President of the Senate introduced The Honorable Governor Gary Locke.

REMARKS BY GOVERNOR GARY LOCKE

Governor Locke: “Justices of the Supreme Court of the state of Washington, our statewide elected officials, members of the Legislature and members of the public. I am really pleased and honored to be here today to say goodbye to four of our best public servants. Last Friday, state-wide elected officials and non judicial state-wide elected officials met and had a great dinner and kind of shared stories and said many of our goodbyes then. So, I want to keep my remarks brief, because I think we have heard some outstanding tributes already.

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

“For the last eight years, Jennifer Belcher has served with distinction and courage as our State’s Land Commissioner. I want to thank you, Jennifer, for all your good work in preserving our state’s natural resources and specifically our forest lands that generated, as you indicated, millions of dollars in revenue for our school construction and remodeling program. Thank you, Jennifer, for helping insure the future of our children. Jennifer, I know it was not an easy decision for you to leave state government, but please know that your legacy is secure. From the pranks that you played in the State Capitol--and we did change virtually all the buttons of the Chamber--but I remember the time when we both came into the Legislature together and you gave me some words that I have never forgotten. While we are all replaceable--there are talented people who could occupy our seats for whatever office we hold--we bring to our jobs the ability to shape and improve people’s lives in a way that no other person can. As Deborah Senn, our Insurance Commissioner, said, ‘If you save a life, you save the world; If you benefit one person, you benefit an entire community.’ Thank you, Jennifer for that admonition. I admire you on your decision to take on new challenges in your life and Mona and I wish you the very best. Thank you for your great service to the people of our state.

“Deborah Senn, you have left your mark in state government as a standard bearer for consumers in the insurance field. Among your more notable achievements and one of great personal satisfaction, I know, is the overdue recognition of payment of the Holocaust Survivors and Victims. Deborah, what an incredible legacy to leave. I want to thank you for your service to all of us in the state of Washington. We wish you and Rudi all the very best.”

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

“Renee, your strength and integrity will be missed. You will be missed by all your colleagues here in the Rotunda. Thank you for your work in helping nurture high technology in our state’s new economy. Thanks for helping bring state government into the Twenty-first Century. Our state has received national recognition because of the advent of technology--and you are a part of that. We want you to know that we are thinking of you during this difficult time and we know from our association with you, that you will win. As Barry Sehlin has shown, people don’t ever retire from the Legislature. They just take a respite and come back and assume an even higher position. We expect that of you, Renee. To our statewide elected officials who are departing, and to you Renee, thank you. Thank you for making a difference in the lives of so many people in our state and for setting a course--a legacy--that will survive for generations to come. On behalf of the great state of Washington, we thank you all and wish you the very best.”

REMARKS BY PRESIDENT OWEN

President Owen: “It has certainly been a privilege to serve with all the distinguished retiring state elected officials. We can be very proud in the state of Washington of the quality of the representatives that our system sends to this incredible capitol of ours. Thank all of you and thank you to all of our speakers today who have helped us to honor all of them. Thank you to all the friends and families for being here and helping to honor these distinguished

people today, as well. We would like to invite everyone to the State Reception Room to greet our guests and show them your appreciation for their service to the state of Washington.”

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

The President of the Senate asked the special committee to escort the Honorable Gary Locke from the House Chamber.

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

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

MOTION

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

The President of the Senate returned the gavel to Co-Speaker Chopp.

Co-Speaker Chopp instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate, Lieutenant Governor Brad Owen, President Pro Tempore Rosa Franklin, Majority Leader Sid Snyder and Minority Leader Jim West from the House Chamber.

Co-Speaker Chopp instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort the Senators from the House Chamber.

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

At 1:30 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, January 10, 2001.

TONY M. COOK, Secretary of the Senate

BRAD OWEN, President of the Senate

JOURNAL OF THE SENATE

SECOND DAY, JANUARY 9, 2001

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

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 10, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Deccio. On motion of Senator Honeyford, Senator Deccio was excused.

The Sergeant at Arms Color Guard consisting of Pages Shannon Colacurcio and Beth Wittig, presented the Colors. Reverend Anna Grace, pastor of the Unity Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

January 9, 2001

MR. PRESIDENT:

The Co-Speakers have signed SENATE CONCURRENT RESOLUTION NO. 8400, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. BROWN, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 5052 by Senators Johnson and Constantine

AN ACT Relating to technical corrections to trust and estate dispute resolution; and amending RCW 11.96A.100, 11.96A.230, 11.96A.250, 11.96A.300, and 11.96A.310.

Referred to Committee on Judiciary.

SB 5053 by Senators Constantine and Johnson

AN ACT Relating to technical amendments and corrections to Article 9A of the Uniform Commercial Code and related statutes; amending RCW 19.40.081, 43.163.130, 60.10.010, 60.11.030, 60.11.904, 60.56.015, 62A.1-105, 62A.1-201, 62A.2A-303, 62A.2A-306, 62A.3-102, 62A.4-210, 62A.8-110, 62A.8-510, 62A.9A-102, 62A.9A-104, 62A.9A-105, 62A.9A-107, 62A.9A-201, 62A.9A-208, 62A.9A-301, 62A.9A-305, 62A.9A-306, 62A.9A-311, 62A.9A-313, 62A.9A-317, 62A.9A-322, 62A.9A-328, 62A.9A-331, 62A.9A-333, 62A.9A-334, 62A.9A-336, 62A.9A-406, 62A.9A-407, 62A.9A-509, 62A.9A.513, 62A.9A-608, 62A.9A-613, 62A.9A-615, 62A.9A-625, 62A.9A-628, 62A.9A-702, 62A.9A-703, 62A.9A-704, 62A.9A-705, 62A.9A-706, 62A.9A-707, and 62A.9A-708; reenacting and amending RCW 60.13.040; adding a new section to Article 62A.9A RCW; repealing RCW 60.11.9001; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5054 by Senators Johnson and Constantine

AN ACT Relating to the rule against perpetuities; amending RCW 11.98.130, 11.98.140, and 11.98.150; and creating a new section.

Referred to Committee on Judiciary.

SB 5055 by Senators T. Sheldon, Swecker, Fairley, Prentice, McAuliffe, Finkbeiner, Oke, Rasmussen, Winsley and McCaslin

AN ACT Relating to awarding service credit under the teachers' retirement system plan 1 for military service; and amending RCW 41.32.260.

Referred to Committee on Ways and Means.

SB 5056 by Senators T. Sheldon, West, Stevens, Finkbeiner, Zarelli, Oke and Rossi

AN ACT Relating to a state employment freeze; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on State and Local Government.

SB 5057 by Senators Gardner, Hale, Haugen, Horn, Spanel, Patterson, Costa, Kline and McCaslin

AN ACT Relating to cities and towns changing plans of government; amending RCW 35A.06.030, 35A.06.060, and 35A.08.030; and reenacting and amending RCW 35A.01.070.

Referred to Committee on State and Local Government.

SB 5058 by Senators Gardner, Hale, Haugen, Horn, Costa, Patterson, Kline and McCaslin

AN ACT Relating to public record protection; and reenacting and amending RCW 42.17.310.

Referred to Committee on State and Local Government.

SB 5059 by Senators Winsley, Finkbeiner, Parlette, Oke, Carlson, McCaslin and Long

AN ACT Relating to reducing the state property tax; amending RCW 84.52.065, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, 84.52.010, and 84.69.020; and creating a new section.

Referred to Committee on Ways and Means.

SB 5060 by Senators Winsley and Patterson

AN ACT Relating to alternative public works contracting procedures; amending RCW 39.10.010, 39.10.020, 39.10.050, 39.10.065, 39.10.110, 39.10.115, and 39.10.902; amending 2000 c 138 s 106 (uncodified); reenacting and amending RCW 39.10.060 and 39.10.120; adding a new section to chapter 39.10 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on State and Local Government.

SB 5061 by Senators Winsley and Patterson

AN ACT Relating to awarding contracts for building engineering systems; and adding a new section to chapter 39.04 RCW.

Referred to Committee on State and Local Government.

SB 5062 by Senators Patterson and Winsley

AN ACT Relating to job order contracting for public works; amending RCW 39.10.020, 39.08.030, 39.30.060, and 60.28.011; adding new sections to chapter 39.10 RCW; and adding new sections to chapter 39.12 RCW.

Referred to Committee on State and Local Government.

SB 5063 by Senators Patterson and Winsley

AN ACT Relating to limited public works; and amending RCW 239.04.155.

Referred to Committee on State and Local Government.

SB 5064 by Senators Prentice and Winsley (by request of Gambling Commission)

AN ACT Relating to cheating at gambling; amending RCW 9.46.196; reenacting and amending RCW 9.94A.320; adding new sections to chapter 9.46 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5065 by Senators McCaslin, Carlson, Patterson and Johnson

AN ACT Relating to independent commissions to set salaries for city and town elected officials, and county commissioners and councilmembers; amending RCW 35.22.200 and 36.17.020; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.17 RCW; and creating a new section.

Referred to Committee on State and Local Government.

SB 5066 by Senators Prentice and Winsley (by request of Department of Financial Institutions)

AN ACT Relating to licensing and regulation of consumer loan companies; amending RCW 31.04.015, 31.04.025, 31.04.045, 31.04.055, 31.04.075, 31.04.085, 31.04.093, 31.04.105, 31.04.145, 31.04.155, 31.04.165, and 31.04.175; adding new sections to chapter 31.04 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5067 by Senators Prentice, Winsley and Rasmussen (by request of Department of Financial Institutions)

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

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5068 by Senators Prentice and Winsley (by request of Department of Financial Institutions)

AN ACT Relating to credit unions; amending RCW 31.12.005, 31.12.065, 31.12.085, 31.12.115, 31.12.225, 31.12.235, 31.12.255, 31.12.267, 31.12.326, 31.12.335, 31.12.365, 31.12.367, 31.12.402, 31.12.404, 31.12.426, 31.12.428, 31.12.436, 31.12.438, 31.12.445, 31.12.461, 31.12.464, 31.12.467, 31.12.471, 31.12.474, 31.12.516, 31.12.545, 31.12.565, 31.12.567, 31.12.569, 31.12.571, 31.12.575, 31.12.585, 31.12.595, 31.12.625, 31.13.010, and 31.13.020; adding a new section to chapter 31.12 RCW; decodifying RCW 31.13.900; and repealing RCW 31.12.275, 31.12.407, 31.12.448, 31.12.555, 31.12.605, 31.12.615, 31.12.627, 31.13.030, 31.13.040, and 31.13.050.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5069 by Senators Hargrove and Gardner

AN ACT Relating to absentee voting for precinct committee officers; and amending RCW 29.36.030.

Referred to Committee on State and Local Government.

SB 5070 by Senators Kline, McCaslin, Franklin, Kastama, Thibaudeau, Fraser, Patterson, Fairley and Winsley

AN ACT Relating to jury service; and amending RCW 2.36.010 and 2.36.080.

Referred to Committee on Judiciary.

SB 5071 by Senators Kline, Finkbeiner, Franklin, Swecker, Haugen, Hale, Costa and Patterson

AN ACT Relating to tax incidence information and reporting; amending RCW 43.88A.010, 43.88A.030, 43.88A.040, and 43.88A.900; adding a new section to chapter 43.88A RCW; and adding a new section to chapter 82.01 RCW.

Referred to Committee on State and Local Government.

SB 5072 by Senators Kline, McCaslin, Kastama, Thibaudeau, Fraser, Patterson, Winsley, Kohl-Welles and Prentice

AN ACT Relating to juror compensation; and amending RCW 2.36.150, 3.50.135, and 35.20.090.

Referred to Committee on Judiciary.

SB 5073 by Senators Kohl-Welles, Gardner, Costa, Constantine, Finkbeiner, Thibaudeau, Hargrove, B. Sheldon, Snyder, McDonald, Oke, Stevens, Rasmussen and Rossi

AN ACT Relating to liveaboard uses of public aquatic lands; and adding a new section to chapter 79.90 RCW.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5074 by Senators Kohl-Welles, Winsley, Costa, Thibaudeau, Fairley, Eide, Franklin, Rasmussen, Prentice and McAuliffe

AN ACT Relating to the women's health advisory committee; adding new sections to chapter 43.70 RCW; and making appropriations.

Referred to Committee on Health and Long-Term Care.

SB 5075 by Senators Haugen, Gardner and Prentice

AN ACT Relating to the commercial driver's license skills test; and amending RCW 46.25.060 and 46.25.010.

Referred to Committee on Transportation.

SB 5076 by Senators Haugen, Spanel, Oke, T. Sheldon, Gardner and Kohl-Welles

AN ACT Relating to the use of credit or debit cards for ferry fares or reservations; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

SB 5077 by Senators Haugen and Rasmussen

AN ACT Relating to the provisional employment of sheriff's employees; and amending RCW 41.14.060.

Referred to Committee on State and Local Government.

SB 5078 by Senator Haugen

AN ACT Relating to the deposit of vehicle license fees; amending RCW 46.68.030; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5079 by Senators Gardner, Winsley and Haugen

AN ACT Relating to technical and clarifying amendments regarding the motor vehicle excise tax; amending RCW 46.01.040, 46.16.023, 46.16.070, 46.16.371, 46.16.374, 46.16.480, 46.16.630, 46.70.051, 46.70.061, 82.36.280, and 82.36.290; and reenacting and amending RCW 46.12.370 and 46.16.305.

Referred to Committee on Transportation.

SB 5080 by Senators Haugen and Gardner

AN ACT Relating to the use of state-owned aquatic lands for construction of a street or highway; and amending RCW 79.90.470.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5081 by Senators Haugen and Rasmussen

AN ACT Relating to wild animal care facilities; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5082 by Senators Haugen, T. Sheldon, Rasmussen and Gardner

AN ACT Relating to defining rural counties for purposes of sales and use tax for public facilities; and amending RCW 82.14.370.

Referred to Committee on Economic Development and Telecommunications.

SB 5083 by Senators Haugen, Patterson and Winsley

AN ACT Relating to capital facility fees; amending RCW 82.02.020; reenacting and amending RCW 43.155.050; adding a new section to chapter 82.45 RCW; and repealing RCW 82.02.050, 82.02.060, 82.02.070, 82.02.080, 82.02.090, and 82.02.100.

Referred to Committee on State and Local Government.

SB 5084 by Senators Haugen and Winsley

AN ACT Relating to new counties; amending RCW 36.32.020 and 84.09.030; adding new sections to chapter 36.09 RCW; adding a new section to chapter 47.01 RCW; creating a new section; repealing RCW 4.12.070, 36.09.010, 36.09.020, 36.09.035, 36.09.040, and 36.09.050; and prescribing penalties.

Referred to Committee on State and Local Government.

SB 5085 by Senators Haugen, Winsley, Prentice and McAuliffe

AN ACT Relating to administering emergency services to school students experiencing severe hypoglycemia; adding new sections to chapter 28A.210 RCW; and adding a new section to chapter 18.79 RCW.

Referred to Committee on Education.

SB 5086 by Senators Haugen, Winsley and Oke

AN ACT Relating to false reporting; amending RCW 9A.84.040; adding a new section to chapter 9A.84 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5087 by Senators Haugen, Winsley, Rasmussen, Gardner and McAuliffe

AN ACT Relating to the issuance of license plates for recipients of the law enforcement medal of honor or their spouses; and reenacting and amending RCW 46.16.305.

Referred to Committee on Transportation.

SB 5088 by Senators Haugen, Rasmussen, Winsley, T. Sheldon, Patterson, Carlson and McCaslin

AN ACT Relating to nonpartisan sheriffs; and amending RCW 29.18.010.

Referred to Committee on State and Local Government.

SB 5089 by Senators Haugen, Oke, Gardner, Costa and Fairley

AN ACT Relating to the designation of state ferries as no smoking areas; and amending RCW 47.56.730.

Referred to Committee on Transportation.

SB 5090 by Senators Haugen, Winsley, Rasmussen, Gardner, Kohl-Welles and Johnson

AN ACT Relating to property tax exemptions for persons confined in adult family homes and certain boarding homes; and amending RCW 84.36.381 and 84.36.383.

Referred to Committee on Ways and Means.

SB 5091 by Senators Haugen, Oke, Spanel, Gardner and Kohl-Welles

AN ACT Relating to vehicles boarding ferries; adding a new section to chapter 46.61 RCW; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

SB 5092 by Senators Kastama, Winsley, Regala and Rossi

AN ACT Relating to dangerous dogs; amending RCW 16.08.070, 16.08.080, and 16.08.100; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5093 by Senators T. Sheldon, Oke and Rasmussen

AN ACT Relating to unlawful dumping of litter; amending RCW 70.95.240; and prescribing penalties.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5094 by Senators T. Sheldon, Sheahan, Gardner, Honeyford, Hargrove and Costa

AN ACT Relating to sales and use tax exemptions for call centers in distressed areas; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Economic Development and Telecommunications.

SB 5095 by Senators T. Sheldon, Sheahan, Gardner, Honeyford, Hargrove, Rasmussen, Costa, Haugen and McCaslin

AN ACT Relating to economic development in rural counties; and amending RCW 82.62.030.

Referred to Committee on Economic Development and Telecommunications.

SB 5096 by Senators T. Sheldon, Sheahan, Gardner, Honeyford, Hargrove, Rasmussen, Costa and Haugen

AN ACT Relating to tax deferrals in rural counties; and amending RCW 82.60.010, 82.60.020, 82.60.049, and 82.62.030.

Referred to Committee on Economic Development and Telecommunications.

SB 5097 by Senators Kastama, Winsley, Constantine, Hargrove, Oke, Rasmussen and Patterson

AN ACT Relating to displaying flags; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State and Local Government.

SB 5098 by Senator Winsley

AN ACT Relating to the costs for reproducing health care records; and amending RCW 70.02.010.

Referred to Committee on Health and Long-Term Care.

SB 5099 by Senators Winsley and Thibaudeau

AN ACT Relating to the designation of licensed medical directors by carriers offering dental only coverage; and amending RCW 48.43.540.
Referred to Committee on Health and Long-Term Care.

SB 5100 by Senators Fraser, Swecker, Regala, Eide, Rasmussen, Gardner, Haugen, Franklin, McAuliffe, Jacobsen and Fairley

AN ACT Relating to expediting the processing of pending applications relating to existing water rights by clarifying when pending applications for new water rights are not existing rights, allowing pending applications relating to existing water rights to be processed independently of pending applications for new water rights, and allowing applications to be processed ahead of previously filed applications that have insufficient information; amending RCW 90.03.380; creating a new section; and declaring an emergency.

Referred to Committee on Environment, Energy and Water.

SB 5101 by Senators Prentice, Winsley, Kohl-Welles, Fairley and Fraser (by request of Department of Labor and Industries)

AN ACT Relating to consumer protection regarding contractors; amending RCW 18.27.010, 18.27.030, 18.27.040, 18.27.050, 18.27.090, 18.27.100, 18.27.110, 18.27.114, and 60.04.031; reenacting and amending RCW 18.27.060; adding new sections to chapter 18.27 RCW; repealing RCW 18.27.075; and prescribing penalties.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5102 by Senators Snyder, Rasmussen, T. Sheldon, Gardner, Prentice and McCaslin

AN ACT Relating to sales and use taxation of nonprofit hospitals; adding a new section to chapter 82.08 RCW; and adding anew section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

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

Adopting joint rules.

HOLD.

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

Establishing cutoff dates.

HOLD.

SCR 8403 by Senators T. Sheldon, Swecker, Kline, Regala, Prentice and Costa

Promoting state and tribal relations.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5089 was referred to the Committee on Transportation.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8401 and Senate Concurrent Resolution No. 8402 were advanced to second reading and placed on the second reading calendar.

MOTION

At 10:12 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 11:45 a.m.

The Senate was called to order at 11:45 a.m. by President Owen.

MOTION

At 11:45 a. m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease to retire to the House Representatives for the purpose of a joint session.

JOINT SESSION

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

Co-Speaker Ballard requested the Sergeants at Arms of the House and the Senate to escort the President of the Senate, Lieutenant Governor Brad Owen, President Pro Tempore Rosa Franklin, Majority Leader Sid Snyder and Minority Leader Jim West to seats on the rostrum.

Co-Speaker Ballard invited the Senators to seats within the House Chamber.

The Joint Session was called to order by Co-Speaker Ballard.

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

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

Co-Speaker Ballard presented the gavel to President Owen.

The President of the Senate stated that the purpose of this joint session was to administer the oath of office to the statewide elected officials and to receive the inaugural address from Governor Gary Locke.

APPOINTMENT OF SPECIAL COMMITTEES

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

The President of the Senate appointed Senators Costa, Hochstatter, Oke and Tim Sheldon and Representatives Mielke, Ruderman, Simpson, and Skinner to escort the State Elected Officials from the State Reception Room to the House Chamber.

The President of the Senate appointed Senators Finkbeiner and Rasmussen and Representatives Lisk and Ogden to inform Governor Gary Locke that the Joint Session has assembled and to escort him from his office to the House Chamber.

INTRODUCTION OF SPECIAL GUESTS

The President of the Senate greeted and introduced the Supreme Court Justices: Chief Justice Gerry L. Alexander, Justice Charles W. Johnson, Justice Barbara A. Madsen, Justice Faith Ireland, Justice Bobbe J. Bridge, Justice Tom Chambers and Justice Susan J. Owens.

The President of the Senate greeted and introduced the State Elected Officials: Secretary of State Sam Reed, State Treasurer Mike Murphy, State Auditor Brian Sonntag, State Attorney General Christine O. Gregoire,

Superintendent of Public Instruction Terry Bergeson, Insurance Commissioner Mike Kreidler and Commissioner of Public Lands Doug Sutherland.

The President welcomed and introduced former Governor Al Rosellini, who was seated in the Chamber.

The President of the Senate greeted and introduced Governor Gary Locke and his wife, Mona Lee Locke, and instructed the committee to escort them to the rostrum.

The flags were escorted to the rostrum by the Washington State Patrol Honor Guard.

The National Anthem was sung by Marci Morrell, accompanied by Dainius Vaicekonis.

The prayer was offered by Reverend Joseph Yoshihara of the Cornerstone Christian Fellowship in Bellevue.

INTRODUCTION OF CONSULAR ASSOCIATION OF WASHINGTON

The President welcomed and introduced the honored guests of the Consular Association of Washington, who were seated in the back of the House Chamber: The Honorable Ronald Masnik, President of the Consular Association of Washington and Consul of Belgium; The Honorable Dave Baron, Secretary of the Consular Association of Washington and Vice Consul of the United Kingdom; The Honorable Roger Simmons, P.C., Consul General of Canada; The Honorable Jorge Gilbert, Consul of Chile; The Honorable Fumiko Saito, Consul General of Japan; The Honorable Moon Byung-rok, Consul General of The Republic of Korea; The Honorable Miguel Angel Velasquez, Consul of Peru; The Honorable Andre Veklenko, Consul General of the Russian Federation and Dean of the Consular Corps; The Honorable David Broom, Her Majesty's Consul, United Kingdom, and The Honorable Frank Lew, Director General, Taipei Economic and Cultural Office of Seattle.

The President called forward the state elected officials to take their oath of office.

EDITOR'S NOTE: Representative Joe Marine was appointed as State Representative for the 21st District today, replacing Representative Renee Radcliff who has resigned.

OATH OF OFFICE TO REPRESENTATIVE JOE MARINE

Chief Justice Gerry Alexander administered the oath of office to Representative Joe Marine, who assumed the Office of State Representative, and Co-Speaker Ballard presented him the Certificate of Office.

OATH OF OFFICE TO STATE ELECTED OFFICIALS

Justice Charles Johnson administered the oath of office to Doug Sutherland, Commissioner of Public Lands, and the President of the Senate presented him with the Certificate of Office.

Justice Tom Chambers administered the oath of office to Mike Kreidler, Insurance Commissioner, and the President of the Senate presented him with the Certificate of Office.

Justice Susan Owens administered the oath of office to Terry Bergeson, Superintendent of Public Instruction, and the President of the Senate presented her with the Certificate of Office.

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

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

Chief Justice Gerry Alexander, administered the oath of office to Sam Reed, Secretary of State, and the President of the Senate presented him with the Certificate of Office.

Justice Barbara Madsen, administered the oath of office to Mike Murphy, State Treasurer, and the President of the Senate presented him with the Certificate of Office.

Justice Bobbe Bridge administered the oath of office to Brad Owen, Lieutenant Governor, and Co-Speaker Ballard presented him with the Certificate of Office.

Chief Justice Gerry Alexander administered the oath of office to Governor Gary Locke, and the President of the Senate presented him with the Certificate of Office.

INTRODUCTION OF GOVERNOR LOCKE

President Owen: "I have brought with me a special gavel today. It was made by an outstanding craftsman from Olympia named Jim McDermott. No, not the Congressman Jim McDermott that we all know. The gavel is meant to represent the strength and diversity of our great state.

"The handle is a melding of black ebony wood from Africa, a reddish brown wood called Chote kok from Mexico, a maple wood from the United States and a light yellowish-brown-red delicious apple wood--Mr. Speaker--from Washington State. By laminating them together, they strengthen the handle and all come together and join the apple wood mallet as one. The head of the gavel has the state of Washington in brass, skillfully embedded into it.

"When I bring this gavel down, I hear the voice of the people echo in the Chamber. It is a reminder to us all that we are here to represent all of the diverse cultures and people that strengthen our state and make it a wonderful place to live, work, and play."

"I believe us to be fortunate that in our Governor, we have a person with all these qualities of strength, skill and diversity. He grew up helping his parents in their store. After some hard work and commitment to excellence, he became an Eagle Scout. He went on to graduate from Yale with a Bachelor's Degree and received his Law Degree from Boston University.

"Today, he brings the same work ethic and commitment to excellence in his duties as our chief executive. It is always an honor for me to present to you His Excellency, Governor Gary Locke."

INAUGURAL ADDRESS BY GOVERNOR GARY LOCKE

Governor Locke: "Mr. President, Mr. Speakers, Honorable Chief Justice, distinguished Justices of the Supreme Court, members of the Consular Association, statewide elected officials, members of the Washington State Legislature, citizens of Washington. It's been an honor to have served the people of Washington for four years and it is a privilege to serve four more. I'm excited about the prospects before us. I am humbled by our large margin of victory--maybe because of the influx of people fleeing the energy crisis in California--or my new haircut-- or because I'm the bold, dynamic leader the press has made me out to be. Whatever the reason, I want to thank the people of our state for their confidence in me to lead our state for another four years.

"Let me also take this opportunity to introduce and thank my family who have been so supportive all of these years and so instrumental to my success. The 57th Legislature is the first of the new century and we must ask ourselves--what are the ingredients for prosperity in this new century? The answer--a transportation system that works, an education system that enriches every child, enough water and energy to meet the needs of our people and our industries. These are the basics. Let's focus on those basics and accomplish much.

Over the past four years I've traveled our state from corner to corner.

* I've met people thrilled to be off of welfare, now holding down jobs that pay well.

* I've seen children in our schools beaming because they've participated in the Reading Corps and are now great readers.

* Young adults, the first in their families to go to college thanks to the Promise Scholarship.

* Young parents who now have low-cost health insurance for their children for the first time.

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

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

"Families like yours and mine want to spend more time with each other instead of being stuck in traffic. We want to know our children will get the very best education with the very best teachers in the best learning environments. We want clean, cool water for our families and for fish, and enough affordable energy to light our homes, cook our meals and power our industries. These are the basics. We cannot predict the future.

"One hundred years ago our nation couldn't have known we would soar the heavens or communicate across the globe with the click of a button and that much of that progress would originate right here, because of the insight and innovation of people in the state of Washington.

But, we do know future generations will need transportation, education, water and energy, so they can build their lives on solid ground.

"Transportation--Time to put the Pedal to the Medal! Given our population growth, two million new vehicles will hit our roads over the next twenty years. After Referendum 49 and Initiative 695, however, we now have less money for transportation today than we did ten years ago. Our state's record on transportation has been nothing but a series of fits and starts--projects begun but never finished, solutions presented then dismissed--years wasted. If we don't fix our transportation problems now, our businesses won't grow. They'll leave our state. If we don't have businesses, we won't have jobs. It's that simple. Our traffic congestion is among the worst in the nation and we're losing two billion dollars a year in productivity because of it.

"A state that gave a 'turbo charge' to the Information Superhighway should not have a transportation system that's out of gas. The Legislature created the Blue Ribbon Commission on Transportation. I embrace its solutions. Bipartisan remedies are right in front of us -- remedies that were two-and-a-half years in the making. We all campaigned on transportation improvements. Any mention of needing more time to think about this is out of the question. It's time to get Washington moving again and now. We will make our Department of Transportation as lean and efficient as it can possibly be. We will streamline the permitting process and expedite projects without compromising our environment. There is no reason we can't enact these reforms within the first few weeks of this session. That's the first order. The second order is that we must reach agreement on critical projects to be completed within the next six years.

"This summer we're breaking ground on a new traffic lane to eliminate the snarl at I-405 and Highway 167 in Renton, but we will do more than that. The new transportation plan I've presented will also widen lanes on I-90 in Spokane, extend HOV lanes on I-5 all the way from Everett to Tacoma, widen SR 17 to four lanes in Moses Lake, separate downtown train and auto traffic in Yakima and Seattle, guarantee transit services for seniors and vulnerable adults, and Replace our pre-Depression era ferries.

"These are just some of the projects I've proposed to improve congestion across our state, but all are solutions we can implement right now for the greatest good. You may wonder how will we pay for this? Well, we're not just going to drop a pile of money on the table and then figure out how to spend it. My proposal is a deliberate strategy to get results. Only after we agree on these improvements will I outline and recommend a funding plan. We will stay in session until we've agreed on all three--efficiencies, projects and funding. People of Washington, especially those of you listening on your car radios, because you're stuck in traffic, hold us accountable. We must and we will move on transportation--just like we did for education.

"Education at the Threshold of Excellence! My vision of education is straightforward--great learning, great teaching and great leadership.

With the hard work of this Legislature and the firm and active support of our citizens, we have reached the threshold of educational excellence with higher expectations of both students and teachers. We've made great strides. More and more of our students are exceeding our tough new academic standard and you, the people, have responded with tremendous enthusiasm. Last year I proposed class-size reduction without a tax increase. When the Legislature didn't respond, I helped put it on the ballot as Initiative 728, which swept through our state, county by county, passing with the largest margin of any initiative in our history--because people care passionately about improving our education system. It's their number one priority. But, this isn't only about money. Lawmakers, I call on you to join me. We will give educators the powers and the tools that they need to spend that money effectively. We will not leave Olympia this session until we have removed the barriers hindering academic performance and great teaching. Specifically, we'll agree to abolish the current education code and have a new one in place by 2004.

"To get the ball rolling, I propose to waive regulations for schools that want to set even higher achievement standards and to reward schools for meeting those goals. Exceptional teachers deserve exceptional compensation. If we're to attract and retain the best teachers in the face of a national teacher shortage--we must change the way we pay them. My proposal calls for select school districts to lead the way and design a new teacher compensation system based on knowledge, skill and performance. To further encourage great teaching, and to increase the number of great educators, we will adopt alternative certification programs for teachers. If a Microsoft retiree wants to teach math, she should be able to do so without going back to college for an education degree.

"The Professional Standards Board we created just six months ago has devised a quicker method for qualified people to get into the classroom. A person can retire from one profession in May and be teaching in September. You know, just recently a Dean of a teaching college applied to be a school principal. She has a Ph.D. and she taught hundreds of the teachers in our schools. The school wanted to hire her. She wanted the job, but it went to someone else. Why? Because the education code says to be a principal in a Washington school, you have to be a certificated teacher. So, we have an expert who can't enter the school. It's time to stop letting the education code hinder our schools and start doing things the right way, with common sense.

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

"Water a century behind! No one has to tell us the importance of water. We need it for people, wildlife and agriculture. Our water laws are not in concert with present reality. That sentiment was expressed twenty-five years ago by Governor Dan Evans, and virtually no progress has been made since then. Indeed, our water laws have hardly changed in one hundred years even though we have five times as many people. We have towns battling farmers for water. We have businesses battling fish, towns battling towns. Some of our cities have been forced to enact building moratoriums--no new homes, no new businesses, rivers and streams drying up. Why? There isn't enough water to accommodate growth. We will not have the paved troughs that pass for rivers in Los Angeles. So, I say it again in 2001, 'Our water laws are not in concert with reality.'

"This session we will make progress. We're not going to leave until we've reformed our water permitting process, so people aren't waiting years for a simple, non-controversial permit. We had an agreed-upon remedy last year. There's no reason why we can't pass that remedy in the first few weeks of this session. We must put common sense into our water laws. Incentives for water conservation, re-use, and storage are critical. We will let those who conserve keep a portion of the water they save, and compensate citizens for the water they put back in our streams for fish. My 'Yakima Water Action Plan' is a great example of how to provide water for people, fish and farms. Let's get that action plan in place.

"Energy, a clean and sustainable future! Our fourth challenge this session is energy. We have greater demands for electricity than ever before. Energy is as essential to our economy as water is to life. Thank goodness we said, 'no,' to energy deregulation three years ago. Look what's happened to California. But, we still face a crisis that we must address immediately. Georgia Pacific laid off eight hundred and fifty people just before Christmas; eight hundred and fifty families were affected. Why the layoffs? Georgia Pacific could not afford its power bill. I'm proposing tax breaks so utilities can convert part-time polluting generators into full-time, clean generators, and tax breaks for companies who want to produce their own permanent power, thereby freeing up electricity for the rest of us. I'm also proposing tax breaks for citizens and businesses buying clean and renewable energy sources such as solar, wind and fuel cells. I'm calling on utilities to diversify their energy sources so our citizens aren't hurt when price--or supply--problems hit a particular industry like natural gas or hydroelectric. And I propose additional financial assistance so low-income citizens don't go without power during these cold winter months. These solutions are necessary for the future of our state and there is simply no excuse not to act.

"Folks at home, let me take this opportunity to say again, that we must conserve. I'm calling on everyone to reduce consumption by ten percent. We only have so much energy, and we need to treat it as a precious resource. It's going to take each and every one of us. These are ambitious goals, but they are doable. To set the example, tonight, at my Inaugural Ball, for the first time in history, the traditional 'three miles of lights' that volunteers placed along Capitol Way will not be lit. The Capitol Dome will remain dark. We must all do our part.

"Conclusion: Ordinary people empowered to do extraordinary things. Finally, this budget was one of the toughest I've ever written-- and I've written many. We've made reductions--especially in human services and in the number of state workers. Services benefitting real people and state workers with families to support. Reductions I didn't want to make, but had to, to pay for unavoidable costs to better protect our children, but also to move our state forward.

"Our state faces real problems demanding real solutions. The people who can provide those solutions are right here in this Chamber. They're the people watching on television. They're the people listening on the radio. They're the people who will read this in tomorrow's paper. They're all of you. I'm enormously proud of the people of Washington. We have never been afraid to tackle the big issues. We're a state that built the airplanes that connect the world. We pioneered a whole new economy based on technology and information. We cleaned up rivers and streams after one hundred years of pollution. In that innovative and can-do spirit, let us embrace the opportunities and the challenges before us. Legislators, statewide elected officials, we can and we must do the work before us.

"We are ordinary people entrusted to do extraordinary things, but all of it is within our ability. We can find solutions. We can reach agreement. As I've said before, twenty-five, fifty or one hundred years from now citizens won't remember what parties we belonged to, but rather what we accomplished. We must put politics aside and get down to work. I want us to leave this session proud that we've solved the tough issues. Let's make our citizens proud of us. Thank you all and God bless you all."

The President of the Senate thanked Governor Locke for his comments and requested the special committee to escort Governor and Mrs. Locke from the House Chamber.

The President of the Senate requested the special committee to escort the Supreme Court Officials from the House Chamber.

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

On motion by Representative Mastin, the Joint Session was dissolved.

The President returned the gavel to Co-Speaker Ballard.

Co-Speaker Ballard requested the Sergeants at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Brad Owen, President Pro Tempore Rosa Franklin, Majority Leader Sid Snyder and Minority Leader Jim West from the House Chamber.

Co-Speaker Ballard requested the Sergeants at Arms of the House and Senate to escort the Senators from the House Chamber.

The Senate was called to order at 1:16 p.m. by President Owen.

MOTION

At 1:16 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, January 11, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRD DAY, JANUARY 14, 1998

THIRD DAY, JANUARY 10, 2001

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

FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 11, 2001

The Senate was called to order at 12:00 noon by President Pro Tempore Franklin. No roll call was taken.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

November 17, 2000

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Art Wang, to be reappointed November 23, 2000, for a term ending November 22, 2005, as Chief Administrative Law Judge of the Office of Administrative Hearings.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Judiciary.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

January 8, 2001

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Exit Interviews." It is mandated under Chapter 1, Laws of 2000 E2, Section 208(1)(b).

Please call Michael Masten at (360) 413-3370 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on Exit Interviews is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5103 by Senators Haugen, Benton, T. Sheldon, Winsley, McAuliffe, Rasmussen and Rossi

AN ACT Relating to "Help Kids Speak" license plates; amending RCW 46.16.313; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.
Referred to Committee on Transportation.

SB 5104 by Senator Carlson

AN ACT Relating to using revenues under the county conservation futures levy; and amending RCW 84.34.230 and 84.34.240.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5105 by Senator Prentice

AN ACT Relating to chiropractors at boxing and martial arts events; and amending RCW 67.08.002, 67.08.090, and 67.08.100.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5106 by Senators Prentice and Oke

AN ACT Relating to juvenile life insurance; adding a new section to chapter 48.23 RCW; and providing an effective date.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5107 by Senators T. Sheldon, Honeyford, Hargrove and Rasmussen

AN ACT Relating to rural county planning goals under the growth management act; amending RCW 36.70A.320; and adding a new section to chapter 36.70A RCW.
Referred to Committee on State and Local Government.

SB 5108 by Senators T. Sheldon, Benton, Snyder, Hargrove, Sheahan, Gardner, Rasmussen and Stevens

AN ACT Relating to the growing of short-rotation hardwood trees on agricultural land; and amending RCW 84.33.035, 76.09.020, and 382.04.213.

HOLD.

SB 5109 by Senators T. Sheldon, Hargrove, Finkbeiner, Johnson and Stevens

AN ACT Relating to prohibiting the assessment of fees for basic parkland access by the state parks and recreation commission; amending RCW 79A.05.070; and declaring an emergency.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5110 by Senators Kastama, Winsley, Franklin, Hargrove, Regala and Oke

AN ACT Relating to limiting the sale of ephedrine products; adding new sections to chapter 69.60 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5111 by Senators Thibaudeau, Winsley and Costa

AN ACT Relating to the protection of charitable trusts that are health care service contractors and health maintenance organizations; amending RCW 48.43.005; and adding new sections to chapter 48.43 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5112 by Senators Costa, Swecker, Fairley, Oke, Gardner, Haugen, Eide, Kohl-Welles and Patterson

AN ACT Relating to child passenger restraint systems; amending RCW 46.61.687; and providing an effective date.

Referred to Committee on Transportation.

SB 5113 by Senators Costa, Swecker, Kastama, Fairley, Oke, Gardner, Haugen and Eide

AN ACT Relating to the regulation of the use of motorized scooters; amending RCW 46.20.500, 46.37.530, 46.37.535, 46.61.160, 46.61.710, and 46.04.332; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5114 by Senators Horn, T. Sheldon, Hochstatter, Hargrove, Costa, Roach, Oke, Haugen, Zarelli, Regala, Fairley, Snyder, Morton, Benton, Constantine, Johnson, Stevens, McDonald, B. Sheldon, Sheahan, Long, Gardner and Rossi

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

Referred to Committee on Transportation.

SB 5115 by Senators Costa, Long, Fairley, Kline, Hargrove and McCaslin

AN ACT Relating to court filing fees; amending RCW 36.18.012, 36.18.016, 40.14.027, 41.50.136, 46.87.370, 50.20.190, 50.24.115, 51.24.060, 51.48.140, 82.32.210, 82.36.047, and 82.38.235; reenacting and amending RCW 51.32.240; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5116 by Senators Costa, Long, Kastama, Hargrove, Gardner, Eide and McCaslin

AN ACT Relating to voyeurism; amending RCW 9A.44.115 and 9A.04.080; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5117 by Senators Costa, Long, Hargrove, Kline and Gardner

AN ACT Relating to disclosure of investigative records; amending RCW 10.97.030 and 10.97.050; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Judiciary.

SB 5118 by Senators Costa, Long, Hargrove, Fairley and Oke

AN ACT Relating to the interstate compact for adult offender supervision; adding new sections to chapter 9.94A RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 5119 by Senators Costa, Long, Kastama, McCaslin, Fairley, Hargrove, Gardner, Eide, McAuliffe, Carlson, Rasmussen and Oke

AN ACT Relating to vehicular homicide; amending RCW 9.94A.030; reenacting and amending RCW 9.94A.320; and prescribing penalties.
Referred to Committee on Judiciary.

SB 5120 by Senators Costa, Long, Kastama, Hargrove, Gardner and McCaslin

AN ACT Relating to opening or consuming liquor in a public place; amending RCW 66.44.100; and prescribing penalties.
Referred to Committee on Judiciary.

SB 5121 by Senators Regala, Morton, Oke, Eide, Fraser and Jacobsen

AN ACT Relating to correcting references to the former office of marine safety; and amending RCW 42.17.2401, 43.21B.300, 43.21B.310, 88.16.010, and 88.16.110.
Referred to Committee on Environment, Energy and Water.

SB 5122 by Senators Costa, Long and Hargrove

AN ACT Relating to civil commitment and related proceedings for sexually violent predators under chapter 71.09 RCW; amending RCW 5.60.060, 71.09.010, 71.09.020, 71.09.025, 71.09.040, 71.09.060, 71.09.070, 71.09.090, 71.09.094, 71.09.096, and 71.09.098; adding a new section to chapter 71.09 RCW; creating a new section; and declaring an emergency.
Referred to Committee on Human Services and Corrections.

SB 5123 by Senators Costa, Long and Hargrove

AN ACT Relating to the crime of escape when committed by sexually violent predators; amending RCW 9A.76.120; and prescribing penalties.
Referred to Committee on Human Services and Corrections.

SB 5124 by Senator Jacobsen

AN ACT Relating to customer notice requirements for competitive telecommunications companies and services; and amending RCW 80.36.320 and 80.36.330.
Referred to Committee on Economic Development and Telecommunications.

SB 5125 by Senators Jacobsen, McAuliffe, Rasmussen, Kohl-Welles, Oke and Patterson

AN ACT Relating to wildlife conservation awards; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5126 by Senators Spanel, Patterson, Morton, McDonald, Regala, Gardner, Fraser, Rasmussen and Oke

AN ACT Relating to technical and clarifying amendments to the pipeline safety act of 2000; amending RCW 81.88.010, 81.88.060, 81.88.070, 81.88.090, 19.122.055, 19.122.070, and 80.01.080; repealing RCW 81.88.050 and 81.88.130; providing an effective date; and declaring an emergency. Referred to Committee on Environment, Energy and Water.

SB 5127 by Senators Prentice, Patterson, McAuliffe and McDonald

AN ACT Relating to determining the number of unclassified personnel in the sheriff's office; and amending RCW 41.14.070.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5128 by Senator Swecker

AN ACT Relating to prescription medications for industrial injuries; and amending RCW 51.36.010.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5129 by Senators Rasmussen, Swecker and Patterson

AN ACT Relating to preserving a variety of natural environments on private lands in a voluntary program of natural landmarks; and adding a new section to chapter 36.70A RCW.
Referred to Committee on State and Local Government.

SB 5130 by Senators Oke, B. Sheldon, T. Sheldon, Horn, Haugen, Swecker, McCaslin, Morton, Snyder, Hale, Kastama, Prentice, Regala, Jacobsen, Hargrove, Spanel, West, Finkbeiner, Long, McDonald, Winsley, McAuliffe and Costa.

AN ACT Relating to toll bridges; amending RCW 47.56.010, 47.56.030, 47.56.240, and 47.56.270; creating a new section; repealing RCW 47.56.271; and declaring an emergency.
Referred to Committee on Transportation.

SCR 8404 by Senators Kohl-Welles, Prentice, Winsley, Carlson, Horn, McAuliffe and Franklin

Adopting the update to the state comprehensive plan for work force training and education.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5108 was held on the desk.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, January 12, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FOURTH DAY, JANUARY 11, 2001

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

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 12, 2001

The Senate was called to order at 10:00 a.m. by President Pro Tempore Franklin. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Deccio, Gardner,

McCaslin and McDonald. On motion of Senator Honeyford, Senators Deccio, McDonald and McCaslin were excused. On motion of Senator Eide, Senator Gardner was excused.

The Sergeant at Arms Color Guard, consisting of Pages Amanda Wales and Amanda Walker, presented the Colors. Reverend Anna Grace, pastor of the Unity Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

January 8, 2001

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's combined Report to the Legislature entitled "Welfare-to-Work Service Contracts and WorkFirst Outcome Measures." Welfare -to-Work Service Contracts is mandated under Chapter 1, Laws of 2000 E2, Section 208(4) and WorkFirst Outcome Measures is mandated under RCW 74.08A.430.

Please call Dorie Keeley at (360) 413-3321 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Combined Report on "Welfare-to-Work Service Contracts and Workfirst Outcome Measures" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

January 8, 2001

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Foster Care Assessment Program Model." It is mandated under Chapter 232, Laws of 2000, Section 1(6).

Please call Jann Hoppler at (360) 902-7953 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Foster Care Assessment Program Model" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

January 8, 2001

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "License Suspension Program." It is mandated under RCW 74.20A.340.

Please call Jan Husby at (360) 664-5218 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "License Suspension Program" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

January 9, 2001

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Foster Care Assessment Program." It is mandated under Chapter 232, Laws of 2000, Section 1(5).

Please call Nancy Sutton at (360) 902-7953 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Foster Care Assessment Program" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

January 9, 2001

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Child Abuse Investigations." It is mandated under Chapter 389, Laws of 1999, Section 6.

Please call Sharon Young at (360) 902-7991 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Child Abuse Investigations" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

January 10, 2001

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Provision of Psychotropic Medications to Children in Foster Care." It is mandated under Chapter 89, Laws of 2000, Section 1(3).

Please call Jann Hoppler at (360) 902-7772 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Provisions of Psychotropic Medication To Children in Foster Care" is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5131 by Senators Franklin and Kline

AN ACT Relating to public funding of campaigns for local offices; and amending RCW 42.17.128.
Referred to Committee on State and Local Government.

SB 5132 by Senators Kastama, B. Sheldon, Rasmussen, Franklin, Snyder, Prentice, Costa, Fraser, McAuliffe, Kohl-Welles, Fairley, Jacobsen, Kline, Winsley and Eide

AN ACT Relating to the establishment and operation of a do not call list for commercial telephone solicitation; amending RCW 19.158.110 and 43.79A.040; adding new sections to chapter 19.158 RCW; and prescribing penalties.
Referred to Committee on Economic Development and Telecommunications.

SB 5133 by Senators Fairley and Kohl-Welles

AN ACT Relating to seller disclosure of water infiltration through walls or floor; and amending RCW 64.06.020.
Referred to Committee on State and Local Government.

SB 5134 by Senators Kastama, Winsley and Regala

AN ACT Relating to the mobile home landlord-tenant act; and amending RCW 59.20.030, 59.20.070, 59.20.073, and 59.20.080.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5135 by Senators Kastama, Regala, Kohl-Welles, Thibaudeau, Prentice, Kline, Winsley and Spanel

AN ACT Relating to applying the consumer protection act to violations of the manufactured/mobile home landlord-tenant act; and adding a new section to chapter 59.20 RCW.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5136 by Senators Fairley, Patterson, Kohl-Welles, Regala, B. Sheldon, Costa, Prentice, Jacobsen, Oke and Winsley

AN ACT Relating to initiative review; and adding new sections to chapter 29.79 RCW.
Referred to Committee on State and Local Government.

SB 5137 by Senators Fairley, McAuliffe, Kohl-Welles, Kastama, Rasmussen, Haugen, Gardner, Patterson, Kline, Shin, Regala, Costa and Winsley

AN ACT Relating to a low-income home ownership loan program; and adding new sections to chapter 43.185A RCW.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5138 by Senators Morton, Hochstatter, Benton, Oke, Stevens, McCaslin, Honeyford, Swecker, Sheahan, Johnson, Zarelli, Hale and Rossi

AN ACT Relating to vehicles exempt from stopping at weighing stations; and amending RCW 46.44.105.
Referred to Committee on Transportation.

SB 5139 by Senators Morton, Haugen, Parlette, Hewitt, Rasmussen, Hochstatter, Oke, McCaslin, Swecker, Stevens, Honeyford, Benton, Roach, Johnson and Sheahan

AN ACT Relating to excess weight permits for trucks hauling certain bulk agricultural commodities; and amending RCW 46.44.0941.
Referred to Committee on Transportation.

SB 5140 by Senators Morton, McAuliffe, Rasmussen, Stevens, Horn, T. Sheldon, Finkbeiner, McDonald, Hochstatter, Johnson, Swecker, Zarelli, Honeyford and McCaslin

AN ACT Relating to superintendents' employment contracts; and amending RCW 28A.400.010.
Referred to Committee on Education.

SB 5141 by Senators Hale, Patterson, Costa, McCaslin, Haugen, Sheahan, Finkbeiner, Carlson, Hochstatter, Oke, Winsley and Rasmussen

AN ACT Relating to nonpartisan sheriffs; amending RCW 29.18.010, 29.21.010, 29.21.015, 29.21.070, and 29.30.025; and adding a new section to chapter 36.28 RCW.
Referred to Committee on State and Local Government.

SB 5142 by Senators Winsley, Long, Fraser, Franklin, Honeyford, Carlson and Kohl-Welles (by request of Joint Committee on Pension Policy)

AN ACT Relating to continuing law enforcement officers' and fire fighters' plan 1 split benefit payments to ex spouses of members pursuant to preretirement divorce orders made after July 1, 2002; and amending RCW 41.26.162, 41.50.670, and 41.50.700.
Referred to Committee on Ways and Means.

SB 5143 by Senators Long, Honeyford, Carlson, Franklin, Winsley, Fraser and Haugen (by request of Joint Committee on Pension Policy)

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

SB 5144 by Senators Winsley, Long, Honeyford, Franklin, Carlson, Fraser and Rasmussen (by request of Joint Committee on Pension Policy)

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

SB 5145 by Senators Long, Franklin, Carlson, Winsley, Honeyford and Fraser (by request of Joint Committee on Pension Policy)

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

SB 5146 by Senators Franklin, Winsley, Honeyford, Carlson, Long, Fraser, Kohl-Welles, Rasmussen and Haugen (by request of Joint Committee on Pension Policy)

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

SB 5147 by Senators Winsley, Carlson, Long, Franklin, Honeyford and Fraser (by request of Joint Committee on Pension Policy)

AN ACT Relating to correcting statutes pertaining to the public employees' and school employees' retirement systems; amending RCW 41.34.060, 41.35.010, and 41.04.270; reenacting and amending RCW 41.45.061; decodifying RCW 41.54.050; and providing an effective date.
Referred to Committee on Ways and Means.

SB 5148 by Senators Franklin, Long, Carlson, Winsley, Honeyford, Fraser, McAuliffe, Kohl-Welles, Rasmussen and Haugen (by request of Joint Committee on Pension Policy)

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

SB 5149 by Senators Franklin, Winsley, Carlson, Long, Honeyford, Fraser, Kohl-Welles and Haugen (by request of Joint Committee on Pension Policy)

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

SB 5150 by Senators Carlson, Winsley, Long, Franklin, Honeyford, Fraser, Kohl-Welles, Rasmussen and Haugen (by request of Joint Committee on Pension Policy)

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

SB 5151 by Senators Carlson, Winsley, Honeyford, Franklin, Long, Fraser, McAuliffe, Kohl-Welles, Rasmussen, Haugen and Parlette (by request of Joint Committee on Pension Policy)

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

SB 5152 by Senators Fraser, Carlson, Franklin, Long, Honeyford and Jacobsen (by request of Joint Committee on Pension Policy)

AN ACT Relating to the composition and responsibilities of the employee retirement benefits board; amending RCW 41.50.086 and 41.34.130; and reenacting and amending RCW 41.50.780.
Referred to Committee on Ways and Means.

SB 5153 by Senators Jacobsen, Winsley, Carlson, Honeyford, Long, Fraser, Kohl-Welles, Rasmussen, Haugen and Parlette (by request of Joint Committee on Pension Policy)

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

SB 5154 by Senators Kline, McCaslin, Roach, Constantine, Kohl-Welles and Winsley

AN ACT Relating to the civil rights act of 2001; and adding a new chapter to Title 7 RCW.
Referred to Committee on Judiciary.

SB 5155 by Senators West, Prentice, Gardner, Winsley, Rasmussen and Kohl-Welles (by request of Horse Racing Commission)

AN ACT Relating to the live horse racing compact; and adding a new chapter to Title 67 RCW.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5156 by Senators Hale and Hewitt (by request of Administrator for the Courts)

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

SB 5157 by Senators Zarelli, Hale, Carlson, Honeyford, Parlette, Benton, Long, Stevens, Hochstatter, Winsley, Swecker, Oke, Johnson, Hewitt, Sheahan and Kohl-Welles

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

SB 5158 by Senators Morton, Oke and Roach

AN ACT Relating to hunting with a crossbow by disabled hunters; and adding a new section to chapter 77.32 RCW.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5159 by Senators Winsley, Gardner, Kohl-Welles, Horn, Prentice and Carlson

AN ACT Relating to investments of surplus funds by four-year institutions of higher education; and amending RCW 43.250.010, 43.250.020, and 43.250.040.
Referred to Committee on Higher Education.

SB 5160 by Senators Benton, Roach and Swecker

AN ACT Relating to eliminating the state property tax; amending RCW 84.52.065, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, 84.52.010, and 84.69.020; and creating a new section.
Referred to Committee on Ways and Means.

SB 5161 by Senators Benton, Hochstatter and Stevens

AN ACT Relating to limiting property taxes; and adding new sections to chapter 84.36 RCW.

Referred to Committee on Ways and Means.

SB 5162 by Senators Benton, Finkbeiner, Johnson, Oke, Hale, Parlette, West, Rossi and Long

AN ACT Relating to safety rest areas; and adding a new section to chapter 47.38 RCW.
Referred to Committee on Transportation.

SB 5163 by Senators Benton, Johnson, Finkbeiner, Hale and West

AN ACT Relating to the ten-mile restriction on ferry crossings; and amending RCW 47.60.120 and 81.84.020.
Referred to Committee on Transportation.

SB 5164 by Senators Benton, Roach, Finkbeiner, Johnson, Stevens, Rossi, Hochstatter and Winsley

AN ACT Relating to appointment of the secretary of transportation; and amending RCW 43.17.020 and 47.01.041.
Referred to Committee on Transportation.

SB 5165 by Senator Benton

AN ACT Relating to property taxes; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.40 RCW; and creating new sections.
Referred to Committee on Ways and Means.

SB 5166 by Senators Kohl-Welles, Carlson, Horn, Shin, Jacobsen and McAuliffe

AN ACT Relating to branches of member institutions of accrediting associations recognized by rule of the higher education coordinating board; and amending RCW 28B.10.802 and 28B.12.030.
Referred to Committee on Higher Education.

SB 5167 by Senators Fraser, Morton, Patterson, Hale, Regala, Prentice, T. Sheldon, Eide, Thibaudeau, Franklin, Spanel and Jacobsen

AN ACT Relating to the state energy strategy; amending RCW 43.21F.090 and 43.21F.025; adding a new section to chapter 43.21F RCW; creating a new section; providing an effective date; and declaring an emergency.
Referred to Committee on Environment, Energy and Water.

SB 5168 by Senators Shin, Sheahan, Franklin, Rasmussen, Costa, Horn, Prentice, Brown, Morton, Fairley, Constantine, McCaslin, McAuliffe and Kohl-Welles

AN ACT Relating to technology fees; and amending RCW 28B.15.051.
Referred to Committee on Higher Education.

SB 5169 by Senators Jacobsen, Finkbeiner and Eide

AN ACT Relating to tax incentives to encourage telework; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating a new section; and providing an effective date.
Referred to Committee on Transportation.

SB 5170 by Senators Jacobsen, Finkbeiner, Eide and Kohl-Welles

AN ACT Relating to commute trip reduction; and creating new sections.
Referred to Committee on Transportation.

SB 5171 by Senators Jacobsen and Finkbeiner

AN ACT Relating to creation of a telework enhancement funding board; and adding a new chapter to Title 47 RCW.
Referred to Committee on Transportation.

SB 5172 by Senators Prentice, Honeyford, Costa, Winsley, Hewitt and Kohl-Welles

AN ACT Relating to rental payments to landlords from public assistance; and adding a new section to chapter 74.04 RCW.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5173 by Senators Gardner, Patterson and Costa

AN ACT Relating to an inspection scoring system for food service establishments; and amending RCW 43.20.050.
Referred to Committee on Health and Long-Term Care.

SB 5174 by Senators Finkbeiner, Roach, Rossi, Kline, Hewitt, Snyder, Jacobsen, Oke, McAuliffe, Winsley, Stevens, Shin, Eide, Carlson, Honeyford and Hale

AN ACT Relating to commercial telephone solicitation; amending RCW 19.158.110; adding a new section to chapter 19.158 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Economic Development and Telecommunications.

SJM 8003 by Senators Benton, Johnson, Hale, Finkbeiner and West

Asking Congress to require the secretary of transportation to waive repayment of federal-aid highway funds used to build high occupancy vehicle lanes.

Referred to Committee on Transportation.

SJM 8004 by Senators Spanel, Swecker, Patterson, Hargrove, Costa, Eide, Fraser, Thibaudeau, Franklin, Regala, Gardner, Prentice, Kline, Kohl-Welles and Haugen

Petitioning Congress to appropriate support for an oil spill prevention tugboat in the Strait of Juan de Fuca.

Referred to Committee on Environment, Energy and Water.

SJM 8005 by Senators Fraser, Swecker, Spanel, Patterson, Thibaudeau, Hargrove, Gardner, Costa, Prentice, Eide, Franklin, Regala, Jacobsen, Kline and Kohl-Welles

Petitioning Congress to strengthen vessel safety standards.

Referred to Committee on Environment, Energy and Water.

SJR 8204 by Senators Benton and Roach

Amending the Constitution to require voter approval on taxes.

Referred to Committee on Ways and Means.

SJR 8205 by Senator Benton

Amending the Constitution to modify property valuation.

Referred to Committee on Ways and Means.

SCR 8405 by Senators Jacobsen, Kline and Thibaudeau

Creating the position of state poet laureate.

Referred to Committee on State and Local Government.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5108, which was held on the desk January 11, 2001, was referred to the Committee on Agriculture and International Trade.

PERSONAL PRIVILEGE

Senator Prentice: "I rise to a point of personal privilege, Madam President. I would like to announce that my granddaughter in Arizona who is in the fifth grade and ten years old just won in competition for the geography bee and she will be moving on to state. She also told me that she beat three eighth grade guys. When I congratulated her, she told me 'girls rule.' Thank you very much."

PERSONAL PRIVILEGE

Senator Thibaudeau: "Thank you, Madam President, a point of personal privilege. We called yesterday about Mrs. Deccio who had surgery. I just wanted the body to know that Mrs. Deccio is doing well and will be out of the hospital in two or three days. Senator Deccio will be back here in a week or two. Thank you."

MOTION

At 10:16 a.m. on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:13 a.m. by President Pro Tempore Franklin.

MOTION

Senator Snyder moved that the following resolution be adopted:

SENATE RESOLUTION 2001 - 8601

By Senators Snyder and Spanel

BE IT RESOLVED, That the Rules of the Senate for the 1999 Regular Session of the 56th Legislature be adopted, as amended, as the Rules for the 2001 Regular Session of the 57th Legislature, to read as follows:

PERMANENT RULES OF THE SENATE FIFTY-~~(SIXTH)~~ SEVENTH LEGISLATURE ~~((1999))~~ 2001

SECTION I - OFFICERS-MEMBERS-EMPLOYEES

- Rule 1 Duties of the President
- Rule 2 President Pro Tempore
- Rule 3 Secretary of the Senate
- Rule 4 Sergeant at Arms
- Rule 5 Subordinate Officers
- Rule 6 Employees
- Rule 7 Conduct of Members and Officers

SECTION II - OPERATIONS AND MANAGEMENT

- Rule 8 Payment of Expenses - Facilities and Operations
- Rule 9 Use of Senate Chambers
- Rule 10 Admission to the Senate
- Rule 11 Printing of Bills
- Rule 12 Furnishing Full File of Bills
- Rule 13 Regulation of Lobbyists

Rule 14 Security Management

SECTION III - RULES AND ORDER

Rule 15 Time of Convening

Rule 16 Quorum

Rule 17 Order of Business

Rule 18 Special Order

Rule 19 Unfinished Business

Rule 20 Motions and Senate Floor Resolutions (How Presented)

Rule 21 Precedence of Motions

Rule 22 Voting

Rule 23 Announcement of Vote

Rule 24 Call of the Senate

Rule 25 One Subject in a Bill

Rule 26 No Amendment by Mere Reference to Title of Act

Rule 27 Reading of Papers

Rule 28 Comparing Enrolled and Engrossed Bills

SECTION IV - PARLIAMENTARY PROCEDURE

Rule 29 Rules of Debate

Rule 30 Recognition by the President

Rule 31 Call for Division of a Question

Rule 32 Point of Order - Decision Appealable

Rule 33 Question of Privilege

Rule 34 Protests

Rule 35 Suspension of Rules

Rule 36 Previous Question

Rule 37 Reconsideration

Rule 38 Motion to adjourn

Rule 39 Yeas and Nays - When Must be Taken

Rule 40 Reed's Parliamentary Rules

SECTION V - COMMITTEES

Rule 41 Committees - Appointment and Confirmation

Rule 42 Subcommittees

Rule 43 Subpoena Power

Rule 44 Duties of Committees

Rule 45 Committee Rules

Rule 46 Committee Meetings During Sessions

Rule 47 Reading of Reports

Rule 48 Recalling Bills from Committees

Rule 49 Bills Referred to Rules Committee

Rule 50 Rules Committee

Rule 51 Employment Committee

Rule 52 Committee of the Whole

Rule 53 Appropriation Budget Bills

SECTION VI - BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS

Rule 54 Definitions

Rule 55 Prefiling

Rule 56 Introduction of Bills

Rule 57 Amendatory Bills

Rule 58 Joint Resolutions and Memorials

Rule 59 Senate Concurrent Resolutions

Rule 60 Committee Bills

Rule 61 Committee Reference

Rule 62 Reading of Bills

Rule 63 First Reading

Rule 64 Second Reading/Amendments

Rule 65 Third Reading

Rule 66 Scope and Object of Bill Not to be Changed

Rule 67 Matter Related to Disagreement Between the Senate and House

Rule 68 Bills Committed for Special Amendment

Rule 69 Confirmation of Gubernatorial Appointees

SECTION I

OFFICERS-MEMBERS-EMPLOYEES

Duties of the President

Rule 1. 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. (See also Art. 3, Sec. 16, State Constitution.)

2. The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, legislative area, legislative offices or buildings, and legislative hearing and meeting rooms, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber.

3. The president shall have charge of and see that all officers and employees perform their respective duties, and shall have general control of the senate chamber and wings. (See also Art. 2, Sec. 10, State Constitution.)

4. The president may speak to points of order in preference to members, arising from the president's seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate.

5. The president shall, in open session, sign all acts, addresses and joint resolutions. The president shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. (See also Art. 2, Sec. 32, State Constitution.)

6. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate. In the event the senate refuses to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

7. The president shall, on each day, announce to the senate the business in order, and no business shall be taken up or considered until the order to which it belongs shall be declared.

8. The president shall decide and announce the result of any vote taken.

9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 10 and 22, State Constitution.)

President Pro Tempore

Rule 2. 1. Upon the organization of the senate the members shall elect one of their number as president pro tempore who shall have all the powers and authority and who shall discharge all the duties of lieutenant governor acting as president during the lieutenant governor's absence. The senate shall also elect a vice-president pro tempore who will serve in the absence of the lieutenant governor and the president pro tempore. (See Art. 2, Sec. 10, State Constitution.)

2. In the absence of the president pro tempore, and vice president pro tempore, or with their consent, the president shall have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

Secretary of the Senate

Rule 3. 1. The senate shall elect a secretary, who shall appoint a deputy secretary, both of whom shall be officers of the senate and shall perform the usual duties pertaining to their offices, and they shall hold office until their successors have been elected or appointed.

2. The secretary is the Personnel Officer of the senate and shall appoint, subject to the approval of the senate, all other senate employees and the hours of duty and assignments of all senate employees shall be under the secretary's directions and instructions and they may be dismissed at the secretary's discretion.

3. The secretary of the senate, prior to the convening of the next regular session, shall prepare his office to receive bills which the holdover members and members-elect may desire to prefile commencing with the first Monday in December preceding any regular session or twenty days prior to any special session of the legislature.

Sergeant at Arms

Rule 4. 1. The senate shall elect a sergeant at arms who shall perform the usual duties pertaining to that office, and shall hold office until a successor has been elected.

2. The sergeant at arms shall not admit to the floor of the senate during the time the senate is not convened any person other than specifically requested by a senator, the president, or the secretary of the senate, in writing or when personally accompanied by a senator.

Subordinate Officers

Rule 5. The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under no circumstances shall the compensation of any employee be increased for past services. (See also Art. 2, Sec. 25, State Constitution.)

Employees

Rule 6. 1. No senate employee shall lobby in favor of or against any matter under consideration.

2. Senate employees are governed by joint rules and chapters 42.17 (the Public Disclosure Act) and 42.52 RCW (the Ethics in Public Service Act).

Conduct of Members and Officers

Rule 7. 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time.

2. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

3. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume the senator's seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that the senator be allowed to proceed in order," when, if carried, the senator shall speak to the question under consideration.

4. No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent the senator's per diem shall not be allowed or paid, and no senator or officer shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

5. In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such motion or resolution. An election or vote by the senate on a motion to censure or punish a senator shall require the vote of a majority of all senators elected or appointed to the senate. A vote to expel a member shall require a two-thirds concurrence of all members elected or appointed to the senate. All votes shall be taken by yeas and nays and the votes shall be entered upon the journal. (See also Art. 2, Sec. 9, State Constitution.)

SECTION II OPERATIONS AND MANAGEMENT Payment of Expenses - Facilities and Operations

Rule 8. 1. After the reorganization caucuses of the Senate, the majority caucus shall designate four members and the minority caucus shall designate three members to serve on the Facilities and Operations Committee. The chair of the majority caucus shall be the chair of the Facilities and Operations Committee. The operation of the Senate shall transfer to the newly designated members after the reorganization caucuses of the Senate.

2. All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations. The committee on facilities and operations shall carefully consider all items of expenditure ordered or contracted on the part of the senate, and report upon the same prior to the voucher being signed by the secretary of the senate authorizing the payment thereof. The committee on facilities and operations shall issue postage only as follows:

a) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.

b) To the secretary of the senate in an amount sufficient to carry out the business of the senate.

Use of Senate Chambers

Rule 9. The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate while in session, or by the facilities and operations committee when not in session.

Admission to the Senate

Rule 10. The sergeant at arms shall admit only the following individuals to the floor and adjacent areas of the senate for the period of time beginning one-half hour before convening and ending when the senate has adjourned or recessed for an hour or more:

The governor and/or designees,
Members of the house of representatives,
State elected officials,
Officers and authorized employees of the legislature,
Honored guests being presented to the senate,
Former members of the senate who are not registered lobbyists pursuant to chapter 42.17 RCW,
Representatives of the press,
Persons specifically requested by a senator to the president in writing or only as long as accompanied by a senator.

Printing of Bills

Rule 11. The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

Furnishing Full File of Bills

Rule 12. Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate. The bill clerk shall send copies of all printed senate bills to such persons, firms, corporations and organizations as may be ordered by the secretary of the senate. The secretary of the senate is authorized to recoup costs.

Regulation of Lobbyists

Rule 13. All persons who engage in lobbying of any kind as defined in chapter 42.17 RCW shall be subject to the rules of the senate and legislature when lobbying before the senate. Any person who fails to conform to the senate or joint rules may have their privilege to lobby and all other privileges revoked upon a majority vote of the committee on rules for such time as is deemed appropriate by the committee.

Any person registered as a lobbyist pursuant to chapter 42.17 RCW who intervenes in or attempts to influence any personnel decision of the senate regarding any employee may suffer an immediate revocation of all privileges before the senate or such other privileges and for such time as may be deemed appropriate by the senate committee on rules. This restriction shall not prohibit a registered lobbyist from making written recommendations for staff positions.

Security Management

Rule 14. The sergeant at arms may develop methods to protect the Senate, including its members, staff, and the visiting public, by establishing procedures to curtail the use or possession of any weapon in a manner that is prohibited by law or by the rules of the Department of General Administration.

SECTION III RULES AND ORDER Time of Convening

Rule 15. The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.

Quorum

Rule 16. A majority of all members elected or appointed to the senate shall be necessary to constitute a quorum to do business. Less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

Order of Business

Rule 17. After the roll is called and journal read and approved, business shall be disposed of in the following order:

- FIRST. Reports of standing committees.
- SECOND. Reports of select committees.

THIRD. Messages from the governor and other state officers.
FOURTH. Messages from the house of representatives.
FIFTH. Introduction, first reading and reference of bills, joint memorials, joint resolutions and concurrent resolutions.
SIXTH. Second reading of bills.
SEVENTH. Third reading of bills.
EIGHTH. Presentation of petitions, memorials and floor resolutions.
NINTH. Presentation of motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present.

All questions relating to the priority of business shall be decided without debate.

Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

Special Order

Rule 18. The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote of the members present, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business, except that if a cutoff established by concurrent resolution occurs during the special order, the senate may complete the ~~((order of business))~~ measure that was before the senate when consideration of the special order was commenced.

Unfinished Business

Rule 19. The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

Motion and Senate Floor Resolutions (How Presented)

Rule 20. 1. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

2. Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration.

Precedence of Motions

Rule 21. When a motion has been made and stated by the chair the following motions are in order, in the rank named:

PRIVILEGED MOTIONS

Adjourn or recess
Reconsider
Demand for call of the senate
Demand for roll call
Demand for division
Question of privilege
Orders of the day

INCIDENTAL MOTIONS

Points of order and appeal
Method of consideration
Suspend the rules

Reading papers
Withdraw a motion
Division of a question

SUBSIDIARY MOTIONS

1st Rank: To lay on the table
2nd Rank: For the previous question
3rd Rank: To postpone to a day certain
 To commit or recommit
 To postpone indefinitely
4th Rank: To amend

No motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session.

A motion to lay an amendment on the table shall not carry the main question with it unless so specified in the motion to table.

At no time shall the senate entertain a Question of Consideration.

Voting

Rule 22. 1. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he or she is in any way personally or directly interested, nor be allowed to explain a vote or discuss the question while the yeas and nays are being called, nor change a vote after the result has been announced. (See also Art. 2, Secs. 27 and 30, State Constitution.)

2. A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

3. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Rule 24.)

4. A senator having been absent during roll call may ask to have his or her name called. Such a request must be made before the result of the roll call has been announced by the president.

5. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Secs. 10 and 22, State Constitution.)

6. The order of the names on the roll call shall be alphabetical by last name.

7. All votes in a committee shall be recorded, and the record shall be preserved as prescribed by the secretary of the senate. One-sixth of the committee may demand an oral roll call.

Announcement of Vote

Rule 23. The announcement of all votes shall be made by the president.

Call of the Senate

Rule 24. Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors shall then be locked and the sergeant at arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

One Subject in a Bill

Rule 25. No bill shall embrace more than one subject and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)

No Amendment by Mere Reference to Title of Act

Rule 26. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. (See also Art. 2, Sec. 37, State Constitution.)

Reading of Papers

Rule 27. When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate.

Any and all copies of reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution. This shall not apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.

Comparing Enrolled and Engrossed Bills

Rule 28. Any senator shall have the right to compare an enrolled bill with the engrossed bill and may note any objections in the Journal.

SECTION IV PARLIAMENTARY PROCEDURE Rules of Debate

Rule 29. When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully address the President, and when recognized shall, in a courteous manner, speak to the question under debate, avoiding personalities; provided that a senator may refer to another member using the title "Senator" and the surname of the other member. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been sustained, a member shall not be denied the right to speak at least once on each question, nor shall a member be limited to less than three minutes on each question. In any event, the senator who presents the motion may open and close debate on the question.

Recognition by the President

Rule 30. When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

Call for Division of a Question

Rule 31. Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

Point of Order - Decision Appealable

Rule 32. Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be: "Shall the decision of the chair stand as the judgment of the senate?"

Question of Privilege

Rule 33. Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries. The president upon notice received may acknowledge the presence of any distinguished person or persons.

A question of privilege shall involve only subject matter which affects the particular senator personally and in a manner unique and peculiar to that senator.

Protests

Rule 34. Any senator or senators may protest against the action of the senate upon any question. Such protest may be entered upon the journal if it does not exceed 200 words. The senator protesting shall file the protest with the secretary of the senate within 48 hours following the action protested.

Adoption and Suspension of Rules

Rule 35. 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be rescinded or changed without a majority vote of the members, and one day's notice of the motion.

2. A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein. When the suspension of a rule is called, and after due notice from the president no objection is offered, the president may announce the rule suspended, and the senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

Previous Question

Rule 36. The previous question shall not be put unless demanded by three senators, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, except the senator who presents the motion may open and close debate on the question and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

Reconsideration

Rule 37. 1. After the final vote on any measure, before the adjournment of that day's session, any member who voted with the prevailing side may give notice of reconsideration unless a motion to immediately transmit the measure to the house has been decided in the affirmative and the measure is no longer in possession of the senate. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

2. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the tenth day prior to adjournment sine die of any session, as determined pursuant to Article 2, Section 12, or concurrent resolution, or in the event that the measure is subject to a senate rule or resolution or a joint rule or concurrent resolution, which would preclude consideration on the next day of sitting a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

Motion to Adjourn

Rule 38. Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

Yeas and Nays - When Must be Taken

Rule 39. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rules 22 and 24.)

Reed's Parliamentary Rules

Rule 40. The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

SECTION V COMMITTEES Committees - Appointment and Confirmation

Rule 41. The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

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

1. Agriculture and ~~((Rural Economic Development))~~ International Trade ~~((9))~~ 7
2. ~~((Commerce, Trade, Housing and Financial Institutions))~~
Economic Development and Telecommunications ~~((44))~~ 9
3. Education 13
~~((4. Energy, Technology, and Telecommunications - 7))~~
- ~~((5))~~ 4. Environment ~~((al Quality))~~ Energy and Water ~~((Resources))~~ ~~((7))~~ 9
- ~~((6))~~ 5. Health and Long-Term Care 7
- ~~((7))~~ 6. Higher Education ~~((44))~~ 9
- ~~((8))~~ 7. Human Services and Corrections 9
- ~~((9))~~ 8. Judiciary ~~((42))~~ 11
- ~~((10))~~ 9. Labor ~~((and Workforce Development))~~ Commerce and Financial Institutions ~~((6))~~ 13
- ~~((44))~~ 10. Natural Resources, Parks and ~~((Recreation))~~ Shorelines. 9
- ~~((42))~~ 11. Rules 16
- ~~((43))~~ 12. State and Local Government ~~((7))~~ 11
- ~~((44))~~ 13. Transportation ~~((20))~~ 17
- ~~((45))~~ 14. Ways and Means 21

Subcommittees

Rule 42. Committee chairs may create subcommittees of the standing committee and designate subcommittee chairs thereof to study subjects within the jurisdiction of the standing committee. The committee chair shall approve the use of committee staff and equipment assigned to the subcommittee. Subcommittee activities shall further be subject to facilities and operations committee approval to the same extent as are the actions of the standing committee from which they derive their authority.

Subpoena Power

Rule 43. Any of the above referenced committees, including subcommittees thereof, or any special committees created by the senate, may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. The committee chair shall file with the committee on rules, prior to issuance of any process, a statement of purpose setting forth the name or names of those subject to process. The rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to consideration by the rules committee. The process shall be limited to the named individuals and the committee on rules may overrule the service on an individual so named.

Duties of Committees

Rule 44. The several committees shall fully consider measures referred to them.

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state: PROVIDED, That no executive action on bills may be taken during an interim.

Committee Rules

Rule 45. 1. At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing. By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

2. No committee may hold a public hearing during a regular or extraordinary session on a proposal identified as a draft unless the draft has been made available to the public at least twenty-four hours prior to the hearing. This rule does not apply during the five days prior to any cutoff established by concurrent resolution nor does it apply to any measure exempted from the resolution.

3. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of the senate shall be open to the public. In case of any disturbance or disorderly conduct at any such deliberations, the chair shall order the sergeant at arms to suppress the same and may order the meeting closed to any person or persons creating such disturbance.

4. A majority of any committee shall constitute a quorum. Committees shall be considered to have a quorum present unless the question is raised. No committee shall transact official business absent a quorum except to conduct a hearing.

5. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall carry one, or more as appropriate, of the following recommendations, shall be adopted at a regularly or specially called meeting during a legislative session and shall be signed by a majority of the committee:

- a. Do pass.
- b. Do pass as amended.
- c. That a substitute bill be substituted therefor, and the substitute bill do pass.
- d. That the bill be referred to another committee.
- e. Without recommendation.

6. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 3 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

7. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's notice of said motion is provided to all committee members.

8. Members of the committee not concurring in the majority report may prepare a written minority report containing a different recommendation which shall be signed by those members of the committee subscribing thereto.

9. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed.

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

10. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

11. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session.

Committee Meetings During Sessions

Rule 46. No committee shall sit during the daily session of the senate unless by special leave. No committee shall sit during any scheduled caucus.

Reading of Reports

Rule 47. The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be dispensed with by the senate, and all committee reports shall be spread upon the journal.

Recalling Bills from Committees

Rule 48. Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected or appointed. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

Bills Referred to Rules Committee

Rule 49. All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Rules 63 and 64.)

Rules Committee

Rule 50. The lieutenant governor shall be a voting member and the chair of the committee on rules. The committee on rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the committee on rules shall have the authority to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

The senate may change the order of consideration of bills on the second or third reading calendar.

The calendar, except in emergent situations, as determined by the committee on rules, shall be on the desks and in the offices of the senators each day and shall cover the bills for consideration on the next following day.

Employment Committee

Rule 51. The employment committee for committee staff shall consist of five members, three from the majority party and two from the minority party. The chair shall be appointed by the majority leader. The committee shall, in addition to its other duties, appoint a staff director for committee services with the concurrence of four of its members. All other decisions shall be determined by majority vote. The committee shall operate within staffing, budget levels and guidelines as authorized and adopted by the facilities and operations committee.

Committee of the Whole

Rule 52. At no time shall the senate sit as a committee of the whole.

The senate may at any time, by the vote of the majority of the members present, sit as a body for the purpose of taking testimony on any measure before the senate.

Appropriation Budget Bills

Rule 53. No amendment to the budget, capital budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected or appointed.

SECTION VI BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS

Definitions

Rule 54. "Measure" means a bill, joint memorial, joint resolution, or concurrent resolution.
"Bill" when used alone means bill, joint memorial, joint resolution, or concurrent resolution.
"Majority" shall mean a majority of those members present unless otherwise stated.

Prefiling

Rule 55. Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any special session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day. No bill, joint memorial or joint resolution shall be prefiled by title and/or preamble only. (See also Rule 3, Sub. 3.)

Introduction of Bills

Rule 56. All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced.

After the expiration of deadlines for bill introductions provided for by resolution, no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session. The time limitation

for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)

Amendatory Bills

Rule 57. Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated "NEW SECTION" in upper case type and such designation shall be underlined. New enactments need not be underlined.

Joint Resolutions and Memorials

Rule 58. Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

Senate Concurrent Resolutions

Rule 59. Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rule 62.

Committee Bills

Rule 60. Committee bills introduced by a standing committee during a legislative session may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

Committee Reference

Rule 61. When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order:

FIRST: A standing committee.

SECOND: A select committee.

Reading of Bills

Rule 62. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, this rule may be suspended by a majority vote. (See also Rule 59).

First Reading

Rule 63. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading, bills shall be referred to an appropriate committee pursuant to Rule 61.

Upon being reported back by committee, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate. (See Rule 49.)

A bill shall be reported back by the committee chair upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Rule 45, Sub. 4.

No committee chair shall exercise a pocket veto of any bill.

Should there be a two-thirds majority report of the committee membership against the bill, a vote shall be immediately ordered for the indefinite postponement of the bill.

Second Reading/Amendments

Rule 64. Upon second reading, the bill shall be read section by section, in full, and be subject to amendment.

Any member may, if sustained by three members, remove a bill from the consent calendar as constituted by the committee on rules. A bill removed from the consent calendar shall take its place as the last bill in the order of consideration of bills on the second reading calendar.

No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary.

All amendments adopted on the second reading shall then be securely fastened to the original bill.

All amendments rejected by the senate shall be spread upon the journal, and the journal shall show the disposition of all amendments.

When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading.

Third Reading

Rule 65. Bills on third reading shall be read in full by sections, and no amendment shall be entertained.

When a bill shall pass, it shall be certified to by the secretary, together with the vote upon final passage, noting the day of its passage thereon.

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate.

Scope and Object of Bill Not to be Changed

Rule 66. No amendment to any bill shall be allowed which shall change the scope and object of the bill. (See also Art. 2, Sec. 38, State Constitution.) Substitute bills shall be considered amendments for the purposes of this rule. A point of order raising the question of scope and object may be raised at any time during consideration of an amendment prior to voting on the amendment.

Matters Related to Disagreement Between the Senate and House

Rule 67. When there is a disagreement between the senate and house on a measure before the senate, the senate may act upon the measure with the following motions which have priority in the following order:

To concur

To non-concur

To recede

To insist

To adhere

These motions are in order as to any single amendment or to a series of amendments. (See Reed's Rules 247 through 254.)

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to an appropriate committee and shall take the same course as for original bills, unless a motion to ask the house to recede, to insist or to adhere is made prior to the measure being referred to committee.

Bills Committed for Special Amendment

Rule 68. A bill may be committed with or without special instructions to amend at any time before taking the final vote.

Confirmation of Gubernatorial Appointees

Rule 69. When the names of appointees to state offices are transmitted to the Secretary of the Senate for senate confirmation, the communication from the governor shall be recorded and referred to the appropriate standing committee.

The standing committee, or subcommittee, pursuant to rule 42, shall require each appointee referred to the committee for consideration to complete the standard questionnaire to be used to ascertain the appointee's general

background and qualifications. The committee may also require the appointee to complete a supplemental questionnaire related specifically to the qualifications for the position to which he has been appointed.

Any hearing on a gubernatorial appointment, held by the standing committee, or subcommittees, pursuant to rule 42, shall be a public hearing. The appointee may be required to appear before the committee on request. When appearing, the appointee shall be required to testify under oath or affirmation. The chair of the committee or the presiding member shall administer the oath or affirmation in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

Nothing in this rule shall be construed to prevent a standing committee, or subcommittee, pursuant to rule 42, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. In the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the members elected or appointed. (Article 13 of the State Constitution.)

MOTION

Senator West moved that the following amendments be considered simultaneously and be adopted:

On page 20, line 31, strike "16" and insert "17"

On page 21, line 1, strike "17" and insert "19"

On page 21, line 2, strike "21" and insert "23"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator West on page 20, line 31; page 21, line 1; and page 21, line 2; to Senate Resolution 2001-8601.

The motion by Senator West failed and the amendments were not adopted.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Snyder to adopt Senate Resolution 2001-8601.

The motion by Senator Snyder carried and Senate Resolution 2001-8601 was adopted.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8401, by Senators Snyder, West, Spanel, Hale and B. Sheldon

Adopting Joint Rules

The concurrent resolution was read the second time.

BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That the following be adopted as the Joint Rules of the Fifty-Seventh Legislature:

JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES FIFTY-SEVENTH LEGISLATURE 2001

JOINT RULE NO.

Rule 1 Ethics.

Rule 2 Prohibited political activity.

Rule 3 Employee protection.

Rule 4 Legislative questionnaires.

Rule 5 Sessions of the legislature.

- Rule 6** Joint session.
Rule 7 Motions for joint session.
Rule 8 Business limited.
Rule 9 Joint legislative committees.
Rule 10 Joint committee hearings.
Rule 11 Joint and concurrent resolutions: Memorials.
Rule 12 Amendatory bills.
Rule 13 Bills, how drawn.
Rule 14 Amendments to state Constitution: Action by legislature.
Rule 15 Publicity of proposed amendments to state Constitution.
Rule 16 Initiative petition before the legislature.
Rule 17 Conference committee.
Rule 18 Failure to agree.
Rule 19 Report of conference committee, how made out; whom returned to.
Rule 20 Adoption of reports.
Rule 21 Messages between the two houses.
Rule 22 Bills to be engrossed.
Rule 23 Final action on bills, how communicated.
Rule 24 Enrolled bills--Presiding officer to sign.
Rule 25 Disposition of enrolled bills
Rule 26 Adjournment.
Rule 27 Adjournment sine die.
Rule 28 Each house judge of its own membership.
Rule 29 Convening special legislative sessions.
Rule 30 Amendments to joint rules.
Rule 31 Joint rules to apply for biennium.

Ethics

Rule 1. Legislators and legislative employees are subject to the provisions of the Ethics in Public Service Act, chapter 42.52 RCW. The house of representatives and senate may impose disciplinary action for violations of the act. Disciplinary actions for violation include: In the case of a legislator, reprimand, censure, or expulsion, and when applicable, restitution; and in the case of a legislative employee, reprimand, suspension, or dismissal, and when applicable, restitution.

Prohibited Political Activity

Rule 2. (1) A legislator shall not knowingly solicit, directly or indirectly, a political contribution from a legislative employee.

(2) A legislative employee shall not knowingly solicit or accept contributions for any candidate or political committee during working hours. At no time shall a legislative employee directly or indirectly solicit a contribution from another legislative employee for any legislative candidate, caucus political committee, or leadership political committee, nor coerce another employee into making a contribution to any candidate or political committee. No legislative employee, as a condition of becoming or remaining employed, may directly or indirectly be required to make any contribution to a political candidate, committee, or party.

Employee Protection

Rule 3. No retaliation shall be permitted against any legislative employee for reporting in good faith the violation of any policy or law.

Legislative Questionnaires

Rule 4. (1) The use of public funds by a legislator for questionnaires distributed by regular mail or electronic means is authorized only if the following criteria are met:

- (a) The questionnaire is limited to soliciting opinions or facts relating to legislative issues or studies;
- (b) The questionnaire is specifically authorized by the legislator and the identity of the legislator sponsoring the questionnaire is disclosed on the questionnaire; and
- (c) The questionnaire complies with all other pertinent statutes, rules, and policies, including the restrictions in subsection (2) of this rule on when questionnaires can be mailed.

(2)(a) During the twelve-month period beginning on December 1st of the year before a general election for a legislator's election to office and continuing through November 30th immediately after, mass mailing by regular or electronic means of a questionnaire is allowed only if it is included in the identical newsletter to constituents permitted at the beginning of a legislative session under RCW 42.52.185.

(b) In any year in which a legislator is a candidate for another public office, no questionnaire may be sponsored by or authorized on behalf of such legislator during the period between June 1st and the general election

of that year, or in the event of a special election, during the period between sixty days before the election or the date of the legislator's filing for the office, whichever occurs later, and the special election.

(3) The use of public funds by a legislative committee, for questionnaires distributed by regular mail or electronic means, is authorized only if the following criteria are met:

- (a) The questionnaire is limited to soliciting opinions or facts relating to legislative issues or studies;
- (b) The questionnaire is authorized by the committee membership and the identity of the committee sponsoring the questionnaire is disclosed on the questionnaire;
- (c) The questionnaire complies with all other pertinent statutes, rules, and policies; and
- (d) The questionnaire is approved by the secretary of the senate or the chief clerk of the house of representatives, as appropriate.

Sessions of the Legislature

Rule 5. The sessions of the legislature shall be held annually, convening at 12:00 o'clock noon on the second Monday of January each year, as provided by RCW 44.04.010 in accordance with Art. 2, section 12 of the state Constitution.

Joint Session

Rule 6. Whenever there shall be a joint session of the two houses, the proceedings shall be entered at length upon the journal of each house. The lieutenant governor or president of the senate shall preside over such joint session, and the clerk of the house of representatives shall act as the clerk thereof, except in the case of the joint session held for the purpose of canvassing the votes of constitutional elective state officers, when the speaker shall preside over such joint sessions. The lieutenant governor in no case shall have the right to give the deciding vote.

Motions for Joint Session

Rule 7. All motions for a joint session shall be made by concurrent resolution to be introduced by the house in which such joint session is to be held; and when an agreement has once been made, it shall not be altered or annulled, except by concurrent resolution.

Business Limited

Rule 8. No business shall be considered in joint session other than that which may be agreed upon before the joint session is called.

Joint Legislative Committees

Rule 9. Joint legislative committees may be created by concurrent resolution originating in either house and passed by a majority vote of both houses.

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

Joint Committee Hearings

Rule 10. All public hearings held by joint committees or held jointly by house of representatives and senate standing committees shall be scheduled in accordance with the public notice requirements of both the senate and the house of representatives.

Joint and Concurrent Resolutions; Memorials

Rule 11. All memorials and resolutions from the legislature addressed to the President of the United States, to the Congress or either house thereof, to any other branch of the Federal government, to any other branch of state government, or to any unit of local government shall be in the form of joint memorials. Proposed amendments to the state Constitution shall be in the form of joint resolutions. Business between the two houses such as joint sessions, amendments to redistricting plans submitted by a redistricting commission created under chapter 44.05 RCW, adopting or amending joint rules, creating or empowering joint committees, opening and closing business of the legislature and all such related matters shall be in the form of concurrent resolutions. Joint memorials, joint resolutions, and concurrent resolutions, up to and including the signing thereof by the presiding officer of each house, shall be subject to the rules governing the course of bills. Concurrent resolutions may be adopted without a roll call. Concurrent resolutions amending a redistricting plan submitted by a redistricting commission, authorizing investigations or authorizing the expenditure or allocation of any money must be adopted by roll call, and the yeas

and nays recorded in the journal. Concurrent resolutions amending a redistricting plan as well as all amendments to those resolutions must be agreed to by two-thirds of the members elected or appointed to each house.

Amendatory Bills

Rule 12. All amendatory bills shall refer to the section or sections of the official codes and statutes of Washington, and supplements thereto and to the respective Session Laws, to be amended.

Bills, How Drawn

Rule 13. Bills introduced in either house intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by lining out such matter with a broken line and enclosing the lined out material within double parentheses, and no bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

New sections need not be underlined but shall be designated "NEW SECTION." in upper case type and such designation shall be underlined.

Sections of a bill that repeal a prior enactment shall include the section caption accompanying the section in the Revised Code of Washington.

No bill shall be introduced by title only, and, in the event a bill is not complete, at least section 1 shall be set forth in full before the bill may be accepted for introduction.

Amendments to bills will be acted upon in the manner provided in the Rules of the Senate and in the Rules of the House of Representatives. No amendment to a bill shall be considered which strikes the entire subject matter of a bill, and substitutes in lieu thereof entirely new subject matter not germane to the original or engrossed bill.

Amendments to State Constitution; Action by Legislature

Rule 14. Amendments to the state Constitution may be proposed in either branch of the legislature by joint resolution; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals with the ayes and nays thereon. (Const., art. 23, sec. 1.)

Publicity of Proposed Amendments to State Constitution

Rule 15. The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred, so that each voter of the state shall receive the publication as soon as possible before the election at which they are to be voted upon. (Const., art. 2, sec. 1e.)

Initiative Petition Before the Legislature

Rule 16. Initiative petitions filed with the secretary of state not less than ten days before any regular session of the legislature shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session. Upon certification from the secretary of state that an initiative to the legislature has received sufficient valid signatures, the secretary of state shall submit certified copies of the said initiative to the state senate and the house of representatives. Upon receipt of said initiative, each body of the legislature through its presiding officers shall refer the certified copies of the initiative to a proper committee.

Upon receipt of a committee report on an initiative to the legislature, each house shall treat the measure in the same manner as bills, memorials and resolutions, except that initiatives cannot be placed on the calendar for amendment. After the action of each body has been recorded on the final passage or any other action by resolution or otherwise which may refer the initiative to the people has been recorded, the president and secretary of the senate and the speaker and chief clerk of the house of representatives will certify, each for its own body, to the secretary of state the action taken. (Const., art. 2, sec. 1a.)

Conference Committee

Rule 17. (1) In every case of difference between the two houses, upon any subject of legislation, either house may request a conference and appoint a committee for that purpose, and the other house may grant the request for a conference and appoint a committee to confer. The senate shall appoint a committee of three with two members from the majority caucus and one from the minority caucus. The house of representatives shall appoint a committee of four with two members from each political caucus. The committees, at the earliest possible hour, shall confer upon the differences between the two houses indicated by the amendment or amendments adopted in one house and rejected in the other.

(2) Conference committee deliberations shall be conducted in a manner consistent with the provisions of Senate Rule 45(3) and House Rule 24(8) applicable to deliberations of standing committees.

(3) Public notice of a conference committee meeting shall be given by the secretary of the senate, for house bills, and the chief clerk of the house of representatives, for senate bills, prior to the convening of the meeting as follows:

(a) By posting a written notice in the following locations:

(i) The office of the secretary or clerk, as appropriate;

(ii) Near the doors of the appropriate chamber;

(iii) The legislative bill room; or

(iv) The public legislative message center;

(b) By announcing meetings during sessions of the senate and house of representatives; or

(c) By posting meeting notices on the legislature's electronic mail system.

(4) The papers shall be left with the conferees of the house of representatives if a senate bill, and with the conferees of the senate, if a house bill, and the holders of the papers shall first present the report of the committee to their house. Every report of a conference committee must have the signatures of a majority of the conference committee members of each house. Conference committee reports must be signed at a meeting duly convened by the chief clerk of the house of representatives for senate bills or the secretary of the senate for house bills.

Failure to Agree

Rule 18. In case of failure of the conferees to agree on matters directly at issue between the two houses, the committee may in addition consider new proposed items within the scope and object of the bill in conference. A report proposing new items shall include all amendments to the bill or resolution agreed upon by the conference committee. The proposed report may be in the form of a new bill or resolution and such report must have the signatures of a majority of the members of the committee appointed from each house.

Report of Conference Committee, How Made Out; Whom Returned to

Rule 19. The conference committee shall submit the bill as amended together with three signed copies of its report to the house of representatives if a senate bill, and to the senate, if a house bill. A copy of the report shall be placed upon the desk of each member of the legislature at the time the report is received by this house. If this house acts to approve the report and pass the bill as amended, it shall then transmit its action, the bill, and two copies of the report to the other house.

Adoption of Reports

Rule 20. No floor vote may be taken on any conference committee report without a distribution to all members of a summary of additions, changes, and deletions made by the conference committee with a reference in each instance to the page and line number or numbers in the report containing said additions, changes, or deletions. The clerk and the secretary shall place the reports on the desks of the members as soon as possible.

Each house shall have twenty-four hours from the time of proper receipt, by the chief clerk of the house of representatives and the secretary of the senate, and by distribution to the desks of the members before considering reports from a conference committee which has proposed new items within the scope and object of the bill in conference.

The foregoing provision relating to twenty-four hour intervals may be suspended by the senate or the house of representatives by two-thirds vote of the members present, and such suspension shall apply only to the house voting to suspend this provision.

The report must be voted upon in its entirety and cannot be amended. The report of a conference committee may be adopted by acclamation.

Passage of a bill as amended by conference report shall be by roll call and ayes and nays shall be entered on the journals of the respective house. Passage requires a constitutional majority in both houses, except in the case of constitutional amendments, which require a two-thirds vote.

Messages Between the Two Houses

Rule 21. Messages from the senate to the house of representatives shall be delivered by the secretary or the secretary's designee, and messages from the house of representatives to the senate shall be delivered by the chief clerk or the chief clerk's designee.

Bills to be Engrossed

Rule 22. Any bill amended in the house of its origin shall be engrossed before being transmitted to the other house. The secretary or clerk of the receiving house, as the case may be, may waive the right to receive an engrossed bill.

Final Action on Bills, How Communicated

Rule 23. Each house shall communicate its final action on any bill or resolution, or matter in which the other may be interested, in writing, signed by the secretary or clerk of the house from which such notice is sent.

Enrolled Bills - Presiding Officer to Sign

Rule 24. After a bill shall have passed both houses and all amendments have been engrossed therein, it shall be signed by the presiding officer of each house in open session, first in the house in which it originated. The secretary of the senate or the chief clerk of the house of representatives shall present the original bill to the governor for signature.

Disposition of Enrolled Bills

Rule 25. Whenever any bill shall have passed both houses, the house transmitting the bill in its final form to the governor shall also file with the secretary of state a copy of the bill together with the history of such bill up to the time of transmission to the governor.

Adjournment

Rule 26. Neither house shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other. (Const., art. 2, sec. 11.)

Adjournment Sine Die

Rule 27. Adjournment sine die shall be made only by concurrent resolution.

Each House Judge of Its Own Membership

Rule 28. Each house of the legislature is the judge of the qualifications and election of its members, and shall try all contested elections of its members in such manner as it may direct. (Const., art. 2, sec. 8.)

Convening Special Legislative Sessions

Rule 29. The legislature may convene a special legislative session as follows:

(1) A resolution calling for convening a special legislative session shall set forth the date and time for convening the session, the duration of the session which shall not exceed thirty days, together with the purpose or purposes for which such session is called. Members of the house of representatives or senate may present a proposed resolution for the convening of a special legislative session to the committee on rules of their respective houses.

(2) The authority to place a resolution convening a special legislative session before the legislature is vested in the committee on rules of the house of representatives and the committee on rules of the senate.

(3) Upon a majority vote of both the committee on rules of the house of representatives and the committee on rules of the senate in favor of a resolution convening a special legislative session, a vote of the house of representatives and senate shall be taken on such resolution.

(4) The chief clerk of the house of representatives and the secretary of the senate shall conduct the vote on the resolution by written ballot of the members of their respective houses under such procedures as may be ordered by the committee on rules of their house. The results of such vote shall be transmitted to the members of the legislature and shall be a public record and shall be entered upon the journal of the house of representatives and senate at the convening of the next legislative session.

(5) If two-thirds of the members elected or appointed to each house vote in favor of the resolution, then a special legislative session shall be convened in accordance with the resolution. (Const., art. 2, sec. 12.)

Amendments to Joint Rules

Rule 30. These joint rules may be amended by concurrent resolution agreed to by a majority of the members of each house, provided one day's notice be given of the motion thereof.

Joint Rules to Apply for Biennium

Rule 31. The permanent joint rules adopted by the legislature shall govern any session called during the same legislative biennium.

MOTION

On motion of Senator Snyder, the rules were suspended, Senate Concurrent Resolution No. 8401 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Sheahan: "Thank you, Madam President. Did you call for discussion on this resolution?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Franklin: "Discussion has been ongoing. If you have further discussion, I will take them at that time."

Senator Sheahan: "Thank you, Madam President."

There being no more further discussion, the President Pro Tempore declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8401.

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

SECOND READING

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

Establishing cutoff dates.

The concurrent resolution was read the second time.

SENATE CONCURRENT RESOLUTION 8402

By Senators Snyder, West, Spanel, Hale and B. Sheldon

WHEREAS, It is of paramount importance to establish cutoff dates for the consideration of legislation during the 2001 Regular Session of the Fifty-Seventh Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the following cutoff dates apply to all bills, memorials, and joint resolutions with the exception of budgets, matters necessary to implement budgets, initiatives to the legislature, and alternatives to initiatives to the legislature;

(1) Tuesday, February 27, 2001, the fifty-first day, will be the final day to read in House Bill committee reports in the House of Representatives with the exception of reports from House fiscal committees; and, Wednesday, February 28, 2001, the fifty-second day, will be the final day to read in Senate Bill committee reports in the Senate with the exception of reports from the Senate Ways and Means and Senate Transportation committees;

(2) Monday, March 5, 2001, the fifty-seventh day, will be the final day to read in Senate Ways and Means, Senate Transportation, and House of Representatives fiscal committee reports in the house of origin;

(3) Wednesday, March 14, 2001, the sixty-sixth day, at 5:00 p.m., will be the final time to consider bills in their house of origin;

(4) Friday, March 30, 2001, the eighty-second day, will be the final day to read in committee reports on bills from the opposite house with the exception of reports from the Senate Ways and Means, Senate Transportation, and House of Representatives fiscal committees;

(5) Monday, April 2, 2001, the eighty-fifth day, will be the final day to read in Senate Ways and Means, Senate Transportation, and House of Representatives fiscal committee reports on bills from the opposite house; and

BE IT FURTHER RESOLVED, That after 5:00 p.m. on Friday, April 13, 2001, the ninety-sixth day, neither house may consider any bills, memorials, or joint resolutions except initiatives to the legislature and alternatives to such initiatives, messages pertaining to amendments, matters of differences between the two houses, and matters incident to the interim and to the closing of the business of the 2001 Regular Session of the Legislature.

MOTION

On motion of Senator Snyder, the rules were suspended, Senate Concurrent Resolution No. 8402 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8402.

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

MOTION

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

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Snyder moved to reconsider the vote by which Senate Resolution 2001-8601 was adopted earlier today.

REMARKS BY SENATOR SNYDER

Senator Snyder: "Madam President, a word of explanation. The reason I am moving this for reconsideration is that the minority party wanted to offer an amendment to the rules that had to do with the rule change that changes the way we recognize members here on the floor--from referring them from district or from their county or city in order that we might recognize them by name. I think we should afford them the courtesy and we should reconsider the bill and allow the amendment to be put forward."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Snyder to reconsider the vote by which Senate Resolution 2001-8601 was adopted.

The motion by Senator Snyder for reconsideration carried.

MOTION

Senator Benton moved that the following amendment be adopted:

On page 16, lines 13 and 14, delete proposed change beginning with the words "Provided" on line 13 and ending with the word "member" on line 14

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 16, lines 13 and 14, to Senate Resolution 2001-8601.

The motion by Senator Benton failed and the amendment was not adopted.

The President Pro Tempore declared the question before the Senate to be the adoption Senate Resolution 2001-8601, on reconsideration.

Debate ensued.

SENATE RESOLUTION 2001-8601, on reconsideration, was adopted by voice vote.

Vice President Pro Tempore Shin assumed the Chair.

MOTION

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

SENATE RESOLUTION 2001-8603

By Senators Franklin, Sheahan, Johnson, Winsley, Fraser, Carlson, McAuliffe, Spanel, Snyder, Fairley, and Rasmussen

WHEREAS, the life of Martin Luther King Jr. was dedicated to serving his fellow man; and

WHEREAS, today we celebrate the birth of this man whose life, whose dream and whose work was dedicated to challenging us all to discover and honor our shared humanity; and

WHEREAS, Service is a powerful way to commemorate not only the words and deeds of Dr. King, but to translate our reverence for his life and teachings into action to make our nation better; and

WHEREAS, Service to others is a bond that unites us and helps us to create a vision of a common good; and

WHEREAS, Dr. King believed that a person's worth should not be measured by his or her color, culture or class, but rather by his or her commitment to making life better for all through service rendered to each other; and

WHEREAS, a day of service reflecting the values and teachings of Dr. King would bring people together and help to break down the social and economic barriers that divide our nation; and

WHEREAS, a commitment to bringing all of our people, regardless of race, creed, religion or station in life, together to face the challenges of this new century would honor Dr. King; and

WHEREAS, Residents of Washington can help make service the common duty of all Americans on this holiday by making it a day of action, not apathy;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate, on behalf of the people of our state, in recognition of the outstanding leadership and courage demonstrated by Martin Luther King Jr., honor his memory by urging all of the citizens of our state to make Martin Luther King Jr Day a day of service – a day on, not a day off.

Senators Franklin, Sheahan, Kastama, Prentice and Shin spoke to Senate Resolution 2001-8603.

PERSONAL PRIVILEGE

Senator West: "A point of personal privilege, Mr. President. Speaking on behalf of the entire Senate--and I believe I have license to do that in this particular case. The good Senator from the Twenty-fifth District has made his maiden speech and offended the entire body. Although his first speech was quite good on the person he was talking about, the mere fact is that he came before us today and spoke to this body. I believe he owes tribute to each and every Senator here. Sir, we expect that tribute promptly. In fact many of us--you may want to speak with the good Senator from the Fourth District in Spokane--otherwise known as Senator McCaslin. I think he has a special request of you, Sir. You may want to take care of that rather promptly."

PERSONAL PRIVILEGE

Senator Kastama: "A point of personal privilege, Mr. President. What form does this tribute take? Thank you."

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, January 15, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTH DAY, JANUARY 12, 2001

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

EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 15, 2001

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken

MOTION

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

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

November 28, 2000

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Martin F. Smith, appointed November 28, 2000, for a term ending November 28, 2004, as a member of the
K-20 Educational Network Board.

Sincerely,
GOVERNOR LOCKE, Governor

Referred to Committee on Higher Education.

December 19, 2000

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Captain Robert N. Kronmann, to be reappointed December 27, 2000, for a term ending December 26, 2004,
as a member of the Board of Pilotage Commissioners.

Sincerely,
GOVERNOR LOCKE, Governor

Referred to Committee on Transportation.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

January 9, 2001

Mr. Tony Cook
Secretary of the Senate
P. O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Annual Quality Assurance." It is mandated
under RCW 43.20A.870.

Please call Tammy Cordova at (360) 902-7926 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Annual Quality Assurance" is on file in the Office
of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

January 11, 2001

Mr. Tony Cook
Secretary of the Senate
P. O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Child Support Incentive Systems." It is
mandated under Chapter 1, Laws of 2000 E2, Section 208(1)(d).

Please call Carol Welch at (360) 664-5082 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Child Support Incentive Systems" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000
January 11, 2001

Mr. Tony Cook
Secretary of the Senate
P. O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Foster Care Caseload Expenditures." It is mandated under Chapter 1, Laws of 2000 E2, Section 202(12).

Please call Ginny Heim at (360) 902-7940 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Foster Care Caseload Expenditures" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

January 12, 2001

Mr. Tony Cook
Secretary of the Senate
P. O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Customer Service Measures." It is mandated under Chapter 1, Laws of 2000 E2, Section 208(1)(F).

Please call Michael Masten at (360) 413-3370 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Customer Service Measures" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

January 15, 2001

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8402, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8402.

INTRODUCTION AND FIRST READING

SB 5175 by Senators Kline, Long, Roach, Fairley, Patterson, Constantine and Kohl-Welles

AN ACT Relating to enforcement of court-ordered restitution obligations; and adding a new section to chapter 3.66 RCW.

Referred to Committee on Judiciary.

SB 5176 by Senator Kohl-Welles

AN ACT Relating to rules to implement the medical marijuana law; and amending RCW 69.51A.040.

Referred to Committee on Health and Long-Term Care.

SB 5177 by Senators Zarelli, Benton and Hochstatter

AN ACT Relating to records of pistol purchases or transfers; and amending RCW 9.41.129, 9.41.090, and 9.41.110.

Referred to Committee on Judiciary.

SB 5178 by Senators Stevens, Morton, Oke, Hargrove, Snyder, Swecker, T. Sheldon and B. Sheldon

AN ACT Relating to geoduck diver licenses; amending RCW 77.65.410; and declaring an emergency.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5179 by Senators Costa, Roach, Constantine, McCaslin, Fairley, Sheahan, Hargrove, Rasmussen, Kline, Gardner, Eide, Haugen, Franklin, Johnson, McAuliffe and Kohl-Welles

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

Referred to Committee on Judiciary.

SB 5180 by Senators Costa, McCaslin, Haugen, Sheahan, Roach, Rasmussen and Kline (by request of Criminal Justice Training Commission)

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

Referred to Committee on Judiciary.

SB 5181 by Senators Patterson, Costa, Hale, Horn, McCaslin and Haugen (by request of Criminal Justice Training Commission)

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

Referred to Committee on Judiciary.

SB 5182 by Senators Spanel, McDonald, Fraser, Morton, Eide, McAuliffe and Kohl-Welles (by request of Utilities and Transportation Commission)

AN ACT Relating to funding hazardous liquid and gas pipeline safety; amending RCW 19.122.055, 19.122.070, 81.88.010, 81.88.060, and 81.88.090; adding a new section to chapter 80.24 RCW; adding a new section to chapter 81.24 RCW; creating a new section; repealing RCW 81.88.050 and 81.88.130; providing an effective date; and declaring an emergency.

Referred to Committee on Environment, Energy and Water.

SB 5183 by Senators Thibaudeau, Winsley and Kohl-Welles (by request of Department of Social and Health Services)

AN ACT Relating to the licensing of adult family homes; and amending RCW 70.128.005, 70.128.010, 70.128.060, and 70.128.120.

Referred to Committee on Health and Long-Term Care.

SB 5184 by Senators Thibaudeau, Winsley, Costa and Kohl-Welles (by request of Department of Social and Health Services)

AN ACT Relating to requiring the department of social and health services to notify relevant agencies of investigative outcomes; adding a new section to chapter 74.34 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5185 by Senators Thibaudeau, Winsley, Costa and Kohl-Welles (by request of Department of Social and Health Services)

AN ACT Relating to increasing community residential options for nursing facility eligible clients; amending RCW 74.09.700; and adding a new section to chapter 74.39 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5186 by Senators Thibaudeau, Winsley, Costa and Kohl-Welles (by request of Department of Social and Health Services)

AN ACT Relating to department of social and health services' family planning services; adding a new section to chapter 74.09 RCW; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5187 by Senators Johnson, Kline and Constantine

AN ACT Relating to updating creditor/debtor personal property exemptions; and amending RCW 6.15.010.

Referred to Committee on Judiciary.

SB 5188 by Senator McCaslin

AN ACT Relating to surplus political funds; and amending RCW 42.17.095.

Referred to Committee on State and Local Government.

SB 5189 by Senators B. Sheldon, Fairley, Patterson, Prentice, Kohl-Welles, Thibaudeau, Costa, Eide, Spanel, Shin, Regala, Kline, Gardner, Haugen, Jacobsen, Brown, Fraser, Franklin and McAuliffe

AN ACT Relating to allowing victims of domestic violence or stalking to receive unemployment insurance benefits; and amending RCW 50.20.050, 50.20.100, 50.20.240, and 50.29.020.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5190 by Senators Winsley and Costa

AN ACT Relating to private investigator licenses; and amending RCW 18.165.030 and 18.165.080.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5191 by Senators Fraser, Long, Winsley, Franklin, Snyder, Honeyford, Carlson, Spanel, Jacobsen and Parlette (by request of Joint Committee on Pension Policy)

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

Referred to Committee on Ways and Means.

SB 5192 by Senators Morton, Rasmussen, Winsley, Franklin, Roach, McCaslin and Kohl-Welles

AN ACT Relating to privileged communications between legislators and constituents; amending RCW 5.60.060; and creating a new section.
Referred to Committee on Judiciary.

SB 5193 by Senators Morton, Rasmussen, Winsley, Franklin, Roach and McCaslin

AN ACT Relating to the application of public records laws to state legislative offices; and amending RCW 42.17.020.
Referred to Committee on State and Local Government.

SB 5194 by Senators Morton and Hochstatter

AN ACT Relating to the use of dyed special fuel by farmers; and amending RCW 82.38.065.
Referred to Committee on Transportation.

SB 5195 by Senators Prentice, Winsley, Kline, Gardner and Franklin

AN ACT Relating to medical examinations under the industrial insurance system; amending RCW 51.32.110, 51.36.070, and 51.32.112; adding a new section to chapter 51.36 RCW; creating a new section; recodifying RCW 51.32.112; and repealing RCW 51.32.114.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5196 by Senators Prentice and Winsley

AN ACT Relating to the fair credit reporting act; and amending RCW 19.182.005, 19.182.010, 19.182.020, 19.182.070, 19.182.080, 19.182.090, 19.182.100, and 19.182.110.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5197 by Senators Winsley and Prentice

AN ACT Relating to private activity bonds; and amending RCW 39.86.100 and 39.86.120.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5198 by Senators B. Sheldon, Winsley, Prentice, Gardner, Thibaudeau, Oke, T. Sheldon, Regala, Haugen, Rasmussen, Kohl-Welles, Fraser, Costa, Jacobsen and Franklin

AN ACT Relating to the denial of unemployment insurance benefits due to criminal acts of the employee; and amending RCW 50.04.293 and 50.20.060.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5199 by Senators McCaslin, Constantine and T. Sheldon

AN ACT Relating to restricting the use of the term "sheriff"; and adding a new section to chapter 36.28 RCW.
Referred to Committee on Judiciary.

SB 5200 by Senators McAuliffe, Carlson, Franklin, Morton, Patterson, Eide, Finkbeiner, Kline, Fairley, Jacobsen, Prentice, Johnson, B. Sheldon, Regala, Snyder and Kohl-Welles

AN ACT Relating to supplemental contracts for retaining or recruiting certificated staff; and amending RCW 28A.400.200.
Referred to Committee on Education.

SB 5201 by Senators Kohl-Welles, Deccio, Winsley, Carlson, Sheahan, Swecker, Jacobsen, Hargrove, B. Sheldon, Shin, McAuliffe and Fairley

AN ACT Relating to increasing access to education for recipients of temporary assistance for needy families; amending RCW 74.08A.250; adding new sections to chapter 74.08A RCW; and creating new sections.

Referred to Committee on Higher Education.

SB 5202 by Senators Jacobsen, Prentice and McAuliffe

AN ACT Relating to the Hispanic American endowed scholarship program; and adding a new chapter to Title 28B RCW.
Referred to Committee on Higher Education.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Tuesday, January 16, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTH DAY, JANUARY 15, 2001

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

NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 16, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Deccio, Fairley, Finkbeiner, Gardner, Hargrove, Parlette, Rasmussen, Stevens, Swecker and Zarelli. On motion of Senator Honeyford, Senators Deccio, Finkbeiner and Stevens were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kasey Skaggs and Bob Sterling, presented the Colors. Senator Debbie Regala offered the Prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

January 13, 2001

GA 9009 MARTHA CHOE, appointed October 18, 1999, for a term ending at the Governor's pleasure, as Director of the Department of Community, Trade and Economic Development.

Reported by Committee on Economic Development and Telecommunications

MAJORITY RECOMMENDATION: That said appointment be confirmed. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Brown, Fairley, Finkbeiner, Haugen, Rossi and Stevens.

Passed to Committee on Rules.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

January 10, 2001

Mr. Tony Cook
Secretary of the Senate
P. O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Foster Children/Long Term Care." It is mandated under Chapter 232, Laws of 2000, Section 1(4).

Please call Nancy Sutton at (360) 902-7953 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Foster Children/Long Term Care" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

January 11, 2001

Mr. Tony Cook
Secretary of the Senate
P. O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Confidentiality of Social Security Numbers." It is mandated under Chapter 1, Laws of 2000 E2, Section 208(1)(d).

Please call Arel Johnson at (360) 664-5062 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Confidentiality of Social Security Numbers" is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5203 by Senators Honeyford, Hewitt, Hale, Morton, Roach, Parlette, Hochstatter, Zarelli and Hargrove

AN ACT Relating to water conservancy board authority; amending RCW 90.80.010, 90.80.070, 90.80.120, and 90.80.140; and creating a new section.

Referred to Committee on Environment, Energy and Water.

SB 5204 by Senators Fraser, Long, Winsley, Franklin, Snyder and Kohl-Welles

AN ACT Relating to making an irrevocable choice to become a member of the Washington school employees' retirement system plan 2 or plan 3; amending RCW 41.35.610 and 41.35.010; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5205 by Senators Prentice, Winsley, Fairley and T. Sheldon

AN ACT Relating to self-insurers providing information for independent medical examinations; and amending RCW 51.14.120.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5206 by Senators Gardner, Prentice, Winsley and Fraser (by request of Department of Licensing)

AN ACT Relating to the practice of geology; amending RCW 18.220.901; and declaring an emergency.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5207 by Senators Hargrove, Franklin and Kohl-Welles

AN ACT Relating to individually identifiable DNA testing information; amending RCW 70.02.010 and 70.83.050; adding new sections to chapter 43.131 RCW; and creating new sections.
Referred to Committee on Human Services and Corrections.

SB 5208 by Senator Hargrove

AN ACT Relating to contempt of court sanctions in juvenile courts; amending RCW 7.21.030, 13.32A.250, and 13.32A.250; providing an effective date; and providing an expiration date.
Referred to Committee on Human Services and Corrections.

SB 5209 by Senators T. Sheldon, Swecker, Regala, Rossi, Prentice and Costa

AN ACT Relating to the sale of surplus real property by the department of transportation; and amending RCW 47.12.063.
Referred to Committee on Transportation.

SB 5210 by Senator T. Sheldon

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

SB 5211 by Senators Thibaudeau, Long, Spanel, Winsley, B. Sheldon, Swecker, Fraser, Kohl-Welles, Kline, Carlson, Eide, Rasmussen, Fairley, McCaslin, Franklin, Haugen, Oke, Costa, McAuliffe, Prentice, Jacobsen, Constantine and Regala

AN ACT Relating to comparable mental health benefits; amending RCW 48.21.240, 48.44.340, and 48.46.290; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 70.47 RCW; creating a new section; and repealing RCW 48.21.240, 48.44.340, and 48.46.290.
Referred to Committee on Health and Long-Term Care.

SB 5212 by Senators Roach and West

AN ACT Relating to special county elections; and amending RCW 29.13.010.
Referred to Committee on State and Local Government.

SB 5213 by Senators Roach, Rossi, Finkbeiner, Long, Morton, West, Hale and Stevens

AN ACT Relating to the method of voter registration; amending RCW 29.07.430 and 29.10.020; adding a new section to chapter 29.07 RCW; and repealing RCW 29.08.010, 29.08.020, 29.08.030, 29.08.040, 29.08.050, 29.08.060, 29.08.070, 29.08.080, 29.08.090, and 29.08.900.
Referred to Committee on State and Local Government.

SB 5214 by Senators Roach, Swecker, Hale and Johnson

AN ACT Relating to the time for signing and receipt of absentee and mail ballots; and amending RCW 29.36.045, 29.36.060, 29.36.126, and 29.36.139.
Referred to Committee on State and Local Government.

SB 5215 by Senators Roach, Swecker and Stevens

AN ACT Relating to voter registration; and adding a new section to chapter 29.10 RCW.
Referred to Committee on State and Local Government.

SB 5216 by Senators Winsley, Haugen, McCaslin, T. Sheldon, Swecker, Kastama, Honeyford, Snyder, Rasmussen, Franklin, Long, Morton, Oke, Hale, Hargrove, Costa, Shin, Eide, Fairley, McAuliffe and Carlson

AN ACT Relating to property tax levies; amending RCW 84.52.043 and 84.52.065; and creating a new section.
Referred to Committee on Ways and Means.

SB 5217 by Senators Winsley, Hargrove, Swecker, T. Sheldon, Morton, Parlette, Long, Oke and Hewitt

AN ACT Relating to forest fire protection assessments; and amending RCW 76.04.610.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5218 by Senators Eide, Horn, Haugen, Finkbeiner, McAuliffe, Fairley, Jacobsen, Kohl-Welles, Costa and Winsley

AN ACT Relating to sale, distribution, or installation of air bags; amending RCW 46.63.020; adding new sections to chapter 46.37 RCW; and prescribing penalties.
Referred to Committee on Transportation.

SB 5219 by Senators Eide, Prentice, Swecker, Rasmussen and Hochstatter

AN ACT Relating to sellers of travel-related benefits; amending RCW 19.138.021, 19.138.220, 19.138.100, and 19.138.160; and adding new sections to chapter 19.138 RCW.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5220 by Senators Eide, Brown, West, Parlette, Thibaudeau, Patterson, Fairley and Kohl-Welles

AN ACT Relating to administration of a multiple sclerosis survey; creating new sections; and making an appropriation.
Referred to Committee on Health and Long-Term Care.

SB 5221 by Senators Kohl-Welles, Winsley, Hargrove, Long, Costa and McAuliffe

AN ACT Relating to increasing public and parental access to information regarding child care service; amending RCW 74.15.130 and 74.15.020; adding new sections to chapter 74.15 RCW; creating new sections; and prescribing penalties.
Referred to Committee on Human Services and Corrections.

SB 5222 by Senators Franklin, Winsley, Fraser, Carlson, Costa, Thibaudeau and Kohl-Welles

AN ACT Relating to health; requiring registration of a school health aide; and adding a new chapter to Title 18 RCW.
Referred to Committee on Health and Long-Term Care.

SB 5223 by Senators Gardner, Oke, Haugen and Horn (by request of Department of Transportation)

AN ACT Relating to transportation safety and planning; and amending RCW 81.104.115.
Referred to Committee on Transportation.

SB 5224 by Senators Prentice, Patterson, Haugen, Horn, Oke, Jacobsen and Kohl-Welles (by request of Department of Transportation)

AN ACT Relating to intercity passenger rail service; adding new sections to chapter 47.79 RCW; and declaring an emergency.
Referred to Committee on Transportation.

SB 5225 by Senators Gardner, Horn, Haugen, Eide and McAuliffe (by request of Department of Transportation)

AN ACT Relating to use of funds in the commute trip reduction program; and amending RCW 70.94.544.

Referred to Committee on Transportation.

SB 5226 by Senators Haugen, Oke, Gardner and Horn (by request of Department of Transportation)

AN ACT Relating to the authority to issue special permits for oversize or overweight movements; amending RCW 46.44.090; and repealing RCW 46.44.038.

Referred to Committee on Transportation.

SB 5227 by Senators Haugen, Oke and Gardner (by request of Marine Employees' Commission)

AN ACT Relating to notice requirements; and amending RCW 47.64.260.

Referred to Committee on Transportation.

SB 5228 by Senators Fraser and Winsley

AN ACT Relating to an exemption from the compensating tax on timber, open space, agricultural, or forest land if before 1993 the deceased owner's land was classified as such; amending RCW 84.33.140 and 84.33.120; and reenacting and amending RCW 84.34.108.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5229 by Senators Costa and Haugen (by request of Criminal Justice Training Commission)

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

Referred to Committee on Transportation.

SB 5230 by Senators Swecker, Oke, Hewitt, Parlette, Rasmussen, McAuliffe, Regala, Eide and Hargrove

AN ACT Relating to body-gripping animal traps; and amending RCW 77.15.---

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5231 by Senators Swecker, Fraser and Franklin

AN ACT Relating to requiring the treatment of biomedical waste cultures and stocks prior to disposal; adding a new section to chapter 70.95K RCW; and providing an effective date.

Referred to Committee on Environment, Energy and Water.

SB 5232 by Senators Swecker, Roach, Stevens, Zarelli, Hargrove, Honeyford, T. Sheldon, Rasmussen, Oke, Rossi, West and Hewitt

AN ACT Relating to the eligibility of individuals for public employees' benefits board insurance benefits; amending RCW 41.05.011 and 41.05.065; reenacting and amending RCW 41.05.011; creating a new section; providing an effective date; providing an expiration date; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways and Means.

SB 5233 by Senators Swecker, Rasmussen, Zarelli, Hargrove, Stevens, Honeyford, Kastama, Oke, Finkbeiner and West

AN ACT Relating to internet safety for libraries; adding a new section to chapter 27.12 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5234 by Senator Swecker

AN ACT Relating to supplemental medical opinions; amending RCW 51.52.050 and 51.52.070; reenacting and amending RCW 51.52.060; and adding a new section to chapter 51.52 RCW. Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5235 by Senators Prentice and Winsley

AN ACT Relating to the PACE program; amending RCW 48.44.037; adding a new section to chapter 74.09 RCW; creating a new section; and declaring an emergency. Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5236 by Senators Kohl-Welles, Long, Thibaudeau, Costa, McAuliffe, Eide, Stevens, Fairley, Prentice, Franklin, Fraser, Carlson, Spanel, Regala, Hargrove, Oke and Patterson

AN ACT Relating to the safety of newborn children; amending RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, and 26.20.035; creating new sections; prescribing penalties; making an appropriation; providing an effective date; and providing an expiration date. Referred to Committee on Human Services and Corrections.

SB 5237 by Senators Rasmussen, Swecker, Sheahan, Honeyford, West, Fraser, Kastama, Regala, Hewitt, Hale, Parlette, Morton, Hochstatter and Franklin

AN ACT Relating to the fair fund; and amending RCW 15.76.115. Referred to Committee on Agriculture and International Trade.

SB 5238 by Senators Patterson, Johnson, McCaslin, Haugen and Fairley

AN ACT Relating to the board of commissioners of a water-sewer district; amending RCW 57.12.015; and repealing RCW 57.08.110. Referred to Committee on State and Local Government.

SB 5239 by Senator Hargrove

AN ACT Relating to electricians; and adding a new section to chapter 19.28 RCW. Referred to Committee on Labor, Commerce and Financial Institutions.

MOTION

At 10:08 a.m., on motion of Senator Sheldon, the Senate was declared to be at ease to retire to the House of Representatives for the purpose of a joint session.

JOINT SESSION

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

Co-Speaker Ballard requested the Sergeants at Arms of the House and the Senate to escort the President of the Senate, Lieutenant Governor Brad Owen, President Pro Tempore Rosa Franklin, Majority Leader Sid Snyder and Minority Leader Jim West to seats on the rostrum.

Co-Speaker Ballard invited the Senators to seats within the House Chamber.

The Joint Session was called to order by Co-Speaker Ballard.

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

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

Co-Speaker Ballard presented the gavel to President Owen.

The flags were escorted to the rostrum by the Sergeant at Arms Color Guard consisting of Jennifer Zilar and Brian Schlect.

The prayer was offered by The Reverend Terry Kaiser, pastor of the Faith Assembly Church of Lacey.

APPOINTMENT OF SPECIAL COMMITTEES

The President of the Senate appointed Senators Constantine, Johnson, Kline and Sheahan and Representatives Anderson, Casada, Fromhold and Santos to escort the Supreme Court Justices from the State Reception Room to the House Chamber.

The President of the Senate appointed Senators Kastama, Long, Morton and Regala and Representatives Dunn, Jackley, Jarrett and Kirby to escort the State Elected Officials from the State Reception Room to the House Chamber.

The President of the Senate appointed Senators Brown and Horn and Representatives Hankins and McDermott to escort Chief Justice Gerry L. Alexander to the rostrum.

The President of the Senate greeted and introduced the Supreme Court Justices: Associated Chief Justice Charles Z. Smith, Justice Charles W. Johnson, Justice Barbara A. Madsen, Justice Richard B. Sanders, Justice Faith Ireland, Justice Bobbe J. Bridge, Justice Tom Chambers and Justice Susan J. Owens.

The President of the Senate greeted and introduced the State Elected Officials present today: State Treasurer Mike Murphy, State Auditor Brian Sonntag and State Attorney General Christine Gregoire.

The President of the Senate greeted Gerry L. Alexander, Chief Justice of the State Supreme Court, and instructed the committee to escort him to the rostrum.

The President of the Senate stated the purpose of the Joint Session was to receive the State of the Judiciary address from Chief Justice Gerry L. Alexander.

STATE OF THE JUDICIARY CHIEF JUSTICE GERRY L. ALEXANDER

"Governor Locke, Lieutenant Governor Owen, Co-Speakers Chopp and Ballard, state elected officials, members of the House and Senate, fellow justices and judges, ladies and gentlemen.

"Good morning! Let me first thank all of you for the warm welcome that you have accorded me and my fellow justices on this and other occasions. As you have undoubtedly observed we have been frequent guests in this building of late, what with various oath taking sessions, a ceremony for departing statewide elected officials, a State of the State message, and the inaugural ball. The truth is that we really enjoy being a part of those occasions, but we promise you now that the traditional opening rituals of this session of the Legislature are behind us, we will recede into the Temple of Justice across the way and be far less ubiquitous. That, I suppose, is as it should be under our doctrine of separation of powers, one of the crown jewels of our form of government. I would venture the opinion, though, that it is a good thing for the branches of government to have contact such as we have had this past week or so, because our government functions better, it seems to me, if the elected members of the three branches know each other and gain a better appreciation of the other's role.

"Let me also thank the members of the Legislature for inviting me to deliver this message on behalf of the judiciary. We know that time is precious to all of you during a legislative session. We know also that you need not accord me this privilege. The State Constitution, as you know, does require the Governor to deliver a message to you at every session. That same constitution requires the judges of the Supreme Court to report to the Governor in writing in January of each year on defects and omissions in the law. It does not, however, require the courts to report to the Legislature nor does it require you to provide us that opportunity. But, by a custom that has developed over the last decade, the Chief Justice has been invited to speak to the Legislature every other year, on the state of our justice system, and we are most grateful for that opportunity.

"Relevant to that subject, I would like to say a brief word about the court on which I sit--the State Supreme Court. I am here to tell you that we have a fine court. I am proud of my colleagues and I am very honored that they have elected me to serve as Chief Justice for a four-year term. As some of you know, I was raised in Olympia. My father was a state employee during much of my childhood and I went to high school just across Capitol Way at the old Olympia High School. It was common for students then, particularly during legislative sessions, to roam the halls

of this building and soak up the atmosphere. Consequently, I have a special place in my heart for this building, our state government, and the work that you do as citizen legislators. So, I am deeply honored to be able to address you.

"As I indicated, we have a fine court. I can tell you that we are absolutely unified in our desire to work with our judicial colleagues at all levels of court to deliver on the promise of equal and quality justice for all. The current Supreme Court is very experienced. All of us practiced law in this state early in our careers and collectively we have one hundred and twenty-four years of judicial service, including our tenure at the Supreme Court. At the same time, we are all free thinking individuals. We come from different places and backgrounds, reflecting to some extent the diversity of our state's population.

"I think that most of you are familiar somewhat with the returning members of the court. But let me, if I may, briefly say a word about our two newest members, Justices Chambers and Owens. Tom Chambers was raised in the Yakima Valley, at Wapato, but he chose to practice law in the big city--Seattle--where he had a remarkable career. Notably, he is a past president of the Washington Trial Lawyers Association and the Washington State Bar Association. Interestingly, he is the first former State Bar president to serve on the Supreme Court since Thomas Grady of Yakima served on the court in the 1940s and '50s.

"Susan Owens is a North Carolinian who chose Forks, Washington, out on our coast as her home. She never regretted that decision even though Forks is said to be the city with the greatest annual rainfall in the lower 48 states. In Forks, she has served as a Clallam County District Court judge and as a judge of the Quileute and Lower Elwha Tribal Courts. She is the first person from Clallam County to ever serve on our court in our one hundred and eleven years as a state and the first to ever have prior service as a tribal court judge. I am proud to say that, upon her inauguration, the Washington Supreme Court now has more women among its members than any Supreme Court in the union, including the United States Supreme Court.

"Before I move to my main topic, let me say a word about a recently retired member of the Washington Supreme Court. Our court and the entire judiciary of our state is more unified than I have ever seen it during my almost twenty-eight years as a judge. That is so for a number of reasons, not the least of which was the leadership and personality of my predecessor as Chief Justice, Richard Guy. Justice Guy is present here today and I would like to ask him to stand and be recognized for his many and significant contributions to the administration of justice in the state of Washington.

"Let me now, in my capacity as the state's 52nd Chief Justice, speak to you about the state of Washington's justice system. I can tell you that it is in good shape despite the many demands that have been placed upon it. I know that there are reputable persons who would suggest otherwise, claiming that our justice system is in crisis. I disagree with that and so do the many judges I have talked to in recent months. The system's two hundred fifteen full--and part-time judges of our municipal and district courts efficiently manage caseloads made heavy with annual filings of over two million matters. Our one hundred seventy-four superior court judges do the same with the over a quarter of a million cases being filed each year in those courts that are located in every county of our state. Collectively, these trial courts entertain one case filing for every two and one-half citizens every year--cases that run the gamut from parking citations to aggravated first degree murder, and from small claims to cases that involve millions, and in some cases, billions, of dollars.

"I wish that I had the time to tell you about all of the innovative things our judges are doing, often on a shoestring, to make the system more efficient and more responsive to the public while still maintaining the goal of fundamental fairness. A few examples: Pend Oreille District Court Judge Phillip J. Van de Veer offers citizens that enter the courthouse in Newport an information map that tells them, most of whom are not represented by counsel, how to navigate the court. Similarly, Chelan County District Court Judge Thomas Warren has reached out to the Hispanic community in his area by creating brochures in Spanish, as well as English, that describe how one uses the court system. King County Superior Court Judge Patricia Clark, working with our state's Gender and Justice and Minority and Justice Commissions, is dedicated to erasing the bias that is sometimes felt by women of color in our courts--with a program entitled 'When Bias Compounds.'

"Many of our judges are doing pioneer work in the relatively new concept of restorative justice. Spokane County District Court Judge Vance Peterson has a program that is designed to let people reinstate their suspended driver's license by making monthly payments on outstanding court-ordered financial obligations. In Mason County District Court, Judge Victoria Meadows utilizes the services of a restorative justice panel, composed of citizen volunteers, who recommend to her alternatives to jail for nonviolent offenders. The problem of domestic violence has, of course, captured the attention of the judiciary--just as it has captured the attention of the legislative and executive branches. "In 1995, Governor Lowry, the Supreme Court, and Attorney General Gregoire co-sponsored the first ever statewide Domestic Violence Summit. It was an important step to bring leaders of each branch of government together with professionals in the field to discuss this cycle of violence, which affects many families directly and all of us indirectly. Since that first summit we have made much progress. Under the leadership of my colleague Justice Barbara Madsen, local domestic violence summits are held each year in many counties to bring people together to discuss better coordination and delivery of services to victims of domestic violence.

"The Clark County Superior and District Court benches have been innovative in this field, consolidating their domestic violence calendars under one judge. Judge Robert Harris, the presiding judge of that superior court is present here today. Last year also saw the debut of King County's specialized Domestic Violence Court. At three

locations in that county, dedicated judges of the district court, prosecutors, and defense counsel work solely on these cases each day to provide more effective and consistent justice.

"Kitsap County District Court Judge James Riehl, a national leader in this field, is training Washington judges on the means by which domestic violence orders of courts of other states and of tribal courts can be enforced in our courts. Judge Riehl is also here. In several of our counties, Unified Family Courts have been established to better serve families and children who find themselves in the system. These have been established under the theory that the 'one-judge/one family' approach improves court proceedings for families by allowing one judge to fully deal with the legal problems that members of a family may face.

"You may be aware through press reports of some of the innovative work that our courts are doing in dealing with drug offenders. Currently, twelve superior courts in this state have a drug court and this past year, Snohomish County Superior Court Judge Joe Thibodeau designed a drug court specifically for juveniles. Island County Superior Court judges Vickie Churchill and Alan Hancock have started a similar program in that county. Participants in these programs commit to a stringent drug-treatment regimen and have weekly meetings to make sure they keep on track with their recovery. Despite the many innovative programs that have been launched in recent years, I am not telling you that our justice system is perfect and cannot be improved. There is no institution that has been created by humans that cannot be improved. The judiciary and our many fine employees know that and we are dedicated to making the justice system better.

"In accomplishing that goal, we will benefit from one of the many legacies left by former Chief Justice Guy. This vision was that the judiciary would be united in seeking improvements and would speak to the executive and legislative branches in one voice. That vision led to a reorganization and revitalization of our state's Board for Judicial Administration (the BJA). Its membership has been broadened to provide for increased representation of all levels of court, as well as the non-voting bar members. In addition, a new position of "member-chair" was added. That person co-chairs the Board along with the Chief Justice. Spokane County Superior Court Judge James M. Murphy, who is here, has shown tremendous leadership as the first member-chair, in addition to his duties as president of the Superior Court Judges' Association. The BJA is meeting in Olympia today. In fact, we started at 8:00 a.m. and adjourned for this session.

"These changes have been significant. Within the past two years, the BJA formed two committees to explore major issues of concern to the courts. Out of those committees came various proposals to the BJA. The BJA, in turn, approved many of the proposals. I would like to discuss them with you-particularly those that require legislation in order to be implemented.

"The first proposals came from the Washington Jury Commission which was chaired by Thurston County Superior Court Judge Daniel Berschauer. That commission was composed of citizens, former jurors, judges, lawyers, court personnel, business persons, and three members of the Legislature, Senator Adam Kline, Representative Mike Carrell, and then Representative and now Senator Dow Constantine. The commission's charge was to look at our state's jury system from top to bottom and recommend ways that it could be improved. This was important work because the right to trial by jury is one of the cornerstones of our democracy. The commission found that despite the importance we attach to juries, the courts of our state were experiencing difficulty in finding jurors.

"Indeed in some jurisdictions, less than fifteen percent of the persons summoned for jury service actually made it on to the jury panel. Most troubling was that about twenty percent of persons who were summoned did not even bother to respond to the summons. The commission quickly discovered that there were many reasons for this underwhelming response to what we generally consider an obligation of citizenship, but that certainly a general belief among citizens that jury service is somewhat unpleasant, definitely contributed to the problem. The commission, therefore, made nearly forty recommendations to the BJA for improving jury administration and for making jury service more palatable. The BJA approved most of these proposals and many can and will be accomplished within the court system without the necessity of legislation. A few, though, will require legislative action in order to be realized. Chief among these is a fee increase for jurors. The statutory minimum was set in 1959 at \$10 a day. We are now at the year 2001 and most counties, including all of our metropolitan counties, still pay the minimum \$10. I recall thinking, when I was a young superior court judge in the 1970s, that \$10 was an inadequate amount to pay our jurors. Well, if I was right then, and I think that I was, it is woefully inadequate now.

"To bring home the inadequacy of the \$10 fee, if that is necessary, I should tell you that I recently attended a meeting at the King County Courthouse. It was a rainy day and prior to the meeting, we parked about a block away from the courthouse in an open parking lot. The charge for parking for several hours was \$13, but I was told that it would be \$18 for the entire workday. Obviously, the jurors' fee would not even cover that cost. We are asking you to correct this inequality by passing legislation that maintains the fee at \$10 per day for the first day of jury service, on the theory that every citizen should be willing to devote one day at little or no cost to being a juror, but increasing it to \$45 for every succeeding day of jury service. We are asking you to provide that the additional \$35 be underwritten by the state of Washington with the local jurisdictions remaining responsible for \$10 of the fee.

"We are also asking that you approve legislation shortening jury service to two days or one trial. The other major committee formed by the BJA was Project 2001. This committee was chaired by retired Judge Tom Swayze and former WSBA President Paul Steere. It was also a broad based committee and included state legislators Senator Jeanine Long, Representative Luke Esser, Senator Pam Roach and Senator Adam Kline. The committee

was asked to thoroughly review the judicial system, the way that it operates, its funding system, and more important, it was to make recommendations as to how it may be made more efficient.

"The project got started in the spring of 2000. It worked hard and submitted its report to the BJA, which has approved many of its recommendations. Those have been reported to you and are contained in this final recommendation to the Legislature. Again, many of those approved recommendations, like mandatory judicial education for all judges and a strengthening of the role of trial court presiding judges, can be adopted by the courts internally by court rule. A few of the recommendations, though, require legislation to implement them and I will just briefly touch on one of them.

"The most significant recommendation is for a constitutional amendment providing for what we call transportability of judges. In a nutshell, this would allow a previously elected judge, active or retired, to sit in any trial court at the request of the presiding judge of that trial court. Currently, active or retired judges or even lawyers can serve as pro tem judges but only on the agreement of both sides of counsel in the case. It is that veto right of attorneys that the constitutional amendment would eliminate. Although this may not seem, at first blush, to be a significant step, it really is. This would give the presiding judges of our trial courts greater flexibility in managing their dockets and would allow the trial courts of our state to have the advantages that might be realized from a formal merger of our two levels of trial court without the attendant cost of doing so and without eliminating our courts of limited jurisdiction which are designed to handle matters within their jurisdictional limits in a less formal way than the superior court. To me this is a sensible recommendation and one that will allow the courts to use existing judicial personnel more efficiently.

"Finally, and somewhat related to these proposals, I wish to advise you that we are seeking an appropriation to maintain, update, and modernize the state's judicial information system. Our state's court system has been blessed by having one of the most established and efficient judicial information systems in the nation--one to which all of our trial and appellate courts are tied.

"The bad news that goes with that is that the system's hardware and software are old, at least as we measure age in the fast moving technological world. Our Judicial Information System Committee, which is chaired by my colleague, Justice Bobbe Bridge, has compared our current system to an eight-track tape system. We think it is time to get a CD player. With this funding, greater efficiencies can be realized, all to the benefit of our courts in every part of the state. We think this would be a prudent investment in an established and proven system.

"Let me close where I began by thanking you for your time and your willingness to listen to this report on the State of the Judiciary. As I indicated, I think our judges and the court's employees are doing a magnificent job providing justice. We can and want to do even better, though, and we believe these modest proposals for legislation, coupled with changes we can make without the necessity of legislation, will allow us to do even a better job. Thank you."

The President of the Senate thanked Chief Justice Gerry Alexander for his State of the Judiciary Report and requested the committee to escort the Chief Justice from the House Chamber.

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

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

On motion by Representative Mastin, the Joint Session was dissolved.

The President returned the gavel to Co-Speaker Ballard.

Co-Speaker Ballard requested the Sergeants at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Brad Owen, President Pro Tempore Rosa Franklin, Majority Leader Sid Snyder and Minority Leader Jim West from the House Chamber.

Co-Speaker Ballard requested the Sergeants at Arms of the House and Senate to escort the Senators from the House Chamber.

The Senate was called to order at 11:13 a.m. by President Owen.

MOTION

At 11:13 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, January 17, 2001.

TONY M. COOK, Secretary of the Senate

BRAD OWEN, President of the Senate

JOURNAL OF THE SENATE

NINTH DAY, JANUARY 16, 2001

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

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 17, 2001

The Senate was called to order at 10:00 a.m. by President Pro Tempore Franklin. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benton, Deccio, Rasmussen and Zarelli. On motion of Senator Honeyford, Senator Deccio was excused.

The Sergeant at Arms Color Guard, consisting of Pages Rebecca Matole-Barnes and Matthew Hartmann, presented the Colors. Reverend Doug Dornhecker, pastor of the First Christian Church in Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

January 16, 2001

MR. PRESIDENT:

The Co-Speakers have signed SENATE CONCURRENT RESOLUTION NO. 8402, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 5240 by Senators Regala, Swecker and Fraser (by request of Department of Ecology)

AN ACT Relating to motor vehicle emission inspection fee adjustments; and amending RCW 70.120.170.
Referred to Committee on Environment, Energy and Water.

SB 5241 by Senators Johnson, Constantine, Sheahan, Kline, Costa, Zarelli and Roach

AN ACT Relating to venue; and amending RCW 3.66.040 and 4.12.020.
Referred to Committee on Judiciary.

SB 5242 by Senators West, McCaslin, Sheahan, Roach, Long, T. Sheldon and Oke

AN ACT Relating to murder of a child; amending RCW 10.95.020 and 9.94A.590; creating a new section; and prescribing penalties.
Referred to Committee on Judiciary.

SB 5243 by Senators Costa, Roach, Constantine, Zarelli, Long, T. Sheldon and Kohl-Welles

AN ACT Relating to restitution for the crime of rape of a child; and amending RCW 6.17.020.

Referred to Committee on Judiciary.

SB 5244 by Senator Carlson

AN ACT Relating to annexation; and amending RCW 35.13.130, 35.21.005, and 35A.01.040.
Referred to Committee on State and Local Government.

SB 5245 by Senators Jacobsen, Oke, Spanel, Swecker, Gardner, McAuliffe and Regala (by request of Salmon Recovery Funding Board)

AN ACT Relating to entities eligible to be project sponsors for salmon recovery funding board grants; and amending RCW 77.85.010.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5246 by Senators Jacobsen, Oke, Spanel, Swecker, Gardner, Regala and Parlette (by request of Salmon Recovery Funding Board)

AN ACT Relating to salmon recovery funding board grant application deadlines; and amending RCW 77.85.140.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5247 by Senators Kastama and Kohl-Welles

AN ACT Relating to pensions in first class cities; and amending RCW 41.20.085.
Referred to Committee on Ways and Means.

SB 5248 by Senators Kline, Fairley and B. Sheldon

AN ACT Relating to expanding membership of the electrical board by appointment of one outside line worker; amending RCW 19.28.311; and creating a new section.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5249 by Senators Stevens, Swecker, Hochstatter, Morton, Long, Winsley, Rossi, West, T. Sheldon, Oke and Hewitt

AN ACT Relating to compensation for land use actions that cause reductions in the value of property; adding a new chapter to Title 64 RCW; and providing an effective date.
Referred to Committee on State and Local Government.

SB 5250 by Senators Stevens and Zarelli

AN ACT Relating to mountain goat population analysis; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5251 by Senators Stevens, Oke, Hargrove, Swecker, Morton, Long, Honeyford, Zarelli and T. Sheldon

AN ACT Relating to lights on fire fighters' private vehicles; and amending RCW 46.37.185.
Referred to Committee on Transportation.

SB 5252 by Senators McCaslin, Kline, Fairley, Hewitt, Patterson, Long, Constantine, Roach and Costa

AN ACT Relating to venue for courts of limited jurisdiction; and amending RCW 3.66.070.
Referred to Committee on Judiciary.

SB 5253 by Senators McCaslin, Kline, Long, Constantine, Hewitt, Horn, Honeyford and Costa

AN ACT Relating to increasing civil jury trial fees; and amending RCW 3.62.060, 12.12.030, and 10.46.190.

Referred to Committee on Judiciary.

SB 5254 by Senators Jacobsen, Fairley, Swecker, Haugen, Oke, Regala, T. Sheldon, Kline, Prentice, Parlette, Constantine, Gardner, Hale, McAuliffe and Kohl-Welles

AN ACT Relating to providing funding for parks and recreation facilities; amending RCW 82.46.010; and reenacting and amending RCW 82.46.035.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5255 by Senators Kastama, Regala and Costa

AN ACT Relating to the public disclosure of specific and unique information related to criminal acts of terrorism; reenacting and amending RCW 42.17.310; and creating a new section.

Referred to Committee on Judiciary.

SB 5256 by Senators Kastama and Regala

AN ACT Relating to enacting the emergency management assistance compact; and adding a new chapter to Title 38 RCW.

Referred to Committee on State and Local Government.

SB 5257 by Senators Kastama, Patterson and Winsley

AN ACT Relating to the citizens' alliance for government accountability; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on State and Local Government.

SB 5258 by Senators Costa, Winsley, Franklin, Thibaudeau and Kohl-Welles

AN ACT Relating to disclosure of health care information; and amending RCW 70.24.084 and 70.02.150.

Referred to Committee on Health and Long-Term Care.

SB 5259 by Senators Fairley, Prentice, Winsley, Costa, Kline, Patterson, Constantine, Kohl-Welles, Spanel, Jacobsen and Gardner

AN ACT Relating to temporary services agencies; amending RCW 49.12.005, 49.12.130, and 49.12.170; adding new sections to chapter 49.12 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5260 by Senators Kline, Roach, Costa, Johnson, Rossi, Shin, Kastama, Long and Regala

AN ACT Relating to drivers required to use ignition interlock or other biological or technical devices; amending RCW 46.20.740; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5261 by Senators Kline, Gardner, Costa, Long and Hargrove

AN ACT Relating to vacation of an offender's record of conviction; adding a new section to chapter 3.30 RCW; adding a new section to chapter 3.50 RCW; and adding a new section to chapter 35.20 RCW.

Referred to Committee on Judiciary.

SB 5262 by Senators Kline, McCaslin, Costa and Winsley

AN ACT Relating to threshold property values for crimes against property; amending RCW 9A.48.070, 9A.48.080, 9A.48.090, 9A.56.030, 9A.56.040, 9A.56.050, 9A.56.060, 9A.56.096, 9A.56.150, 9A.56.160, and 9A.56.170; and prescribing penalties.
Referred to Committee on Judiciary.

SB 5263 by Senators Snyder, Rasmussen and Gardner

AN ACT Relating to employment rights of members of the reserve and national guard forces called to duty; amending RCW 73.16.015, 73.16.031, 73.16.033, 73.16.035, 73.16.051, 73.16.061, and 73.16.070; and adding new sections to chapter 73.16 RCW.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5264 by Senators Prentice, Fraser, Patterson, Costa, Shin, Kline, Kohl-Welles, Constantine, Jacobsen, Winsley and Gardner

AN ACT Relating to unfair practices by public employers with respect to eligibility for employment-based benefits; adding a new section to chapter 49.44 RCW; and creating new sections.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5265 by Senators Prentice, Costa, Kline, Patterson, Constantine, Kohl-Welles and Gardner

AN ACT Relating to unfair practices by private employers with respect to eligibility for employment-based benefits; adding a new section to chapter 49.44 RCW; and creating new sections.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5266 by Senators Patterson, Constantine, B. Sheldon and Kohl-Welles

AN ACT Relating to the sale of thoroughbred horses; and adding a new section to chapter 82.04 RCW.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5267 by Senators Morton, West, Sheahan, Brown, Honeyford, McCaslin, Hewitt, Hochstatter, T. Sheldon and Hale

AN ACT Relating to water rights; creating new sections; making appropriations; and providing an expiration date.
Referred to Committee on Environment, Energy and Water.

SB 5268 by Senators Oke and Jacobsen

AN ACT Relating to publication of a quarterly magazine known as Washington wildlife; and adding new sections to chapter 77.12 RCW.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5269 by Senators McCaslin and Winsley

AN ACT Relating to conditions for orders for temporary or permanent maintenance or division of property in certain proceedings for dissolution of marriage, legal separation, or declaration of invalidity; amending RCW 26.09.004, 26.09.015, 26.09.030, 26.09.040, 26.09.060, 26.09.080, and 26.09.090; and adding a new section to chapter 26.09 RCW.
Referred to Committee on Judiciary.

SB 5270 by Senators Costa, Long, Gardner, Carlson and Kohl-Welles

AN ACT Relating to modifying requirements for certain victims of sexually violent predators to be eligible for victims' compensation; and amending RCW 7.68.060.
Referred to Committee on Human Services and Corrections.

SB 5271 by Senators Long, Thibaudeau, Gardner, Costa and Kohl-Welles

AN ACT Relating to insurance coverage for certain mental illnesses; and adding new sections to chapter 48.43 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5272 by Senators Gardner, McCaslin and Haugen

AN ACT Relating to notice requirements for elections; and amending RCW 29.81A.060.

Referred to Committee on State and Local Government.

SB 5273 by Senators Gardner, McCaslin, Haugen and Winsley

AN ACT Relating to election filing dates; and amending RCW 29.15.170, 29.15.180, 29.15.230, and 29.18.160.

Referred to Committee on State and Local Government.

SB 5274 by Senators Gardner, Haugen and McCaslin

AN ACT Relating to motor vehicle licensing subagents; and amending RCW 46.01.140.

Referred to Committee on Transportation.

SB 5275 by Senators Gardner, McCaslin, Haugen, Costa and Kohl-Welles

AN ACT Relating to ballots cast by mail; amending RCW 29.36.010, 29.36.013, 29.36.170, 29.36.030, 29.36.035, 29.36.045, 29.36.060, 29.36.070, 29.36.075, 29.36.100, 29.36.150, 29.36.160, 29.36.121, 29.36.124, 29.36.126, 29.36.130, 29.04.055, and 29.62.090; reenacting and amending RCW 29.36.120; adding new sections to chapter 29.36 RCW; adding a new section to chapter 29.51 RCW; adding a new chapter to Title 29 RCW; creating a new section; recodifying RCW 29.36.010, 29.36.013, 29.36.170, 29.36.030, 29.30.075, 29.36.035, 29.36.045, 29.36.060, 29.36.070, 29.36.075, 29.36.097, 29.36.100, 29.36.150, 29.36.160, 29.36.120, 29.36.121, 29.36.124, 29.36.126, 29.36.130, and 29.36.050; repealing RCW 29.36.122 and 29.36.139; and prescribing penalties.

Referred to Committee on State and Local Government.

SB 5276 by Senators Prentice, Winsley, T. Sheldon, West, Gardner, Hale, Costa, Carlson and Kohl-Welles (by request of Washington State Apprenticeship and Training Council, State Board for Community and Technical Colleges and Department of Labor and Industries)

AN ACT Relating to revising apprenticeship law to respond to a 1999 United States department of labor audit; and amending RCW 49.04.010, 49.04.030, 49.04.040, 49.04.050, 49.04.060, 49.04.080, 49.04.100, and 28B.50.880.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5277 by Senators Shin, Swecker, Haugen, Eide, Regala, Gardner and Long

AN ACT Relating to prohibiting the sale of alcohol on state ferries; adding a new section to chapter 66.28 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 5278 by Senators Shin, Sheahan, Eide, Roach, Costa, Regala, Thibaudeau, Constantine, Prentice, Fairley, Hochstatter, McAuliffe, Kohl-Welles, Rasmussen, Patterson, Jacobsen and Kline

AN ACT Relating to Asian medicine; and amending RCW 18.06.010 and 18.36A.050.

Referred to Committee on Health and Long-Term Care.

SB 5279 by Senators Shin, Roach, Sheahan, Rasmussen and Hochstatter

AN ACT Relating to enhanced enforcement of the citizenship requirement for voter registration; amending RCW 36.27.020, 29.07.005, 29.07.070, and 29.08.060; and prescribing penalties.

Referred to Committee on State and Local Government.

SB 5280 by Senators Shin, Roach, Costa, Eide, Fairley, Thibaudeau, Prentice, Regala, McAuliffe, Kohl-Welles, Patterson, Kline and Jacobsen

AN ACT Relating to acupuncture as a medical care service; and adding a new section to chapter 74.09 RCW.
Referred to Committee on Health and Long-Term Care.

SB 5281 by Senators Shin, Costa, Prentice, Rasmussen, Kline and Kohl-Welles

AN ACT Relating to rescinding a retirement allowance agreement; amending RCW 41.40.188; and creating a new section.
Referred to Committee on Judiciary.

SB 5282 by Senators Franklin and Kohl-Welles

AN ACT Relating to use of DNA in insurance transactions; and adding a new section to chapter 48.01 RCW.
Referred to Committee on Human Services and Corrections.

SB 5283 by Senators Franklin and Kohl-Welles

AN ACT Relating to discriminatory use of DNA in employment matters; and amending RCW 49.60.030.
Referred to Committee on Human Services and Corrections.

SB 5284 by Senators Franklin, Winsley and Kohl-Welles

AN ACT Relating to informed consent in the use of DNA; and adding a new chapter to Title 7 RCW.
Referred to Committee on Human Services and Corrections.

SB 5285 by Senators Kastama, McAuliffe and Kohl-Welles

AN ACT Relating to school safety; adding new sections to chapter 28A.330 RCW; adding a new section to chapter 28A.195 RCW; and creating a new section.
Referred to Committee on Education.

SB 5286 by Senators Patterson and Horn (by request of Washington Uniform Legislation Commission)

AN ACT Relating to the uniform legislation commission; and adding a new section to chapter 43.56 RCW.
Referred to Committee on State and Local Government.

SB 5287 by Senators Fraser, Long, Franklin, Hargrove, Winsley, Costa, Thibaudeau, Prentice, Jacobsen, Carlson and Kohl-Welles

AN ACT Relating to study of kinship caregiver services; creating new sections; and providing an expiration date.

Referred to Committee on Human Services and Corrections.

SB 5288 by Senators Fraser, Carlson, Prentice and Kohl-Welles

AN ACT Relating to interpreters for the deaf; amending RCW 2.42.010, 2.42.050, 2.42.110, 2.42.120, 2.42.130, 2.42.140, 2.42.150, 2.42.160, 2.42.170, and 2.42.180; adding a new chapter to Title 18 RCW; creating new sections; prescribing penalties; and providing an effective date.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5289 by Senators T. Sheldon and Gardner

AN ACT Relating to public facilities in rural counties; and amending RCW 82.14.370.
Referred to Committee on Economic Development and Telecommunications.

SJM 8006 by Senators Jacobsen, Swecker and Parlette

Requesting fish passage modifications be made to the Leavenworth National Fish Hatchery.

Referred to Committee on Natural Resources, Parks and Shorelines.

SJM 8007 by Senators Shin, Costa, Roach, Prentice, Rasmussen, Regala and Patterson

Requesting a specific domain designation for internet pornography websites.

Referred to Committee on Economic Development and Telecommunications.

SJR 8206 by Senators Hargrove, McDonald, Jacobsen, Long, Costa, Regala, Snyder, Winsley, T. Sheldon, Gardner, McCaslin, Morton, Haugen, Rasmussen, Hochstatter, Honeyford, Oke and McAuliffe

Requiring a geographic distribution of initiative petition signatures.

Referred to Committee on State and Local Government.

SCR 8406 by Senators Shin, Rasmussen, Franklin, Roach, Prentice, McAuliffe, Regala, Fraser, Jacobsen and Gardner

Encouraging legislator trade mission participation.

Referred to Committee on Agriculture and International Trade.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5279 was referred to the Committee on State and Local Government.

MOTION

At 10:06 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:22 a.m. by President Owen.

STANDING COMMITTEE APPOINTMENTS AND CHANGES

In accordance with Rule 41 of the Senate Rules, the President announced that Senator Linda Evans Parlette would be the additional Republican Member to the Ways and Means Committee.

The President announced that Senator Pat Hale be removed from the Transportation Committee and Senator Dan Swecker be removed from the Higher Education Committee.

The President announced that Senator Dan Swecker be appointed to the Transportation Committee and Senator Larry Sheahan be appointed to the Higher Education Committee.

MOTION

On motion of Senator Betti Sheldon, the standing committee appointments and changes were confirmed.

MOTION

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

SENATE RESOLUTION 2001-8604

By Senators West, Roach, Honeyford, Horn, Haugen, McAuliffe, Franklin, Benton, Snyder, Hale, Zarelli, Stevens, Parlette, Long, Winsley, Sheahan, Hewitt, Oke, Swecker, Hochstatter, Morton, Finkbeiner, Rossi, Carlson, Fraser, Brown, Constantine, Costa, Deccio, Eide, Fairley, Gardner, Hargrove, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McCaslin, McDonald, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Spanel, and Thibaudeau

WHEREAS, Senator George L. Sellar served with distinction in the Washington State Senate, representing the people of the Twelfth Legislative District from 1972 through 2000, where he had a tremendous impact in shaping public policy and touching the lives of those with whom he came into contact; and

WHEREAS, George L. Sellar was born in Chicago, Illinois, on January 23, 1929, growing up during the Great Depression and living through the Second World War for his formative years, developing a firm character and even-tempered personality which would serve him well in his life and political career; and

WHEREAS, George L. Sellar settled in East Wenatchee and added to his considerable life experience by attending Wenatchee Valley College and later the Harvard University Kennedy School of Government; and

WHEREAS, Senator George L. Sellar has served the Senate in a variety of capacities, including Majority and Minority Caucus Chair, Minority Leader, Chairman of the Ethics Committee, Chairman of the Financial Institutions and Insurance Committee, and Ranking Member of the Local Government Committee; and

WHEREAS, Senator George L. Sellar always considered education a top priority and was a persuasive advocate for expanding access to education through technology, helping to implement statewide telecommunications network links to the various state universities, colleges, and public schools; and

WHEREAS, Senator George L. Sellar's commitment to education earned him the "Outstanding Alumni Award" from Wenatchee Valley College, as well as a scholarship in his name, the "George Sellar Scholarship Endowment Fund," which pays the annual tuition for one student at Wenatchee Valley College each year; and

WHEREAS, As a member of the Transportation Committee, Senator George L. Sellar fought hard to ensure fairness for eastern Washington families and businesses that rely on a solid transportation system to move them and freight around the state; and

WHEREAS, George L. Sellar's commitment to agriculture and transportation culminated in the creation of the "Apples on Amtrak" proposal, under which Amtrak added refrigerated rail cars to its cross-country passenger runs to transport apples from the Wenatchee area to the rest of the nation on freight cars known as the "George Sellar Express"; and

WHEREAS, For his years of service in transportation, the South Wenatchee Bridge on State Route 256 over the Columbia River was dedicated as the "Senator George Sellar Bridge"; and

WHEREAS, Senator George L. Sellar was a strong supporter of free enterprise and trade, serving as the Marketing Director for the Port of Chelan County, as a member of the Washington Public Ports, as the President of the Pacific Northwest Waterways Association; and

WHEREAS, In recognition of his support of trade and business, George L. Sellar received the "Washington Public Ports Association Lifetime Service Award" in 1996, and was honored with the National Federation of Independent Business' "Guardian of Small Business Award" and the Association of Washington Business with their "Cornerstone Award"; and

WHEREAS, In 1991, the Wenatchee Rotary Club named George L. Sellar a "Paul Harris Fellow," an international honor that carried with it a \$1,000 gift in his name to the Rotary International Foundation for use in worldwide charities; and

WHEREAS, George L. Sellar consistently supported efforts to boost tourism in Washington, sponsoring legislation to create a tourism task force and establish a new process to allocate future funding to boost tourism on the basis of current successes, thereby rewarding those efforts which work the best to encourage tourism; and

WHEREAS, As a champion of health, at a time when Washington's health insurance appeared headed for crisis, Senator George L. Sellar had the courage to co-sponsor legislation creating Washington's Basic Health Plan, a subsidized health insurance program for low-income families; and

WHEREAS, Senator George L. Sellar's tireless dedication to the Washington State Legislature and the people of Washington State has earned him the respect of legislators, state leaders, citizens, and staff, prompting one legislative leader to comment that he was "one of the most honest and loyal people I've ever served with," and "one of the most respected men in the Legislature"; and

WHEREAS, Senator George L. Sellar's ability to put aside partisan differences and work with legislators and officials from both parties, both houses of the Legislature, various agencies and the press, earned him a coveted reputation as a fair and conscientious lawmaker, prompting another state leader to observe that, "Senator Sellar may walk with kings, but he will never forget the needs of the common man"; and

WHEREAS, After a distinguished career of public service and a full and rewarding personal life, George L. Sellar retired from the Senate after twenty-nine years, seeking rest and recuperation at his home in East Wenatchee with his wonderful wife, Alma; and

WHEREAS, Following a protracted battle with cancer, George L. Sellar quietly passed away in Wenatchee on December 29, 2000, leaving an empty seat on the Senate floor which the remaining and future members will be hard-pressed to fill; and

WHEREAS, Senator George L. Sellar is survived by his wife, his daughter, his four grandchildren, and one great-grandchild, to whom this body extends its most heartfelt condolences; and

WHEREAS, While the loss of Senator George L. Sellar will always be felt, his example and character will continue to permeate the Senate, and his memory shall serve as an example to which all public servants must aspire;

NOW, THEREFORE, BE IT RESOLVED, That the Senate mourns the loss of this great man, but will cherish his memory and extends its thanks to him for his service to our state; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Alma Sellar in East Wenatchee.

Senators West, McCaslin, Shin, Parlette, Kohl-Welles, Oke, Snyder, Haugen, Prentice, Hale and Carlson spoke to Senate Resolution 2001-8604.

PERSONAL PRIVILEGE

Senator Sheahan: "A point of personal privilege, Mr. President. I believe we had a couple of Senators in the back of the room who gave their first speeches on the floor of the Senate this morning. I think, for one, the gentle lady from the Twelfth District, it is very appropriate since we honored Senator Sellar today that his replacement--in the very near future, present a gift to the rest of us for sitting through her speech. Also, the gentleman from the Forty-ninth District gave his speech as well. Maybe, since they are sitting together, the two of them could get together. We would love to have a wonderful gift from the Wenatchee area and a wonderful gift from the Vancouver area. Maybe we can work with you and in the very near future you could present that to us. We would be very appreciative of that. Thank you, Mr. President."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. I want you two to know that he speaks for himself. I expect two gifts. I don't know how gentle she is; I hope she is wealthy. Both sides of the aisle expect something that will be long remembered. An apple isn't, because you normally eat that right away. Please study the issue very carefully prior to purchases. We look forward to those two gifts."

Further debate ensued.

MOTION

At 11:52 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, January 18, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TENTH DAY, JANUARY 17, 2001

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

ELEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 18, 2001

The Senate was called to order at 12:00 noon by President Pro Tempore Franklin. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 17, 2001

SB 5047 Prime Sponsor, Senator Long: Authorizing the department of corrections to detain, search, or remove persons who enter correctional facilities or institutional grounds. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

January 17, 2001

SB 5048 Prime Sponsor, Senator Long: Changing provisions relating to less restrictive alternative commitments. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

January 17, 2001

SB 5051 Prime Sponsor, Senator Long: Changing provisions relating to persons incapacitated by a chemical dependency. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Long and Stevens.

Passed to Committee on Rules for second reading.

MESSAGE FROM STATE OFFICE

WASHINGTON STATE LEGISLATURE
OFFICE OF THE STATE ACTUARY
Gerald B. Allard, State Actuary

January 5, 2001

Senator Lisa Brown, Chair, Senate Ways and Means
Representative Barry Sehlin, Co-Chair, House Appropriations
Representative Helen Sommers, Co-Chair, House Appropriations
Mr. Tony Cook, Secretary of the Senate
Mr. Tim Martin, Co-Chief Clerk of the House of Representatives
Ms. Cindy Zehnder, Co-Chief Clerk of the House of Representatives

On behalf of the Joint Committee on Pension Policy (JCPP), I am pleased to submit the enclosed "Optional Plan 2 or 3 for TRS and SERS" study to the Legislature. This report is in response to the legislative directive contained in Chapter 230, Laws of 2000.

Sincerely,
GERALD B. ALLARD, State Actuary

The Joint Committee on Pension Policy Report from the State Actuary on "Optional Plan 2 or 3 for TRS and SERS" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

JENNIFER M. BELCHER
COMMISSIONER OF PUBLIC LANDS

January 8, 2001

To Members of the Legislature:

RCW 79.01.744 states in part,

"(1) It shall be the duty of the commissioner of public lands to report, and recommend, to each session of the Legislature, any changes in the law relating to the methods of handling the public lands of the state that he may deem advisable."

Accordingly, I've enclosed for you a final report of the progress of my administration in managing the public lands and resources of this state during the past eight years, and recommendations for changes that would, in my opinion, considerably improve the status of our public land assets.

Additionally, you will shortly receive our 2000 Annual Report, which will satisfy the other requirements of RCW 79.01.744.

If you have questions, or want to discuss my recommendation, I would be happy to do so.

Sincerely,
JENNIFER M. BELCHER, Commissioner of Public Lands

The Final Report from Jennifer Belcher, Commissioner of Public Lands, on the progress of her administration in managing the public lands and resources of this state, is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

January 18, 2001

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8401, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8401.

INTRODUCTION AND FIRST READING

SB 5290 by Senators Winsley, Rasmussen, Snyder, Swecker, Oke, Patterson, Shin, Costa, Gardner and Kastama

AN ACT Relating to veterans memorial plaza; and adding a new section to chapter 79.24 RCW.
Referred to Committee on State and Local Government.

SB 5291 by Senators Costa, Winsley, Franklin and Fraser

AN ACT Relating to immunizations at long-term care facilities; adding a new chapter to Title 70 RCW; providing an effective date; and declaring an emergency.
Referred to Committee on Health and Long-Term Care.

SB 5292 by Senators T. Sheldon, McDonald, Fraser, Hochstatter, Regala, Stevens, Kastama, Snyder, Honeyford, Patterson, Eide and Hale

AN ACT Relating to modifying the definition of a major public energy project; and amending RCW 80.52.030.

Referred to Committee on Environment, Energy and Water.

SB 5293 by Senator Benton

AN ACT Relating to voter registration; and amending RCW 29.08.080 and 46.20.155.

Referred to Committee on State and Local Government.

SB 5294 by Senators Hargrove, Zarelli, Haugen, Carlson, T. Sheldon, Hochstatter, Horn, Honeyford, Roach, Shin, Swecker, Stevens, Benton and Snyder

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

Referred to Committee on Transportation.

SB 5295 by Senators Jacobsen, Swecker, Regala, Haugen and Oke

AN ACT Relating to creating the Washington wildlife conservation foundation; and adding a new chapter to Title 77 RCW.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5296 by Senators Thibaudeau, Oke, Franklin, Winsley, Costa and Gardner (by request of Governor Locke and Attorney General Gregoire)

AN ACT Relating to regulation of tobacco products under the access to minors statutes; and amending RCW 70.155.030 and 70.155.040.

Referred to Committee on Health and Long-Term Care.

SB 5297 by Senators Jacobsen and Oke

AN ACT Relating to definitions concerning the liability of outdoor recreation landowners; and amending RCW 4.24.210.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5298 by Senators Jacobsen and Oke

AN ACT Relating to promoting wildlife viewing; adding a new section to chapter 77.12 RCW; creating a new section; and making an appropriation.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5299 by Senator Jacobsen

AN ACT Relating to nonconsumptive wildlife activities; and amending RCW 79.01.244 and 79.68.050.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5300 by Senators Patterson and Fairley

AN ACT Relating to livestock; adding a new section to chapter 16.50 RCW; and creating a new section.

Referred to Committee on Agriculture and International Trade.

SB 5301 by Senators Patterson, Haugen, Oke, Jacobsen and Carlson

AN ACT Relating to driver's license examinations and restrictions; amending RCW 46.20.305 and 46.63.020; adding a new section to chapter 42.17 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5302 by Senators Snyder, West, Costa, Gardner and Oke

AN ACT Relating to a tax exemption for persons under contract for services for developmentally disabled persons; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.
Referred to Committee on Health and Long-Term Care.

SB 5303 by Senators Prentice, Winsley, Costa, Franklin, Roach, Kline, Kastama, Fairley, Patterson, Regala and Gardner

AN ACT Relating to the definition of gainful employment for purposes of vocational rehabilitation under industrial insurance; and amending RCW 51.32.095.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5304 by Senators Fairley, Oke, Costa, Kline, Prentice, Roach, Patterson, Kastama and Regala

AN ACT Relating to exposure to chemicals in the course of employment; adding a new section to chapter 51.32 RCW; and declaring an emergency.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5305 by Senators Constantine and McCaslin (by request of Office of the Code Reviser)

AN ACT Relating to correction of outdated references and double amendments in the Revised Code of Washington; amending RCW 29.24.035, 34.05.660, 42.17.316, 46.16.065, 46.16.374, 46.61.524, 46.70.029, 46.70.180, 46.79.010, 46.79.020, 46.79.110, 46.80.030, 47.46.040, and 82.80.020; and reenacting RCW 46.20.285.
Referred to Committee on Transportation.

SB 5306 by Senators Constantine and McCaslin (by request of Office of the Code Reviser)

AN ACT Relating to technical corrections to natural resource laws under the authority of RCW 1.08.025; adding a new section to chapter 77.55 RCW; and recodifying RCW 77.16.220.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5307 by Senators Constantine and McCaslin (by request of Office of the Code Reviser)

AN ACT Relating to venue for actions for unlawful issuance of a check or draft; and amending RCW 4.12.025 and 3.66.040.
Referred to Committee on Judiciary.

SB 5308 by Senators Constantine and McCaslin (by request of Office of the Code Reviser)

AN ACT Relating to making technical corrections concerning electricians and electrical installations under the authority of RCW 1.08.025; and amending RCW 19.28.006, 19.28.010, 19.28.041, 19.28.051, 19.28.071, 19.28.091, 19.28.121, 19.28.131, 19.28.141, 19.28.151, 19.28.171, 19.28.181, 19.28.201, 19.28.211, 19.28.221, 19.28.231, 19.28.241, 19.28.251, 19.28.261, 19.28.271, and 19.28.321.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5309 by Senators Constantine, Sheahan, Hewitt, Costa, Parlette, Carlson, Regala, T. Sheldon, Swecker, Jacobsen, B. Sheldon, Kastama, Gardner and Oke

AN ACT Relating to funding for local government criminal justice; amending RCW 46.63.110; adding a new section to chapter 46.64 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Judiciary.

SB 5310 by Senator Hochstatter

AN ACT Relating to salaries for judges and elective offices; amending RCW 2.04.092, 2.06.062, 2.08.092, 3.58.010, 3.58.020, and 43.03.010; adding a new section to chapter 43.03 RCW; repealing RCW 43.03.305 and 43.03.310; and providing a contingent effective date.
Referred to Committee on State and Local Government.

SB 5311 by Senators Prentice, Patterson and Fairley

AN ACT Relating to applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW; and adding a new section to chapter 41.56 RCW.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5312 by Senators Fraser, Winsley, Costa, Fairley, Prentice, Patterson, Thibaudeau, Franklin, McCaslin, Regala, Spanel, Jacobsen and Gardner

AN ACT Relating to initiatives; adding a new section to chapter 29.79 RCW; and declaring an emergency.
Referred to Committee on State and Local Government.

SB 5313 by Senators Fraser, Long, Patterson, Prentice, Thibaudeau, Winsley, Costa, Franklin and Jacobsen

AN ACT Relating to noise mitigation projects on state highways; adding new sections to chapter 47.40 RCW; creating a new section; and declaring an emergency.
Referred to Committee on Transportation.

SB 5314 by Senators Roach, Benton, Fairley, Honeyford, Johnson, Stevens, Swecker, Hochstatter and Finkbeiner

AN ACT Relating to requiring voter approval on significant alterations to regional transit authority projects; and amending RCW 81.112.030.
Referred to Committee on Transportation.

SB 5315 by Senators Fraser and Morton (by request of Department of Health)

AN ACT Relating to naming drinking water assistance subaccounts to place them in interest-bearing accounts; amending RCW 43.84.092, 43.84.092, and 70.119A.170; creating a new section; providing an effective date; and providing an expiration date.
Referred to Committee on Environment, Energy and Water.

SB 5316 by Senators Prentice and Winsley (by request of Employment Security Department)

AN ACT Relating to reasonable assurance of employment for employees of educational institutions; amending RCW 50.44.053 and 50.44.080; adding a new section to chapter 50.44 RCW; creating new sections; and declaring an emergency.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5317 by Senators Prentice and Winsley (by request of Employment Security Department)

AN ACT Relating to use of school hours and wages for unemployment compensation claims for educational employees; amending RCW 50.44.050; creating new sections; and declaring an emergency.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5318 by Senators West, Haugen, Prentice, Winsley and Gardner

AN ACT Relating to cosmethology; and amending RCW 18.16.020.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5319 by Senators Haugen, Horn and Gardner

AN ACT Relating to the municipal research council; and amending RCW 43.110.010 and 43.110.030.

Referred to Committee on State and Local Government.

SB 5320 by Senators Haugen, Horn and Gardner

AN ACT Relating to clarifying amendments regarding the ability of public transportation systems to impose an annual excise tax on the value of motor vehicles; amending RCW 35.58.273, 35.58.275, 35.58.277, 82.44.010, 82.44.025, and 82.44.110; reenacting and amending RCW 82.44.023 and 82.44.180; creating a new section; and repealing RCW 35.58.274, 35.58.278, 82.44.022, 82.44.130, 82.44.150, 82.44.155, 82.44.157, 82.44.160, and 82.44.170.

Referred to Committee on Transportation.

SB 5321 by Senators Costa, Roach, Kline, McCaslin, Long, Hargrove, Thibaudeau, Zarelli, Constantine and Haugen

AN ACT Relating to creating a certification process and oversight mechanism for police service dog teams; reenacting and amending RCW 42.17.310; adding a new chapter to Title 43 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Judiciary.

SB 5322 by Senators Kohl-Welles, Long, Hargrove, Costa, Gardner and Oke

AN ACT Relating to providing child day-care licensing information to the public through a toll-free number; and adding new sections to chapter 74.15 RCW.

Referred to Committee on Human Services and Corrections.

SJM 8008 by Senators Benton and Carlson

Requesting a joint Oregon-Washington committee on taxation be established.

Referred to Committee on Ways and Means.

SJR 8207 by Senator Hochstatter

Repealing Article XXVIII, section 1, of the Washington State Constitution.

Referred to Committee on State and Local Government.

MOTION

At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, January 19, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

ELEVENTH DAY, JANUARY 18, 2001

TWELFTH DAYMORNING SESSION

Senate Chamber, Olympia, Friday, January 19, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Constantine, Deccio, Gardner, Hale, Hewitt, McAuliffe, McCaslin, McDonald, Prentice, Rasmussen, Roach, Swecker, Winsley and Zarelli. On motion of Senator Honeyford, Senators Deccio, Hale, Hewitt, McCaslin, Roach, Swecker, Winsley and Zarelli were excused.

The Sergeant at Arms Color Guard, consisting of Pages Brian Dyson and Emily Hoover, presented the Colors. Reverend Anne Morawski Gojio from the Thurston County Ministries in Higher Education, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5035 Prime Sponsor, Senator Prentice: Creating the financial services regulation fund. Reported by Committee on Labor, Commerce and Financial Institutions January 18, 2001

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair, Gardner, Vice Chair, Fairley, Hochstatter, Honeyford, Patterson, West and Winsley.

Passed to Committee on Rules for second reading.

SB 5038 Prime Sponsor, Senator McCaslin: Incorporating amendments into the reorganized chapter 9.94A RCW. Reported by Committee on Judiciary January 18, 2001

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair, Constantine, Vice Chair, Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

SB 5054 Prime Sponsor, Senator Johnson: Modifying the rule against perpetuities. Reported by Committee on Judiciary January 18, 2001

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair, Constantine, Vice Chair, Costa, Hargrove, Johnson, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

SB 5067 Prime Sponsor, Senator Prentice: Investigating alien banks. Reported by Committee on Labor, Commerce and Financial Institutions January 18, 2001

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair, Gardner, Vice Chair, Fairley, Hochstatter, Honeyford, Patterson, West and Winsley.

Passed to Committee on Rules for second reading.

MESSAGE FROM STATE OFFICEWASHINGTON STATE INSTITUTE FOR PUBLIC POLICY

110 East Fifth Street, Suite 214

P. O. Box 40999

Olympia, Washington 98504-0999

January 17, 2001

Secretary Tony Cook
Secretary of the Senate
Legislative Building
P. O. Box 40482
Olympia, Washington 98504-0482
Dear Secretary Cook:

The 2000 Legislature directed the Washington State Institute for Public Policy to study the mission, programs, and usage of the state library (EHB 2487, Section 607 (7)). Key questions that guided this study were as follows: Are there options for redefining the roles and functions of the Washington State Library (WSL)? What value can the WSL add to the delivery of information to the legislature and state government agencies? Is the current location of the WSL on the capitol campus essential to its effective operation?

The study's findings suggest the following recommendations regarding WSL: Accelerate the move from print to online content by joining a larger purchasing unit with the publicly funded academic libraries. Focus WSL's activities more sharply than they are today. Implementing a limited market system by instituting fees for service would help clarify the relative value of services for users. Implement a more aggressive book "weeding" campaign. Reduce the physical presence of WSL on the capitol campus and develop more appropriate space for technical and service functions elsewhere.

If you have questions, please call me at (360) 586-2768.

Sincerely,
ROXANNE LIEB, Director

The Washington State Institute for Public Policy study on the mission, programs, and usage of the state library is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

- SB 5323 by Senators Kline, Constantine, Hargrove and Thibaudeau
9.96 RCW. AN ACT Relating to vacation of records of conviction for misdemeanor and gross misdemeanor offenses; and adding a new section to chapter Referred to Committee on Judiciary.
- SB 5324 by Senators Prentice, Thibaudeau, Haugen, Costa, Fairley, Fraser, Constantine, Kastama, Spanel, McAuliffe, Regala, Gardner, Franklin, Kohl-Welles and Kline
AN ACT Relating to health insurance; and adding a new section to chapter 41.04 RCW
Referred to Committee on Health and Long-Term Care.
- SB 5325 by Senators Prentice, Gardner, Costa, Kastama, Fairley, Haugen, Franklin, McAuliffe, Regala, Fraser and Kline
AN ACT Relating to retiring early in the public employees' retirement system, plan 2; and amending RCW 41.40.630.
Referred to Committee on Ways and Means.
- SB 5326 by Senators Haugen, West and Gardner (by request of Governor Locke)
AN ACT Relating to transportation funding and appropriations; amending 2000 2nd sp.s. c 3 ss 201, 211, 212, 216, 217, 224, 230, 401, 403, 404, and 405 (uncodified); making appropriations; and declaring an emergency.
Referred to Committee on Transportation.
- SB 5327 by Senators Haugen, West and Gardner (by request of Governor Locke)
AN ACT Relating to transportation funding and appropriations; creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.
Referred to Committee on Transportation.
- SB 5328 by Senators Carlson, Eide, Finkbeiner, Kohl-Welles, Winsley, Shin, Hewitt, Regala, Johnson, McDonald, Hochstatter, Swecker, Long, Horn, McCaslin, Morton, Roach, Sheahan, Honeyford and Parlette
AN ACT Relating to school improvement goals reporting; and amending RCW 28A.655.050.
Referred to Committee on Education.
- SB 5329 by Senators Costa, Fairley, Hargrove, Kline, Gardner, Eide, Kohl-Welles and Prentice
AN ACT Relating to leave from employment for crime victims; amending RCW 7.68.020; adding new sections to chapter 7.68 RCW; creating a new section; prescribing penalties; and providing an effective date.
Referred to Committee on Labor, Commerce and Financial Institutions.
- SB 5330 by Senators Constantine and Rossi
AN ACT Relating to limiting the maximum combined sales tax rate on lodging; adding a new section to chapter 82.14 RCW; and declaring an emergency.
Referred to Committee on Ways and Means.
- SB 5331 by Senators Kline, McCaslin, Johnson and Long
AN ACT Relating to collection of business to business debts; and amending RCW 19.16.100 and 19.16.250.
Referred to Committee on Judiciary.
- SB 5332 by Senators Rasmussen and Morton

AN ACT Relating to dairy nutrient management; amending RCW 90.64.026; and creating a new section.
Referred to Committee on Agriculture and International Trade.

SB 5333 by Senators Honeyford, Hale, Morton, Hochstatter, Hewitt, Swecker and Sheahan

AN ACT Relating to preliminary permit timelines; and amending RCW 90.03.290.
Referred to Committee on Environment, Energy and Water.

SB 5334 by Senators Honeyford, Sheahan, Hewitt, Hale, Stevens and Morton

AN ACT Relating to streamlining the salmon recovery planning process ; amending RCW 77.85.050; and declaring an emergency.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5335 by Senators Snyder, Deccio, T. Sheldon, Morton, B. Sheldon, Hochstatter, Parlette, Sheahan, Hewitt, Haugen, Oke, McCaslin and Honeyford

AN ACT Relating to the authority of the statewide enhanced 911 program to support the statewide enhanced 911 system; amending RCW 38.52.540; adding a new section to chapter 38.52 RCW; creating a new section; providing an effective date; and declaring an emergency.
Referred to Committee on Economic Development and Telecommunications.

SB 5336 by Senators Kohl-Welles, Horn, Shin, McAuliffe, B. Sheldon, Constantine and Kline

AN ACT Relating to a loan repayment endowment program for attorneys who provide legal services in public interest areas of the law; amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.
Referred to Committee on Higher Education.

SB 5337 by Senators Finkbeiner and Roach

AN ACT Relating to opportunity scholarships; and amending RCW 28A.655.050.
Referred to Committee on Education.

SB 5338 by Senators Kline, Finkbeiner and Kohl-Welles

AN ACT Relating to the process for election to Washington state and federal elective office, except governor and other executive offices; amending RCW 29.65.050; adding a new chapter to Title 29 RCW; creating a new section; and repealing RCW 29.30.085.
Referred to Committee on State and Local Government.

SB 5339 by Senators Finkbeiner, Horn, Hale, McCaslin, Morton, Winsley, Johnson, Stevens, McDonald, Hewitt, Carlson, Long, Swecker and Kline

AN ACT Relating to telephone solicitation by use of automatic dialing devices; amending RCW 19.158.110 and 80.36.400; and prescribing penalties.
Referred to Committee on Economic Development and Telecommunications.

SB 5340 by Senators Finkbeiner, Horn, McCaslin, Morton, Winsley, Hale and McDonald

AN ACT Relating to telephone solicitation definitions; adding a new section to chapter 19.158 RCW; and repealing RCW 19.158.020.
Referred to Committee on Economic Development and Telecommunications.

SB 5341 by Senators Finkbeiner, Horn, Winsley, McCaslin, Morton, Hale, Johnson and McDonald

AN ACT Relating to prerecorded telephone messages; amending RCW 19.158.110; adding a new section to chapter 19.158 RCW; and prescribing penalties.
Referred to Committee on Economic Development and Telecommunications.

SB 5342 by Senators Fairley and Zarelli (by request of Governor Locke)

AN ACT Relating to state general obligation bonds and related accounts; adding a new chapter to Title 43 RCW; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 5343 by Senators Fairley, Zarelli and Fraser (by request of Governor Locke)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 5344 by Senators Spanel, Fairley, Zarelli and Fraser (by request of Governor Locke)

AN ACT Relating to legislative building preservation and renovation; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5345 by Senators Brown, Rossi and Constantine (by request of Governor Locke)

AN ACT Relating to fiscal matters; amending RCW 43.320.130, 41.45.030, 43.08.250, 43.72.902, 72.11.040, and 69.50.520; reenacting and amending RCW 41.45.060 and 43.135.045; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5346 by Senators Brown, Rossi and Constantine (by request of Governor Locke)

AN ACT Relating to fiscal matters; amending 1999 c 309 ss 111, 119, 130, 133, 134, 138, 708, and 803 (uncodified); amending 1999 c 379 ss 112 and 758 (uncodified); amending 2000 2nd sp.s. c 1 ss 107, 109, 112, 114, 115, 129, 117, 124, 126, 201, 202, 203, 205, 206, 207, 208, 209, 210, 211, 212, 214, 216, 219, 220, 221, 222, 301, 302, 304, 305, 306, 401, 402, 502, 503, 504, 505, 507, 508, 509, 510, 511, 512, 514, 515, 516, 517, 518, 519, 602, 604, 703, 704, 714, 717, 721, 730, 802, and 1013 (uncodified); adding new sections to 1999 c 309 (uncodified); adding a new section to 1999 c 379 (uncodified); making appropriations; authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5347 by Senators Fairley and Zarelli (by request of Governor Locke)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5348 by Senators Costa, Long, Patterson, Kastama, Hargrove, Sheahan, McCaslin, Prentice, Kohl-Welles, Haugen, Kline, Johnson, Zarelli and Oke

AN ACT Relating to the uniform child custody jurisdiction and enforcement act; adding new sections to chapter 26.27 RCW; and repealing RCW 26.27.010, 26.27.020, 26.27.030, 26.27.040, 26.27.050, 26.27.060, 26.27.070, 26.27.080, 26.27.090, 26.27.100, 26.27.110, 26.27.120, 26.27.130, 26.27.140, 26.27.150, 26.27.160, 26.27.170, 26.27.180, 26.27.190, 26.27.200, 26.27.210, 26.27.220, 26.27.230, 26.27.900, 26.27.910, 26.27.920, and 26.27.930.

Referred to Committee on Judiciary.

SB 5349 by Senators Rossi, Patterson, Horn, Constantine, Hargrove, T. Sheldon, Haugen and Oke (by request of Military Department)

AN ACT Relating to the Washington national guard; adding a new section to chapter 38.08 RCW; and creating a new section.

Referred to Committee on State and Local Government.

SB 5350 by Senators Patterson, Horn, Rossi, Hargrove and Haugen (by request of Military Department)

AN ACT Relating to authorizing the military department to dispose at public bid of the state armory land and buildings known as the Pier 91 property and acquire replacement property and improvements; and creating a new section.

Referred to Committee on State and Local Government.

SB 5351 by Senators Roach, Morton, Haugen, Constantine, McCaslin, Rossi, Hargrove, Regala and Kastama (by request of Military Department)

AN ACT Relating to the public disclosure of specific and unique information related to criminal acts of terrorism; reenacting and amending RCW 42.17.310; and creating a new section.

Referred to Committee on Judiciary.

SB 5352 by Senators Horn and Kline (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to increasing the building code council fee; and amending RCW 19.27.085.

Referred to Committee on State and Local Government.

SB 5353 by Senators Prentice, Kline, Honeyford, Fraser, Patterson, Fairley, Costa, Regala, Jacobsen, Kohl-Welles and Swecker (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to the protection of archaeological sites; amending RCW 27.53.020, 27.53.060, and 27.53.080; adding a new section to chapter 27.53 RCW; creating a new section; and prescribing penalties.

Referred to Committee on State and Local Government.

SB 5354 by Senators Patterson, Prentice, Winsley, Fraser, Fairley, Costa, Regala and McAuliffe (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to mobile home relocation assistance; amending RCW 59.21.010, 59.21.021, and 59.21.050; adding a new section to chapter 59.21 RCW; and providing an effective date.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5355 by Senator Hargrove

AN ACT Relating to limitations in tort liability for errors in judgment by state employees; adding a new section to chapter 43.20A RCW; adding a new section to chapter 72.01 RCW; and creating a new section.
Referred to Committee on Human Services and Corrections.

SB 5356 by Senators Prentice, Winsley and Franklin (by request of Department of Licensing)

AN ACT Relating to real estate appraisers; and amending RCW 18.140.155.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5357 by Senators Prentice, Winsley and Franklin (by request of Department of Licensing)

AN ACT Relating to engineers and land surveyors; amending RCW 18.43.080; and prescribing penalties.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5358 by Senators Kline, McDonald, Franklin, Thibaudeau, Kohl-Welles, Fairley, Patterson, Jacobsen, Fraser, Oke and McAuliffe

AN ACT Relating to honoring the Reverend Doctor Martin Luther King, Jr.; and amending RCW 36.04.170.
Referred to Committee on State and Local Government.

SB 5359 by Senators Thibaudeau, Winsley, Parlette and Franklin (by request of Department of Health)

AN ACT Relating to the health professions' use of pro tem board members; and amending RCW 18.130.060.
Referred to Committee on Health and Long-Term Care.

SB 5360 by Senators Thibaudeau, Winsley and Kohl-Welles (by request of Department of Health)

AN ACT Relating to obtaining and expending funds for the public health system; amending RCW 43.70.040 and 43.79A.040; adding a new section to chapter 43.70 RCW; and creating a new section.
Referred to Committee on Health and Long-Term Care.

SB 5361 by Senators Parlette, Honeyford, Hewitt, Hale, Morton, Swecker, Hochstatter, Long, Oke, McCaslin, Sheahan and Fraser

AN ACT Relating to trust water rights; and amending RCW 90.14.140, 90.38.020, 90.38.040, 90.42.040, and 90.42.080.
Referred to Committee on Environment, Energy and Water.

SB 5362 by Senators Rossi, Horn, Johnson, Finkbeiner, Long, T. Sheldon, Stevens and Oke

AN ACT Relating to a vote on the dissolution of regional transit authorities; and adding a new section to chapter 81.112 RCW.
Referred to Committee on Transportation.

SB 5363 by Senators Thibaudeau, Parlette, Hewitt, Morton, Costa, Snyder, Hochstatter, Honeyford and Sheahan

AN ACT Relating to providing state medical assistance reimbursements for small, rural hospitals that meet the criteria of a critical access hospital; adding new sections to chapter 74.09 RCW; and creating new sections.
Referred to Committee on Health and Long-Term Care.

SB 5364 by Senators Horn, Haugen and Benton

AN ACT Relating to drivers' licenses and identicards; amending RCW 2 6.23.140 and 26.23.150; and adding a new section to chapter 46.20 RCW.
Referred to Committee on Transportation.

SB 5365 by Senators Hochstatter, Swecker, Stevens, Johnson, Roach, McCaslin, Finkbeiner and Oke

AN ACT Relating to a tax exemption for materials and labor used on public roads, streets, and highways; and adding a new section to chapter 82.08 RCW.
Referred to Committee on Transportation.

SB 5366 by Senators Hochstatter, Swecker, McDonald, Stevens, Johnson and Honeyford

AN ACT Relating to prevailing wages; amending RCW 39.12.020; and creating a new section.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5367 by Senators Fraser, Long, Patterson, Costa, Regala and Jacobsen (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to removal of competitive grant requirements for community mobilization; amending RCW 43.270.010, 43.270.020, 43.270.070, and 43.270.080; and repealing RCW 43.270.030, 43.270.050, and 43.270.060.
Referred to Committee on Human Services and Corrections.

SB 5368 by Senators Long, Costa and Kline (by request of Department of Social and Health Services)

AN ACT Relating to child support technical amendments regarding medical support; and amending RCW 26.18.170.
Referred to Committee on Judiciary.

SB 5369 by Senators Kline, Long and Costa (by request of Department of Social and Health Services)

AN ACT Relating to jurisdiction in child support matters; amending RCW 26.09.170, 26.09.175, 26.23.130, 74.20.065, 74.20A.055, and 74.20A.056; adding a new section to chapter 26.23 RCW; adding a new section to chapter 74.20A RCW; and repealing RCW 74.20A.058.
Referred to Committee on Judiciary.

SB 5370 by Senators Patterson, Prentice, Hale and Haugen (by request of Governor Locke)

AN ACT Relating to splitting the department of community, trade, and economic development and reestablishing the department of community development and the department of trade and economic development; amending RCW 43.330.020, 43.63A.021, 43.330.040, 43.330.050, 43.330.070, 43.330.125, 43.330.135, 43.63A.066, 43.63A.115, 43.63A.155, 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.440, 43.63A.460, 43.63A.600, 43.330.152, 43.330.155, 43.330.156, 43.330.904, 41.06.072, 43.330.065, 43.330.080, 43.31.057, 43.31.093, 43.31.205, 43.31.422, 43.31.504, 43.31.522, 43.31.524, 43.31.641, 43.31.830, 43.31.840, 43.31.960, 19.27.070, 19.27.097, 19.27.150, 19.27.190, 27.34.020, 27.34.310, 27.53.030, 28A.215.110, 28A.215.120, 28A.300.160, 28B.06.030, 34.05.330, 35.02.260, 35.21.300, 35.21.687, 35.21.779, 36.27.100, 36.34.137, 36.70A.030, 36.70A.040, 36.70A.131, 39.44.210, 39.44.230, 39.84.090, 43.08.260, 43.19.1920, 43.19.19201, 43.20A.037, 43.21A.612, 43.21C.110, 43.22.495, 43.63B.010, 43.70.530, 43.70.540, 43.79.201, 43.132.030, 43.133.030, 43.133.050, 43.150.040, 43.155.020, 43.168.010, 43.168.020, 43.168.031, 43.168.040, 43.168.050, 43.180.040, 43.180.200, 43.180.220, 43.185.020, 43.185A.010, 43.185B.010, 43.190.030, 43.280.011, 43.280.020, 43.280.060, 43.280.070, 43.280.080, 43.280.090, 43.310.020, 43.330.110, 43.330.130, 43.330.210, 46.12.295, 47.12.064, 47.50.090, 53.36.030, 54.16.285, 54.52.010, 54.52.020, 57.46.010, 57.46.020, 59.18.440, 59.21.010, 59.22.020, 59.22.090, 59.24.020, 59.24.050, 59.24.060, 59.28.040, 59.28.050, 59.28.060, 66.08.195, 66.08.198, 67.38.070, 68.60.030, 70.05.125, 70.94.537, 70.95.260, 70.95.265, 70.95.810, 70.105.020, 70.114A.070, 70.119A.170, 70.125.030, 70.164.020, 70.190.010, 72.09.055, 72.65.210, 74.08A.010, 74.14B.060, 79A.30.050, 79A.50.100, 80.28.010, 82.14.330, 82.14.335, 84.36.560, 88.02.053, 90.03.247, 90.71.020, 19.27A.020, 19.29A.010, 24.46.010, 28A.515.320, 28B.20.283, 28B.20.289, 28B.20.293, 28B.30.537, 28B.30.900, 28B.38.020, 28B.38.050, 28B.50.262, 28B.65.040, 28B.65.050, 28B.65.060, 28B.109.020, 28C.18.060, 36.01.120, 36.110.030, 39.86.110, 43.17.065, 43.20A.750, 43.21A.510, 43.21A.515, 43.21F.025, 43.21F.090, 43.21G.010, 43.23.035, 43.31.805, 43.63A.230, 43.88.093, 43.88.094, 43.160.020, 43.160.115, 43.160.180, 43.163.020, 43.163.120, 43.170.020, 43.172.011, 43.210.030, 43.210.050, 43.210.060, 43.330.092, 43.330.094, 50.67.030, 50.72.030, 67.28.8001, 70.95H.007, 70.95H.050, 74.13.090, 76.09.030, 76.09.020, 77.12.710, 79A.60.480, 81.80.450, 82.35.080, 41.06.070, 43.06.115, 43.17.020, 19.02.050, 43.21J.030, 43.157.010, 43.157.030, 43.160.030, 43.163.060, 47.39.090, 47.76.230, 50.38.030, 80.50.030, 46.16.340, 43.220.070, and 90.56.280; reenacting and amending RCW 43.105.020 and 43.17.010; adding new sections to chapter 43.330 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 41.06 RCW; creating new sections; recodifying RCW 43.63A.021, 43.63A.066, 43.63A.067, 43.63A.075, 43.63A.105, 43.63A.115, 43.63A.125, 43.63A.150, 43.63A.155, 43.63A.190, 43.63A.215, 43.63A.240, 43.63A.245, 43.63A.247, 43.63A.249, 43.63A.265, 43.63A.270, 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.420, 43.63A.440, 43.63A.460, 43.63A.465, 43.63A.4651, 43.63A.470, 43.63A.475, 43.63A.480, 43.63A.485, 43.63A.490, 43.63A.500, 43.63A.510, 43.63A.550, 43.63A.600, 43.63A.610, 43.63A.620, 43.63A.630, 43.63A.640, 43.63A.650, 43.63A.660, 43.63A.670, 43.63A.680, 43.63A.720, 43.63A.725, 43.63A.730, 43.63A.735, 43.63A.740, 43.63A.900, 43.63A.901, 43.63A.902, 43.63A.903, 43.330.150, 43.330.152, 43.330.155, 43.330.156, 43.330.190, 43.330.200, 43.330.210, 43.330.220, 43.330.230, 43.63A.230, 43.63A.715, 43.330.060, 43.330.065, 43.330.080, 43.330.090, 43.330.092, 43.330.094, 43.330.095, 43.330.096, 43.63A.690, and 43.330.180; decodifying RCW 35.22.660, 35.22.680, 35A.63.149, 35A.63.210, 36.32.520, 36.32.560, 36.70.675, 36.70.755, 70.95H.005, 70.95H.010, 70.95H.030, 70.95H.040, 70.95H.900, and 70.95H.901; repealing RCW 43.330.005, 43.330.007, 43.330.010, 43.330.900, 43.31.800, and 43.31.409; providing an effective date; and declaring an emergency.

Referred to Committee on State and Local Government.

SB 5371 by Senators Patterson, Jacobsen, Finkbeiner, Fairley, Johnson, Kline, McDonald, Kohl-Welles, Constantine, Thibaudeau, Long and Shin

AN ACT Relating to redistributing the gas tax; and amending RCW 82.36.020 and 82.36.410.
Referred to Committee on Transportation.

SB 5372 by Senators Prentice, Swecker, Honeyford, Gardner, T. Sheldon and Oke (by request of Department of Revenue)

AN ACT Relating to cooperative agreements concerning the taxation of cigarettes sold on Indian lands; adding new sections to chapter 43.06 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.24 RCW; creating a new section; repealing RCW 82.24.070; and providing an effective date.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5373 by Senators Sheahan, Kline, McCaslin, Thibaudeau, Kastama, Long, Roach, Johnson and Constantine

AN ACT Relating to mandatory arbitration of civil actions; amending RCW 7.06.050 and 7.06.060; and adding a new section to chapter 7.06 RCW.
Referred to Committee on Judiciary.

ESB 5374 by Senators Constantine, Winsley, Prentice and McCaslin

AN ACT Relating to the imposition of criminal penalties and sanctions for the unauthorized sale of baby food, infant formula, cosmetics, nonprescription drugs, or medical devices; adding a new chapter to Title 19 RCW; and prescribing penalties.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5375 by Senators Kline, Swecker, Costa, Prentice, Rossi and Constantine

AN ACT Relating to the auction and titling of abandoned vehicles; am ending RCW 46.55.105, 46.55.130, 46.63.110, and 46.12.101; and prescribing penalties.

Referred to Committee on Transportation.

SCR 8407 by Senators Hochstatter, McCaslin and Swecker

Petitioning the legislature with respect to county governance.

Referred to Committee on State and Local Government.

PERSONAL PRIVILEGE

Senator Carlson: "Thank you, Mr. President. I request a moment of personal privilege. Distinguished ladies and gentlemen of the Senate, it is my honor to present to you a gift that I hope you will receive in recognition of my opportunity to be able to say to you, what an honor it is to served with you, our citizens of the state of Washington. A couple of comments about what you are going to receive inside the sack that is on you desk. I would like to suggest to you that the area that I represent--"

REPLY BY THE PRESIDENT

President Owen: "Senator Carlson, the President doesn't see a sack on his desk."

Senator Carlson: "Mr. President, we will be sure to acknowledge that. I was not instructed that it included the presiding officer. We will see that that is taken care of."

President Owen: "Senator Carlson, you are totally out of order."

Senator Carlson: "Duly noted, Mr. President. I apologize that the leadership didn't instruct that correctly to me. Mr. President, if I could continue, I am sorry that the Senator from the Fourth District isn't here, because I am sure that he would also have appropriate comments to deal with my gifts. The medallion of the city of Vancouver is one that I wear proudly. It is in recognition of District Forty-nine that I represent, along with Hazel Dell. The city of Vancouver is noted for its historic connections, one of the major areas that I hope you will come and visit soon. The city of Vancouver is also a location of one of the prime sites where Lewis and Clark visited. In your packet of material, you will notice that Lewis and Clark's route is included, especially when I recognize and ask you to consider the sites from Washougal to Vancouver Lake and Richfield. We have some wonderful places that you would be able to see where Lewis and Clark came two hundred years ago.

"Ladies and gentlemen of the Senate, when Lewis and Clark came to the Northwest, they found that the fish that the native Americans were providing them was often too rich for them to eat. Therefore, in your packet, you will find an item that might have been used as a substitute for Lewis and Clark. Now, what they found edible and probably more to their pallet was what they survived on as they crossed the Rocky Mountains. What they survived on was horse and dog. However, the fried jerky that is in your packet is beef, so I would encourage you to feel that is perfectly legitimate for you to enjoy.

"Finally, it is my honor to say to you that it is a distinguished opportunity to serve with you and I will take care of the delinquent responsibilities to see that the appropriate president office, Mr. President, will also receive his gift."

PERSONAL PRIVILEGE

Senator Sheahan: "Thank you, Mr. President. A point of personal privilege. I would like to begin by thanking the gentleman from the Forty-ninth District for his wonderful gift, but I would like to remind the Senator from the Twenty-fifth that we are still waiting patiently. It has been quite a while--and also, the gentle lady from the Twelfth District. We are waiting patiently for your gift. Again, we need to make sure that the President receives a gift, as well. Thank you, Mr. President."

MOTION

At 10:13 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, January 22, 2001.

TONY M. COOK, Secretary of the Senate

BRAD OWEN, President of the Senate

FIFTEENTH DAY**NOON SESSION**

Senate Chamber, Olympia, Monday, January 22, 2001

The Senate was called to order at 12:00 noon by Vice President Pro Tempore Shin. No roll call was taken.

MOTION

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

REPORT OF STANDING COMMITTEE

January 18, 2001

SB 5068 Prime Sponsor, Senator Prentice: Regulating credit unions. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5068 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair, Gardner, Vice Chair, Fairley, Hochstatter, Honeyford, Patterson, West and Winsley.

Passed to Committee on Rules for second reading.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000
January 16, 2001

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482
Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Therapeutic Substitution and Disease Management." It is mandated under Chapter 1, Laws of 2000 E2, Section 210(14).

Please call Siri Childs at (360) 725-1564 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on Therapeutic Substitution and Disease Management is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

January 19, 2001

MR. PRESIDENT:

The Co-Speakers have signed:
HOUSE CONCURRENT RESOLUTION NO. 4400,
SENATE CONCURRENT RESOLUTION NO. 8401, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4400.

INTRODUCTION AND FIRST READING

SB 5376 by Senators Gardner, Horn and Haugen

AN ACT Relating to household goods carriers operating without a permit; and adding new sections to chapter 81.80 RCW. Referred to Committee on Transportation.

SB 5377 by Senators Gardner, Horn and Haugen

AN ACT Relating to marking the gross weight on certain vehicles; and repealing RCW 46.16.170. Referred to Committee on Transportation.

SB 5378 by Senators Jacobsen, Swecker and Spanel (by request of Governor Locke)

AN ACT Relating to modifying shoreline master program timelines; and amending RCW 90.58.080 and 90.58.250.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5379 by Senators Honeyford, Patterson, Hale, Hewitt, Parlette, Swecker, Winsley, Finkbeiner and Rasmussen

AN ACT Relating to the official animal of the state of Washington; adding a new section to chapter 1.20 RCW; and creating a new section.
Referred to Committee on State and Local Government.

SB 5380 by Senators T. Sheldon, Jacobsen and Finkbeiner (by request of Utilities and Transportation Commission)

AN ACT Relating to telecommunications; amending RCW 80.36.320 and 80.36.330; and adding a new section to chapter 80.36 RCW.
Referred to Committee on Economic Development and Telecommunications.

SB 5381 by Senators Gardner, Horn, Haugen, Prentice and Eide

AN ACT Relating to the retention and issuance of motor vehicle license plates upon sale or transfer of a vehicle; and amending RCW 46.12.101 and 46.16.290.
Referred to Committee on Transportation.

SB 5382 by Senators Patterson, Horn, Fairley, Swecker, Gardner, Kohl-Welles and Rasmussen (by request of Public Disclosure Commission)

AN ACT Relating to penalties for violation of the campaign finance and contribution limits, lobbying, political advertising, and public officials' financial affairs reporting subdivisions of the public disclosure act; amending RCW 42.17.390 and 42.17.395; adding a new section to chapter 42.17 RCW; and prescribing penalties.

Referred to Committee on State and Local Government.

SB 5383 by Senators Patterson, Horn, Fairley, Swecker and Gardner (by request of Public Disclosure Commission)

AN ACT Relating to correcting inaccurate or procedurally obsolete provisions in the public disclosure commission law; amending RCW 42.17.020, 42.17.090, and 42.17.380; and repealing RCW 42.17.700.
Referred to Committee on State and Local Government.

SB 5384 by Senators Prentice, Winsley, Fairley, Kohl-Welles and Brown

AN ACT Relating to labor relations in institutions of higher education; adding a new chapter to Title 41 RCW; and providing an effective date.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5385 by Senators Kastama, Carlson, McAuliffe and Rasmussen

AN ACT Relating to educational service districts' authority to borrow; and amending RCW 28A.310.200.
Referred to Committee on Education.

SB 5386 by Senators Kastama, Carlson, McAuliffe and Rasmussen

AN ACT Relating to educational service districts' superintendent review committees; and amending RCW 28A.310.170.
Referred to Committee on Education.

SB 5387 by Senators Kastama, Carlson, McAuliffe and Rasmussen

AN ACT Relating to educational service districts; amending RCW 28A.400.240; and reenacting and amending RCW 28A.400.350.
Referred to Committee on Education.

SB 5388 by Senators Kastama and Rasmussen

AN ACT Relating to penalties for the sale or gift of drug paraphernalia; amending RCW 69.50.4121 and 7.80.120; and prescribing penalties.
Referred to Committee on Judiciary.

SB 5389 by Senator Gardner

AN ACT Relating to small claims court; and amending RCW 12.40.010.
Referred to Committee on Judiciary.

SB 5390 by Senators Constantine, Winsley, Rossi, Fraser, Horn, Fairley, Thibaudeau, Honeyford, Kohl-Welles, Parlette, Prentice, T. Sheldon, Sheahan, Snyder and Rasmussen

AN ACT Relating to clarifying tax exemptions for sale or use of orthotic devices; amending RCW 82.08.0283 and 82.12.0277; and declaring an emergency.

Referred to Committee on Ways and Means.

- SB 5391 by Senators Long, Constantine, Kline and Carlson (by request of Administrator for the Courts)
AN ACT Relating to optional authorization of mandatory arbitration for civil actions; amending RCW 7.06.010, 7.06.040, 7.06.050, and 3.62.060; and reenacting and amending RCW 7.06.020.
Referred to Committee on Judiciary.
- SB 5392 by Senators Long, Constantine and Kline (by request of Administrator for the Courts)
AN ACT Relating to emancipation of minors; and amending RCW 13.64.040.
Referred to Committee on Judiciary.
- SB 5393 by Senators Long, Kline and Kohl-Welles (by request of Administrator for the Courts)
AN ACT Relating to truancy records; and amending RCW 28A.225.035 and 13.50.100.
Referred to Committee on Human Services and Corrections.
- SB 5394 by Senators Kline, Long and Constantine (by request of Administrator for the Courts)
AN ACT Relating to judges pro tempore; amending RCW 2.08.180; and providing a contingent effective date.
Referred to Committee on Judiciary.
- SB 5395 by Senators Long, Constantine and Kline (by request of Administrator for the Courts)
AN ACT Relating to the administrator for the courts; amending RCW 2.56.010, 2.56.020, and 2.56.030; and making an appropriation.
Referred to Committee on Judiciary.
- SB 5396 by Senators Prentice and Winsley (by request of Insurance Commissioner Kreidler)
amending RCW 48.13.030.
AN ACT Relating to restricting the investment of insurers in depository institutions or any company which controls a depository institution; and
Referred to Committee on Labor, Commerce and Financial Institutions.
- SB 5397 by Senators Prentice, Thibaudeau, Haugen, Kastama, Fairley, Constantine, Fraser, Costa, Spanel, McAuliffe, Regala, Gardner, Franklin and Rasmussen
AN ACT Relating to restrictions on public passenger transportation system agreements for services by private entities; adding a new section to chapter 41.56 RCW; and declaring an emergency.
Referred to Committee on Labor, Commerce and Financial Institutions.
- SB 5398 by Senators Brown, Franklin, Fairley, McAuliffe, Kohl-Welles, Costa, Oke, Kline, Eide, Carlson, West, Johnson, Honeyford, Rossi, Haugen, Gardner and Rasmussen (by request of Governor Locke)
AN ACT Relating to a property tax exemption from the state levy for real property occupied by senior citizens and persons retired by reason of disability; and amending RCW 84.36.381 and 84.36.387.
Referred to Committee on Ways and Means.
- SB 5399 by Senators Thibaudeau, Fairley, Franklin, Kohl-Welles, Costa, McAuliffe and Rasmussen (by request of Governor Locke)
74.34 RCW; and adding a new section to chapter 74.39A RCW.
AN ACT Relating to history of caregiver performance in long-term care services; amending RCW 74.39A.050; adding new sections to chapter
Referred to Committee on Health and Long-Term Care.
- SB 5400 by Senators T. Sheldon, Franklin, Shin, Regala, Costa and Gardner (by request of Governor Locke)
AN ACT Relating to clarifying the authority of the community economic revitalization board to make loans and grants to political subdivisions and federally recognized Indian tribes for public facilities; and amending RCW 43.160.060.
Referred to Committee on Economic Development and Telecommunications.
- SB 5401 by Senators Patterson and Finkbeiner (by request of Governor Locke)
AN ACT Relating to the elimination of boards and commissions; amending RCW 41.60.150, 70.95.030, and 70.105D.030; reenacting and amending RCW 43.20A.360; adding a new section to chapter 18.48 RCW; adding a new section to chapter 43.41 RCW; adding a new section to chapter 70.95 RCW; adding a new section to chapter 70.105D RCW; creating new sections; repealing RCW 18.48.060, 41.60.010, 41.60.015, 41.60.020, 41.60.030, 41.60.041, 41.60.050, 41.60.080, 41.60.100, 41.60.110, 41.60.120, 41.60.160, 41.60.910, 41.60.911, 43.20A.370, 43.20A.375, 43.20A.380, 50.67.010, 50.67.020, 50.67.030, 70.95.040, 70.95.050, 77.70.030, and 77.70.270; providing an effective date; and declaring an emergency.
Referred to Committee on State and Local Government.

- SB 5402 by Senators Kline, Franklin, Fairley, McAuliffe, Kohl-Welles, Shin, Regala, Costa, Carlson and Gardner (by request of Governor Locke)
AN ACT Relating to sentencing of hate crimes; and amending RCW 9.94A.390.
Referred to Committee on Judiciary.
- SB 5403 by Senators Patterson and Haugen (by request of Governor Locke)
AN ACT Relating to reauthorizing the expedited rule adoption process; amending RCW 34.05.230; adding a new section to chapter 34.05 RCW; and repealing RCW 34.05.354.
Referred to Committee on State and Local Government.
- SB 5404 by Senators Kohl-Welles, Eide, McAuliffe, Shin, Patterson, Regala, Costa, Finkbeiner, Haugen and Rasmussen (by request of Governor Locke)
AN ACT Relating to higher education scholarships; amending RCW 43.79A.040; adding a new chapter to Title 28B RCW; and declaring an emergency.
Referred to Committee on Higher Education.
- SB 5405 by Senators Kline, Franklin, Regala, West, Oke, Sheahan, Parlette, Honeyford and Rasmussen (by request of Governor Locke)
AN ACT Relating to precursor drugs; amending RCW 69.43.010, 69.43.020, 69.43.040, and 69.43.090; adding new sections to chapter 69.43 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Judiciary.
- SB 5406 by Senators Long, Hargrove and Costa
AN ACT Relating to amending the definition of sexually violent offense for purposes of civil commitment and making technical and clarifying amendments; amending RCW 71.09.020; creating a new section; and declaring an emergency.
Referred to Committee on Human Services and Corrections.
- SB 5407 by Senators West, Prentice, Kohl-Welles, Gardner and Rasmussen
AN ACT Relating to changing provisions relating to the import of simulcast horse races from out-of-state racing facilities to class 1 racing associations' live racing facilities; and amending RCW 67.16.200.
Referred to Committee on Labor, Commerce and Financial Institutions.
- SB 5408 by Senators Jacobsen, Constantine and Spanel
AN ACT Relating to processing and compliance with hydraulic project approvals; amending RCW 77.15.300; adding new sections to chapter 77.55 RCW; and repealing RCW 77.15.140.
Referred to Committee on Natural Resources, Parks and Shorelines.
- SB 5409 by Senators T. Sheldon, Swecker, Haugen, Roach, Jacobsen and Rasmussen
AN ACT Relating to water-sewer district general comprehensive plans; and amending RCW 57.16.010.
Referred to Committee on State and Local Government.
- SB 5410 by Senators Stevens, Hochstatter, Fairley, Finkbeiner, McAuliffe, Rossi, Johnson and Rasmussen
AN ACT Relating to telecommunications services provided by public utility and rural port districts; and amending RCW 54.16.330 and 53.08.370.
Referred to Committee on Economic Development and Telecommunications.
- SB 5411 by Senators Patterson, Zarelli, Gardner, Costa, Roach, Constantine, Prentice, Winsley, Kohl-Welles, McAuliffe and Rasmussen
AN ACT Relating to occupational diseases affecting fire fighters; amending RCW 51.32.185; and creating a new section.
Referred to Committee on Labor, Commerce and Financial Institutions.
- SB 5412 by Senators Fraser, Morton, Jacobsen, Honeyford, Eide, Fairley, Spanel, Regala, Parlette, McAuliffe and Rasmussen
AN ACT Relating to establishing levels of service for rendering decisions by the department of ecology on applications for a water right, transfer, or change; adding a new section to chapter 90.03 RCW; and creating a new section.
Referred to Committee on Environment, Energy and Water.
- SB 5413 by Senators Stevens, Hargrove, Long and Roach

AN ACT Relating to provisions to improve accountability in child dependency cases; amending RCW 13.34.160, 13.34.062, 74.14B.030, 13.34.180, and 13.34.138; adding new sections to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5414 by Senators Stevens, Hargrove, Long, Roach and Rasmussen

AN ACT Relating to enhancing the department of social and health services' child abuse and neglect service delivery system through support services; adding a new section to chapter 43.20A RCW; and creating new sections.

Referred to Committee on Human Services and Corrections.

SB 5415 by Senators Patterson, Long, Hargrove, Stevens, Winsley, McAuliffe and Kohl-Welles

AN ACT Relating to providing chemical dependency treatment service to minors upon request; amending RCW 70.96A.010, 70.96A.095, 70.96A.140, 70.96A.145, 70.96A.235, 70.96A.240, 70.96A.905, and 70.96A.915; amending 1991 c 364 s 7 (uncodified); amending 1991 c 364 s 13 (uncodified); and adding a new section to chapter 70.96A RCW.

Referred to Committee on Human Services and Corrections.

SB 5416 by Senators Patterson, Stevens, Long, Hargrove, Rossi, Winsley, McAuliffe and Rasmussen

AN ACT Relating to drug-affected infants; amending RCW 13.34.030, 13.34.070, 13.34.132, 74.09.310, 18.71.950, 18.57.920, and 18.79.903; adding new sections to chapter 13.34 RCW; creating new sections; and repealing RCW 18.57.930, 18.71.960, 18.79.904, 70.96A.330, and 70.96A.340.

Referred to Committee on Human Services and Corrections.

SB 5417 by Senators Patterson, Long, Hargrove, Stevens, Kline and Winsley

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

Referred to Committee on Human Services and Corrections.

SB 5418 by Senators Long, Patterson, Hargrove, Hochstatter, Stevens, Winsley and Kohl-Welles

AN ACT Relating to providing chemical dependency treatment service upon request; amending RCW 70.96A.010, 70.96A.095, 70.96A.140, 70.96A.145, 70.96A.235, 70.96A.240, 70.96A.905, 70.96A.915, 74.50.050, 74.50.060, and 74.50.080; amending 1991 c 364 s 13 (uncodified); amending 1993 c 362 s 2 (uncodified); reenacting and amending RCW 70.96A.430; adding a new section to chapter 70.96A RCW; and decodifying RCW 70.96.150.

Referred to Committee on Human Services and Corrections.

SB 5419 by Senators Patterson, Long, Hargrove, Kline, Winsley and Kohl-Welles

AN ACT Relating to chemical dependency treatment for certain offenders; amending RCW 69.50.101, 70.96A.020, 9.94A.030, 69.50.425, 69.50.430, and 9.94A.360; reenacting and amending RCW 9.94A.120 and 9.94A.320; adding a new section to chapter 9.94A RCW; adding a new section to chapter 69.50 RCW; adding a new section to chapter 70.96A RCW; adding a new section to chapter 43.20A RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5420 by Senators Patterson, Kohl-Welles, Kline, Regala, Franklin, Costa, Thibaudeau, Prentice, Fairley, McAuliffe, Brown and Jacobsen

AN ACT Relating to family leave insurance; amending RCW 49.78.005; adding a new chapter to Title 49 RCW; creating a new section; and making an appropriation.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5421 by Senators Johnson, Winsley, Finkbeiner, Oke, Hochstatter, Carlson and McCaslin

AN ACT Relating to an annual cost-of-living increase for all school district employees; and amending RCW 28A.400.205.

Referred to Committee on Education.

SB 5422 by Senators Patterson, Franklin and Kline (by request of Governor Locke)

AN ACT Relating to consolidating the department of retirement systems and the department of personnel; amending RCW 41.06.020, 41.06.130, 41.50.010, 41.54.010, 43.17.020, 42.17.2401, and 43.33A.020; reenacting and amending RCW 43.17.010; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 41.06.030, 41.50.020, and 41.50.050; and providing an effective date.

Referred to Committee on State and Local Government.

SB 5423 by Senators Fairley, McAuliffe, Kohl-Welles, Patterson, Franklin, Eide, Regala, Shin, Oke, Winsley, Kline, Prentice, Costa, Long, Carlson, Thibaudeau, Parlette, Gardner and Rasmussen (by request of Governor Locke)

AN ACT Relating to health care benefits for individuals with disabilities; amending RCW 74.09.035; reenacting and amending RCW 74.09.510; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5424 by Senators Kohl-Welles, Prentice and Franklin

AN ACT Relating to safe burning cigarettes; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties. Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5425 by Senators Kohl-Welles, Jacobsen and Fraser

AN ACT Relating to aerial application of pesticides to control plant pests; amending RCW 17.24.007, 17.24.061, 17.24.171, 43.06.010, and 15.08.020; and adding new sections to chapter 17.24 RCW. Referred to Committee on Environment, Energy and Water.

SJR 8208 by Senators Kline and Constantine (by request of Administrator for the Courts)

Amending the Constitution regarding the use of judges pro tempore. Referred to Committee on Judiciary.

SCR 8408 by Senators Haugen, Parlette, Thibaudeau, Fairley, B. Sheldon, Fraser, Prentice, Gardner, Rasmussen and Kohl-Welles

Establishing a blue ribbon commission on medical care cost and access. Referred to Committee on Health and Long-Term Care.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5376 was referred to the Committee on Transportation.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 Noon, Tuesday, January 23, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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

SIXTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 23, 2001
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORT OF STANDING COMMITTEE

January 22, 2001

SB 5297 Prime Sponsor, Senator Jacobsen: Defining terms that place liability on outdoor recreation landowners.
Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That the bill be referred to Committee on Judiciary without recommendation. Signed by Senators Jacobsen, Chair; Hargrove, McDonald, Oke and Stevens.

Referred to Committee on Judiciary.

**MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

July 10, 2000

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen L. Rademaker Simpson, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Education.

November 15, 2000

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Wendell DeBoer, reappointed November 15, 2000, for a term ending September 25, 2004, as a member of the Clemency and Pardons Board.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Judiciary.

November 28, 2000

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Addison Jacobs, appointed November 28, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Higher Education.

December 19, 2000

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Larry Simoneaux, to be reappointed December 27, 2000, for a term ending December 26, 2004, as a member of the Board of Pilotage Commissioners.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Transportation.

INTRODUCTION AND FIRST READING

SB 5426 by Senators Patterson, Costa, McCaslin, Constantine and Kline

AN ACT Relating to county law library funding; and amending RCW 27.24.070.
Referred to Committee on Judiciary.

SB 5427 by Senators Hargrove, McCaslin, Sheahan, T. Sheldon, Hewitt and Oke

AN ACT Relating to felony costs of incarceration reimbursements; amending RCW 9.94A.190 and 70.48.410; providing an effective date; and declaring an emergency.
Referred to Committee on Human Services and Corrections.

SB 5428 by Senators Hargrove, McCaslin, Sheahan, T. Sheldon, Hewitt and Oke

AN ACT Relating to state reimbursement for certain local criminal justice expenditures; and amending RCW 39.34.180.
Referred to Committee on Judiciary.

SB 5429 by Senators Prentice and West

AN ACT Relating to authorizing bona fide charitable and nonprofit organizations to conduct electronic bingo; and amending RCW 9.46.0205.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5430 by Senators Costa, Spanel, Franklin, Winsley, Thibaudeau, Long, Fairley, Prentice, Eide and Kohl-Welles

AN ACT Relating to coverage for cranial hair prostheses for alopecia areata; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and creating a new section.
Referred to Committee on Health and Long-Term Care.

SB 5431 by Senators Prentice, Horn, Haugen, Oke, T. Sheldon, Eide, Shin and B. Sheldon

AN ACT Relating to subagent service and registration fees; and amending RCW 46.01.140.
Referred to Committee on Transportation.

SB 5432 by Senators Horn, T. Sheldon, Eide, Prentice, Shin and Oke

AN ACT Relating to the transfer of appointment by subagents of the director of the department of licensing; and amending RCW 46.01.140.
Referred to Committee on Transportation.

SB 5433 by Senators Regala, Winsley and Thibaudeau

AN ACT Relating to establishment of parent and child relationship for children born through assisted conception; and amending RCW 26.26.030 and 26.26.050.

Referred to Committee on Health and Long-Term Care.

SB 5434 by Senators Oke and Haugen (by request of Department of Licensing)

AN ACT Relating to special identification cards for persons issued disabled parking permits; and amending RCW 46.16.381.
Referred to Committee on Transportation.

SB 5435 by Senators Kline, Roach, Gardner, Fairley and Costa

AN ACT Relating to false claims against the government; amending RCW 48.80.020; adding a new chapter to Title 4 RCW; and prescribing penalties.
Referred to Committee on Judiciary.

SB 5436 by Senators Regala and Morton (by request of Department of Fish and Wildlife)

AN ACT Relating to providing the fish and wildlife commission authority to issue pamphlet hydraulic project approval; amending RCW 77.15.300; adding a new section to chapter 77.55 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5437 by Senators Oke and Jacobsen (by request of Department of Fish and Wildlife)

AN ACT Relating to photo identification required for hunting and fishing licenses; and amending RCW 77.15.080 and 77.32.420.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5438 by Senators Jacobsen, Regala and Oke (by request of Department of Fish and Wildlife)

AN ACT Relating to fish and wildlife lands vehicle use permits; and amending RCW 77.32.380.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5439 by Senators Jacobsen and Morton (by request of Department of Fish and Wildlife)

AN ACT Relating to fishing guides; and amending RCW 77.65.010, 77.65.150, 77.65.370, 77.65.440, and 77.65.480.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5440 by Senators Jacobsen and Oke (by request of Department of Fish and Wildlife)

AN ACT Relating to correcting the number of gubernatorial appointments to the fish and wildlife commission; and amending RCW 77.04.030.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5441 by Senators Jacobsen and Regala (by request of Department of Fish and Wildlife)

AN ACT Relating to liability for damage to property; and amending RCW 4.24.630.
Referred to Committee on Judiciary.

SB 5442 by Senators Snyder, Jacobsen, Morton and Oke (by request of Department of Fish and Wildlife)

AN ACT Relating to salmon fishing gear; and amending RCW 77.50.030.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5443 by Senators Spanel, Jacobsen and Kohl-Welles (by request of Department of Fish and Wildlife)

AN ACT Relating to commercial salmon licenses; and amending RCW 77.65.160.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5444 by Senators Horn, McDonald, Finkbeiner, Johnson and Rossi

AN ACT Relating to voter approval on regional transit authority projects; and adding a new section to chapter 81.112 RCW.
Referred to Committee on Transportation.

SB 5445 by Senators Costa, Deccio, Thibaudeau, Parlette and Kohl-Welles

AN ACT Relating to the medicaid related payment of property costs in licensed nursing facilities; amending RCW 74.46.020, 74.46.370, 74.46.421, 74.46.433, and 74.46.435; adding new sections to chapter 74.46 RCW; repealing RCW 74.46.908; and declaring an emergency.
Referred to Committee on Health and Long-Term Care.

SB 5446 by Senators Eide, Zarelli, Kohl-Welles and McAuliffe

AN ACT Relating to health care coverage for retired or disabled school employees and retired state employees; adding a new section to chapter 41.05 RCW; and providing an effective date.
Referred to Committee on Health and Long-Term Care.

SB 5447 by Senators Jacobsen and Oke (by request of Department of Natural Resources)

AN ACT Relating to funding for forest fire protection; and amending RCW 76.04.167 and 76.04.610.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5448 by Senators Shin, Sheahan, Kastama, Rasmussen and Kohl-Welles

AN ACT Relating to excise taxation of college course materials; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.
Referred to Committee on Higher Education.

SB 5449 by Senators Prentice, Long, Winsley, Gardner, Franklin, Costa, Rasmussen and Kohl-Welles (by request of Attorney General Gregoire)

AN ACT Relating to identity theft; amending RCW 19.16.250, 9.35.010, 9.35.020, and 9.35.030; adding new sections to chapter 9.35 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5450 by Senators Long, Costa, McCaslin and Kohl-Welles (by request of Attorney General Gregoire)

AN ACT Relating to vulnerable adults' hearsay statements; and adding a new chapter to Title 74 RCW.
Referred to Committee on Judiciary.

SB 5451 by Senators Costa, Kline, McCaslin and Kohl-Welles (by request of Attorney General Gregoire)

AN ACT Relating to actions for crimes of violence motivated by gender; and adding a new chapter to Title 7 RCW.
Referred to Committee on Judiciary.

SB 5452 by Senators T. Sheldon, Rossi, Horn, Stevens, B. Sheldon and Fairley

AN ACT Relating to utility relocation costs caused by rapid transit authority activities; and amending RCW 81.112.100.
Referred to Committee on Economic Development and Telecommunications.

SB 5453 by Senator Deccio

AN ACT Relating to the investigation of conditions by a control officer; and amending RCW 70.94.200.

Referred to Committee on Environment, Energy and Water.

SB 5454 by Senators Long, Costa and Hargrove (by request of Department of Social and Health Services)

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

Referred to Committee on Human Services and Corrections.

SB 5455 by Senator Hargrove

AN ACT Relating to hunters' clothing; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5456 by Senators T. Sheldon and B. Sheldon (by request of State Treasurer Murphy)

AN ACT Relating to the time certificate of deposit investment program; amending RCW 43.86A.030; repealing RCW 43.131.381 and 43.131.382; and declaring an emergency.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5457 by Senators Kohl-Welles, Carlson, Jacobsen and Horn (by request of Workforce Training and Education Coordinating Board)

AN ACT Relating to liability and licensure of private vocational schools; and amending RCW 28C.10.050, 28C.10.084, and 28C.10.110.

Referred to Committee on Higher Education.

SB 5458 by Senators Jacobsen, Oke, Snyder, Hargrove, Hale, Morton and Parlette

AN ACT Relating to amendments to shoreline master programs and critical areas; amending RCW 90.58.080 and 36.70A.130; and creating a new section.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5459 by Senators Roach, Kline, Rasmussen and Winsley

AN ACT Relating to crimes related to mail; amending RCW 13.40.0357; reenacting and amending RCW 9.94A.320; adding a new chapter to Title 9A RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5460 by Senator Jacobsen

AN ACT Relating to local decision making for community and technical colleges; amending RCW 28B.50.090 and 28B.50.140; adding a new section to chapter 28B.15 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5461 by Senators Jacobsen, McAuliffe and Rasmussen

AN ACT Relating to housing assistance for school district employees; adding a new section to chapter 43.330 RCW; creating a new section; and making appropriations.

Referred to Committee on Education.

SB 5462 by Senators Costa, Winsley, Brown, Fairley, Fraser, Kohl-Welles, Eide, T. Sheldon, Prentice, Regala, Kline, Spanel, Gardner, Patterson, Thibaudeau, Jacobsen, B. Sheldon and McAuliffe

AN ACT Relating to contraceptive health services; adding a new section to chapter 48.43 RCW; adding a new section to chapter 48.41 RCW; adding a new section to chapter 48.36A RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 70.47 RCW; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SCR 8409 by Senators Morton and McCaslin

Establishing a select committee on state boundaries.

Referred to Committee on State and Local Government.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, January 24, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTEENTH DAY, JANUARY 23, 2001

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

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 24, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Gardner, Honeyford and Regala.

The Sergeant at Arms Color Guard, consisting of Pages Holly Kelsey and Carisa Bettger, presented the Colors. Reverend David Robin, pastor of the First Presbyterian Church in Tenino, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 23, 2001

SB 5064 Prime Sponsor, Senator Prentice: Defining degrees of gambling cheating. Reported by Committee on Labor, Commerce Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Benton, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

January 23, 2001

SB 5372 Prime Sponsor, Senator Prentice: Authorizing cooperative agreements concerning the taxation of cigarette sales on Indian lands. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That the bill be referred to the Committee on Ways and Means without recommendation. Signed by Senators Prentice, Chair; Benton, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Referred to Committee on Ways and Means.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

January 22, 2001

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Chemical Dependency Disposition Alternative." It is mandated under RCW 70.96A.520.

Please call Barbara Glass at (360) 902-7805 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on Chemical Dependency Disposition Alternative is on file in the Office of the Secretary of the Senate.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the members of the Washington Citizens Commission on Salaries for Elected Officials, who were seated in the gallery. Members are in Olympia today to attend hearings and meetings.

INTRODUCTION AND FIRST READING

SB 5463 by Senators Morton, Hochstatter, Stevens, Oke and McCaslin

AN ACT Relating to surplus hatchery-reared fish; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5464 by Senators Morton, Hochstatter, Stevens, Oke and McCaslin

AN ACT Relating to reporting the disposition of surplus salmon; and adding a new section to chapter 77.04 RCW.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5465 by Senators Costa, Hargrove and Long

AN ACT Relating to sex offender treatment providers; reenacting and amending RCW 18.155.020 and 18.155.030; adding a new section to chapter 18.155 RCW; adding a new section to chapter 4.24 RCW; adding a new section to chapter 71.09 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5466 by Senators Prentice and Winsley

AN ACT Relating to regulation of plumbers; amending RCW 18.106.010, 18.106.020, 18.106.030, 18.106.050, 18.106.070, 18.106.090, 18.106.155, 18.106.170, 18.106.180, and 18.106.250; creating a new section; and providing an expiration date.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5467 by Senators Constantine, Jacobsen and Regala (by request of Department of Fish and Wildlife)

AN ACT Relating to civil enforcement of hydraulic projects; amending RCW 77.15.300; adding a new section to chapter 77.55 RCW; creating a new section; repealing RCW 77.55.140; and prescribing penalties.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5468 by Senators Costa, Long, Hargrove and Kohl-Welles (by request of Department of Social and Health Services)

AN ACT Relating to the chemical dependency disposition alternative; and amending RCW 13.40.165.
Referred to Committee on Human Services and Corrections.

SB 5469 by Senators T. Sheldon, Rasmussen, Haugen and McCaslin

AN ACT Relating to tax deferrals in rural counties and community empowerment zones; and amending RCW 82.60.010, 82.60.020, 82.60.049, 82.62.010, 82.62.030, and 82.62.045.
Referred to Committee on Economic Development and Telecommunications.

SB 5470 by Senators Long, Costa and Kohl-Welles (by request of Department of Social and Health Services)

AN ACT Relating to providing services for persons through twenty years of age, who are or who have been in foster care; amending RCW 74.13.031; and reenacting and amending RCW 74.09.510.
Referred to Committee on Human Services and Corrections.

SB 5471 by Senators Johnson, Long and Constantine (by request of Administrator for the Courts)

AN ACT Relating to small claims collection cost recovery; and amending RCW 12.40.105.
Referred to Committee on Judiciary.

SB 5472 by Senators Johnson, Constantine and Kline (by request of Administrator for the Courts)

AN ACT Relating to courts of limited jurisdiction; amending RCW 3.50.810 and 3.46.150; and repealing RCW 3.46.155.
Referred to Committee on Judiciary.

SB 5473 by Senators Thibaudeau, Deccio, Kline, Fairley, McAuliffe, Rasmussen, Long, Winsley and Kohl-Welles (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to creating a developmental disabilities ombudsman; amending RCW 43.190.060 and 43.06A.030; adding a new chapter to Title 43 RCW; providing an effective date; and declaring an emergency.
Referred to Committee on Health and Long-Term Care.

SB 5474 by Senators B. Sheldon, Winsley, Spanel, Long and Fraser (by request of Department of General Administration)

AN ACT Relating to consolidating funds within the general administration services account; amending RCW 43.19.025 and 43.19.1923; and repealing RCW 39.35C.110.
Referred to Committee on Ways and Means.

SB 5475 by Senators B. Sheldon, West, Sheahan and McCaslin

AN ACT Relating to the business and occupation taxation of sales of new and used motor vehicles; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 5476 by Senators Patterson and Prentice

AN ACT Relating to issuing credit cards to persons under the age of twenty-one; adding a new section to chapter 28B.10 RCW; and adding a new chapter to Title 19 RCW.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5477 by Senators Haugen, Long, Shin, McAuliffe, Swecker, Horn and Costa

AN ACT Relating to public transportation systems; and amending RCW 36.57A.110 and 36.57A.130.
Referred to Committee on Transportation.

SB 5478 by Senators Franklin, Winsley, Prentice, Shin, Costa, Eide, T. Sheldon, Fairley, Jacobsen, Thibaudeau, B. Sheldon, Regala, Kline, Kohl-Welles, Spanel, McAuliffe, Fraser and Snyder

AN ACT Relating to lead-based paint activities; and creating new sections.
Referred to Committee on Health and Long-Term Care.

SB 5479 by Senator Jacobsen (by request of Washington Uniform Legislation Commission)

AN ACT Relating to athlete agents; adding a new chapter to Title 18 RCW; and prescribing penalties.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5480 by Senators Fairley, McAuliffe, Eide, Rasmussen, Long, Thibaudeau, Kline, Franklin, Kohl-Welles, Regala and McCaslin

AN ACT Relating to children placed in the care of relatives; adding a new section to chapter 74.13 RCW; and creating a new section.
Referred to Committee on Human Services and Corrections.

SB 5481 by Senators Fairley and Kohl-Welles

AN ACT Relating to conformity with federal law regarding Title 74 RCW; amending RCW 6.26.060, 10.101.010, 26.19.071, 26.19.075, 26.23.035, 28C.04.420, 43.20B.310, 74.04.770, 74.08.025, 74.08.080, 74.08.335, 74.08A.010, 74.08A.210, 74.08A.220, 74.08A.230, 74.08A.260, 74.08A.270, 74.08A.275, 74.08A.285, 74.08A.310, 74.08A.320, 74.08A.330, 74.08A.340, 74.08A.380, 74.08A.400, 74.08A.410, 74.12.010, 74.12.030, 74.12.035, 74.12.250, 74.12.255, 74.12.260, 74.12.300, 74.12.330, 74.12.361, 74.12.400, 74.12.410, 74.12.450, 74.13.0903, and 74.25.040; reenacting and amending RCW 74.09.522; and adding new sections to chapter 74.08A RCW.
Referred to Committee on Human Services and Corrections.

SB 5482 by Senators Shin, Horn, B. Sheldon, Jacobsen, Kohl-Welles, Sheahan, T. Sheldon, McAuliffe, Rasmussen and Oke

AN ACT Relating to encouraging senior citizens to volunteer in schools; adding a new section to chapter 28A.320 RCW; and creating a new section.
Referred to Committee on Education.

SB 5483 by Senator Rasmussen

AN ACT Relating to solid waste disposal standards; and amending RCW 70.95.060.
Referred to Committee on Environment, Energy and Water.

SB 5484 by Senators Hargrove and Rasmussen

AN ACT Relating to taxation of businesses selling conifer seeds or growing seedlings; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating new sections.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5485 by Senators Rasmussen and Morton

AN ACT Relating to animal cruelty; and amending RCW 16.52.185.
Referred to Committee on Agriculture and International Trade.

SB 5486 by Senators Rasmussen, Oke, Eide, Winsley, Long, Franklin, Costa, Kohl-Welles, Regala, Kastama, Thibaudeau, Roach, Stevens, McAuliffe and McCaslin

AN ACT Relating to dependent children and the manufacture of methamphetamine; amending RCW 26.44.020; and creating a new section.
Referred to Committee on Human Services and Corrections.

SB 5487 by Senators Morton and Oke

AN ACT Relating to smoking in casinos; and amending RCW 70.160.020 and 70.160.040.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5488 by Senators Haugen, Benton, T. Sheldon and Winsley

AN ACT Relating to special license plates; amending RCW 46.16.313; reenacting and amending RCW 46.16.305; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.
Referred to Committee on Transportation.

SB 5489 by Senators B. Sheldon, Swecker, T. Sheldon, Rasmussen, Winsley and Oke (by request of Department of Veterans Affairs)

AN ACT Relating to certain personnel in the department of veterans affairs; and amending RCW 41.06.077.
Referred to Committee on State and Local Government.

SB 5490 by Senators Johnson, Finkbeiner, Hewitt, Honeyford, Hochstatter, Zarelli, Stevens, Sheahan, Hale, Swecker and McCaslin

AN ACT Relating to the certificate of mastery; and amending RCW 28A.655.060.
Referred to Committee on Education.

SB 5491 by Senators Kline and Long (by request of Administrator for the Courts)

AN ACT Relating to small claims appeals; and amending RCW 12.36.050 and 12.36.055.
Referred to Committee on Judiciary.

SB 5492 by Senators Patterson, Carlson, Regala, Fraser, Horn, Haugen, Jacobsen and Kohl-Welles

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

SB 5493 by Senator Jacobsen

AN ACT Relating to the youth athletic facility account; and amending RCW 43.99N.060.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5494 by Senators Jacobsen and McAuliffe

AN ACT Relating to noise prevention for motor vehicles; and amending RCW 46.37.390.
Referred to Committee on Transportation.

SB 5495 by Senator Jacobsen

AN ACT Relating to the community outdoor athletic fields advisory council; and amending RCW 79A.25.810.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5496 by Senators Rasmussen, Swecker and Honeyford

AN ACT Relating to tax rate modifications for animal health products; amending RCW 82.04.050; and providing an effective date.

Referred to Committee on Agriculture and International Trade.

SB 5497 by Senators Rasmussen, Swecker and Haugen

AN ACT Relating to excluding farm and agricultural land from forest land under the forest practices act; and amending RCW 76.09.020.

Referred to Committee on Agriculture and International Trade.

SB 5498 by Senators Rasmussen, Swecker and Honeyford

AN ACT Relating to providing farmers with sales and use tax exemptions for propane and wood shavings used in the raising of chickens; adding new sections to chapter 82.08 RCW; and adding new sections to chapter 82.12 RCW.

Referred to Committee on Agriculture and International Trade.

SB 5499 by Senators Jacobsen and Oke (by request of Office of Financial Management)

AN ACT Relating to forest fire protection assessments; and amending RCW 76.04.610.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5500 by Senators Hargrove and Long

AN ACT Relating to programs and proceedings for children under the BECCA and HOPE acts; amending RCW 13.32A.030, 13.32A.160, 13.32A.170, 13.32A.179, 13.32A.190, 13.32A.196, 13.32A.198, 28A.225.035, 7.21.030, 13.32A.250, and 13.32A.250; reenacting and amending RCW 28A.225.090 and 28A.225.090; adding a new section to chapter 13.32A RCW; adding a new section to chapter 74.15 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services and Corrections.

SB 5501 by Senator Hargrove

AN ACT Relating to a student's use of a GED certificate as a defense to a truancy action; and adding a new section to chapter 28A.225 RCW.

Referred to Committee on Education.

SB 5502 by Senator Prentice

AN ACT Relating to boxing official licensing; and amending RCW 67.08.100.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5503 by Senators Prentice, Kastama, Costa, Fairley, Thibaudeau, Franklin, Shin, Kline, Gardner, Hargrove, Kohl-Welles, McAuliffe and Rasmussen

AN ACT Relating to privacy of personal financial information; and adding a new chapter to Title 19 RCW.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5504 by Senators Thibaudeau, Deccio, McAuliffe, Costa, Kohl-Welles, Fraser and Oke

AN ACT Relating to licensed dental hygienists; amending RCW 18.29.056; creating a new section; and declaring an emergency.
Referred to Committee on Health and Long-Term Care.

SB 5505 by Senators Thibaudeau, Deccio, Franklin, Costa and Kohl-Welles

AN ACT Relating to increasing the supply of dentists to meet the critical shortage of dental providers in this state and underserved areas; amending RCW 18.32.215; adding new sections to chapter 18.32 RCW; and creating a new section.
Referred to Committee on Health and Long-Term Care.

SB 5506 by Senator Jacobsen

AN ACT Relating to the separate reserve fund maintained by a charitable gift annuity business; and amending RCW 48.38.020.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5507 by Senator Kastama

AN ACT Relating to establishing parenting plans or residential schedules for parents who have voluntarily acknowledged paternity; amending RCW 26.26.040, 26.26.130, 26.50.025, 26.50.060, 9.41.800, 10.14.200, 26.23.020, and 26.23.120; adding a new chapter to Title 26 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Judiciary.

MOTION

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

SENATE RESOLUTION 2001-8606

By Senators Rasmussen, Swecker, McAuliffe, Franklin, Haugen, Eide, Kastama and Spanel

WHEREAS, It is the policy of the Washington State Legislature to recognize the heroic actions of its residents; and

WHEREAS, We often take for granted that our children will be safely transported to and from school; and

WHEREAS, On a recent winter day, a two-ton vehicle collided with a Bethel School District bus carrying twenty-two students; and

WHEREAS, The bus, driven by ten-year veteran bus driver Cheryl Mooring, caught fire as a result of the crash; and

WHEREAS, Although her glasses flew off and she was blinded by smoke from the fire, Cheryl Mooring was able to free her leg, which was pinned beneath the dashboard, and lead all of the middle-school students onboard to safety; and

WHEREAS, For her actions, Cheryl Mooring was hailed by the Washington State Patrol and Bethel School District officials as "a heroine."

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate, on behalf of the people of our state, do hereby recognize and acknowledge the outstanding display of heroic actions and commitment to students by Cheryl Mooring; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Cheryl Mooring and the Bethel School District.

Senators Rasmussen, Franklin and Swecker spoke to Senate Resolution 2001-8606.

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. Mr. President and ladies and gentlemen of the Senate, I want to express my gratitude for your thoughts and prayers the last few days. Lucille had surgery for an intestinal resection. There was no malignancy and we are really blessed. Prayer works and with your help everything has just worked out fine. Again, I want to thank you very much."

PERSONAL PRIVILEGE

Senator Parlette: "A point of personal privilege, Mr. President. Most of you do have a card on your desks. I must tell you it is an IOU. I also must tell you it would be very smart for you to read it carefully, because there is little bit of work involved on your part to fill out something if you want to receive this gift. There are three things that I would like to share about these cherries that you may be receiving as a gift from the Twelfth District and a gift from our orchard, Hover Hawk Inc. You might want to hope that there is no frost during the bloom season or you will not get these cherries. You, also, might want to hope that it does not rain in the month of July, because we are very late. Our orchard is at twenty-three hundred feet. We are one of the last ones to harvest cherries. So, let's hope for sunshine at that time.

"But most importantly, this would be good advice to both sides of the aisle to make sure that we do not dilly-dally with this budget or I won't be home to pack these cherries and ship them to you. Thank you very much."

PERSONAL PRIVILEGE

Senator Prentice: "I also rise to a point of personal privilege. I would like to thank Senator Parlette for solving what had been a dilemma for me. I have been wondering if we really want to be here in June and July waiting for that gift. Because, I always want to one-up Senator Oke, I have been there picking my own and are they good. Be sure and send that card in, because they are terrific and let's hope that we are all at home and enjoying them."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. I object to being discriminated against, Senator Parlette. On mine, it says 'You want, you pick 'em.' If I might continue, I believe Senator Kastama has spoken. Do you grow anything in your area, Senator? Would you yield to a question, Senator?"

POINT OF INQUIRY

Senator McCaslin: "Senator Kastama, what do you grow in your area?"

Senator Kastama: "Well, I will tell you. We grow strawberries, daffodils, trees--things of that sort. You can make your request and I could have it to you in the spring time."

Senator McCaslin: "Skip the daffodils, will you? We prefer something edible rather than a show, but we do appreciate whatever you are going to send us and then we will remark when you do."

Senator Kastama: "Okay, thank you. I look forward to that, too."

Senator McCaslin: "Senator Winsley suggested creme to go on the strawberries and cherries. That is a great idea, but we look forward to your splendor. I'm from Eastern Washington. Thank you very much, sir."

Senator Kastama: "Thank you."

PERSONAL PRIVILEGE

Senator Tim Sheldon: "A point of personal privilege. On another subject, I just want to mention something to the members. We often recognize events, birthdays, anniversaries and significant events that happen in our district and share them with other members. I also represent a small PUD--Mason County PUD ONE--which was the first operating PUD in the state. It started in 1934 and we had a great event that happened to our PUD yesterday. We learned about the small water system in our district that we manage and run for them called the Minerva Terrace. They applied for water rights in 1974 and yesterday we learned that they were granted. After a twenty-seven year wait, we are proud to say that Minerva Terrace now has water rights that have been granted by the Department of Ecology."

PERSONAL PRIVILEGE

Senator West: "Thank you, Mr. President. A point of personal privilege. As you pointed out, we do have with us today, the Salary Commission. I would like to, by leave of the Senate, to explain to the Salary Commission that early in the session like this, we are engaged in committee work primarily. It is very preliminary. We haven't moved bills to the floor from the committees, so our session today is fairly informal. We will, I think, very shortly be going in to caucus where we discuss legislation and then to committee meetings later.

"In my memory, this is the first time that the Salary Commission has actually come to the Senate and I would like to invite them back later in the year to observe a Senate session, as we approach cutoffs and as bills come out of committees. Also, I would like to invite them to some committee meetings. I know that they are volunteers--citizens--

and they are not really compensated for their work, but I am pleased that they have taken the time today to come and observe the Senate. Please don't judge this as a normal occurrence. We do get along down here as you might see, contrary to what you may read in the newspaper."

MOTION

At 10:28 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, January 25, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTEENTH DAY, JANUARY 24, 2001

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

EIGHTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 25, 2001

The Senate was called to order at 12:00 noon by President Pro Tempore Franklin. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 23, 2001

SB 5121 Prime Sponsor, Senator Regala: Correcting references to the former office of marine safety. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Hale, Honeyford, McDonald and Morton.

Passed to Committee on Rules for second reading.

January 23, 2001

SB 5126 Prime Sponsor, Senator Spanel: Regarding technical and clarifying amendments to the pipeline safety act of 2000. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5126 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Hale, Honeyford, McDonald and Morton.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 5508 by Senators Jacobsen, Oke, Hargrove, Patterson, Johnson, Rasmussen, Fraser, Horn, Hochstatter, McDonald and Swecker

AN ACT Relating to the recreation resource account; and amending RCW 79A.25.070.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5509 by Senators Kohl-Welles, Hochstatter, Shin, Kline, Hargrove, Horn, Fairley, Sheahan, B. Sheldon, Prentice, McAuliffe, Roach and Costa

AN ACT Relating to identification of students at institutions of higher education; adding a new section to chapter 28B.10 RCW; and creating new sections.
Referred to Committee on Higher Education.

SB 5510 by Senators B. Sheldon, Winsley, Haugen, Constantine, Fairley, Long, Eide, Hale, Prentice, Jacobsen, Costa, Kastama, Fraser, Kline, McAuliffe, Shin, Stevens, Regala, Morton, Zarelli, Benton and Oke

AN ACT Relating to extending the prohibition on mandatory local measured telecommunications service; and amending RCW 80.04.130.
Referred to Committee on Economic Development and Telecommunications.

SB 5511 by Senators Kastama and Franklin

AN ACT Relating to changing how the court determines the allocation of residential time between parents; amending RCW 26.09.004 and 26.09.187; and adding a new section to chapter 26.09 RCW.
Referred to Committee on Judiciary.

SB 5512 by Senators Fairley, Patterson, Fraser, Shin, Kohl-Welles and Gardner

AN ACT Relating to bereavement leave for state employees; and amending RCW 41.06.150.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5513 by Senators Haugen, Shin, T. Sheldon, Sheahan, Oke and Gardner

AN ACT Relating to motorist assault upon department of transportation employees; and adding a new section to chapter 47.04 RCW.
Referred to Committee on Transportation.

SB 5514 by Senators Spanel, Carlson, Hale, Gardner, Rasmussen, Winsley, Regala, Costa and Fraser

AN ACT Relating to public facilities districts; amending RCW 35.57.010, 35.57.020, and 82.14.390; and adding a new section to chapter 36.100 RCW.
Referred to Committee on State and Local Government.

SB 5515 by Senators Roach, Rasmussen, Fairley, Kastama, Oke, Hewitt, T. Sheldon, Stevens and Winsley

AN ACT Relating to the state veterans' song; and adding a new section to chapter 1.20 RCW.
Referred to Committee on State and Local Government.

SB 5516 by Senators Roach, Sheahan, Honeyford, Johnson, Stevens, McDonald, Hewitt, McCaslin, Swecker, Hochstatter and Morton

AN ACT Relating to restoration of the right to vote; and amending RCW 9.94A.220, 9.94A.260, and 9.96.050.
Referred to Committee on Judiciary.

SB 5517 by Senators Roach, Sheahan, Honeyford, Johnson, Stevens, McDonald, Swecker, Morton, Hewitt, McCaslin, Finkbeiner and Hochstatter

AN ACT Relating to voter registration; amending RCW 46.20.155; and adding a new section to chapter 29.07 RCW.
Referred to Committee on State and Local Government.

SB 5518 by Senators Horn, T. Sheldon and Roach (by request of Department of Licensing)

AN ACT Relating to the waiver of motorcycle endorsement examination after satisfactory completion of motorcycle operator training; amending RCW 46.20.515; and reenacting and amending RCW 46.20.505.
Referred to Committee on Transportation.

SB 5519 by Senators Horn, T. Sheldon and Roach (by request of Department of Licensing)

AN ACT Relating to use tax on motorcycles loaned to the department of licensing or its contractors for purposes of providing motorcycle training; and adding a new section to chapter 82.12 RCW.
Referred to Committee on Transportation.

SB 5520 by Senators Patterson, Horn, Haugen, Spanel, Kohl-Welles, Gardner and Winsley

AN ACT Relating to information about ballot measures; amending RCW 29.81.250; and adding a new section to chapter 29.79 RCW.
Referred to Committee on State and Local Government.

SB 5521 by Senators Thibaudeau, Deccio, Kohl-Welles and Winsley

AN ACT Relating to adult family homes; amending RCW 18.52C.020, 70.24.017, 70.128.007, 70.128.010, 70.128.090, 70.128.100, 70.128.120, 70.128.125, and 70.128.160; adding new sections to chapter 70.128 RCW; adding a new section to chapter 69.06 RCW; adding a new section to chapter 74.39A RCW; and repealing RCW 70.128.061 and 70.128.062.
Referred to Committee on Health and Long-Term Care.

SB 5522 by Senators Kastama, Hargrove, Thibaudeau, Winsley, Kohl-Welles, Long, Costa, Snyder, Deccio, Fraser and Rasmussen

AN ACT Relating to creating an office of mental health ombudsman; and adding a new chapter to Title 71 RCW.
Referred to Committee on Human Services and Corrections.

SB 5523 by Senators Horn, Rossi and Snyder

AN ACT Relating to overpayments of tax concerning leased equipment when a remedy to refund the overpayment no longer exists under the nonclaim statute; and adding a new section to chapter 82.32 RCW.
Referred to Committee on Ways and Means.

SB 5524 by Senators Honeyford, Oke, Deccio, Hale, Long, Stevens, Hochstatter, Rossi and Winsley

AN ACT Relating to energy assistance; amending RCW 82.12.022; and adding new sections to chapter 82.16 RCW.
Referred to Committee on Environment, Energy and Water.

SB 5525 by Senators Honeyford, Deccio, Morton, Hale, McDonald, Parlette, Horn, Johnson, Hochstatter, Stevens and Sheahan

AN ACT Relating to water right certificates; and amending RCW 90.03.330 and 90.44.100.
Referred to Committee on Environment, Energy and Water.

SB 5526 by Senators Prentice, Winsley and Benton (by request of State Treasurer Murphy and Superintendent of Public Instruction Bergeson)

AN ACT Relating to increasing the size of the state investment board; amending RCW 43.33A.020; and providing an effective date.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5527 by Senators Snyder, McDonald, Prentice, Winsley and Kohl-Welles

AN ACT Relating to liquor by the drink at special events at restricted clubs; and amending RCW 66.24.425.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5528 by Senators McAuliffe, Winsley, Kohl-Welles, Eide, Regala, Kline, Costa and Gardner (by request of Governor Locke, Attorney General Gregoire and Superintendent of Public Instruction Bergeson)

AN ACT Relating to preventing harassment, intimidation, or bullying in schools; adding new sections to chapter 28A.635 RCW; and creating a new section.

Referred to Committee on Education.

SB 5529 by Senators Horn, Morton, Hochstatter and Stevens

AN ACT Relating to the appropriation of water from lakes and reservoirs for single-family residential noncommercial garden and landscape irrigation; adding a new section to chapter 90.03 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Environment, Energy and Water.

SB 5530 by Senators Fairley, Kline and Kohl-Welles

AN ACT Relating to the reduction of greenhouse gases affecting climate change; adding a new chapter to Title 70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Environment, Energy and Water.

SB 5531 by Senator Spanel

AN ACT Relating to limitations on fishery licenses; and amending RCW 77.70.410, 77.70.420, 77.65.100, and 77.65.110.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5532 by Senators Jacobsen, Morton, Swecker, T. Sheldon, Oke and McDonald

AN ACT Relating to state base geographic data; amending RCW 58.22.010 and 58.22.020; adding new sections to chapter 58.22 RCW; creating a new section; repealing RCW 58.22.030, 58.22.040, and 58.22.050; and making appropriations.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5533 by Senators Eide, Rasmussen, Swecker, Patterson, Fairley, Zarelli, Roach, Jacobsen, Kohl-Welles, Costa, McAuliffe, Spanel, Franklin, Shin, B. Sheldon, Constantine, Hargrove, Kastama, Prentice, Kline, Stevens and Gardner (by request of Department of Agriculture)

AN ACT Relating to posting and notification of pesticide applications at schools; amending RCW 17.21.020 and 17.21.410; adding a new section to chapter 17.21 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.195 RCW; adding a new section to chapter 74.15 RCW; and providing an effective date.

Referred to Committee on Education.

SB 5534 by Senators Eide, Rasmussen, Swecker, Patterson, Fairley, Roach, Jacobsen, Kohl-Welles, Costa, Spanel, Franklin, Shin, B. Sheldon, Constantine, Hargrove, Kastama, Prentice, Kline and Gardner (by request of Department of Agriculture)

AN ACT Relating to persons applying pesticides at schools; amending RCW 17.21.020, 17.21.100, 17.21.126, 17.21.128, and 17.21.150; adding a new section to chapter 17.21 RCW; and providing an effective date.

Referred to Committee on Education.

SB 5535 by Senators Kohl-Welles and Kline

AN ACT Relating to charges for educational programs offered by nonprofit organizations in the public schools; and adding a new section to chapter 82.04 RCW.
Referred to Committee on Education.

SB 5536 by Senators Kohl-Welles, Hargrove, Long, Costa, Thibaudeau and Kline

AN ACT Relating to child care for children in homeless families; adding a new section to chapter 74.13 RCW; and creating a new section.
Referred to Committee on Human Services and Corrections.

SB 5537 by Senators Franklin, Hochstatter, Winsley, Regala, Prentice, Patterson, Rasmussen, Hargrove, Costa, Kohl-Welles, Long, Shin, Kastama, Fairley, Thibaudeau, Eide, Snyder, Kline, T. Sheldon, Jacobsen, Constantine, Stevens and Oke

AN ACT Relating to internet adoption; and amending RCW 26.33.400.
Referred to Committee on Human Services and Corrections.

SB 5538 by Senators Haugen and Jacobsen

AN ACT Relating to the trust land transfer program; adding new sections to chapter 79.08 RCW; and creating a new section.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5539 by Senators Honeyford, Eide, Patterson, Fraser, Regala, Hale, Oke and Winsley (by request of Governor Locke)

AN ACT Relating to tax credits for new facilities that provide electricity for direct service industrial customers; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.12 RCW; and adding a new section to chapter 82.16 RCW.
Referred to Committee on Environment, Energy and Water.

SB 5540 by Senators Franklin, Eide, Regala, Fraser, Costa, Rasmussen, Patterson, Kline, Kohl-Welles, Winsley and Gardner (by request of Governor Locke)

AN ACT Relating to public utility tax credits for home energy assistance programs for low-income households; and adding a new section to chapter 82.16 RCW.
Referred to Committee on Environment, Energy and Water.

SB 5541 by Senators Jacobsen, Eide, Patterson, Fraser, Regala, Kline, Spanel, Kohl-Welles, Roach and Winsley (by request of Governor Locke)

AN ACT Relating to exempting electric generating facilities powered by wind or sun energy from sales and use taxes; amending RCW 82.08.02567 and 82.12.02567; providing an effective date; providing expiration dates; and declaring an emergency.
Referred to Committee on Environment, Energy and Water.

SB 5542 by Senators Fraser, Eide, Patterson, Regala, Kline, Gardner, Winsley and Kohl-Welles (by request of Governor Locke)

AN ACT Relating to providing sales and use tax exemptions for air pollution control facilities acquired or installed by a light and power business at thermal electric peaking plants; and adding a new section to chapter 82.34 RCW.

Referred to Committee on Environment, Energy and Water.

SB 5543 by Senators Kastama, McAuliffe, Eide, Regala, Rasmussen, Thibaudeau, Costa, Kohl-Welles and Winsley (by request of Governor Locke and Superintendent of Public Instruction Bergeson)

AN ACT Relating to school safety; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Education.

SB 5544 by Senators Thibaudeau, Rasmussen, Regala, Costa and Winsley (by request of Governor Locke and Superintendent of Public Instruction Bergeson)

AN ACT Relating to detention of minors who commit felonies on school facilities; adding a new section to chapter 9.61 RCW; adding a new section to chapter 9A.36 RCW; and adding a new section to chapter 9A.46 RCW.

Referred to Committee on Education.

SB 5545 by Senators McAuliffe, Horn, Jacobsen, Kastama, B. Sheldon, Eide, Kohl-Welles, Rasmussen and Fairley

AN ACT Relating to eligibility for running start; and amending RCW 28A.600.310.

Referred to Committee on Education.

SB 5546 by Senators McAuliffe, Finkbeiner, Rasmussen, B. Sheldon, Fairley, Johnson, Hewitt, Eide and Kohl-Welles (by request of State Board of Education)

AN ACT Relating to reclassifying the state board of education as a class four group; and amending RCW 28A.305.120.

Referred to Committee on Education.

SB 5547 by Senators McAuliffe, Sheahan, Shin, Eide, T. Sheldon, Oke, Franklin, Costa and Gardner

AN ACT Relating to setting tuition fees at the state's institutions of higher education; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SB 5548 by Senators Morton, T. Sheldon, Honeyford, Hargrove and Stevens

AN ACT Relating to categorical exemptions from the state environmental policy act for certain activities; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Environment, Energy and Water.

SB 5549 by Senators Prentice and Winsley

AN ACT Relating to a study of problem or pathological gambling in existing public drug and alcohol treatment programs; creating a new section; and providing an expiration date.

Referred to Committee on Labor, Commerce and Financial Institutions.

SJM 8009 by Senator Roach

Requesting that the traditional day for observance of Memorial Day be restored to May 30th.

Referred to Committee on State and Local Government.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, January 26, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTEENTH DAY, JANUARY 25, 2001

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

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 26, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Fairley, Gardner, Hargrove, Hewitt, Honeyford, Long, McDonald, Parlette and Roach. On motion of Senator Johnson, Senators Honeyford, Long and Roach were excused.

The Sergeant at Arms Color Guard consisting of Pages Clara Lange and Jedidiah Studt, presented the Colors. Reverend David Robin, pastor of the First Presbyterian Church in Tenino, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 24, 2001

SB 5022 Prime Sponsor, Senator Jacobsen: Modifying the salmon recovery funding board's reporting of financial affairs. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove and Snyder.

Passed to Committee on Rules for second reading.

January 24, 2001

SB 5093 Prime Sponsor, Senator T. Sheldon: Modifying provisions concerning the unlawful dumping of solid waste. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, McDonald, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

January 24, 2001

SB 5254 Prime Sponsor, Senator Jacobsen: Providing funding for parks and recreation facilities. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That the bill be referred to Committee on State and Local Government without recommendation. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Oke, Snyder and Stevens.

Referred to Committee on State and Local Government.

INTRODUCTION AND FIRST READING

SB 5550 by Senators Morton, Honeyford, Horn, Hale, Hochstatter, Swecker, Deccio, Long, Winsley, McDonald, Hewitt, Sheahan, Rossi and Roach

AN ACT Relating to clarifying the authority of the energy facility site evaluation council; amending RCW 80.50.020 and 80.50.060; adding a new section to chapter 80.50 RCW; and declaring an emergency. Referred to Committee on Environment, Energy and Water.

SB 5551 by Senators Carlson, Kline and Zarelli

AN ACT Relating to judicial authority to order inspections; amending RCW 35.80.030; adding a new section to chapter 19.27 RCW; and adding a new section to chapter 2.28 RCW. Referred to Committee on Judiciary.

SB 5552 by Senators Carlson, Kohl-Welles, Hale, B. Sheldon, Hewitt, Sheahan, Shin, Zarelli, Parlette and Horn

AN ACT Relating to border county higher education opportunities; amending RCW 28B.80.805, 28B.80.806, and 28B.15.0139; and repealing 1999 c 320 s 6 (uncodified). Referred to Committee on Higher Education.

SB 5553 by Senators Prentice, Winsley and Franklin

AN ACT Relating to regulating gambling activities; creating new sections; and providing an expiration date. Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5554 by Senators Costa, Roach, Jacobsen, Carlson, Hargrove, Winsley, Thibaudeau, Kline, Franklin, Fraser, Kohl-Welles and Oke

AN ACT Relating to admitting law enforcement officers of the department of fish and wildlife into the law enforcement officers' and fire fighters' retirement system; reenacting and amending RCW 41.26.030; and creating a new section. Referred to Committee on Ways and Means.

SB 5555 by Senators Hale and Patterson

AN ACT Relating to establishing a branch office of the department of community, trade, and economic development in eastern Washington; and creating new sections. Referred to Committee on Economic Development and Telecommunications.

SB 5556 by Senators T. Sheldon, Prentice, Roach, Rasmussen, Franklin and McCaslin

AN ACT Relating to the use of public assets for political purposes; and amending RCW 42.17.128, 42.17.130, and 42.52.180. Referred to Committee on State and Local Government.

SB 5557 by Senators Kline, Rossi, Costa, Kastama, Shin, Johnson, Rasmussen and Thibaudeau

AN ACT Relating to the admissibility into evidence of a refusal to submit to a test of alcohol or drug concentration; and amending RCW 46.61.517. Referred to Committee on Judiciary.

SB 5558 by Senators Rossi, Kline, Finkbeiner, Roach, Morton, Oke, Johnson, Long, Swecker, Stevens and Sheahan

AN ACT Relating to penalties for alcohol violators; reenacting and amending RCW 46.61.5055; and prescribing penalties. Referred to Committee on Judiciary.

SB 5559 by Senators Haugen and McCaslin

AN ACT Relating to local government audits; amending RCW 43.09.260, 43.09.280, and 43.09.281; and creating a new section.

Referred to Committee on State and Local Government.

SB 5560 by Senators Swecker, Rasmussen, Sheahan, Shin, Parlette, Oke, Hochstatter, Stevens and Hewitt

AN ACT Relating to an alternative to Interstates 5 and 405; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.
Referred to Committee on Transportation.

SB 5561 by Senators Swecker, Stevens, Sheahan, Johnson, Hochstatter and Deccio

AN ACT Relating to the election of intercounty rural library district directors; amending RCW 27.12.130 and 27.12.190; adding a new section to chapter 27.12 RCW; and creating a new section.
Referred to Committee on State and Local Government.

SB 5562 by Senators Costa, McCaslin, Kohl-Welles, Deccio, B. Sheldon, Sheahan and T. Sheldon

AN ACT Relating to service of orders in harassment matters; and amending RCW 10.14.080 and 10.14.100.
Referred to Committee on Judiciary.

SB 5563 by Senators West, Deccio, Franklin, Sheahan, Oke and Rasmussen

AN ACT Relating to sales and use tax exemptions for medical equipment; amending RCW 82.08.0283 and 82.12.0277; and providing an effective date.
Referred to Committee on Ways and Means.

SB 5564 by Senators Sheahan, Prentice, Rasmussen, Honeyford and Hochstatter

AN ACT Relating to equipment dealers; amending RCW 19.98.010, 19.98.020, 19.98.030, 19.98.040, 19.98.100, 19.98.120, and 19.98.130; adding new sections to chapter 19.98 RCW; repealing RCW 19.98.110; and providing an effective date.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5565 by Senators Deccio, Thibaudeau and Kohl-Welles

AN ACT Relating to controlled substance orders and prescriptions; amending RCW 69.50.308; and repealing RCW 69.50.307.
Referred to Committee on Health and Long-Term Care.

SB 5566 by Senators Thibaudeau, Franklin, Deccio and Kohl-Welles

AN ACT Relating to requiring uniform prescription drug information cards; adding a new section to chapter 48.43 RCW; and creating a new section.
Referred to Committee on Health and Long-Term Care.

SB 5567 by Senators Jacobsen and Oke

AN ACT Relating to the regulation of marine fin fish aquaculture by the department of fish and wildlife; and adding a new chapter to Title 77 RCW.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5568 by Senators Prentice and Benton

AN ACT Relating to business location requirements for registered tow truck operators; and amending RCW 46.55.060.

Referred to Committee on Transportation.

SB 5569 by Senators Haugen and Benton

AN ACT Relating to registered tow truck operators; and amending RCW 46.44.015, 46.55.075, 46.55.100, 46.55.120, and 46.61.570.
Referred to Committee on Transportation.

SB 5570 by Senators Prentice, Honeyford, Franklin and Kohl-Welles

AN ACT Relating to credit union directors and committee members; and adding a new section to chapter 31.12 RCW.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5571 by Senators Sheahan, Rasmussen, Hochstatter, T. Sheldon, Hewitt, Rossi, Honeyford, Parlette, Stevens and Roach

AN ACT Relating to Future Farmers of America license plates; amending RCW 46.16.313, 46.16.233, and 46.16.290; adding a new section to chapter 46.16 RCW; and adding new sections to chapter 15.76 RCW.
Referred to Committee on Transportation.

SB 5572 by Senators Snyder, Winsley and Oke

AN ACT Relating to permissible highway signs; and amending RCW 47.42.040, 47.42.102, and 47.42.107.
Referred to Committee on Transportation.

SB 5573 by Senators Snyder and Kohl-Welles

AN ACT Relating to raffles by student groups and public hospital districts; amending RCW 9.46.110; adding new sections to chapter 9.46 RCW; adding a new section to chapter 28A.325 RCW; and adding a new section to chapter 70.44 RCW.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5574 by Senators McAuliffe, Carlson, Eide, Kohl-Welles and Rasmussen (by request of Superintendent of Public Instruction Bergeson)

AN ACT Relating to educational staff associate positions; and amending RCW 28A.150.410.
Referred to Committee on Education.

SB 5575 by Senators Eide, McAuliffe, Carlson and Kohl-Welles (by request of Superintendent of Public Instruction Bergeson)

AN ACT Relating to changing the timelines for the science and social studies academic assessments; and amending RCW 28A.655.060.
Referred to Committee on Education.

SB 5576 by Senator Hargrove (by request of Governor Locke)

AN ACT Relating to the simplification of public assistance asset tests; and amending RCW 74.04.005 and 74.13.0903.
Referred to Committee on Human Services and Corrections.

SB 5577 by Senators Fairley, Prentice, Kohl-Welles, Costa, Franklin, Winsley, McAuliffe and Regala (by request of Governor Locke)

AN ACT Relating to personnel; amending RCW 41.06.030, 41.06.150, 41.06.150, 41.06.022, 41.06.070, 41.06.110, 41.06.160, 41.06.167, 41.06.170, 41.06.186, 41.06.196, 41.06.270, 41.06.350, 41.06.400, 41.06.410, 41.06.450, 41.06.475, 41.06.490, 28B.12.060, 34.05.030, 34.12.020, 41.50.804, 43.06.425, 43.33A.100, 43.131.090, 49.46.010, 41.06.340, 13.40.320, 39.29.006, 41.04.385, 47.46.040, 72.09.100, 41.06.079, 41.06.152, 41.06.152, 41.06.500, 41.06.500, 43.23.010, 49.74.030, 49.74.030, 49.74.040, 49.74.040, and 41.56.201; reenacting and amending RCW 41.04.340; adding new sections to chapter 41.06 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 41.06.163, 41.06.165, 41.06.140, 41.50.804, 41.06.520, 41.06.380, 41.06.382, 41.56.023, 41.56.201, 28B.16.015, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, and 41.64.910; providing effective dates; and providing expiration dates.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5578 by Senators Costa, Constantine and Deccio

AN ACT Relating to validating trusts created for the benefit of nonhuman animals; adding a new chapter to Title 11 RCW; providing an effective date; and providing contingent effective dates.

Referred to Committee on Judiciary.

SB 5579 by Senators Shin, Patterson, Roach, Hale, Kohl-Welles and Winsley (by request of Secretary of State Reed)

AN ACT Relating to protecting the integrity of elections; amending RCW 29.07.092, 29.07.260, 29.07.440, 29.08.080, 29.10.125, 29.10.185, 29.60.030, 29.85.240, 36.27.020, and 46.20.155; adding new sections to chapter 29.07 RCW; adding new sections to chapter 29.04 RCW; adding a new section to chapter 29.85 RCW; adding a new section to chapter 46.20 RCW; creating a new section; and prescribing penalties.

Referred to Committee on State and Local Government.

SB 5580 by Senators Prentice, Winsley, Stevens, Regala and Constantine

AN ACT Relating to fees imposed by mortgage brokers licensed under the mortgage brokers practices act; amending RCW 82.04.280; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5581 by Senators Thibaudeau, Roach, Costa and Kohl-Welles

AN ACT Relating to naturopathic physicians; amending RCW 18.36A.010, 18.36A.020, 18.36A.030, 18.36A.040, 18.36A.050, 18.36A.070, 18.06.050, 18.74.010, 18.120.020, 18.130.040, and 43.70.470; adding new sections to chapter 18.36A RCW; adding a new section to chapter 19.68 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 5582 by Senators Roach, McAuliffe, Winsley, Patterson, Fairley, Morton, Kastama, Hochstatter, Deccio, Swecker, Long, Carlson, Finkbeiner, Hewitt, Stevens, Sheahan, Zarelli, Rossi, Kohl-Welles and Regala

AN ACT Relating to the conditional employment of teachers with lapsed certificates; and reenacting and amending RCW 28A.410.010.

Referred to Committee on Education.

SB 5583 by Senators Long, Hargrove, Stevens, Costa, Carlson, Hewitt, Kohl-Welles, Franklin, Kastama, Winsley and Regala

AN ACT Relating to the implementation of recommendations of the joint legislative audit and review committee's performance audit of the public mental health system; amending RCW 71.24.015; creating new sections; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 5584 by Senators McAuliffe, Eide and Kohl-Welles

AN ACT Relating to contracting for services performed by classified employees; and amending RCW 28A.400.285.
Referred to Committee on Education.

SB 5585 by Senators Patterson, Kline, Eide and Constantine

AN ACT Relating to determining long-term air transportation needs including airport siting; amending RCW 36.70A.200; adding a new section to chapter 47.06 RCW; adding a new section to chapter 47.80 RCW; adding a new chapter to Title 47 RCW; and making an appropriation.
Referred to Committee on Transportation.

SB 5586 by Senators Fraser, Morton and Regala (by request of Department of Ecology)

AN ACT Relating to water resource inventory area planning; and amending RCW 90.82.040.
Referred to Committee on Environment, Energy and Water.

SB 5587 by Senators Rasmussen, Rossi, Zarelli, Roach, Winsley, Snyder and Oke

AN ACT Relating to sales and use tax exemptions for fish and fishing; adding new sections to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5588 by Senators Prentice, Honeyford, Constantine and Sheahan

AN ACT Relating to tax exemptions for sales of food products sold through vending machines for human consumption; and amending RCW 82.08.0293 and 82.12.0293.
Referred to Committee on Ways and Means.

SB 5589 by Senators Gardner, Swecker and Winsley (by request of Governor Locke)

AN ACT Relating to transferring the public printer to the department of general administration; amending RCW 41.06.070, 43.78.030, 43.78.040, 43.78.050, 43.78.070, 43.78.090, 43.78.100, 43.78.105, 43.78.110, and 43.78.170; adding a new section to chapter 43.78 RCW; adding a new section to chapter 41.56 RCW; creating a new section; repealing RCW 43.78.010 and 43.78.020; and providing an effective date.
Referred to Committee on State and Local Government.

SB 5590 by Senators Prentice and Winsley (by request of Secretary of State Reed)

AN ACT Relating to electronic filing of corporation and limited liability company annual reports; and amending RCW 23B.16.220, 25.15.105, 25.15.085, and 25.15.095.
Referred to Committee on Judiciary.

SB 5591 by Senators Zarelli, Kline, Costa, McCaslin and Kohl-Welles

AN ACT Relating to a jury duty exemption for sole caregivers; and amending RCW 2.36.100.
Referred to Committee on Judiciary.

SB 5592 by Senator Kastama

AN ACT Relating to a technical amendment regarding the motor vehicle excise tax; and amending RCW 82.08.0201.
Referred to Committee on Transportation.

SB 5593 by Senators Gardner, Prentice and Winsley

AN ACT Relating to the public accountancy act; amending RCW 18.04.015, 18.04.025, 18.04.035, 18.04.045, 18.04.055, 18.04.065, 18.04.105, 18.04.180, 18.04.183, 18.04.185, 18.04.195, 18.04.205, 18.04.215, 18.04.295, 18.04.305, 18.04.320, 18.04.335, 18.04.345, 18.04.350, 18.04.370, 18.04.380,

18.04.390, 18.04.405, and 18.04.420; adding a new section to chapter 18.04 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5594 by Senators Gardner, Winsley, Prentice and Honeyford

AN ACT Relating to the consolidation of housing authorities; and amending RCW 35.82.300.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5595 by Senators Gardner, Patterson and Kohl-Welles

AN ACT Relating to changing the date of the primary; amending RCW 29.13.070, 29.13.010, 29.13.020, 29.15.020, 29.15.150, 29.15.170, 29.15.180, 29.15.190, 29.15.230, 29.19.030, 29.24.020, 29.30.075, 29.62.020, 42.12.040, 42.17.710, 42.52.185, 27.12.355, 27.12.370, 35.06.070, 35.13.1821, 35.61.360, 35A.14.299, 36.93.030, 52.02.080, 52.04.056, 52.04.071, 53.04.110, 54.08.010, 54.08.070, 57.04.050, and 70.44.235; repealing RCW 29.01.160; and providing an effective date.

Referred to Committee on State and Local Government.

SB 5596 by Senators Fraser, Rossi, Kohl-Welles, Zarelli, Oke, Kline, Long, Constantine, Carlson, Regala, Jacobsen, Kastama, Hargrove, Prentice, Rasmussen, Thibaudeau, Roach, Winsley, Eide, Spanel and Franklin

AN ACT Relating to providing a death benefit for certain state employees; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.32 RCW; and adding a new section to chapter 41.35 RCW.

Referred to Committee on Ways and Means.

SB 5597 by Senators Jacobsen, Oke, Kline, Carlson, Constantine, Kastama, Kohl-Welles, Rasmussen, Winsley, Regala, Hargrove, Prentice, Roach, Eide, Fraser and Franklin

AN ACT Relating to law enforcement officers for the state parks and recreation commission and the state liquor control board; reenacting and amending RCW 41.26.030; and adding new sections to chapter 41.40 RCW.

Referred to Committee on Ways and Means.

SB 5598 by Senators Shin, Roach, Horn, Swecker, Kohl-Welles, Thibaudeau, Franklin, Rasmussen, B. Sheldon, Eide, Costa, McAuliffe, Prentice and Jacobsen

AN ACT Relating to athletic trainers; amending RCW 18.130.040 and 7.70.020; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5599 by Senators Roach, Patterson, Swecker and Zarelli

AN ACT Relating to the official mammal of the state of Washington; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State and Local Government.

SB 5600 by Senators Roach, Zarelli and Stevens

AN ACT Relating to capital punishment; amending RCW 10.95.020; and prescribing penalties.

Referred to Committee on Judiciary.

SJR 8209 by Senators Snyder, West, Prentice, Winsley and Rossi (by request of State Investment Board)

Investing state investment board funds.

Referred to Committee on Labor, Commerce and Financial Institutions.

MOTION

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

SENATE RESOLUTION 2001-8609

By Senators Rasmussen, Johnson, Swecker, Spanel, Oke, Sheldon, B., Jacobsen, Winsley, Kohl-Welles, Kastama, Brown, Fairley, Prentice and Shin

WHEREAS, The Washington National Guard is composed of nearly 8,000 men and women citizen soldiers and airmen who, in the noble and time-honored tradition of the Minutemen, stand ready to answer the call of duty in defense of freedom and liberty; and

WHEREAS, These recognized leaders in state, regional and national preparedness who reside in every legislative district throughout Washington volunteer their time and personal efforts to serve the needs of the people of Washington; and

WHEREAS, The National Guard continues to promote positive lifestyles and activities for Washington's youth through involvement and support in highly effective drug prevention programs with school-age children and community-based organizations; and

WHEREAS, The National Guard continues an active participation in the state's counter drug efforts by providing soldiers, airmen and specialized equipment in support of seventy local, state and federal law enforcement agencies; and

WHEREAS, Through the giving of their time and personal energy, members of the National Guard have served the people of our state with honor and distinction, and have added value to communities by opening armories for public use such as distance-learning classes, food banks and youth activities;

NOW, THEREFORE, BE IT RESOLVED, That the Senate expresses thanks and appreciation to the devoted families and dedicated employers of our National Guard soldiers and airmen for their support – without which the National Guard's missions would not be successful; and

BE IT FURTHER RESOLVED, That the Senate recognize the value and dedication of a strong Washington National Guard to the viability, economy and well-being of this state through the outstanding performance of its state emergency and disaster relief missions; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Adjutant General of the Washington National Guard, the Governor of the state of Washington, the Secretary of the Army, and the President of the United States.

Senators Rasmussen, Swecker, Betti Sheldon, Deccio and Kohl-Welles spoke to Senate Resolution 2001-8609.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the men and women of the National Guard, who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Kastama: "A point of personal privilege, Mr. President. Well, today is the day I would like to pay my tribute to the Senate. As you saw before, the Senator from the Forty-ninth District actually sent you the main course of this meal--remember the beef jerky--and then the wonderful Senator from the Twelfth District is going to be sure that we all receive nutrition with fruit. Well folks, it is time for dessert. In a few moments, the Pages will be distributing something from my community that is not just a custom, it is an integral part of the community.

"Before we do that, I would like to show you a calendar that each of you have on your desk. If you will go ahead and pick that up, I would like to show you a few things down memory lane in my community. If you go to the month of January, you will see the Liberty Theater in downtown Puyallup in the Twenty-fifth District. This is really the entertainment center of my town for years--actually since 1924. As a young boy, I brought many dates here. There are probably many first kisses here. It was actually the favorite site for something called streaking, but I won't go into that in detail.

"If you move on to the month of March, you will see the Meeker Mansion. At one time, Esser Meeker was the builder, who was the Bill Gates of the Northwest. He was the Hop King and owned fields all the way up to the Auburn area. This mansion still stands in the center of Puyallup and is quite a historic mark. You can see Esser Meeker on the wagon next to one of his cattle. Now, if you move on again--and actually I would like to point this out--when I was a young boy, there were miles and miles of fields of what you see on the desk of the great Senator from the Fourth District. There were miles and miles of these daffodils when I was a young boy.

"Now, I have to say to the Senator that I did fulfill one of his requirements. He said he wanted something from my district and something he could eat. Well, it is from my district, but you can't eat that. Now, if we move on and go to the fair. If you see in the month of September, for one hundred years in my community, the fair has been a center of the community--very important. We have been noted for our roller-coasters and our pumpkins that weigh over seven hundred pounds. It is a wonderful place to go. We will actually talk more about that with the scones that you are going to receive in a little bit. Finally, I just want to show you one thing in the month of October. You see that--that is the Karshner Museum and I went to school right behind that. I am just showing you that to kinda brag--that's all.

"Now, let's move on to the dessert part. If you will look into the bag that you are receiving, there are two scones from the Puyallup Fair. In the Puyallup area, scones are part of our custom. When babies are born in our hospital, they are given scones instead of pacifiers. When they graduate from high school, everyone gets a scone with their favorite preserve. I know that the President has quite a protocol. I received an email about dancing on desks, you know, and all those types of things, but I hope you allow this food on the Senate Floor, but not to be eaten. I hope that protocol of not eating would not extend to the caucus where all of you can enjoy these morsels. Thanks so much. It is wonderful to be in the Senate."

PERSONAL PRIVILEGE

Senator McCaslin: "Mr. President, a point of personal privilege. We expected a gift, not a filibuster. I think that is okay. I want to thank you. You know I was really worried. You know it costs nine dollars to have your pants taken in and out and I just had to have some taken in. These scones should help me maintain my waistline, so that I can save money. We are deeply appreciative of this gift. I think I can speak for all of us. Send us another gift for that three minute speech."

PERSONAL PRIVILEGE

Senator Franklin: "Thank you, Mr. President. A point of personal privilege. To the good Senator from the Puyallup Valley, you will note that the good Senator that is across the aisle from me is our body's humorist. So, take it in stride."

MOTION

At 10:28 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, January 29, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

NINETEENTH DAY, JANUARY 26, 2001

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

TWENTY-SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 29, 2001
The Senate was called to order at 12:00 noon by President Pro Tempore Franklin. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 25, 2001

SB 5105 Prime Sponsor, Senator Prentice: Allowing chiropractors to be licensed for the purposes of boxing and martial arts events. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5105 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Benton, Fairley, Franklin, Patterson, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

January 25, 2001

SB 5106 Prime Sponsor, Senator Prentice: Regulating juvenile life insurance. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5106 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

January 26, 2001

SB 5118 Prime Sponsor, Senator Costa: Enacting the interstate compact for adult offender supervision. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Referred to Committee on Ways and Means.

January 25, 2001

SB 5130 Prime Sponsor, Senator Oke: Clarifying toll procedures in public-private initiatives. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McDonald, Oke, Prentice, T. Sheldon, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

January 25, 2001

SB 5197 Prime Sponsor, Senator Winsley: Revising private activity bond provisions. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

January 26, 2001

SB 5270 Prime Sponsor, Senator Costa: Modifying requirements for certain victims of sexually violent predators to be eligible for victims' compensation. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5118 was referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 25, 2001

GA 9028 PATRICIA M. LINES, appointed September 13, 1999, for a term ending June 30, 2001, as a member of the Academic Achievement and Accountability Commission.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Hochstatter, Johnson, Kastama, Rasmussen, Regala and Zarelli.

Passed to the Committee on Rules.

January 25, 2001

GA 9069 DAVE FISHER, appointed June 14, 2000, for a term ending June 30, 2002, as a member of the Academic Achievement and Accountability Commission.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Hochstatter, Johnson, Kastama, Rasmussen, Regala and Zarelli.

Passed to the Committee on Rules.

MESSAGE FROM THE HOUSE

January 26, 2001

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4403, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 5601 by Senators Thibaudeau, Deccio, Franklin, Winsley, Costa, Fraser and Kohl-Welles

AN ACT Relating to a limited license to practice medicine; and amending RCW 18.71.095.
Referred to Committee on Health and Long-Term Care.

SB 5602 by Senators T. Sheldon, McCaslin, Roach, Shin and Rasmussen

AN ACT Relating to voluntary cure of alleged construction defects; and adding a new section to chapter 4.16 RCW.
Referred to Committee on Judiciary.

SB 5603 by Senators Kline, Kohl-Welles and Fairley

AN ACT Relating to citizen enforcement of health and environmental laws; adding a new chapter to Title 4 RCW; and prescribing penalties.
Referred to Committee on Judiciary.

SB 5604 by Senators Spanel and Gardner

AN ACT Relating to allowing the liquor control board to authorize controlled purchase programs; and amending RCW 66.44.290.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5605 by Senators Prentice, Winsley, Gardner and Deccio (by request of Insurance Commissioner Kreidler)

AN ACT Relating to the investment limits of insurers in noninsurance subsidiaries; and adding a new section to chapter 48.13 RCW.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5606 by Senators Kohl-Welles and Long (by request of Department of Social and Health Services)

AN ACT Relating to making the background check requirements for department of social and health services' employees consistent with background check requirements for service providers, agencies, and entities serving vulnerable adults and children; amending RCW 9.96A.020, 41.06.475, 43.20A.020, 43.20A.710, 43.43.830, 43.43.832, 72.05.440, and 72.23.035; reenacting and amending RCW 74.15.030; creating a new section; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 5607 by Senators Patterson, Horn, McCaslin and Gardner

AN ACT Relating to medical plans for elected city officials; and amending RCW 41.04.190.

Referred to Committee on State and Local Government.

SB 5608 by Senators Patterson, Horn, McCaslin and Gardner

AN ACT Relating to authorizing the state treasurer to distribute interest from the local leasehold excise tax account; and amending RCW 82.29A.090.

Referred to Committee on State and Local Government.

SB 5609 by Senators Patterson, Horn, McCaslin and Gardner

AN ACT Relating to reconciling conflicting provisions in laws pertaining to cities and towns; and amending RCW 35A.63.110 and 35A.40.090.

Referred to Committee on State and Local Government.

SB 5610 by Senators Haugen, Carlson, Gardner and Winsley

AN ACT Relating to traffic safety cameras; amending RCW 46.63.030 and 46.63.140; adding new sections to chapter 46.63 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5611 by Senators Brown, Fairley, Haugen, Honeyford, Oke, Rossi, Hewitt, Rasmussen, McAuliffe, Kohl-Welles and Costa (by request of Lieutenant Governor Owen)

AN ACT Relating to tax credits for the employment of persons with disabilities; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5612 by Senators Rasmussen, Swecker and Kohl-Welles

AN ACT Relating to excise tax exemptions related to horses; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Agriculture and International Trade.

SB 5613 by Senators Rasmussen and Spanel

AN ACT Relating to marketing of agricultural products; adding new sections to chapter 15.64 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Agriculture and International Trade.

SB 5614 by Senators T. Sheldon and Stevens (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to exempting financial or proprietary information provided to the department of community, trade, and economic development from public disclosure; and amending RCW 42.17.319. Referred to Committee on Economic Development and Telecommunications.

SB 5615 by Senators Costa, McCaslin, Rasmussen and Kohl-Welles (by request of Secretary of State Reed)

AN ACT Relating to address confidentiality for victims of stalking; and amending RCW 40.24.010, 40.24.030, and 40.24.080. Referred to Committee on State and Local Government.

SB 5616 by Senators Patterson, Horn and Kohl-Welles (by request of Secretary of State Reed)

AN ACT Relating to the state voters' pamphlet; and amending RCW 29.81.210. Referred to Committee on State and Local Government.

SB 5617 by Senators Prentice and Horn

AN ACT Relating to licensing criteria for motor vehicle dealers; amending RCW 46.70.070; reenacting and amending RCW 46.70.041; and adding a new section to chapter 46.70 RCW. Referred to Committee on Transportation.

SB 5618 by Senators Prentice, Horn, Patterson and Costa

AN ACT Relating to financing local economic development projects; adding new sections to chapter 82.14 RCW; adding a new section to chapter 39.36 RCW; and creating a new section. Referred to Committee on Economic Development and Telecommunications.

SB 5619 by Senators Hewitt, T. Sheldon, Sheahan, Roach, McCaslin, Kline, Hochstatter, Oke, Honeyford, Winsley, Swecker and Long

AN ACT Relating to excluding self-service laundry from the definition of retail sale for excise tax purposes; amending RCW 82.04.050; creating a new section; and providing an effective date. Referred to Committee on Ways and Means.

SB 5620 by Senators T. Sheldon, Sheahan, McCaslin, Stevens and Rasmussen

AN ACT Relating to providing incentives for the deployment of telecommunications services in rural areas; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; creating new sections; and providing expiration dates. Referred to Committee on Economic Development and Telecommunications.

SB 5621 by Senators Rasmussen, Sheahan, Shin, Roach, Constantine, Patterson, Prentice, Thibaudeau and Kohl-Welles

AN ACT Relating to animal therapy; amending RCW 18.92.060 and 18.108.010; and creating new sections. Referred to Committee on Agriculture and International Trade.

SB 5622 by Senators Prentice, Winsley, Honeyford and Hochstatter

AN ACT Relating to adjusting permanent partial disability compensation for hearing loss to account for the effects of aging; amending RCW 51.32.080; and adding a new section to chapter 51.32 RCW. Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5623 by Senators Prentice, Gardner, Benton, Fairley, Patterson and Winsley

AN ACT Relating to licensing surplus line brokers; and adding a new section to chapter 48.15 RCW.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5624 by Senator Kohl-Welles

AN ACT Relating to the disclosure of fire protection and building safety information; and amending RCW 59.18.060.
Referred to Committee on Judiciary.

SB 5625 by Senators McAuliffe, Finkbeiner, Carlson and Kohl-Welles (by request of Governor Locke, Academic Achievement and Accountability Commission and State Board of Education)

AN ACT Relating to academic achievement and accountability commission accountability system recommendations; amending RCW 28A.655.030, 28A.300.040, 28A.505.120, 28A.400.010, 28A.400.030, 28A.400.100, 28A.400.300, 28A.405.210, 28A.405.220, 28A.405.230, 28A.150.020, 28A.320.010, 28A.320.015, 28A.320.035, 28A.315.005, 28A.315.015, 28A.315.025, 28A.225.210, 28A.225.270, and 41.59.910; reenacting and amending RCW 28A.225.220; adding new sections to chapter 28A.655 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; creating a new section; repealing RCW 28A.655.035 and 28A.655.050; and providing an effective date.

Referred to Committee on Education.

SB 5626 by Senators Rasmussen, Oke, Swecker, Winsley, Snyder, Shin, Roach, Patterson, McAuliffe and Benton (by request of Joint Select Committee on Veterans' and Military Affairs)

AN ACT Relating to the definition of veteran; amending RCW 41.04.005, 46.20.027, 41.04.010, 72.36.035, 73.04.090, 73.08.010, 73.08.060, 73.08.070, and 73.24.030; adding a new section to chapter 41.04 RCW; and creating a new section.
Referred to Committee on State and Local Government.

SB 5627 by Senators Rasmussen, Oke, Swecker, Winsley, Snyder, Shin, Patterson, Kohl-Welles and Benton (by request of Joint Select Committee on Veterans' and Military Affairs)

AN ACT Relating to the joint committee on veterans' and military affairs; and adding a new section to chapter 73.04 RCW.
Referred to Committee on State and Local Government.

SB 5628 by Senators Rasmussen, Oke, Swecker, Winsley, Snyder, Shin, Roach, Kohl-Welles and Benton (by request of Joint Select Committee on Veterans' and Military Affairs)

AN ACT Relating to a property tax exemption for widows or widowers of honorably discharged veterans; amending RCW 84.36.379, 84.36.383, 84.36.385, 84.36.387, 84.36.389, and 84.04.030; adding a new section to chapter 84.36 RCW; and creating a new section.
Referred to Committee on Ways and Means.

SB 5629 by Senators Patterson and Horn (by request of Office of Financial Management)

AN ACT Relating to the office of financial management's budgeting, accounting, and reporting requirements for state agencies; amending RCW 43.88.160, 79.44.040, 79.44.050, 79.44.070, 79.44.080, and 79.44.140; and repealing RCW 79.44.180.
Referred to Committee on State and Local Government.

SB 5630 by Senators Costa, Thibaudeau, Deccio, Winsley, Rasmussen and Kohl-Welles

AN ACT Relating to reimbursing nursing homes for direct care costs; amending RCW 74.46.431; reenacting and amending RCW 74.46.506; adding a new section to chapter 74.46 RCW; creating a new section; and declaring an emergency.
Referred to Committee on Health and Long-Term Care.

SB 5631 by Senators Patterson, Winsley and Rasmussen

AN ACT Relating to allowing metropolitan park districts to use a small works roster process; and adding a new section to chapter 35.61 RCW.
Referred to Committee on State and Local Government.

SB 5632 by Senators Haugen, Patterson, Jacobsen and Rasmussen (by request of Utilities and Transportation Commission)

AN ACT Relating to railroad right of way trespassing; amending RCW 9A.52.010; adding a new section to chapter 9A.52 RCW; and prescribing penalties.
Referred to Committee on Transportation.

SB 5633 by Senators Haugen, Jacobsen, Oke, Horn and Rasmussen (by request of Utilities and Transportation Commission)

AN ACT Relating to inspections of hazardous materials offered by private shippers for transportation by rail; amending RCW 81.44.065; and creating a new section.
Referred to Committee on Transportation.

SB 5634 by Senators Regala, Patterson, Swecker, Rasmussen, McAuliffe and Kohl-Welles

AN ACT Relating to initiative or referendum petition signature solicitors; amending RCW 29.79.490; adding a new section to chapter 29.79 RCW; and prescribing penalties.
Referred to Committee on State and Local Government.

SB 5635 by Senator Benton

AN ACT Relating to allowing county chairs to vote at political party state committee meetings; and amending RCW 29.42.020.
Referred to Committee on State and Local Government.

SB 5636 by Senators T. Sheldon, Franklin and Rasmussen (by request of Governor Locke)

AN ACT Relating to using state sales and use tax revenues generated within a benefited jurisdiction as a funding source for community development infrastructure improvements not to exceed one million dollars of funding per fiscal year; amending RCW 43.135.080; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; and creating new sections.
Referred to Committee on Economic Development and Telecommunications.

SB 5637 by Senators Jacobsen, Regala, Costa and Oke

AN ACT Relating to watershed health monitoring and assessments; amending RCW 77.85.050, 77.85.060, 77.85.160, and 90.71.060; adding new sections to chapter 90.82 RCW; adding a new section to chapter 77.85 RCW; adding a new section to chapter 76.09 RCW; adding a new section to chapter 90.48 RCW; adding a new section to chapter 90.54 RCW; adding a new section to chapter 89.08 RCW; and creating a new section.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5638 by Senators Gardner, Swecker and Snyder

AN ACT Relating to county treasurer technical corrections; amending RCW 35.13.270, 35A.14.801, 36.29.010, 36.29.050, 36.29.090, 36.29.100, 36.29.160, 36.29.170, 36.35.120, 36.35.150, 39.44.200, 39.46.020, 39.50.010, 39.50.030, 84.38.140, 84.40.042, and 84.56.250; and repealing RCW 84.36.015.
Referred to Committee on State and Local Government.

SB 5639 by Senators Prentice, Eide, McDonald, Haugen, Patterson and Horn (by request of Department of Licensing)

AN ACT Relating to penalties for the misuse of abstracts of driving records; amending RCW 46.52.130; and prescribing penalties.
Referred to Committee on Transportation.

SB 5640 by Senators Benton and T. Sheldon (by request of Department of Licensing)

AN ACT Relating to licensing of motor vehicle dealers and manufacturers; amending RCW 46.70.005, 46.70.011, 46.70.051, 46.70.090, 46.70.101, 46.70.120, 46.70.122, 46.70.130, 46.70.180, and 46.70.900; and reenacting and amending RCW 46.70.041.
Referred to Committee on Transportation.

SB 5641 by Senators McAuliffe, B. Sheldon, Kohl-Welles, Shin and Rasmussen

AN ACT Relating to limiting disclosure of personal information about school employees; and adding a new section to chapter 42.17 RCW.
Referred to Committee on Education.

SB 5642 by Senators Prentice, Kline, Franklin and Patterson (by request of Governor Locke)

AN ACT Relating to the linked deposit program; amending RCW 43.86A.060 and 43.63A.690; adding a new section to chapter 39.19 RCW; and repealing RCW 43.131.381 and 43.131.382.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5643 by Senator Prentice

AN ACT Relating to the admissibility of insurance applications; and amending RCW 48.18.080.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5644 by Senators Prentice, Eide and Rasmussen

AN ACT Relating to the issuance and renewal of liquor licenses; amending RCW 66.24.010; adding a new section to chapter 66.44 RCW; creating a new section; and providing an effective date.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5645 by Senators Prentice, Eide, Shin and Rasmussen

AN ACT Relating to the issuance or renewal of gambling licenses; amending RCW 9.46.075; creating a new section; and providing an effective date.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5646 by Senators Morton, Hale, Eide, Patterson, Long, Rasmussen, Fraser, Regala, McAuliffe, Johnson, Kohl-Welles, Kline, Prentice, T. Sheldon, Franklin, Haugen, Winsley, Horn, Oke, Carlson, Shin, Kastama, Rossi, Roach, McDonald, Zarelli, Stevens, Hochstatter and Swecker (by request of Governor Locke)

AN ACT Relating to extending eligibility for the public utility tax deduction for facilities generating energy from cogeneration; and amending RCW 82.16.055.
Referred to Committee on Environment, Energy and Water.

SB 5647 by Senators Regala, Thibaudeau, Jacobsen, Eide, Rasmussen, Fraser, Kohl-Welles, Hale, Winsley, Fairley, Shin, Prentice, Patterson, Constantine, Franklin, Costa, Kastama, McAuliffe, Kline, Haugen and Oke (by request of Governor Locke)

AN ACT Relating to the improvement of energy efficiency in state-funded public buildings through adoption of energy efficiency standards for new buildings, energy audits of existing state-funded public buildings, and performance-based energy service contracting; amending RCW 39.35.010, 39.35.030, 39.35.050, 39.35A.020, 39.35C.010, 39.35C.020, 43.19.668, 43.19.669, 43.19.670, 43.19.675, and 43.19.680; adding a new section to chapter 39.35A RCW; creating new sections; and declaring an emergency.
Referred to Committee on Environment, Energy and Water.

SB 5648 by Senators Eide, Fairley, Fraser, Costa, Haugen, Hale, Regala, Rasmussen, Kastama, McDonald, Winsley, Kohl-Welles, Shin, Prentice, Long, Patterson, Franklin, Constantine, Roach, Oke and T. Sheldon (by request of Governor Locke)

AN ACT Relating to providing sales and use tax exemptions for energy efficient lights and household appliances; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.
Referred to Committee on Environment, Energy and Water.

SB 5649 by Senators Fraser, Franklin, Jacobsen, Eide, Regala, Kohl-Welles, Kline, Prentice, Shin, Haugen, Rasmussen, Kastama and McAuliffe (by request of Governor Locke)

AN ACT Relating to acquiring electricity generation resources; and adding a new section to chapter 80.28 RCW.
Referred to Committee on Environment, Energy and Water.

SB 5650 by Senators Winsley, Thibaudeau and Deccio

AN ACT Relating to emergency medical transportation services; and adding a new section to chapter 18.73 RCW.
Referred to Committee on Health and Long-Term Care.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4403 by Representatives Pennington, Ogden and Benson

Remembering former legislators.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4403 was advanced to second reading and placed on the second reading calendar.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, January 30, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-SECOND DAY, JANUARY 29, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

TWENTY-THIRD DAY

NOON SESSION

SENATE CHAMBER, OLYMPIA, TUESDAY, JANUARY 30, 2001
THE SENATE WAS CALLED TO ORDER AT 12:00 NOON BY PRESIDENT OWEN. NO ROLL CALL WAS TAKEN.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

REPORTS OF STANDING COMMITTEES

JANUARY 29, 2001

SB 5013 PRIME SPONSOR, SENATOR McCASLIN: CLARIFYING THE DEFINITION OF "PERSISTENT OFFENDER." REPORTED BY COMMITTEE ON JUDICIARY

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5013 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS KLINE, CHAIR; CONSTANTINE, VICE CHAIR; COSTA, HARGROVE, JOHNSON, KASTAMA, LONG, McCASLIN, ROACH, THIBAudeau AND ZARELLI.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 29, 2001

SB 5052 PRIME SPONSOR, SENATOR JOHNSON: MAKING TECHNICAL CORRECTIONS TO TRUST AND ESTATE DISPUTE RESOLUTION PROVISIONS. REPORTED BY COMMITTEE ON JUDICIARY

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5052 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS KLINE, CHAIR; CONSTANTINE, VICE CHAIR; COSTA, HARGROVE, JOHNSON, KASTAMA, LONG, McCASLIN, ROACH, THIBAudeau AND ZARELLI.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 29, 2001

SB 5053 PRIME SPONSOR, SENATOR CONSTANTINE: MAKING CORRECTIONS TO ARTICLE 9A OF THE UNIFORM COMMERCIAL CODE. REPORTED BY COMMITTEE ON JUDICIARY

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS KLINE, CHAIR; CONSTANTINE, VICE CHAIR; COSTA, HARGROVE, JOHNSON, KASTAMA, LONG, McCASLIN, ROACH, THIBAudeau AND ZARELLI.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 25, 2001

SB 5066 PRIME SPONSOR, SENATOR PRENTICE: LICENSING AND REGULATION OF CONSUMER LOAN COMPANIES. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5066 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; GARDNER, VICE CHAIR; BENTON, FAIRLEY, FRANKLIN, HOCHSTATTER, HONEYFORD, PATTERSON, RASMUSSEN, REGALA, WEST AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 29, 2001

SB 5070 PRIME SPONSOR, SENATOR KLINE: RESTRICTING THE LENGTH OF THE TERM OF JURY SERVICE. REPORTED BY COMMITTEE ON JUDICIARY

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5070 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS KLINE, CHAIR; CONSTANTINE, VICE CHAIR; COSTA, HARGROVE, JOHNSON, KASTAMA, LONG, McCASLIN, ROACH, THIBAudeau AND ZARELLI.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 29, 2001

SB 5071 PRIME SPONSOR, SENATOR KLINE: REQUIRING TAX INCIDENCE INFORMATION AND REPORTING. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT THE BILL BE REFERRED TO THE COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; HALE, HAUGEN, HORN, McCASLIN, ROACH AND SWECKER.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

JANUARY 29, 2001

SB 5072 PRIME SPONSOR, SENATOR KLINE: ESTABLISHING JUROR COMPENSATION. REPORTED BY COMMITTEE ON JUDICIARY

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5072 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS KLINE, CHAIR; CONSTANTINE, VICE CHAIR; COSTA, JOHNSON, KASTAMA, LONG, McCASLIN, THIBAudeau AND ZARELLI.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

JANUARY 29, 2001

SB 5115 PRIME SPONSOR, SENATOR COSTA: REVISING COURT FILING FEES FOR TAX WARRANTS AND RECOVERY OF STATE AGENCY OVERPAYMENTS. REPORTED BY COMMITTEE ON JUDICIARY

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5115 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS KLINE, CHAIR; CONSTANTINE, VICE CHAIR; COSTA, HARGROVE, JOHNSON, KASTAMA, LONG, McCASLIN, ROACH, THIBAudeau AND ZARELLI.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 29, 2001

SB 5156 PRIME SPONSOR, SENATOR HALE: CREATING AN ADDITIONAL SUPERIOR COURT POSITION FOR THE COUNTIES OF BENTON AND FRANKLIN JOINTLY. REPORTED BY COMMITTEE ON JUDICIARY

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS KLINE, CHAIR; CONSTANTINE, VICE CHAIR; COSTA, HARGROVE, JOHNSON, KASTAMA, LONG, McCASLIN, ROACH, THIBAudeau AND ZARELLI.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 29, 2001

SB 5179 PRIME SPONSOR, SENATOR COSTA: PROVIDING FOR VICTIM NOTIFICATION. REPORTED BY COMMITTEE ON JUDICIARY

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5179 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS KLINE, CHAIR; CONSTANTINE, VICE CHAIR; COSTA, HARGROVE, JOHNSON, KASTAMA, LONG, McCASLIN, ROACH, THIBAudeau AND ZARELLI.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 29, 2001

SB 5181 PRIME SPONSOR, SENATOR PATTERSON: REVISING THE AUTHORITY OF THE CRIMINAL JUSTICE TRAINING COMMISSION TO OWN AND OPERATE TRAINING FACILITIES. REPORTED BY COMMITTEE ON JUDICIARY

MAJORITY RECOMMENDATION: DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS KLINE, CHAIR; CONSTANTINE, VICE CHAIR; COSTA, KASTAMA, LONG, THIBAudeau AND ZARELLI.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 29, 2001

SB 5276 PRIME SPONSOR, SENATOR PRENTICE: REVISING APPRENTICESHIP LAW TO RESPOND TO A 1999 UNITED STATES DEPARTMENT OF LABOR AUDIT. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; DECCIO, FAIRLEY, FRANKLIN, HONEYFORD, PATTERSON, RASMUSSEN, REGALA, WEST AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 29, 2001

SB 5349 PRIME SPONSOR, SENATOR ROSSI: DESIGNATING THE WASHINGTON NATIONAL GUARD'S COUNTERDRUG TASK FORCE AS A LAW ENFORCEMENT AGENCY FOR THE PURPOSES OF PARTICIPATING IN THE FEDERAL ASSET FORFEITURE PROGRAM. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT THE BILL BE REFERRED TO THE COMMITTEE ON JUDICIARY. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY; VICE CHAIR; HALE, HAUGEN, HORN, McCASLIN, ROACH AND SWECKER.

REFERRED TO COMMITTEE ON JUDICIARY.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 5181 WAS PASSED TO THE COMMITTEE ON RULES.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

JANUARY 29, 2001

GA 9008 REV. ELLIS H. CASSON, APPOINTED OCTOBER 25, 1999, FOR A TERM ENDING JUNE 17, 2004, AS A MEMBER OF THE HUMAN RIGHTS COMMISSION.
REPORTED BY COMMITTEE ON JUDICIARY

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KLINE, CHAIR; CONSTANTINE, VICE CHAIR; COSTA, HARGROVE, KASTAMA, LONG AND THIBAudeau

PASSED TO THE COMMITTEE ON RULES.

JANUARY 29, 2001

GA 9044 RUDY VASQUEZ, APPOINTED SEPTEMBER 15, 1997, FOR A TERM ENDING JUNE 17, 2002, AS A MEMBER OF THE HUMAN RIGHTS COMMISSION.
REPORTED BY COMMITTEE ON JUDICIARY

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS COSTA, HARGROVE, JOHNSON, KASTAMA, LONG, McCASLIN, THIBAudeau AND ZARELLI.

PASSED TO THE COMMITTEE ON RULES.

JANUARY 29, 2001

GA 9146 ART WANG, REAPPOINTED NOVEMBER 23, 2000, FOR A TERM ENDING NOVEMBER 22, 2005, AS CHIEF ADMINISTRATIVE LAW JUDGE OF THE ADMINISTRATIVE HEARINGS OFFICE.
REPORTED BY COMMITTEE ON JUDICIARY

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KLINE, CHAIR; CONSTANTINE, VICE CHAIR; COSTA, HARGROVE, JOHNSON, KASTAMA, THIBAudeau AND ZARELLI.

PASSED TO THE COMMITTEE ON RULES.

INTRODUCTION AND FIRST READING

SB 5651 BY SENATORS JACOBSEN, McDONALD, HAUGEN, HORN, KOHL-WELLES, RASMUSSEN, McAULIFFE, WINSLEY, COSTA AND THIBAudeau

AN ACT RELATING TO CREATING THE CITIZEN COUNCILOR NETWORK; AND ADDING NEW SECTIONS TO CHAPTER 43.09 RCW.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5652 BY SENATORS COSTA, WINSLEY, THIBAudeau, DECCIO, B. SHELDON, PRENTICE, FRASER, KOHL-WELLES AND FAIRLEY

AN ACT RELATING TO IMPROVING THE QUALITY OF IN-HOME LONG-TERM CARE SERVICES PROVIDED BY STATE FUNDED INDIVIDUAL PROVIDERS; AMENDING RCW 74.39A.005, 74.39A.030, 74.39A.095, 70.127.040, 70.127.040, 70.127.060, AND 70.127.070; ADDING NEW SECTIONS TO CHAPTER 74.39A RCW; CREATING A NEW SECTION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN EXPIRATION DATE.

REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5653 BY SENATORS PRENTICE AND HALE (BY REQUEST OF INSURANCE COMMISSIONER KREIDLER)

AN ACT RELATING TO PRIORITIZING AND ORDERING THE DISTRIBUTION OF CLAIMS OF AN INSURER'S ESTATE; AMENDING RCW 48.31.280 AND 48.31.260; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5654 BY SENATORS PRENTICE, WINSLEY, DECCIO AND REGALA (BY REQUEST OF INSURANCE COMMISSIONER KREIDLER)

AN ACT RELATING TO LICENSING INSURANCE AGENTS, BROKERS, SOLICITORS, AND ADJUSTERS; AND AMENDING RCW 48.17.090 AND 48.17.330.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5655 BY SENATORS PATTERSON, ROACH, FAIRLEY, KLINE, McCASLIN, PARLETTE, FRASER, T. SHELDON, SHIN, WINSLEY, GARDNER AND HORN (BY REQUEST OF STATE AUDITOR SONNTAG)

AN ACT RELATING TO CLARIFYING THE CIRCUMSTANCES UNDER WHICH THE GOVERNING BODY OF A PUBLIC AGENCY MAY HOLD AN EXECUTIVE SESSION TO DISCUSS LITIGATION; AMENDING RCW 42.30.110 AND 42.32.030; ADDING NEW SECTIONS TO CHAPTER 42.30 RCW; AND RECODIFYING RCW 42.32.030.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5656 BY SENATORS T. SHELDON, FINKBEINER AND FAIRLEY (BY REQUEST OF UTILITIES AND TRANSPORTATION COMMISSION)

AN ACT RELATING TO PUBLIC SERVICE COMPANIES; AMENDING RCW 80.24.010 AND 80.24.020; AND ADDING A NEW SECTION TO CHAPTER 80.24 RCW.
REFERRED TO COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS.

SB 5657 BY SENATORS CONSTANTINE, PATTERSON AND REGALA

AN ACT RELATING TO COMPLIANCE WITH LAW; AMENDING RCW 36.70B.030; AND ADDING A NEW SECTION TO CHAPTER 39.04 RCW.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5658 BY SENATORS T. SHELDON AND SWECKER (BY REQUEST OF DEPARTMENT OF LICENSING)

AN ACT RELATING TO VEHICLE LICENSE RENEWALS; AND AMENDING RCW 46.16.210.
REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 5659 BY SENATORS HAUGEN, PATTERSON, WINSLEY, PRENTICE, CONSTANTINE AND KOHL-WELLES

AN ACT RELATING TO THE USE OF FUNDS DERIVED FROM THE REAL ESTATE EXCISE TAX; AMENDING RCW 82.46.010; AND REENACTING AND AMENDING RCW 82.46.035.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5660 BY SENATORS HAUGEN AND HORN (BY REQUEST OF DEPARTMENT OF LICENSING)

AN ACT RELATING TO THE TAXATION OF FUEL; AND AMENDING RCW 82.36.010, 82.36.020, 82.36.026, 82.38.020, 82.38.030, AND 82.38.035.
REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 5661 BY SENATORS FINKBEINER AND McDONALD

AN ACT RELATING TO PLANNING FOR RECREATIONAL FACILITIES; AND AMENDING RCW 36.70A.070 AND 36.70A.080.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5662 BY SENATORS FINKBEINER AND OKE

AN ACT RELATING TO COMMERCIAL TELEPHONE SOLICITORS PROVIDING INFORMATION TO CALLER IDENTIFICATION SERVICES; ADDING A NEW SECTION TO CHAPTER 19.158 RCW; AND CREATING A NEW SECTION. REFERRED TO COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS.

SB 5663 BY SENATORS FINKBEINER, OKE AND KOHL-WELLES

AN ACT RELATING TO CREATING A SMALL PERSONALIZED SCHOOLS PILOT PROJECT; ADDING A NEW CHAPTER TO TITLE 28A RCW; AND PROVIDING AN EXPIRATION DATE. REFERRED TO COMMITTEE ON EDUCATION.

SB 5664 BY SENATORS EIDE, SWECKER, RASMUSSEN, ROSSI, CARLSON, HALE, KASTAMA, COSTA, OKE AND ROACH

AN ACT RELATING TO INCREASING THE PENALTY FOR CONVICTION OF DRIVING UNDER THE INFLUENCE; REENACTING AND AMENDING RCW 46.61.5055; AND PRESCRIBING PENALTIES. REFERRED TO COMMITTEE ON JUDICIARY.

SB 5665 BY SENATORS PRENTICE, WINSLEY, FRANKLIN, HOCHSTATTER, KOHL-WELLES, KASTAMA, HARGROVE, FAIRLEY, PATTERSON, KLINE, SHIN, B. SHELDON AND JACOBSEN

AN ACT RELATING TO PROTECTING GENETIC INFORMATION; AMENDING RCW 9.91.010, 9A.36.080, 26.26.100, 35.81.170, 41.14.180, 43.01.100, 48.18.480, 48.30.300, 48.43.021, 48.43.505, 48.44.220, 48.46.370, 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.223, 49.60.224, 49.60.225, AND 70.02.010; REENACTING AND AMENDING RCW 49.60.222; ADDING A NEW SECTION TO CHAPTER 48.01 RCW; AND CREATING A NEW SECTION.

REFERRED TO COMMITTEE ON JUDICIARY.

SB 5666 BY SENATORS HOCHSTATTER, SWECKER, STEVENS AND OKE

AN ACT RELATING TO ESTABLISHING THE STUDENT IMPROVEMENT TUITION SCHOLARSHIP PROGRAM; ADDING A NEW CHAPTER TO TITLE 28A RCW; AND DECLARING AN EMERGENCY. REFERRED TO COMMITTEE ON EDUCATION.

SB 5667 BY SENATORS HOCHSTATTER, SWECKER, JOHNSON, STEVENS AND ZARELLI

AN ACT RELATING TO QUALIFICATIONS FOR PUBLIC SCHOOL PRINCIPALS AND VICE PRINCIPALS; AND AMENDING RCW 28A.400.100. REFERRED TO COMMITTEE ON EDUCATION.

SB 5668 BY SENATORS RASMUSSEN, SHEAHAN, SHIN, PARLETTE, HARGROVE, HEWITT, HONEYFORD, MORTON, HALE, STEVENS, HOCHSTATTER, SWECKER, T. SHELDON, ZARELLI, HAUGEN AND ROACH

AN ACT RELATING TO THE EXEMPTION OF MACHINERY AND EQUIPMENT USED IN FARMING OPERATIONS FROM THE STATE PROPERTY TAX AND PREVENTING A SHIFT OF PROPERTY TAXES; AMENDING RCW 84.48.080 AND 84.52.010; ADDING A NEW SECTION TO CHAPTER 84.36 RCW; AND CREATING A NEW SECTION. REFERRED TO COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE.

SB 5669 BY SENATORS COSTA AND LONG

AN ACT RELATING TO VEHICULAR ASSAULT; AND AMENDING RCW 46.61.522. REFERRED TO COMMITTEE ON JUDICIARY.

SB 5670 BY SENATORS COSTA, KLINE, LONG, HARGROVE, PRENTICE, THIBAudeau, EIDE, REGALA, SHIN, FRANKLIN, PATTERSON AND JACOBSEN

AN ACT RELATING TO OPERATING OR HAVING ACTUAL PHYSICAL CONTROL OF A VESSEL WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG; AMENDING RCW 79A.60.040 AND 10.31.100; ADDING NEW SECTIONS TO CHAPTER 79A.60 RCW; AND PRESCRIBING PENALTIES.

REFERRED TO COMMITTEE ON JUDICIARY.

SB 5671 BY SENATORS COSTA, WINSLEY, SHIN, LONG, FRANKLIN, JACOBSEN AND KOHL-WELLES

AN ACT RELATING TO HARASSMENT; AMENDING RCW 9.61.230 AND 9A.46.020; AND PRESCRIBING PENALTIES.
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5672 BY SENATORS COSTA, LONG, HARGROVE, CONSTANTINE, SHIN, KLINE, JACOBSEN AND KOHL-WELLES

AN ACT RELATING TO RESTITUTION TO THE ESTATE OF CRIME VICTIMS; REENACTING AND AMENDING RCW 9.94A.142; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5673 BY SENATORS COSTA, KLINE, THIBAudeau, CONSTANTINE, PATTERSON, JACOBSEN, McAULIFFE, FRANKLIN, KOHL-WELLES AND SPANEL

AN ACT RELATING TO SAFE STORAGE OF FIREARMS; AMENDING RCW 9A.36.050; ADDING A NEW SECTION TO CHAPTER 9.41 RCW; AND PRESCRIBING PENALTIES.
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5674 BY SENATORS CONSTANTINE, JACOBSEN, PRENTICE, FRASER AND KOHL-WELLES

AN ACT RELATING TO POTENTIAL CLIMATE CHANGE; ADDING A NEW CHAPTER TO TITLE 70 RCW; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.
REFERRED TO COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

SB 5675 BY SENATORS RASMUSSEN AND MORTON

AN ACT RELATING TO FOOD SERVICE REGULATION; CREATING NEW SECTIONS; AND PROVIDING AN EXPIRATION DATE.
REFERRED TO COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE.

SB 5676 BY SENATOR McCASLIN

AN ACT RELATING TO A STUDY OF RELEASED PRISONERS; CREATING NEW SECTIONS; AND MAKING AN APPROPRIATION.
REFERRED TO COMMITTEE ON HUMAN SERVICES AND CORRECTIONS.

SB 5677 BY SENATOR THIBAudeau (BY REQUEST OF DEPARTMENT OF SOCIAL AND HEALTH SERVICES)

AN ACT RELATING TO ADJUSTING NURSING HOME PAYMENTS TO ENHANCE DIRECT CARE; AMENDING RCW 74.46.165, 74.46.410, 74.46.431, 74.46.433, 74.46.435, 74.46.437, 74.46.501, 74.46.515, 74.46.521, AND 74.46.711; REENACTING AND AMENDING RCW 74.46.506 AND 74.46.511; ADDING A NEW SECTION TO CHAPTER 74.46 RCW; CREATING A NEW SECTION; REPEALING RCW 74.46.280 AND 74.46.908; PROVIDING EFFECTIVE DATES; AND DECLARING AN EMERGENCY.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5678 BY SENATORS THIBAudeau, DECCIO AND HALE

AN ACT RELATING TO THE BOARD OF DENTAL HYGIENE; AMENDING RCW 18.29.021, 18.29.045, 18.29.060, 18.29.071, 18.29.120, 18.29.140, 18.29.150, 18.29.160, AND 18.29.210; ADDING NEW SECTIONS TO CHAPTER 18.29 RCW; AND REPEALING RCW 18.29.110, 18.29.130, 18.29.170, 18.29.190, AND 18.29.200.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5679 BY SENATORS THIBAudeau, DECCIO, FRANKLIN AND KOHL-WELLES

AN ACT RELATING TO THE HIV/AIDS PREVENTION STUDY COMMITTEE; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5680 BY SENATORS KOHL-WELLES, SHEAHAN, SHIN AND THIBAudeau

AN ACT RELATING TO UNIVERSITY OF WASHINGTON EMPLOYEES; AMENDING RCW 41.06.152 AND
41.56.201; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON HIGHER EDUCATION.

SB 5681 BY SENATORS KASTAMA, HORN, HAUGEN AND OKE (BY REQUEST OF WASHINGTON STATE PATROL)

AN ACT RELATING TO WEIGHT LIMITS FOR FIRE-FIGHTING APPARATUS; AMENDING RCW 46.44.091; AND
CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 5682 BY SENATORS HAUGEN AND HORN (BY REQUEST OF WASHINGTON STATE PATROL)

AN ACT RELATING TO TRANSFERRING INTO THE STATE PATROL RETIREMENT SYSTEM; AMENDING RCW
41.40.092, 41.40.092, AND 43.43.130; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN EXPIRATION DATE.
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 5683 BY SENATORS HORN AND HAUGEN (BY REQUEST OF WASHINGTON STATE PATROL)

AN ACT RELATING TO MEMBERSHIP ON THE STATE BUILDING CODE COUNCIL; AND AMENDING RCW
19.27.070.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5684 BY SENATORS T. SHELDON, STEVENS, ROACH, RASMUSSEN, MORTON, HARGROVE, SNYDER, MCCASLIN,
HONEYFORD, OKE, HEWITT AND HALE

AN ACT RELATING TO LEGISLATIVE APPROVAL OF SHORELINE GUIDELINES; AND AMENDING RCW 90.58.080.
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

SB 5685 BY SENATORS KOHL-WELLES, FINKBEINER, JOHNSON, RASMUSSEN, REGALA, PATTERSON, OKE, MCAULIFFE, HEWITT
AND ROACH (BY REQUEST OF GOVERNOR LOCKE AND SUPERINTENDENT OF PUBLIC INSTRUCTION
BERGESON)

AN ACT RELATING TO SALARY BONUSES FOR TEACHERS ATTAINING CERTIFICATION BY THE NATIONAL BOARD
FOR PROFESSIONAL TEACHING STANDARDS; ADDING A NEW SECTION TO CHAPTER 28A.405 RCW; AND CREATING A
NEW SECTION.
REFERRED TO COMMITTEE ON EDUCATION.

SB 5686 BY SENATORS EIDE, RASMUSSEN, KOHL-WELLES, MCAULIFFE AND CARLSON (BY REQUEST OF GOVERNOR LOCKE)

AN ACT RELATING TO CHANGING ACADEMIC ASSESSMENTS TIMELINES; AND AMENDING RCW 28A.655.060.
REFERRED TO COMMITTEE ON EDUCATION.

SB 5687 BY SENATORS RASMUSSEN, OKE, JOHNSON AND JACOBSEN

AN ACT RELATING TO MANDATORY EDUCATION FOR OPERATORS OF VESSELS; AMENDING RCW
79A.60.010; ADDING NEW SECTIONS TO CHAPTER 79A.60 RCW; AND PRESCRIBING PENALTIES.
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

SB 5688 BY SENATORS KOHL-WELLES, SNYDER, LONG, WINSLEY, PRENTICE, THIBAudeau, HARGROVE, B. SHELDON,
MCAULIFFE AND OKE

AN ACT RELATING TO RECALLED INFANT AND CHILD PRODUCTS; AND ADDING A NEW SECTION TO CHAPTER
43.70 RCW.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5689 BY SENATORS RASMUSSEN, EIDE, B. SHELDON, FRANKLIN, ROACH AND CARLSON

AN ACT RELATING TO THE SUMMER SCHOOL JUMP START PROGRAM; ADDING A NEW SECTION TO CHAPTER 28A.630 RCW; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON EDUCATION.

SB 5690 BY SENATORS RASMUSSEN, HOCHSTATTER, KASTAMA, EIDE AND B. SHELDON

AN ACT RELATING TO REVOCATION OF DRIVING PRIVILEGES; AMENDING RCW 46.20.265, 66.44.365, 69.41.065, 69.50.420, AND 69.52.070; AND PRESCRIBING PENALTIES.
REFERRED TO COMMITTEE ON JUDICIARY.

MOTION

AT 12:02 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 10:00 A.M., WEDNESDAY, JANUARY 31, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

TWENTY-THIRD DAY, JANUARY 30, 2001

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

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 31, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Eide, Fairley, Finkbeiner, Gardner, McDonald, Roach and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Jason Randall and Crystal Turner, presented the Colors. Janet Tanaka of the Baha'i Assembly in Thurston County offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 2001

SB 5024 Prime Sponsor, Senator Jacobsen: Declaring policies of the parks and recreation commission. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5024 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

January 29, 2001

SB 5120 Prime Sponsor, Senator Costa: Authorizing local governments to increase the penalties for opening or consuming liquor in a public place. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Costa, Johnson, Kastama, Long, McCaslin and Zarelli.

Passed to Committee on Rules for second reading.

January 29, 2001

SB 5246 Prime Sponsor, Senator Jacobsen: Adjusting deadlines for salmon recovery grant applications. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

January 29, 2001

SJM 8000 Prime Sponsor, Senator Jacobsen: Requesting the appointment of a federal multiagency contact person for Columbia River salmon and trout recovery. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Joint Memorial No. 8000 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

March 8, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Captain Robert D'Angelo, appointed March 8, 2000, for a term ending December 26, 2003, as a member of the Board of Pilotage Commissioners.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING

SB 5691 by Senators Costa, Long, Hargrove and Kohl-Welles

AN ACT Relating to limitations on sealing of juvenile offender records; amending RCW 13.50.050; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5692 by Senators Costa, Long, Hargrove, Rasmussen and Kohl-Welles

AN ACT Relating to authorizing the participation of youth as decision makers in dispositions of minor offenses and rules violations; amending RCW 13.40.020, 13.40.080, 13.40.250, and 46.63.040; adding new sections to chapter 13.40 RCW; adding a new section to chapter 28A.300 RCW; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Human Services and Corrections.

SB 5693 by Senators Eide, Finkbeiner, Rasmussen, Hochstatter, Winsley and Kohl-Welles

AN ACT Relating to medicinal and catheterization administration in public schools; and amending RCW 28A.210.260 and 28A.210.280.
Referred to Committee on Education.

SB 5694 by Senators Winsley, Prentice, Kastama and McAuliffe

AN ACT Relating to certification of resident managers of mobile home parks; adding a new chapter to Title 18 RCW; making an appropriation; providing an effective date; and declaring an emergency.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5695 by Senators Eide, Finkbeiner, McAuliffe, Franklin, Hewitt, Rasmussen, Johnson, Shin, Patterson, Oke, Winsley and Kohl-Welles (by request of Governor Locke and Superintendent of Public Instruction Bergeson)

AN ACT Relating to high-quality alternative routes to teacher certification; adding a new chapter to Title 28A RCW; creating a new section; and providing an expiration date.
Referred to Committee on Education.

SB 5696 by Senators Rasmussen, Honeyford, Kastama, T. Sheldon, Sheahan, Morton, Prentice, Spanel, Jacobsen and Stevens

AN ACT Relating to providing a tax rate for manufacturers of dairy products comparable to other processors of agricultural commodities; reenacting and amending RCW 82.04.260; and providing an effective date.
Referred to Committee on Agriculture and International Trade.

SB 5697 by Senators Roach, Patterson and Winsley (by request of Washington State Patrol)

AN ACT Relating to missing persons record retention policies; and amending RCW 68.50.320.
Referred to Committee on Judiciary.

SB 5698 by Senators Patterson, Roach and Winsley (by request of Washington State Patrol)

AN ACT Relating to submission of unidentified persons information; and amending RCW 68.50.330.
Referred to Committee on Judiciary.

SB 5699 by Senators Carlson, Benton, Honeyford, Hale and Zarelli

AN ACT Relating to the Washington state scholars program; amending RCW 28A.600.100 and 28A.600.110; and adding a new section to chapter 28A.600 RCW.
Referred to Committee on Higher Education.

SB 5700 by Senators Carlson, Benton and Zarelli

AN ACT Relating to establishing a pilot program authorizing designation of industrial land banks outside urban growth areas under certain circumstances; and amending RCW 36.70A.367.

Referred to Committee on State and Local Government.

SB 5701 by Senator Jacobsen

AN ACT Relating to terminating membership in the Washington state teachers' retirement system plan 1 after thirty years' service; and amending RCW 41.32.240.
Referred to Committee on Ways and Means.

SB 5702 by Senators Snyder, Winsley, Spanel, Rossi and Rasmussen

AN ACT Relating to simplifying and harmonizing the taxation of lands valued at current use; amending RCW 84.33.035, 84.33.130, 84.33.140, 84.33.145, 84.33.170, 84.33.210, 84.33.220, 84.33.230, 84.33.250, 84.33.260, 84.33.270, and 84.34.020; reenacting and amending RCW 84.34.108; decodifying RCW 84.33.112, 84.33.113, 84.33.114, 84.33.115, 84.33.116, and 84.33.118; and repealing RCW 84.33.020, 84.33.073, 84.33.100, 84.33.110, and 84.33.120.

Referred to Committee on Ways and Means.

SB 5703 by Senators Hargrove and Winsley

AN ACT Relating to alterations of mobile homes; and amending RCW 43.22.360.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5704 by Senators Fairley, Hale and Winsley (by request of Secretary of State Reed)

AN ACT Relating to recount procedures; amending RCW 29.62.090, 29.64.010, 29.64.015, 29.64.020, 29.64.030, 29.64.040, 29.64.051, 29.64.060, and 29.64.080; adding a new section to chapter 29.01 RCW; and adding a new section to chapter 29.64 RCW.

Referred to Committee on State and Local Government.

SB 5705 by Senators Deccio, T. Sheldon, Honeyford, Rasmussen, Benton, Prentice, Oke, Jacobsen, Thibaudeau, Franklin, B. Sheldon, Shin, McCaslin, Parlette, Winsley, Fraser, Costa, Sheahan, Hewitt, Carlson, Regala, Kline, Kohl-Welles and McAuliffe

AN ACT Relating to initiatives; and adding a new section to chapter 29.79 RCW.

Referred to Committee on State and Local Government.

SB 5706 by Senators Prentice, Deccio, Gardner, Winsley, Honeyford, Fairley and Rasmussen

AN ACT Relating to reconveyance of deeds of trust; amending RCW 61.24.005, 61.24.010, and 61.24.110; and adding a new section to chapter 61.24 RCW.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5707 by Senators Thibaudeau, Deccio, Winsley, Costa, Kohl-Welles and Rasmussen

AN ACT Relating to the protection of vulnerable adults; and amending RCW 74.34.035, 70.124.020, 70.124.030, 70.124.040, and 70.124.060.

Referred to Committee on Health and Long-Term Care.

SB 5708 by Senators Patterson, Prentice and Shin

AN ACT Relating to insurance coverage for injuries sustained because of alcohol or narcotic use; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; creating a new section; and repealing RCW 48.20.272.

Referred to Committee on Health and Long-Term Care.

SB 5709 by Senators Regala, Winsley and Fraser

AN ACT Relating to exempting from the state public utility tax the sales of electricity to an electrolytic processing business; adding a new section to chapter 82.16 RCW; and declaring an emergency.

Referred to Committee on Environment, Energy and Water.

SB 5710 by Senators McCaslin, Kline, Thibaudeau, Costa, Johnson, Hargrove, Rasmussen, Hale and Shin

AN ACT Relating to the equal access to justice act; amending RCW 4.84.340, 4.84.350, and 4.84.360; and adding new sections to chapter 4.84 RCW.
Referred to Committee on Judiciary.

SB 5711 by Senators T. Sheldon, Fairley, Hale and Winsley (by request of Secretary of State Reed)

AN ACT Relating to the order of candidates on ballots; amending RCW 29.30.025; and repealing RCW 29.30.040.
Referred to Committee on State and Local Government.

SB 5712 by Senators Costa and Roach

AN ACT Relating to presenting evidence of mental disease in a criminal proceeding; and adding a new section to chapter 10.58 RCW.
Referred to Committee on Judiciary.

SB 5713 by Senators Honeyford, Rasmussen, Hale, Morton, T. Sheldon, McDonald, Swecker, Hochstatter, Sheahan, Deccio, Hewitt, Parlette and Stevens

AN ACT Relating to seasonal or temporary transfer or changes by water users; and amending RCW 90.03.390.
Referred to Committee on Environment, Energy and Water.

SB 5714 by Senators Honeyford, Hale, Swecker, T. Sheldon, Morton, Rasmussen, McDonald, Hochstatter, Sheahan, Deccio, Hewitt, Parlette and Stevens

AN ACT Relating to nonuse of water for sufficient cause; and amending RCW 90.14.043, 90.14.140, 90.14.160, 90.14.170, and 90.14.180.
Referred to Committee on Environment, Energy and Water.

SB 5715 by Senators Honeyford, Rasmussen, Hale, Morton, McDonald, T. Sheldon, Hochstatter, Swecker, Deccio, Hewitt, Stevens, Parlette and Sheahan

AN ACT Relating to the standards for agricultural transfers of water; and amending RCW 90.03.380.
Referred to Committee on Environment, Energy and Water.

SB 5716 by Senators Eide, Swecker, Fraser, Kline, Jacobsen, Winsley and Kohl-Welles

AN ACT Relating to recycling and waste reduction; amending RCW 43.19.1905, 43.19A.020, 39.04.133, 70.95.010, 70.95.030, 70.95.090, 70.95.280, 70.95.290, and 70.95.810; adding a new section to chapter 81.77 RCW; creating new sections; prescribing penalties; and providing an expiration date.
Referred to Committee on Environment, Energy and Water.

SB 5717 by Senators Brown, T. Sheldon, Fraser, Regala, Kline, Franklin, Winsley, Kohl-Welles, Shin, McAuliffe, Spanel, Costa, B. Sheldon and Rasmussen

AN ACT Relating to the low-income energy assistance program; creating a new section; making an appropriation; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 5718 by Senators Thibaudeau and Deccio

AN ACT Relating to certification of reflexologists; amending RCW 18.108.010 and 18.108.020; adding new sections to chapter 18.108 RCW; and creating a new section.
Referred to Committee on Health and Long-Term Care.

SB 5719 by Senators Rasmussen, Honeyford and Fairley

AN ACT Relating to creation of dedicated accounts for contractor registration, factory assembled structures, and elevator inspection programs; amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 18.27 RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 70.87 RCW; providing an effective date; and providing an expiration date.
Referred to Committee on Ways and Means.

SB 5720 by Senators Carlson, West, T. Sheldon, Sheahan, Hewitt, B. Sheldon, Stevens, Winsley, McAuliffe and Rasmussen

AN ACT Relating to community revitalization financing; amending RCW 36.33.220, 36.79.140, 36.82.040, 46.68.124, and 82.03.130; adding a new section to chapter 27.12 RCW; adding a new section to chapter 35.61 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.68 RCW; adding a new section to chapter 36.69 RCW; adding a new section to chapter 36.75 RCW; adding a new section to chapter 52.12 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 67.38 RCW; adding a new section to chapter 68.52 RCW; adding a new section to chapter 70.44 RCW; adding a new section to chapter 86.15 RCW; adding a new section to chapter 84.55 RCW; adding a new chapter to Title 39 RCW; and providing an expiration date.
Referred to Committee on Economic Development and Telecommunications.

SJR 8210 by Senators Deccio, T. Sheldon, Honeyford, Rasmussen, Benton, Prentice, Oke, Jacobsen, Franklin, Thibaudeau, B. Sheldon, Shin, McCaslin, Parlette, Winsley, Fraser, Costa, Sheahan, Hewitt, Carlson, Regala, Kohl-Welles, McAuliffe and Kline

Requiring initiatives to specify funding sources.

Referred to Committee on State and Local Government.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No 5708 was referred to the Committee on Health and Long-Term Care.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4403, by Representatives Pennington, Ogden and Benson

Remembering former legislators.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4403 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on third reading and final passage.

HOUSE CONCURRENT RESOLUTION NO. 4403 was adopted by voice vote.

MOTION

At 10:09 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, February 1, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-FOURTH DAY, JANUARY 31, 2001

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

TWENTY-FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 1, 2001

The Senate was called to order at 12:00 noon by Vice President Pro Tempore Shin. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 31, 2001

SB 5123 Prime Sponsor, Senator Costa: Revising the crime of escape as it relates to sexually violent predators. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5123 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

January 30, 2001

SB 5316 Prime Sponsor, Senator Prentice: Ensuring that reasonable assurance continues to apply to employees of educational institutions. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Benton, Franklin, Honeyford, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

January 31, 2001

SB 5416 Prime Sponsor, Senator Patterson: Requiring identification of drug-affected infants and providing treatment services to their mothers. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5416 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Carlson, Franklin, Hewitt, Kastama, Long and Stevens.

Passed to Committee on Rules for second reading.

January 31, 2001

SB 5437 Prime Sponsor, Senator Oke: Requiring holders of fish and wildlife licenses purchased over the internet or telephone to provide enforcement officers with photo identification. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, McDonald, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

January 31, 2001

SB 5439 Prime Sponsor, Senator Jacobsen: Modifying provisions concerning the licensing of fishing guides. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, McDonald, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

January 31, 2001

SB 5440 Prime Sponsor, Senator Jacobsen: Raising the number of the governor's appointees to the fish and wildlife commission from two to three. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, McDonald, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

January 31, 2001

SB 5443 Prime Sponsor, Senator Spanel: Changing required renewal dates in order to validly renew certain commercial fishing licenses. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5443 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, McDonald, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
HEALTH AND REHABILITATIVE SERVICES ADMINISTRATION
Timothy R. Brown, Ph.D., Acting Assistant Secretary
Olympia, Washington 98504-5000

STRATEGIES FOR THE FUTURE EXECUTIVE SUMMARY December 1, 2000

In recent years, people with developmental disabilities in Washington State and the people allied with them have been working to create a shift in how supports and services are offered. In 1997, Lyle Quasim, Secretary of the Department of Social and Health Services (DSHS), appointed the Strategies for the Future Stakeholder Workgroup (the Stakeholder Workgroup). Its primary mission was to build consensus among its members in order to advise the DSHS/Division of Developmental Disabilities (the division) on development of a strategic plan for the future of developmental disability services. Consensus was reached on the principle of individual choice and self-determination to guide future service delivery.

Current law directs the division, in conjunction with the Stakeholder Workgroup, to make recommendations to the legislature on how to best meet the needs of people with developmental disabilities and their families, today and in the future. DSHS will submit three reports to the legislature in December 1998, 2000 and 2002.

In December 1998, the division submitted Strategies for the Future Long-Range Plan Phase I Report to the Washington State Legislature. The report shared an estimate on unmet service needs, proposed a multi-biennial funding plan to meet these needs and outlined an approach for system restructuring based on an individual choice and self-determination service delivery philosophy.

The division is now, in December 2000, submitting the Strategies for the Future Long-Range Plan Phase II Report to the Legislature. This report is based on the contributions of over one hundred and twenty people who worked together in special topic workgroups with co-chairs from the Stakeholder Workgroup and the division. Recommendations from the topic workgroups went to the Stakeholder Workgroup for consideration, and those adopted were forwarded to the division, forming the backbone of this Phase II Report. While this report's primary focus is on the activities of the division and the Stakeholder Workgroup for the next two or three years, the long range planning effort will continue to work out system restructuring issues, including statutory change recommendations, and to implement choice and self-determination statewide by June 30, 2007.

Washington's focus on choice and self-determination comes as a result of years of committed work by hundreds of individuals with developmental disabilities, their families and friends, legislators, advocates, providers, and social service staff. A hallmark of this approach is the ability of people with developmental disabilities to make choices about their living conditions and supports. A primary tool in accomplishing this is individual control of service dollars, with each person or family having a budget that is portable. Portability allows the person to direct funds among options he or she chooses, and to make changes as desired—for example, choosing a different living or employment situation.

The Phase II Report recommends a two-part approach to developing individual budgets. A general allocation would be available to all eligible persons, with some variation for children three through twenty who are funded through the school system. A second specialized allocation may be added after an individualized assessment process for those people who find that their general allocation is insufficient to purchase needed services. The Stakeholders Workgroup did not recommend using an individual assessment process for all eligible persons since this process would be expensive to administer. In addition, the division estimates that approximately eighty percent of people currently served would have adequate dollars to meet their needs within the proposed general budget amount.

To prepare for implementing this flexible individual budget approach, two initiatives are presented in the Phase II Report. The first already underway and continuing into the 2001-2003 biennium, is to test and refine the assessment instrument. The second, proposed for the 2001-2003 biennium, is to pilot individual budgets and other choices and self-determination components. The pilot is proposed for one geographic area of the state. The purpose of the pilot is to test each component of a choice and self-determination system to determine what works best for people and their families.

After reaching consensus on using choice and self-determination as the direction that system improvements would follow, several other agreements have been reached on the particulars involved with the pursuit. However, the Stakeholder Workgroup has not yet reached consensus on two major issues: 1) how to use and/or re-deploy any "unneeded" residential habilitation center resources and: 2) the role of various government entities in implementing a choice and self-determination approach. These two unresolved issues, as well as a number of additional issues that the Stakeholder Workgroup is currently scheduling for discussion, will continue to be the focus of Stakeholder Workgroup and division activity for the next two years.

In summary, a self-determination approach will provide individuals and their families with more power to choose the services and supports that best suit their individual needs and to select the providers of these services and supports. A self-determination approach will also provide an effective and equitable method of budgeting and allocating resources to meet those needs.

MEMORANDUM

TO: Interested People
FROM: Stakeholder Workgroup
SUBJECT: 'Addendum to Strategies for the Future'

Recently, the Division of Developmental Disabilities, with input from the Stakeholder Workgroup, submitted to the Legislature Phase II of a plan required by SB 6751 that outlines changing the current system. The Stakeholder Workgroup made the decision to develop an addendum that reflects pertinent information about "unmet needs" excluded from Phase II of the plan.

If you have recently received a report titled Strategies for the Future-Long Range Plan Report Phase II: 2001-2003, from the Division of Developmental Disabilities, please attach this addendum to it.

Thank you.

The Department of Social and Health Services Long-Range Plan Report, Phase 2: 2001-2003 and the Addendum from the Division of Developmental Disabilities is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5721 by Senators Haugen, Spanel and Rasmussen

AN ACT Relating to privileged communications; and amending RCW 5.60.060.
Referred to Committee on Judiciary.

SB 5722 by Senators Oke, Haugen, Eide, Rossi, Roach, Costa, Kastama, Winsley and Rasmussen

AN ACT Relating to special armed forces license plates; reenacting and amending RCW 46.16.305; adding a new section to chapter 46.16 RCW; repealing RCW 73.04.110 and 73.04.115; and providing an effective date.
Referred to Committee on Transportation.

SB 5723 by Senator Haugen

AN ACT Relating to permits for access to controlled access transportation facilities; and amending RCW 47.50.020, 47.50.030, 47.50.040, 47.50.050, and 47.50.060.
Referred to Committee on Transportation.

SB 5724 by Senators Deccio, McDonald, Oke, Horn, Hochstatter, Sheahan and T. Sheldon

AN ACT Relating to the failure to wear safety belt assembly; amending RCW 46.61.688 and 46.61.688; providing an effective date; and providing an expiration date.
Referred to Committee on Judiciary.

SB 5725 by Senators Spanel and McDonald (by request of Department of Revenue)

AN ACT Relating to granting the department of revenue the authority to issue direct pay permits; amending RCW 82.12.010, 82.08.050, and 82.12.040; adding a new section to chapter 82.32 RCW; creating new sections; and providing an effective date.
Referred to Committee on Ways and Means.

SB 5726 by Senators Spanel, West, Snyder, Hale, Franklin, B. Sheldon and Johnson

AN ACT Relating to statutory committees of the legislature; amending RCW 44.28.060, 44.28.065, 44.44.030, 44.48.120, 44.68.040, and 44.68.050; adding a new section to chapter 44.04 RCW; adding a new section to chapter 44.28 RCW; adding a new section to chapter 44.44 RCW; adding a new section to chapter 44.48 RCW; and adding a new section to chapter 44.68 RCW.
Referred to Committee on State and Local Government.

SB 5727 by Senators Prentice and Winsley

AN ACT Relating to subsidy disclosure; adding new sections to chapter 42.17 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5728 by Senators Eide, Winsley, Prentice and Rasmussen

AN ACT Relating to industrial insurance benefits paid during appeal; amending RCW 51.52.050; reenacting and amending RCW 51.52.060; and declaring an emergency.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5729 by Senators Thibaudeau, Patterson, Fairley, Winsley, Kohl-Welles, Jacobsen, Haugen, Prentice, Costa, Regala, Kline, Carlson and Rasmussen

AN ACT Relating to the private possession of dangerous wild animals; adding a new chapter to Title 77 RCW; and prescribing penalties.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5730 by Senators Patterson, Kohl-Welles, Fairley, Costa, Thibaudeau, Finkbeiner, Regala, Kline and Carlson

AN ACT Relating to egg-laying birds; amending RCW 69.25.070; adding a new section to chapter 43.70 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Agriculture and International Trade.

SB 5731 by Senators Morton, Honeyford, Sheahan, Hale, Zarelli, Hewitt, West, Long, Oke and Stevens

AN ACT Relating to electric utility sales and use tax exemptions; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.
Referred to Committee on Environment, Energy and Water.

SB 5732 by Senators Prentice and Winsley

AN ACT Relating to fire sprinkler fitters; amending RCW 18.160.010, 18.160.030, 18.160.040, 18.160.080, and 18.160.100; adding new sections to chapter 18.160 RCW; and prescribing penalties.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5733 by Senators Haugen, Morton and Rasmussen

AN ACT Relating to county road construction projects; and amending RCW 36.77.065.
Referred to Committee on Transportation.

SB 5734 by Senators Hale, Hewitt and Parlette

AN ACT Relating to agricultural fairs; and amending RCW 15.76.140.
Referred to Committee on Agriculture and International Trade.

SB 5735 by Senators Gardner, Roach, Haugen, Hochstatter, Honeyford, Stevens, Deccio, Rossi, Zarelli, Benton, Horn, T. Sheldon, Sheahan, Spanel, Shin, Finkbeiner, Hargrove, West, Long and Franklin

AN ACT Relating to motorcycle taillights; and amending RCW 46.37.100.
Referred to Committee on Transportation.

SB 5736 by Senators Morton, Oke and Stevens

AN ACT Relating to increasing salmon to self-sustaining levels; amending RCW 77.95.210, 77.95.270, 77.100.050, and 77.100.060; and creating a new section.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5737 by Senators Deccio, Winsley, Franklin, Thibaudeau, Oke, Kohl-Welles and Rasmussen

AN ACT Relating to school nurses; adding a new section to chapter 28A.210 RCW; creating new sections; and providing an expiration date.
Referred to Committee on Health and Long-Term Care.

SB 5738 by Senators Kohl-Welles, Oke and Jacobsen

AN ACT Relating to snowmobile registration fees; and amending RCW 46.10.040.
Referred to Committee on Transportation.

SB 5739 by Senators Gardner, Rasmussen, Eide, Sheahan, Horn and Kohl-Welles

AN ACT Relating to the Program for Agency Coordinated Transportation; and amending RCW 47.06B.015.
Referred to Committee on Transportation.

SB 5740 by Senators Oke, Haugen, Winsley, Horn, McDonald and Rasmussen (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to removing barriers to transportation services provided by the private sector; and amending RCW 36.57A.100, 47.60.120, 81.84.020, and 47.64.090.
Referred to Committee on Transportation.

SB 5741 by Senators Haugen, Horn, Shin, Winsley, Oke and Parlette (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to managed competition for transportation operations and maintenance functions; amending RCW 41.06.380; and adding a new section to chapter 47.04 RCW.
Referred to Committee on Transportation.

SB 5742 by Senators Haugen, Horn, Winsley, Oke and McDonald (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to design-build procedures for public works; amending RCW 47.20.750, 47.20.755, and 47.20.765; repealing RCW 47.20.775; repealing 1998 c 195 s 7 (uncodified); and declaring an emergency.
Referred to Committee on Transportation.

SB 5743 by Senators Haugen, Horn, Shin, Winsley, Oke and Kohl-Welles (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to investing in human resources for transportation; amending RCW 47.80.030; adding a new section to chapter 49.04 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 47.06 RCW; and creating a new section.
Referred to Committee on Transportation.

SB 5744 by Senators Haugen, Horn, Oke, Kohl-Welles and McDonald (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to prevailing wages in public contracts; amending RCW 39.12.010; and adding a new section to chapter 39.12 RCW.
Referred to Committee on Transportation.

SB 5745 by Senators Haugen and Horn (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to transportation bonds; and adding new sections to chapter 47.10 RCW.
Referred to Committee on Transportation.

SB 5746 by Senators Haugen, Horn and Kohl-Welles (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to transportation financing; amending RCW 46.16.0621, 46.16.070, 46.68.035, 47.60.326, 82.08.020, 82.08.0255, 82.80.020, 82.80.070, and 82.03.130; reenacting and amending RCW 82.36.025; adding a new section to chapter 84.55 RCW; adding new sections to chapter 82.32 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.80 RCW; adding a new section to chapter 82.44 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 47 RCW; repealing RCW 39.88.010, 39.88.020, 39.88.030, 39.88.040, 39.88.050, 39.88.060, 39.88.070, 39.88.080, 39.88.090, 39.88.100, 39.88.110, 39.88.120, 39.88.130, 39.88.900, 39.88.905, 39.88.910, 39.88.915, and 84.55.080; providing an effective date; and declaring an emergency.
Referred to Committee on Transportation.

SB 5747 by Senators Haugen, Horn, Kohl-Welles and Parlette (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to a fee on studded tires; amending RCW 46.37.4216; creating a new section; providing an effective date; and declaring an emergency.
Referred to Committee on Transportation.

SB 5748 by Senators McAuliffe, Horn, Shin, Winsley, Oke, Haugen, Kohl-Welles and Kastama (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to integration of transportation and land use planning; and amending RCW 35.63.060 and 35A.63.060.
Referred to Committee on Transportation.

SB 5749 by Senators McAuliffe, Horn, Winsley, Oke and Haugen (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to cost-benefit analysis for transportation planning; and amending RCW 47.05.010, 47.05.030, 47.05.035, and 47.05.051.
Referred to Committee on Transportation.

SB 5750 by Senators Horn, Oke, Winsley, Haugen and Kastama (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to advance right-of-way acquisition; and adding new sections to chapter 47.26 RCW.
Referred to Committee on Transportation.

SB 5751 by Senators Shin, T. Sheldon, Winsley, Horn, Oke, Haugen, Kohl-Welles and Kastama (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to duties of the department of transportation; and amending RCW 47.01.260.
Referred to Committee on Transportation.

SB 5752 by Senators Shin, Winsley, Horn, Oke, Haugen and Kastama (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to requirements for providing transportation funding; and adding a new section to chapter 47.05 RCW.
Referred to Committee on Transportation.

SB 5753 by Senators Horn, Winsley and Haugen (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to transportation funding; and adding new sections to chapter 47.04 RCW.
Referred to Committee on Transportation.

SB 5754 by Senators Haugen, Winsley and Oke (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to a review of transportation administration practices; and creating new sections.
Referred to Committee on Transportation.

SB 5755 by Senators Horn, Haugen, Winsley, McAuliffe and Oke (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to the responsibilities of the transportation commission; amending RCW 47.01.021, 43.17.020, and 47.01.041; reenacting and amending RCW 47.01.101; adding new sections to chapter 47.01 RCW; creating a new section; repealing RCW 47.01.051, 47.01.061, and 47.01.070; and providing an effective date.
Referred to Committee on Transportation.

SB 5756 by Senators Jacobsen, Patterson, Horn, Prentice, Finkbeiner, McAuliffe, McDonald, Haugen, Franklin, Kohl-Welles and Carlson (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to regional transportation governance; amending RCW 47.80.020 and 47.80.023; adding a new chapter to Title 36 RCW; providing an effective date; and declaring an emergency.
Referred to Committee on Transportation.

SB 5757 by Senators Patterson, Horn, Prentice, McAuliffe, Finkbeiner, Shin, Haugen and Carlson (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to allocation of new transportation revenues; adding a new section to chapter 46.68 RCW; creating new sections; providing a contingent effective date; and providing for submission of this act to a vote of the people.
Referred to Committee on Transportation.

SB 5758 by Senators Patterson, Horn, Prentice, McAuliffe, Finkbeiner, Shin, Winsley and Haugen (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to distribution of federal transportation funding; and adding a new section to chapter 47.08 RCW.
Referred to Committee on Transportation.

SB 5759 by Senators Patterson, Horn, Prentice, McAuliffe, Shin, Finkbeiner, Winsley, Haugen, Franklin, Kohl-Welles and Kastama; (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to priority programming of highway improvements; amending RCW 47.05.051; creating new sections; providing an effective date; and declaring an emergency.
Referred to Committee on Transportation.

SB 5760 by Senators Patterson, Horn, Prentice, McAuliffe, Shin, Finkbeiner, Haugen and Kohl-Welles (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to use of intelligent transportation systems and traffic system management; adding a new section to chapter 47.05 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5761 by Senators Patterson, Horn, Prentice, Winsley, Finkbeiner, McAuliffe, Shin, Haugen, Franklin, Kohl-Welles and Kastama (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to creation of congestion relief districts; and adding a new chapter to Title 36 RCW.
Referred to Committee on Transportation.

SB 5762 by Senators Prentice, Swecker, Oke, Horn, Haugen and Kohl-Welles (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to environmental mitigation in transportation projects; amending RCW 36.79.090; reenacting and amending RCW 46.68.090; and adding a new section to chapter 47.26 RCW.
Referred to Committee on Transportation.

SB 5763 by Senators Horn, Oke, Winsley, Haugen and McDonald (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to franchises on state highways; and amending RCW 47.44.010, 47.44.020, and 47.44.050.
Referred to Committee on Transportation.

SB 5764 by Senators Shin, Horn, Winsley, Oke and Haugen (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to maintaining and preserving transportation facilities and assets; amending RCW 35.84.060, 47.06.050, and 47.06.090; adding a new section to chapter 36.56 RCW; adding a new section to chapter 36.57 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 81.112 RCW; creating a new section; providing an effective date; and declaring an emergency.
Referred to Committee on Transportation.

SB 5765 by Senators Prentice, Swecker, Shin, Oke, Parlette, Horn, Haugen and McDonald (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to environmental permit streamlining for transportation projects; and amending RCW 47.01.021, 47.01.290, and 47.01.300.
Referred to Committee on Transportation.

SB 5766 by Senators Oke, B. Sheldon and Haugen (by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to continuing public-private initiative pilot projects; amending RCW 47.46.030, 47.56.010, 47.56.030, 47.56.240, and 47.56.270; creating a new section; repealing RCW 47.56.271; and declaring an emergency.
Referred to Committee on Transportation.

SB 5767 by Senators Carlson and Zarelli

AN ACT Relating to granting certain real property tax exemptions to nonprofit, tax-exempt school or college foundations; amending RCW 84.36.050; and reenacting and amending RCW 84.34.108.
Referred to Committee on Higher Education.

SB 5768 by Senators Thibaudeau, Kohl-Welles, Jacobsen, Prentice, Kline, Spanel and Carlson

AN ACT Relating to health care financing; amending RCW 41.05.120, 41.05.130, 66.24.290, 82.24.020, 82.26.020, 82.08.150, 43.79.480, and 41.05.220; adding new sections to chapter 82.02 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 82.04.260 and 48.14.0201; making an appropriation; providing effective dates; and providing an expiration date.
Referred to Committee on Health and Long-Term Care.

SB 5769 by Senators Thibaudeau, Kohl-Welles, Prentice, Constantine, Regala, Costa and Kline

AN ACT Relating to civil unions; amending RCW 26.04.020, 26.12.220, 36.18.010, 43.70.150, 43.70.160, 70.58.005, 70.58.104, 70.58.107, and 9A.64.010; adding a new chapter to Title 26 RCW; and prescribing penalties.
Referred to Committee on Judiciary.

SB 5770 by Senators Kohl-Welles, Jacobsen and Horn (by request of Governor Locke)

AN ACT Relating to tuition setting authority and the use of tuition in higher education; amending RCW 28B.15.031, 28B.15.066, 28B.15.067, 28B.15.069, and 28B.15.100; and creating new sections.
Referred to Committee on Higher Education.

SB 5771 by Senators Thibaudeau, Prentice, Kohl-Welles, Regala, Franklin, Jacobsen, Kline, Patterson, Constantine, Fraser, Costa, B. Sheldon and Shin (by request of Governor Locke)

AN ACT Relating to the jurisdiction of the Washington human rights commission; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.223, 49.60.224, 49.60.225, and 48.30.300; and reenacting and amending RCW 49.60.222 and 49.60.250.
Referred to Committee on Judiciary.

SB 5772 by Senators Kohl-Welles, McAuliffe, Eide, Winsley, Carlson and Rasmussen (by request of Governor Locke)

AN ACT Relating to standards for educator quality; amending RCW 28A.410.200, 28A.410.210, 28A.410.020, 28A.410.040, 28A.410.050, 28A.410.060, 28A.410.100, 28A.410.120, and 28A.305.130; reenacting and amending RCW 28A.410.010; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.
Referred to Committee on Education.

SJM 8010 by Senators Haugen and Roach

Requesting a memorial for Lieutenant J.G. Scott Walter Kinkele.

Referred to Committee on Transportation.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, February 2, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-FIFTH DAY, FEBRUARY 1, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

TWENTY-SIXTH DAY

MORNING SESSION

SENATE CHAMBER, OLYMPIA, FRIDAY, FEBRUARY 2, 2001

THE SENATE WAS CALLED TO ORDER AT 10:00 A.M. BY PRESIDENT PRO TEMPORE FRANKLIN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT PRO TEMPORE THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS BENTON, BROWN, HALE, KLINE AND KOHL-WELLES.

THE SERGEANT AT ARMS COLOR GUARD CONSISTING OF PAGES CASEY COSTELLO AND ROSS DANIEL, PRESENTED THE COLORS. SENATOR DAN SWECKER OFFERED THE PRAYER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

REPORTS OF STANDING COMMITTEES

JANUARY 31, 2001

SB 5057 PRIME SPONSOR, SENATOR GARDNER: SPECIFYING HOW CODE CITIES MAY CHANGE THE PLAN OF GOVERNMENT. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; HALE, HAUGEN, HORN, T. SHELDON AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 31, 2001

SB 5065 PRIME SPONSOR, SENATOR McCASLIN: AUTHORIZING INDEPENDENT SALARY COMMISSIONS FOR CITIES, TOWNS, AND COUNTIES. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; HALE, HAUGEN, HORN, T. SHELDON AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 31, 2001

SB 5141 PRIME SPONSOR, SENATOR HALE: REQUIRING NONPARTISAN SHERIFFS. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; HALE, HAUGEN, McCASLIN, T. SHELDON AND SWECKER.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATOR HORN.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 31, 2001

SB 5256 PRIME SPONSOR, SENATOR KASTAMA: ENACTING THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; HALE, HAUGEN, HORN, T. SHELDON AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 31, 2001

SB 5286 PRIME SPONSOR, SENATOR PATTERSON: ADDING THE CODE REVISER TO THE UNIFORM LEGISLATION COMMISSION. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; HALE, HAUGEN, HORN, T. SHELDON AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 1, 2001

SB 5315 PRIME SPONSOR, SENATOR FRASER: INCLUDING DRINKING WATER ACCOUNTS IN INTEREST-BEARING ACCOUNTS. REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, HALE, HONEYFORD, McDONALD AND MORTON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 31, 2001

SB 5352 PRIME SPONSOR, SENATOR HORN: INCREASING THE BUILDING CODE COUNCIL FEE. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; HALE, HAUGEN, HORN, T. SHELDON AND SWECKER.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 1, 2001

SB 5453 PRIME SPONSOR, SENATOR DECCIO: AUTHORIZING AN AIR POLLUTION CONTROL OFFICER TO REQUEST A SEARCH WARRANT FOR INVESTIGATIVE PURPOSES. REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, HALE, HONEYFORD, McDONALD AND MORTON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 1, 2001

SB 5717 PRIME SPONSOR, SENATOR BROWN: FUNDING THE LOW-INCOME ENERGY ASSISTANCE PROGRAM. REPORTED BY COMMITTEE ON WAYS AND MEANS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5717 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS BROWN, CHAIR; CONSTANTINE, VICE CHAIR; FAIRLEY, VICE CHAIR; FRASER, HEWITT, KLINE, LONG, PARLETTE, RASMUSSEN, REGALA, ROACH, B. SHELDON, SNYDER, SPANEL AND THIBAudeau.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 1, 2001

SJM 8004 PRIME SPONSOR, SENATOR SPANEL: PETITIONING CONGRESS TO APPROPRIATE SUPPORT FOR AN OIL SPILL PREVENTION TUGBOAT IN THE STRAIT OF JUAN DE FUCA. REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, HALE AND MORTON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 1, 2001

SJM 8005 PRIME SPONSOR, SENATOR FRASER: PETITIONING CONGRESS TO STRENGTHEN VESSEL SAFETY STANDARDS. REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, HALE, HONEYFORD, McDONALD AND MORTON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 5352 WAS REFERRED TO THE COMMITTEE ON WAYS AND MEANS.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

APRIL 10, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I HAVE THE HONOR TO SUBMIT THE FOLLOWING APPOINTMENT, SUBJECT TO YOUR CONFIRMATION.
BILL PALMER, APPOINTED APRIL 10, 2000, FOR A TERM ENDING AT THE PLEASURE OF THE GOVERNOR, AS DIRECTOR OF THE DEPARTMENT OF SERVICES FOR THE BLIND.

SINCERELY,
GARY LOCKE, GOVERNOR

REFERRED TO THE COMMITTEE ON STATE AND LOCAL GOVERNMENT.

MESSAGE FROM THE HOUSE

FEBRUARY 1, 2001

MR. PRESIDENT:

THE CO-SPEAKERS HAVE SIGNED HOUSE CONCURRENT RESOLUTION NO. 4403, AND THE SAME IS HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK
TIMOTHY A. MARTIN, CO-CHIEF CLERK

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:
HOUSE CONCURRENT RESOLUTION NO. 4403.

INTRODUCTION AND FIRST READING

SB 5773 BY SENATORS McAULIFFE, CARLSON, RASMUSSEN, ZARELLI, FRASER, KOHL-WELLES, KASTAMA, PRENTICE, FINKBEINER, REGALA AND COSTA; (BY REQUEST OF SUPERINTENDENT OF PUBLIC INSTRUCTION BERGESON)

AN ACT RELATING TO PEER MENTOR PROGRAMS; AMENDING RCW 28A.415.250; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON EDUCATION.

SB 5774 BY SENATORS KOHL-WELLES, WINSLEY AND FAIRLEY

AN ACT RELATING TO CONDOMINIUM RESALE CERTIFICATES; AND AMENDING RCW 64.34.425.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5775 BY SENATORS HARGROVE, PATTERSON, FRANKLIN, B. SHELDON, SNYDER, SPANEL, COSTA, T. SHELDON, PRENTICE, MCAULIFFE, MCCASLIN, GARDNER, WINSLEY, OKE, RASMUSSEN AND CONSTANTINE

AN ACT RELATING TO AUTHORIZING TAXPAYER TAX EXEMPTIONS FROM AND CREDITS AGAINST THE STATE PROPERTY TAX; AMENDING RCW 84.56.050; ADDING A NEW CHAPTER TO TITLE 84 RCW; CREATING A NEW SECTION; PRESCRIBING PENALTIES; AND PROVIDING A CONTINGENT EFFECTIVE DATE.
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 5776 BY SENATORS PRENTICE, WINSLEY, GARDNER AND COSTA (BY REQUEST OF INSURANCE COMMISSIONER KREIDLER)

AN ACT RELATING TO PROTECTING THE CONFIDENTIALITY OF INFORMATION RELATING TO INSURANCE; ADDING A NEW SECTION TO CHAPTER 48.02 RCW; AND ADDING A NEW SECTION TO CHAPTER 42.17 RCW.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5777 BY SENATORS PRENTICE, WINSLEY, THIBAudeau, DECCIO AND RASMUSSEN

AN ACT RELATING TO HEALTH CARE BENEFITS FOR RETIREES OF LOCAL GOVERNMENT EMPLOYERS; ADDING NEW SECTIONS TO CHAPTER 41.04 RCW; CREATING A NEW SECTION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN EXPIRATION DATE.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5778 BY SENATORS HAUGEN AND OKE (BY REQUEST OF DEPARTMENT OF LICENSING)

AN ACT RELATING TO LICENSING FILING FEES; AND AMENDING RCW 46.01.140 AND 46.16.071.
REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 5779 BY SENATORS PATTERSON AND BENTON

AN ACT RELATING TO SERVICE PROVIDERS WHO PASS ON COSTS TO CASUALTY OR PROPERTY INSURERS; AND AMENDING RCW 48.30A.015.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5780 BY SENATORS JACOBSEN AND PRENTICE

AN ACT RELATING TO A TASK FORCE ON THE SUCCESS OF HISPANIC STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION; CREATING A NEW SECTION; PROVIDING AN EXPIRATION DATE; AND DECLARING AN EMERGENCY.
REFERRED TO COMMITTEE ON HIGHER EDUCATION.

SB 5781 BY SENATORS RASMUSSEN, HONEYFORD, T. SHELDON AND SWECKER

AN ACT RELATING TO THE FRUIT AND VEGETABLE DISTRICT FUND; AMENDING RCW 15.17.243; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.
REFERRED TO COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE.

SB 5782 BY SENATOR HAUGEN (BY REQUEST OF WASHINGTON TRAFFIC SAFETY COMMISSION)

AN ACT RELATING TO ENFORCEMENT OF SAFETY BELT LAWS; AMENDING RCW 46.61.688 AND 46.61.688; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN EXPIRATION DATE.
REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 5783 BY SENATORS GARDNER AND HALE (BY REQUEST OF SECRETARY OF STATE REED)

AN ACT RELATING TO CANDIDATES FOR ELECTED OFFICE; AMENDING RCW 29.24.020, 29.24.035, AND 29.30.020; ADDING A NEW SECTION TO CHAPTER 29.27 RCW; AND ADDING A NEW SECTION TO CHAPTER 29.24 RCW. REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5784 BY SENATORS KLINE, PRENTICE, FRASER AND COSTA

AN ACT RELATING TO TENANT SECURITY DEPOSITS; AND AMENDING RCW 59.18.270. REFERRED TO COMMITTEE ON JUDICIARY.

SB 5785 BY SENATORS KLINE, CONSTANTINE, SHEAHAN, KOHL-WELLES AND PRENTICE

AN ACT RELATING TO QUALIFICATIONS OF JUDGES; ADDING A NEW SECTION TO CHAPTER 2.04 RCW; ADDING A NEW SECTION TO CHAPTER 2.08 RCW; CREATING A NEW SECTION; AND PROVIDING A CONTINGENT EFFECTIVE DATE. REFERRED TO COMMITTEE ON JUDICIARY.

SB 5786 BY SENATORS KLINE, SHEAHAN, KOHL-WELLES AND PRENTICE

AN ACT RELATING TO QUALIFICATIONS OF JUDGES; AMENDING RCW 2.06.050; CREATING A NEW SECTION; AND PROVIDING A CONTINGENT EFFECTIVE DATE. REFERRED TO COMMITTEE ON JUDICIARY.

SB 5787 BY SENATORS HAUGEN, KLINE, PATTERSON, CONSTANTINE, KOHL-WELLES, FRASER, PRENTICE AND REGALA

AN ACT RELATING TO THE DEATH PENALTY; ADDING A NEW SECTION TO CHAPTER 10.95 RCW; MAKING AN APPROPRIATION; AND PROVIDING AN EXPIRATION DATE. REFERRED TO COMMITTEE ON JUDICIARY.

SB 5788 BY SENATORS KLINE, SWECKER, PATTERSON, OKE, SHIN, RASMUSSEN, COSTA, PRENTICE, SHEAHAN, MCAULIFFE, MCCASLIN, BENTON, FRASER, DECCIO, FINKBEINER, JOHNSON AND WINSLEY

AN ACT RELATING TO THE DEFINITION OF "WHISTLEBLOWER"; AND AMENDING RCW 42.40.020. REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5789 BY SENATORS KLINE, SWECKER, PATTERSON, OKE, SHIN, KOHL-WELLES, SHEAHAN, PRENTICE, RASMUSSEN, KASTAMA, BENTON, COSTA, MCCASLIN, FINKBEINER, DECCIO, FRASER AND WINSLEY

AN ACT RELATING TO WHISTLEBLOWERS; ADDING A NEW SECTION TO CHAPTER 42.40 RCW; AND MAKING APPROPRIATIONS. REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5790 BY SENATORS KLINE, COSTA, SHIN, SHEAHAN, MCCASLIN, DECCIO, WINSLEY AND CONSTANTINE

AN ACT RELATING TO VEHICULAR ASSAULT; AMENDING RCW 46.61.522, 9.41.010, 9.94A.030, 9.94A.150, 13.40.0357, 38.52.430, AND 46.61.524; REENACTING AND AMENDING RCW 9.94A.320, 9.94A.440, AND 46.20.391; AND PRESCRIBING PENALTIES. REFERRED TO COMMITTEE ON JUDICIARY.

SB 5791 BY SENATORS KLINE, SHEAHAN, PATTERSON, MCCASLIN, CONSTANTINE, JOHNSON, COSTA, KOHL-WELLES, DECCIO, ROACH AND WINSLEY

AN ACT RELATING TO ACTIONS AND PROCEEDINGS FOR DAMAGES BROUGHT AGAINST LAW ENFORCEMENT OFFICERS; AND AMENDING RCW 4.96.041. REFERRED TO COMMITTEE ON JUDICIARY.

SB 5792 BY SENATORS PRENTICE, HONEYFORD, WINSLEY, RASMUSSEN, ROSSI, HALE, CONSTANTINE, B. SHELDON, DECCIO, HEWITT AND GARDNER

AN ACT RELATING TO MODIFYING WINE AND CIDER PROVISIONS BY REMOVING A TERMINATION DATE; AND AMENDING RCW 66.24.210.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5793 BY SENATORS THIBAudeau, DECCIO, WINSLEY AND PRENTICE (BY REQUEST OF INSURANCE COMMISSIONER KREIDLER)

AN ACT RELATING TO THE HOLDING COMPANY ACT FOR HEALTH CARE SERVICE CONTRACTORS AND HEALTH MAINTENANCE ORGANIZATIONS; ADDING A NEW CHAPTER TO TITLE 48 RCW; AND PRESCRIBING PENALTIES.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5794 BY SENATORS THIBAudeau, DECCIO, FAIRLEY AND COSTA

AN ACT RELATING TO MEDICAL REPORTS IN GUARDIANSHIP PROCEEDINGS BY ADVANCED REGISTERED NURSE PRACTITIONERS; AND AMENDING RCW 11.88.045.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5795 BY SENATORS THIBAudeau, DECCIO, FAIRLEY, COSTA AND PRENTICE

AN ACT RELATING TO DETERMINATION OF DISABILITY FOR SPECIAL PARKING PRIVILEGES BY ADVANCED REGISTERED NURSE PRACTITIONERS; AND AMENDING RCW 46.16.381.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5796 BY SENATORS DECCIO, THIBAudeau, FAIRLEY, COSTA AND PRENTICE

AN ACT RELATING TO PRESCRIPTIVE AUTHORITY FOR ADVANCED REGISTERED NURSE PRACTITIONERS; AMENDING RCW 18.79.050, 18.79.240, AND 18.79.250; AND REPEALING RCW 18.57.280, 18.71.370, AND 18.79.320.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5797 BY SENATORS PRENTICE, DECCIO, FAIRLEY, THIBAudeau AND COSTA

AN ACT RELATING TO AUTHORIZING ADVANCED REGISTERED NURSE PRACTITIONERS TO EXAMINE, DIAGNOSE, AND TREAT INJURED WORKERS COVERED BY INDUSTRIAL INSURANCE; AMENDING RCW 51.04.030, 51.04.050, 51.28.010, 51.28.020, 51.28.025, 51.28.030, 51.28.055, 51.32.055, 51.32.095, 51.32.112, 51.36.010, 51.36.060, 51.36.070, 51.36.110, 51.48.060, AND 51.52.010; AND REENACTING AND AMENDING RCW 51.32.090.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5798 BY SENATORS WINSLEY AND DECCIO

AN ACT RELATING TO INSPECTIONS OF ELECTRICAL INSTALLATIONS; AND AMENDING RCW 19.28.101.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5799 BY SENATORS T. SHELDON, WEST, GARDNER, HOCHSTATTER AND OKE (BY REQUEST OF DEPARTMENT OF INFORMATION SERVICES)

AN ACT RELATING TO FRAUDULENTLY OBTAINING OR USING DIGITAL SIGNATURES AND DIGITAL CERTIFICATES; ADDING A NEW SECTION TO CHAPTER 9.38 RCW; AND PRESCRIBING PENALTIES.
REFERRED TO COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS.

SB 5800 BY SENATORS PRENTICE AND WINSLEY

AN ACT RELATING TO THE PRIVACY OF CERTAIN BUSINESS FINANCIAL AND COMMERCIAL INFORMATION REQUESTED BY PORT DISTRICTS; AND REENACTING AND AMENDING RCW 42.17.310.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5801 BY SENATORS STEVENS, SHEAHAN, HEWITT, JOHNSON, ZARELLI, T. SHELDON, HALE, PRENTICE, COSTA, MCCASLIN, HOCHSTATTER, OKE, RASMUSSEN AND SWECKER

AN ACT RELATING TO NOTICE OF RULE CHANGES; AND ADDING A NEW SECTION TO CHAPTER 34.05 RCW.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5802 BY SENATORS McDONALD, HONEYFORD, T. SHELDON, HALE, PRENTICE, COSTA, HOCHSTATTER, OKE, SWECKER, PARLETTE AND CARLSON

AN ACT RELATING TO SIGNIFICANT LEGISLATIVE RULES; AND AMENDING RCW 34.05.328.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5803 BY SENATORS HALE, HONEYFORD, McDONALD, OKE, T. SHELDON, HEWITT, MCCASLIN, HOCHSTATTER, SWECKER, PARLETTE AND CARLSON

AN ACT RELATING TO SIGNIFICANT LEGISLATIVE RULES; AMENDING RCW 34.05.328; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5804 BY SENATORS MCCASLIN, HONEYFORD, McDONALD, FINKBEINER, RASMUSSEN, CONSTANTINE, HOCHSTATTER, OKE, SWECKER, PARLETTE AND CARLSON

AN ACT RELATING TO INCREASING AWARDS UNDER EQUAL ACCESS TO JUSTICE; AND AMENDING RCW 4.84.350.
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5805 BY SENATORS HOCHSTATTER, T. SHELDON, HONEYFORD, HALE, HEWITT, RASMUSSEN, MCCASLIN, STEVENS, OKE AND SWECKER

AN ACT RELATING TO GRANTS OF RULE-MAKING AUTHORITY; ADDING A NEW SECTION TO CHAPTER 43.21A RCW; ADDING A NEW SECTION TO CHAPTER 43.22 RCW; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5806 BY SENATORS BENTON, FAIRLEY, HORN, KLINE, RASMUSSEN, ROACH AND STEVENS

AN ACT RELATING TO OPEN PUBLIC MEETINGS; AMENDING RCW 42.30.030, 42.30.040, 42.30.060, AND 42.30.070; AND ADDING A NEW SECTION TO CHAPTER 42.30 RCW.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5807 BY SENATORS BENTON, T. SHELDON, PATTERSON, SHIN, RASMUSSEN, JOHNSON, PRENTICE, FINKBEINER, ROACH, KLINE, FAIRLEY, MCCASLIN, STEVENS AND OKE

AN ACT RELATING TO PROPERTY TAX APPEALS; AMENDING RCW 84.40.0301; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5808 BY SENATORS CONSTANTINE, RASMUSSEN, PATTERSON, KASTAMA, KLINE, WINSLEY, HONEYFORD, JOHNSON, REGALA, B. SHELDON, PRENTICE, SHEAHAN, McAULIFFE AND ZARELLI

AN ACT RELATING TO THE AGRICULTURAL MARKETING OF FARMER-PRODUCED BOTTLED WINE AT FARMERS' MARKETS; AND ADDING A NEW SECTION TO CHAPTER 66.12 RCW.
REFERRED TO COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE.

SB 5809 BY SENATORS COSTA, KOHL-WELLES, FAIRLEY, THIBAudeau, FRASER, PATTERSON, GARDNER AND T. SHELDON

AN ACT RELATING TO BREASTFEEDING; AMENDING RCW 9A.88.010; AND ADDING NEW SECTIONS TO CHAPTER 43.70 RCW.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5810 BY SENATORS KOHL-WELLES, FINKBEINER, KASTAMA, SHEAHAN AND PATTERSON

AN ACT RELATING TO ESTABLISHING SMALL PERSONALIZED SCHOOLS; ADDING A NEW SECTION TO CHAPTER 28A.505 RCW; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON EDUCATION.

SB 5811 BY SENATORS KOHL-WELLES, HARGROVE, COSTA, LONG, MCAULIFFE AND CARLSON

AN ACT RELATING TO ANNUAL REPORTS OF, AND RECOMMENDATIONS FOR IMPROVEMENTS IN, EQUAL ACCESS TO DELIVERY OF HUMAN SERVICES BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, JUVENILE REHABILITATION ADMINISTRATION; AND ADDING A NEW CHAPTER TO TITLE 43 RCW.
REFERRED TO COMMITTEE ON HUMAN SERVICES AND CORRECTIONS.

SJM 8011 BY SENATORS PRENTICE, FINKBEINER, T. SHELDON, SHIN, REGALA, COSTA, KLINE, THIBAudeau, PATTERSON, JACOBSEN, SNYDER, CARLSON, CONSTANTINE, KASTAMA, HARGROVE, BENTON, HAUGEN, HOCHSTATTER, RASMUSSEN, KOHL-WELLES, OKE, JOHNSON, MCAULIFFE, McDONALD, HONEYFORD, GARDNER AND WINSLEY

ASKING THAT THE FEDERAL GOVERNMENT PROVIDE VETERANS' BENEFITS OWED TO FILIPINO VETERANS.

REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SJR 8211 BY SENATORS HARGROVE, PATTERSON, FRANKLIN, B. SHELDON, SNYDER, SPANEL, COSTA, T. SHELDON, PRENTICE, MCAULIFFE, MCCASLIN, GARDNER, WINSLEY, HAUGEN, RASMUSSEN AND CONSTANTINE

AUTHORIZING TAXPAYER TAX EXEMPTIONS FROM AND CREDITS AGAINST THE STATE PROPERTY TAX.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SJR 8212 BY SENATORS KLINE, CONSTANTINE, SHEAHAN, KOHL-WELLES, PRENTICE, WINSLEY AND HAUGEN

SPECIFYING QUALIFICATIONS FOR JUDICIAL OFFICES.

REFERRED TO COMMITTEE ON JUDICIARY.

INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT PRO TEMPORE INTRODUCED MR. DON RYONG KIM, CONGRESSMAN, MINORITY LEADER, FORMER MINISTER OF INTERIOR AFFAIRS FROM THE REPUBLIC OF KOREA, WHO WAS SEATED ON THE ROSTRUM.

WITH PERMISSION OF THE SENATE, BUSINESS WAS SUSPENDED TO PERMIT MR. KIM TO ADDRESS THE SENATE.

SENATOR SHIN ACTED AS INTERPRETER AND INTRODUCED OTHER GUESTS FROM THE REPUBLIC OF KOREA: MR. MYONG HWAN PAK, CONGRESSMAN, CHAIRMAN OF FOREIGN RELATIONS COMMITTEE; MR. WOONG KYU CHO, CONGRESSMAN, VICE-CHAIR OF FOREIGN RELATIONS COMMITTEE, KOREAN-AMERICAN SOCIETY PRESIDENT, AND MR. MYONG ROK NO, CONSUL GENERAL, WHO WERE SEATED IN THE GALLERY.

MOTION

ON MOTION OF SENATOR SWECKER THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8608

BY SENATORS SWECKER, COSTA, AND RASMUSSEN

WHEREAS, THE WASHINGTON STATE SENATE SUPPORTS EXCELLENCE IN ALL FIELDS OF HUMAN ENDEAVOR AND THINKS IT IS PARTICULARLY IMPORTANT TO RECOGNIZE THE ACHIEVEMENTS OF EXCEPTIONAL YOUNG PEOPLE; AND

WHEREAS, TODAY'S YOUNGER GENERATION, WHICH IS SO INFLUENCED BY ITS PEER GROUPS, IS IN NEED OF POSITIVE ROLE MODELS AND OUTSTANDING DEMONSTRATIONS OF COMMUNITY SPIRIT AND GOOD WORKS BY MEMBERS OF ITS OWN GENERATION; AND

WHEREAS, TWELVE YEAR OLD ADAM LEE, GRANDSON OF MR. AND MRS. CHARLES JONES FROM CENTRALIA, HAS OVERCOME A SEVERE CASE OF DYSLLEXIA TO BECOME AN ACCOMPLISHED PIANIST WHO ENJOYS NOTHING MORE THAN SHARING HIS GIFTS AND TALENTS WITH OTHERS; AND

WHEREAS, ADAM HAS PERFORMED IN PUBLIC TO HELP RAISE MONEY FOR GOOD AND WORTHY CAUSES INCLUDING THE AMERICAN RED CROSS, KOSOVO RELIEF, THE SEATTLE SENIORS CENTER, THE SOUTHEAST SEATTLE SENIOR CENTER, SENIOR SERVICES FOR SOUTH SOUND, OPERATION NIGHT VISION IN BOISE, ID, THE NATIONAL WORLD WAR II WAR MEMORIAL IN WASHINGTON, D.C. AMONG OTHERS; AND

WHEREAS, ADAM HAS PERFORMED FOR THE HONORABLE U.S. SENATOR PATTY MURRAY, THE HONORABLE GOVERNOR GARY LOCKE, THE WASHINGTON STATE LEGISLATURE, AND LATER FOR THE NATION AT-LARGE DURING HIS 1999 HOLIDAY SEASON RECITAL AT THE WHITE HOUSE ARRANGED BY SPECIAL INVITATION FROM PRESIDENT BILL CLINTON; AND

WHEREAS, ADAM'S PRESENT ACCOMPLISHMENTS AND FUTURE SUCCESSES CAN BE ATTRIBUTED IN NO SMALL PART TO THE DEDICATION AND CONSTANT SUPPORT OF HIS MOTHER, Ms. JOANNA LEE; AND

WHEREAS, BY HIS UNSELFISH COMMITMENT TO THE PUBLIC GOOD, HIS DESIRE TO BRING JOY TO THE HEARTS OF OTHERS AND HIS DETERMINATION TO OVERCOME HIS LEARNING DISABILITY, ADAM HAS BEEN AN INSPIRATION TO HIS TEACHERS, HIS PEERS AND HIS COMMUNITY;

NOW THEREFORE BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE HONOR AND THANK ADAM LEE FOR HIS INSPIRATION, EXAMPLE, DEDICATION, PUBLIC SPIRIT AND MUSICAL EXCELLENCE; AND

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO ADAM LEE, HIS MOTHER Ms. JOANNA LEE AND HIS GRANDPARENTS, Mr. & Mrs. CHARLES JONES.

SENATORS SWECKER AND THIBAudeau SPOKE TO SENATE RESOLUTION 2001-8608.

INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT WELCOMED AND INTRODUCED ADAM LEE, HIS MOTHER AND HIS GRANDPARENTS, WHO WERE SEATED IN THE GALLERY.

MOTION

ON MOTION OF SENATOR PARLETTE, THE FOLLOWING RESOLUTION WAS ADOPTED

SENATE RESOLUTION 2001-8610

BY SENATORS PARLETTE, HONEYFORD, CARLSON, RASMUSSEN, AND COSTA

WHEREAS, ALL CITIZENS SHOULD BE MADE AWARE OF THE SAFE, PROPER, EFFECTIVE, AND EFFICIENT USE OF MEDICATIONS; AND

WHEREAS, NEARLY HALF OF THE MEDICATIONS PRESCRIBED ARE USED INCORRECTLY, THUS CONTRIBUTING TO PROLONGED ILLNESS, AVOIDABLE SIDE EFFECTS AND INTERACTIONS, AND UNNECESSARY HOSPITALIZATIONS; AND

WHEREAS, THE EFFORTS OF OUR EDUCATIONAL INSTITUTIONS, STATE AGENCIES, AND VOLUNTARY PHARMACY ORGANIZATIONS ARE INSTRUMENTAL IN EDUCATING THE PUBLIC ABOUT SAFE AND PROPER MEDICATION USE; AND

WHEREAS, PHARMACISTS ARE DEVOTED TO IMPROVING PATIENT HEALTH CARE OUTCOMES IN COLLABORATION WITH OTHER HEALTH CARE PROVIDERS IN THE COMMUNITY, INCLUDING HOSPITALS, MANAGED CARE, NURSING HOMES, HOME HEALTH CARE, AND RESEARCH AND INDUSTRY SITES; AND

WHEREAS, OVER THE PAST TEN YEARS, NATIONAL POLLS HAVE CONTINUOUSLY RANKED PHARMACISTS AS THE MOST HIGHLY RESPECTED PROFESSIONALS IN THE COUNTRY;

NOW, THEREFORE, BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE HEREBY RECOGNIZE THE PHARMACIST'S VITAL SERVICE TO THE COMMUNITY AND TO THE ADVANCEMENT OF HIGH-QUALITY, COST-EFFECTIVE HEALTH CARE; AND

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO THE STATE BOARD OF PHARMACY AND TO THE WASHINGTON STATE PHARMACISTS ASSOCIATION.

SENATORS PARLETTE, THIBAudeau, HONEYFORD AND DECCIO SPOKE TO SENATE RESOLUTION 2001-8610

INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT PRO TEMPORE WELCOMED AND INTRODUCED PHARMACISTS REPRESENTING THE STATE BOARD OF PHARMACY AND THE WASHINGTON STATE PHARMACISTS ASSOCIATION, WHO WERE SEATED IN THE GALLERY.

MOTION

ON MOTION OF SENATOR SHIN, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8602

BY SENATORS SHIN, McAULIFFE AND COSTA

WHEREAS, ARTISTIC ENDEAVOR IS AN IMPORTANT WAY FOR YOUNG PEOPLE TO DEVELOP CREATIVITY, THEIR MINDS, AND SELF-ESTEEM; AND

WHEREAS, STUDENTS FROM THE FOURTH AND FIFTH GRADE MULTIAGED CLASSROOM OF MARTHA LAKE ELEMENTARY SCHOOL DEMONSTRATED EXCEPTIONAL ARTISTIC DEVELOPMENT BY DESIGNING A WASHINGTON STATE FLAG TO CELEBRATE THE ARTS FOR THE YEAR 2000 YOUTH ART MONTH; AND

WHEREAS, MARTHA LAKE STUDENTS WERE THE ONLY ELEMENTARY ENTRIES IN THE CONTEST, ALL OTHER ENTRIES BEING FROM MIDDLE AND HIGH SCHOOL ART CLASSES; AND

WHEREAS, THE STUDENTS WORKED ON THE ART PROJECT FOR SEVEN HOURS OVER A PERIOD OF A WEEK, CREATING TWELVE THREE FOOT BY FIVE FOOT SIZED PAPER QUILTS, FOUR OF WHICH WERE CHOSEN TO BE MADE INTO A WASHINGTON STATE FLAG; AND

WHEREAS, THE STUDENTS WHOSE ART WAS CHOSEN INCLUDED TAMARA LAGRANDEUR, JOHN RITZMAN, KATRIINA SCHAEFER AND KATHERINE SHOTWELL; AND

WHEREAS, INSTRUCTOR KAY KITE DEMONSTRATED LEADERSHIP AND DEVOTION BY ENCOURAGING HER STUDENTS TO EXCEL IN THE ARTS THROUGH STRUCTURING CLASS TIME, ARTISTIC EXERCISES, AND CLASSROOM DISCUSSIONS; AND

WHEREAS, EACH PAPER QUILT INCLUDED FOUR SEPARATE COLLAGES REPRESENTING THE FOUR ARTS OF DANCE, DRAMA, MUSIC, AND VISUAL ART, FOR A TOTAL OF FORTY-EIGHT COLLAGES; AND

WHEREAS, THE STUDENTS PERFORMED CUTTING EXERCISES, PRACTICED DRAWING TO MUSIC, DRAWING WITH THEIR EYES CLOSED, AND PERFORMED OTHER EXERCISES TO LOOSEN UP AND DISCOVER THEIR PLAYFUL INNER ARTIST; AND

WHEREAS, THE STUDENTS TALKED ABOUT COLOR CHOICES AND HOW HENRI MATISSE, WHEN DOING HIS JAZZ SERIES OF COLORFUL COLLAGES AND OTHER WORKS, ATTACHED SIGNIFICANCE TO THE COLORS HE USED; AND

WHEREAS, THE STUDENTS TALKED ABOUT THE IMPORTANCE OF KEEPING THE SHAPES BOLD AND SIMPLE AS THEY WOULD BE SEEN BY PEOPLE WALKING AND DRIVING, NOT BY PEOPLE STANDING AS IN A GALLERY; AND

WHEREAS, THE STUDENTS USED STRONG COLORS SO THAT THE WORK WOULD HAVE GOOD CONTRAST, BECAUSE IT WOULD BE SEEN AT A DISTANCE HANGING ON POLES IN FRONT OF A BUILDING OR FROM A CEILING; AND

WHEREAS, THE STUDENTS WERE CONFIDENT THAT THEIR ART WOULD BE SELECTED; AND

WHEREAS, OUT OF THE FIFTY FLAGS PRODUCED NATIONALLY, MARTHA LAKE ELEMENTARY SCHOOL'S ART FLAG WAS ONE OF ONLY FOUR THAT WERE CHOSEN TO GO ON TOUR, AND FLEW FOR THE MONTH OF MARCH IN WASHINGTON STATE, THEN IN APRIL AT THE NATIONAL ART EDUCATION ASSOCIATION'S ANNUAL CONFERENCE AND AT THE NATIONAL ART MATERIAL TRADE ASSOCIATION CONVENTION IN ANAHEIM, CALIFORNIA, AND FINALLY WAS FLOWN AT THE SMITHSONIAN INSTITUTE'S POSTAL MUSEUM TO CELEBRATE THE IMPORTANCE OF THE ARTS IN WASHINGTON, D.C.;

NOW, THEREFORE, BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE RECOGNIZE INSTRUCTOR KAY KITE AND ALL MEMBERS OF THE FOURTH AND FIFTH GRADE MULTIAGED CLASSROOM OF MARTHA LAKE ELEMENTARY SCHOOL FOR DEMONSTRATING EXCEPTIONAL ARTISTIC DEVELOPMENT IN WINNING THE WASHINGTON ART EDUCATORS ASSOCIATION'S YOUTH ART MONTH 2000; AND

BE IT FURTHER RESOLVED, THAT COPIES OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO MARTHA LAKE ELEMENTARY SCHOOL, TO INSTRUCTOR KAY KITE, AND TO EACH MEMBER OF THE FOURTH AND FIFTH GRADE MULTIAGED CLASSROOM OF MARTHA LAKE ELEMENTARY SCHOOL.

SENATORS SHIN AND COSTA SPOKE TO SENATE RESOLUTION 2001-8602.

INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT WELCOMED AND INTRODUCED THE STUDENTS FROM MARTHA LAKE ELEMENTARY SCHOOL AND THEIR INSTRUCTOR KAY KITE, WHO WERE SEATED IN THE GALLERY.

PERSONAL PRIVILEGE

SENATOR HOCHSTATTER: "I HAVE SOME JOB SHADOWS WHO WERE NOT IN THE CHAMBER WHEN YOU SO KINDLY INTRODUCED THE JOB SHADOWS. SO, MAY I HAVE THEM RISE THAT THEY MIGHT BE INTRODUCED WITH THE GROUP?"

REPLY BY THE PRESIDENT PRO TEMPORE

PRESIDENT PRO TEMPORE FRANKLIN: "ACCEPTED, SENATOR. WOULD THE JOB SHADOWS AND SENATOR HOCHSTATTER PLEASE RISE?"

MOTION

AT 10:29 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE RECESSED UNTIL 11:30 A.M.

THE SENATE WAS CALLED TO ORDER AT 11:32 A.M. BY PRESIDENT PRO TEMPORE FRANKLIN.

MOTION

ON MOTION OF SENATOR HORN, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8607

BY SENATOR HORN

WHEREAS, IT IS THE POLICY OF THE WASHINGTON STATE LEGISLATURE TO RECOGNIZE AND HONOR THE CONTRIBUTIONS OF INDIVIDUALS AND ORGANIZATIONS THAT REFLECT STANDARDS OF EXCELLENCE AND ENHANCE THE WELL-BEING AND QUALITY OF LIFE OF THE CITIZENS OF THE STATE OF WASHINGTON; AND

WHEREAS, TOASTMASTERS INTERNATIONAL IS A LEADING MOVEMENT IN MAKING EFFECTIVE ORAL COMMUNICATION A NATIONAL AND INTERNATIONAL REALITY FOR ALL PERSONS; AND

WHEREAS, TOASTMASTERS INTERNATIONAL, THROUGH ITS MEMBER TOASTMASTER CLUBS, HELPS MEN AND WOMAN OF ALL AGES LEARN THE ART OF SPEAKING, LISTENING AND THINKING, VITAL SKILLS THAT PROMOTE SELF-ACTUALIZATION, ENHANCE LEADERSHIP POTENTIAL, FOSTER HUMAN UNDERSTANDING AND CONTRIBUTE TO THE BETTERMENT OF ALL MANKIND; AND

WHEREAS, TOASTMASTERS INTERNATIONAL, THROUGH ITS MEMBER TOASTMASTER CLUBS, PROVIDES A MUTUALLY SUPPORTIVE AND POSITIVE LEARNING ENVIRONMENT IN WHICH EVERY MEMBER HAS THE OPPORTUNITY TO DEVELOP THE COMMUNICATION AND LEADERSHIP SKILLS WHICH FOSTER SELF-CONFIDENCE AND PERSONAL GROWTH; AND

WHEREAS, TOASTMASTERS INTERNATIONAL MEMBER TOASTMASTER CLUBS USUALLY MEET EACH WEEK FOR ONE TO TWO HOURS AND USUALLY CONTAIN THREE MAIN ELEMENTS: PREPARED SPEECHES, IMPROMPTU SPEECHES, AND EVALUATIONS OF SPEECHES WHICH PROVIDE FEEDBACK ON THE POSITIVE ASPECTS OF THE SPEECHES AND FRIENDLY SUGGESTIONS FOR IMPROVEMENT; AND

WHEREAS, TOASTMASTERS INTERNATIONAL, THROUGH ITS MEMBER TOASTMASTER CLUBS, BENEFITS INDIVIDUALS, COMPANIES, COMMUNITIES AND COUNTRIES BY PROVIDING POTENTIAL LEADERS IN ALL WALKS OF LIFE, THE SKILLS, DISCIPLINE, AND CONFIDENCE NEEDED TO SUCCEED; AND

WHEREAS, TOASTMASTERS INTERNATIONAL CURRENTLY HAS OVER 8,000 MEMBER TOASTMASTER CLUBS WORLDWIDE MADE UP OF APPROXIMATELY 170,000 MEMBERS WITH OVER 3,400 MEMBERS IN THE STATE OF WASHINGTON, AND IS GROWING BY APPROXIMATELY TWO HUNDRED AND FIFTY NEW MEMBERS WORLDWIDE EACH DAY;

NOW, THEREFORE, BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE HONOR THE TOASTMASTERS INTERNATIONAL, AND ITS MEMBER TOASTMASTER CLUBS, FOR THE CONTRIBUTIONS IT HAS PROVIDED THE CITIZENS OF THIS STATE; AND

BE IT FURTHER RESOLVED, THAT THE WEEK OF JANUARY 29, 2001, THROUGH FEBRUARY 2, 2001, BE RECOGNIZED AS TOASTMASTER WEEK AND THAT ALL PERSONS BE ENCOURAGED TO PARTICIPATE IN THE BENEFICIAL PROGRAMS TOASTMASTERS INTERNATIONAL PROVIDES THROUGH ITS MEMBER TOASTMASTER CLUBS; AND

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO KAREN EVONS, DISTINGUISHED TOASTMASTER, PAST DISTRICT GOVERNOR, TOASTMASTERS INTERNATIONAL, WASHINGTON STATE TOASTMASTERS.

SENATORS HORN, HOCHSTATTER, STEVENS AND HONEYFORD SPOKE TO SENATE RESOLUTION 2001-8607.

INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT PRO TEMPORE INTRODUCED MEMBERS OF TOASTMASTERS INTERNATIONAL, WHO WERE SEATED IN THE GALLERY.

APPOINTMENT TO MEMORIAL SERVICE COMMITTEE

PURSUANT TO HOUSE CONCURRENT RESOLUTION No. 4403, ADOPTED JANUARY 31, 2001, THE PRESIDENT PRO TEMPORE APPOINTED SENATORS SNYDER, FRANKLIN, JOHNSON AND DECCIO TO JOIN FOUR MEMBERS FROM THE HOUSE OF REPRESENTATIVES TO ACT AS A JOINT COMMITTEE TO ARRANGE FOR THE MEMORIAL SERVICE PLANNED FOR FEBRUARY 15, 2001.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE COMMITTEE APPOINTMENTS WERE CONFIRMED.

MOTION

AT 11:41 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 12:00 NOON, MONDAY, FEBRUARY 5, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

TWENTY-SIXTH DAY, FEBRUARY 2, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

TWENTY-NINTH DAY

NOON SESSION

SENATE CHAMBER, OLYMPIA, MONDAY, FEBRUARY 5, 2001

THE SENATE WAS CALLED TO ORDER AT 12:00 NOON BY PRESIDENT PRO TEMPORE FRANKLIN. NO ROLL CALL WAS TAKEN.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

REPORTS OF STANDING COMMITTEES

JANUARY 31, 2001

SB 5108 PRIME SPONSOR, SENATOR T. SHELDON: MODIFYING PROVISIONS RELATING TO THE GROWING OF SHORT-ROTATION HARDWOOD TREES ON AGRICULTURAL LAND. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SNYDER, SPANEL AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 1, 2001

SB 5235 PRIME SPONSOR, SENATOR PRENTICE: OUTLINING REQUIREMENTS FOR THE OPERATION OF A PACE PROGRAM IN WASHINGTON STATE. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5235 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; BENTON, DECCIO, FAIRLEY, FRANKLIN, HOCHSTATTER, HONEYFORD, PATTERSON, RASMUSSEN, REGALA, WEST AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 1, 2001

SB 5238 PRIME SPONSOR, SENATOR PATTERSON: MODIFYING THE BOARD OF COMMISSIONERS OF A WATER-SEWER DISTRICT. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5238 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; HALE, HAUGEN, HORN, KLINE AND McCASLIN.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 1, 2001

SB 5319 PRIME SPONSOR, SENATOR HAUGEN: CHANGING PROVISIONS RELATING TO THE MUNICIPAL RESEARCH COUNCIL. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5319 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; HALE, HAUGEN, HORN, KLINE, McCASLIN AND ROACH.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 2, 2001

SB 5393 PRIME SPONSOR, SENATOR LONG: REVISING PROVISIONS RELATING TO TRUANCY RECORDS. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

MESSAGE FROM STATE OFFICE

WASHINGTON STATE BOARD OF EDUCATION
OLD CAPITOL BUILDING
P.O. BOX 47206
OLYMPIA, WASHINGTON 98504-7206

DATE: JANUARY 25, 2001
TO: WASHINGTON STATE LEGISLATURE
FROM: GARY GAINER, PRESIDENT
STATE BOARD OF EDUCATION
RE: STATUTORY REPORT ON HIGH SCHOOL GRADUATION REQUIREMENTS

I AM PLEASED TO SUBMIT THIS REPORT TO THE LEGISLATURE IN COMPLIANCE WITH THE PROVISIONS OF RCW 28A.230.090 (2).

STATE MINIMUM HIGH SCHOOL GRADUATION REQUIREMENTS ARE AN IMPORTANT AND FUNDAMENTAL ELEMENT OF THE STATE'S ON-GOING EDUCATION REFORM EFFORT. THE STATE BOARD IS PROUD OF BOTH THE OPEN PROCESS IT CONDUCTED TO REVIEW THE EXISTING STATE MINIMUM GRADUATION REQUIREMENTS AND THE OPPORTUNITIES IT PROVIDED FOR PUBLIC INPUT PRIOR TO ADOPTION OF THE NEW REQUIREMENTS IN OCTOBER 2000 (EFFECTIVE FALL 2004 FOR STUDENTS BEGINNING THE NINTH GRADE THAT SCHOOL YEAR). THE STATE BOARD OF EDUCATION BELIEVES THAT THE NEW GRADUATION REQUIREMENTS STRIKE A RESPONSIBLE BALANCE BETWEEN STATE INTERESTS AND THE NEED OF SCHOOL DISTRICTS FOR FLEXIBILITY AND LOCAL CONTROL.

IF YOU HAVE QUESTIONS OR NEED ADDITIONAL INFORMATION, PLEASE DO NOT HESITATE TO CONTACT ME OR LARRY DAVIS, THE STATE BOARD'S EXECUTIVE DIRECTOR, AT (360) 753-6715, (360) 586-2357 (FAX), OR "LDAVIS@OSPI.WEDNET.EDU."

INTRODUCTION AND FIRST READING

SB 5812 BY SENATORS HARGROVE AND HOCHSTATTER

AN ACT RELATING TO THE EMPLOYMENT OF FOOD SERVICE INDUSTRY TRAINEES AT LESS THAN MINIMUM WAGE; AND AMENDING RCW 49.46.060.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5813 BY SENATORS HONEYFORD, RASMUSSEN, DECCIO, MCCASLIN, HALE, CONSTANTINE, SHEAHAN, HEWITT, WINSLEY, PRENTICE AND KOHL-WELLES

AN ACT RELATING TO THE SALE OF WINE FOR OFF-PREMISES CONSUMPTION; AND ADDING A NEW SECTION TO CHAPTER 66.24 RCW.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5814 BY SENATORS HONEYFORD, T. SHELDON, MORTON, RASMUSSEN, HOCHSTATTER, SWECKER, HEWITT, B. SHELDON AND HALE

AN ACT RELATING TO CLARIFYING THE ABILITY TO CHANGE THE PURPOSE OF GROUND WATER WITHDRAWALS; AND AMENDING RCW 90.44.100.
REFERRED TO COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

SB 5815 BY SENATORS PRENTICE, WINSLEY, SNYDER, HONEYFORD AND RASMUSSEN (BY REQUEST OF LIQUOR CONTROL BOARD)

AN ACT RELATING TO PAYMENT OF AGENCY COMMISSIONS FOR AGENCY LIQUOR VENDOR STORES; AND AMENDING RCW 66.08.026.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5816 BY SENATORS HALE, HEWITT, THIBAudeau, HARGROVE, DECCIO, RASMUSSEN AND KOHL-WELLES

AN ACT RELATING TO SERVICES FOR THE DEAF AND HARD OF HEARING; CREATING A NEW SECTION; AND MAKING AN APPROPRIATION.
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 5817 BY SENATORS THIBAudeau AND DECCIO (BY REQUEST OF INSURANCE COMMISSIONER KREIDLER)

AN ACT RELATING TO TECHNICAL CORRECTIONS TO CHAPTERS 79 AND 80, LAWS OF 2000; AND AMENDING RCW 48.20.025, 48.41.030, 48.41.100, 48.41.110, 48.43.005, 48.43.012, 48.43.015, 48.43.018, 48.43.025, 48.44.017, 48.46.062, AND 70.47.060.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5818 BY SENATORS PATTERSON AND McDONALD (BY REQUEST OF OFFICE OF FINANCIAL MANAGEMENT)

AN ACT RELATING TO REPORTS TO THE LEGISLATURE; AMENDING RCW 34.05.328, 43.20B.030, 43.79.460, 43.88.110, 74.09.310, 74.09.320, AND 84.33.200; AND REPEALING RCW 15.58.420, 17.21.350, 43.41.220, 43.41.230, 43.88.510, 71.36.020, AND 82.08.0201.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5819 BY SENATORS KOHL-WELLES, SHEAHAN, FRANKLIN, SHIN, JACOBSEN, McAULIFFE AND THIBAudeau

AN ACT RELATING TO THE COLLEGE AWARENESS PROJECT; ADDING A NEW CHAPTER TO TITLE 28B RCW; CREATING A NEW SECTION; AND MAKING APPROPRIATIONS.
REFERRED TO COMMITTEE ON HIGHER EDUCATION.

SB 5820 BY SENATORS KASTAMA, HALE, FRASER, FAIRLEY, REGALA, KOHL-WELLES, SWECKER, PRENTICE, HEWITT, McAULIFFE, CONSTANTINE, EIDE, T. SHELDON, JOHNSON, McCASLIN, PATTERSON, THIBAudeau, SNYDER, OKE, HORN, DECCIO, RASMUSSEN, WINSLEY, HARGROVE, BENTON, HONEYFORD, ROSSI, B. SHELDON, CARLSON, SHIN, McDONALD, KLINE, HAUGEN, SHEAHAN, COSTA, ZARELLI, ROACH, WEST, HOCHSTATTER, JACOBSEN, LONG, MORTON, SPANEL, PARLETTE, FRANKLIN AND STEVENS

AN ACT RELATING TO MEDICAL ASSISTANCE FOR BREAST AND CERVICAL CANCER TREATMENT FOR LOW-INCOME WOMEN; REENACTING AND AMENDING RCW 74.09.510; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5821 BY SENATORS KOHL-WELLES, DECCIO AND RASMUSSEN

AN ACT RELATING TO WAGE INCREASE FOR DIRECT CARE WORKERS IN LONG-TERM CARE SERVICE; ADDING A NEW SECTION TO CHAPTER 74.39A RCW; AND ADDING A NEW SECTION TO CHAPTER 71A.12 RCW.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5822 BY SENATOR JACOBSEN

AN ACT RELATING TO SUPERVISORS AT THE DEPARTMENT OF NATURAL RESOURCES; AND AMENDING RCW 43.30.020.
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

SB 5823 BY SENATOR McAULIFFE (BY REQUEST OF ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY COMMISSION)

AN ACT RELATING TO REPEALING STUDENT IMPROVEMENT GOALS; REPEALING RCW 28A.655.050; AND PROVIDING AN EFFECTIVE DATE.
REFERRED TO COMMITTEE ON EDUCATION.

SB 5824 BY SENATOR SWECKER

AN ACT RELATING TO AUTHORIZING TRIBAL-STATE COMPACTS IN WHICH THE STATE RETROCEDES FROM MOTOR FUEL TAX FOR FUEL SOLD OR DISTRIBUTED BY A TRIBAL GOVERNMENT, A TRIBALLY OWNED ENTERPRISE, OR A

TRIBALLY LICENSED BUSINESS; ADDING NEW SECTIONS TO CHAPTER 82.36 RCW; ADDING A NEW SECTION TO CHAPTER 82.38 RCW; AND REPEALING RCW 82.36.450 AND 82.38.310.
REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 5825 BY SENATORS FINKBEINER, JACOBSEN, McDONALD, SHIN, McCASLIN, HORN AND PRENTICE

AN ACT RELATING TO USE OF RESOURCE LANDS FOR ACTIVE RECREATION; AND AMENDING RCW 36.70A.020 AND 36.70A.060.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5826 BY SENATORS KOHL-WELLES, PRENTICE AND WINSLEY (BY REQUEST OF UNIVERSITY OF WASHINGTON)

AN ACT RELATING TO COLLECTIVE BARGAINING FOR UNIVERSITY OF WASHINGTON EMPLOYEES WHO ARE ENROLLED IN ACADEMIC PROGRAMS; ADDING A NEW SECTION TO CHAPTER 41.56 RCW; AND DECLARING AN EMERGENCY.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5827 BY SENATOR McCASLIN

AN ACT RELATING TO ENFORCEMENT OF JUDGMENTS; AND AMENDING RCW 6.17.020.
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5828 BY SENATORS HORN, PATTERSON, ROACH AND HAUGEN

AN ACT RELATING TO STATE BUILDING CODES; AND AMENDING RCW 19.27.031.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5829 BY SENATORS PRENTICE, PATTERSON AND SWECKER

AN ACT RELATING TO COOPERATIVE ACTIVITIES BY LOCAL GOVERNMENTS; AMENDING RCW 70.44.450; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5830 BY SENATORS THIBAudeau, WINSLEY, OKE, KLINE, KASTAMA, T. SHELDON, EIDE, PRENTICE, SNYDER, ZARELLI, SWECKER, WEST AND RASMUSSEN

AN ACT RELATING TO PARTICIPATING IN INSURANCE PLANS AND CONTRACTS BY SEPARATED PLAN 2 MEMBERS OF CERTAIN RETIREMENT SYSTEMS; AMENDING RCW 41.05.011; REENACTING AND AMENDING RCW 41.05.011; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN EXPIRATION DATE.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5831 BY SENATORS SWECKER, FAIRLEY, OKE, CONSTANTINE, REGALA, RASMUSSEN AND HOCHSTATTER

AN ACT RELATING TO THE USE OF BODY-GRIPPING TRAPS AS THEY APPLY TO MOLES, GOPHERS, AND MOUNTAIN BEAVERS; AND AMENDING RCW 77.15.192 AND 77.15.194.
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

SB 5832 BY SENATOR HAUGEN

AN ACT RELATING TO ENABLING COUNTIES PLANNING UNDER CHAPTER 36.70A RCW TO CREATE NINE LOTS IN A SHORT SUBDIVISION WITHIN A DESIGNATED URBAN GROWTH AREA; AND AMENDING RCW 58.17.020.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5833 BY SENATORS COSTA, THIBAudeau, PATTERSON, PARLETTE, DECCIO, JACOBSEN, KOHL-WELLES AND OKE

AN ACT RELATING TO LEGISLATIVE HEARINGS ON INITIATIVES AND REFERENDUMS; AMENDING RCW 42.17.130 AND 42.52.180; AND ADDING A NEW SECTION TO CHAPTER 29.79 RCW.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5834 BY SENATORS HALE, HAUGEN AND KOHL-WELLES (BY REQUEST OF SECRETARY OF STATE REED)

AN ACT RELATING TO ELECTION CERTIFICATION AND TRAINING; CREATING A NEW SECTION; MAKING APPROPRIATIONS; AND DECLARING AN EMERGENCY.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5835 BY SENATORS FINKBEINER, THIBAudeau, WINSLEY, McAULIFFE, COSTA, HONEYFORD, McCASLIN, KOHL-WELLES, PRENTICE, KLINE, BENTON AND OKE

AN ACT RELATING TO THE EMERGENCY ADMINISTRATION OF EPINEPHRINE; AND AMENDING RCW 18.73.250.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5836 BY SENATORS FAIRLEY, OKE, DECCIO, B. SHELDON, WINSLEY, THIBAudeau, KLINE, ROACH, PRENTICE, CONSTANTINE, COSTA AND KOHL-WELLES

AN ACT RELATING TO COMMUNITY HEALTH CENTER FACILITIES; AMENDING RCW 70.37.020 AND 70.37.090; ADDING NEW SECTIONS TO CHAPTER 70.37 RCW; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 5837 BY SENATORS T. SHELDON, SWECKER, SPANEL, SNYDER AND OKE

AN ACT RELATING TO STATE OYSTER RESERVE LANDS; AMENDING RCW 79.96.110, 43.84.092, AND 43.84.092; ADDING NEW SECTIONS TO CHAPTER 77.60 RCW; REPEALING RCW 79.96.090; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN EXPIRATION DATE.
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

SB 5838 BY SENATORS McAULIFFE, FINKBEINER, KASTAMA, WINSLEY, CARLSON, PARLETTE, MORTON, HORN, OKE, WEST, DECCIO, HEWITT AND RASMUSSEN (BY REQUEST OF GOVERNOR LOCKE AND SUPERINTENDENT OF PUBLIC INSTRUCTION BERGESON)

AN ACT RELATING TO IMPROVING STUDENT ACHIEVEMENT; ADDING NEW SECTIONS TO CHAPTER 28A.900 RCW; ADDING A NEW CHAPTER TO TITLE 28A RCW; REPEALING RCW 28A.150.010, 28A.150.020, 28A.150.030, 28A.150.040, 28A.150.050, 28A.150.060, 28A.150.070, 28A.150.080, 28A.150.100, 28A.150.200, 28A.150.205, 28A.150.210, 28A.150.211, 28A.150.220, 28A.150.230, 28A.150.240, 28A.150.250, 28A.150.260, 28A.150.270, 28A.150.275, 28A.150.280, 28A.150.290, 28A.150.295, 28A.150.300, 28A.150.305, 28A.150.350, 28A.150.360, 28A.150.370, 28A.150.380, 28A.150.390, 28A.150.400, 28A.150.410, 28A.150.420, 28A.150.500, 28A.150.510, 28A.155.010, 28A.155.020, 28A.155.030, 28A.155.040, 28A.155.050, 28A.155.060, 28A.155.070, 28A.155.080, 28A.155.090, 28A.155.100, 28A.155.105, 28A.155.115, 28A.155.140, 28A.155.160, 28A.160.010, 28A.160.020, 28A.160.030, 28A.160.040, 28A.160.050, 28A.160.060, 28A.160.070, 28A.160.080, 28A.160.090, 28A.160.100, 28A.160.110, 28A.160.115, 28A.160.120, 28A.160.130, 28A.160.140, 28A.160.150, 28A.160.160, 28A.160.170, 28A.160.180, 28A.160.190, 28A.160.195, 28A.160.200, 28A.160.210, 28A.165.010, 28A.165.012, 28A.165.030, 28A.165.040, 28A.165.050, 28A.165.060, 28A.165.070, 28A.165.080, 28A.165.090, 28A.175.010, 28A.180.010, 28A.180.020, 28A.180.030, 28A.180.040, 28A.180.060, 28A.180.080, 28A.185.010, 28A.185.020, 28A.185.030, 28A.185.040, 28A.190.010, 28A.190.020, 28A.190.030, 28A.190.040, 28A.190.050, 28A.190.060,

28A.193.005, 28A.193.010, 28A.193.020, 28A.193.030, 28A.193.040, 28A.193.050, 28A.193.060, 28A.193.070, 28A.193.080, 28A.193.900, 28A.193.901, 28A.195.010, 28A.195.020, 28A.195.030, 28A.195.040, 28A.195.050, 28A.195.060, 28A.195.070, 28A.195.080, 28A.200.010, 28A.200.020, 28A.205.010, 28A.205.020, 28A.205.030, 28A.205.040, 28A.205.050, 28A.205.070, 28A.205.080, 28A.205.090, 28A.210.010, 28A.210.020, 28A.210.030, 28A.210.040, 28A.210.060, 28A.210.070, 28A.210.080, 28A.210.090, 28A.210.100, 28A.210.110, 28A.210.120, 28A.210.130, 28A.210.140, 28A.210.150, 28A.210.160, 28A.210.170, 28A.210.180, 28A.210.190, 28A.210.200, 28A.210.210, 28A.210.220, 28A.210.240, 28A.210.250, 28A.210.260, 28A.210.270, 28A.210.280, 28A.210.290, 28A.210.300, 28A.210.310, 28A.215.010, 28A.215.020, 28A.215.030, 28A.215.040, 28A.215.050, 28A.215.100, 28A.215.110, 28A.215.120, 28A.215.130, 28A.215.140, 28A.215.150, 28A.215.160, 28A.215.170, 28A.215.180, 28A.215.190, 28A.215.200, 28A.215.900, 28A.215.904, 28A.215.906, 28A.215.908, 28A.220.010, 28A.220.020, 28A.220.030, 28A.220.040, 28A.220.050, 28A.220.060, 28A.220.070, 28A.220.900, 28A.225.005, 28A.225.010, 28A.225.015, 28A.225.020, 28A.225.025, 28A.225.030, 28A.225.031, 28A.225.035, 28A.225.060, 28A.225.080, 28A.225.090, 28A.225.095, 28A.225.110, 28A.225.115, 28A.225.140, 28A.225.151, 28A.225.160, 28A.225.170, 28A.225.200, 28A.225.210, 28A.225.215, 28A.225.220, 28A.225.225, 28A.225.230, 28A.225.240, 28A.225.250, 28A.225.260, 28A.225.270, 28A.225.280, 28A.225.290, 28A.225.300, 28A.225.310, 28A.225.330, 28A.230.010, 28A.230.020, 28A.230.030, 28A.230.040, 28A.230.050, 28A.230.060, 28A.230.070, 28A.230.080, 28A.230.090, 28A.230.100, 28A.230.120, 28A.230.130, 28A.230.140, 28A.230.150, 28A.230.160, 28A.230.170, 28A.230.180, 28A.230.190, 28A.230.193, 28A.230.195, 28A.230.230, 28A.230.250, 28A.230.260, 28A.230.280, 28A.235.010, 28A.235.020, 28A.235.030, 28A.235.040, 28A.235.050, 28A.235.060, 28A.235.070, 28A.235.080, 28A.235.090, 28A.235.100, 28A.235.110, 28A.235.120, 28A.235.130, 28A.235.140, 28A.235.145, 28A.235.150, 28A.235.155, 28A.300.010, 28A.300.020, 28A.300.030, 28A.300.035, 28A.300.040, 28A.300.050, 28A.300.060, 28A.300.065, 28A.300.070, 28A.300.080, 28A.300.090,

28A.650.040, 28A.690.010, 28A.690.020, 28A.690.030, 28A.900.030, 28A.900.040, 28A.900.050, 28A.900.060, 28A.900.070, 28A.900.080, 28A.900.100, 28A.900.101, 28A.900.102, 28A.900.103, AND 28A.900.105; PROVIDING EFFECTIVE DATES; AND PROVIDING EXPIRATION DATES.

REFERRED TO COMMITTEE ON EDUCATION.

SB 5839 BY SENATORS ROACH AND BENTON

AN ACT RELATING TO NEW REFERENCES FOR THE STATE BUILDING CODE; AND AMENDING RCW 19.27.031.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5840 BY SENATORS HOCHSTATTER AND BENTON

AN ACT RELATING TO GROWTH MANAGEMENT; AMENDING RCW 36.70A.010, 36.70A.020, 36.70A.030, 36.70A.050, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.130, 36.70A.140, 36.70A.160, 36.70A.210, 36.70A.350, 36.70A.370, 36.70A.390, 76.09.050, 36.70B.010, 36.70B.020, 36.70B.040, 36.70B.060, 36.70B.070, 36.70B.120, 36.70B.130, 36.70B.140, 36.70B.160, AND 36.70B.170; REENACTING AND AMENDING RCW 36.70B.110; ADDING NEW SECTIONS TO CHAPTER 36.70A RCW; CREATING A NEW SECTION; REPEALING RCW 36.70B.030 AND 36.70B.080; REPEALING 1998 C 286 S 9 AND 1995 C 347 S 411 (UNCODIFIED); AND DECLARING AN EMERGENCY.

REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5841 BY SENATORS PATTERSON, McCASLIN, GARDNER, SHEAHAN, T. SHELDON, DECCIO, HAUGEN, WINSLEY AND HOCHSTATTER

AN ACT RELATING TO ESTABLISHING A SCHEDULE FOR REVIEW OF COMPREHENSIVE PLANS AND DEVELOPMENT REGULATIONS ADOPTED UNDER THE GROWTH MANAGEMENT ACT; AMENDING RCW 36.70A.130; AND CREATING A NEW SECTION.

REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5842 BY SENATORS COSTA, LONG, KOHL-WELLES, CARLSON, ZARELLI, FRANKLIN, HARGROVE AND RASMUSSEN

AN ACT RELATING TO PROTECTION ORDERS FOR UNLAWFUL HARASSMENT; AMENDING RCW 10.14.020; AND REENACTING AND AMENDING RCW 10.14.040.

REFERRED TO COMMITTEE ON JUDICIARY.

SB 5843 BY SENATORS COSTA, LONG, CARLSON, ZARELLI, FRANKLIN, HARGROVE, RASMUSSEN AND OKE

AN ACT RELATING TO DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL OR ANY DRUG; AMENDING RCW 46.61.502, 46.61.504, 46.61.524, 9.94A.360, AND 9.94A.650; REENACTING AND AMENDING RCW 46.61.5055 AND 9.94A.320; AND PRESCRIBING PENALTIES.

REFERRED TO COMMITTEE ON JUDICIARY.

SB 5844 BY SENATORS MCAULIFFE, CARLSON, FRANKLIN, HEWITT, KASTAMA, HAUGEN, PATTERSON, ZARELLI, FAIRLEY, OKE, FRASER, DECCIO, CONSTANTINE, LONG, KLINE, PARLETTE, THIBAudeau, HONEYFORD, HOCHSTATTER, SPANEL, RASMUSSEN, WINSLEY AND KOHL-WELLES

AN ACT RELATING TO TRAFFIC SAFETY EDUCATION; AMENDING RCW 28A.220.030 AND 28A.220.900; AND ADDING A NEW SECTION TO CHAPTER 28A.220 RCW.

REFERRED TO COMMITTEE ON EDUCATION.

SB 5845 BY SENATORS FRASER, COSTA, LONG, WINSLEY AND KOHL-WELLES

AN ACT RELATING TO THE SITING AND OVERSIGHT OF FACILITIES FOR THE TREATMENT AND HOUSING OF SEXUALLY VIOLENT PREDATORS; AMENDING RCW 71.09.020 AND 36.70A.200; ADDING NEW SECTIONS TO CHAPTER 71.09 RCW; CREATING A NEW SECTION; PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY.

REFERRED TO COMMITTEE ON HUMAN SERVICES AND CORRECTIONS.

SB 5846 BY SENATORS FRASER, T. SHELDON AND KOHL-WELLES

AN ACT RELATING TO PROHIBITING CHARGES FOR LONG-DISTANCE TELECOMMUNICATIONS SERVICES AFTER THE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE HAS BEEN CANCELED; AND ADDING A NEW SECTION TO CHAPTER 80.36 RCW.

REFERRED TO COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS.

SB 5847 BY SENATORS FRASER AND PRENTICE

AN ACT RELATING TO SENDING A NOTICE OF DISHONOR TO THE DRAWER OF A CHECK; AND AMENDING RCW 62A.3-522.

REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5848 BY SENATORS FRANKLIN, WINSLEY, PRENTICE, BENTON, FAIRLEY, SHIN, REGALA, KLINE, RASMUSSEN, PATTERSON, COSTA, McAULIFFE AND FRASER

AN ACT RELATING TO LOW-COST HOUSING FOR LOW-INCOME BUYERS; ADDING A NEW SECTION TO CHAPTER 82.04 RCW; ADDING A NEW SECTION TO CHAPTER 82.08 RCW; ADDING A NEW SECTION TO CHAPTER 82.12 RCW; ADDING A NEW SECTION TO CHAPTER 82.45 RCW; AND ADDING A NEW SECTION TO CHAPTER 82.46 RCW.

REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SJM 8012 BY SENATORS FRASER, MORTON, REGALA, McDONALD, HONEYFORD, PATTERSON, RASMUSSEN, HALE, WINSLEY, OKE AND KOHL-WELLES

REQUESTING A REDUCTION OF WHOLESALE ENERGY COSTS.

REFERRED TO COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

SJM 8013 BY SENATORS FRASER, ROSSI, SNYDER, HONEYFORD, BROWN, PATTERSON, KOHL-WELLES, KLINE, McAULIFFE, SWECKER, PRENTICE, SHIN, LONG, T. SHELDON, HARGROVE, COSTA, HEWITT, SPANEL, THIBAudeau, REGALA, JACOBSEN, FRANKLIN, OKE, SHEAHAN, FINKBEINER, STEVENS, ZARELLI, MORTON, RASMUSSEN, HALE, ROACH, WINSLEY, JOHNSON AND HOCHSTATTER

REQUESTING CONGRESS TO RESTORE THE SALES TAX DEDUCTION FOR FEDERAL INCOME TAXES.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SJR 8213 BY SENATORS McCASLIN AND HALE

AMENDING THE CONSTITUTION TO PROVIDE FOR ELECTION OF SUPREME COURT JUSTICES FROM THREE JUDICIAL DISTRICTS.

REFERRED TO COMMITTEE ON JUDICIARY.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 5836 WAS REFERRED TO THE COMMITTEE ON WAYS AND MEANS.

MOTION

AT 12:02 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 12:00 NOON, TUESDAY, FEBRUARY 6, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

TWENTY-NINTH DAY, FEBRUARY 5, 2001

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

THIRTIETH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 6, 2001

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 1, 2001

SB 5036 Prime Sponsor, Senator Franklin: Providing a temporary tax exemption for clothing and footwear. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5036 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Referred to Committee on Ways and Means.

February 5, 2001

SB 5077 Prime Sponsor, Senator Haugen: Modifying the provisional employment of sheriff's employees. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5077 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Kline, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 5, 2001

SB 5159 Prime Sponsor, Senator Winsley: Authorizing four-year public institutions of higher education to participate with the state in investing surplus funds. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 5, 2001

SB 5166 Prime Sponsor, Senator Kohl-Welles: Allowing state financial aid to be used at Washington branch campuses of accredited out-of-state institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5166 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

February 5, 2001

SB 5188 Prime Sponsor, Senator McCaslin: Providing an alternative manner of dispersing surplus political funds. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Kline, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 1, 2001

SB 5206 Prime Sponsor, Senator Gardner: Modifying geologist licensing provisions. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Benton, Deccio, Fairley, Franklin, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 1, 2001

SB 5219 Prime Sponsor, Senator Eide: Modifying contracts for the sale of travel-related benefits. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5219 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 5, 2001

SB 5370 Prime Sponsor, Senator Patterson: Splitting the department of community, trade, and economic development and reestablishing the department of community development and the department of trade and economic development. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Hale, Haugen, Kline, T. Sheldon and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Vice Chair; Horn, McCaslin and Roach.

Referred to Committee on Ways and Means.

February 5, 2001

SB 5793 Prime Sponsor, Senator Thibaudeau: Creating the holding company act for health care service contractors and health maintenance organizations. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That the bill be referred to Committee on Labor, Commerce and Financial Institutions without recommendation. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser and Winsley.

Referred to Committee on Labor, Commerce and Financial Institutions.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5036 and Senate Bill No. 5166 were referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 5, 2001

GA 9001 JEAN BATCHELDER, appointed September 10, 1997, for a term ending September 30, 2002, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 5, 2001

GA 9003 BRIAN BENZEL, appointed June 1, 1999, for a term ending September 30, 2002, as a member of the Board of Trustees for Edmonds Community College District No. 23.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 5, 2001

GA 9006 PAUL D. BURTON, reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Shoreline Community College District No. 7.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 5, 2001

GA 9007 JUDITH BUTLER, reappointed July 9, 1999, for a term ending March 26, 2003, as a member of the Higher Education Facilities Authority.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 5, 2001

GA 9012 FRANKLIN DAY DeVAUL, JR., appointed January 18, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Centralia Community College District No. 12.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 5, 2001

GA 9017 ELIZABETH HANCOCK, appointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 5, 2001

GA 9022 ARUN G. JHAVERI, appointed October 14, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Highline Community College District No. 9.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 5, 2001

GA 9025 BARBARA A. KOERBER, reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Peninsula Community College District No. 1.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 5, 2001

GA 9032 ESTHER L. PATRICK, appointed December 22, 1999, for a term ending September 30, 2002, as a member of the Board of Trustees for Highline Community College District No. 9.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 5, 2001

GA 9082 JOE KING, reappointed August 8, 2000, for a term ending September 30, 2006, as a member of the Board of Regents for Washington State University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Jacobsen, McAuliffe and B. Sheldon.

Passed to the Committee on Rules.

INTRODUCTION AND FIRST READING

SB 5849 by Senators Gardner, Patterson, Winsley, McDonald and Kohl-Welles (by request of Secretary of State Reed)

AN ACT Relating to changing the date of the primary; amending RCW 29.13.070, 29.13.010, 29.13.020, 29.15.020, 29.15.150, 29.15.170, 29.15.180, 29.15.190, 29.15.230, 29.19.030, 29.24.020, 29.30.075, 29.62.020, 42.12.040, 42.17.710, 42.52.185, 27.12.355, 27.12.370, 35.06.070, 35.13.1821, 35.61.360, 35A.14.299, 36.93.030, 52.02.080, 52.04.056, 52.04.071, 53.04.110, 54.08.010, 54.08.070, 57.04.050, and 70.44.235; repealing RCW 29.01.160; and providing an effective date.
Referred to Committee on State and Local Government.

SB 5850 by Senators Snyder, Jacobsen, Hargrove, T. Sheldon and Spanel

AN ACT Relating to the consideration of extenuating circumstances for gear and effort reduction for the coastal Dungeness crab resource plan provisions; amending RCW 77.70.400; and creating a new section.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5851 by Senators Rasmussen and Franklin (by request of Department of Agriculture)

AN ACT Relating to authorizing the director of agriculture to consult with public entities on human health risks associated with any proposed pesticide use by the department; amending RCW 15.58.060 and 15.58.065; and adding a new section to chapter 15.58 RCW.
Referred to Committee on Agriculture and International Trade.

SB 5852 by Senators Franklin, Kline, Costa and Kohl-Welles

AN ACT Relating to reporting on issues pertaining to racial profiling; adding new sections to chapter 43.101 RCW; and creating a new section.
Referred to Committee on Judiciary.

SB 5853 by Senators Franklin and Kline

AN ACT Relating to traffic-stop racial profiling; adding a new section to chapter 43.101 RCW; and creating a new section.
Referred to Committee on Judiciary.

SB 5854 by Senators T. Sheldon and Swecker

AN ACT Relating to annual increases in retirement allowances; and amending RCW 41.40.197 and 41.32.489.
Referred to Committee on Ways and Means.

SB 5855 by Senators Carlson, T. Sheldon, Winsley, Fraser and Swecker

AN ACT Relating to calculating gain sharing; and amending RCW 41.31.020.
Referred to Committee on Ways and Means.

SB 5856 by Senators T. Sheldon, Winsley, Fraser, Swecker and Carlson

AN ACT Relating to making extraordinary investment gain sharing on an annual basis; amending RCW 41.31.010, 41.31A.020, 41.31A.020, and 41.31A.040; providing effective dates; and providing an expiration date.
Referred to Committee on Ways and Means.

SB 5857 by Senators Eide, Thibaudeau, Deccio and Kohl-Welles

AN ACT Relating to forecasting caseloads; and amending RCW 43.88C.010.
Referred to Committee on Ways and Means.

SB 5858 by Senators B. Sheldon, Swecker, Kohl-Welles, Oke, T. Sheldon, Carlson, Rasmussen, Horn, Sheahan, Stevens, Honeyford, Hale and Johnson

AN ACT Relating to the taxation of physical fitness services; amending RCW 82.04.050; creating a new section; providing an effective date; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 5859 by Senators Gardner and Carlson

AN ACT Relating to preserving the blanket primary by advancing to the general election ballot the two candidates receiving the most votes regardless of political party affiliation; amending RCW 29.30.085, 29.15.150, 29.15.160, 29.15.170, 29.15.190, 29.15.210, 29.15.220, 29.27.020, 29.30.101, 29.42.010, 29.42.020, 29.42.050, and 29.62.010; and repealing RCW 29.15.200, 29.15.230, 29.18.150, 29.18.160, and 29.30.095.
Referred to Committee on State and Local Government.

SB 5860 by Senators Jacobsen and Oke (by request of Department of Natural Resources)

AN ACT Relating to surface mining reclamation permit fees; and amending RCW 78.44.085.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5861 by Senators Fraser, Swecker and T. Sheldon (by request of Department of Natural Resources)

AN ACT Relating to the exchange or sale and replacement of administrative property owned by the department of natural resources; and adding a new section to chapter 76.01 RCW.
Referred to Committee on State and Local Government.

SB 5862 by Senators T. Sheldon, Oke and Jacobsen (by request of Department of Natural Resources)

AN ACT Relating to improving the business practices associated with selling valuable materials on trust land; amending RCW 79.01.084, 79.01.116, 79.01.124, 79.01.132, 79.01.160, 79.01.184, 79.01.188, 79.01.204, 79.01.232, 79.01.240, 79.01.340, 79.01.392, 79.01.795, 79.64.030, 79.64.040, and 79.64.050; and adding a new section to chapter 79.01 RCW.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5863 by Senators Snyder and Zarelli (by request of Department of Natural Resources)

AN ACT Relating to an exchange of bedlands and the resolution of boundary disputes in and near the Cowlitz river near the confluence of the Columbia river in Longview, Washington; adding a new section to chapter 79.08 RCW; and creating a new section.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5864 by Senator T. Sheldon

AN ACT Relating to payment of costs of primaries; adding new sections to chapter 29.18 RCW; and creating a new section.
Referred to Committee on State and Local Government.

SB 5865 by Senators Kline, Long, Kohl-Welles, Sheahan, Patterson, Finkbeiner, Constantine, Oke and Carlson

AN ACT Relating to vehicle immobilization; adding a new section to chapter 46.55 RCW; and prescribing penalties.
Referred to Committee on Judiciary.

SB 5866 by Senators Kline, Long and Costa

AN ACT Relating to the admissibility of confessions and admissions in criminal and juvenile offense proceedings; adding a new section to chapter 10.58 RCW; and creating a new section.
Referred to Committee on Judiciary.

SB 5867 by Senators Fairley, Finkbeiner, Jacobsen, Kohl-Welles, Fraser, Regala, Kline, Kastama, Winsley and Patterson

AN ACT Relating to the restoration of investments in energy conservation, renewable energy resources, and low-income energy services; adding a new chapter to Title 80 RCW; and prescribing penalties.
Referred to Committee on Environment, Energy and Water.

SB 5868 by Senators Kohl-Welles, Finkbeiner, Costa, Kline, Zarelli, Hargrove, Thibaudeau, Franklin and Kastama

AN ACT Relating to cable subscriber information practices; adding a new chapter to Title 19 RCW; and prescribing penalties.
Referred to Committee on Economic Development and Telecommunications.

SB 5869 by Senators Fraser, Morton, Regala, McDonald, Jacobsen, Swecker and Horn (by request of Governor Locke)

AN ACT Relating to water resources management; amending RCW 90.82.040, 90.82.130, 90.03.380, 90.80.005, 90.80.010, 90.80.050, 90.80.070, 90.80.080, 90.80.090, 90.80.100, 90.80.120, 90.80.130, 90.80.140, 90.03.330, 90.66.040, 90.66.060, 90.14.140, 90.38.020, 90.38.040, 90.42.040, and 90.42.080; adding new sections to chapter 90.80 RCW; adding a new section to chapter 90.03 RCW; adding new sections to chapter 90.66 RCW; adding a new section to chapter 82.16 RCW; creating new sections; prescribing penalties; and declaring an emergency.
Referred to Committee on Environment, Energy and Water.

SB 5870 by Senators Spanel, Horn, McCaslin, Snyder, Patterson and Kohl-Welles

AN ACT Relating to clarifying the deadline for primary contributions to candidates who do not advance to the general election; and amending RCW 42.17.640.
Referred to Committee on State and Local Government.

SB 5871 by Senators Kohl-Welles and Hewitt

AN ACT Relating to offender education in department of corrections' facilities; amending RCW 72.09.460; adding a new section to chapter 72.09 RCW; and creating new sections.
Referred to Committee on Human Services and Corrections.

SB 5872 by Senators Prentice, Kohl-Welles, Kline and Fairley

AN ACT Relating to the property tax exemption for new or rehabilitated multiple-unit dwellings; and amending RCW 84.14.020, 84.14.030, and 84.14.110.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5873 by Senators Patterson, Horn, Haugen, McCaslin, Kline, Fairley and Gardner

AN ACT Relating to revising certain day labor limits to account for inflation; and amending RCW 35.22.620 and 35.23.352.
Referred to Committee on State and Local Government.

SB 5874 by Senator Sheahan

AN ACT Relating to the student transportation funding formula; and amending RCW 28A.160.180.
Referred to Committee on Education.

SB 5875 by Senators T. Sheldon and Stevens (by request of Department of Social and Health Services)

AN ACT Relating to telecommunications devices and services for the hearing or speech impaired; and amending RCW 43.20A.720 and 43.20A.725.
Referred to Committee on Economic Development and Telecommunications.

SB 5876 by Senators Snyder, Hargrove and Kohl-Welles

AN ACT Relating to the establishment of a medicaid managed care contracting pilot project; reenacting and amending RCW 74.09.522; creating a new section; and declaring an emergency.
Referred to Committee on Health and Long-Term Care.

SB 5877 by Senators Thibaudeau, Winsley, Costa and Kohl-Welles

AN ACT Relating to licensed mental health counselors, marriage and family therapists, and social workers; amending RCW 18.120.020, 18.130.040, 5.60.060, 18.100.050, 18.205.090, 25.05.510, 25.15.045, and 48.43.087; reenacting and amending RCW 9A.44.010; adding a new section to chapter 70.02 RCW; adding a new chapter to Title 18 RCW; and repealing RCW 18.19.010, 18.19.020, 18.19.030, 18.19.040, 18.19.050, 18.19.060, 18.19.070, 18.19.080, 18.19.090, 18.19.100, 18.19.110, 18.19.120, 18.19.130, 18.19.140, 18.19.150, 18.19.160, 18.19.170, 18.19.180, 18.19.190, 18.19.900, and 18.19.901.
Referred to Committee on Health and Long-Term Care.

SB 5878 by Senators Oke and Haugen

AN ACT Relating to wheel load limits for nonliftable steering axles on refuse collection vehicles; and amending RCW 46.44.042.
Referred to Committee on Transportation.

SB 5879 by Senator Prentice

AN ACT Relating to regulating fire alarm systems; adding a new chapter to Title 19 RCW; and prescribing penalties.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5880 by Senators Jacobsen, Oke, T. Sheldon, Morton, Stevens and Rasmussen

AN ACT Relating to a forest products commission; amending RCW 42.17.31907 and 43.135.055; and adding a new chapter to Title 15 RCW.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5881 by Senators Haugen, Long, Kline, Kohl-Welles, Prentice and Constantine

AN ACT Relating to capital defense assistance; adding a new section to chapter 2.70 RCW; and making appropriations.
Referred to Committee on Judiciary.

SB 5882 by Senators T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette

AN ACT Relating to safety and health rules related to musculoskeletal disorders; amending RCW 49.17.040 and 49.17.050; and creating a new section.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5883 by Senators Patterson, Constantine, Kline, Fraser and Regala

AN ACT Relating to incorporating water supply and growth management planning; amending RCW 43.62.035 and 90.82.070; reenacting and amending RCW 90.54.050; adding a new section to chapter 43.62 RCW; adding a new section to chapter 36.70A RCW; and creating a new section.
Referred to Committee on State and Local Government.

SB 5884 by Senators Jacobsen, Oke, Regala, Roach, Prentice, Horn, Kline, Finkbeiner, Haugen, Swecker and Rasmussen

AN ACT Relating to a legislative task force on local park and recreation maintenance and operations; creating new sections; providing an expiration date; and declaring an emergency.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5885 by Senators Hewitt, Sheahan, Hargrove, Long, T. Sheldon, McCaslin, Morton and Rasmussen

AN ACT Relating to establishing parameters for the siting, securing, and staffing of less restrictive alternative housing for sexually violent predators; amending RCW 71.09.020; adding new sections to chapter 71.09 RCW; adding a new section to chapter 18.155 RCW; creating a new section; and declaring an emergency.
Referred to Committee on Human Services and Corrections.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, February 7, 2001.

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTIETH DAY, FEBRUARY 6, 2001

THIRTIETH DAY, FEBRUARY 6, 2001

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

THIRTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 7, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Marshal Prewitt and Cody Wyles, presented the Colors. Reverend Paul Lundborg, pastor of the Lutheran Church of the Good Shepherd in Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 6, 2001

SB 5015 Prime Sponsor, Senator Morton: Modifying the definition of border area. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5015 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5017 Prime Sponsor, Senator Franklin: Regulating sale of larger quantities of ephedrine and derivatives. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5017 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 5, 2001

SB 5019 Prime Sponsor, Senator Jacobsen: Allowing the governor to limit outdoor burning. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5019 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5091 Prime Sponsor, Senator Haugen: Regulating ferry queues. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Finkbeiner, Jacobsen, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5138 Prime Sponsor, Senator Morton: Increasing the weight of vehicles exempted from scale stops. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Benton, Eide, Finkbeiner, Horn, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5154 Prime Sponsor, Senator Kline: Creating the Washington state civil rights act of 2001. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5154 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kline, Chair; Johnson, Kastama, McCaslin, Roach and Zarelli.

Referred to Committee on Ways and Means.

February 6, 2001

SB 5175 Prime Sponsor, Senator Kline: Providing procedures for enforcement of court-ordered restitution obligations in courts of limited jurisdiction. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5175 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5180 Prime Sponsor, Senator Costa: Modifying provisions pertaining to the certification of peace officers. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5180 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach and Zarelli.

Referred to Committee on Ways and Means.

February 6, 2001

SB 5241 Prime Sponsor, Senator Johnson: Changing provisions relating to venue. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5241 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5252 Prime Sponsor, Senator McCaslin: Expanding venue for local courts during emergencies and when the defendant appears electronically from a location outside the district. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5253 Prime Sponsor, Senator McCaslin: Increasing civil jury fees. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5260 Prime Sponsor, Senator Kline: Requiring a notation in the driving record when a driver is required to use an ignition interlock or other biological or technical device. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 5, 2001

SB 5298 Prime Sponsor, Senator Jacobsen: Promoting wildlife viewing. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 5, 2001

SB 5299 Prime Sponsor, Senator Jacobsen: Allowing nonconsumptive wildlife activities on public lands. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Oke and Snyder.

Passed to Committee on Rules for second reading.

February 5, 2001

SB 5308 Prime Sponsor, Senator Constantine: Making technical corrections to chapter 19.28 RCW, electricians and electrical installations. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Deccio, Fairley, Franklin, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5348 Prime Sponsor, Senator Costa: Updating the uniform child custody jurisdiction and enforcement act. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5368 Prime Sponsor, Senator Long: Making child support technical amendments regarding medical support. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5369 Prime Sponsor, Senator Kline: Revising provisions for jurisdiction in child support matters. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5369 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5373 Prime Sponsor, Senator Sheahan: Changing mandatory arbitration of civil actions. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5388 Prime Sponsor, Senator Kastama: Modifying penalties for the sale or gift of drug paraphernalia. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Costa, Johnson, Kastama, Long, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5426 Prime Sponsor, Senator Patterson: Authorizing a filing fee surcharge for funding county law libraries. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, McCaslin and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senator Zarelli.

Passed to Committee on Rules for second reading.

February 5, 2001

SB 5438 Prime Sponsor, Senator Jacobsen: Giving the fish and wildlife commission rule-making authority over the fish and wildlife vehicle use permit program. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5438 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 5, 2001

SB 5484 Prime Sponsor, Senator Hargrove: Providing a limited sales tax exemption for certain sales of conifer seeds. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Referred to Committee on Ways and Means.

February 6, 2001

SB 5590 Prime Sponsor, Senator Prentice: Authorizing the electronic filing of corporation and limited liability company annual reports. Reported by Committee on Judiciary

MAJORITY Recommendation: That the bill be referred to Committee on Labor, Commerce and Financial Institutions without recommendation. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Referred to Committee on Labor, Commerce and Financial Institutions.

INTRODUCTION AND FIRST READING

SB 5886 by Senators Long and Hargrove

AN ACT Relating to the number of experts or professional persons who must examine a person for the state under chapter 10.77 RCW; amending RCW 10.77.060; and creating a new section.
Referred to Committee on Human Services and Corrections.

SB 5887 by Senators Kohl-Welles, West and Sheahan (by request of University of Washington)

AN ACT Relating to clarifying ethics requirements for officers and employees of institutions of higher education with regard to sponsored research and technology transfer agreements; amending RCW 42.52.030 and 42.52.120; and creating a new section.
Referred to Committee on Higher Education.

SB 5888 by Senators Gardner, Spanel and Honeyford

AN ACT Relating to the qualifications of a legal newspaper; and amending RCW 65.16.020.
Referred to Committee on State and Local Government.

SB 5889 by Senators Jacobsen and Constantine

AN ACT Relating to shoreline master plans; and adding a new section to chapter 90.58 RCW.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5890 by Senator Jacobsen

AN ACT Relating to shoreline management; and creating a new section.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5891 by Senator Jacobsen

AN ACT Relating to shoreline management improvement; and creating a new section.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5892 by Senators Patterson, McCaslin, Brown, Sheahan, Horn, Haugen and Gardner (by request of Secretary of State Reed)

AN ACT Relating to local government records; amending RCW 36.22.175; adding a new section to chapter 36.22 RCW; repealing 1996 c 245 s 2 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on State and Local Government.

SB 5893 by Senators McCaslin, Haugen, Sheahan, Horn and Gardner (by request of Secretary of State Reed)

AN ACT Relating to local government records; amending RCW 36.22.175; providing an effective date; and declaring an emergency.

Referred to Committee on State and Local Government.

SB 5894 by Senators Patterson and Rossi

AN ACT Relating to the taxation of lodging; and amending RCW 82.04.050.

Referred to Committee on Ways and Means.

SB 5895 by Senators Swecker and Hochstatter

AN ACT Relating to small scale prospecting and mining; amending RCW 77.55.100; and creating a new section.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5896 by Senators Constantine, Kline, Hargrove, Costa, Thibaudeau, Kohl-Welles and Regala

AN ACT Relating to DNA testing of evidence; adding new sections to chapter 10.73 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Judiciary.

SB 5897 by Senators Rasmussen, Shin, Parlette, Hale, Hewitt and Kohl-Welles

AN ACT Relating to international marketing of agriculture; creating new sections; and making appropriations.

Referred to Committee on Agriculture and International Trade.

SB 5898 by Senators Prentice, Fairley and Costa

AN ACT Relating to cause for eviction under the landlord-tenant act; and amending RCW 59.18.180.

Referred to Committee on Judiciary.

SB 5899 by Senators T. Sheldon, Morton, Oke, B. Sheldon, Honeyford, Eide, Rasmussen and Haugen

AN ACT Relating to water right place of use and purpose of use for expanding public water systems; and amending RCW 90.03.386.

Referred to Committee on Environment, Energy and Water.

SB 5900 by Senators T. Sheldon, Morton, Oke, B. Sheldon, Honeyford and Eide

AN ACT Relating to beneficial use of municipal water supplies; and amending RCW 90.03.330.

Referred to Committee on Environment, Energy and Water.

SB 5901 by Senators B. Sheldon, Hale, Oke, Morton, Honeyford, Eide and T. Sheldon

AN ACT Relating to eliminating certain restrictions on water system interties; and amending RCW 90.03.383.

Referred to Committee on Environment, Energy and Water.

SB 5902 by Senators Rasmussen, Sheahan, Hochstatter and Snyder

AN ACT Relating to agricultural commodity commissions; amending RCW 15.66.030, 15.66.110, 15.66.140, 15.65.040, 15.65.230, 15.65.280, and 43.03.230; adding new sections to chapter 15.65 RCW; and adding new sections to chapter 15.66 RCW.

Referred to Committee on Agriculture and International Trade.

SB 5903 by Senators Winsley, Franklin, Costa and Thibaudeau

AN ACT Relating to increasing the license surcharge for the impaired physician program; and amending RCW 18.71.310.

Referred to Committee on Health and Long-Term Care.

SB 5904 by Senators Morton and Rasmussen

AN ACT Relating to conservation district elections; amending RCW 29.13.020, 89.08.020, 89.08.110, and 89.08.190; and declaring an emergency.

Referred to Committee on State and Local Government.

SB 5905 by Senators Prentice, Swecker and Winsley

AN ACT Relating to the negotiation, enforcement, and resolution of disputes regarding tribal/state gaming compacts under the federal Indian gaming regulatory act of 1988; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5906 by Senators Rasmussen, Finkbeiner, McAuliffe, Eide, Regala, Kastama, Hewitt, Hochstatter and Kohl-Welles

AN ACT Relating to technology planning for public schools; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

SB 5907 by Senators Rasmussen, Winsley, Franklin, Deccio and Regala

AN ACT Relating to physical therapist assistants; amending RCW 18.74.010, 18.74.020, 18.74.040, 18.74.060, 18.74.070, 18.74.090, and 18.74.120; and adding new sections to chapter 18.74 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5908 by Senator Fraser

AN ACT Relating to whether changes in agricultural production are changes in purpose of use; amending RCW 90.03.380; and declaring an emergency.

Referred to Committee on Environment, Energy and Water.

SB 5909 by Senators Fraser, Regala, Spanel and Thibaudeau

AN ACT Relating to financial responsibility requirements for vessels and facilities; amending RCW 88.40.011, 88.40.020, 88.40.025, and 88.40.040; and creating new sections.

Referred to Committee on Environment, Energy and Water.

SB 5910 by Senators Fraser and Honeyford

AN ACT Relating to temporary nonuse of water by the owner of a water right; amending RCW 90.14.140 and 90.42.080; and declaring an emergency.
Referred to Committee on Environment, Energy and Water.

SB 5911 by Senator Fraser

AN ACT Relating to functions and certification of certified water rights examiners; amending RCW 90.03.330; and adding a new section to chapter 90.03 RCW.
Referred to Committee on Environment, Energy and Water.

SB 5912 by Senators Fraser, Morton, Regala, Patterson, Oke, Kohl-Welles and Haugen

AN ACT Relating to energy facilities; amending RCW 80.50.100, 80.50.030, 90.48.262, 90.48.160, 90.48.260, and 82.12.022; adding a new section to chapter 82.16 RCW; adding a new section to chapter 80.50 RCW; adding new sections to chapter 80.52 RCW; adding a new chapter to Title 80 RCW; creating a new section; recodifying RCW 80.50.160, 80.50.300, and 80.50.310; repealing RCW 80.50.010, 80.50.020, 80.50.030, 80.50.040, 80.50.060, 80.50.071, 80.50.075, 80.50.080, 80.50.090, 80.50.100, 80.50.105, 80.50.110, 80.50.120, 80.50.130, 80.50.140, 80.50.150, 80.50.175, 80.50.180, 80.50.190, 80.50.900, 80.50.901, 80.50.902, 80.50.903, and 80.50.904; prescribing penalties; making appropriations; providing effective dates; providing expiration dates; and declaring an emergency.
Referred to Committee on Environment, Energy and Water.

SB 5913 by Senator Fraser

AN ACT Relating to a public utility tax deduction for expenditures that implement conservation elements of approved water system plans; adding a new section to chapter 82.16 RCW; and creating a new section.
Referred to Committee on Environment, Energy and Water.

SB 5914 by Senator Fraser

AN ACT Relating to conditions for transfer, change, or amendment of water rights established as family farm permits; amending RCW 90.66.040 and 90.66.060; and adding new sections to chapter 90.66 RCW.
Referred to Committee on Environment, Energy and Water.

SB 5915 by Senators Patterson and Regala

AN ACT Relating to wetlands mitigation projects; amending RCW 90.82.070; adding a new section to chapter 90.74 RCW; and creating a new section.
Referred to Committee on Environment, Energy and Water.

SB 5916 by Senators Parlette, Haugen, B. Sheldon, Oke, T. Sheldon, Morton, Hewitt and Kohl-Welles

AN ACT Relating to vehicular offenses within roadway construction zones; and amending RCW 9.94A.390.
Referred to Committee on Judiciary.

SB 5917 by Senators Prentice, Winsley, Benton, Rasmussen and Gardner

AN ACT Relating to worker rights under industrial insurance; amending RCW 51.14.100, 51.28.010, 51.28.020, 51.28.080, and 51.36.010; creating a new section; and providing an effective date.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5918 by Senators Spanel, Winsley, Kohl-Welles and Gardner

AN ACT Relating to real estate excise taxes; and adding a new section to chapter 82.46 RCW.
Referred to Committee on Ways and Means.

SJM 8014 by Senators Prentice, Winsley, Costa, Deccio, Thibaudeau, B. Sheldon, Fairley, Franklin, Shin, Rasmussen, Regala, Kastama, Patterson, Hochstatter, Gardner, Haugen, Honeyford, Constantine, Jacobsen, McAuliffe, Oke and Kohl-Welles

Requesting improvement to employment and training services for disabled persons.

Referred to Committee on Labor, Commerce and Financial Institutions.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5894 and Senate Bill No. 5918 were referred to the Committee on Ways and Means.

MOTION

At 10:09 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:37 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 5717, by Senators Brown, T. Sheldon, Fraser, Regala, Kline, Franklin, Winsley, Kohl-Welles, Shin, McAuliffe, Spanel, Costa, B. Sheldon and Rasmussen.

Funding the low-income energy assistance program

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5717 was substituted for Senate Bill No. 5717 and the substitute bill was placed on second reading and read the second time.

Senator Honeyford moved that the following amendment be adopted:

On page 2, after line 20, insert the following:

"NEW SECTION. Sec. 3. The legislature finds that the people of Washington are now in the middle of a severe energy crisis resulting from lower than normal rainfall and snowpack and forces outside the control of the citizens of our state. Tight reserves of water and power are predicted throughout the winter and prices are expected to increase dramatically. Many low-income and elderly citizens will be forced to choose between the costs of their own electricity and purchasing food or other necessities. The legislature declares an emergency under the provisions of RCW 43.135.035(3)(a) for the purpose of providing financial assistance to low-income persons under the low-income home energy assistance program.

NEW SECTION. Sec. 4. Moneys collected during fiscal year 2001 and fiscal year 2002 under RCW 82.16.020(1) exceeding one hundred five percent of the average annual revenues collected under RCW 82.16.020(1) for the preceding three fiscal years, or as much thereof as may be necessary, are appropriated from the general fund to the department of community, trade, and economic development for the low-income home energy assistance program."

Renumber the remaining section consecutively and correct any internal references accordingly.

Debate ensued.

Senator Sheahan demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Honeyford on page 2, after line 20, to Substitute Senate Bill No. 5717.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Rossi, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 23

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Roach, Sheldon, B. Sheldon, T., Shin, Snyder, Spanel and Thibaudeau - 26

PERSONAL PRIVILEGE

Senator Benton: "A point of personal privilege, Mr. President. I rise to remind the members of this chamber that the previous speaker on this amendment from the Thirty-fourth District has caused us a tremendous amount of pain and suffering with his shrill rhetoric on the floor of this august body. Many of the senior members of this chamber are not accustomed to such pain and suffering. We know that his dribbling inconsistencies of his previous comments will certainly improve--we hope-- with his longevity in this august body. In lieu of a much deserved apology, we would accept a gift from the Senator from the Thirty-fourth District. With that, we ask you to please sit on your hands for a while and learn some of the customs of this chamber before you put us through this terrible pain and suffering with your shrill rhetoric in the future. Thank you."

PERSONAL PRIVILEGE

Senator Kline: "A point of personal privilege, Mr. President. I heard a very loud noise in back of me. It came from the general direction of the new member from the Thirty-fourth. In that screeching level of noise was verbiage. Now, verbiage is an ancient legalese word that means 'words.' I, too, suffered greatly. I feel that maybe a lesson needs to be learned here. Not only a lesson by our esteemed new member from the Thirty-fourth, but the pain and suffering that our other new members, just recently referred to, has been inflicted upon all of us. This is a lesson on how the liability system works. We have been subjected to pain and suffering; we need retribution.

"Now, I would notice, by the way, for the benefit of the good member from the Fourth District that in the Thirty-Fourth, there are many, many good delicatessens with edible things. One of them is the great Bratwurst at the Husky Delicatessen. I am sure that the new member from the Thirty-fourth knows where the Husky is, because I saw him near there the other day. I bet that he would be willing to satisfy our need for retribution in Bratwurst. Thank you, Mr. President."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. The body has suffered greatly from the last two speeches. If anyone should give out gifts, the last two speakers should. However, being a senior citizen on the floor, I know how to handle things and Senator Constantine, it is a pleasure to have you in this body. I think you are probably one of the brightest stars that has ever been elected. Hey, if you are going to kiss up, do a good job of it! I think, and you have my permission, instead of forty-nine gifts, make it forty-seven and skip Senator Kline and Senator Benton. I think everyone on the floor will respect you for that. Welcome!"

PERSONAL PRIVILEGE

Senator Carlson: "A point of personal privilege, Mr. President. As one who seriously overlooked the fiftieth person, I did want to point out to my esteemed Senior Senator--Senior Citizen Senator--that one should not overlook the President of the Senate when you are considering a possible retribution."

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. I would like to advise the gentlemen who apologized to Senator McCaslin. Don't do that, because you will open up Pandora's box and you will never be able to close it."

PERSONAL PRIVILEGE

Senator Constantine: "Thank you, Mr. President. A point of personal privilege. I rise today to thank the gentleman from the Fourth District and the immediate previous speaker--the only two members who are still here from my first internship in Olympia. Of course, the President, as well. To the Senator from the Seventeenth District, I do want to say that I do not intend my speeches to be any less painful in the future. But, if you wanted to address compensation for pain and suffering in the state of Washington, please come talk to me and we can take care of it before the end of the legislative session.

"I have, Mr. President, been shopping the district, diligently, for the last couple of weeks and I wanted to assure all the members that recompense will be made promptly, though not before the weekend, for my grievous acts here on the floor today. Thank you all for making me feel at home."

MOTION

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5717 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

POINT OF INQUIRY

Senator Sheahan: "Senator Snyder, today, we are taking a small step together to bring relief to some of our neighbors that are the hardest hit by the energy crisis. However, what we do today is just a temporary fix. We all know that one of the areas of concern that created this crisis is the lack of energy generating capacity in this state. Today is the thirty-first day of the session. Our session is almost one-third over and we have used up sixty percent of the time that we have allotted to work on Senate Bills. Senator Morton has a bill, Senate Bill No. 5550, waiting in committee to increase capacity immediately by raising the EFSC threshold from two hundred fifty to six hundred fifty megawatts. Several existing facilities could increase generating capacity now to meet the needs of our neighbors who are demanding bipartisan solutions to the crisis. This is a fix we can do immediately. Senator, will you commit to moving Senate Bill No. 5550 to the floor--and if so, when? Time is of the essence."

Senator Snyder: "Thank you. We have a lot of problems in front of us and particularly with energy. We have a lot of bills that have been introduced. I think the Chairman of the Energy Committee has a lot of bills scheduled. I don't know if the one you are talking about in particular has been scheduled. I will certainly have conversations and see if we can schedule those bills.

"I think we are all interested in moving forward in a bipartisan way and trying to get more energy on line in the state of Washington. We all know that we are in a critical situation. I had a conversation earlier in the week--some of these large suppliers of energy in the state of Washington are going to be out of money before the summer is over. They are going to be in need of borrowing money to buy this high priced electricity until we can get through to the fall when there are some new allocations coming from Bonneville. So, I think we are going to look at all aspects of how we can alleviate the energy crisis, including the one that you are talking about.

"I won't make any commitment when we are going to get anything to the floor. As you well know, we are in the hearings; we are in the process of hearing bills in committee now. This is the first bill of any substance that we have passed this session. I think it is about the normal procedure that we are moving through here and I will commit to you and all the members on the floor that we will give every consideration to every bill that we think is going to help to alleviate the energy crisis in the state of Washington."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5717.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5717 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5717, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 12:21 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon., Thursday, February 8, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-FIRST DAY, FEBRUARY 7, 2001

THIRTY-SECOND DAY

NOON SESSION

SENATE CHAMBER, OLYMPIA, THURSDAY, FEBRUARY 8, 2001

THE SENATE WAS CALLED TO ORDER AT 12:00 NOON BY PRESIDENT OWEN. NO ROLL CALL WAS TAKEN.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

REPORTS OF STANDING COMMITTEES

FEBRUARY 6, 2001

SB 5002 PRIME SPONSOR, SENATOR ROACH: REGARDING HEIGHT RESTRICTIONS ON AMATEUR RADIO ANTENNAS. REPORTED BY COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS

MAJORITY RECOMMENDATION: THAT THE BILL BE REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT WITHOUT RECOMMENDATION. SIGNED BY SENATORS T. SHELDON, CHAIR; B. SHELDON, VICE CHAIR; FAIRLEY, FINKBEINER, HAUGEN, MCCASLIN, ROSSI AND STEVENS.

REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

FEBRUARY 7, 2001

SB 5011 PRIME SPONSOR, SENATOR STEVENS: REDUCING PROPERTY VALUES BY AMOUNTS SPENT ON CERTAIN FEES. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT THE BILL BE REFERRED TO COMMITTEE ON WAYS AND MEANS WITHOUT RECOMMENDATION. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, HORN, KLINE, MCCASLIN AND T. SHELDON.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 7, 2001

SB 5058 PRIME SPONSOR, SENATOR GARDNER: PROTECTING RECORDS OF STRATEGY DISCUSSIONS. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, HORN AND MCCASLIN.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5076 PRIME SPONSOR, SENATOR HAUGEN: AUTHORIZING USE OF CREDIT CARDS FOR FERRY FARES AND RESERVATIONS. REPORTED BY COMMITTEE ON TRANSPORTATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5076 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; BENTON, EIDE, FINKBEINER, HORN, JACOBSEN, JOHNSON, KASTAMA, MCAULIFFE, OKE, PATTERSON, PRENTICE, SHIN AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 6, 2001

SB 5082 PRIME SPONSOR, SENATOR HAUGEN: DEFINING RURAL COUNTIES FOR PURPOSES OF SALES AND USE TAX FOR PUBLIC FACILITIES IN RURAL COUNTIES. REPORTED BY COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS T. SHELDON, CHAIR; B. SHELDON, VICE CHAIR; FAIRLEY, FINKBEINER, HAUGEN AND MCCASLIN.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 6, 2001

SB 5094 PRIME SPONSOR, SENATOR T. SHELDON: AUTHORIZING SALES AND USE TAX EXEMPTIONS FOR CALL CENTERS.
REPORTED BY COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5094 BE SUBSTITUTED THEREFOR, AND THE
SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS T. SHELDON, CHAIR; B. SHELDON, VICE CHAIR; FINKBEINER, HAUGEN,
McCASLIN AND STEVENS.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 7, 2001

SB 5112 PRIME SPONSOR, SENATOR COSTA: APPLYING CHILD RESTRAINT SYSTEM LAWS TO CHILDREN UP TO EIGHT YEARS OF
AGE OR EIGHTY POUNDS. REPORTED BY COMMITTEE ON TRANSPORTATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5112 BE SUBSTITUTED THEREFOR, AND THE
SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; BENTON, JACOBSEN, JOHNSON,
KASTAMA, McAULIFFE, OKE, PATTERSON, PRENTICE, SHIN AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5113 PRIME SPONSOR, SENATOR COSTA: REGULATING MOTORIZED SCOOTERS. REPORTED BY COMMITTEE ON
TRANSPORTATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5113 BE SUBSTITUTED THEREFOR, AND THE
SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; EIDE, FINKBEINER, JACOBSEN,
KASTAMA, McAULIFFE, OKE, PATTERSON, PRENTICE, SHIN AND SWECKER.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATORS BENTON AND HORN.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5133 PRIME SPONSOR, SENATOR FAIRLEY: REQUIRING SELLER DISCLOSURE OF WATER INFILTRATION. REPORTED BY
COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR;
GARDNER, HALE, HAUGEN, HORN, KLINE, McCASLIN, ROACH AND T. SHELDON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5223 PRIME SPONSOR, SENATOR GARDNER: FUNDING SAFETY AUDITS OF RAIL FIXED GUIDEWAY SYSTEMS. REPORTED BY
COMMITTEE ON TRANSPORTATION

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; EIDE,
HORN, JACOBSEN, KASTAMA, McAULIFFE, OKE, PATTERSON, PRENTICE, SHIN AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5225 PRIME SPONSOR, SENATOR GARDNER: IMPROVING THE EFFECTIVENESS OF THE COMMUTE TRIP REDUCTION
PROGRAM. REPORTED BY COMMITTEE ON TRANSPORTATION

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; EIDE,
FINKBEINER, HORN, KASTAMA, McAULIFFE, OKE, PATTERSON, PRENTICE, SHIN AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5227 PRIME SPONSOR, SENATOR HAUGEN: MODIFYING NOTICE REQUIREMENTS. REPORTED BY COMMITTEE ON TRANSPORTATION

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; BENTON, EIDE, FINKBEINER, HORN, JACOBSEN, JOHNSON, KASTAMA, McAULIFFE, OKE, PATTERSON, PRENTICE, SHIN AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5237 PRIME SPONSOR, SENATOR RASMUSSEN: MAKING ANNUAL TRANSFERS OF MONEY INTO THE FAIR FUND. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SNYDER AND SWECKER.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 6, 2001

SB 5289 PRIME SPONSOR, SENATOR T. SHELDON: EXPANDING THE DEFINITION OF "PUBLIC FACILITIES" FOR PURPOSES OF THE USE OF CERTAIN REVENUES IN RURAL COUNTIES. REPORTED BY COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS T. SHELDON, CHAIR; B. SHELDON, VICE CHAIR; FAIRLEY, FINKBEINER, HAUGEN, McCASLIN AND ROSSI.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5305 PRIME SPONSOR, SENATOR CONSTANTINE: CORRECTING OUTDATED REFERENCES AND DOUBLE AMENDMENTS. REPORTED BY COMMITTEE ON TRANSPORTATION

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; BENTON, EIDE, FINKBEINER, HORN, JACOBSEN, JOHNSON, KASTAMA, McAULIFFE, OKE, PATTERSON, PRENTICE, SHIN AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 6, 2001

SB 5317 PRIME SPONSOR, SENATOR PRENTICE: CLARIFYING HOURS AND WAGES FOR EDUCATIONAL EMPLOYEE COMPENSATION CLAIMS. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; BENTON, FRANKLIN, HOCHSTATTER, HONEYFORD, PATTERSON, RASMUSSEN, REGALA, WEST AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5496 PRIME SPONSOR, SENATOR RASMUSSEN: REDUCING THE TAX ON HEALTH PRODUCTS FOR ANIMALS. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SNYDER AND SWECKER.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 5, 2001

SB 5594 PRIME SPONSOR, SENATOR GARDNER: CONSOLIDATING HOUSING AUTHORITIES. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; DECCIO, FAIRLEY, FRANKLIN, HONEYFORD, RASMUSSEN, REGALA AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5599 PRIME SPONSOR, SENATOR ROACH: DESIGNATING AN OFFICIAL STATE MAMMAL. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, HORN, McCASLIN, ROACH AND T. SHELDON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5613 PRIME SPONSOR, SENATOR RASMUSSEN: CREATING THE SMALL FARM DIRECT MARKETING ASSISTANCE PROGRAM. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SNYDER, SPANEL AND SWECKER.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 7, 2001

SB 5807 PRIME SPONSOR, SENATOR BENTON: CHANGING THE BURDEN OF PROOF ON PROPERTY TAX APPEALS. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT THE BILL BE REFERRED TO COMMITTEE ON WAYS AND MEANS WITHOUT RECOMMENDATION: SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, KLINE, McCASLIN AND T. SHELDON.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 7, 2001

SB 5825 PRIME SPONSOR, SENATOR FINKBEINER: ENCOURAGING USE OF RESOURCE LANDS FOR ACTIVE RECREATION. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT THE BILL BE REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES WITHOUT RECOMMENDATION: SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, HORN, KLINE, McCASLIN AND T. SHELDON.

REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

FEBRUARY 7, 2001

SB 5904 PRIME SPONSOR, SENATOR MORTON: REVISING PROCEDURES FOR CONSERVATION DISTRICT ELECTIONS. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT THE BILL BE REFERRED TO COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE WITHOUT RECOMMENDATION: SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, HORN, KLINE, McCASLIN AND T. SHELDON.

REFERRED TO COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE.

FEBRUARY 7, 2001

SJM 8002 PRIME SPONSOR, SENATOR McCASLIN: PETITIONING CONGRESS TO CONSENT TO THE FORMATION OF A NEW STATE.
REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT THE MEMORIAL BE REFERRED TO COMMITTEE ON JUDICIARY WITHOUT
RECOMMENDATION: SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, KLINE,
McCASLIN AND T. SHELDON.

REFERRED TO COMMITTEE ON JUDICIARY.

FEBRUARY 6, 2001

SJM 8007 PRIME SPONSOR, SENATOR SHIN: REQUESTING A SPECIFIC DOMAIN DESIGNATION FOR INTERNET PORNOGRAPHY
WEBSITES. REPORTED BY COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS T. SHELDON, CHAIR; B. SHELDON, VICE CHAIR;
FAIRLEY, FINKBEINER, HAUGEN, McCASLIN, ROSSI AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SJR 8200 PRIME SPONSOR, SENATOR STEVENS: REDUCING THE ASSESSED VALUE OF REAL ESTATE BY AMOUNTS SPENT ON
CERTAIN FEES. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT THE RESOLUTION BE REFERRED TO COMMITTEE ON WAYS AND MEANS WITHOUT
RECOMMENDATION: SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, HORN,
KLINE, McCASLIN AND T. SHELDON.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 6, 2001

SJR 8209 PRIME SPONSOR, SENATOR SNYDER: INVESTING STATE INVESTMENT BOARD FUNDS. REPORTED BY COMMITTEE ON
LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; FAIRLEY, FRANKLIN,
PATTERSON, RASMUSSEN, REGALA, WEST AND WINSLEY.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATOR HOCHSTATTER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SCR 8406 PRIME SPONSOR, SENATOR SHIN: ENCOURAGING LEGISLATOR TRADE MISSION PARTICIPATION. REPORTED BY
COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR;
PARLETTE, SHEAHAN, SNYDER, SPANEL AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 5082, SENATE BILL NO. 5094, SENATE BILL NO. 5237,
SENATE BILL NO. 5496 AND SENATE BILL NO. 5613 WERE REFERRED TO THE COMMITTEE ON WAYS AND MEANS.

INTRODUCTION AND FIRST READING

SB 5919 BY SENATORS MORTON, FRASER, HONEYFORD AND RASMUSSEN

AN ACT RELATING TO THE ASSESSMENT OF POTENTIAL SITE LOCATIONS FOR WATER STORAGE PROJECTS; AMENDING RCW 90.82.070; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

SB 5920 BY SENATORS CONSTANTINE, JACOBSEN AND KOHL-WELLES (BY REQUEST OF WASHINGTON STATE PARKS AND RECREATION COMMISSION)

AN ACT RELATING TO A RECORD CHECK OF THE PARKS AND RECREATION COMMISSION'S JOB APPLICANTS, VOLUNTEERS, AND INDEPENDENT CONTRACTORS; AND AMENDING RCW 79A.05.035.
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

SB 5921 BY SENATORS KOHL-WELLES, HORN, SHEAHAN, MCAULIFFE, WEST, MCCASLIN, CARLSON, MORTON, JACOBSEN, B. SHELDON, SHIN AND PARLETTE

AN ACT RELATING TO GRADUATE EDUCATION IN PHYSICAL THERAPY; AND ADDING A NEW SECTION TO CHAPTER 28B.35 RCW.
REFERRED TO COMMITTEE ON HIGHER EDUCATION.

SB 5922 BY SENATORS T. SHELDON, RASMUSSEN, HONEYFORD, FRASER AND MORTON

AN ACT RELATING TO APPEALS OF WATER RIGHT DECISIONS REGARDING WATER RIGHTS SUBJECT TO A GENERAL STREAM ADJUDICATION; REENACTING AND AMENDING RCW 43.21B.110 AND 34.05.514; AND ADDING A NEW SECTION TO CHAPTER 90.03 RCW.
REFERRED TO COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

SB 5923 BY SENATORS EIDE, FAIRLEY, PATTERSON, B. SHELDON, CONSTANTINE AND ZARELLI

AN ACT RELATING TO THE SELECTION OF RESPONSIBLE CONTRACTORS BIDDING ON PUBLIC WORKS; AND ADDING A NEW CHAPTER TO TITLE 39 RCW.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5924 BY SENATORS T. SHELDON AND SWECKER

AN ACT RELATING TO IMPOSING IMPACT FEES ON MANUFACTURING HOUSING COMMUNITIES; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5925 BY SENATORS JACOBSEN, HONEYFORD, FRASER, RASMUSSEN AND MORTON

AN ACT RELATING TO RECLAIMED WATER; AMENDING RCW 90.46.005, 90.46.010, 90.14.140, 90.03.252, AND 90.44.062; AND ADDING A NEW SECTION TO CHAPTER 90.46 RCW.
REFERRED TO COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

SB 5926 BY SENATORS COSTA, PRENTICE, ROACH AND FAIRLEY

AN ACT RELATING TO PREVAILING WAGE CIVIL PENALTIES; AND AMENDING RCW 39.12.050, 39.12.065, AND 39.12.080.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5927 BY SENATORS COSTA, PRENTICE, FAIRLEY AND KOHL-WELLES

AN ACT RELATING TO CIVIL PENALTIES FOR PREVAILING WAGE SETTLEMENTS; AND AMENDING RCW 39.12.065.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5928 BY SENATORS CONSTANTINE, WINSLEY, COSTA AND KOHL-WELLES (BY REQUEST OF DEPARTMENT OF FISH AND WILDLIFE)

AN ACT RELATING TO HUNTING SAFETY FOR CHILDREN; AND AMENDING RCW 9.41.042. REFERRED TO

C
O
M
M
I
T
T
E
E

O
N

N
A
T
U
R
A
L

R
E
S
O
U
R
C
E
S

,

P
A
R
K
S

A
N
D

S
H
O
R
E
L
I
N
E
S

.

SB 5929 BY SENATORS RASMUSSEN AND HEWITT

AN ACT RELATING TO THE MERCHANDISING OF BEER AND WINE BY EMPLOYEES BETWEEN THE AGES OF EIGHTEEN AND TWENTY-ONE ON OR ABOUT A LICENSEE'S PREMISES; AND AMENDING RCW 66.44.318. REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5930 BY SENATORS PATTERSON AND HORN

AN ACT RELATING TO ALTERNATIVE PUBLIC WORKS CONTRACTING PROCEDURES; AMENDING RCW 39.10.065, 39.10.110, 39.10.115, AND 39.10.902; AMENDING 2000 C 138 S 106 (UNCODIFIED); REENACTING AND AMENDING RCW 39.10.120; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5931 BY SENATORS T. SHELDON, BENTON, SWECKER, MCCASLIN, STEVENS, ZARELLI, DECCIO, JOHNSON, HOCHSTATTER, HEWITT AND SHIN

AN ACT RELATING TO THE WASHINGTON STATE GOVERNMENTAL ACCOUNTABILITY ACT OF 2001; AND CREATING NEW SECTIONS.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5932 BY SENATORS KOHL-WELLES, LONG, HARGROVE, KASTAMA, FRANKLIN, STEVENS AND RASMUSSEN

AN ACT RELATING TO AUDIO RECORDING OF INTERVIEWS OF CHILDREN DISCLOSING SEXUAL ABUSE; AMENDING RCW 26.44.035; AND REENACTING AND AMENDING RCW 26.44.030.
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5933 BY SENATORS KOHL-WELLES, THIBAudeau, DECCIO, FRASER AND COSTA

AN ACT RELATING TO REDUCING EXPOSURE IN THE HOME TO CARCINOGENS AND ALLERGENS; ADDING A NEW SECTION TO CHAPTER 43.70 RCW; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5934 BY SENATORS KOHL-WELLES, FINKBEINER, MCAULIFFE, CARLSON, KASTAMA, REGALA, EIDE AND RASMUSSEN

AN ACT RELATING TO DISSEMINATING INFORMATION ON METHODS OF ATTAINING TEACHER CERTIFICATION; AND REENACTING AND AMENDING RCW 28A.410.010.
REFERRED TO COMMITTEE ON EDUCATION.

SB 5935 BY SENATORS CONSTANTINE, HARGROVE, STEVENS, OKE, THIBAudeau, KLINE, SWECKER, PRENTICE, MCCASLIN, ROACH AND KOHL-WELLES

AN ACT RELATING TO CIVIL FORFEITURES OF PROPERTY; AMENDING RCW 69.50.505; AND ADDING A NEW SECTION TO CHAPTER 10.105 RCW.
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5936 BY SENATORS PRENTICE, WINSLEY, COSTA, THIBAudeau, JACOBSEN, REGALA, GARDNER, KLINE, SPANEL, SHIN, RASMUSSEN, FRASER AND KOHL-WELLES (BY REQUEST OF DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)

AN ACT RELATING TO FUNDS FOR OPERATING AND MAINTENANCE OF LOW- INCOME HOUSING PROJECTS AND FOR INNOVATIVE HOUSING DEMONSTRATION PROJECTS; AMENDING RCW 36.18.010; ADDING A NEW SECTION TO CHAPTER 36.22 RCW; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5937 BY SENATORS SHIN, RASMUSSEN, JACOBSEN, WINSLEY AND KOHL-WELLES (BY REQUEST OF GOVERNOR LOCKE AND SUPERINTENDENT OF PUBLIC INSTRUCTION BERGESON)

AN ACT RELATING TO THE LIMITS ON POSTRETIREMENT EMPLOYMENT FOR TEACHERS' RETIREMENT SYSTEM PLAN 1 AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 RETIREES; AND AMENDING RCW 41.32.570 AND 41.40.037.
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 5938 BY SENATORS ROACH AND KOHL-WELLES

AN ACT RELATING TO USE OF INTEGRATIVE, COMPLEMENTARY, AND ALTERNATIVE MEDICINE; AMENDING RCW 18.57.001, 18.71.010, 18.71.015, 18.130.050, 18.130.060, AND 18.130.180; ADDING A NEW SECTION TO CHAPTER 18.57 RCW; ADDING A NEW SECTION TO CHAPTER 18.71 RCW; ADDING NEW SECTIONS TO CHAPTER 18.130 RCW; AND CREATING A NEW SECTION.

REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5939 BY SENATORS ROACH, RASMUSSEN, COSTA, SHIN, KASTAMA, JACOBSEN, PATTERSON AND REGALA

AN ACT RELATING TO CRIMINAL IMPERSONATION OF A VETERAN OF THE ARMED FORCES; AMENDING RCW 9A.60.040; AND PRESCRIBING PENALTIES.
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5940 BY SENATORS REGALA, MCAULIFFE, CARLSON, KOHL-WELLES, EIDE, KASTAMA, RASMUSSEN AND FINKBEINER (BY REQUEST OF SUPERINTENDENT OF PUBLIC INSTRUCTION BERGESON)

AN ACT RELATING TO CAREER AND TECHNICAL EDUCATION; ADDING A NEW SECTION TO CHAPTER 28C.04 RCW; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON EDUCATION.

SJR 8214 BY SENATOR ROACH

AMENDING THE CONSTITUTION TO REQUIRE VOTER APPROVAL OF TAX LEVIES.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

MOTION

AT 12:02 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 10:00 A.M., FRIDAY, FEBRUARY 9, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

THIRTY-SECOND DAY, FEBRUARY 8, 2001

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

THIRTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 9, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Horn and Shin. On motion of Senator Honeyford, Senator Horn was excused.

Boy Scouts Greg Buri, Daniel Stephens, Brian Hamilton, Joshua Hansen, John Ried, Tim Mathews and Chris Lemmen, from Troop 462 in Fort Lewis, presented the Colors. Reverend Paul Lundborg, pastor of the Lutheran Church of the Good Shepherd in Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 7, 2001

SB 5079 Prime Sponsor, Senator Gardner: Updating motor vehicle tax provisions. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5079 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Patterson, Prentice, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 7, 2001

SB 5114 Prime Sponsor, Senator Horn: Modifying motorcycle provisions. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5114 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Prentice, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 7, 2001

SB 5186 Prime Sponsor, Senator Thibaudeau: Modifying department of social and health services' family planning services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser and Winsley.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5336 Prime Sponsor, Senator Kohl-Welles: Creating the public interest attorney loan repayment program. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5336 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

February 8, 2001

SB 5457 Prime Sponsor, Senator Kohl-Welles: Changing liability and licensure provisions for private vocational schools. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5552 Prime Sponsor, Senator Carlson: Expanding border county higher education opportunities. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5552 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 7, 2001

SJM 8001 Prime Sponsor, Senator Franklin: Exploring the option of managing prescription drug prices through cooperative strategies with other Northwest states. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser and Winsley.

Passed to Committee on Rules for second reading.

February 8, 2001

SJM 8010 Prime Sponsor, Senator Haugen: Requesting a memorial for Lieutenant J.G. Scott Walter Kinkele.
Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Joint Memorial No. 8010 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Johnson, McAuliffe, McDonald, Oke, Prentice, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 8, 2001

GA 9018 KAY HARLAN, appointed August 6, 1999, for a term ending September 30, 2003, as a member of the Board of Trustees for Clover Park Technical College District No. 29.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 8, 2001

GA 9020 ARLISTA DEL HOLMAN, appointed February 3, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Green River Community College District No. 10.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 8, 2001

GA 9021 JUDITH D. HOSEA, appointed January 19, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Clover Park Technical College District No. 29.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 8, 2001

GA 9055 CAROL CARLSTAD, appointed October 3, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 8, 2001

GA 9056 YVONNE CARTWRIGHT, appointed October 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Bellingham Technical College District No. 25.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 8, 2001

GA 9057 LAWTON CASE, appointed July 19, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Green River Community College District No. 10.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

INTRODUCTION AND FIRST READING

SB 5941 by Senators Regala, McCaslin, Kline and Oke

AN ACT Relating to inheritance rights of parents; and amending RCW 11.04.015.
Referred to Committee on Judiciary.

SB 5942 by Senators McAuliffe, Jacobsen and Oke

AN ACT Relating to dog guides and service animals; amending RCW 70.84.070 and 9.08.070; adding a new section to chapter 70.84 RCW; and prescribing penalties.
Referred to Committee on Judiciary.

SB 5943 by Senators McAuliffe, McDonald, Carlson, Fairley, Oke, Rasmussen and Kohl-Welles

AN ACT Relating to school attendance of school employees' children; and adding a new section to chapter 28A.225 RCW.
Referred to Committee on Education.

SB 5944 by Senators McAuliffe, Finkbeiner, Regala, Hochstatter, Costa, Fairley, Stevens, Oke and Rasmussen

AN ACT Relating to a civic education day; adding a new section to chapter 28A.230 RCW; creating a new section; and providing an effective date.
Referred to Committee on Education.

SB 5945 by Senators McAuliffe, B. Sheldon, Fairley and Costa

AN ACT Relating to the authority to issue civil penalties by health districts; adding a new section to chapter 70.46 RCW; and prescribing penalties.
Referred to Committee on Health and Long-Term Care.

SB 5946 by Senator McAuliffe

AN ACT Relating to allowing state certified appraisers to appraise school district properties; and amending RCW 28A.335.090.
Referred to Committee on Education.

SB 5947 by Senators Rasmussen, Morton, Gardner and Honeyford

AN ACT Relating to tax exemptions and credits for dairy farmers and anaerobic digesters; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture and International Trade.

SB 5948 by Senators Honeyford, Rasmussen, Deccio, Hewitt, Sheahan, Morton, Parlette, Swecker, Stevens and Hochstatter

AN ACT Relating to wildlife damage claims on rangeland suitable for grazing or browsing of domestic livestock; amending RCW 77.36.005, 77.36.010, 77.36.030, 77.36.040, 77.36.050, and 77.36.080; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5949 by Senators Haugen and Swecker

AN ACT Relating to erecting and maintaining motorist information sign panels; and adding a new section to chapter 47.36 RCW.

Referred to Committee on Transportation.

SB 5950 by Senators Patterson, Roach and Kline

AN ACT Relating to tax deferrals for multifamily housing within transit corridors; and adding a new chapter to Title 84 RCW.

Referred to Committee on State and Local Government.

SB 5951 by Senators Prentice, Fraser, Franklin, Costa and Kline

AN ACT Relating to payment of wages; amending RCW 49.46.100, 49.48.020, 49.48.040, 49.48.060, and 49.48.070; adding a new section to chapter 49.48 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5952 by Senators Eide, Carlson, Jacobsen, Patterson, Spanel, Shin, Costa, Fairley, Winsley, Thibaudeau, Prentice, Fraser, McAuliffe, Kohl-Welles, Brown, Rasmussen, Constantine, Gardner, Kline and Regala

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

Referred to Committee on Education.

SB 5953 by Senators Hargrove and Eide

AN ACT Relating to written parental permission for an intermediate driver's license holder to operate a vehicle during prohibited hours; and amending RCW 46.20.075 and 43.131.398.

Referred to Committee on Transportation.

SB 5954 by Senators Shin, Roach, Oke, Costa, Patterson, Hargrove, T. Sheldon, Hochstatter, Eide and Jacobsen

AN ACT Relating to obsolete racial terminology; amending RCW 35.22.650; adding a new section to chapter 1.20 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on State and Local Government.

SB 5955 by Senators Constantine, McCaslin, T. Sheldon, Horn, McAuliffe, Rasmussen, Johnson, Carlson, Shin, Deccio and Prentice

AN ACT Relating to theft of motor vehicle fuel; amending RCW 46.20.311, 46.20.342, and 46.63.020; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5956 by Senators Constantine, Kline, Kohl-Welles, Fairley and Thibaudeau

AN ACT Relating to first-time offender status under the sentencing reform act; and amending RCW 9.94A.650.

Referred to Committee on Judiciary.

SB 5957 by Senators Hewitt and McCaslin

AN ACT Relating to specialty plumbing; and amending RCW 18.106.010, 18.106.040, 18.106.050, 18.27.070, 18.106.125, and 18.106.130.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5958 by Senators Prentice and Winsley

AN ACT Relating to the Washington life and disability insurance guaranty association act; adding new sections to chapter 48.32A RCW; and repealing RCW 48.32A.010, 48.32A.020, 48.32A.030, 48.32A.040, 48.32A.050, 48.32A.060, 48.32A.070, 48.32A.080, 48.32A.090, 48.32A.100, 48.32A.110, 48.32A.120, 48.32A.900, 48.32A.910, 48.32A.920, 48.32A.930, and 48.32A.931.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5959 by Senators Benton, Swecker, McDonald, Hochstatter, Johnson, Stevens, Honeyford, Roach, Rossi, Long, West and T. Sheldon

AN ACT Relating to repealing local motor vehicle taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, and 35.58.278; and declaring an emergency. HELD.

SB 5960 by Senators Parlette, Thibaudeau, Kohl-Welles and Honeyford

AN ACT Relating to the learned intermediary doctrine for prescription products; adding a new section to chapter 7.72 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5961 by Senators Jacobsen and Oke (by request of Department of Fish and Wildlife)

AN ACT Relating to making technical corrections to fish and wildlife statutes; amending RCW 4.24.350, 43.70.185, 46.09.200, 46.10.200, 69.30.010, 69.30.110, 69.30.140, 70.93.050, 76.04.045, 77.08.010, 77.12.039, 77.12.043, 77.12.045, 77.12.047, 77.12.170, 77.12.177, 77.12.204, 77.12.264, 77.12.320, 77.12.325, 77.12.425, 77.12.455, 77.15.030, 77.15.080, 77.15.090, 77.15.094, 77.15.096, 77.15.110, 77.15.120, 77.15.150, 77.15.180, 77.15.210, 77.15.250, 77.15.260, 77.15.270, 77.15.290, 77.15.330, 77.15.340, 77.15.370, 77.15.380, 77.15.390, 77.15.400, 77.15.480, 77.15.510, 77.15.550, 77.15.600, 77.15.700, 77.15.730, 77.32.010, 77.32.014, 77.32.250, 77.32.470, 77.32.535, 77.44.070, 77.55.280, 77.55.290, 77.70.010, 77.70.150, 77.70.190, and 79A.60.100; reenacting and amending RCW 77.15.245; adding new sections to chapter 77.65 RCW; adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.55 RCW; recodifying RCW 77.12.055, 77.65.470, 77.12.425, 77.16.220, and 77.32.220; and repealing RCW 77.12.030, 77.12.040, 77.12.105, 77.12.250, 77.12.295, 77.12.457, 77.12.724, and 77.32.420.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5962 by Senators Horn and Kohl-Welles

AN ACT Relating to the legislative systems revolving fund; and amending RCW 44.68.070.

Referred to Committee on Ways and Means.

SB 5963 by Senators Kohl-Welles, Hargrove, Long, Costa, Carlson, Franklin, Oke, Gardner, Rasmussen and Kline

AN ACT Relating to juvenile offender parenting; amending RCW 13.40.460; adding a new section to chapter 13.40 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5964 by Senators Kohl-Welles, Hargrove, Long, Costa, Carlson, Franklin, Gardner, Rasmussen and Fraser

AN ACT Relating to the office of the family and children's ombudsman; amending RCW 43.06A.030 and 43.06A.100; and making an appropriation.
Referred to Committee on Human Services and Corrections.

SB 5965 by Senators Spanel, Gardner, Kohl-Welles, Kline and Rasmussen

AN ACT Relating to local option real estate excise taxes for affordable housing purposes; and adding a new section to chapter 82.46 RCW.
Referred to Committee on Ways and Means.

SB 5966 by Senators Jacobsen, Morton, Fraser, Eide and Regala

AN ACT Relating to transferring energy-related activities to the state energy office; amending RCW 43.21F.025, 43.21F.045, 43.21F.055, 43.21F.060, 43.21F.090, 28B.30.900, 39.35.030, 39.35.050, 39.35C.010, 39.35C.020, 39.35C.030, 39.35C.040, 39.35C.050, 39.35C.060, 39.35C.070, 39.35C.090, 39.35C.100, 39.35C.110, 39.35C.130, 19.27A.020, 42.17.2401, 43.06.115, 43.21G.010, 47.06.110, 70.94.527, 70.94.537, 70.94.541, 70.94.960, 82.35.080, 90.03.247, 80.50.030, 41.06.070, 43.19.123, and 43.330.904; reenacting and amending RCW 39.35C.080; adding new sections to chapter 43.21F RCW; adding a new section to chapter 41.06 RCW; creating new sections; recodifying RCW 43.19.123 and 43.330.904; providing an effective date; and declaring an emergency. Referred to Committee on Environment, Energy and Water.

SJM 8015 by Senators Finkbeiner, T. Sheldon, Kline, Sheahan, Morton, Rossi, Oke, Rasmussen and Fraser

Requesting California to require rate increases to guarantee payment for surplus power it receives from Washington state.

Referred to Committee on Environment, Energy and Water.

SJR 8215 by Senators Eide, Carlson, Jacobsen, Patterson, Spanel, Fairley, Costa, Rasmussen, Thibaudeau, Winsley, Prentice, Shin, McAuliffe, Constantine, Kohl-Welles, Fraser, Gardner and Kline

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

Referred to Committee on Education.

MOTION

Senator Betti Sheldon moved that all the bills on the Introduction and First Reading Calendar be referred to the committees as listed.

MOTION

Senator Sheahan moved to amend the motion by Senator Betti Sheldon and that Senate Bill No. 5959 be immediately advanced to second reading.
Debate ensued.

POINT OF ORDER

Senator Snyder: "I believe this is a motion to suspend the rules and in the past, it has been customary to just have one speech on each side of the motion."

REPLY BY THE PRESIDENT

President Owen: "Senator Snyder, the interesting point here is that Senator Sheahan made a motion to amend Senator Sheldon's motion, so it is a two step process. First, we have to amend the motion and then suspend the rules to advance it to second reading."

Senator Snyder: "Thank you."

Further debate ensued.

POINT OF INQUIRY

Senator West: "Senator Snyder, last year, when the court ruled that 695 was unconstitutional, this body in a bipartisan manner acted very quickly to repeal the motor vehicle excise tax and instated the thirty dollar fee that was provided for in 695. Was it your intent--the intent of the majority--last year to repeal that tax in its entirety?"

Senator Snyder: "I believe it was the intent of the Legislature to appeal the entire motor vehicle excise tax as was indicated in the Initiative. I think we need to go through an orderly process here and find out what is necessary and see if the court is going to uphold it or if they are not going to uphold it. I just think that this is a normal process and that there is no rush to do it. Nobody's taxes are being increased; nobody is going to pay more money for tabs this week or next week. I think that probably the result is going to be about the same as it was a year ago."

Senator West: "Senator Snyder, an additional question if I might. Was it anyone's understanding that the local tax would not be repealed?"

Senator Snyder: "I can't speak for everybody, but I can speak for myself. I thought it was probably going to be--all of it was going to be repealed, just as it was before."

Senator West: "Thank you, Senator Snyder."

Further debate ensued.

Senator Sheahan demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Sheahan to amend the motion by Senator Betti Sheldon and that Senate Bill No. 5959 be immediately placed on the second reading calendar.

ROLL CALL

The Secretary called the roll and the motion by Senator Sheahan carried and the amendment was adopted by the following vote: Yeas, 24; Nays, 23, Absent, 1, Excused, 1

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 24.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Snyder, Spanel and Thibaudeau - 23.

Absent: Senator Shin - 1.

Excused: Senator Horn - 1.

The President declared the question before the Senate to be the motion by Senator Betti Sheldon, as amended, that all bills on today's Introduction and First Reading Calendar be referred to the committees as designated with the exception of Senate Bill No. 5959, which will be placed on today's second reading calendar.

PARLIAMENTARY INQUIRY

Senator Snyder: "A point of inquiry, Mr. President. What is the status of Senate Bill No. 5959? Will it be on the second reading calendar and does that need a two-thirds vote to get it to second reading?"

REPLY BY THE PRESIDENT

President Owen: "We just amended the motion by Senator Sheldon. Now, you have to pass the motion, which would take a two-thirds vote, because the rules have to be suspended to advance it to second reading."

Senator Snyder: "Thank you."

The President declared the question before the Senate to be the amended motion by Senator Betti Sheldon, which would be that all the bills on the today's Introduction and First Reading Calendar be referred to the committees as designated, with the exception of Senate Bill No. 5959.

The motion was defeated by a voice vote.

PARLIAMENTARY INQUIRY

Senator Snyder: "A point of inquiry, Mr. President. What is the status of Senate Bill No. 5959?"

REPLY BY THE PRESIDENT

President Owen: "All the bills on today's Introduction and First Reading Calendar, including Senate Bill No. 5959 are in the same status as they were when we began the session which is, they have not yet been referred. They have not been referred anywhere yet."

MOTION

Senator Snyder: "I'll move that all bills on today's Introduction Sheet be referred to the committees as indicated."

PARLIAMENTARY INQUIRY

Senator West: "Under Reed's Rules, once the body decides an issue, the issue is decided. This body has just decided that issue. Without a motion for reconsideration, we can't honor Senator Snyder's motion, I believe."

REPLY BY THE PRESIDENT

President Owen: "The President believes that the motion, as presented by Senator Snyder is in order as it had not been dealt with in that fashion in the original case. So, the motion before us is that all measures shown on today's Introduction and First Reading Calendar be referred to the committees as designated."

MOTION

Senator Sheahan: "Mr. President I move that Senator Snyder's motion be amended to provide that Senate Bill No. 5959 be boosted directly to the second reading calendar."

REPLY BY THE PRESIDENT

President Owen: "The motion by Senator Sheahan to amend Senator Snyder's motion is not in order. That motion has been dealt with."

MOTION

Senator Sheahan: "Mr. President, I move to amend Senator Snyder's motion to leave Senate Bill No. 5959 on the desk and send the other bills on today's Introduction and First Reading calendar to the committees as designated."

The President declared the question before the Senate to be the motion by Senator Sheahan to amend the motion by Senator Snyder, which would allow all bills on the Introduction and First Reading Calendar be referred as designated with the exception of Senate Bill No. 5959, which would remain on the desk.

Debate ensued.

Senator Sheahan demanded a roll call and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Tim Sheldon: "Mr. President, could you clarify for me what this motion, if it passes, will do? My understanding is that this bill will stay on the desk."

REPLY BY THE PRESIDENT

President Owen: "That is correct."

Senator Tim Sheldon: "Thank you."

President Owen: "If the motion passes, Senate Bill No. 5959 will be held at the desk."

Senator Tim Sheldon: "And will not be referred to committee?"

President Owen: "And will not be referred to committee--excuse me, this motion, if it passes, amends the motion by Senator Snyder and then that motion will still have to be voted on. If that passes, then Senate Bill No. 5959 will stay on the desk and will not be referred to committee and will not be on the second reading calendar."

Senator Tim Sheldon: "Thank you."

The President declared the question before the Senate to be the roll call on the motion by Senator Sheahan to amend the motion by Senator Snyder that all bills on the Introduction and First Reading Calendar be referred as designated with the exception of Senate Bill No. 5959, which would remain on the desk.

ROLL CALL

The Secretary called the roll and the motion by Senator Sheahan carried and the amendment was adopted by the following vote: Yeas, 25; Nays, 22; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Johnson, Kastama, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Snyder, Spanel and Thibaudeau - 22.

Absent: Senator Shin - 1.

Excused: Senator Horn - 1.

PARLIAMENTARY INQUIRY

Senator Snyder: "A point of parliamentary inquiry. What is the motion presently before the Senate?"

REPLY THE PRESIDENT

President Owen: "The motion presently before the Senate is your motion, as amended by Senator Sheahan, which is as follows: All measures shown on today's Introduction and First Reading Calendar will be referred to the committees as designated with the exception of Senate Bill No. 5959, which will be held on the desk."

MOTION

On motion of Senator Eide, Senator Shin was excused.

The President declared the question before the Senate to be motion by Senator Snyder, as amended by Senator Sheahan, that all measures shown on today's Introduction and First Reading Calendar will be referred to the committees as designated with the exception of Senate Bill No. 5959, which will be held on the desk.

The motion carried by voice vote.

SENATE BILL NO. 5959 was held at the desk and all other measures on the Introduction and First Reading Calendar were referred to the committees as designated.

STATEMENT FOR THE JOURNAL

TO: TONY COOK, SECRETARY OF THE SENATE
CC: LIEUTENANT GOVERNOR BRAD OWEN
FROM: SENATOR JIM WEST
DATE: FEBRUARY 12, 2001
RE: PROTESTS OF TWO ACTIONS

Pursuant to Senate Rule 48, I protest two separate rulings by the President on Friday, February 9, 2001.

Protest of First Ruling. The President first ruled that a point of order by me was not well taken. My point was that Senator Snyder's motion to refer bills listed on First Reading to committees was out of order. Senator Snyder's motion was identical to a previous motion made by Senator Betti Sheldon. The body passed an amendment by Senator Sheahan to Senator Sheldon's motion to the effect that one bill, SB 5959, should be advanced directly to the Second Reading Calendar, rather than be referred to the Transportation Committee as

moved by Senator Sheldon. The motion, as amended, required a suspension of the Senate Rules and a two-thirds vote, and was defeated. Senator Snyder then made the motion in question, which had the effect of subverting the will of the body by striking language already approved by the body when it adopted Senator Sheahan's amendment. Reed's Rule 209 provides that "decisions of the assembly must remain undisturbed," and I therefore respectfully submit that Senator Snyder's motion was not in order. I submit that under Reed's Rule 209, the appropriate course of procedure would have been for Senator Snyder to move to reconsider; first Senator Sheldon's failed motion, and then either move to reconsider Senator Sheahan's amendment or to divide it from the remainder of the motion (which a member can demand as a matter of Right under Senate Rule 31).

Protest of Second Ruling. Because Senator Snyder's motion was ruled in order, Senator Sheahan had no option but to move to amend it to advance SB 5959 to Second Reading; that is, to reinsert language *already agreed* by the body. The President ruled on Senator Snyder's point that Senator Sheahan's motion to amend was not in order, ironically, because the amendment had already been voted on by the body. I respectfully submit that Senator Sheahan's motion to amend Senator Snyder's motion was very much in order. Had it and no other amendments passed, then Senator Snyder's *main motion as amended* may have been out of order, see Sturgis, 3d Ed. at page 28 ("when a main motion has been voted on and lost, the same.....motion cannot be proposed again at the same meeting....."), at which point Senator Snyder would have maintained other options including moving to divide Senator Sheahan's amendment from the remainder of the main motion. In short, I know of no parliamentary authority that provides that a subsequent amendment to a subsequent main motion cannot be proposed, whether or not it is identical to a previous amendment to a previous main motion.

I hope the President will not consider himself bound by these rulings in the future.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. Ladies and gentlemen of the Senate, when I arrived at my desk this morning, upon examination, I found a brown paper bag. Normally, things that come in brown wrappers shouldn't be on the floor--I got out of that one, didn't I? Upon inspection, I found some honey, some candy and a badge. Now, in talking to the majority leader--I won't hurt you Sid--in talking to the majority leader and the floor leader, they didn't know where it came from. Now, one of the rules, in Reed's Rules and the Joint Rules of the House and Senate, upon your maiden speech, someone must notify you that it is a maiden speech, then a gift is expected. Now, no one has made any speech about the speech that this young lady made. I believe her name is Senator Regala. Now, because of that and no one informed you of a gift, this gift does not count. Could I have a voice vote on this please? Do you have any comments? Would you yield to a question? What is the next gift?"

Senator Regala: "Well, Senator McCaslin--thank you, Mr. President--I was not aware that you needed to recognize me first. I was well aware that I needed to give a gift for my maiden speech, which I gave on Wednesday. I will note that nobody noted that and I have to say that I wondered if the kind gentlemen might owe me a tribute for either taking me for granted or ignoring me. I'll just assume that you didn't notice me back here in the back row. So, I didn't want the weekend to come and go without me having provided my tribute to my fellow Senators. So, that is what you find on your desk this morning."

Further debate ensued.

PERSONAL PRIVILEGE

Senator Regala: "Mr. President, a point of personal privilege. May I take a few brief moments to explain the gifts that you found on your desks this morning? It was my understanding, fellow Senators, that my gift should reflect my district somehow. I believe that the Twenty-seventh District is the most diverse district in the state of Washington, so I tried to do something that was a little unique. The Twenty-seventh District goes from the fertile farm fields of Fife to the verdant vistas of Tacoma's north end neighborhood. There are many, many special people and unique places in that district.

"The first item you find is very unique. I know it looks like something that you would find on a grocery store shelf, but instead this is a special product that comes from the East Side 4-H Youth Group. Now, the East Side 4-H Youth Group is in the Salashan Housing development. Most of these urban teens are from families that are refugees from Southeast Asia. Through the Tahoma Food System Project, they are working on learning business practices; they sell this honey at our local markets and they are learning about marketing sales and business management. They also sell infused honeys, using herbs from the community gardens in that area, so I hope you will enjoy that.

"The second item also represents some young entrepreneurs. In 1914, Brown and Haley established the Brown and Haley Candy Company in Tacoma. So, you have some Almond Roca. They ship approximately eight hundred thousand pieces of this candy--through the Port of Tacoma in the Twenty-seventh District--around the world every year. It is very well known and you may be aware that some people are suggesting that it should be the state candy. You will note that it is wrapped with a purple ribbon that denotes the University of Washington, Tacoma. We

are very proud of having that in our district. It is a neighbor to the State Historical Society in our Museum District, which also includes the New Tacoma Art Museum and the International Museum of Glass.

“The third item comes from the Point Defiance Zoo and Aquarium. Now, we don't have Honey Bears or Huskies in our zoo, but we do have an elephant, we do have clouded leopards, snow leopards, sharks, lorikeets and poison arrow frogs. I could go on and on and talk about the wonders of the Twenty-seventh District, but I will stop there. I will let you know that I am very proud of my district and I invite everyone of you to call me and I will give you a personal tour. Thank you, Mr. President.”

MOTION

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

SENATE RESOLUTION 2001-8611

By Senators Winsley, Constantine, Spanel, Haugen, McAuliffe, Kohl-Welles, Fraser, Costa, Sheldon, B. and Rasmussen

WHEREAS, the arts work for Washington as they contribute to the state's economy, help students achieve and are fundamental to the quality of life Washington residents treasure;

WHEREAS, the arts industry throughout Washington State generates \$559 million in business activity, \$27 million in sales and business and occupation taxes, and \$220 million in patron spending each year;

WHEREAS, arts education has a significant, measurable and positive impact on student test scores, attendance, self-confidence and workforce skills;

WHEREAS, the arts attract tourists and enhance neighborhoods, entertain us, inspire us, expand our imaginations and contribute to our quality of life;

WHEREAS, more than one-thousand citizens have invested in a strategic plan that lays out the steps to ensure that our cultural heritage remains strong; and

WHEREAS, forty years ago, Governor Albert Rosellini and the 1961 Legislature established the Washington State Arts Commission, recognizing the arts as essential to the social, educational and economic growth of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the arts and artists in Washington State, and affirm that the arts continue to work for Washington.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Chris Tucker, Executive Director of the Washington Arts Commission, who was seated in the gallery.

MOTION

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

SENATE RESOLUTION 2001-8614

By Senators Thibaudeau, Deccio, Spanel, Johnson, Winsley, Costa, Eide, Fairley, Sheldon, B., Sheldon, T., Prentice, Shin, Jacobsen, Gardner, Patterson, Fraser, Regala, Franklin, Brown, Hargrove, Kohl-Welles, Roach, Haugen, Rasmussen and McAuliffe

WHEREAS, There are twenty-two nonprofit community and migrant health centers in Washington with clinics located in seventy-seven communities serving over 254,606 people; over 302,029 medical and 331,593 dental visits are provided to uninsured individuals. The health centers operate more than seventy-seven medical centers and more than forty-eight dental clinics across the state, from the northeast corner to Pacific coast towns; and

WHEREAS, All of the health centers provide access to quality services while removing economic, cultural, geographic, and other barriers to adequate health care; and

WHEREAS, All community and migrant health centers serve uninsured clients on a sliding fee scale that reflects a person's ability to pay for services; and

WHEREAS, Health centers are governed by community-based boards of directors that represent the patients they serve; and

WHEREAS, Health centers in Washington help control costs for health services by reducing inappropriate use of emergency room services and help lower hospital admissions while providing higher childhood immunizations and health education; and

WHEREAS, The services of all Washington community health centers contribute to the safety net and the community, which helps many families;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington commend and honor the commitment and contributions of health centers to the economic and physical health of the community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the community and migrant health centers of Washington State.

MOTION

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

SENATE RESOLUTION 2001-8612

By Senators West, Roach, Johnson, McDonald, Sheahan, Rasmussen, and Fraser

WHEREAS, the Boy Scouts of America was established on February 8, 1910, by founders Robert Baden Powell, Ernest Thompson Seton, Daniel Carter Beard, and William D. Boyce; and

WHEREAS, the Mission of the Boy Scouts of America is to prepare young people to make ethical choices over their lifetimes by instilling in them the values of the Scout Oath and Laws; and

WHEREAS, from its beginning, the concept of Scouting has grown and spread throughout the world to become the largest voluntary youth movement in the world; and

WHEREAS, for more than ninety years, the Boy Scouts of America has complimented youth education with a program that teaches our youth the skills and values that will help them throughout their lifetimes; and

WHEREAS, the Scout Law teaches Scouts to be "trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent;" and

WHEREAS, the Boy Scouts of America reached a historic membership milestone with the addition of its 100 millionth member in April of last year; and

WHEREAS, In Washington State, there are over one hundred thousand youths involved in the Boy Scouts of America and nationally there are over four million members ranging from Tiger Cubs through Eagle Scouts; and

WHEREAS, youths from every ethnic, religious, and economic background in suburbs, farms, and cities know and respect each other as they participate in the Boy Scout program; and

WHEREAS, with the support of over 1.2 million adult volunteers nationwide, the Boy Scouts of America passes on to today's youth the same principles, aims, and ideals that have been part of Scouting since 1910; and

WHEREAS, at the dawn of the new millennium, the Boy Scouts of America look forward to continue building upon nine decades of instilling in youth the strong values and morals that will make a difference in the lives of millions in the new century;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate applaud the effort and work of the six Washington State Councils of the Boy Scouts of America, and also applaud the positive programs that the Boy Scouts of America provide for our youth; and

BE IT FURTHER RESOLVED, That the Washington State Senate encourage all agencies of state government to recognize the service and benefits that are provided by the Boy Scouts of America and work with Scouting and other youth organizations for the purpose of improving our communities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Governor Gary Locke; the Governor's cabinet officers; all state-wide elected officials; the National Boy Scouts of America office; the Western Region office of the Boy Scouts of America; and to the Boy Scout Councils serving Washington State.

Senators West, Sheahan, Franklin, Roach and Kline spoke to Senate Resolution 2001-8612.

Senator Thibaudeau spoke against Senate Resolution 2001-8612, because of the Boy Scouts' stand on Gay members.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Boys Scouts from Troop 462 from Fort Lewis, presenters of the Colors for the opening of session this morning, who were seated in the gallery.

MOTION

At 11:09 a.m. on motion of Senator Gardner, the Senate adjourned until 12:00 noon, Monday, February 12, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-THIRD DAY, FEBRUARY 9, 2001

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

THIRTY-SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 12, 2001

The Senate was called to order at 12:00 noon by President Pro Tempore Franklin. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5001 Prime Sponsor, Senator Roach: Allowing initiative and referendum petitions on 8 ½ by 11 paper. Reported by Committee on State and Local Government
February 8, 2001

MAJORITY Recommendation: That Substitute Senate Bill No. 5001 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, McCaslin, Roach and T. Sheldon.

Passed to Committee on Rules for second reading.

SB 5014 Prime Sponsor, Senator Costa: Harmonizing the definitions of sex and kidnapping offenders under the criminal and registration statutes. Reported by Committee on Human Services and Corrections
February 9, 2001

MAJORITY Recommendation: That Substitute Senate Bill No. 5014 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

SB 5189 Prime Sponsor, Senator B. Sheldon: Providing unemployment insurance benefits for victims of domestic violence or stalking. Reported by Committee on Labor, Commerce and Financial Institutions
February 8, 2001

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5190 Prime Sponsor, Senator Winsley: Providing photo identification for private investigators. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5190 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5205 Prime Sponsor, Senator Prentice: Requiring self-insurers to provide information for independent medical examinations. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5205 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Patterson, Rasmussen, Regala, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5312 Prime Sponsor, Senator Fraser: Requiring full text of repealed laws in initiatives. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach and T. Sheldon.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5318 Prime Sponsor, Senator West: Modifying the definition of a "vocational student" for the purpose of the study of cosmetology. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5318 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5363 Prime Sponsor, Senator Thibaudeau: Providing medical assistance reimbursements for small, rural hospitals. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Referred to Committee on Ways and Means.

February 8, 2001

SB 5382 Prime Sponsor, Senator Patterson: Regarding penalties for violations of the public disclosure act. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin and T. Sheldon.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5383 Prime Sponsor, Senator Patterson: Correcting inaccurate or procedurally obsolete provisions of the public disclosure commission law. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach and T. Sheldon.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5401 Prime Sponsor, Senator Patterson: Eliminating boards and commissions. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5401 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach and T. Sheldon.

Referred to Committee on Ways and Means.

February 8, 2001

SB 5403 Prime Sponsor, Senator Patterson: Reauthorizing the expedited rule adoption process. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5403 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, Roach and T. Sheldon.

Passed to Committee on Rules for second reading.

February 9, 2001

SB 5406 Prime Sponsor, Senator Long: Revising the definition of "sexually violent offense" for the purposes of civil commitment procedures. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5406 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Long and Stevens.

Referred to Committee on Ways and Means.

February 8, 2001

SB 5520 Prime Sponsor, Senator Patterson: Providing fiscal impact statements for ballot measures. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5520 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 9, 2001

SB 5540 Prime Sponsor, Senator Franklin: Authorizing public utility tax credits for home energy assistance programs for low-income households. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5540 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Jacobsen, Morton and Patterson.

Referred to Committee on Ways and Means.

February 9, 2001

SB 5542 Prime Sponsor, Senator Fraser: Providing sales and use tax exemptions for air pollution control facilities acquired or installed by a light and power business at thermal electric peaking plants. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5542 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, Morton and Patterson.

Referred to Committee on Ways and Means.

February 8, 2001

SB 5580 Prime Sponsor, Senator Prentice: Reducing the mortgage brokers business and occupation tax rate. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That the bill be referred to the Committee on Ways and Means without recommendation. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Franklin, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Referred to Committee on Ways and Means.

February 9, 2001

SB 5646 Prime Sponsor, Senator Morton: Extending the public utility tax deduction for cogeneration. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, Morton and Patterson.

Referred to Committee on Ways and Means.

February 8, 2001

SB 5661 Prime Sponsor, Senator Finkbeiner: Requiring growth management planning for recreational facilities. Reported by Committee on State and Local Government

MAJORITY Recommendation: That the bill be referred to Committee on Natural Resources, Parks and Shorelines without recommendation. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach and T. Sheldon.

Referred to Committee on Natural Resources, Parks and Shorelines.

February 9, 2001

SB 5709 Prime Sponsor, Senator Regala: Exempting certain electrolytic processing businesses from public utility tax. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5709 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Honeyford and Patterson.

MINORITY Recommendation: Do not pass. Signed by Senators Hale and Morton.

Referred to Committee on Ways and Means.

February 8, 2001

SCR 8409 Prime Sponsor, Senator Morton: Establishing a select committee on state boundaries. Reported by Committee on State and Local Government

MAJORITY Recommendation: That the bill be referred to Committee on Judiciary without recommendation. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach and T. Sheldon.

Referred to Committee on Judiciary.

MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 5363, Senate Bill No. 5401 and Senate Bill No. 5406 were referred to the Committee on Ways and Means.

On motion of Senator Betti Sheldon, Senate Bill No. 5312 and Senate Bill No. 5520 were passed to the Committee on Rules.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

January 26, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kaleen Cottingham, to be reappointed February 3, 2001, for a term ending June 30, 2002, as a member of the Pollution Control/Shorelines Hearings Board.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Environment, Energy and Water.

INTRODUCTION AND FIRST READING

SB 5967 by Senators Franklin, Rasmussen, Winsley, Thibaudeau, Oke, Regala, Deccio, Kastama, Eide and Kohl-Welles

AN ACT Relating to establishing a pilot project to provide community-based services through a public-private based partnership for persons with developmental disabilities; creating new sections; and making appropriations.

Referred to Committee on Health and Long-Term Care.

SB 5968 by Senators McCaslin and Swecker

AN ACT Relating to the fluoridation of public water systems; and adding new sections to chapter 70.119A RCW.

Referred to Committee on Health and Long-Term Care.

SB 5969 by Senators Johnson, Rasmussen, Long, T. Sheldon, Zarelli, Rossi, Haugen, Jacobsen, McCaslin, Winsley and Stevens

AN ACT Relating to information provided by former or current employers to prospective employers; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5970 by Senator Hargrove

AN ACT Relating to probation orders; and amending RCW 3.66.067, 3.66.068, and 35.20.255.
Referred to Committee on Judiciary.

SB 5971 by Senator Hargrove

AN ACT Relating to a toll road on Interstate 405; and adding new sections to chapter 47.56 RCW.
Referred to Committee on Transportation.

SB 5972 by Senator Hargrove (by request of Department of Social and Health Services)

AN ACT Relating to clarifying the department of social and health services' parole program placement authority for all juvenile offenders under the age of twenty-one and committed to the department of social and health services; amending RCW 13.40.210; and declaring an emergency.
Referred to Committee on Human Services and Corrections.

SB 5973 by Senators Jacobsen and Rasmussen

AN ACT Relating to the small farm marketing assistance conference; creating new sections; and making an appropriation.
Referred to Committee on Agriculture and International Trade.

SB 5974 by Senator Jacobsen

AN ACT Relating to formation of an organic foods commission; adding a new chapter to Title 15 RCW; and prescribing penalties.
Referred to Committee on Agriculture and International Trade.

SB 5975 by Senators Costa and McCaslin

AN ACT Relating to information requirements in family law court files; and amending RCW 26.09.020, 26.21.305, 26.23.050, 26.23.055, and 26.26.130.
Referred to Committee on Judiciary.

SB 5976 by Senators Prentice and Kohl-Welles

AN ACT Relating to maintaining grandparents' information with birth records; amending RCW 70.58.080; adding a new section to chapter 70.58 RCW; and creating a new section.
Referred to Committee on Health and Long-Term Care.

SB 5977 by Senators Rossi, Eide, T. Sheldon, Hochstatter, Stevens, Hargrove, Rasmussen and Roach

AN ACT Relating to exempting private residences on United States forest service land from the leasehold excise tax; and amending RCW 82.29A.130.
Referred to Committee on Ways and Means.

SB 5978 by Senator Zarelli

AN ACT Relating to clarifying the authority of public utility districts to provide ancillary services; and amending RCW 54.04.020.
Referred to Committee on Economic Development and Telecommunications.

SB 5979 by Senators Zarelli, Finkbeiner, Hochstatter and Hewitt

AN ACT Relating to school safety; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.320 RCW; and creating a new section.
Referred to Committee on Education.

SB 5980 by Senators Prentice, Winsley and Kline

AN ACT Relating to fair competition in motor fuel marketing; adding a new chapter to Title 19 RCW; prescribing penalties; and declaring an emergency.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5981 by Senators Thibaudeau, Costa, Kohl-Welles, Eide and Regala

AN ACT Relating to authorizing local governments to restrict or prohibit smoking in public places; and amending RCW 70.160.080.
Referred to Committee on Health and Long-Term Care.

SB 5982 by Senator Prentice

AN ACT Relating to moving and relocation expenses; and amending RCW 8.26.035.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5983 by Senators Swecker, Hochstatter, Gardner, Haugen, T. Sheldon and Rasmussen

AN ACT Relating to abandoned vehicles; amending RCW 46.20.031, 46.20.289, 46.20.291, 46.20.311, 46.55.085, 46.55.105, 46.55.110, 46.63.030, and 46.63.110; creating a new section; and prescribing penalties.
Referred to Committee on Transportation.

SB 5984 by Senators Hargrove, Deccio, Hewitt, Long and Franklin

AN ACT Relating to public access to child dependency hearings and foster parent complaint information; amending RCW 13.34.115; and reenacting and amending RCW 42.17.310.
Referred to Committee on Human Services and Corrections.

SB 5985 by Senators Sheahan, Hargrove, Stevens, T. Sheldon, Deccio, Hochstatter and Roach

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.
Referred to Committee on Health and Long-Term Care.

SB 5986 by Senators Franklin, Kastama, Long, Regala and Hargrove

AN ACT Relating to public psychiatric facilities; and amending RCW 71.12.455 and 71.12.460.
Referred to Committee on Health and Long-Term Care.

SB 5987 by Senators McAuliffe and Sheahan

AN ACT Relating to authorizing the imposition or expenditure of student fees by a two-thirds vote; and amending RCW 28B.15.045.
Referred to Committee on Higher Education.

SB 5988 by Senators Snyder, McDonald, Spanel, Winsley, Prentice and Jacobsen (by request of State Investment Board))

AN ACT Relating to the state investment board; and amending RCW 43.33A.100.
Referred to Committee on Ways and Means.

SB 5989 by Senators Parlette, Rossi, Honeyford, Morton, Hewitt, Deccio, Swecker, West and Hochstatter

AN ACT Relating to calculating the state expenditure limit; reenacting and amending RCW 43.135.035; providing an effective date; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 5990 by Senators Fairley, Spanel, B. Sheldon and Zarelli (by request of Office of Financial Management)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 5991 by Senators Fairley, Spanel, B. Sheldon and Zarelli (by request of Office of Financial Management)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; making an appropriation; and declaring an emergency. Referred to Committee on Ways and Means.

SB 5992 by Senators Prentice, Winsley, Gardner, Honeyford, Patterson, West and Rasmussen

AN ACT Relating to transfers of funds from the public works administration account; and amending RCW 39.12.070 and 39.12.080. Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5993 by Senators Oke, Spanel, Winsley and Thibaudeau

AN ACT Relating to removing the discretion of owners or managers of restaurants, card rooms, and bowling alleys to choose to allow smoking areas other than in a lounge, bar, or other area where persons under eighteen years of age are not permitted to enter or remain; and amending RCW 70.160.020, 70.160.030, and 70.160.040. Referred to Committee on Health and Long-Term Care.

SB 5994 by Senators Kohl-Welles, Fraser, Thibaudeau, Regala and Jacobsen

AN ACT Relating to limiting the growth in state expenditures to the growth in personal income; amending RCW 43.135.010, 43.135.025, and 43.135.035; and creating new sections. Referred to Committee on Ways and Means.

SB 5995 by Senators Long, Hargrove and Stevens

AN ACT Relating to information sharing among the courts, providers, divisions, and agencies serving dependent children and their families; adding a new section to chapter 13.34 RCW; and creating a new section. Referred to Committee on Human Services and Corrections.

SB 5996 by Senators Hewitt, McCaslin, Sheahan, Hale and West

AN ACT Relating to a leasehold excise tax exemption for baseball stadiums; and amending RCW 82.29A.130. Referred to Committee on Ways and Means.

SB 5997 by Senators Hochstatter, Rasmussen, Haugen, Honeyford, Gardner, Winsley, Prentice, Benton, Long, Franklin, Fairley, Patterson, Shin, T. Sheldon, Rossi, Snyder, Morton, Spanel, Stevens, McDonald, McCaslin, West, Parlette, Oke, Hewitt, Horn, Swecker, Kastama, Zarelli, Roach and Sheahan

AN ACT Relating to special license plates for fairs; amending RCW 46.16.313; and adding a new section to chapter 46.16 RCW. Referred to Committee on Transportation.

SB 5998 by Senators Hale, T. Sheldon, Hewitt, Morton, McDonald, Hochstatter and Honeyford

AN ACT Relating to energy facility siting; amending RCW 80.50.020, 80.50.030, 80.50.060, and 80.50.100; adding new sections to chapter 80.50 RCW; and declaring an emergency. Referred to Committee on Environment, Energy and Water.

MOTION

At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, February 13, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-SIXTH DAY, FEBRUARY 12, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

THIRTY-SEVENTH DAY

NOON SESSION

SENATE CHAMBER, OLYMPIA, TUESDAY, FEBRUARY 13, 2001

THE SENATE WAS CALLED TO ORDER AT 12:00 NOON BY VICE PRESIDENT PRO TEMPORE SHIN. NO ROLL CALL WAS TAKEN.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

REPORTS OF STANDING COMMITTEES

FEBRUARY 12, 2001

SB 5044 PRIME SPONSOR, SENATOR McCASLIN: CLARIFYING PARENTAL INVOLVEMENT IN AIDS EDUCATION. REPORTED BY COMMITTEE ON EDUCATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5044 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS McAULIFFE, CHAIR; EIDE, VICE CHAIR; CARLSON, FINKBEINER, HEWITT, KASTAMA, KOHL-WELLES, PRENTICE AND RASMUSSEN.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 12, 2001

SB 5201 PRIME SPONSOR, SENATOR KOHL-WELLES: CREATING THE HIGHER EDUCATION FOR LIFELONG PROGRESS PROGRAM. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5201 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, JACOBSEN, McAULIFFE AND B. SHELDON.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATORS HORN AND PARLETTE.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 8, 2001

SB 5220 PRIME SPONSOR, SENATOR EIDE: SURVEYING MULTIPLE SCLEROSIS PATIENTS. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 8, 2001

SB 5359 PRIME SPONSOR, SENATOR THIBAudeau: MODIFYING THE HEALTH PROFESSIONS' APPOINTMENT OF PRO TEM MEMBERS. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 8, 2001

SB 5423 PRIME SPONSOR, SENATOR FAIRLEY: CONTINUING HEALTH CARE BENEFITS FOR INDIVIDUALS WITH DISABILITIES. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 12, 2001

SB 5510 PRIME SPONSOR, SENATOR B. SHELDON: EXTENDING THE PROHIBITION ON MANDATORY LOCAL MEASURED TELECOMMUNICATIONS SERVICE. REPORTED BY COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL No. 5510 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS T. SHELDON, CHAIR; B. SHELDON, VICE CHAIR; FAIRLEY, FINKBEINER, HAUGEN, MCCASLIN, ROSSI AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 12, 2001

SB 5533 PRIME SPONSOR, SENATOR EIDE: POSTING AND NOTIFICATION OF PESTICIDE APPLICATIONS AT SCHOOLS. REPORTED BY COMMITTEE ON EDUCATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL No. 5533 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS MCAULIFFE, CHAIR; EIDE, VICE CHAIR; CARLSON, FINKBEINER, HEWITT, JOHNSON, KASTAMA, KOHL-WELLES, PRENTICE, RASMUSSEN AND ZARELLI.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATOR HOCHSTATTER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 12, 2001

SB 5546 PRIME SPONSOR, SENATOR MCAULIFFE: RECLASSIFYING THE STATE BOARD OF EDUCATION AS A CLASS FOUR GROUP. REPORTED BY COMMITTEE ON EDUCATION

MAJORITY RECOMMENDATION: DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS MCAULIFFE, CHAIR; EIDE, VICE CHAIR; CARLSON, FINKBEINER, HEWITT, HOCHSTATTER, JOHNSON, KASTAMA, KOHL-WELLES, PRENTICE, RASMUSSEN AND ZARELLI.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL No. 5423 WAS REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND SENATE BILL No. 5546 WAS PASSED TO THE COMMITTEE ON RULES.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

FEBRUARY 12, 2001

GA 9004 PHILLIP BOSHAW, APPOINTED JANUARY 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2004, AS A MEMBER OF THE BOARD OF TRUSTEES FOR LAKE WASHINGTON TECHNICAL COLLEGE DISTRICT No. 26. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9010 SUSAN I. DAVIDSON, REAPPOINTED OCTOBER 14, 1999, FOR A TERM ENDING JULY 14, 2004, AS A MEMBER OF THE BOARD OF TRUSTEES FOR THE STATE SCHOOL FOR THE BLIND.
REPORTED BY COMMITTEE ON EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS MCAULIFFE, CHAIR; EIDE, VICE CHAIR; CARLSON, FINKBEINER, HEWITT, HOCHSTATTER, JOHNSON, KOHL-WELLES, PRENTICE AND RASMUSSEN.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9039 PAT STANFORD, APPOINTED APRIL 1, 2000, FOR A TERM ENDING JUNE 30, 2003, AS A MEMBER OF THE HIGHER EDUCATION COORDINATING BOARD.
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9040 REVEREND STEPHEN V. SUNDBORG, REAPPOINTED MARCH 28, 2000, FOR A TERM ENDING MARCH 26, 2004, AS A MEMBER OF THE HIGHER EDUCATION FACILITIES AUTHORITY.
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9045 MARK WOLFRAM, REAPPOINTED OCTOBER 1, 1999, FOR A TERM ENDING SEPTEMBER 30, 2004, AS A MEMBER OF THE BOARD OF TRUSTEES FOR CASCADIA COMMUNITY COLLEGE DISTRICT NO. 30.
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9049 DEBORAH J. BARNETT, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2006, AS A MEMBER OF THE BOARD OF TRUSTEES FOR THE EVERGREEN STATE COLLEGE.
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9054 KAYLEEN BYE, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR WALLA WALLA COMMUNITY COLLEGE DISTRICT NO. 20.

REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9060 PAT E. CLOTHIER, APPOINTED OCTOBER 1, 2000, FOR A TERM ENDING JUNE 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR THE STATE SCHOOL FOR THE BLIND.
REPORTED BY COMMITTEE ON EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS MCAULIFFE, CHAIR; EIDE, VICE CHAIR; CARLSON, FINKBEINER, HEWITT, JOHNSON, KOHL-WELLES, PRENTICE AND RASMUSSEN.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9062 ELIZABETH COWLES, APPOINTED APRIL 13, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF REGENTS FOR WASHINGTON STATE UNIVERSITY.
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9067 DANIEL J. EVANS, REAPPOINTED APRIL 13, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF REGENTS FOR THE UNIVERSITY OF WASHINGTON.
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9071 KAREN GATES-HILDT, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR PENINSULA COMMUNITY COLLEGE DISTRICT No. 1.
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9072 WILLIAM H. GATES, REAPPOINTED AUGUST 21, 2000, FOR A TERM ENDING SEPTEMBER 30, 2006, AS A MEMBER OF THE BOARD OF REGENTS FOR THE UNIVERSITY OF WASHINGTON.
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9074 JUDY GUENTHER, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR CENTRALIA COMMUNITY COLLEGE DISTRICT No. 12.
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9078 PAUL L. HUTTON, APPOINTED JULY 1, 2000, FOR A TERM ENDING APRIL 3, 2001, AS A MEMBER OF THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES.
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9087 SHOUBEE LIAW, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR SHORELINE COMMUNITY COLLEGE DISTRICT No. 7.
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9094 ELIZABETH MCINTURFF, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR SPOKANE AND SPOKANE FALLS COMMUNITY COLLEGES DISTRICT No. 17.
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9097 GLORIA MITCHELL, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR CASCADIA COMMUNITY COLLEGE DISTRICT No. 30.
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9100 ANN MOTTET, APPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR LOWER COLUMBIA COMMUNITY COLLEGE DISTRICT No. 13.
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9107 DOUGLAS D. PETERS, APPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR YAKIMA VALLEY COMMUNITY COLLEGE DISTRICT NO. 16.
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, McAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9111 CAROLYN J. PURNELL, REAPPOINTED MAY 18, 2000, FOR A TERM ENDING APRIL 3, 2004, AS A MEMBER OF THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES.
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, McAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9112 JAY REICH, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2006, AS A MEMBER OF THE BOARD OF TRUSTEES FOR CENTRAL WASHINGTON UNIVERSITY.
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, McAULIFFE, PARLETTE AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9113 DONALD V. RHODES, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR SOUTH PUGET SOUND COMMUNITY COLLEGE DISTRICT NO. 24.
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, McAULIFFE, PARLETTE AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9119 GAY V. SELBY, REAPPOINTED JULY 12, 2000, FOR A TERM ENDING JUNE 30, 2004, AS A MEMBER OF THE HIGHER EDUCATION COORDINATING BOARD.
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, McAULIFFE, PARLETTE AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9122 CHANG MOOK SOHN, REAPPOINTED JULY 12, 2000, FOR A TERM ENDING JUNE 30, 2004, AS A MEMBER OF THE HIGHER EDUCATION COORDINATING BOARD.
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, McAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9130 WALTER WAISATH, JR., REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR CLOVER PARK TECHNICAL COLLEGE DISTRICT NO. 29.
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, McAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9131 MARILYN WALTON, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR TACOMA COMMUNITY COLLEGE DISTRICT NO. 22.
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, McAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9133 JAMES WILSON, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR WHATCOM COMMUNITY COLLEGE DISTRICT NO. 21.
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, McAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9135 MICHELE YAPP, REAPPOINTED AUGUST 8, 2000, FOR A TERM ENDING SEPTEMBER 30, 2006, AS A MEMBER OF THE BOARD OF REGENTS FOR THE UNIVERSITY OF WASHINGTON.
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, McAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9148 MARTIN F. SMITH, APPOINTED NOVEMBER 28, 2000, FOR A TERM ENDING NOVEMBER 28, 2004, AS A MEMBER OF THE K-20 EDUCATIONAL NETWORK BOARD.
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, McAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

INTRODUCTION AND FIRST READING

SB 5999 BY SENATORS B. SHELDON, FAIRLEY, CARLSON, SNYDER, ROSSI, COSTA, EIDE, KLINE AND WINSLEY

AN ACT RELATING TO THE WASHINGTON TELEPHONE ASSISTANCE PROGRAM; AMENDING RCW 80.36.005, 80.36.410, AND 80.36.470; AND PROVIDING AN EXPIRATION DATE.
REFERRED TO COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS.

SB 6000 BY SENATORS THIBAudeau, HALE, DECCIO, B. SHELDON, COSTA, SHEAHAN, HOCHSTATTER, REGALA, KASTAMA, McAULIFFE, MORTON, KOHL-WELLES, FINKBEINER, JACOBSEN, HONEYFORD, SWECKER, PRENTICE, LONG, WINSLEY, BENTON, FRASER, OKE, HARGROVE, SPANEL, SHIN, STEVENS, McCASLIN, FAIRLEY, ZARELLI, CONSTANTINE, BROWN, PATTERSON AND GARDNER

AN ACT RELATING TO AUTHORIZING OPTOMETRISTS TO USE AND PRESCRIBE APPROVED DRUGS FOR DIAGNOSTIC OR THERAPEUTIC PURPOSES WITHOUT LIMITATION UPON THE METHODS OF DELIVERY IN THE PRACTICE OF OPTOMETRY; AND AMENDING RCW 18.53.010, 18.53.140, 69.41.030, AND 69.50.101.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 6001 BY SENATORS CARLSON AND WINSLEY

AN ACT RELATING TO INSPECTIONS OF TENANT DWELLING UNITS BY FIRE DEPARTMENT OFFICIALS FOR FIRE CODE VIOLATIONS; AND REENACTING AND AMENDING RCW 59.18.150.
REFERRED TO COMMITTEE ON JUDICIARY.

SB 6002 BY SENATORS ROSSI, WEST, HALE, WINSLEY AND OKE (BY REQUEST OF GOVERNOR LOCKE)

AN ACT RELATING TO PROPERTY TAX RELIEF BY SPREADING PROPERTY TAX VALUATION INCREASES OVER FOUR YEARS; AMENDING RCW 84.40.0305; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6003 BY SENATORS MORTON, HALE, SHEAHAN, HOCHSTATTER, HONEYFORD, OKE, DECCIO, BENTON, STEVENS, HEWITT, ROACH AND SWECKER

AN ACT RELATING TO CLARIFICATION OF EXEMPTION FROM COMMERCIAL DRIVER'S LICENSE REQUIREMENTS FOR CERTAIN TRUCKS HAULING CHRISTMAS TREES AND WOOD PRODUCTS FROM PRIVATE TREE FARMS; AND AMENDING RCW 46.25.050.
REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 6004 BY SENATORS SNYDER, T. SHELDON, MORTON, HARGROVE AND McDONALD

AN ACT RELATING TO APPLICATION AND REVIEW OF SHORELINE MASTER PROGRAM GUIDELINES ADOPTED AFTER NOVEMBER 1, 2000; AMENDING RCW 90.58.030; ADDING A NEW SECTION TO CHAPTER 90.58 RCW; CREATING A NEW SECTION; AND DECLARING AN EMERGENCY.
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

SB 6005 BY SENATORS PATTERSON, EIDE, OKE AND CONSTANTINE

AN ACT RELATING TO MANAGEMENT OF STATE-OWNED AQUATIC LANDS; AMENDING RCW 79.90.465, 79.90.475, 79.90.520, AND 79.93.040; AND ADDING NEW SECTIONS TO CHAPTER 79.90 RCW.
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

SB 6006 BY SENATORS HAUGEN, GARDNER, PATTERSON AND McAULIFFE

AN ACT RELATING TO PROVIDING ADDITIONAL CRITERIA IN PRIORITY PROGRAMMING FOR HIGHWAY DEVELOPMENT, MULTIMODAL TRANSPORTATION PLANNING, AND THE TRANSPORTATION IMPROVEMENT BOARD PROGRAM AND PROJECT SELECTION; AND AMENDING RCW 47.05.051, 47.06.040, AND 47.66.040.
REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 6007 BY SENATORS PRENTICE, WINSLEY, GARDNER, FRANKLIN, FAIRLEY, KLINE AND COSTA (BY REQUEST OF EMPLOYMENT SECURITY DEPARTMENT)

AN ACT RELATING TO EXTENDING UNEMPLOYMENT INSURANCE COVERAGE TO EMPLOYEES OF INDIAN TRIBES.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 6008 BY SENATORS EIDE, FINKBEINER, HAUGEN, KLINE, WINSLEY AND McAULIFFE (BY REQUEST OF OFFICE OF FINANCIAL MANAGEMENT)

AN ACT RELATING TO COMMUTE TRIP REDUCTION INCENTIVES; ADDING NEW SECTIONS TO CHAPTER 82.04 RCW; ADDING NEW SECTIONS TO CHAPTER 82.16 RCW; ADDING A NEW SECTION TO CHAPTER 70.94 RCW; PRESCRIBING PENALTIES; PROVIDING A CONTINGENT EFFECTIVE DATE; AND PROVIDING EXPIRATION DATES. REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 6009 BY SENATORS KOHL-WELLES, LONG, HARGROVE, COSTA AND WINSLEY

AN ACT RELATING TO MAINTAINING THE RESIDENTIAL PARENTING PROGRAM AT THE WOMEN'S CORRECTIONAL CENTER; AMENDING RCW 72.09.010, 72.09.015, 72.09.251, 72.09.450, 72.09.460, AND 72.09.470; ADDING NEW SECTIONS TO CHAPTER 72.09 RCW; AND CREATING A NEW SECTION. REFERRED TO COMMITTEE ON HUMAN SERVICES AND CORRECTIONS.

SB 6010 BY SENATORS HAUGEN, OKE AND McAULIFFE (BY REQUEST OF OFFICE OF FINANCIAL MANAGEMENT)

AN ACT RELATING TO PROCURING NEW AUTO FERRIES; ADDING NEW SECTIONS TO CHAPTER 47.60 RCW; AND CREATING A NEW SECTION. REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 6011 BY SENATORS JACOBSEN AND KLINE

AN ACT RELATING TO PROMOTING REGIONAL COORDINATION OF SALMON RECOVERY PLANNING; AND CREATING A NEW SECTION. REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

SB 6012 BY SENATORS HONEYFORD, RASMUSSEN, HOCHSTATTER, HALE AND CARLSON

AN ACT RELATING TO CUSTOMARY AGRICULTURAL PRACTICES IN THE URBAN GROWTH AREA; AND AMENDING RCW 70.94.743. HOLD.

SB 6013 BY SENATORS ROACH AND JOHNSON

AN ACT RELATING TO LAND USE REGULATION AFFECTING PRIVATE EDUCATIONAL AND RELIGIOUS FACILITIES; ADDING A NEW SECTION TO CHAPTER 35.63 RCW; ADDING A NEW SECTION TO CHAPTER 35A.63 RCW; ADDING A NEW SECTION TO CHAPTER 36.70 RCW; AND ADDING A NEW SECTION TO CHAPTER 36.70A RCW. REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SJR 8216 BY SENATORS ROSSI, WEST, WINSLEY, OKE AND HALE (BY REQUEST OF GOVERNOR LOCKE)

AMENDING THE CONSTITUTION TO ALLOW INCREASES IN THE ASSESSED VALUE OF REAL PROPERTY TO BE PHASED-IN OVER A FOUR-YEAR PERIOD.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL No. 6012 WAS HELD ON THE DESK.

MOTION

AT 12:02 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 10:00 A.M., WEDNESDAY, FEBRUARY 14, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

THIRTY-SEVENTH DAY, FEBRUARY 13, 2001

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

THIRTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 14, 2001

The Senate was called to order at 10:00 a.m. by President Pro Tempore Franklin. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Zarelli. On motion of Senator Honeyford, Senator Zarelli was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kory Hedrick and Sharae Wheeler, presented the Colors. Reverend Kaaren Nesmith, pastor of the Lacey Presbyterian Church, offered the prayer.

MOTION

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

MOTION

At 10:04 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 10:45 a.m.

The Senate was called to order at 10:51 a.m. by President Pro Tempore Franklin.

MOTION

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

SENATE RESOLUTION 2001-8615

By Senators McAuliffe, Costa and Long

WHEREAS, It is the policy of the Washington State Legislature to recognize programs that allow our state's students to pursue their aspirations; and

WHEREAS, Automotive Youth Educational Systems provide Washington's students with a school-to-careers connection and is the backbone of a strong, well-educated work force that fosters productivity in business and industry and contributes to Washington's leadership in the marketplace; and

WHEREAS, Profound economic and technological changes in our society are rapidly reflected in the structure and nature of work, thereby placing new and additional responsibilities on our educational systems; and

WHEREAS, Automotive Youth Educational Systems give high school students experience in practical, meaningful applications of basic skills such as reading, writing and mathematics – thus improving the quality of their education, motivating potential dropouts and giving all students leadership opportunities in their fields and in their communities; and

WHEREAS, A model of articulation is provided between the secondary system and post-secondary system, such as Automotive Youth Educational Systems, that allows high school students to progress based on what they know and are able to do;

NOW THEREFORE, BE IT RESOLVED, That the members of the Senate do hereby recognize on this day, the efforts of the Puget Sound Automobile Dealers Association, the Washington State Dealers Association, the Automobile Service Association, and Snap On Tools and the value of Automotive Youth Educational Systems; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Automotive Youth Educational Systems.

Senators McAuliffe and Eide spoke to Senate Resolution 2001-8615.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced the students involved with the Automotive Youth Educational Systems and their sponsors, who were seated in the gallery.

MOTION

On motion of Senator Swecker the following resolution was adopted:

SENATE RESOLUTION 2001-8613

By Senators Zarelli and Swecker

WHEREAS, The Rotary Club of Chehalis #814 received its charter from Rotary International on February 1, 1921, and thus is celebrating its Eightieth Anniversary; and

WHEREAS, the Club counts among its members community leaders in business, the professions and trades; and

WHEREAS, the Club has enriched its community and our world by observing the Rotary Motto, "Service Above Self," and donates thousands of dollars to the local community, sponsors projects and provides "hands-on" service to the youth, the aged, the ill, the poor, the illiterate, the physically challenged, and the environment; and

WHEREAS, the Club is contributing to and supporting the Rotary International's Polio Plus Program to eradicate polio in developing countries and regions worldwide as well as contributing to the Rotary International Foundation to alleviate human suffering throughout the world; and

WHEREAS, the Club provide leadership in forming the Lewis County Rotary Foundation in 1998 which has since raised and contributed \$159,000 to community projects for kids and families; and

WHEREAS, the Rotary Club of Chehalis #814 will officially observe its anniversary with a Gala Celebration on Thursday, February 15, 2001, at the Centralia-Chehalis Elks Lodge #2435 to be attended by the club's members, guests, and dignitaries;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Washington State Senate do hereby honor the Rotary Club of Chehalis #814 on its eightieth birthday, and encourage all citizens to join in this special observance.

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Rotary Club of Chehalis #814 and Rotary International.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Chehalis Rotary Club President Dave Campbell, Past President John Mosier and member Tawny Allen-Gunn, who were seated in the gallery.

There being no objection, the President Pro Tempore reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 13, 2001
SB 5392 Prime Sponsor, Senator Long: Changing provisions relating to emancipation of minors. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 13, 2001
SB 5395 Prime Sponsor, Senator Long: Changing provisions relating to the administrator for the courts. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach and Thibaudeau.

Referred to Committee on Ways and Means.

February 13, 2001

SB 5451 Prime Sponsor, Senator Costa: Establishing a cause of action for crimes of violence motivated by gender. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Kastama, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

February 13, 2001

SB 5459 Prime Sponsor, Senator Roach: Establishing the crime of mail theft or receipt of stolen mail. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Long, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 13, 2001

SB 5472 Prime Sponsor, Senator Johnson: Changing provisions relating to termination of municipal courts and service contracts. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5472 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 12, 2001

SB 5515 Prime Sponsor, Senator Roach: Establishing a state veterans' song. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Kline, McCaslin, Roach, T. Sheldon and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen and Horn.

Passed to Committee on Rules for second reading.

February 13, 2001

SB 5570 Prime Sponsor, Senator Prentice: Protecting credit union directors and committee members. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, West and Winsley.

Passed to Committee on Rules for second reading.

February 13, 2001

SB 5591 Prime Sponsor, Senator Zarelli: Providing a sole caregiver jury duty exemption. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 12, 2001

SB 5608 Prime Sponsor, Senator Patterson: Authorizing the state treasurer to distribute interest from the local leasehold excise tax account. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 12, 2001

SB 5609 Prime Sponsor, Senator Patterson: Reconciling conflicting provisions in laws pertaining to cities and towns. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 12, 2001

SB 5615 Prime Sponsor, Senator Costa: Authorizing address confidentiality for victims of stalking. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 12, 2001

SB 5629 Prime Sponsor, Senator Patterson: Changing the office of financial management's budgeting, accounting, and reporting requirements for state agencies. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 13, 2001

SB 5653 Prime Sponsor, Senator Prentice: Prioritizing and ordering the distribution of claims of an insurer's estate. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 12, 2001

SB 5683 Prime Sponsor, Senator Horn: Adding an ex officio member to the building code council. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 12, 2001

SB 5695 Prime Sponsor, Senator Eide: Creating alternative routes to teacher certification. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5695 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Hochstatter, Johnson, Kohl-Welles, Prentice, Rasmussen and Zarelli.

Referred to Committee on Ways and Means.

February 12, 2001

SJM 8011 Prime Sponsor, Senator Prentice: Asking that the federal government provide veterans' benefits owed to Filipino veterans. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 13, 2001

SCR 8403 Prime Sponsor, Senator T. Sheldon: Promoting state and tribal relations. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Concurrent Resolution No. 8403 be substituted therefor, and the concurrent resolution do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin and Roach.

Passed to Committee on Rules for second reading.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6014 by Senators Rasmussen, Horn, Carlson and Honeyford

AN ACT Relating to authorizing certain residential property management entities to perform work on the owner's residential property; and amending RCW 19.28.261 and 18.27.090.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6015 by Senators Fairley and Zarelli (by request of Governor Locke, Department of Community, Trade, and Economic Development and Public Works Board)

AN ACT Relating to public works board projects; amending RCW 43.155.010, 43.155.020, 43.155.065, 43.155.068, and 43.155.070; and reenacting and amending RCW 43.155.050.
Referred to Committee on Ways and Means.

SB 6016 by Senator Sheahan

AN ACT Relating to conservation district liability; and amending RCW 70.94.654.
Referred to Committee on Agriculture and International Trade.

SB 6017 by Senators McDonald, T. Sheldon, Rossi, Oke and Johnson

AN ACT Relating to creating the education and transportation funding act of 2001; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.88 RCW; creating a new section; repealing RCW 41.06.380 and 41.06.382; and providing for submission of this act to a vote of the people.
Referred to Committee on Ways and Means.

SB 6018 by Senators McDonald and Morton

AN ACT Relating to incentives for water-efficient irrigation systems; amending RCW 90.42.020 and 90.03.380; and adding new sections to chapter 90.42 RCW.
Referred to Committee on Environment, Energy and Water.

SB 6019 by Senators McDonald, Jacobsen, Prentice, Morton, Hale and Swecker

AN ACT Relating to applications for diversion of water for municipal purposes; and amending RCW 90.03.290.
Referred to Committee on Environment, Energy and Water.

SB 6020 by Senators Thibaudeau, Deccio and Costa

AN ACT Relating to access to dental care; and creating a new section.
Referred to Committee on Health and Long-Term Care.

SB 6021 by Senator Prentice

AN ACT Relating to shared lottery games; and adding a new section to chapter 67.70 RCW.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6022 by Senators West, Prentice, Patterson, Roach, Rasmussen and Snyder

AN ACT Relating to changing from five years to fifteen years the time that certain amounts are awarded to owners and breeders; and amending RCW 67.16.102 and 67.16.175.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6023 by Senators Horn, T. Sheldon and McCaslin

AN ACT Relating to growth management hearings boards; amending RCW 36.70A.270, 36.70A.280, 36.70A.290, 36.70A.295, 36.70A.300, 36.70A.310, 36.70A.320, and 36.70A.340; adding a new section to chapter 36.70A RCW; recodifying RCW 36.70A.340; and repealing RCW 36.70A.302 and 36.70A.330.
Referred to Committee on State and Local Government.

SB 6024 by Senators Deccio and Costa

AN ACT Relating to unallowable nursing home costs; and amending RCW 74.46.410.
Referred to Committee on Health and Long-Term Care.

SB 6025 by Senators Eide, Patterson, Franklin, Fairley, Kline, Regala, Fraser, Thibaudeau, Spanel and Honeyford

AN ACT Relating to the use of gasoline additives; and adding a new section to chapter 19.112 RCW.
Referred to Committee on Environment, Energy and Water.

SB 6026 by Senators Patterson, Roach, Winsley and Costa

AN ACT Relating to affordable housing opportunities; amending RCW 36.70A.215; creating a new section; and providing an effective date.
Referred to Committee on State and Local Government.

SB 6027 by Senators Fraser, Winsley and Finkbeiner (by request of Governor Locke)

AN ACT Relating to diversification of state electricity supply and demand management; amending RCW 80.60.005 and 80.60.010; adding new sections to chapter 80.60 RCW; adding a new section to chapter 43.21F RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.16 RCW; creating new sections; and providing expiration dates.
Referred to Committee on Environment, Energy and Water.

SB 6028 by Senators Kohl-Welles, Shin, Sheahan, Jacobsen, Spanel, Costa, Kline and McAuliffe

AN ACT Relating to directing the state board for community and technical colleges to develop principles and guidelines for part-time faculty hiring and employment; adding a new section to chapter 28B.50 RCW; and creating new sections.
Referred to Committee on Higher Education.

SB 6029 by Senators Rasmussen, Jacobsen, Spanel and Regala

AN ACT Relating to the protection of elk; and adding a new section to chapter 77.36 RCW.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6030 by Senators Regala, Jacobsen, Spanel, Kohl-Welles and Fairley

AN ACT Relating to maximizing the use of state-owned natural resources facilities; and creating new sections.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6031 by Senators Jacobsen, Spanel, Regala, Kohl-Welles and Fairley

AN ACT Relating to a conservation pass; and creation new sections.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6032 by Senators Haugen and Morton

AN ACT Relating to an evaluation of the need for a separate department of aviation; and creating a new section.
Referred to Committee on Transportation.

SB 6033 by Senators Kohl-Welles and Costa (by request of Committee on Advanced College Tuition Payment and State Treasurer Murphy)

AN ACT Relating to college payment programs; amending RCW 28B.95.020, 28B.95.110, and 43.79A.040; adding a new section to chapter 28B.95 RCW; providing an effective date; and declaring an emergency.
Referred to Committee on Higher Education.

SB 6034 by Senators Fraser and Finkbeiner

AN ACT Relating to a state wireless enhanced 911 excise tax; amending RCW 38.52.010, 38.52.530, 38.52.540, 38.52.550, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.042, 82.14B.061, and 82.14B.200; adding new sections to chapter 38.52 RCW; creating a new section; repealing RCW 38.52.560; and providing an effective date.
Referred to Committee on Ways and Means.

SB 6035 by Senators Kohl-Welles, Jacobsen, Costa and Kline

AN ACT Relating to directing the state board for community and technical colleges to create a college board job bank; and adding a new section to chapter 28B.50 RCW.
Referred to Committee on Higher Education.

SB 6036 by Senators Eide, Benton, Winsley, Oke, Long, Stevens, Johnson, Finkbeiner, Hale, Hochstatter, Carlson, Swecker, Rossi, Roach, T. Sheldon, Patterson and Kastama

AN ACT Relating to local motor vehicle excise taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, 35.58.278, 35.58.279, 35.58.2791, and 35.58.2792; providing a retroactive effective date; and declaring an emergency.
Referred to Committee on Transportation.

SB 6037 by Senators Prentice, Kohl-Welles and Parlette

AN ACT Relating to authorizing animal care and control agencies and nonprofit humane societies to provide limited veterinarian services; and adding a new section to chapter 18.92 RCW.
Referred to Committee on Agriculture and International Trade

MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 6017 was referred to the Committee on Ways and Means.

On motion of Senator Betti Sheldon, Senate Bill No. 6025 was referred to the Committee on Environment, Energy and Water.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6037 was referred to the Committee on Agriculture and International Trade.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5959, which was held on the desk February 9, 2001, was referred to the Committee on Transportation.

POINT OF INQUIRY

Senator Sheahan: "Senator Snyder, last week we were debating Senate Bill No. 5959 and you indicated that you understood that this body had intended to repeal the motor vehicle excise tax and that you intended for us to work on this matter through the normal committee process. Can you give this body an assurance that this bill will move expeditiously through the committee process and ultimately be brought to the floor?"

Senator Snyder: "The bill has been referred to the Transportation Committee and it will take a few days to schedule a hearing, but I think this is the proper way to go. We shouldn't be debating these bills on the floor. We should be sending them to committee. We should give the public an opportunity to participate in the process and I think it is the intention of most all the members on my side of the aisle to do what was the intent originally when the legislation was passed here. We made a glitch in it and we want to make sure there are no glitches in it this time. I am sure that we will move the bill expeditiously."

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5130, by Senators Oke, B. Sheldon, T. Sheldon, Horn, Haugen, Swecker, McCaslin, Morton, Snyder, Hale, Kastama, Prentice, Regala, Jacobsen, Hargrove, Spanel, West, Finkbeiner, Long, McDonald, Winsley, McAuliffe and Costa.

Clarifying toll procedures in public-private initiatives.

The bill was read the second time.

MOTION

Senator Rasmussen moved that the following amendment be adopted:

On page 7, after line 10, insert the following:

"**Sec. 6.** RCW 47.46.050 and 1995 2nd sp.s. c 19 s 4 are each amended to read as follows:

(1) The department may enter into agreements using federal, state, and local financing in connection with the projects, including without limitation, grants, loans, and other measures authorized by section 1012 of ISTEA, and to do such things as necessary and desirable to maximize the funding and financing, including the formation of a revolving loan fund to implement this section.

(2) Agreements entered into under this section shall authorize the private entity to lease the facilities within a designated area or areas from the state and to impose user fees or tolls within the designated area to allow a reasonable rate of return on investment, as established through a negotiated agreement between the state and the private entity. The negotiated agreement shall determine a maximum rate of return on investment, based on project characteristics. If the negotiated rate of return on investment is not affected, the private entity may establish and modify toll rates and user fees. A requested modification in the toll rate or user fees authorized under this chapter that would result in a rate or fees greater than that rate or fee established and approved by the voters in the advisory vote will automatically place the individual public-private initiatives project, from the request date forward, under the control and governance of the Washington utilities and transportation commission as if the private entity were a "service company" and requires that entity to comply with all laws, rules, and regulations implemented or imposed by the utilities and transportation commission.

(3) Agreements may establish "incentive" rates of return beyond the negotiated maximum rate of return on investment. The incentive rates of return shall be designed to provide financial benefits to the affected public jurisdictions and the private entity, given the attainment of various safety, performance, or transportation demand management goals. The incentive rates of return shall be negotiated in the agreement.

(4) Agreements shall require that over the term of the ownership or lease the user fees or toll revenues be applied only to payment of the private entity's capital outlay costs for the project, including project development costs, interest expense, the costs associated with design, construction, operations, toll collection, maintenance and administration of the project, reimbursement to the state for all costs associated with an election as required under RCW 47.46.030, the costs of project review and oversight, technical and law enforcement services, establishment of a fund to assure the adequacy of maintenance expenditures, and a reasonable return on investment to the private entity. A negotiated agreement shall not extend the term of the ownership or lease beyond the period of time required for payment of the private entity's capital outlay costs for the project under this subsection."

Renumber the sections following consecutively and correct any internal references accordingly.

POINT OF INQUIRY

Senator Rasmussen: "Senator Haugen, the reason the amendment is brought before us is because of the oversight authority on the toll of the bridge. The amendment states that the oversight authority would be with the Utilities and Transportation Commission. I would like to ask you if this is the appropriate agency for giving the public some assurance that these tolls will remain in a fixed booth?"

Senator Haugen: "Thank you very much for that question. In 1995, there was a great deal of concern about who would have the authority to set these tolls, so at that time we put in a nonprofit group, who then set the tolls, but actually acts like a toll authority. Over the years, we have built lots of bridges using tolls and we have generally used a toll authority. Never, have we ever used the Utilities and Transportation Commission as an agency to deal with tolls. This is an inappropriate agency. We do believe the safe guards are in there for the public nonprofit organization that is the oversight and, in essence, is the tolling authority."

Senator Rasmussen: "Thank you. My concern was the oversight authority on the toll and with that and with the answer from the kind gentle Senator from the Tenth District, I will withdraw the amendment."

WITHDRAWAL OF AMENDMENT

There being no objection, Senator Rasmussen withdrew the amendment on page 7, after line 10, to Senate Bill No. 5130.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5130 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Long: "Senator Oke, will this bill affect any other transportation facility or impact any other road or bridge?"

Senator Oke: "Thank you for that question, Senator Long. I made a pledge at the beginning of this process that I would not try to get this bridge built at the expense of other projects or anyone else's district, and I kept that pledge. We have worked very hard to ensure that this bill is drafted simply to respond to the Supreme Court's November decision on the bridge and nothing further. The language in this bill is limited to the Tacoma Narrows Bridge, which is the only public-private partnership project currently authorized and underway. Because of this limiting language, this bill will have no impact on any other project, road or bridge. This bill does not open the door to tolling for any other facility in the state. It is absolutely not a method to allow the DOT to collect any other tolls now or in the future. It simply responds to the Supreme Court's ruling and allows this project to go forward as originally envisioned and authorized by this body approximately eight years ago."

Senator Long: "Thank you, Senator Oke, and those who have had the proposal of the toll road in their district should be reassured by having this language on the record to clearly establish legislative intent."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5130.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5130 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Finkbeiner, Franklin, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, West and Winsley - 38.

Voting nay: Senators Benton, Constantine, Fairley, Fraser, Hochstatter, Patterson, Rasmussen, Roach, Stevens and Thibaudeau - 10.

Excused: Senator Zarelli - 1.

SENATE BILL NO. 5130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Betti Sheldon: "A point of personal privilege, Madam President. I would just like to acknowledge the work of Senator Bob Oke. I think he has gone above and beyond and I know it has been very difficult--and very personally difficult--for him. Congratulations, Senator Oke."

PERSONAL PRIVILEGE

Senator Oke: "A point of personal privilege, Madam President. I want to thank each and everyone of you for this vote. Again, it wasn't easy; it was very difficult for all of us. I am convinced that we are moving ahead. I am convinced we have done the right thing and I think doing the right thing will show up years later. Again, God Bless each one of you for being with me. Happy Valentine's Day and I am going to end a lot of your e-mails today. Thank you."

PERSONAL PRIVILEGE

Senator Constantine: "Madam President, I rise to a point of personal privilege. Well, I have taken a fair piece of ribbing here for being among the last to bring my gifts honoring my fellow Senators--for allowing me the privilege of speaking on this floor. But, at last, it has arrived. I trust it is something that, after a contentious vote, will sweeten the dispositions of my fellow Senators. I am from the Thirty-fourth Legislative District, which includes West Seattle, Vashon and Maury Islands and Burien. The gift on your desk has come in a plastic ice cream bucket and that is representing West Seattle. It is from the Husky Delicatessen. As you might recall, the other day during the hazing period of the floor speeches, Senator Kline suggested that I go to Husky Deli and pick up some treats. Now, he wanted me to bring sausage, but I thought that was a little uninteresting.

"So, today, inside your ice cream bucket, you will find a few treats. I should say, first of all, the Husky Deli, is really a cornerstone of our West Seattle community. It was founded in 1932 and is now in its third generation of family ownership. It is the place where new Representative Joe McDermott got his start in the working world, along with probably hundreds of other West Seattle kids. I'll come back to the Husky Deli issue in a second. I do want to point out that the Husky theme and the purple grass in here, while highlighting my partisanship to the University of Washington, by no means is intended as a slight against those partisans of lesser institutions in this state. But I digress--I move on to Vashon and Maury Island, home of retired Governors and some of the most activist constituents you will every meet. Whether it is rising ferry fares or disappearing gravel, they are always at our door and, in fact, you will see many of them here next Wednesday, I believe, protesting about the ferry fares.

"But, they are very industrious on Vashon Island. In addition to producing K-2 Skies and many other fine products, they have a good agricultural industry. One of the oldest agricultural concerns on the Island is Wax Orchards, which was founded in 1920 and began selling retail produce in the 1930s. They have a line of dessert toppings which they have been kind enough to provide. This one happens to be both fat and sugar free. However, I should caution you that it is not calorie free. There are twenty-two servings in this container at forty-five calories apiece, so don't just pop the top off and dig in. You will also find some candy in honor of Valentine's Day. The

female members of the body got little candy hearts, but I thought some of you guys might be a little squeamish about that, so I got you Reece's Peanut Butter Cups instead.

"Representing Burien, home of a very noisy airport and an expensive proposed third runway, I procured for you some earplugs in case you would like to come visit that part of the district. They also could be used well in Senator Patterson's district up around the airport.

"Now, back to Husky Deli, Madam President, if I may in conclusion, as Senator Clinton would have said. I thought some of you might be disappointed to open the ice container and find it empty of ice cream. So, I have had my trusty session aide and West Seattle resident, Bruce Eklund, stop this morning at the Husky Deli and bring down a pint of premium ice cream for each one of you, along with a couple of extra half gallons for the Senate dining room. Those will be available to you today if you like, but I would suggest you wait until Friday to pick them up, because the freezer in our Senate dining room is broken. The House of Representatives has been kind enough to accommodate us. As soon as the freezer here is back in service, we will haul them over and you can just ask downstairs for your pint of ice cream. They are in various flavors, probably something to suit each one of you, but it is first come, first serve. So, if you don't like vanilla, you better be first in line and not last.

"Thank you for your consideration and for allowing me to remain here even after that horrid speech I gave the other day. I trust I have more views to come. Thank you, Madam President."

POINT OF INQUIRY

Senator Hargrove: "Senator Constantine, can you guarantee the House members won't eat our ice cream before Friday?"

Senator Constantine: "Thank you for that question, Senator Hargrove. I trust that the House members will be concerned about the fate of their bills as they work their way through the legislative process--and even the temptation of this great ice cream--will not cause them to throw away their legislative session. Thank you."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. I think I can get total agreement on this. Would you pass out the earplugs before your next speech?"

PERSONAL PRIVILEGE

Senator Constantine: "Madam President, if I may respond? That sir, was a soft ball tossed to you. I knew you would hit it out of the park."

Senator McCaslin: "Well, the distinguished gentlemen from the Thirty-fourth District, being an attorney, I just want to correct something. Of course, he is from the House. This does make a difference, but a thirty-eight, ten vote is not contentious. Twenty-five, twenty-four is contentious, regardless of which way it goes. I will be looking forward to the ice cream very much and I hope the freezer down there keeps it cool for quite a while. But, the earplugs, I have to say--we need them desperately in here. We may need more before this session is over, also."

PERSONAL PRIVILEGE

Senator Sheahan: "A point of personal privilege, Madam President. I did have to respond to the comment about lesser institutions. If you would all look at your jar for the ingredients. It includes grapes, peaches and pears. Now, we all know that the tremendous institution that does ag research on grapes, peaches and pears is not the institution in Seattle, but the wonderful institution in Pullman. I hope the gentlemen from the Thirty-fourth District will be very supportive of all the ag research that has made sure that this product can go to market. Thank you."

PERSONAL PRIVILEGE

Senator Parlette: "A point of personal privilege, Madam President. I would like to make a comment to the good Senator from the Thirty-fourth District. First of all, I would like to thank you, because although I see that it says, 'Husky' on the little container we have, I have been told that the ice cream is Crimson and Grey and I would like to thank you."

MOTION

At 11:39 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 1:20 p.m., Thursday, February 15, 2001.

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-EIGHTH DAY, FEBRUARY 14, 2001

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

THIRTY-NINTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Thursday, February 15, 2001

The Senate was called to order at 1:20 p.m. by President Pro Tempore Franklin. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5266 Prime Sponsor, Senator Patterson: Providing a tax exemption for thoroughbred horses. Reported by
Committee on Labor, Commerce and Financial Institutions February 13, 2001

MAJORITY Recommendation: That Substitute Senate Bill No. 5266 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Franklin, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Referred to Committee on Ways and Means.

SB 5335 Prime Sponsor, Senator Snyder: Revising the authority of the statewide enhanced 911 program to support the statewide enhanced 911 system. Reported by Committee on Economic Development and Telecommunications February 14, 2001

MAJORITY Recommendation: That Substitute Senate Bill No. 5335 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Brown, Fairley, Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

SB 5341 Prime Sponsor, Senator Finkbeiner: Prohibiting recorded telephone messages. Reported by Committee on Economic Development and Telecommunications February 14, 2001

MAJORITY Recommendation: That Substitute Senate Bill No. 5341 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Brown, Fairley, Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

SB 5418 Prime Sponsor, Senator Long: Requiring providing of chemical dependency treatment services upon request. Reported by Committee on Human Services and Corrections February 14, 2001

MAJORITY Recommendation: That Substitute Senate Bill No. 5418 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Referred to Committee on Ways and Means.

February 14, 2001

SB 5469 Prime Sponsor, Senator T. Sheldon: Changing provisions for tax deferrals in rural counties and community empowerment zones. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5469 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Brown, Fairley, Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Referred to Committee on Ways and Means.

February 14, 2001

SB 5614 Prime Sponsor, Senator T. Sheldon: Exempting certain financial or proprietary information provided to the department of community, trade, and economic development from public disclosure. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Brown, Fairley, Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

February 14, 2001

SB 5800 Prime Sponsor, Senator Prentice: Exempting certain records requested by port districts from public inspection and copying. Reported by Committee on State and Local Government

MAJORITY Recommendation: That the bill be referred to Committee on Labor, Commerce and Financial Institutions without recommendation. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Kline, McCaslin, T. Sheldon and Swecker.

Referred to Committee on Labor, Commerce and Financial Institutions.

MESSAGE FROM THE HOUSE

February 13, 2001

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 1015,
HOUSE BILL NO. 1026, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6038 by Senator Honeyford

AN ACT Relating to authorizing service credit for half-time employment by certain teachers; and amending RCW 41.32.812.
Referred to Committee on Ways and Means.

SB 6039 by Senators Honeyford, Hale, Deccio, Parlette, Morton, Hochstatter, Hewitt and Stevens

AN ACT Relating to water resources; amending RCW 77.85.050, 90.82.040, 90.82.130, 90.80.100, 90.80.130, 90.80.010, 90.80.070, 90.80.120, 90.80.140, 90.80.050, 90.03.380, 90.66.040, 90.66.060, 90.14.140, 90.38.020, 90.38.040, 90.42.040, 90.42.080, 90.03.330, 90.44.100, 90.03.390, 90.14.043, 90.14.160, 90.14.170, 90.14.180, 90.46.005, 90.46.010, 90.03.252, and 90.44.062; adding a new section to

chapter 90.80 RCW; adding new sections to chapter 90.03 RCW; adding a new section to chapter 90.66 RCW; adding a new section to chapter 90.46 RCW; creating new sections; and declaring an emergency. Referred to Committee on Environment, Energy and Water.

SB 6040 by Senator Rasmussen

AN ACT Relating to modifying landfill facility operations to receive waste from out-of-area sources; and amending RCW 70.95.180 and 70.95.185. Referred to Committee on Environment, Energy and Water.

SB 6041 by Senators Constantine and Patterson

AN ACT Relating to hazardous substance deposits on lesser contaminated sites; amending RCW 70.105D.020, 70.105D.050, and 70.105D.080; adding a new section to chapter 70.105D RCW; creating a new section; prescribing penalties; and declaring an emergency. Referred to Committee on Environment, Energy and Water.

SB 6042 by Senator Sheahan

AN ACT Relating to appropriations for transit systems; and adding a new section to chapter 43.88 RCW. Referred to Committee on Transportation.

SB 6043 by Senator Finkbeiner

AN ACT Relating to discarded vehicle tires; amending RCW 70.95.260, 70.95.510, 70.95.520, 70.95.530, 70.95.535, and 70.95.565; amending 2000 c 150 s 1 (uncodified); amending 2000 c 150 s 2 (uncodified); reenacting and amending RCW 70.95.020; adding a new section to chapter 70.95 RCW; providing effective dates; providing an expiration date; and declaring an emergency. Referred to Committee on Environment, Energy and Water.

SB 6044 by Senator Finkbeiner

AN ACT Relating to on-site sewage disposal systems; amending RCW 70.118.020; adding a new section to chapter 70.118 RCW; adding a new section to chapter 18.210 RCW; creating new sections; and prescribing penalties. Referred to Committee on Environment, Energy and Water.

SB 6045 by Senator Finkbeiner

AN ACT Relating to incentives to encourage the use of grass or straw-based materials in construction; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW. Referred to Committee on Environment, Energy and Water.

SB 6046 by Senators Finkbeiner and Eide

AN ACT Relating to the control of dioxin; amending RCW 70.105.010, 70.95C.020, 70.95E.010, 70.105.020, and 70.105D.020; adding new sections to chapter 70.105 RCW; creating new sections; and providing effective dates. Referred to Committee on Environment, Energy and Water.

SB 6047 by Senators Finkbeiner and Eide

AN ACT Relating to prohibiting the use of mixing zones for persistent bioaccumulative toxic pollutants; amending RCW 90.48.010, 90.48.020, and 90.48.080; adding a new section to chapter 90.48 RCW; and creating a new section. Referred to Committee on Environment, Energy and Water.

SB 6048 by Senator McCaslin

AN ACT Relating to ending partisan primaries; amending RCW 29.01.130, 29.01.100, 29.01.160, 29.15.120, 29.15.150, 29.24.020, 29.24.025, 29.24.030, 29.24.035, 29.24.040, 29.24.070, 29.18.160, 29.27.030, 29.30.005, 29.30.020, 29.30.040, 29.30.101, 29.42.010, 29.42.040, 29.42.050, 29.62.100, 29.68.080, 29.68.100, 29.68.120, and 29.68.130; adding a new section to chapter 29.24 RCW; recodifying RCW 29.18.160; and repealing RCW 29.01.090, 29.15.230, 29.18.010, 29.18.120, 29.18.150, 29.18.200, and 29.30.095.

Referred to Committee on State and Local Government.

SB 6049 by Senator Deccio

AN ACT Relating to regulating the charitable gift annuity business; adding a new section to chapter 48.38 RCW; and creating new sections.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6050 by Senators Morton, Oke and Stevens

AN ACT Relating to remote site incubators; amending RCW 77.95.200; adding a new section to chapter 77.95 RCW; creating new sections; and making appropriations.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6051 by Senators Shin, Swecker and T. Sheldon

AN ACT Relating to zoning exclusively for manufactured housing communities; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6052 by Senators Constantine, Hale and Costa

AN ACT Relating to extending the period of court jurisdiction; and amending RCW 35.20.255, 3.50.330, and 3.66.068.

Referred to Committee on Judiciary.

SB 6053 by Senators Shin, Oke and Haugen

AN ACT Relating to state route number 526; and amending RCW 47.17.740.

Referred to Committee on Transportation.

SB 6054 by Senators McDonald, Kline, Rossi and Rasmussen

AN ACT Relating to general license fees; and adding a new section to chapter 35.21 RCW.

Referred to Committee on State and Local Government.

SB 6055 by Senators Long, Hargrove and Stevens

AN ACT Relating to evaluating children within the foster care agency caseload; and amending RCW 74.14A.050.

Referred to Committee on Human Services and Corrections.

SB 6056 by Senators Long, Hargrove, Costa, Stevens and Kohl-Welles

AN ACT Relating to the department of social and health services coordination of services for children and families in child dependency cases; adding a new section to chapter 13.34 RCW; and creating new sections.

Referred to Committee on Human Services and Corrections.

SB 6057 by Senators T. Sheldon and Roach

AN ACT Relating to incorporating effective economic development planning into growth management planning; amending RCW 36.70A.020, 36.70A.030, 36.70A.070, and 36.70A.210; creating a new section; and providing an effective date.
Referred to Committee on Economic Development and Telecommunications.

SB 6058 by Senators Hochstatter, Swecker and Stevens

AN ACT Relating to science textbooks; and adding a new section to chapter 28A.150 RCW.
Referred to Committee on Education.

SB 6059 by Senators Fraser, Constantine, Winsley and Kohl-Welles (by request of Department of Revenue)

AN ACT Relating to restructuring the litter tax and a portion of the hazardous substance tax to simplify the taxes while maintaining funding; amending RCW 82.04.270, 82.04.272, and 82.21.020; reenacting and amending RCW 82.04.250; adding new sections to chapter 82.04 RCW; creating new sections; repealing RCW 82.19.010, 82.19.020, 82.19.030, 82.19.040, and 82.19.050; and providing an effective date.
Referred to Committee on Environment, Energy and Water.

SB 6060 by Senator Fraser (by request of Department of Revenue)

AN ACT Relating to updating references for purposes of the hazardous substance tax for periods beginning August 1, 2001; amending RCW 82.21.020; and providing an effective date.
Referred to Committee on Environment, Energy and Water.

SB 6061 by Senator Patterson

AN ACT Relating to requiring quarterly meetings of municipal firemen's pension boards; and amending RCW 41.16.030.
Referred to Committee on Ways and Means.

SB 6062 by Senators Benton and Deccio

AN ACT Relating to minimum standards for first responder and emergency medical technician training; and amending RCW 18.73.081.
Referred to Committee on Health and Long-Term Care.

SB 6063 by Senators Benton and Carlson

AN ACT Relating to certified public accountants; and amending RCW 18.04.345.
Referred to Committee on Labor, Commerce and Financial Institutions.

SJM 8016 by Senators Shin, Rasmussen and Sheahan

Emphasizing free and fair trade of aquaculture products between the United States and Canada.

Referred to Committee on Agriculture and International Trade.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Prohibiting methyl tertiary-butyl ether as a gasoline additive.

Referred to Committee on Environment, Energy and Water.

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

Authorizing the department of corrections to detain, search, or remove persons who enter correctional facilities or institutional grounds.

Referred to Committee on Human Services and Corrections.

MOTION

At 1:22 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease to retire to the House of Representatives for the purpose of a Joint Session.

JOINT SESSION

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

Co-Speaker Pro Tempore Pennington instructed the Sergeants at Arms of the House and Senate to escort President Pro Tempore Rosa Franklin, Majority Leader Sid Snyder and Minority Leader Jim West to seats on the rostrum.

Co-Speaker Pro Tempore Pennington invited the Senators to seats within the House Chamber.

Co-Speaker Pro Tempore Pennington presented the gavel to President Pro Tempore Franklin.

The Clerk of the House called the roll of members of the Senate and House.

The Clerk of the House called the roll of the former members of the Senate and House who were present:

Senator Del Bausch Senator Pete Francis
Commissioner of Public Lands Jennifer Belcher Senator Marc Gaspard
Senator Rick Bender State Auditor Robert Graham
Representative Art Brown Senator H. B. Hanna
Representative Patty Butler Representative Richard King
Senator Paul Connor Senator Bill Kiskaddon
Representative Thomas Copeland Representative Paul Sanders
Senator Carol (Monahan) Conley Representative Doug Sayan
Representative Phil Dyer Representative Joe Taller
Speaker Wayne Ehlers Representative Mike Todd
Senator Tim Erwin Representative William Young

The President Pro Tempore welcomed and introduced the state elected officials present in the chamber: Governor Gary Locke, State Treasurer Mike Murphy, Superintendent of Public Instruction Terry Bergeson, Insurance Commissioner Mike Kreidler and Commissioner of Public Lands Doug Sutherland.

The Colors were presented by the Washington State Patrol Color Guard.

The President Pro Tempore led the body in the Pledge of Allegiance.

REMARKS BY PRESIDENT PRO TEMPORE FRANKLIN

President Pro Tempore Franklin: "Honored members of the Legislature, ladies and gentlemen. The purpose of this Joint Session is to conduct memorial services in memory of departed former members of the Legislature. The President, at this time, would like to respectfully present the gavel to the Honorable John Pennington, Co-Speaker Pro Tempore of the House of Representatives."

President Pro Tempore Franklin presented the gavel to Co-Speaker Pro Tempore Pennington. Co-Speaker Pro Tempore Pennington introduced Co-Speaker Pro Tempore Val Ogden.

REMARKS BY CO-SPEAKER PRO TEMPORE OGDEN

Co-Speaker Pro Tempore Ogden: "We are assembled today to pay tribute to the lives and services of the distinguished former members of the Senate and House of Representative of the state of Washington who are no longer with us. On behalf of the people of our state, the Fiftieth-seventh Legislature of the state of Washington conveys its respects to those deceased legislators who once sat in the Chambers of the House and Senate, as we are doing today, and answered roll calls on sometimes critical perplexing bills, attended committee meetings and above all else, served to the best of their abilities in order to make our state a better and more enriching place in which to live. While their journey in this life is completed, their achievements, records and valued services have been recorded in the Journals of the Senate and House and are now a permanent part of the history of the state of Washington.

"We express our sympathies to the bereaved families and their friends and also share with them on this memorable occasion the fond and happy memories of these legislators, who served us well and responsibly. They truly loved this great state of Washington. They have indeed left a legacy of dedicated service that will remain as a reminder to us of our responsibilities and the opportunity we have to serve our state."

Co-Speakers Pro Tempore Pennington and Ogden called the roll for the deceased former members of the Senate and House of Representatives.

MEMORIAL PROGRAM

Presiding: President Pro Tempore of the Senate Rosa Franklin

**Co-Speaker Pro Tempore John Pennington
Co-Speaker Pro Tempore Val Ogden**

INVOCATION

by

Co-Speaker Clyde Ballard

On Eagles Wings

Legislative Choir

Guest Director, Irv Martin

Accompanist, Art Peterson

MEMORIAL TRIBUTE

by

Co-Speaker Pro Tempore Val Ogden

CANDLE SERVICE

IN MEMORIAM

BOB BASICH

Nineteenth District, Served in the House from 1985 to 1997

Memorialized by Senator Sid Snyder

FRANK "BUSTER" BROULLIET

Twenty-fifth District, Served in the House from 1957 to 1973

Memorialized by Representative Sam Hunt

ERNIE CRANE

Thirty-first District, Served in the House from 1983 to 1991

Memorialized by Senator Mary Margaret Haugen

JOHN FISCHER

Twenty-first District, Served in the House from 1975 to 1979

Memorialized by Representative Mike Cooper

WILLIAM FULLER

*Twentieth District, Served in the House from 1977 to 1981
Served in the Senate from 1981-1985
Memorialized by Representative Richard DeBolt*

CHARLIE HODDE
*Second District, Served in the House from 1937 to 1939, 1943 to 1953
Speaker 1949 to 1953
Memorialized by Representative Helen Sommers*

VAUGHN HUBBARD
*Eleventh District, Served in the House from 1967 to 1973
Memorialized by Representative Dave Mastin*

MERLE HUFFORD
*Twenty-fourth District, Served in the House from 1947 to 1949
Memorialized by Senator Karen Fraser*

GEORGE HURLEY
*Thirty-seventh District and Forty-fourth District, Served in the House from 1943 to 1947 and 1975 to 1979
Memorialized by Senator Jeanne Kohl-Welles*

ELMER HYPPA
*Twenty-fifth District, Served in the House from 1953 to 1957
House Sergeant at Arms from 1957 to 1967
Memorialized by Senator Rosemary McAuliffe*

MIKE McMANUS
*Twenty-first District, Served in the Senate from 1983 to 1987
Memorialized by Senator Pat Thibaudeau*

PAT McMULLEN
*Fortieth District, Served in the House from 1983 to 1987
Served in the Senate from 1987 to 1993
Memorialized by Senator Harriet Spanel*

CHARLES MORIARTY
*Thirty-sixth District, Served in the House from 1957 to 1959
Served in the Senate from 1959 to 1967
Memorialized by Senator Stephen Johnson*

GENE NEVA
*Twenty-first District, Served in the House from 1957 to 1961
Memorialized by Representative Brian Hatfield*

DALE NORDQUIST
*Twentieth District, Served in the Senate from 1953 to 1961
Memorialized by Senator Marilyn Rasmussen*

HAROLD PETRIE
*Fourteenth District, Served in the House from 1953 to 1959
Memorialized by Representative Barbara Lisk*

GLADYS PHILLIPS
*Twenty-first District, Served in the House from 1951 to 1953
Memorialized by Representative Lynn Kessler*

PAT SCOTT
*Thirty-eighth District, Served in the House from 1984 to 2001
Memorialized by Representative Aaron Reardon*

GEORGE SELLAR
Twelfth District, Served in the Senate from 1972 to 2000
Memorialized by Senator Linda Evans Parlette

NED SHERA
Twenty-eighth District, Served in the House from 1969 to 1973
Memorialized by Senator Shirley Winsley

JEAN SILVER
Fifth District and Sixth District, Served in the House from 1983 to 1993 and from 1993 to 1997
Memorialized by Representative Kathy Lambert

RICHARD SMYTHE
Forty-ninth District, Served in the House from 1967 to 1973
Memorialized by Senator Don McDonald

GENE STRUTHERS
Sixteenth District, Served in the House from 1977 to 1985
Memorialized by Senator Mike Hewitt

MEMORIAL PRAYER
by
Rabbi Theodore Stainman
Temple Bet Chaverim, Des Moines

To Everything There is a Season
Legislative Choir

CEREMONIAL SALUTE AND ECHO TAPS
Washington State Patrol

CLOSING PRAYER
Representative Joyce Mulliken

Amazing Grace
Washington State Patrol
Sergeant Keith Huntley

CLOSING PRAYER BY REPRESENTATIVE JOYCE MULLIKEN

"Gracious God and Creator of all, it is good we could come this afternoon to be part of this ceremony--to remember and to pay tribute to these servants who have given so much of themselves--their time and energy in service for the people in this great state of Washington.

We pray especially for their family members that you will comfort them in their loss and help them find consolation in knowing the benefit their family members provided for so many.

"We also pray for each one of us here that you would encourage and comfort us as we claim their memories as your special gift to us. May these memories instruct us, motivate us, support us and lift us. May we remember what these former members have done by serving among us. Even though death is powerful and mysterious, we know, because of our hope in you, it does not have to be the last word. We take joy, as our hearts rise to you, that this divine harmony of death and life was sung by prophets and holy people and that your son, Jesus, sang that song in his death and resurrection from the tomb.

"We pray that as we look back to the future, we will continue to learn from the past. We thank you our Sovereign God for what you have done in our midst and we continue to pray for your special blessing upon each of our lives, the lives of our families, and the lives of those we serve."

Co-Speaker Pro Tempore Pennington returned the gavel to President Pro Tempore Franklin.

The Color Guard retired the Colors.

MOTION

On motion by Representative Mastin, the Joint Session was dissolved.

The President Pro Tempore of the Senate returned the gavel to Co-Speaker Pro Tempore Pennington. Co-Speaker Pro Tempore Pennington instructed the Sergeants at Arms of the House and the Senate to escort President Pro Tempore of the Senate Rosa Franklin, Majority Leader Sid Snyder, Minority Leader Jim West and members of the Washington State Senate from the House Chamber.

The Senate was called to order at 2:11 p.m. by President Pro Tempore Franklin.

MOTION

At 2:11 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m., Friday, February 16, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-NINTH DAY, FEBRUARY 15, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

FORTIETH DAY

MORNING SESSION

SENATE CHAMBER, OLYMPIA, FRIDAY, FEBRUARY 16, 2001

THE SENATE WAS CALLED TO ORDER AT 10:00 A.M. BY PRESIDENT PRO TEMPORE FRANKLIN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT PRO TEMPORE THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS COSTA, FINKBEINER, MCCASLIN, OKE, PATTERSON AND SWECKER. ON MOTION OF SENATOR HONEYFORD, SENATORS FINKBEINER, MCCASLIN, OKE AND SWECKER WERE EXCUSED. ON MOTION OF SENATOR EIDE, SENATORS COSTA AND PATTERSON WERE EXCUSED.

THE SERGEANT AT ARMS COLOR GUARD CONSISTING OF PAGES KEISHA NATHAN AND GARRETT JONES, PRESENTED THE COLORS. SENATOR BOB MORTON OFFERED THE PRAYER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

REPORTS OF STANDING COMMITTEES

FEBRUARY 15, 2001

SB 5049 PRIME SPONSOR, SENATOR KOHL-WELLES: PROVIDING LIMITATIONS ON PLACEMENT OF A CHILD IN OUT-OF-HOME CARE WHEN A CONFLICT OF INTEREST EXISTS. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5049 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 14, 2001

SB 5099 PRIME SPONSOR, SENATOR WINSLEY: DESIGNATING MEDICAL DIRECTORS. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5099 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 15, 2001

SB 5122 PRIME SPONSOR, SENATOR COSTA: REVISING PROCEDURES AND STANDARDS FOR COMMITMENT OF SEXUALLY VIOLENT PREDATORS. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5122 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 14, 2001

SB 5176 PRIME SPONSOR, SENATOR KOHL-WELLES: AUTHORIZING ADOPTION OF RULES TO IMPLEMENT MEDICAL MARIJUANA LAW. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5176 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 14, 2001

SB 5185 PRIME SPONSOR, SENATOR THIBAudeau: DEVELOPING A HOME AND COMMUNITY-BASED WAIVER FOR PERSONS IN COMMUNITY RESIDENTIAL SETTINGS. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5185 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER AND WINSLEY.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 15, 2001

SB 5221 PRIME SPONSOR, SENATOR KOHL-WELLES: INCREASING PUBLIC AND PARENTAL ACCESS TO INFORMATION REGARDING CHILD CARE SERVICE. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5221 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 14, 2001

SB 5222 PRIME SPONSOR, SENATOR FRANKLIN: REQUIRING THE REGISTRATION OF CERTAIN SCHOOL HEALTH PERSONNEL. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5222 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 14, 2001

SB 5258 PRIME SPONSOR, SENATOR COSTA: REGULATING DISCLOSURE OF HEALTH CARE INFORMATION. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 14, 2001

SB 5291 PRIME SPONSOR, SENATOR COSTA: REQUIRING CERTAIN IMMUNIZATIONS OF STAFF AND RESIDENTS OF LONG-TERM CARE FACILITIES. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL No. 5291 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 14, 2001

SB 5296 PRIME SPONSOR, SENATOR THIBAudeau: LIMITING MINORS' ACCESS TO TOBACCO. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 14, 2001

SB 5302 PRIME SPONSOR, SENATOR SNYDER: PROVIDING A TAX EXEMPTION FOR CERTAIN PERSONS PROVIDING SERVICES FOR DEVELOPMENTALLY DISABLED PERSONS. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 15, 2001

SB 5322 PRIME SPONSOR, SENATOR KOHL-WELLES: PROVIDING CHILD DAY-CARE LICENSING INFORMATION TO THE PUBLIC THROUGH A TOLL-FREE NUMBER. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL No. 5322 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 14, 2001

SB 5399 PRIME SPONSOR, SENATOR THIBAudeau: REGARDING THE HISTORY OF CAREGIVER PERFORMANCE IN LONG-TERM CARE SERVICES. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL No. 5399 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 14, 2001

SB 5433 PRIME SPONSOR, SENATOR REGALA: PROVIDING FOR ESTABLISHMENT OF PARENT AND CHILD RELATIONSHIP FOR CHILDREN BORN THROUGH ASSISTED CONCEPTION. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION : THAT SUBSTITUTE SENATE BILL NO. 5433 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS THIBAUDEAU, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 15, 2001

SB 5476 PRIME SPONSOR, SENATOR PATTERSON: ISSUING CREDIT CARDS TO PERSONS UNDER THE AGE OF TWENTY-ONE. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5476 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; GARDNER, VICE CHAIR; BENTON, FRANKLIN, HOCHSTATTER, PATTERSON, RASMUSSEN, REGALA AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 14, 2001

SB 5478 PRIME SPONSOR, SENATOR FRANKLIN: REDUCING CHILDHOOD LEAD EXPOSURE. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION : DO PASS. SIGNED BY SENATORS THIBAUDEAU, CHAIR; FRANKLIN, VICE CHAIR; COSTA, FRASER AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 15, 2001

SB 5541 PRIME SPONSOR, SENATOR JACOBSEN: EXEMPTING WIND OR SOLAR ENERGY ELECTRIC GENERATING FACILITIES FROM SALES AND USE TAXES. REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5541 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, HALE, HONEYFORD, JACOBSEN, McDONALD AND MORTON.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 14, 2001

SB 5601 PRIME SPONSOR, SENATOR THIBAUDEAU: REMOVING THE TWO-YEAR LIMITED LICENSE RENEWAL LIMIT ON TEACHING-RESEARCH MEDICAL PROFESSIONALS. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5601 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS THIBAUDEAU, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 15, 2001

SB 5648 PRIME SPONSOR, SENATOR EIDE: PROVIDING SALES AND USE TAX EXEMPTIONS FOR ENERGY EFFICIENT LIGHTS AND HOUSEHOLD APPLIANCES. REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5648 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, HALE, HONEYFORD, JACOBSEN, McDONALD AND MORTON.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 15, 2001

SB 5815 PRIME SPONSOR, SENATOR PRENTICE: MAKING PAYMENT OF AGENCY COMMISSIONS FOR AGENCY LIQUOR VENDOR STORES. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: THAT THE BILL BE REFERRED TO COMMITTEE ON WAYS AND MEANS WITHOUT RECOMMENDATION. SIGNED BY SENATORS PRENTICE, CHAIR; GARDNER, VICE CHAIR; HOCHSTATTER, PATTERSON, RASMUSSEN, REGALA, WEST AND WINSLEY.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 15, 2001

SCR 8404 PRIME SPONSOR, SENATOR KOHL-WELLES: ADOPTING THE UPDATE TO THE STATE COMPREHENSIVE PLAN FOR WORK FORCE TRAINING AND EDUCATION. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 8404 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE AND B. SHELDON.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 5222 WAS REFERRED TO THE COMMITTEE ON WAYS AND MEANS.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
OLYMPIA, WASHINGTON 98504-5000
JANUARY 9, 2001

MR. TONY COOK
SECRETARY OF THE SENATE
P.O. Box 40482
OLYMPIA, WASHINGTON 98504-0482

DEAR MR. COOK:

ENCLOSED IS THE DEPARTMENT'S REPORT TO THE LEGISLATURE ENTITLED "ANNUAL QUALITY ASSURANCE." IT IS MANDATED UNDER RCW 43.20A.870.

PLEASE CALL TAMMY CORDOVA AT (360) 902-7926 IF YOU HAVE QUESTIONS REGARDING THE REPORT.

SINCERELY,
DENNIS BRADDOCK, SECRETARY

THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES REPORT ON ANNUAL QUALITY ASSURANCE IS ON FILE IN THE OFFICE OF THE SECRETARY OF THE SENATE.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
OLYMPIA, WASHINGTON 98504-5000

FEBRUARY 8, 2001

MR. TONY COOK
SECRETARY OF THE SENATE
P.O. Box 40482
OLYMPIA, WASHINGTON 98504-0482

DEAR MR. COOK:

ENCLOSED IS THE DEPARTMENT'S REPORT TO THE LEGISLATURE ENTITLED "BILLING THIRD-PARTY PAYERS FOR HOSPITAL SERVICES." IT IS MANDATED UNDER CHAPTER 309, LAWS OF 1999, SECTION 205(5)(A).

PLEASE CALL PAUL BIGELOW AT (360) 902-0817 IF YOU HAVE QUESTIONS REGARDING THE REPORT.

SINCERELY,
DENNIS BRADDOCK, SECRETARY

THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES REPORT ON BILLING THIRD-PARTY PAYERS FOR HOSPITAL SERVICES IS ON FILE IN THE OFFICE OF THE SECRETARY OF THE SENATE.

MESSAGE FROM STATE OFFICE

WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY
110 EAST FIFTH AVENUE, SUITE 214
P. O. Box 40999
OLYMPIA, WASHINGTON 98504-0999

FEBRUARY 12, 2001

SECRETARY TONY COOK
SECRETARY OF THE SENATE
LEGISLATIVE BUILDING
P.O. Box 40482
OLYMPIA, WASHINGTON 98504-0482

DEAR SECRETARY COOK:

THE 2000 LEGISLATURE DIRECTED THE WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY TO COMPARE PLACEMENT DECISIONS AND FUNDING METHODOLOGIES FOR RESIDENTIAL CARE SERVICES FOR CHILDREN IN LONG-TERM FOSTER CARE AND TO EXAMINE THE BEST PRACTICES IN OTHER STATES (EHB 2487). THIS REPORT ADDRESSES THE PLACEMENT AND FUNDING DECISIONS; A SEPARATE REPORT WILL COVER INNOVATIVE PRACTICES AND A LITERATURE REVIEW.

THE ENCLOSED REPORT REPRESENTS *PRELIMINARY* FINDINGS, AS THEY ARE BASED ON HALF THE ANTICIPATED SAMPLE. IN ORDER TO PROVIDE NECESSARY PROTECTION TO BOTH CHILDREN IN FOSTER CARE AND THEIR CAREGIVERS, RESEARCHERS FOLLOWED INFORMED CONSENT PROCEDURES THAT EXTENDED THE STUDY'S TIME FRAME. A FINAL REPORT WILL BE PRODUCED BY THE END OF MARCH 2001.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT (360) 586-2768.

SINCERELY,
ROXANNE LIEB, DIRECTOR

THE WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY REPORT ON PLACEMENT AND FUNDING DECISIONS FOR RESIDENTIAL CARE SERVICES FOR CHILDREN IN LONG-TERM FOSTER CARE IS ON FILE IN THE OFFICE OF THE SECRETARY OF THE SENATE.

INTRODUCTION AND FIRST READING

SB 6064 BY SENATOR McCASLIN

AN ACT RELATING TO LAW ENFORCEMENT SERVICE DISTRICTS; AND ADDING A NEW CHAPTER TO TITLE 36 RCW.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 6065 BY SENATORS PARLETTE, RASMUSSEN., DECCIO AND SHEAHAN

AN ACT RELATING TO ANALYSIS OF POTENTIAL FOR WATER STORAGE FACILITIES IN THE WENATCHEE RIVER DRAINAGE TO IMPROVE INSTREAM FLOWS AND WATER SUPPLY; CREATING A NEW SECTION; AND MAKING AN APPROPRIATION.
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6066 BY SENATORS SPANEL AND HAUGEN

AN ACT RELATING TO IMPACT FEES FOR FIRE PROTECTION FACILITIES IN URBAN GROWTH AREAS NOT CONTIGUOUS TO A CITY OR TOWN; AND AMENDING RCW 82.02.090.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 6067 BY SENATORS WEST, DECCIO, McDONALD, KOHL-WELLES AND SHEAHAN

AN ACT RELATING TO CREATING AN ADVISORY COMMITTEE ON CANCER COORDINATION AND CONTROL; ADDING A NEW SECTION TO CHAPTER 43.70 RCW; CREATING A NEW SECTION; AND DECLARING AN EMERGENCY.

REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 6068 BY SENATORS KLINE AND PRENTICE

AN ACT RELATING TO COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS; AMENDING RCW 43.86A.030; AND ADDING NEW SECTIONS TO CHAPTER 43.86A RCW.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 6069 BY SENATORS REGALA, JACOBSEN, MCAULIFFE, WINSLEY AND RASMUSSEN

AN ACT RELATING TO SCHOOL BUILDING REHABILITATION OR RESTORATION; AMENDING RCW 28A.525.166; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON EDUCATION.

SB 6070 BY SENATORS PATTERSON, ROACH, FAIRLEY, HORN, T. SHELDON, KLINE, McCASLIN, HONEYFORD, PRENTICE, JACOBSEN, OKE, SNYDER, FRANKLIN, SWECKER, ZARELLI, RASMUSSEN, McDONALD, SHEAHAN, JOHNSON, WEST, HALE, ROSSI, REGALA, DECCIO, CARLSON, HEWITT, GARDNER, MCAULIFFE, B. SHELDON, HAUGEN, MORTON, SPANEL, SHIN, BENTON, STEVENS, CONSTANTINE, COSTA, HOCHSTATTER, EIDE, HARGROVE, FINKBEINER, PARLETTE AND WINSLEY

AN ACT RELATING TO INCORPORATING EFFECTIVE ECONOMIC DEVELOPMENT PLANNING INTO GROWTH MANAGEMENT PLANNING; AMENDING RCW 36.70A.020, 36.70A.030, 36.70A.070, 36.70A.210, AND 36.70A.215; AND PROVIDING AN EFFECTIVE DATE.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 6071 BY SENATORS FINKBEINER, STEVENS AND JACOBSEN

AN ACT RELATING TO ATTACHMENTS TO TRANSMISSION FACILITIES OWNED BY PUBLIC UTILITY DISTRICTS THAT PROVIDE WHOLESALE TELECOMMUNICATIONS SERVICES UNDER RCW 54.16.330 AND 54.16.340; AMENDING RCW 80.54.010; AND ADDING A NEW SECTION TO CHAPTER 54.16 RCW.
REFERRED TO COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS.

SJM 8017 BY SENATORS SNYDER AND WINSLEY

SUPPORTING THE FEDERAL RAILROAD RETIREMENT AND SURVIVOR'S IMPROVEMENT ACT.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 6012, WHICH WAS HELD ON THE DESK FEBRUARY 13, 2001, WAS REFERRED TO THE COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

MOTION

AT 10:06 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE WAS DECLARED TO BE AT EASE.

THE SENATE WAS CALLED TO ORDER AT 11:10 A.M. BY PRESIDENT PRO TEMPORE FRANKLIN.

SECOND READING

SENATE BILL NO. 5093, BY SENATORS T. SHELDON, OKE AND RASMUSSEN

MODIFYING PROVISIONS CONCERNING THE UNLAWFUL DUMPING OF SOLID WASTE.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR JACOBSEN, THE RULES WERE SUSPENDED, SENATE BILL NO. 5093 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SENATE BILL NO. 5093.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SENATE BILL NO. 5093 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, PARLETTE, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 43.

EXCUSED: SENATORS COSTA, FINKBEINER, McCASLIN, OKE, PATTERSON AND SWECKER - 6.

SENATE BILL NO. 5093, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5443, BY SENATORS SPANEL, JACOBSEN AND KOHL-WELLES (BY REQUEST OF DEPARTMENT OF FISH AND WILDLIFE)

CHANGING REQUIRED RENEWAL DATES IN ORDER TO VALIDLY RENEW CERTAIN COMMERCIAL FISHING LICENSES.

MOTIONS

ON MOTION OF SENATOR JACOBSEN, SUBSTITUTE SENATE BILL NO. 5443 WAS SUBSTITUTED FOR SENATE BILL NO. 5443 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR JACOBSEN, THE RULES WERE SUSPENDED, SUBSTITUTE SENATE BILL NO. 5443 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5443.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5443 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, PARLETTE, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 43.

EXCUSED: SENATORS COSTA, FINKBEINER, McCASLIN, OKE, PATTERSON AND SWECKER - 6.

SUBSTITUTE SENATE BILL NO. 5443, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5068, BY SENATORS PRENTICE AND WINSLEY (BY REQUEST OF DEPARTMENT OF FINANCIAL INSTITUTIONS)

REGULATING CREDIT UNIONS.

MOTIONS

ON MOTION OF SENATOR PRENTICE, SUBSTITUTE SENATE BILL NO. 5068 WAS SUBSTITUTED FOR SENATE BILL NO. 5068 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR PRENTICE, THE RULES WERE SUSPENDED, SUBSTITUTE SENATE BILL NO. 5068 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5068.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5068 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, PARLETTE, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 43.

EXCUSED: SENATORS COSTA, FINKBEINER, McCASLIN, OKE, PATTERSON AND SWECKER - 6.

SUBSTITUTE SENATE BILL NO. 5068, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5123, BY SENATORS COSTA, LONG AND HARGROVE

REVISING THE CRIME OF ESCAPE AS IT RELATES TO SEXUALLY VIOLENT PREDATORS.

MOTIONS

ON MOTION OF SENATOR HARGROVE, SUBSTITUTE SENATE BILL NO. 5123 WAS SUBSTITUTED FOR SENATE BILL NO. 5123 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR HARGROVE, THE RULES WERE SUSPENDED, SUBSTITUTE SENATE BILL NO. 5123 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5123.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5123 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, PARLETTE, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 43.

EXCUSED: SENATORS COSTA, FINKBEINER, McCASLIN, OKE, PATTERSON AND SWECKER - 6.

SUBSTITUTE SENATE BILL NO. 5123, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5048, BY SENATORS LONG, HARGROVE, WINSLEY AND COSTA

CHANGING PROVISIONS RELATING TO LESS RESTRICTIVE ALTERNATIVE COMMITMENTS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR HARGROVE, THE RULES WERE SUSPENDED, SENATE BILL NO. 5048 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SENATE BILL NO. 5048.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SENATE BILL NO. 5048 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG,

MCAULIFFE, McDONALD, MORTON, PARLETTE, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 43.

EXCUSED: SENATORS COSTA, FINKBEINER, McCASLIN, OKE, PATTERSON AND SWECKER - 6.

SENATE BILL NO. 5048, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5038, BY SENATORS McCASLIN AND KLINE

INCORPORATING AMENDMENTS INTO THE REORGANIZED CHAPTER 9.94A RCW.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR KLINE, THE RULES WERE SUSPENDED, SENATE BILL NO. 5038 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SENATE BILL NO. 5038.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SENATE BILL NO. 5038 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, PARLETTE, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 43.

EXCUSED: SENATORS COSTA, FINKBEINER, McCASLIN, OKE, PATTERSON AND SWECKER - 6.

SENATE BILL NO. 5038, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5315, BY SENATORS FRASER AND MORTON (BY REQUEST OF DEPARTMENT OF HEALTH)

INCLUDING DRINKING WATER ACCOUNTS IN INTEREST-BEARING ACCOUNTS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR FRASER, THE RULES WERE SUSPENDED, SENATE BILL NO. 5315 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SENATE BILL NO. 5315.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SENATE BILL NO. 5315 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, PARLETTE, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 43.

EXCUSED: SENATORS COSTA, FINKBEINER, McCASLIN, OKE, PATTERSON AND SWECKER - 6.

SENATE BILL NO. 5315, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5052, BY SENATORS JOHNSON AND CONSTANTINE

MAKING TECHNICAL CORRECTIONS TO TRUST AND ESTATE DISPUTE RESOLUTION PROVISIONS.

MOTIONS

ON MOTION OF SENATOR KLINE, SUBSTITUTE SENATE BILL NO. 5052 WAS SUBSTITUTED FOR SENATE BILL NO. 5052 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

SENATOR JOHNSON MOVED THAT THE FOLLOWING AMENDMENTS BE CONSIDERED SIMULTANEOUSLY AND BE ADOPTED:

ON PAGE 4, BEGINNING ON LINE 32, AFTER "(B)" STRIKE ALL MATERIAL THROUGH "PRUDENTLY" ON PAGE 5, LINE 1, AND INSERT "IN APPOINTING THE SPECIAL REPRESENTATIVE THE COURT SHALL GIVE DUE CONSIDERATION AND DEFERENCE TO ANY NOMINATION(S) MADE IN THE PETITION, THE SPECIAL SKILLS REQUIRED IN THE REPRESENTATION, AND THE NEED FOR A REPRESENTATIVE WHO WILL ACT INDEPENDENTLY AND PRUDENTLY"

ON PAGE 5, LINE 4, AFTER "INDEPENDENCE" INSERT ", HOWEVER, THE COURT MAY CONSIDER ANY INTERESTS THAT THE NOMINATING FIDUCIARY MAY HAVE IN THE ESTATE OR TRUST IN MAKING THE DETERMINATION"

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENTS BY SENATOR JOHNSON ON PAGE 4, BEGINNING ON LINE 32, AND PAGE 5, LINE 4, TO SUBSTITUTE SENATE BILL NO. 5052.

THE MOTION BY SENATOR JOHNSON CARRIED AND THE AMENDMENTS WERE ADOPTED.

MOTION

ON MOTION OF SENATOR KLINE, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE SENATE BILL NO. 5052 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5052.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5052 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, PARLETTE, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 43.

EXCUSED: SENATORS COSTA, FINKBEINER, McCASLIN, OKE, PATTERSON AND SWECKER - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5052, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

PERSONAL PRIVILEGE

SENATOR CONSTANTINE: "THANK YOU, MADAM PRESIDENT. I RISE TO A POINT OF PERSONAL PRIVILEGE. AS YOU WILL RECALL, THERE IS A PINT OF ICE CREAM FOR EACH OF YOU SENATORS. THEY HAVE RESTORED THE FUNCTION OF OUR FREEZER DOWN STAIRS AND YOUR PINTS OF ICE CREAM ARE AVAILABLE AND SHOULD BE PICKED UP TODAY. I WILL TELL YOU, BRIEFLY, MY FELLOW SENATORS, THAT THE FLAVORS ARE BUTTER TOFFEE PECAN, DOLLAR MINT, HUSKY FLAKE--AND THAT IS NOT A SELF REFERENCE--MOCHA ALMOND FUDGE, STRAWBERRY GRAND MARNIER AND VANILLA--FIRST COME, FIRST SERVE--AND THEY DO NEED THE SPACE, BECAUSE THEIR FOOD DELIVERIES ARE TAKEN ON MONDAY. SO, IF POSSIBLE, IF YOU CAN EAT YOUR ICE CREAM OR TAKE IT HOME OR TO THE FREEZE IN YOUR OFFICE, WE WOULD APPRECIATE IT. THANK YOU SO MUCH AND ENJOY."

MOTION

ON MOTION OF SENATOR ROACH, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8618

BY SENATORS ROACH, SHEAHAN, WINSLEY, STEVENS, HALE, KOHL-WELLES, JOHNSON, BENTON, LONG, KASTAMA, AND ZARELLI

WHEREAS, NINETY YEARS AGO, ON FEBRUARY 6, 1911, RONALD WILSON REAGAN WAS BORN TO JOHN AND NELLE REAGAN IN THE FAMILY'S MODEST APARTMENT ABOVE THE GENERAL STORE IN TAMPICO, ILLINOIS; AND

WHEREAS, JOHN REAGAN STRUGGLED BOTH BEFORE AND DURING THE GREAT DEPRESSION IN HIS ATTEMPTS TO PROVIDE FOR HIS FAMILY, UNTIL HE WAS APPOINTED DIRECTOR OF THE DIXON, ILLINOIS, OFFICE OF THE WORKS PROGRESS ADMINISTRATION, A NEW DEAL, BACK TO WORK PROGRAM; AND

WHEREAS, RONALD REAGAN, BUILDING UPON A SUCCESSFUL CAREER IN THE PRIVATE SECTOR, ACTED UPON THE COURAGE OF HIS CONVICTIONS AND ENTERED THE WORLD OF POLITICS AND PUBLIC SERVICE AS GOVERNOR OF CALIFORNIA;

WHEREAS, RONALD REAGAN WAS EXTRAORDINARILY SUCCESSFUL AT COMMUNICATING HIS VISION TO THE AMERICAN PEOPLE, IN WORDS SUCH AS THESE FROM HIS FIRST INAUGURAL ADDRESS AS GOVERNOR OF CALIFORNIA:

WE ARE A HUMANE AND GENEROUS PEOPLE AND WE ACCEPT WITHOUT RESERVATION OUR OBLIGATION TO HELP THE AGED, DISABLED, AND THOSE UNFORTUNATES WHO, THROUGH NO FAULT OF THEIR OWN, MUST DEPEND ON THEIR FELLOW MAN. BUT WE ARE NOT GOING TO PERPETUATE POVERTY BY SUBSTITUTING A PERMANENT DOLE FOR A PAYCHECK. THERE IS NO HUMANITY OR CHARITY IN DESTROYING SELF-RELIANCE, DIGNITY, AND SELF-RESPECT . . . THE VERY SUBSTANCE OF MORAL FIBER . .

AND;

WHEREAS, DURING HIS CAREER AS A PUBLIC SERVANT, RONALD REAGAN WAS UNAFRAID TO DO BATTLE ON THE GREAT ISSUES OF HIS TIME AND, IN THE WORDS OF THEODORE ROOSEVELT, ENTER THE ARENA, STRIVE VALIANTLY, AND SPEND HIMSELF FOR A WORTHY CAUSE; AND

WHEREAS, RONALD REAGAN, AS ALL GREAT AMERICAN PRESIDENTS, USED THE POWER OF THE PRESIDENCY AS HE DEEMED BEST TO INVIGORATE OUR ECONOMY, PUT AMERICANS TO WORK, HONOR OUR OBLIGATION TO THOSE WHO NEED HELP, AND INSPIRE ALL AMERICANS TO SEEK A MORE PERFECT UNION;

WHEREAS, RONALD REAGAN'S LEADERSHIP, WITH THE SUPPORT OF THE AMERICAN PEOPLE, HELPED TO END THE COLD WAR, SET MANY NATIONS ON A PATH TO FREEDOM AND DEMOCRACY, AND PROMOTED GREATER PEACE AND STABILITY TO MANY REGIONS OF THE WORLD;

NOW, THEREFORE, BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE HEREBY RECOGNIZES AND HONORS OUR FORTIETH PRESIDENT, RONALD WILSON REAGAN, IN THIS MONTH OF HIS NINETIETH BIRTHDAY.

SENATORS ROACH AND BENTON SPOKE TO SENATE RESOLUTION 2001-8618.

MOTION

AT 12:07 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 12:00 NOON, MONDAY, FEBRUARY 19, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

FORTIETH DAY, FEBRUARY 16, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

FORTY-THIRD DAY

NOON SESSION

SENATE CHAMBER, OLYMPIA, MONDAY, FEBRUARY 19, 2001
THE SENATE WAS CALLED TO ORDER AT 12:00 NOON BY PRESIDENT OWEN. NO ROLL CALL WAS TAKEN.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

REPORTS OF STANDING COMMITTEES

FEBRUARY 16, 2001

SB 5292 PRIME SPONSOR, SENATOR T. SHELDON: MODIFYING THE DEFINITION OF A MAJOR PUBLIC ENERGY PROJECT.
REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5292 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; HALE, HONEYFORD, McDONALD AND MORTON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 16, 2001

SB 5367 PRIME SPONSOR, SENATOR FRASER: CHANGING COMPETITIVE GRANT REQUIREMENTS FOR COMMUNITY MOBILIZATION PROGRAMS. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 16, 2001

SB 5417 PRIME SPONSOR, SENATOR PATTERSON: CHANGING PROVISIONS RELATING TO OPIATE SUBSTITUTION TREATMENT PROGRAMS. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5417 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 16, 2001

SB 5454 PRIME SPONSOR, SENATOR LONG: REVISING PROVISIONS RELATING TO THE JUVENILE OFFENDER BASIC TRAINING CAMP PROGRAM. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 16, 2001

SB 5470 PRIME SPONSOR, SENATOR LONG: PROVIDING SERVICES FOR PERSONS TWENTY YEARS OF AGE WHO ARE OR WHO HAVE BEEN IN FOSTER CARE. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 15, 2001

SB 5835 PRIME SPONSOR, SENATOR FINKBEINER: REMOVING THE EXPIRATION DATE ON EMERGENCY ADMINISTRATION OF EPINEPHRINE. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

INTRODUCTION AND FIRST READING

SB 6072 BY SENATORS SWECKER AND T. SHELDON

AN ACT RELATING TO PAYMENT RESPONSIBILITY FOR UTILITY SERVICE; AND AMENDING RCW 35.21.290, 35.67.200, 36.94.150, 57.08.081, AND 80.28.010.
REFERRED TO COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS.

SB 6073 BY SENATORS HOCHSTATTER, MORTON, ROSSI AND McDONALD

AN ACT RELATING TO EMPLOYEES AT THE UNIVERSITY OF WASHINGTON ENROLLED AS UNDERGRADUATE AND GRADUATE STUDENTS; ADDING A NEW SECTION TO CHAPTER 41.56 RCW; PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY.
REFERRED TO COMMITTEE ON HIGHER EDUCATION.

SB 6074 BY SENATORS THIBAudeau AND WINSLEY (BY REQUEST OF DEPARTMENT OF SOCIAL AND HEALTH SERVICES)

AN ACT RELATING TO CLARIFYING THE LEGISLATURE'S INTENT REGARDING THE DISTINCTION BETWEEN THE FEE-FOR-SERVICE AND MANAGED CARE METHODS OF PAYING FOR AND DELIVERING HEALTH CARE SERVICES TO CLIENTS ELIGIBLE UNDER CHAPTER 74.09 RCW; REENACTING AND AMENDING RCW 74.09.522; CREATING NEW SECTIONS; AND DECLARING AN EMERGENCY.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 6075 BY SENATORS WINSLEY, PRENTICE AND RASMUSSEN

AN ACT RELATING TO PRESERVATION OF FEDERALLY ASSISTED HOUSING BY NONPROFIT ORGANIZATIONS; CREATING NEW SECTIONS; AND PROVIDING AN EXPIRATION DATE.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 6076 BY SENATORS KLINE, McCASLIN, OKE, T. SHELDON, SNYDER, HARGROVE AND RASMUSSEN (BY REQUEST OF DEPARTMENT OF FISH AND WILDLIFE)

AN ACT RELATING TO LAW ENFORCEMENT OFFICERS OF THE DEPARTMENT OF FISH AND WILDLIFE; AND AMENDING RCW 10.93.020, 10.93.140, AND 77.12.055.
REFERRED TO COMMITTEE ON JUDICIARY.

SB 6077 BY SENATORS PRENTICE, WINSLEY AND SWECKER

AN ACT RELATING TO AUTHORIZING THE GOVERNOR TO ENTER INTO TAX COMPACTS WITH UP TO THREE FEDERALLY RECOGNIZED TRIBES ON A PILOT BASIS; ADDING A NEW SECTION TO CHAPTER 82.02 RCW; ADDING A NEW SECTION TO CHAPTER 82.04 RCW; ADDING A NEW SECTION TO CHAPTER 82.08 RCW; ADDING A NEW SECTION TO CHAPTER 82.12 RCW; ADDING A NEW SECTION TO CHAPTER 82.16 RCW; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6078 BY SENATOR THIBAudeau (BY REQUEST OF INSURANCE COMMISSIONER KREIDLER)

AN ACT RELATING TO MEDICARE BENEFICIARY ELIGIBILITY FOR HEALTH SERVICES; AMENDING RCW 48.66.130; AND ADDING A NEW SECTION TO CHAPTER 48.66 RCW.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 6079 BY SENATORS WEST AND OKE

AN ACT RELATING TO INCREASING THE WAGES OF LONG-TERM NONLICENSED DIRECT CARE WORKERS; ADDING NEW SECTIONS TO CHAPTER 74.39A RCW; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 6080 BY SENATOR PRENTICE

AN ACT RELATING TO UPDATING AND HARMONIZING FIREWORKS AND EXPLOSIVES LAWS; AMENDING RCW 70.74.010, 70.74.180, 70.74.191, 70.74.400, 70.77.126, 70.77.131, 70.77.136, 70.77.141, 70.77.160, 70.77.170, 70.77.180, 70.77.200, 70.77.205, 70.77.210, 70.77.215, 70.77.230, 70.77.236, 70.77.250, 70.77.255, 70.77.270, 70.77.305, 70.77.311, 70.77.315, 70.77.330, 70.77.335, 70.77.340, 70.77.343, 70.77.381, 70.77.395, 70.77.401, 70.77.405, 70.77.420, 70.77.425, 70.77.435, 70.77.440, 70.77.495, 70.77.510, 70.77.515, 70.77.517, 70.77.520, 70.77.535, 70.77.555, 70.77.575, AND 70.77.580; ADDING NEW SECTIONS TO CHAPTER 70.77 RCW; AND PRESCRIBING PENALTIES.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 6081 BY SENATOR McDONALD (BY REQUEST OF DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)

AN ACT RELATING TO DEVELOPMENTAL DISABILITIES ENDOWMENT; AMENDING RCW 43.330.195, 43.330.200, 43.330.205, 43.330.210, AND 43.330.220; ADDING A NEW SECTION TO CHAPTER 43.330 RCW; AND ADDING NEW SECTIONS TO CHAPTER 43.131 RCW.
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6082 BY SENATORS PATTERSON, ROACH, HORN, HALE, FAIRLEY, HAUGEN, KLINE, MCCASLIN, PRENTICE, GARDNER, T. SHELDON AND WEST

AN ACT RELATING TO THE ESTABLISHMENT OF A DRUG UTILIZATION REVIEW PROGRAM AND A DRUG PRIOR AUTHORIZATION PROGRAM UNDER THE MEDICAL ASSISTANCE PROGRAM; AMENDING RCW 74.09.010; ADDING NEW SECTIONS TO CHAPTER 74.09 RCW; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SJM 8018 BY SENATORS HARGROVE AND SWECKER

REQUESTING THE GOVERNOR TO WORK TO REDUCE THE DIVORCE RATE.

REFERRED TO COMMITTEE ON HUMAN SERVICES AND CORRECTIONS.

SCR 8410 BY SENATORS T. SHELDON, ROSSI AND B. SHELDON

STUDYING WIRELESS COMMUNICATION.

REFERRED TO COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS.

MOTION

AT 12:01 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 12:00 NOON, TUESDAY, FEBRUARY 20, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

FORTY-THIRD DAY, FEBRUARY 19, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

FORTY-FOURTH DAY

NOON SESSION

SENATE CHAMBER, OLYMPIA, TUESDAY, FEBRUARY 20, 2001
THE SENATE WAS CALLED TO ORDER AT 12:00 NOON BY PRESIDENT OWEN. NO ROLL CALL WAS TAKEN.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

REPORTS OF STANDING COMMITTEES

FEBRUARY 19, 2001
SB 5350 PRIME SPONSOR, SENATOR PATTERSON: AUTHORIZING THE MILITARY DEPARTMENT TO DISPOSE AT PUBLIC BID OF THE STATE ARMORY KNOWN AS THE PIER 91 PROPERTY AND ACQUIRE REPLACEMENT PROPERTY AND IMPROVEMENTS. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5350 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS PATTERSON, CHAIR; GARDNER, HALE, HAUGEN, HORN, ROACH, T. SHELDON AND SWECKER.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATORS FAIRLEY, VICE CHAIR AND MCCASLIN.

REFERRED COMMITTEE ON WAYS AND MEANS.

FEBRUARY 19, 2001
SB 5452 PRIME SPONSOR, SENATOR T. SHELDON: CLARIFYING THE COST BURDEN FOR UTILITY RELOCATION. REPORTED BY COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5452 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS T. SHELDON, CHAIR; B. SHELDON, VICE CHAIR; FAIRLEY, FINKBEINER, MCCASLIN, ROSSI AND STEVENS.

MINORITY RECOMMENDATION: DO NOT PASS SUBSTITUTE. SIGNED BY SENATOR HAUGEN.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 16, 2001
SB 5497 PRIME SPONSOR, SENATOR RASMUSSEN: EXCLUDING FARM AND AGRICULTURAL LAND FROM FOREST LAND UNDER THE FOREST PRACTICES ACT. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5497 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SNYDER AND SPANEL.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 16, 2001
SB 5498 PRIME SPONSOR, SENATOR RASMUSSEN: PROVIDING FARMERS WITH SALES AND USE TAX EXEMPTIONS FOR PROPANE AND WOOD SHAVINGS. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SNYDER AND SWECKER.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 19, 2001

SB 5556 PRIME SPONSOR, SENATOR T. SHELDON: PROTECTING PUBLIC ASSETS FROM POLITICAL USE. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5556 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, HORN, MCCASLIN, ROACH, T. SHELDON AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 16, 2001

SB 5668 PRIME SPONSOR, SENATOR RASMUSSEN: EXEMPTING FARMING MACHINERY AND EQUIPMENT FROM THE STATE PROPERTY TAX. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SNYDER AND SWECKER.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 16, 2001

SB 5734 PRIME SPONSOR, SENATOR HALE: MODIFYING REQUIREMENTS TO RECEIVE STATE ALLOCATIONS FOR AN AGRICULTURAL FAIR. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5734 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SPANEL AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 16, 2001

SJM 8016 PRIME SPONSOR, SENATOR SHIN: EMPHASIZING FREE AND FAIR TRADE OF AQUACULTURE PRODUCTS BETWEEN THE UNITED STATES AND CANADA. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SNYDER AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 19, 2001

SJR 8206 PRIME SPONSOR, SENATOR HARGROVE: REQUIRING A GEOGRAPHIC DISTRIBUTION OF INITIATIVE PETITION SIGNATURES. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 8206 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE JOINT RESOLUTION DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS PATTERSON, CHAIR; GARDNER, HALE, HAUGEN, HORN, MCCASLIN, T. SHELDON AND SWECKER.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATOR ROACH.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

INTRODUCTION AND FIRST READING

SB 6083 BY SENATOR HOCHSTATTER

AN ACT RELATING TO RECREATIONAL VEHICLES TOWING TRAILERS; AND AMENDING RCW 46.25.050.

REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 6084 BY SENATOR GARDNER

AN ACT RELATING TO PROVIDING WEAPONS AND TRAINING FOR LIQUOR ENFORCEMENT OFFICERS; AMENDING RCW 66.44.010; AND ADDING A NEW SECTION TO CHAPTER 66.44 RCW.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 6085 BY SENATORS GARDNER AND HARGROVE

AN ACT RELATING TO STATE CERTIFICATION AND TRAINING FOR LIQUOR CONTROL BOARD OFFICERS; AMENDING RCW 66.44.010 AND 43.101.010; ADDING A NEW SECTION TO CHAPTER 43.101 RCW; AND ADDING A NEW SECTION TO CHAPTER 66.44 RCW.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 6086 BY SENATOR SNYDER

AN ACT RELATING TO PERSONAL USE SHELLFISH AND SEAWEED LICENSES; AND AMENDING RCW 77.32.520.
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

SB 6087 BY SENATORS MORTON AND OKE

AN ACT RELATING TO ENERGY FACILITIES; AND AMENDING RCW 80.50.020.
REFERRED TO COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

SB 6088 BY SENATOR HEWITT

AN ACT RELATING TO DIVERTING FUNDS COLLECTED BY THE AGRICULTURAL BURNING PRACTICES AND RESEARCH TASK FORCE TO DEVELOP A MANUFACTURING FACILITY PROGRAM; AMENDING RCW 70.94.650; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

SB 6089 BY SENATORS JACOBSEN, OKE, KOHL-WELLES AND RASMUSSEN

AN ACT RELATING TO STUDYING METHODS FOR CALCULATING WATER-DEPENDENT LEASE RATES FOR MARINAS ON STATE-OWNED AQUATIC LANDS; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

SB 6090 BY SENATORS LONG, KLINE AND MCCASLIN

AN ACT RELATING TO ASSAULT IN THE THIRD DEGREE; AND AMENDING RCW 9A.36.031.
REFERRED TO COMMITTEE ON JUDICIARY.

SB 6091 BY SENATORS KOHL-WELLES AND OKE

AN ACT RELATING TO THE BLANKET PRIMARY; AND AMENDING RCW 29.18.200, 29.30.081, 29.42.010, 29.62.010, AND 29.62.090.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 6092 BY SENATORS KOHL-WELLES, COSTA AND OKE (BY REQUEST OF DEPARTMENT OF REVENUE)

AN ACT RELATING TO THE EXEMPTION FROM TAXATION OF HOUSING FOR VERY LOW-INCOME HOUSEHOLDS; AMENDING RCW 84.36.560; AND REENACTING AND AMENDING RCW 84.36.805.
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6093 BY SENATORS STEVENS, LONG, COSTA AND OKE

AN ACT RELATING TO A BLENDED FUNDING DEMONSTRATION PROJECT TO PROVIDE SERVICES TO DISTURBED YOUTH; ADDING A NEW CHAPTER TO TITLE 74 RCW; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY. REFERRED TO COMMITTEE ON HUMAN SERVICES AND CORRECTIONS.

SB 6094 BY SENATORS HOCHSTATTER AND STEVENS

AN ACT RELATING TO INFORMATION ON EDUCATION ALTERNATIVES; AND ADDING A NEW SECTION TO CHAPTER 28A.320 RCW. REFERRED TO COMMITTEE ON EDUCATION.

SJM 8019 BY SENATORS RASMUSSEN, PARLETTE, SPANEL AND OKE

PETITIONING THE SECRETARY OF AGRICULTURE TO REVIEW CERTAIN POLICIES OF THE CONSERVATION RESERVE ENHANCEMENT PROGRAM.

REFERRED TO COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE.

SJR 8217 BY SENATORS FRANKLIN, WINSLEY, KOHL-WELLES, THIBAudeau, PRENTICE, RASMUSSEN AND REGALA

ALLOWING DELEGATION OF LEGISLATIVE REGULATION OF MEDICINE.

REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

MOTION

AT 12:01 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 10:00 A.M., WEDNESDAY, FEBRUARY 21, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

FORTY-FOURTH DAY, FEBRUARY 20, 2001

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

FORTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 21, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Gardner.

The Sergeant at Arms Color Guard consisting of Pages Jackie Lopez and Kyle Ferris, presented the Colors. Major Charles Gillies, Jr. of the Salvation Army in Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

February 20, 2001

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1000,
SUBSTITUTE HOUSE BILL NO. 1001,
HOUSE BILL NO. 1036,
HOUSE BILL NO. 1040,
HOUSE BILL NO. 1055,
HOUSE BILL NO. 1069,
HOUSE BILL NO. 1071,
HOUSE BILL NO. 1095,
HOUSE BILL NO. 1098,
ENGROSSED HOUSE BILL NO. 1099,
SUBSTITUTE HOUSE BILL NO. 1125,
HOUSE BILL NO. 1205,
HOUSE BILL NO. 1309,
HOUSE JOINT RESOLUTION NO. 4202, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6095 by Senators Regala and McCaslin

AN ACT Relating to street vacations; and amending RCW 35.79.010 and 35.79.030.
Referred to Committee on State and Local Government.

SB 6096 by Senators Rasmussen and Winsley

AN ACT Relating to the operation and regulation of utilities by a city or town; and amending RCW 35A.47.040 and 36.94.180.
Referred to Committee on State and Local Government.

SB 6097 by Senators Winsley and Rasmussen

AN ACT Relating to joint powers of public agencies; and amending RCW 39.34.030.
Referred to Committee on State and Local Government.

SB 6098 by Senators Constantine, Brown, Prentice, Costa, Spanel, Kline, Carlson, Franklin and Kohl-Welles

AN ACT Relating to studying Washington's tax structure; and creating a new section.
Referred to Committee on Ways and Means.

SB 6099 by Senators Morton, Hale, Stevens, Long, Oke, Hewitt, Honeyford, Sheahan, Zarelli, Rossi, West, Roach and T. Sheldon

AN ACT Relating to electric utility sales and use tax exemptions; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.
Referred to Committee on Environment, Energy and Water.

SB 6100 by Senators Eide, Prentice, Winsley and Kohl-Welles

AN ACT Relating to the use of a mobile telephone while operating a motor vehicle; adding a new section to chapter 46.61 RCW; creating a new section; prescribing penalties; and providing an effective date.
Referred to Committee on Transportation.

SB 6101 by Senators Eide, McAuliffe, Haugen, Fairley, Prentice, Spanel, Kline, Winsley and Kohl-Welles

AN ACT Relating to accident reports; and amending RCW 46.52.030.
Referred to Committee on Transportation.

SB 6102 by Senators Gardner and Haugen

AN ACT Relating to a joint safety rest area demonstration project; amending RCW 47.12.125 and 47.12.244; adding a new section to chapter 47.38 RCW; and creating a new section.
Referred to Committee on Transportation.

SB 6103 by Senators Prentice, Kline, Kohl-Welles, Regala, Fairley and Spanel

AN ACT Relating to establishing a funding source for local and state-administered low-income housing projects; and adding a new section to chapter 82.45 RCW.
Referred to Committee on Ways and Means.

SB 6104 by Senators Kline, Constantine, Costa and Kohl-Welles

AN ACT Relating to limiting exemptions from animal cruelty in the second degree; amending RCW 16.52.185; and adding a new section to chapter 16.52 RCW.
Referred to Committee on Agriculture and International Trade.

SB 6105 by Senators Patterson and McCaslin

AN ACT Relating to costs of primaries; and adding a new section to chapter 29.18 RCW.
Referred to Committee on State and Local Government.

SB 6106 by Senators Patterson, Carlson and McCaslin

AN ACT Relating to changing the partisan primary to a preliminary election if the major political parties do not pass party rules that agree to a blanket primary; amending RCW 29.01.160, 29.15.150, 29.15.160, 29.15.190, 29.15.210, 29.15.220, 29.15.230, 29.18.150, 29.18.160, 29.18.200, 29.27.020, 29.30.085, 29.30.095, 29.30.101, 29.42.010, 29.42.020, 29.42.050, 29.62.010, 29.68.080, 29.68.100, 29.68.120, and 29.68.130; adding new sections to chapter 29.01 RCW; adding a new section to chapter 29.15 RCW; and adding a new section to chapter 29.18 RCW.
Referred to Committee on State and Local Government.

SJM 8020 by Senators Hewitt, Sheahan, Morton, Hochstatter, Johnson, Roach and Stevens

Requesting support to combat Douglas fir bark beetles.

Referred to Committee on Natural Resources, Parks and Shorelines.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1000 by House Committee on Capital Budget (originally sponsored by Representatives Murray, Alexander, Ogden, Schoesler, Armstrong, Linville and McIntire) (by request of Public Works Board)

Managing capital facility projects by the public works board.

Referred to Committee on Ways and Means.

SHB 1001 by House Committee on Capital Budget (originally sponsored by Representatives Alexander, Murray, Armstrong, Hatfield, Dickerson, Linville, Kenney, Simpson, McIntire, Edmonds, Keiser, Schual-Berke, Ogden and Fromhold) (by request of Public Works Board)

Authorizing projects recommended by the public works board.

Referred to Committee on Ways and Means.

HB 1036 by Representatives Benson and Hatfield (by request of Department of Financial Institutions)

Investigating alien banks.

Referred to Committee on Labor, Commerce and Financial Institutions.

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

Authorizing crime victims' compensation benefits in hit-and-run vehicular assault cases.

Referred to Committee on Judiciary.

HB 1055 by Representatives Haigh and Eickmeyer

Exempting certain leasehold interests from leasehold excise tax.

Referred to Committee on Ways and Means.

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

Modifying the health professions' appointment of pro tem members.

Referred to Committee on Health and Long-Term Care.

HB 1071 by Representatives Doumit, Buck, Sump, Ogden and Dunn (by request of Salmon Recovery Funding Board)

Adjusting deadlines for salmon recovery grant applications.

Referred to Committee on Natural Resources, Parks and Shorelines.

HB 1095 by Representatives Mitchell, Fisher and Hankins (by request of Department of Transportation)

Updating oversize load permits.

Referred to Committee on Transportation.

HB 1098 by Representatives Fisher, Woods, McIntire, Haigh, Edwards and Linville (by request of Department of Transportation)

Improving the effectiveness of the commute trip reduction program.

Referred to Committee on Transportation.

EHB 1099 by Representatives Santos, Benson, Tokuda, Bush, DeBolt, Hatfield and McIntire

Outlining requirements for the operation of a PACE program in Washington state.

Referred to Committee on Labor, Commerce and Financial Institutions.

SHB 1125 by House Committee on Finance (originally sponsored by Representatives Cairnes, Morris and Esser)

Limiting the combined sales tax rate on lodging.

Referred to Committee on Ways and Means.

HB 1205 by Representatives Keiser, DeBolt, Barlean, Simpson and Santos (by request of Department of Financial Institutions)

Licensing and regulation of consumer loan companies.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1309 by Representatives Edwards, Van Luven, Cody, Skinner, Schual-Berke, O'Brien, Reardon, Mulliken, Dunshee, Pennington, Rockefeller, Eickmeyer, Ruderman, Darneille, Fromhold, Wood, Cooper, Hatfield, Linville, Grant, Keiser, Kenney, McIntire, Campbell, Edmonds and Kagi

Establishing training standards for hemodialysis technicians.

Referred to Committee on Health and Long-Term Care.

HJR 4202 by Representatives H. Sommers, Sehlin, Benson, Hatfield and McIntire (by request of State Investment Board)

Investing state investment board funds.

Referred to Committee on Labor, Commerce and Financial Institutions.

MOTION

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

SENATE RESOLUTION 2001-8619

By Senators Kastama, Rasmussen, Johnson, Snyder, Fairley, Spanel, Fraser, Kohl-Welles, Regala, Sheldon, B., and McAuliffe

WHEREAS, It is the policy of the Washington State Senate to recognize the outstanding contributions of our residents; and

WHEREAS, Dr. Frank B. Brouillet--affectionately known by colleagues, friends, and citizens of this state as "Buster"--was a lifelong public servant and The Voice of and for education in this state during the Sixties, Seventies, and Eighties who died January 20, 2001, after an eight-year battle with leukemia; and

WHEREAS, He devoted his political and professional life to upholding the paramount duty of the Washington State Constitution--i.e., to provide ample education for all children residing within its borders, without distinction or preference on account of race, color, caste, or sex; and

WHEREAS, As a lifelong resident of Puyallup, Buster graduated from Puyallup High School in 1946, and after college at the University of Puget Sound and military service to his country in Alaska, returned to Puyallup to teach at his alma mater high school in 1955 before he launched his political career in 1956; and

WHEREAS, During his sixteen-years as a member of the State House of Representatives, where he specialized in education legislation and appropriations, he became respected and known by his colleagues on both sides of the aisle as "Mr. Education" and is remembered best for his four terms (eight years) as Chair of the Joint Committee on Education, a very active House-Senate interim committee of the Sixties; and

WHEREAS, Upon announcing his intention to run for the non-partisan office of Superintendent of Public Instruction, a statewide position constitutionally charged with supervision over all matters pertaining to public schools, many of his legislative colleagues from both sides of the aisle, in respect for the bipartisan manner, enthusiastically endorsed and worked for his election; and

WHEREAS, Buster then served four terms as Superintendent of Public Instruction and is credited with providing leadership for altering our state's working definition of "equal education for all". This standardized curriculum for all students is now our state's current educational policy of providing extra help for those students who otherwise would not obtain their educational goals and also provides an alternative curriculum for those students who would be a certain high risk for failure. Our current remediation, gifted, bilingual, vocational skills, and special education programs are prime examples of Buster's legacy in our state's education system; and

WHEREAS, Upon his departure from the office, this Chamber--in recognition of his distinguished years of advocacy for our children, for the educators who served our children, and for the Legislature's role in improving the quality of education in this state--bestowed upon him the lifelong title of Superintendent of Public Instruction Emeritus. While many assumed that Buster then would seek a less public, less stressful, and more senior citizen type lifestyle, he surprised all by accepting the Presidency of Pierce College and, to the delight of his constituency from the Twenty-fifth Legislative District that launched his political career, he led the way and presided over the establishment of Pierce College's Puyallup campus; and

WHEREAS, As Superintendent of Public Instruction, Buster played an integral role in opening China to the West during President Nixon's administration and continued, after leaving that office, as director of the Pacific Rim Center, initially at the University of Washington, Seattle campus and later at the Tacoma campus,

providing educational exchange opportunities for educators, students, and statesmen--American and Chinese; and

WHEREAS, Buster, when asked to return to serve the University of Washington, Tacoma campus as interim director of the education department and its professional preparation program during an administrative difficulty, he not only unhesitatingly did so, but felt it was time to give back to the citizens of this state for the bestowed honor to serve his state in so many important positions and refused to accept more than a small amount of pay; and

WHEREAS, When called by our Governor to provide additional unpaid public service to the citizens of this state as a member of the Higher Education Coordinating Board, he again unhesitatingly did so and was well prepared for the assignment. He had written his University of Washington doctoral dissertation on the governance and coordination of higher education and was an active participant as a legislator in the many governance and articulation issues related to the separation of community colleges from the K-12 system;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate, on behalf of the people of our state, do hereby recognize the outstanding contribution and commitment of Dr. Frank "Buster" Brouillet to improving all levels of education in this state and do hereby acknowledge he did so unselfishly for the benefit of the people of Washington; and

BE IT FURTHER RESOLVED, That we gratefully acknowledge Buster's assistance in, and appreciation for, the legislative process in the making of educational policy and for his kind behind the scene persuasion when he believed we were about to err on an education matter; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Frank "Buster" Brouillet's family members, including his wife, Marge'; his two sons, Marc and Blair; and his grandchildren; and to the following with a request that it be appropriately displayed for public viewing: Office of Superintendent of Public Instruction, Puyallup High School, Pierce College, University of Puget Sound, University of Washington, Seattle and Tacoma, and Frank "Buster" Brouillet Elementary School.

Senators Kastama, Rasmussen, McAuliffe, Thibaudeau, Winsley, Snyder, Kohl-Welles and Fraser spoke to Senate Resolution 2001-8619.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Frank "Buster" Brouillet family--his wife Marge'; his son, Marc; his daughter in law Tami; and his grandchildren Jordan and Brooke; who were seated in the gallery.

The President also welcomed and introduced former Senator Marc Gaspard, who was seated with the family in the gallery.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

February 19, 2001

SB 5033 Prime Sponsor, Senator Fairley: Revising employee personnel file inspection provisions. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5033 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hochstatter, Honeyford and West.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5081 Prime Sponsor, Senator Haugen: Requiring a permit from the department of fish and wildlife to operate a facility that cares for or rehabilitates wild animals. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5081 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5100 Prime Sponsor, Senator Fraser: Expediting the processing of pending applications relating to existing water rights. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5100 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Jacobsen and Patterson.

MINORITY Recommendation: Do not pass. Signed by Senator Morton.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5127 Prime Sponsor, Senator Prentice: Determining the number of unclassified personnel in the sheriff's office. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5128 Prime Sponsor, Senator Swecker: Removing limitation on prescription medications for industrial injuries. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5128 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5135 Prime Sponsor, Senator Kastama: Applying the consumer protection act to manufactured/mobile home landlord-tenant act violations. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hochstatter, Honeyford and West.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5137 Prime Sponsor, Senator Fairley: Creating a low-income home ownership loan program. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5137 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Honeyford, Patterson, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Referred to Committee on Ways and Means.

February 19, 2001

SB 5184 Prime Sponsor, Senator Thibaudeau: Reporting investigations of vulnerable adult abuse. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5184 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5209 Prime Sponsor, Senator T. Sheldon: Allowing federally recognized Indian tribes to buy surplus real property from the department of transportation. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5210 Prime Sponsor, Senator T. Sheldon: Modifying the taxation of certain leasehold interests. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fraser, Hewitt, Long, Parlette, Rasmussen, Regala, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5218 Prime Sponsor, Senator Eide: Regulating the sale, distribution, and installation of air bags. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5218 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice and Shin.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5224 Prime Sponsor, Senator Prentice: Redeveloping King Street railroad station. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5224 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5263 Prime Sponsor, Senator Snyder: Changing provisions relating to employment rights of members of reserve and national guard forces. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5263 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Hochstatter, Honeyford, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5264 Prime Sponsor, Senator Prentice: Prohibiting public employers from firing employees to avoid providing benefits. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Referred to Committee on Ways and Means.

February 19, 2001

SB 5295 Prime Sponsor, Senator Jacobsen: Creating the Washington wildlife conservation foundation. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5295 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Oke and Snyder.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5333 Prime Sponsor, Senator Honeyford: Concerning preliminary permits for water closed to diversions due to a federal moratorium. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald, Morton and Patterson.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5364 Prime Sponsor, Senator Horn: Modifying drivers' license and identocard provisions. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5364 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5374 Prime Sponsor, Senator Constantine: Imposing criminal penalties and sanctions for the unauthorized sale of baby food, infant formula, cosmetics, personal care products, nonprescription drugs, or medical devices. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5377 Prime Sponsor, Senator Gardner: Marking the gross weight on certain vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5385 Prime Sponsor, Senator Kastama: Modifying educational service districts' borrowing authority. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5386 Prime Sponsor, Senator Kastama: Regarding educational service districts' superintendent review committees. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5386 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Hewitt, Hochstatter, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen and Regala.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5387 Prime Sponsor, Senator Kastama: Including educational service districts in school district provisions. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Hochstatter, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5390 Prime Sponsor, Senator Constantine: Clarifying tax exemptions for sale or use of orthotic devices. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5396 Prime Sponsor, Senator Prentice: Restricting the investment of insurers in depository institutions or any company which controls a depository institution. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5412 Prime Sponsor, Senator Fraser: Developing standards to process applications for a water right, transfer, or change. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5412 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald, Morton and Patterson.

Referred to Committee on Ways and Means.

February 19, 2001

SB 5430 Prime Sponsor, Senator Costa: Requiring insurers to provide coverage for cranial hair prostheses. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser and Winsley.

Referred to Committee on Ways and Means.

February 20, 2001

SB 5434 Prime Sponsor, Senator Oke: Removing the photo requirement for special identification cards for persons issued disabled parking permits. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5434 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Finkbeiner, Horn, Jacobsen, McAuliffe, Oke, Patterson, Prentice and Shin.

MINORITY Recommendation: Do not pass. Signed by Senator Kastama.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5442 Prime Sponsor, Senator Snyder: Allowing the use of certain salmon fishing gear with an experimental fishery permit. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5442 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5491 Prime Sponsor, Senator Kline: Revising small claims proceedings. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Kastama, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5493 Prime Sponsor, Senator Jacobsen: Modifying distributions from the youth athletic facility account. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5495 Prime Sponsor, Senator Jacobsen: Modifying the appointment process for members of the community outdoor athletic fields advisory council. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5528 Prime Sponsor, Senator McAuliffe: Requiring policies prohibiting harassment, intimidation, and bullying on school grounds and at school activities. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5528 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Prentice, Rasmussen and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5534 Prime Sponsor, Senator Eide: Regulating pesticide use in schools. Reported by Committee on Education

MAJORITY Recommendation: That it be referred to Committee on Agriculture and International Trade without Recommendation. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Hochstatter, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

Referred to Committee on Agriculture and International Trade.

February 19, 2001

SB 5543 Prime Sponsor, Senator Kastama: Improving student safety. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5543 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5572 Prime Sponsor, Senator Snyder: Authorizing Crimestoppers signs in view of specified highway systems. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5572 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5582 Prime Sponsor, Senator Roach: Authorizing the conditional employment of teachers with lapsed certificates. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Hochstatter, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5587 Prime Sponsor, Senator Rasmussen: Providing tax exemptions for fish products and recreation services. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Referred to Committee on Ways and Means.

February 19, 2001

SB 5592 Prime Sponsor, Senator Kastama: Making a technical amendment regarding the motor vehicle excise tax. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5637 Prime Sponsor, Senator Jacobsen: Creating a program of watershed health monitoring and assessments. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5637 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5654 Prime Sponsor, Senator Prentice: Licensing insurance agents, brokers, solicitors, and adjusters. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5694 Prime Sponsor, Senator Winsley: Establishing a certification program for mobile home park managers. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Patterson, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5697 Prime Sponsor, Senator Roach: Modifying missing persons record retention policies. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5699 Prime Sponsor, Senator Carlson: Modifying the Washington state scholars program. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5702 Prime Sponsor, Senator Snyder: Changing taxation of forest lands. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5702 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5725 Prime Sponsor, Senator Spanel: Authorizing the department of revenue to issue direct pay permits. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5767 Prime Sponsor, Senator Carlson: Granting property tax exemptions to certain nonprofit organizations. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5767 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

February 19, 2001

SB 5795 Prime Sponsor, Senator Thibaudeau: Providing for determination of disability for special parking privileges by advanced registered nurse practitioners. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5795 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Referred to Committee on Transportation.

February 19, 2001

SB 5821 Prime Sponsor, Senator Kohl-Welles: Providing a wage increase for direct care workers in long-term care service. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Referred to Committee on Ways and Means.

February 20, 2001

SB 5887 Prime Sponsor, Senator Kohl-Welles: Clarifying that certain technology transactions by institutions of higher education are exempt from state ethics requirements. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5903 Prime Sponsor, Senator Winsley: Changing physician license fees. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5919 Prime Sponsor, Senator Morton: Providing for the assessment of potential site locations for water storage projects. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5919 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald, Morton and Patterson.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5920 Prime Sponsor, Senator Constantine: Requiring the parks and recreation commission to have a record check performed on certain job applicants. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That the bill be referred to Committee on Judiciary without recommendation. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Referred to Committee on Judiciary.

February 19, 2001

SB 6020 Prime Sponsor, Senator Thibaudeau: Addressing access to dental care. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6020 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Referred to Committee on Ways and Means.

February 20, 2001

SB 6035 Prime Sponsor, Senator Kohl-Welles: Creating a college board job bank. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6035 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Jacobsen, McAuliffe and B. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senators Horn and Parlette.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 6059 Prime Sponsor, Senator Fraser: Restructuring the litter tax and a portion of the hazardous substance tax.
Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, McDonald, Morton and Patterson.

Referred to Committee on Ways and Means.

February 20, 2001

SB 6060 Prime Sponsor, Senator Fraser: Updating references for purposes of the hazardous substance tax.
Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, McDonald, Morton and Patterson.

Referred to Committee on Ways and Means.

February 19, 2001

SJM 8006 Prime Sponsor, Senator Jacobsen: Requesting fish passage modifications be made to the Leavenworth National Fish Hatchery. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SJM 8013 Prime Sponsor, Senator Fraser: Requesting Congress to restore the sales tax deduction for federal income taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 5264 was referred to the Committee on Ways and Means.

On motion of Senator Betti Sheldon, Senate Bill No. 5528 and Senate Bill No. 5637 were referred to the Committee on Rules.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5795 was referred to the Committee on Transportation.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 20, 2001

GA 9033 MARY PLACE, appointed September 22, 1999, for a term ending August 2, 2002, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Judiciary

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Thibaudeau and Zarelli.

Passed to the Committee on Rules.

February 20, 2001

GA 9144 EDWARD DELMORE, appointed October 24, 2000, for a term ending September 2, 2001, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Judiciary

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Thibaudeau and Zarelli.

Passed to the Committee on Rules.

MOTION

At 10:31 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:44 a.m. by President Pro Tempore Franklin.

MOTION

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

MOTION

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

SENATE RESOLUTION 2001-8623

By Senators Rasmussen, Johnson, Honeyford, Hewitt, Sheahan, Fraser, and Haugen

***WHEREAS, Washington produces one-third of all potatoes exported from the United States; and
WHEREAS, The state produced 170,000 acres of potatoes in 1999 and is first in the nation in per-acre yield; and***

WHEREAS, Washington State is the second-largest producer of potatoes in the United States with a farmgate value of nearly \$500 million; and

WHEREAS, Ninety percent of all potatoes grown in Washington are marketed out of the state, with a significant portion going to Asia and Latin America via the ports of Seattle and Tacoma; and

WHEREAS, Washington's potato industry generates \$3 billion in sales annually and adds approximately 28,000 jobs to the state economy; and

WHEREAS, Washington potato growers have won "environmentally friendly" national awards three years in a row for their efficient use of water and fertilizer; and

WHEREAS, The reputation of Washington's potatoes is such that they are also referred to as "Watatoes";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes the men and women in the state who have helped make Washington's potato industry as successful as it is, and thanks the Washington State Potato Commission for the opportunity to sample its product today in the Capitol Rotunda; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Pat Boss, Executive Director of the Washington State Potato Commission.

Senators Rasmussen, Hochstatter, Shin, Honeyford, Hale and Haugen spoke to Senate Resolution 2001-8623.

MOTION

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

SENATE RESOLUTION 2001-8622

By Senators Rasmussen, Johnson, Honeyford, Hewitt, Sheahan

WHEREAS, The Washington State Senate recognizes the outstanding contribution of the beef cattle industry to the state's economy; and

WHEREAS, The farm and value-added output of the beef cattle industry contribute more than \$1.6 billion to the state; and

WHEREAS, The agricultural commodity of beef cattle in Washington totals more than \$465 million; and

WHEREAS, Washington's beef cattle growers manage approximately 1.3 million head of cattle and calves annually; and

WHEREAS, Approximately 9,000 farmers and ranchers in Washington are employed as beef producers; and

WHEREAS, Americans support this industry by eating, pound for pound, more beef than any other meat;

NOW, THEREFORE, BE IT RESOLVED, That the hard work of the men and women who handle beef cattle is hereby recognized by the Washington State Senate; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Beef Commission and the Washington Cattlemen's Association.

Senators Rasmussen, Morton, Honeyford and Snyder spoke to Senate Resolution 2001-8622.

POINT OF INQUIRY

Senator West: "Senator Morton, the potato growers are serving baked potatoes in the rotunda today. We can take those home if we want or we can eat them here. Are the cattle guys going to give us whole cows or something to eat?"

Senator Morton: "Senator West, I assure you that they are out there growing our young calves. You see, we are right in the stage now where it is calving time--where our mother cows are now delivering. It is not an appropriate time to do that. We will look forward to something like that in the fall and we can have a barbeque."

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5453, by Senator Deccio

Authorizing an air pollution control officer to request a search warrant for investigative purposes.

The bill was read the second time.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5453 was referred to the Committee on Rules.

MOTION

At 11:53 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, February 22, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-FIFTH DAY, FEBRUARY 21, 2001

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

FORTY-SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 22, 2001
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 2001
SB 5132 Prime Sponsor, Senator Kastama: Establishing a do not call list for commercial telephone solicitation.
Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5132 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Fairley, Finkbeiner, Haugen, McCaslin and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001
SB 5143 Prime Sponsor, Senator Long: Modifying the Washington state patrol retirement system retirement and survivor benefits. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001
SB 5145 Prime Sponsor, Senator Long: Exempting trainers and trainees in housing authority resident training programs from membership in the public employees' retirement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001
SB 5146 Prime Sponsor, Senator Franklin: Reducing the law enforcement officers' and fire fighters' retirement system plan 2 disability actuarial reduction age from fifty-five to fifty-three. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5147 Prime Sponsor, Senator Winsley: Correcting statutes pertaining to the public employees' and school employees' retirement systems. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5151 Prime Sponsor, Senator Carlson: Increasing the number of hours that teachers' retirement system plan retirees may work in an eligible position to eight hundred forty without a reduction in their retirement benefits. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5153 Prime Sponsor, Senator Jacobsen: Converting the number of months into hours that teachers' retirement system, public employees' retirement system, and school employees' retirement system retirees may work without a reduction in their retirement allowance. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5196 Prime Sponsor, Senator Prentice: Including credit scores in the fair credit reporting act. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5196 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Hochstatter, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5301 Prime Sponsor, Senator Patterson: Specifying conditions for requiring examination of a driver. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5301 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5329 Prime Sponsor, Senator Costa: Allowing crime victims employment leave. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5329 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5361 Prime Sponsor, Senator Parlette: Regarding instream flows and trust water rights. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5361 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Jacobsen, McDonald, Morton and Patterson.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5372 Prime Sponsor, Senator Prentice: Authorizing cooperative agreements concerning the taxation of cigarette sales on Indian lands. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5372 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fraser, Hewitt, Honeyford, Kline, Long, Parlette, Rasmussen, Rossi, Sheahan, B. Sheldon, Snyder and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senator Regala.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5380 Prime Sponsor, Senator T. Sheldon: Reducing regulatory requirements on competitive telecommunications services and companies. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5380 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5400 Prime Sponsor, Senator T. Sheldon: Clarifying that the community economic revitalization board may make loans and grants to federally recognized Indian tribes. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5400 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Fairley, Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5480 Prime Sponsor, Senator Fairley: Creating the relative caregiver program. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5480 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Referred to Committee on Ways and Means.

February 20, 2001

SB 5506 Prime Sponsor, Senator Jacobsen: Using reinsurance to satisfy the requirements of maintaining a separate reserve fund. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5506 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5514 Prime Sponsor, Senator Spanel: Revising public facility district provisions. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5514 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Kline, McCaslin and Swecker.

Referred to Committee on Ways and Means.

February 21, 2001

SB 5537 Prime Sponsor, Senator Franklin: Regulating internet advertisement for adoption. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5537 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5555 Prime Sponsor, Senator Hale: Establishing a branch office of the department of community, trade, and economic development in eastern Washington. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Fairley, Finkbeiner, Haugen, McCaslin and Stevens.

Referred to Committee on Ways and Means.

February 20, 2001

SB 5577 Prime Sponsor, Senator Fairley: Enacting the civil service reform act of 2001. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Rasmussen, Regala, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hochstatter and Honeyford.

Referred to Committee on Ways and Means.

February 20, 2001

SB 5586 Prime Sponsor, Senator Fraser: Modifying provisions concerning how water resource inventory areas receive funds to conduct planning. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5586 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald, Morton and Patterson.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5605 Prime Sponsor, Senator Prentice: Regulating the investment limits of insurers in noninsurance subsidiaries. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5616 Prime Sponsor, Senator Patterson: Directing a state voters' pamphlet for primaries. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Haugen, Horn, Kline, Roach, T. Sheldon and Swecker.

Referred to Committee on Ways and Means.

February 20, 2001

SB 5620 Prime Sponsor, Senator T. Sheldon: Encouraging the development of advanced telecommunications services in rural areas. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5620 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Finkbeiner, Haugen, McCaslin and Stevens.

Referred to Committee on Ways and Means.

February 20, 2001

SB 5623 Prime Sponsor, Senator Prentice: Licensing surplus line brokers. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5647 Prime Sponsor, Senator Regala: Requiring new energy efficiency measures. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5647 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Jacobsen, McDonald, Morton and Patterson.

Referred to Committee on Ways and Means.

February 21, 2001

SB 5691 Prime Sponsor, Senator Costa: Adding a limitation on sealing of juvenile offender records. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5692 Prime Sponsor, Senator Costa: Creating youth courts. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5713 Prime Sponsor, Senator Honeyford: Changing provisions relating to seasonal or temporary transfer or changes by water users. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5713 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Hale, Honeyford, Jacobsen, McDonald, Morton and Patterson.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5728 Prime Sponsor, Senator Eide: Providing for temporary total disability compensation or medical aid benefits to be paid during appeal before the board of industrial insurance appeals. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Deccio, Hochstatter, Honeyford and West.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5799 Prime Sponsor, Senator T. Sheldon: Prescribing criminal penalties for fraudulently obtaining or using digital signatures and digital certificates. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Fairley, Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5813 Prime Sponsor, Senator Honeyford: Allowing restaurants and private clubs to sell wine for off-premises consumption. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5813 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5832 Prime Sponsor, Senator Haugen: Enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Hale, Horn, Kline, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for Second Reading.

February 21, 2001

SB 5833 Prime Sponsor, Senator Costa: Permitting legislative hearings on initiatives and referendums. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Haugen, Kline, Roach and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Horn and McCaslin.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5886 Prime Sponsor, Senator Long: Authorizing agreements to change the number of experts or professional persons who must examine a person for the state under chapter 10.77 RCW. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5910 Prime Sponsor, Senator Fraser: Regarding temporary nonuse of a water right. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5910 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald, Morton and Patterson.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5972 Prime Sponsor, Senator Hargrove: Releasing juvenile offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 22, 2001

SB 6025 Prime Sponsor, Senator Eide: Prohibiting methyl tertiary-butyl ether as a gasoline additive. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald and Morton.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Kastama, Senate Bill No. 5577 was referred to the Committee on Ways and Means.
On motion of Senator Kastama, Senate Bill No. 5832 and Senate Bill No. 6025 were passed to the Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6107 by Senators Fraser and Morton

AN ACT Relating to geothermal energy; amending RCW 43.140.900; and declaring an emergency.
Referred to Committee on Environment, Energy and Water.

SB 6108 by Senator Fraser

AN ACT Relating to conducting the proof examination for issuance of a water right certificate; and amending RCW 90.03.330.
Referred to Committee on Environment, Energy and Water.

SB 6109 by Senators Patterson, Gardner and Kline (by request of Public Disclosure Commission)

AN ACT Relating to special reporting of independent expenditures and contributions occurring in close proximity to elections; amending RCW 42.17.105 and 42.17.175; adding a new section to chapter 42.17 RCW; and providing an effective date.
Referred to Committee on State and Local Government.

SB 6110 by Senators Spanel, Gardner and Kohl-Welles

AN ACT Relating to the Puget Sound crab pot buoy tag program; and adding new sections to chapter 77.70 RCW.
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6111 by Senator Snyder

AN ACT Relating to circuit power sources; and adding a new section to chapter 19.28 RCW.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6112 by Senators Kline, Costa, Franklin, Constantine and Prentice

AN ACT Relating to inquest hearings; amending RCW 36.24.020; adding new sections to chapter 36.24 RCW; and creating a new section.
Referred to Committee on Judiciary.

SB 6113 by Senators Swecker and Kline

AN ACT Relating to use of high-occupancy vehicle lanes by ultra-fuel-efficient vehicles; and amending RCW 46.61.165 and 47.52.025.
Referred to Committee on Transportation.

SB 6114 by Senators Regala, Jacobsen, Swecker, Fraser, McDonald, Oke and Kline

AN ACT Relating to supporting voluntary watershed and natural resource organizations; adding a new section to chapter 90.54 RCW; creating new sections; and making an appropriation.
Referred to Committee on Ways and Means.

MOTION

On motion of Senator Kastama, Senate Bill No. 6114 was referred to the Committee on Ways and Means.

MOTION

At 12:02 p.m., on motion of Senator Kastama, the Senate adjourned until 10:00 a.m., Friday, February 23, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-SIXTH DAY, FEBRUARY 22, 2001

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

FORTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 23, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, McCaslin and Snyder. On motion of Senator Honeyford, Senators Deccio and McCaslin were excused.

The Washington Army National Guard, consisting of Staff Sergeant Douglas Karnitz, Staff Sergeant Elizabeth McIntyre, Sergeant First Class Robert Caires, Sergeant First Class Willy Jackson and Sergeant Marie Moynihan, presented the Colors. Major Charles Gillies, Jr. of the Salvation Army in Olympia offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 2001

SB 5187 Prime Sponsor, Senator Johnson: Updating creditor/debtor personal property exemptions. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5187 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin and Zarelli.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5352 Prime Sponsor, Senator Horn: Increasing the building code council fee. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Kline, Kohl-Welles, Long, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford, Rossi and Zarelli.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5370 Prime Sponsor, Senator Patterson: Splitting the department of community, trade, and economic development and reestablishing the department of community development and the department of trade and economic development. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5370 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Parlette and Rossi.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5389 Prime Sponsor, Senator Gardner: Adjusting small claims jurisdiction. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Kastama, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 22, 2001

SB 5413 Prime Sponsor, Senator Stevens: Improving accountability in child dependency cases. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5413 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5447 Prime Sponsor, Senator Jacobsen: Modifying the forest fire protection assessment. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5447 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Referred to Committee on Ways and Means.

February 21, 2001

SB 5474 Prime Sponsor, Senator B. Sheldon: Modifying provisions concerning the general administration services account. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5474 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5531 Prime Sponsor, Senator Spanel: Restricting shrimp pot and commercial fishery licenses. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 22, 2001

SB 5571 Prime Sponsor, Senator Sheahan: Authorizing Future Farmers of America license plates. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5571 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Horn, Jacobsen, Kastama, McDonald, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5621 Prime Sponsor, Senator Rasmussen: Allowing certain health practitioners specializing in the treatment of animals to operate independently of veterinarians. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5621 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 22, 2001

SB 5649 Prime Sponsor, Senator Fraser: Allowing an electrical utility to file information with the Washington utilities and transportation commission concerning the company's decision to acquire electricity generation resources prior to a rate-setting proceeding. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Jacobsen and Morton.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5696 Prime Sponsor, Senator Rasmussen: Providing a tax rate for manufacturers of dairy products comparable to other processors of agricultural commodities. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder and Swecker.

Referred to Committee on Ways and Means.

February 20, 2001

SB 5698 Prime Sponsor, Senator Patterson: Providing a time limit for the transmittal of unidentified persons information. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5836 Prime Sponsor, Senator Fairley: Creating the community health center capital trust fund account. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

February 22, 2001

SB 5921 Prime Sponsor, Senator Kohl-Welles: Authorizing doctorate level degrees in physical therapy at Eastern Washington University. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 22, 2001

SB 6033 Prime Sponsor, Senator Kohl-Welles: Authorizing a college savings plan. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

February 21, 2001

SB 6050 Prime Sponsor, Senator Morton: Providing funding for remote site wild fish incubators. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6033 was referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 22, 2001

GA 9015 BERTHA M. GOEHNER, appointed February 2, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 22, 2001

GA 9030 CAROL LANDA-McVICKER, appointed March 1, 2000, for a term ending September 30, 2003, as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges District No. 17.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 22, 2001

GA 9059 GENE L. CHASE, appointed April 3, 2000, for a term ending September 30, 2002, as a member of the Board of Trustees for Everett Community College District No. 5.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 22, 2001

GA 9098 MATTHEW MOORE, appointed June 1, 2000, for a term ending May 31, 2001, as a member of the Board of Regents for Washington State University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 22, 2001

GA 9106 SHAWNTE' PEARSON, appointed June 1, 2000, for a term ending May 31, 2001, as a member of the Board of Trustees for Central Washington University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 22, 2001

GA 9116 DONALD ROOT, appointed October 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 22, 2001

GA 9121 HERB SIMON, appointed July 12, 2000, for a term ending June 30, 2004, as a member of the Higher Education Coordinating Board.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 22, 2001

GA 9125 RAFAEL STONE, appointed April 13, 2000, for a term ending September 30, 2005, as a member of the Board of Regents for Washington State University.

Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 22, 2001

GA 9137 KRIS POMIANEK, appointed December 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6115 by Senators Rossi, Roach, Benton, McDonald, Johnson, Finkbeiner, Horn, Stevens, Long and Honeyford

AN ACT Relating to general obligation bonds for regional transit authorities; and amending RCW 81.112.130.
Referred to Committee on Transportation.

SB 6116 by Senator McAuliffe

AN ACT Relating to volunteers at school athletic events; and adding a new section to chapter 4.24 RCW.
Referred to Committee on Judiciary.

SB 6117 by Senators Hochstatter and Stevens

AN ACT Relating to requiring that assessments measuring the essential academic learning requirements be proven to be valid measures of basic academics before they are mandatory; and amending RCW 28A.655.060.
Referred to Committee on Education.

SB 6118 by Senator Roach

AN ACT Relating to election of precinct committee officers; and amending RCW 29.04.020, 29.15.120, 29.30.060, 29.36.030, 29.42.040, 29.42.050, and 29.81.220.
Referred to Committee on State and Local Government.

SB 6119 by Senators Finkbeiner, Hewitt and Oke

AN ACT Relating to relief from the state property tax levy for senior citizens; amending RCW 84.36.385, 84.36.387, and 84.36.389; adding a new section to chapter 84.36 RCW; and creating a new section.
Referred to Committee on Ways and Means.

SB 6120 by Senators Kline and Hochstatter

AN ACT Relating to persistent offenders; amending RCW 9.94A.030; adding a new section to chapter 9.94A RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.
Referred to Committee on Judiciary.

SB 6121 by Senators Kline, Winsley, Prentice, Oke and Kohl-Welles

AN ACT Relating to protection orders involving tenants; and adding a new section to chapter 59.18 RCW.
Referred to Committee on Judiciary.

SB 6122 by Senators Kohl-Welles, Carlson, Shin and Jacobsen

AN ACT Relating to state funding for the enrollments of the state's institutions of higher education; amending RCW 28B.10.776, 28B.10.778, 28B.10.784, and 28B.10.786; creating a new section; and repealing RCW 28B.10.780 and 28B.10.782.
Referred to Committee on Higher Education.

SJM 8021 by Senators McAuliffe, Finkbeiner, Regala, Johnson, Eide, Carlson, Winsley, Prentice, Oke and Kohl-Welles (by request of Superintendent of Public Instruction Bergeson)

Requesting that the federal government expand incentives to encourage people to become teachers in geographic areas and subjects with teacher shortages.

Referred to Committee on Education.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed, introduced and thanked Senate Pages Christian Mulcahy and Aaron Shields and House Page Mark Anikusko for a random act of kindness this past week. Observed by Senator Honeyford, the three Pages quickly and effectively came to the aid of a wheelchair bound visitor having difficulty navigating the rise in one of the campus sidewalks.

Members of the Senate stood and recognized the Pages for their kindness and thoughtfulness.

MOTION

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

SENATE RESOLUTION 2001-8616

By Senators Roach, Swecker, Johnson, Sheahan, Fairley, Rasmussen, Oke, Long, Costa, Winsley and Shin

WHEREAS, Washington State, as well as the rest of the country, recognizes and values freedom and democracy for its citizens and the world; and

WHEREAS, Our great nation has fought and continues to fight for freedom, democracy, and inalienable human rights, it is incumbent that the valiant efforts and turmoil of those fighting for this noble cause be recognized; and

WHEREAS, Freedom Fighter Aviator Ly Tong has courageously fought to educate, reform, and challenge governments, as well as citizens of non-democratic countries; and

WHEREAS, Freedom Fighter Aviator Ly Tong has given selflessly to this noble cause; and

WHEREAS, Because of Ly Tong's valiant efforts, he has been captured and imprisoned four times, each time escaping from contentious hands; and

WHEREAS, He has been a model activist for refugee communities throughout the world; and

WHEREAS, Ly Tong was faced with copious adversity, he managed to fight for his cause and obtained BA and Masters degrees in Political Science at New Orleans University; and

WHEREAS, Freedom Fighter Aviator Ly Tong continues to zealously fight despite the opposition he faces; and

WHEREAS, Such efforts deserve the respect, admiration, and acknowledgment of all;

NOW THEREFORE, BE IT RESOLVED, That, the Washington State Senate recognizes the valiant efforts of Freedom Fighter Aviator Ly Tong, and sends their heartfelt gratitude to him and his family as he continues to fight bravely for freedom, democracy, and human rights.

Senators Roach, McDonald, Swecker and Shin spoke to Senate Resolution 2001-8616.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Freedom Fighter Aviator Ly Tong, who was seated in the gallery with many of his supporters.

MOTION

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

SENATE RESOLUTION 2001-8620

By Senators Stevens, Kastama, Winsley, Hewitt, Carlson, Long, Parlette, Rossi, West, Hale, Rasmussen, Roach, Benton, McDonald, Sheahan, Hargrove, Johnson, Morton, Sheldon, T., Zarelli, Honeyford, Oke, Hochstatter, McCaslin, Swecker, Haugen, Kohl-Welles and Gardner

WHEREAS, The state of Washington recognizes the critical importance and fundamental right of parents to be actively involved in the direction of their children's education and character development; and

WHEREAS, Home schools can provide families the opportunity for their children to receive a sound academic education and reinforced by the at-home educational process; and

WHEREAS, The state of Washington is committed to excellence in education and student achievement; and

WHEREAS, Studies confirm that children who are educated at home score exceptionally well on nationally normed achievement tests, exhibit self-confidence and good citizenship, and are fully prepared to meet the challenge of today's society; and

WHEREAS, The state of Washington appropriately recognizes, by law, the right to home education as a legitimate and viable educational alternative; and

WHEREAS, Teaching children at home was the predominant form of education for much of America's early years; and

WHEREAS, Many notable Americans have been the product of home education, including George and Martha Washington, Benjamin Franklin, Abigail Adams, John Quincy Adams, Thomas Edison, Helen Keller, Douglas MacArthur, Pearl S. Buck, Franklin Roosevelt, Patrick Henry, John Marshall, Abraham Lincoln, Booker T. Washington, and Woodrow Wilson; and

WHEREAS, Washington now has more children being educated at home schools than ever before in the history of our state; and

WHEREAS, Some parents of students who home school have accepted an additional financial responsibility to provide for their children's education, while at the same time paying taxes which support Washington's public school system; and

WHEREAS, Some parent educators devote countless hours to helping their children attain academic excellence, a deep sense of patriotism, and civic responsibility and prepare them to become productive citizens; and

WHEREAS, It is appropriate that Washington's home-educating families be recognized for their selfless contribution to the quality of education in this great state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington hereby honor, thank, and celebrate the home-educating families in the state.

Senators Stevens, Hargrove, Rasmussen and Hochstatter spoke to Senate Resolution 2001-8620.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced home school students and their parents, who were seated in the gallery.

MOTION

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

SENATE RESOLUTION 2001-8624

By Senators Roach, Fairley, Sheldon, T., Rasmussen, Hale, Benton, Kline, Jacobsen, Zarelli, West, Hewitt, Parlette, Winsley, Honeyford, Horn, Franklin, Patterson, Constantine, Kohl-Welles, Finkbeiner, Oke, Long, Stevens, Sheldon, B., Kastama, Costa, Haugen, Gardner, Johnson, Carlson, Hochstatter, Swecker, Morton, Rossi, Regala, Fraser, Thibaudeau, Spanel, Eide, Sheahan and Shin

WHEREAS, The citizen soldiers of the Washington Army National Guard have served the citizens of the state of Washington with honor, selfless duty and courage for many years; and

WHEREAS, The Washington Army National Guard has an increased role of integration and service in conjunction with the active duty forces of the United States of America throughout the world; and

WHEREAS, The Troop Command major command of the Washington Army National Guard maintains, equips, and trains key units which includes the 248th Rear Area Operations Center headquartered in Port Orchard, Washington; and

WHEREAS, The 248th Rear Area Operations Center was activated to federal service on July 20, 2000, under the Presidential Reserve Select Call-up, to service in the Balkans area of Skopje, Macedonia, as part of the United States component of the Kosovo Forces (KFOR) Peacekeeping Operations; and

WHEREAS, The 248th Rear Area Operations Center operated Camp Able Sentry on a day-to-day basis the major base of operations for all U. S. Forces in the region as part of Task Force Falcon. The 248th Rear Area Operations Center soldiers worked long and dedicated hours in completing their assigned missions, as noted by the Unit Commander's report, which stated, "The situation in Kosovo continues to improve. Our fellow soldiers there are providing a safe and secure environment to assist the United Nations in rebuilding the country. They are making progress every day. Virtually all forms of violent crime have seen significant decreases over the past year. Our effort has fostered an environment that has allowed the Kosovo people to vote in elections for the first time in many years. The people (of Kosovo) have spoken loud and clear in support of democratic change."; and

WHEREAS, The 248th completed their service on behalf of the United States, and the state of Washington by completion of their duties in Kosovo in returning to Washington State on February 9, 2001;

THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honors the Officers, Non-commissioned Officers and Soldiers of the 248th Rear Area Operations Center of the Washington Army National Guard; and

BE IT FURTHER RESOLVED, That the Senate extends its collective appreciation specifically to Major General Timothy Lowenberg, Adjutant General State of Washington; Col. Terry Oxley, Commander, Troop Command, Washington Army National Guard; Lt. Col. John Shaughnessy, Commander, 248th Rear Area Operations Center; Command Sergeant Major William Barkley; and all the men and women of the 248th Rear Area Operations Center for their selfless, professional and honorable service to our nation and state; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the Governor, the Adjutant General, and the Officers, NCO's, and soldiers of the 248th Rear Area Operations Center, Washington Army National Guard.

Senators Roach, Rasmussen, Betti Sheldon, Kastama and Shin spoke to Senate Resolution 2001-8624.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Troop Command of the 248th Division of the Washington Army National Guard, who were seated in the gallery.

MOTION

At 10:48 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, February 26, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-SEVENTH DAY, FEBRUARY 23, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

FIFTIETH DAY

NOON SESSION

SENATE CHAMBER, OLYMPIA, MONDAY, FEBRUARY 26, 2001

THE SENATE WAS CALLED TO ORDER AT 12:00 NOON BY PRESIDENT PRO TEMPORE FRANKLIN. NO ROLL CALL WAS TAKEN.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

REPORTS OF STANDING COMMITTEES

FEBRUARY 22, 2001

SB 5031 PRIME SPONSOR, SENATOR FRANKLIN: CREATING A TRANSPORTATION PROGRAM FOR RECIPIENTS OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5031 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 22, 2001

SB 5085 PRIME SPONSOR, SENATOR HAUGEN: ADMINISTERING GLYCOGEN TO HYPOGLYCEMIA STUDENTS. REPORTED BY COMMITTEE ON EDUCATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5085 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS MCAULIFFE, CHAIR; EIDE, VICE CHAIR; CARLSON, FINKBEINER, HEWITT, HOCHSTATTER, JOHNSON, KASTAMA, KOHL-WELLES, PRENTICE, RASMUSSEN, REGALA AND ZARELLI.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5101 PRIME SPONSOR, SENATOR PRENTICE: PROTECTING CONSUMERS IN CONTRACTOR TRANSACTIONS. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5101 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; GARDNER, VICE CHAIR; FAIRLEY, PATTERSON, RASMUSSEN, REGALA, WEST AND WINSLEY.

MAJORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATOR HOCHSTATTER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5118 PRIME SPONSOR, SENATOR COSTA: ENACTING THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION. REPORTED BY COMMITTEE ON WAYS AND MEANS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5118 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS BROWN, CHAIR; CONSTANTINE, VICE CHAIR; FAIRLEY, VICE-CHAIR; FRASER, HEWITT, KLINE, KOHL-WELLES, LONG, PARLETTE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, B. SHELDON, SNYDER, SPANEL, THIBAudeau, WINSLEY AND ZARELLI.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5134 PRIME SPONSOR, SENATOR KASTAMA: MODIFYING PROVISIONS OF THE MOBILE HOME LANDLORD-TENANT ACT. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5134 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; GARDNER, VICE CHAIR; FAIRLEY, PATTERSON, RASMUSSEN, REGALA AND WINSLEY.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATORS BENTON AND HOCHSTATTER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5152 PRIME SPONSOR, SENATOR FRASER: RECONFIGURING AND CHANGING THE DUTIES OF THE EMPLOYEE RETIREMENT BENEFITS BOARD. REPORTED BY COMMITTEE ON WAYS AND MEANS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5152 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS BROWN, CHAIR; CONSTANTINE, VICE CHAIR; FAIRLEY, VICE-CHAIR; FRASER, HEWITT, KLINE, KOHL-WELLES, LONG, PARLETTE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, B. SHELDON, SNYDER, SPANEL, THIBAUDEAU, WINSLEY AND ZARELLI.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5155 PRIME SPONSOR, SENATOR WEST: ESTABLISHING THE LIVE HORSE RACING COMPACT. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5155 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; GARDNER, VICE CHAIR; BENTON, FRANKLIN, HONEYFORD, PATTERSON, RASMUSSEN, REGALA, WEST AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 23, 2001

SB 5182 PRIME SPONSOR, SENATOR SPANEL: ENSURING A SUSTAINABLE, COMPREHENSIVE PIPELINE SAFETY PROGRAM IN THE STATE. REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5182 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, HALE, JACOBSEN, McDONALD, MORTON AND PATTERSON.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 23, 2001

SB 5207 PRIME SPONSOR, SENATOR HARGROVE: REGULATING DNA TESTING. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5207 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5212 PRIME SPONSOR, SENATOR ROACH: REGULATING SPECIAL ELECTION DATES. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; GARDNER, HALE, HAUGEN, HORN, KLINE, ROACH, T. SHELDON AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5236 PRIME SPONSOR, SENATOR KOHL-WELLES: ENSURING THE HEALTH AND SAFETY OF NEWBORN INFANTS WHO HAVE BEEN ABANDONED AND EXEMPTING FROM CRIMINAL LIABILITY PERSONS WHO ABANDON THEM INTO THE CUSTODY OF A QUALIFIED PERSON. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5236 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 23, 2001

SB 5240 PRIME SPONSOR, SENATOR REGALA: PROVIDING ADJUSTMENTS TO MOTOR VEHICLE EMISSION INSPECTION FEES.
REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5240 BE SUBSTITUTED THEREFOR, AND THE
SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; HALE, JACOBSEN, McDONALD AND
MORTON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5272 PRIME SPONSOR, SENATOR GARDNER: REVISING ELECTION NOTICE REQUIREMENTS. REPORTED BY COMMITTEE ON
STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR;
GARDNER, HALE, HAUGEN, HORN, KLINE, ROACH, T. SHELDON AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5273 PRIME SPONSOR, SENATOR GARDNER: REVISING ELECTION FILING DATES. REPORTED BY COMMITTEE ON STATE AND
LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; GARDNER, HALE, HAUGEN,
KLINE, T. SHELDON AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5275 PRIME SPONSOR, SENATOR GARDNER: CLARIFYING PROCEDURES FOR ABSENTEE VOTING AND MAIL BALLOTS.
REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR;
GARDNER, HALE, HAUGEN, KLINE, T. SHELDON AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5282 PRIME SPONSOR, SENATOR FRANKLIN: REGULATING USE OF DNA IN INSURANCE TRANSACTIONS. REPORTED BY
COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5282 BE SUBSTITUTED THEREFOR, AND THE
SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT,
KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5283 PRIME SPONSOR, SENATOR FRANKLIN: PROHIBITING DISCRIMINATORY USE OF DNA IN EMPLOYMENT MATTERS.
REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5283 BE SUBSTITUTED THEREFOR, AND THE
SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT,
KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5284 PRIME SPONSOR, SENATOR FRANKLIN: REQUIRING INFORMED CONSENT BEFORE A PERSON'S DNA IS USED FOR GENETIC TESTING. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5284 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5303 PRIME SPONSOR, SENATOR PRENTICE: PROVIDING A DEFINITION OF GAINFUL EMPLOYMENT. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5303 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; GARDNER, VICE CHAIR; FAIRLEY, PATTERSON, RASMUSSEN, REGALA AND WINSLEY.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATORS BENTON, HOCHSTATTER, HONEYFORD AND WEST.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5355 PRIME SPONSOR, SENATOR HARGROVE: LIMITING LIABILITY FOR SPECIFIED STATE WORKERS FOR ERRORS OF JUDGMENT. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5355 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5376 PRIME SPONSOR, SENATOR GARDNER: RESTRICTING TELECOMMUNICATIONS SERVICES FOR HOUSEHOLD GOODS CARRIERS OPERATING WITHOUT A PERMIT. REPORTED BY COMMITTEE ON TRANSPORTATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5376 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; EIDE, FINKBEINER, JACOBSEN, KASTAMA, MCAULIFFE, OKE, PRENTICE, T. SHELDON AND SHIN.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5384 PRIME SPONSOR, SENATOR PRENTICE: REGULATING LABOR RELATIONS IN FOUR-YEAR INSTITUTIONS OF HIGHER EDUCATION. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5384 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; GARDNER, VICE CHAIR; FAIRLEY, FRANKLIN, PATTERSON, RASMUSSEN, REGALA AND WINSLEY.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATORS BENTON, HOCHSTATTER, HONEYFORD AND WEST.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 22, 2001

SB 5407 PRIME SPONSOR, SENATOR WEST: ALLOWING MORE SIMULCAST HORSE RACING. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5407 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; GARDNER, VICE CHAIR; BENTON, FRANKLIN, HONEYFORD, PATTERSON, RASMUSSEN, REGALA, WEST AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5411 PRIME SPONSOR, SENATOR PATTERSON: DESCRIBING OCCUPATIONAL DISEASES AFFECTING FIRE FIGHTERS. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION : THAT SUBSTITUTE SENATE BILL NO. 5411 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; GARDNER, VICE CHAIR; BENTON, PATTERSON, RASMUSSEN, REGALA, WEST AND WINSLEY.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATORS HOCHSTATTER AND HONEYFORD.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 22, 2001

SB 5465 PRIME SPONSOR, SENATOR COSTA: CHANGING PROVISIONS RELATING TO SEX OFFENDER TREATMENT PROVIDERS. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5465 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5468 PRIME SPONSOR, SENATOR COSTA: REVISING THE CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5468 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5477 PRIME SPONSOR, SENATOR HAUGEN: ADJUSTING THE RELATIONSHIP BETWEEN A PUBLIC TRANSPORTATION BENEFIT AREA AND A CITY. REPORTED BY COMMITTEE ON TRANSPORTATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5477 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; BENTON, EIDE, HORN, JACOBSEN, McDONALD, OKE, PRENTICE, SHIN AND SWECKER.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATORS KASTAMA AND MCAULIFFE.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5488 PRIME SPONSOR, SENATOR HAUGEN: CHANGING PROVISIONS RELATING TO SPECIAL LICENSE PLATES. REPORTED BY COMMITTEE ON TRANSPORTATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5488 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; BENTON, EIDE, HORN, JACOBSEN, KASTAMA, McDONALD, OKE, PRENTICE, T. SHELDON, SHIN AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5500 PRIME SPONSOR, SENATOR HARGROVE: REVISING PROGRAMS AND PROCEEDINGS FOR CHILDREN UNDER THE BACCA AND HOPE ACTS. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5500 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5513 PRIME SPONSOR, SENATOR HAUGEN: COMPENSATING HIGHWAY AND FERRY WORKERS FOR MOTORIST ASSAULT. REPORTED BY COMMITTEE ON TRANSPORTATION

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; BENTON, EIDE, HORN, JACOBSEN, KASTAMA, McAULIFFE, McDONALD, OKE, PATTERSON, PRENTICE, T. SHELDON, SHIN AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5522 PRIME SPONSOR, SENATOR KASTAMA: CREATING AN OFFICE OF MENTAL HEALTH OMBUDSMAN. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5522 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 23, 2001

SB 5539 PRIME SPONSOR, SENATOR HONEYFORD: ESTABLISHING TAX CREDITS FOR NEW FACILITIES THAT PROVIDE ELECTRICITY FOR DIRECT SERVICE INDUSTRIAL CUSTOMERS. REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5539 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, HALE, JACOBSEN, McDONALD, MORTON AND PATTERSON.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 22, 2001

SB 5573 PRIME SPONSOR, SENATOR SNYDER: AUTHORIZING RAFFLES BY STUDENT GROUPS AND PUBLIC HOSPITAL DISTRICTS. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5573 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; GARDNER, VICE CHAIR; BENTON, FRANKLIN, PATTERSON, RASMUSSEN, REGALA, WEST AND WINSLEY.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATORS HOCHSTATTER AND HONEYFORD.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5576 PRIME SPONSOR, SENATOR HARGROVE: SIMPLIFYING ASSET TESTS. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5576 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 22, 2001

SB 5583 PRIME SPONSOR, SENATOR LONG: IMPLEMENTING RECOMMENDATIONS OF THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE'S PERFORMANCE AUDIT OF THE PUBLIC MENTAL HEALTH SYSTEM. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5583 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5590 PRIME SPONSOR, SENATOR PRENTICE: AUTHORIZING THE ELECTRONIC FILING OF CORPORATION AND LIMITED LIABILITY COMPANY ANNUAL REPORTS. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5590 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; GARDNER, VICE CHAIR; BENTON, HONEYFORD, RASMUSSEN, REGALA, WEST AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5606 PRIME SPONSOR, SENATOR KOHL-WELLES: REGARDING BACKGROUND CHECKS. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION : THAT SUBSTITUTE SENATE BILL NO. 5606 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 23, 2001

SB 5674 PRIME SPONSOR, SENATOR CONSTANTINE: ESTABLISHING THE WASHINGTON CLIMATE CENTER. REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5674 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, JACOBSEN AND PATTERSON.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATORS HALE, HONEYFORD, McDONALD AND MORTON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5711 PRIME SPONSOR, SENATOR T. SHELDON: DETERMINING CANDIDATE ORDER ON PRIMARY BALLOTS. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, KLINE, T. SHELDON AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 23, 2001

SB 5716 PRIME SPONSOR, SENATOR EIDE: PROVIDING GUIDELINES FOR RECYCLING AND WASTE REDUCTION. REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5716 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, JACOBSEN, McDONALD AND PATTERSON.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATORS HALE, HONEYFORD AND MORTON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5792 PRIME SPONSOR, SENATOR PRENTICE: MODIFYING WINE AND CIDER PROVISIONS. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5792 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; GARDNER, VICE CHAIR; BENTON, FAIRLEY, FRANKLIN, HONEYFORD, PATTERSON, RASMUSSEN, REGALA, WEST AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5811 PRIME SPONSOR, SENATOR KOHL-WELLES: REQUIRING THE JUVENILE REHABILITATION ADMINISTRATION TO PREPARE REPORTS CONCERNING EQUAL ACCESS TO ITS HUMAN SERVICES. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5811 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5845 PRIME SPONSOR, SENATOR FRASER: REGULATING SITING OF SEX OFFENDER TREATMENT FACILITIES. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5845 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5871 PRIME SPONSOR, SENATOR KOHL-WELLES: PROVIDING GUIDELINES FOR OFFENDER EDUCATION IN DEPARTMENT OF CORRECTIONS' FACILITIES. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5871 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 23, 2001

SB 5913 PRIME SPONSOR, SENATOR FRASER: ALLOWING PUBLIC UTILITY TAX DEDUCTIONS FOR IMPROVEMENTS THAT RESULT IN MORE EFFICIENT USE OF WATER. REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5913 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, HALE, JACOBSEN, McDONALD, MORTON AND PATTERSON.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 22, 2001

SB 5926 PRIME SPONSOR, SENATOR COSTA: DEPOSITING WAGE FINES IN THE PUBLIC WORKS ADMINISTRATION ACCOUNT. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; GARDNER, VICE CHAIR; FAIRLEY, FRANKLIN, PATTERSON, RASMUSSEN, REGALA, WEST AND WINSLEY.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATOR HONEYFORD.

REFERRED TO COMMITTEE ON WAYS AND MEANS..

FEBRUARY 22, 2001

SB 5927 PRIME SPONSOR, SENATOR COSTA: REQUIRING MONETARY PENALTIES FOR PREVAILING WAGE SETTLEMENTS. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; GARDNER, VICE CHAIR; FAIRLEY, FRANKLIN, PATTERSON, RASMUSSEN, REGALA AND WINSLEY.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATORS BENTON, HOCHSTATTER, HONEYFORD AND WEST.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5963 PRIME SPONSOR, SENATOR KOHL-WELLES: PROVIDING PARENTING EDUCATION FOR JUVENILE OFFENDERS WHO ARE PARENTS. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5963 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5984 PRIME SPONSOR, SENATOR HARGROVE: CHANGING PROVISIONS RELATING TO PUBLIC ACCESS TO CHILD DEPENDENCY HEARINGS AND FOSTER PARENT COMPLAINT INFORMATION. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5984 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5995 PRIME SPONSOR, SENATOR LONG: PROVIDING FOR INFORMATION SHARING AMONG THE COURTS, PROVIDERS, DIVISIONS, AND AGENCIES SERVING DEPENDENT CHILDREN AND THEIR FAMILIES. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5995 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 5997 PRIME SPONSOR, SENATOR HOCHSTATTER: CREATING A SPECIAL FAIR LICENSE PLATE. REPORTED BY COMMITTEE ON TRANSPORTATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5997 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; BENTON, EIDE, HORN, JACOBSEN, McDONALD, OKE, PRENTICE, T. SHELDON, SHIN AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 6009 PRIME SPONSOR, SENATOR KOHL-WELLES: MAINTAINING THE RESIDENTIAL PARENTING PROGRAM AT THE WOMEN'S CORRECTIONAL CENTER. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 6009 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 6055 PRIME SPONSOR, SENATOR LONG: EVALUATING CHILDREN WITHIN THE FOSTER CARE AGENCY CASELOAD. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 6055 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 6056 PRIME SPONSOR, SENATOR LONG: PROVIDING FOR DEPARTMENT OF SOCIAL AND HEALTH SERVICES COORDINATION OF SERVICES FOR CHILDREN AND FAMILIES IN CHILD DEPENDENCY CASES. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 6056 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SB 6061 PRIME SPONSOR, SENATOR PATTERSON: REQUIRING QUARTERLY MEETINGS OF MUNICIPAL FIREMEN'S PENSION BOARDS. REPORTED BY COMMITTEE ON WAYS AND MEANS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS BROWN, CHAIR; CONSTANTINE, VICE CHAIR; FAIRLEY, VICE-CHAIR; FRASER, HEWITT, KLINE, KOHL-WELLES, LONG, PARLETTE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, B. SHELDON, SNYDER, SPANEL, THIBAudeau, WINSLEY AND ZARELLI.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 23, 2001

SJM 8012 PRIME SPONSOR, SENATOR FRASER: REQUESTING A REDUCTION OF WHOLESALE ENERGY COSTS. REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, HALE, HONEYFORD, JACOBSEN AND MORTON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 22, 2001

SJM 8014 PRIME SPONSOR, SENATOR PRENTICE: REQUESTING IMPROVEMENT TO EMPLOYMENT AND TRAINING SERVICES FOR DISABLED PERSONS. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; GARDNER, VICE CHAIR; BENTON, FAIRLEY, FRANKLIN, HOCHSTATTER, HONEYFORD, PATTERSON, RASMUSSEN, REGALA, WEST AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 23, 2001

SJM 8015 PRIME SPONSOR, SENATOR FINKBEINER: REQUESTING CALIFORNIA TO REQUIRE RATE INCREASES TO GUARANTEE PAYMENT FOR SURPLUS POWER IT RECEIVES FROM WASHINGTON STATE. REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: THAT SUBSTITUTE JOINT MEMORIAL NO. 8015 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE JOINT MEMORIAL DO PASS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, HALE, HONEYFORD, MORTON AND PATTERSON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

MOTIONS

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 5384, SENATE BILL NO. 5411 AND SENATE BILL NO. 5926 WERE REFERRED TO THE COMMITTEE ON WAYS AND MEANS.

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 5845 WAS PASSED TO THE COMMITTEE ON RULES.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

AUGUST 8, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

I HAVE THE HONOR TO SUBMIT THE FOLLOWING REAPPOINTMENT, SUBJECT TO YOUR CONFIRMATION.

MIKE SELLS, TO BE REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2006, AS A MEMBER OF THE BOARD OF TRUSTEES FOR CENTRAL WASHINGTON UNIVERSITY.

SINCERELY,
GARY LOCKE, GOVERNOR

REFERRED TO THE COMMITTEE ON HIGHER EDUCATION.

FEBRUARY 7, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

I HAVE THE HONOR TO SUBMIT THE FOLLOWING REAPPOINTMENT, SUBJECT TO YOUR CONFIRMATION.

CAESAR A. ALZOLA, REAPPOINTED FEBRUARY 7, 2001, FOR A TERM ENDING JANUARY 19, 2005, AS A MEMBER OF THE BOARD OF PHARMACY.

SINCERELY,
GARY LOCKE, GOVERNOR

REFERRED TO THE COMMITTEE ON HEALTH AND LONG TERM CARE.

MESSAGE FROM THE HOUSE

FEBRUARY 22, 2001

MR. PRESIDENT:

THE HOUSE HAS PASSED:
HOUSE BILL NO. 1018,

SUBSTITUTE HOUSE BILL NO. 1024,
HOUSE BILL NO. 1028,
HOUSE BILL NO. 1035,
SUBSTITUTE HOUSE BILL NO. 1039,
SUBSTITUTE HOUSE BILL NO. 1042,
HOUSE BILL NO. 1052, AND THE SAME ARE HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK
TIMOTHY A. MARTIN, CO-CHIEF CLERK

INTRODUCTION AND FIRST READING

SB 6123 BY SENATOR KOHL-WELLES

AN ACT RELATING TO THE SALE OF FIREARMS AT GUN SHOWS AND EVENTS; AMENDING RCW 9.41.010; ADDING A NEW SECTION TO CHAPTER 9.41 RCW; AND PRESCRIBING PENALTIES.
REFERRED TO COMMITTEE ON JUDICIARY.

SB 6124 BY SENATORS PARLETTE, RASMUSSEN, HONEYFORD AND HALE

AN ACT RELATING TO SALES AND USE TAX EXEMPTIONS FOR FARM MACHINERY AND EQUIPMENT; ADDING A NEW SECTION TO CHAPTER 82.08 RCW; AND ADDING A NEW SECTION TO CHAPTER 82.12 RCW.
REFERRED TO COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE.

SB 6125 BY SENATOR KASTAMA

AN ACT RELATING TO PUBLIC ACCESS TO INFORMATION DATA BASES; ADDING A NEW SECTION TO CHAPTER 27.04 RCW; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS.

SB 6126 BY SENATOR ZARELLI

AN ACT RELATING TO CLARIFYING THAT PUBLIC UTILITY DISTRICTS ARE NOT AUTHORIZED TO ENGAGE IN THE BUSINESS OF REPAIRING ELECTRICAL APPLIANCES OTHER THAN THOSE THEY SELL OR LEASE; AND AMENDING RCW 54.04.020.
REFERRED TO COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS.

SB 6127 BY SENATORS FINKBEINER, MCAULIFFE, FAIRLEY, ROSSI, McDONALD AND RASMUSSEN

AN ACT RELATING TO THE PROPERTY TAXATION OF NONPROFIT ORGANIZATIONS ENGAGED IN THE PRODUCTION AND PERFORMANCE OF MUSICAL, DANCE, ARTISTIC, DRAMATIC, OR LITERARY WORKS FOR THE PUBLIC; AMENDING RCW 84.36.060; AND REENACTING AND AMENDING RCW 84.36.805.
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6128 BY SENATORS WEST, JACOBSEN, ROSSI, KASTAMA, SNYDER, MORTON, FRASER, FINKBEINER, SHEAHAN, HOCHSTATTER, T. SHELDON, HONEYFORD, ROACH, RASMUSSEN, HALE, HEWITT AND OKE

AN ACT RELATING TO SALES AND USE TAX EXEMPTIONS FOR ALTERNATIVE ENERGY SOURCES; AMENDING RCW 82.63.010 AND 82.08.02565; AND PROVIDING AN EFFECTIVE DATE.
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6129 BY SENATOR SNYDER

AN ACT RELATING TO THE NUMBER OF MEMBERS IN THE HOUSE OF REPRESENTATIVES; AND AMENDING RCW 44.05.090.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 6126 WAS REFERRED TO THE COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1018 BY REPRESENTATIVES PENNINGTON, MIELKE, PEARSON AND ALEXANDER

PROVIDING TAX RELIEF FOR DISASTERS.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SHB 1024 BY HOUSE COMMITTEE ON NATURAL RESOURCES (ORIGINALLY SPONSORED BY REPRESENTATIVES DOUMIT, G. CHANDLER, LINVILLE, SUMP, QUALL, CLEMENTS, SCHOESLER, HATFIELD AND GRANT)

MODIFYING PROVISIONS RELATING TO THE GROWING OF SHORT-ROTATION HARDWOOD TREES ON AGRICULTURAL LAND.

REFERRED TO COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE.

HB 1028 BY REPRESENTATIVES HAIGH, D. SCHMIDT, ROMERO, CONWAY, KENNEY AND TALCOTT

REVISING THE PROVISION FOR MILITARY LEAVE FOR PUBLIC EMPLOYEES.

REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

HB 1035 BY REPRESENTATIVE PENNINGTON

EXTENDING A PROGRAM OF STEELHEAD RECOVERY IN CERTAIN COUNTIES.

REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

SHB 1039 BY HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS (ORIGINALLY SPONSORED BY REPRESENTATIVES BALLASIOTES, O'BRIEN, AHERN, MORELL AND WOODS)

CLARIFYING WHICH PRIOR OFFENSES ARE CONSIDERED STRIKES.

REFERRED TO COMMITTEE ON JUDICIARY.

SHB 1042 BY HOUSE COMMITTEE ON HEALTH CARE (ORIGINALLY SPONSORED BY REPRESENTATIVES CAMPBELL, SCHUALBERKE, SKINNER, HAIGH AND LANTZ)

ESTABLISHING STERILIZATION REQUIREMENTS FOR THE COMMERCIAL PRACTICES OF ELECTROLOGY AND TATTOOING.

REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

HB 1052 BY REPRESENTATIVES O'BRIEN AND BALLASIOTES

INCORPORATING AMENDMENTS INTO THE REORGANIZED CHAPTER 9.94A RCW.

REFERRED TO COMMITTEE ON JUDICIARY.

MOTION

AT 12:03 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 12:00 NOON, TUESDAY, FEBRUARY 27, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

FIFTIETH DAY, FEBRUARY 26, 2001

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

FIFTY-FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 27, 2001

The Senate was called to order at 12:00 noon by Vice President Pro Tempore Shin. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 26, 2001

SB 5008 Prime Sponsor, Senator Stevens: Creating a consistent policy for the creation and maintenance of forest roads. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5008 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Morton, Oke and Stevens.

Referred to Committee on Ways and Means.

February 26, 2001

SB 5255 Prime Sponsor, Senator Kastama: Exempting certain information on criminal acts from public disclosure. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5255 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 26 2001

SB 5309 Prime Sponsor, Senator Constantine: Providing funding for local government criminal justice. Reported by Committee on Judiciary

MAJORITY Recommendation: That the bill be referred to the Committee on Ways and Means without recommendation. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Kastama, Long, McCaslin, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

February 26, 2001

SB 5394 Prime Sponsor, Senator Kline: Revising provisions concerning the use of judges pro tempore. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Kastama, Long, McCaslin and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senators Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 5479 Prime Sponsor, Senator Jacobsen: Adopting the uniform athlete agents act. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5479 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Patterson, Rasmussen, Regala and West.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Deccio and Honeyford.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 5776 Prime Sponsor, Senator Prentice: Protecting the confidentiality of information relating to insurance. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5776 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Deccio, Fairley, Franklin, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2001

SB 5781 Prime Sponsor, Senator Rasmussen: Concerning moneys in the fruit and vegetable district fund. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 5791 Prime Sponsor, Senator Kline: Paying for certain actions and proceedings for damages brought against law enforcement officers. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5791 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin and Zarelli.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 5809 Prime Sponsor, Senator Costa: Supporting the practice of breastfeeding. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Rasmussen, Regala, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 5822 Prime Sponsor, Senator Jacobsen: Modifying the definition of supervisor for the department of natural resources. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 5826 Prime Sponsor, Senator Kohl-Welles: Authorizing collective bargaining for University of Washington employees who are enrolled in academic programs. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5826 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Deccio, Hochstatter, Honeyford and West.

Referred to Committee on Ways and Means.

February 26, 2001

SB 5834 Prime Sponsor, Senator Hale: Strengthening training of elections administrators. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5834 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Referred to Committee on Ways and Means.

February 26, 2001

SB 5837 Prime Sponsor, Senator T. Sheldon: Establishing a pilot project culturing shellfish on nonproductive oyster reserve land. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5837 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Morton, Oke, Snyder and Stevens.

Referred to Committee on Ways and Means.

February 26, 2001

SB 5860 Prime Sponsor, Senator Jacobsen: Increasing the fee for a surface mining reclamation permit. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, McDonald and Oke

MINORITY Recommendation: Do not pass. Signed by Senators Hargrove and Morton.

Referred to Committee on Ways and Means.

February 26, 2001

SB 5862 Prime Sponsor, Senator T. Sheldon: Streamlining the process of selling valuable materials from state lands. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5862 be substituted therefor and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Morton, Oke, Snyder and Stevens.

Referred to Committee on Ways and Means.

February 26, 2001

SB 5870 Prime Sponsor, Senator Spanel: Clarifying the deadline for primary contributions to candidates who do not advance to the general election. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 5872 Prime Sponsor, Senator Prentice: Modifying the multiple-unit property tax exemption. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Benton and West.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 5880 Prime Sponsor, Senator Jacobsen: Creating a forest products commission. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5880 be substituted therefor and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Morton, Oke, Snyder and Stevens.

Referred to Committee on Ways and Means.

February 26, 2001

SB 5881 Prime Sponsor, Senator Haugen: Funding a capital defense assistance center. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass and the bill be referred to the Committee on Ways and Means. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, Roach, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

February 23, 2001

SB 5897 Prime Sponsor, Senator Rasmussen: Increasing the international trade of Washington state agricultural products. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5897 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan and Swecker.

Referred to Committee on Ways and Means.

February 23, 2001

SB 5902 Prime Sponsor, Senator Rasmussen: Regulating agricultural commodity commissions. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5902 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 23, 2001

SB 5947 Prime Sponsor, Senator Rasmussen: Providing tax exemptions and credits to dairy farmers. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5947 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette and Swecker.

Referred to Committee on Ways and Means

February 26, 2001

SB 5961 Prime Sponsor, Senator Jacobsen: Modifying provisions concerning fisheries and wildlife issues. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation : That Substitute Senate Bill No. 5961 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 5992 Prime Sponsor, Senator Prentice: Eliminating transfers of funds from the public works administration account. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Referred to Committee on Ways and Means.

February 26, 2001

SJM 8002 Prime Sponsor, Senator McCaslin: Petitioning Congress to consent to the formation of a new state. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson and McCaslin.

MINORITY Recommendation: Do not pass. Signed by Senator Kastama.

Passed to Committee on Rules for second reading.

February 26, 2001

SJR 8208 Prime Sponsor, Senator Kline: Amending the Constitution regarding the use of judges pro tempore. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Kastama, Long, McCaslin and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senators Johnson, Roach and Zarelli.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 5862 and Senate Bill No. 5880 were referred to the Committee on Ways and Means.

On motion of Senator Betti Sheldon, Senate Bill No. 5479 and Senate Bill No. 5809 were passed to the Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6130 by Senators Kline, Constantine, Fairley, Prentice and Fraser

AN ACT Relating to treble damages in civil actions; and amending RCW 19.86.090.
Referred to Committee on Judiciary.

SB 6131 by Senator Kline

AN ACT Relating to providing modern voting and ballot processing systems; and adding new sections to chapter 29.33 RCW.
Referred to Committee on State and Local Government.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, February 28, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-FIRST DAY, FEBRUARY 27, 2001

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

FIFTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 28, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Regala and Roach. On motion of Senator Honeyford, Senator Roach was excused. On motion of Senator Eide, Senator Regala was excused.

The Sergeant at Arms Color Guard, consisting of Pages Rachel Rudnick and Whitney Jones, presented the Colors. Chaplain Deborah Hutton, from the Providence South Sound Hospice, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 27, 2001

SB 5030 Prime Sponsor, Senator Thibaudeau: Creating the Washington pharmacy access program. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5030 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser and Winsley.

Referred to Committee on Ways and Means.

February 26, 2001

SB 5097 Prime Sponsor, Senator Kastama: Requiring public entities to display the national league of families' POW/MIA flag. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5097 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach and Swecker.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5183 Prime Sponsor, Senator Thibaudeau: Licensing adult family homes. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5183 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5195 Prime Sponsor, Senator Prentice: Changing medical examinations under the industrial insurance system. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5195 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5200 Prime Sponsor, Senator McAuliffe: Clarifying incentives for purposes of certificated staff supplemental contracts. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5200 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Hochstatter, Kohl-Welles, Rasmussen, Regala and Zarelli.

Referred to Committee on Ways and Means.

February 27, 2001

SB 5211 Prime Sponsor, Senator Thibaudeau: Requiring comparable mental health benefits. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5211 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser and Winsley.

Referred to Committee on Ways and Means.

February 26, 2001

SB 5353 Prime Sponsor, Senator Prentice: Enforcing protection of archaeological sites. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5353 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, T. Sheldon and Swecker.

Referred to Committee on Ways and Means.

February 26, 2001

SB 5357 Prime Sponsor, Senator Prentice: Authorizing the department of licensing to establish engineer and land surveyors' certificate and licensing renewal intervals, renewal fees, and renewal dates. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5404 Prime Sponsor, Senator Kohl-Welles: Creating the Washington promise scholarship. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5404 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

February 27, 2001

SB 5445 Prime Sponsor, Senator Costa: Regarding payment of property costs in licensed nursing facilities. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Referred to Committee on Ways and Means.

February 27, 2001

SB 5502 Prime Sponsor, Senator Prentice: Modifying boxing officials' licensing requirements. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5502 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5519 Prime Sponsor, Senator Horn: Exempting certain motorcycles used for training from the use tax. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 5527 Prime Sponsor, Senator Snyder: Allowing private clubs to serve liquor at special events. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Deccio, Fairley, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5544 Prime Sponsor, Senator Thibaudeau: Requiring mental health evaluation of minors committing specified crimes on school property. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5544 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Johnson, Kastama, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 5549 Prime Sponsor, Senator Prentice: Requiring a study of problem and pathological gambling among persons in drug and alcohol treatment programs. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Deccio, Hochstatter and Honeyford.

Referred to Committee on Ways and Means.

February 26, 2001

SB 5557 Prime Sponsor, Senator Kline: Changing provisions relating to the admissibility into evidence of a refusal to submit to a test of alcohol or drug concentration. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5557 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long and McCaslin.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 5562 Prime Sponsor, Senator Costa: Revising requirements for service of orders in harassment matters. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5562 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5566 Prime Sponsor, Senator Thibaudeau: Requiring uniform prescription drug information cards. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5566 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Referred to Committee on Ways and Means.

February 27, 2001

SB 5625 Prime Sponsor, Senator McAuliffe: Adopting Recommendations of the academic achievement and accountability commission. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5625 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen and Regala.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 5631 Prime Sponsor, Senator Patterson: Expanding the small works roster process to include metropolitan park districts. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Kline, T. Sheldon and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Horn.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5638 Prime Sponsor, Senator Gardner: Making technical corrections to county treasurer statutes. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5638 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5639 Prime Sponsor, Senator Prentice: Increasing the penalty for the misuse of abstracts of driving records. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5658 Prime Sponsor, Senator T. Sheldon: Revising requirements for vehicle license renewal. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5660 Prime Sponsor, Senator Haugen: Modifying the taxation of fuel. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5660 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Finkbeiner, Horn, Jacobsen, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 5672 Prime Sponsor, Senator Costa: Confirming that restitution must be paid to the estate of a victim who dies. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5672 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5686 Prime Sponsor, Senator Eide: Changing academic assessments timelines. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Kastama, Kohl-Welles, Prentice, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Finkbeiner, Hewitt, Hochstatter, Johnson and Zarelli.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5688 Prime Sponsor, Senator Kohl-Welles: Requiring the department of health to publicize a list of recalled infant and child products. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5688 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Referred to Committee on Ways and Means.

February 27, 2001

SB 5708 Prime Sponsor, Senator Patterson: Preventing denial of insurance coverage for injuries caused by narcotic or alcohol use. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5718 Prime Sponsor, Senator Thibaudeau: Providing for certification of reflexologists. Reported by Committee on Health and Long-Term Care.

MAJORITY Recommendation: That Substitute Senate Bill No. 5718 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5770 Prime Sponsor, Senator Kohl-Welles: Changing higher education tuition provisions. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5770 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Jacobsen, McAuliffe and B. Sheldon.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Carlson and Sheahan.

Referred to Committee on Ways and Means.

February 27, 2001

SB 5777 Prime Sponsor, Senator Prentice: Permitting retired and disabled employees to obtain health insurance. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5777 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Referred to Committee on Ways and Means.

February 22, 2001

SB 5800 Prime Sponsor, Senator Prentice: Exempting certain records requested by port districts from public inspection and copying. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Hochstatter, Honeyford, Rasmussen, Regala, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Patterson.*

*Statement

The public has a vital interest in the operations of port districts and in the contractual relationships of port districts with domestic and foreign companies and governments. Senate Bill No. 5800 removes the public's ability to examine port districts' contractual relationships for fairness, consistency and fiscal prudence. The measure treats port districts far differently than any other state or local governmental entity in the withholding of information from the public. The state's citizens would be better served in maintaining the current level of public oversight of port district functions and in maintaining public oversight consistent with that of all other governmental agencies

Senator Julia Patterson

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5823 Prime Sponsor, Senator McAuliffe: Repealing student improvement goals. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Hewitt and Hochstatter.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 5827 Prime Sponsor, Senator McCaslin: Changing provisions relating to the enforcement of judgments. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5827 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5829 Prime Sponsor, Senator Prentice: Relating to cooperative activities by local governments. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 5896 Prime Sponsor, Senator Constantine: Providing for DNA testing of evidence. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Kastama, McCaslin and Thibaudeau.

Referred to Committee on Ways and Means.

February 27, 2001

SB 5933 Prime Sponsor, Senator Kohl-Welles: Reducing exposure in the home to carcinogens and allergens. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5940 Prime Sponsor, Senator Regala: Strengthening career and technical education. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5940 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Kastama, Kohl-Welles, Prentice, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Hewitt, Hochstatter and Zarelli.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5946 Prime Sponsor, Senator McAuliffe: Allowing certified real estate appraisers to appraise school district property. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5946 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Hochstatter, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5951 Prime Sponsor, Senator Prentice: Increasing penalties for violations of wage payment laws. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5951 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5960 Prime Sponsor, Senator Parlette: Modifying prescription product liability. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 6007 Prime Sponsor, Senator Prentice: Relating to extending unemployment insurance coverage to employees of Indian tribes. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6007 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Rasmussen, Regala, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton and Honeyford.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 6080 Prime Sponsor, Senator Prentice: Updating and harmonizing fireworks and explosives laws. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6080 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Franklin, Hochstatter, Patterson, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5200, Senate Bill No 5211, Senate Bill No. 5353, Senate Bill No. 5566 and Senate Bill No. 5896 were referred to the Committee on Ways and Means.

MESSAGE FROM THE HOUSE

February 27, 2001

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO 1067,
ENGROSSED HOUSE BILL NO. 1076,
SUBSTITUTE HOUSE BILL NO 1094,
HOUSE BILL NO. 1102,
HOUSE BILL NO. 1103,
HOUSE BILL NO. 1126,
SUBSTITUTE HOUSE BILL NO. 1136,
SUBSTITUTE HOUSE BILL NO. 1140,
SUBSTITUTE HOUSE BILL NO. 1163, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6132 by Senators Costa, Fraser and Gardner

AN ACT Relating to allowing a public employees' retirement system plan 1 member serving as a law enforcement officer, upon reaching age fifty, to transfer to the law enforcement officers' and fire fighters'

retirement system plan 1; adding a new section to chapter 41.26 RCW; and adding a new section to chapter 41.40 RCW

Referred to Committee on Ways and Means.

SB 6133 by Senators Costa and Fraser

AN ACT Relating to including school nurses under the definition of teachers' retirement system plan 1 earnable compensation; and amending RCW 41.32.010.

Referred to Committee on Ways and Means.

SB 6134 by Senators Rasmussen, Kastama, McAuliffe, Hochstatter, Finkbeiner, Carlson, Kohl-Welles and Winsley

AN ACT Relating to creating the comprehensive career guidance program to support parents' rights in the development of their child's educational plan; adding a new section to chapter 28A.300 RCW; and making an appropriation.

Referred to Committee on Education.

SB 6135 by Senators Fairley, Patterson, Deccio, Winsley and Gardner (by request of Governor Locke, Department of Community, Trade, and Economic Development and Public Works Board)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 39.42.060, 43.84.092, and 43.84.092; adding a new chapter to Title 43 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Ways and Means.

SB 6136 by Senators Rossi and Benton

AN ACT Relating to acquiring land by condemnation for the benefit of regional transit authorities; and amending RCW 81.112.080.

Referred to Committee on Transportation.

SB 6137 by Senator T. Sheldon

AN ACT Relating to educational employees' benefits and compensation during strikes and work stoppages; and amending RCW 28A.400.200.

Referred to Committee on Education.

SB 6138 by Senators Oke, Snyder, West, T. Sheldon, Stevens, McDonald, Morton, Swecker, Johnson and Finkbeiner

AN ACT Relating to fish protection costs; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Environment, Energy and Water.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Revising provisions relating to the commissioning and training of railroad police.

Referred to Committee on Transportation.

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

Removing the two-year limited license renewal limit on teaching-research medical professionals.

Referred to Committee on Health and Long-Term Care.

SHB 1094 by House Committee on Health Care (originally sponsored by Representatives Skinner, Schual-Berke, Cody, Campbell, Conway, Ruderman, Dunshee, Alexander, Edmonds, Kenney, Edwards and Kagi)

Allowing a health care professional to surrender his or her license to practice.

Referred to Committee on Health and Long-Term Care.

HB 1102 by Representatives Boldt, Woods and Clements

Regarding rights of foster parents.

Referred to Committee on Human Services and Corrections.

HB 1103 by Representatives Lambert, Ruderman, Esser, Miloscia, Buck, Pflug, McDermott, Simpson, D. Schmidt and Armstrong

Regulating mail to constituents.

Referred to Committee on State and Local Government.

HB 1126 by Representatives O'Brien, Benson, Hatfield, Ogden, Esser, Murray, McIntire, Miloscia, Barlean and Roach

Modifying collection of business to business debts by collection agencies.

Referred to Committee on Judiciary.

SHB 1136 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Schoesler, Wood, Ahern, Gombosky, Cox, Grant, Doumit, G. Chandler, Rockefeller, Linville, Schindler, Mulliken, Buck, Mastin, McMorris, Benson and Eickmeyer)

Regarding product standards.

Referred to Committee on Environment, Energy and Water.

SHB 1140 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Schoesler, Grant, Sump, G. Chandler, Cox, McMorris, Doumit, Mielke, Armstrong, Mastin, B. Chandler, Linville, Hatfield, Alexander, Benson and Haigh)

Modifying the taxation of grain warehouses.

Referred to Committee on Agriculture and International Trade.

SHB 1163 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Eickmeyer, Doumit, Rockefeller, Jackley and Haigh)

Changing provisions relating to disposal of garbage and junk vehicles.

Referred to Committee on Natural Resources, Parks and Shoreline

PERSONAL PRIVILEGE

Senator Betti Sheldon: "A personal privilege, Mr. President. We have some one here in the Senate who is celebrating a twenty-fifth wedding anniversary today. Mark and Tracey met in 1971 when they were both seniors at Kent-Ridge High School. Tracey was flirting with another guy and wanted to go to the football game with him. This guy she liked couldn't go because he was on the team, but suggested Tracey go with a team-mate who was recovering from an injury--a guy named Mark. They dated five years before marrying twenty-five years ago. Tracey's husband is an attorney and they have been blessed with two beautiful children, Joanna, seventeen, and Matthew, thirteen. Please join me in congratulating Senator Tracey Eide as she celebrates her silver wedding anniversary today."

PERSONAL PRIVILEGE

Senator Eide: "A point of personal privilege, Mr. President. Thank you, Senator Betti Sheldon, for those kind words. Yes, I am married to the world's best man. Anyone who can put up with me for twenty-five years is truly a saint--'Saint Mark' for this day only. I know my husband watches TVW, so here's to another twenty-five years honey. I love you dearly."

MOTION

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

SENATE RESOLUTION 2001-8625

By Senators Swecker, Franklin, Sheldon, B., Zarelli, Hale, Johnson, Fraser, Winsley, Rasmussen and Costa

WHEREAS, February is designated as Black History Month; and
WHEREAS, African Americans are an integral part of Washington's diverse population and rich history, being among the first non-Native Americans to settle in the area, which was to become the Washington Territory and ultimately the state of Washington; and
WHEREAS, George Washington, an African American, settled and founded the town of Centralia, Washington, causing this area to develop and prosper; and
WHEREAS, George Washington left the racial discrimination of his native Missouri first for Illinois, where he encountered further discrimination, and then for the Oregon Territory in 1850; and
WHEREAS, in 1852, George Washington staked a land claim at the fork of the Skookumchuck and Chehalis Rivers, in what is present-day Washington State; and
WHEREAS, racial discrimination continued to haunt George Washington, threatening his ability to settle in Oregon and hold land; and
WHEREAS, George Washington was able to avoid much of the full effects of this discrimination because his settlement was north of the Columbia River, in what became the Washington Territory in 1853, and was thus not subject to the Oregon Territory's "Black Exclusion Law," under which African Americans were excluded from Oregon under pain of whipping; and
WHEREAS, George Washington was able to secure his land and prosper as a frontier farmer, marrying Mary Jane Cooness in 1869; and
WHEREAS, In 1872, the Northern Pacific Railroad pushed its rail line across his farm, George Washington, seeing a chance for economic opportunity, registered at the county seat in Chehalis a town plat he originally called Centerville in 1875; and
WHEREAS, in 1883, George Washington changed the name of his town plat from Centerville to Centralia, and the town grew and prospered, and George Washington's wealth grew along with it; and
WHEREAS, George Washington continued to be a benefactor to Centralia, donating plots of land for churches, parks, and public buildings, earning a reputation for generosity among his neighbors; and
WHEREAS, his reputation for generosity was proven by his actions during a depression which hit the area in 1893, throughout which George Washington bought and distributed large amounts of food and lent money at no interest to those in need; and
WHEREAS, the depression eventually receded and Centralia again prospered, but some white newcomers to the town resented George Washington's prominence as the town's founder, and he was surreptitiously poisoned in 1898. He survived, but the perpetrators were never discovered; and
WHEREAS, despite these racial problems, George Washington's friends greatly outnumbered his enemies and, when George Washington died from injuries in a buggy accident, all businesses in Centralia closed so that residents could attend his funeral; and
WHEREAS, George Washington encountered and overcame the difficulties of frontier life, exacerbated by racial prejudice, to achieve success and prominence in Washington history and the western movement;
NOW, THEREFORE, BE IT RESOLVED, that the Washington State Senate hereby recognizes and honors one of our founding settlers, George Washington, in honor of his contribution to our state, and deems it all the more appropriate to honor this great man during this month of February, Black History Month, 2001; and
BE IT FURTHER RESOLVED, that a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State History Museum, the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, Lewis County Historical Society and the City of Centralia.

Senators Swecker and Franklin spoke to Senate Resolution 2001-8625.

MOTION

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

SENATE RESOLUTION 2001-8626

By Senators Swecker, Franklin, Sheldon, B., Zarelli, Hale, Johnson, Fraser, Winsley, Rasmussen and Costa

WHEREAS, February is designated as Black History Month; and

WHEREAS, African Americans are an integral part of Washington's diverse population and rich history, being among the first non-Native Americans to settle in the area which was to become the Washington Territory and ultimately the state of Washington; and

WHEREAS, George W. Bush, an African American, founded one of the first permanent non-Native American settlements in Washington; and

WHEREAS, George W. Bush and his wife, Isabel, decided to leave Missouri to search for new land in the Northwest and a better life, and to escape the racism pervasive at that time in his home state; and

WHEREAS, George W. Bush, Isabel, their children, and other families made up a settlement party that set off along the Oregon Trail in 1844, intending to settle in the Oregon Territory; and

WHEREAS, George W. Bush and Isabel cared for other children orphaned along the Oregon Trail during their arduous journey, and George W. Bush was held in such high regard by the other members of the settlement party that he, along with Michael Troutman Simmons, co-led that settlement party; and

WHEREAS, upon reaching The Dalles, an advance party learned that a group in the Oregon Territory had enacted a "Black Exclusion Law," under which African Americans were excluded from Oregon under pain of whipping; and

WHEREAS, George W. Bush decided to take his family north of the Columbia River and finally settled in the southern Puget Sound region, a year and a half after first setting out, in what was then a portion of North America under British control; and

WHEREAS, the settlers led by George W. Bush settled in an area of the southern Puget Sound which would become commonly known as Bush Prairie, where, along with help from Native American peoples in the area, they were able to live as farmers, traders, hunters, and gatherers of seafood from the Puget Sound; and

WHEREAS, George W. Bush had a reputation for generosity and could be relied upon by others to share food and seed grain, asking only if they were unable to pay that they would pass along similar aid to others in need; and

WHEREAS, that settlement led by George W. Bush played a role in establishing an American presence in what was then British-controlled North America, leading to further settlement of Washington and eventually becoming the Forty-Second State of the United States of America; and

WHEREAS, George W. Bush's son, William Owen Bush, was a member of the first state Constitutional Convention, and was later elected to the first State Legislature, where he introduced the bill that established the institution now known as Washington State University in 1890; and

WHEREAS, the Bush family is honored throughout the state as one of our earliest pioneer families, and this state owes a debt of gratitude to the efforts of George W. Bush, his family, and those he led for having the courage to seek a new life and settle in our state;

NOW, THEREFORE, BE IT RESOLVED, that the Washington State Senate hereby recognizes and honors one of our founding settlers, George W. Bush, in honor of his contribution to our state, and deems it all the more appropriate to honor this great man during this month of February, Black History Month, 2001; and

BE IT FURTHER RESOLVED, that a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State History Museum, the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College and the Lewis County Historical Society.

Senators Swecker, Fraser and Franklin spoke to Senate Resolution 2001-8626.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5065, by Senators McCaslin, Carlson, Patterson and Johnson

Authorizing independent salary commissions for cities, towns, and counties.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5065 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5065.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5065 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Regala and Roach - 2.

SENATE BILL NO. 5065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:31 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease

10:54 a.m. - THE BIG EARTHQUAKE

The Senate was called to order at 3:08 p.m. by President Owen on the grounds of the Legislative Building.

MOTION

At 3:08 p.m., on motion of Senator Snyder, the Senate adjourned until 10:00 a.m., Friday, March 2, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-SECOND DAY, FEBRUARY 28, 2001

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

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Friday, March 2, 2001
The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

MOTION

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

REMARKS BY SENATOR SNYDER

Senator Snyder gave a report of the progress and plans for the Senate following the earthquake on February 28, 2001. The Senate Chamber will be located on the first floor of the Cherberg Building and the proposed schedule will be followed as much as possible in the next few weeks.

MOTION

At 10:05 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Monday, March 5, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-FOURTH DAY, MARCH 2, 2001

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

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Monday, March 5, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator McDonald. On motion of Senator Honeyford, Senator McDonald was excused.

The Sergeant at Arms Color Guard, consisting of Don Hurst and Bob Patters, presented the Colors. Reverend John Stroeh, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the prayer.

REMARKS BY PRESIDENT OWEN

President Owen: "The quarters are going to be a little bit cramped today and we need to be a little bit more alert in things like bringing down the flags and moving about the aisles."

MOTION

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

REMARKS BY SENATOR SNYDER

Senator Snyder: "Thank you, Mr. President. I just want to add my thanks to all the staff and to all the members for the great way that everybody performed the last few days and how fortunate we are to be back here today without anybody being injured or even worse than that. I always said, years ago, that I hoped to live to the Year 2000--and I figured every day after that was a bonus day. I got up to four hundred and twenty-five days on Wednesday and I just wondered if that was going to be the last bonus day, but I have had five more and I am very thankful for that.

"We are going to go at ease in a minute to go to caucus and discuss matters in there. We will have a resolution to extend the cutoff from last Wednesday until today for getting bills out of the policy committees and until Thursday to get bills out of the two fiscal committees. We thought this was a historic day, so we are going to come back on the floor and do that and pass a couple of bills and anything else that might come before the Senate at that time."

MOTION

At 10:15 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:50 a.m. by President Owen.

INTRODUCTION AND FIRST READING

SCR 8411 by Senators Snyder and West

Amending committee cutoff dates.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8411 was advanced to second reading and placed on the second reading calendar.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8411, by Senators Snyder and West

Amending committee cutoff dates.

The concurrent resolution was read the second time.

SENATE CONCURRENT RESOLUTION NO. 8411

WHEREAS, Senate Concurrent Resolution No. 8402 established cutoff dates for consideration of legislation during the 2001 Regular Session of the Fifty-Seventh Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the cutoff dates established in Senate Concurrent Resolution No. 8402 be amended as follows:

(1) Monday, March 5, 2001, the fifty-seventh day, will be the final day to read in Senate Bill committee reports in the Senate with the exception of reports from the Senate Ways and Means and Senate Transportation committees; and

(2) Thursday, March 8, 2001, the sixtieth day, will be the final day to read in Senate Ways and Means, Senate Transportation, and House of Representatives fiscal committee reports in the house of origin.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8411 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8411.

SENATE CONCURRENT RESOLUTION NO. 8411 was adopted by voice vote.

SECOND READING

SENATE BILL NO. 5335, by Senators Snyder, Deccio, T. Sheldon, Morton, B. Sheldon, Hochstatter, Parlette, Sheahan, Hewitt, Haugen, Oke, McCaslin and Honeyford

Revising the authority of the statewide enhanced 911 program to support the statewide enhanced 911 system.

MOTIONS

On motion of Senator Snyder, Substitute Senate Bill No. 5335 was substituted for Senate Bill No. 5335 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Snyder, the rules were suspended, Substitute Senate Bill No. 5335 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5335.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5335 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 5335, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5015, by Senators Morton, McCaslin and Gardner

Modifying the definition of border area.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5015 was substituted for Senate Bill No. 5015 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5015 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5015.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5015 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 5015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:10 a.m., Senator Betti Sheldon moved that the Senate be at ease.

PARLIAMENTARY INQUIRY

Senator Sheahan: "A parliamentary inquiry, Mr. President. I just want to clarify that you will be calling us back at 5:30 this afternoon. Is that right?"

REPLY BY THE PRESIDENT

President Owen: "Senator Sheahan, Senator Sheldon's message was to go at ease subject to the call of the President. Our expectations are that it will be around 5:30, but there is no absolute on that."

PERSONAL PRIVILEGE

Senator Tim Sheldon: "Mr. President, a point of personal privilege. I didn't want this issue that I am about to mention to go any longer. Obviously, we have had unforeseen delays, but in our district, we had a murder last week. A young lady, a fifteen year old high school student--a fellow student of my daughter at Sheldon High School--was killed allegedly by a repeat sex offender--a level three offender. In meetings over the weekend, it has become apparent that the notification process didn't work. A lot of people in the neighborhood did not know that this individual was there. Addresses were wrong and law enforcement agencies on the reservation were not notified as they should have been.

Things happened and in my community this makes these facts the worst thing probably that I can ever remember happening in my community.

"I've talked to the Senate majority leader and I want to mention it to the other members too, if we can work on this this session and in some way, given the difficulties that we have had, find some way of strengthening that notification act, so that people have a chance. Families need to know that there is a person--a potential killer living in their neighborhood. I would appreciate your support in working on this issue. The young student's name is Jenny Osborne, a very wonderful little lady."

MOTION

At 11:13 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 6:58 p.m. by President Owen.

MOTION

On motion of Senator Spanel, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 26, 2001

SB 5028 Prime Sponsor, Senator Franklin: Establishing the legal presumption of reasonable value from the certification of health care records. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5028 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 6, 2001

SB 5060 Prime Sponsor, Senator Winsley: Revising alternative public works contracting procedures. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5060 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5061 Prime Sponsor, Senator Winsley: Awarding contracts for building engineering systems. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5062 Prime Sponsor, Senator Patterson: Regulating job order contracting for public works. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5062 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach and T. Sheldon.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5063 Prime Sponsor, Senator Patterson: Authorizing a limited public works process. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5074 Prime Sponsor, Senator Kohl-Welles: Creating the women's health advisory committee. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5074 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5086 Prime Sponsor, Senator Haugen: Increasing penalties for false reporting that causes a risk of substantial injury to persons or great expense to a governmental entity. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin and Roach.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5104 Prime Sponsor, Senator Carlson: Using revenues under the county conservation futures levy. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5104 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Morton, Oke and Stevens.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5107 Prime Sponsor, Senator T. Sheldon: Authorizing rural counties to use alternative methods to achieve planning goals. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5107 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5248 Prime Sponsor, Senator Kline: Expanding membership of the electrical board by appointment of one outside line worker. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5248 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5254 Prime Sponsor, Senator Jacobsen: Providing funding for parks and recreation facilities. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5254 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Haugen, Kline and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Hale, Horn, McCaslin, Roach and T. Sheldon.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5321 Prime Sponsor, Senator Costa: Creating a certification process and oversight mechanism for police service dog teams. Reported by Committee on Judiciary.

MAJORITY Recommendation: That Substitute Senate Bill No. 5321 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach and Thibaudeau.

Referred to Committee on Ways and Means.

February 27, 2001

SB 5323 Prime Sponsor, Senator Kline: Authorizing vacation of records of conviction for misdemeanor and gross misdemeanor offenses. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5323 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senator Zarelli.

Referred to Committee on Ways and Means.

February 26, 2001

SB 5331 Prime Sponsor, Senator Kline: Modifying collection of business to business debts by collection agencies. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5338 Prime Sponsor, Senator Kline: Establishing instant runoff voting. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5338 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Haugen, Kline and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Gardner, Horn and T. Sheldon.

Referred to Committee on Ways and Means.

February 27, 2001

SB 5354 Prime Sponsor, Senator Patterson: Modifying mobile home relocation assistance. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5354 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5378 Prime Sponsor, Senator Jacobsen: Providing a shoreline management master program development or amendment schedule. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5378 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Morton, Oke, Snyder and Stevens.

MINORITY Recommendation: Do not pass. Signed by Senators Spanel, Vice Chair; and Constantine.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5419 Prime Sponsor, Senator Patterson: Providing chemical dependency treatment for certain offenders. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5419 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Long and McCaslin.

Referred to Committee on Ways and Means.

February 27, 2001

SB 5425 Prime Sponsor, Senator Kohl-Welles: Implementing notices and procedures regarding aerial application of pesticides to control plant pests. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5425 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Jacobsen and Patterson.

MINORITY Recommendation: Do not pass. Signed by Senators Hale, Honeyford, McDonald and Morton.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5449 Prime Sponsor, Senator Prentice: Prohibiting identity theft. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5449 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5462 Prime Sponsor, Senator Costa: Requiring certain health insurance carriers to provide coverage for prescription contraceptive drugs and devices. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5462 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Deccio.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5473 Prime Sponsor, Senator Thibaudeau: Creating a developmental disabilities ombudsman. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5473 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Referred to Committee on Ways and Means.

March 5, 2001

SB 5489 Prime Sponsor, Senator Betti Sheldon: Exempting certain veterans affairs personnel from the state civil service law. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5489 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5492 Prime Sponsor, Senator Patterson: Providing incentives to reduce air pollution through the use of clean alternative fuel vehicles. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5492 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Jacobsen, McDonald, Morton and Patterson.

Referred to Committee on Ways and Means.

February 27, 2001

SB 5507 Prime Sponsor, Senator Kastama: Establishing parenting plans or residential schedules for parents who have acknowledged paternity. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5507 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5508 Prime Sponsor, Senator Jacobsen: Modifying distributions to the recreation resource account. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5508 be substituted therefor, and the substitute bill do pass and be referred to Committee on Transportation. Signed by Senators Jacobsen, Chair; Panel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Referred to Committee on Transportation.

February 27, 2001

SB 5509 Prime Sponsor, Senator Kohl-Welles: Requiring institutions of higher education to use personal identifiers that are not social security numbers. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5509 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, Parlette, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5511 Prime Sponsor, Senator Kastama: Modifying parenting plans. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5511 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5518 Prime Sponsor, Senator Horn: Waiving the motorcycle exam for trained operators. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 28, 2001

SB 5534 Prime Sponsor, Senator Eide: Regulating pesticide use in schools. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Snyder, Spanel and Swecker.

Referred to Committee on Ways and Means.

February 26, 2001

SB 5558 Prime Sponsor, Senator Rossi: Clarifying penalty procedures for alcohol violators. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5558 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5565 Prime Sponsor, Senator Deccio: Dispensing controlled substance orders and prescriptions. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5565 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5578 Prime Sponsor, Senator Costa: Validating trusts created for the benefit of nonhuman animals. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin and Roach.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5581 Prime Sponsor, Senator Thibaudeau: Regulating naturopathic physicians. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5581 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa and Fraser.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5593 Prime Sponsor, Senator Gardner: Changing the public accountancy act. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5593 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hochstatter, Honeyford and West.

Referred to Committee on Ways and Means.

February 27, 2001

SB 5598 Prime Sponsor, Senator Shin: Certifying athletic trainers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5598 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5604 Prime Sponsor, Senator Spanel: Allowing the liquor control board to authorize controlled purchase programs. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 28, 2001

SB 5612 Prime Sponsor, Senator Rasmussen: Providing excise tax exemptions related to horses. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder and Swecker.

Referred to Committee on Ways and Means.

February 28, 2001

SB 5618 Prime Sponsor, Senator Prentice: Financing local economic development projects. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Brown, Fairley, Finkbeiner, Haugen, McCaslin and Stevens.

Referred to Committee on Ways and Means.

February 27, 2001

SB 5624 Prime Sponsor, Senator Kohl-Welles: Requiring disclosure of fire protection and building safety information. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5626 Prime Sponsor, Senator Rasmussen: Modifying the definition of veteran. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Hale, Haugen, Kline, Roach, T. Sheldon and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley, Vice Chair.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5627 Prime Sponsor, Senator Rasmussen: Creating a joint committee on veterans' and military affairs. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Hale, Kline, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5630 Prime Sponsor, Senator Costa: Reimbursing nursing homes for direct care costs. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5630 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Referred to Committee on Ways and Means.

February 28, 2001

SB 5636 Prime Sponsor, Senator T. Sheldon: Using state sales and use tax revenues as a funding source for investing in community development infrastructure improvements. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5636 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Brown, Fairley, Finkbeiner, Haugen and McCaslin.

Referred to Committee on Ways and Means.

February 26, 2001

SB 5642 Prime Sponsor, Senator Prentice: Modifying provisions relating to the linked deposit program. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Deccio, Hochstatter and Honeyford.

Referred to Committee on Ways and Means.

March 5, 2001

SB 5652 Prime Sponsor, Senator Costa: Improving the quality of in-home long-term care services provided by state funded individual providers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5652 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Costa, Fraser and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio and Parlette.

Referred to Committee on Ways and Means.

March 5, 2001

SB 5661 Prime Sponsor, Senator Finkbeiner: Requiring growth management planning for recreational facilities. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5661 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Hargrove, Oke and Snyder.

MINORITY Recommendation: Do not pass. Signed by Senators Constantine and Morton.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 5670 Prime Sponsor, Senator Costa: Changing provisions relating to operating a vessel while under the influence of intoxicating liquor or any drug. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5670 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Kastama, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5677 Prime Sponsor, Senator Thibaudeau: Adjusting nursing home payments to enhance direct care. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That it be referred to Committee on Ways and Means without recommendation. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Deccio.

Referred to Committee on Ways and Means.

February 27, 2001

SB 5679 Prime Sponsor, Senator Thibaudeau: Creating the HIV/AIDS prevention study committee. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5679 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5685 Prime Sponsor, Senator Kohl-Welles: Providing a salary bonus for teachers receiving national board for professional teaching standards certification. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5685 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Finkbeiner, Hewitt, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

Referred to Committee on Ways and Means.

March 5, 2001

SB 5703 Prime Sponsor, Senator Hargrove: Describing what is not an alteration of a mobile home. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5703 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5704 Prime Sponsor, Senator Fairley: Clarifying recount procedures. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Kline, McCaslin and Swecker.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5705 Prime Sponsor, Senator Deccio: Requiring initiatives to specify funding sources. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5705 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Hale, Haugen, Kline and McCaslin.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Vice Chair; T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5710 Prime Sponsor, Senator McCaslin: Modifying the award of fees and expenses in administrative hearings. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5710 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, McCaslin, Roach, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

February 28, 2001

SB 5720 Prime Sponsor, Senator Carlson: Promoting community revitalization. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5720 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Brown, Fairley, Haugen, Rossi and Stevens.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5727 Prime Sponsor, Senator Prentice: Providing for subsidy disclosure. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5727 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Deccio, Fairley, Franklin, Patterson, Rasmussen, Regala, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton and Honeyford.

Referred to Committee on Ways and Means.

March 5, 2001

SB 5768 Prime Sponsor, Senator Thibaudeau: Creating the Washington health security trust. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5768 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Costa, Deccio, Fraser and Winsley.

Referred to Committee on Ways and Means.

March 5, 2001

SB 5783 Prime Sponsor, Senator Gardner: Clarifying standards for candidates using party designations. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5788 Prime Sponsor, Senator Kline: Revising the definition of "whistleblower." Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5788 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Kline, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5789 Prime Sponsor, Senator Kline: Creating a registry of advocates to assist whistleblowers. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5789 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Kline, T. Sheldon and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Hale, Haugen and Horn.

Referred to Committee on Ways and Means.

February 27, 2001

SB 5790 Prime Sponsor, Senator Kline: Revising provisions relating to vehicular assault. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5793 Prime Sponsor, Senator Thibaudeau: Creating the holding company act for health care service contractors and health maintenance organizations. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5793 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5794 Prime Sponsor, Senator Thibaudeau: Allowing medical reports in guardianship proceedings by advanced registered nurse practitioners. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5794 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5797 Prime Sponsor, Senator Prentice: Authorizing advanced registered nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5797 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser and Winsley.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5803 Prime Sponsor, Senator Hale: Delaying the effect of significant legislative rules. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5803 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Hale, Haugen, McCaslin, Roach, T. Sheldon and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Vice Chair; and Kline.

Passed to Committee on Rules for second reading.

February 28, 2001

SB 5808 Prime Sponsor, Senator Constantine: Marketing farmer-produced bottled wine. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5808 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5820 Prime Sponsor, Senator Kastama: Providing assistance to treat breast and cervical cancer. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5820 be substituted therefor, and the substitute bill do pass and the bill be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Franklin, Costa, Deccio, Fraser, Parlette and Winsley.

Referred to Committee on Ways and Means.

March 5, 2001

SB 5831 Prime Sponsor, Senator Swecker: Allowing the use of body-gripping traps under certain circumstances. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5831 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Constantine, Hargrove, Oke and Stevens.

MINORITY Recommendation: Do not pass. Signed by Senator Morton.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 5847 Prime Sponsor, Senator Fraser: Sending a notice of dishonor to the drawer of a check. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5847 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5848 Prime Sponsor, Senator Franklin: Providing tax incentives for creating low-cost housing. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5848 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Referred to Committee on Ways and Means.

February 28, 2001

SB 5851 Prime Sponsor, Senator Rasmussen: Authorizing the director of agriculture to consult with public entities on human health risks associated with any proposed pesticide use by the department. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5851 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Snyder and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senator Swecker.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5852 Prime Sponsor, Senator Franklin: Reporting on issues pertaining to racial profiling. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin and Roach.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5853 Prime Sponsor, Senator Franklin: Monitoring traffic-stop racial profiling. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5853 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin and Roach.

Referred to Committee on Ways and Means.

March 5, 2001

SB 5861 Prime Sponsor, Senator Fraser: Allowing the department of natural resources to sell or exchange its light industrial property in Thurston county. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Gardner, Hale, Haugen, Kline, McCaslin, Roach, T. Sheldon and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley, Vice Chair.

Referred to Committee on Ways and Means.

March 5, 2001

SB 5863 Prime Sponsor, Senator Snyder: Allowing the department of natural resources to exchange certain bedlands to obtain clear title to certain property on the Cowlitz river. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5865 Prime Sponsor, Senator Kline: Authorizing use of vehicle immobilization devices in lieu of impoundment. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5865 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Kastama, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

February 28, 2001

SB 5868 Prime Sponsor, Senator Kohl-Welles: Restricting information about cable subscribers. Reported by Committee on Economic Development and Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5868 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Brown, Fairley, Haugen, Rossi and Stevens.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5873 Prime Sponsor, Senator Patterson: Revising certain day labor limits to account for inflation. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 28, 2001

SB 5875 Prime Sponsor, Senator T. Sheldon: Changing provisions relating to telecommunications services for hearing or speech impaired. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5875 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Brown, Fairley, Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5877 Prime Sponsor, Senator Thibaudeau: Providing licensing standards for mental health counselors, marriage and family therapists, and social workers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5877 be substituted therefor and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser and Parlette.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5882 Prime Sponsor, Senator Tim Sheldon: Postponing the implementation of safety and health rules related to musculoskeletal disorder. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Deccio, Hochstatter, Honeyford, Rasmussen, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson and Regala.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5883 Prime Sponsor, Senator Patterson: Incorporating water supply and growth management planning. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5883 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Gardner, Hale, Kline, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5884 Prime Sponsor, Senator Jacobsen: Creating a legislative task force on local park and recreation maintenance and operations. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5884 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5888 Prime Sponsor, Senator Gardner: Revising the qualifications of a legal newspaper. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 28, 2001

SB 5904 Prime Sponsor, Senator Morton: Revising procedures for conservation district elections. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5904 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Snyder, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5905 Prime Sponsor, Senator Prentice: Concerning the negotiation, enforcement, and resolution of disputes regarding tribal/state gaming compacts under the federal Indian gaming regulatory act of 1988. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5905 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5906 Prime Sponsor, Senator Rasmussen: Creating the technology in education task force. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5906 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Kastama, Kohl-Welles, Prentice, Rasmussen and Regala.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5909 Prime Sponsor, Senator Fraser: Revising financial responsibility requirements for vessels. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5909 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Jacobsen, McDonald, Morton and Patterson.

Referred to Committee on Ways and Mean.

February 27, 2001

SB 5911 Prime Sponsor, Senator Fraser: Certifying water rights examiners. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5911 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Jacobsen, McDonald, Morton and Patterson.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5912 Prime Sponsor, Senator Fraser: Siting energy facilities. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5912 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Jacobsen, McDonald, Morton and Patterson.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Honeyford.

Referred to Committee on Ways and Means.

February 27, 2001

SB 5914 Prime Sponsor, Senator Fraser: Concerning water rights on family farms. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5914 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Jacobsen and Patterson.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Hale, Honeyford and Morton.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5915 Prime Sponsor, Senator Patterson: Selecting wetlands mitigation projects. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5915 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Jacobsen and Patterson.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Hale, Honeyford, McDonald and Morton.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5922 Prime Sponsor, Senator Tim Sheldon: Changing water right appeals procedures for rights subject to a general stream adjudication. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5922 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Jacobsen, McDonald, Morton and Patterson.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5925 Prime Sponsor, Senator Jacobsen: Reusing waste water derived from food processing. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5925 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Hale, Honeyford, Jacobsen, McDonald, Morton and Patterson.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5935 Prime Sponsor, Senator Constantine: Prohibiting civil forfeitures of property unless the owner has been convicted of a crime. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5935 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, McCaslin, Roach and Thibaudeau.

Referred to Committee on Ways and Means.

March 5, 2001

SB 5936 Prime Sponsor, Senator Prentice: Providing funds for housing projects. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5936 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Rasmussen, Regala, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hochstatter and Honeyford.

Referred to Committee on Ways and Means.

February 27, 2001

SB 5941 Prime Sponsor, Senator Regala: Revising inheritance rights of parents who did not provide regular support for a minor child. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5941 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Kastama and McCaslin.

MINORITY Recommendation: Do not pass. Signed by Senators Johnson and Zarelli.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5942 Prime Sponsor, Senator McAuliffe: Increasing penalties for crimes against dog guides and service animals. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5942 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Long and McCaslin.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5950 Prime Sponsor, Senator Patterson: Providing property tax deferrals for multifamily housing within transit corridors. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5950 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Kline, McCaslin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Horn.

Referred to Committee on Ways and Means.

March 5, 2001

SB 5954 Prime Sponsor, Senator Shin: Updating obsolete language. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5958 Prime Sponsor, Senator Prentice: Adopting the Washington life and disability insurance guaranty association act. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5958 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5966 Prime Sponsor, Senator Jacobsen: Transferring energy-related activities to the state energy office. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Jacobsen and Patterson.

MINORITY Recommendation: Do not pass. Signed by Senators Hale, Honeyford, McDonald and Morton.

Referred to Committee on Ways and Means.

February 27, 2001

SB 5970 Prime Sponsor, Senator Hargrove: Revising provisions for probation orders. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5970 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Costa, Hargrove, Long, McCaslin and Roach.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5975 Prime Sponsor, Senator Costa: Revising information requirements in family law court files. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5975 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5979 Prime Sponsor, Senator Zarelli: Establishing a school safety center. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5979 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Hochstatter, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

Referred to Committee on Ways and Means.

March 5, 2001

SB 5980 Prime Sponsor, Senator Prentice: Prohibiting the sale of motor vehicle fuels below their actual costs. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5980 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5982 Prime Sponsor, Senator Prentice: Modifying relocation assistance provisions. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Referred to Committee on Transportation.

February 27, 2001

SB 5986 Prime Sponsor, Senator Franklin: Clarifying licensing for public psychiatric facilities. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5986 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Deccio.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 5993 Prime Sponsor, Senator Oke: Revising limitations on smoking in public places. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5993 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser and Winsley.

Referred to Committee on Ways and Means.

February 28, 2001

SB 5999 Prime Sponsor, Senator Betti Sheldon: Modifying the telephone assistance program. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Brown, Fairley, Finkbeiner, Haugen and Rossi.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 6000 Prime Sponsor, Senator Thibaudeau: Authorizing optometrists to use and prescribe approved drugs for diagnostic or therapeutic purposes without limitation upon the methods of delivery in the practice of optometry. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6000 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa and Fraser.

Passed to Committee on Rules for second reading.

February 26, 2001

SB 6001 Prime Sponsor, Senator Carlson: Inspecting tenant dwelling units for fire code violations. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 6012 Prime Sponsor, Senator Honeyford: Allowing customary agricultural related burning in an urban growth area. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 6012 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Hale, Honeyford, Jacobsen, McDonald and Morton.

Passed to Committee on Rules for second reading.

February 28, 2001

SB 6016 Prime Sponsor, Senator Sheahan: Limiting the liability of a conservation district for decisions made in compliance with chapter 70.94 RCW. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Parlette, Sheahan and Swecker.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 6022 Prime Sponsor, Senator West: Changing from five years to fifteen years the time that certain amounts are awarded to owners and breeders. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, West and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 6027 Prime Sponsor, Senator Fraser: Creating the diversification of electricity supply and demand management act. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 6027 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Jacobsen, McDonald and Patterson.

MINORITY Recommendation: Do not pass. Signed by Senators Hale, Honeyford and Morton.

Referred to Committee on Ways and Means.

February 28, 2001

SB 6037 Prime Sponsor, Senator Prentice: Authorizing animal care and control agencies and nonprofit humane societies to provide limited veterinarian services. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 6037 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 6069 Prime Sponsor, Senator Regala: Authorizing allotment of state funds for rehabilitating or restoring an existing school building listed or eligible to be listed as an historic property. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6069 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 6070 Prime Sponsor, Senator Patterson: Incorporating effective economic development planning into growth management planning. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6070 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Hale, Horn, Kline, McCaslin and T. Sheldon.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 6076 Prime Sponsor, Senator Kline: Modifying the powers and duties of fish and wildlife law enforcement officers. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6076 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Long and McCaslin.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 6078 Prime Sponsor, Senator Thibaudeau: Concerning the issuance of a medicare supplement policy or certificate. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6078 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 6099 Prime Sponsor, Senator Morton: Providing electric utility sales and use tax exemptions. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hale, Honeyford, Jacobsen, McDonald and Morton.

Referred to Committee on Ways and Means.

February 27, 2001

SB 6107 Prime Sponsor, Senator Fraser: Extending the applicability of provisions relating to geothermal energy. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Hale, Honeyford, Jacobsen, McDonald and Morton.

Passed to Committee on Rules for second reading.

February 27, 2001

SB 6108 Prime Sponsor, Senator Fraser: Modifying the issuance of a water right certificate. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 6108 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Jacobsen and Patterson.

MINORITY Recommendation: Do not substitute. Signed by Senators Hale, Honeyford and Morton.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 6109 Prime Sponsor, Senator Patterson: Reporting election independent expenditures and contributions. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Kline and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Swecker.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 6110 Prime Sponsor, Senator Spanel: Providing for the administration of a Puget Sound crab pot buoy tag program. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 6110 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 28, 2001

SB 6124 Prime Sponsor, Senator Parlette: Exempting certain used farming equipment from sales and use tax. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan and Swecker.

Referred to Committee on Ways and Means.

February 28, 2001

SB 6126 Prime Sponsor, Senator Zarelli: Clarifying that public utility districts are not authorized to engage in the business of repairing electrical appliances other than those they sell or lease. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Brown, Fairley, Finkbeiner, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

February 28, 2001

SJM 8019 Prime Sponsor, Senator Rasmussen: Petitioning the secretary of agriculture to review certain policies of the conservation reserve enhancement program. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass: Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 5, 2001

SJM 8021 Prime Sponsor, Senator McAuliffe: Requesting that the federal government expand incentives to encourage people to become teachers in geographic areas and subjects with teacher shortages. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules for second reading.

March 5, 2001

SCR 8408 Prime Sponsor, Senator Haugen: Establishing a blue ribbon commission on medical care cost and access. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Concurrent Resolution No. 8408 be substituted therefor, and the substitute concurrent resolution do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Referred to Committee on Ways and Means.

February 28, 2001

SCR 8410 Prime Sponsor, Tim Sheldon: Studying wireless communication. Reported by Committee on Economic Development and Telecommunications

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 8410 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Brown, Fairley, Finkbeiner, Haugen, Rossi and Stevens.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Spanel, Senate Bill No. 5104, Senate Bill No. 5883 and Senate Bill No. 5911 were referred to the Committee on Rules.

On motion of Senator Spanel, Senate Bill No. 5982 was referred to the Committee on Transportation.

MOTION

On motion of Senator Spanel, Senate Bill No. 5321, Senate Bill No. 5323, Senate Bill No. 5419, Senate Bill No. 5642, Senate Bill No. 5710, Senate Bill No. 5727, Senate Bill No. 5853, Senate Bill No. 5935, Senate Bill No. 5993 and Senate Bill No. 6124 were referred to the Committee on Ways and Means.

MOTION

At 7:02 p.m., on motion of Senator Spanel, the Senate adjourned until 8:00 a.m., Tuesday, March 6, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-SEVENTH DAY, MARCH 5, 2001

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

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Tuesday, March 6, 2001

The Senate was called to order at 8:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Finkbeiner, Hargrove, Horn, McDonald, Rasmussen, Roach, Tim Sheldon, Swecker and Thibaudeau. On motion of Senator Honeyford, Senators Finkbeiner, Horn, McDonald, Roach and Swecker were excused. On motion of Senator Eide, Senators Brown, Hargrove, Tim Sheldon and Thibaudeau were excused.

The Sergeant at Arms Color Guard, consisting of Don Hurst and Mike Fredricks, presented the Colors. Reverend John Stroeh, pastor of the Lutheran Church of the Good Shepherd in Olympia, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6139 by Senators Patterson, Constantine, Fairley and Eide

AN ACT Relating to school construction taxation; adding a new section to chapter 82.32 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SECOND READING

SENATE BILL NO. 5054, by Senators Johnson and Constantine

Modifying the rule against perpetuities.

The bill was read the second time.

MOTION

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 5054 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5054.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5054 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Regala, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, West, Winsley and Zarelli - 39.

Absent: Senator Rasmussen - 1.

Excused: Senators Brown, Finkbeiner, Hargrove, Horn, McDonald, Roach, Sheldon, T., Swecker and Thibaudeau - 9.

SENATE BILL NO. 5054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Rasmussen was excused.

SECOND READING

SENATE BILL NO. 5206, by Senators Gardner, Prentice, Winsley and Fraser (by request of Department of Licensing)

Modifying geologist licensing provisions.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 5206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5206.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5206 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 44.

Excused: Senators Finkbeiner, Hargrove, McDonald, Rasmussen and Thibaudeau - 5.

SENATE BILL NO. 5206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5426, by Senators Patterson, Costa, McCaslin, Constantine and Kline

Authorizing a filing fee surcharge for funding county law libraries.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5426 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5426.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5426 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 9; Absent, 0; Excused, 5.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Haugen, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Parlette, Patterson, Prentice, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel and Winsley - 35.

Voting nay: Senators Benton, Hewitt, Hochstatter, Honeyford, Morton, Stevens, Swecker, West and Zarelli - 9.

Excused: Senators Finkbeiner, Hargrove, McDonald, Rasmussen and Thibaudeau - 5.

SENATE BILL NO. 5426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5156, by Senators Hale and Hewitt (by request of Administrator for the Courts)

Creating an additional superior court position for the counties of Benton and Franklin jointly.

The bill was read the second time.

MOTIONS

On motion of Senator Hale, the following amendment was adopted:

On page 1, line 17, after "only if" insert ", prior to May 1, 2006,"

Renumber the sections consecutively and correct any internal references accordingly.

On motion of Senator Hale, the rules were suspended, Engrossed Senate Bill No. 5156 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5156.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5156 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Finkbeiner, McDonald and Thibaudeau - 3.

ENGROSSED SENATE BILL NO. 5156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5122, by Senators Costa, Long and Hargrove

Revising procedures and standards for commitment of sexually violent predators.

MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5122 was substituted for Senate Bill No. 5122 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the following amendments by Senators Costa, Hargrove and Long were considered simultaneously and were adopted:

On page 14, line 1, after "(ii)" strike "conditions cannot be imposed" and insert "does not include conditions"

On page 15, line 13, after "(b)" strike "conditions cannot be imposed" and insert "does not include conditions"

On page 15, line 19, after "((with))" strike "conditions can be imposed" and insert "includes conditions"

MOTION

On motion of Senator Costa, the rules were suspended, Engrossed Substitute Senate Bill No. 5122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5122.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5122 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Finkbeiner, McDonald and Thibaudeau - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5416, by Senators Patterson, Stevens, Long, Hargrove, Rossi, Winsley, McAuliffe and Rasmussen

Requiring identification of drug-affected infants and providing treatment services to their mothers.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5416 was substituted for Senate Bill No. 5416 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5416 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5416.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5416 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Finkbeiner, McDonald and Thibaudeau - 3.

SUBSTITUTE SENATE BILL NO. 5416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5047, by Senators Long, Costa, Hargrove and Carlson (by request of Department of Corrections)

Authorizing the department of corrections to detain, search, or remove persons who enter correctional facilities or institutional grounds.

The bill was read the second time.

MOTION

On motion of Senator Long, the rules were suspended, Senate Bill No. 5047 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5047.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5047 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Voting nay: Senator Fairley - 1.

Excused: Senators Finkbeiner, McDonald and Thibaudeau - 3.

SENATE BILL NO. 5047, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5114, by Senators Horn, T. Sheldon, Hochstatter, Hargrove, Costa, Roach, Oke, Haugen, Zarelli, Regala, Fairley, Snyder, Morton, Benton, Constantine, Johnson, Stevens, McDonald, B. Sheldon, Sheahan, Long, Gardner and Rossi

Modifying motorcycle provisions.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5114 was substituted for Senate Bill No. 5114 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 5114 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5114.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5114 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Finkbeiner, McDonald and Thibaudeau - 3.

SUBSTITUTE SENATE BILL NO. 5114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5126, by Senators Spanel, Patterson, Morton, McDonald, Regala, Gardner, Fraser, Rasmussen and Oke

Regarding technical and clarifying amendments to the pipeline safety act of 2000.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5126 was substituted for Senate Bill No. 5126 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5126 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5126.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5126 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Finkbeiner, McDonald and Thibaudeau - 3.

SUBSTITUTE SENATE BILL NO. 5126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5108, by Senators T. Sheldon, Benton, Snyder, Hargrove, Sheahan, Gardner, Rasmussen and Stevens

Modifying provisions relating to the growing of short-rotation hardwood trees on agricultural land.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5108 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5108.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5108 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Finkbeiner, McDonald and Thibaudeau - 3.

SENATE BILL NO. 5108, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5013, by Senators McCaslin, Haugen and Long

Clarifying the definition of "persistent offender."

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5013 was substituted for Senate Bill No. 5013 and the substitute bill was placed on second reading and read the second time.

Senator Costa moved that the following striking amendment by Senators Costa, McCaslin and Long be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that an ambiguity may exist regarding whether out-of-state convictions or convictions under prior Washington law, for sex offenses that are comparable to current Washington offenses, count when determining whether an offender is a persistent offender. This act is intended to clarify the legislature's intent that out-of-state convictions for comparable sex offenses and prior Washington convictions for comparable sex offenses shall be used to determine whether an offender meets the definition of a persistent offender.

Sec. 2. RCW 9.94A.030 and 2000 c 28 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.145, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.120(2)(b), 9.94A.650 through 9.94A.670, 9.94A.137, 9.94A.700 through 9.94A.715, or 9.94A.383, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(5) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.040, for crimes committed on or after July 1, 2000.

(6) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such

time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(7) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(9) "Confinement" means total or partial confinement.

(10) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(12) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

(13) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(14) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(15) "Department" means the department of corrections.

(16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(17) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(18) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(19) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(20) "Earned release" means earned release from confinement as provided in RCW 9.94A.150.

(21) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(22) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(23) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(24) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(25) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(26) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while

under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(27) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

- (b) Assault in the second degree;
- (c) Assault of a child in the second degree;
- (d) Child molestation in the second degree;
- (e) Controlled substance homicide;
- (f) Extortion in the first degree;
- (g) Incest when committed against a child under age fourteen;
- (h) Indecent liberties;
- (i) Kidnapping in the second degree;
- (j) Leading organized crime;
- (k) Manslaughter in the first degree;
- (l) Manslaughter in the second degree;
- (m) Promoting prostitution in the first degree;
- (n) Rape in the third degree;
- (o) Robbery in the second degree;
- (p) Sexual exploitation;
- (q) Vehicular assault;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(28) "Nonviolent offense" means an offense which is not a violent offense.

(29) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(30) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(31) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (31)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(32) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(33) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(34) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

- (35) "Serious traffic offense" means:
- (a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or
 - (b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.
- (36) "Serious violent offense" is a subcategory of violent offense and means:
- (a)(i) Murder in the first degree;
 - (ii) Homicide by abuse;
 - (iii) Murder in the second degree;
 - (iv) Manslaughter in the first degree;
 - (v) Assault in the first degree;
 - (vi) Kidnapping in the first degree;
 - (vii) Rape in the first degree;
 - (viii) Assault of a child in the first degree; or
 - (ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or
 - (b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.
- (37) "Sex offense" means:
- (a) A felony that is a violation of:
 - (i) Chapter 9A.44 RCW other than RCW 9A.44.130(11);
 - (ii) RCW 9A.64.020;
 - (iii) RCW 9.68A.090; or
 - (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;
 - (b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;
 - (c) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or
 - (d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.
- (38) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.
- (39) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.
- (40) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.
- (41) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.
- (42) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.
- (43) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.
- (44) "Violent offense" means:
- (a) Any of the following felonies:
 - (i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;
 - (ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;
 - (iii) Manslaughter in the first degree;
 - (iv) Manslaughter in the second degree;
 - (v) Indecent liberties if committed by forcible compulsion;
 - (vi) Kidnapping in the second degree;
 - (vii) Arson in the second degree;
 - (viii) Assault in the second degree;
 - (ix) Assault of a child in the second degree;
 - (x) Extortion in the first degree;
 - (xi) Robbery in the second degree;
 - (xii) Drive-by shooting;
 - (xiii) Vehicular assault; and
 - (xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
 - (b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and
 - (c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.
- (45) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.135.
- (46) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.137 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and

vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(47) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Costa, McCaslin and Long to Substitute Senate Bill No. 5013.

The motion by Senator Costa carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Kline, the following title amendment was adopted:

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9.94A.030; and creating a new section."

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 5013 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5013.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5013 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Finkbeiner, McDonald and Thibaudeau - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5270, by Senators Costa, Long, Gardner, Carlson and Kohl-Welles

Modifying requirements for certain victims of sexually violent predators to be eligible for victims' compensation.

The bill was read the second time.

MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 5270 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5270.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5270 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Finkbeiner, McDonald and Thibaudeau - 3.

SENATE BILL NO. 5270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Costa: "Mr. President, I rise to a point of personal privilege. I know that we are in unusual circumstances and you do have some very strict rules of decorum on the floor of the Senate. However, since we are in such close quarters and we are not used to this, I am wondering if you might indulge us and loosen those rules a little bit and allow me to pass out some breath mints to some of my colleagues on the floor."

REPLY BY THE PRESIDENT

President Owen: "The President has never had any stringent rules on breath mints. He is in complete and total support of that act of kindness."

Senator Costa: "Thank you, Mr. President."

SECOND READING

SENATE BILL NO. 5591, by Senators Zarelli, Kline, Costa, McCaslin and Kohl-Welles

Providing a sole caregiver jury duty exemption.

The bill was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5591 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5591.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5591 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Finkbeiner, McDonald and Thibaudeau - 3.

SENATE BILL NO. 5591, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

POINT OF ORDER

Senator Tim Sheldon: "A point of order, Mr. President. I know it is an unusual circumstances, but perhaps there could be some kind of semeiology or sign language for my seat mate here, Senator Regala. Because of her voice problem, perhaps some type of signal could be used for her voting today."

REPLY BY THE PRESIDENT

President Owen: "I understand that we are in the situation where we have a political person without a voice. Senator Regala, we will figure something out to accommodate you."

SECOND READING

SENATE BILL NO. 5552, by Senators Carlson, Kohl-Welles, Hale, B. Sheldon, Hewitt, Sheahan, Shin, Zarelli, Parlette and Horn

Expanding border county higher education opportunities.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5552 was substituted for Senate Bill No. 5552 and the substitute bill was placed on second reading and read the second time.

Debate ensued.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5552 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5552.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5552 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Finkbeiner, McDonald and Thibaudeau - 3.

SUBSTITUTE SENATE BILL NO. 5552, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8209, by Senators Snyder, West, Prentice, Winsley and Rossi (by request of State Investment Board)

Investing state investment board funds.

The joint resolution was read the second time.

MOTION

Senator Snyder moved that the following amendment by Senators Snyder and West be adopted:

On page 1, beginning on line 8, strike all material through "law." on line 14, and insert the following:

"Article XXIX, section 1. Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund, industrial insurance trust fund, ((or)) fund held in trust for the benefit of persons with developmental disabilities, or any other fund or account placed by law under the investment authority of the state investment board may be invested as authorized by law."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Snyder and West on page 1, beginning on line 8, to Senate Joint Resolution No. 8209.

The motion by Senator Snyder carried and the amendment was adopted.

MOTION

On motion of Senator Snyder, the rules were suspended, Engrossed Senate Joint Resolution No. 8209 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Joint Resolution No. 8209.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 8209 and the joint resolution passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, West, Winsley and Zarelli - 43.

Voting nay: Senators Hochstatter, Stevens and Swecker - 3.

Excused: Senators Finkbeiner, McDonald and Thibaudeau - 3.

ENGROSSED SENATE JOINT RESOLUTION NO. 8209, having received the constitutional two-thirds majority, was declared passed.

SECOND READING

SENATE BILL NO. 5393, by Senators Long, Kline and Kohl-Welles (by request of Administrator for the Courts)

Revising provisions relating to truancy records.

The bill was read the second time.

MOTION

On motion of Senator Long, the rules were suspended, Senate Bill No. 5393 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5393.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5393 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Finkbeiner, McDonald and Thibaudeau - 3.

SENATE BILL NO. 5393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5049, by Senators Kohl-Welles, Hargrove, Stevens, Zarelli, Costa and Long

Providing limitations on placement of a child in out-of-home care when a conflict of interest exists.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5049 was substituted for Senate Bill No. 5049 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5049 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5049.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5049 and the bill passed the Senate by the following vote:

Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Finkbeiner, McDonald and Thibaudeau - 3.

SUBSTITUTE SENATE BILL NO. 5049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5246, by Senators Jacobsen, Oke, Spanel, Swecker, Gardner, Regala and Parlette (by request of Salmon Recovery Funding Board)

Adjusting deadlines for salmon recovery grant applications.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5246 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5246.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5246 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Finkbeiner, McDonald and Thibaudeau - 3.

SENATE BILL NO. 5246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Zarelli was excused.

SECOND READING

SENATE BILL NO. 5077, by Senators Haugen and Rasmussen

Modifying the provisional employment of sheriff's employees.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5077 was substituted for Senate Bill No. 5077 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5077 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5077 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West and Winsley - 46.

Excused: Senators Finkbeiner, Thibaudeau and Zarelli - 3.

SUBSTITUTE SENATE BILL NO. 5077, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5256, by Senators Kastama and Regala

Enacting the emergency management assistance compact.

The bill was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5256.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5256 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West and Winsley - 46.

Excused: Senators Finkbeiner, Thibaudeau and Zarelli - 3.

SENATE BILL NO. 5256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5017, by Senators Franklin, Winsley and Regala

Regulating sale of larger quantities of ephedrine and derivatives.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5017 was substituted for Senate Bill No. 5017 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kline, the following amendment by Senators Franklin and Kline was adopted:

On page 10, beginning on line 5, strike all of section 14, and insert the following:

"NEW SECTION. Sec. 14. A new section is added to chapter 69.43 RCW to read as follows:

(1) To prevent violations of section 9 of this act, every licensee and registrant under chapter 18.64 RCW, who sells at retail any products containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, shall do either or may do both of the following:

(a) Program scanners, cash registers, or other electronic devices used to record sales in a manner that will alert persons handling transactions to potential violations of section 9(1) of this act and/or prevent such violations; or

(b) Place one or more signs on the premises to notify customers of the prohibitions of section 9 of this act. Any such sign may, but is not required to, conform to the language and format prepared by the department of health under subsection (2) of this section.

(2) The department of health shall prepare language and format for a sign summarizing the prohibitions in sections 9 and 10 of this act and make the language and format available to licensees and registrants under chapter 18.64 RCW, for voluntary use in their places of business to inform customers and employees of the prohibitions. Nothing in this section requires the department of health to provide licensees or registrants with copies of signs, or any licensee or registrant to use the specific language or format prepared by the department under this subsection."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 5017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5017.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5017 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Carlson, Costa, Deccio, Eide, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Long, McCaslin, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West and Winsley - 39.

Voting nay: Senators Brown, Constantine, Fairley, Haugen, Kohl-Welles, McAuliffe and Morton - 7.

Excused: Senators Finkbeiner, Thibaudeau and Zarelli - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator West: "A point of personal privilege, Mr. President. Last night, the pride of the Pacific Northwest-- The Cinderella Kids from Spokane, Gonzaga University-- got their invitation again to the big dance, the March Madness. They defeated Santa Clara seventy to sixty-seven. There was a shot at the buzzer that almost tied the game. Fortunately, Santa Clara was off and Gonzaga won. This is the third year in a row that Gonzaga has won the West Coast Conference. That is unprecedented in the West Coast Conference. So, once again we are very proud of those young men from that Gonzaga team and the entire school. We don't know yet who they will be seeded against or where they will be, but I am sure that we will follow that closely and some of us may try and be absent one day if at all possible. I just thought Senator Betti Sheldon from Bremerton would be very interested in that news, since I think she and I are the only alumni on the floor."

PERSONAL PRIVILEGE

Senator Patterson: "A point of personal privilege, Mr. President. This arrangement is working and I think our staff has done a fantastic job. I understand that they were here over the weekend when we were all at home recuperating from the earthquake. They were all here working long hours to make it possible for the Washington State Senate to continue. I think it works and I think we should all thank these folks for all the time and effort they put into making this possible for the people of the state of Washington. I'm impressed. To the staff that gave up their weekend, I thank you."

MOTION

At 10:30 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 8:30 a.m., Wednesday, March 7, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-EIGHTH DAY, MARCH 6, 2001

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

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Wednesday, March 7, 2001

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Finkbeiner and Patterson. On motion of Senator Honeyford, Senator Finkbeiner was excused. On motion of Senator Eide, Senators Brown and Patterson were excused.

The Sergeant at Arms Color Guard, consisting of Juanita Hamre and Jim Ruble, presented the Colors. Reverend John Stroeh, pastor of the Lutheran Church of the Good Shepherd in Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 5, 2001

SB 5633 Prime Sponsor, Senator Haugen: Granting the utilities and transportation commission authority to inspect businesses that ship hazardous materials by rail. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5735 Prime Sponsor, Senator Gardner: Allowing motorcycles to have blue dot taillights. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5738 Prime Sponsor, Senator Kohl-Welles: Adjusting snowmobile license fees. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Horn, Jacobsen, Kastama, McAuliffe, Oke, Patterson, Prentice and Swecker.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5739 Prime Sponsor, Senator Gardner: Addressing transportation needs of persons with special transportation needs. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Horn, Johnson, Kastama, McAuliffe, Oke, Patterson, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 5, 2001

SB 5795 Prime Sponsor, Senator Thibaudeau: Providing for determination of disability for special parking privileges by advanced registered nurse practitioners. Reported by Committee on Transportation

MAJORITY Recommendation: Refer to Committee on Rules without recommendation: Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Prentice, T. Sheldon, Shin and Swecker.

Referred to Committee on Rules without recommendation.

MESSAGE FROM THE HOUSE

March 6, 2001

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8411, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6140 by Senators McDonald, Prentice, Horn, Eide, Johnson, Finkbeiner, Patterson, Shin, Benton, Kastama, Costa, McAuliffe, Rossi, Long, Roach, Zarelli and Oke

AN ACT Relating to the creation of congestion relief boards; and adding a new chapter to Title 47 RCW.
Referred to Committee on Transportation.

SB 6141 by Senators Fraser, Winsley, Kastama, Costa, Gardner, Eide, Haugen, Constantine, Prentice, Shin, Rasmussen, Sheahan, Swecker, Oke, Zarelli, and Roach (by request of Lieutenant Governor Owen, Attorney General Gregoire, State Treasurer Murphy, Superintendent of Public Instruction Bergeson, State Auditor Sonntag, Secretary of State Reed, Commissioner of Public Lands Sutherland and Insurance Commissioner Kreidler)

AN ACT Relating to an annual cost-of-living increase for state employees; adding a new section to chapter 41.04 RCW; creating a new section; and declaring an emergency.
Referred to Committee on Ways and Means.

SJM 8022 by Senators Stevens, West, Horn, Hewitt, Parlette, Honeyford, Hochstatter, Benton, Long, Zarelli, Oke, Johnson, Hale, Deccio and McCaslin

Petitioning Congress to amend the Social Security Act.

Referred to Committee on Ways and Means.

SECOND READING

SENATE BILL NO. 5057, by Senators Gardner, Hale, Haugen, Horn, Spanel, Patterson, Costa, Kline and McCaslin

Specifying how code cities may change the plan of government.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 5057 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5057.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5057 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Brown, Finkbeiner and Patterson - 3.

SENATE BILL NO. 5057, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8406, by Senators Shin, Rasmussen, Franklin, Roach, Prentice, McAuliffe, Regala, Fraser, Jacobsen and Gardner

Encouraging legislator trade mission participation.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Concurrent Resolution No. 8406 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8406.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8406 and the concurrent resolution passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Brown - 1.

SENATE CONCURRENT RESOLUTION NO. 8406, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5051, by Senators Long, Hargrove, Winsley, Haugen, Stevens, Patterson, McAuliffe, Fairley and Carlson

Changing provisions relating to persons incapacitated by a chemical dependency.

The bill was read the second time.

MOTION

On motion of Senator Long, the following striking amendment by Senators Long and Hargrove was adopted: Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 70.96A.020 and 1998 c 296 s 22 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Alcoholic" means a person who suffers from the disease of alcoholism.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(4) "Chemical dependency" means:

(a) Alcoholism ((a)); (b) drug addiction((b)); or (c) dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(5) "Chemical dependency program" means expenditures and activities of the department designed and conducted to prevent or treat alcoholism and other drug addiction, including reasonable administration and overhead.

(6) "Department" means the department of social and health services.

(7) "Designated chemical dependency specialist" or "specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and qualified to do so by meeting standards adopted by the department.

(8) "Director" means the person administering the chemical dependency program within the department.

(9) "Drug addict" means a person who suffers from the disease of drug addiction.

(10) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(11) "Emergency service patrol" means a patrol established under RCW 70.96A.170.

(12) "Gravely disabled by alcohol or other ~~((drugs))~~ psychoactive chemicals" or "gravely disabled" means that a person, as a result of the use of alcohol or other ~~((drugs))~~ psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety.

(13) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, or a long-term alcoholism or drug treatment facility, or in confinement.

(14) "Incapacitated by alcohol or other psychoactive chemicals" means that a person, as a result of the use of alcohol or other psychoactive chemicals, ~~((has his or her judgment so impaired that he or she is incapable of realizing and making a rational decision with respect to his or her need for treatment and))~~ is gravely disabled or presents a likelihood of serious harm to himself or herself, to any other person, or to property.

~~((14))~~ (15) "Incompetent person" means a person who has been adjudged incompetent by the superior court.

~~((15))~~ (16) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

~~((16))~~ (17) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

~~((17))~~ (18) "Likelihood of serious harm" means ~~((either))~~:

(a) A substantial risk that: (i) Physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self; ~~((b) a substantial risk that)~~ (ii) physical harm will be inflicted by an individual upon another, as evidenced by behavior that has caused the harm or that places another person or persons in reasonable fear of sustaining the harm; or ~~((c) a substantial risk that)~~ (iii) physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The individual has threatened the physical safety of another and has a history of one or more violent acts.

~~((18))~~ (19) "Medical necessity" for inpatient care of a minor means a requested certified inpatient service that is reasonably calculated to: (a) Diagnose, arrest, or alleviate a chemical dependency; or (b) prevent the worsening of chemical dependency conditions that endanger life or cause suffering and pain, or result in illness or infirmity or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no adequate less restrictive alternative available.

~~((19))~~ (20) "Minor" means a person less than eighteen years of age.

~~((20))~~ (21) "Parent" means the parent or parents who have the legal right to custody of the child. Parent includes custodian or guardian.

~~((21))~~ (22) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

~~((22))~~ (23) "Person" means an individual, including a minor.

~~((23))~~ (24) "Professional person in charge" or "professional person" means a physician or chemical dependency counselor as defined in rule by the department, who is empowered by a certified treatment program with authority to make assessment, admission, continuing care, and discharge decisions on behalf of the certified program.

~~((24))~~ (25) "Secretary" means the secretary of the department of social and health services.

~~((25))~~ (26) "Treatment" means the broad range of emergency, detoxification, residential, and outpatient services and care, including diagnostic evaluation, chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons.

~~((26))~~ (27) "Treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of alcoholics or other drug addicts.

(28) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 2. RCW 70.96A.050 and 1989 c 270 s 6 are each amended to read as follows:

The department shall:

(1) Develop, encourage, and foster statewide, regional, and local plans and programs for the prevention of alcoholism and other drug addiction, treatment of alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons in cooperation with public and private agencies, organizations, and individuals and provide technical assistance and consultation services for these purposes;

(2) Coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in prevention of alcoholism and drug addiction, and treatment of alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons;

(3) Cooperate with public and private agencies in establishing and conducting programs to provide treatment for alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons who are clients of the correctional system;

(4) Cooperate with the superintendent of public instruction, state board of education, schools, police departments, courts, and other public and private agencies, organizations and individuals in establishing programs for the prevention of alcoholism and other drug addiction, treatment of alcoholics or other drug addicts and their families, persons incapacitated by alcohol ~~((and))~~ or

other psychoactive chemicals, and intoxicated persons, and preparing curriculum materials thereon for use at all levels of school education;

(5) Prepare, publish, evaluate, and disseminate educational material dealing with the nature and effects of alcohol and other psychoactive chemicals and the consequences of their use;

(6) Develop and implement, as an integral part of treatment programs, an educational program for use in the treatment of alcoholics or other drug addicts, persons incapacitated by alcohol ~~((and))~~ or other psychoactive chemicals, and intoxicated persons, which program shall include the dissemination of information concerning the nature and effects of alcohol and other psychoactive chemicals, the consequences of their use, the principles of recovery, and HIV and AIDS;

(7) Organize and foster training programs for persons engaged in treatment of alcoholics or other drug addicts, persons incapacitated by alcohol ~~((and))~~ or other psychoactive chemicals, and intoxicated persons;

(8) Sponsor and encourage research into the causes and nature of alcoholism and other drug addiction, treatment of alcoholics and other drug addicts, persons incapacitated by alcohol ~~((and))~~ or other psychoactive chemicals, and intoxicated persons, and serve as a clearing house for information relating to alcoholism or other drug addiction;

(9) Specify uniform methods for keeping statistical information by public and private agencies, organizations, and individuals, and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and duration of treatment;

(10) Advise the governor in the preparation of a comprehensive plan for treatment of alcoholics and other drug addicts, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons for inclusion in the state's comprehensive health plan;

(11) Review all state health, welfare, and treatment plans to be submitted for federal funding under federal legislation, and advise the governor on provisions to be included relating to alcoholism and other drug addiction, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons;

(12) Assist in the development of, and cooperate with, programs for alcohol and other psychoactive chemical education and treatment for employees of state and local governments and businesses and industries in the state;

(13) Use the support and assistance of interested persons in the community to encourage alcoholics and other drug addicts voluntarily to undergo treatment;

(14) Cooperate with public and private agencies in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while intoxicated;

(15) Encourage general hospitals and other appropriate health facilities to admit without discrimination alcoholics and other drug addicts, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons and to provide them with adequate and appropriate treatment;

(16) Encourage all health and disability insurance programs to include alcoholism and other drug addiction as a covered illness; and

(17) Organize and sponsor a statewide program to help court personnel, including judges, better understand the disease of alcoholism and other drug addiction and the uses of chemical dependency treatment programs.

Sec. 3. RCW 70.96A.140 and 1995 c 312 s 49 are each amended to read as follows:

(1) When a designated chemical dependency specialist receives information alleging that a person ~~((is incapacitated))~~ presents a likelihood of serious harm or is gravely disabled as a result of chemical dependency, the designated chemical dependency specialist, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court ~~((or))~~ district court, or in another court permitted by court rule.

If a petition for commitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the designated chemical dependency specialist's report.

If the designated chemical dependency specialist finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to either a county designated mental health professional or an evaluation and treatment facility as defined in RCW 71.05.020 or 71.34.020. If placement in a chemical dependency program is available and deemed appropriate, the petition shall allege that: The person is chemically dependent and ~~((is incapacitated))~~ presents a likelihood of serious harm or is gravely disabled by alcohol or drug addiction, or that the person has twice before in the preceding twelve months been admitted for detoxification, sobering services, or chemical dependency treatment pursuant to RCW 70.96A.110 or 70.96A.120, and is in need of a more sustained treatment program, or that the person is chemically dependent and has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within five days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning program or the department is eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or 71.34.050, in which case the hearing shall be held within seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the designated chemical dependency specialist on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony, which may be telephonic, of at least one licensed physician who has examined the person whose commitment is sought. Communications otherwise deemed

privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person is chemically dependent shall be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he or she shall be given an opportunity to be examined by a court appointed licensed physician. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an approved treatment program. It shall not order commitment of a person unless it determines that an approved treatment program is available and able to provide adequate and appropriate treatment for him or her.

(5) A person committed under this section shall remain in the program for treatment for a period of sixty days unless sooner discharged. At the end of the sixty-day period, he or she shall be discharged automatically unless the program, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged.

If a petition for recommitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the treatment progress report.

If a person has been committed because he or she is chemically dependent and likely to inflict physical harm on another, the program shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) Upon the filing of a petition for recommitment under subsection (5) of this section, the court shall fix a date for hearing no less than two and no more than seven days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment program on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

(7) The approved treatment program shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment program to another if transfer is medically advisable.

(8) A person committed to the custody of a program for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of a chemically dependent person committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of a chemically dependent person committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

(9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

(10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the program providing involuntary treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated chemical dependency specialist of original commitment, and the court of original commitment. The program designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the program providing less restrictive care and the designated chemical dependency specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated chemical dependency specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated chemical dependency specialist shall file a petition with the

court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive program. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

NEW SECTION. Sec. 4. A new section is added to chapter 70.96A RCW to read as follows:

The county alcoholism and other drug addiction program coordinator may designate the county designated mental health professional to perform the detention and commitment duties described in RCW 70.96A.120 and 70.96A.140.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTIONS

On motion of Senator Long, the following title amendment was adopted:

On page 1, line 1 of the title, after "dependency," strike the remainder of the title and insert "amending RCW 70.96A.020, 70.96A.050, and 70.96A.140; and adding a new section to chapter 70.96A RCW."

On motion of Senator Long, the rules were suspended, Engrossed Senate Bill No. 5051 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5051.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5051 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Brown - 1.

ENGROSSED SENATE BILL NO. 5051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Hale: "A parliamentary inquiry, Mr. President. It was my understanding that on the amendments that would appear on our desks, especially on longer ones like this, that there would be an explanation on the bottom-just a short version of what the amendment did. I think that is very helpful to most of the members and I would just like to offer that to staff."

REPLY BY THE PRESIDENT

President Owen: "Thank you, Senator Hale. Message received and I understand that that has been passed on."

MOTION

On motion of Senator Honeyford, Senator Oke was excused.

SECOND READING

SENATE BILL NO. 5070, by Senators Kline, McCaslin, Franklin, Kastama, Thibaudeau, Fraser, Patterson, Fairley and Winsley

Restricting the length of the term of jury service.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5070 was substituted for Senate Bill No. 5070 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5070 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5070.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5070 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Brown and Oke - 2.

SUBSTITUTE SENATE BILL NO. 5070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5459, by Senators Roach, Kline, Rasmussen and Winsley

Establishing the crime of mail theft or receipt of stolen mail.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5459 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5459.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5459 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senators Fairley and Hochstatter - 2.

Excused: Senators Brown and Oke - 2.

SENATE BILL NO. 5459, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5138, by Senators Morton, Hochstatter, Benton, Oke, Stevens, McCaslin, Honeyford, Swecker, Sheahan, Johnson, Zarelli, Hale and Rossi

Increasing the weight of vehicles exempted from scale stops.

The bill was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5138.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5138 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Brown and Oke - 2.

SENATE BILL NO. 5138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5035, by Senators Prentice, Winsley, Deccio and Fairley (by request of Department of Financial Institutions)

Creating the financial services regulation fund.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5035.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5035 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senators Hargrove and Horn - 2.

Excused: Senators Brown and Oke - 2.

SENATE BILL NO. 5035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5179, by Senators Costa, Roach, Constantine, McCaslin, Fairley, Sheahan, Hargrove, Rasmussen, Kline, Gardner, Eide, Haugen, Franklin, Johnson, McAuliffe and Kohl-Welles

Providing for victim notification.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5179 was substituted for Senate Bill No. 5179 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 36.28A RCW to read as follows:

(1) The Washington association of sheriffs and police chiefs shall integrate a victim notification system into its electronic statewide city and county jail booking and reporting system described in RCW 36.28A.040.

(2) At a minimum, the victim notification system shall provide to victims of crime who have made a notification request, notification of information received by the statewide city and county jail booking and reporting system about the release or transfer of an incarcerated person from a local jail.

(3) The Washington association of sheriffs and police chiefs is not required to activate the victim notification component described in this section unless the victim notification component is funded by the federal, state, or local government.

Sec. 2. RCW 36.28A.040 and 2000 c 3 s 1 are each amended to read as follows:

(1) No later than ~~((December 31, 2004))~~ July 1, 2002, the Washington association of sheriffs and police chiefs shall implement and operate an electronic state-wide city and county jail booking and reporting system. The system shall serve as a central repository and instant information source for offender information and jail statistical data. The system shall be placed on the Washington state justice information network and be capable of communicating electronically with every Washington state city and county jail and with all other Washington state criminal justice agencies as defined in RCW 10.97.030.

(2) After the Washington association of sheriffs and police chiefs has implemented an electronic jail booking system as described in subsection (1) of this section, if a city or county jail or law enforcement agency receives state or federal funding to cover the entire cost of implementing or reconfiguring an electronic jail booking system, the city or county jail or law enforcement agency shall implement or reconfigure an electronic jail booking system that is in compliance with the jail booking system standards developed pursuant to subsection (4) of this section.

(3) After the Washington association of sheriffs and police chiefs has implemented an electronic jail booking system as described in subsection (1) of this section, city or county jails, or law enforcement agencies that operate electronic jail booking systems, but choose not to accept state or federal money to implement or reconfigure electronic jail booking systems, shall electronically forward jail booking information to the Washington association of sheriffs and police chiefs. At a minimum the information forwarded shall include the name of the offender, vital statistics, the date the offender was arrested, the offenses arrested for, the date and time an offender is released or transferred from a city or county jail, and if available, the mug shot. The electronic format in which the information is sent shall be at the discretion of the city or county jail, or law enforcement agency forwarding the information. City and county jails or law enforcement agencies that forward jail booking information under this subsection are not required to comply with the standards developed under subsection (4)(b) of this section.

(4) The Washington association of sheriffs and police chiefs shall appoint, convene, and manage a state-wide jail booking and reporting system standards committee. The committee shall include representatives from the Washington association of sheriffs and police chiefs correction committee, the information service board's justice information committee, the judicial information system, at least two individuals who serve as jailers in a city or county jail, and other individuals that the Washington association of sheriffs and police chiefs places on the committee. The committee shall have the authority to:

(a) Develop and amend as needed standards for the state-wide jail booking and reporting system and for the information that must be contained within the system. At a minimum, the system shall contain:

(i) The offenses the individual has been charged with;

(ii) Descriptive and personal information about each offender booked into a city or county jail. At a minimum, this information shall contain the offender's name, vital statistics, address, and mugshot;

(iii) Information about the offender while in jail, which could be used to protect criminal justice officials that have future contact with the offender, such as medical conditions, acts of violence, and other behavior problems;

(iv) Statistical data indicating the current capacity of each jail and the quantity and category of offenses charged; ~~((and))~~

(v) The ability to communicate directly and immediately with the city and county jails and other criminal justice entities;

and

(vi) The date and time that an offender was released or transferred from a local jail;

(b) Develop and amend as needed operational standards for city and county jail booking systems, which at a minimum shall include the type of information collected and transmitted, and the technical requirements needed for the city and county jail booking system to communicate with the state-wide jail booking and reporting system;

(c) Develop and amend as needed standards for allocating grants to city and county jails or law enforcement agencies that will be implementing or reconfiguring electronic jail booking systems.

(5) By January 1, 2001, the standards committee shall complete the initial standards described in subsection (4) of this section, and the standards shall be placed into a report and provided to all Washington state city and county jails, all other criminal justice agencies as defined in RCW 10.97.030, the chair of the Washington state senate human services and corrections committee, and the chair of the Washington state house of representatives criminal justice and corrections committee."

MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 36.28A.040; and adding a new section to chapter 36.28A RCW."

On motion of Senator Costa, the rules were suspended, Engrossed Substitute Senate Bill No. 5179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5179.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5179 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Brown and Oke - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 9:35 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:13 a.m. by President Owen.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8411.

SECOND READING

SENATE BILL NO. 5053, by Senators Constantine and Johnson

Making corrections to Article 9A of the Uniform Commercial Code.

The bill was read the second time.

MOTION

Senator Constantine moved that the following amendment be adopted:

On page 56, after line 18, insert the following:

"Sec. 38. RCW 62A.9A-516 and 2000 c 250 s 9A-516 are each amended to read as follows:

WHAT CONSTITUTES FILING; EFFECTIVENESS OF FILING. (a) **What constitutes filing.** Except as otherwise provided in subsection (b) of this section, communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.

(b) **Refusal to accept record; filing does not occur.** Filing does not occur with respect to a record that a filing office refuses to accept because:

(1) The record is not communicated by a method or medium of communication authorized by the filing office;

(2) An amount equal to or greater than the applicable filing fee is not tendered or, in the case of a filing office described in RCW 62A.9A-501(a)(1), an amount equal to the applicable filing fee is not tendered;

(3) The filing office is unable to index the record because:

(A) In the case of an initial financing statement, the record does not provide a name for the debtor;

(B) In the case of an amendment or correction statement, the record:

(i) Does not identify the initial financing statement as required by RCW 62A.9A-512 or 62A.9A-518, as applicable; or

(ii) Identifies an initial financing statement whose effectiveness has lapsed under RCW 62A.9A-515;

(C) In the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's last name; or

(D) In the case of a record filed or recorded in the filing office described in RCW 62A.9A-501(a)(1), the record does not provide a name for the debtor or a sufficient description of the real property to which ((#)) the record relates;

(4) In the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a name and mailing address for the secured party of record;

(5) In the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

(A) Provide a mailing address for the debtor;

(B) Indicate whether the debtor is an individual or an organization; or

(C) If the financing statement indicates that the debtor is an organization, provide:

(i) A type of organization for the debtor;

(ii) A jurisdiction of organization for the debtor; or

(iii) An organizational identification number for the debtor or indicate that the debtor has none;

(6) In the case of an assignment reflected in an initial financing statement under RCW 62A.9A-514(a) or an amendment filed under RCW 62A.9A-514(b), the record does not provide a name and mailing address for the assignee; or

(7) In the case of a continuation statement, the record is not filed within the six-month period prescribed by RCW 62A.9A-515(d).

(c) **Rules applicable to subsection (b) of this section.** For purposes of subsection (b) of this section:

(1) A record does not provide information if the filing office is unable to read or decipher the information; and
(2) A record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by RCW 62A.9A-512, 62A.9A-514, or 62A.9A-518, is an initial financing statement.

(d) **Refusal to accept record; record effective as filed record.** A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than one set forth in subsection (b) of this section, is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files.

Sec. 39. RCW 62A.9A-520 and 2000 c 250 s 9A-520 are each amended to read as follows:

ACCEPTANCE AND REFUSAL TO ACCEPT RECORD. (a) **Mandatory refusal to accept record.** ((A)) The filing office described in RCW 62A.9A-501(a)(2) shall refuse to accept a record for filing for a reason set forth in RCW 62A.9A-516(b) ((and)). A filing office described in RCW 62A.9A-501(a)(1) shall refuse to accept a record for filing for a reason set forth in RCW 62A.9A-516(b) (1) through (4) and any filing office may refuse to accept a record for filing only for a reason set forth in RCW 62A.9A-516(b).

(b) **Communication concerning refusal.** If a filing office refuses to accept a record for filing, it shall communicate to the person that presented the record the fact of and reason for the refusal and the date and time the record would have been filed had the filing office accepted it. The communication must be made at the time and in the manner prescribed by filing-office rule but, in the case of a filing office described in RCW 62A.9A-501(a)(2), in no event more than two business days after the filing office receives the record.

(c) **When filed financing statement effective.** A filed financing statement satisfying RCW 62A.9A-502 (a) and (b) is effective, even if the filing office is required to refuse to accept it for filing under subsection (a) of this section. However, RCW 62A.9A-338 applies to a filed financing statement providing information described in RCW 62A.9A-516(b)(5) which is incorrect at the time the financing statement is filed.

(d) **Separate application to multiple debtors.** If a record communicated to a filing office provides information that relates to more than one debtor, this part applies as to each debtor separately.

Sec. 40. RCW 62A.9A-523 and 2000 c 250 s 9A-523 are each amended to read as follows:

INFORMATION FROM FILING OFFICE; SALE OR LICENSE OF RECORDS. (a) **Acknowledgment of filing written record.** If a person that files a written record requests an acknowledgment of the filing, the filing office shall send to the person an image of the record showing the number assigned to the record pursuant to RCW 62A.9A-519(a)(1) and the date and time of the filing of the record. However, if the person furnishes a copy of the record to the filing office, the filing office may instead:

(1) Note upon the copy the number assigned to the record pursuant to RCW 62A.9A-519(a)(1) and the date and time of the filing of the record; and

(2) Send the copy to the person.

(b) **Acknowledgment of filing other record.** If a person files a record other than a written record, the filing office shall communicate to the person an acknowledgment that provides:

(1) The information in the record;

(2) The number assigned to the record pursuant to RCW 62A.9A-519(a)(1); and

(3) The date and time of the filing of the record.

(c) **Communication of requested information.** The filing office shall communicate or otherwise make available in a record the following information to any person that requests it:

(1) Whether there is on file on a date and time specified by the filing office, but not a date earlier than three business days before the filing office receives the request, any financing statement that:

(A) Designates a particular debtor or, if the request so states, designates a particular debtor at the address specified in the request;

(B) Has not lapsed under RCW 62A.9A-515 with respect to all secured parties of record; and

(C) If the request so states, has lapsed under RCW 62A.9A-515 and a record of which is maintained by the filing office under RCW 62A.9A-522(a);

(2) The date and time of filing of each financing statement; and

(3) The information provided in each financing statement.

(d) **Medium for communicating information.** In complying with its duty under subsection (c) of this section, the filing office may communicate information in any medium. However, if requested, the filing office shall communicate information by issuing a record that can be admitted into evidence in the courts of this state without extrinsic evidence of its authenticity.

(e) **Timeliness of filing office performance.** The filing office described in RCW 62A.9A-501(a)(2) shall perform the acts required by subsections (a) through (d) of this section at the time and in the manner prescribed by filing-office rule, but not later than two business days after the filing office receives the request.

(f) **Public availability of records.** At least weekly, the filing office described in RCW 62A.9A-501(a)(2) shall offer to sell or license to the public on a nonexclusive basis, in bulk, copies of all records filed in it under this part, in every medium from time to time available to the filing office. If information provided pursuant to this section includes a list of individuals, disclosure of the list is specifically authorized."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Constantine on page 56, after line 18, to Senate Bill No. 5053.

The motion by Senator Constantine carried and the amendment was adopted.

MOTIONS

On motion of Senator Constantine, the following title amendment was adopted:

On page 1, line 8 of the title, after "62A.9A-513," insert "62A.9A-516, 62A.9A-520, 62A.9A-523,"

On motion of Senator Constantine, the rules were suspended, Engrossed Senate Bill No. 5053 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5053.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5053 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 5053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Patterson: "I rise to a point of personal privilege, Mr. President. Members of the Senate, I want to share with you some very sad news from my legislative district. At 1:20 this morning, a young city of Des Moines police officer--a young man in his twenties--stopped four individuals along Old 99 and he was shot to death, about five miles from my house. He radioed in and he was found by back-ups that came. He had a wonderful record in the city of Des Moines. He was greatly respected; he was known and liked by just about everyone in the city there. He showed tremendous skills as a police officer and as a human being. I want you to know that the response from my community has been tremendous. The city of Kent police department is leading the investigation. I wanted to ask the Senate if you would please say a prayer for this police officer and for his wife and two year old child."

MOMENT OF SILENCE

The members of the Senate stood for a moment of silence to remember the slain city of Des Moines police officer and for his wife and two year old child.

SECOND READING

SENATE BILL NO. 5702, by Senators Snyder, Winsley, Spanel, Rossi and Rasmussen

Changing taxation of forest lands.

MOTIONS

On motion of Senator Constantine, Substitute Senate Bill No. 5702 was substituted for Senate Bill No. 5702 and the substitute bill was placed on second reading.

On motion of Senator Constantine, the rules were suspended, Substitute Senate Bill No. 5702 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5702.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5702 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5870, by Senators Spanel, Horn, McCaslin, Snyder, Patterson and Kohl-Welles

Clarifying the deadline for primary contributions to candidates who do not advance to the general election.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5870 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5870.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5870 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Winsley - 41.

Voting nay: Senators Benton, Finkbeiner, Honeyford, Morton, Roach, Rossi, Stevens and Zarelli - 8.

SENATE BILL NO. 5870, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5528, by Senators McAuliffe, Winsley, Kohl-Welles, Eide, Regala, Kline, Costa and Gardner (by request of Governor Locke, Attorney General Gregorie and Superintendent of Public Instruction Bergeson)

Requiring policies prohibiting harassment, intimidation, and bullying on school grounds and at school activities.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5528 was substituted for Senate Bill No. 5528 and the substitute bill was placed on second reading and read the second time.

Senator McAuliffe moved that the following amendment by Senators McAuliffe, Eide and Zarelli be adopted:

On page 2, line 6, after "creates" insert "what a reasonable person under the circumstances would find"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe, Eide and Zarelli on page 2, line 6, to Substitute Senate Bill No. 5528.

The motion by Senator McAuliffe carried and the amendment was adopted.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5528 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator McAuliffe, I am looking at the summary of the bill. It says, 'Each school district must develop a policy prohibiting, bullying, intimidation or harassment of students.' Then further down, it says, 'Schools and school districts are also encouraged, but not required, to develop anti-bullying task forces, programs and initiatives that involve students, teachers, parents, administrators and other community members.' Aren't you taking away the last part of this with what you are trying to institute in the first part of the summary?" Senator McAuliffe: "I don't think I am following your question. What the bill says--"

Senator Deccio: "Would you like--"

Senator McAuliffe: "Let's go from the bill. What the bill says is that schools and school districts are encouraged to form task forces,

programs and other initiatives involving school staff, students, administrators, parents and law enforcement. What this says it actually is preventing of harassment, bullying and intimidation. There are programs out there and there are ways to--"

Senator Deccio: "What my point is they are encouraged, but the bill doesn't says that they have to."

Senator McAuliffe: "No, it does not, but it goes on to say, 'That to the extend that funds are appropriated, the school district shall do training.' They will do employee training, they shall also help students to understand. Does that help?"

Senator Deccio: "You are missing the whole point. The bill does not require anything. It is strictly voluntary. I think I have to agree with Senator Honeyford in what good is the bill if it does not require something to be done?"

Senator McAuliffe: "I am sorry. I misunderstood you. Let's go back to the first part of the bill. The bill requires that school districts put in place a policy that prohibits students from harassing, bullying and intimidating other students. That is a policy that they must pass--each school board must develop their own."

Senator Deccio: "I still haven't had the last part of my question addressed, but thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5528.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5528 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Zarelli - 36.

Voting nay: Senators Benton, Deccio, Hochstatter, Honeyford, Horn, McCaslin, McDonald, Morton, Parlette, Rossi, Stevens, Swecker and West - 13

ENGROSSED SUBSTITUTE SENATE BILL NO. 5528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "Mr. President, a point of personal privilege. May I turn my back on you--that is my best side? I believe, but in my late stages of life, I could be incorrect, but anyone can correct me, but I believe that was Senator Hewitt's first speech. Is that correct, Senator? You know the long-standing tradition that because you make your first speech, you will also make your first contribution to all of us on both sides of the aisle. You have to be fair and distribute the same food to the same people. Do you have anything to say to this august body as what type of gift we might expect to receive, Senator Hewitt--tomorrow?"

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you, Senator, and yes it will be tomorrow. I am very privileged to speak to this group. I am humbled to be here. I had hoped that my maiden speech would be in the awesome building that we sit next to. I am not sure be are going to be back there this year. Actually, this subject kind of caught me by surprise and I felt that I had to speak. You have been after me all year long and I am trying to get you off that beat, so you will leave me alone. Yes, your gift will be available tomorrow. Thank you."

PERSONAL PRIVILEGE

Senator Rasmussen: "A point of personal privilege, Mr. President. Today is Dairy Day. As you know, we have always had our Dairy Ambassador here to speak to us, but she won't be here today. However, at noon today, there will be ice cream bars for everyone out by the Sun Dial. So, today, we are going to honor the dairy farmers and we are going to have a wonderful treat--ice cream bars. Thank you."

MOTION

At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 8:30 a.m., Thursday, March 8, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-NINTH DAY, MARCH 7, 2001

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

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Thursday, March 8, 2001

The Senate was called to order at 8:30 a.m. by President Pro Tempore Franklin. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Finkbeiner, McDonald and Snyder. On motion of Senator Eide, Senator Snyder was excused. On motion of Senator Honeyford, Senators Finkbeiner and McDonald were excused.

The Sergeant at Arms Color Guard, consisting of Mike Fredricks and Denny Lewis, presented the Colors. Reverend John Stroeh, pastor of the Lutheran Church of the Good Shepherd in Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 6, 2001

SB 5170 Prime Sponsor, Senator Jacobsen: Creating a temporary joint task force on telework enhancement. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5170 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Jacobsen, Kastama, McAuliffe, Oke, Patterson, Prentice, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Referred to Committee on Ways and Means.

March 6, 2001

SB 5185 Prime Sponsor, Senator Thibaudeau: Developing a home and community-based waiver for persons in community residential settings. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5185 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair, Fraser; Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 6, 2001

SB 5395 Prime Sponsor, Senator Long: Changing provisions relating to the administrator for the courts. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5395 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 6, 2001

SB 5484 Prime Sponsor, Senator Hargrove: Providing a limited sales tax exemption for certain sales of conifer seeds. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5484 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 6, 2001

SB 5494 Prime Sponsor, Senator Jacobsen: Clarifying noise laws for motor vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5494 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 6, 2001

SB 5610 Prime Sponsor, Senator Haugen: Regulating traffic safety cameras. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5610 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Jacobsen, McAuliffe, Oke, Prentice, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Benton and Kastama.

Passed to Committee on Rules for second reading.

March 6, 2001

SB 5647 Prime Sponsor, Senator Regala: Requiring new energy efficiency measures. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5647 as recommended by Committee on Environment, Energy and Water be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 6, 2001

SB 5695 Prime Sponsor, Senator Eide: Creating alternative routes to teacher certification. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5695 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 6, 2001

SB 5878 Prime Sponsor, Senator Oke: Revising procedures for setting garbage truck load limits. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 6, 2001

SB 6008 Prime Sponsor, Senator Eide: Providing commute trip reduction incentives. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Horn, Jacobsen, Kastama, McDonald, Oke, Patterson, Prentice, Shin and Swecker.

Referred to Committee on Ways and Means.

March 6, 2001

SJR 8206 Prime Sponsor, Senator Hargrove: Requiring a geographic distribution of initiative petition signatures. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 8206 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Hewitt, Honeyford, Long, Parlette, Rasmussen, Regala, Sheahan, Snyder, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles and Rossi.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5170 and Senate Bill No. 6008 were referred to the Committee on Ways and Means.

SECOND READING

SENATE BILL NO. 5400, by Senators T. Sheldon, Franklin, Shin, Regala, Costa and Gardner (by request of Governor Locke)

Clarifying that the community economic revitalization board may make loans and grants to federally recognized Indian tribes.

MOTIONS

On motion of Senator Tim Sheldon, Substitute Senate Bill No. 5400 was substituted for Senate Bill No. 5400 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the rules were suspended, Substitute Senate Bill No. 5400 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5400.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5400 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 36.

Voting nay: Senators Benton, Carlson, Deccio, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Parlette and Stevens - 10.

Excused: Senators Finkbeiner, McDonald and Snyder - 3.

SUBSTITUTE SENATE BILL NO. 5400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5594, by Senators Gardner, Winsley, Prentice and Honeyford

Consolidating housing authorities.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 5594 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5594.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5594 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Finkbeiner - 1.

SENATE BILL NO. 5594 having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hewitt: "A point of personal privilege, Mr. President. Before we get too serious this morning, I would like to take this opportunity to enlighten you of what is in your package. It is at the behest of the great Senator--the elder Senator from the Fourth District. First, you will find a Lewis and Clark brochure. In 1805--October of 1805--Meriweather Lewis and Captain William Clark traveled through all five counties in the Sixteenth District. In fact, the city of Clarkston is named after William Clark.

"Also, in your pack, you will find a 'Save our Dams' sticker and there is some symbolism behind that. I am hoping that we have those four dams on the Lower Snake River--the Lower Granite, The Little Goose, Lower Monumental and the Ice Harbor Dam and they provide irrigation, navigation, recreation and economic vitalization to the district. I am hoping that the Senators from the Eleventh, Thirty-sixth and Thirty-seventh and Forty-third Districts would proudly put these on their cars and maybe the city council could see the light.

"Also, in your pack, you should find a scratch pad from Key Technology. It is an industry in Walla Walla that is a leader in the world. They provide optical scan food processing equipment and if you have ever had a McDonald's French Fry, it has gone across the path of this screening process. You will also find some Wine Away, an insect repellent additive for paint. This was developed in Walla Walla. It is produced in Walla Walla and shipped from Walla Walla by my golf partner and he does very well with it.

"The gift from the Marcus Whitman Hotel--it is not a new hotel--it was build in 1928 and it was originally purchased by an entrepreneur in Walla Walla. It has been completely revitalized right up to the hand painted ceilings and he has something close to thirty million dollars in this hotel now, so if you ever get an opportunity to come to Walla Walla, I invite you to stay at the Marcus Whitman Hotel. It is absolutely a tremendous treat.

"The Walla Walla Area Chamber of Commerce, which I happen to be the executive director, sponsors or produces a Walla Walla Hot Area Balloon Stampede every year. This is the twenty-seventh year. It is the oldest balloon stampede in the Pacific Northwest and you have a champagne glass with a pin on the inside of it. I am sorry that the President of the Senate is not here this morning. I was not able--I didn't have enough of the pads to go around but in speaking with his staff, I understand that he would rather enjoy some libation than take notes, so he has two glasses instead of a pad.

"Also, in your packs--I had to take them out unfortunately--there were tickets in your packs--an envelope, compliments of the Walla Walla Fair and Frontier Days, where my wife is the Executive Director. Somebody or someone passed some law some years ago that you can't accept anything over fifty dollars. So, unfortunately, this gift came out of the pack. I have called my wife and she is coming to Olympia to hand these out to each one of you personally, so it does not break the Ethics Law. So you will have rodeo tickets for the largest night rodeo on earth.

"You have a Walla Walla Sweet Onion pen. The Walla Walla Sweet Onions were brought from Italy in the nineteen hundreds. They only grow in the Walla Walla Valley, because of the type of soil. They are tremendous onions and you can eat them like an apple without crying and they are tremendous. I also want to talk to you about the four colleges in the Walla Walla Valley that are in the Sixteenth District. We have Columbia Basin College which is in Pasco, the Walla Walla Community College, which is in Walla Walla and Walla Walla College, which is a four year private college, also in Walla Walla, and then we have Whitman College, which is a four year private college. Three of the Senators in this room are graduates--Finkbeiner, Johnson and Thibaudeau, so they all had a little history of Walla Walla.

"Now for the fun part. There is a green--whatever we are calling this thing--gift certificate--attached to your bags as well. You can choose one of the three following: You can choose a great bottle of Walla Walla Wine. We have thirty commercial wineries in Walla Walla. They are all world-class, but we have three or four that are so well classed that they are unaccessible--you can't get the wine--unless maybe you are a Senator from Walla Walla. So, there is some available. You also could receive a gift box of Walla Walla Sweet Onions like in late July or excuse me late June or early July, if you choose that. Those will be shipped to you.

"Also, last week, I met with Mr. Lehman, the Secretary of Corrections, to see about an offer for a one night overstay at the Walla Walla State Penitentiary--and we actually have been able to offer a one night overstay at the Washington State Penitentiary. It is running at a hundred and twenty four percent of capacity. It holds about eighteen hundred members and we can't guarantee who your roommate will be, but there are a couple of guys there that are willing to take you. I actually--I don't know--if I should mention this, but I actually have one Senator who has taken me up on it. It is a little more serious that I thought.

"With that, I do want to thank you for allowing me to be in this body. I am very humbled and very proud to be here and I am hoping now that the good Senator from the Fourth District would see me as a Senator instead of someone who bears gifts. So, thank you very much."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. I offer a sincere apology to the body for letting him know that was his first speech. I hope and pray that this is his last one."

PERSONAL PRIVILEGE

Senator West: "A point of personal privilege, Madam President. Just a note of caution to the good Senator from Walla Walla, you know some of us have come to appreciate the fact that you didn't speak at all for weeks. We didn't realize how much we appreciated that until you just showed us. A couple more weeks of being quiet back there might be nice. Senator Johnson suggests six weeks would be just fine."

SECOND READING

SENATE BILL NO. 5997, by Senators Hochstatter, Rasmussen, Haugen, Honeyford, Gardner, Winsley, Prentice, Benton, Long, Franklin, Fairley, Patterson, Shin, T. Sheldon, Rossi, Snyder, Morton, Spanel, Stevens, McDonald, McCaslin, West, Parlette, Oke, Hewitt, Horn, Swecker, Kastama, Zarelli, Roach and Sheahan

Creating a special fair license plate.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5997 was substituted for Senate Bill No. 5997 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5997 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5997.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5997 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5997, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5014, by Senators Costa, Long, Fraser, Carlson and Gardner

Harmonizing the definitions of sex and kidnapping offenders under the criminal and registration statutes.

MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5014 was substituted for Senate Bill No. 5014 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Substitute Senate Bill No. 5014 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5014.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5014 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5921, by Senators Kohl-Welles, Horn, Sheahan, McAuliffe, West, McCaslin, Carlson, Morton, Jacobsen, B. Sheldon, Shin and Parlette

Authorizing doctorate level degrees in physical therapy at Eastern Washington University.

The bill was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5921 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5921.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5921 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin,

McDonald, Morton, Oke, Parlette, Patterson, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Voting nay: Senators Jacobsen, Prentice and Thibaudeau - 3.

SENATE BILL NO. 5921, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5919, by Senators Morton, Fraser, Honeyford and Rasmussen

Providing for the assessment of potential site locations for water storage projects.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5919 was substituted for Senate Bill No. 5919 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5919 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5919.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5919 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5919, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5299, by Senator Jacobsen

Allowing nonconsumptive wildlife activities on public lands.

The bill was read the second time.

MOTION

Senator Morton moved that the following amendment be adopted:

On page 2, at line 2, after "lands." insert the following:

Such lands shall not be open and available for wildlife activities when access could endanger crops on the land or when access could endanger the person accessing the land.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 2, line 2, to Senate Bill No. 5299.

The motion by Senator Morton carried and the amendment was adopted.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Senate Bill No. 5299 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5299.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5299 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 5299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5510, by Senators B. Sheldon, Winsley, Haugen, Constantine, Fairley, Long, Eide, Hale, Prentice, Jacobsen, Costa, Kastama, Fraser, Kline, McAuliffe, Shin, Stevens, Regala, Morton, Zarelli, Benton and Oke

Extending the prohibition on mandatory local measured telecommunications service.

MOTIONS

On motion of Senator Tim Sheldon, Substitute Senate Bill No. 5510 was substituted for Senate Bill No. 5510 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the rules were suspended, Substitute Senate Bill No. 5510 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5510.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5510 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5220, by Senators Eide, Brown, West, Parlette, Thibaudeau, Patterson, Fairley and Kohl-Welles

Surveying multiple sclerosis patients.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5220 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5220.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5220 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5189, by Senators B. Sheldon, Fairley, Patterson, Prentice, Kohl-Welles, Thibaudeau, Costa, Eide, Spanel, Shin, Regala, Kline, Gardner, Haugen, Jacobsen, Brown, Fraser, Franklin and McAuliffe

Providing unemployment insurance benefits for victims of domestic violence or stalking.

The bill was read the second time.

MOTION

Senator Honeyford moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. There is established in the employment security department the domestic violence unemployment insurance special benefits program. The commissioner shall administer the program using the funds appropriated by the legislature for this act. The expenses incurred by the commissioner in carrying out this chapter shall be paid entirely out of the funds appropriated by the legislature for this act.

NEW SECTION. Sec. 2. In order to be eligible for benefits under the domestic violence unemployment insurance special benefits program, an applicant must have been a victim of domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110, within two years before the application date for benefits, and must show that he or she is seeking safety or relief from the domestic violence by:

- (1) Relocating to a residence that is separate from the perpetrator; and
- (2) Filing a police report or obtaining a restraining order against the perpetrator.

NEW SECTION. Sec. 3. In addition to the requirements of section 2 of this act, in order to be eligible for benefits under the domestic violence unemployment insurance special benefits program, an applicant must either be unemployed based on a necessity to protect the applicant or the applicant's immediate family members from domestic violence, as defined in RCW 26.50.010, and have been denied unemployment insurance benefits under chapter 50.20 RCW.

NEW SECTION. Sec. 4. To the extent that funds are available, if a person establishes eligibility under sections 2 and 3 of this act, the commissioner shall provide unemployment insurance special benefits in the form of a weekly wage subsidy to the person beginning with the calendar week in which application was made for unemployment insurance benefits. The weekly wage subsidy will be an amount equal to the weekly benefit amount the applicant would have received if benefits had not been denied under chapter 50.20 RCW. However, the duration and amount of the weekly wage subsidy received by the applicant may not exceed the maximum unemployment insurance benefit amount established in RCW 50.20.120.

NEW SECTION. Sec. 5. (1) The employment security department shall provide information to applicants for unemployment insurance special benefits regarding local services provided under chapter 70.123 RCW and the availability of protection orders under chapter 26.50 RCW.

(2) Weekly wage subsidies are not unemployment insurance benefits under this title and the issuance of wage subsidies shall not affect an employer's payment contribution determined under chapter 50.24 RCW, or an employer's experience rating determined under chapter 50.29 RCW.

(3) Information or records concerning an individual receiving or applying for a weekly wage subsidy under this program is subject to chapter 50.13 RCW and is not subject to discovery in any judicial proceeding unless the requirements of RCW 70.123.075 are satisfied.

NEW SECTION. Sec. 6. The sum of three hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the public safety and education account to the employment security department for the fiscal year ending June 30, 2003, to carry out the purposes of this act.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act constitute a new chapter in Title 50 RCW."

Debate ensued.

Senate Sheahan demanded a roll call and the demand was sustained.

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Honeyford to Senate Bill No. 5189.

ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 24.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Winsley - 25.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Bill No. 5189 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

POINT OF INQUIRY

Senator Roach: "Senator Sheldon, would a domestic violence victim who would fall under this program be required to show that they are in fact seeking for work? Right now, when we have individuals under the program for workers comp, in order to keep receiving benefits that unemployed worker must on a weekly or maybe monthly basis prove that they are out looking for new employment. The question is would the victim then have to make that same declaration of search?"

Senator Betti Sheldon: "The rules would apply as for any other applicant. The difference would be that this individual would have left their home community and sought work elsewhere. We would hope that their privacy would be protected."

Senator Roach: "So, they would have to report?"

Senator Betti Sheldon: "They would have to report, yes"

Senator Roach: "Thank you, Senator Sheldon."

Further debate ensued.

Senator Hochstatter asked Senator Betti Sheldon to yield to a question and Senator Sheldon would not yield.

Further debate ensued

Senators Snyder, Prentice and Betti Sheldon demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the shall the main question be now put.

The demand for the previous question carried.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5189.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5189 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Winsley - 26.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 23.

SENATE BILL NO. 5189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:36 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 7:34 p.m. by Senator Snyder.

There being no objection, Senator Snyder returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

March 7, 2001

SB 5162 Prime Sponsor, Senator Benton: Allowing private entities to operate state-owned safety rest areas.
Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5162 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5166 Prime Sponsor, Senator Kohl-Welles: Allowing state financial aid to be used at Washington branch campuses of accredited out-of-state institutions of higher education. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5166 as recommended by Committee on Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5182 Prime Sponsor, Senator Spanel: Ensuring a sustainable, comprehensive pipeline safety program in the state. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5182 as recommended by Committee on Environment, Energy and Water be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5201 Prime Sponsor, Senator Kohl-Welles: Creating the higher education for lifelong progress program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5201 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Parlette, Rossi and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5211 Prime Sponsor, Senator Thibaudeau: Requiring comparable mental health benefits. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5211 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Long, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Zarelli.

Passed to Committee on Rules for second reading.

March 7, 2001

SB 5226 Prime Sponsor, Senator Haugen: Updating oversize load permits. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5226 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5264 Prime Sponsor, Senator Prentice: Prohibiting public employers from firing employees to avoid providing benefits. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5264 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Rossi.

Passed to Committee on Rules for second reading.

March 7, 2001

SB 5274 Prime Sponsor, Senator Gardner: Revising the appointment of vehicle licensing subagents. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5274 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Horn, Jacobsen, Kastama, McAuliffe, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5309 Prime Sponsor, Senator Constantine: Providing funding for local government criminal justice. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5309 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5336 Prime Sponsor, Senator Kohl-Welles: Creating the public interest attorney loan repayment program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5336 as recommended by Committee on Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford, Rossi and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5353 Prime Sponsor, Senator Prentice: Enforcing protection of archaeological sites. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5353 as recommended by Committee on State and Local Government be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Long, Rasmussen, Regala, B. Sheldon, Snyder, Spanel and Winsley.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5384 Prime Sponsor, Senator Prentice: Regulating labor relations in four-year institutions of higher education. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5384 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford and Rossi.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5401 Prime Sponsor, Senator Patterson: Eliminating boards and commissions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5401 as recommended by Committee on State and Local Government be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 7, 2001

SB 5430 Prime Sponsor, Senator Costa: Requiring insurers to provide coverage for cranial hair prostheses. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kohl-Welles, Long, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Parlette, Rossi and Zarelli.

Passed to Committee on Rules for second reading.

March 7, 2001

SB 5447 Prime Sponsor, Senator Jacobsen: Modifying the forest fire protection assessment. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5447 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Parlette, Rasmussen, Regala, B. Sheldon, Snyder, Spanel and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 7, 2001

SB 5566 Prime Sponsor, Senator Thibaudeau: Requiring uniform prescription drug information cards. Reported by Committee on Ways and Means

MAJORITY Recommendation: That the bill be referred to Committee on Rules without recommendation. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice Chair; Fraser, Hewitt, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Sheldon, B., Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules without recommendation.

March 8, 2001

SB 5593 Prime Sponsor, Senator Gardner: Changing the public accountancy act. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5593 be substituted therefor, and the second substitute bill do pass. Signed by Senators Constantine, Vice Chair; Fairley, Vice-Chair; Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 7, 2001

SB 5640 Prime Sponsor, Senator Benton: Revising provisions for licensing of motor vehicle dealers and manufacturers. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5640 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Jacobsen, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5652 Prime Sponsor, Senator Costa: Improving the quality of in-home long-term care services provided by state funded individual providers. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5652 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford and Rossi.

Passed to Committee on Rules for second reading.

March 7, 2001

SB 5681 Prime Sponsor, Senator Kastama: Permitting excess weight for fire-fighting apparatus. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5681 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Horn, Jacobsen, Kastama, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5688 Prime Sponsor, Senator Kohl-Welles: Requiring the department of health to publicize a list of recalled infant and child products. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5688 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 7, 2001

SB 5733 Prime Sponsor, Senator Haugen: Adjusting day labor allowances for county road construction. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5733 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Horn, Kastama, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5741 Prime Sponsor, Senator Haugen: Testing managed competition. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5741 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Kastama, McAuliffe, Oke, Patterson, Prentice, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5742 Prime Sponsor, Senator Haugen: Extending design-build for public works. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5742 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5743 Prime Sponsor, Senator Haugen: Investing in human resources for transportation. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5743 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Kastama and McAuliffe.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5748 Prime Sponsor, Senator McAuliffe: Integrating transportation and land use planning. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5748 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5749 Prime Sponsor, Senator McAuliffe: Adopting cost-benefit analysis for transportation planning. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5749 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Jacobsen, Kastama, McAuliffe, Oke, Patterson, Prentice and Shin.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Finkbeiner, Horn, Johnson and Swecker.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5750 Prime Sponsor, Senator Horn: Funding advance right-of-way acquisitions. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5750 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5755 Prime Sponsor, Senator Horn: Adjusting responsibilities of the transportation commission. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5755 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5759 Prime Sponsor, Senator Patterson: Improving traffic chokepoints. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5759 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5760 Prime Sponsor, Senator Patterson: Directing use of intelligent transportation systems and traffic system management. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5760 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Kastama, McAuliffe, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Johnson and McDonald.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5764 Prime Sponsor, Senator Shin: Maintaining and preserving transportation facilities and assets. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5764 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5765 Prime Sponsor, Senator Prentice: Streamlining the environmental permit process for transportation projects. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5765 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5777 Prime Sponsor, Senator Prentice: Permitting retired and disabled employees to obtain health insurance. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5777 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 7, 2001

SB 5782 Prime Sponsor, Senator Haugen: Enforcing seat belt laws as a primary action. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Jacobsen, Kastama, Oke, Prentice, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Finkbeiner, Horn, McAuliffe and McDonald.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5820 Prime Sponsor, Senator Kastama: Providing assistance to treat breast and cervical cancer. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5820 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5826 Prime Sponsor, Senator Kohl-Welles: Authorizing collective bargaining for University of Washington employees who are enrolled in academic programs. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5826 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford, Rossi and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5837 Prime Sponsor, Senator T. Sheldon: Establishing a pilot project culturing shellfish on nonproductive oyster reserve land. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5837 as recommended by Committee on Natural Resources, Parks and Shorelines be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5860 Prime Sponsor, Senator Jacobsen: Increasing the fee for a surface mining reclamation permit. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Rossi, Sheahan and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5862 Prime Sponsor, Senator T. Sheldon: Streamlining the process of selling valuable materials from state lands. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5862 as recommended by Committee on Natural Resources, Parks and Shorelines be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 7, 2001

SB 5880 Prime Sponsor, Senator Jacobsen: Creating a forest products commission. Reported by Committee on Ways and Means

MAJORITY Recommendation: That the bill be referred to Committee on Rules without recommendation. Signed by Senators Brown, Constantine, Fairley, Fraser, Hewitt, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Sheldon, B., Snyder, Spanel and Winsley.

Passed to Committee on Rules without recommendation

March 8, 2001

SB 5896 Prime Sponsor, Senator Constantine: Providing for DNA testing of evidence. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5896 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Rasmussen, Regala, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5909 Prime Sponsor, Senator Fraser: Revising financial responsibility requirements for vessels. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5909 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senator Sheahan.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5912 Prime Sponsor, Senator Fraser: Siting energy facilities. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5912 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Kline, Kohl-Welles, Long, Rasmussen, Regala, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5935 Prime Sponsor, Senator Constantine: Prohibiting civil forfeitures of property unless the owner has been convicted of a crime. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5935 as recommended by Committee on Judiciary be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fraser, Kline, Kohl-Welles, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5936 Prime Sponsor, Senator Prentice: Providing funds for housing projects. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5936 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Rossi and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5937 Prime Sponsor, Senator Shin: Removing the limits on postretirement employment for teachers' retirement system plan 1 and public employees' retirement system plan 1 retirees. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5937 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5949 Prime Sponsor, Senator Haugen: Erecting and maintaining motorist information sign panels. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5949 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5965 Prime Sponsor, Senator Spanel: Authorizing local option real estate excise taxes for affordable housing purposes. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5965 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 5988 Prime Sponsor, Senator Snyder: Establishing compensation levels for certain employees of the state investment board. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5988 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 7, 2001

SB 5993 Prime Sponsor, Senator Oke: Revising limitations on smoking in public places. Reported by Committee on Ways and Means

MAJORITY Recommendation: Pass to Committee on Rules without recommendation. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Kohl-Welles, Long, Parlette, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 7, 2001

SB 6020 Prime Sponsor, Senator Thibaudeau: Addressing access to dental care. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6020 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 6027 Prime Sponsor, Senator Fraser: Creating the diversification of electricity supply and demand management act. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6027 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 6033 Prime Sponsor, Senator Kohl-Welles: Authorizing a college savings plan. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6033 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 7, 2001

SB 6053 Prime Sponsor, Senator Shin: Extending State Route No. 526. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6053 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 7, 2001

SB 6081 Prime Sponsor, Senator McDonald: Revising provisions for developmental disabilities endowment. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6081 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 6098 Prime Sponsor, Senator Constantine: Creating a committee to study Washington's tax structure. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6098 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 8, 2001

SB 6113 Prime Sponsor, Senator Swecker: Allowing ultra-fuel-efficient vehicles to use HOV lanes. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6113 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Finkbeiner, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Patterson, Prentice, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 8, 2001

SJM 8008 Prime Sponsor, Senator Benton: Requesting a joint Oregon-Washington committee on taxation be established. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 7, 2001

SCR 8404 Prime Sponsor, Senator Kohl-Welles: Adopting the update to the state comprehensive plan for work force training and education. Reported by Committee on Ways and Means

MAJORITY Recommendation: Pass to Committee on Rules without recommendation Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Kohl-Welles, Long, Parlette, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley

Passed to Committee on Rules for second reading.

March 8, 2001

SHB 1125 Prime Sponsor, House Committee on Finance: Limiting the combined sales tax rate on lodging. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

MOTION

At 7:36 p.m., on motion of Senator Spanel, the Senate adjourned until 8:30 a.m., Friday, March 9, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTIETH DAY, MARCH 8, 2001

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

SIXTY-FIRST DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Friday, March 9, 2001

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Finkbeiner, Hargrove, Parlette, Patterson and Rasmussen. On motion of Senator Eide, Senators Brown, Hargrove, Patterson and Rasmussen were excused. On motion of Senator Honeyford, Senators Finkbeiner and Parlette were excused.

The Sergeant at Arms Color Guard, consisting of Len Whitney and Don Vest, presented the Colors. Reverend John Stroeh, pastor of the Lutheran Church of the Good Shepherd Church in Olympia, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6142 by Senators McCaslin, Oke, Swecker, Benton and Hochstatter

AN ACT Relating to disclosures to landlords by sex offenders and kidnapping offenders; amending RCW 9A.44.130; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SECOND READING

SENATE BILL NO. 5601, by Senators Thibaudeau, Deccio, Franklin, Winsley, Costa, Fraser and Kohl-Welles

Removing the two-year limited license renewal limit on teaching-research medical professionals.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5601 was substituted for Senate Bill No. 5601 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5601 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5601.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5601 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Excused: Senators Brown, Finkbeiner, Hargrove, Parlette, Patterson and Rasmussen - 6.

SUBSTITUTE SENATE BILL NO. 5601, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8001, by Senator Franklin

Exploring the option of managing prescription drug prices through cooperative strategies with other Northwest states.

The joint memorial was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Joint Memorial No. 8001 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8001.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8001 and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Brown, Parlette, Patterson and Rasmussen - 4.

SENATE JOINT MEMORIAL NO. 8001, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5187, by Senators Johnson, Kline and Constantine

Updating creditor/debtor personal property exemptions.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5187 was substituted for Senate Bill No. 5187 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5187 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Benton: "Senator Johnson, does the bill increase the homestead exemption for the home?"

Senator Johnson: "This bill addresses personal property only."

Senator Benton: "Only?"

Senator Johnson: "Not real property."

Senator Benton: "We had a bill a couple years ago that would have increased the exemption to the home and that is not including anywhere in this legislation?"

Senator Johnson: "It is unaffected by this bill."

Senator Benton: "Okay, thank you."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5187.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5187 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Parlette - 1.

SUBSTITUTE SENATE BILL NO. 5187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5252, by Senators McCaslin, Kline, Fairley, Hewitt, Patterson, Long, Constantine, Roach and Costa

Expanding venue for local courts during emergencies and when the defendant appears electronically from a location outside the district.

The bill was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5252 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5252.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5252 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Parlette - 1.

SENATE BILL NO. 5252, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5390, by Senators Constantine, Winsley, Rossi, Fraser, Horn, Fairley, Thibaudeau, Honeyford, Kohl-Welles, Parlette, Prentice, T. Sheldon, Sheahan, Snyder and Rasmussen

Clarifying tax exemptions for sale or use of orthotic devices.

The bill was read the second time.

MOTION

On motion of Senator Constantine, the rules were suspended, Senate Bill No. 5390 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5390.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5390 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5390, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5442, by Senators Snyder, Jacobsen, Morton and Oke (by request of Department of Fish and Wildlife)

Allowing the use of certain salmon fishing gear with an experimental fishery permit.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5442 was substituted for Senate Bill No. 5442 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5442 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5442.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5442 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5361, by Senators Parlette, Honeyford, Hewitt, Hale, Morton, Swecker, Hochstatter, Long, Oke, McCaslin, Sheahan and Fraser

Regarding instream flows and trust water rights.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5361 was substituted for Senate Bill No. 5361 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5361 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5361.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5361 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5361, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5522, by Senators Kastama, Hargrove, Thibaudeau, Winsley, Kohl-Welles, Long, Costa, Snyder, Deccio, Fraser and Rasmussen

Creating an office of mental health ombudsman.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5522 was substituted for Senate Bill No. 5522 and the substitute bill was placed on second reading and read the second time.

Senator Kastama moved that the following amendment by Senators Kastama, Hargrove and Long be adopted:

On page 3, line 1, after "section" strike "11" and insert "10"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kastama, Hargrove and Long on page 3, line 1, to Substitute Senate Bill No. 5522.

The motion by Senator Kastama carried and the amendment was adopted.

MOTION

Senator Kastama moved that the following amendment by Senators Kastama, Hargrove and Long be adopted:

On page 7, beginning on line 20, after "(4)" strike all material through "program." on line 24, and insert "Provide for the training and certification of paid and volunteer mental health ombudsmen. Paid mental health ombudsmen shall recruit, supervise, and provide ongoing training of certified volunteer mental health ombudsmen. Volunteers may be recruited to otherwise assist with mental health ombudsman and quality review team services."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kastama, Hargrove and Long on page 7, beginning on line 20, to Substitute Senate Bill No. 5522.

The motion by Senator Kastama carried and the amendment was adopted.

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5522.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5522 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5186, by Senators Thibaudeau, Winsley, Costa and Kohl-Welles (by request of Department of Social and Health Services)

Modifying department of social and health services' family planning services.

The bill was read the second time.

MOTION

Senator Stevens moved that the following amendment by Senators Stevens, Deccio, Oke, Benton, Long, Morton, McCaslin, Sheahan, Rossi, Zarelli, Swecker, Hochstatter, Roach and McDonald be adopted:

On page 1, line 17, after "pregnancy" insert the following: "However, a facility or organization where abortions are performed, or which provides referrals for abortions, shall not be reimbursed for any family planning services provided under RCW 74.09."

Renumber the sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Thibaudeau: "A point of order, Mr. President. I would respectfully request a ruling on scope and object of this amendment. I would hope that the body knows that the source of the funding for family planning services, which is Title 10, and which is matched by the state with ten percent and the feds with ninety percent, specifically prohibits the use of these funds for abortions."

Debate ensued.

MOTION

On motion of Senator Betti Sheldon, further consideration of Senate Bill No. 5186 was deferred.

SECOND READING

SENATE BILL NO. 5289, by Senators T. Sheldon and Gardner

Expanding the definition of "public facilities" for purposes of the use of certain revenues in rural counties.

The bill was read the second time.

MOTION

Senator Tim Sheldon moved that the following amendment be adopted:

On page 2, line 25, after "Washington." insert the following: ""Public facilities" do not include electric generation or distribution facilities."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Tim Sheldon on page 2, line 25, to Senate Bill No. 5289.

The motion by Senator Tim Sheldon carried and the amendment was adopted.

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Engrossed Senate Bill No. 5289 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5289.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5289 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 5289, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5352, by Senators Horn and Kline (by request of Department of Community, Trade, and Economic Development)

Increasing the building code council fee.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5352 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Benton: "Mr. President, a parliamentary inquiry. Senate Bill No. 5352 includes an increase in fees. I would like to ask the President to tell us whether or not this fee increase falls within the perimeters of Initiative 601 passed by the voters of this state. If it does, does it require a two-thirds vote by this body in order to raise this fee? Is it considered a tax or a fee and if it is a fee, does it require a two-thirds vote of the chamber in order to pass it?"

MOTION

On motion of Senator Betti Sheldon, further consideration of Senate Bill No. 5352 was deferred.

SECOND READING

SENATE BILL NO. 5533, by Senators Eide, Rasmussen, Swecker, Patterson, Fairley, Zarelli, Roach, Jacobsen, Kohl-Welles, Costa, McAuliffe, Spanel, Franklin, Shin, B. Sheldon, Constantine, Hargrove, Kastama, Prentice, Kline, Stevens and Gardner (by request of Department of Agriculture)

Posting and notification of pesticide applications at schools.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5533 was substituted for Senate Bill No. 5533 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5533 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5533.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5533 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senators Benton, Hochstatter and Honeyford - 3.

SUBSTITUTE SENATE BILL NO. 5533, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator McAuliffe was excused.

SECOND READING

SENATE BILL NO. 5392, by Senators Long, Constantine and Kline (by request of Administrator for the Courts)

Changing provisions relating to emancipation of minors.

The bill was read the second time.

MOTION

On motion of Senator Long, the rules were suspended, Senate Bill No. 5392 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5392.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5392 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McAuliffe - 1.

SENATE BILL NO. 5392, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5319, by Senators Haugen, Horn and Gardner

Changing provisions relating to the municipal research council.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5319 was substituted for Senate Bill No. 5319 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5319.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5319 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Johnson - 1.

SUBSTITUTE SENATE BILL NO. 5319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5364, by Senators Horn, Haugen and Benton

Modifying drivers' license and identocard provisions.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5364 was substituted for Senate Bill No. 5364 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Zarelli, the following amendment by Senators Zarelli, Fairley, Kline, Finkbeiner, Benton, Rossi, Hargrove and Horn was adopted:

On page 2, line 33, after "RCW 26.23.120." insert the following:

"PROVIDED, that the governor, through the department of social and health services, shall seek a waiver to the federal mandate to record social security numbers on applications for professional, driver's, occupational, and recreational licenses, and, if such a waiver is obtained, then this section shall be null and void."

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute Senate Bill No. 5364 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5364.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5364 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kline was excused.

SECOND READING

SENATE JOINT MEMORIAL NO. 8007, by Senators Shin, Costa, Roach, Prentice, Rasmussen, Regala and Patterson

Requesting a specific domain designation for internet pornography websites.

The joint memorial was read the second time.

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Senate Joint Memorial No. 8007 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8007.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8007 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Kline - 1.

SENATE JOINT MEMORIAL NO. 8007, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Hewitt, Senator Honeyford was excused.

SECOND READING

SENATE BILL NO. 5118, by Senators Costa, Long, Hargrove, Fairley and Oke

Enacting the interstate compact for adult offender supervision.

MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5118 was substituted for Senate Bill No. 5118 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Substitute Senate Bill No. 5118 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5118.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5118 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Honeyford - 1.

SUBSTITUTE SENATE BILL NO. 5118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5141, by Senators Hale, Patterson, Costa, McCaslin, Haugen, Sheahan, Finkbeiner, Carlson, Hochstatter, Oke, Winsley and Rasmussen

Requiring nonpartisan sheriffs.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5141.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5141 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Hale, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McCaslin, Oke, Patterson, Rasmussen, Regala, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 29.

Voting nay: Senators Benton, Brown, Constantine, Franklin, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McAuliffe, McDonald, Morton, Parlette, Prentice, Roach, Rossi, Snyder, West and Zarelli - 20.

SENATE BILL NO. 5141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:44 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:42 a.m. by President Owen.

SENATE RESOLUTION 2001-8617

By Senator Snyder, McAuliffe, Haugen, Hargrove, Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli

WHEREAS, Joanne "Obie" Alger was a much loved and dedicated staff member of the Senate and Legislative families; and

WHEREAS, She supervised the Legislature's toll-free hotline for nearly twenty years, ensuring a critical and caring connection between the citizens of Washington State and their elected officials; and

WHEREAS, Joanne left us too suddenly and far too soon on Friday, December 15, 2000, leaving family and friends saddened to have lost her, but blessed to have known her at all; and

WHEREAS, Her small stature seemed out of proportion to her big heart, endless wit, and enormous reservoir of Irish fortitude; and

WHEREAS, Joanne was blessed with a large, loving and talented family, including three sons, two daughters, and twelve beautiful grandchildren; and

WHEREAS, Appreciating the combination of skill, chance and competition, Joanne loved playing bridge as a Life Master of the American Contract Bridge League, and also enjoyed the camaraderie and fun with her bi-monthly Pinochle group; and

WHEREAS, Joanne was an avid and patient baseball fan and will be looking down when the Mariners finally win the World Series; and

WHEREAS, We will all miss her deeply, but are comforted by the knowledge that our loss is Heaven's gain;

NOW, THEREFORE BE IT RESOLVED, that the Washington State Senate mourn the loss of this wonderful person, but cherish her memory and extend its thanks for her dedicated service to this institution and state; and

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted by the Secretary of the Senate to Joanne Alger's family and the Legislative Hotline.

MOTION

Senator Snyder: "Thank you, Mr. President. I move adoption of the resolution. It is a great honor and privilege for me to stand here today and say a few words about Obie. I was Secretary of the Senate when she was first hired, and I worked a lot closer with her than I did after I became a member, because our roles changed a little bit. She was an inspiration to a lot of people. I had a niece that worked in the hotline during the session over the years and she had a great deal of admiration for Obie and for her leadership and the friendship that she provided to her, and for the love that she showed for everybody. With the employees, I think, there wasn't a more favorite person than Obie. I've never heard anybody utter a bad word about her and I think she was an inspiration to all of us. She carried out her duties on the hotline with the utmost efficiency and it is indeed a pleasure for me to stand here today and urge adoption of this resolution."

REMARKS BY SENATOR McAULIFFE

Senator McAuliffe: "Thank you, Mr. President. I stand to support this resolution, recognizing the years of service Joanne Obie Alger provided for the people in the state of Washington. The hotline is the voice that connects our people to their government--your constituents and my constituents. Sometimes they just want to send a message; sometimes they're angry and frustrated. Joanne provided the culture of caring and respect within the hotline room. I visited that room a few years ago. Have any of you ever been to the hotline room? It is a large room with chairs and many of the employees have on earphones. People sit for hours and listen to the people that call in. It takes a big heart, a sense of humor, and a lot of caring to work for the hotline. So today, I would like to stand and recognize Joanne Obie Alger and all of the people in that hotline room and to honor their work. I ask you to join me."

REMARKS BY SENATOR OKE

Senator Oke: "Thank you, Mr. President. I, too, stand in honor of this resolution for Joanne. Joanne was a personal friend of mine. Quite often we had hugs. I like to hug and she was a hugger, and I know God is now hugging Joanne. She was a connection for a lot of us for our constituents to the Legislature. The only time some folks get to feel that they're talking to the Legislature is their calls to the hotline. I have never heard a complaint from any of my constituents directed to those folks that run that hotline system for us. They are always so pleasant, and they share the right information to us--and allow us to get back to them. Joanne, we love you and God bless you."

REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you, Mr. President. Well, the only thing I would like to add to that is that sometimes I think the hotline is a little too efficient, because I get way too many hotlines sometimes. It was very interesting here to see--I think it was one of her grandchildren--run down the front here a minute ago. I'm sure she would be very pleased with that. It reminds me of a session about sixteen years ago in the House, where my two year old ran down the floor--a little red-head. He's nineteen years old now and we remind him of it all the time. So, I'm sure, young man, you've made a little piece of history here, and I'm sure your grandmother would be very proud of that. We'll miss her dearly and we would just like to support this resolution."

REMARKS BY SENATOR HAUGEN

Senator Haugen: "Thank you, Mr. President. Well, I too want to stand and support this resolution. For a number of years, my office was right next door to the hotline, so I knew very well what was going on there. I can tell you that it's not surprising to see that Joanne has a very large family because, in essence the hotline was like a large family--this large family--and I will miss her dearly. Everytime I get a hotline today, I think about those people who work so hard for us. I think we often do not realize how they are there all the time. We were here, but they were always there getting those messages and it did run very efficiently because of Joanne. I know that it will continue to run without Joanne, but it will be with a saddened heart by many of those wonderful people who work there. I'm just privileged to stand here today and say 'thanks' to the family for the sacrifice of her working here. We all know as people who work and women who work outside of the home, that you do make a sacrifice to your family, but she was the kind of person who had more than enough love for you and for us, too. Thank you very much."

MOTIONS

On motion of Senator Snyder, the names of all members of the Senate will be added as sponsors of the resolution.

On motion of Senator Snyder, the remarks on the resolution by the members will be spread across the Journal and sent to the family.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Joanne's children and their families, who were seated in the back of the Chamber: Bob, Lynn, Lauren, Jillian, and Gabriel Walker from Mt. Vernon; Sue and Peter Means from Aberdeen; Steve, Renae, and Tess Alger from Bothell; Mike Alger from Reno; Mark, Zachary and Tyson Alger from Alaska, as well as their father John Alger from Tacoma.

The President also welcomed and introduced Joanne's coworkers from the hotline and bill room: Donna Bezon, Shirley Caldwell, Jim Flynn, Carole Hiner, Nancy Peterson, Wanda Riley, Susan and Ronald Ringwood, Vivian Wilford, Betty Evans, Sally Erker, Vyonne McDonnell, Maryanne Sigman, Annie Thompson, Jeff Adams, Terry Hoey and Cynthia Kaiser.

MOTION

At 11:40 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the sixth order of business.

MOTIONS

On motion of Senator Honeyford, Senators Johnson, McDonald, Roach and Zarelli were excused.

On motion of Senator Eide, Senators Hargrove, Haugen and Patterson were excused.

SECOND READING

SENATE BILL NO. 5531, by Senator Spanel

Restricting shrimp pot and commercial fishery licenses.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5531.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5531 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 41.

Absent: Senator Deccio - 1.

Excused: Senators Hargrove, Haugen, Johnson, McDonald, Patterson, Roach and Zarelli - 7.

SENATE BILL NO. 5531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator McCaslin: "Mr. President, a point of parliamentary inquiry. Senate Rule 45 (1) requires committees to either provide or vote to waive five day's notice before hearing a measure. Mr. President, I ask, assuming the first and only time a committee considers a measure is during executive session, does the five day notice rule apply? If not, I am concerned that committees could pass bills without any public notice whatsoever."

RULING BY THE PRESIDENT

President Owen: "In ruling on the point of parliamentary inquiry raised by Senator McCaslin concerning whether the five day notice requirement in Senate Rule 45 (1) applies to bills in committee considered for the first time in executive session. It is not the President's practice to issue advisory opinions of hypothetical facts. Each point of order must be judged on its individual merits. Although the President will wait for a point of order on actual facts to issue a binding opinion on this issue, the President might suggest that the safest course for committee chairs is to adhere to the five day rule--either give or waive five days notice as the case may be--for bills considered for the first time in executive session."

SECOND READING

SENATE BILL NO. 5241, by Senators Johnson, Constantine, Sheahan, Kline, Costa, Zarelli and Roach

Changing provisions relating to venue.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5241 was substituted for Senate Bill No. 5241 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5241.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5241 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 46.

Excused: Senators McDonald, Patterson and Zarelli - 3.

SUBSTITUTE SENATE BILL NO. 5241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5186, deferred on second reading earlier today

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Thibaudeau to the scope and object of the amendment by Senators Stevens, Deccio, Oke, Benton, Long, Morton, McCaslin, Sheahan, Rossi, Zarelli, Swecker, Hochstatter, Roach and McDonald on page 1, line 17, to Senate Bill No. 5186, the President finds that Senate Bill No. 5186 is a measure which provides that the Department of Social and Health Services may seek and implement a federal waiver to expand eligibility for family planning service funding. The measure defines the kinds of family planning services which are eligible to receive funding, including sterilization and contraception services. The amendment would refine eligibility criteria by excluding from participation those organizations that provide family planning services which include abortion services or referrals.

"In reference to Senator Thibaudeau's argument that the amendment would merely restate federal law as it now exists, the President notes that whether an amendment duplicates existing law is not relevant to question of scope and object. The President, therefore, rules that the point of order is not well taken and the amendment on page 1, line 17, to be in order."

The President ruled that the amendment by Senators Stevens, Deccio, Oke, Benton, Long, Morton, McCaslin, Sheahan, Rossi, Zarelli, Swecker, Hochstatter, Roach and McDonald on page 1, line 17, to Senate Bill No. 5186 to be in order.

The President declared the question before the Senate to be the adoption of the amendment by Senators Stevens, Deccio, Oke, Benton, Long, Morton, McCaslin, Sheahan, Rossi, Zarelli, Swecker, Hochstatter, Roach and McDonald on page 1, line 17, to Senate Bill No. 5186.

Debate ensued.

The motion by Senator Stevens failed and the amendment was not adopted.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5186 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5186.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5186 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Winsley - 28.

Voting nay: Senators Benton, Deccio, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Johnson, Long, McCaslin, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Stevens, Swecker and West - 19.

Excused: Senators McDonald and Zarelli - 2.

SENATE BILL NO. 5186, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Senate Bill No. 5352, deferred on third reading earlier today.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the parliamentary inquiry raised by Senator Benton, regarding the number of votes necessary to pass Senate Bill No. 5352, the President finds that Senate Bill No. 5352 raises the building code permit fee, which funds the building code council account.

"RCW 43.35.035 (Initiative 601) concerns the raising of 'state revenues.' The building code council account is a dedicated account and is not appropriated under the state general fund budget.
"The President, therefore, rules that the final passage of Senate Bill No. 5352 requires a simple majority vote."

The President ruled that Senate Bill No. 5352 would require a simple majority vote on final passage of the bill.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5352.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5352 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, West and Winsley - 28.

Voting nay: Senators Benton, Deccio, Eide, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Johnson, McCaslin, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens and Swecker - 19.

Excused: Senators McDonald and Zarelli - 2.

SENATE BILL NO. 5352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

SECOND READING

SENATE BILL NO. 5115, by Senators Costa, Long, Fairley, Kline, Hargrove and McCaslin

Revising court filing fees for tax warrants and recovery of state agency overpayments.

MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5115 was substituted for Senate Bill No. 5115 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Substitute Senate Bill No. 5115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5115.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5115 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 5115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5389, by Senator Gardner

Adjusting small claims jurisdiction.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 5389 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5389.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5389 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

SENATE BILL NO. 5389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Patterson: "A point of personal privilege, Mr. President. Two days ago, I stood and asked the Senate to say a prayer for the police officer that was shot and murdered in my little city of Des Moines, Washington. Today, I want to stand and ask you folks to say another prayer, because today four more people in the city of Des Moines were found shot to death in their home. I don't have all the information. I understand that they were young people--teenagers. I don't have any more details, but the shooting took place at two hundred and twenty-sixth street, which is right up the street from Mt. Rainier High School where my children go to school. I am really hurting and I would appreciate if you would all consider saying a prayer for these childrens' families and for my city of Des Moines and for us all."

MOMENT OF SILENCE

The Senate stood for a moment of silence to remember the teenagers and their families who were shot in Des Moines earlier today.

SECOND READING

SENATE BILL NO. 5151, by Senators Carlson, Winsley, Honeyford, Franklin, Long, Fraser, McAuliffe, Kohl-Welles, Rasmussen, Haugen and Parlette (by request of Joint Committee on Pension Policy)

Increasing the number of hours that teachers' retirement system plan retirees may work in an eligible position to eight hundred forty without a reduction in their retirement benefits.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, Senate Bill No. 5151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5151.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5151 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

SENATE BILL NO. 5151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5573, by Senators Snyder and Kohl-Welles

Authorizing raffles by student groups and public hospital districts.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5573 was substituted for Senate Bill No. 5573 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5573 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Hochstatter: "A parliamentary inquiry, Mr. President. Does this bill require a sixty percent vote to pass? Does it increase gambling?"

RULING BY THE PRESIDENT

President Owen: "The President finds that Substitute Senate Bill No. 5573 would permit increased occurrences of gambling activity. Therefore, under Article II, Section 24 of the State Constitution., the President rules that a sixty percent vote (thirty votes) is required on final passage."

The President ruled that Substitute Senate Bill No. 5573 would require a sixty percent vote on final passage of the bill.

Further debate ensued.

POINT OF INQUIRY

Senator Zarelli: "Senator Prentice, my question would be, because we are on school grounds, and we would be selling tickets, and if this bill passes and is signed into law, it would be considered gambling, what is the legality of selling a raffle ticket then to a minor? If a ticket was sold to a fellow student and we consider this as gambling, would that then be an illegal activity?"

Senator Prentice: "I know that this has been worked out with the Gambling Commission. I remember that they addressed this. Senator Snyder, can you help me out on this on? I know that they worked this out very carefully. I guess I would like to remind people that gambling is already present in many churches. It certainly is available and, in fact, that is why children are allowed in bingo parlors. In fact, when the Gambling Commission first took over in 1973, one of the first regulations that they didn't let us have--and I was a PTA mother then--was that they didn't allow us to have cakewalks and things like that. I know that they no longer are that rigid and they have approved this type of activity."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5573.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5573 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Thibaudeau and Winsley - 30.

Voting nay: Senators Haugen, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, Morton, Oke, Parlette, Patterson, Roach, Rossi, Shin, Stevens, Swecker, West and Zarelli - 18.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 5573, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5159, by Senators Winsley, Gardner, Kohl-Welles, Horn, Prentice and Carlson

Authorizing four-year public institutions of higher education to participate with the state in investing surplus funds.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5159 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5159.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5159 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senator Swecker - 1.

Absent: Senator Oke - 1.

Excused: Senator McDonald - 1.

SENATE BILL NO. 5159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5457, by Senators Kohl-Welles, Carlson, Jacobsen and Horn (by request of Workforce Training and Education Coordinating Board)

Changing liability and licensure provisions for private vocational schools.

The bill was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5457 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5457.

ROLL CALL

The secretary called the roll on the final passage of Senate Bill No. 5457 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe,

McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

SENATE BILL NO. 5457, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5734, by Senators Hale, Hewitt and Parlette

Modifying requirements to receive state allocations for an agricultural fair.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5374 was substituted for Senate Bill No. 5374 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5374 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5374.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5374 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 5374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5112, by Senators Costa, Swecker, Fairley, Oke, Gardner, Haugen, Eide, Kohl-Welles and Patterson

Applying child restraint system laws to children up to eight years of age or eighty pounds.

MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5112 was substituted for Senate Bill No. 5112 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the following amendment by Senators Hargrove, Costa, Haugen, Zarelli, Finkbeiner, Swecker, Johnson and Oke was adopted:

On page 2, after "old" on line 6, strike "and/"

MOTION

On motion of Senator Costa, the rules were suspended, Engrossed Substitute Senate Bill No. 5112 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5112.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5112 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Oke, Patterson,

Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Winsley - 40.

Voting nay: Senators Deccio, Hochstatter, McCaslin, Morton, Parlette, Roach, Stevens and Zarelli - 8.

Excused: Senator McDonald - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5296, by Senators Thibaudeau, Oke, Franklin, Winsley, Costa and Gardner (by request of Governor Locke and Attorney General Gregoire)

Limiting minors' access to tobacco.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5296 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5296.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5296 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Voting nay: Senators Hochstatter, Honeyford, McCaslin and West - 4.

Excused: Senator McDonald - 1.

SENATE BILL NO. 5296, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5236, by Senators Kohl-Welles, Long, Thibaudeau, Costa, McAuliffe, Eide, Stevens, Fairley, Prentice, Franklin, Fraser, Carlson, Spanel, Regala, Hargrove, Oke and Patterson

Ensuring the health and safety of newborn infants who have been abandoned and exempting from criminal liability persons who abandon them into the custody of a qualified person.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5236 was substituted for Senate Bill No. 5236 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5236.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5236 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe,

McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 5236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5683, by Senators Horn and Haugen; (by request of Washington State Patrol)

Adding an ex officio member to the building code council.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5683 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5683.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5683 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

SENATE BILL NO. 5683, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5367, by Senators Fraser, Long, Patterson, Costa, Regala and Jacobsen (by request of Department of Community, Trade, and Economic Development)

Changing competitive grant requirements for community mobilization programs.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5367.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5367 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

SENATE BILL NO. 5367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5407, by Senators West, Prentice, Kohl-Welles, Gardner and Rasmussen

Allowing more simulcast horse racing.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5407 was substituted for Senate Bill No. 5407 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Fairley: "A parliamentary inquiry, Mr. President. When we've discussed gambling before, we've said that bills that add new forms of gambling or authorized added appearances require a sixty percent vote. My inquiry is does this require a sixty percent vote on final passage? This bill allows race tracks to have more hours of simulcasting on race days. Right now, they can do only one card on a race day and this is eight to ten races, so this bill would allow almost unlimited simulcasting of races on race days and more opportunity for people to place bets and therefore more gambling. I would argue that adding occurrences of simulcasting under past precedence that we have had in this body, would be an expansion of gambling and therefore require a sixty percent vote."

Debate ensued.

MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute Senate Bill No. 5407 was deferred.

SECOND READING

SENATE BILL NO. 5219, by Senators Eide, Prentice, Swecker, Rasmussen and Hochstatter

Modifying contracts for the sale of travel-related benefits.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5219 was substituted for Senate Bill No. 5219 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5219.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5219 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 5219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5472, by Senators Johnson, Constantine and Kline (by request of Administrator for the Courts)

Changing provisions relating to termination of municipal courts and service contracts.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5472 was substituted for Senate Bill No. 5472 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5472 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5472.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5472 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 5472, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 4:04 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 6:30 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5176, by Senator Kohl-Welles

Authorizing adoption of rules to implement medical marijuana law.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5176 was substituted for Senate Bill No. 5176 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5176 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5176.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5176 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 1; Excused, 1.

Voting yea: Senators Brown, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Winsley - 37.

Voting nay: Senators Benton, Carlson, Honeyford, Johnson, Roach, Rossi, Stevens, Swecker, West and Zarelli - 10.

Absent: Senator Deccio - 1.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 5176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5305, by Senators Constantine and McCaslin (by request of Office of the Code Reviser)

Correcting outdated references and double amendments.

The bill was read the second time.

MOTION

On motion of Senator Constantine, the rules were suspended, Senate Bill No. 5305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5305.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5305 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

SENATE BILL NO. 5305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5583, by Senators Long, Hargrove, Stevens, Costa, Carlson, Hewitt, Kohl-Welles, Franklin, Kastama, Winsley and Regala

Implementing recommendations of the joint legislative audit and review committee's performance audit of the public mental health system.

MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5583 was substituted for Senate Bill No. 5583 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the following amendment by Senators Long and Hargrove was adopted:

On page 2, line 2, after "diligently" insert "within available funds"

MOTION

On motion of Senator Long, the rules were suspended, Engrossed Substitute Senate Bill No. 5583 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5583.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5583 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe,

McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5583, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

SECOND READING

SENATE BILL NO. 5207, by Senators Hargrove, Franklin and Kohl-Welles

Regulating DNA testing.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5207 was substituted for Senate Bill No. 5207 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5207.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5207 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and McDonald - 2.

SUBSTITUTE SENATE BILL NO. 5207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5282, by Senators Franklin and Kohl-Welles

Regulating use of DNA in insurance transactions.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5282 was substituted for Senate Bill No. 5282 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5282 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5282.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5282 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe,

McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 5282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5582, by Senators Roach, McAuliffe, Winsley, Patterson, Fairley, Morton, Kastama, Hochstatter, Deccio, Swecker, Long, Carlson, Finkbeiner, Hewitt, Stevens, Sheahan, Zarelli, Rossi, Kohl-Welles and Regala

Authorizing the conditional employment of teachers with lapsed certificates.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5582 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5582.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5582 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

SENATE BILL NO. 5582, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5064, by Senators Prentice and Winsley (by request of Gambling Commission)

Defining degrees of gambling cheating.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5064.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5064 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Haugen - 1.

SENATE BILL NO. 5064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

SECOND READING

SENATE BILL NO. 5127, by Senators Prentice, Patterson, McAuliffe and McDonald

Determining the number of unclassified personnel in the sheriff's office.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5127.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5127 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Fairley - 1.

SENATE BILL NO. 5127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5502, by Senator Prentice

Modifying boxing officials' licensing requirements.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5502 was substituted for Senate Bill No. 5502 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5502 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5502.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5502 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Fairley - 1.

SUBSTITUTE SENATE BILL NO. 5502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5407, deferred on third reading earlier today.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of inquiry by Senator Fairley concerning the number of votes necessary to pass Substitute Senate Bill No. 5407, the President finds that the measure would remove restrictions on the number of simulcast races that may be imported by horse racing associations on live race days. Because the measure would permit increased occurrences of gambling, the President rules that a sixty percent vote (thirty votes) is required on final passage in accordance with Article II, Section 24 of the State Constitution.

"Senator West is correct that tracks already have the prior authority under the law to adjust their live and dark day race schedules to increase the number of simulcast races they may import. However, for purposes of this inquiry, the President's analysis must start with the fact that tracks do not have the prior authority to offer unlimited simulcasts on a given live race day."

The President ruled that Substitute Senate Bill No. 5407 would require a sixty percent majority vote on final passage of the bill.

MOTION

On motion of Senator West, further consideration of Substitute Senate Bill No. 5407 was deferred one bill, since Senator Fairley is excused.

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

SECOND READING

SENATE BILL NO. 5238, by Senators Patterson, Johnson, McCaslin, Haugen and Fairley

Modifying the board of commissioners of a water-sewer district.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5238 was substituted for Senate Bill No. 5238 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the following amendments were considered simultaneously and were adopted:

On page 4, beginning on line 22, after "county" strike all material through "held" on line 24 and insert "auditor"

On page 4, at the beginning of line 25, after "the" strike all material through "counties" and insert "county auditor"

On page 6, after line 21, insert the following:

"NEW SECTION. Sec. 5 RCW 57.08.110 (Association of commissioners--Purposes--Powers--Expenses) and 1999 c 153 s 13, 1996 c 230 s 318, 1995 c 301 s 76, 1973 1st ex.s. c 195 s 68, 1970 ex.s. c 47 s 5, & 1961 c 242 s 1 are each repealed."

MOTIONS

On motion of Senator Patterson, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "57.12.039;" strike "and"

On page 1, line 3 of the title, after "57.12 RCW" insert "; and repealing RCW 57.08.110"

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute Senate Bill No. 5238 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5238.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5238 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5238, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed considered of Substitute Senate Bill No. 5407, deferred earlier today after the President ruled that the bill would require a sixty percent majority vote on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5407.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5407 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Deccio, Finkbeiner, Fraser, Gardner, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Thibaudeau, West and Winsley - 31.

Voting nay: Eide, Fairley, Franklin, Hargrove, Haugen, Hochstatter, Long, McDonald, Oke, Parlette, Patterson, Prentice, Regala, Shin, Stevens, Swecker, and Zarelli - 17.

Absent - Costa - 1.

SUBSTITUTE SENATE BILL NO. 5407, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

Senator Patterson moved that the Senate immediately consider Senate Bill No. 5585.

PARLIAMENTARY INQUIRY

Senator West: "Is Senator Patterson moving us to the ninth order to pull the bill from Rules where it currently resides? Mr. President, I have just been informed that the bill is still in committee. Is she suggesting we go to the ninth order of business?"

RULING BY THE PRESIDENT

President Owen: "In ruling upon Senator West's parliamentary inquiry, the President finds that Senate Bill No. 5585 is resting comfortably in the Senate Transportation Committee. In order to relieve that committee of the bill, it would take an amendment of the concurrent resolution and to be in the ninth order of business to do that."

WITHDRAWAL OF MOTION

There being no objection, Senator Patterson withdrew the motion to immediately consider Senate Bill No. 5585.

SECOND READING

SENATE BILL NO. 5283, by Senators Franklin and Kohl-Welles

Prohibiting discriminatory use of DNA in employment matters.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5283 was substituted for Senate Bill No. 5238 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5283 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5283.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5283 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Zarelli - 48.

Voting Nay: Swecker - 1;

SUBSTITUTE SENATE BILL NO. 5283, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5500, by Senators Hargrove and Long

Revising programs and proceedings for children under the BECCA and HOPE acts.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5500 was substituted for Senate Bill No. 5500 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the following amendment was adopted:

On page 20, line 5, after "days" insert "or a fine not to exceed one hundred dollars, or both"

MOTIONS

On motion of Senator Hargrove, the following amendment by Senators Hargrove, Long and Fairley was adopted:

On page 20, line 27, after "extended" insert "to no more than twenty-one days"

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 5 of the title, after "RCW;" insert "prescribing penalties;"

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5500 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5500.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5500 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Long, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting Nay: Fairley, Kohl-Welles, McAuliffe -3;

ENGROSSED SUBSTITUTE SENATE BILL NO. 5500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5984, by Senators Hargrove, Deccio, Hewitt, Long and Franklin

Changing provisions relating to public access to child dependency hearings and foster parent complaint information.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5984 was substituted for Senate Bill No. 5984 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5984 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5984.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5984 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5984, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5235, by Senators Prentice and Winsley

Outlining requirements for the operation of a PACE program in Washington state.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5235 was substituted for Senate Bill No. 5235 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5235 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5235.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5235 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5235, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5374, by Senators Constantine, Winsley, Prentice and McCaslin

Imposing criminal penalties and sanctions for the unauthorized sale of baby food, infant formula, cosmetics, nonprescription drugs, or medical devices.

The bill was read the second time.

MOTIONS

On motion of Senator Constantine, the following amendment by Senators Constantine, Fairley, Winsley and Prentice was adopted:

On page 3, line 18, after "cosmetics," strike "personal care products,"

On motion of Senator Constantine, the following title amendment was adopted:

On page 1, line 3 of the title, after "cosmetics," strike "personal care products,"

MOTION

On motion of Senator Constantine, the rules were suspended, Engrossed Senate Bill No. 5374 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5374.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5374 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Deccio, Finkbeiner, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Long, McCaslin, Morton, Oke, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 32.

Voting nay: Costa, Eide, Fairley, Franklin, Fraser, Haugen, Honeyford, Kline, Kohl-Welles, McAuliffe, McDonald, Parlette, Patterson, Roach, Sheldon, T., Snyder, West, - 17

ENGROSSED SENATE BILL NO. 5374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5863, by Senators Snyder and Zarelli (by request of Department of Natural Resources)

Allowing the department of natural resources to exchange certain bedlands to obtain clear title to certain property on the Cowlitz river.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5863 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5863.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5863 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5863, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6110, by Senators Spanel, Gardner and Kohl-Welles

Providing for the administration of a Puget Sound crab pot buoy tag program.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6110 was substituted for Senate Bill No. 6110 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6110 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6110.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6110 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Hochstatter - 1.

SUBSTITUTE SENATE BILL NO. 6110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 8:30 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 8:30 a.m., Saturday, March 10, 2001.

BRAD OWEN, President of the Senate

TONY COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-FIRST DAY, MARCH 9, 2001

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

SIXTY-SECOND DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Saturday, March 10, 2001

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Roach.

The Sergeant at Arms Color Guard, consisting of staff members Myrna Beebe and Carrie Berry, presented the Colors. Senator Margarita Prentice offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

March 9, 2001

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2222, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6143 by Senators T. Sheldon, Hargrove, Long, Costa, Roach, Snyder, McCaslin, Spanel, Winsley, Gardner, Eide, Zarelli, Rossi, Benton, Hochstatter, Swecker, Kastama, Shin, Patterson, Kline, Fraser, McAuliffe and Rasmussen

AN ACT Relating to community notification for risk level III sex and kidnapping offenders; amending RCW 65.16.020 and 4.24.550; adding a new section to chapter 9A.76 RCW; and prescribing penalties. Referred to Committee on Human Services and Corrections.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 2222 by Representatives Sehlin, H. Sommers, Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Chopp, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood and Woods

Providing funding for emergent needs.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, House Bill No. 2222 was advanced to second reading and placed on the second reading calendar.

MOTION

At 8:41 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 9:42 a.m. by President Owen

SECOND READING

HOUSE BILL NO. 2222, by Representatives Sehlin, H. Sommers, Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, B. Chandler, G. Chandler, Chopp, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Keiser, Kenney, Kessler, Kirby, Lambert, Lantz, Linville, Lisk, Lovick, Marine, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Pennington, Pflug, Poulsen, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood and Woods

Providing funding for emergent needs.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, House Bill No. 2222 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2222.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2222 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Roach - 1.

HOUSE BILL NO. 2222, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Roach was excused.

SECOND READING

SENATE BILL NO. 5376, by Senators Gardner, Horn and Haugen

Restricting telecommunications services for household goods carriers operating without a permit.

MOTIONS

On motion of Senator Gardner, Substitute Senate Bill No. 5376 was substituted for Senate Bill No. 5376 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gardner, the rules were suspended, Substitute Senate Bill No. 5376 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5376.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5376 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West and Winsley - 37.

Voting nay: Senators Benton, Finkbeiner, Hochstatter, Johnson, McCaslin, McDonald, Morton, Rossi, Stevens, Swecker and Zarelli - 11.

Excused: Senator Roach - 1.

SUBSTITUTE SENATE BILL NO. 5376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5417, by Senators Patterson, Long, Hargrove, Stevens, Kline and Winsley

Changing provisions relating to opiate substitution treatment programs.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5417 was substituted for Senate Bill No. 5417 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5417.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5417 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Roach - 1.

SUBSTITUTE SENATE BILL NO. 5417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5197, by Senators Winsley and Prentice

Revising private activity bond provisions.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5197.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5197 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Patterson - 1.

Excused: Senator Roach - 1.

SENATE BILL NO. 5197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 10, 2001

MR. PRESIDENT:

The Co-Speakers have signed HOUSE BILL NO. 2222, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHLER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 2222.

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

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington, 98504-5000

March 8, 2001

Mr. Tony Cook
Secretary of the Senate
P. O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's quarterly Report to the Legislature entitled "Services to Individuals with Developmental Disabilities Diagnosed with Mental Illness." It is mandated under Chapter 1, Laws of 2000 E2, Section 206(1)(d).

Should you have any questions about the content of the report, please call Pat Buker at (360) 902-8460.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services quarterly Report to the Legislature entitled "Services to Individuals with Developmental Disabilities Diagnosed with Mental Illness" is on file in the Office of the Secretary of Senate.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Hewitt, Senator Johnson was excused.

SECOND READING

SENATE BILL NO. 5188, by Senator McCaslin

Providing an alternative manner of dispersing surplus political funds.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5188.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5188 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin,

McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Johnson and Roach - 2.

SENATE BILL NO. 5188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5572, by Senators Snyder, Winsley and Oke

Authorizing Crimestoppers signs in view of specified highway systems.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5572 was substituted for Senate Bill No. 5572 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5572 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5572.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5572 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Roach - 1.

SUBSTITUTE SENATE BILL NO. 5572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5571, by Senators Sheahan, Rasmussen, Hochstatter, T. Sheldon, Hewitt, Rossi, Honeyford, Parlette, Stevens and Roach

Authorizing Future Farmers of America license plates.

MOTIONS

On motion of Senator Sheahan, Substitute Senate Bill No. 5571 was substituted for Senate Bill No. 5571 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheahan, the rules were suspended, Substitute Senate Bill No. 5571 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5571.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5571 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Roach - 1.

SUBSTITUTE SENATE BILL NO. 5571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Jacobsen was excused.

SECOND READING

SENATE BILL NO. 5301, by Senators Patterson, Haugen, Oke, Jacobsen and Carlson

Specifying conditions for requiring examination of a driver.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5301 was substituted for Senate Bill No. 5301 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5301 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Carlson: "Senator Patterson, I am looking at the bill summary and I see that the report indicates that the public disclosure law is going to exempt this provision and that the department must not divulge the identity of the person making the report without the person's permission. Would you comment on your view regarding the consequences or the possible constitutional violation of this issue?"

Senator Patterson: "Yes, I will be glad to comment on that, because we were very much concerned that be addressed in the legislation. A person who intentionally files a false report, according to this legislation, is guilty of a misdemeanor. I will read the actual language from the bill. In section one, line twenty one, it says that a person who intentionally files a false report, under this section, is guilty of a misdemeanor, and is liable for damages that proximately result."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5301.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5301 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23 Absent, 0; Excused, 1.

Voting yea: Senators Brown, Constantine, Costa, Eide, Finkbeiner, Fraser, Gardner, Haugen, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, - 25.

Voting nay: Benton, Carlson, Deccio, Fairley, Franklin, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Johnson, McAuliffe, McCaslin, McDonald, Morton,

Rossi, Sheahan, Sheldon, B., Snyder, Stevens, West, Winsley and Zarelli - 23.

Excused: Senator Roach - 1.

SUBSTITUTE SENATE BILL NO. 5301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

EDITOR'S NOTE: The first report on the roll call vote on Substitute Senate Bill No. 5301 was a tie vote, but the President did not vote to break the tie. Senator Kohl-Wells changed her vote to 'aye' to pass the bill. See the President's remarks regarding his vote on not voting to break the tie vote.

REMARKS BY THE PRESIDENT REGARDING HIS NOT VOTING TO BREAK THE TIE ON SUBSTITUTE SENATE BILL NO. 5301

President Owen: "Since the issue came up and the potential for additional tie votes is significant this session, I wish to submit the following: The Senate cannot pass a rule that conflicts with the State Constitution. The President believes that the Constitution is very explicit in Article 2, Section 10, when it says: ' Each house shall elect

its own officers; and when the lieutenant governor shall not attend as president, or shall act as governor, the senate shall choose a temporary president. When presiding, the lieutenant governor shall have the deciding vote in case of an equal division of the senate.'

"My comments during the brief time we had a tie vote on final passage were that there was a conflict in the Constitution on the President's responsibility to break the tie and indicated I would not vote. The President not voting on final passage has been the tradition, but given the opportunity, the President believes the issue should be tested. In other words, the President believes the practice of the President of not voting on final passage when there is a tie vote is potentially a shirking of his constitutional duty. This issue became mute when the vote changed."

PERSONAL PRIVILEGE

Senator Deccio: "A personal privilege, Mr. President. That is okay. The House will kill it in the House."

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Parlette served notice that she would move to reconsider the vote by which Substitute Senate Bill No. 5301 passed the Senate.

SECOND READING

SENATE BILL NO. 5518, by Senators Horn, T. Sheldon and Roach (by request of Department of Licensing)

Waiving the motorcycle exam for trained operators.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5518 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5518.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5518 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Roach - 1.

SENATE BILL NO. 5518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5691, by Senators Costa, Long, Hargrove and Kohl-Welles

Adding a limitation on sealing of juvenile offender records.

The bill was read the second time.

MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 5691 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5691.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5691 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Roach - 1.

SENATE BILL NO. 5691, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Fraser, Senator Prentice was excused

SECOND READING

SENATE BILL NO. 5454, by Senators Long, Costa and Hargrove (by request of Department of Social and Health Services)

Revising provisions relating to the juvenile offender basic training camp program.

The bill was read the second time.

MOTION

On motion of Senator Long, the rules were suspended, Senate Bill No. 5454 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5454.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5454 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Prentice and Roach - 2.

SENATE BILL NO. 5454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

SECOND READING

SENATE BILL NO. 5028, by Senators Franklin and Regala

Establishing the legal presumption of reasonable value from the certification of health care records.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5028 was substituted for Senate Bill No. 5028 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5028 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5028.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5028 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Roach - 2.

SUBSTITUTE SENATE BILL NO. 5028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5253, by Senators McCaslin, Kline, Long, Constantine, Hewitt, Horn, Honeyford and Costa

Increasing civil jury fees.

The bill was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5253 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5253.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5253 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 46.

Absent: Senator Zarelli - 1.

Excused: Senators Deccio and Roach - 2.

SENATE BILL NO. 5253, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5699, by Senators Carlson, Benton, Honeyford, Hale and Zarelli

Modifying the Washington state scholars program.

The bill was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5699 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5699.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5699 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Roach - 1.

SENATE BILL NO. 5699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5509, by Senators Kohl-Welles, Hochstatter, Shin, Kline, Hargrove, Horn, Fairley, Sheahan, B. Sheldon, Prentice, McAuliffe, Roach and Costa

Requiring institutions of higher education to use personal identifiers that are not social security numbers.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5509 was substituted for Senate Bill No. 5509 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5509 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hochstatter: "Senator Kohl-Welles, it says, 'It also expands permissible use of social security numbers to include research, assessments, accountability and transcripts.' Does this, in fact, restrict the use of social security numbers or are we granting a broader use of social security numbers by this final sentence in the directory here?"

Senator Kohl-Welles: "Thank you for your question, Senator Hochstatter. In fact, the bill does limit the use of social security numbers beyond what is the current practice. By expanding the list of what is allowable, we are simply keeping with what the State Board for Community and Technical Colleges and the Higher Education Coordinating Board and the Legislature, itself, engages in in terms of keeping track of students when they go from the community colleges to the four year institutions. When we require the institutions to submit enrollment data and accountability information to us, this provides the means to do it. A very important element of this, in practice currently, is that any student can request that his or her number not be used, even for these uses. The state boards and institutions honor these requests and those students are not part of the data collection."

Senator Hochstatter: "Thank you, Senator Kohl-Welles."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5509.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5509 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Roach - 1.

SUBSTITUTE SENATE BILL NO. 5509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5224, by Senators Prentice, Patterson, Haugen, Horn, Oke, Jacobsen and Kohl-Welles (by request of Department of Transportation)

Redeveloping King Street railroad station.

MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 5224 was substituted for Senate Bill No 5224 and the substitute bill was placed on second reading and read the second time

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5224 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5224.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5224 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 46.

Voting nay: Senators Honeyford and Zarelli - 2.

Excused: Senator Roach - 1.

SUBSTITUTE SENATE BILL NO. 5224, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5474, by Senators B. Sheldon, Winsley, Spanel, Long and Fraser (by request of Department of General Administration)

Modifying provisions concerning the general administration services account.

MOTIONS

On motion of Senator Constantine, Substitute Senate Bill No. 5474 was substituted for Senate Bill No. 5474 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Constantine, the rules were suspended, Substitute Senate Bill No. 5474 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5474.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5474 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Roach - 1.

SUBSTITUTE SENATE BILL NO. 5474, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Snyder, Senate Rule 15 was suspended for the day.

EDITOR'S NOTE: Rule 15 states: The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.'

MOTION

At 11:56 a.m., on motion of Senator Snyder, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:00 p.m. by President Owen.
There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 5143, by Senators Long, Honeyford, Carlson, Franklin, Winsley, Fraser and Haugen (by request of Joint Committee on Pension Policy)

Modifying the Washington state patrol retirement system retirement and survivor benefits.

The bill was read the second time.

MOTIONS

On motion of Senator Long, the following amendments by Senators Brown and Long were considered simultaneously and were adopted:

On page 6, line 24, after "RCW 47.46.040", insert "or any voluntary overtime"; and

On page 6, line 27, after "RCW 47.46.040", insert "or any voluntary overtime".

On motion of Senator Long, the rules were suspended, Engrossed Senate Bill No. 5143 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5143.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5143 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 5143, having received the constitutional majority, was declared passed.
There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5813, by Senators Honeyford, Rasmussen, Deccio, McCaslin, Hale, Constantine, Sheahan, Hewitt, Winsley, Prentice and Kohl-Welles

Allowing restaurants and private clubs to sell wine for off-premises consumption.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5813 was substituted for Senate Bill No. 5813 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5813 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5813.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5813 and the bill passed the Senate by the following vote:

Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Voting nay: Senators Hargrove, Long, Morton, Oke and Stevens - 5.

SUBSTITUTE SENATE BILL NO. 5813, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senators Deccio and Rossi were excused.

SECOND READING

SENATE BILL NO. 5263, by Senators Snyder, Rasmussen and Gardner

Changing provisions relating to employment rights of members of reserve and national guard forces.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5263 was substituted for Senate Bill No. 5263 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5263.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5263 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Rossi - 2.

SUBSTITUTE SENATE BILL NO. 5263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5791, by Senators Kline, Sheahan, Patterson, McCaslin, Constantine, Johnson, Costa, Kohl-Welles, Deccio, Roach and Winsley

Paying for certain actions and proceedings for damages brought against law enforcement officers.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5791 was substituted for Senate Bill No. 5791 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5791 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5791.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5791 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5791, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5260, by Senators Kline, Roach, Costa, Johnson, Rossi, Shin, Kastama, Long and Regala

Requiring a notation in the driving record when a driver is required to use an ignition interlock or other biological or technical device.

The bill was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5260 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5260.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5260 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Prentice - 1.

SENATE BILL NO. 5260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5291, by Senators Costa, Winsley, Franklin and Fraser

Requiring certain immunizations of staff and residents of long-term care facilities.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5291 was substituted for Senate Bill No. 5291 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the following amendment by Senator Costa was adopted: On page 2, line 34, after "department of" strike "health" and insert "social and health services"

MOTION

On motion of Senator Costa, the rules were suspended, Engrossed Substitute Senate Bill No. 5291 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5291.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5291 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5121, by Senators Regala, Morton, Oke, Eide, Fraser and Jacobsen

Correcting references to the former office of marine safety.

The bill was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 5121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5121.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5121 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5377, by Senators Gardner, Horn and Haugen

Marking the gross weight on certain vehicles.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 5377 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5377.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5377 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senators Horn and McAuliffe - 2.

SENATE BILL NO. 5377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5558, by Senators Rossi, Kline, Finkbeiner, Roach, Morton, Oke, Johnson, Long, Swecker, Stevens and Sheahan

Clarifying penalty procedures for alcohol violators.

MOTIONS

On motion of Senator Rossi, Substitute Senate Bill No. 5558 was substituted for Senate Bill No. 5558 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rossi, the rules were suspended, Substitute Senate Bill No. 5558 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5558.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5558 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Haugen - 1.

SUBSTITUTE SENATE BILL NO. 5558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5099, by Senators Winsley and Thibaudeau

Designating medical directors.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5099 was substituted for Senate Bill No. 5099 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5099 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5099.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5099 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator McAuliffe - 1.

SUBSTITUTE SENATE BILL NO. 5099, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5413, by Senators Stevens, Hargrove, Long and Roach

Improving accountability in child dependency cases.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5413 was substituted for Senate Bill No. 5413 and the substitute bill was placed on second reading and read the second time.

Senator Hargrove moved that the following amendment by Senators Hargrove, Stevens and Long be adopted: Beginning on page 9, line 35, strike all of section 8 and insert the following:

"**Sec. 8.** RCW 13.34.110 and 2000 c 122 s 11 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor. The rules of evidence shall apply at the fact-finding hearing and the parent, guardian, or legal custodian of the child shall have all of the rights provided in RCW 13.34.090(1). The petitioner shall have the burden of establishing by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030.

(2)(a) The parent, guardian, or legal custodian of the child may waive his or her right to a fact-finding hearing by stipulating or agreeing to the entry of an order of dependency establishing that the child is dependent within the meaning of RCW 13.34.030. The parent, guardian, or legal custodian may also stipulate or agree to an order of disposition pursuant to RCW 13.34.130 at the same time. Any stipulated or agreed order of dependency or disposition must be signed by the parent, guardian, or legal custodian and his or her attorney, unless the parent, guardian, or legal custodian has waived his or her right to an attorney in open court, and by the petitioner and the attorney, guardian ad litem, or court-appointed special advocate for the child, if any. If the department of social and health services is not the petitioner and is required by the order to supervise the placement of the child or provide services to any party, the department must also agree to and sign the order.

(b) Entry of any stipulated or agreed order of dependency or disposition is subject to approval by the court. The court shall receive and review a social study before entering a stipulated or agreed order and shall consider whether the order is consistent with the allegations of the dependency petition and the problems that necessitated the child's placement in out-of-home care. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.

(c) Prior to the entry of any stipulated or agreed order of dependency, the parent, guardian, or legal custodian of the child and his or her attorney must appear before the court and the court must inquire and establish on the record that:

(i) The parent, guardian, or legal custodian understands the terms of the order or orders he or she has signed, including his or her responsibility to participate in remedial services as provided in any disposition order;

(ii) The parent, guardian, or legal custodian understands that entry of the order starts a process that could result in the filing of a petition to terminate his or her relationship with the child within the time frames required by state and federal law if he or she fails to comply with the terms of the dependency or disposition orders or fails to substantially remedy the problems that necessitated the child's placement in out-of-home care;

(iii) The parent, guardian, or legal custodian understands that the entry of the stipulated or agreed order of dependency is an admission that the child is dependent within the meaning of RCW 13.34.030 and shall have the same legal effect as a finding by the court that the child is dependent by at least a preponderance of the evidence, and that the parent, guardian, or legal custodian shall not have the right in any subsequent proceeding for termination of parental rights or dependency guardianship pursuant to this chapter or nonparental custody pursuant to chapter 26.10 RCW to challenge or dispute the fact that the child was found to be dependent; and

(iv) The parent, guardian, or legal custodian knowingly and willingly stipulated and agreed to and signed the order or orders, without duress, and without misrepresentation or fraud by any other party.

If a parent, guardian, or legal custodian fails to appear before the court after stipulating or agreeing to entry of an order of dependency, the court may enter the order upon a finding that the parent, guardian, or legal custodian had actual notice of the right to appear before the court and chose not to do so. The court may require other parties to the order, including the attorney for the parent, guardian, or legal custodian, to appear and advise the court of the parent's, guardian's, or legal custodian's notice of the right to appear and understanding of the factors specified in this subsection.

(3) Immediately after the entry of the findings of fact, the court shall hold a disposition hearing, unless there is good cause for continuing the matter for up to fourteen days. If good cause is shown, the case may be continued for longer than fourteen days. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by certified mail of the time and place of any continued hearing. Unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who: ((1)) (a) Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt; ((2)) (b) are known to the department as having been in contact with the family or child within the past twelve months; and ((3)) (c) would be an appropriate placement for the child. Reasonable cause to dispense with notification to a parent under this section must be proved by clear, cogent, and convincing evidence.

The parties need not appear at the ((fact-finding or dispositional)) disposition hearing if the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement. ((The court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.))"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Stevens and Long on page 9, line 35, to Substitute Senate Bill No. 5413.

The motion by Senator Hargrove carried and the amendment was adopted.

MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "13.34.180," strike "and 13.34.138" and insert "13.34.138, and 13.34.110"

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5413 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5413.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5413 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Oke - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5413, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Gardner was excused.

SECOND READING

SENATE BILL NO. 5190, by Senators Winsley and Costa

Providing photo identification for private investigators.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5190 was substituted for Senate Bill No. 5190 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5190.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5190 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Gardner - 1.

SUBSTITUTE SENATE BILL NO. 5190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of

SECOND READING

SENATE BILL NO. 6012, by Senators Honeyford, Rasmussen, Hochstatter, Hale and Carlson

Allowing customary agricultural related burning in an urban growth area.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 6012 was substituted for Senate Bill No. 6012 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6012.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6012 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Deccio, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Voting nay: Senators Costa, Eide, Fairley, Franklin, Kohl-Welles and Prentice - 6.

Excused: Senator Gardner - 1.

SUBSTITUTE SENATE BILL NO. 6012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5369, by Senators Kline, Long and Costa (by request of Department of Social and Health Services)

Revising provisions for jurisdiction in child support matters.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5369 was substituted for Senate Bill No. 5369 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5369 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5369.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5369 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Stevens - 1.

Excused: Senator Gardner - 1.

SUBSTITUTE SENATE BILL NO. 5369, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Winsley: "Mr. President, I rise for a point of personal privilege. There is someone in our midst today that is having a special birthday today and I think we should acknowledge her birthday. It is not everyday that you are thirty-nine and counting. This is a very special birthday for Senator Marilyn Rasmussen. I am not going to tell you how old she is, but it significant. It is the age where you can apply for something--at the earliest. Happy Birthday, Marilyn."

The President also extended Happy Birthday wishes to Senator Marilyn Rasmussen.

SECOND READING

SENATE BILL NO. 5395, by Senators Long, Constantine and Kline (by request of Administrator for the Courts)

Changing provisions relating to the administrator for the courts.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5395 was substituted for Senate Bill No. 5395 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5395.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5395 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5276, by Senators Prentice, Winsley, T. Sheldon, West, Gardner, Hale, Costa, Carlson and Kohl-Welles (by request of Washington State Apprenticeship and Training Council, State Board for Community and Technical Colleges and Department of Labor and Industries)

Revising apprenticeship law to respond to a 1999 United States department of labor audit.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5276 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5276.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5276 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5276, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5565, by Senators Deccio, Thibaudeau and Kohl-Welles

Dispensing controlled substance orders and prescriptions.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5565 was substituted for Senate Bill No. 5565 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5565 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5565.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5565 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5440, by Senators Jacobsen and Oke (by request of Department of Fish and Wildlife)

Raising the number of the governor's appointees to the fish and wildlife commission from two to three.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5440 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5440.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5440 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator McDonald - 1.

SENATE BILL NO. 5440, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Senator McDonald was excused.

SECOND READING

SENATE BILL NO. 5438, by Senators Jacobsen, Regala and Oke (by request of Department of Fish and Wildlife)

Giving the fish and wildlife commission rule-making authority over the fish and wildlife vehicle use permit program.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5438 was substituted for Senate Bill No. 5438 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5438 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Oke

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5438.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5438 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 5438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5439, by Senators Jacobsen and Morton (by request of Department of Fish and Wildlife)

Modifying provisions concerning the licensing of fishing guides.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5439.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5439 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Prentice - 1.

Excused: Senator McDonald - 1.

SENATE BILL NO. 5439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Kastama, Senator Prentice was excused.

SECOND READING

SENATE BILL NO. 5546, by Senators McAuliffe, Finkbeiner, Rasmussen, B. Sheldon, Fairley, Johnson, Hewitt, Eide and Kohl-Welles (by request of State Board of Education)

Reclassifying the state board of education as a class four group.

The bill was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 5546 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Finkbeiner

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5546.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5546 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator Hargrove - 1.

Excused: Senators McDonald and Prentice - 2.

SENATE BILL NO. 5546, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Franklin assumed the Chair.

SECOND READING

SENATE BILL NO. 6126, by Senator Zarelli

Clarifying that public utility districts are not authorized to engage in the business of repairing electrical appliances other than those they sell or lease.

The bill was read the second time.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Tim Sheldon be adopted:

On page 1, after line 13, insert the following:

"Public utility districts which on January 1, 2001 offered repair services for electrical appliances not sold or leased by the district may continue to provide existing utility programs which offer water heating service agreements commonly referred to as "Guaranteed Hot Water programs.""

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment on page 1, after line 13, to Senate Bill No. 6126.

The motion by Senator Zarelli carried and the amendment was adopted.

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Engrossed Senate Bill No. 6126 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6126.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6126 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Constantine, Deccio, Finkbeiner, Franklin, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 37.

Voting nay: Senators Carlson, Costa, Eide, Fairley, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kline, Long and Thibaudeau - 12.

ENGROSSED SENATE BILL NO. 6126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5629, by Senators Patterson and Horn (by request of Office of Financial Management)

Changing the office of financial management's budgeting, accounting, and reporting requirements for state agencies.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5629 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5629.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5629 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5629, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5511, by Senators Kastama and Franklin

Modifying parenting plans.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5511 was substituted for Senate Bill No. 5511 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5511 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5511.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5511 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin,

McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senators Fairley and Kline - 2.

SUBSTITUTE SENATE BILL NO. 5511, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5183, by Senators Thibaudeau, Winsley and Kohl-Welles (by request of Department of Social and Health Services)

Licensing adult family homes.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5183 was substituted for Senate Bill No. 5183 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5183 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5183.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5183 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5183, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Honeyford, Senators Hewitt and McCaslin were excused.

SECOND READING

SENATE BILL NO. 5184, by Senators Thibaudeau, Winsley, Costa and Kohl-Welles (by request of Department of Social and Health Services)

Reporting investigations of vulnerable adult abuse.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5184 was substituted for Senate Bill No. 5184 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5184 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5184.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5184 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Hewitt and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 5184, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5359, by Senators Thibaudeau, Winsley, Parlette and Franklin (by request of Department of Health)

Modifying the health professions' appointment of pro tem members.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5359 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5359.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5359 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 5359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5835, by Senators Finkbeiner, Thibaudeau, Winsley, McAuliffe, Costa, Honeyford, McCaslin, Kohl-Welles, Prentice, Kline, Benton and Oke

Removing the expiration date on emergency administration of epinephrine.

The bill was read the second time.

MOTION

Senator Finkbeiner moved that the following amendment by Senators Finkbeiner, McAuliffe, Honeyford and Thibaudeau be adopted:

On page 2, after line 5, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 28A.210 RCW to read as follows:

Public school districts may provide for the administration of epinephrine to students who suffer an anaphylaxis allergic reaction when the students are in the custody of the school district, pursuant to chapter 18.79 RCW, if the epinephrine is provided in compliance with:

(1) Rules adopted under section 4 of this act by the state nursing care quality assurance commission, and the instructions of a registered nurse or advanced registered nurse practitioner issued under the rules; and

(2) Written policies of the school district that are adopted to implement this section and are developed in accordance with chapters 41.56 and 41.59 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.210 RCW to read as follows:

(1) If a school employee provides for the administration of epinephrine to a student under chapter 18.79 RCW and this chapter in substantial compliance with: (a) Rules adopted by the state nursing care quality assurance commission and the instructions of a registered nurse or advanced registered nurse practitioner issued under such rules, and (b) written policies of the school district, then the employee, the employee's school district and school of employment shall not be liable in any criminal action or for civil damages in their individual, marital, governmental, corporate, or other capacity as a result of providing epinephrine.

(2) To be eligible to administer epinephrine, an employee not licensed under chapter 18.79 RCW, shall file, without coercion by the employer, a voluntary written, current, and unexpired letter of intent stating the employee's willingness to administer epinephrine in compliance with established guidelines. If a public school employee who is not licensed under chapter 18.79 RCW chooses not to file a letter under this section, the employee shall not be subject to any employer reprisal or disciplinary action for refusing to file a letter.

NEW SECTION. Sec. 4. A new section is added to chapter 18.79 RCW to read as follows:

(1) In accordance with the rules adopted by the commission, public school districts may provide for the administration of epinephrine to students suffering an anaphylaxis allergic reaction when the students are in the custody of the school district.

(2) After consultation with staff of the superintendent of public instruction, the commission shall adopt rules in accordance with chapter 34.05 RCW, that provide for the following and such other matters as the commission deems necessary to the proper implementation of this section:

(a) A requirement for a written, current, and unexpired request from a parent, legal guardian, or other person having legal control over the student that the school district provide for the administration of epinephrine to the student;

(b) A requirement for a written, current, and unexpired request from a physician licensed under chapter 18.71 or 18.57 RCW that

administering epinephrine to a student be provided for during the hours when school is in session or the hours when the student is under the supervision of school officials;

(c) A requirement for written, current, and unexpired instructions from an advanced registered nurse practitioner or a registered nurse licensed under this chapter regarding administration of epinephrine that include: (i) A designation of the school district employee or employees who may administer the epinephrine, and (ii) a description of the nature and extent of any required supervision; and (d) The nature and extent of acceptable training that shall: (i) Be provided by a physician, advanced registered nurse practitioner, or registered nurse licensed under chapter 18.71 or 18.57 RCW, or this chapter, and (ii) be required of school district employees who administer the epinephrine to the student under this section, except that a licensed practical nurse licensed under this chapter is exempt from training."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Finkbeiner, McAuliffe, Honeyford and Thibaudeau on page 2, after line 5, to Senate Bill No. 5835.

The motion by Senator Finkbeiner carried and the amendment was adopted.

MOTIONS

On motion of Senator Finkbeiner, the following title amendment was adopted.

On page 1, line 1, of the title after "epinephrine;" strike all material through "RCW 18.73.250" insert the following: "amending RCW 18.73.250, adding a new section to chapter 18.79 RCW, and adding new sections to chapter 28A.210 RCW."

On motion of Senator Finkbeiner, the rules were suspended, Engrossed Senate Bill No. 5835 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5835.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5835 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McCaslin - 1.

ENGROSSED SENATE BILL NO. 5835, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

SECOND READING

SENATE BILL NO. 5223, by Senators Gardner, Oke, Haugen and Horn (by request of Department of Transportation)

Funding safety audits of rail fixed guideway systems.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 5223 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5223.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5223 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 5223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5240, by Senators Regala, Swecker and Fraser (by request of Department of Ecology)

Providing adjustments to motor vehicle emission inspection fees.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5240 was substituted for Senate Bill No. 5240 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5240 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Benton: "Mr. President, I rise to a point of parliamentary inquiry. I would like to inquire of the President as to whether or not the passage of the this bill, under the provisions of Initiative 601, passed by the people of the state of Washington, would require a two-thirds vote on final passage as a result of the significant fee increase included in this legislation?"

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, the President was looking to see if Senator Regala or the sponsor wanted to make any comments on the inquiry."

Senator Benton: "I just want to add that because of a portion of the fee does go to administrative costs to the agency, I believe, for that reason, this falls under the provisions of Initiative 601."

Further debate ensued.

MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute Senate bill No. 5240 was deferred.

SECOND READING

SENATE BILL NO. 5468, by Senators Costa, Long, Hargrove and Kohl-Welles (by request of Department of Social and Health Services)

Revising the chemical dependency disposition alternative.

MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5468 was substituted for Senate Bill No. 5468 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Substitute Senate Bill No. 5468 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5468.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5468 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 5468, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5145, by Senators Long, Franklin, Carlson, Winsley, Honeyford and Fraser (by request of Joint Committee on Pension Policy)

Exempting trainers and trainees in housing authority resident training programs from membership in the public employees' retirement system.

The bill was read the second time.

MOTION

On motion of Senator Long, the rules were suspended, Senate Bill No. 5145 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5145.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5145 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Horn - 1.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 5145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5316, by Senators Prentice and Winsley (by request of Employment Security Department)

Ensuring that reasonable assurance continues to apply to employees of educational institutions.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5316.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5316 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senators Hochstatter and Jacobsen - 2.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 5316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5317, by Senators Prentice and Winsley (by request of Employment Security Department)

Clarifying hours and wages for educational employee compensation claims.

The bill was read the second time.

MOTION

Senator Morton moved that the following amendment be adopted:

On page 4, after line 8, insert the following:

"Sec. 3. RCW 28A.400.010 and 1990 c 33 s 376 are each amended to read as follows:

In all districts the board of directors shall elect a superintendent who shall have such qualification as the local school board alone shall determine. The superintendent shall have supervision over the several departments of the schools thereof and carry out such other powers and duties as prescribed by law. Notwithstanding the provisions of RCW 28A.400.300(1), the board may contract with such superintendent for a term not to exceed three years when deemed in the best interest of the district. The right to renew a contract of employment with any school superintendent shall rest solely with the discretion of the school board employing such school superintendent. If the school board offers a buyout to terminate a contract of employment before the term of the contract has run, the amount of the buyout may not exceed the value of one year of the contract but the superintendent shall remain eligible for the state's unemployment insurance if the superintendent meets all the eligibility requirements. Regarding such renewal of contracts of school superintendents the provisions of RCW 28A.405.210, 28A.405.240, and 28A.645.010 shall be inapplicable."

Renumber the remaining sections consecutively and correct any internal references accordingly.

MOTION TO WITHDRAW AMENDMENT

On motion of Senator Morton, and there being no objection, the amendment on page 4, after line 8, to Senate Bill No. 5317 was withdrawn.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5317 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5317.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5317 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 5317, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION TO RECONSIDER

Having served prior notice, Senator Parlette moved that the Senate reconsider the vote by which Substitute Senate Bill No. 5301 passed the Senate earlier today.

The President declared the question before the Senate to be the motion by Senator Parlette to reconsider the vote by which Substitute Senate Bill No. 5301 passed the Senate earlier today.

The motion by Senator Parlette carried and the Senate will reconsider the vote by which Substitute Senate Bill No. 5301 passed the Senate earlier today.

MOTION

On motion of Senator Sheahan, the rules were suspended and Substitute Senate Bill No. 5301 was returned to second reading and read the second time.

MOTION

Senator Carlson moved that the following amendments by Senators Carlson and Hargrove be considered simultaneously and be adopted:

On page 2, line 18 , after "jurisdiction." insert "This subsection does not apply to persons identified in subsection (1)(a)(ix) of this section.

(d)"

On page 2, line 21, strike "(d)" and insert "(e)"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Carlson and Hargrove on page 2, line 18, and page 2, line 21, to Substitute Senate Bill No. 5301.

The motion by Senator Carlson carried and the amendments were adopted.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5301, on reconsideration, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5301, on reconsideration under suspension of the rules.

PARLIAMENTARY INQUIRY

Senator Deccio: "A parliamentary inquiry, Mr. President. Is it too late to call for a division of the question?"

REPLY BY THE PRESIDENT

President Owen: "We are on final passage of the bill."

Further debate ensued.

POINT OF INQUIRY

Senator Roach: "Senator Patterson, I am looking at section one (d) and it says, 'A person who initially files a false report under this section is guilty of a misdemeanor and is liable for damages that approximately result.' My question is if a person can report anonymously, except for relatives, as we just amended the bill, how would the victim in this scenario begin in anyway, to suggest that there had been some mischief involved?"

Senator Patterson: "Senator Roach, the answer to that is that they would go about the process of determining whether or not there had been mischief in the same way that anyone would in our society who was under the impression that they were being falsely accused of anything."

Further debate ensued.

POINT OF INQUIRY

Senator Winsley: "Senator Patterson, what is in this bill that is not in current law, because I have had a lot of constituents that have lost their license and can't get it again. Usually, it is the children who have called the Department of Licensing and said, 'Don't renew Mother's or Grandma's license,' and they keep that confidential. Then they usually call their legislator and say, 'I don't understand it, but they could claim that I have to take a test and they won't tell me why I can't get my license renewed.' In many cases, I have said, 'You know what, I think your son or your daughter has called.' In fact, I had to tell one lady after about the fortieth call who actually took her license away from her. It is already current law, so what is the big problem?"

Senator Patterson: "This bill provides a way for professionals to confidentially recommend that someone who they deem to be incompetent take the test again. The professionals are listed in the bill there - psychiatrists--"

Senator Winsley: "Currently, they are not kept confidential?"

Senator Patterson: "Currently, they cannot do that."

Senator Winsley: "That surprises me."

Senator Patterson: "That is the purpose of the whole bill."

Further debate ensued.

MOTION

On motion of Senator Honeyford Senator Benton was excused.

Senators Snyder, West and Brown demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The motion for the previous question carried.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5301, on reconsideration under suspension of the rules, and the bill failed to pass the Senate by the following vote: Yeas, 24; Nays, 23; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Finkbeiner, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, Long, Oke, Patterson, Prentice, Regala, Sheldon, T., Shin, Spanel, Swecker and Thibaudeau - 24.

Voting nay: Senators Deccio, Fairley, Franklin, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, McAuliffe, McDonald, Morton, Parlette, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Snyder, Stevens, West, Winsley and Zarelli - 23.

Excused: Senators Benton and McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5301, on reconsideration under suspension of the rules, having failed to receive the constitutional majority, was declared lost.

MOTION

At 4:50 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 8:30 a.m., Monday, March 12, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-SECOND DAY, MARCH 10, 2001

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

SIXTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Monday, March 12, 2001

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Hale, Johnson, McDonald and Morton. On motion of Senator Hewitt, Senators Finkbeiner, Hale, Johnson, McDonald and Morton were excused.

The Sergeant at Arms Color Guard consisting of Pages Chris Ballard and Crystal Lundahl presented the Colors. Reverend Joan Anthony, pastor of St. Benedict's Episcopal Church in Lacey, offered the prayer.

MOTION

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

SECOND READING

SENATE BILL NO. 5961, by Senators Jacobsen and Oke (by request of Department of Fish and Wildlife)

Modifying provisions concerning fisheries and wildlife issues.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5961 was substituted for Senate Bill No. 5961 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5961 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5961.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5961 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Excused: Senators Finkbeiner, Hale, Johnson, McDonald and Morton - 5.

SUBSTITUTE SENATE BILL NO. 5961, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Zarelli: "A parliamentary inquiry, Mr. President. Do we have to keep both of these large calendar books or they condensed into one?"

REPLY BY THE PRESIDENT

President Owen: "Senator Zarelli, our competent staff reports that you only need to keep the calendar for Monday. Everything needed is in the one book."

SECOND READING

SENATE BILL NO. 5491, by Senators Kline and Long (by request of Administrator for the Courts)

Revising small claims proceedings.

The bill was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5491.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5491 and the bill passed the Senate by the following vote:

Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Finkbeiner, McDonald and Morton - 3.

SENATE BILL NO. 5491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5091, by Senators Haugen, Oke, Spanel, Gardner and Kohl-Welles

Regulating ferry queues.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5091 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5091.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5091 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Voting nay: Senators Benton, Hochstatter and Stevens - 3.

Excused: Senators Finkbeiner, McDonald and Morton - 3.

SENATE BILL NO. 5091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5627, by Senators Rasmussen, Oke, Swecker, Winsley, Snyder, Shin, Patterson, Kohl-Welles and Benton (by request of Joint Select Committee on Veterans' and Military Affairs)

Creating a joint committee on veterans' and military affairs.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5627 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5627.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5627 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator McCaslin - 1.

Excused: Senator Finkbeiner - 1.

SENATE BILL NO. 5627, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5875, by Senators T. Sheldon and Stevens (by request of Department of Social and Health Services)

Changing provisions relating to telecommunications services for hearing or speech impaired.

MOTIONS

On motion of Senator Tim Sheldon, Substitute Senate Bill No. 5875 was substituted for Senate Bill No. 5875 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the rules were suspended, Substitute Senate Bill No. 5875 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5875.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5875 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Finkbeiner - 1.

SUBSTITUTE SENATE BILL NO. 5875, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5739, by Senators Gardner, Rasmussen, Eide, Sheahan, Horn and Kohl-Welles

Addressing transportation needs of persons with special transportation needs.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 5739 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5739.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5739 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Finkbeiner - 1.

SENATE BILL NO. 5739, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5954, by Senators Shin, Roach, Oke, Costa, Patterson, Hargrove, T. Sheldon, Hochstatter, Eide and Jacobsen

Updating obsolete language.

The bill was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, Senate Bill No. 5954 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5954.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5954 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5954, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Shin: "Mr. President, a point of personal privilege. I just want to thank you all for your support on this issue. I have received calls from California, New York and Atlanta regarding this legislation. So you see, Washington State is first."

PERSONAL PRIVILEGE

Senator Zarelli: "Mr. President, a point of personal privilege. I was reading the article in the Clips this morning about the driver's license bill we worked on last week and giving the Senators ages. I just wanted to let you know that I am not forty. I am still thirty-nine and would like the press to know that."

SECOND READING

SENATE BILL NO. 5348, by Senators Costa, Long, Patterson, Kastama, Hargrove, Sheahan, McCaslin, Prentice, Kohl-Welles, Haugen, Kline, Johnson, Zarelli and Oke

Updating the uniform child custody jurisdiction and enforcement act.

The bill was read the second time.

MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 5348 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5348.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5348 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5348, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Eide, Senator Brown was excused.

On motion of Senator Hewitt, Senators Rossi and Zarelli were excused.

SECOND READING

SENATE BILL NO. 5107, by Senators T. Sheldon, Honeyford, Hargrove and Rasmussen

Authorizing rural counties to use alternative methods to achieve planning goals.

MOTIONS

On motion of Senator Tim Sheldon, Substitute Senate Bill No. 5107 was substituted for Senate Bill No. 5107 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the rules were suspended, Substitute Senate Bill No. 5107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5107.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5107 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Carlson, Costa, Deccio, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West and Winsley - 41.

Voting nay: Senators Constantine, Eide, Fairley, Kohl-Welles and Thibaudeau - 5.

Excused: Senators Brown, Rossi and Zarelli - 3.

SUBSTITUTE SENATE BILL NO. 5107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Fairley and Fraser were excused.

SECOND READING

SENATE BILL NO. 5331, by Senators Kline, McCaslin, Johnson and Long

Modifying collection of business to business debts by collection agencies.

The bill was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5331 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5331.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5331 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 44.

Excused: Senators Brown, Fairley, Fraser, Rossi and Zarelli - 5.

SENATE BILL NO. 5331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5557, by Senators Kline, Rossi, Costa, Kastama, Shin, Johnson, Rasmussen and Thibaudeau

Changing provisions relating to the admissibility into evidence of a refusal to submit to a test of alcohol or drug concentration.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5557 was substituted for Senate Bill No. 5557 and the substitute bill was placed on second reading and read the second time.

Debate ensued.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5557 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5557.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5557 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 44.

Excused: Senators Brown, Fairley, Fraser, Rossi and Zarelli - 5.

SUBSTITUTE SENATE BILL NO. 5557, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5097, by Senators Kastama, Winsley, Constantine, Hargrove, Oke, Rasmussen and Patterson

Requiring public entities to display the national league of families' POW/MIA flag.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5097 was substituted for Senate Bill No. 5097 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5097.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5097 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 44.

Excused: Senators Brown, Fairley, Fraser, Rossi and Zarelli - 5.

SUBSTITUTE SENATE BILL NO. 5097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5258, by Senators Costa, Winsley, Franklin, Thibaudeau and Kohl-Welles

Regulating disclosure of health care information.

The bill was read the second time.

MOTIONS

On motion of Senator Costa, the following amendment was adopted: On page 2, line 20, after "include" strike "affirmative action" and insert "taking reasonable steps"

On motion of Senator Costa, the rules were suspended, Senate Bill No. 5258 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5258.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5258 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senator Carlson - 1.

Excused: Senators Brown and Fairley - 2.

ENGROSSED SENATE BILL NO. 5258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5852, by Senators Franklin, Kline, Costa and Kohl-Welles

Reporting on issues pertaining to racial profiling.

The bill was read the second time.

MOTION

On motion of Senator Franklin, the rules were suspended, Senate Bill No. 5852 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5852.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5852 and the bill passed the Senate by the following vote:

Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Fairley - 1.

SENATE BILL NO. 5852, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6056, by Senators Long, Hargrove, Costa, Stevens and Kohl-Welles

Providing for department of social and health services coordination of services for children and families in child dependency cases.

MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 6056 was substituted for Senate Bill No. 6056 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 6056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6056.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6056 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5292, by Senators T. Sheldon, McDonald, Fraser, Hochstatter, Regala, Stevens, Kastama, Snyder, Honeyford, Patterson, Eide and Hale

Modifying the definition of a major public energy project.

MOTIONS

On motion of Senator Tim Sheldon, Substitute Senate Bill No. 5292 was substituted for Senate Bill No. 5292 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the rules were suspended, Substitute Senate Bill No. 5292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5292.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5292 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11 Absent, 0; Excused, 0.

Voting yea: Senators Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, West and Winsley - 38.

Voting nay: Senators Benton, Brown, Constantine, Finkbeiner, Kline, McDonald, Prentice, Rossi, Stevens, Thibaudeau and Zarelli - 11

SUBSTITUTE SENATE BILL NO. 5292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

Senator West moved that the press credentials for Joseph Turner be revoked because of a recent column he wrote.

REPLY BY THE PRESIDENT

President Owen: "Do you see 'fool' written anywhere on my face? Your motion is out of order."

EDITOR'S NOTE:

Joseph Turner, a columnist for the *Tacoma News Tribune* wrote an article on the Legislature and included giving the ages of each of the Senators.

SECOND READING

SENATE BILL NO. 6007, by Senators Prentice, Winsley, Gardner, Franklin, Fairley, Kline and Costa (by request of Employment Security Department)

Relating to extending unemployment insurance coverage to employees of Indian tribes.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6007 was substituted for Senate Bill No. 6007 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6007 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6007.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6007 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senators Hochstatter, Honeyford, Horn and Stevens - 4.

SUBSTITUTE SENATE BILL NO. 6007, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5465, by Senators Costa, Hargrove and Long

Changing provisions relating to sex offender treatment providers.

MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5465 was substituted for Senate Bill No. 5465 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the rules were suspended, Substitute Senate Bill No. 5462 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5465.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5465 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5872, by Senators Prentice, Kohl-Welles, Kline and Fairley

Modifying the multiple-unit property tax exemption.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following amendments by Senators West and Prentice were considered simultaneously and were adopted: On page 1, line 15, after "units" strike all material through "taxation" on line 16 and insert "are condominiums or townhouses"

On page 2, line 29, after "units" strike all material through "taxation" on line 30 and insert "are condominiums or townhouses"

Renumber the sections consecutively and correct any internal references accordingly.

On motion of Senator Prentice, the rules were suspended, Engrossed Senate Bill No. 5872 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5872.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5872 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 5872, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5598, by Senators Shin, Roach, Horn, Swecker, Kohl-Welles, Thibaudeau, Franklin, Rasmussen, B. Sheldon, Eide, Costa, McAuliffe, Prentice and Jacobsen.

Certifying athletic trainers.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5598 was substituted for Senate Bill No. 5598 and the substitute bill was placed on second reading and read the second time.

Senator Shin moved that the following striking amendment by Senators Shin, Deccio, Thibaudeau and Rasmussen be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that registration of athletic trainers is in the interest of the public health, safety, and welfare.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Athletic injury" means an injury sustained by a person as a result of that person's participation in sports, games, or related skill activities.

(2) "Athletic trainer" means a person who practices athletic training.

(3) "Athletic training" means the practice of prevention, recognition, evaluation, management, disposition, treatment, rehabilitation, physical conditioning, or physical reconditioning of athletic injuries.

(4) "Department" means the department of health.

(5) "Secretary" means the secretary of health or the secretary's designee.

NEW SECTION. Sec. 3. No person may represent himself or herself as an athletic trainer by use of any title or description without being registered by the department under the provisions of this chapter.

NEW SECTION. Sec. 4. Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of an individual licensed, certified, or registered under the laws of this state and performing services within his or her authorized scope of practice;

(2) The practice by an individual employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States; or

(3) The practice by a person who is a regular student in an educational program approved by the secretary, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor.

NEW SECTION. Sec. 5. In addition to any other authority provided by law, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW as required to implement this chapter;

(2) Establish all registration and renewal fees in accordance with RCW 43.70.250;

(3) Establish forms and procedures necessary to administer this chapter;

(4) Register an applicant or deny registration based upon unprofessional conduct or impairment governed by the uniform disciplinary act, chapter 18.130 RCW;

(5) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter; and

(6) Maintain the official department record of all applicants and persons with registrations.

NEW SECTION. Sec. 6. An applicant shall identify the name and address of the applicant and other information required by the secretary necessary to establish whether there are grounds for denial of a registration or conditional registration under chapter 18.130 RCW.

NEW SECTION. Sec. 7. The secretary shall register an applicant on forms provided by the secretary. Each applicant shall pay a fee determined by the secretary under RCW 43.70.250. The fee must accompany the application.

NEW SECTION. Sec. 8. The secretary shall establish by rule the procedural requirements and fees for renewal of registration. Failure to renew invalidates the registration and all privileges granted by the registration.

NEW SECTION. Sec. 9. The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of registration, uncertified and unauthorized practice, and the discipline of persons registered under this chapter. The secretary is the disciplining authority under this chapter.

NEW SECTION. Sec. 10. (1) The provisions of this chapter relating to the regulation of athletic trainers are exclusive. A governmental subdivision of this state may not enact a law or rule regulating athletic trainers, except as provided in subsections (2) and (3) of this section.

(2) This section does not prevent a political subdivision of this state from levying a business fee, business and occupation tax, or other tax upon athletic trainers, if the fee or tax is levied by the state on other types of businesses within its boundaries.

(3) This section does not prevent this state or a political subdivision of this state from regulating athletic trainers with respect to activities that are not regulated under this chapter.

Sec. 11. RCW 18.130.040 and 1999 c 335 s 10 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;
(v) Massage operators and businesses licensed under chapter 18.108 RCW;
(vi) Dental hygienists licensed under chapter 18.29 RCW;
(vii) Acupuncturists licensed under chapter 18.06 RCW;
(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;
(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;
(x) Persons registered or certified under chapter 18.19 RCW;
(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;
(xii) Nursing assistants registered or certified under chapter 18.88A RCW;
(xiii) Health care assistants certified under chapter 18.135 RCW;
(xiv) Dietitians and nutritionists certified under chapter 18.138 RCW;
(xv) Chemical dependency professionals certified under chapter 18.205 RCW;
(xvi) Sex offender treatment providers certified under chapter 18.155 RCW;
(xvii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;
(xviii) Persons registered as adult family home providers and resident managers under RCW 18.48.020;
(xix) Denturists licensed under chapter 18.30 RCW;
(xx) Orthotists and prosthetists licensed under chapter 18.200 RCW; ((and))
(xxi) Surgical technologists registered under chapter 18.215 RCW; and
(xxii) Athletic trainers registered under chapter 18.-- RCW (sections 1 through 10 of this act).

(b) The boards and commissions having authority under this chapter are as follows:
(i) The podiatric medical board as established in chapter 18.22 RCW;
(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;
(iii) The dental quality assurance commission as established in chapter 18.32 RCW;
(iv) The board of hearing and speech as established in chapter 18.35 RCW;
(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;
(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
(x) The board of physical therapy as established in chapter 18.74 RCW;
(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;
(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses issued under that chapter;
(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and
(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. Sec. 12. Sections 1 through 10 of this act constitute a new chapter in Title 18 RCW."
Debate ensued.
The President declared the question before the Senate to be the adoption of the striking amendment by Senators Shin, Deccio, Thibaudeau and Rasmussen to Substitute Senate Bill No. 5598.
The motion by Senator Shin carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted.
On page 1, line 1 of the title, after "trainers;" strike the remainder of the title and insert "amending RCW 18.130.040; and adding a new chapter to Title 18 RCW."
On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute Senate Bill No. 5598 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5598.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5598 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.
Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke,

Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Winsley - 41.

Voting nay: Senators Benton, Hale, Johnson, McCaslin, McDonald, Rossi, Stevens and Zarelli - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5598, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Patterson was excused.

SECOND READING

SENATE BILL NO. 5372, by Senators Prentice, Swecker, Honeyford, Gardner, T. Sheldon and Oke (by request of Department of Revenue)

Authorizing cooperative agreements concerning the taxation of cigarette sales on Indian lands.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5372 was substituted for Senate Bill No. 5372 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the following amendment by Senators Honeyford and Prentice was adopted:

On page 3, line 22, after "land" strike "within the exterior boundaries of a reservation and land"

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 5372 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Brown: "Senator Prentice, is it the intent of this legislation to provide only for agreements with twelve tribes that own and operate smoke shops and not provide a precedent for other tribes which have different circumstances such as independent smoke shops that are licensed by the tribal government, such as Puyallup?"

Senator Prentice: "Yes, this bill represents terms and conditions agreed to by only the tribes listed in the bill. The state recognizes that agreements with other tribes may involve alternative rates and conditions."

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5372.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5372 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Patterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5113, by Senators Costa, Swecker, Kastama, Fairley, Oke, Gardner, Haugen and Eide

Regulating motorized scooters.

MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5113 was substituted for Senate Bill No. 5113 and the substitute bill was placed on second reading and read the second time.

Senator Costa moved that the following striking amendment by Senators Costa and Horn be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.04 RCW to read as follows:

"Motorized foot scooter" means a device with no more than two ten-inch or smaller diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion motor that is capable of propelling the device with or without human propulsion. A motorized foot scooter's motor must produce no more than one and five-tenths gross horsepower and be capable of propelling the entire device at not more than twenty-five miles per hour on level ground.

For purposes of this section, a motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.

Sec. 2. RCW 46.20.500 and 1999 c 274 s 8 are each amended to read as follows:

No person may drive a motorcycle or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles. However, a person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped. No driver's license is required for operation of an electric-assisted bicycle if the operator is at least sixteen years of age. No driver's license is required to operate a motorized foot scooter. Persons under sixteen years of age may not operate an electric-assisted bicycle. Persons under twelve years of age may not operate a motorized foot scooter. Motorized foot scooters may not be operated at any time from a half hour after sunset to a half hour before sunrise without reflectors of a type approved by the state patrol.

Sec. 3. RCW 46.37.535 and 1990 c 270 s 8 are each amended to read as follows:

It is unlawful for any person to rent out motorcycles, motor-driven cycles, motorized foot scooters, or mopeds unless the person also has on hand for rent helmets of a type conforming to rules adopted by the state patrol.

It shall be unlawful for any person to rent a motorcycle, motor-driven cycle, motorized foot scooter, or moped unless the person has in his or her possession a helmet of a type approved by the state patrol, regardless of from whom the helmet is obtained.

Sec. 4. RCW 46.61.710 and 1997 c 328 s 5 are each amended to read as follows:

(1) No person shall operate a moped upon the highways of this state unless the moped has been assigned a moped registration number and displays a moped permit in accordance with the provisions of RCW 46.16.630.

(2) Notwithstanding any other provision of law, neither a moped nor a motorized foot scooter may ((not)) be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail.

(3) Operation of a moped ((or)), an electric-assisted bicycle, or a motorized foot scooter on a fully controlled limited access highway or on a sidewalk is unlawful.

(4) Removal of any muffling device or pollution control device from a moped or motorized foot scooter is unlawful.

(5) Subsections (1), (2), and (4) of this section do not apply to electric-assisted bicycles. Electric-assisted bicycles may have access to highways of the state to the same extent as bicycles. Electric-assisted bicycles may be operated on a multipurpose trail or bicycle lane, but local jurisdictions may restrict or otherwise limit the access of electric-assisted bicycles.

NEW SECTION. Sec. 5. A new section is added to chapter 46.61 RCW to read as follows:

A motorized foot scooter that is powered by an electric motor will be treated and regulated as a bicycle."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Costa and Horn to Substitute Senate Bill No. 5113.

The motion by Senator Costa carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On line 2 of the title, after "scooters;" strike the remainder of the title and insert "amending RCW 46.20.500, 46.37.535, and 46.61.710; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.61 RCW."

On motion of Senator Costa, the rules were suspended, Engrossed Substitute Senate Bill No. 5113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5113.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5113 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Voting nay: Senators Benton, Johnson, McDonald, Morton and Stevens - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6025, by Senators Eide, Patterson, Franklin, Fairley, Kline, Regala, Fraser, Thibaudeau, Spanel and Honeyford

Prohibiting methyl tertiary-butyl ether as a gasoline additive.

The bill was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 6025 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6025.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6025 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Gardner - 1.

SENATE BILL NO. 6025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5604, by Senators Spanel and Gardner

Allowing the liquor control board to authorize controlled purchase programs.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 5604 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5604.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5604 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5604, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Snyder, Rule 15 was suspended thru Wednesday, March 15, 2001

EDITOR'S NOTE: Rule 15 states: "The Senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. The senate

shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.'

MOTION

At 11:05 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:00 p.m..
The Senate was called to order at 1:00 p.m. by President Pro Tempore Franklin.

MOTION

On motion of Senator Sheahan, Senators Benton, Deccio, Finkbeiner, Honeyford, Johnson, McDonald and Stevens were excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Betti Sheldon, Gubernatorial Appointment No. 9003, Brian Benzel, as a member of the Board of Trustees for Edmonds Community College District No. 23, was confirmed.

Senators Betti Sheldon and Shin spoke to the confirmation of Brian Benzel as a member of the Board of Trustees for Edmonds Community College District No. 23.

APPOINTMENT OF BRIAN BENZEL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 2; Absent, 4; Excused, 7.

Voting yea: Senators Carlson, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Winsley - 36.

Voting nay: Senators Hochstatter and Zarelli - 2.

Absent: Senators Brown, Haugen, Roach and Sheldon, T. - 4.

Excused: Senators Benton, Deccio, Finkbeiner, Honeyford, Johnson, McDonald and Stevens - 7.

MOTION

On motion of Senator Hewitt, Senator Roach was excused.

SECOND READING

SENATE BILL NO. 6076 by Senators Kline, McCaslin, Oke, T. Sheldon, Snyder, Hargrove and Rasmussen (by request of Department of Fish and Wildlife)

Modifying the powers and duties of fish and wildlife law enforcement officers.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6076 was substituted for Senate Bill No. 6076 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6076 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6076.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6076 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette,

Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Voting nay: Senators Benton, Hochstatter, Honeyford and Stevens - 4.

Excused: Senator Deccio, McDonald and Roach - 3.

SUBSTITUTE SENATE BILL NO. 6076, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5720, by Senators Carlson, West, T. Sheldon, Sheahan, Hewitt, B. Sheldon, Stevens, Winsley, McAuliffe and Rasmussen.

Promoting community revitalization.

MOTIONS

On motion of Senator Tim Sheldon, Substitute Senate Bill No. 5720 was substituted for Senate Bill No. 5720 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the rules were suspended, Substitute Senate Bill No. 5720 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5720.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5720 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senators McCaslin and Morton - 2.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 5720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5434, by Senators Oke and Haugen (by request of Department of Licensing)

Removing the photo requirement for special identification cards for persons issued disabled parking permits.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5434 was substituted for Senate Bill No. 5434 and the substitute bill was placed on second reading and read the second time.

Senator Haugen moved that the following amendment by Senators Haugen and Oke be adopted:

On page 6, beginning on line 5, strike all of section 2

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Oke on page 6, beginning on line 5, to Substitute Senate Bill No. 5434.

The motion by Senator Haugen carried and the amendment was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "permits;" insert "and" and after "46.16.381" strike "; and creating a new section"

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5434 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5434.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5434 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Deccio - 1.

. ENGROSSED SUBSTITUTE SENATE BILL NO. 5434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

SECOND READING

SENATE JOINT MEMORIAL NO. 8004, by Senators Spanel, Swecker, Patterson, Hargrove, Costa, Eide, Fraser, Thibaudeau, Franklin, Regala, Gardner, Prentice, Kline, Kohl-Welles and Haugen

Petitioning Congress to appropriate support for an oil spill prevention tugboat in the Strait of Juan de Fuca.

The joint memorial was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, Senate Joint Memorial No. 8004 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8004.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8004 and the joint memorial passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau and Winsley - 41.

Voting nay: Senators Benton, Hewitt, Hochstatter, Honeyford, Johnson, Stevens, West and Zarelli - 8.

. SENATE JOINT MEMORIAL NO. 8004, having received the constitutional majority, was declared passed.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5240, deferred on third reading March 10, 2001.

RULING BY THE PRESIDENT

President Owen: "In ruling on the parliamentary inquiry raised by Senator Benton concerning the number of votes necessary to pass Substitute Senate Bill No. 5240, the President finds that the measure permits the Department of Ecology to raise vehicle emissions inspection fees from \$15 to \$26. Current law requires that the department set the fee at the minimum whole dollar amount necessary to cover its administration costs and the cost of contractor charges. Current law also requires that any surplus be deposited in the state general fund.

"Because the department must round up the inspection fee to the nearest whole dollar amount, there has existed a surplus for general fund purposes of forty cents to ninety-four cents per fee in six of the last eight years. Although Substitute Senate Bill No. 5240 will allow the department to raise the overall inspection fee to cover the costs of the program, the department will still round up the fee to the nearest whole dollar amount. The amount which

is deposited in the general fund will not increase over historical levels and 'state revenues' will not be raised under RCW 43.135.035. For this reason the President rules that Substitute Senate Bill No. 5240 requires a simple majority vote on final passage."

The President ruled that Substitute Senate Bill No. 5240 would require a simple majority vote on final passage of the bill.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5240.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5240 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Constantine, Costa, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Prentice, Rasmussen, Regala, Sheldon, B., Snyder, Spanel, Swecker and Thibaudeau - 25.

Voting nay: Senators Benton, Carlson, Deccio, Eide, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Johnson, Long, McCaslin, McDonald, Parlette, Patterson, Roach, Rossi, Sheahan, Sheldon, T., Shin, Stevens, West, Winsley, Zarelli -24.

. SUBSTITUTE SENATE BILL NO. 5240, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator McAuliffe was excused.

SECOND READING

SENATE BILL NO. 5888, by Senators Gardner, Spanel and Honeyford

Revising the qualifications of a legal newspaper.

The bill was read the second time.

MOTION

Senator Tim Sheldon moved that the following amendments by Senators Tim Sheldon, Gardner, Long and Hargrove be considered simultaneously and be adopted:

On page 1, line 14, after "class;" insert "shall have a policy to print law enforcement notifications for level III sex and kidnapping offenders residing in the paper's county of publication."

On page 2, after line 9, insert the following:

"NEW SECTION. Sec. 2 This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Tim Sheldon, Gardner, Long and Hargrove on page 1, line 14, and page 2, after line 9, to Senate Bill No. 5888.

The motion by Senator Tim Sheldon carried and the amendments were adopted.

MOTIONS

On motion of Senator Tim Sheldon, the following title amendment was adopted:

On page 1, line 1 of the title, after "newspaper;" strike "and" and on line 2 of the title, after "65.16.020" insert "; and declaring an emergency"

On motion of Senator Gardner, the rules were suspended, Engrossed Senate Bill No. 5888 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5888.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5888 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Constantine - 1.

Excused: Senator McAuliffe - 1.

ENGROSSED SENATE BILL NO. 5888, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5370, by Senators Patterson, Prentice, Hale and Haugen (by request of Governor Gardner)

Splitting the department of community, trade and economic development and reestablishing the department of community development and the department of trade and economic development.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5370 was substituted for Senate Bill No. 5370 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Stevens: "Senator Rossi, I understand that one of the names that you gave on the list was government relations at a salary of sixty-eight thousand dollars. Now, would this then increase the number of bureaucrat lobbyists that we would be dealing with here in Olympia?"

Senator Rossi: "Actually, it would and information that I have is that a legislative liaison has already been hired."

Senator Stevens: "A legislative liaison s already been hired?"

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5370.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5370 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau and Winsley - 29.

Voting nay: Senators Benton, Deccio, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Stevens, West, Zarelli - 19

Excused: Senator McAuliffe - 1.

SUBSTITUTE SENATE BILL NO. 5370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5942, by Senators McAuliffe, Jacobsen and Oke

Increasing penalties for crimes against dog guides and service animals.

MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5942 was substituted for Substitute Senate Bill No. 5942 and the substitute bill was placed on second reading and read the second time.

Senator Costa moves that the following amendment by Senators McAuliffe, Costa, Hargrove, Kline, Zarelli and Long be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act may be known and cited as Layla's Law.

NEW SECTION. Sec. 2. A new section is added to chapter 9A.20 RCW to read as follows:

(1)(a) Any person who has received notice that his or her behavior is interfering with the use of a dog guide or service animal who continues with reckless disregard to interfere with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the dog guide or service animal user or his or her dog guide or service animal is guilty of a misdemeanor punishable according to chapter 9A.20 RCW, except that for a second or subsequent offense it is a gross misdemeanor.

(b) Any person who, with reckless disregard, allows his or her dog to interfere with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the dog guide or service animal user or his or her dog guide or service animal is guilty of a misdemeanor punishable according to chapter 9A.20 RCW, except that for a second or subsequent offense it is a gross misdemeanor.

(2)(a) Any person who, with reckless disregard, injures, disables, or causes the death of a dog guide or service animal is guilty of a gross misdemeanor punishable according to chapter 9A.20 RCW.

(b) Any person who, with reckless disregard, allows his or her dog to injure, disable, or cause the death of a dog guide or service animal is guilty of a gross misdemeanor punishable according to chapter 9A.20 RCW.

(3) Any person who intentionally injures, disables, or causes the death of a dog guide or service animal is guilty of a class C felony.

(4) Any person who wrongfully obtains or exerts unauthorized control over a dog guide or service animal with the intent to deprive the dog guide or service animal user of his or her dog guide or service animal is guilty of theft in the first degree, RCW 9A.56.030.

(5)(a) In any case in which the defendant is convicted of a violation of this section, he or she shall also be ordered to make full restitution for all damages, including incidental and consequential expenses incurred by the dog guide or service animal user and the dog guide or service animal which arise out of or are related to the criminal offense.

(b) Restitution for a conviction under this section shall include, but is not limited to:

(i) The value of the replacement of an incapacitated or deceased dog guide or service animal, the training of a replacement dog guide or service animal, or retraining of the affected dog guide or service animal and all related veterinary and care expenses; and

(ii) Medical expenses of the dog guide or service animal user, training of the dog guide or service animal user, and compensation for wages or earned income lost by the dog guide or service animal user.

(6) Nothing in this section shall affect any civil remedies available for violation of this section.

(7) For purposes of this section, the following definitions apply:

(a) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog trained for the purpose of assisting hearing impaired persons.

(b) "Service animal" means an animal that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.

(c) "Notice" means a verbal or otherwise communicated warning prescribing the behavior of another person and a request that the person stop their behavior.

(d) "Value" means the value to the dog guide or service animal user and does not refer to cost or fair market value."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe, Costa, Hargrove, Kline, Zarelli and Long to Substitute Senate Bill No. 5942.

The motion by Senator Costa carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 1 of the title, after "animals;" strike the remainder of the title and insert "adding a new section to chapter 9.91 RCW; creating a new section; and prescribing penalties."

On motion of Senator Costa, the rules were suspended, Engrossed Substitute Senate Bill No. 5942 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5942.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5942 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senators Kline, Patterson - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5942, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5999, by Senators B. Sheldon, Fairley, Carlson, Snyder, Rossi, Costa, Eide, Kline and Winsley

Modifying the telephone assistance program

The bill was read the second time.

MOTION

Senator Hochstatter moved that the following amendment by Senators Hochstatter, West, Honeyford, Finkbeiner, Hewitt, Swecker, Stevens, McDonald, Morton, Horn and Shin be adopted:

On page 1, after line 18, insert the following:

"Sec. 2. RCW 80.36.430 and 1990 c 170 s 3 are each amended to read as follows:

The Washington telephone assistance program shall be funded by a telephone assistance excise tax on all switched access lines and by funds from any federal government or other programs for this purpose. Switched access lines are defined in RCW 82.14B.020. The telephone assistance excise tax shall be applied equally to all residential and business access lines not to exceed fourteen cents per month. Upon the effective date of this act, the telephone assistance excise tax applied to affected access lines shall be reduced by two cents per month until such time as the revenues generated for the purposes of this act are not more than one million dollars above the costs of the Washington telephone assistance program. The telephone assistance excise tax shall be separately identified on each ratepayer's bill as the "Washington telephone assistance program." All money collected from the telephone assistance excise tax shall be transferred to a telephone assistance fund administered by the department. Local exchange companies shall bill the fund for their expenses incurred in offering the telephone assistance program, including administrative and program expenses. The department shall disburse the money to the local exchange companies. The department is exempted from having to conclude a contract with local exchange companies in order to effect this reimbursement. The department shall recover its administrative costs from the fund. The department may specify by rule the range and extent of administrative and program expenses that will be reimbursed to local exchange companies.

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Morton: "Senator Brown, can you tell me what the current balance is in this fund?"

Senator Brown: "As I understand it, the current balance in this fund is between six and seven million dollars."

Senator Morton: "Thank you."

The President declared the question before the Senate to be the adoption of the amendment by Senators Hochstatter, West, Honeyford, Finkbeiner, Hewitt, Swecker, Stevens, McDonald, Morton, Horn and Shin on page 1, after line 18, to Senate Bill No. 5999.

The motion by Senator Hochstatter failed and the amendment was not adopted.

MOTION

Senator Stevens moved that the following amendments be considered simultaneously and be adopted:

On page 2, after line 13, insert the following:

"Sec. 3 RCW 80.36.450 and 1993 c 249 s 2 are each amended to read as follows:

The Washington telephone assistance program shall be limited to one residential access line per eligible household, except that funds may not be used to support any residential access line unless the line uses toll restriction services offered by the local exchange carrier at no charge to program recipients."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 2, line 28, after "sections 2" strike "and 3" and insert "through 4"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Stevens on page 2, after line 13, and page 2, line 28, to Senate Bill No. 5999.

The motion by Senator Stevens failed and the amendments were not adopted.

MOTION

Senator Hochstatter moved that the following amendment be adopted:

On page 2, after line 27, insert the following:

"NEW SECTION. Sec. 4. Recognizing that agency rulemaking is the exercise of delegated legislative power rather than an inherent executive function, the legislature intends that the delegation of its legislative powers shall be strictly limited in this case. The department may propose rules necessary to implement this act. However, those rules shall remain proposed rules until approved by concurrent resolution of the legislature. After legislative approval, the department shall adopt the rules as final rules without variance.

Sec. 5. RCW 34.05.335 and 1989 c 175 s 8 are each amended to read as follows:

(1) A proposed rule may be withdrawn by the proposing agency at any time before adoption. A withdrawn rule may not be adopted unless it is again proposed in accordance with RCW 34.05.320.

(2) Before adopting a rule, an agency shall consider the written and oral submissions, or any memorandum summarizing oral submissions.

(3) Except for rules promulgated pursuant to this act, rules not adopted and filed with the code reviser within one hundred eighty days after publication of the text as last proposed in the register shall be regarded as withdrawn. An agency may not thereafter adopt the proposed rule without refiling it in accordance with RCW 34.05.320. The code reviser shall give notice of the withdrawal in the register.

(4) An agency may not adopt a rule before the time established in the published notice, or such later time established on the record or by publication in the state register."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hochstatter on page 2, after line 27, to Senate Bill No. 5999.

The motion by Senator Hochstatter failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Senate Bill No. 5999 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5999.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5999 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5999, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5993, by Senators Oke, Spanel, Winsley and Thibaudeau

Revising limitations on smoking in public places.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5993 was substituted for Senate Bill No. 5993 and the substitute bill was placed on second reading and read the second time.

Senator Benton moved that the following amendment be adopted:

Beginning on page 2, line 26, strike all of sections 3 and 4 and insert the following:

"Sec. 3. RCW 70.160.040 and 1985 c 236 s 4 are each amended to read as follows:

(1) A smoking area may be designated in a public place by the owner or, in the case of a leased or rented space, by the lessee or other person in charge except in:

(a) Elevators; buses, except for private hire; streetcars; taxis, except those clearly and visibly designated by the owner to permit smoking; public areas of retail stores and lobbies of financial institutions; office reception areas and waiting rooms of any building owned or leased by the state of Washington or by any city, county, or other municipality in the state of Washington; museums; public meetings or hearings; classrooms and lecture halls of schools, colleges, and universities; and the seating areas and aisle ways which are contiguous to seating areas of concert halls, theaters, auditoriums, exhibition halls, and indoor sports arenas; and

(b) Hallways of health care facilities, with the exception of nursing homes, and lobbies of concert halls, theaters, auditoriums, exhibition halls, and indoor sports arenas, if the area is not physically separated. Owners or other persons in charge are not required to incur any expense to make structural or other physical modifications in providing these areas.

Except as provided in other provisions of this chapter, no public place, other than a bar, tavern, ~~((bowling alley))~~ card room or enhanced card room, tobacco shop, lounge or lounge area, or ~~((restaurant))~~ any other area where persons under eighteen years of age are not permitted to enter or remain and such designation is conspicuously posted at all entrances, private hire buses, and taxis that are clearly and visibly designated by the owner to permit smoking, may be designated as a smoking area in its entirety. If a bar, tavern, card room or enhanced card room, tobacco shop, lounge or lounge area, or ~~((restaurant))~~ other area where persons under eighteen years of age are not permitted to enter or remain is designated as a smoking area in its entirety, this designation shall be posted conspicuously ~~((at))~~ at all entrances normally used by the public.

(2) Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas.

~~(3) ((Managers of restaurants who choose to provide smoking areas shall designate an adequate amount of seating to meet the demands of restaurant patrons who wish to smoke.))~~ Owners of restaurants are not required to incur any expense to make structural or other physical modifications in providing these areas. ~~((Restaurant patrons shall be informed that separate smoking and nonsmoking sections are available.))~~

(4)(a) Restricting smoking in the workplace shall include provisions permitting employer policies as authorized in this subsection.

(b) An employer's policy restricting smoking in the workplace must include a provision for a designated enclosed smoking room if a smoking room policy is included in a collective bargaining agreement applicable to the workplace or, if no collective bargaining agreement applies, the employees of the employer agree to a written smoking room policy. The designated smoking room is deemed to meet any ventilation requirements of this chapter if it is ventilated as required by the American society of heating, refrigerating, and air conditioning engineers, inc. standard 62-1989.

(c) The written smoking room policy must be kept on file by the employer and made available to employees on request.

(d) This subsection does not apply to a workplace if a statute expressly prohibiting indoor smoking applies to that workplace.

(e) This subsection may not be construed to require any employer to provide a smoking room.

(5) Except as otherwise provided in this chapter, a facility or area may be designated in its entirety as a nonsmoking area by the owner or other person in charge.

Renumber the following section consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton to Substitute Senate Bill No. 5993.

The motion by Senator Benton failed and the amendment was not adopted.

MOTION

Senator Hochstatter moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 34, after "(a)", strike "By December 31, 2002."

On page 4, after line 30, insert the following:

"(e) Recognizing that agency rulemaking is the exercise of delegated legislative power rather than an inherent executive function, the legislature intends that the delegation of its legislative powers shall be strictly limited in this case. If necessary to implement this act, the department of health may adopt emergency rules pursuant to RCW Chapter 34.05. The department of health may propose permanent rules under this subsection. However, those rules shall remain proposed rules until approved by concurrent resolution of the legislature. After legislative approval, the department of health shall adopt the rules as final rules without variance."

On page 4, after line 36, insert the following:

"Sec. 5. RCW 34.05.335 and 1989 c 175 s 8 are each amended to read as follows:

(1) A proposed rule may be withdrawn by the proposing agency at any time before adoption. A withdrawn rule may not be adopted unless it is again proposed in accordance with RCW 34.05.320.

(2) Before adopting a rule, an agency shall consider the written and oral submissions, or any memorandum summarizing oral submissions.

(3) Except for rules promulgated pursuant to this act, rules not adopted and filed with the code reviser within one hundred eighty days after publication of the text as last proposed in the register shall be regarded as withdrawn. An agency may not thereafter adopt the proposed rule without refiling it in accordance with RCW 34.05.320. The code reviser shall give notice of the withdrawal in the register.

(4) An agency may not adopt a rule before the time established in the published notice, or such later time established on the record or by publication in the state register."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senators Snyder, Betti Sheldon and Prentice demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

Senator Sheahan demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Hochstatter on page 3, line 34; page 4, line 30; and page 4, after line 36, to Substitute Senate Bill No. 5993.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Finkbeiner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 23.

Voting nay: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, and Thibaudeau - 26,

MOTION

Senator Thibaudeau moved that the following amendments by Senators Thibaudeau, Oke and Spanel be considered simultaneously and be adopted:

On page 4, beginning with "Engineering" on line 1, strike all material through "(ii)" on line 7.

On page 4, beginning with "through" on line 9, strike all material through "means" on line 10.

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Thibaudeau, Oke and Spanel on page 4, beginning on line 1 and beginning on line 9, to Substitute Senate Bill No. 5993.

The motion by Senator Thibaudeau carried and the amendments were adopted.

MOTIONS

On motion of Senator Oke, the following amendment by Senators Oke, Thibaudeau and Spanel was adopted:

On page 4, line 14, after "(b)" strike all material through "first" and insert "Before making rules under this subsection, the secretary of health shall consider proposed rules to"

Renumber the sections consecutively and correct any internal references accordingly.

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute Senate Bill No. 5993 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hochstatter: "Senator Oke, my understanding is that the Cedar River is Seattle's watershed. Is that correct?"

Senator Oke: "That is correct, Senator Hochstatter."

Senator Hochstatter: "Just to continue, I have no objection to second hand smoke, but to second hand Oke?"

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5993.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5993 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, and Winsley - 35.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, McDonald, Roach, Rossi, Sheahan, Stevens, West, and Zarelli - 14.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5993, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6001, by Senators Carlson and Winsley

Inspecting tenant dwelling units for fire code violations.

The bill was read the second time.

MOTIONS

On motion of Senator Carlson, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 59.18.150 and 1989 c 342 s 7 and 1989 c 12 s 18 are each reenacted and amended to read as follows:

(1) The tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises, make necessary or agreed repairs, alterations, or improvements, supply necessary or agreed services, or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers, or contractors, or to allow for the inspection of a dwelling unit by a fire official for violations of the fire code when the fire official has reason to believe that there exist conditions which constitute a distinct hazard to life or property as provided in subsection (2) of this section.

(2) A landlord may not deny a fire official the right to inspect a dwelling unit under subsection (1) of this section for violations of the fire code when the fire official has reason to believe that there exist conditions which constitute a distinct hazard to life or property. A landlord may not deny a fire official the right to inspect all portions of a rental building other than the dwelling unit, including but not limited to common areas and those areas that contain electrical, plumbing, and mechanical equipment and facilities used for the operation of the rental building, for compliance with state and local fire codes. Nothing in this subsection is intended to require a landlord to obtain a court order for entry over a tenant's objection.

(3) Upon written notice of intent to seek an order, when a tenant or landlord denies a fire official the right to inspect a dwelling unit, a fire official may immediately seek and a court of competent jurisdiction, upon a showing of probable cause that fire code violations exist in the dwelling unit which constitute a present and distinct hazard to life or property, shall issue an order allowing inspection of the dwelling unit.

Upon written notice of intent to seek an order, when a landlord denies a fire official the right to inspect the common areas of the rental building other than the dwelling unit, as described in subsection (2) of this section, a fire official may immediately seek and a court of competent jurisdiction, upon a showing of probable cause that a fire code violation which constitutes a present and distinct hazard to life or property exists in those areas, shall issue an order allowing inspection of those common areas of the rental building other than the dwelling unit, as described in subsection (2) of this section.

The superior court and courts of limited jurisdiction organized under Titles 3, 35, and 35A RCW have jurisdiction to issue such orders.

(4) "Fire official" means any fire official authorized to enforce the state or local fire code.

(5) The landlord may enter the dwelling unit without consent of the tenant in case of emergency or abandonment.

~~((3))~~ (6) The landlord shall not abuse the right of access or use it to harass the tenant. Except in the case of emergency or if it is impracticable to do so, the landlord shall give the tenant at least two days' notice of his or her intent to enter and shall enter only at reasonable times. The tenant shall not unreasonably withhold consent to the landlord to enter the dwelling unit at a specified time where the landlord has given at least one day's notice of intent to enter to exhibit the dwelling unit to prospective or actual purchasers or tenants. A landlord shall not unreasonably interfere with a tenant's enjoyment of the rented dwelling unit by excessively exhibiting the dwelling unit.

~~((4))~~ (7) The landlord has no other right of access except by court order, arbitrator or by consent of the tenant.

~~((5))~~ (8) A landlord or tenant who continues to violate this section after being served with one written notification alleging in good faith violations of this section listing the date and time of the violation shall be liable for up to one hundred dollars for each violation after receipt of the notice. The prevailing party may recover costs of the suit or arbitration under this section, and may also recover reasonable attorneys' fees.

(9) Nothing in this section is intended to abrogate or modify in any way any common law right or privilege."

MOTIONS

On motion of Senator Constantine, the following title amendment was adopted:

On page 1, line 2 of the title, after "violations;" strike the remainder of the title and insert "and reenacting and amending RCW 59.18.150."

On motion of Senator Constantine, the rules were suspended, Engrossed Senate Bill No. 6001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6001.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6001 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Winsley - 29.

Voting nay: Senators Benton, Deccio, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 20.

ENGROSSED SENATE BILL NO. 6001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

March 9, 2001

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1004,
HOUSE BILL NO. 1045,
HOUSE BILL NO. 1047,
HOUSE BILL NO. 1108,
HOUSE BILL NO. 1173,
HOUSE BILL NO. 1213,
HOUSE BILL NO. 1255,
SUBSTITUTE HOUSE BILL NO. 1256,
SUBSTITUTE HOUSE BILL NO. 1260,
HOUSE BILL NO. 1271,
HOUSE BILL NO. 1296,
HOUSE BILL NO. 1303,
SUBSTITUTE HOUSE BILL NO. 1391,
ENGROSSED HOUSE BILL NO. 1407,
HOUSE BILL NO. 1422,
SUBSTITUTE HOUSE BILL NO. 1469,
HOUSE BILL NO. 1479,
SUBSTITUTE HOUSE BILL NO. 1502,
SUBSTITUTE HOUSE BILL NO. 1537,
HOUSE BILL NO. 1547,
HOUSE BILL NO. 1564,
HOUSE BILL NO. 1578,
HOUSE BILL NO. 1579,
HOUSE BILL NO. 1584,
HOUSE BILL NO. 1611,
HOUSE BILL NO. 1613,
HOUSE BILL NO. 1614,
HOUSE BILL NO. 1623,
HOUSE BILL NO. 1634,
SUBSTITUTE HOUSE BILL NO. 1661,
SUBSTITUTE HOUSE BILL NO. 1680,
HOUSE BILL NO. 1692,
HOUSE BILL NO. 1694,
HOUSE BILL NO. 1727,
HOUSE BILL NO. 1729,
HOUSE BILL NO. 1780,
SUBSTITUTE HOUSE BILL NO. 1836,
HOUSE BILL NO. 1951,
HOUSE JOINT MEMORIAL NO. 4002, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

March 9, 2001

MR. PRESIDENT:

The House has passed:

**SUBSTITUTE HOUSE BILL NO. 1019,
ENGROSSED HOUSE BILL NO. 1046,
ENGROSSED HOUSE BILL NO. 1347,
HOUSE BILL NO. 1361,
HOUSE BILL NO. 1368,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1370,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1371,
SUBSTITUTE HOUSE BILL NO. 1471,
HOUSE BILL NO. 1581,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655,
ENGROSSED HOUSE BILL NO. 1745,
HOUSE BILL NO. 1851,
HOUSE BILL NO. 1856,
ENGROSSED HOUSE BILL NO. 1864,
SUBSTITUTE HOUSE BILL NO. 1897,
HOUSE BILL NO. 1898,
SUBSTITUTE HOUSE BILL NO. 1920,
SUBSTITUTE HOUSE BILL NO. 1971,
HOUSE BILL NO. 2011,
HOUSE BILL NO. 2037,
HOUSE BILL NO. 2095,
HOUSE BILL NO. 2096,
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4401,** and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

March 9, 2001

MR. PRESIDENT:

The House has passed:

**SUBSTITUTE HOUSE BILL NO. 1027,
HOUSE BILL NO. 1070,
SUBSTITUTE HOUSE BILL NO. 1117,
SUBSTITUTE HOUSE BILL NO. 1187,
SUBSTITUTE HOUSE BILL NO. 1188,
SUBSTITUTE HOUSE BILL NO. 1252,
SUBSTITUTE HOUSE BILL NO. 1254,
HOUSE BILL NO. 1257,
SUBSTITUTE HOUSE BILL NO. 1320,
SUBSTITUTE HOUSE BILL NO. 1339,
SUBSTITUTE HOUSE BILL NO. 1426,
SUBSTITUTE HOUSE BILL NO. 1528,
SUBSTITUTE HOUSE BILL NO. 1596,
SUBSTITUTE HOUSE BILL NO. 1632,
SUBSTITUTE HOUSE BILL NO. 1643,
HOUSE BILL NO. 1844,
HOUSE BILL NO. 1846,
SUBSTITUTE HOUSE BILL NO. 1899,
HOUSE BILL NO. 1943,
HOUSE BILL NO. 1952,
SUBSTITUTE HOUSE BILL NO. 2041,
SUBSTITUTE HOUSE BILL NO. 2046,** and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

March 9, 2001

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1066,
HOUSE BILL NO. 1100,
HOUSE BILL NO. 1131,
HOUSE BILL NO. 1160,

SUBSTITUTE HOUSE BILL NO. 1161,
HOUSE BILL NO. 1216,
SUBSTITUTE HOUSE BILL NO. 1282,
SUBSTITUTE HOUSE BILL NO. 1342,
HOUSE BILL NO. 1346,
SUBSTITUTE HOUSE BILL NO. 1349,
SUBSTITUTE HOUSE BILL NO. 1352,
HOUSE BILL NO. 1367,
HOUSE BILL NO. 1369,
SUBSTITUTE HOUSE BILL NO. 1376,
SUBSTITUTE HOUSE BILL NO. 1498,
SUBSTITUTE HOUSE BILL NO. 1501,
SUBSTITUTE HOUSE BILL NO. 1515,
HOUSE BILL NO. 1523,
ENGROSSED HOUSE BILL NO. 1530,
HOUSE BILL NO. 1542,
HOUSE BILL NO. 1546,
HOUSE BILL NO. 1548,
HOUSE BILL NO. 1567,
HOUSE BILL NO. 1568,
HOUSE BILL NO. 1582,
HOUSE BILL NO. 1583,
SUBSTITUTE HOUSE BILL NO. 1644,
HOUSE BILL NO. 1706,
HOUSE BILL NO. 1716,
SUBSTITUTE HOUSE BILL NO. 1717,
SUBSTITUTE HOUSE BILL NO. 1792,
HOUSE BILL NO. 1798,
HOUSE BILL NO. 1820, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

March 9, 2001

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1091,
SUBSTITUTE HOUSE BILL NO. 1093,
SUBSTITUTE HOUSE BILL NO. 1120,
SUBSTITUTE HOUSE BILL NO. 1133,
HOUSE BILL NO. 1179,
HOUSE BILL NO. 1196,
HOUSE BILL NO. 1199,
SUBSTITUTE HOUSE BILL NO. 1202,
SUBSTITUTE HOUSE BILL NO. 1203,
HOUSE BILL NO. 1211,
SUBSTITUTE HOUSE BILL NO. 1212,
SUBSTITUTE HOUSE BILL NO. 1214,
HOUSE BILL NO. 1227,
HOUSE BILL NO. 1280,
HOUSE BILL NO. 1287,
SUBSTITUTE HOUSE BILL NO. 1295,
HOUSE BILL NO. 1313,
HOUSE BILL NO. 1317,
HOUSE BILL NO. 1366,
SUBSTITUTE HOUSE BILL NO. 1467, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6144 by Senators Stevens, Rossi, Long, Hewitt, Carlson, Zarelli, Honeyford, Parlette, McDonald and West

AN ACT Relating to general assistance to persons in need; and amending RCW 74.04.005.
Referred to Committee on Human Services and Corrections.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1004 by House Committee on Appropriations (originally sponsored by Representatives Morris and Doumit)

Adjusting disability payments.

Referred to Committee on Ways and Means.

SHB 1019 by House Committee on Natural Resources (originally sponsored by Representatives Pennington, Hatfield, Mielke and Ogden)

Modifying the composition of the fish and wildlife commission.

Referred to Committee on Natural Resources, Parks and Shorelines.

SHB 1027 by House Committee on Commerce and Labor (originally sponsored by Representatives Cairnes, Cody, Kenney, D. Schmidt and Dunn) (by request of Horse Racing Commission)

Establishing the live horse racing compact.

Referred to Committee on Labor, Commerce and Financial Institutions.

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

Reducing the law enforcement officers' and fire fighters' retirement system plan 2 disability actuarial reduction age from fifty-five to fifty-three.

Referred to Committee on Ways and Means.

EHB 1046 by Representatives Doumit, Alexander, Conway, Lambert, H. Sommers, Delvin, Kagi, O'Brien, McIntire, Hurst, Haigh, Kenney, Edmonds and Simpson (by request of Joint Committee on Pension Policy)

Modifying the Washington state patrol retirement system retirement and survivor benefits.

Referred to Committee on Ways and Means.

HB 1047 by Representatives H. Sommers, Lambert, Conway, Doumit, McIntire, Haigh and Kenney (by request of Joint Committee on Pension Policy)

Exempting trainers and trainees in housing authority resident training programs from membership in the public employees' retirement system.

Referred to Committee on Ways and Means.

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

Revising the authority of the criminal justice training commission to own and operate training facilities.

Referred to Committee on Judiciary.

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

Revising provisions relating to the juvenile offender basic training camp program.

Referred to Committee on Human Services and Corrections.

SHB 1091 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Lambert, H. Sommers, Miloscia, Cairnes, Schindler, Talcott and Mielke)

Changing sexual misconduct laws with regard to school employees.

Referred to Committee on Judiciary.

SHB 1093 by House Committee on Health Care (originally sponsored by Representatives Schual-Berke, Ballasiotes, Cody, Campbell, Ruderman, Skinner, Conway, Edmonds, Kenney and Kagi)

Changing physician license fees.

Referred to Committee on Health and Long-Term Care.

HB 1100 by Representatives Fisher and Woods (by request of Marine Employees' Commission)

Modifying notice requirements.

Referred to Committee on Transportation.

HB 1108 by Representatives Bush, Kenney, Talcott, Lambert, D. Schmidt, Lantz, Benson, Cox, Campbell, Woods, Veloria, Esser, Haigh, Mulliken, Ogden, Mielke, Boldt, Casada, Morell, Buck, Pearson, Roach, Clements, Schoesler, Romero, Darneille, Carrell, Van Luven, Edwards, Kagi and Hurst

Authorizing the secretary of state to observe county election facilities.

Referred to Committee on State and Local Government.

SHB 1117 by House Committee on Judiciary (originally sponsored by Representatives Carrell, Lantz, Lambert, O'Brien, Lovick, Hunt and Haigh)

Providing procedures for enforcement of court-ordered restitution obligations in courts of limited jurisdiction.

Referred to Committee on Judiciary.

SHB 1120 by House Committee on Education (originally sponsored by Representatives Rockefeller, Cox, Talcott, Quall, Santos, Haigh, Anderson, McDermott, Schindler, D. Schmidt, Pearson, Keiser and Jackley)

Establishing requirements for employing holders of lapsed teaching certificates.

Referred to Committee on Education.

HB 1131 by Representatives Mulliken, Dunshee, Edwards, G. Chandler, DeBolt, Dunn and Hatfield

Modifying the powers of public hospital districts.

Referred to Committee on State and Local Government.

SHB 1133 by House Committee on Commerce and Labor (originally sponsored by Representatives Carrell, Lantz, Lambert, Hurst, Casada, Morell, Kagi, Marine, Cox, Talcott, Tokuda, Fisher, Bush, Edwards, O'Brien, Darneille, Edmonds, Esser and Haigh)

Determining liability for donated labor on community projects.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1160 by Representatives Hunt, Clements, Conway and Kenney (by request of Department of Licensing)

Providing for temporary real estate appraiser practice permits.

Referred to Committee on Labor, Commerce and Financial Institutions.

SHB 1161 by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Clements and Kenney) (by request of Department of Licensing)

Authorizing the department of licensing to establish engineer and land surveyors' certificate and licensing renewal intervals, renewal fees, and renewal dates.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1173 by Representatives Mulliken and Dunshee

Purchasing material, supplies, or equipment by fire districts.

Referred to Committee on State and Local Government.

HB 1179 by Representatives Ericksen, Lovick, G. Chandler and O'Brien

Strengthening procedures for disqualification of drinking or drugged commercial drivers.

Referred to Committee on Transportation.

SHB 1187 by House Committee on State Government (originally sponsored by Representatives Haigh, Miloscia, Darneille, McMorris, Lambert, Reardon, Dunshee, O'Brien, Delvin, Talcott, Campbell, G. Chandler, Quall, Anderson, Alexander, Schoesler, Esser and D. Schmidt) (by request of Military Department)

Exempting certain information on criminal acts from public disclosure.

Referred to Committee on Judiciary.

SHB 1188 by House Committee on Capital Budget (originally sponsored by Representatives Haigh, McMorris, O'Brien, Miloscia, Dunshee, Lambert, Campbell, Delvin, G. Chandler, Talcott, Quall, Reardon, Alexander, H. Sommers, Voloria, Schoesler, Esser, Anderson, Morell, Darneille and D. Schmidt) (by request of Military Department)

Authorizing the military department to dispose at public bid of the state armory known as the Pier 91 property and acquire replacement property and improvements.

Referred to Committee on State and Local Government.

HB 1196 by Representatives Gombosky, Mulliken, Dunshee and Cox

Modifying parking and business improvement areas.

Referred to Committee on State and Local Government.

HB 1199 by Representatives Schindler, Mielke, Sump, G. Chandler, McMorris and Armstrong

Altering the format of a fish and wildlife lands vehicle use permit.

Referred to Committee on Natural Resources, Parks and Shorelines.

SHB 1202 by House Committee on Finance (originally sponsored by Representatives Cairnes and Morris) (by request of Department of Revenue)

Improving property tax administration.

Referred to Committee on Ways and Means.

SHB 1203 by House Committee on Finance (originally sponsored by Representatives Cairnes and Morris) (by request of Department of Revenue)

Authorizing the department of revenue to modify sales tax exemption documentation and retention requirements for simplification purposes.

Referred to Committee on Ways and Means.

HB 1211 by Representatives Benson, Simpson, Barlean and Hatfield (by request of Department of Financial Institutions)

Creating the financial services regulation fund.

Referred to Committee on Labor, Commerce and Financial Institutions.

SHB 1212 by House Committee on Juvenile Justice (originally sponsored by Representative Bush)

Sealing certain juvenile records.

Referred to Committee on Human Services and Corrections.

HB 1213 by Representatives Delvin, Conway, H. Sommers, Lambert, Doumit and Hurst (by request of Joint Committee on Pension Policy)

Correcting statutes pertaining to the public employees' and school employees' retirement systems.

Referred to Committee on Ways and Means.

SHB 1214 by House Committee on Appropriations (originally sponsored by Representatives H. Sommers, Lambert, Doumit and Delvin) (by request of Joint Committee on Pension Policy)

Clarifying certain administrative and investment duties of the department of retirement systems and the state investment board.

Referred to Committee on Ways and Means.

HB 1216 by Representatives Lambert, O'Brien, Carrell and Delvin

Investigating sudden unexplained deaths of children.

Referred to Committee on Judiciary.

HB 1227 by Representatives Ballasiotes, Lovick and O'Brien

Changing provisions relating to escaping from custody.

Referred to Committee on Judiciary.

SHB 1252 by House Committee on Children and Family Services (originally sponsored by Representatives Boldt, Mulliken, Schindler and Lambert)

Exempting faith-based chemical dependency treatment programs from state regulation.

Referred to Committee on Human Services and Corrections.

SHB 1254 by House Committee on Finance (originally sponsored by Representatives Kessler, Mastin, Reardon, Roach, Cairnes and Morris)

Exempting certain land exchanges and sales involving the federal government from real estate excise tax.

Referred to Committee on Ways and Means.

HB 1255 by Representatives Cox, Fromhold, Haigh, Schoesler and Hunt

Including educational service districts in school district provisions.

Referred to Committee on Education.

SHB 1256 by House Committee on Education (originally sponsored by Representatives Cox, Haigh, Fromhold, Schoesler and Hunt)

Regarding educational service districts' superintendent review committees.

Referred to Committee on Education.

HB 1257 by Representatives Cox, Haigh, Fromhold, Schoesler and Hunt

Modifying educational service districts' borrowing authority.

Referred to Committee on Education.

SHB 1260 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Lovick, Ballasiotes, O'Brien, Kagi and Haigh)

Establishing a postsecondary education program for inmates.

Referred to Committee on Human Services and Corrections.

HB 1271 by Representatives Ballasiotes, O'Brien, Conway and Woods

Modifying requirements for certain victims of sexually violent predators to be eligible for victims' compensation.

Referred to Committee on Human Services and Corrections.

HB 1280 by Representatives Simpson, Ballasiotes, O'Brien, Cairnes, Lovick, Santos, Armstrong, Campbell and Keiser

Increasing the seriousness ranking for hit and run--death.

Referred to Committee on Judiciary.

SHB 1282 by House Committee on State Government (originally sponsored by Representatives D. Schmidt and Romero (by request of Washington Uniform Legislation Commission))

Adding the code reviser to the uniform legislation commission.

Referred to Committee on State and Local Government.

HB 1287 by Representatives Reardon, Delvin, Hunt, Ruderman, Campbell, Simpson, McIntire, Crouse, Casada, Hankins, Doumit, Mielke, Bush, Quall, Cooper, Haigh, Skinner, Ballasiotes, Morris, Woods, DeBolt, Lambert, O'Brien, Tokuda, Pennington, Hatfield, Fisher, Eickmeyer, Ericksen, Ahern, Anderson, Pflug, Schindler, Dunshee, Ogden, Veloria, Grant, Morell, Romero, Kenney, Schoesler, Barlean, Keiser, Cody, Roach, Miloscia, Dickerson, Esser, Conway, Murray, Edmonds, Edwards, Kessler, Linville, D. Schmidt, Jackley, Hurst, Kagi and Van Luven

Extending the prohibition on mandatory local measured telecommunications service.

Referred to Committee on Economic Development and Telecommunications.

SHB 1295 by House Committee on Trade and Economic Development (originally sponsored by Representatives Dunn, Dunshee, Mielke, Fromhold, Hunt, Miloscia, Roach and Benson)

Modifying revenue bond provisions of the economic development finance authority.

Referred to Committee on Economic Development and Telecommunications.

HB 1296 by Representatives Hatfield, Benson and McIntire (by request of Insurance Commissioner Kreidler)

Restricting the investment of insurers in depository institutions or any company which controls a depository institution.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1303 by Representatives Fisher, Mitchell, Mielke and Rockefeller (by request of Department of Licensing)

Removing the photo requirement for special identification cards for persons issued disabled parking permits.

Referred to Committee on Transportation.

HB 1313 by Representatives Cox, Kenney, Lantz, Dunn, Rockefeller and Haigh (by request of Workforce Training and Education Coordinating Board)

Changing liability and licensure provisions for private vocational schools.

Referred to Committee on Higher Education.

HB 1317 by Representatives Ballasiotes and Morell

Removing the expiration date on emergency administration of epinephrine.

Referred to Committee on Health and Long-Term Care.

SHB 1320 by House Committee on Health Care (originally sponsored by Representatives Edmonds, Skinner, Pennington, Cody, Gombosky, Campbell, Darneille, Ruderman, Conway, Schual-Berke, Edwards, Mielke, Linville, Kenney, Jackley and Kagi)

Modifying provisions concerning adult family homes.

Referred to Committee on Health and Long-Term Care.

SHB 1339 by House Committee on Finance (originally sponsored by Representatives Linville, Ericksen, Barlean and Van Luvan) (by request of Department of Revenue)

Providing equity in the taxation of farmers.

Referred to Committee on Agriculture and International Trade.

SHB 1342 by House Committee on Appropriations (originally sponsored by Representatives H. Sommers, Sehlin, Kenney, Lisk and Alexander (by request of Department of General Administration)

Modifying provisions concerning the general administration services account.

Referred to Committee on Ways and Means.

HB 1346 by Representatives Dickerson, Tokuda, Kenney, Kagi and Santos

Exempting from child care regulations persons who place or care for children entering the United States for medical care.

Referred to Committee on Human Services and Corrections.

EHB 1347 by Representatives Benson and Hatfield

Creating the structured settlement protection act.

Referred to Committee on Labor, Commerce and Financial Institutions.

SHB 1349 by House Committee on Appropriations (originally sponsored by Representatives Kessler, Buck, Morris, Sehlin, Linville and Rockefeller)

Authorizing a funding mechanism for removal and disposal of derelict vessels.

Referred to Committee on Environment, Energy and Water.

SHB 1352 by House Committee on State Government (originally sponsored by Representatives McMorris, D. Schmidt, McDermott, Schindler, Haigh, Lambert and Miloscia) (by request of Public Disclosure Commission)

Correcting inaccurate or procedurally obsolete provisions of the public disclosure commission law.

Referred to Committee on State and Local Government.

HB 1361 by Representatives Jackley, Cairnes and Dunshee (by request of Department of Revenue)

Simplifying excise tax application and administration.

Referred to Committee on Ways and Means.

HB 1366 by Representatives Hatfield, Benson and Keiser (by request of Department of Financial Institutions)

Regulating credit unions.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1367 by Representatives Esser, McDermott, Lovick and Benson (by request of Office of the Code Reviser)

Correcting outdated references and double amendments.

Referred to Committee on Transportation.

HB 1368 by Representatives Esser, McDermott and Lovick (by request of Office of the Code Reviser)

Recodifying RCW 77.16.220.

Referred to Committee on Natural Resources, Parks and Shorelines.

HB 1369 by Representatives Esser, McDermott and Lovick (by request of Office of the Code Reviser)

Making technical corrections to chapter 19.28 RCW, electricians and electrical installations.

Referred to Committee on Labor, Commerce and Financial Institutions.

ESHB 1370 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Jackley, Morell, Eickmeyer, Bush, Benson, Rockefeller, Schindler, Conway, Hurst, Mulliken and Campbell) (by request of Governor Locke)

Restricting the sale of ephedrine, pseudoephedrine, or phenylpropanolamine.

Referred to Committee on Judiciary.

ESHB 1371 by House Committee on Appropriations (originally sponsored by Representatives Morell, O'Brien, Woods, Bush, Cooper, Haigh, Simpson, Armstrong, Ahern, Lovick, Marine, Anderson, Pearson, Benson, Keiser, Conway, Hurst, Santos and Campbell)

Allowing participation in health care authority insurance plans and contracts by surviving spouses and dependent children of emergency service personnel killed in the line of duty.

Referred to Committee on Ways and Means.

SHB 1376 by House Committee on State Government (originally sponsored by Representatives Armstrong, McDermott, McMorris, D. Schmidt, Haigh and Woods) (by request of Department of Veterans Affairs)

Exempting certain veterans affairs personnel from the state civil service law.

Referred to Committee on State and Local Government.

SHB 1391 by House Committee on State Government (originally sponsored by Representatives Kessler and Mastin)

Overseeing statutory legislative committees.

Referred to Committee on State and Local Government.

EHB 1407 by Representatives Fisher and Mitchell (by request of Department of Licensing)

Modifying the taxation of fuel.

Referred to Committee on Transportation.

HB 1422 by Representatives Benson, Hatfield and Bush (by request of State Treasurer Murphy and Superintendent of Public Instruction Bergeson)

Increasing the size of the state investment board.

Referred to Committee on Labor, Commerce and Financial Institutions.

SHB 1426 by House Committee on Health Care (originally sponsored by Representatives Edmonds, Skinner, Cody, Pflug, Dunn, Schual-Berke, Boldt, Kagi, Kenney, Campbell, Conway and Marine)

Establishing a quality improvement program for boarding homes.

Referred to Committee on Health and Long-Term Care.

SHB 1467 by House Committee on Finance (originally sponsored by Representatives Reardon, Cairnes and Santos) (by request of Department of Revenue)

Improving property tax administration by correcting terminology and deleting obsolete provisions.

Referred to Committee on Ways and Means.

SHB 1469 by House Committee on Health Care (originally sponsored by Representatives Campbell and Cody)

Dispensing controlled substance orders and prescriptions.

Referred to Committee on Health and Long-Term Care.

SHB 1471 by House Committee on Juvenile Justice (originally sponsored by Representatives Darneille, Delvin, Dickerson and Armstrong)

Regarding diversions.

Referred to Committee on Human Services and Corrections.

HB 1479 by Representatives Alexander, Grant, Barlean, Rockefeller, Ericksen, Campbell, Romero, Fromhold, Buck, H. Sommers, Bush, Doumit, Conway, Lantz, Kessler, Pennington, Hatfield, Clements, Cox, Benson, Santos, Kenney, Cooper, Kagi, O'Brien, Simpson, Armstrong, Dunshee, Linville, Schual-Berke, D. Schmidt, Cairnes, Morris, Ogden, Roach, Keiser, Schoesler, G. Chandler, Lovick, McIntire, Hunt, Hurst, Quall, Jackley, Carrell, Mulliken, Edmonds, Jarrett, Woods and Wood

Providing a death benefit for certain state employees.

Referred to Committee on Ways and Means.

SHB 1498 by House Committee on Natural Resources (originally sponsored by Representatives Jackley and Pearson) (by request of Department of Fish and Wildlife)

Requiring holders of fish and wildlife licenses purchased over the internet or telephone to provide enforcement officers with photo identification.

Referred to Committee on Natural Resources, Parks and Shorelines.

SHB 1501 by House Committee on Commerce and Labor (originally sponsored by Representatives Conway and Clements) (by request of Secretary of State Reed)

Authorizing the electronic filing of corporation and limited liability company annual reports.

Referred to Committee on Labor, Commerce and Financial Institutions.

SHB 1502 by House Committee on Agriculture and Ecology (originally sponsored by Representatives G. Chandler, Grant, Schoesler and Mastin)

Revising provisions relating to conservation districts.

Referred to Committee on Agriculture and International Trade.

SHB 1515 by House Committee on State Government (originally sponsored by Representatives Armstrong, O'Brien, Barlean, Hunt, Schoesler, Eickmeyer, Ahern, Darneille, Anderson, Carrell, G. Chandler, Hatfield, Buck, Lovick and Edwards)

Changing public works provisions for institutions of higher education.

Referred to Committee on Higher Education.

HB 1523 by Representatives Mielke, Mulliken, Dunshee and Edmonds

Reconciling conflicting provisions in laws pertaining to cities and towns.

Referred to Committee on State and Local Government.

SHB 1528 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Poulsen, Crouse, Ruderman and Delvin) (by request of Utilities and Transportation Commission)

Reducing regulatory requirements on competitive telecommunications services and companies.

Referred to Committee on Economic Development and Telecommunications.

EHB 1530 by Representatives Lantz and Carrell

Providing for the appointment of an agent to receive claims against local government entities.

Referred to Committee on Judiciary.

SHB 1537 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Roach, Hatfield, Benson, Miloscia and Keiser)

Protecting credit union directors and committee members.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1542 by Representatives Van Luven, Gombosky, Fromhold and Dunn (by request of Department of Community, Trade, and Economic Development)

Exempting certain financial or proprietary information provided to the department of community, trade, and economic development from public disclosure.

Referred to Committee on Economic Development and Telecommunications.

HB 1546 by Representatives Schual-Berke, Campbell, Ballasiotes, D. Schmidt, Simpson, Conway, Keiser, Darneille, Kagi, Woods, Ruderman, Hurst and McIntire (by request of Secretary of State Reed)

Authorizing address confidentiality for victims of stalking.

Referred to Committee on State and Local Government.

HB 1547 by Representatives Simpson, Bush, Benson, Hatfield, Santos and Keiser (by request of Insurance Commissioner Kreidler)

Licensing insurance agents, brokers, solicitors, and adjusters.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1548 by Representatives Kirby and Carrell

Expanding the small works roster process to include metropolitan park districts.

Referred to Committee on State and Local Government.

HB 1564 by Representatives Casada, Lantz, Carrell, Hurst, Esser and O'Brien

Reenacting provisions relating to the crime of making false or misleading statements to public servants.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1567 by Representatives Fisher, Hankins, Lovick and Mitchell (by request of Department of Licensing)

Increasing the penalty for intentional misuse of abstracts of driving records.

Referred to Committee on Transportation.

HB 1568 by Representatives Lovick, Delvin, Fisher, Hankins, Mitchell, O'Brien and Hurst (by request of Department of Licensing)

Updating procedures for actions against driving school licensees.

Referred to Committee on Transportation.

HB 1578 by Representatives Carrell, Hurst and Lantz

Reenacting provisions relating to criminal profiteering.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1579 by Representatives Carrell, Lantz, Hurst and Rockefeller

Reenacting provisions relating to the wrongful practice of law.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1581 by Representatives Cooper, Haigh, Morell, Hankins, Rockefeller and Delvin (by request of Department of Licensing)

Revising provisions for licensing of motor vehicle dealers and manufacturers.

Referred to Committee on Transportation.

HB 1582 by Representatives Hatfield, Delvin, Cooper, Ericksen, Linville, Kenney, Rockefeller and Lisk (by request of Department of Licensing)

Exempting certain motorcycles used for training from the use tax.

Referred to Committee on Transportation.

HB 1583 by Representatives Hatfield, Ericksen, Cooper, Delvin and Kenney (by request of Department of Licensing)

Waiving the motorcycle exam for trained operators.

Referred to Committee on Transportation.

HB 1584 by Representatives Haigh, Cooper, Ericksen and Morell (by request of Department of Licensing)

Revising requirements for vehicle license renewal.

Referred to Committee on Transportation.

SHB 1596 by House Committee on Transportation (originally sponsored by Representatives G. Chandler, Wood, Mulliken, Fisher, Mitchell, Ogden and Santos)

Authorizing transportation for persons with special needs.

Referred to Committee on Transportation.

HB 1611 by Representatives Schindler and Romero (by request of Washington State Patrol)

Modifying missing persons record retention policies.

Referred to Committee on Judiciary.

HB 1613 by Representatives Romero and Schindler (by request of Washington State Patrol)

Providing a time limit for the transmittal of unidentified persons information.

Referred to Committee on Judiciary.

HB 1614 by Representatives Lovick, Carrell and Hurst

Reenacting provisions relating to the crime of commercial bribery.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1623 by Representatives Kenney, Cox, Skinner, Benson, Gombosky, Rockefeller, Edwards and Mulliken

Authorizing four-year public institutions of higher education to participate with the state in investing surplus funds.

Referred to Committee on Higher Education.

SHB 1632 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Ruderman, Anderson, Schual-Berke and Casada) (by request of Department of Information Services)

Prescribing criminal penalties for fraudulently obtaining or using digital signatures and digital certificates.

Referred to Committee on Economic Development and Telecommunications.

HB 1634 by Representatives Santos, DeBolt, Hatfield and Benson (by request of Insurance Commissioner Kreidler)

Prioritizing and ordering the distribution of claims of an insurer's estate.

Referred to Committee on Labor, Commerce and Financial Institutions.

SHB 1643 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Skinner, Fromhold, Ogden, Esser, Jarrett, McIntire, Rockefeller, Doumit, Keiser and Dunn)

Limiting liability of volunteers.

Referred to Committee on Judiciary.

SHB 1644 by House Committee on State Government (originally sponsored by Representatives McMorris, Romero, Linville and Kenney) (by request of Secretary of State Reed)

Clarifying recount procedures.

Referred to Committee on State and Local Government.

ESHB 1655 by House Committee on Natural Resources (originally sponsored by Representatives Sump, Doumit, Pearson, Rockefeller and Clements)

Appointing a fish and wildlife advisory committee composed of disabled persons.

Referred to Committee on Natural Resources, Parks and Shorelines.

SHB 1661 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Keiser, Bush, Santos and Miloscia)

Regulating juvenile life insurance.

Referred to Committee on Labor, Commerce and Financial Institutions.

SHB 1680 by House Committee on Transportation (originally sponsored by Representatives Fisher, Mitchell and Poulsen (by request of The Blue Ribbon Commission on Transportation)

Extending design-build for public works.

Referred to Committee on Transportation.

HB 1692 by Representatives Boldt, Carrell and Hurst

Reenacting provisions relating to the crime of perjury.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1694 by Representatives Boldt, Carrell and Hurst

Reenacting provisions relating to the crime of unlicensed practice of a profession or business.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1706 by Representatives Morris and Cairnes (by request of Department of Revenue)

Authorizing the department of revenue to issue direct pay permits.

Referred to Committee on Ways and Means.

HB 1716 by Representatives Veloria, Mielke, Buck, O'Brien, Conway, Talcott, Hunt, Crouse, Clements, Murray, Schoesler, Miloscia, Benson, Tokuda, Santos, D. Schmidt, McDermott, Lovick, Cody, Campbell, Haigh, Keiser, Ogden and Dickerson (by request of Governor Locke)

Providing income assistance benefits to qualified World War II veterans living in the Republic of the Philippines.

Referred to Committee on Human Services and Corrections.

SHB 1717 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Morell, O'Brien, Ballasiotes, McMorris, Cairnes and Ahern)

Exempting from public inspection specified information on correctional facilities.

Referred to Committee on Human Services and Corrections.

HB 1727 by Representatives Roach, Miloscia, Benson and Hatfield (by request of Insurance Commissioner Kreidler)

Regulating the investment limits of insurers in noninsurance subsidiaries.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1729 by Representatives Benson, Hatfield, McIntire, Cairnes, Roach, Simpson and Keiser

Licensing surplus line brokers.

Referred to Committee on Labor, Commerce and Financial Institutions.

EHB 1745 by Representatives Lambert and Dickerson (by request of Department of Social and Health Services)

Making child support technical amendments regarding medical support.

Referred to Committee on Judiciary.

HB 1780 by Representatives Armstrong, Linville, B. Chandler and Grant

Concerning moneys in the fruit and vegetable district fund.

Referred to Committee on Agriculture and International Trade.

SHB 1792 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Benson and Hatfield) (by request of Insurance Commissioner Kreidler)

Creating the holding company act for health care service contractors and health maintenance organizations.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1798 by Representatives Kagi, Pennington, Morris, Edmonds, Mulliken, Gombosky and Lovick

Providing equitable adjustment of indebtedness for fire district mergers and annexations.

Referred to Committee on State and Local Government.

HB 1820 by Representatives Van Luven, H. Sommers, Lantz, Morris and Edwards (by request of University of Washington)

Clarifying that certain technology transactions by institutions of higher education are exempt from state ethics requirements.

Referred to Committee on Higher Education.

SHB 1836 by House Committee on Natural Resources (originally sponsored by Representatives Edwards, Doumit, Sump, Cooper, Haigh, Eickmeyer, Tokuda, Boldt, Dunn, Esser, Lovick and Jackley)

Creating a legislative task force on local park and recreation maintenance and operations.

Referred to Committee on Natural Resources, Parks and Shorelines.

HB 1844 by Representatives Doumit, Pennington, Hatfield, Mielke and Dunn (by request of Department of Natural Resources)

Allowing the department of natural resources to exchange certain bedlands to obtain clear title to certain property on the Cowlitz river.

Referred to Committee on Natural Resources, Parks and Shorelines.

HB 1846 by Representatives Alexander, Hunt, Romero and DeBolt (by request of Department of Natural Resources)

Allowing the department of natural resources to sell or exchange its light industrial property in Thurston county.

Referred to Committee on Natural Resources, Parks and Shorelines.

HB 1851 by Representative McMorris

Modifying the definition of small employer to include school districts.

Referred to Committee on Health and Long-Term Care.

HB 1856 by Representatives Morell, O'Brien, Talcott, Miloscia, Quall, Carrell, Rockefeller, Bush, Cox, Pflug, Pearson and Woods

Excusing student absences for state-recognized search and rescue activities.

Referred to Committee on Education.

EHB 1864 by Representatives Dickerson, Casada and McIntire

Revising information requirements in family law court files.

Referred to Committee on Judiciary.

SHB 1897 by House Committee on Appropriations (originally sponsored by Representatives Delvin, Hankins, Poulsen, Grant, B. Chandler, Mastin and G. Chandler)

Modifying requirements to receive state allocations for an agricultural fair.

Referred to Committee on Agriculture and International Trade.

HB 1898 by Representatives Hankins, Skinner, Tokuda, Boldt, Kenney, Dunn, Keiser, Van Luven, McMorris, Delvin, Mitchell and Santos

Licensing crisis nurseries.

Referred to Committee on Human Services and Corrections.

SHB 1899 by House Committee on State Government (originally sponsored by Representatives Bush, McIntire, Cairnes, Keiser, DeBolt, Hatfield, Benson, Santos, Roach, Miloscia, Barlean, Lovick, Casada, O'Brien, Morell, Simpson, Mielke, Jackley, Pearson, Romero, Eickmeyer, Ruderman, Sump, Linville, D. Schmidt, Campbell, Esser, Hunt, Hurst and Schual-Berke)

Prohibiting the use of social security numbers and drivers' license numbers in professional licenses.

Referred to Committee on Human Services and Corrections.

SHB 1920 by House Committee on Judiciary (originally sponsored by Representatives Carrell, Lantz, Cody and Campbell)

Allowing medical reports in guardianship proceedings by advanced registered nurse practitioners.

Referred to Committee on Health and Long-Term Care.

HB 1943 by Representatives Mulliken, Grant, G. Chandler and Dunshee

Expanding purposes of county rail districts.

Referred to Committee on State and Local Government.

HB 1951 by Representatives Clements, B. Chandler, G. Chandler, Lisk and Mulliken

Allowing restaurants and private clubs to sell wine for off-premises consumption.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1952 by Representatives Ballasiotes and O'Brien

Revising registration requirements for transient sex offenders and kidnapping offenders.

Referred to Committee on Human Services and Corrections.

SHB 1971 by House Committee on Education (originally sponsored by Representatives Quall and Talcott)

Allowing certified real estate appraisers to appraise school district property.

Referred to Committee on Education.

HB 2011 by Representatives Campbell, Darneille, Bush, Lantz and Cody

Clarifying licensing for public psychiatric facilities.

Referred to Committee on Health and Long-Term Care.

HB 2037 by Representative G. Chandler

Changing provisions relating to the administration of irrigation districts.

Referred to Committee on Agriculture and International Trade.

SHB 2041 by House Committee on Health Care (originally sponsored by Representatives Edmonds, Skinner, Ogden and Kenney)

Providing for resident protection standards in boarding homes and adult family homes.

Referred to Committee on Health and Long-Term Care.

SHB 2046 by House Committee on Judiciary (originally sponsored by Representatives Haigh, Lantz, Sump, Reardon, Dunn and Barlean)

Validating trusts created for the benefit of nonhuman animals.

Referred to Committee on Judiciary.

HB 2095 by Representatives Dunshee and Mulliken

Changing reporting requirements for architectural and engineering firms.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 2096 by Representatives Dunshee, Mulliken, Santos and Schual-Berke

Authorizing water-sewer districts to engage in general fund-raising for programs for low-income customers.

Referred to Committee on State and Local Government.

HJM 4002 by Representatives Veloria, Campbell, Cody, Pennington, Cox, Kessler, Woods, Kenney, Romero, Bush, Keiser, Schoesler, Armstrong, Clements, Delvin, Santos, McIntire, O'Brien, D. Schmidt, Tokuda, Haigh, Edwards, Darneille, Schual-Berke and Talcott

Asking that the federal government provide veterans' benefits owed to Filipino veterans.

Referred to Committee on State and Local Government.

SHCR 4401 by House Committee on Natural Resources (originally sponsored by Representatives Rockefeller, Woods, Hunt and Lantz)

Creating a joint select committee on the disposal of derelict vessels.

Referred to Committee on Environment, Energy and Water.

MOTION

On motion of Senator Betti Sheldon, House Bill No. 2037 was referred to the Committee on Agriculture and International Trade.

PERSONAL PRIVILEGE

Senator Rasmussen: "I rise to a point of personal privilege, Mr. President. The Youth 4-H and Government group is out at the West Coast Hotel. Ordinarily, they are here on campus with us, but they would like for you to all come out to their reception this evening between five and six o'clock. Also, don't forget that they have a breakfast tomorrow morning. This is our 4-H Youth Group. I am sure they would be very happy to see all of their Senators and Representatives."

MOTION

At 3:55 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 6:00 p.m.

The Senate was called to order at 6:00 p.m. by President Owen.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Horn gave notice that he would moved to reconsider the vote by which Substitute Senate Bill No. 5240 passed the Senate earlier today.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Eide, Senator Patterson was excused.

SECOND READING

SENATE BILL NO. 5647, by Senators Regala, Thibaudeau, Jacobsen, Eide, Rasmussen, Fraser, Kohl-Welles, Hale, Winsley, Fairley, Shin, Prentice, Patterson, Constantine, Franklin, Costa, Kastama, McAuliffe, Kline, Haugen and Oke (by request of Governor Locke)

Requiring new energy efficiency measures.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5647 was substituted for Senate Bill No. 5647 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5647 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5647.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5647 and the bill passed the Senate by the following vote: 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 5647, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6107, by Senators Fraser and Morton

Extending the applicability of provisions relating to geothermal energy.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6107.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6107 and the bill passed the Senate by the following vote: (vote Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Patterson - 1.

SENATE BILL NO. 6107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8012, by Senators Fraser, Morton, Regala, McDonald, Honeyford, Patterson, Rasmussen, Hale, Winsley, Oke and Kohl-Welles

Requesting a reduction of wholesale energy costs.

The joint memorial was read the second time.

MOTIONS

On motion of Senator Finkbeiner, the following amendment by Senators Finkbeiner, Morton and Fraser was adopted:

On page 3, after line 3, insert "BE IT FURTHER RESOLVED, That the new administration commit to allowing Western states to work out the energy supply needs of the region through existing working relationships, and that no additional orders instructing all surplus power be sold to California be made; and"

Renumber the sections consecutively and correct any internal references accordingly.

On motion of Senator Fraser, the rules were suspended, Engrossed Senate Joint Memorial No. 8012 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Joint Memorial No. 8012.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 8012 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Patterson - 1.

ENGROSSED SENATE JOINT MEMORIAL NO. 8012, having received the constitutional majority, was declared passed.

SECOND READING

SENATE JOINT MEMORIAL NO. 8015, by Senators Finkbeiner, T. Sheldon, Kline, Sheahan, Morton, Rossi, Oke, Rasmussen and Fraser

Requesting California to require rate increases to guarantee payment for surplus power it receives from Washington state.

MOTIONS

On motion of Senator Finkbeiner, Substitute Senate Joint Memorial No. 8015 was substituted for Senate Joint Memorial No. 8015 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Finkbeiner, the rules were suspended, Substitute Senate Joint Memorial No. 8015 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8015.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8015 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe,

McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8015, having received the constitutional majority, was declared passed.

MOTION

Senator Sheahan moved that the Senate advance to the ninth order of business.

Debate ensued.

Senator Sheahan demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Sheahan to advance to the ninth order of business.

ROLL CALL

The Secretary called the roll and the motion by Senator Sheahan to advance to the ninth order of business carried by the following vote:

Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel and Thibaudeau - 24.

MOTION

Senator Sheahan moved that the Committee on Rules be relieved of Senate Bill No. 5882.

Senator Sheahan demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Sheahan to relieve the Committee on Rules of Senate Bill No. 5882.

ROLL CALL

The Secretary called the roll and the motion by Senator Sheahan to relieve the Committee on Rules of Senate Bill No. 5882 carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel and Thibaudeau - 24.

MOTION

Senator Sheahan moved that the Senate immediately consider Senate Bill No. 5882.

The President declared the question before the Senate to be the motion by Senator Sheahan to immediately consider Senate Bill No. 5882.

The motion by Senator Sheahan carried and the Senate will immediately consider Senate Bill No. 5882.

MOTION

On motion of Senator Sheahan, the Senate returned to the sixth order of business.

MOTION

Senator Snyder moved that the Senate defer further consideration of Senate Bill No. 5882 until the members had copies of the bill and the amendments on their desks.

MOTION

Senator West moved that the Senate recess until 7:15 p.m. to allow the members to look at Senate Bill No. 5882 and the amendments.

Debate ensued.

MOTION FOR SPECIAL ORDER OF BUSINESS

On motion of Senator West, Senate Bill No. 5882 was made a special order of business for 7:30 p.m..

SECOND READING

SENATE BILL NO. 5820, by Senators Kastama, Hale, Fraser, Fairley, Regala, Kohl-Welles, Swecker, Prentice, Hewitt, McAuliffe, Constantine, Eide, T. Sheldon, Johnson, McCaslin, Patterson, Thibaudeau, Snyder, Oke, Horn, Deccio, Rasmussen, Winsley, Hargrove, Benton, Honeyford, Rossi, B. Sheldon, Carlson, Shin, McDonald, Kline, Haugen, Sheahan, Costa, Zarelli, Roach, West, Hochstatter, Jacobsen, Long, Morton, Spanel, Parlette, Franklin and Stevens

Providing assistance to treat breast and cervical cancer.

MOTIONS

On motion of Senator Kastama, Second Substitute Senate Bill No. 5820 was substituted for Senate Bill No. 5820 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Second Substitute Senate Bill No. 5820 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5820.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5820 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SECOND SUBSTITUTE SENATE BILL NO. 5820, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Morton was excused.

SECOND READING

SENATE BILL NO. 5606, by Senators Kohl-Welles and Long (by request of Department of Social and Health Services)

Regarding background checks.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5606 was substituted for Senate Bill No. 5606 and the substitute bill was placed on second reading and read the second time.

Senator Zarelli moved that the following amendment by Senators Zarelli, Kohl-Welles and Hargrove be adopted:

On page 2, after line 20, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 72.40 RCW to read as follows:

"The state school for the deaf and the state school for the blind shall require a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation before hiring an employee who will have regularly scheduled unsupervised access to children. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The requesting school shall provide a copy of the record report to the applicant. When necessary, applicants may be employed on a conditional basis pending completion of the investigation. If the applicant has had a record check within the previous two years, the school may waive the requirement.

NEW SECTION. Sec. 4. A new section is added to chapter 72.40 RCW to read as follows:

The state school for the deaf and the state school for the blind may adopt rules to implement this act."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli, Kohl-Welles and Hargrove on page 2, after line 20, to Substitute Senate Bill No. 5606.

The motion by Senator Zarelli carried and the amendment was adopted.

MOTIONS

On motion of Senator Kohl-Wells, the following title amendments were considered simultaneously and were adopted:

On page 1, on line 1 of the title, after "for", strike "department of social and health services"

On page 1, after line 5 of the title insert "adding new sections to chapter 72.40 RCW;"

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5606 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5606.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5606 and the bill passed the Senate by the following vote: 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Morton - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5606, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5621, by Senators Rasmussen, Sheahan, Shin, Roach, Constantine, Patterson, Prentice, Thibaudeau and Kohl-Welles

Allowing certain health practitioners specializing in the treatment of animals to operate independently of veterinarians.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5621 was substituted for Senate Bill No. 5621 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5621 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5621.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5621 and the bill passed the Senate by the following vote: 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators, Carlson, Constantine, Costa, Deccio, Eide, Fairley,, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald,

Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Benton - 1.

Absent: Senator Finkbeiner - 1

SUBSTITUTE SENATE BILL NO. 5621, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Morton was excused.

SECOND READING

SENATE BILL NO. 5902, by Senators Rasmussen, Sheahan, Hochstatter and Snyder

Regulating agricultural commodity commissions.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5902 was substituted for Senate Bill No. 5902 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5902 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5902.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5902 and the bill passed the Senate by the following vote: 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Patterson - 1

Excused: Senator Morton - 1

SUBSTITUTE SENATE BILL NO. 5902, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

POINT OF ORDER

Senator West: "Mr. President, it is now 7:30 p.m. and time for the special order of business to consider Senate Bill No. 5882."

SPECIAL ORDER OF BUSINESS

SECOND READING

SENATE BILL NO. 5882, by Senators T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette

Safety and health rules related to musculoskeletal disorders.

The bill was read the second time.

MOTION

Senator Winsley moved that the following striking amendment by Senators Winsley and Rasmussen be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to expedite the minimization of the risk of employees incurring musculoskeletal disorders. The legislature recognizes that prior to the adoption of the state's ergonomics rule, musculoskeletal disorder injuries were reduced more than twenty-eight percent over a seven-year period through voluntary efforts by employers and employees, and that more research, information, and education on reducing musculoskeletal disorders will greatly facilitate further reduction of these disorders. The legislature recognizes that both employers and employees have a number of existing incentives, both monetary and nonmonetary, to reduce musculoskeletal disorders, but that most employers and employees are not informed about what practices, products, and equipment are known to reduce these disorders. The legislature recognizes the wide diversity in cost estimates to comply with the state's rules, and the need to carefully analyze the costs to comply with the rules by employers and government agencies and the need to determine how to maximize reduction of musculoskeletal disorders in the most cost-effective way. The legislature further recognizes that there are many questions and concerns about implementation of the state's rules. Therefore, the legislature wishes to accelerate ergonomics awareness education. The legislature also wants to ensure that pilot demonstration projects for various industries, as contained in the department's implementation plan for the agency's rules to reduce musculoskeletal disorder, are carried out for key industries; that alternative musculoskeletal disorder reduction techniques can be tried; that certain information is obtained from all projects; and that the projects are initiated and completed so information to reduce injuries can be distributed as soon as possible, and the legislature and all interested parties can review the results of the projects. The legislature also wishes to have the joint legislative audit and review committee review the rules adopted by the department of labor and industries, and the results of the pilot demonstration projects, and make recommendations regarding the rules, alternatives to the rules, and the need for implementation.

NEW SECTION. Sec. 2. A new section is added to chapter 49.17 RCW to read as follows:

(1) The legislature directs the department to accelerate the dissemination of ergonomics awareness education to employers and employees to the maximum extent possible within existing resources. The department shall make any necessary adjustments to the use of their resources to produce musculoskeletal disorder prevention and awareness education for employers and employees that is written, on-line, or available through other media, as determined to be cost-effective by the department, at the earliest date possible for use on a voluntary basis. The department shall obtain input from employers and employees from large and small businesses and units of government in preparing these materials.

(2) The department shall carry out comprehensive pilot demonstration projects on the technological and economic feasibility of implementing the rules adopted on May 26, 2000, by the director of the department of labor and industries and codified as WAC 296-62-05101 through 296-62-05176. The department shall, at the earliest date possible and within existing resources, establish pilot demonstration projects for industries first required to come into compliance with the rule. Demonstration projects for each of these industries shall include at least five employers with twenty-five or fewer employees, five employers with twenty-five to fifty employees, and five employers with over fifty employees, who volunteer to participate and who shall not be subject to any enforcement action as a result of the project. The department may establish more than one pilot demonstration project for each industry as it deems necessary. The pilot demonstration projects for these industries shall be completed, to the maximum extent possible, by July 1, 2003. The goal of each pilot demonstration project shall be:

(a) To test the implementation of the rule as adopted and based on a set of draft practices agreed to by the participants with the advice of the department, and to report at a minimum on the following:

(i) The cost of implementation including but not limited to monetary expenditures, both direct and indirect, and time for participating employers;

(ii) The ease of implementation and any implementation problems participants identify;

(iii) Any recommendations participants have to modify the rule;

(iv) The cost to the department to provide necessary technical assistance to employers to assist participants to implement the rule; and

(v) The effectiveness of the rule in reducing musculoskeletal disorders; and

(b) The results of allowing some participants, if they choose, to test alternatives to the rule in an effort to reduce musculoskeletal disorders and to provide the following information on each alternative tried:

(i) A clear description of the alternative;

(ii) The cost of implementation including but not limited to monetary expenditures, both direct and indirect, and time for participating employers;

(iii) The ease of implementation and any implementation problems participants identify;

(iv) Any recommendations participants have to modify the alternative;

(v) The cost to the department to provide necessary technical assistance to employers to assist them in implementing the alternative; and

(vi) The effectiveness of the alternative in reducing musculoskeletal disorders.

(3) To the extent possible within existing resources, the department of labor and industries shall provide periodic information to the industries identified in subsection (2) of this section and any other industries deemed appropriate by the department on practices, equipment, and products that have been identified by the department as being effective in reducing musculoskeletal disorders.

(4) This section expires June 30, 2004.

NEW SECTION. Sec. 3. A new section is added to chapter 44.28 RCW to read as follows:

The joint legislative audit and review committee shall conduct a review of the rule as adopted and the results of all demonstration projects arranged by the department to assess and make recommendations, including but not limited to:

(1) Review of the literature regarding the scientific justification for the rules, the expectation that the rules will reduce musculoskeletal disorders, and the degree to which the rules would reduce injury;

(2) The accuracy of the cost-benefit analyses prepared for the department rule;

(3) The ease of understanding and complying with the rule, identification of ambiguities and difficulties encountered during the demonstration projects to implement the rule, and recommendations to maximize understanding and minimize ambiguities and confusion for employers in complying with the rule;

(4) Ease of implementation of the rule based on the results of the pilot projects and recommendations on how to facilitate easier implementation and reduce costs while maintaining or increasing the reduction of musculoskeletal disorders;

(5) Results of any demonstration projects using alternative methods to reduce musculoskeletal disorders and the cost-effectiveness of each of the alternatives;

(6) Expected musculoskeletal disorder reductions as a result of the rule and any alternatives to the rule that were the subject of a demonstration project;

(7) Costs to comply with the rule and any alternative methods to reduce musculoskeletal disorders, based on the result of the demonstration projects; and

(8) Any other analysis, finding, or recommendation the committee deems useful in assessing effectiveness in reducing musculoskeletal disorders.

The committee shall report its finding by January 1st of each calendar year and shall issue a complete report by January 1, 2004.

Funding for this program will be taken from the reserves of the medical aid fund that are in excess of actuarial needs.

This section expires June 30, 2004.

NEW SECTION. Sec. 4. A new section is added to chapter 49.17 RCW to read as follows:

The department may adopt rules regarding the prevention of musculoskeletal disorders, also known as ergonomics rules, however, such rules shall provide for implementation no earlier than:

(1) July 1, 2005, for all employers in Standard Industrial Classification codes 078, 152, 174, 175, 176, 177, 242, 421, 451, 541, 805, and 836 who employ fifty or more annual full-time equivalents in Washington state, and for the Washington state department of labor and industries;

(2) July 1, 2006, for the remaining employers in Standard Industrial Classification codes 078, 152, 174, 175, 176, 177, 242, 421, 451, 541, 805, and 836, and all other employers who employ fifty or more annual full-time equivalents in Washington state;

(3) July 1, 2007, for all other employers employing eleven to forty-nine annual full-time equivalents in Washington state; and

(4) July 1, 2008, for all other employers employing ten or fewer annual full-time equivalents in Washington state.

NEW SECTION. Sec. 5. (1) The director, in consultation with the WISHA advisory committee, shall establish a program to provide safety and health impact grants to prevent injuries and illnesses, save lives, and educate Washington employees and employers about work place hazards and safe work place practices. The intent of sections 5 through 11 of this act is to benefit, in the broadest sense possible, Washington workers and employers, especially those who are in small business and may lack the injury and illness prevention resources that larger companies may possess. The department may use appropriated industrial insurance funds to accomplish the purpose of sections 5 through 11 of this act. Funding for this program will be taken from the reserves of the medical aid fund that are in excess of actuarial needs.

(2) Using a competitive application process, the department shall award up to five million dollars per year in safety and health impact grants to trade associations, business associations, employers, employee organizations, labor unions, and groups of employees. The grants may include: (a) Education and training grants to implement safety and health and to provide practical information, curricula, materials, and methods intended for use by employers and employees in reducing work place hazards; (b) technical innovation grants to develop engineering and other technical solutions to injury and illness problems; or (c) best practice grants for the application of hazard control. The department shall attempt to ensure that best practice grants, in particular, are adequately represented in the final awarding of grants. In addition, the department shall make reasonable efforts to ensure that not less than twenty percent of the grant funds are used to assist small employers and employees in small businesses to improve safety and health in small firms.

(3) Applicants for grants may form partnerships with educational institutions and other organizations. Applicants for grants may form partnerships with self-insured employers if the product of the grant will significantly benefit employees and employers who belong to the state industrial insurance fund.

(4) Any materials, designs, or equipment developed under these grants will be in the public domain and shall not be copyrighted or patented. Any materials or designs developed under these grants shall be provided to the department at no charge as a condition of grant receipt.

(5) Grants shall not be used to support or develop specific legislative or regulatory initiatives.

(6) The department shall not use information contained in a grant application for inspection activity or to establish a recognized hazard for enforcement or citation purposes. The department shall not use the results of a grant to establish that the grantee is subject to citation or penalty for violation of a safety and health rule.

(7) All grants shall contain an accountability component that shall evaluate the impact on work place safety with results that are reported back to the safety and health impact grant review committee. The department shall cooperate in providing available data required to assist the grant recipients in measuring the impact.

(8) In order to encourage the broadest level of participation, no grant application shall be approved that proposes work that cannot be completed during the current application year or biennium. Applicants that seek additional funding in subsequent years will be eligible to submit new applications only if they have successfully completed the work for which they were previously funded, and these new applications will compete with all other applicants.

NEW SECTION. Sec. 6. (1) The director shall appoint a safety and health impact grant review committee that will be a subcommittee of the WISHA advisory committee. The review committee is composed of nine members: Four members representing employees, each appointed from a list of at least three names per position, submitted by recognized statewide organizations of employees; four members representing employers, each appointed from a list of at least three names per position, submitted by recognized statewide organizations of employers; and one ex officio member, without a vote, who shall represent the department. The committee chair shall be chosen by the review committee and shall alternate between business and labor. The committee members shall serve three-year renewable terms.

(2) Business and labor members of the safety and health impact grant review committee are entitled to expenses as provided under RCW 43.03.050 and 43.03.060.

(3) The safety and health impact grant review committee shall:

(a) Prepare requests for proposals which shall include specific criteria and the weight to be given to each of the criteria in awarding grants;

(b) Receive, review, and process grant applications;

(c) Identify, by two-thirds majority vote, grant applications that merit funding and forward those applications to the director;

(d) Identify, by two-thirds majority vote, funded grants that meet criteria for suspension or revocation and forward those grants to the director; and

(e) Provide written notification to those grant applicants that do not merit funding explaining the reasons for denial.

NEW SECTION. Sec. 7. (1) The safety and health impact grant review committee, in cooperation with the director, shall develop grant application procedures and approval criteria. The director shall ensure the proper administrative support to successfully monitor grant recipients for compliance with grant criteria and all other procedures under the grant program. The director in cooperation with the safety and health impact grant review committee shall implement procedures and criteria for grant approval, including procedures for suspension or revocation of grants to recipients failing to comply with grant criteria established under the authority of this section.

(2) The director shall approve only those grant applications and their recommended acceptance conditions as forwarded by the safety and health impact grant review committee, unless the director has a compelling and substantive reason to reject an application, whereupon the director shall provide written explanation for the denial to the review committee. The safety and health impact grant review committee shall review any grant applications rejected by the director and may advise the director to reconsider. The director shall consider the advice, if given, and shall approve the grant application with any conditions presented by the safety and health impact grant review committee. The director may reject that advice only for a compelling and substantive reason. If the director rejects that advice, the safety and health impact grant review committee may refer the application to the WISHA advisory committee. The WISHA advisory committee shall review the application and may advise the director to reconsider.

(3) The director may revoke or suspend an issued grant if advised by the safety and health impact grant review committee that the recipient is not in compliance with grant criteria or procedures. The director may suspend an issued grant without the advice of the safety and health impact grant review committee only for a compelling and substantive reason and the suspension recommendation shall be presented to the safety and health impact grant review committee for its consideration.

NEW SECTION. Sec. 8. For purposes of the 2001-2003 time frame, the director shall approve one grant application of up to one million dollars per year, and its recommended acceptance conditions as forwarded by the safety and health impact grant review committee, that is selected by the employee representatives of the review committee, unless the director has a compelling and substantive reason to reject the application, whereupon the director shall provide written explanation for the denial to the review committee. This grant shall be above and beyond the funding authorized in section 5(2) of this act. The entire review committee, by the normal two-thirds vote, shall forward such a grant proposal if the grant meets all other criteria and accountability requirements. The specified time frame in this section shall be determinative for meeting the grant duration requirements in section 5(8) of this act.

NEW SECTION. Sec. 9. The department and the safety and health impact grant review committee will present an annual review regarding the activities of the safety and health impact grant program to the WISHA advisory committee, the workers' compensation advisory committee, and make it available to the appropriate standing committees of the legislature. Based on a recommendation of the WISHA advisory committee, the workers' compensation advisory committee shall make a biennial recommendation to the director concerning an appropriate budget for the program and the maximum amount of individual grant awards.

NEW SECTION. Sec. 10. The director and representatives from the WISHA advisory committee shall perform a comprehensive review of the grant program which shall include, but not be limited to, reported outcomes, injury reduction, and safety awareness and shall issue a report to the legislature by December 31, 2004.

NEW SECTION. Sec. 11. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2005:

(1) Section 5 of this act;

(2) Section 6 of this act;

(3) Section 7 of this act;

(4) Section 8 of this act;

(5) Section 9 of this act; and

(6) Section 10 of this act.

NEW SECTION. Sec. 12. Sections 5 through 11 of this act are each added to chapter 49.17 RCW.

NEW SECTION. Sec. 13. Sections 1 through 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

MOTION

Senator Prentice moved that the following amendment to the striking amendment by Senators Winsley and Rasmussen be adopted:

On page 9, after line 27, insert the following:

"**NEW SECTION. Sec. 14.** If specific funding for the purposes of this act, referencing this act by bill number or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Prentice on page 9, after line 27, to the striking amendment by Senators Winsley and Rasmussen to Senate Bill No. 5882.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Regala, Sheldon, B., Shin, Snyder, Spanel and Thibaudeau - 22.

Voting nay: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 27.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Winsley and Rasmussen to Senate Bill No. 5882.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

Debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Winsley and Rasmussen to Senate Bill No. 5882.

ROLL CALL

The Secretary called the roll and the striking amendment was adopted by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 27.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Regala, Sheldon, B., Shin, Snyder, Spanel and Thibaudeau - 22.

MOTION

On motion of Senator Sheahan, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "occupational safety and health; adding new sections to chapter 49.17 RCW; adding a new section to chapter 44.28 RCW; creating a new section; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Engrossed Senate Bill No. 5882 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final pass of Engrossed Senate Bill No. 5882.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5882 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 28.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Regala, Sheldon, B., Shin, Snyder, Spanel and Thibaudeau - 21.

ENGROSSED SENATE BILL NO. 5882, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Senate Bill No. 5882 was immediately transmitted to the House of Representatives.

SECOND READING

SENATE JOINT MEMORIAL NO. 8019, by Senators Rasmussen, Parlette, Spanel and Oke

Petitioning the secretary of agriculture to review certain policies of the conservation reserve enhancement program.

The joint memorial was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Joint Memorial No. 8019 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8019.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8019 and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senators Deccio, McCaslin and McDonald - 3.

SENATE JOINT MEMORIAL NO. 8019, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Eide, Senator Kline was excused.

SECOND READING

SENATE BILL NO. 5497, by Senators Rasmussen, Swecker and Haugen

Excluding farm and agricultural land from forest land under the forest practices act.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5497 was substituted for Senate Bill No. 5497 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5497.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5497 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Finkbeiner, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 38.

Voting nay: Senators Costa, Eide, Fairley, Franklin, Jacobsen, Kohl-Welles, Regala and Thibaudeau - 8.

Absent: Senators Deccio and McCaslin - 2.

Excused: Senator Kline - 1.

SUBSTITUTE SENATE BILL NO. 5497, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senators Deccio and McCaslin were excused.

SECOND READING

SENATE BILL NO. 5433, by Senators Regala, Winsley and Thibaudeau

Providing for establishment of parent and child relationship for children born through assisted conception.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5433 was substituted for Senate Bill No. 5433 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5433 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5433.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5433 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Deccio, Kline and McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 5433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5061, by Senators Winsley and Patterson

Awarding contracts for building engineering systems.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5061.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5061 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and McCaslin - 2.

SENATE BILL NO. 5061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Hargrove was excused.

SECOND READING

SENATE BILL NO. 6020, by Senators Thibaudeau, Deccio and Costa

Addressing access to dental care.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 6020 was substituted for Senate Bill No. 6020 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 6020 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6020.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6020 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 6020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Johnson was excused

SECOND READING

SENATE BILL NO. 5284, by Senators Franklin, Winsley and Kohl-Welles

Requiring informed consent before a person's DNA is used for genetic testing.

MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5284 was substituted for Senate Bill No. 5284 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 5284 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5284.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5284 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Deccio, Johnson and McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 5284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5878, by Senators Oke and Haugen

Revising procedures for setting garbage truck load limits.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5878 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5878.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5878 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator Finkbeiner - 1.

Excused: Senators Deccio and McCaslin - 2.

SENATE BILL NO. 5878, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5478, by Senators Franklin, Winsley, Prentice, Shin, Costa, Eide, T. Sheldon, Fairley, Jacobsen, Thibaudeau, B. Sheldon, Regala, Kline, Kohl-Welles, Spanel, McAuliffe, Fraser and Snyder

Reducing childhood lead exposure.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5478 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5478.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5478 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and McCaslin - 2.

SENATE BILL NO. 5478, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5695, by Senators Eide, Finkbeiner, McAuliffe, Franklin, Hewitt, Rasmussen, Johnson, Shin, Patterson, Oke, Winsley and Kohl-Welles (by request of Governor Locke and Superintendent of Public Instruction Bergeson)

Creating alternative routes to teacher certification.

MOTIONS

On motion of Senator Eide, Second Substitute Senate Bill No. 5695 was substituted for Senate Bill No. 5695 and the second substitute bill was placed on second reading and read the second time.

Senator Hochstatter moved that the following amendments by Senators Hochstatter and Stevens be considered simultaneously and be adopted:

On page 1, line 7, after "schools" insert ", but are not necessarily the most important indicators of effective principals"

On page 6, after line 35, insert the following:

"Sec. 9. RCW 28A.400.100 and 1977 ex.s. c 272 s 1 are each amended to read as follows:

School districts may employ public school principals and/or vice principals to supervise the operation and management of the school to which they are assigned. Such persons shall hold valid (~~teacher and~~) administrative certificates and may hold teacher certificates when employed primarily as a school principal or vice principal. In addition to such other duties as shall be prescribed by law and by the job description adopted by the board of directors, each principal shall:

(1) Assume administrative authority, responsibility and instructional leadership, under the supervision of the school district superintendent, and in accordance with the policies of the school district board of directors, for the planning, management, supervision and evaluation of the educational program of the attendance area for which he or she is responsible.

(2) Submit recommendations to the school district superintendent regarding appointment, assignment, promotion, transfer and dismissal of all personnel assigned to the attendance area for which he or she is responsible.

(3) Submit recommendations to the school district superintendent regarding the fiscal needs to maintain and improve the instructional program of the attendance area for which he or she is responsible.

(4) Assume administrative authority and responsibility for the supervision, counseling and discipline of pupils in the attendance area for which he or she is responsible."

Renumber the remaining section consecutively and correct any internal references accordingly.

Debate ensued.

The motion by Senator Hochstatter failed and the amendments were not adopted.

MOTION

Senator Finkbeiner moved that the following amendment by Senators Finkbeiner, McAuliffe and Eide be adopted:

On page 5, line 7, after "location." insert the following:

"Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship, followed, if necessary, by a second summer teaching academy."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Finkbeiner on page 5, line 7, to Second Substitute Senate Bill No. 5695.

The motion by Senator Finkbeiner carried and the amendment was adopted.

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5695 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5695.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5695 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and McCaslin - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5695, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Hochstatter was excused.

SECOND READING

SENATE BILL NO. 5795, by Senators Thibaudeau, Deccio, Fairley, Costa and Prentice

Providing for determination of disability for special parking privileges by advanced registered nurse practitioners.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5795 was substituted for Senate Bill No. 5795 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5795 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5795.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5795 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Deccio, Hochstatter and McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 5695, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6053, by Senators Shin, Oke and Haugen

Extending State Route No. 526.

MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 6053 was substituted for Senate Bill No. 6053 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 6053 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5795.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5795 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Deccio, Hochstatter and McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 6053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 9:25 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 8:30 a.m., Tuesday, March 13, 2001.

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-FOURTH DAY, MARCH 12, 2001

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

- SIXTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Tuesday, March 13, 2001

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Patterson and Roach. On motion of Senator Hewitt, Senators Finkbeiner and Roach were excused. On motion of Senator Eide, Senator Patterson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Leah Robin and Michael Ray, presented the Colors. Reverend Joan Anthony, pastor of St. Benedict's Episcopal Church in Lacey, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6145 by Senators Roach, Hewitt, T. Sheldon, Rossi, Carlson, Stevens, Horn, Honeyford, Oke, Johnson, Benton, Zarelli, Long, Sheahan, Morton, McCaslin, Hale, Hochstatter, Swecker, West, Parlette, McDonald, Finkbeiner and Deccio

AN ACT Relating to allowing victims of domestic violence or stalking to receive unemployment insurance benefits; adding a new chapter to Title 50 RCW; and making an appropriation.
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6146 by Senators Rossi, Benton, Zarelli, Stevens, Honeyford, Hewitt, Parlette, T. Sheldon, McDonald, Deccio, Hochstatter, Finkbeiner, Swecker, Horn, Johnson, Long, Morton, Hale, McCaslin, West, Oke, Sheahan and Roach

AN ACT Relating to the state expenditure limit; amending RCW 43.135.025 and 43.135.060; reenacting and amending RCW 43.135.035; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 6147 by Senators Thibaudeau, Franklin, Deccio, Winsley, Fairley and Kohl-Welles

AN ACT Relating to institutional review boards; and adding a new section to chapter 70.02 RCW.
Referred to Committee on Health and Long-Term Care.

SECOND READING

SENATE BILL NO. 5527, by Senators Snyder, McDonald, Prentice, Winsley and Kohl-Welles

Allowing private clubs to serve liquor at special events.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5527 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5527.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5527 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Parlette, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Voting nay: Senators Long and Oke - 2.

Excused: Senators Finkbeiner, Patterson and Roach - 3.

SENATE BILL NO. 5527, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5708, by Senators Patterson, Prentice and Shin

Preventing denial of insurance coverage for injuries caused by narcotic or alcohol use.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5708 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5708.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5708 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Parlette, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Winsley - 31.

Voting nay: Senators Benton, Hewitt, Hochstatter, Honeyford, Johnson, McCaslin, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 16.

Excused: Senators Finkbeiner and Patterson - 2.

SENATE BILL NO. 5708, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5896, by Senators Constantine, Kline, Hargrove, Costa, Thibaudeau, Kohl-Welles and Regala

Providing for DNA testing of evidence.

MOTIONS

On motion of Senator Constantine, Substitute Senate Bill No. 5896 was substituted for Senate Bill No. 5896 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Constantine, the rules were suspended, Substitute Senate Bill No. 5896 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5896.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5896 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Finkbeiner - 1.

SUBSTITUTE SENATE BILL NO. 5896, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5793, by Senators Thibaudeau, Deccio, Winsley and Prentice (by request of Insurance Commissioner Kreidler)

Creating the holding company act for health care service contractors and health maintenance organizations.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5793 was substituted for Senate Bill No. 5793 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5793 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5793.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5793 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5793, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5880, by Senators Jacobsen, Oke, T. Sheldon, Morton, Stevens and Rasmussen

Creating a forest products commission.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5880 was substituted for Senate Bill No. 5880 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5880 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5880.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5880 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5880, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5182, by Senators Spanel, McDonald, Fraser, Morton, Eide, McAuliffe and Kohl-Welles (by request of Utilities and Transportation Commission)

Ensuring a sustainable, comprehensive pipeline safety program in the state.

MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 5182 was substituted for Senate Bill No. 5182 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 5182 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5182.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5182 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Honeyford - 1.

SUBSTITUTE SENATE BILL NO. 5182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5877, by Senators Thibaudeau, Winsley, Costa and Kohl-Welles

Providing licensing standards for mental health counselors, marriage and family therapists, and social workers.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5877 was substituted for Senate Bill No. 5877 and the substitute bill was placed on second reading and read the second time.

Senator Hargrove moved that the following amendment by Senators Hargrove and Long be adopted:

On page 24, line 13, after "communication." insert "A mental health counselor, marriage and family therapist, and social worker must make reasonable efforts by the minor's third visit to notify a minor's parent or legal guardian that he or she is working with the minor."

Debate ensued.

Senators Snyder, McCaslin and Fraser demanded the previous question and the demand was sustained. The President declared the question before the Senate to be shall the main question be now put. The demand for the previous question carried. Senator Hargrove closed debate on the amendment on page 24, line 13, to Substitute Senate Bill No. 5877. The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Long on page 24, line 13, to Substitute Senate Bill No. 5877. The motion by Senator Hargrove carried and the amendment was adopted.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute Senate Bill No. 5877 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued. The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5877.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5877 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and West - 35.

Voting nay: Senators Benton, Finkbeiner, Hochstatter, Honeyford, Johnson, McCaslin, McDonald, Roach, Rossi, Sheahan, Stevens, Swecker, Winsley and Zarelli - 14.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5877, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8206, by Senators Hargrove, McDonald, Jacobsen, Long, Costa, Regala, Snyder, Winsley, T. Sheldon, Gardner, McCaslin, Morton, Haugen, Rasmussen, Hochstatter, Honeyford, Oke and McAuliffe

Requiring a geographic distribution of initiative petition signatures.

MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Joint Resolution No. 8206 was substituted for Senate Joint Resolution No. 8206 and the second substitute joint resolution was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Second Substitute Senate Joint Resolution No. 8206 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Joint Resolution No. 8206.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Joint Resolution No. 8206 and the joint resolution passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Long, McCaslin, McDonald, Morton, Oke, Parlette, Rasmussen, Regala, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, West, Winsley and Zarelli - 34.

Voting nay: Senators Eide, Fairley, Finkbeiner, Franklin, Fraser, Johnson, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Roach, Rossi, Spanel and Thibaudeau - 15.

SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8206, having received the constitutional two-thirds majority, was declared passed.

SECOND READING

SENATE BILL NO. 5355, by Senator Hargrove

Limiting liability for specified state workers for errors of judgment.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5355 was substituted for Senate Bill No. 5355 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5355 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Franklin: "Senator Hargrove, is this bill based the same as what medical standards are based on in a court case, which is a high standard and if you have standards to be met and if you practice those standards, if you are before a court of law, this is what you are held to?"

Senator Hargrove: "Thank you, Senator Franklin. I had forgotten to mention that as we were discussing the bill in the initial debate here. Yes, this is patterned after the standard that is used in medical malpractice for the last one hundred years. The error in judgement standard, which this is patterned after, basically says that if a doctor follows reasonable care to recommend an operation on somebody and somebody dies as a result of that operation--people die. You cannot recover, just because the recommendation was made. You can recover if they did something wrong in the operation or if they didn't do all the tests, but just because they make a recommendation and there is a bad outcome from it--it is the same exact standard that has been used in medical malpractice for over a hundred years and has been litigated numerous times. So, the answer is 'yes' to that question."

Senator Franklin: "Thank you, Senator. I wanted that to be expressed."

Further debate ensued.

Senators Snyder, McCaslin and Spanel demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

Senator Hargrove closed debate on Substitute Senate Bill No. 5355.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5355.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5355 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Deccio, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Rossi, Sheldon, B., Shin, Snyder, Spanel, Stevens, Thibaudeau and West - 32.

Voting nay: Senators Benton, Constantine, Costa, Eide, Fairley, Finkbeiner, Johnson, Kline, Kohl-Welles, Patterson, Regala, Roach, Sheahan, Sheldon, T., Swecker, Winsley and Zarelli - 17.

SUBSTITUTE SENATE BILL NO. 5355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Johnson was excused.

SECOND READING

SENATE BILL NO. 6022, by Senators West, Prentice, Patterson, Roach, Rasmussen and Snyder

Changing from five years to fifteen years the time that certain amounts are awarded to owners and breeders.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 6022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6022.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6022 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Johnson - 1.

SENATE BILL NO. 6022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5100, by Senators Fraser, Swecker, Regala, Eide, Rasmussen, Gardner, Haugen, Franklin, McAuliffe, Jacobsen and Fairley

Expediting the processing of pending applications relating to existing water rights.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5100 was substituted for Senate Bill No. 5100 and the substitute bill was placed on second reading and read the second time.

Senator Honeyford moved that the following amendment be adopted:

On page 4, after line 30, insert the following:

"NEW SECTION. Sec. 4. It is the intent of the legislature, through the provisions of this act, to clarify existing law. Namely, the legislature intends to clarify the existing law and the authority of the department of ecology and water conservancy boards.

Sec. 5. RCW 90.80.010 and 1997 c 441 s 2 are each amended to read as follows:

The following definitions apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Board" means a water conservancy board created under this chapter.

(2) "Commissioner" means a member of a water conservancy board.

(3) "Department" means the department of ecology.

(4) "Director" means the director of the department of ecology.

(5) "Transfer" means a transfer, change, or amendment to a water right referred to in RCW 90.03.380, 90.03.390, or 90.44.100.

Sec. 6. RCW 90.80.070 and 1997 c 441 s 9 are each amended to read as follows:

(1) Applications to the board for transfers shall be made on a form provided by the department, and shall contain such additional information as may be required by the board in order to review and act upon the application. At a minimum, the application shall include information sufficient to establish to the board's satisfaction of the transferor's right to the quantity of water being transferred, and a description of any applicable limitations on the right to use water, including the point of diversion or withdrawal, place of use, source of supply, purpose of use, quantity of use permitted, time of use, period of use, and the place of storage.

(2) The transferor and the transferee of any proposed water transfer may apply to a board for approval of the transfer if the water proposed to be transferred is currently diverted, withdrawn, or used within the geographic boundaries of the county, or would be diverted, withdrawn, or used within the geographic boundaries of the county if the transfer is approved. In the case of a proposed water transfer in which the water is currently diverted or withdrawn or would be diverted or withdrawn outside the geographic boundaries of the county, the board shall hold a public hearing in the county of the diversion or withdrawal or proposed diversion or withdrawal. The board shall provide for prominent publication of notice of such hearing in a newspaper of general circulation published in the county in which the hearing is to be held for the purpose of affording an opportunity for interested persons to comment upon the application.

(3) After an application for a transfer is filed with the board, the board shall publish notice of the application in accordance with the publication requirements and send notice to state agencies as provided in RCW 90.03.280. Any person may submit comments to the board regarding the application. Any water right holder claiming detriment or injury to an existing water right may intervene in the application before the board pursuant to subsection (4) of this section. If a majority of the board determines that the application is complete, in accordance with the law and the transfer can be made without injury or detriment to existing water rights in accordance with RCW 90.03.380, 90.03.390, or 90.44.100, the board shall issue the applicant a certificate conditionally approving the transfer, subject to review by the director.

(4) If a water right holder claims a proposed transfer will cause an impairment to that right, the water right holder is entitled to a hearing before the board. The board shall receive such evidence as it deems material and necessary to determine the validity of the claim of impairment. If the party claiming the impairment establishes by a preponderance of the evidence that his or her water

right will be impaired by the proposed transfer, the board may not approve the transfer unless the applicant and the impaired party agree upon compensation for the impairment.

Sec. 7. RCW 90.80.120 and 1997 c 441 s 16 are each amended to read as follows:

(1) A commissioner of a water conservancy board who has an ownership interest in a water right subject to an application for approval of a transfer (~~or change~~) by the board, shall not participate in the board's review or decision upon the application.

(2) A commissioner of a water conservancy board who also serves as an employee or upon the governing body of a municipally owned water system, shall not participate in the board's review or decision upon an application for the transfer (~~or change~~) of a water right in which that water system has or is proposed to have an ownership interest.

Sec. 8. RCW 90.80.140 and 1997 c 441 s 18 are each amended to read as follows:

Nothing in this chapter affects transfers that may be otherwise approved under chapter 90.03 or 90.44 RCW."

Renumber the remaining section consecutively and correct internal references accordingly.

WITHDRAWAL OF AMENDMENT

Senator Honeyford spoke to the amendment on page 4, after line 30, to Substitute Senate Bill No. 5100 and then withdrew the amendment.

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5100.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5100 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 44.

Voting nay: Senators Fairley, Honeyford, Kline, Kohl-Welles and Thibaudeau - 5.

SUBSTITUTE SENATE BILL NO. 5100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5638, by Senators Gardner, Swecker and Snyder

Making technical corrections to county treasurer statutes.

MOTIONS

On motion of Senator Gardner, Substitute Senate Bill No. 5638 was substituted for Senate Bill No. 5638 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gardner, the rules were suspended, Substitute Senate Bill No. 5638 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5638.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5638 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5638, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5437, by Senators Oke and Jacobsen (by request of Department of Fish and Wildlife)

Requiring holders of fish and wildlife licenses purchased over the internet or telephone to provide enforcement officers with photo identification.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5437 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5437.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5437 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Benton: "I rise to a point of personal privilege, Mr. President. I know as the time winds on here, people will be making plans for lunch. As you consider your plans for lunch, I would like for you also to consider your plans for dinner. Yesterday, Senator Roach and I had the opportunity to attend a grand opening at 4:30 of the new Papa Johns Pizza Parlor in Lacey. While we were there, we met the owner and the owner graciously offered to feed the Senate dinner tonight. So, we have made arrangements for Papa Johns to deliver enough pizza for the Senate and the staff for dinner this evening. Maybe we can have a shorter dinner break than usual since it is going to be right here--or longer or whatever we want. That is up to Senator Snyder and Senator Sheldon, but I just wanted people to know that there will be lots of pizza supplied in both the caucuses at the dinner break this evening--thanks to the generosity of the new Papa John's Pizza in Lacey, Washington."

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, a point of personal privilege is a matter that is to be something that is relative to the person themselves. Although, we do appreciate the latitude here, I realize that eating is a very important matter to you, so the President does find that it is within the rules of the Senate."

MOTION

On motion of Senator Eide, Senator Patterson was excused.

SECOND READING

SENATE BILL NO. 5679, by Senators Thibaudeau, Deccio, Franklin and Kohl-Welles

Creating the HIV/AIDS prevention study committee.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5679 was substituted for Senate Bill No. 5679 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5679 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5679.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5679 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 5679, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5373, by Senators Sheahan, Kline, McCaslin, Thibaudeau, Kastama, Long, Roach, Johnson and Constantine

Changing mandatory arbitration of civil actions.

The bill was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5373 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5373.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5373 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley and Zarelli - 33.

Voting nay: Senators Finkbeiner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, McDonald, Oke, Parlette, Rossi, Sheldon, T., Stevens, Swecker and West - 15.

Excused: Senator Patterson - 1.

SENATE BILL NO. 5373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5904, by Senators Morton and Rasmussen

Revising procedures for conservation district elections.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5904 was substituted for Senate Bill No. 5904 and the substitute bill was placed on second reading and read the second time.

Senator Rasmussen moved that the following striking amendment by Senators Rasmussen, Swecker and Morton be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 29.04 RCW to read as follows:

(1) Nothing in this title shall apply to conservation districts governed under chapter 89.08 RCW, unless a conservation district chooses to have its elections governed under this title.

(2) A conservation district choosing to have its elections governed under this title shall:

(a) Still be governed by other nonelection provisions of chapter 89.08 RCW;

(b) Still be governed by RCW 89.08.160(2); and

(c) Remain solely responsible for the costs of holding elections under this title.

(3) Any conservation district choosing to have its elections governed under this title shall make the choice in time to provide appropriate prior notice to any affected county auditors.

(4) Candidates and conservation district supervisors in districts that choose to have their elections governed under this title are subject to chapter 42.17 RCW. Candidates and conservation district supervisors in districts whose elections are governed under chapter 89.08 RCW are exempted from the requirements of chapter 42.17 RCW.

Sec. 2. RCW 89.08.160 and 1973 1st ex.s. c 184 s 17 are each amended to read as follows:

(1) If the commission finds the project practicable, it shall appoint two supervisors, one of whom shall be a landowner or operator of a farm, who shall be qualified by training and experience to perform the specialized skilled services required of them. They, with the three elected supervisors, two of whom shall be landowners or operators of a farm, shall constitute the governing board of the district.

(2) In all subsequent appointments, at least one appointed supervisor shall be a landowner or operator of a farm. In all subsequent elections, at least two elected supervisors shall be landowners or operators of farms.

(3) The two appointed supervisors shall file with the secretary of state a sworn application, reciting that a petition was filed with the commission for the creation of the district; that all required proceedings were had thereon; that they were appointed by the commission as such supervisors; and that the application is being filed to complete the organization of the district. It shall contain the names and residences of the applicants, a certified copy of their appointments, the name of the district, the location of the office of the supervisors and the term of office of each applicant.

(4) The application shall be accompanied by a statement of the commission, reciting that a petition was filed, notice issued, and hearing held thereon as required; that it determined the need for the district and defined the boundaries thereof; that notice was given and an election held on the question of creating the district; that a majority vote favored the district, and that the commission had determined the district practicable; and shall set forth the boundaries of the district.

NEW SECTION. Sec. 3. A new section is added to chapter 89.08 RCW to read as follows:

Instead of providing for the election of supervisors under section 1 of this act or under this chapter, the board of supervisors may adopt a resolution requesting that the legislative authority in the county or counties in which the district is located appoint district electors to serve as elected supervisors on the board. If requested to appoint supervisors under this section, the legislative authority shall appoint persons to serve as elected supervisors as the terms of current elected supervisors expire. In making the appointments, the legislative authority shall ensure that at least two of the elected supervisors are landowners or operators of farms. If a district is located in more than one county, the legislative authority of the counties in which the district is located shall cooperate to jointly appoint the elected supervisors. Conservation district supervisors in districts that choose to have their supervisors appointed under this section are exempted from the requirements of chapter 42.17 RCW.

Sec. 4. RCW 89.08.020 and 1999 c 305 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, as used in this chapter:

(1) "Commission" and "state conservation commission" mean((s)) the agency created hereunder. All former references to "state soil and water conservation committee", "state committee" or "committee" shall be deemed to be references to the "state conservation commission"((:)).

(2) "District", or "conservation district" means a governmental subdivision of this state and a public body corporate and politic, organized in accordance with the provisions of chapter 184, Laws of 1973 1st ex. sess., for the purposes, with the powers, and subject to the restrictions set forth in this chapter. All districts created under chapter 184, Laws of 1973 1st ex. sess. shall be known as conservation districts and shall have all the powers and duties set out in chapter 184, Laws of 1973 1st ex. sess. All references in chapter 184, Laws of 1973 1st ex. sess. to "districts", or "soil and water conservation districts" shall be deemed to be reference to "conservation districts"((:)).

(3) "Board" and "supervisors" mean the board of supervisors of a conservation district((:)).

(4) "Land occupier" or "occupier of land" includes any person, firm, political subdivision, government agency, municipality, public or private corporation, copartnership, association, or any other entity whatsoever which holds title to, or is in possession of, any lands lying within a district organized under the provisions of chapter 184, Laws of 1973 1st ex. sess., whether as owner, lessee, renter, tenant, or otherwise((:)).

(5) "District elector" or "voter" means a registered voter in the county where the district is located who resides within the district boundary or in the area affected by a petition((:)).

(6) "Due notice" means a notice published at least twice, with at least six days between publications, in a publication of general circulation within the affected area, or if there is no such publication, by posting at a reasonable number of public places within the area, where it is customary to post notices concerning county and municipal affairs. Any hearing held pursuant to due notice may be postponed from time to time without a new notice((:)).

(7) "Renewable natural resources", "natural resources" or "resources" includes land, air, water, vegetation, fish, wildlife, wild rivers, wilderness, natural beauty, scenery and open space((:)).

(8) "Conservation" includes conservation, development, improvement, maintenance, preservation, protection and use, and alleviation of floodwater and sediment damages, and the disposal of excess surface waters.

(9) "Farm and agricultural land" means either (a) land in any contiguous ownership of twenty or more acres devoted primarily to agricultural uses; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for

three of the five calendar years preceding the date of application for classification under this chapter; or (c) any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands".

(10) "Elected supervisor" means a member of the board of supervisors who is not appointed by the conservation commission and who is either (a) elected under section 1 of this act or under this chapter, or (b) appointed under section 3 of this act.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

POINT OF INQUIRY

Senator Snyder: "Senator Rasmussen, I have had several calls from my district on this and they keep referring to a Chandler bill that has passed the House of Representatives, I think. Is this similar to the Chandler bill?"

Senator Rasmussen: "I'm not aware of the House Bill. They don't seem to confer with us. Maybe Senator Morton has some information on that. Could I pass the mike to him?"

Senator Snyder: "Please do that."

REMARKS BY SENATOR MORTON

Senator Morton: "Well, thank you, good Senator Snyder. I don't know much about that bill. There is one, I understand, that did pass the House. I assume the good Senator of our Agricultural Committee will work on it and see what develops from that. It does not have, however, what she has introduced on the striker, which greatly enhances this particular bill now--or the striker bill. It does not have, to my knowledge, the portion on it where there could be selection of the supervisors by the county legislative body. That is an addition as I understand it. Thank you."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Rasmussen, Swecker and Morton to Substitute Senate Bill No. 5904.

The motion by Senator Rasmussen carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Rasmussen, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "choosing conservation district supervisors; amending RCW 89.08.160 and 89.08.020; adding a new section to chapter 29.04 RCW; adding a new section to chapter 89.08 RCW; and declaring an emergency."

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 5904 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5904.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5904 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator Snyder - 1.

Excused: Senator Patterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5904, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:04 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Owen.

MOTIONS

On motion of Senator Eide, Senator Brown was excused.
On motion of Senator Hewitt, Senator McDonald was excused.

SECOND READING

SENATE BILL NO. 6037, by Senators Prentice, Kohl-Welles and Parlette

Authorizing animal care and control agencies and nonprofit humane societies to provide limited veterinarian services.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6037 was substituted for Senate Bill No. 6037 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6037.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6037 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Brown, McDonald and Patterson - 3.

SUBSTITUTE SENATE BILL NO. 6037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5104, by Senator Carlson

Using revenues under the county conservation futures levy.

MOTIONS

On motion of Senator Carlson, Substitute Senate Bill No. 5104 was substituted for Senate Bill No. 5104 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Carlson, the rules were suspended, Substitute Senate Bill No. 5104 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator McCaslin: "Senator Carlson, is this a tax increase?"

Senator Carlson: "Senator, It would be a tax increase by the counties by their choice."

Senator McCaslin: "Then, it would be a tax increase if the counties permitted it?"

Senator Carlson: "Yes, Senator."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5104.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5104 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Winsley - 28.

Voting nay: Senators Benton, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 20.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 5104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5593, by Senators Gardner, Prentice and Winsley

Changing the public accountancy act.

MOTION

On motion of Senator Gardner, Second Substitute Senate Bill No. 5593 was substituted for Senate Bill No. 5593 and the second substitute bill was placed on second reading and read the second time.

MOTION

On motion of Senator Betti Sheldon, further consideration of Second Substitute Senate Bill No. 5593 was deferred.

SECOND READING

SENATE BILL NO. 5570, by Senators Prentice, Honeyford, Franklin and Kohl-Welles

Protecting credit union directors and committee members.

The bill was read the second time.

MOTIONS

On motion of Senator Prentice, the following amendments were considered simultaneously and were adopted:

On page 2, line 8, after "affect the" insert "vicarious"

On page 2, after line 10, insert the following:

"(4) This section does not affect the liability of employees of the credit union for acts or omissions done within the scope of their employment."

On motion of Senator Prentice, the rules were suspended, Engrossed Senate Bill No. 5570 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5570.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5570 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Patterson - 1.

ENGROSSED SENATE BILL NO. 5570, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5958, by Senators Prentice and Winsley

Adopting the Washington life and disability insurance guaranty association act.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5958 was substituted for Senate Bill No. 5958 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5958 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5958.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5958 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 5958, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Johnson was excused.

SECOND READING

SENATE BILL NO. 5681, by Senators Kastama, Horn, Haugen and Oke (by request of Washington State Patrol)

Permitting excess weight for fire-fighting apparatus.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5681 was substituted for Senate Bill No. 5681 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5681 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5681.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5681 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senator Benton - 1.

Excused: Senators Johnson and Patterson - 2.

SUBSTITUTE SENATE BILL NO. 5681, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Hale: "A parliamentary inquiry, Mr. President. I have two large amendments on my desk that do not have the description on the bottom of what the effect would be to the bill. I was hoping, and I thought we agreed, that there would be some indication of what the effect would be, because there are so many papers flying over our desks right now, it is hard to keep track. Those in particular are Senate Bill No. 6625 and Senate Bill No. 5904. Thank you."

REPLY BY THE PRESIDENT

President Owen: "Senator Hale, there isn't a rule on that. Those are directions that we have given, but it is up to the sponsors whether they do that or not."

SECOND READING

SENATE BILL NO. 5995, by Senators Long, Hargrove and Stevens

Providing for information sharing among the courts, providers, divisions, and agencies serving dependent children and their families.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5995 was substituted for Senate Bill No. 5995 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen the following amendment by Senators Rasmussen, Hargrove and Long was adopted:

On page 2, after line 3, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 26.44 RCW to read as follows:

A law enforcement agency in the course of investigating: (1) An allegation under RCW 69.50.401(a) relating to manufacture of methamphetamine; or (2) an allegation under RCW 69.50.440 relating to possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine, that discovers a child present at the site, shall contact the department immediately."

Renumber the remaining section consecutively and correct any internal references accordingly.

MOTIONS

On motion of Senator Long, the following title amendment was adopted:

On page 1, line 3 of the title, after "13.34 RCW;" insert "adding a new section to chapter 26.44 RCW;"

On motion of Senator Long, the rules were suspended, Engrossed Substitute Senate Bill No. 5995 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5995.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5995 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Patterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5995, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5776, by Senators Prentice, Winsley, Gardner and Costa (by request of Insurance Commissioner Kreidler)

Protecting the confidentiality of information relating to insurance.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5776 was substituted for Senate Bill No. 5776 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5776 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5776.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5776 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senator Fairley - 1.

Absent: Senators McDonald and Roach - 2.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 5776, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6035, by Senators Kohl-Welles, Jacobsen, Costa and Kline

Creating a college board job bank.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6035 was substituted for Senate Bill No. 6035 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6035.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6035 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Winsley - 28.

Voting nay: Senators Benton, Deccio, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheldon, T., Stevens, Swecker, West and Zarelli - 20.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 6035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5625, by Senators McAuliffe, Finkbeiner, Carlson and Kohl-Welles (by request of Governor Locke, Academic Achievement and Accountability Commission and State Board of Education)

Adopting recommendations of the academic achievement and accountability commission.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5625 was substituted for Senate Bill No. 5625 and the substitute bill was placed on second reading and read the second time.

Senator McAuliffe moved that the following striking amendment Senators McAuliffe, Finkbeiner, Eide, Rasmussen, Carlson and Regala be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that Washington's educators have made significant progress in preparing students for successful and productive lives in the twenty-first century.

The legislature further finds the need for an effective accountability system to help fulfill the promise of statewide school improvement efforts for all Washington students. The legislature recognizes that all stakeholders in Washington's public education system share in the responsibility for an effective accountability system, including educators, students, parents, the community, and state policymakers. An effective accountability system should inform, support, and motivate, as well as require achievement of the state's learning goals.

The legislature further finds that the goals of this accountability system are to promote learning and achievement of the goals and academic standards for all students as measured by the elementary, middle, and high school criterion-referenced and norm-referenced assessments; to acknowledge the challenges faced by students and educators in achieving these goals; and to help support schools address these challenges.

The legislature further finds that an effective accountability system should encourage educators to work in schools facing these challenges. Districts and schools should be measured for continuous improvement over time against their own baseline, not against the performance of other schools.

The legislature further finds that the accountability system should rely on local responsibility and leadership. State-level responsibility should emphasize assistance, technical support, and monitoring. At the same time, the legislature finds that state intervention may be necessary in schools that show no progress in student achievement and improvement in student learning over time. In such cases, the state must have the capacity to intervene effectively on behalf of students.

Sec. 2. RCW 28A.655.030 and 1999 c 388 s 102 are each amended to read as follows:

The powers and duties of the academic achievement and accountability commission shall include, but are not limited to the following:

(1) For purposes of statewide accountability, the commission shall:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics by subject and grade level as the commission deems appropriate to improve student learning, once assessments in these subjects are required statewide. The goals shall be in addition to any goals adopted in RCW 28A.655.050. The commission may also revise any goal adopted in RCW 28A.655.050. The commission may adopt and revise goals for dropout rates and reduction of dropout rates for middle schools, junior high schools, and high schools. The commission may adopt and revise goals designed to accelerate the achievement of students from various racial, ethnic, and socioeconomic backgrounds who are disproportionately academically underachieving. The commission shall adopt the goals by rule. However, before each goal is implemented, the commission shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and determine student scores that identify levels of student performance below and beyond the standard. The commission shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose;

(c) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature under RCW 28A.655.050 and the commission under (a) of this subsection;

(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index.

When determining the baseline year or years for recognizing individual schools, the commission may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

(d) ~~Adopt objective, systematic criteria to be used by school districts under section 3 of this act to identify schools ((and school districts)) in need of assistance ((and those)) in which significant numbers of students persistently fail to meet state standards. Adopt objective, systematic criteria to be used by the superintendent of public instruction and the academic achievement and accountability commission under section 4 of this act, to identify schools that have shown no progress in improving student learning under the school improvement plan and have the highest need of assistance.~~ In its deliberations, the commission shall consider the use of all statewide mandated criterion-referenced and norm-referenced standardized tests;

(e) ~~Adopt objective, systematic criteria to identify schools and school districts in which state intervention measures will be needed ((and a range of appropriate intervention strategies, beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies. Beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies, at the request of the commission, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the commission or the superintendent of public instruction to intervene in a school or school district)) in accordance with section 5 of this act;~~

(f) Review state interventions that have taken place in other states and identify state interventions that have been successful;

(g) Identify performance incentive systems that have improved or have the potential to improve student achievement;

~~((g))~~ (h) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system;

~~((h))~~ (i) Annually report by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission. The report may include recommendations of actions to help improve student achievement;

~~((h))~~ (j) By December 1, 2000, and by December 1st annually thereafter, report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the reading goal under RCW 28A.655.050 and any additional goals adopted by the commission;

~~((j))~~ (k) Coordinate its activities with the state board of education and the office of the superintendent of public instruction;

~~((k))~~ (l) Seek advice from the public and all interested educational organizations in the conduct of its work; and

~~((h))~~ (m) Establish advisory committees, which may include persons who are not members of the commission;

(2) Holding meetings and public hearings, which may include regional meetings and hearings;

(3) Hiring necessary staff and determining the staff's duties and compensation. However, the office of the superintendent of public instruction shall provide staff support to the commission until the commission has hired its own staff, and shall provide most of the technical assistance and logistical support needed by the commission thereafter. The office of the superintendent of public instruction shall be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations; and

(4) Receiving per diem and travel allowances as permitted under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.655 RCW to read as follows:

(1) Beginning September 2001, and each September thereafter, each school district shall use the criteria established by the academic achievement and accountability commission under RCW 28A.655.030 to annually analyze student assessment results. The analysis shall include, but not be limited to, consideration of the levels of student achievement and levels of improvement on statewide criterion-referenced and norm-referenced assessments. The purposes of the analysis shall be to identify successful schools and to identify schools in need of assistance.

(2) Based on the results of the school district's analysis conducted pursuant to subsection (1) of this section, if the school district identifies a school within the district as a school in need of assistance the school district shall conduct a needs assessment of the school. The needs assessment shall analyze multiple indicators including, but not limited to:

(a) The student achievement from school, district, and statewide assessments;

(b) The improvement in student achievement and student learning over time;

(c) The current allocation, distribution, and use of existing resources;

(d) The current alignment of the school's curriculum and instruction with the goals and standards of the Washington assessment of student learning.

(3) Based on the results of the needs assessment conducted pursuant to subsection (2) of this section, a school improvement plan shall be developed or revised by the school in consultation with the school district. The plan shall be developed with the involvement of the school employees, students (when appropriate), parents, and the community. The improvement plan shall include, but not be limited to:

(a) Student learning and achievement goals and expectations;

(b) How existing funds will be used more effectively; and

(c) How instruction and curriculum will be realigned to improve student learning.

The plan may include a request of waivers of state laws or local policies and agreements if a waiver is necessary to improve student learning and to implement the improvement plan. Waivers that are available prior to January 1, 2001, shall be obtained under an expedited decision-making process. Other waivers of the education code may be obtained from the superintendent of public instruction if the superintendent has the authority to grant such a waiver.

The plan may include replacement of school staff if the employee organization that represents the individual staff member shows evidence of support of the replacement of the individual.

(4) School districts shall have one school year to complete the needs assessments and to develop the improvement plans.

(5) Each school district shall annually report to the superintendent of public instruction and the academic achievement and accountability commission on the local efforts and the results of the school improvement plans developed or revised under subsection (3) of this section.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.655 RCW to read as follows:

(1) Beginning September 2003, the superintendent of public instruction and the academic achievement and accountability commission shall annually review and analyze the reports submitted by the school districts under section 3 of this act. The analysis shall include, but not be limited to, consideration of the levels of student achievement and the levels of student improvement on criterion-referenced and norm-referenced assessments achieved under the local school improvement plan. The superintendent and the commission shall use the analysis of the local school district reports and the criteria established by the commission under RCW 28A.655.030 to identify schools annually that have shown no progress in improving student learning and have the highest need for assistance.

(2) Beginning September 2003, if the superintendent and the commission determine that a school is eligible for assistance under subsection (1) of this section then the superintendent shall notify the school district within which the eligible school is located of such eligibility.

(3) School districts with a school that is eligible for assistance may request assistance under this section by notifying the superintendent of public instruction by October 1st. If an eligible school district requests assistance then the superintendent, or the superintendent's designee, shall conduct a full needs assessment. The superintendent or the superintendent's designee shall seek input from the school employees, students (when appropriate), parents, and the community. The needs assessment shall analyze multiple indicators including, but not limited to:

(a) Student achievement from school, district, and statewide assessments;

(b) Improvement in student achievement and learning over time;

(c) Current allocation, distribution, and use of existing resources;

(d) Student mobility and poverty indicators;

- (e) Attendance rates;
- (f) Dropout and graduation rates, if applicable and available;
- (g) Posthigh school indicators, if applicable and available;
- (h) Percent of students in special programs;
- (i) School climate and safety indicators;
- (j) Other barriers to student learning; and
- (k) Other information submitted by the school and school district.

(4) Based on the needs assessment, the superintendent of public instruction, or the superintendent's designee, and the eligible school district requesting assistance shall jointly negotiate the terms of a performance agreement to address the barriers to the improvement of student learning identified by the needs assessment. Any assistance provided under the terms of the performance agreement shall be limited to specific, cost-effective strategies for improving student learning, or to specific promising strategies that are part of a rigorous and ongoing evaluation, as stipulated in the performance agreement. The superintendent shall present the performance agreement to the commission. The commission shall either accept or reject the performance agreement without changes. If the commission rejects the performance agreement then the commission must provide a written explanation for the rejection. The superintendent and the school district shall have up to one year to submit another performance agreement to be accepted or rejected by the commission. The duration of a performance agreement shall be two years. The performance agreements shall include, but not be limited to:

- (a) Student performance goals and learning expectations;
- (b) How existing funds will be used more effectively;
- (c) How assistance resources, if any, will be used;
- (d) How the most significant barriers to improvement will be addressed;
- (e) Which specific waivers, if any, of state laws or local policies and agreements are needed to improve student learning and to implement the performance agreement. Waivers that are available prior to January 1, 2001, shall be obtained under an expedited decision-making process. Other waivers of the education code may be obtained from the superintendent of public instruction if the superintendent has the authority to grant such a waiver;
- (f) Whether there will be replacement of school staff. If staff is replaced then the employee organization that represents the individual staff member must show evidence of support of the replacement of the individual;
- (g) Who is responsible for implementing the specific actions in the agreement; and
- (h) Measurable benchmarks for actions in the performance agreement with a timeline for completion to determine progress.

(5) The superintendent of public instruction shall have one school year to complete both the needs assessment under subsection (3) of this section and the performance agreement under subsection (4) of this section, including having the academic achievement and accountability commission accept or reject the performance agreement.

(6) Once a performance agreement has been accepted by the academic achievement and accountability commission and signed by the parties, the school district shall hold a public hearing to notify the public of the components of the performance agreement.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.655 RCW to read as follows:

(1) Beginning in July 2005, and annually thereafter, at the end of the first year of a performance agreement negotiated pursuant to section 4 of this act, the superintendent of public instruction or the superintendent's designee shall evaluate the progress on meeting the benchmarks, timelines, and other components of the performance agreement. The superintendent shall report the findings of the evaluation to the school district and to the academic achievement and accountability commission.

(2) Beginning in July 2006, and annually thereafter, at the end of the second year of a performance agreement negotiated pursuant to section 4 of this act, the superintendent of public instruction or the superintendent's designee shall conduct a full evaluation using multiple sources of information to determine whether each party to the performance agreement complied with the components of the performance agreement; whether the benchmarks, timelines, and other components of the performance agreement were met; and whether student learning was improved. If student learning was not improved then the superintendent or the superintendent's designee shall conduct an analysis to determine why student learning was not improved. The superintendent shall report the findings of the evaluation and the analysis to the school district and to the academic achievement and accountability commission.

(3) Based on the results of the evaluation and analysis performed under subsection (2) of this section and using the criteria developed by the commission under RCW 28A.655.030, the academic achievement and accountability commission shall determine whether the performance agreement shall be:

- (a) Ended because the agreement was successfully completed;
- (b) Extended with existing or newly negotiated conditions; or
- (c) Ended because more intensive intervention strategies are required.

The commission shall report to the house of representatives and senate committees on education and shall implement more intensive intervention strategies if the commission determines the following:

(i) The parties to the performance agreement complied with the performance agreement but the school district and the school are making insufficient progress in improving student learning as determined by the criteria developed by the commission under RCW 28A.655.030; and

(ii) The Washington assessment of student learning that is used in the criteria developed by the commission in RCW 28A.655.030 has been determined to be reliable and valid.

(4) The superintendent of public instruction shall notify the school district of the intent of the academic achievement and accountability commission to implement more intensive intervention strategies. The school district shall be provided the opportunity to present information to the commission to appeal the decision.

(5) If after the appeal by the school district the academic achievement and accountability commission determine that more intensive strategies are required then the superintendent shall design and implement an intervention plan that addresses the improvement of student learning.

(6) The superintendent of public instruction and the academic achievement and accountability commission shall report to the legislature on all interventions.

Sec. 6. RCW 28A.300.040 and 1999 c 348 s 6 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

- (1) To have supervision over all matters pertaining to the public schools of the state;
- (2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;
- (3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;
- (4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of consulting educational service district superintendents or other school officials;
- (5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system and which shall be sold at approximate actual cost of publication and distribution per volume to all other public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount;
- (6) To act as ex officio member and the chief executive officer of the state board of education;
- (7) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;
- (8) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;
- (9) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;
- (10) To issue certificates as provided by law;
- (11) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;
- (12) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;
- (13) To administer oaths and affirmations in the discharge of the superintendent's official duties;
- (14) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;
- (15) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;
- (16) To grant waivers for school improvement plans in accordance with section 3 of this act, negotiate and implement performance agreements pursuant to section 4 of this act, and implement state intervention strategies as authorized under section 5 of this act; and
- (17) To perform such other duties as may be required by law.

Sec. 7. RCW 28A.505.120 and 1975-'76 2nd ex.s. c 118 s 12 are each amended to read as follows:

(1) If a local school district fails to comply with any binding restrictions issued by the superintendent of public instruction, the allocation of state funds for support of the local school district may be withheld, pending an investigation of the reason for such noncompliance by the office of the superintendent of public instruction. Written notice of the intent to withhold state funds, with reasons stated for this action, shall be made to the school district by the office of the superintendent of public instruction before any portion of the state allocation is withheld.

(2) Pursuant to an intervention plan authorized under chapter 28A.655 RCW, the superintendent may withhold the allocation of all or a portion of nonbasic education state funds from the local school district pending a determination by the superintendent and the academic achievement and accountability commission that withholding such funds is no longer an appropriate state intervention strategy for the improvement of student learning in the affected school district. Written notice of the intent to withhold such state funds, with reasons stated for this action, shall be made to the school district by the office of the superintendent of public instruction before any portion of the state allocation is withheld.

Sec. 8. RCW 28A.400.010 and 1990 c 33 s 376 are each amended to read as follows:

Except as what may be provided in an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act in all districts;

(1) The board of directors shall elect a superintendent who shall have such qualification as the local school board alone shall determine. The superintendent shall have supervision over the several departments of the schools thereof and carry out such other powers and duties as prescribed by law.

(2) Notwithstanding the provisions of RCW 28A.400.300(1), the board may contract with such superintendent for a term not to exceed three years when deemed in the best interest of the district. The right to renew a contract of employment with any school superintendent shall rest solely with the discretion of the school board employing such school superintendent. Regarding such renewal of contracts of school superintendents the provisions of RCW 28A.405.210, 28A.405.240, and 28A.645.010 shall be inapplicable.

Sec. 9. RCW 28A.400.030 and 1991 c 116 s 14 are each amended to read as follows:

In addition to such other duties as a district school board shall prescribe and except as what may be provided in an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act, the school district superintendent shall:

- (1) Attend all meetings of the board of directors and cause to have made a record as to the proceedings thereof.
- (2) Keep such records and reports and in such form as the district board of directors require or as otherwise required by law or rule or regulation of higher administrative agencies and turn the same over to his or her successor.
- (3) Keep accurate and detailed accounts of all receipts and expenditures of school money. At each annual school meeting the superintendent must present his or her record book of board proceedings for public inspection, and shall make a statement of the financial condition of the district and such record book must always be open for public inspection.
- (4) Give such notice of all annual or special elections as otherwise required by law; also give notice of the regular and special meetings of the board of directors.
- (5) Sign all orders for warrants ordered to be issued by the board of directors.
- (6) Carry out all orders of the board of directors made at any regular or special meeting.

Sec. 10. RCW 28A.400.100 and 1977 ex.s. c 272 s 1 are each amended to read as follows:

School districts may employ public school principals and/or vice principals to supervise the operation and management of the school to which they are assigned. Such persons shall hold valid teacher and administrative certificates. In addition to such other duties as shall be prescribed by law ((and)), by the job description adopted by the board of directors, and as what may be provided in an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act, each principal shall:

- (1) Assume administrative authority, responsibility and instructional leadership, under the supervision of the school district superintendent, and in accordance with the policies of the school district board of directors, for the planning, management, supervision and evaluation of the educational program of the attendance area for which he or she is responsible.
- (2) Submit recommendations to the school district superintendent regarding appointment, assignment, promotion, transfer and dismissal of all personnel assigned to the attendance area for which he or she is responsible.
- (3) Submit recommendations to the school district superintendent regarding the fiscal needs to maintain and improve the instructional program of the attendance area for which he or she is responsible.
- (4) Assume administrative authority and responsibility for the supervision, counseling and discipline of pupils in the attendance area for which he or she is responsible.

Sec. 11. RCW 28A.400.300 and 1997 c 13 s 10 are each amended to read as follows:

Every board of directors, unless otherwise specially provided by law and except as what may be provided in an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act, shall:

- (1) Employ for not more than one year, and for sufficient cause discharge all certificated and classified employees;
- (2) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or classified qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and, emergencies for both certificated and classified employees, and with such compensation as the board of directors prescribe: PROVIDED, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:
 - (a) For such persons under contract with the school district for a full year, at least ten days;
 - (b) For such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;
 - (c) For certificated and classified employees, annual leave with compensation for illness, injury, and emergencies shall be granted and accrue at a rate not to exceed twelve days per year; provisions of any contract in force on June 12, 1980, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;
 - (d) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;
 - (e) Leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days for the purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up to a maximum of the number of contract days agreed to in a given contract, but not greater than one year. Such accumulated time may be taken at any time during the school year or up to twelve days per year may be used for the purpose of payments for unused sick leave.
 - (f) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;
 - (g) Any leave for injury or illness accumulated up to a maximum of forty-five days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire, if such leave is taken it may not be compensated under the provisions of RCW 28A.400.210 and 28A.310.490;
 - (h) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction and offices of educational service district superintendents and boards, to and from such districts and such offices;
 - (i) Leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when the person returns to the employment of the district.

When any certificated or classified employee leaves one school district within the state and commences employment with another school district within the state, the employee shall retain the same seniority, leave benefits and other benefits that the employee had in his or her previous position: PROVIDED, That classified employees who transfer between districts after July 28, 1985, shall not retain any seniority rights other than longevity when leaving one school district and beginning employment with another. If the school district to which the person transfers has a different system for computing seniority, leave benefits, and other

benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service.

Sec. 12. RCW 28A.405.210 and 1996 c 201 s 1 are each amended to read as follows:

(1) No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof and as may be provided in an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act, nor unless he or she is the holder of an effective teacher's certificate or other certificate required by law or the state board of education for the position for which the employee is employed, nor unless his or her employment with a school district is consistent with any and all determinations made by the superintendent of public instruction and the academic achievement and accountability commission under the authority granted in sections 3, 4, and 5 of this act and RCW 28A.655.030.

The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and except as otherwise provided by law, limited to a term of not more than one year. Any employment contract approved after September 1, 2001, that is inconsistent with any provision of this act is null and void solely with respect to those provisions in conflict with this act. Every such contract shall be made in duplicate, one copy to be retained by the school district superintendent or secretary and one copy to be delivered to the employee. No contract shall be offered by any board for the employment of any employee who has previously signed an employment contract for that same term in another school district of the state of Washington unless such employee shall have been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated. Any contract signed in violation of this provision shall be void.

In the event it is determined that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term such employee shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 1st, which notification shall specify the cause or causes for nonrenewal of contract. Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent or in accordance with an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, except employees notified pursuant to the implementation of an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act, at his or her request made in writing and filed with the president, chair, or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing pursuant to RCW 28A.405.310 to determine whether there is sufficient cause or causes for nonrenewal of contract: PROVIDED, That any employee receiving notice of nonrenewal of contract due to an enrollment decline or loss of revenue may, in his or her request for a hearing, stipulate that initiation of the arrangements for a hearing officer as provided for by RCW 28A.405.310(4) shall occur within ten days following July 15 rather than the day that the employee submits the request for a hearing. If any such notification or opportunity for hearing is not timely given, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

This section shall not be applicable to "provisional employees" as so designated in RCW 28A.405.220; transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 shall not be construed as a nonrenewal of contract for the purposes of this section.

(2) In the event that a determination is made pursuant to an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act that there is probable cause that the employment contract of an employee should not be renewed for the ensuing term:

(a) Such employee shall be notified thereof in writing on or before May 15th preceding the commencement of the school term, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be by June 1st, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein.

(b) The determination of nonrenewal by the academic achievement and accountability commission shall consider any evaluations conducted pursuant to RCW 28A.405.100 and shall be in accordance with the provisions of an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act.

(c) Every such employee notified pursuant to this subsection, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to recommend that the academic achievement and accountability commission reconsider their decision. Such meeting shall be held no later than ten days following the receipt of such request, and the employee shall be given at least three days' written notice of the date, time, and place of the meeting. At such meeting the employee shall be given the opportunity to refute any facts upon which the superintendent's or the academic achievement and accountability commission's determination was based and to make any argument in support of his or her request for reconsideration.

(d) Within ten days following the meeting with the employee, the superintendent shall either recommend to the superintendent of public instruction that the employee be reinstated or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the employee at least three days before the scheduled meeting of the board of directors. The district superintendent may request an informal meeting with the superintendent of public instruction to consider a recommendation to reinstate the employee. The superintendent of public instruction shall consider but is not required to grant such request for an informal meeting with the district superintendent and the employee. In taking action upon the recommendation of the superintendent or the direction of the superintendent of public

instruction and the commission, the board of directors may consider any written communication that the employee may file with the secretary of the board at any time before that meeting.

(e) The board of directors shall notify the employee in writing of its final decision and action within ten days following the meeting at which the superintendent's recommendation or the direction of the superintendent of public instruction and the commission was considered. The action of the board of directors to nonrenew the contract of an employee under this subsection shall be final and not subject to appeal.

Sec. 13. RCW 28A.405.220 and 1996 c 201 s 2 are each amended to read as follows:

Notwithstanding the provisions of RCW 28A.405.210, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section and under an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act during the first two years of employment by such district, unless the employee has previously completed at least two years of certificated employment in another school district in the state of Washington, in which case the employee shall be subject to nonrenewal of employment contract pursuant to this section during the first year of employment with the new district or as may be provided pursuant to an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act. Employees as defined in this section shall hereinafter be referred to as "provisional employees".

In the event the superintendent of the school district or the superintendent of public instruction and the academic achievement and accountability commission determine((s)) that the employment contract of any provisional employee should not be renewed by the district for the next ensuing term such provisional employee shall be notified thereof by the district superintendent in writing on or before May 15th preceding the commencement of such school term, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 1st, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. ~~((The))~~ A determination ((of)) by the superintendent of the school district shall be subject to the evaluation requirements of RCW 28A.405.100. A determination by the superintendent of public instruction and the commission shall be made pursuant to an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act.

Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision or consider recommending to the superintendent of public instruction and the commission reinstatement of the provisional employee. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon which the ~~((superintendent's))~~ determination was based and to make any argument in support of his or her request for reconsideration.

Within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall recommend to the superintendent of public instruction that the employee be reinstated or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. In the event the district superintendent recommends reinstatement to the superintendent of public instruction, the district superintendent may request an informal meeting with the superintendent of public instruction to present his or her reasons. Such request for an informal meeting shall be considered by the superintendent of public instruction. A copy of such report shall be delivered to the provisional employee at least three days prior to the scheduled meeting of the board of directors. In taking action upon the recommendation of the superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting.

The board of directors shall notify the provisional employee in writing of its final decision within ten days following the meeting at which the superintendent's recommendation was considered. The decision of the board of directors to nonrenew the contract of a provisional employee shall be final and not subject to appeal.

This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after June 25, 1976. This section and an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act provide((s)) the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

Sec. 14. RCW 28A.405.230 and 1996 c 201 s 3 are each amended to read as follows:

Any certificated employee of a school district employed as an assistant superintendent, director, principal, assistant principal, coordinator, or in any other supervisory or administrative position, hereinafter in this section referred to as "administrator", shall be subject to transfer, at the expiration of the term of his or her employment contract or as may be provided pursuant to an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act during the term of such an employee's employment contract that took effect after September 1, 2001, to any subordinate certificated position within the school district. "Subordinate certificated position" as used in this section, shall mean any administrative or nonadministrative certificated position for which the annual compensation is less than the position currently held by the administrator.

Every superintendent determining that the best interests of the school district would be served by transferring any administrator to a subordinate certificated position, and every superintendent notified that, pursuant to an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act, the superintendent of public instruction and the academic achievement and accountability commission have determined that the best interests of the school district would be served by transferring any administrator to a subordinate certificated position shall notify that administrator in writing on or before May 15th preceding the commencement of such school term of that determination, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 1st, which notification shall state the reason or reasons for the transfer, and shall identify the subordinate certificated position to which the

administrator will be transferred. Such notice shall be served upon the administrator personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein.

Every such administrator so notified, at his or her request made in writing and filed with the president or chair, or secretary of the board of directors of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the board of directors in an executive session thereof or with the superintendent of public instruction as appropriate for the purpose of requesting the ~~((board to reconsider))~~ reconsideration of the decision of the superintendent or commission. Such board shall or the superintendent of public instruction may, upon receipt of such request, ~~((shall))~~ schedule the meeting for no later than the next regularly scheduled meeting of the board or as soon as is practicable for the office of the superintendent of public instruction to schedule a meeting for this purpose, and ~~((shall))~~ notify the administrator in writing of the date, time, and place of the meeting at least three days prior thereto. At such meeting the administrator shall be given the opportunity to refute any facts upon which the determination was based and to make any argument in support of his or her request for reconsideration. The administrator and the board or the superintendent of public instruction may invite their respective legal counsel to be present and to participate at the meeting. The board shall notify the administrator in writing of its final decision, or as appropriate the final decision of the superintendent of public instruction and the academic achievement and accountability commission, within ten days following its meeting with the administrator. No appeal to the courts shall lie from the final decision of the board of directors or commission to transfer an administrator to a subordinate certificated position: PROVIDED, That in the case of principals, except for any principal transferred pursuant to an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act, such transfer shall be made at the expiration of the contract year and only during the first three consecutive school years of employment as a principal by a school district; except that if any such principal has been previously employed as a principal by another school district in the state of Washington for three or more consecutive school years the provisions of this section shall apply only to the first full school year of such employment.

This section applies to any person employed as an administrator by a school district on June 25, 1976 and to all persons so employed at any time thereafter. This section and an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act provide(s) the exclusive means for transferring an administrator to a subordinate certificated position at the expiration of the term of his or her employment contract.

Sec. 15. RCW 28A.150.020 and 1969 ex.s. c 223 s 28A.01.060 are each amended to read as follows:

"Common schools" means schools maintained at public expense in each school district or under alternative arrangements for public governance or administration pursuant to an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act and carrying on a program from kindergarten through the twelfth grade or any part thereof including vocational educational courses otherwise permitted by law.

Sec. 16. RCW 28A.320.010 and 1969 ex.s. c 223 s 28A.58.010 are each amended to read as follows:

A school district shall constitute a body corporate and shall possess all the usual powers of a public corporation except as may be provided pursuant to an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act, and in that name and style may sue and be sued and transact all business necessary for maintaining school and protecting the rights of the district, and enter into such obligations as are authorized therefor by law.

Sec. 17. RCW 28A.320.015 and 1992 c 141 s 301 are each amended to read as follows:

(1) Except as provided in an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act, the board of directors of each school district may exercise the following:

(a) The broad discretionary power to determine and adopt written policies not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that the board determines will:

(i) Promote the education of kindergarten through twelfth grade students in the public schools; or

(ii) Promote the effective, efficient, or safe management and operation of the school district;

(b) Such powers as are expressly authorized by law; and

(c) Such powers as are necessarily or fairly implied in the powers expressly authorized by law.

(2) Before adopting a policy under subsection (1)(a) of this section, the school district board of directors shall comply with the notice requirements of the open public meetings act, chapter 42.30 RCW, and shall in addition include in that notice a statement that sets forth or reasonably describes the proposed policy. The board of directors shall provide a reasonable opportunity for public written and oral comment and consideration of the comment by the board of directors.

Sec. 18. RCW 28A.320.035 and 1997 c 267 s 1 are each amended to read as follows:

(1) The board of directors of a school district may contract with other school districts, educational service districts, public or private organizations, agencies, schools, or individuals to implement the board's powers and duties provided that such contracts are consistent with any provisions which may be implemented pursuant to an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act. The board of directors of a school district may contract for goods and services, including but not limited to contracts for goods and services as specifically authorized in statute or rule, as well as other educational, instructional, and specialized services. When a school district board of directors contracts for educational, instructional, or specialized services, the purpose of the contract must be to improve student learning or achievement.

(2) A contract under subsection (1) of this section may not be made with a religious or sectarian organization or school where the contract would violate the state or federal Constitution.

Sec. 19. RCW 28A.315.005 and 1999 c 315 s 1 are each amended to read as follows:

(1) Under the constitutional framework and the laws of the state of Washington, the governance structure for the state's public common school system is comprised of the following bodies: The legislature, the governor, the superintendent of public instruction, the state board of education, the academic achievement and accountability commission, the educational service district boards of directors, and local school district boards of directors. The respective policy and administrative roles of each body are determined by the state Constitution and statutes.

(2) Local school districts are political subdivisions of the state and the organization of such districts, including the powers, duties, and boundaries thereof, may be altered or abolished by laws of the state of Washington or by the superintendent of public instruction and the academic achievement and accountability commission pursuant to an improvement plan under section 3 of this

act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act and RCW 28A.655.030 and 28A.300.040, except that the superintendent of public instruction and the academic achievement and accountability commission shall not be authorized to alter school district boundaries.

Sec. 20. RCW 28A.315.015 and 1999 c 315 s 101 are each amended to read as follows:

(1) It is the purpose of this chapter to:

(a) Incorporate into a single, comprehensive, school district organization law all essential provisions governing:

(i) The formation and establishment of new school districts;

(ii) The alteration of the boundaries of existing districts; and

(iii) The adjustment of the assets and liabilities of school districts when changes are made under this chapter; and

(b) Establish methods and procedures whereby changes in the school district system may be brought about by the people concerned and affected.

(2) It is the state's policy that decisions on proposed changes in school district organization should be made, whenever possible, by negotiated agreement between the affected school districts. If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees' best judgment, taking into consideration the following factors and factors under RCW 28A.315.205:

(a) A balance of local petition requests and the needs of the statewide community at large in a manner that advances the best interest of public education in the affected school districts and communities, the educational service district, and the state;

(b) Responsibly serving all of the affected citizens and students by contributing to logical service boundaries and recognizing a changing economic pattern within the educational service districts of the state;

(c) Enhancing the educational opportunities of pupils in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts;

(d) Promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state; and

(e) Other criteria or considerations as may be established in rule by the state board of education.

(3) It is neither the intent nor purpose of this chapter to apply to organizational changes and the procedure therefor relating to capital fund aid by nonhigh school districts as provided for in chapter 28A.540 RCW.

(4) This chapter is not intended to apply in any way to the provisions implemented pursuant to an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act.

Sec. 21. RCW 28A.315.025 and 1990 c 33 s 293 are each amended to read as follows:

As used in this chapter:

(1) "Change in the organization and extent of school districts" means the formation and establishment of new school districts, the dissolution of existing school districts, the alteration of the boundaries of existing school districts, or all of them. "Change" does not include any change implemented pursuant to an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act.

(2) "Regional committee" means the regional committee on school district organization created by this chapter.

(3) "State board" means the state board of education.

(4) "School district" means the territory under the jurisdiction of a single governing board designated and referred to as the board of directors.

(5) "Educational service district superintendent" means the educational service district superintendent as provided for in RCW 28A.310.170 or his or her designee.

Sec. 22. RCW 28A.225.210 and 1990 c 33 s 235 are each amended to read as follows:

Every school district shall admit on a tuition free basis all persons of school age who reside within this state, and do not reside within another school district carrying the grades for which they are eligible to enroll: PROVIDED, That nothing in this section shall be construed as affecting RCW 28A.225.220 ((or)), 28A.225.250, or an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act.

Sec. 23. RCW 28A.225.220 and 1995 c 335 s 602 and 1995 c 52 s 2 are each reenacted and amended to read as follows:

(1) Any board of directors may make agreements with adults choosing to attend school, and may charge the adults reasonable tuition.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district or the request of a parent or guardian for his or her child to transfer as a student receiving home-based instruction.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; ((or))

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; ((or))

(c) The student transfer is authorized pursuant to an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act; or

(d) There is a special hardship or detrimental condition.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan. However, a district may not deny such a request for transfer if the student is authorized to transfer to a nonresident district pursuant to an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) Beginning with the 1993-94 school year, school districts may not charge transfer fees or tuition for nonresident students enrolled under subsection (3) of this section and RCW 28A.225.225. Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a transfer fee as affecting the apportionment of current state school funds.

Sec. 24. RCW 28A.225.270 and 1990 1st ex.s. c 9 s 205 are each amended to read as follows:

Each school district in the state shall adopt and implement a policy allowing intradistrict enrollment options no later than June 30, 1990. Each district shall establish its own policy establishing standards on how the intradistrict enrollment options will be implemented. However, in the event that a conflict exists between the school district policy and actions required under this act by the academic achievement and accountability commission and the superintendent of public instruction under an improvement plan under section 3 of this act, a performance agreement under section 4 of this act, or an intervention plan under section 5 of this act, such actions shall supersede the applicable school district policy.

NEW SECTION. Sec. 25. A new section is added to chapter 41.56 RCW to read as follows:

Any contract or agreement entered into by a school district after the effective date of this section that is in conflict with the effective implementation of any decision or action authorized under this act is null and void with respect to the particular provision of the contract or agreement that is in conflict with this act.

NEW SECTION. Sec. 26. A new section is added to chapter 41.59 RCW to read as follows:

Any contract or agreement entered into by a school district after the effective date of this section that is in conflict with the effective implementation of any decision or action authorized under this act is null and void with respect to the particular provision of the contract or agreement that is in conflict with this act.

Sec. 27. RCW 41.59.910 and 1975 1st ex.s. c 288 s 19 are each amended to read as follows:

This chapter shall supersede existing statutes not expressly repealed to the extent that there is a conflict between a provision of this chapter and those other statutes. However, in the event that a conflict exists between this chapter and this act, this act shall supersede this chapter. Except as otherwise expressly provided herein, nothing in this chapter shall be construed to annul, modify or preclude the renewal or continuation of any lawful agreement entered into prior to January 1, 1976 between an employer and an employee organization covering wages, hours, and terms and conditions of employment. Where there is a conflict between any collective bargaining agreement and any resolution, rule, policy or regulation of the employer or its agents, the terms of the collective bargaining agreement shall prevail.

NEW SECTION. Sec. 28. RCW 28A.655.035 (Accountability policies--Recommendations) and 1999 c 388 s 103 are each repealed.

NEW SECTION. Sec. 29. RCW 28A.655.050 (Reading goals--Mathematics goals) and 1999 c 388 s 201 & 1998 c 319 s 101 are each repealed.

NEW SECTION. Sec. 30. Section 29 of this act takes effect September 1, 2001."

MOTION

Senator Carlson moved that the following amendment to the striking amendment by Senators McAuliffe, Finkbeiner, Eide, Rasmussen, Carlson and Regala be adopted:

On page 2, line 25 of the amendment, after "legislature" insert ". If a parent or guardian of a student requests that the student does not take a component of the Washington assessment of student learning, then the student's score shall not count against the school district or school and shall not be used when determining the percentage of students who meet or exceed the reading standard or the percentage of improvement toward the districtwide or school goals"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carlson on page 2, line 25, to the striking amendment by Senators McAuliffe, Finkbeiner, Eide, Rasmussen, Carlson and Regala to Substitute Senate Bill No. 5625.

The motion by Senator Carlson failed on a rising vote and the amendment to the striking amendment was not adopted.

MOTION

Senator Carlson moved that the following amendment to the striking amendment by Senators McAuliffe, Finkbeiner, Eide, Rasmussen, Carlson and Regala be adopted:

On page 2, line 25 of the amendment, after "legislature" insert ". School districts and schools shall annually report to the superintendent of public instruction the percentage of student enrollment taking each component of the Washington assessment of student learning"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carlson on page 2, line 25, to the striking amendment by Senators McAuliffe, Finkbeiner, Eide, Rasmussen, Carlson and Regala to Substitute Senate Bill No. 5625.

The motion by Senator Carlson failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Finkbeiner moved that the following amendment to the striking amendment by Senators McAuliffe, Finkbeiner, Eide, Rasmussen, Carlson and Regala be adopted:

On page 5, line 29 of the amendment, after "(3)" and insert:

"Based on the results of the school district's analysis conducted pursuant to subsection (1) of this section, if in three consecutive years the school district identifies a school within the district as a school in need of assistance, then upon the request of a parent the school district must grant the student an opportunity scholarship. The amount of the opportunity scholarship shall be four thousand dollars for tuition at a private school approved under chapter 28A.195 RCW where the student's parent or guardian

has chosen to redeem the scholarship. Upon the parent's request, subsequent scholarships shall be granted for consecutive school years. The superintendent of public instruction shall adopt rules under chapter 34.05 RCW to implement this subsection.

(4)"

Renumber the remaining subsections accordingly and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Finkbeiner on page 5, line 29, to the striking amendment by Senators McAuliffe, Finkbeiner, Eide, Rasmussen, Carlson and Regala to Substitute Senate Bill No. 5625.

The motion by Senator Finkbeiner failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Benton moved that the following amendment to the striking amendment by Senators McAuliffe, Finkbeiner, Eide, Rasmussen, Carlson and Regala be adopted:

On page 5, line 29 of the amendment, after "(3)" and insert:

"Based on the results of the school district's analysis conducted pursuant to subsection (1) of this section, if in twelve consecutive years the school district identifies a school within the district as a school in need of assistance, then upon the request of a parent the school district must grant the student an opportunity scholarship. The amount of the opportunity scholarship shall be four thousand dollars for tuition at a private school approved under chapter 28A.195 RCW where the student's parent or guardian has chosen to redeem the scholarship. Upon the parent's request, subsequent scholarships shall be granted for consecutive school years. The superintendent of public instruction shall adopt rules under chapter 34.05 RCW to implement this subsection.

(4)"

Renumber the remaining subsections accordingly and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 5, line 29, to the striking amendment by Senators McAuliffe, Finkbeiner, Eide, Rasmussen, Carlson and Regala to Substitute Senate Bill No. 5625.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Johnson moved that the following amendment to the striking amendment by Senators McAuliffe, Finkbeiner, Eide, Rasmussen, Carlson and Regala be adopted: On page 30, after line 28 of the amendment, insert the following:

"**Sec. 28.** RCW 28A.655.060 and 1999 c 373 s 501 are each amended to read as follows:

(1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, to develop student assessment and school accountability systems, to review current school district data reporting requirements and make recommendations on what data is necessary for the purposes of accountability and meeting state information needs, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and five members appointed no later than June 1, 1993, by the governor elected in the November 1992 election. The governor shall appoint a chair from the commission members, and fill any vacancies in gubernatorial appointments that may occur. The state board of education shall fill any vacancies of state board of education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from statewide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the racial and ethnic diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

(2) The commission shall establish advisory committees. Membership of the advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

(3) The commission, with the assistance of the advisory committees, shall:

(a) Develop essential academic learning requirements based on the student learning goals in RCW 28A.150.210. Essential academic learning requirements shall be developed, to the extent possible, for each of the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. Essential academic learning requirements for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be completed no later than March 1, 1995. Essential academic learning requirements that incorporate the remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be completed no later than March 1, 1996. To the maximum extent possible, the commission shall integrate goal four and the knowledge and skill areas in the other goals in the development of the essential academic learning requirements;

(b)(i) The commission and superintendent of public instruction shall develop a statewide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has learned the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures. Performance standards for determining if a student has successfully completed an assessment shall be determined by the commission and the superintendent of public instruction in consultation with the advisory committees required in subsection (2) of this section.

(ii) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not learned the essential academic learning requirements at the appropriate periods in the student's educational development.

(iii) Assessments measuring the essential academic learning requirements shall be available for voluntary use by school districts and shall be required to be administered by school districts according to the following schedule unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements.

Assessments available for voluntary use (School years)
Assessments required to be administered (School years)

Reading, Writing, Communication, Mathematics

- Elementary school 1996-97 1997-98
- Middle school 1997-98 2000-01
- High school 1998-99 2000-01

Science

- Middle and high school 1999-00 2000-01
- Elementary school 2001-02 2004-05

Social Studies

- Elementary, middle, and high school 2002-03 2005-06

Arts

- Middle and high school 2003-04 2006-07
- Elementary school 2003-04 2007-08

Health, Fitness

- Middle and high school 2003-04 2006-07
- Elementary school 2003-04 2007-08

The completed assessments and assessments still in development shall be transferred by the commission on student learning to the superintendent of public instruction by June 30, 1999.

(iv) To the maximum extent possible, the commission and the superintendent of public instruction shall integrate knowledge and skill areas in development of the assessments.

Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(v) The commission on student learning may modify the essential academic learning requirements and the assessments, as needed, before June 30, 1999. The superintendent of public instruction may modify the essential academic learning requirements and the assessments, as needed, after June 30, 1999. The commission and superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(vi) The commission and the superintendent of public instruction shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender;

(c) After a determination is made by the state board of education that the high school assessment system has been implemented and that it is sufficiently reliable and valid, successful completion of the high school assessment shall lead to a certificate of ~~((mastery))~~ achievement. The certificate of ~~((mastery shall))~~ achievement may be obtained by most students at about the age of sixteen, and is evidence that the student has successfully mastered the essential academic learning requirements during his or her educational career. The certificate of ~~((mastery))~~ achievement shall not be required for graduation ~~((but shall not be the only requirement for graduation))~~. ~~((The commission shall make recommendations to the state board of education regarding the relationship between the certificate of mastery and high school graduation requirements.))~~ Upon achieving the certificate of ~~((mastery))~~ achievement, schools shall provide students with the opportunity to pursue career and educational objectives through educational pathways that emphasize integration of academic and vocational education. Educational pathways may include, but are not limited to, programs such as work-based learning, school-to-work transition, tech prep, vocational-technical education, running start, and preparation for technical college, community college, or university education. Any middle school, junior high school, or high school using educational pathways shall ensure that all participating students will continue to have access to the courses and instruction necessary to meet admission requirements at baccalaureate institutions. Students shall be allowed to enter the educational pathway of their choice. Before accepting a student into an educational pathway, the school shall inform the student's parent of the pathway chosen, the opportunities available to the student through the pathway, and the career objectives the student will have exposure to while pursuing the pathway. Parents and students dissatisfied with the opportunities available through the selected educational pathway shall be provided with the opportunity to transfer the student to any other pathway provided in the school. Schools may not develop educational pathways that retain students in high school beyond the date they are eligible to

graduate, and may not require students who transfer between pathways to complete pathway requirements beyond the date the student is eligible to graduate;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) Consider methods to address the unique needs of highly capable students when developing the assessments in (b) and (c) of this subsection;

(f) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the academic assessment system;

(g) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements for public school students that are consistent with the essential academic learning requirements and the certificate of ~~((mastery))~~ achievement;

(h) Review current school district data reporting requirements for the purposes of accountability and meeting state information needs. The commission on student learning shall report recommendations to the joint select committee on education restructuring by September 15, 1996, on:

(i) What data is necessary to compare how school districts are performing before the essential academic learning requirements and the assessment system are implemented with how school districts are performing after the essential academic learning requirements and the assessment system are implemented; and

(ii) What data is necessary pertaining to school district reports under the accountability systems developed by the commission on student learning under this section;

(i) Recommend to the legislature, governor, state board of education, and superintendent of public instruction:

(i) A statewide accountability system to monitor and evaluate accurately and fairly at elementary, middle, and high schools the level of learning occurring in individual schools and school districts with regard to the goals included in RCW 28A.150.210 (1) through (4). The accountability system must assess each school individually against its own baseline, schools with similar characteristics, and schools statewide. The system shall include school-site, school district, and state-level accountability reports;

(ii) A school assistance program to help schools and school districts that are having difficulty helping students meet the essential academic learning requirements as measured by performance on the elementary, middle school, and high school assessments;

(iii) A system to intervene in schools and school districts in which significant numbers of students persistently fail to learn the essential academic learning requirements or meet the standards established for the elementary, middle school, and high school assessments; and

(iv) An awards program to provide incentives to school staff to help their students learn the essential academic learning requirements, with each school being assessed individually against its own baseline, schools with similar characteristics, and the statewide average. Incentives shall be based on the rate of percentage change of students achieving the essential academic learning requirements and progress on meeting the statewide average. School staff shall determine how the awards will be spent.

The commission shall make recommendations regarding a statewide accountability system for reading in grades kindergarten through four by November 1, 1997. Recommendations for an accountability system in the other subject areas and grade levels shall be made no later than June 30, 1999;

(j) Report annually by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission; and

(k) Make recommendations to the legislature and take other actions necessary or desirable to help students meet the student learning goals.

(4) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

(5) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

(6) The commission shall select an entity to provide staff support and the office of the superintendent of public instruction shall provide administrative oversight and be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

(7) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(8)(a) By September 30, 1997, the commission on student learning, the state board of education, and the superintendent of public instruction shall jointly present recommendations to the education committees of the house of representatives and the senate regarding the high school assessments, the certificate of mastery, and high school graduation requirements.

In preparing recommendations, the commission on student learning shall convene an ad hoc working group to address questions, including:

(i) What type of document shall be used to identify student performance and achievement and how will the document be described?

(ii) Should the students be required to pass the high school assessments in all skill and content areas, or only in select skill and content areas, to graduate?

(iii) How will the criteria for establishing the standards for passing scores on the assessments be determined?

(iv) What timeline should be used in phasing-in the assessments as a graduation requirement?

(v) What options may be used in demonstrating how the results of the assessments will be displayed in a way that is meaningful to students, parents, institutions of higher education, and potential employers?

(vi) Are there other or additional methods by which the assessments could be used to identify achievement such as endorsements, standards of proficiency, merit badges, or levels of achievement?

(vii) Should the assessments and certificate of mastery be used to satisfy college or university entrance criteria for public school students? If yes, how should these methods be phased-in?

(b) The ad hoc working group shall report its recommendations to the commission on student learning, the state board of education, and the superintendent of public instruction by June 15, 1997. The commission shall report the ad hoc working group's recommendations to the education committees of the house of representatives and senate by July 15, 1997. Final recommendations of the commission on student learning, the state board of education, and the superintendent of public instruction shall be presented to the education committees of the house of representatives and the senate by September 30, 1997.

(9) The Washington commission on student learning shall expire on June 30, 1999."

POINT OF ORDER

Senator McAuliffe: "A point of order, Mr. President. Would you please ask Senator Johnson to speak just to his amendment specifically? I believe he is speaking about the WASL test as a whole rather than the connection of the certificate of mastery to graduation."

REPLY BY THE PRESIDENT

President Owen: "I believe that Senator Johnson is speaking to the total issue at hand. Senator Johnson would you please be careful to keep it confined."

REMARKS BY SENATOR JOHNSON

Senator Johnson: "I am very careful, Mr. President."

Senator Johnson continued explaining the amendment to the striking amendment.

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Johnson on page 30, after line 28, to the striking amendment by Senators McAuliffe, Finkbeiner, Eide, Rasmussen, Carlson and Regala to Substitute Senate Bill No. 5625

. The motion by Senator Johnson carried on a rising vote and the amendment to the striking amendment was adopted.

MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute Senate Bill No. 5625 was deferred.

PARLIAMENTARY INQUIRY

Senator McCaslin: "A parliamentary inquiry, Mr. President. I wish for you to tell me that I am reading Rule 224 correctly in Reed's Rules? It states 'It is not permissible to allude to the action of the other house of the legislature, or to refer to a debate there.' I alluded to a House member or to people that came from the House. I did not allude to any action of the House and I want to make sure that I understand this rule properly versus the interpretation taken by those members of this body that have been members of the House."

REPLY BY THE PRESIDENT

President Owen: "Senator McCaslin, the President believes that this is a very difficult and fine line that we walk on this issue in referencing the other body. As you read, the purpose of that amendment is to prevent ill will between the two bodies, which can also be created when you are referencing individual members, although it does not say specifically 'individual members.' We have traditionally held that. We try to avoid referencing individual members for the same purpose, although it is not specifically in there. You are correct, the rule does refer specifically to the body, but the President will exercise some discretion if members are being carried away in their references to other members as well."

Senator McCaslin: "Then my interpretation is correct and that it speaks and alludes to actions of the other body or the House, rather than in mentioning a former House member?"

President Owen: "That is correct."

Senator McCaslin: "Thank you, Mr. President."

President Owen: "Senator McCaslin, in just one slight clarification. If in fact, you are referencing the other members as to their debate, then the President would believe that that would be out of order, because it is of reference of debate in the other house as well."

Senator McCaslin: "I have never done that Mr. President, nor do I intend to."

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5593 deferred on second reading earlier today.

MOTION

Senator Gardner moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.04.015 and 1992 c 103 s 1 are each amended to read as follows:

(1) It is the policy of this state and the purpose of this chapter:

(a) To promote the dependability of information which is used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private or governmental; and

(b) To protect the public interest by requiring that:

(i) Persons who hold themselves out ~~((to the public))~~ as ~~((certified public accountants who offer to perform, or perform for clients, professional services, including but not limited to one or more kinds of services involving the use of accounting or auditing skills, including the issuance of "audit reports," "review reports," or "compilation reports" on financial statements, or one or more kinds of management advisory, or consulting services, the preparation of tax returns, or the furnishing of advice on tax matters, perform such services))~~ licensees or certificate holders conduct themselves in a competent, ethical, and professional manner;

(ii) A public authority be established that is competent to prescribe and assess the qualifications of certified public accountants, including certificate holders who are not licensed for the practice of public accounting;

(iii) Persons other than ~~((certified public accountants))~~ licensees refrain from using the words "audit," "review," and "compilation" when designating a report customarily prepared by someone knowledgeable in accounting; ~~((and))~~

(iv) A public authority be established to provide for consumer alerts and public protection information to be published regarding persons or firms who violate the provisions of this act or board rule and to provide general consumer protection information to the public; and

~~((v))~~ The use of accounting titles likely to confuse the public be prohibited.

(2) The purpose of this act is to make revisions to chapter 234, Laws of 1983 and chapter 103, Laws of 1992 to: Fortify the public protection provisions of this act; establish one set of qualifications to be a licensee; revise the regulations of certified public accountants; make revisions in the ownership of certified public accounting firms; assure to the greatest extent possible that certified public accountants from Washington state are substantially equivalent with certified public accountants in other states and can therefore perform the duties of certified public accountants in as many states and countries as possible; assure certified public accountants from other states and countries have met qualifications that are substantially equivalent to the certified public accountant qualifications of this state; and clarify the authority of the board of accountancy with respect to the activities of persons holding licenses and certificates under this chapter. It is not the intent of this act to in any way restrict or limit the activities of persons not holding licenses or certificates under this chapter except as otherwise specifically restricted or limited by chapter 234, Laws of 1983 and chapter 103, Laws of 1992.

(3) A purpose of chapter 103, Laws of 1992, revising provisions of chapter 234, Laws of 1983, is to clarify the authority of the board of accountancy with respect to the activities of persons holding certificates under this chapter. Furthermore, it is not the intent of chapter 103, Laws of 1992 to in any way restrict or limit the activities of persons not holding certificates under this chapter except as otherwise specifically restricted or limited by chapter 234, Laws of 1983.

Sec. 2. RCW 18.04.025 and 1999 c 378 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the board of accountancy created by RCW 18.04.035.

(2) "Certificate holder" means the holder of a certificate as a certified public accountant who has not become a licensee, has maintained CPE requirements, and who does not practice public accounting.

(3) "Certified public accountant" or "CPA" means a person holding a certified public accountant license or certificate.

~~((3))~~ (4) "State" includes the states of the United States, the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands.

~~((4))~~ (5) "Reports on financial statements" means any reports or opinions prepared by ~~((certified public accountants))~~ licensees, based on services performed in accordance with generally accepted auditing standards, standards for attestation engagements, or standards for accounting and review services as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting. "Reports on financial statements" does not include services referenced in RCW 18.04.350(6) provided by persons not holding a license under this chapter.

~~((5))~~ (6) The "practice of public accounting" means performing or offering to perform by a person or firm holding itself out to the public as a licensee, for a client or potential client, one or more kinds of services involving the use of accounting or auditing skills, including the issuance of "audit reports," "review reports," or "compilation reports" on financial statements, or one or more kinds of management advisory, or consulting services, or the preparation of tax returns, or the furnishing of advice on tax matters. The "practice of public accounting" shall not include practices that are permitted under the provisions of RCW 18.04.350(6) by persons or firms not required to be licensed under this chapter.

~~((6))~~ (7) "Firm" means a sole proprietorship, a corporation, or a partnership. "Firm" also means a limited liability company formed under chapter 25.15 RCW.

~~((7))~~ (8) "CPE" means continuing professional education.

~~((8))~~ (9) "Certificate" means a certificate as a certified public accountant issued prior to July 1, 2001, as authorized under the provisions of this chapter ~~((or a corresponding certificate issued by another state or foreign jurisdiction that is recognized in accordance with the reciprocity provisions of RCW 18.04.180 and 18.04.183)).~~

~~((9))~~ (10) "Licensee" means the holder of a ~~((valid))~~ license to practice public accountancy issued under this chapter.

~~((10))~~ (11) "License" means a license to practice public accountancy issued to an individual under this chapter, or a license issued to a firm under this chapter.

~~((14))~~ (12) "Manager" means a manager of a limited liability company licensed as a firm under this chapter.

~~(13)~~ "NASBA" means the national association of state boards of accountancy.

~~(14)~~ "Quality assurance review" means a process established by and conducted at the direction of the board of study, appraisal, or review of one or more aspects of the ~~((professional))~~ attest work of a ~~((person))~~ licensee or licensed firm in the practice of public accountancy, by a person or persons who hold ~~((certificates))~~ licenses and who are not affiliated with the person or firm being reviewed.

~~((12) "Quality review"))~~ (15) "Peer review" means a study, appraisal, or review of one or more aspects of the ~~((professional))~~ attest work of a ~~((person))~~ licensee or licensed firm in the practice of public accountancy, by a person or persons who hold ~~((certificates))~~ licenses and who are not affiliated with the person or firm being reviewed, including a peer review, or any internal review or inspection intended to comply with quality control policies and procedures, but not including the "quality assurance review" under subsection ~~((14))~~ (14) of this section.

~~((13))~~ (16) "Review committee" means any person carrying out, administering or overseeing a ~~((quality))~~ peer review authorized by the reviewee.

~~((14))~~ (17) "Rule" means any rule adopted by the board under authority of this chapter.

~~((15))~~ (18) "Holding out" means any representation to the public by the use of restricted titles as set forth in RCW 18.04.345 by a person or firm that the person or firm ~~((is a certified public accountant))~~ holds a license under this chapter and that the person or firm offers to perform any professional services to the public as a ~~((certified public accountant))~~ licensee. "Holding out" shall not affect or limit ~~((a person not required to hold a certificate under this chapter or))~~ a person or firm not required to hold a license under this chapter from engaging in practices identified in RCW 18.04.350~~((6))~~.

(19) "Natural person" means a living, human being.

(20) "Inactive" means the certificate is in an inactive status because a person who held a valid certificate before July 1, 2001, has not met the current requirements of licensure and has been granted inactive certificate holder status through an approval process established by the board.

Sec. 3. RCW 18.04.035 and 1992 c 103 s 3 are each amended to read as follows:

(1) There is created a board of accountancy for the state of Washington to be known as the Washington state board of accountancy. Effective June 30, 2001, the board shall consist of ~~((seven))~~ nine members appointed by the governor. Members of the board shall include ~~((four))~~ six persons who ~~((hold valid certified public accountant certificates and have been in public practice as certified public accountants))~~ have been licensed in this state continuously for the previous ten years ~~((and two persons who have held a valid certified public accountant's certificate in this state for at least ten years))~~. ~~((The seventh))~~ Three members shall be ~~((the))~~ public members ~~((and shall be a person who is))~~ qualified to judge whether the qualifications, activities, and professional practice of those regulated under this chapter conform with standards to protect the public interest, including one public member qualified to represent the interests of clients of individuals and firms licensed under this chapter.

(2) The members of the board ~~((of accountancy))~~ shall be appointed by the governor to a term of three years. Vacancies occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of a member's term of office, the member shall continue to serve until a successor has been appointed and has assumed office. The governor shall remove from the board any member whose ~~((certificate or))~~ license to practice has been revoked or suspended and may, after hearing, remove any member of the board for neglect of duty or other just cause. No person who has served two successive complete terms is eligible for reappointment. Appointment to fill an unexpired term is not considered a complete term. In order to stagger their terms, of the two new appointments made to the board upon June 11, 1992, the first appointed member shall serve a term of two years initially.

Sec. 4. RCW 18.04.045 and 1992 c 103 s 4 are each amended to read as follows:

(1) The board shall annually elect a chair, a vice-chair, and a secretary from its members.

(2) A majority of the board constitutes a quorum for the transaction of business.

(3) The board shall have a seal which shall be judicially noticed.

(4) The board shall keep records of its proceedings, and of any proceeding in court arising from or founded upon this chapter. Copies of these records certified as correct under the seal of the board are admissible in evidence as tending to prove the content of the records.

(5) The governor shall appoint an executive director of the board, who shall serve at the pleasure of the governor. The executive director may employ such personnel as is appropriate for carrying out the purposes of this chapter. The executive director shall hold a valid Washington ~~((CPA certificate))~~ license. The board may arrange for such volunteer assistance as it requires to perform its duties. Individuals or committees assisting the board constitute volunteers for purposes of chapter 4.92 RCW.

(6) The board shall file an annual report of its activities with the governor. The report shall include, but not be limited to, a statement of all receipts and disbursements. Upon request, the board shall mail a copy of each annual report to any member of the public.

(7) In making investigations concerning alleged violations of the provisions of this chapter and in all proceedings under RCW 18.04.295 or chapter 34.05 RCW, the board chair, or a member of the board, or a board designee acting in the chair's place, may administer oaths or affirmations to witnesses appearing before the board, subpoena witnesses and compel their attendance, take testimony, and require that documentary evidence be submitted.

(8) The board may review the publicly available professional work of licensees on a general and random basis, without any requirement of a formal complaint or suspicion of impropriety on the part of any particular licensee. If as a result of such review the board discovers reasonable grounds for a more specific investigation, the board may proceed under its investigative and disciplinary rules.

(9) The board may provide for consumer alerts and public protection information to be published regarding persons or firms who violate the provisions of this chapter or board rule and may provide general consumer protection information to the public.

(10) As provided in RCW 18.04.370, the board may enter into stipulated agreements and orders of assurance with persons who have violated the provisions of RCW 18.04.345 or certify the facts to the prosecuting attorney of the county in which such person resides for criminal prosecution.

Sec. 5. RCW 18.04.055 and 1992 c 103 s 5 are each amended to read as follows:

The board may adopt and amend rules under chapter 34.05 RCW for the orderly conduct of its affairs. The board shall prescribe rules consistent with this chapter as necessary to implement this chapter. Included may be:

(1) Rules of procedure to govern the conduct of matters before the board;

(2) Rules of professional conduct for all ~~((certificate and license holders))~~ licensees, certificate holders, and nonlicensee owners of licensed firms, in order to establish and maintain high standards of competence and ethics ~~((of certified public accountants))~~ including rules dealing with independence, integrity, objectivity, and freedom from conflicts of interest;

(3) Rules specifying actions and circumstances deemed to constitute holding oneself out as a licensee in connection with the practice of public accountancy;

(4) Rules specifying the manner and circumstances of the use of the titles "certified public accountant" and "CPA," by holders of certificates who do not also hold licenses under this chapter;

(5) Rules specifying the educational requirements to take the certified public accountant examination ~~((or for the issuance of the certificate or license of certified public accountant))~~;

(6) Rules designed to ensure that ~~((certified public accountants'))~~ licensees' "reports on financial statements" meet the definitional requirements for that term as specified in RCW 18.04.025;

(7) Requirements for ~~((continuing professional education))~~ CPE to maintain or improve the professional competence of ~~((certificate and license holders))~~ licensees as a condition to maintaining their ~~((certificate or))~~ license ~~((to practice))~~ and certificate holders as a condition to maintaining their certificate under RCW 18.04.215;

(8) Rules governing ~~((sole proprietors, partnerships, and corporations practicing public accounting))~~ firms issuing or offering to issue reports on financial statements or using the title "certified public accountant" or "CPA" including, but not limited to, rules concerning their style, name, title, and affiliation with any other organization, and establishing reasonable practice and ethical standards to protect the public interest;

(9) The board may by rule implement a quality assurance review program as a means to monitor licensees' quality of practice and compliance with professional standards. The board may exempt from such program, licensees who undergo periodic ~~((quality))~~ peer reviews in programs of the American Institute of Certified Public Accountants, ~~((National Association of State Boards of Accountancy))~~ NASBA, or other programs recognized and approved by the board;

(10) The board may by rule require licensed firms to obtain professional liability insurance if in the board's discretion such insurance provides additional and necessary protection for the public; ~~((and))~~

(11) Rules specifying the experience requirements in order to qualify for a license;

(12) Rules specifying the requirements for certificate holders to qualify for a license under this chapter which must include provisions for meeting CPE and experience requirements prior to application for licensure;

(13) Rules specifying the registration requirements, including ethics examination and fee requirements, for resident nonlicensee partners, shareholders, and managers of licensed firms;

(14) Rules specifying the ethics CPE requirements for certificate holders and owners of licensed firms, including the process for reporting compliance with those requirements;

(15) Rules specifying the experience and CPE requirements for licensees offering or issuing reports on financial statements; and

(16) Any other rule which the board finds necessary or appropriate to implement this chapter.

Sec. 6. RCW 18.04.065 and 1992 c 103 s 6 are each amended to read as follows:

The board shall set its fees at a level adequate to pay the costs of administering this chapter. ~~((Beginning in the 1993-95 biennium,))~~ All fees for ~~((certified public accountants'))~~ licenses, ~~((certificates,))~~ registrations of nonlicensee partners, shareholders, and managers of licensed firms, renewals of licenses, renewals of registrations of nonlicensee partners, shareholders, and managers of licensed firms, renewals of certificates, reinstatements of lapsed licenses, reinstatements of lapsed certificates, reinstatements of lapsed registrations of nonlicensee partners, shareholders, and managers of licensed firms, and delinquent filings received under the authority of this chapter shall be deposited in the certified public accountants' account created by RCW 18.04.105. Appropriation from such account shall be made only for the cost of administering the provisions of this chapter.

Sec. 7. RCW 18.04.105 and 2000 c 171 s 2 are each amended to read as follows:

(1) ~~((The certificate of "certified public accountant"))~~ A license to practice public accounting shall be granted by the board to any person:

(a) Who is of good character. Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The board may refuse to grant a ~~((certificate))~~ license on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional and ethical responsibilities of a ~~((certified public accountant))~~ licensee and if the finding by the board of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a ~~((certificate))~~ license because of a lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a notice of the applicant's right of appeal;

(b) Who has met the educational standards established by rule as the board determines to be appropriate;

~~((The board may, in its discretion, waive the educational requirements for any person if it is satisfied through review of documentation of successful completion of an equivalency examination that the person's educational qualifications are an acceptable substitute for the requirements of (b) of this subsection; and))~~

(c) Who has passed ~~((a written))~~ an examination;

(d) Who has had one year of experience which is gained:

(i) Through the use of accounting, issuing reports on financial statements, management advisory, financial advisory, tax, tax advisory, or consulting skills;

(ii) While employed in government, industry, academia, or public practice; and

(iii) Meeting the competency requirements in a manner as determined by the board to be appropriate and established by board rule; and

(e) Who has paid appropriate fees as established by rule by the board.

(2) The examination described in subsection (1)(c) of this section ~~((shall be in writing, shall be held twice a year, and))~~ shall test the applicant's knowledge of the subjects of accounting and auditing, and other related fields the board may specify by rule. The time for holding the examination is fixed by the board and may be changed from time to time. The board shall prescribe by rule the methods of applying for and taking the examination, including methods for grading ~~((papers))~~ examinations and determining a passing grade required of an applicant for a ~~((certificate))~~ license. The board shall to the extent possible see to it that the grading of the examination, and the passing grades, are uniform with those applicable to all other states. The board may make use of all or a part of the uniform certified public accountant examination and advisory grading service of the American Institute of

Certified Public Accountants and may contract with third parties to perform administrative services with respect to the examination as the board deems appropriate to assist it in performing its duties under this chapter. The board shall establish by rule provisions for transitioning to a new examination structure or to a new media for administering the examination.

~~(3) ((An applicant is required to pass all sections of the examination provided for in subsection (2) of this section in order to qualify for a certificate. If at a given sitting of the examination an applicant passes two or more but not all sections, then the applicant shall be given credit for those sections that he or she passed, and need not take those sections again: PROVIDED, That:~~

~~(a) The applicant took all sections of the examination at that sitting;~~

~~(b) The applicant attained a minimum grade of fifty on each section not passed at that sitting;~~

~~(c) The applicant passes the remaining sections of the examination within six consecutive examinations given after the one at which the first sections were passed;~~

~~(d) At each subsequent sitting at which the applicant seeks to pass additional sections, the applicant takes all sections not yet passed; and~~

~~(e) In order to receive credit for passing additional sections in a subsequent sitting, the applicant attains a minimum grade of fifty on sections written but not passed on the sitting.~~

~~(4) The board may waive or defer any of the requirements of subsection (3) of this section for candidates transferring conditional CPA exam credits from other states or for qualifying reciprocity certification applicants who met the conditioning requirements of the state or foreign jurisdiction issuing their original certificate.~~

~~(5)) The board shall charge each applicant an examination fee for the initial examination ((under subsection (1) of this section;) or for reexamination ((under subsection (3) of this section for each subject in which the applicant is reexamined)). The applicable fee shall be paid by the person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the board under chapter 18.04 RCW. There is established in the state treasury an account to be known as the certified public accountants' account. All fees received from candidates to take any or all sections of the certified public accountant examination shall be used only for costs related to the examination.~~

~~((6) Persons who on June 30, 1986, held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.~~

~~(7) A certificate of a "certified public accountant" under this chapter is issued every three years with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board.~~

~~(8) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:~~

~~(a) Provide that a certified public accountant shall verify to the board that he or she has completed at least an accumulation of one hundred twenty hours of continuing professional education during the last three-year period to maintain the certificate;~~

~~(b) Establish continuing professional education requirements;~~

~~(c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education;~~

~~(d) Provide that failure to furnish verification of the completion of the continuing professional education requirement shall make the certificate invalid and subject to reinstatement, unless the board determines that the failure was due to retirement, reasonable cause, or excusable neglect; and~~

~~(e) Provide for transition from existing to new continuing professional education requirements.~~

~~(9) The board may adopt by rule new CPE standards that differ from those in subsection (8) of this section or RCW 18.04.215 if: (a) The new standards are consistent with the continuing professional education standards of other states so as to provide to the greatest extent possible, consistent national standards; and (b) the new standards are at least as strict as the standards set forth in subsection (8) of this section or RCW 18.04.215.)~~

(4) Persons who on June 30, 2001, held valid certificates previously issued under this chapter shall be deemed to be certificate holders, subject to the following:

(a) Certificate holders may, prior to June 30, 2004, petition the board to become licensees by documenting to the board that they have gained one year of experience through the use of accounting, issuing reports on financial statements, management advisory, financial advisory, tax, tax advisory, or consulting skills, without regard to the eight-year limitation set forth in (b) of this subsection, while employed in government, industry, academia, or public practice.

(b) Certificate holders who do not petition to become licensees prior to June 30, 2004, may after that date petition the board to become licensees by documenting to the board that they have one year of experience acquired within eight years prior to applying for a license through the use of accounting, issuing reports on financial statements, management advisory, financial advisory, tax, tax advisory, or consulting skills in government, industry, academia, or public practice.

(c) Certificate holders who petition the board pursuant to (a) or (b) of this subsection must also meet competency requirements in a manner as determined by the board to be appropriate and established by board rule.

(d) Any certificate holder petitioning the board pursuant to (a) or (b) of this subsection to become a licensee must submit to the board satisfactory proof of having completed an accumulation of one hundred twenty hours of CPE during the thirty-six months preceding the date of filing the petition.

(e) Any certificate holder petitioning the board pursuant to (a) or (b) of this subsection to become a licensee must pay the appropriate fees established by rule by the board.

(5) Certificate holders shall comply with the prohibition against the practice of public accounting in RCW 18.04.345.

(6) Persons who on June 30, 2001, held valid certificates previously issued under this chapter are deemed to hold inactive certificates, subject to renewal as inactive certificates, until they have petitioned the board to become licensees and have met the requirements of subsection (4) of this section. No individual who did not hold a valid certificate before July 1, 2001, is eligible to obtain an inactive certificate.

(7) Persons deemed to hold inactive certificates under subsection (6) of this section shall comply with the prohibition against the practice of public accounting in subsection (8)(b) of this section and RCW 18.04.345, but are not required to display the

term inactive as part of their title, as required by subsection (8)(a) of this section until renewal. Certificates renewed to any persons after June 30, 2001, are inactive certificates and the inactive certificate holders are subject to the requirements of subsection (8) of this section.

(8) Persons holding an inactive certificate:

(a) Must use or attach the term "inactive" whenever using the title CPA or certified public accountant or referring to the certificate, and print the word "inactive" immediately following the title, whenever the title is printed on a business card, letterhead, or any other document, including documents published or transmitted through electronic media, in the same font and font size as the title; and

(b) Are prohibited from practicing public accounting.

Sec. 8. RCW 18.04.180 and 1992 c 103 s 8 are each amended to read as follows:

(1) The board shall issue a ~~((certificate to a holder of a certificate issued by another state, or shall issue a certificate and))~~ license to a holder of a certificate/valid license issued by another state that entitles the holder to practice public accountancy, provided that:

~~((1))~~ (a) Such state makes similar provision to grant reciprocity to a holder of a ~~((certificate or))~~ valid certificate ~~((and valid))~~ or license in this state; ~~((and~~

~~(2))~~ (b) The applicant meets the ~~((continuing professional education))~~ CPE requirements of RCW ~~((18.04.105(8)))~~ 18.04.215(5); ~~((and~~

~~(3) If the application is for a certificate only:~~

~~(a) The applicant passed the examination required for issuance of his or her certificate with grades that would have been passing grades at that time in this state; and~~

~~(b) The applicant: Meets all current requirements in this state for issuance of a certificate at the time application is made; or at the time of the issuance of the applicant's certificate in the other state, met all the requirements then applicable in this state; or~~

~~(4) If the application is for a certificate and license:~~

~~(a))~~ (c) The applicant meets the good character requirements of RCW 18.04.105(1)(a); and

~~(d) The applicant passed the examination required for issuance of his or her certificate or license with grades that would have been passing grades at that time in this state((;)) and~~

~~((b) The applicant:))~~ meets all current requirements in this state for issuance of a license at the time application is made; or at the time of the issuance of the applicant's license in the other state, met all the requirements then applicable in this state; or has had five years of experience within the ten years immediately preceding application in the practice of public accountancy that meets the requirements prescribed by the board.

(2) The board may accept NASBA's designation of the applicant as substantially equivalent to national standards as meeting the requirement of subsection (1)(d) of this section.

(3) A licensee who has been granted a license under the reciprocity provisions of this section shall notify the board within thirty days if the license or certificate issued in the other jurisdiction has lapsed or if the status of the license or certificate issued in the other jurisdiction becomes otherwise invalid.

Sec. 9. RCW 18.04.183 and 1999 c 378 s 3 are each amended to read as follows:

The board shall grant a ~~((certificate or))~~ license as a certified public accountant to a holder of a permit, license, or certificate issued by a foreign country's board, agency, or institute, provided that:

(1) The foreign country where the foreign permit, license, or certificate was issued is a party to an agreement on trade with the United States that encourages the mutual recognition of licensing and certification requirements for the provision of covered services by the parties under the trade agreement; ~~((and))~~

~~((certificate))~~ (2) Such foreign country's board, agency, or institute makes similar provision to allow a person who holds a valid license issued by this state to obtain such foreign country's comparable permit, license, or certificate; ~~((and))~~

(3) The foreign permit, license, or certificate:

(a) Was duly issued by such foreign country's board, agency, or institute that regulates the practice of public accountancy; and

(b) Is in good standing at the time of the application; and

(c) Was issued upon the basis of educational, examination, experience, and ethical requirements substantially equivalent currently or at the time of issuance of the foreign permit, license, or certificate to those in this state; ~~((and))~~

(4) The applicant has within the thirty-six months prior to application completed an accumulation of one hundred twenty hours of ~~((continuing professional education))~~ CPE as required under RCW ~~((18.04.105(8)))~~ 18.04.215(5). The board shall provide for transition from existing to new ~~((continuing professional education))~~ CPE requirements; ~~((and))~~

~~((5))~~ (5) ~~((If the application is for a certificate:~~

~~((a))~~ (a)) The applicant's foreign permit, license, or certificate was the type of permit, license, or certificate requiring the most stringent qualifications if, in the foreign country, more than one type of permit, license, or certificate is issued. This state's board shall decide which are the most stringent qualifications; ~~((and~~

~~((b))~~ (6) The applicant has passed a written examination or its equivalent, approved by the board, that tests knowledge in the areas of United States accounting principles, auditing standards, commercial law, income tax law, and Washington state rules of professional ethics; ~~((or~~

~~((6) If the application is for a certificate and license:~~

~~((a) The requirements of subsections (1) through (5) of this section are satisfied;))~~ and

~~((b))~~ (7) The applicant has within the ~~((five))~~ eight years prior to applying for ~~((the certificate and))~~ a license under this section, demonstrated, in accordance with the rules issued by the board, one year of public accounting experience, within the foreign country where the foreign permit, license, or certificate was issued, equivalent to the experience required under RCW 18.04.215(1)(a) or such other experience or employment which the board in its discretion regards as substantially equivalent.

The board may adopt by rule new CPE standards that differ from those in subsection (4) of this section or RCW 18.04.215 if the new standards are consistent with the ~~((continuing professional education))~~ CPE standards of other states so as to provide to the greatest extent possible, consistent national standards.

A licensee who has been granted a license under the reciprocity provisions of this section shall notify the board within thirty days if the permit, license, or certificate issued in the other jurisdiction has lapsed or if the status of the permit, license, or certificate issued in the other jurisdiction becomes otherwise invalid.

Sec. 10. RCW 18.04.185 and 1999 c 378 s 4 are each amended to read as follows:

~~((1)) Application for certification as certified public accountants by persons who are not residents of this state constitutes appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicants arising from any transaction, activity, or operation connected with or incidental to the practice of public accounting in this state by nonresident holders of certified public accountant certificates.~~

~~((2)) Application for a license to practice public accounting in this state by a certified public accountant or CPA firm who holds a license or permit to practice issued by another state constitutes the appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicant arising from any transaction or operation connected with or incidental to the practice of public accounting in this state by the holder of the license to practice.~~

Sec. 11. RCW 18.04.195 and 1999 c 378 s 5 are each amended to read as follows:

~~(1) A sole proprietorship engaged in business in this state ((in the practice of public accounting)) and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license, as a firm, every three years with the board ((as a firm)).~~

~~(a) ((The principal purpose and business of the firm shall be to furnish services to the public which are consistent with this chapter and the rules of the board.~~

~~((b)) The ((person)) sole proprietor shall ((be a certified public accountant holding)) hold a license to practice under RCW 18.04.215((-));~~

~~((c)) ((b) Each resident ((licensee)) person in charge of an office ((of the sole proprietorship engaged in this state in the practice of public accounting)) located in this state shall ((be a certified public accountant holding)) hold a license to practice under RCW 18.04.215; and~~

~~((d) The licensed firm must meet competency requirements established by rule by the board.~~

~~(2) A partnership engaged in business in this state ((in the practice of public accounting)) and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license as a firm every three years with the board ((as a partnership of certified public accountants)), and shall meet the following requirements:~~

~~(a) ((The principal purpose and business of the partnership shall be to furnish services to the public which are consistent with this chapter and the rules of the board;~~

~~((b)) At least one general partner of the partnership shall ((be a certified public accountant holding)) hold a license to practice under RCW 18.04.215;~~

~~((c)) ((b) Each resident ((licensee)) person in charge of an office ((of the partnership)) in this state ((and each resident partner personally engaged within this state in the practice of public accounting)) shall ((be a certified public accountant holding)) hold a license to practice under RCW 18.04.215;~~

~~((d) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all partners or owners shall be held by natural persons who are licensees or holders of a valid license issued under this chapter or by another state that entitles the holder to practice public accounting in this state. The principal partner of the partnership and any partner having authority over issuing reports on financial statements shall hold a license under this chapter or issued by another state that entitles the holder to practice public accounting in this state; and~~

~~((e) The licensed firm must meet competency requirements established by rule by the board.~~

~~(3) A corporation ((organized for the practice of public accounting and)) engaged in business in this state ((in the practice of public accounting)) and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license as a firm every three years with the board ((as a corporation of certified public accountants)) and shall meet the following requirements:~~

~~(a) ((The principal purpose and business of the corporation shall be to furnish services to the public which are consistent with this chapter and the rules of the board; and~~

~~((b) Each shareholder of the corporation shall be a certified public accountant of some state holding a license to practice and shall be) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all shareholders or owners shall be held by natural persons who are licensees or holders of a valid license issued under this chapter or by another state that entitles the holder to practice public accounting in this state and is principally employed by the corporation or actively engaged in its business. ((No other person may have any interest in the stock of the corporation.)) The principal officer of the corporation and any officer or director having authority over ((the practice of public accounting by the corporation)) issuing reports on financial statements shall ((be a certified public accountant of some state holding)) hold a license ((to practice)) under this chapter or issued by another state that entitles the holder to practice public accounting in this state;~~

~~((c)) ((b) At least one shareholder of the corporation shall ((be a certified public accountant holding)) hold a license ((to practice)) under RCW 18.04.215;~~

~~((d)) ((c) Each resident ((licensee)) person in charge of an office ((of the corporation)) located in this state ((and each shareholder or director personally engaged within this state in the practice of public accounting)) shall ((be a certified public accountant holding)) hold a license ((to practice)) under RCW 18.04.215;~~

~~((e)) ((d) A written agreement shall bind the corporation or its shareholders to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder, and bind any holder not a qualified shareholder to sell the shares to the corporation or its qualified shareholders. The agreement shall be noted on each certificate of corporate stock. The corporation may purchase any amount of its stock for this purpose, notwithstanding any impairment of capital, as long as one share remains outstanding; (and~~

~~((f)) ((e) The corporation shall comply with any other rules pertaining to corporations practicing public accounting in this state as the board may prescribe; and~~

~~((g) The licensed firm must meet competency requirements established by rule by the board.~~

~~(4) A limited liability company engaged in business in this state ((in the practice of public accounting)) and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license as a firm every three years with the board ((as a limited liability company of certified public accountants)), and shall meet the following requirements:~~

(a) ~~((The principal purpose and business of the limited liability company shall be to furnish services to the public which are consistent with this chapter and the rules of the board;~~

~~(b)) At least one ((manager)) member of the limited liability company shall ~~((be a certified public accountant holding))~~ hold a license ~~((to practice))~~ under RCW 18.04.215;~~

~~((e))~~ (b) Each resident manager or member in charge of an office ((of the limited liability company)) located in this state ((and each resident manager or member personally engaged within this state in the practice of public accounting)) shall ((be a certified public accountant holding)) hold a license ((to practice)) under RCW 18.04.215;

(c) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all owners shall be held by natural persons who are licensees or holders of a valid license issued under this chapter or by another state that entitles the holder to practice public accounting in this state. The principal member or manager of the limited liability company and any member having authority over issuing reports on financial statements shall hold a license under this chapter or issued by another state that entitles the holder to practice public accounting in this state; and

(d) The licensed firm must meet competency requirements established by rule by the board.

(5) Application for a license as a firm shall be made upon the affidavit of the proprietor or person designated as managing partner, member, or shareholder for Washington. This person shall ~~((be a certified public accountant holding))~~ hold a license ~~((to practice))~~ under RCW 18.04.215. The board shall determine in each case whether the applicant is eligible for a license. A partnership ~~((or))~~, corporation, or limited liability company which is licensed to practice under RCW 18.04.215 may use the designation "certified public accountants" or "CPAs" in connection with its partnership, limited liability company, or corporate name. The board shall be given notification within ninety days after the admission or withdrawal of a partner ~~((or))~~, shareholder, or member engaged in this state in the practice of public accounting from any partnership ~~((or))~~, corporation, or limited liability company so licensed.

(6) Licensed firms which fall out of compliance with the provisions of this section due to changes in firm ownership or personnel, after receiving or renewing a license, shall notify the board in writing within thirty days of its falling out of compliance and propose a time period in which they will come back into compliance. The board may grant a reasonable period of time for a firm to be in compliance with the provisions of this section. Failure to bring the firm into compliance within a reasonable period of time, as determined by the board, may result in suspension, revocation, or imposition of conditions on the firm's license.

(7) Fees for the license as a firm and for notification of the board of the admission or withdrawal of a partner ((or)), shareholder, or member shall be determined by the board. Fees shall be paid by the firm at the time the license application form or notice of admission or withdrawal of a partner ~~((or))~~, shareholder, or member is filed with the board.

(8) Nonlicensee owners of licensed firms are:

(a) Required to fully comply with the provisions of this chapter and board rules;

(b) Required to be a natural person;

(c) Required to be an active individual participant in the licensed firm or affiliated entities as these terms are defined by board rule; and

(d) Subject to discipline by the board for violation of this chapter.

(9) Resident nonlicensee owners of licensed firms are required to meet:

(a) The ethics examination, registration, and fee requirements as established by the board rules; and

(b) The ethics CPE requirements established by the board rules.

Sec. 12. RCW 18.04.205 and 1999 c 378 s 6 are each amended to read as follows:

(1) Each office established or maintained in this state for the ((practice of public accounting)) purpose of offering to issue or issuing reports on financial statements in this state ((by a certified public accountant, or a partnership or corporation of certified public accountants)) or that uses the title "certified public accountant" or "CPA," shall register with the board under this chapter every three years.

(2) Each office shall be under the direct supervision of a resident licensee holding a license under RCW 18.04.215 ((who may be a sole proprietor, partner, principal shareholder, or a staff employee)).

(3) The board shall by rule prescribe the procedure to be followed to register and maintain offices established in this state for the ((practice of public accounting)) purpose of offering to issue or issuing reports on financial statements or that use the title "certified public accountant" or "CPA."

(4) Fees for the registration of offices shall be determined by the board. Fees shall be paid by the applicant at the time the registration form is filed with the board.

Sec. 13. RCW 18.04.215 and 1999 c 378 s 7 are each amended to read as follows:

(1) Three-year licenses shall be issued by the board:

(a) To ((holders of certificates as certified public accountants who have demonstrated, in accordance with rules issued by the board, one year of public accounting experience, or such other experience or employment which the board in its discretion regards as substantially equivalent and who, if their certificate was issued more than forty-eight months prior to application under this section, submit to the board satisfactory proof of having completed an accumulation of one hundred twenty hours of continuing professional education during the thirty-six months preceding the application;)) persons meeting the requirements of RCW 18.04.105(1), 18.04.180, or 18.04.183.

(b) To certificate holders meeting the requirements of RCW 18.04.105(4).

(c) To firms under RCW 18.04.195, ((if all offices of the firm in this state are maintained and registered as required under)) meeting the requirements of RCW 18.04.205.

(2) The board shall, by rule, provide for a system of certificate and license renewal and reinstatement. Applicants for ((issuance or)) renewal ((of certificates or licenses)) or reinstatement shall, at the time of filing their applications, list with the board all states and foreign jurisdictions in which they hold or have applied for certificates, permits or licenses to practice.

(3) An inactive certificate is renewed every three years with renewal subject to the requirements of ethics CPE and the payment of fees, prescribed by the board. Failure to renew the inactive certificate shall cause the inactive certificate to lapse and be subject to reinstatement. The board shall adopt rules providing for fees and procedures for renewal and reinstatement of inactive certificates.

(4) A license is issued every three years with renewal subject to requirements of CPE and payment of fees, prescribed by the board. Failure to renew the license shall cause the license to lapse and become subject to reinstatement. Persons holding a

lapsed license are prohibited from using the title "CPA" or "certified public accountant." Persons holding a lapsed license are prohibited from practicing public accountancy. The board shall adopt rules providing for fees and procedures for issuance, renewal, and reinstatement of licenses.

(5) The board shall adopt rules providing for CPE for licensees and certificate holders. The rules shall:

(a) Provide that a licensee shall verify to the board that he or she has completed at least an accumulation of one hundred twenty hours of CPE during the last three-year period to maintain the license;

(b) Establish CPE requirements; and

(c) Establish when new licensees shall verify that they have completed the required CPE.

(6) A certified public accountant who holds a ~~(permit or)~~ license issued by another state, and applies for a license in this state, may practice in this state from the date of filing a completed application with the board, until the board has acted upon the application provided the application is made prior to holding out as a certified public accountant in this state and no sanctions or investigations, deemed by the board to be pertinent to public accountancy, by other jurisdictions or agencies are in process.

~~((4))~~ (7) A ~~(certified public accountant)~~ licensee shall submit to the board satisfactory proof of having completed an accumulation of one hundred twenty hours of ~~(continuing education)~~ CPE recognized and approved by the board during the preceding three years. Failure to furnish this evidence as required shall make the ~~(certificate invalid)~~ license lapse and subject to reinstatement procedures, unless the board determines the failure to have been due to retirement~~(,)~~ or reasonable cause~~(, or excusable neglect)~~.

The board in its discretion may renew a certificate or license despite failure to furnish evidence of compliance with requirements of ~~(continuing professional education)~~ CPE upon condition that the applicant follow a particular program of ~~(continuing professional education)~~ CPE. In issuing rules and individual orders with respect to ~~(continuing professional education)~~ CPE requirements, the board, among other considerations, may rely upon guidelines and pronouncements of recognized educational and professional associations, may prescribe course content, duration, and organization, and may take into account the accessibility of ~~(continuing education)~~ CPE to ~~(applicants)~~ licensees and certificate holders and instances of individual hardship.

~~((5))~~ (8) Fees for ~~(issuance or)~~ renewal or reinstatement of certificates and licenses in this state shall be determined by the board under this chapter ~~((48.04 RCW))~~. Fees shall be paid by the applicant at the time the application form is filed with the board. The board, by rule, may provide for proration of fees for~~(certificates and)~~ licenses or certificates issued between normal renewal dates.

Sec. 14. RCW 18.04.295 and 2000 c 171 s 1 are each amended to read as follows:

The board ~~(of accountancy)~~ shall have the power to: Revoke, suspend, ~~(or)~~ refuse to renew ~~(a), or~~ reinstate a license or certificate ~~(or license, and may);~~ impose a fine in an amount not to exceed ~~(one)~~ ten thousand dollars plus the board's investigative and legal costs in bringing charges against a certified public accountant, ~~(or)~~ a certificate holder, a licensee, a licensed firm, or a nonlicensee holding an ownership interest in a licensed firm; may impose full restitution to injured parties; may impose conditions precedent to renewal of ~~(the)~~ a certificate or a license ~~(of any certified public accountant); or may prohibit a nonlicensee from holding an ownership interest in a licensed firm,~~ for any of the following causes:

(1) Fraud or deceit in obtaining a ~~(certificate as a certified public accountant, or in obtaining a)~~ license, or in any filings with the board;

(2) Dishonesty, fraud, or negligence while representing oneself as a ~~(CPA)~~ nonlicensee owner holding an ownership interest in a licensed firm, a licensee, or a certificate holder;

(3) A violation of any provision of this chapter;

(4) A violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter;

(5) Conviction of a crime or an act constituting a crime under:

(a) The laws of this state;

(b) The laws of another state, and which, if committed within this state, would have constituted a crime under the laws of this state; or

(c) Federal law;

(6) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant by any other state for any cause other than failure to pay a fee or to meet the requirements of ~~(continuing education)~~ CPE in the other state;

(7) Suspension or revocation of the right to practice matters relating to public accounting before any state or federal agency;

For purposes of subsections (6) and (7) of this section, a certified copy of such revocation, suspension, or refusal to renew shall be prima facie evidence;

(8) Failure to maintain compliance with the requirements for issuance, renewal, or reinstatement of ~~(the)~~ a certificate or license, or to report changes to the board;

(9) Failure to cooperate with the board by:

(a) Failure to furnish any papers or documents requested or ordered by the board;

(b) Failure to furnish in writing a full and complete explanation covering the matter contained in the complaint filed with the board or the inquiry of the board;

(c) Failure to respond to subpoenas issued by the board, whether or not the recipient of the subpoena is the accused in the proceeding;

(10) Failure by a nonlicensee owner of a licensed firm to comply with the requirements of this chapter or board rule; and

(11) Failure to comply with an order of the board.

Sec. 15. RCW 18.04.305 and 1992 c 103 s 12 are each amended to read as follows:

The board ~~(of accountancy)~~ may revoke, suspend, or refuse to renew the license issued to a firm if at any time the firm does not meet the requirements of this chapter for licensing, or for any of the causes enumerated in RCW 18.04.295, or for any of the following additional causes:

(1) The revocation or suspension of the ~~(certificate as a certified public accountant)~~ sole-practitioner's license or the revocation or suspension or refusal to renew the ~~(certificate or)~~ license of any partner, manager, member, or shareholder; ~~(or)~~

(2) The revocation, suspension, or refusal to renew the license (~~(or permit)~~) of the firm, or any partner, manager, member, or shareholder thereof, to practice public accounting in any other state or foreign jurisdiction for any cause other than failure to pay a fee or to meet the CPE requirements of (~~continuing professional education in~~) the other state or foreign jurisdiction;

(3) Failure by a nonlicensee owner of a licensed firm to comply with the requirements of this chapter or board rule; or

(4) Failure of the firm to comply with the requirements of this chapter or board rule.

Sec. 16. RCW 18.04.335 and 1997 c 58 s 812 are each amended to read as follows:

(1) Upon application in writing and after hearing pursuant to notice, the board may:

(a) Modify the suspension of, or reissue a certificate or a license to, an individual whose certificate or license has been revoked or suspended; or

(b) Modify the suspension of, or reissue a license to a firm whose license has been revoked, suspended, or which the board has refused to renew.

(2) In the case of suspension for failure to comply with a support order under chapter 74.20A RCW (~~(or a residential or visitation order under chapter 26.09 RCW)~~), if the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of a certificate or a license shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the individual is in compliance with the order.

Sec. 17. RCW 18.04.345 and 1999 c 378 s 8 are each amended to read as follows:

(1) No person may assume or use the designation "certified public accountant-~~inactive~~" or "CPA-~~inactive~~" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant-~~inactive~~ or CPA-~~inactive~~ unless the person holds a (~~valid~~) certificate (~~(as a certified public accountant)~~). Persons holding only a certificate may not practice public accounting.

(2) No person may hold himself or herself out to the public (~~(and)~~) or assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant or CPA unless the person holds a (~~valid certificate as a certified public accountant and holds a valid~~) license (~~(to practice)~~) under RCW 18.04.215.

(3) No firm may hold itself out to the public as offering to issue or issuing reports on financial statements, or assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the firm is composed of certified public accountants or CPAs, unless the firm is licensed under RCW 18.04.195 (~~(, holds a valid license to practice under RCW 18.04.215,)~~) and all offices of the firm in this state (~~(for the practice of public accounting)~~) are maintained and registered under RCW 18.04.205.

(4) No person, partnership, limited liability company, or corporation offering accounting services to the public may hold himself, herself, or itself out to the public, or assume or use along, or in connection with his, hers, or its name, or any other name the title or designation "certified accountant," "chartered accountant," "licensed accountant," "licensed public accountant," "public accountant," or any other title or designation likely to be confused with "certified public accountant" or any of the abbreviations "CA," "LA," "LPA," or "PA," or similar abbreviations likely to be confused with "CPA." (~~(However, nothing in this chapter prohibits use of the title "accountant" by any person regardless of whether the person has been granted a certificate or holds a license under this chapter.)~~)

(5) No licensed firm may operate under an alias, a firm name, title, or "DBA" that differs from the firm name that is registered with the board.

(6) No person may sign, affix, or associate his or her name or any trade or assumed name used by the person in his or her business to any report designated as an "audit," "review," or "compilation," unless the person holds a license to practice under RCW 18.04.215 and a firm license under RCW 18.04.195, and all of the person's offices in this state (~~(for the practice of public accounting are maintained and)~~) are licensed under RCW 18.04.205.

~~((6))~~ (7) No person may sign, affix, or associate a firm name to any report designated as an "audit," "review," or "compilation," unless the firm is licensed under RCW 18.04.195 and 18.04.215, and all of its offices in this state (~~(for the practice of public accounting)~~) are maintained and registered under RCW 18.04.205.

~~((7))~~ (8) No person, partnership, limited liability company, or corporation not holding a license to practice under RCW 18.04.215 may hold himself, herself, or itself out to the public as an "auditor" with or without any other description or designation by use of such word on any sign, card, letterhead, or in any advertisement or directory.

~~((8))~~ No person may assume or use the designation "certified public accountant" or "CPA" in conjunction with names indicating or implying that there is a partnership or corporation, if there is in fact no bona fide partnership or corporation registered under RCW 18.04.195.

(9) No person, partnership, or corporation holding a license under RCW 18.04.215 may hold himself, herself, or itself out to the public in conjunction with the designation "and Associates" or "and Assoc." unless he or she has in fact a partner or employee who holds a license under RCW 18.04.215.)

Sec. 18. RCW 18.04.350 and 1992 c 103 s 15 are each amended to read as follows:

(1) Nothing in this chapter prohibits any person not (~~(a certified public accountant)~~) holding a license from serving as an employee of a firm licensed (~~(, or as assistant to, a certified public accountant or partnership composed of certified public accountants or corporation of certified public accountants holding a valid license)~~) under RCW 18.04.215. However, the employee or assistant shall not issue any accounting or financial statement over his or her name.

(2) (~~(Nothing in this chapter prohibits a certified public accountant registered in another state, or any accountant of a foreign country holding a certificate, degree or license which permits him to practice therein from temporarily practicing in this state on professional business incident to his regular practice)~~) (a) An individual, whose principal place of business is not in this state, who has a valid certificate or license as a certified public accountant from another state, and (i) whose state of licensure has education, examination, and experience requirements that are deemed by the board to be substantially equivalent to this state's requirements or (ii) who, as an individual, has education, examination, and experience that are deemed by the board to be substantially equivalent to this state's requirement shall have all the privileges of license holders of this state without the need to obtain a license under RCW 18.04.105 or 18.04.195. However, such individuals shall notify the board, under such circumstances and in such manner as the board determines by rule, of their intent to enter the state under this section. The board shall have the authority to establish a fee for the practice privilege granted under this section by rule.

(b) An individual that enters the state under this section and is granted this practice privilege shall abide by this chapter and the rules adopted under this chapter and shall be subject to discipline for violation of this chapter. However, such individual is exempt from the continuing education requirements of this chapter provided the individual has met the continuing education requirements of the state in which the individual holds a valid certificate or license. The board may accept NASBA's designation of the individual's state as substantially equivalent to national standards, or NASBA's designation of the applicant as substantially equivalent to national standards, as meeting the requirement for a certified public accountant to be substantially equivalent to this state's requirements.

(c) Any certificate or license holder of another state exercising the privilege afforded under this section consents, as a condition of the grant of this privilege:

(i) To the personal and subject matter jurisdiction of the board;

(ii) To the appointment of the state board which issued the certificate or license as their agent upon whom process may be served in any action or proceeding by this state's board against the certificate holder or licensee.

(d) A licensee of this state offering or rendering services or using their certified public accountant title in another state shall be subject to disciplinary action in this state for an act committed in another state for which the certificate or permit holder would be subject to discipline for an act committed in the other state provided the board receives timely notification of the act. Notwithstanding RCW 18.04.295, the board may investigate any complaint made by the board of accountancy of another state.

(3) Nothing in this chapter prohibits a ((certified public accountant, a partnership, or corporation of certified public accountants)) licensee, a licensed firm, or any of their employees from disclosing any data in confidence to other certified public accountants, quality assurance or peer review teams, partnerships, limited liability companies, or corporations of public accountants or to the board or any of its employees engaged in conducting ((quality-)) quality assurance((-)) or peer reviews, or any one of their employees in connection with quality or peer reviews of that accountant's accounting and auditing practice conducted under the auspices of recognized professional associations.

(4) Nothing in this chapter prohibits a ((certified public accountant, a partnership, or corporation of certified public accountants)) licensee, a licensed firm, or any of their employees from disclosing any data in confidence to any employee, representative, officer, or committee member of a recognized professional association, or to the board ((of accountancy)), or any of its employees or committees in connection with a professional investigation held under the auspices of recognized professional associations or the board ((of accountancy)).

(5) Nothing in this chapter prohibits any officer, employee, partner, or principal of any organization:

(a) From affixing his or her signature to any statement or report in reference to the affairs of the organization with any wording designating the position, title, or office which he or she holds in the organization; or

(b) From describing himself or herself by the position, title, or office he or she holds in such organization.

(6) Nothing in this chapter prohibits any person((;)) or ((partnership or corporation)) firm composed of persons not holding a license under RCW 18.04.215 from offering or rendering to the public bookkeeping, accounting, tax services, the devising and installing of financial information systems, management advisory, or consulting services, the preparation of tax returns, or the furnishing of advice on tax matters, the preparation of financial statements, written statements describing how such financial statements were prepared, or similar services, provided that persons, partnerships, limited liability companies, or corporations not holding a license under RCW 18.04.215 who offer or render these services do not designate any written statement as an "audit report," "review report," or "compilation report," do not issue any written statement which purports to express or disclaim an opinion on financial statements which have been audited, and do not issue any written statement which expresses assurance on financial statements which have been reviewed.

(7) Nothing in this chapter prohibits any act of or the use of any words by a public official or a public employee in the performance of his or her duties.

(8) Nothing contained in this chapter prohibits any person who holds only a valid ((certified public accountant)) certificate from assuming or using the designation "certified public accountant-inactive" or "CPA-inactive" or any other title, designation, words, letters, sign, card, or device tending to indicate the person is a ((certified public accountant)) certificate holder, provided, that such person ((shall)) does not ((hold himself or herself out to the public as engaged in the practice of public accounting unless that person holds a valid license in addition to the certificate under RCW 18.04.215)) perform or offer to perform for the public one or more kinds of services involving the use of accounting or auditing skills, including issuance of reports on financial statements or of one or more kinds of management advisory, financial advisory, consulting services, the preparation of tax returns, or the furnishing of advice on tax matters.

(9) Nothing in this chapter prohibits the use of the title "accountant" by any person regardless of whether the person has been granted a certificate or holds a license under this chapter. Nothing in this chapter prohibits the use of the title "enrolled agent" or the designation "EA" by any person regardless of whether the person has been granted a certificate or holds a license under this chapter if the person is properly authorized at the time of use to use the title or designation by the United States department of the treasury. The board shall by rule allow the use of other titles by any person regardless of whether the person has been granted a certificate or holds a license under this chapter if the person using the titles or designations is authorized at the time of use by a nationally recognized entity sanctioning the use of board authorized titles.

Sec. 19. RCW 18.04.370 and 1983 c 234 s 19 are each amended to read as follows:

(1) Any person who violates any provision of this chapter, shall be guilty of a crime, as follows:

(a) Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than ((one)) ten thousand dollars, or to imprisonment for not more than six months, or to both such fine and imprisonment.

(b) Notwithstanding (a) of this subsection, any person who uses a professional title intended to deceive the public, in violation of RCW 18.04.345, having previously entered into a stipulated agreement and order of assurance with the board, is guilty of a felony, and upon conviction thereof, is subject to a fine of not more than ten thousand dollars, or to imprisonment for not more than two years, or to both such fine and imprisonment.

(2) With the exception of first time violations of RCW 18.04.345, subject to subsection (3) of this section whenever the board has reason to believe that any person is violating the provisions of this chapter it shall certify the facts to the prosecuting attorney of the county in which such person resides or may be apprehended and the prosecuting attorney shall cause appropriate proceedings to be brought against such person.

(3) The board may elect to enter into a stipulated agreement and orders of assurance with persons in violation of RCW 18.04.345 who have not previously been found to have violated the provisions of this chapter. The board may order full restitution to injured parties as a condition of a stipulated agreement and order of assurance.

(4) Nothing herein contained shall be held to in any way affect the power of the courts to grant injunctive or other relief as above provided.

Sec. 20. RCW 18.04.380 and 1986 c 295 s 17 are each amended to read as follows:

(1) The display or presentation by a person of a card, sign, advertisement, or other printed, engraved, or written instrument or device, bearing a person's name in conjunction with the words "certified public accountant" or any abbreviation thereof ((-or "licensed public accountant" or any abbreviation thereof, or "public accountant" or any abbreviation thereof,)) shall be prima facie evidence in any action brought under this chapter that the person whose name is so displayed, caused or procured the display or presentation of the card, sign, advertisement, or other printed, engraved, or written instrument or device, and that the person is holding himself or herself out to be a licensee, a certified public accountant, or a ((public accountant holding a license to practice)) person holding a certificate under this chapter.

(2) The display or presentation by a person of a card, sign, advertisement, or other printed, engraved, or written instrument or device, bearing a person's name in conjunction with the words certified public accountant-inactive or any abbreviation thereof is prima facie evidence in any action brought under this chapter that the person whose name is so displayed caused or procured the display or presentation of the card, sign, advertisement, or other printed, engraved, or written instrument or device, and that the person is holding himself or herself out to be a certified public accountant-inactive under this chapter.

(3) In any ((such)) action under subsection (1) or (2) of this section, evidence of the commission of a single act prohibited by this chapter is sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

Sec. 21. RCW 18.04.390 and 1992 c 103 s 16 are each amended to read as follows:

(1) In the absence of an express agreement between the ((certified public accountant)) licensee or licensed firm and the client to the contrary, all statements, records, schedules, working papers, and memoranda made by a ((certified public accountant)) licensee or licensed firm incident to or in the course of professional service to clients, except reports submitted by a ((certified public accountant to a client)) licensee or licensed firm, are the property of the ((certified public accountant)) licensee or licensed firm.

(2) No statement, record, schedule, working paper, or memorandum may be sold, transferred, or bequeathed without the consent of the client or his or her personal representative or assignee, to anyone other than one or more surviving partners, shareholders, or new partners or new shareholders of the ((accountant)) licensee, partnership, limited liability company, or corporation, or any combined or merged partnership, limited liability company, or corporation, or successor in interest.

(3) A licensee shall furnish to the board or to his or her client or former client, upon request and reasonable notice:

(a) A copy of the licensee's working papers or electronic documents, to the extent that such working papers or electronic documents include records that would ordinarily constitute part of the client's records and are not otherwise available to the client; and

(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client that the licensee removed from the client's premises or received for the client's account; the licensee may make and retain copies of such documents of the client when they form the basis for work done by him or her.

(4) Nothing in this section shall require a licensee to keep any work paper or electronic document beyond the period prescribed in any other applicable statute.

(5) Nothing in this section should be construed as prohibiting any temporary transfer of workpapers or other material necessary in the course of carrying out peer reviews or as otherwise interfering with the disclosure of information pursuant to RCW 18.04.405.

Sec. 22. RCW 18.04.405 and 1992 c 103 s 17 are each amended to read as follows:

(1) A ((certified public accountant, a partnership or corporation of certified public accountants)) licensee, certificate holder, or licensed firm, or any of their employees shall not disclose any confidential information obtained in the course of a professional transaction except with the consent of the client or former client or as disclosure may be required by law, legal process, the standards of the profession, or as disclosure of confidential information is permitted by RCW 18.04.350 (3) and (4), 18.04.295(8), 18.04.390, and this section in connection with ((quality,)) quality assurance, or peer reviews, investigations, and any proceeding under chapter 34.05 RCW.

(2) This section shall not be construed as limiting the authority of this state or of the United States or an agency of this state, the board, or of the United States to subpoena and use such confidential information obtained by a licensee, or any of their employees in the course of a professional transaction in connection with any investigation, public hearing, or other proceeding, nor shall this section be construed as prohibiting a licensee or certified public accountant whose professional competence has been challenged in a court of law or before an administrative agency from disclosing confidential information as a part of a defense to the court action or administrative proceeding.

(3) The proceedings, records, and work papers of a review committee shall be privileged and shall not be subject to discovery, subpoena, or other means of legal process or introduction into evidence in any civil action, arbitration, administrative proceeding, or ((state accountancy)) board proceeding and no member of the review committee or person who was involved in the ((quality)) peer review process shall be permitted or required to testify in any such civil action, arbitration, administrative proceeding, or ((state accountancy)) board proceeding as to any matter produced, presented, disclosed, or discussed during or in connection with the ((quality)) peer review process, or as to any findings, recommendations, evaluations, opinions, or other actions of such committees, or any members thereof. Information, documents, or records that are publicly available are not to be construed as immune from discovery or use in any civil action, arbitration, administrative proceeding, or ((state accountancy)) board proceeding merely because they were presented or considered in connection with the quality assurance or peer review process.

NEW SECTION, Sec. 23. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

MOTION

Senator Hochstatter moved that the following amendments to the striking amendment by Senator Gardner be considered simultaneously and be adopted:

On page 8, after line 36, insert the following:

"(17) The board's authority to adopt new rules or to amend previously adopted rules expires two years after the effective date of this act."

On page 9, line 2 after "chapter." insert "However, the board's authority to set fees shall expire two years after the effective date of this act."

On page 14, after line 3, "(9) The board's authority to adopt new rules or to amend previously adopted rules expires two years after the effective date of this act."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Hochstatter on page 8, after line 36; page 9, line 2; and page 14, after line 3; to the striking amendment by Senator Gardner to Second Substitute Senate Bill No. 5593.

The motion by Senator Hochstatter failed and the amendments to the striking amendment were not adopted.

MOTION

Senator Carlson moved that the following amendments by Senators Carlson and Benton to the striking amendment by Senator Gardner be considered simultaneously and be adopted:

On page 18, line 12, strike "A simple majority of the" and insert "The"

On page 18, line 35, strike "A simple majority of the" and insert "The"

On page 20, line 10, strike "A simple majority of the" and insert "The"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Carlson on page 18, lines 12 and 35, and page 20, line 10, to the striking amendment to Second Substitute Senate Bill No. 5593.

The motion by Senator Carlson failed and the amendments to the striking amendment were not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Gardner to Second Substitute Senate Bill No. 5593.

The motion by Senator Gardner carried the striking amendment was adopted.

MOTIONS

On motion of Senator Gardner, the following title amendment was adopted:

On page 1, line 1 of the title, after "act;" strike the remainder of the title and insert "amending RCW 18.04.015, 18.04.025, 18.04.035, 18.04.045, 18.04.055, 18.04.065, 18.04.105, 18.04.180, 18.04.183, 18.04.185, 18.04.195, 18.04.205, 18.04.215, 18.04.295, 18.04.305, 18.04.335, 18.04.345, 18.04.350, 18.04.370, 18.04.380, 18.04.390, and 18.04.405; prescribing penalties; providing an effective date; and declaring an emergency."

On motion of Senator Gardner, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5593 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5593.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5593 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Winsley - 39.

Voting nay: Senators Benton, Carlson, Hochstatter, Honeyford, Long, Oke, Stevens and Zarelli - 8.

Excused: Senators Johnson and Patterson - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5566, by Senators Thibaudeau, Franklin, Deccio and Kohl-Welles

Requiring uniform prescription drug information cards.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5566 was substituted for Senate Bill No. 5566 and the substitute bill was placed on second reading and read the second time.

Senator Thibaudeau moved that the following amendment by Senators Thibaudeau and Parlette be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 It is the intent of the legislature to improve care to patients by minimizing confusion, eliminating unnecessary paperwork, decreasing administrative burdens, and streamlining dispensing of prescription products paid for by third-party payors.

NEW SECTION. Sec. 2. A new section is added to chapter 48.43 RCW to read as follows:

(1) A health carrier that provides coverage for prescription drugs provided on an outpatient basis and issues a card or other technology for claims processing, or an administrator of a health benefit plan including, but not limited to, third-party administrators for self-insured plans, pharmacy benefits managers, and state administered plans, shall issue to its enrollees a pharmacy identification card or other technology containing all information required for proper prescription drug claims adjudication.

(2) Upon renewal of the health benefit plan, information on the pharmacy identification card or other technology shall be made current by the health carrier or other entity that issues the card.

(3) Nothing in this section shall be construed to require any health carrier or administrator of a health benefit plan to issue a pharmacy identification card or other technology separate from another identification card issued to an enrollee under the health benefit plan if the identification card contains all of the information required under subsection (1) of this section.

(4) This section applies to health benefit plans that are delivered, issued for delivery, or renewed on or after July 1, 2003. For the purposes of this section, renewal of a health benefit policy, contract, or plan occurs on each anniversary of the date on which coverage was first effective on the person or persons covered by the health benefit plan.

(5) The insurance commissioner may adopt rules to implement this act, taking into consideration any relevant standards developed by the national council for prescription drug programs and the requirements of the federal health insurance portability and accountability act of 1996."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Thibaudeau and Parlette to Substitute Senate Bill No. 5566.

The motion by Senator Thibaudeau carried the striking amendment was adopted.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute Senate Bill No. 5566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5566.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5566 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Stevens - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5886, by Senators Long and Hargrove

Authorizing agreements to change the number of experts or professional persons who must examine a person for the state under chapter 10.77 RCW

The bill was read the second time.

MOTION

On motion of Senator Long, the rules were suspended, Senate Bill No. 5886 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5886.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5886 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senators Kline and Roach - 2.

SENATE BILL NO. 5886, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

SECOND READING

SENATE BILL NO. 5484, by Senators Hargrove and Rasmussen

Providing a limited sales tax exemption for certain sales of conifer seeds.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5484 was substituted for Senate Bill No. 5484 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5484 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5484.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5484 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Kline - 1.

Excused: Senator Fairley - 1.

SUBSTITUTE SENATE BILL NO. 5484, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5401, by Senators Patterson and Finkbeiner (by request of Governor Locke)

Eliminating boards and commissions.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5401 was substituted for Senate Bill No. 5401 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5401.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5401 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5022, by Senators Jacobsen and Oke

Modifying the salmon recovery funding board's reporting of financial affairs.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5022.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5022 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Voting nay: Senators Johnson, McDonald, Rossi and West - 4.

SENATE BILL NO. 5022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5493, by Senator Jacobsen

Modifying distributions from the youth athletic facility account.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5493 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5493.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5493 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Roach - 1.

SENATE BILL NO. 5493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5495, by Senator Jacobsen

Modifying the appointment process for members of the community outdoor athletic fields advisory council.

The bill was read the second time.

MOTIONS

On motion of Senator Jacobsen, the following amendments by Senators Hargrove, Jacobsen and Oke were considered simultaneously and adopted:

On page 2, line 1, after "geographic," insert "population density."

On page 2, line 3, after "needs" insert ", including the complete variety of outdoor athletic activities"

On motion of Senator Jacobsen, the rules were suspended, Engrossed Senate Bill No. 5495 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5495.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5495 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 5495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senators Deccio, Johnson and McCaslin were excused.

SECOND READING

SENATE BILL NO. 5166, by Senators Kohl-Welles, Carlson, Horn, Shin, Jacobsen and McAuliffe

Allowing state financial aid to be used at Washington branch campuses of accredited out-of-state institutions of higher education.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5166 was substituted for Senate Bill No. 5166 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5166 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute senate Bill No. 5166.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5166 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Absent: Senators Hale and Rossi - 2.

Excused: Senators Deccio, Johnson and McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 5166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5513, by Senators Haugen, Shin, T. Sheldon, Sheahan, Oke and Gardner

Compensating highway and ferry workers for motorist assault.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5513.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5513 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senator Kline - 1.

Excused: Senators Deccio, Johnson and McCaslin - 3.

SENATE BILL NO. 5513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5274, by Senators Gardner, Haugen and McCaslin

Revising the appointment of vehicle licensing subagents.

MOTIONS

On motion of Senator Gardner, Substitute Senate Bill No. 5274 was substituted for Senate Bill No. 5274 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gardner, the rules were suspended, Substitute Senate Bill No. 5274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5274.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5274 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Deccio, Johnson and McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 5274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5733, by Senators Haugen, Morton and Rasmussen

Adjusting day labor allowances for county road construction.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5733 was substituted for Senate Bill No. 5733 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5733 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5733.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5733 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 5733, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 4:35 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 6:00 p.m.

The Senate was called to order at 6:00 p.m. by President Owen.

MOTION

On motion of Senator Hewitt, Senator Finkbeiner was excused.

SECOND READING

SENATE BILL NO. 5633, by Senators Haugen, Jacobsen, Oke, Horn and Rasmussen (by request of Utilities and Transportation Commission)

Granting the utilities and transportation commission authority to inspect businesses that ship hazardous materials by rail.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 5633 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5633.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5633 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Voting nay: Senator Hale - 1.

Absent: Senator Kohl-Welles - 1.

Excused: Senators Deccio, Finkbeiner and McCaslin - 3.

SENATE BILL NO. 5633, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5586, by Senators Fraser, Morton and Regala (by request of Department of Ecology)

Modifying provisions concerning how water resource inventory areas receive funds to conduct planning.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5586 was substituted for Senate Bill No. 5586 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5586 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5586.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5586 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 5586, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5910, by Senators Fraser and Honeyford

Regarding temporary nonuse of a water right.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5910 was substituted for Senate Bill No. 5910 and the substitute bill was placed on second reading and read the second time.

Senator Honeyford moved that the following amendment be adopted:

On page 3, after line 30, insert the following:

"**Sec. 3.** RCW 90.14.160 and 1981 c 291 s 1 are each amended to read as follows:

Any person entitled to divert or withdraw waters of the state through any appropriation authorized by enactments of the legislature prior to enactment of chapter 117, Laws of 1917, or by custom, or by general adjudication, who abandons the same, or who voluntarily fails, without sufficient cause, to beneficially use all or any part of said right to divert or withdraw for any period of ((five)) ten successive years after July 1, 1967, shall relinquish such right or portion thereof, and said right or portion thereof shall revert to the state, and the waters affected by said right shall become available for appropriation in accordance with RCW 90.03.250."

Renumber the remaining section consecutively and correct internal references accordingly.

MOTION TO WITHDRAW AMENDMENT

There being no objection, Senator Honeyford withdrew the amendment on page 3, after line 30, to Substitute Senate Bill No. 5910.

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5910 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5910.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5910 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Finkbeiner, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Long, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, West, Winsley and Zarelli - 37.

Voting nay: Senators Constantine, Costa, Eide, Fairley, Franklin, Kline, Kohl-Welles, McAuliffe, Swecker and Thibaudeau - 10.

Excused: Senators Deccio and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 5910, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5925, by Senators Jacobsen, Honeyford, Fraser, Rasmussen and Morton

Reusing waste water derived from food processing.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5925 was substituted for Senate Bill No. 5925 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5925 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5925.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5925 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 5925, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5333, by Senators Honeyford, Hale, Morton, Hochstatter, Hewitt, Swecker and Sheahan

Concerning preliminary permits for water closed to diversions due to a federal moratorium.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5333 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5333.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5333 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senators Costa and Gardner - 2.

Excused: Senators Deccio and McCaslin - 2.

SENATE BILL NO. 5333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5449, by Senators Prentice, Long, Winsley, Gardner, Franklin, Costa, Rasmussen and Kohl-Welles (by request of Attorney General Gregoire)

Prohibiting identity theft.

MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 5449 was substituted for Senate Bill No. 5449 and the substitute bill was placed on second reading and read the second time.

MOTION

On motion of Senator Prentice, further consideration of Substitute Senate Bill No. 5449 was deferred.

SECOND READING

SENATE BILL NO. 5101, by Senators Prentice, Winsley, Kohl-Welles, Fairley and Fraser (by request of Department of Labor and Industries)

Protecting consumers in contractor transactions.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5101 was substituted for Senate Bill No. 5101 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5101 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5101.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5101 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5101, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5211, by Senators Thibaudeau, Long, Spanel, Winsley, B. Sheldon, Swecker, Fraser, Kohl-Welles, Kline, Carlson, Eide, Rasmussen, Fairley, McCaslin, Franklin, Haugen, Oke, Costa, McAuliffe, Prentice, Jacobsen, Constantine and Regala

Requiring comparable mental health benefits.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5211 was substituted for Senate Bill No. 5211 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5211.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5211 and the bill passed the Senate by the following vote: Yeas, 37, Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, and Winsley - 37.

Voting nay: Senators Benton, Hewitt, Hochstatter, Honeyford, Horn, McDonald, Parlette, Rossi, Stevens, Swecker, West and Zarelli - 12.

SUBSTITUTE SENATE BILL NO. 5211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5451, by Senators Costa, Kline, McCaslin and Kohl-Welles (by request of Attorney General Gregoire)

Establishing a cause of action for crimes of violence motivated by gender.

The bill was read the second time.

MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 5451 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Johnson: "Senator Costa, I can understand creating a new right of civil action which did not exist, but I assume that present law gives victims of domestic violence a right to make a claim against the aggressor. Is that what--what does this add to current law is what I am asking?"

Senator Costa: "This bill provides for attorney fees, injunctive and declaratory relief. The attorney fees are not currently available in court. unless specified and specifically authorized by our law. Many women who are victims of gender violence have limited resources and they do not have the ability to pursue recovery of damages. This will enable them to do so."

Senator Johnson: "Injunctive relief would be available now, maybe not declaratory. So, it is the attorney's fees that are part of the new law?"

Senator Costa: "It is and it also combines all of this under one statute so it makes it easy to do in one remedy rather than under multiple acts."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5451.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5451 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senators Hochstatter and Stevens - 2.

SENATE BILL NO. 5451, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator West, Senator Hale was excused.

SECOND READING

SENATE BILL NO. 5543, by Senators Kastama, McAuliffe, Eide, Regala, Rasmussen, Thibaudeau, Costa, Kohl-Welles and Winsley; (by request of Governor Locke and Superintendent of Public Instruction Bergeson)

Improving student safety.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5543 was substituted for Senate Bill No. 5543 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5543 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5543.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5543 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Hale - 1.

SUBSTITUTE SENATE BILL NO. 5543, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Johnson, Senator West was excused.

SECOND READING

SENATE BILL NO. 5624, by Senator Kohl-Welles

Requiring disclosure of fire protection and building safety information.

The bill was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5624 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5624.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5624 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator West - 1.

SENATE BILL NO. 5624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Hale was excused.

SECOND READING

SENATE BILL NO. 5430, by Senators Costa, Spanel, Franklin, Winsley, Thibaudeau, Long, Fairley, Prentice, Eide and Kohl-Welles

Requiring insurers to provide coverage for cranial hair prostheses.

The bill was read the second time.

MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 5430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5430.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5430 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Hochstatter, Honeyford, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau and Winsley - 34.

Voting nay: Senators Benton, Carlson, Deccio, Hewitt, Horn, Johnson, McDonald, Morton, Parlette, Rossi, Sheahan, Stevens and Zarelli - 13.

Excused: Senators Hale and West - 2.

SENATE BILL NO. 5430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5735, by Senators Gardner, Roach, Haugen, Hochstatter, Honeyford, Stevens, Deccio, Rossi, Zarelli, Benton, Horn, T. Sheldon, Sheahan, Spanel, Shin, Finkbeiner, Hargrove, West, Long and Franklin

Allowing motorcycles to have blue dot taillights.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 5735 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5735.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5735 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator West - 1.

SENATE BILL NO. 5735, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5255, by Senators Kastama, Regala and Costa

Exempting certain information on criminal acts from public disclosure.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5255 was substituted for Senate Bill No. 5255 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5255 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Regala: "Senator Kastama, given the fact that Substitute Senate Bill No. 5255 adopts the definition of 'terrorist act' set forth in RCW 70.74.285, commonly known as the Washington State Explosives Act, is it the intent of Substitute Senate Bill No. 5255 to focus solely on terrorist acts involving the use of conventional or high explosives?"

Senator Kastama: "Senator Regala, there is no intent to limit the scope of this legislation to acts of terrorism involving high explosive devices. RCW 70.74.285 is specifically cross-referenced in this proposed legislation, rather than the overall Act in which it appears, in order to adopt the broad, all-inclusive scope of 'terrorist act' as that phrase is defined there. It is the clear intent of Substitute Senate Bill No. 5255 to protect from public disclosure specific and unique vulnerability assessments or specific and unique response plans intended to prevent or mitigate all types of criminal terrorist acts, including the use of chemical, biological, radiological and nuclear devices and cyber-attacks on our technological infrastructure as well as criminal acts involving conventional explosive devices."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5255.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5255 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator West - 1.

SUBSTITUTE SENATE BILL NO. 5255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8208, by Senators Kline and Constantine (by request of Administrator for the Courts)

Amending the Constitution regarding the use of judges pro tempore.

The joint resolution was read the second time.

MOTION

Senator Kline moved that the following amendment by Senators Kline and Johnson be adopted: On page 1, after line 7, strike all material through "agreement:))" on line 19, and insert the following:

"Article IV, section 7. The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and upon the request of the governor it shall be his or her duty to do so. A case in the superior court may be tried by a judge(;) pro tempore, who must be either: (1) A member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court and sworn to try the case; or (2) any sitting elected judge pursuant to supreme court rule providing for a right, exercisable once during a case, to a change of judge pro tempore. However, if a previously elected judge of the superior court retires leaving a pending case in which the judge has made discretionary rulings, the judge is entitled to hear the pending case as a judge pro tempore without any written agreement."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline and Johnson on page 1, after line 7, to Senate Joint Resolution No. 8208.

The motion by Senator Kline carried and the amendment was adopted.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Joint Resolution No. 8208 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Joint Resolution No 8208.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 8208 and the joint resolution passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau and Winsley - 42.

Voting nay: Senators Benton, McDonald, Roach, Rossi, Stevens and Zarelli - 6.

Excused: Senator West - 1.

ENGROSSED SENATE JOINT RESOLUTION NO. 8208, having received the two-thirds constitutional majority, was declared passed..

SECOND READING

SENATE BILL NO. 5394, by Senators Kline, Long and Constantine (by request of Administrator for the Courts)

Revising provisions concerning the use of judges pro tempore.

The bill was read the second time.

MOTIONS

Senator Kline moved that the following striking amendment by Senators Kline and Johnson be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 2.08.180 and 1987 c 73 s 1 are each amended to read as follows:

A case in the superior court of any county may be tried by a judge pro tempore, who must be either: (1) A member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the case; ~~((and his))~~ or (2) pursuant to supreme court rule, any sitting elected judge. Any action in the trial of such cause shall have the same effect as if ~~((he were))~~ it was made by a judge of such court. However, if a previously elected judge of the superior court retires leaving a pending case in which the judge has made discretionary rulings, the judge is entitled to hear the pending case as a judge pro tempore without any written agreement.

A judge pro tempore shall, before entering upon his or her duties in any cause, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge pro tempore in the cause wherein is plaintiff and defendant, according to the best of my ability."

A judge pro tempore who is a practicing attorney and who is not a retired justice of the supreme court or judge of a superior court of the state of Washington, or who is not an active judge of an inferior court of the state of Washington, shall receive a compensation of one-two hundred and fiftieth of the annual salary of a superior court judge for each day engaged in ~~((said))~~ a trial, to be paid in the same manner as the salary of the superior court judge. A judge who is an active judge of an inferior court of the state of Washington shall receive no compensation as judge pro tempore. A justice or judge who has retired from the supreme court, court of appeals, or superior court of the state of Washington shall receive compensation as judge pro tempore in the amount of sixty percent of the amount payable to a judge pro tempore under this section.

NEW SECTION. Sec. 2. This act takes effect January 1, 2002, if the proposed amendment to Article IV, section 7 of the state Constitution, relating to qualifications for judges pro tempore, is validly submitted to and is approved and ratified by the voters at the next general election. If the proposed amendment is not approved and ratified, this act is void in its entirety."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline and Johnson to Senate Bill No. 5394.

The motion by Senator Kline carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Kline, the following title amendment was adopted:

On page 1, line 1 of the title, after "tempore;" strike the remainder of the title and insert "amending RCW 2.08.180; and providing a contingent effective date."

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 5394 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5394.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5394 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Winsley - 43.

Voting nay: Senators Benton, McDonald, Roach, Rossi, Stevens and Zarelli - 6.

ENGROSSED SENATE BILL NO. 5394, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5449, deferred earlier today on second reading after the bill was substituted.

MOTION

On motion of Senator Prentice, the following striking amendment by Senators Prentice and Winsley was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.35 RCW to read as follows:

DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Financial information" means any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit:

(a) Account numbers and balances;

(b) Transactional information concerning an account; and

(c) Codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicaid numbers issued by the department of licensing, and other information held for the purpose of account access or transaction initiation.

(2) "Financial information repository" means a person engaged in the business of providing services to customers who have a credit, deposit, trust, stock, or other financial account or relationship with the person.

(3) "Means of identification" means information or an item that is not describing finances or credit but is personal to or identifiable with an individual or other person, including: A current or former name of the person, telephone number, an electronic address, or identifier of the individual or a member of his or her family, including the ancestor of the person; information relating to a change in name, address, telephone number, or electronic address or identifier of the individual or his or her family; a social security, driver's license, or tax identification number of the individual or a member of his or her family; and other information that could be used to identify the person, including unique biometric data.

(4) "Person" means a person as defined in RCW 9A.04.110.

(5) "Victim" means a person whose means of identification or financial information has been used or transferred with the intent to commit, or to aid or abet, any unlawful activity.

NEW SECTION. Sec. 2. A new section is added to chapter 9.35 RCW to read as follows:

INFORMATION AVAILABLE TO VICTIM. (1) A person, financial information repository, financial service provider, merchant, corporation, trust, partnership, or unincorporated association possessing information relating to an actual or potential violation of this chapter, and who may have entered into a transaction, provided credit, products, goods, or services, accepted payment, or otherwise done business with a person who has used the victim's means of identification, must, upon written request of the victim, provide copies of all relevant application and transaction information related to the transaction being alleged as a potential or actual violation of this chapter. Nothing in this section requires the information provider to disclose information that it is otherwise prohibited from disclosing by law, except that a law that prohibits disclosing a person's information to third parties shall not be used to deny disclosure of such information to the victim under this section.

(2) Unless the information provider is otherwise willing to verify the victim's identification, the victim shall provide the following as proof of positive identification:

(a) The showing of a government issued photo identification card or, if providing proof by mail, a copy of a government issued photo identification card;

(b) A copy of a filed police report evidencing the victim's claim; and

(c) The written statement from the state patrol showing that the state patrol has on file documentation of the victim's identity pursuant to the personal identification procedures in RCW 43.43.760.

(3) The provider may require compensation for the reasonable cost of providing the information requested.

(4) No person, financial information repository, financial service provider, merchant, corporation, trust, partnership, or unincorporated association may be held liable for an action taken in good faith to provide information regarding potential or actual violations of this chapter to other financial information repositories, financial service providers, merchants, law enforcement authorities, victims, or any persons alleging to be a victim who comply with subsection (2) of this section which evidences the alleged victim's claim for the purpose of identification and prosecution of violators of this chapter, or to assist a victim in recovery of fines, restitution, rehabilitation of the victim's credit, or such other relief as may be appropriate.

(5) A person, financial information repository, financial service provider, merchant, corporation, trust, partnership, or unincorporated association may decline to provide information pursuant to this section when, in the exercise of good faith and reasonable judgment it believes this section does not require disclosure of the information.

(6) Nothing in this section creates an obligation on the part of a person, financial information repository, financial services provider, merchant, corporation, trust, partnership, or unincorporated association to retain or maintain information or records that they are not otherwise required to retain or maintain in the ordinary course of its business.

(7) The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Violations of this section are not reasonable in relation to the development and preservation of business. It is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW. The burden of proof in an action alleging a violation of this section shall be by a preponderance of the evidence, and the applicable statute of limitation shall be as set forth in RCW 19.182.120. For purposes of a judgment awarded pursuant to an action by a consumer under chapter 19.86 RCW, the consumer shall be awarded actual damages. However, where there has been willful failure to comply with any requirement imposed under this section, the consumer shall be awarded actual damages, a monetary penalty of one thousand dollars, and the costs of the action together with reasonable attorneys' fees as determined by the court.

Sec. 3. RCW 43.43.760 and 1985 c 201 s 15 are each amended to read as follows:

(1) Whenever a resident of this state appears before any law enforcement agency and requests an impression of his or her fingerprints to be made, such agency may comply with his or her request and make the required copies of the impressions on forms marked "Personal Identification". The required copies shall be forwarded to the section and marked "for personal identification only".

The section shall accept and file such fingerprints submitted voluntarily by such resident, for the purpose of securing a more certain and easy identification in case of death, injury, loss of memory, or other similar circumstances. Upon the request of such person, the section shall return his or her identification data.

(2) Whenever a person claiming to be a victim of identity theft appears before any law enforcement agency and requests an impression of his or her fingerprints to be made, such agency may comply with this request and make the required copies of the impressions on forms marked "Personal Identification." The required copies shall be forwarded to the section and marked "for personal identification only."

The section shall accept and file such fingerprints submitted by such resident, for the purpose of securing a more certain and easy identification in cases of identity theft. The section shall provide a statement showing that the victim's impression of fingerprints has been accepted and filed with the section.

The statement provided to the victim shall state clearly in twelve-point print:

"The person holding this statement has claimed to be a victim of identity theft. Pursuant to chapter 9.35 RCW, a business is required by law to provide this victim with copies of all relevant application and transaction information related to the transaction being alleged as a potential or actual identity theft. A business must provide this information once the victim makes a request in writing, shows this statement, any government issued photo identification card, and a copy of a police report."

Upon the request of such person, the section shall return his or her identification data.

(3) Whenever any person is an applicant for appointment to any position or is an applicant for employment or is an applicant for a license to be issued by any governmental agency, and the law or a regulation of such governmental agency requires that the applicant be of good moral character or not have been convicted of a crime, or is an applicant for appointment to or employment with a criminal justice agency, or the department, the applicant may request any law enforcement agency to make an impression of his or her fingerprints to be submitted to the section. The law enforcement agency may comply with such request and make copies of the impressions on forms marked "applicant", and submit such copies to the section.

The section shall accept such fingerprints and shall cause its files to be examined and shall promptly send to the appointing authority, employer, or licensing authority indicated on the form of application, a transcript of the record of previous crimes committed by the person described on the data submitted, or a transcript of the dependency record information regarding the person described on the data submitted, or if there is no record of his or her commission of any crimes, or if there is no dependency record information, a statement to that effect.

((3)) (4) The Washington state patrol shall charge fees for processing of noncriminal justice system requests for criminal history record information pursuant to this section which will cover, as nearly as practicable, the direct and indirect costs to the patrol of processing such requests.

Any law enforcement agency may charge a fee not to exceed five dollars for the purpose of taking fingerprint impressions or searching its files of identification for noncriminal purposes.

Sec. 4. RCW 19.16.250 and 1983 c 107 s 1 are each amended to read as follows:

No licensee or employee of a licensee shall:

(1) Directly or indirectly aid or abet any unlicensed person to engage in business as a collection agency in this state or receive compensation from such unlicensed person: PROVIDED, That nothing in this chapter shall prevent a licensee from accepting, as forwarder, claims for collection from a collection agency or attorney whose place of business is outside the state.

(2) Collect or attempt to collect a claim by the use of any means contrary to the postal laws and regulations of the United States postal department.

(3) Publish or post or cause to be published or posted, any list of debtors commonly known as "bad debt lists" or threaten to do so. For purposes of this chapter, a "bad debt list" means any list of natural persons alleged to fail to honor their lawful debts. However, nothing herein shall be construed to prohibit a licensee from communicating to its customers or clients by means of a coded list, the existence of a check dishonored because of insufficient funds, not sufficient funds or closed account by the financial institution servicing the debtor's checking account: PROVIDED, That the debtor's identity is not readily apparent: PROVIDED FURTHER, That the licensee complies with the requirements of subsection (9)(e) of this section.

(4) Have in his possession or make use of any badge, use a uniform of any law enforcement agency or any simulation thereof, or make any statements which might be construed as indicating an official connection with any federal, state, county, or city law enforcement agency, or any other governmental agency, while engaged in collection agency business.

(5) Perform any act or acts, either directly or indirectly, constituting the practice of law.

(6) Advertise for sale or threaten to advertise for sale any claim as a means of endeavoring to enforce payment thereof or agreeing to do so for the purpose of soliciting claims, except where the licensee has acquired claims as an assignee for the benefit of creditors or where the licensee is acting under court order.

(7) Use any name while engaged in the making of a demand for any claim other than the name set forth on his or its current license issued hereunder.

(8) Give or send to any debtor or cause to be given or sent to any debtor, any notice, letter, message, or form which represents or implies that a claim exists unless it shall indicate in clear and legible type:

(a) The name of the licensee and the city, street, and number at which he is licensed to do business;

(b) The name of the original creditor to whom the debtor owed the claim if such name is known to the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall make a reasonable effort to obtain the name of such person and provide this name to the debtor;

(c) If the notice, letter, message, or form is the first notice to the debtor or if the licensee is attempting to collect a different amount than indicated in his or its first notice to the debtor, an itemization of the claim asserted must be made including:

(i) Amount owing on the original obligation at the time it was received by the licensee for collection or by assignment;

(ii) Interest or service charge, collection costs, or late payment charges, if any, added to the original obligation by the original creditor, customer or assignor before it was received by the licensee for collection, if such information is known by the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall make a reasonable effort to obtain information on such items and provide this information to the debtor;

(iii) Interest or service charge, if any, added by the licensee or customer or assignor after the obligation was received by the licensee for collection;

(iv) Collection costs, if any, that the licensee is attempting to collect;

(v) Attorneys' fees, if any, that the licensee is attempting to collect on his or its behalf or on the behalf of a customer or assignor;

(vi) Any other charge or fee that the licensee is attempting to collect on his or its own behalf or on the behalf of a customer or assignor.

(9) Communicate or threaten to communicate, the existence of a claim to a person other than one who might be reasonably expected to be liable on the claim in any manner other than through proper legal action, process, or proceedings except under the following conditions:

(a) A licensee or employee of a licensee may inform a credit reporting bureau of the existence of a claim: PROVIDED, That if the licensee or employee of a licensee reports a claim to a credit reporting bureau, the licensee shall upon receipt of written notice from the debtor that any part of the claim is disputed, forward a copy of such written notice to the credit reporting bureau;

(b) A licensee or employee in collecting or attempting to collect a claim may communicate the existence of a claim to a debtor's employer if the claim has been reduced to a judgment;

(c) A licensee or employee in collecting or attempting to collect a claim that has not been reduced to judgment, may communicate the existence of a claim to a debtor's employer if:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his last known address or place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing to the licensee disputed any part of the claim: PROVIDED, That the licensee or employee may only communicate the existence of a claim which has not been reduced to judgment to the debtor's employer once unless the debtor's employer has agreed to additional communications.

(d) A licensee may for the purpose of locating the debtor or locating assets of the debtor communicate the existence of a claim to any person who might reasonably be expected to have knowledge of the whereabouts of a debtor or the location of assets of the debtor if the claim is reduced to judgment, or if not reduced to judgment, when:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(e) A licensee may communicate the existence of a claim to its customers or clients if the claim is reduced to judgment, or if not reduced to judgment, when:

(i) The licensee has notified or attempted to notify the debtor in writing at his last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(10) Threaten the debtor with impairment of his credit rating if a claim is not paid.

(11) Communicate with the debtor after notification in writing from an attorney representing such debtor that all further communications relative to a claim should be addressed to the attorney: PROVIDED, That if a licensee requests in writing information from an attorney regarding such claim and the attorney does not respond within a reasonable time, the licensee may communicate directly with the debtor until he or it again receives notification in writing that an attorney is representing the debtor.

(12) Communicate with a debtor or anyone else in such a manner as to harass, intimidate, threaten, or embarrass a debtor, including but not limited to communication at an unreasonable hour, with unreasonable frequency, by threats of force or violence, by threats of criminal prosecution, and by use of offensive language. A communication shall be presumed to have been made for the purposes of harassment if:

(a) It is made with a debtor or spouse in any form, manner, or place, more than three times in a single week;

(b) It is made with a debtor at his or her place of employment more than one time in a single week;

(c) It is made with the debtor or spouse at his or her place of residence between the hours of 9:00 p.m. and 7:30 a.m.

(13) Communicate with the debtor through use of forms or instruments that simulate the form or appearance of judicial process, the form or appearance of government documents, or the simulation of a form or appearance of a telegraphic or emergency message.

(14) Communicate with the debtor and represent or imply that the existing obligation of the debtor may be or has been increased by the addition of attorney fees, investigation fees, service fees, or any other fees or charges when in fact such fees or charges may not legally be added to the existing obligation of such debtor.

(15) Threaten to take any action against the debtor which the licensee cannot legally take at the time the threat is made.

(16) Send any telegram or make any telephone calls to a debtor or concerning a debt or for the purpose of demanding payment of a claim or seeking information about a debtor, for which the charges are payable by the addressee or by the person to whom the call is made.

(17) In any manner convey the impression that the licensee is vouched for, bonded to or by, or is an instrumentality of the state of Washington or any agency or department thereof.

(18) Collect or attempt to collect in addition to the principal amount of a claim any sum other than allowable interest, collection costs or handling fees expressly authorized by statute, and, in the case of suit, attorney's fees and taxable court costs.

(19) Procure from a debtor or collect or attempt to collect on any written note, contract, stipulation, promise or acknowledgment under which a debtor may be required to pay any sum other than principal, allowable interest, and, in the case of suit, attorney's fees and taxable court costs.

(20) Upon notification by a debtor that the debtor disputes all debts arising from a series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, initiate oral contact with a debtor more than one time in an attempt to collect from the debtor debts arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments when: (a) Within the previous one hundred eighty days, in response to the licensee's attempt to collect the initial debt assigned to the licensee and arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, the debtor in writing notified the licensee that the debtor's checkbook or other series of preprinted written instruments was stolen or fraudulently created; (b) the licensee has received from the debtor a certified copy of a police report referencing the theft or fraudulent creation of the checkbook, automated clearinghouse transactions on a demand deposit account, or series of preprinted written instruments; (c) in the written notification to the licensee or in the police report, the debtor identified the financial institution where the account was maintained, the account number, the magnetic ink character recognition number, the full bank routing and transit number, and the check numbers of the stolen checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, which check numbers included the number of the check that is the subject of the licensee's collection efforts; (d) the debtor provides, or within the previous one hundred eighty days provided, to the licensee a legible copy of a government-issued photo identification which contains the debtor's signature and which was issued prior to the date of the theft or fraud identified in the police report; (e) the debtor advised the licensee that the subject debt is disputed because the identified check, automated clearinghouse transaction on a demand deposit account, or other preprinted written instrument underlying the debt is a stolen or fraudulently created check or instrument; and (f) information on the checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments are currently in the licensee's files that identically match the information provided by the debtor in (c) of this subsection.

The licensee is not in violation of this subsection if the licensee initiates oral contact with the debtor more than one time in an attempt to collect debts arising from the identified series of dishonored checks, automated clearinghouse transactions on a

demand deposit account, or other preprinted written instruments when: (i) The licensee acted in good faith and relied on their established practices and procedures for batching or packeting debtor accounts, and the licensee inadvertently initiates oral contact with the debtor in an attempt to collect debts in the identified series subsequent to the initial debt assigned to the licensee; (ii) the licensee is following up on collection of a debt assigned to the licensee, and the debtor has previously requested more information from the licensee regarding the subject debt; (iii) the debtor has notified the licensee that the debtor disputes only some, but not all the debts arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, in which case the licensee shall be allowed to initiate oral contact with the debtor one time for each debt arising from the series of identified checks, automated clearinghouse transactions on a demand deposit account, or written instruments and initiate additional oral contact for those debts that the debtor acknowledges do not arise from stolen or fraudulently created checks or written instruments; or (iv) the oral contact is in the context of a judicial, administrative, arbitration, mediation, or similar proceeding.

Sec. 5. RCW 19.16.250 and 1983 c 107 s 1 are each amended to read as follows:

No licensee or employee of a licensee shall:

(1) Directly or indirectly aid or abet any unlicensed person to engage in business as a collection agency in this state or receive compensation from such unlicensed person: PROVIDED, That nothing in this chapter shall prevent a licensee from accepting, as forwarder, claims for collection from a collection agency or attorney whose place of business is outside the state.

(2) Collect or attempt to collect a claim by the use of any means contrary to the postal laws and regulations of the United States postal department.

(3) Publish or post or cause to be published or posted, any list of debtors commonly known as "bad debt lists" or threaten to do so. For purposes of this chapter, a "bad debt list" means any list of natural persons alleged to fail to honor their lawful debts. However, nothing herein shall be construed to prohibit a licensee from communicating to its customers or clients by means of a coded list, the existence of a check dishonored because of insufficient funds, not sufficient funds or closed account by the financial institution servicing the debtor's checking account: PROVIDED, That the debtor's identity is not readily apparent: PROVIDED FURTHER, That the licensee complies with the requirements of subsection (9)(e) of this section.

(4) Have in his possession or make use of any badge, use a uniform of any law enforcement agency or any simulation thereof, or make any statements which might be construed as indicating an official connection with any federal, state, county, or city law enforcement agency, or any other governmental agency, while engaged in collection agency business.

(5) Perform any act or acts, either directly or indirectly, constituting the practice of law.

(6) Advertise for sale or threaten to advertise for sale any claim as a means of endeavoring to enforce payment thereof or agreeing to do so for the purpose of soliciting claims, except where the licensee has acquired claims as an assignee for the benefit of creditors or where the licensee is acting under court order.

(7) Use any name while engaged in the making of a demand for any claim other than the name set forth on his or its current license issued hereunder.

(8) Give or send to any debtor or cause to be given or sent to any debtor, any notice, letter, message, or form which represents or implies that a claim exists unless it shall indicate in clear and legible type:

(a) The name of the licensee and the city, street, and number at which he is licensed to do business;

(b) The name of the original creditor to whom the debtor owed the claim if such name is known to the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall make a reasonable effort to obtain the name of such person and provide this name to the debtor;

(c) If the notice, letter, message, or form is the first notice to the debtor or if the licensee is attempting to collect a different amount than indicated in his or its first notice to the debtor, an itemization of the claim asserted must be made including:

(i) Amount owing on the original obligation at the time it was received by the licensee for collection or by assignment;

(ii) Interest or service charge, collection costs, or late payment charges, if any, added to the original obligation by the original creditor, customer or assignor before it was received by the licensee for collection, if such information is known by the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall make a reasonable effort to obtain information on such items and provide this information to the debtor;

(iii) Interest or service charge, if any, added by the licensee or customer or assignor after the obligation was received by the licensee for collection;

(iv) Collection costs, if any, that the licensee is attempting to collect;

(v) Attorneys' fees, if any, that the licensee is attempting to collect on his or its behalf or on the behalf of a customer or assignor;

(vi) Any other charge or fee that the licensee is attempting to collect on his or its own behalf or on the behalf of a customer or assignor.

(9) Communicate or threaten to communicate, the existence of a claim to a person other than one who might be reasonably expected to be liable on the claim in any manner other than through proper legal action, process, or proceedings except under the following conditions:

(a) A licensee or employee of a licensee may inform a credit reporting bureau of the existence of a claim: PROVIDED, That if the licensee or employee of a licensee reports a claim to a credit reporting bureau, the licensee shall upon receipt of written notice from the debtor that any part of the claim is disputed, forward a copy of such written notice to the credit reporting bureau;

(b) A licensee or employee in collecting or attempting to collect a claim may communicate the existence of a claim to a debtor's employer if the claim has been reduced to a judgment;

(c) A licensee or employee in collecting or attempting to collect a claim that has not been reduced to judgment, may communicate the existence of a claim to a debtor's employer if:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his last known address or place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing to the licensee disputed any part of the claim: PROVIDED, That the licensee or employee may only communicate the existence of a claim which has not been reduced to judgment to the debtor's employer once unless the debtor's employer has agreed to additional communications.

(d) A licensee may for the purpose of locating the debtor or locating assets of the debtor communicate the existence of a claim to any person who might reasonably be expected to have knowledge of the whereabouts of a debtor or the location of assets of the debtor if the claim is reduced to judgment, or if not reduced to judgment, when:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(e) A licensee may communicate the existence of a claim to its customers or clients if the claim is reduced to judgment, or if not reduced to judgment, when:

(i) The licensee has notified or attempted to notify the debtor in writing at his last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(10) Threaten the debtor with impairment of his credit rating if a claim is not paid.

(11) Communicate with the debtor after notification in writing from an attorney representing such debtor that all further communications relative to a claim should be addressed to the attorney: PROVIDED, That if a licensee requests in writing information from an attorney regarding such claim and the attorney does not respond within a reasonable time, the licensee may communicate directly with the debtor until he or it again receives notification in writing that an attorney is representing the debtor.

(12) Communicate with a debtor or anyone else in such a manner as to harass, intimidate, threaten, or embarrass a debtor, including but not limited to communication at an unreasonable hour, with unreasonable frequency, by threats of force or violence, by threats of criminal prosecution, and by use of offensive language. A communication shall be presumed to have been made for the purposes of harassment if:

(a) It is made with a debtor or spouse in any form, manner, or place, more than three times in a single week;

(b) It is made with a debtor at his or her place of employment more than one time in a single week;

(c) It is made with the debtor or spouse at his or her place of residence between the hours of 9:00 p.m. and 7:30 a.m.

(13) Communicate with the debtor through use of forms or instruments that simulate the form or appearance of judicial process, the form or appearance of government documents, or the simulation of a form or appearance of a telegraphic or emergency message.

(14) Communicate with the debtor and represent or imply that the existing obligation of the debtor may be or has been increased by the addition of attorney fees, investigation fees, service fees, or any other fees or charges when in fact such fees or charges may not legally be added to the existing obligation of such debtor.

(15) Threaten to take any action against the debtor which the licensee cannot legally take at the time the threat is made.

(16) Send any telegram or make any telephone calls to a debtor or concerning a debt or for the purpose of demanding payment of a claim or seeking information about a debtor, for which the charges are payable by the addressee or by the person to whom the call is made.

(17) In any manner convey the impression that the licensee is vouched for, bonded to or by, or is an instrumentality of the state of Washington or any agency or department thereof.

(18) Collect or attempt to collect in addition to the principal amount of a claim any sum other than allowable interest, collection costs or handling fees expressly authorized by statute, and, in the case of suit, attorney's fees and taxable court costs.

(19) Procure from a debtor or collect or attempt to collect on any written note, contract, stipulation, promise or acknowledgment under which a debtor may be required to pay any sum other than principal, allowable interest, and, in the case of suit, attorney's fees and taxable court costs.

(20) Upon notification by a debtor that the debtor disputes all debts arising from a series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, initiate oral contact with a debtor more than one time in an attempt to collect from the debtor debts arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments when: (a) Within the previous one hundred eighty days, in response to the licensee's attempt to collect the initial debt assigned to the licensee and arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, the debtor in writing notified the licensee that the debtor's checkbook or other series of preprinted written instruments was stolen or fraudulently created; (b) the licensee has received from the debtor a certified copy of a police report referencing the theft or fraudulent creation of the checkbook, automated clearinghouse transactions on a demand deposit account, or series of preprinted written instruments; (c) in the written notification to the licensee or in the police report, the debtor identified the financial institution where the account was maintained, the account number, the magnetic ink character recognition number, the full bank routing and transit number, and the check numbers of the stolen checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, which check numbers included the number of the check that is the subject of the licensee's collection efforts; (d) the debtor provides, or within the previous one hundred eighty days provided, to the licensee a legible copy of a government-issued photo identification which contains the debtor's signature and which was issued prior to the date of the theft or fraud identified in the police report; and (e) the debtor advised the licensee that the subject debt is disputed because the identified check, automated clearinghouse transaction on a demand deposit account, or other preprinted written instrument underlying the debt is a stolen or fraudulently created check or instrument.

The licensee is not in violation of this subsection if the licensee initiates oral contact with the debtor more than one time in an attempt to collect debts arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments when: (i) The licensee acted in good faith and relied on their established practices and procedures for batching or packeting debtor accounts, and the licensee inadvertently initiates oral contact with the debtor in an attempt to collect debts in the identified series subsequent to the initial debt assigned to the licensee; (ii) the licensee is following up on collection of a debt assigned to the licensee, and the debtor has previously requested more information from the licensee regarding the subject debt; (iii) the debtor has notified the licensee that the debtor disputes only some, but not all the debts arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, in which case the licensee shall be allowed to initiate oral contact with the debtor one time for each debt arising from the series of identified checks, automated clearinghouse transactions on a demand deposit

account, or written instruments and initiate additional oral contact for those debts that the debtor acknowledges do not arise from stolen or fraudulently created checks or written instruments; or (iv) the oral contact is in the context of a judicial, administrative, arbitration, mediation, or similar proceeding.

NEW SECTION. Sec. 6. A new section is added to chapter 19.182 RCW to read as follows:

BLOCK OF INFORMATION APPEARING AS A RESULT OF IDENTITY THEFT. (1) Within thirty days of receipt of proof of the consumer's identification and a copy of a filed police report evidencing the consumer's claim to be a victim of a violation of RCW 9.35.020, a consumer reporting agency shall permanently block reporting any information the consumer identifies on his or her consumer report is a result of a violation of RCW 9.35.020, so that the information cannot be reported, except as provided in subsection (2) of this section. The consumer reporting agency shall promptly notify the furnisher of the information that a police report has been filed, that a block has been requested, and the effective date of the block.

(2) A consumer reporting agency may decline to block or may rescind any block of consumer information if, in the exercise of good faith and reasonable judgment, the consumer reporting agency believes:

(a) The information was blocked due to a misrepresentation of fact by the consumer relevant to the request to block under this section;

(b) The consumer agrees that the blocked information or portions of the blocked information were blocked in error; or

(c) The consumer knowingly obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions or the consumer should have known that he or she obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions.

(3) If the block of information is declined or rescinded under this section, the consumer shall be notified promptly in the same manner as consumers are notified of the reinsertion of information pursuant to section 611 of the fair credit reporting act, 15 U.S.C. Sec. 16811, as amended. The prior presence of the blocked information in the consumer reporting agency's file on the consumer is not evidence of whether the consumer knew or should have known that he or she obtained possession of any goods, services, or moneys.

NEW SECTION. Sec. 7. A new section is added to chapter 9.35 RCW to read as follows:

The legislature finds that the practices covered by RCW 19.16.250, 9.35.010, and 9.35.020 are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Violations of RCW 19.16.250, 9.35.010, and 9.35.020 are not reasonable in relation to the development and preservation of business. A violation of RCW 19.16.250, 9.35.010, and 9.35.020 is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

Nothing in RCW 19.16.250, 9.35.010, and 9.35.020 limits a victim's ability to receive treble damages under RCW 19.86.090.

Sec. 8. RCW 9.35.010 and 1999 c 368 s 2 are each amended to read as follows:

(1) No person may obtain or attempt to obtain, or cause to be disclosed or attempt to cause to be disclosed to any person, financial information from a financial information repository, financial services provider, merchant, corporation, trust, partnership, or unincorporated association:

(a) By knowingly making a false, fictitious, or fraudulent statement or representation to an officer, employee, or agent of a financial information repository with the intent to deceive the officer, employee, or agent into relying on that statement or representation for purposes of releasing the financial information;

(b) By knowingly making a false, fictitious, or fraudulent statement or representation to a customer of a financial information repository, financial services provider, merchant, corporation, trust, partnership, or unincorporated association with the intent to deceive the customer into releasing financial information or authorizing the release of such information;

(c) By knowingly providing any document to an officer, employee, or agent of a financial information repository, financial services provider, merchant, corporation, trust, partnership, or unincorporated association, knowing that the document is forged, counterfeit, lost, or stolen; was fraudulently obtained; or contains a false, fictitious, or fraudulent statement or representation, if the document is provided with the intent to deceive the officer, employee, or agent to release the financial information.

(2) No person may request another person to obtain financial information from a financial information repository, financial services provider, merchant, corporation, trust, partnership, or unincorporated association and knows or should have known that the person will obtain or attempt to obtain the information from the financial institution repository, financial services provider, merchant, corporation, trust, partnership, or unincorporated association in any manner described in subsection (1) of this section.

(3) ((As used in this section, unless the context clearly requires otherwise:

(a) "Financial information" means, to the extent it is nonpublic, any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit:

(i) Account numbers and balances;

(ii) Transactional information concerning any account; and

(iii) Codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicaid numbers issued by the department of licensing, and other information held for the purpose of account access or transaction initiation.

(b) "Financial information repository" means any person engaged in the business of providing services to customers who have a credit, deposit, trust, stock, or other financial account or relationship with the person.

(c) "Person" means an individual, partnership, corporation, or association.

(4)) No provision of this section shall be construed so as to prevent any action by a law enforcement agency, or any officer, employee, or agent of such agency, or any action of an agent of the financial information repository, financial services provider, merchant, corporation, trust, partnership, or unincorporated association when working in conjunction with a law enforcement agency.

((5)) (4) This section does not apply to:

(a) Efforts by the financial information repository to test security procedures or systems of the financial institution repository for maintaining the confidentiality of customer information;

(b) Investigation of alleged employee misconduct or negligence; or

(c) Efforts to recover financial or personal information of the financial institution obtained or received by another person in any manner described in subsection (1) or (2) of this section.

~~((6))~~ (5) Violation of this section is a class C felony.

~~((7))~~ (6) A person ~~((that {who}))~~ who violates this section is liable for five hundred dollars or actual damages, whichever is greater, and reasonable attorneys' fees. ~~((If the person violating this section is a business that repeatedly violates this section, that person also violates the Consumer Protection Act, chapter 19.86 RCW.))~~

Sec. 9. RCW 9.35.020 and 1999 c 368 s 3 are each amended to read as follows:

(1) No person may knowingly obtain, possess, use, or ~~((knowingly))~~ transfer a means of identification or financial information of another person, living or dead, with the intent to commit, or to aid or abet, any ~~((unlawful activity harming or intending to harm the person whose identity is used, or for committing any felony.~~

(2) ~~For purposes of this section, "means of identification" means any information or item that is not describing finances or credit but is personal to or identifiable with any individual or other person, including any current or former name of the person, telephone number, and electronic address or identifier of the individual or any member of his or her family, including the ancestor of such person; any information relating to a change in name, address, telephone number, or electronic address or identifier of the individual or his or her family; any social security, driver's license, or tax identification number of the individual or any member of his or her family; and other information which could be used to identify the person, including unique biometric data))~~ crime.

~~((3))~~ (2)(a) Violation of this section when the accused or an accomplice uses the victim's means of identification or financial information and obtains an aggregate total of credit, money, goods, services, or anything else of value in excess of one thousand five hundred dollars in value shall constitute identity theft in the first degree. Identity theft in the first degree is a class B felony.

(b) Violation of this section when the accused or an accomplice uses the victim's means of identification or financial information and obtains an aggregate total of credit, money, goods, services, or anything else of value that is less than one thousand five hundred dollars in value, or when no credit, money, goods, services, or anything of value is obtained shall constitute identity theft in the second degree. Identity theft in the second degree is a class C felony.

~~((4))~~ (3) A person ~~((that {who}))~~ who violates this section is liable for civil damages of five hundred dollars or actual damages, whichever is greater, including costs to repair the ~~((person's))~~ victim's credit record, ~~((whichever is greater,))~~ and reasonable attorneys' fees ~~((If the person violating this section is a business that repeatedly violates this section, that person also violates the Consumer Protection Act, chapter 19.86 RCW))~~ as determined by the court.

(4) In a proceeding under this section, the crime will be considered to have been committed in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality.

(5) The provisions of this section do not apply to any person who obtains another person's driver's license or other form of identification for the sole purpose of misrepresenting his or her age.

(6) In a proceeding under this section in which a person's means of identification or financial information was used without that person's authorization, and when there has been a conviction, the sentencing court may issue such orders as are necessary to correct a public record that contains false information resulting from a violation of this section.

Sec. 10. RCW 9.35.030 and 2000 c 77 s 1 are each amended to read as follows:

(1) It is unlawful for any person to knowingly use a means of identification or financial information of another person to solicit undesired mail with the intent to annoy, harass, intimidate, torment, or embarrass that person.

(2) ~~((For purposes of this section, "means of identification" has the meaning provided in RCW 9.35.020.~~

~~((3))~~ Violation of this section is a misdemeanor.

~~((4))~~ (3) Additionally, a person who violates this section is liable for civil damages of five hundred dollars or actual damages, including costs to repair the person's credit record, whichever is greater, and reasonable attorneys' fees as determined by the court.

Sec. 11. RCW 9A.82.010 and 1999 c 143 s 40 are each amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1)(a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest is considered to be located where the real property owned by the trustee is located.

(2) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(3) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(4) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:

(a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

(e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and 9A.56.080;

(f) Unlawful sale of subscription television services, as defined in RCW 9A.56.230;

(g) Theft of telecommunication services or unlawful manufacture of a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;

(h) Child selling or child buying, as defined in RCW 9A.64.030;

- (i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;
 - (j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;
 - (k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;
 - (l) Extortionate extension of credit, as defined in RCW 9A.82.020;
 - (m) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;
 - (n) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;
 - (o) Collection of an unlawful debt, as defined in RCW 9A.82.045;
 - (p) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;
 - (q) Trafficking in stolen property, as defined in RCW 9A.82.050;
 - (r) Leading organized crime, as defined in RCW 9A.82.060;
 - (s) Money laundering, as defined in RCW 9A.83.020;
 - (t) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;
 - (u) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;
 - (v) Promoting pornography, as defined in RCW 9.68.140;
 - (w) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;
 - (x) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;
 - (y) Arson, as defined in RCW 9A.48.020 and 9A.48.030;
 - (z) Assault, as defined in RCW 9A.36.011 and 9A.36.021;
 - (aa) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;
 - (bb) A pattern of equity skimming, as defined in RCW 61.34.020;
 - (cc) Commercial telephone solicitation in violation of RCW 19.158.040(1);
 - (dd) Trafficking in insurance claims, as defined in RCW 48.30A.015;
 - (ee) Unlawful practice of law, as defined in RCW 2.48.180;
 - (ff) Commercial bribery, as defined in RCW 9A.68.060;
 - (gg) Health care false claims, as defined in RCW 48.80.030; ((of))
 - (hh) Unlicensed practice of a profession or business, as defined in RCW 18.130.190(7);
 - (ii) Improperly obtaining financial information, as defined in RCW 9.35.010; or
 - (jj) Identity theft, as defined in RCW 9.35.020.
- (5) "Dealer in property" means a person who buys and sells property as a business.
- (6) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.
- (7) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.
- (8) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.
- (9) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.
- (10) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.
- (11) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.
- (12) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.
- (13) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.
- (14) "Records" means any book, paper, writing, record, computer program, or other material.
- (15) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.
- (16) "Stolen property" means property that has been obtained by theft, robbery, or extortion.
- (17) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.
- (18) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(19) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(20)(a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under (a)(i) or (ii) of this subsection.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust;

(iii) A trustee of any indenture of trust under which a bond is issued; or

(iv) A trustee under a deed of trust.

(21) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

(a) In violation of any one of the following:

(i) Chapter 67.16 RCW relating to horse racing;

(ii) Chapter 9.46 RCW relating to gambling;

(b) In a gambling activity in violation of federal law; or

(c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.

Sec. 12. RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and 2000 c 66 s 2 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

XV Homicide by abuse (RCW 9A.32.055)

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

XIV Murder 2 (RCW 9A.32.050)

XIII Malicious explosion 2 (RCW 70.74.280(2))

Malicious placement of an explosive 1 (RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)

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

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

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

XI Manslaughter 1 (RCW 9A.32.060)

Rape 2 (RCW 9A.44.050)

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

X Child Molestation 1 (RCW 9A.44.083)

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

Kidnapping 1 (RCW 9A.40.020)

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

Malicious explosion 3 (RCW 70.74.280(3))

Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

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

Controlled Substance Homicide (RCW 69.50.415)

Explosive devices prohibited (RCW 70.74.180)

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

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

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Hit and Run--Death (RCW 46.52.020(4)(a))

- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))
- Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
- Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
- Theft of Anhydrous Ammonia (RCW 69.55.010)
- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
 - Child Molestation 2 (RCW 9A.44.086)
 - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 - Drive-by Shooting (RCW 9A.36.045)
 - Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
 - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
 - Introducing Contraband 1 (RCW 9A.76.140)
 - Involving a minor in drug dealing (RCW 69.50.401(f))
 - Malicious placement of an explosive 3 (RCW 70.74.270(3))
 - Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
 - Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
 - Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
 - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
 - Bribery (RCW 9A.68.010)
 - Incest 1 (RCW 9A.64.020(1))
 - Intimidating a Judge (RCW 9A.72.160)
 - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 - Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
 - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
 - Rape of a Child 3 (RCW 9A.44.079)
 - Theft of a Firearm (RCW 9A.56.300)
 - Unlawful Storage of Anhydrous Ammonia (RCW 69.55.020)
- V Abandonment of dependent person 1 (RCW 9A.42.060)
 - Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 - Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
 - Child Molestation 3 (RCW 9A.44.089)
 - Criminal Mistreatment 1 (RCW 9A.42.020)
 - Custodial Sexual Misconduct 1 (RCW 9A.44.160)
 - Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
 - Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
 - Extortion 1 (RCW 9A.56.120)
 - Extortionate Extension of Credit (RCW 9A.82.020)
 - Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 - Incest 2 (RCW 9A.64.020(2))
 - Kidnapping 2 (RCW 9A.40.030)
 - Perjury 1 (RCW 9A.72.020)
 - Persistent prison misbehavior (RCW 9.94.070)
 - Possession of a Stolen Firearm (RCW 9A.56.310)
 - Rape 3 (RCW 9A.44.060)
 - Rendering Criminal Assistance 1 (RCW 9A.76.070)
 - Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 - Sexually Violating Human Remains (RCW 9A.44.105)
 - Stalking (RCW 9A.46.110)
- IV Arson 2 (RCW 9A.48.030)
 - Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Commercial Bribery (RCW 9A.68.060)
 Counterfeiting (RCW 9.16.035(4))
 Escape 1 (RCW 9A.76.110)
 Hit and Run--Injury (RCW 46.52.020(4)(b))
 Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
Identity Theft 1 (RCW 9.35.020(2)(a))
 Indecent Exposure to Person Under Age Fourteen (subsequent sex offense)
 (RCW 9A.88.010)
 Influencing Outcome of Sporting Event (RCW 9A.82.070)
 Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
 Malicious Harassment (RCW 9A.36.080)
 Manufacture, deliver, or possess with intent to deliver narcotics from
 Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana,
 amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii)
 through (v))
 Residential Burglary (RCW 9A.52.025)
 Robbery 2 (RCW 9A.56.210)
 Theft of Livestock 1 (RCW 9A.56.080)
 Threats to Bomb (RCW 9.61.160)
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 Vehicular Assault (RCW 46.61.522)
 Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)
 Assault 3 (RCW 9A.36.031)
 Assault of a Child 3 (RCW 9A.36.140)
 Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
 Burglary 2 (RCW 9A.52.030)
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 Criminal Gang Intimidation (RCW 9A.46.120)
 Criminal Mistreatment 2 (RCW 9A.42.030)
 Custodial Assault (RCW 9A.36.100)
 Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
 Escape 2 (RCW 9A.76.120)
 Extortion 2 (RCW 9A.56.130)
 Harassment (RCW 9A.46.020)
 Intimidating a Public Servant (RCW 9A.76.180)
 Introducing Contraband 2 (RCW 9A.76.150)
 Maintaining a Dwelling or Place for Controlled Substances (RCW
 69.50.402(a)(6))
 Malicious Injury to Railroad Property (RCW 81.60.070)
 Manufacture, deliver, or possess with intent to deliver marijuana (RCW
 69.50.401(a)(1)(iii))
 Manufacture, distribute, or possess with intent to distribute an imitation
 controlled substance (RCW 69.52.030(1))
 Patronizing a Juvenile Prostitute (RCW 9.68A.100)
 Perjury 2 (RCW 9A.72.030)
 Possession of Incendiary Device (RCW 9.40.120)
 Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW
 9.41.190)
 Promoting Prostitution 2 (RCW 9A.88.080)
 Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
 Securities Act violation (RCW 21.20.400)
 Tampering with a Witness (RCW 9A.72.120)
 Telephone Harassment (subsequent conviction or threat of death) (RCW
 9.61.230)
 Theft of Livestock 2 (RCW 9A.56.080)
 Unlawful Imprisonment (RCW 9A.40.040)
 Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
 Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
 Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)
 Counterfeiting (RCW 9.16.035(3))
 Create, deliver, or possess a counterfeit controlled substance (RCW
 69.50.401(b))
 Escape from Community Custody (RCW 72.09.310)
 Health Care False Claims (RCW 48.80.030)
Identity Theft 2 (RCW 9.35.020(2)(b))
Improperly Obtaining Financial Information (RCW 9.35.010)

- Malicious Mischief 1 (RCW 9A.48.070)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
- Possession of phencyclidine (PCP) (RCW 69.50.401(d))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Forgery (RCW 9A.60.020)
- Malicious Mischief 2 (RCW 9A.48.080)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
- Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 13. RCW 13.40.0357 and 2000 c 66 s 3 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

***JUVENILE JUVENILE DISPOSITION
DISPOSITION CATEGORY FOR ATTEMPT,
OFFENSE BAILJUMP, CONSPIRACY,
CATEGORY DESCRIPTION (RCW CITATION) OR SOLICITATION***

Arson and Malicious Mischief

- A Arson 1 (9A.48.020) B+
- B Arson 2 (9A.48.030) C
- C Reckless Burning 1 (9A.48.040) D
- D Reckless Burning 2 (9A.48.050) E
- B Malicious Mischief 1 (9A.48.070) C
- C Malicious Mischief 2 (9A.48.080) D
- D Malicious Mischief 3 (<\$50 is
E class) (9A.48.090) E
- E Tampering with Fire Alarm
Apparatus (9.40.100) E
- A Possession of Incendiary Device
(9.40.120) B+

Assault and Other Crimes Involving Physical Harm

- A Assault 1 (9A.36.011) B+
- B+ Assault 2 (9A.36.021) C+
- C+ Assault 3 (9A.36.031) D+
- D+ Assault 4 (9A.36.041) E
- B+ Drive-By Shooting
(9A.36.045) C+
- D+ Reckless Endangerment
(9A.36.050) E
- C+ Promoting Suicide Attempt
(9A.36.060) D+
- D+ Coercion (9A.36.070) E
- C+ Custodial Assault (9A.36.100) D+

Burglary and Trespass

- B+ Burglary 1 (9A.52.020) C+
- B Residential Burglary

(9A.52.025) C
B Burglary 2 (9A.52.030) C
D Burglary Tools (Possession of)
(9A.52.060) E
D Criminal Trespass 1 (9A.52.070) E
E Criminal Trespass 2 (9A.52.080) E
C Vehicle Prowling 1 (9A.52.095) D
D Vehicle Prowling 2 (9A.52.100) E

Drugs

E Possession/Consumption of Alcohol
(66.44.270) E
C Illegally Obtaining Legend Drug
(69.41.020) D
C+ Sale, Delivery, Possession of Legend
Drug with Intent to Sell
(69.41.030) D+
E Possession of Legend Drug
(69.41.030) E
B+ Violation of Uniform Controlled
Substances Act - Narcotic,
Methamphetamine, or Flunitrazepam
Sale (69.50.401(a)(1) (i) or (ii)) B+
C Violation of Uniform Controlled
Substances Act - Nonnarcotic Sale
(69.50.401(a)(1)(iii)) C
E Possession of Marihuana <40 grams
(69.50.401(e)) E
C Fraudulently Obtaining Controlled
Substance (69.50.403) C
C+ Sale of Controlled Substance
for Profit (69.50.410) C+
E Unlawful Inhalation (9.47A.020) E
B Violation of Uniform Controlled
Substances Act - Narcotic,
Methamphetamine, or Flunitrazepam
Counterfeit Substances
(69.50.401(b)(1) (i) or (ii)) B
C Violation of Uniform Controlled
Substances Act - Nonnarcotic
Counterfeit Substances
(69.50.401(b)(1) (iii), (iv), (v)) C
C Violation of Uniform Controlled
Substances Act - Possession of a
Controlled Substance
(69.50.401(d)) C
C Violation of Uniform Controlled
Substances Act - Possession of a
Controlled Substance
(69.50.401(c)) C

Firearms and Weapons

B Theft of Firearm (9A.56.300) C
B Possession of Stolen Firearm
(9A.56.310) C
E Carrying Loaded Pistol Without
Permit (9.41.050) E
C Possession of Firearms by Minor (<18)
(9.41.040(1)(b)(iii)) C
D+ Possession of Dangerous Weapon
(9.41.250) E
D Intimidating Another Person by use
of Weapon (9.41.270) E

Homicide

A+ Murder 1 (9A.32.030) A
A+ Murder 2 (9A.32.050) B+
B+ Manslaughter 1 (9A.32.060) C+
C+ Manslaughter 2 (9A.32.070) D+
B+ Vehicular Homicide (46.61.520) C+

Kidnapping

A Kidnap 1 (9A.40.020) B+
B+ Kidnap 2 (9A.40.030) C+
C+ Unlawful Imprisonment
(9A.40.040) D+

Obstructing Governmental Operation

D Obstructing a Law Enforcement Officer (9A.76.020) E
E Resisting Arrest (9A.76.040) E
B Introducing Contraband 1 (9A.76.140) C
C Introducing Contraband 2 (9A.76.150) D
E Introducing Contraband 3 (9A.76.160) E
B+ Intimidating a Public Servant (9A.76.180) C+
B+ Intimidating a Witness (9A.72.110) C+

Public Disturbance

C+ Riot with Weapon (9A.84.010) D+
D+ Riot Without Weapon (9A.84.010) E
E Failure to Disperse (9A.84.020) E
E Disorderly Conduct (9A.84.030) E

Sex Crimes

A Rape 1 (9A.44.040) B+
A- Rape 2 (9A.44.050) B+
C+ Rape 3 (9A.44.060) D+
A- Rape of a Child 1 (9A.44.073) B+
B+ Rape of a Child 2 (9A.44.076) C+
B Incest 1 (9A.64.020(1)) C
C Incest 2 (9A.64.020(2)) D
D+ Indecent Exposure (Victim <14) (9A.88.010) E
E Indecent Exposure (Victim 14 or over) (9A.88.010) E
B+ Promoting Prostitution 1 (9A.88.070) C+
C+ Promoting Prostitution 2 (9A.88.080) D+
E O & A (Prostitution) (9A.88.030) E
B+ Indecent Liberties (9A.44.100) C+
A- Child Molestation 1 (9A.44.083) B+
B Child Molestation 2 (9A.44.086) C+

Theft, Robbery, Extortion, and Forgery

B Theft 1 (9A.56.030) C
C Theft 2 (9A.56.040) D
D Theft 3 (9A.56.050) E
B Theft of Livestock (9A.56.080) C
C Forgery (9A.60.020) D
A Robbery 1 (9A.56.200) B+
B+ Robbery 2 (9A.56.210) C+
B+ Extortion 1 (9A.56.120) C+
C+ Extortion 2 (9A.56.130) D+
C Identity Theft 1 (9.35.020(2)(a)) D
D Identity Theft 2 (9.35.020(2)(b)) E
D Improperly Obtaining Financial Information E
B Possession of Stolen Property 1 (9A.56.150) C
C Possession of Stolen Property 2 (9A.56.160) D
D Possession of Stolen Property 3 (9A.56.170) E
C Taking Motor Vehicle Without Owner's Permission (9A.56.070) D

Motor Vehicle Related Crimes

E Driving Without a License (46.20.005) E
B+ Hit and Run - Death (46.52.020(4)(a)) C+
C Hit and Run - Injury (46.52.020(4)(b)) D
D Hit and Run-Attended (46.52.020(5)) E
E Hit and Run-Unattended (46.52.010) E
C Vehicular Assault (46.61.522) D
C Attempting to Elude Pursuing

Police Vehicle (46.61.024) D
E Reckless Driving (46.61.500) E
D Driving While Under the Influence
(46.61.502 and 46.61.504) E

Other

B Bomb Threat (9.61.160) C
C Escape 1¹ (9A.76.110) C
C Escape 2¹ (9A.76.120) C
D Escape 3 (9A.76.130) E
E Obscene, Harassing, Etc.,
Phone Calls (9.61.230) E
A Other Offense Equivalent to an
Adult Class A Felony B+
B Other Offense Equivalent to an
Adult Class B Felony C
C Other Offense Equivalent to an
Adult Class C Felony D
D Other Offense Equivalent to an
Adult Gross Misdemeanor E
E Other Offense Equivalent to an
Adult Misdemeanor E
V Violation of Order of Restitution,
Community Supervision, or
Confinement (13.40.200)² V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 4 weeks confinement
2nd escape or attempted escape during 12-month period - 8 weeks confinement
3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

**OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE**

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A- 15-36 |52-65 |80-100 |103-129
WEEKS |WEEKS |WEEKS |WEEKS
EXCEPT |||
30-40 |||
WEEKS FOR |||
15-17 |||
YEAR OLDS |||

Current B+ 15-36 |52-65 |80-100 |103-129
Offense WEEKS |WEEKS |WEEKS |WEEKS
Category **B LOCAL | |52-65**
SANCTIONS (LS) |15-36 WEEKS |WEEKS

C+ LS | **|15-36 WEEKS**

C LS |15-36 WEEKS

Local Sanctions: |
0 to 30 Days _
D+ LS 0 to 12 Months Community Supervision
0 to 150 Hours Community Service
D LS \$0 to \$500 Fine

E LS

0 1 2 3 4 or more
PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B
CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR
OPTION C
MANIFEST INJUSTICE

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

NEW SECTION. **Sec. 14.** Captions used in this act are not any part of the law.

NEW SECTION. **Sec. 15.** Section 4 of this act expires April 1, 2004.

NEW SECTION. **Sec. 16.** Section 5 of this act takes effect April 1, 2004."

MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 1 of the title, after "theft;" strike the remainder of the title and insert "amending RCW 43.43.760, 19.16.250, 19.16.250, 9.35.010, 9.35.020, 9.35.030, 9A.82.010, and 13.40.0357; reenacting and amending RCW 9.94A.320; adding new sections to chapter 9.35 RCW; adding a new section to chapter 19.182 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date."

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 5449 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5449.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5449 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5537, by Senators Franklin, Hochstatter, Winsley, Regala, Prentice, Patterson, Rasmussen, Hargrove, Costa, Kohl-Welles, Long, Shin, Kastama, Fairley, Thibaudeau, Eide, Snyder, Kline, T. Sheldon, Jacobsen, Constantine, Stevens and Oke

Regulating internet advertisement for adoption.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5537 was substituted for Substitute Senate Bill No. 5537 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5537 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5537.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5537 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Carlson - 1.

SUBSTITUTE SENATE BILL NO. 5537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5946, by Senator McAuliffe

Allowing certified real estate appraisers to appraise school district property.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5946 was substituted for Senate Bill No. 5946 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5946 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5946.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5946 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5946, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5790, by Senators Kline, Costa, Shin, Sheahan, McCaslin, Deccio, Winsley and Constantine

Revising provisions relating to vehicular assault.

The bill was read the second time.

MOTIONS

On motion of Senator Kline, the following amendments by Senators Kline and Hargrove were considered simultaneously and were adopted:

On page 2, beginning on line 7, after "vehicle with" strike "disregard for the safety of others" and insert "criminal negligence"

On page 2, beginning on line 11, after "harm" strike "means "substantial bodily harm" as defined" and insert "has the same meaning as"

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 5760 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5790.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5790 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 5790, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5909, by Senators Fraser, Regala, Spanel and Thibaudeau

Revising financial responsibility requirements for vessels.

MOTIONS

On motion of Senator Fraser, Second Substitute Senate Bill No. 5909 was substituted for Senate Bill No. 5909 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Second Substitute Senate Bill No. 5909 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Shin: "Senator Fraser, does this bill apply to American vessels or all vessels, including foreign vessels?"

Senator Fraser: "It applies to all vessels, including foreign vessels."

Senator Shin "Thank you very much. Another question that I have is, have you done any feasibility studies on this type of legislation and its effect on international trade?"

Senator Fraser: "The industries that are affected have looked very closely at this bill and have given us a lot of detailed input and we have done our best to incorporate it. I have not heard of any significant concerns."

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5909.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5909 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Patterson - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5909, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5674, by Senators Constantine, Jacobsen, Prentice, Fraser and Kohl-Welles

Establishing the Washington climate center.

MOTIONS

On motion of Senator Constantine, Substitute Senate Bill No. 5674 was substituted for Senate Bill No. 5674 and the substitute bill was placed on second reading and read the second time.

Senator Hargrove moved that the following striking amendment by Senators Constantine and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature makes the following findings:

(1) The recent consensus report of the world's climate research community has concluded that significant climate change arising from pollutants generated by human activity is already underway.

(2) The best available analyses by northwest climate experts now indicate a projected doubling of carbon dioxide in the atmosphere is now expected to increase the average temperature in Washington state four to seven degrees over the next fifty years.

(3) Such changes are likely to have major, adverse impacts on the state's environment and economy.

(4) The citizens of Washington state have consistently demonstrated global scientific, technological, and policy leadership.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the board of directors of the Washington climate center.

(2) "Center" means the Washington climate center.

(3) "Climate change" means a change of climate attributed directly or indirectly to human activity that alters the composition of the global atmosphere.

(4) "Emissions" means the release of greenhouse gases.

(5) "Emitter" means the entity releasing greenhouse gases.

(6) "Greenhouse gases" includes carbon dioxide (CO₂), methane and natural gas (CH₄), and nitrous oxide (N₂O).

NEW SECTION. Sec. 3. The state legislature authorizes the establishment of an independent, nonprofit organization known as the Washington climate center to serve as a central clearinghouse for all climate change activities in the state.

NEW SECTION. Sec. 4. The center shall be funded through grants and voluntary cash and in-kind contributions.

NEW SECTION. Sec. 5. (1) The activities of the center shall be directed by a board of directors appointed by the governor, for terms of four years, beginning July 1, 2001. The board shall include fifteen members as follows:

(a) One member from each major party of the senate as recommended by their leadership;

(b) One member from each major party of the house of representatives as recommended by their leadership;

(c) One member from the office of the commissioner of public lands;

(d) One member from the department of community, trade, and economic development, energy policy group;

(e) One member from the Washington State University energy program;

(f) Three members from the nonprofit, climate sector;

(g) Three members from the business sector; and

(h) Two members from the climate academic sector, one representing the University of Washington, climate impacts group.

(2) The board shall retain and assign staff and volunteers as the board deems necessary.

(3) The Washington State University energy program and the University of Washington climate impacts group may provide technical assistance and research for the center.

(4) A vote of a majority of the members of the board shall bind the board.

NEW SECTION. Sec. 6. (1) The duties of the center may include, but are not limited to:

(a) Determining current and projected emissions of greenhouse gases in the state;

(b) Collecting and sharing scientific and technological data related to climate change;

(c) Assisting and collecting all climate contingency planning in the state;

(d) Advising relevant sectors of prospective commercial opportunities;

(e) Studying and recommending avenues for reducing short-term and long-term greenhouse gas emissions in the state;

(f) Studying and recommending the most cost-effective methods for reducing all net greenhouse gas emissions in the state, taking into consideration the absorption of greenhouse gas emissions through carbon sequestration;

(g) Studying and recommending the most cost-effective methods for reducing greenhouse gas emissions from the transportation sector consistent with federal law;

(h) Certifying the extent and degree of any mitigation projects;

(i) Developing adequate methods for the monitoring and verification of mitigation projects; and

(j) Serving as a central, independent registry available for the trading of emissions credits, if any.

(2) The center shall:

(a) Develop and publish its rules of operation, calculations, and methods;

(b) Accomplish any other duty assigned to it by the legislature for which adequate funding is provided; and

(c) Provide an annual report to the governor and legislature by December 31st regarding its operations, including the status of greenhouse gas emissions in the state.

(3) The center shall, within available funds, also:

(a) Identify key sectors within the state likely to be affected adversely by climate change;

(b) Examine and report the feasibility of a carbon storage program for the state by:

(i) Evaluating other states' and nations' attempts to establish carbon credit programs, carbon storage programs, carbon storage requirements worldwide, and methods and scientific programs that are used to implement carbon storage programs;

(ii) Analyzing other programs in the state of Washington, including the conservation reserve enhancement program, that could facilitate a carbon storage program and a stable carbon storage market;

(iii) Analyzing methods to encourage and increase appropriate carbon storage activities; and

(iv) Developing and preparing appropriate legislative responses and recommendations;

(c) Notify and convene meetings of key members of those sectors;

(d) Provide relevant scientific and technological information to the public and key sectors;

(e) Support a collaborative response to assist those sectors; and

(f) Assist in the creation of effective contingency planning for those sectors.

(4) The following agencies and programs shall work with the center to assist with the duties under this section: The department of community, trade, and economic development, the department of ecology, the department of transportation, the department of health, the department of fish and wildlife, the department of agriculture, the department of natural resources, and the Washington State University energy program.

(5) The board may establish task forces and technical advisory committees composed of state and local agencies, businesses, labor groups, timber industry groups, agricultural groups, nonprofit organizations, university and college programs, and interested groups and citizens as necessary to assist in the duties in this section.

NEW SECTION. Sec. 7. (1) All emitters of greenhouse gases are encouraged to seek mitigation of their emissions.

(2) Upon a request, accompanied with adequate funding, the center may:

(a) Assist any emitter in selecting mitigation projects;

(b) Determine and certify the amount of mitigation accomplished by any mitigation project; and

(c) Determine what monitoring and verification standards would be useful in the evaluation of mitigation projects.

NEW SECTION. Sec. 8. The center shall publicize successful mitigation projects and efforts to reduce the emission of greenhouse gases.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act constitute a new chapter in Title 70 RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Constantine and Hargrove to Substitute Senate Bill No. 5674.

The motion by Senator Hargrove carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Constantine, the following title amendment was adopted:

On page 1, line 1 of the title, after "change;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; providing an effective date; and declaring an emergency."

On motion of Senator Snyder, the rules were suspended, Engrossed Substitute Senate Bill No. 5674 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Snyder, Hargrove and Eide demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5674.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5674 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau and Winsley - 29.

Voting nay: Senators Deccio, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, West and Zarelli - 20.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5674, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5703, by Senators Hargrove and Winsley

Describing what is not an alteration of a mobile home.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5703 was substituted for Senate Bill No. 5703 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following striking amendment by Senators Hargrove and Prentice was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The labor, commerce, and financial institutions committee of the Senate shall conduct a study of the problems of owners of mobile/manufactured homes in connection with obtaining the necessary permits for repair, remodel, maintenance and alteration of their homes. The committee shall enlist the assistance of mobile/manufactured home owners, mobile/manufactured home mortgage lenders, the department of labor and industries, and other state or local government agencies as needed.

The study shall address the following issues:

(1) The fact that many mobile/manufactured home owners have performed alterations or repairs to their homes without obtaining the required permits with the result that potential buyers may be unable to obtain mortgage financing from the usual sources;

(2) The costs associated with obtaining required permits, particularly on those occasions when an engineering analysis is required;

(3) The possibility of reducing the number and type of repairs and alterations that require a permit, consistent with public health and safety considerations;

(4) The appropriateness of the current legal sanction for not obtaining a permit when required, which is that the home may not be sold;

(5) Any methods, procedures, or changes in the law that can assist mobile/manufactured home owners in the proper and economical maintenance and improvement of their homes, and the protection of their equity.

NEW SECTION. Sec. 2. The committee shall complete the study and develop any recommended legislation prior to the beginning of the 2002 legislative session.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5703 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5703.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5703 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Deccio - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5703, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5792, by Senators Prentice, Honeyford, Winsley, Rasmussen, Rossi, Hale, Constantine, B. Sheldon, Deccio, Hewitt and Gardner

Modifying wine and cider provisions.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5792 was substituted for Senate Bill No. 5792 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5792 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Finkbeiner: "Senator Hewitt, a friend of mine has been trying to brew mead. Is mead considered a wine or cider?"

Senator Hewitt: "I am not sure, but I think it is made of honey, so there is probably lots of it in Walla Walla."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5792.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5792 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Costa - 1.

SUBSTITUTE SENATE BILL NO. 5792, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5905, by Senators Prentice, Swecker and Winsley

Concerning the negotiation, enforcement, and resolution of disputes regarding tribal/state gaming compacts under the federal Indian gaming regulatory act of 1988.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5905 was substituted for Senate Bill No. 5905 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5905 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5905.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5905 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Franklin, Fraser, Gardner, Hargrove, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheldon, B., Sheldon, T., Snyder, Spanel, Swecker, West and Winsley - 29.

Voting nay: Senators Benton, Deccio, Eide, Fairley, Finkbeiner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Sheahan, Shin, Stevens, Thibaudeau and Zarelli - 20.

SUBSTITUTE SENATE BILL NO. 5905, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5965, by Senators Spanel, Gardner, Kohl-Welles, Kline and Rasmussen

Authorizing local option real estate excise taxes for affordable housing purposes.

MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 5965 was substituted for Senate Bill No. 5965 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 5965 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5965.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5965 and the bill passed the Senate by the following vote:

Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Winsley - 28.

Voting nay: Senators Benton, Deccio, Eide, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, McCaslin, Parlette, Patterson, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 21.

SUBSTITUTE SENATE BILL NO. 5965, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8008, by Senators Benton and Carlson

Requesting a joint Oregon-Washington committee on taxation be established.

The joint memorial was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Joint Memorial No. 8008 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8008.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8008 and the joint memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE JOINT MEMORIAL NO. 8008, having received the constitutional two-thirds majority, was declared passed..

SECOND READING

SENATE BILL NO. 5309, by Senators Constantine, Sheahan, Hewitt, Costa, Parlette, Carlson, Regala, T. Sheldon, Swecker, Jacobsen, B. Sheldon, Kastama, Gardner and Oke

Providing funding for local government criminal justice.

MOTIONS

On motion of Senator Constantine, Substitute Senate Bill No. 5309 was substituted for Senate Bill No. 5309 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Constantine, the rules were suspended, Substitute Senate Bill No. 5309 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5309.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5309 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 40.

Voting nay: Senators Hale, Honeyford, McCaslin, McDonald, Morton, Roach, Sheldon, T., West and Winsley - 9.

SUBSTITUTE SENATE BILL NO. 5309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Johnson was excused.

SECOND READING

SENATE BILL NO. 5829, by Senators Prentice, Patterson and Swecker

Relating to cooperative activities by local governments.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5829 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5829.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5829 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Johnson - 1.

SENATE BILL NO. 5829, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5060, by Senators Winsley and Patterson

Revising alternative public works contracting procedures.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5060 was substituted for Senate Bill No. 5060 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the following amendments by Senators Patterson and Winsley were considered simultaneously and were adopted:

On page 2, line 16, after "thousand" insert "and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4)"

On page 2, line 37, after "thousand" insert "and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4)"

On page 13, after line 6, insert the following:

"(4) A public authority chartered by a city that is a public body may utilize an alternative public works contracting procedure under this chapter only after receiving specific authorization on a project-by-project basis from the governing body of the city. For purposes of public authorities authorized to use alternative public works contracting procedures under this chapter, the city chartering any such public authority shall itself comply with RCW 39.10.030 on behalf of the public authority."

MOTIONS

On motion of Senator Winsley, the following amendments by Senators Patterson and Winsley were considered simultaneously and adopted:

On page 3, beginning on line 15, after "over" strike "ten million dollars" and insert "~~((ten))~~ twelve million dollars, or on and after January 1, 2010, valued over sixteen million dollars."

On page 6, line 7, after "over" strike "ten million dollars" and insert "~~((ten))~~ twelve million dollars, or on and after January 1, 2010, valued over sixteen million dollars."

On motion of Senator Winsley, the rules were suspended, Engrossed Substitute Senate Bill No. 5060 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Horn: "Senator Patterson, I notice that the substitute bill eliminates the ability of all units of local governments to use the alternative procedure if they were approved by a secondary body review board. Could you please explain to me what this body review board was and what their process of review is?"

Senator Patterson: "Thank you, Senator Horn. Some of the older contractors in the alternative public works subcommittee did not want to have the body review board in the bill. That is exactly right."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5060.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5060 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau and Winsley - 31.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Johnson, McDonald, Morton, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, West and Zarelli - 18.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Franklin assumed the chair.

SECOND READING

SENATE BILL NO. 5063, by Senators Patterson and Winsley

Authorizing a limited public works process.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

POINT OF ORDER

Senator West: "A point of order, Madam President. Rule 15 states not to meet past 10 p.m.. It is now 10:05 p.m."

REMARKS BY SENATOR SNYDER

Senator Snyder: "Yesterday, I moved that Rule 15 be suspended through Wednesday."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Franklin: "You are correct, Senator."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5063.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5063 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau and Winsley - 32.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Johnson, Long, McDonald, Morton, Roach, Rossi, Sheldon, T., Stevens, West and Zarelli - 17.

SENATE BILL NO. 5063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

SECOND READING

SENATE BILL NO. 5777, by Senators Prentice, Winsley, Thibaudeau, Deccio and Rasmussen

Permitting retired and disabled employees to obtain health insurance.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5777 was substituted for Senate Bill No. 5777 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5777 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5777.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5777 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5777, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5837, by Senators T. Sheldon, Swecker, Spanel, Snyder and Oke

Establishing a pilot project culturing shellfish on nonproductive oyster reserve land.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5837 was substituted for Senate Bill No. 5837 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5837 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5837.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5837 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5837, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5637, by Senators Jacobsen, Regala, Costa and Oke

Creating a program of watershed health monitoring and assessments.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5637 was substituted for Senate Bill No. 5637 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5637 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5637.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5637 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5637, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:12 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 8:30 a.m., Wednesday, March 14, 2001.

TONY M. COOK, Secretary of the Senate

BRAD OWEN, President of the Senate

JOURNAL OF THE SENATE

SIXTY-FIFTH DAY, MARCH 13, 2001

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

SIXTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Wednesday, March 14, 2001

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Hale, Haugen, Hewitt, Hochstatter, Honeyford, McDonald, Morton, Parlette, Patterson, Rasmussen and West. On motion of Senator Swecker, Senators Hale, Hewitt, Hochstatter, Honeyford, McDonald, Morton, Parlette and West were excused. On motion of Senator Eide, Senators Brown, Haugen, Patterson and Rasmussen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Joel Braley and Kaitlin Kerwin, presented the Colors. Reverend Joan Anthony, pastor of St. Benedict's Episcopal Church in Lacey, offered the prayer.

MOTION

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

SECOND READING

SENATE BILL NO. 5494, by Senators Jacobsen and McAuliffe

Clarifying noise laws for motor vehicles.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5494 was substituted for Senate Bill No. 5494 and the substitute bill was placed on second reading and read the second time.

Debate ensued.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5494 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5494.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5494 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Prentice, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 37.

Excused: Senators Brown, Hale, Haugen, Hewitt, Hochstatter, Honeyford, McDonald, Morton, Parlette, Patterson, Rasmussen and West - 12.

SUBSTITUTE SENATE BILL NO. 5494, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5970, by Senator Hargrove

Revising provisions for probation orders.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5970 was substituted for Senate Bill No. 5970 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendment was adopted:

On page 2, line 34, after "46.20.720." insert "Any time before entering an order terminating probation, the court may modify or revoke its order suspending or deferring the imposition or execution of the sentence."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5970 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5970.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5970 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Excused: Senators Brown, Hale, McDonald, Parlette and Rasmussen - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5970, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6055, by Senators Long, Hargrove and Stevens

Evaluating children within the foster care agency caseload.

MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 6055 was substituted for Senate Bill No. 6055 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 6055 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6055.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6055 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Hale and McDonald - 2.

SUBSTITUTE SENATE BILL NO. 6055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Brown was excused.

SECOND READING

SENATE JOINT MEMORIAL NO. 8016, by Senators Shin, Rasmussen and Sheahan

Emphasizing free and fair trade of nonanadromous aquaculture products between the United States and Canada.

The joint memorial was read the second time.

MOTION

On motion of Senator Shin, the following amendment was adopted:

Beginning on page 1, after line 7, strike all material through "Washington." on page 2, line 12 and insert the following:

"WHEREAS, The aquaculture industry in Washington state produces high-quality, pathogen-free, nonanadromous aquacultural products for sale to public agencies and private companies throughout the world; and

WHEREAS, Washington state's aquaculture industry employs hundreds of people in well-paying, technical positions located in many rural communities throughout the state, generating forty million dollars worth of products; and

WHEREAS, Canadian fish farmers have expressed the desire to purchase high-quality nonanadromous aquacultural products from Washington state producers; and

WHEREAS, Many fish farmers in the United States currently purchase nonanadromous aquacultural products from Canada; and

WHEREAS, Increased freedom to engage in the commercial trade of nonanadromous aquacultural products between the United States and Canada will only help our two nations grow more prosperous;

NOW, THEREFORE, Your Memorialists respectfully pray that the government of the United States emphasize the importance of the free and fair trade of nonanadromous aquacultural products in its relations with the government of Canada.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Senate Joint Memorial No. 8016 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Joint Memorial No. 8016.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Joint Memorial No. 8016 and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Brown, Hale and McDonald - 3.

ENGROSSED SENATE JOINT MEMORIAL NO. 8016, having received the constitutional majority, was declared passed..

SECOND READING

SENATE BILL NO. 5986, by Senators Franklin, Kastama, Long, Regala and Hargrove

Clarifying licensing for public psychiatric facilities.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5986 was substituted for Senate Bill No. 5986 and the substitute senate was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5986 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5986.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5986 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senators Deccio and McCaslin - 2.

Excused: Senator Brown - 1.

SUBSTITUTE SENATE BILL NO. 5986, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Johnson, Senator West was excused.

SECOND READING

SENATE BILL NO. 5862, by Senators T. Sheldon, Oke and Jacobsen (by request of Department of Natural Resources)

Streamlining the process of selling valuable materials from state lands.

MOTIONS

On motion of Senator Tim Sheldon, Substitute Senate Bill No. 5862 was substituted for Senate Bill No. 5862 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the rules were suspended, Substitute Senate Bill No. 5862 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5862.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5862 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Brown and West - 2.

SUBSTITUTE SENATE BILL NO. 5862, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5906, by Senators Rasmussen, Finkbeiner, McAuliffe, Eide, Regala, Kastama, Hewitt, Hochstatter and Kohl-Welles

Creating the technology in education task force.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5906 was substituted for Senate Bill No. 5906 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5906 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5906.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5906 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Brown - 1.

SUBSTITUTE SENATE BILL NO. 5906, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8000, by Senators Jacobsen and Oke

Requesting the appointment of a federal multiagency contact person for Columbia River salmon and trout recovery.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Joint Memorial No. 8000 was substituted for Senate Joint Memorial No. 8000 and the substitute joint memorial was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Joint Memorial No. 8000 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8000.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8000 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Brown - 1.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8000, having received the constitutional majority, was declared passed.

SECOND READING

SENATE JOINT MEMORIAL NO. 8006, by Senators Jacobsen, Swecker and Parlette

Requesting fish passage modifications be made to the Leavenworth National Fish Hatchery.

The joint memorial was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Joint Memorial No. 8006 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8006.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8006 and the joint memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE JOINT MEMORIAL NO. 8006, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5488, by Senators Haugen, Benton, T. Sheldon and Winsley

Changing provisions relating to special license plates.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5488 was substituted for Senate Bill No. 5488 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5488 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5488.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5488 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 9:43 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:15 a.m. by President Owen.

MOTION

On motion of Senator Hewitt, Senator Finkbeiner was excused.

SECOND READING

SENATE BILL NO. 5972, by Senator Hargrove (by request of Department of Social and Health Services)

Releasing juvenile offenders.

The bill was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5972 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5972.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5972 and the bill passed the Senate by the following vote:

Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Finkbeiner - 1.

SENATE BILL NO. 5972, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5147, by Senators Winsley, Carlson, Long, Franklin, Honeyford and Fraser (by request of Joint Committee on Pension Policy)

Correcting statutes pertaining to the public employees' and school employees' retirement systems.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5147.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5147 and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6098, by Senators Constantine, Brown, Prentice, Costa, Spanel, Kline, Carlson, Franklin and Kohl-Welles

Creating a committee to study Washington's tax structure.

MOTIONS

On motion of Senator Constantine, Substitute Senate Bill No. 6098 was substituted for Senate Bill No. 6098 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Constantine, the rules were suspended, Substitute Senate Bill No. 6098 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senators Snyder, Prentice and Haugen demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6098.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6098 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Zarelli - 36.

Voting nay: Senators Benton, Deccio, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Roach, Stevens, Swecker and West - 13.

SUBSTITUTE SENATE BILL NO. 6098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5903, by Senators Winsley, Franklin, Costa and Thibaudeau

Changing physician license fees.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Bill No. 5903 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5903.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5903 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Winsley - 44.

Voting nay: Senators Benton, Roach, Sheldon, T., Stevens and Zarelli - 5.

SENATE BILL NO. 5903, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5264, by Senators Prentice, Fraser, Patterson, Costa, Shin, Kline, Kohl-Welles, Constantine, Jacobsen, Winsley and Gardner

Prohibiting public employers from firing employees to avoid providing benefits.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5264 was substituted for Senate Bill No. 5264 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the following amendment was adopted:

On page 2, line 12, after "contractors" insert "or enrolled students who receive employment as student employees or as part of their education or financial aid"

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 5264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5264.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5264 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Winsley - 29.

Voting nay: Senators Carlson, Deccio, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 20.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5308, by Senators Constantine and McCaslin (by request of Office of the Code Reviser)

Making technical corrections to chapter 19.28 RCW, electricians and electrical installations.

The bill was read the second time.

MOTION

On motion of Senator Constantine, the rules were suspended, Senate Bill No. 5308 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5308.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5308 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senators Benton and Deccio - 2.

SENATE BILL NO. 5308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Johnson was excused.

SECOND READING

SENATE BILL NO. 5988, by Senators Snyder, McDonald, Spanel, Winsley, Prentice and Jacobsen (by request of State Investment Board)

Establishing compensation levels for certain employees of the state investment board.

MOTIONS

On motion of Senator Snyder, Substitute Senate Bill No. 5988 was substituted for Senate Bill No. 5988 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Snyder, the rules were suspended, Substitute Senate Bill No. 5988 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5988.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5988 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Johnson - 1.

SUBSTITUTE SENATE BILL NO. 5988, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5940, by Senators Regala, McAuliffe, Carlson, Kohl-Welles, Eide, Kastama, Rasmussen and Finkbeiner (by request of Superintendent of Public Instruction Bergeson)

Strengthening career and technical education.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5940 was substituted for Senate Bill No. 5940 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5940 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5940.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5940 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West and Winsley - 37.

Voting nay: Senators Benton, Deccio, Hale, Hewitt, Hochstatter, Johnson, McCaslin, Morton, Roach, Stevens, Swecker and Zarelli - 12.

SUBSTITUTE SENATE BILL NO. 5940, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5692, by Senators Costa, Long, Hargrove, Rasmussen and Kohl-Welles

Creating youth courts.

The bill was read the second time.

MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 5692 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5692.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5692 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5692, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5205, by Senators Prentice, Winsley, Fairley and T. Sheldon

Requiring self-insurers to provide information for independent medical examinations.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5205 was substituted for Senate Bill No. 5205 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5205 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5205.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5205 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5378, by Senators Jacobsen, Swecker and Spanel (by request of Governor Locke)

Providing a shoreline management master program development or amendment schedule.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5378 was substituted for Senate Bill No. 5378 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Snyder, the following amendment by Senators Snyder, Hargrove, Sheahan, West, Carlson and Zarelli was adopted:

On page 3, at line 22, after "84.34.020" insert the following:

": and

(c) counties that border on another state of the United States"

MOTION

On motion of Senator Snyder, the rules were suspended, Engrossed Substitute Senate Bill No. 5378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5378.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5378 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Roach, Sheahan, Sheldon, T., Snyder, Stevens, Swecker, West and Zarelli - 28.

Voting nay: Senators Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, Patterson, Regala, Rossi, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 21.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

March 8, 2001

MR. PRESIDENT:

The Co-Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8411, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

March 12, 2001

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1002,
SUBSTITUTE HOUSE BILL NO. 1017,
HOUSE BILL NO. 1219,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1286,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364,
SUBSTITUTE HOUSE BILL NO. 1375,
SECOND SUBSTITUTE HOUSE BILL NO. 1499,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571,
HOUSE BILL NO. 1577,
SUBSTITUTE HOUSE BILL NO. 1591,
SUBSTITUTE HOUSE BILL NO. 1759,
SUBSTITUTE HOUSE BILL NO. 2049,
SUBSTITUTE HOUSE BILL NO. 2082,
HOUSE BILL NO. 2156,
SUBSTITUTE HOUSE BILL NO. 2184,
SUBSTITUTE HOUSE BILL NO. 2221, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

March 12, 2001

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1162,
SUBSTITUTE HOUSE BILL NO. 1174,
SECOND SUBSTITUTE HOUSE BILL NO. 1240,
HOUSE BILL NO. 1243,
SUBSTITUTE HOUSE BILL NO. 1259,
SUBSTITUTE HOUSE BILL NO. 1337,
SUBSTITUTE HOUSE BILL NO. 1381,
HOUSE BILL NO. 1385,
HOUSE BILL NO. 1408,
HOUSE BILL NO. 1419,
SECOND SUBSTITUTE HOUSE BILL NO. 1445,
SUBSTITUTE HOUSE BILL NO. 1649, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

March 12, 2001

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1489,
SUBSTITUTE HOUSE BILL NO. 1650,
SUBSTITUTE HOUSE BILL NO. 1730,
HOUSE BILL NO. 1770,
SUBSTITUTE HOUSE BILL NO. 1821,
SUBSTITUTE HOUSE BILL NO. 1849,
HOUSE BILL NO. 1852,
HOUSE BILL NO. 1855,
HOUSE BILL NO. 1865,
SUBSTITUTE HOUSE BILL NO. 1884,
SUBSTITUTE HOUSE BILL NO. 1891,
SUBSTITUTE HOUSE BILL NO. 1892,
HOUSE BILL NO. 1895,
SUBSTITUTE HOUSE BILL NO. 1908,
HOUSE BILL NO. 1911,
SUBSTITUTE HOUSE BILL NO. 1913,
SUBSTITUTE HOUSE BILL NO. 1915,
SUBSTITUTE HOUSE BILL NO. 1950,
SECOND SUBSTITUTE HOUSE BILL NO. 1958,
HOUSE BILL NO. 1984,
SECOND SUBSTITUTE HOUSE BILL NO. 2025,
HOUSE BILL NO. 2029,
HOUSE BILL NO. 2031,
HOUSE BILL NO. 2064, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

There being no objection, the President advanced the Senate to the fifth order of business

INTRODUCTION AND FIRST READING

SB 6148 by Senators Jacobsen, Thibaudeau, Horn, Finkbeiner, Eide, Constantine, Patterson, McDonald, Prentice and Kohl-Welles

AN ACT Relating to the Puget Sound transportation commission; and adding a new chapter to Title 47 RCW.
Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Limiting the public inspection and copying of residential addresses or residential phone numbers of public employees or volunteers of public agencies.

Referred to Committee on State and Local Government.

SHB 1017 by House Committee on Natural Resources (originally sponsored by Representatives Pennington and Mielke)

Concerning lands vehicle use permits.

Referred to Committee on Natural Resources, Parks and Shorelines.

HB 1162 by Representatives McMorris, Cody, Alexander, Schual-Berke, Mastin, Cox, Mulliken, Sump, G. Chandler, Lisk, B. Chandler, Hatfield, Schoesler, Grant, Armstrong, Kessler, Doumit, DeBolt, Delvin, Dickerson, Kenney, Bush, Conway, Edmonds, Pflug and Haigh

Providing medical assistance reimbursements for small, rural hospitals.

Referred to Committee on Health and Long-Term Care.

SHB 1174 by House Committee on Judiciary (originally sponsored by Representatives Hurst, Carrell, Lantz, Lovick and O'Brien)

Authorizing vacation of records of conviction for misdemeanor and gross misdemeanor offenses.

Referred to Committee on Judiciary.

HB 1219 by Representatives Marine, D. Schmidt, Roach, Delvin, Cooper and Skinner

Exempting community public radio stations from property taxation.

Referred to Committee on Ways and Means.

2SHB 1240 by House Committee on Appropriations (originally sponsored by Representatives Schindler, Quall, Talcott, Pearson, Cox, Keiser, Campbell, D. Schmidt and Haigh)

Changing provisions relating to the Washington assessment of student learning.

Referred to Committee on Education.

HB 1243 by Representatives Hurst, Esser, Carrell, Lovick, Lantz and Lambert

Changing provisions relating to the admissibility into evidence of a refusal to submit to a test of alcohol or drug concentration.

Referred to Committee on Judiciary.

SHB 1259 by House Committee on Appropriations (originally sponsored by Representatives Tokuda, Boldt, Kagi, Schual-Berke, Kenney, Lambert and Edwards) (by request of Department of Social and Health Services)

Authorizing provision of independent living services for persons through age twenty who have been in foster care.

Referred to Committee on Human Services and Corrections.

ESHB 1286 by House Committee on Natural Resources (originally sponsored by Representatives Lisk, Grant, Sump, Cox, Doumit, G. Chandler, Mulliken, Mielke, Clements, Lambert, Hankins, Pflug, Dunn, B. Chandler, Buck, Cairnes, Pennington, Boldt, Hatfield, Delvin, Armstrong, Skinner, Alexander, Kessler, Pearson, D. Schmidt, Anderson, Rockefeller and Esser)

Providing hatchery origin salmon eggs in order to replenish fish runs.

Referred to Committee on Natural Resources, Parks and Shorelines.

SHB 1337 by House Committee on Juvenile Justice (originally sponsored by Representatives Kagi, Delvin and Dickerson) (by request of Department of Social and Health Services)

Revising the chemical dependency disposition alternative.

Referred to Committee on Human Services and Corrections.

ESHB 1364 by House Committee on Health Care (originally sponsored by Representatives Pflug, Edmonds, Cody, Campbell, Boldt, Doumit, Pennington and Schual-Berke)

Mandating general anesthesia services.

Referred to Committee on Health and Long-Term Care.

SHB 1375 by House Committee on State Government (originally sponsored by Representatives Miloscia and Cox)
(by request of Governor Locke)

Reauthorizing the expedited rule adoption process.

Referred to Committee on State and Local Government.

SHB 1381 by House Committee on Higher Education (originally sponsored by Representatives Mulliken, Rockefeller, G. Chandler, Skinner, Dunn, Lantz, Doumit, Cox, Keiser, Pearson, Schoesler, Ruderman, Schual-Berke and Lambert)

Requiring institutions of higher education to use personal identifiers that are not social security numbers.

Referred to Committee on Higher Education.

HB 1385 by Representatives Reardon and Pennington (by request of Department of Revenue)

Clarifying the taxable situs and nature of linen and uniform supply services.

Referred to Committee on Ways and Means.

HB 1408 by Representatives Reardon, Talcott, D. Schmidt, Conway, Haigh, Bush, Mielke, Hatfield, Campbell, Barlean, Berkey and Rockefeller (by request of Joint Select Committee on Veterans' and Military Affairs)

Providing a property tax exemption to widows or widowers of honorably discharged veterans.

Referred to Committee on Ways and Means.

HB 1419 by Representatives Hurst, Esser, Lantz, Carrell, Haigh, O'Brien, Roach and Ruderman

Requiring a notation in the driving record when a driver is required to use an ignition interlock or other biological or technical device.

Referred to Committee on Judiciary.

2SHB 1445 by House Committee on Finance (originally sponsored by Representatives Kessler, Lambert, Ogden, Edmonds, Kagi, Dickerson, Jackley, Fromhold, Keiser, Veloria, Miloscia, Cody and McDermott) (by request of State Treasurer Murphy)

Retaining the linked deposit program.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1489 by Representatives Carrell, Morris, Roach, Lambert, Boldt, Cairnes, Benson and Marine

Requiring the department of revenue to develop an assessment improvement plan.

Referred to Committee on Ways and Means.

2SHB 1499 by House Committee on Appropriations (originally sponsored by Representatives Jackley, Buck, Rockefeller, Eickmeyer, Sump, Doumit, Pennington and Dunn)

Regulating marine fin fish aquaculture.

Referred to Committee on Natural Resources, Parks and Shorelines.

ESHB 1571 by House Committee on Commerce and Labor (originally sponsored by Representatives Wood, Clements and Conway)

Changing provisions on simulcast horse racing.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1577 by Representatives D. Schmidt and Romero (by request of Secretary of State Reed)

Clarifying standards for candidates using party designations.

Referred to Committee on State and Local Government.

SHB 1591 by House Committee on Judiciary (originally sponsored by Representatives Esser, Lantz, O'Brien, Lisk, Kirby, B. Chandler, Linville and Doumit)

Revising requirements for service of orders in harassment matters.

Referred to Committee on Judiciary.

SHB 1649 by House Committee on Judiciary (originally sponsored by Representative Kessler)

Including striking the body of a deceased person within hit and run.

Referred to Committee on Judiciary.

SHB 1650 by House Committee on Health Care (originally sponsored by Representatives Cody, Alexander, Tokuda, Mulliken, Doumit, Schual-Berke, Edwards and Kagi)

Requiring monitoring of the performance of the community mental health service delivery system.

Referred to Committee on Human Services and Corrections.

SHB 1730 by House Committee on Health Care (originally sponsored by Representatives Schual-Berke, Skinner, Clements, Pennington, Kagi, Linville, Cody, Campbell, Lovick, Cox, Ruderman, Ballasiotes, O'Brien, Hunt, Edwards, Dickerson, Grant, Darneille and Keiser)

Requiring certain health care providers to report gunshot or knife wounds to the authorities.

Referred to Committee on Health and Long-Term Care.

SHB 1759 by House Committee on Health Care (originally sponsored by Representatives Darneille, Schual-Berke, McDermott, Santos, Murray, Tokuda and Wood)

Allowing for the sale of hypodermic syringes and needles to reduce the transmission of bloodborne diseases.

Referred to Committee on Health and Long-Term Care.

HB 1770 by Representatives McDermott, D. Schmidt, Haigh, Miloscia, Dunshee, McMorris, Morris, Romero, Esser, Lambert, Schindler, Dickerson and Oden

Allowing contributions to primary losers.

Referred to Committee on State and Local Government.

SHB 1821 by House Committee on Natural Resources (originally sponsored by Representatives Buck, Doumit, Sump, Hatfield and Kessler)

Concerning coastal Dungeness crab resource plan provisions.

Referred to Committee on Natural Resources, Parks and Shorelines.

SHB 1849 by House Committee on Natural Resources (originally sponsored by Representatives Pearson, Jackley, Doumit, Eickmeyer, Rockefeller, Cox, Barlean, Armstrong, Bush and O'Brien) (by request of Parks and Recreation Commission)

Requiring the parks and recreation commission to have a record check performed on certain job applicants.

Referred to Committee on Natural Resources, Parks and Shorelines.

HB 1852 by Representatives Morris, Schoesler, Anderson, Eickmeyer, Conway, Fromhold, Van Luven, Kenney, Dunn, Santos, Ogden, Jackley, O'Brien, Lovick and Linville

Increasing international marketing of Washington's goods and services.

Referred to Committee on Agriculture and International Trade.

HB 1855 by Representatives Hunt, Conway, Clements, Ericksen, Pennington and Kenney

Allowing private clubs to serve liquor at special events.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1865 by Representatives G. Chandler and Grant

Changing watershed planning provisions.

Referred to Committee on Environment, Energy and Water.

SHB 1884 by House Committee on Children and Family Services (originally sponsored by Representatives Ogden, Poulsen, Crouse and Kenney) (by request of Department of Social and Health Services)

Changing provisions relating to telecommunications services for hearing or speech impaired.

Referred to Committee on Economic Development and Telecommunications.

SHB 1891 by House Committee on Appropriations (originally sponsored by Representatives Mulliken, Schoesler, Veloria, B. Chandler, Van Luven, Linville, G. Chandler, Conway and Dunn)

Increasing the international trade of Washington state agricultural products.

Referred to Committee on Agriculture and International Trade.

SHB 1892 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Linville and G. Chandler)

Regulating agricultural commodity boards and commissions.

Referred to Committee on Agriculture and International Trade.

HB 1895 by Representatives Esser, Morris, Barlean, Cooper, Mielke, O'Brien, Mulliken, Ericksen, Hatfield, B. Chandler, Linville and Kirby

Creating the crime of theft of motor vehicle fuel.

Referred to Committee on Judiciary.

SHB 1908 by House Committee on State Government (originally sponsored by Representatives Schoesler, Morris, Santos, Hankins, Sump, Pennington, DeBolt, B. Chandler, Sehlin, D. Schmidt, Dunn, Mielke, McMorris, Tokuda, Buck, Skinner, Mulliken and Bush)

Restricting mailings and public service broadcasts by state officials.

Referred to Committee on State and Local Government.

HB 1911 by Representatives Reardon, Cody, Santos and Ballasiotes

Requiring coverage for neurodevelopmental therapies.

Referred to Committee on Health and Long-Term Care.

SHB 1913 by House Committee on Appropriations (originally sponsored by Representative Boldt)

Creating a demonstration project to provide services to disturbed youth.

Referred to Committee on Human Services and Corrections.

SHB 1915 by House Committee on Finance (originally sponsored by Representatives Cairnes, Morris, H. Sommers, Skinner, Hankins, Kessler, Lisk, Clements, Benson, Delvin, B. Chandler, Veloria, G. Chandler, Conway, Ruderman, Santos, Grant, Barlean and Alexander)

Modifying wine and cider provisions.

Referred to Committee on Labor, Commerce and Financial Institutions.

SHB 1950 by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Clements, Wood, Kenney and Miloscia)

Describing worker rights under industrial insurance.

Referred to Committee on Labor, Commerce and Financial Institutions.

2SHB 1958 by House Committee on Appropriations (originally sponsored by Representatives Delvin, Dickerson, Carrell and Darneille)

Revising provisions for children in need of services, at-risk youth, and truancy petitions.

Referred to Committee on Human Services and Corrections.

HB 1984 by Representatives Quall, Morris, Barlean, Cooper, Ericksen, Dunshee, Linville, Hatfield, Ruderman, Poulsen, Conway, Lovick and Kagi

Creating the small farm direct marketing assistance program.

Referred to Committee on Agriculture and International Trade.

E2SHB 2025 by House Committee on Appropriations (originally sponsored by Representatives Santos, Talcott, Quall, Keiser, Ogden, Tokuda, Schual-Berke and Kenney)

Changing transitional bilingual instruction program provisions.

Referred to Committee on Education.

HB 2029 by Representatives Hurst, Mitchell, Fisher, Hankins, Haigh, Anderson, Cooper, Ericksen, Ogden, Marine, Jarrett, Wood, Romero, Armstrong, Rockefeller, Mielke, Hatfield, Sump, Lovick, Simpson, Woods, Reardon, Morell, Skinner, Ahern, Jackley, Murray, Edmonds and Kenney

Authorizing changes to the VIN inspection program.

Referred to Committee on Transportation.

HB 2031 by Representatives Cairnes, Crouse, Poulsen, Morris, Reardon, Delvin and Barlean

Limiting the taxation of pay phone services.

Referred to Committee on Economic Development and Telecommunications.

SHB 2049 by House Committee on State Government (originally sponsored by Representatives Pearson, Crouse, Cox, Schindler, DeBolt, Mitchell, Ericksen, Cairnes, Clements and Talcott)

Limiting penalties during technical assistance visits.

Referred to Committee on State and Local Government.

HB 2064 by Representative Carrell

Providing for the availability of online legal research capability on a cost-efficient basis to all residents of the state.

Referred to Committee on Judiciary.

SHB 2082 by House Committee on Children and Family Services (originally sponsored by Representatives Darneille, Campbell, Dickerson, Ballasiotes, O'Brien, Boldt, Tokuda, Bush, Simpson, Morell, Kirby, Conway, Kenney, Woods, Ahern, Hurst and Schual-Berke)

Presuming that it is negligent treatment to expose a child to a methamphetamine manufacturing site.

Referred to Committee on Human Services and Corrections.

HB 2156 by Representatives Cairnes and Morris

Providing uniform mobile telecommunications laws.

Referred to Committee on Economic Development and Telecommunications.

SHB 2184 by House Committee on Finance (originally sponsored by Representatives Berkey, DeBolt, Morris, Dunshee and Edwards)

Revising tax treatment of park model trailers.

Referred to Committee on Ways and Means.

SHB 2221 by House Committee on Transportation (originally sponsored by Representatives Mielke, Rockefeller and Jackley)

Adjusting procedures for ferry maintenance and preservation.

Referred to Committee on Transportation.

MOTION

At 12:31 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Pro Tempore Franklin.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Hewitt, Senator Horn was excused.

SECOND READING

SENATE BILL NO. 5336, by Senators Kohl-Welles, Horn, Shin, McAuliffe, B. Sheldon, Constantine and Kline

Creating the public interest attorney loan repayment program.

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5336 was substituted for Senate Bill No. 5336 and the substitute bill was placed on second reading and read the second time.

Senator Honeyford moved that the following amendments by Senators Honeyford and Kohl-Welles be considered simultaneously and be adopted:

On page 6, line 7, after "self-sustaining and consist of", strike "funds appropriated by the legislature for the public interest attorney loan repayment program,".

On page 6, line 9, after "private contributions to the program", strike ",",.

On page 6, line 10, after "repayments.", insert "No state funds shall be deposited in the account or otherwise expended therefore."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Honeyford and Kohl-Welles on page 6, lines 7, 9 and 10, to Substitute Senate Bill No. 5336.

The motion by Honeyford carried and the amendments were adopted.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5336 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5336.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5336 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Honeyford, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Winsley - 31.

Voting nay: Senators Benton, Finkbeiner, Hale, Hewitt, Hochstatter, Johnson, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Stevens, Swecker, West and Zarelli - 17.

Excused: Senator Horn - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

SECOND READING

SENATE BILL NO. 5085, by Senators Haugen, Winsley, Prentice and McAuliffe

Administering glucagon to hypoglycemic students.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5085 was substituted for Senate Bill No. 5085 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5085 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5085.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5085 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 2; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 42.

Voting nay: Senators Benton, Franklin, Morton, Swecker and West - 5.

Absent: Senators Hochstatter and Honeyford - 2.

SUBSTITUTE SENATE BILL NO. 5085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Sheahan, Senator Honeyford was excused.

On motion of Senator Hewitt, Senator Hale was excused.

SECOND READING

SENATE BILL NO. 5936, by Senators Prentice, Winsley, Costa, Thibaudeau, Jacobsen, Regala, Gardner, Kline, Spanel, Shin, Rasmussen, Fraser and Kohl-Welles (by request of Department of Community, Trade, and Economic Development)

Providing funds for housing projects.

MOTIONS

On motion of Senator Prentice, Second Substitute Senate Bill No. 5936 was substituted for Senate Bill No. 5936 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendments by Senators Hargrove and Prentice were considered simultaneously and were adopted:

On page 2, line 13, after "for" strike ": (a) The" and insert "the"

On page 2, line 16, after "funds" strike "; and (b) innovative housing demonstration projects for moderate and middle income populations"

POINT OF ORDER

Senator West: "A point of order, Mr. President. First of all, I want to make clear that I am not an enemy of this bill and I would like to see it pass. Mr. President, I would like for you to rule whether this is a fee or a tax and whether it requires a simple majority or a two-thirds vote on final passage under Initiative 601. I would point out the difference between a fee and a tax. A fee is a charge for a particular service. You pay a fee to, perhaps, use something that government has or to be provided with a service. A fee typically pays for the cost of providing that service. A tax, on the other hand, is an amount of money levied, but then is used for some purpose other than the transaction upon which it was paid. In this case, you will be paying the county clerk an amount of money for the privilege of recording documents. If you call it a fee, it would imply that the cost of recording those documents is imbedded in that and that is the sole purpose for that money--to call it anything other than a tax. It is a tax if that money, then, is used for some other stated purpose and in this bill it is used for housing. Again, I am not an enemy of the bill, but I want it clear that we are either levying a tax, which I believe this is, or we are assessing a fee. So, I would like the Lieutenant Governor to rule on that important point."

RULING BY THE PRESIDENT

President Owen: "In ruling on the point of order by Senator West, concerning the number of votes necessary to pass Second Substitute Senate Bill No. 5936, the President finds that the measure requires county auditors to collect a three dollar surcharge for the recording of instruments. Up to ten percent of the surcharge would be retained by county auditors to cover the cost of collection. Forty percent of the remainder of the surcharge would be deposited into the Washington housing trust account. Sixty percent of the remainder of the surcharge would be retained by counties for low income housing projects.

"Because no part of the surcharge would be considered 'state revenues' under RCW 43.35.135 (Initiative 601), the President finds that final passage of Second Substitute Senate Bill No. 5936 requires a simple majority vote."

The President ruled that Second Substitute Senate Bill No. 5936 would require a simple majority vote on final passage.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5936 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5936.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5936 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheldon, B., Shin, Snyder, Spanel, Stevens, Thibaudeau, West and Winsley - 36.

Voting nay: Senators Benton, Hewitt, Johnson, McCaslin, McDonald, Morton, Rossi, Sheahan, Sheldon, T., Swecker and Zarelli - 11.

Excused: Senators Hale and Honeyford - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5936, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Zarelli was excused.

SECOND READING

SENATE BILL NO. 5937, by Senators Shin, Rasmussen, Jacobsen, Winsley, Kohl-Welles and McAuliffe (by request of Governor Locke and Superintendent of Public Instruction Bergerson)

Removing the limits on postretirement employment for teachers' retirement system plan 1 and public employees' retirement system plan 1 retirees.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5937 was substituted for Senate Bill No. 5937 and the substitute bill was placed on second reading and read the second time.

Senator Brown moved that the following striking amendment by Senators Brown and Long be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of retirement systems, the office of the superintendent of public instruction, the department of personnel, and the health care authority shall jointly develop publications for use during the 2001-03 biennium to explain options for, and implications of, postretirement employment for members and retirees of the teachers' retirement system plan 1 and the public employees' retirement system plan 1.

(2) The publications shall address such issues as: (a) Health insurance coverage upon reemployment; (b) health benefit options upon termination of postretirement employment; (c) sick leave, annual leave, and other compensation practices; (d) options for, and implications of, reentry into active retirement system membership; (e) hiring procedures for retirees; and (f) collective bargaining rights and responsibilities.

Sec. 2. RCW 28A.405.900 and 1990 c 33 s 404 are each amended to read as follows:

Certificated employees subject to the provisions of RCW 28A.310.250, 28A.405.010 through 28A.405.240, 28A.405.400 through 28A.405.410, 28A.415.250, and 28A.405.900 shall not include those certificated employees hired to replace certificated employees who have been granted sabbatical, regular, or other leave by school districts, and shall not include retirees hired for postretirement employment under the provisions of this act.

It is not the intention of the legislature that this section apply to any regularly hired certificated employee or that the legal or constitutional rights of such employee be limited, abridged, or abrogated.

Sec. 3. RCW 41.32.570 and 1999 c 387 s 1 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any monthly benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) Any retired teacher or retired administrator who enters service in any public educational institution in Washington state and who has satisfied the break in employment requirement of subsection (1) of this section shall cease to receive pension payments while engaged in such service(~~:-PROVIDED, That service may be rendered up to five hundred twenty-five hours per school year without reduction of pension.~~

~~(3) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section, a retired teacher or retired administrator may also serve only as a substitute teacher for up to an additional three hundred fifteen hours per school year without reduction of pension if:~~

~~(a) A school district, which is not a member of a multidistrict substitute cooperative, determines that it has exhausted or can reasonably anticipate that it will exhaust its list of qualified and available substitutes and the school board of the district adopts a resolution to make its substitute teachers who are retired teachers or retired administrators eligible for the extended service once the list of qualified and available substitutes has been exhausted. The resolution by the school district shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection; or~~

~~(b) A multidistrict substitute cooperative determines that the school districts have exhausted or can reasonably anticipate that they will exhaust their list of qualified and available substitutes and each of the school boards adopts a resolution to make their substitute teachers who are retired teachers or retired administrators eligible for the extended service once the list of qualified and available substitutes has been exhausted. The resolutions by each of the school districts shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolutions shall be valid only for the school year in which they are adopted. The cooperative shall forward a copy of the resolutions with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection.~~

~~(4) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section, a retired administrator or retired teacher may also serve as a substitute administrator up to an additional one hundred five hours per school year without reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired administrator or retired teacher are necessary because it cannot find a replacement administrator to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired administrator or retired teacher who has been employed as a substitute administrator to the department.~~

~~(5) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section and the one hundred five hours permitted under subsection (4) of this section, a retired principal may also serve as a substitute principal up to an additional two hundred ten hours per school year without a reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired principal are necessary because it cannot find a replacement principal to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired principal who has been employed as a substitute principal to the department.~~

~~(6) Subsection (2) of this section shall apply to all persons governed by the provisions of plan 1, regardless of the date of their retirement, but shall apply only to benefits payable after June 11, 1986.~~

~~(7) Subsection (3) of this section shall apply to all persons governed by the provisions of plan 1, regardless of the date of their retirement, but shall only apply to benefits payable after September 1, 1994), after the retiree has rendered service for more than one thousand five hundred hours in a school year.~~

(3) The department shall collect and provide the state actuary with information relevant to the use of this section for the joint committee on pension policy.

(4) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five hundred twenty-five hours per year without a reduction of his or her pension.

Sec. 4. RCW 41.40.037 and 1997 c 254 s 14 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) A retiree from plan 1 who has satisfied the break in employment requirement of subsection (1) of this section and who enters employment with an employer may continue to receive pension payments while engaged in such service for up to one thousand five hundred hours of service in a calendar year without a reduction of pension.

(b) A retiree from plan 2 or plan 3 who has satisfied the break in employment requirement of subsection (1) of this section may work up to ((five months per)) eight hundred sixty-seven hours in a calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

(4) The department shall collect and provide the state actuary with information relevant to the use of this section for the joint committee on pension policy.

(5) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five months in a calendar year without a reduction of his or her pension.

NEW SECTION. Sec. 5. Sections 2 and 3 of this act expire June 30, 2004.

NEW SECTION. Sec. 6. Section 4 of this act expires December 31, 2004.

NEW SECTION. Sec. 7. A new section is added to chapter 41.40 RCW to read as follows:

Upon attainment of age seventy and one-half, an employed member may, subject to this section, apply for the retirement benefit the member is otherwise eligible to receive. The retirement benefit shall begin to accrue on the first day of the calendar month following the month that a member applies for a retirement benefit and has attained age seventy and one-half. The benefit shall be calculated in accordance with this chapter, except that the member may continue to be employed. Upon retirement the retiree shall no longer be an active member and shall not make contributions, nor receive service credit, for future periods of employment while receiving his or her retirement allowance.

NEW SECTION. Sec. 8. The office of the state actuary shall review the actuarial impact of the temporary expansion of the postretirement employment limitations provided by sections 3 and 4 of this act. No later than July 1, 2003, the state actuary shall prepare a report for the joint committee on pension policy regarding the fiscal and policy impacts of this act. The joint committee shall solicit information from the superintendent of public instruction, the department of personnel, the office of financial management, the department of retirement systems, and the health care authority regarding the program impacts of this act and shall report to the legislative fiscal committees no later than October 1, 2003, on any proposed changes or improvements to this act. If the state actuary determines the expansion of postretirement options under sections 3 and 4 of this act has resulted in increased costs for the state retirement funds, the joint committee report shall include a proposal for a process to charge those employers who employ retirees pursuant to an extension of sections 3 and 4 of this act for the costs incurred by the retirement funds under the extension.

Sec. 9. RCW 41.32.802 and 1997 c 254 s 8 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to ((five months)) eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

Sec. 10. RCW 41.32.860 and 1997 c 254 s 7 are each amended to read as follows:

(1) Except under RCW 41.32.862, no retiree shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010 ((or)), 41.32.010, or 41.35.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused the suspension of benefits. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

Sec. 11. RCW 41.32.862 and 1997 c 254 s 9 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to ((five months)) eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

Sec. 12. RCW 41.35.060 and 1998 c 341 s 7 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section may work up to ((five months)) eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.35.030, he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.35.420 or 41.35.680. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

Sec. 13. RCW 41.40.037 and 1997 c 254 s 14 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to ((five months)) eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

Sec. 14. RCW 41.40.750 and 1998 c 341 s 113 are each amended to read as follows:

(1) Effective September 1, 2000, the membership of all plan 2 members currently employed in eligible positions in a school district or educational service district and all plan 2 service credit for such members, is transferred to the Washington school employees' retirement system plan 2. Plan 2 members who have withdrawn their member contributions for prior plan 2 service may restore contributions and service credit to the Washington school employees' retirement system plan 2 as provided under RCW 41.40.740.

(2)(a) The membership and previous service credit of a plan 2 member not employed in an eligible position on September 1, 2000, will be transferred to the Washington school employees' retirement system plan 2 when he or she becomes employed in an eligible position. Plan 2 members not employed in an eligible position on September 1, 2000, who have withdrawn their member contributions for prior plan 2 service may restore contributions and service credit to the Washington school employees' retirement system plan 2 as provided under RCW 41.40.740.

(b) The membership and previous service credit of a plan 2 member last employed by a school district or educational service district and retired prior to September 1, 2000, will be transferred to the Washington school employees' retirement system plan 2 if the member opts to reestablish membership.

(3) Members who restore contributions and service credit under subsection (1) or (2) of this section shall have their contributions and service credit transferred to the Washington school employees' retirement system.

NEW SECTION. Sec. 15. Except for sections 13 of this act which takes effect December 31, 2004, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Brown and Long to Substitute Senate Bill No. 5937.

The motion by Senator Brown carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Brown, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "postretirement employment for teachers' retirement system, public employees' retirement system, and school employees' retirement system, retirees; amending RCW 28A.405.900, 41.32.570, 41.40.037, 41.32.802, 41.32.860, 41.32.862, 41.35.060, 41.40.037, and 41.40.750; adding a new section to chapter 41.40 RCW; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency."

On motion of Senator Brown, the rules were suspended, Engrossed Substitute Senate Bill No. 5937 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5937.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5937 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 48.

Excused: Senator Zarelli - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5937, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5329, by Senators Costa, Fairley, Hargrove, Kline, Gardner, Eide, Kohl-Welles and Prentice

Allowing crime victims employment leave.

MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5329 was substituted for Senate Bill No. 5329 and the substitute bill was placed on second reading and read the second time.

Senator Honeyford moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that an employee who is a crime victim may need to take leave from work in order to participate in legal proceedings, obtain medical treatment, and obtain other necessary services arising from the crime. The legislature also finds that the demands of the workplace, the needs of the criminal justice system, and the needs of crime victims must be balanced in order to have economic security and a well-functioning society. The legislature further finds that employers today, especially small businesses, face a complicated array of mandated leave requirements that overlap and are difficult to administer. The legislature therefore establishes a joint select committee to study and make findings and recommendations related to leave from employment for crime victims, and identify potential improvements to other related leave laws that might reduce the burden on businesses and create greater flexibility for workers.

NEW SECTION. Sec. 2. (1) There is hereby created a joint select committee on leave from employment for crime victims composed of the following four voting members:

(a) Two members of the senate labor, commerce and financial institutions committee, one from each of the major caucuses, to be appointed by the president of the senate; and

(b) Two members of the house of representatives commerce and labor committee, one from each of the major caucuses, to be appointed by the co-speakers of the house of representatives.

(2) The task force shall consult with and be advised by an advisory committee consisting of the following eight nonvoting members:

(a) Two members representing labor, appointed jointly by the president of the senate and the co-speakers of the house of representatives, from a list of names submitted by a state-wide organization representing a cross-section and majority of organized labor in the state;

(b) Two members representing business, appointed jointly by the president of the senate and the co-speakers of the house of representatives, from a list of names submitted by a state-wide organization of employers representing a majority of employers of the state;

(c) One representative of the employment security department;

(d) One representative of the department of labor and industries;

(e) One representative of the department of social and health services; and

(f) One representative of the office of financial management.

(3) The senate committee services and house office of program research, as directed, shall provide support to the joint select committee. In addition, if requested, the labor market and economic analysis branch of the employment security department, or other state agency staff shall assist the joint select committee with its duties.

NEW SECTION. Sec. 3. The joint select committee, in consultation with the advisory committee, shall study and make findings and recommendations related to the following aspects of leave from employment for crime victims:

(1) The number of workers that would require such leave from employment each year and for what reasons a crime victim may need to take leave from employment;

(2) The extent to which state and federal mandated leave is currently available to crime victims and the extent to which employers already have programs in place to accommodate crime victims without legal requirements to do so;

(3) The extent to which additional leave, if any, may be necessary;

(4) To what types of crimes should such leave apply and to what size of employer should such leave requirements apply;

(5) What remedies, if any, should be available for crime victims denied leave;

(6) The extent to which such leave requirements would impose additional hardships on employers and the extent to which remedies are available to minimize such hardships;

(7) The extent to which consistency between state and federal leave laws can be achieved and the extent to which improvements can be made to existing leave laws to reduce the burden on businesses and create greater flexibility for workers;

(8) The extent to which changes, if any, in state and federal laws are necessary to implement the findings and recommendations of this committee; and

(9) Any other issues identified by the joint select committee.

NEW SECTION. Sec. 4. The joint select committee shall report its findings and recommendations to the labor, commerce and financial institutions committee of the senate, and to the commerce and labor committee of the house of representatives by December 1, 2001.

NEW SECTION. Sec. 5. The joint select committee and the advisory committee on leave from employment for crime victims expire July 1, 2002."

Debate ensued.

Senator Sheahan demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Honeyford to Substitute Senate Bill No. 5329.

ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Stevens, Swecker, West and Winsley - 22.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel and Thibaudeau - 25.

Absent: Senator McDonald - 1.

Excused: Senator Zarelli - 1.

MOTION

On motion of Senator Costa, the rules were suspended, Substitute Senate Bill No. 5329 was advanced to third reading, the second reading considered the third and the bill was placed on final passage

Debate ensued.

Senators Snyder, Franklin and Jacobsen demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

Senator Costa closed debate on the final passage of Substitute Senate Bill No. 5329.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5329.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5329 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Winsley - 27.

Voting nay: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 22.

SUBSTITUTE SENATE BILL NO. 5329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5832, by Senator Haugen

Enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5832 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5832.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5832 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Voting nay: Senators Constantine, Costa, Fairley, Kastama and Kohl-Welles - 5.
Excused: Senator Honeyford - 1.

SENATE BILL NO. 5832, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

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

Senator Snyder moved that the Committee on Rules be relieved of further consideration of Senate Bill No. 5912.

Senators Snyder, Spanel and Betti Sheldon demanded the previous question and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Finkbeiner: "A parliamentary inquiry, can the Senate be told the title of Senate Bill No. 5912?"

Senator Snyder: "It is the EFSEC Bill."

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the motion by Senator Snyder to relieve the Committee on Rules of Senate Bill No. 5912.

The motion by Senator Snyder carried and the Committee on Rules was relieved of Senate Bill No. 5912.

MOTION

Senator Snyder moved that the Senate revert to the sixth order of business.

MOTION FOR RECONSIDERATION

Senator Horn: "Having served prior notice on March 12, 2001, I move that the Senate reconsider the vote by which Substitute Senate Bill No. 5240 passed the Senate."
Debate ensued.

RULING BY THE PRESIDENT

President Owen: "Senator Horn's motion to reconsider is a privileged motion--a higher rank in the order of the day."

MOTION

Senator Snyder moved that the motion by Senator Horn to immediately reconsider Substitute Senate Bill No. 5240 be laid upon the table.

The President declared the question before the Senate to be the motion by Senator Snyder to lay on the table Senator Horn's motion to immediately reconsider the vote by which Substitute Senate Bill No. 5240 passed the Senate and is nondebatable.

Senator Sheahan demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Snyder to lay on the table Senator Horn's motion to immediately reconsider the vote by which Substitute Senate Bill No. 5240 passed the Senate.

ROLL CALL

The Secretary called the roll and the motion by Senator Snyder to lay the motion by Senator Horn on the table carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel and Thibaudeau - 25.

Voting nay: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 24.

Senators Snyder, Prentice and Betti Sheldon demanded the previous question on Senator's Snyder's motion to revert to the sixth order of business and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

SPECIAL ORDER OF BUSINESS

Senator Snyder moved that Senate Bill No. 5912 be made a special order of business at 4:55 p.m. today.

POINT OF ORDER

Senator Sheahan: Have we moved back to the sixth order of business? Isn't that the motion before us?"

REPLY BY THE PRESIDENT

President Owen: "We just did."

Senator Sheahan: "You did the previous question, didn't you?"

President Owen: "The special order of business is a privileged motion and therefore can be dealt with in the ninth order of business, which is what we did. We have not voted on going back to the sixth order of business. You are correct."

Senator Sheahan: "So, we are still in the ninth order of business?"

President Owen: "That is correct."

The motion before the Senate is the motion by Senator Snyder to revert to the sixth order of business.

The motion by Senator Snyder to revert to the sixth order of business carried.

The President declared that the motion before the Senate to be the motion by Senator Snyder that Senate Bill No. 5912 be made a special order of business at 4:55 p.m. today.

The motion by Senator Snyder carried and Senate Bill No. 5912 will be a Special Order of Business at 4:55 p.m. today.

SECOND READING

SENATE BILL NO. 5845, by Senators Fraser, Costa, Long, Winsley and Kohl-Welles

Regulating siting of sex offender treatment facilities.

MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 5845 was substituted for Senate Bill No. 5845 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the following striking amendment by Senators Fraser, Costa, Long and Hargrove was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that the individualized treatment required for constitutional civil commitment includes the realistic possibility of release to a less restrictive alternative than total confinement in appropriate cases. The legislature finds that most persons civilly committed under chapter 71.09 RCW who become eligible for release to a less restrictive alternative do not have appropriate housing and that the lack of housing may unduly restrict the person's ability to move to a less restrictive alternative placement. The legislature also finds that these facilities are essential public facilities, are subject to public protest upon siting, and that some cities and counties have imposed moratoriums on zoning and permitting processes. The legislature further finds that this reaction hampers its ability and the ability of the department of social and health services to comply with constitutional and statutory requirements and with court orders to create housing for less restrictive alternative placements. The legislature, therefore, intends to provide statewide guidance for the siting of less restrictive alternative housing for persons placed on less restrictive alternative placements under chapter 71.09 RCW.

(2) It is the intent of the legislature to:

(a) Enhance public safety and maximize the potential for successful treatment of sexually violent predators through the tightly managed use of less restrictive alternatives in community-based secure community transition facilities;

(b) Maximize the safety of communities in which secure community transition facilities are located and ensure public input into secure community transition facilities by enabling community participation in decisions involving these essential public facilities;

(c) Comply with federal court orders and require the siting of less restrictive alternative housing facilities and to preclude the possibility that the department of social and health services would be unable to site a facility due to local moratoriums and requirements;

(d) Require the department to work with local jurisdictions to address specific local concerns and develop zoning requirements and development regulations that balance the need for siting with public safety; and

(e) Improve public safety by strengthening the safeguards in placement, oversight, and monitoring of the persons released to a less restrictive alternative in a secure community transition facility, and by establishing minimum standards for the siting and operation of secure community transition facilities.

(3) The legislature finds that community participation in siting and oversight is vital to the success of secure community transition facilities for less restrictive alternatives.

Sec. 2. RCW 71.09.020 and 1995 c 216 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

~~(1) ("Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.~~

~~(2) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.)~~ "Department" means the department of social and health services.

~~(2) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement.~~

(3) "Likely to engage in predatory acts of sexual violence" means that the person more probably than not will engage in such acts. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

~~(4) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.~~

(5) "Predatory" means acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization.

~~((5))~~ (6) "Recent overt act" means any act that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm.

~~((6))~~ (7) "Risk potential activity" or "risk potential facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, and public libraries.

(8) "Secretary" means the secretary of social and health services or the secretary's designee.

(9) "Secure facility" means a residential facility for persons civilly confined under the provisions of this chapter. A secure facility is a facility that provides supervision and sex offender treatment services in a total confinement setting. Secure facilities include the special commitment center and any similar facility for males or females designated as a secure facility by the secretary.

(10) "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision, security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to any step-down facility and any community-based housing established under this chapter and operated by the secretary or under contract with the secretary.

(11) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to chapter 71.09 RCW, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

~~((7) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement.~~

~~(8) "Secretary" means the secretary of social and health services or his or her designee.))~~

(12) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

(13) "Step-down facility" means any secure community transition facility that provides residence for more than five persons.

NEW SECTION. Sec. 3. A new section is added to chapter 71.09 RCW to read as follows:

(1) The secretary shall adopt rules that balance the average response time of emergency services to the general area of the proposed facility against the proximity of the proposed site to risk potential activities and facilities in existence at the time the site is listed for consideration.

(2) In balancing the competing criteria of proximity and response time the rule shall endeavor to achieve an average law enforcement response time not greater than five minutes and in no case shall the rule permit location of a facility adjacent to, immediately across a street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time a site is listed for consideration. "Within the line of sight" means that it is possible to reasonably visually distinguish and recognize individuals.

(3) The rule shall require that great weight be given to sites that are the farthest removed from any risk potential activity.

(4) The rule shall specify how distance from the location is measured and any variations in the measurement based on the size of the property within which a proposed facility is to be located.

(5) The rule shall establish a method to analyze and compare the criteria for each site in terms of public safety and security, site characteristics, and program components. In making a decision regarding a site following the analysis and comparison, the secretary shall give priority to public safety and security considerations. The analysis and comparison of the criteria are to be documented and made available at the public hearings prescribed in section 7 of this act.

(6) The rule shall contain a schedule of monetary penalties for contractors operating secure community transition facilities, not to exceed the total compensation set forth in the contract, and include provisions for termination of all contracts with a service provider that has repeated or serious violations of section 9 of this act.

NEW SECTION. Sec. 4. By December 1, 2001, the secretary of the department of social and health services shall determine and report to the legislature whether there is a significant group of potential locations that are outside of a five-minute law enforcement response time zone that are more than two miles from any risk potential activities and whether, in the secretary's judgment, the legislature should require the rule to be revised to permit consideration of these properties.

NEW SECTION. Sec. 5. A new section is added to chapter 71.09 RCW to read as follows:

The secretary shall establish criteria for the siting of secure community transition facilities which shall include at least the following minimum requirements:

(1) Any real property listed for consideration for the location of or use as a secure community transition facility must meet all of the following criteria:

(a) The proximity and response time criteria established under section 3 of this act;

(b) The site or building is available for lease for the anticipated use period or for purchase;

(c) Security monitoring services and appropriate back-up systems are available and reliable;

(d) Appropriate mental health and sex offender treatment providers must be available within a reasonable commute; and

(e) Appropriate permitting for a secure community transition facility must be possible under the zoning code of the local jurisdiction.

(2) For sites which meet the criteria of subsection (1) of this section, the department shall analyze and compare the criteria in subsections (3) through (5) of this section using the method established in section 3 of this act.

(3) Public safety and security criteria shall include at least the following:

(a) Whether limited visibility between the facility and adjacent properties can be achieved prior to placement of any person;

(b) The distance from, and number of, risk potential activities and facilities, as measured using the rules adopted under section 3 of this act;

(c) The existence of or ability to establish barriers between the site and the risk potential facilities and activities;

(d) Suitability of the buildings to be used for the secure community transition facility with regard to existing or feasibly modified features; and

(e) The availability of electronic monitoring that allows a resident's location to be determined with specificity.

(4) Site characteristics criteria shall include at least the following:

(a) Reasonableness of rental, lease, or sale terms including length and renewability of a lease or rental agreement;

(b) Traffic and access patterns associated with the real property;

(c) Feasibility of complying with zoning requirements within the necessary time frame; and

(d) A contractor or contractors are available to install, monitor, and repair the necessary security and alarm systems.

(5) Program characteristics criteria shall include at least the following:

(a) Reasonable proximity to available medical, mental health, sex offender, and chemical dependency treatment providers and facilities;

(b) Suitability of the location for programming, staffing, and support considerations;

(c) Proximity to employment, educational, vocational, and other treatment plan components; and

(d) In facilities housing five or fewer residents, a minimum staffing ratio of one staff per resident during normal waking hours and two awake staff during normal sleeping hours. In no case shall all staff on a shift be persons classified as entry or trainee level staff.

(6) Unless otherwise ordered by the court, at least one staff member, or other court-authorized and department-approved person must escort each resident when the resident leaves the site for appointments, employment, or other approved activities. Escorting persons must supervise the resident closely and maintain close proximity to the resident.

(7) For purposes of this section "available" or "availability" of qualified treatment providers includes provider qualifications and willingness to provide services, average commute time, and cost of services.

NEW SECTION. Sec. 6. A new section is added to chapter 71.09 RCW to read as follows:

Security systems for secure community transition facilities housing five or fewer residents shall meet the following minimum qualifications:

(1)(a) The security panel must be a commercial grade panel with tamper-proof switches and a key-lock to prevent unauthorized access.

(b) There must be an emergency electrical supply system which shall include a battery back-up system and a generator.

(2) The system must include personal panic devices for all staff.

(3) The security system must be capable of being monitored and signaled either by telephone through either a land or cellular telephone system or by private radio network in the event of a total dial-tone failure or through equivalent technologies.

(4) The department shall issue photo-identification badges to all staff which must be worn at all times.

NEW SECTION. Sec. 7. A new section is added to chapter 71.09 RCW to read as follows:

(1) Whenever the department of social and health services operates, or the secretary enters a contract to operate, a secure community transition facility, the secure community transition facility may be operated only after the public notification and opportunities for review and comment as required by this section.

(2) The secretary shall establish a process for early and continuous public participation in establishing or relocating secure community transition facilities. The process shall include, at a minimum, public meetings in the local communities affected, as well as opportunities for written and oral comments, in the following manner:

(a) If there are more than three sites initially selected as potential locations and the selection process by the secretary or a service provider reduces the number of possible sites for a secure community transition facility to no fewer than three, the secretary or the chief operating officer of the service provider shall notify the public of the possible siting and hold at least two public hearings in each community where a secure community transition facility may be sited.

(b) When the secretary or service provider has determined the secure community transition facility's location, the secretary or the chief operating officer of the service provider shall hold at least one additional public hearing in the community where the secure community transition facility will be sited.

(c) When the secretary has entered negotiations with a service provider and only one site is under consideration, then at least two public hearings shall be held.

(d) To provide adequate notice of, and opportunity for interested persons to comment on, a proposed location, the secretary or the chief operating officer of the service provider shall provide at least fourteen days' advance notice of the meeting to all newspapers of general circulation in the community, all radio and television stations generally available to persons in the community, any school district in which the secure community transition facility would be sited or whose boundary is within two miles of a proposed secure community transition facility, any library district in which the secure community transition facility would be sited, local business or fraternal organizations that request notification from the secretary or agency, and any person or property owner within a one-half mile radius of the proposed secure community transition facility. Before initiating this process, the department of social and health services shall contact local government planning agencies in the communities containing the proposed secure community transition facility. The department of social and health services shall coordinate with local government agencies to ensure that opportunities are provided for effective citizen input and to reduce the duplication of notice and meetings.

(3) Except as otherwise provided by law, this section applies only to secure community transition facilities sited after the effective date of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 71.09 RCW to read as follows:

(1) The secretary shall develop a process with local governments that allows each community in which a secure community transition facility is located to establish operational advisory boards for the secure community transition facilities. The department of social and health services may conduct community awareness activities to publicize this opportunity. The operational advisory boards developed under this section shall be implemented following the decision to locate a secure community transition facility in a particular community.

(2) The operational advisory boards may review and make recommendations regarding the security and operations of the secure community transition facility and conditions or modifications necessary with relation to any person who the secretary proposes to place in the secure community transition facility.

(3) The operational advisory boards, their members, and any agency represented by a member shall not be liable in any cause of action as a result of its recommendations unless the advisory board acts with gross negligence or bad faith in making a recommendation.

(4) Members of a board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 9. A new section is added to chapter 71.09 RCW to read as follows:

(1) The secretary shall adopt a violation reporting policy for persons conditionally released to less restrictive alternative placements in secure community transition facilities. The policy shall require written documentation by the department of social and health services and service providers of all violations of conditions set by the department of social and health services, the department of corrections, or the court and establish criteria for returning a violator to the special commitment center or a step-down facility. Any conditionally released person who commits a serious violation of conditions shall be returned to the special commitment center and the court shall be notified immediately and the court shall initiate proceedings under RCW 71.09.098 to revoke or modify the less restrictive alternative placement unless the department makes a good cause showing why proceedings should not be initiated. For the purposes of this section, "serious violation" includes but is not limited to:

(a) The commission of any criminal offense;
(b) Any unlawful use or possession of a controlled substance; and
(c) Any violation of conditions targeted to address the person's documented pattern of offense that increases the risk to public safety.

When a person is released to a less restrictive alternative in a secure community transition facility under this chapter and is under the supervision of the department of corrections, notice of any violation of the person's conditions of release must also be made to the department of corrections.

(2) Whenever the secretary contracts with a service provider to operate a secure community transition facility, the contract shall include a requirement that the service provider must report to the department of social and health services any known violation of conditions committed by any resident of the secure community transition facility.

(3) The secretary shall document in writing all violations, penalties, actions by the department of social and health services to remove persons from a secure community transition facility, and contract terminations. The secretary shall give great weight to a service provider's record of violations, penalties, actions by the department of social and health services or the department of corrections to remove persons from a secure community transition facility, and contract terminations in determining to execute, renew, or renegotiate a contract with a service provider.

NEW SECTION. Sec. 10. A new section is added to chapter 36.70A RCW to read as follows:

(1) On or before September 1, 2002, the legislative authority of each county in the state shall adopt a countywide planning policy to establish the process for siting and to provide for an equitable distribution of secure community transition facilities as defined in RCW 71.09.020 within the county and the cities located in whole or in part within the county. The countywide planning policy required by this section shall be adopted in cooperation with the cities located in whole or in part within the county. Counties planning under the growth management act may integrate the planning policy required in the section with their growth management act planning process.

(2) The department of social and health services shall be notified by each county of its intent to begin the countywide planning policy process required by this section and the department shall be invited to participate in this process.

(3) The countywide planning policy required by this section shall, at a minimum, address the following:

(a) The location of existing secure community transition facilities;
(b) The social, economic, and other impacts of the existing secure community transition facilities on the communities in which they are located and the incremental impacts of siting additional secure community transition facilities in these communities;
(c) A proposed allocation for the siting of future secure community transition facilities among the county and the cities located in whole or in part within the county; and
(d) Coordination of development regulations, including but not limited to zoning regulations and design standards, to ensure that the proposed allocation of future secure community transition facilities can be achieved.

(4) The countywide planning policy required by this section shall:

(a) Be consistent with the siting criteria established pursuant to sections 3 and 5 through 7 of this act;
(b) Require any local conditional use permit or other development application process not to exceed sixty days in length and provide for an appeal process.

(5) Within six months of the date the countywide planning policy required by subsection (1) of this section is adopted, the county and each city within the county shall adopt development regulations implementing the policy adopted under this section through appropriate revisions to their comprehensive plan and development regulations.

NEW SECTION. Sec. 11. A new section is added to chapter 36.70 RCW to read as follows:

Counties planning under this chapter must adopt a countywide planning policy for the siting of secure community transition facilities that complies with the timelines and requirements of section 10 of this act.

Sec. 12. RCW 36.70A.200 and 1998 c 171 s 3 are each amended to read as follows:

(1) The comprehensive plan of each county and city that is planning under this chapter shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, ~~(and)~~ group homes, and secure community transition facilities as defined in RCW 71.09.020.

(2) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list. No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

NEW SECTION. Sec. 13. A new section is added to chapter 71.09 RCW to read as follows:

Nothing in this act shall operate to restrict a court's authority to make less restrictive alternative placements to a committed person's individual residence. A court-ordered less restrictive alternative placement to a committed person's individual residence is not a less restrictive placement to a secure community transition facility.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 2 of the title, after "predators;" strike the remainder of the title and insert "amending RCW 71.09.020 and 36.70A.200; adding new sections to chapter 71.09 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 36.70 RCW; creating new sections; prescribing penalties; and declaring an emergency."

On motion of Senator Costa, the rules were suspended, Engrossed Substitute Senate Bill No. 5845 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5845.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5845 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 48.

Absent: Senator Thibaudeau - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5845, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6109, by Senators Patterson, Gardner and Kline (by request of Public Disclosure Commission)

Reporting election independent expenditures and contributions.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6109 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6109.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6109 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 6109, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5273, by Senators Gardner, McCaslin, Haugen and Winsley

Revising election filing dates.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 5273 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5273.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5273 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5275, by Senators Gardner, McCaslin, Haugen, Costa and Kohl-Welles

Clarifying procedures for absentee voting and mail ballots.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Senate Bill No. 5275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5275.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5275 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau and Winsley - 33.

Voting nay: Senators Benton, Deccio, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McDonald, Parlette, Roach, Rossi, Sheahan, Stevens, West and Zarelli - 16.

SENATE BILL NO. 5275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5914, by Senator Fraser

Concerning water rights on family farms.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5914 was substituted for Senate Bill No. 5914 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5914 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hochstatter: "Senator Fraser, in looking at the description of the bill at the top of page forty-nine in the calendar, this statement is made, 'The land from which a family farm permit has been transferred must obtain a permit to make any ground water withdrawal that is not already being made. This provision must be recorded by the county auditor. A certificate must be issued to the extent that water is being put to beneficial purpose.' My question, Senator Fraser, is that practically all rural places have an irrigation well or irrigation source and an exempt domestic well. This says, 'any use,' so if you transfer your irrigation--and it says, 'any other water right.'--does this bill attack your exempt permit on your domestic well?"

Senator Fraser: "Thank you for the question. I am very happy to clarify that because I asked that same question about the draft that we had. That requirement is prospective only. It doesn't affect any existing wells. What I call this portion that you are referring to as 'You can't have your cake and eat it, too, amendment.' The purpose of the amendment there is to say, 'If you transfer your family farm water out of your property onto another property for another purpose--whatever that quantity is--you can't then drill wells and get that same amount back by using another source from your property. In other words, you can't give away your family farm water and then get more family farm water. It doesn't affect existing wells or existing use or existing irrigation. It is prospective only. You can't have your cake and eat it too--prospectively."

Senator Hochstatter: "Thank you, Senator."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5914.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5914 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel and Winsley - 31.

Voting nay: Senators Benton, Deccio, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, McCaslin, Parlette, Roach, Rossi, Sheahan, Stevens, Swecker, Thibaudeau, West and Zarelli - 18.

SUBSTITUTE SENATE BILL NO. 5914, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5058, by Senators Gardner, Hale, Haugen, Horn, Costa, Patterson, Kline and McCaslin

Protecting records of strategy discussions.

The bill was read the second time.

MOTION

Senator McCaslin moved that the following amendment by Senators McCaslin, Hargrove and Costa be adopted:

On page 2, line 6, after "privacy." insert "After the arrest of a suspect and referral of the case to the prosecuting authority, basic arrest information contained within the police incident report is no longer exempt, unless the agency promptly requests an examination of the record in camera and obtains an injunction against such release pursuant to RCW 42.17.330. After conviction, acquittal, dismissal of charges, or declination to file, the remainder of the investigative file in that particular case is no longer exempt, unless the agency promptly requests an examination of the record in camera and obtains an injunction against such release pursuant to RCW 42.17.330."

POINT OF ORDER

Senator Kline: "A point of order, Mr. President. I want to phrase this in a way that does no harm to a very good piece of legislation put forth by Senator McCaslin. The question is whether the amendment fits within the scope and object of the underlying bill. The amendment does have something in common with the underlying bill in that it deals with the Public Disclosure Act, RCW 42.17. It has something else to do with the underlying bill in that the people whose secrets are kept happen to be in uniform, but beyond that, this is an entire different piece of legislation."

Further debate ensued.

MOTION

On motion of Senator Snyder, further consideration of Senate Bill No. 5058 was deferred

SECOND READING

SENATE BILL NO. 5836, by Senators Fairley, Oke, Deccio, B. Sheldon, Winsley, Thibaudeau, Kline, Roach, Prentice, Constantine, Costa and Kohl-Welles

Creating the community health center capital trust fund account.

The bill was read the second time.

MOTION

On motion of Senator Snyder, the rules were suspended, Senate Bill No. 5836 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5836.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5836 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 1; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McDonald, Morton, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Zarelli - 39.

Voting nay: Senators Benton, Deccio, Hochstatter, Honeyford, Long, Oke, Parlette, Rossi and Swecker - 9.

Absent: Senator McCaslin - 1.

SENATE BILL NO. 5836, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6027, by Senators Fraser, Winsley and Finkbeiner (by request of Governor Locke)

Creating the diversification of electricity supply and demand management act.

MOTIONS

On motion of Senator Fraser, Second Substitute Senate Bill No. 6027 was substituted for Senate Bill No. 6027 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Second Substitute Senate Bill No. 6027 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF ORDER

Senator Fraser: "A point of order, Mr. President. Would you please ask Senator Hochstatter to speak to the bill that is before us?"

Senator Hochstatter: "I think I just did."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6027.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6027 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel and Thibaudeau, - 25.

Voting nay: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Horn, Hochstatter, Honeyford, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 24.

SECOND SUBSTITUTE SENATE BILL NO. 6027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5024, by Senators Jacobsen, Oke and Carlson

Declaring policies of the parks and recreation commission.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5024 was substituted for Senate Bill No. 5024 and the substitute bill was placed on second reading and read the second time.

Senator Tim Sheldon moved that the following amendments by Senators Tim Sheldon, Parlette, Haugen, Hargrove and Morton be considered simultaneously and be adopted:

On page 1, at line 13, after "generations" insert: "; and

(c) All of the public ought to be able to enjoy these lands without any sort of fee for basic parkland access, including day use fees and daytime parking fees. Basic parkland access fees are not conducive to maximizing public access to these lands which all members of the public have helped to pay for. Automobile parking fees also encourage park visitors to park on neighboring land, causing disruption to citizens that are located near parks"

On page 2, at line 18, after "system;" strike "and"

On page 2, at line 19, after "vitality" insert: "; and

(f) Ensure that parks are open to all individuals, regardless of means, by not charging any sort of fee for basic parkland access including daytime parking fees, except that the commission may charge a boat moorage fee"

Debate ensued.

Senators Snyder, Prentice and Spanel demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the adoption of the amendments by Senators Tim Sheldon, Parlette, Haugen, Hargrove and Morton on page 1, line 13, page 2, lines 18 and 19, to Substitute Senate Bill No. 5024.

The motion by Senator Tim Sheldon carried and the amendments were adopted.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute Senate Bill No. 5024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5024.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5024 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Voting nay: Senators Regala, Snyder and Thibaudeau - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection the Senate resumed consideration of Senate Bill No. 5058 and the pending amendment by Senators McCaslin, Hargrove and Costa on page 2, line 6, deferred on second reading earlier today.

MOTION TO WITHDRAW SCOPE AND OBJECT REQUEST TO AMENDMENT TO SENATE BILL NO. 5058

There being no objection, Senator Kline withdrew his scope and object request to the amendment by Senators McCaslin, Hargrove and Costa on page 2, line 6, to Senate Bill No. 5058.

The President declared the question before the Senate to be the adoption of the amendment by Senators McCaslin, Hargrove and Costa on page 2, line 6, to Senate Bill No. 5058.

The motion by Senator McCaslin carried and the amendment on page 2, line 6, was adopted.

MOTION

On motion of Senator Gardner, the rules were suspended, Engrossed Senate Bill No. 5058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5058.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5058 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator Fairley - 1.

Absent: Senator Deccio - 1.

ENGROSSED SENATE BILL NO. 5058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

Senator West moved that the Senate immediately consider Substitute Senate Bill No. 5625, the school accountability bill.

EDITOR'S NOTE: Substitute Senate Bill No. 5625 was deferred on second reading March 13, after an amendment to the striking amendment was adopted.

MOTION

Senator Snyder moved to lay the motion on the table.

The President declared the question before the Senate to be the motion by Senator Snyder to lay on the table the motion by Senator West to immediately consider Substitute Senate Bill No. 5625.

Senator Sheahan demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Snyder to lay on the table the motion by Senator West to immediately consider Substitute Senate Bill No. 5625.

ROLL CALL

The Secretary called the roll on the motion by Senator Snyder to lay on the table the motion by Senator West to immediately consider Substitute Senate Bill No. 5625 failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel and Thibaudeau - 24.

Voting nay: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

The President declared the question before the Senate to be the motion by Senator West to immediately consider Substitute Senate Bill No. 5625.

PARLIAMENTARY INQUIRY

Senator Snyder: "Mr. President, a point of inquiry. Could you please tell me the status of the bill?"

REPLY BY THE PRESIDENT

President Owen: "That is what I am trying to unravel. It is on second reading. There is a striking amendment pending and an amendment has been adopted to the striking amendment and we have just learned that there is another amendment to be offered."

Senator Snyder: "Has the striking amendment been amended?"

President Owen: "The striking amendment has been amended--yes."

Senator Snyder: "And there is another amendment that has just been offered and has not been distributed yet?"

President Owen: "That is correct."

PARLIAMENTARY INQUIRY

Senator West: "Mr. President, a point of inquiry. The amendment that has just been offered on the desk is that to the bill or to the striking amendment?"

REPLY BY THE PRESIDENT

President Owen: "It is an amendment to the striking amendment, Senator West."

MOTION

Senator Snyder moved that Substitute Senate Bill No. 5625 be referred to the Committee on Education. Debate ensued.

Senators Snyder, Franklin and Betti Sheldon demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

Senator Sheahan demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

ROLL CALL

The Secretary called the roll on the question if the main question be now put and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel and Thibaudeau - 25.

Voting nay: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 24.

MOTION

Senator Johnson moved that the Senate advance to the ninth order of business for the purpose of relieving the Committee on Education of Substitute Senate Bill No. 5625.

REPLY BY THE PRESIDENT

President Owen: "Senator Johnson, the motion to refer the bill to the Committee on Education has not been voted on yet. The last roll call was on the motion to cut off debate that a roll call was demanded on. Your motion is still pending unless you withdraw it, but there is nothing to take from the committee yet. The motion before the Senate is the motion by Senator Snyder to refer Substitute Senate Bill No. 5625 to the Committee on Education."

Senator Sheahan demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Snyder to refer Substitute Senate Bill No. 5625 to the Committee on Education.

ROLL CALL

The Secretary called the roll and the motion by Senator Snyder to refer Substitute Senate Bill No. 5625 to the Committee on Education. carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel and Thibaudeau - 25.

Voting nay: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 24.

MOTION

Senator Johnson: "I move we now consider my motion to advance to the ninth order of business."
Senator Sheahan demanded a roll call and the demand was sustained

MOTION

Senator Snyder moved that the motion by Senator Johnson to advance to the ninth order of business be laid upon the table.

The President declared the question before the Senate to be the motion by Senator Snyder to lay upon the table the motion by Senator Johnson to advance to the ninth order of business.

The motion by Senator Snyder carried and the motion by Senator Johnson to advance to the ninth order of business was laid on the table.

MOTION

Senator Betti Sheldon moved that the Senate commence consideration of Senate Bill No. 5610.

POINT OF ORDER

Senator Sheahan: "Did we have a vote on Senator Johnson's motion or was that on the motion to table?"

REPLY BY THE PRESIDENT

President Owen: "The vote was the motion to table and it passed."

Senator Sheahan: "Thank you, Mr. President."

SECOND READING

SENATE BILL NO. 5610, by Senators Haugen, Carlson, Gardner and Winsley

Regulating traffic safety cameras.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 5610 was substituted for Senate Bill No. 5610 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Haugen moved that the following striking amendment by Senators Haugen, Hargrove and Oke be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.63 RCW to read as follows:

(1) The use of traffic safety cameras is subject to the following regulations:

(a) The appropriate legislative authority must enact an ordinance allowing for their use to detect one or more of the following: Stoplight or railroad crossing violations. At a minimum, the local ordinance must contain the restrictions described in sections 1 through 4 of this act. Cities and counties using traffic safety cameras before the effective date of this act are subject to the restrictions described in sections 1 through 4 of this act, but are not required to enact an authorizing ordinance.

(b) Traffic safety cameras may take pictures of the vehicle and the vehicle license plate only.

(c) The jurisdiction must develop a public notification program for areas in which traffic safety cameras will be used. Under their respective jurisdictions, the law enforcement agency shall plainly mark the locations where the traffic safety cameras are

used by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by traffic safety cameras.

(d) A notice of traffic infraction must be mailed to the registered owner of the vehicle within fourteen days of the infraction occurring. The jurisdiction must not issue an additional infraction to the registered owner of the vehicle during the fourteen-day notification period.

(e) A person receiving a notice of traffic infraction based on evidence detected by a traffic safety camera may respond to the notice by mail.

(2) Infractions detected through the use of traffic safety cameras will be recorded as are stopping, standing, or parking violations under RCW 46.61.560, but are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120.

(3) The traffic safety commission may adopt rules regarding:

(a) Mechanical and operational standards for traffic safety camera equipment;

(b) The placement of signs to notify drivers that they are entering a jurisdiction or area that uses traffic safety cameras;

(c) Recommendations on how cities and counties will educate the public about traffic safety cameras.

(4) Jurisdictions using traffic safety cameras must comply with any standards adopted under subsection (3) of this section.

Sec. 2. RCW 46.63.030 and 1995 c 219 s 5 are each amended to read as follows:

(1) A law enforcement officer has the authority to issue a notice of traffic infraction:

(a) When the infraction is committed in the officer's presence;

(b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed; ~~(or)~~

(c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction; or

(d) When a notice of traffic infraction may be mailed to the registered owner of or the person renting a vehicle as authorized under subsection (2) of this section.

(2) When a traffic safety camera is used in compliance with section 1 of this act, a law enforcement officer, whether present or not during the commission of the infraction, or other issuing agency may issue a notice of traffic infraction by mail to the registered owner of the vehicle or the person renting the vehicle. The registered owner of the vehicle or the person renting the vehicle is responsible for the infraction.

(3) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

~~((3))~~ (4) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

~~((4))~~ (5) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and disposing of an abandoned vehicle, an officer of the law enforcement agency responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the registered owner of the vehicle. The officer shall append to the notice of infraction, on a form prescribed by the department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the infraction will not be considered as having been paid until the monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

NEW SECTION. Sec. 3. A new section is added to chapter 46.63 RCW to read as follows:

The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(2) unless within fifteen days after notification of the infraction the registered owner furnishes the officials or agents of the municipality that issued the notice of infraction with:

(1) An affidavit made under oath, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner; or

(2) Testimony in open court under oath that the person was not the operator of the vehicle at the time of the alleged infraction.

NEW SECTION. Sec. 4. A new section is added to chapter 46.63 RCW to read as follows:

If a notice of traffic infraction is sent to the registered owner under RCW 46.63.030(2) and the registered owner is a rental car business, the infraction will be dismissed against the business if it mails to the issuing agency, within fourteen days of receiving the notice, the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign an affidavit making this declaration. The affidavit must be mailed to the issuing agency within fourteen days of receiving the notice of infraction. An affidavit form suitable for this purpose must be included with each infraction issued, along with instructions for its completion and use.

Sec. 5. RCW 46.63.140 and 1980 c 128 s 11 are each amended to read as follows:

(1) In any traffic infraction case involving a violation of this title or equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the notice of traffic infraction was stopping, standing, or parking in violation of any such provision of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, ~~((shall))~~ constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

(2) The foregoing stated presumption ~~((shall apply))~~ applies only when the procedure prescribed in RCW 46.63.030~~((3))~~ (4) has been followed.

NEW SECTION. Sec. 6. The legislature respectfully requests the Washington state supreme court to amend the Infraction Rules for Courts of Limited Jurisdiction to conform to this act. Furthermore, the legislature respectfully asks the court to create a notice of traffic infraction that is consistent with this act."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen, Hargrove and Oke to Substitute Senate Bill No. 5610.

The motion by Senator Haugen carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On line 1 of the title, after "cameras;" strike the remainder of the title and insert "amending RCW 46.63.030 and 46.63.140; adding new sections to chapter 46.63 RCW; and creating a new section."

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5610 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF ORDER

Senator Snyder: "It is now 4:55 p.m. and time for the special order of business on Senate Bill No. 5912.

PARLIAMENTARY INQUIRY

Senator Snyder: A parliamentary inquiry, Mr. President. Under the Senate Rules, are we able to come back and take up Engrossed Substitute Senate Bill No. 5610 after we end up the special order of business?"

REPLY BY THE PRESIDENT

- President Owen: "Yes, Senator Snyder, under the Senate Rules you can--we will."

Senator Snyder: "Thank you."

SPECIAL ORDER OF BUSINESS

SECOND READING

SENATE BILL NO. 5912, by Senators Fraser, Morton, Regala, Patterson, Oke, Kohl-Welles and Haugen

Siting energy facilities.

MOTIONS

On motion of Senator Fraser, Second Substitute Senate Bill No. 5912 was substituted for Senate Bill No. 5912 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Second Substitute Senate Bill No. 5912 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Fraser, because there is a large public facility in my district that is causing my citizens a lot of trouble--lowering their property values and creating a lot of environmental damage to my district, I am interested to know what this bill says about siting of the facilities and how the bill addresses the mitigation of the impact of those sitings to the citizens who may live near the facilities?" Senator Fraser: "Senator Patterson, I think there are a couple of things I could say in response to that question. First, additional public hearing is required. Secondly, it doesn't change any of the standards for mitigation of the plant or the pipeline or whatever. So, existing laws on air and water, for example, continue to apply. The bill does give more deference to local land use planning and zoning. Under current law, they can totally preempt it. Under this proposal, they can still preempt it, but they have to go through a process of listening to the local people before they would decide that. So, that is what I mean when I say it would give a little more deference and the other is by not allowing preemption of priority lands such as parks without their permission or subject to conditions they would require is another way to be sensitive to the local community."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5912.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5912 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 41.

Voting nay: Senators Constantine, Costa, Fairley, Honeyford, Kline, Kohl-Welles, Patterson and Thibaudeau - 8.

SECOND SUBSTITUTE SENATE BILL NO. 5912, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Benton was excused.

There being no objection, the President advanced the Senate to the seventh order of business to consider Engrossed Substitute Senate Bill No. 5610 deferred before the Special Order of Business.

Debate ensued.

Senators McCaslin, Snyder and Betti Sheldon demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5610.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5610 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Carlson, Costa, Eide, Fraser, Gardner, Hale, Hargrove, Haugen, Horn, Jacobsen, Kastama, Kline, Long, McAuliffe, McCaslin, Oke, Parlette, Prentice, Rasmussen, Regala, Shin, Snyder, Spanel, Swecker, Thibaudeau and Winsley - 27.

Voting nay: Senators Constantine, Deccio, Fairley, Finkbeiner, Franklin, Hewitt, Hochstatter, Honeyford, Johnson, Kohl-Welles, McDonald, Morton, Patterson, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Stevens, West and Zarelli - 21.

Excused: Senator Benton - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5610, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rasmussen: "I rise to a point of personal privilege, Mr. President. I would just like to thank you for putting up with us. We have been having entirely too much fun and a lot of time you looked like you were the teacher up there to scold us, but you just couldn't handle us all. We have had a wonderful time this last week. I think you deserve a round of applause."

REPLY BY THE PRESIDENT

President Owen: "If you have been having so much fun, I obviously have not been tough enough."

MOTION

At 5:26 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, March 15, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-SIXTH DAY, MARCH 14, 2001

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

SIXTY-SEVENTH DAY

NOON SESSION

Senate Chamber, Cherberg Building, Olympia, Thursday, March 15, 2001
The Senate was called to order at 12:00 noon by Vice President Pro Tempore Shin. No roll call was taken.

MOTION

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

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 16, 2001

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Sue Crystal, appointed January 16, 2001, for a term ending at the pleasure of the Governor as the Administrator of the Washington State Health Care Authority.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

February 13, 2001

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Connie Kearney, appointed February 12, 2001, for a term ending December 31, 2002, as Chair of the Interagency Committee for Outdoor Recreation.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Shorelines.

February 13, 2001

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Christine Wakefield Nichols, reappointed February 12, 2001, for a term ending December 31, 2002, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Shorelines.

February 20, 2001

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Duane Sommers, appointed February 20, 2001, for a term ending July 1, 2006, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

February 22, 2001

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michael J. Allan, appointed February 22, 2001, for a term ending September 30, 2005, as a member of the Board of Trustees for Highline Community College.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

February 23, 2001

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lois Clement, appointed February 23, 2001, for a term ending December 31, 2005, as a member of the Public Disclosure Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on State and Local Government.

MESSAGES FROM THE HOUSE

March 13, 2001

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1034,
HOUSE BILL NO. 1084,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420,
HOUSE BILL NO. 1438,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1458,
SUBSTITUTE HOUSE BILL NO. 1517,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1658,
SECOND SUBSTITUTE HOUSE BILL NO. 1752,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1996,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1997,
SUBSTITUTE HOUSE BILL NO. 2051,
HOUSE BILL NO. 2086,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137,
ENGROSSED HOUSE BILL NO. 2168,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2172, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

March 13, 2001

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE HOUSE BILL NO. 1011,
SECOND SUBSTITUTE HOUSE BILL NO. 1041,
HOUSE BILL NO. 1044,
HOUSE BILL NO. 1048,
HOUSE BILL NO. 1062,

**HOUSE BILL NO. 1116,
SUBSTITUTE HOUSE BILL NO. 1119,
SUBSTITUTE HOUSE BILL NO. 1135,
HOUSE BILL NO. 1138,
HOUSE BILL NO. 1198,
SECOND SUBSTITUTE HOUSE BILL NO. 1249,
HOUSE BILL NO. 1269,
HOUSE BILL NO. 1277,
SUBSTITUTE HOUSE BILL NO. 1292,
SUBSTITUTE HOUSE BILL NO. 1325,
SUBSTITUTE HOUSE BILL NO. 1341,
HOUSE BILL NO. 1859,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4010, and the same are herewith transmitted.**

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

March 13, 2001

MR. PRESIDENT:

The House has passed:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1180,
SUBSTITUTE HOUSE BILL NO. 1384,
SUBSTITUTE HOUSE BILL NO. 1450,
SUBSTITUTE HOUSE BILL NO. 1560,
SECOND SUBSTITUTE HOUSE BILL NO. 1607,
SUBSTITUTE HOUSE BILL NO. 1646,
SUBSTITUTE HOUSE BILL NO. 1678,
HOUSE BILL NO. 1699,
HOUSE BILL NO. 1750,
SECOND SUBSTITUTE HOUSE BILL NO. 1835,
ENGROSSED HOUSE BILL NO. 1936,
SUBSTITUTE HOUSE BILL NO. 1992,
SUBSTITUTE HOUSE BILL NO. 2066,
SUBSTITUTE HOUSE BILL NO. 2105,
HOUSE BILL NO. 2126,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4410, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SCR 8412 by Senators Morton and McCaslin

Establishing a select committee on state boundaries.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended and Senate Concurrent Resolution No. 8412 was held on the Introduction and First Reading Calendar.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1011 by House Committee on Finance (originally sponsored by Representatives Campbell, Conway, Benson, Mielke, Skinner, Pennington, DeBolt, Delvin, Ogden, Esser, Reardon, Linville, Pearson, Alexander, Barlean, Ericksen, Carrell, Morell, Dunn, Van Luven, O'Brien, Ahern and Talcott)

Providing a property tax exemption to veterans with severe disabilities.

Referred to Committee on Ways and Means.

ESHB 1034 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Pennington, Mielke and Schindler)

Changing outdoor burning provisions.

Referred to Committee on Environment, Energy and Water.

2SHB 1041 by House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, O'Brien, Lambert, Ruderman, Woods and Hurst)

Allowing protection orders for unlawful harassment to restrain persons under the age of eighteen.

Referred to Committee on Judiciary.

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

Converting the number of months into hours that teachers' retirement system, public employees' retirement system, and school employees' retirement system retirees may work without a reduction in their retirement allowance.

Referred to Committee on Ways and Means.

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

Increasing the number of hours that teachers' retirement system plan retirees may work in an eligible position to eight hundred forty without a reduction in their retirement benefits.

Referred to Committee on Ways and Means.

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

Modifying provisions pertaining to the certification of peace officers.

Referred to Committee on Judiciary.

HB 1084 by Representatives Ogden, Dunn, Boldt and Fromhold

Authorizing independent salary commissions for cities, towns, and counties.

Referred to Committee on State and Local Government.

HB 1116 by Representatives Campbell, Cody, Carrell, Morris, Roach, Santos, Pennington, Conway, Romero, O'Brien, Hunt, Edmonds, Darneille, Voloria, Schual-Berke, Reardon, Lantz, Simpson, Cairnes, Dunshee, Dickerson, Alexander, Fromhold, D. Schmidt, Haigh and Jackley

Clarifying tax exemptions for sale or use of orthotic devices.

Referred to Committee on Ways and Means.

SHB 1119 by House Committee on Finance (originally sponsored by Representatives Schoesler, Gombosky, Ahern and Schindler)

Modifying the taxation of new and used motor vehicle sales.

Referred to Committee on Ways and Means.

SHB 1135 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Esser and McDermott)

Modifying power of attorney provisions.

Referred to Committee on Judiciary.

HB 1138 by Representatives Cairnes, Conway, Campbell, Dunshee, O'Brien, Cooper, Simpson, Roach, Kenney, D. Schmidt, Kirby and Keiser

Depositing wage fines in the public works administration account.

Referred to Committee on Labor, Commerce and Financial Institutions.

E2SHB 1180 by House Committee on Appropriations (originally sponsored by Representatives Cody, Marine, Ruderman, McMorris and Schual-Berke) (by request of Department of Health)

Obtaining and expending funds for the public health system.

Referred to Committee on Health and Long-Term Care.

HB 1198 by Representatives G. Chandler and Cooper (by request of Department of Health)

Including drinking water accounts in interest-bearing accounts.

Referred to Committee on Environment, Energy and Water.

2SHB 1249 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Boldt, Ballasiotes, Tokuda, Dickerson, Gombosky, Darneille, Morell, Anderson, Schual-Berke, Esser, McIntire, Doumit, Kenney, Clements, Edwards, Fromhold, Miloscia, Barlean, Talcott, Ruderman, Conway, Kessler, Ogden, Lovick, D. Schmidt, O'Brien, Edmonds, Wood and Haigh)

Regarding the quality of foster care services.

Referred to Committee on Human Services and Corrections.

HB 1269 by Representatives Bush and Campbell

Authorizing additional hardship waivers for vehicle owners in cases of suspended license vehicle impounds.

Referred to Committee on Judiciary.

HB 1277 by Representatives Bush, Veloria, Van Luven, Kenney, Kirby, Mulliken and Dunshee

Regarding residential landlord-tenant relationships.

Referred to Committee on Judiciary.

SHB 1292 by House Committee on Children and Family Services (originally sponsored by Representatives Tokuda, Campbell, Boldt, Miloscia, Kagi, Morell, Darneille and Veloria)

Changing provisions relating to persons incapacitated by a chemical dependency.

Referred to Committee on Human Services and Corrections.

SHB 1325 by House Committee on State Government (originally sponsored by Representatives D. Schmidt, Conway, Haigh, Bush, Talcott, Romero, Mielke, Anderson, Rockefeller, Campbell and Wood) (by request of Joint Select Committee on Veterans' and Military Affairs)

Creating a joint committee on veterans' and military affairs.

Referred to Committee on State and Local Government.

SHB 1341 by House Committee on Appropriations (originally sponsored by Representatives Campbell, Conway, Boldt, Ruderman and Van Luven) (by request of Department of Social and Health Services)

Developing a home and community-based waiver for persons in community residential settings.

Referred to Committee on Health and Long-Term Care.

SHB 1384 by House Committee on State Government (originally sponsored by Representatives Romero, McMorris, Simpson, Conway, Miloscia, Haigh, D. Schmidt, Clements, Delvin, Hunt, Lambert, Benson and Schindler) (by request of State Auditor Sonntag)

Clarifying the circumstances under which the governing body of a public agency may hold an executive session to discuss litigation.

Referred to Committee on State and Local Government.

ESHB 1420 by House Committee on Commerce and Labor (originally sponsored by Representatives Hurst, Roach, Dunshee, Lovick, Woods, Jackley, Mielke, Wood, Carrell, Cooper, Sump, Hatfield, Pflug, Haigh, Conway, Reardon, Morris, Edmonds, Ruderman, O'Brien, Veloria, Poulsen, Morell, Kenney, Bush, Anderson, Cody, Santos, Rockefeller and Kessler)

Prohibiting discrimination against volunteer fire fighters.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1438 by Representatives Skinner, Edmonds, Conway and Schual-Berke

Modifying the property tax exemption for senior citizens.

Referred to Committee on Ways and Means.

SHB 1450 by House Committee on Finance (originally sponsored by Representatives Rockefeller and Morris)

Providing property tax relief for certain land transfers.

Referred to Committee on Ways and Means.

ESHB 1458 by House Committee on Local Government and Housing (originally sponsored by Representatives Edwards, Mulliken, Hatfield, DeBolt, Mielke, Edmonds and Rockefeller)

Relating to establishing a timeline for final decisions on project permit applications.

Referred to Committee on State and Local Government.

SHB 1517 by House Committee on State Government (originally sponsored by Representatives Miloscia, Anderson, Dunshee, Jarrett, Hunt, Keiser, Lambert, Ruderman, Rockefeller, Fromhold, Schindler, Boldt, Kenney, Simpson, Barlean, Tokuda and Dickerson)

Establishing quality management programs.

Referred to Committee on State and Local Government.

SHB 1560 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Lambert, Lovick, Ballasiotes, O'Brien, Mulliken, Sump and Schindler)

Restricting the use of the terms sheriff and sheriff's posse.

Referred to Committee on Judiciary.

2SHB 1607 by House Committee on Appropriations (originally sponsored by Representatives Anderson, Haigh, Talcott, Quall, Keiser, Kenney, Schual-Berke, Edmonds, Rockefeller, McIntire, O'Brien, Darneille and Santos) (by request of Governor Locke and Superintendent of Public Instruction Bergeson)

Creating alternative routes to teacher certification.

Referred to Committee on Education.

SHB 1646 by House Committee on Education (originally sponsored by Representatives D. Schmidt, Haigh, Talcott, Keiser, Cox, Schual-Berke, Anderson, Pearson, Quall, Santos, Rockefeller, McDermott, Schindler, Conway, Bush, Dunn and Campbell)

Including the Washington national guard youth challenge program as an alternative educational service provider.

Referred to Committee on Education.

E2SHB 1658 by House Committee on Appropriations (originally sponsored by Representatives Buck, Doumit, Ericksen, Linville, Haigh, G. Chandler, Cooper and Dunshee)

Establishing a pilot project culturing shellfish on nonproductive oyster reserve land.

Referred to Committee on Natural Resources, Parks and Shorelines.

SHB 1678 by House Committee on Transportation (originally sponsored by Representatives Fisher, Mitchell and Poulsen) (by request of The Blue Ribbon Commission on Transportation)

Funding advance right-of-way acquisitions.

Referred to Committee on Transportation.

HB 1699 by Representatives Alexander, Hunt, DeBolt and Romero

Suspending the driving privileges of juveniles who have committed the offense of threatening to bomb a school building.

Referred to Committee on Education.

HB 1750 by Representatives Fisher, Mitchell, Simpson, Schindler, Wood, Hurst and Ogden

Authorizing cities and towns to require full compensation from abutting property owners for street vacations.

Referred to Committee on Transportation.

2SHB 1752 by House Committee on Appropriations (originally sponsored by Representatives Clements, Grant, G. Chandler, B. Chandler, Linville, Lisk, McMorris, Armstrong, Schoesler and Mulliken)

Allowing for claims for wildlife damage on rangeland suitable for grazing or browsing of domestic livestock.

Referred to Committee on Agriculture and International Trade.

ESHB 1785 by House Committee on Natural Resources (originally sponsored by Representatives Murray, Alexander, Doumit, Rockefeller, Esser, Sump, Kenney and McIntire)

Implementing the recommendations of the joint legislative audit and review committee report regarding capital budget programs investing in the environment.

Referred to Committee on Environment, Energy and Water.

2SHB 1835 by House Committee on Finance (originally sponsored by Representatives Doumit, Sump, Schoesler and Clements)

Creating a forest products commission.

Referred to Committee on Natural Resources, Parks and Shorelines.

HB 1859 by Representatives Poulsen, Crouse, Morris, Casada, DeBolt, Esser, Simpson, B. Chandler, Linville, Delvin, Wood, Conway, Kenney, Santos, Romero, Kessler, Pflug, Rockefeller, Lovick, O'Brien, Darneille, Pearson, Ruderman, McIntire, Anderson, Keiser, Dunn, McDermott, Kagi, Schual-Berke, Campbell, Edmonds and Jackley

Exempting electric generating facilities using wind, solar energy, landfill gas, or fuel cells from sales and use taxes.

Referred to Committee on Environment, Energy and Water.

EHB 1936 by Representatives Quall, Morris, Linville, Grant, Sehlin, Doumit, Esser and Anderson

Allowing the residential owner of land that abuts state-owned shoreland to anchor their boats to adjacent buoys.

Referred to Committee on Natural Resources, Parks and Shorelines.

SHB 1992 by House Committee on Juvenile Justice (originally sponsored by Representatives Lantz and Woods)

Providing for communications to schools from juvenile justice and care agencies.

Referred to Committee on Human Services and Corrections.

ESHB 1996 by House Committee on State Government (originally sponsored by Representatives Lambert and Haigh) (by request of Department of Fish and Wildlife)

Protecting certain data obtained by the department of fish and wildlife.

Referred to Committee on Natural Resources, Parks and Shorelines.

ESHB 1997 by House Committee on Local Government and Housing (originally sponsored by Representatives Alexander, DeBolt, Doumit, Mulliken, Dunshee, Mielke, Kessler, Hatfield and Ogden)

Revising provisions relating to industrial land banks.

Referred to Committee on State and Local Government.

SHB 2051 by House Committee on State Government (originally sponsored by Representatives Roach, Quall, Bush, G. Chandler, Hatfield, McMorris, Grant, Kessler and Woods)

Revising rule-making procedures.

Referred to Committee on State and Local Government.

SHB 2066 by House Committee on Education (originally sponsored by Representatives Keiser, Talcott, Quall, Anderson, Haigh, Romero, Ericksen, D. Schmidt, Conway, Pearson, Schindler, Cox, Edmonds, Santos and Kenney)

Enhancing educator preparation and mentoring.

Referred to Committee on Education.

HB 2086 by Representatives O'Brien, Ballasiotes, Lovick, Kenney and Conway (by request of Department of Community, Trade, and Economic Development)

Bringing state law into compliance with federal standards for lifetime registration for certain sex offenders.

Referred to Committee on Human Services and Corrections.

SHB 2105 by House Committee on Natural Resources (originally sponsored by Representatives Sump, Doumit, Pearson, Rockefeller and Woods)

Modifying provisions related to small forest landowners.

Referred to Committee on Natural Resources, Parks and Shorelines.

HB 2126 by Representatives Kenney, Cox, McIntire and Edwards (by request of Committee on Advanced College Tuition Payment and State Treasurer Murphy)

Authorizing a college savings plan.

Referred to Committee on Higher Education.

ESHB 2137 by House Committee on Education (originally sponsored by Representatives Hunt, Armstrong, Talcott, Quall, Wood, Delvin, Rockefeller, Fromhold, Keiser and Jackley)

Prohibiting explosives on school premises.

Referred to Committee on Education.

EHB 2168 by Representatives Conway, Schoesler, O'Brien, Ballasiotes, Darneille, Kirby and Hunt

Regulating siting of essential state community justice facilities.

Referred to Committee on Human Services and Corrections.

ESHB 2172 by House Committee on Commerce and Labor (originally sponsored by Representatives Grant and Mastin)

Modifying provisions on the repair and maintenance of backflow prevention assemblies.

Referred to Committee on Labor, Commerce and Financial Institutions.

SHJM 4010 by House Committee on Finance (originally sponsored by Representatives Dunn, Fromhold, Pennington, Ogden, Hatfield, Mielke, Boldt and Grant)

Requesting fair tax treatment of Washington residents working in Oregon.

Referred to Committee on Ways and Means.

EHCR 4410 by Representatives Sump, Doumit, Sehlin, H. Sommers, Mulliken, Linville, Armstrong, Murray, Alexander and Hatfield

Creating a joint select legislative task force to evaluate the state's authority under the forest resources conservation and shortage relief act.

Referred to Committee on Natural Resources, Parks and Shorelines.

MOTION

On motion of Senator Betti Sheldon, House Bill No. 1752 was referred to the Committee on Agriculture and International Trade.

MOTION

At 12:04 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, March 16, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-SEVENTH DAY, MARCH 15, 2001

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

SIXTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Friday, March 16, 2001
The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 15, 2001
GA 9063 JAMES DAGNON, appointed October 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Bellevue Community College District No. 8.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 15, 2001

GA 9065 DEBRA D. DORAN, appointed August 22, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Olympic Community College District No. 3.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 15, 2001

GA 9075 F. MURRAY "RED" HASKELL, appointed October 1, 2000, for a term ending September 30, 2006, as a member of the Board of Trustees for Western Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 15, 2001

GA 9086 STEVEN W. KOCH, appointed January 10, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Bellingham Technical College District No. 25.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 15, 2001

GA 9091 WAYNE J. MARTIN, appointed October 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 15, 2001

GA 9099 THOMAS C. MOSER, appointed October 2, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 15, 2001

GA 9101 PARIJAT NANDI, appointed September 19, 2000, for a term ending May 31, 2001, as a member of the Board of Trustees for Western Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 15, 2001

GA 9129 VAGMAYI, appointed June 1, 2000, for a term ending May 31, 2001, as a member of the Board of Trustees for The Evergreen State College.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 15, 2001

GA 9150 ADDISON JACOBS, appointed November 28, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Clark Community College District No. 14.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 15, 2001

GA 9157 MIKE SELLS, appointed October 1, 2000, for a term ending September 30, 2006, as a member of the Board of Trustees for Central Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

March 14, 2001

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1012, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

March 14, 2001

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 1092,
SUBSTITUTE HOUSE BILL NO. 1234,
SUBSTITUTE HOUSE BILL NO. 1365,
HOUSE BILL NO. 1394,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418,
SUBSTITUTE HOUSE BILL NO. 1545,
SECOND SUBSTITUTE HOUSE BILL NO. 1590,
ENGROSSED HOUSE BILL NO. 1606,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1728,
SUBSTITUTE HOUSE BILL NO. 1739,
SUBSTITUTE HOUSE BILL NO. 1763,
SUBSTITUTE HOUSE BILL NO. 1781,
SUBSTITUTE HOUSE BILL NO. 1793.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1953,
ENGROSSED HOUSE BILL NO. 2005,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2034,
SUBSTITUTE HOUSE BILL NO. 2079,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

March 9, 2001

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 1983, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6149 by Senators Long and Hargrove (by request of Governor Locke and Attorney General Gregoire)

AN ACT Relating to siting and operation of a less restrictive alternative treatment facility on McNeil Island; amending RCW 36.70A.103; adding a new section to chapter 71.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Allowing Washington state ferry fares to be increased in excess of the fiscal growth factor.

Referred to Committee on Transportation.

EHB 1092 by Representatives Lambert, Miloscia, Talcott, Pearson, Cairnes, Boldt, Anderson, D. Schmidt, Simpson, Bush and Mielke

Changing the property tax exemption for church and church camp property.

Referred to Committee on Ways and Means.

SHB 1234 by House Committee on Commerce and Labor (originally sponsored by Representatives Clements, Conway, Lisk, Wood, B. Chandler, Kessler, Kenney, Hurst, Keiser, Simpson, Ogden, Lovick, Morris, McIntire, D. Schmidt, Ruderman, O'Brien, Schual-Berke, Edwards, Kagi, Cody and Edmonds) (by request of Washington State Apprenticeship and Training Council, State Board for Community and Technical Colleges and Department of Labor and Industries)

Revising apprenticeship law to respond to a 1999 United States department of labor audit.

Referred to Committee on Labor, Commerce and Financial Institutions.

SHB 1365 by House Committee on Children and Family Services (originally sponsored by Representatives Doumit, Pflug, Tokuda, Boldt, Pennington, Rockefeller, Hatfield, Eickmeyer, Campbell, Edwards, Cairnes, Murray, Cody, Jackley, Mastin, Kirby, Buck, Kessler, Chopp, McIntire, Grant, Morris, Lisk, Ruderman, Van Luven, Kenney, Conway, Kagi and Schual-Berke)

Requiring the department of health to publicize a list of recalled infant and child products.

Referred to Committee on Health and Long-Term Care.

HB 1394 by Representatives Eickmeyer, Schoesler, Rockefeller, Sump, Jackley, Kessler, Cox and Dunshee

Clarifying the use of county road funds in salmon recovery projects.

Referred to Committee on Transportation.

ESHB 1418 by House Committee on Finance (originally sponsored by Representatives Gombosky, McMorris, Mulliken, Pennington, Ahern, Wood, Ogden, Benson, Reardon, Linville, Haigh, Miloscia, Simpson, McIntire, Santos, Rockefeller and Kessler)

Promoting community revitalization.

Referred to Committee on Economic Development and Telecommunications.

SHB 1545 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Esser, Carrell and Cody)

Regulating nonprofit organizations.

Referred to Committee on Judiciary.

2SHB 1590 by House Committee on Appropriations (originally sponsored by Representatives Cody, Clements, Conway, Skinner, Gombosky, Mitchell, Edmonds, Hatfield, Keiser, Kenney, Kagi, McIntire, Wood, Ruderman, Santos and Hurst)

Supporting the practice of breastfeeding.

Referred to Committee on Labor, Commerce and Financial Institutions.

EHB 1606 by Representatives Clements, Crouse, B. Chandler, G. Chandler, Schoesler and Lisk

Crediting certain charges for irrigation pumping installations.

Referred to Committee on Environment, Energy and Water.

E2SHB 1728 by House Committee on Appropriations (originally sponsored by Representatives Campbell, Schual-Berke, Skinner and Cody)

Regulating the activities of insurance third-party administrators.

Referred to Committee on Health and Long-Term Care.

SHB 1739 by House Committee on State Government (originally sponsored by Representatives Bush, D. Schmidt, Romero, Miloscia, Anderson, Campbell, Talcott, Esser and Casada) (by request of Secretary of State Reed)

Protecting the integrity of elections.

Referred to Committee on State and Local Government.

SHB 1763 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives McIntire, Bush, Keiser and Ogden) (by request of Insurance Commissioner Kreidler)

Protecting the confidentiality of information relating to insurance.

Referred to Committee on Labor, Commerce and Financial Institutions.

SHB 1781 by House Committee on Appropriations (originally sponsored by Representatives H. Sommers, Sehlin, Clements, Conway and Kenney) (by request of Liquor Control Board)

Making payment of agency commissions for agency liquor vendor stores.

Referred to Committee on Ways and Means.

SHB 1793 by House Committee on Judiciary (originally sponsored by Representatives Hatfield and McDermott)

Revising court filing fees for tax warrants and recovery of state agency overpayments.

Referred to Committee on Judiciary.

ESHB 1953 by House Committee on Commerce and Labor (originally sponsored by Representatives Kessler and Buck)

Modifying manufactured home provisions.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1983 by Representatives Benson and Hatfield

Modifying "debt collector" so the term excludes affiliates of creditors that service creditor's accounts.

Referred to Committee on Labor, Commerce and Financial Institutions.

EHB 2005 by Representatives Morris, Schoesler, Grant, Barlean, Kessler, Doumit, Poulsen and Linville

Changing the taxation of property previously owned by the federal government.

Referred to Committee on Ways and Means.

ESHB 2034 by House Committee on Health Care (originally sponsored by Representatives Campbell, Hankins, O'Brien, Kagi, Reardon, Lambert, Boldt, Schoesler, Linville, Van Luven, Morris, Mastin, Murray, Santos, Talcott, Grant, Morell, Lisk, Dickerson, Carrell, Quall, Delvin, Miloscia, Conway, Buck, Kenney, Esser, Mulliken, G. Chandler, Bush, Ruderman, Benson, Haigh, Rockefeller, McDermott, Tokuda, Lovick, B. Chandler, Veloria, Dunn, Casada, Mielke, Pearson, Roach, Cooper, Simpson, Jackley, Ogden, Kessler, Anderson, DeBolt, Crouse, Pennington, Mitchell, Cairnes, D. Schmidt, Ericksen, Barlean, Pflug, Ahern, Cox, Hatfield, Doumit, Dunshee, Eickmeyer, Keiser, Poulsen, Gombosky, Romero, Fisher, Kirby and Hurst)

Authorizing optometrists to use and prescribe approved drugs for diagnostic or therapeutic purposes without limitation upon the methods of delivery in the practice of optometry.

Referred to Committee on Health and Long-Term Care.

SHB 2079 by House Committee on Health Care (originally sponsored by Representatives Schual-Berke and Campbell)

Creating a program to certify refracting opticians.

Referred to Committee on Health and Long-Term Care.

ESHB 2191 by House Committee on Finance (originally sponsored by Representatives Morris, Sehlin, Lisk and Fromhold)

Providing property tax exemptions for certain property leased by public entities.

Referred to Committee on Ways and Means.

MOTION

At 10:03 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, March 19, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-EIGHTH DAY, MARCH 16, 2001

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

SEVENTY-FIRST DAY

NOON SESSION

Senate Chamber, Cherberg Building, Olympia, Monday, March 19, 2001
The Senate was called to order at 12:00 noon by President Pro Tempore Franklin. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 16, 2001
SHB 1024 Prime Sponsor, House Committee on Natural Resources (originally sponsored by Representative Doumit): Increasing the growing cycle for short-rotation hardwoods for tax purposes. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan and Spanel.
Passed to Committee on Rules for second reading.

March 15, 2001
HB 1069 Prime Sponsor, Representative Campbell: Modifying the health professions' appointment of pro tem members. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser and Winsley.

Passed to Committee on Rules for second reading.

March 15, 2001
EHB 1076 Prime Sponsor, Representative Schual-Berke: Removing the two-year limited license renewal limit on teaching-research medical professionals. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser and Winsley.

Passed to Committee on Rules for second reading.

March 16, 2001
SHB 1140 Prime Sponsor, House Committee on Agriculture and Ecology: Modifying the taxation of grain warehouses. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan and Spanel.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 15, 2001

GA 9048 ELAINE M. AOKI, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Kastama, Kohl-Welles, Rasmussen and Regala.

Passed to Committee on Rules.

March 15, 2001

GA 9058 TOM CHAROUHAS, appointed July 10, 2000, for a term ending May 31, 2004, as Chair of the Professional Educator Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Kastama, Kohl-Welles, Rasmussen and Regala.

Passed to Committee on Rules.

March 15, 2001

GA 9061 CAROL COAR, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Kastama, Kohl-Welles, Rasmussen and Regala.

Passed to Committee on Rules.

March 15, 2001

GA 9064 NANCY DIAZ-MILLER, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Kastama, Kohl-Welles, Rasmussen and Regala.

Passed to Committee on Rules.

March 15, 2001

GA 9068 KEN EVANS, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Kastama, Kohl-Welles, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules.

March 15, 2001

GA 9070 SHEILA FOX, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Kastama, Kohl-Welles, Rasmussen and Regala.

Passed to Committee on Rules.

March 15, 2001

GA 9079 EMMITT RAY JACKSON, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Kastama, Kohl-Welles, Rasmussen and Regala.

Passed to Committee on Rules.

March 15, 2001

GA 9084 GARY KIPP, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Kastama, Kohl-Welles, Rasmussen and Regala.

Passed to Committee on Rules.

March 15, 2001

GA 9085 TIM KNUE, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Kastama, Kohl-Welles, Rasmussen and Regala.

Passed to Committee on Rules.

March 15, 2001

GA 9102 HELEN LOUISE NELSON-THROSSEL, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Kastama, Kohl-Welles, Rasmussen and Regala.

Passed to Committee on Rules.

March 15, 2001

GA 9103 KATHRYN A. NELSON, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Kastama, Kohl-Welles, Rasmussen and Regala.

Passed to Committee on Rules.

March 15, 2001

GA 9115 MARTHA RICE, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Kastama, Kohl-Welles, Rasmussen and Regala.

Passed to Committee on Rules.

March 15, 2001

GA 9118 RON SCUTT, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hochstatter, Johnson, Kastama, Kohl-Welles, Rasmussen and Regala.

Passed to Committee on Rules.

March 15, 2001

GA 9124 DENNIS W. STERNER, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Kastama, Kohl-Welles, Rasmussen and Regala.

Passed to Committee on Rules.

March 15, 2001

GA 9128 YVONNE ULLAS, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Kastama, Kohl-Welles, Rasmussen and Regala.

Passed to Committee on Rules.

March 15, 2001

GA 9132 PATRICIA A. WASLEY, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Kastama, Kohl-Welles, Rasmussen and Regala.

Passed to Committee on Rules.

March 15, 2001

GA 9151 KAREN RADEMAKER SIMPSON, appointed July 10, 2000, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Kastama, Kohl-Welles, Rasmussen and Regala.

Passed to Committee on Rules.

MOTION

At 12:01 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, March 20, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-FIRST DAY, MARCH 19, 2001

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

SEVENTY-SECOND DAY

NOON SESSION

Senate Chamber, Cherberg Building, Olympia, Tuesday, March 20, 2001
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

HB 1108 Prime Sponsor, Representative Bush: Authorizing the secretary of state to observe county election facilities. Reported by Committee on State and Local Government
March 19, 2001

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

HB 1131 Prime Sponsor, Representative Mulliken: Modifying the powers of public hospital districts. Reported by Committee on State and Local Government
March 19, 2001

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

HB 1173 Prime Sponsor, Representative Mulliken: Purchasing material, supplies, or equipment by fire districts. Reported by Committee on State and Local Government
March 19, 2001

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 19, 2001

SHB 1282 Prime Sponsor, House Committee on State Government (originally sponsored by Representative D. Schmidt): Adding the code reviser to the uniform legislation commission. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 19, 2001

SHB 1352 Prime Sponsor, House Committee on State Government (originally sponsored by Representative McMorris): Correcting inaccurate or procedurally obsolete provisions of the public disclosure commission law.

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 19, 2001

HB 1523 Prime Sponsor, Representative Mielke: Reconciling conflicting provisions in laws pertaining to cities and towns. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 19, 2001

HB 1548 Prime Sponsor, Representative Kirby: Expanding the small works roster process to include metropolitan park districts. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Kline and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Horn.

Passed to Committee on Rules for second reading.

March 19, 2001

SHB 1644 Prime Sponsor, House Committee on State Government (originally sponsored by Representative McMorris): Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 19, 2001

HJM 4002 Prime Sponsor, Representative Veloria: Asking that the federal government provide veterans' benefits owed to Filipino veterans. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

March 15, 2001

GA 9136 CHRISTINE YOROZU, appointed July 27, 1999, for a term ending December 31, 2002, as a member of the Public Disclosure Commission.
Reported by Committee on State and Local Government

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, T. Sheldon and Swecker.

Passed to Committee on Rules.

MOTION

At 12:01 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, March 21, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-SECOND DAY, MARCH 20, 2001

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

SEVENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Wednesday, March 21, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Gardner, Hochstatter, Long and Oke. On motion of Senator Honeyford, Senators Hochstatter, Long and Oke were excused. On motion of Senator Eide, Senator Gardner was excused.

The Sergeant at Arms Color Guard, consisting of Pages Mallory Hagel and Casey Eikum, presented the Colors. Reverend Howard Ullery, pastor of the Lacey Community Church, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6150 by Senators Thibaudeau, Franklin, Deccio and Kohl-Welles

AN ACT Relating to disclosure of beneficial interests in drugs or products administered or provided to human subjects participating in human subjects research; and adding a new section to chapter 70.02 RCW.

Referred to Committee on Health and Long-Term Care.

MOTION

On motion of Senator Betti Sheldon, the following bills, which were on the second reading calendar, were referred to the Committee on Rules:

SECOND READING

- SB 5001 f Initiative/referendum paper
- SB 5033 Personnel file inspection
- SB 5062 Public works job order contract
- SB 5066 f Consumer loan companies
- SB 5067 f Alien banks
- SB 5132 f Com telephone solicitation
- SB 5146 f LEOFF plan 2
- SB 5152 f Retirement benefits board
- SB 5153 f Retirement systems
- SB 5155 f Horse racing compact
- SB 5162 f Safety rest areas
- SB 5181 Criminal justice training
- SB 5201 f TANF/higher education
- SB 5225 f Commute trip reduction program
- SB 5227 Marine employees
- SB 5248 f Electrical board
- SB 5272 Election notice
- SB 5286 Legislation commission

- SB 5341 f Prerecorded telephone messages
- SB 5357 f Engineers/land surveyors
- SB 5368 f Child support/medical
- SB 5383 Public disclosure commission law
- SB 5396 f Insurer investments
- SB 5403 Expedited rule process
- SB 5425 Pesticide application

SB 5489 Veterans affairs personnel

SB 5507 Parenting plans/paternity

SB 5544 f Students/felonies

SB 5581 Naturopathic physicians

SB 5590 Liability company annual reports

SB 5614 f CTED

SB 5626 f Definition of veteran

SB 5631 Metropolitan park districts

SB 5639 f Abstracts of driving records

SB 5640 f Motor vehicle dealers

SB 5649 f Electricity generation resources

SB 5652 In-home long-term care

SB 5658 f Vehicle license renewals

SB 5660 f Taxation of fuel

SB 5661 Recreational facilities

SB 5694 \$f Mobile home park managers

SB 5697 f Missing person records

SB 5698 Unidentified persons/info

SB 5705 Initiatives/funding sources

SB 5713 Water transfer or changes

SB 5718 f Reflexologists

SB 5725 f Direct pay permits

SB 5738 f Snowmobile registration fees

SB 5781 f Fruit & vegetable district fund

SB 5794 Guardianship proceedings

SB 5799 f Digital signatures

SB 5800 Disclosure/port districts

SB 5803 f Significant legislative rules

SB 5809 Breastfeeding
SB 5823 Student improvement goals
SB 5826 f Collective bargaining/U.W.
SB 5831 f Body-gripping traps
SB 5851 f Pesticides
SB 5883 f Water supply/growth management
SB 5887 Ethics in public service
SB 5911 Water rights examiners
SB 5915 f Wetlands mitigation projects
SB 5935 Civil forfeitures of property
SB 5960 Prescription products
SB 5975 f Family law court files
SB 6000 Optometrists
SB 6016 Conservation districts
SB 6033 f College payment program
SB 6070 f Growth management
SB 6078 Medicare beneficiary
SB 6080 f Fireworks & explosives
SB 6081 Developmental disabilities
SB 6108 Water right certificate
SB 6113 HOV lanes
SJM 8002 Formation of a new state
SJM 8014 Disabled persons
SJM 8021 Teachers

MOTION

On motion of Senator Betti Sheldon, the following bills will remain on the second calendar: Senate Bill No. 5686, Senate Bill No. 5743, Senate Bill No. 5748, Senate Bill No. 5750, Senate Bill No. 5755, Senate Bill No. 5764 and Senate Concurrent Resolution No. 8410.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1125, by House Committee on Finance (originally sponsored by Representatives Cairnes, Morris and Esser)

Limiting the combined sales tax rate on lodging.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 1125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1125.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1125 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Gardner, Hochstatter, Long and Oke - 4.

SUBSTITUTE HOUSE BILL NO. 1125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:10 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, March 22, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-THIRD DAY, MARCH 21, 2001

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

SEVENTY-FOURTH DAY

NOON SESSION

Senate Chamber, Cherberg Building, Olympia, Thursday, March 22, 2001
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 21, 2001

SB 5078 Prime Sponsor, Senator Haugen: Revising the disposition of vehicle license fees. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5078 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Benton, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Patterson, Prentice, T. Sheldon, Shin and Swecker.

HOLD.

March 21, 2001

SB 5326 Prime Sponsor, Senator Haugen: Making supplemental transportation appropriations. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5326 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Patterson, Prentice, Shin and Swecker.

HOLD.

March 21, 2001

SB 5327 Prime Sponsor, Senator Haugen: Making transportation appropriations for 2001-03. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5327 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Benton, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Patterson, Prentice, T. Sheldon, Shin and Swecker.

HOLD.

March 21, 2001

HB 1002 Prime Sponsor, Representative Ruderman: Limiting the public inspection and copying of residential addresses or residential phone numbers of public employees or volunteers of public agencies. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 21, 2001

SHB 1019 Prime Sponsor, House Committee on Natural Resources: Modifying the composition of the fish and wildlife commission. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hargrove, McDonald, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

March 21, 2001

HB 1028 Prime Sponsor, Representative Haigh: Revising the provision for military leave for public employees. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 21, 2001

HB 1035 Prime Sponsor, Representative Pennington: Extending a program of steelhead recovery in certain counties. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

March 21, 2001

SHB 1093 Prime Sponsor, House Committee on Health Care: Changing physician license fees. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

March 20, 2001

HB 1160 Prime Sponsor, Representative Hunt: Providing for temporary real estate appraiser practice permits. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Deccio, Franklin, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

March 21, 2001

HB 1162 Prime Sponsor, Representative McMorris: Providing medical assistance reimbursements for small, rural hospitals. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Referred to Committee on Ways and Means.

March 21, 2001

SHB 1188 Prime Sponsor, House Committee on Capital Budget: Authorizing the military department to dispose at public bid of the state armory known as the Pier 91 property and acquire replacement property and improvements. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Hale, Haugen, Kline, Roach, T. Sheldon and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Vice Chair and McCaslin.

Referred to Committee on Ways and Means.

March 21, 2001

HB 1196 Prime Sponsor, Representative Gombosky: Modifying parking and business improvement areas. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 21, 2001

HB 1255 Prime Sponsor, Representative Cox: Including educational service districts in school district provisions. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Johnson, Kastama, Kohl-Welles and Rasmussen.

Passed to Committee on Rules for second reading.

March 21, 2001

SHB 1256 Prime Sponsor, House Committee on Education: Regarding educational service districts' superintendent review committees. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Johnson, Kastama, Kohl-Welles and Rasmussen.

Passed to Committee on Rules for second reading.

March 21, 2001

HB 1257 Prime Sponsor, Representative Cox: Modifying educational service districts' borrowing authority. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Johnson, Kastama, Kohl-Welles and Rasmussen.

Passed to Committee on Rules for second reading.

March 21, 2001

HB 1309 Prime Sponsor, Representative Edwards: Establishing training standards for hemodialysis technicians. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

March 21, 2001

SHB 1339 Prime Sponsor, House Committee on Finance: Providing equity in the taxation of farmers. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan and Swecker.

Passed to Committee on Rules for second reading.

March 21, 2001

SHB 1375 Prime Sponsor, House Committee on State Government: Reauthorizing the expedited rule adoption process. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 21, 2001

SHB 1376 Prime Sponsor, House Committee on State Government: Exempting certain veterans affairs personnel from the state civil service law. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 21, 2001

SHB 1498 Prime Sponsor, House Committee on Natural Resources (originally sponsored by Representative Jackley): Requiring holders of fish and wildlife licenses purchased over the Internet or telephone to

provide enforcement officers with photo identification. Reported by Committee on Natural Resources, Parks and Recreation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

March 21, 2001

HB 1546 Prime Sponsor, Representative Schual-Berke: Authorizing address confidentiality for victims of stalking. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 21, 2001

HB 1577 Prime Sponsor, Representative D. Schmidt: Clarifying standards for candidates using party designations. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Kline, McCaslin and T. Sheldon.

Passed to Committee on Rules for second reading.

March 21, 2001

2SHB 1607 Prime Sponsor, House Committee on Appropriations: Creating alternative routes to teacher certification. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Kastama, Kohl-Welles and Rasmussen.

Referred to Committee on Ways and Means.

March 20, 2001

HB 1634 Prime Sponsor, Representative Santos: Prioritizing and ordering the distribution of claims of an insurer's estate. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Deccio, Franklin, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Gardner, Vice Chair.

Passed to Committee on Rules for second reading.

March 20, 2001

SHB 1661 Prime Sponsor, House Committee on Financial Institutions and Insurance: Regulating juvenile life insurance. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Deccio, Franklin, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

March 20, 2001

HB 1727 Prime Sponsor, Representative Roach: Regulating the investment limits of insurers in noninsurance subsidiaries. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Deccio, Franklin, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

March 20, 2001

HB 1729 Prime Sponsor, Representative Benson: Licensing surplus line brokers. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Deccio, Franklin, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

March 20, 2001

SHB 1792 Prime Sponsor, House Committee on Financial Institutions and Insurance: Creating the holding company act for health care service contractors and health maintenance organizations. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Deccio, Franklin, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

March 21, 2001

HB 1943 Prime Sponsor, Representative Mulliken: Expanding purposes of county rail districts. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 21, 2001

SHB 1971 Prime Sponsor, House Committee on Education (originally sponsored by Representative Quall): Allowing certified real estate appraisers to appraise school district property. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Johnson, Kastama, Kohl-Welles and Rasmussen.

Passed to Committee on Rules for second reading.

March 21, 2001

HB 2029 Prime Sponsor, Representative Hurst: Authorizing changes to the VIN inspection program. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Patterson, Prentice, T. Sheldon, Shin and Swecker.

HOLD.

March 21, 2001

HB 2037 Prime Sponsor, Representative G. Chandler: Changing provisions relating to the administration of irrigation districts. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan and Swecker.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Bill No. 5078, Senate Bill No. 5326, Senate Bill No. 5327 and House Bill No. 2029, were advanced to second reading and placed on the second reading calendar.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 21, 2001

GA 9035 KATHARINE AKERS SHEEHAN, appointed December 12, 1997, for a term ending June 12, 2001, as a member of the Columbia River Gorge Bi-State Commission.
Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules.

March 21, 2001

GA 9043 R. PETER VAN GYTENBEEK, appointed February 24, 1999, for a term ending December 31, 2004, as a member of the Fish and Wildlife Commission.
Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Constantine, Hargrove, McDonald, Oke and Stevens.

Passed to Committee on Rules.

March 21, 2001

GA 9053 REPRESENTATIVE JIM BUCK, reappointed July 31, 2000, for a term ending June 30, 2003, as a member of the Pacific Marine Fisheries Commission.
Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Jacobsen, Chair; Constantine, Hargrove, McDonald, Oke, Snyder and Stevens.

Passed to Committee on Rules.

March 21, 2001

GA 9108 ROBERT C. PETERSEN, reappointed July 31, 2000, for a term ending December 31, 2002, as a member of the Parks and Recreation Commission.
Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Morton, Oke and Stevens.

Passed to Committee on Rules.

March 21, 2001

GA 9123 SENATOR HARRIET SPANEL, reappointed July 31, 2000, for a term ending June 30, 2003, as a member of the Pacific Marine Fisheries Commission.
Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules.

March 21, 2001

GA 9126 JOE TALLER, reappointed January 1, 2001, for a term ending December 31, 2006, as a member of the Parks and Recreation Commission.
Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules.

March 21, 2001

GA 9134 WAYNE WOOSTER, appointed July 20, 2000, for a term ending June 12, 2004, as a member of the Columbia River Gorge Bi-State Commission.
Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

March 22, 2001

MR. PRESIDENT:

The Co-Speakers have signed SUBSTITUTE HOUSE BILL NO. 1125, and the same is herewith transmitted.
TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1125.

MOTION

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

SENATE RESOLUTION 2001-8639

By Senators Franklin and Regala

WHEREAS, It is the tradition of the Washington State Senate to recognize the outstanding achievements of the youth of our state; and

WHEREAS, Tacoma's Lincoln High School Abes have exuded athletic excellence this year by completing a blissful 29-1 season; and

WHEREAS, The Abes won the 4-A state boys basketball title on March 11, 2001, by defeating Ferris High School of Spokane 61-54 before a boisterous crowd; and

WHEREAS, The Abes dominated during their four-day run through the 16-team field at the state tournament in the Tacoma Dome, also defeating Sehome (59-50), Mount Spokane (50-45) and Shadle Park (72-43).

WHEREAS, With the hard work, dedication and perseverance of team members Robert Crawford, Gerren Farrison, Najja Bullock, Aubrey Shelton, Kevin Ahlstrand, Jason Carr, Ben Shelton, Leonard White, Andre Anderson, Justin Holt, Andre Theater and Amos Scaffold, the Abas won the school's first state basketball title since 1975; and

WHEREAS, The Abas' victory marks the first time in history that Tacoma schools have won two consecutive big-school state basketball titles, the first won by Henry Loss High School; and

WHEREAS, Lincoln's head basketball coach, Tim Kelly, and his staff, Mark Williams, Andy Nelson, Duane Lee, and Matt Kina, deserve tremendous credit for guiding the team – practice by practice, game by game – to victory in the state championship; and

WHEREAS, Coach Kelly has been selected to coach Washington's team in the always-exciting Washington/Oregon high school game; and

WHEREAS, Outstanding guard Leonard White was selected as both the district and state tournament MVP by *The News Tribune*, averaging 19.7 points per game and scoring a game-high 28 points in the final;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby recognize the accomplishments of the Lincoln Abas basketball team, and the unified teamwork of the players and coaches; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of Senate to Lincoln High School Principal Grant Gosford, members of the basketball team, basketball coach Tim Kelly and Athletic Director Char Davenport.

MOTION

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

SENATE RESOLUTION 2001-8636

By Senators Spanel and Patterson

WHEREAS, the Senate of the state of Washington is eligible for emergency funding from the Federal Emergency Management Agency ("FEMA") to offset the costs of the February 28, 2001 earthquake; and

WHEREAS, FEMA requires that public bodies that desire funding must resolve formally to apply, and must designate agents for the purpose of communicating with FEMA;

NOW THEREFORE, BE IT RESOLVED, that Senate of the state of Washington hereby resolves to apply to FEMA for funding to offset costs associated with the February 28, 2001 earthquake; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate, Tony Cook, be designated as the Senate's authorized representative for purposes of the applying for FEMA funding and communicating with FEMA concerning funding, and that Sue LaVack be designated as the alternate representative.

MOTION

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

SENATE RESOLUTION 2001-8632

By Senators Rasmussen, Kohl-Welles, Morton and Patterson

WHEREAS, It is the tradition of the Washington State Senate to salute organizations that contribute to the betterment of our children; and

WHEREAS, 4-H, the Youth Development Program of the Cooperative Extension Service, a program of the U.S. Department of Agriculture, is dedicated to promoting the education and civic involvement of this nation's young people; and

WHEREAS, The 4-H Youth Development Program has helped young people in Washington state develop useful life skills since it was established in 1914; and

WHEREAS, The 4-H's represent the fourfold training and development that 4-H members receive: Head, Heart, Hands and Health; and

WHEREAS, The 4-H Youth Development Program has expanded its focus in recent years to serve young people from urban areas as well as rural communities, and continues to increase member diversity; and
WHEREAS, 4-H members have a wide variety of project areas to choose from, such as animal sciences, social sciences, mechanical sciences, natural resources, environmental stewardship, plant sciences, family living and the expressive arts; and

WHEREAS, 4-H Youth Development, in conjunction with the Cooperative Extension System, today has more than 5 million members in 83 countries around the world; and

WHEREAS, Cooperative extension agents and program assistants from Washington State University, working together with community volunteers, have contributed to the education and personal development of thousands of young people and adults in Washington state; and

WHEREAS, Some 85,000 young people throughout 39 counties in Washington participated in 4-H Youth Development Programs in 2000; and

WHEREAS, More than 300 4-H members from around the state are currently touring the state capitol as part of a statewide education program titled "4-H Know Your Government";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes the 4-H Youth Development Program for its many contributions and investments toward the youth of Washington and the improvement of our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Carol Beckman, the state program coordinator for the 4-H Youth Development Program.

MOTION

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

SENATE RESOLUTION 2001-8629

By Senators Rasmussen, Morton and Fraser

**WHEREAS, Washington's dairy industry is actually older than the state itself; and
WHEREAS, Washington is home to 1,200 dairy farms and 268,000 dairy cows; and
WHEREAS, Washington's dairy cows are some of the most productive in the United States, averaging more than 3,400 pounds of milk per cow above the national average; and**

WHEREAS, Our state's dairy farmers contributed approximately \$800 million to the state's economy, with milk production ranked second in dollar value among all of Washington's bountiful agricultural commodities; and

WHEREAS, The first creamery in Washington was started in Cheney in 1880, when cattle outnumbered territorial residents by a ratio of more than 2-to-1; and

WHEREAS, Corrine Koopman of Zillah is representing the dairy industry with distinction as the reigning Washington State Dairy Ambassador, as well as serving an 11-month internship with the Washington Dairy Products Commission; and

WHEREAS, The Washington State Dairy Ambassador alternates are Kim Dearies of Bow and Libby Gerres of Elam; and

WHEREAS, Citizens throughout the state honor this special industry with the annual Dairy Day celebration;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate acknowledge and honor the women and men whose work on dairy farms throughout Washington has contributed much to the strength and vitality of our state's economy, the character of our communities and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington State Dairy Ambassador Corrine Koopman, alternates Kim Dearies and Libby Gerres, and the Washington Dairy Products Commission.

MOTION

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

SENATE RESOLUTION 2001-8605

By Senators Jacobsen, Rasmussen, Kohl-Welles, Fraser and Patterson

WHEREAS, Music is one of the most enjoyable aspects of human culture, reflecting the mood, achievements, and circumstances that exist in societies, giving the inhabitants of that society an outlet for feelings and an avenue of communication that convey the full range of human emotion; and

WHEREAS, The performance of music requires years of study, practice, dedication and discipline to achieve a high level of accomplishment, especially when coordinating one's efforts with others in a musical ensemble or group; and

WHEREAS, The achievements of high school students are many and varied, and successes should be recognized when they are accomplished; and

WHEREAS, The Roosevelt High School Jazz Band has performed widely to great acclaim, and has demonstrated a high level of achievement and accomplishment at local, regional and national competitions over the years; and

WHEREAS, The Roosevelt High School Jazz Band has traveled extensively to share their music and enthusiasm for jazz with others, including trips to Seattle's sister city of Mazatlan and to Europe to play at the Montreux Jazz Festival, the North Sea Jazz Festival and other venues; and

WHEREAS, The Roosevelt High School Jazz Band under the direction of Scott Brown was, for the second year in a row, one of fifteen bands selected nationally to compete at the prestigious Essentially Ellington Jazz Competition, a national competition for High School Jazz Bands, sponsored by the Lincoln Center Jazz Orchestra and held in New York City; and

WHEREAS, The Roosevelt High School Jazz Band took third place in the Essentially Ellington Jazz Competition in May of 2000 and won acclaim and recognition by the New York Times jazz reporter; and

WHEREAS, The Roosevelt High School Jazz Band will be traveling to China in April, 2001, to share their music and love of jazz with their counterparts in Chinese schools and with the Chinese people;

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate recognizes the accomplishments of the Roosevelt High School Jazz Band, supports their trip to China as ambassadors for the Seattle Public School System and educational system of the state of Washington, honors their achievements, hard work and efforts and believes cultural exchanges between these two societies will benefit all who are involved.

MOTION

At 12:06 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Friday, March 23, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-FOURTH DAY, MARCH 22, 2001

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

SEVENTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Friday, March 23, 2001

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator West. On motion of Senator Honeyford, Senator West was excused.

The Sergeant at Arms Color Guard, consisting of Pages Brooke Strege and Matthew Lewis, presented the Colors. Reverend Howard Ullery, pastor of the Lacey Community Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 22, 2001

SHB 1136 Prime Sponsor, House Committee on Agriculture and Ecology: Regarding product standards. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald and Morton.

Passed to Committee on Rules for second reading.

March 22, 2001

HB 1313 Prime Sponsor, Representative Cox: Changing liability and licensure provisions for private vocational schools. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

March 22, 2001

SHB 1349 Prime Sponsor, House Committee on Appropriations: Authorizing a funding mechanism for removal and disposal of derelict vessels. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald and Morton.

Passed to Committee on Rules for second reading.

March 22, 2001

HB 1567 Prime Sponsor, Representative Fisher: Increasing the penalty for the misuse of abstracts of driving records. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 22, 2001

HB 1583 Prime Sponsor, Representative Hatfield: Waiving the motorcycle exam for trained operators. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 22, 2001

HB 1623 Prime Sponsor, Representative Kenney: Authorizing four-year public institutions of higher education to participate with the state in investing surplus funds. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

March 22, 2001

ESHB 1785 Prime Sponsor, House Committee on Natural Resources: Implementing the recommendations of the joint legislative audit and review committee report regarding capital budget programs investing in the environment. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald and Morton.

Referred to Committee on Ways and Means.

March 22, 2001

HB 2126 Prime Sponsor, Representative Kenney: Authorizing a college savings plan. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 22, 2001

GA 9036 CYNTHIA A. SHIOTA, appointed January 27, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Eastern Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to Committee on Rules.

March 22, 2001

GA 9046 MARGARET ALLEN, reappointed September 15, 2000, for a term ending June 30, 2004, as a member of the Executive Board of the Washington Public Power Supply System.
Reported by Committee on Environment, Energy and Water.

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald and Morton.

Passed to Committee on Rules.

March 22, 2001

GA 9050 KELLY BEHNE, appointed May 17, 2000, for a term ending May 31, 2001, as a member of the Board of Trustees for Eastern Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 22, 2001

GA 9096 NEIL McREYNOLDS, appointed March 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Eastern Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 22, 2001

GA 9140 TOM KARIER, appointed January 16, 2001, for a term ending January 15, 2004, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.
Reported by Committee on Environment, Energy and Water.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald and Morton.

Passed to Committee on Rules.

March 22, 2001

GA 9163 SUE CRYSTAL, appointed January 16, 2001, for a term ending at the Governor's Pleasure as Administrator of the Health Care Authority.
Reported by Committee on Health and Long-Term Care.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser and Winsley

HOLD.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Gubernatorial Appointment 9163, Sue Crystal, as Administrator for the Health Care Authority, was placed on the second reading calendar.

MESSAGE FROM THE HOUSE

March 22, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1266, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1266 House Committee on Transportation (originally sponsored by Representatives Fisher and Mitchell) (by request of Governor Locke)

Making supplemental transportation appropriations.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Engrossed Substitute House Bill No. 1266 was advanced to second reading and placed on the second reading calendar.

INTRODUCTION OF SPECIAL GUEST

The President welcomed Hwa Kap Hahn, presently a member of the National Assembly of Korea and a leader of the ruling party, who was seated on the rostrum with Senator Paull Shin.

With permission of the Senate, business was suspended to permit Assemblyman Hahn to address the Senate.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced dignitaries from Korea, accompanying Assemblyman Hahn, who were seated in the back of the Chamber.

MOTION

On motion of Senator Honeyford, Senator Parlette was excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Thibaudeau, Gubernatorial Appointment No. 9163, Sue Crystal, as Administrator for the Washington Health Care Authority, was confirmed.

Senators Thibaudeau and Deccio spoke to the confirmation of Sue Crystal as Administrator of the Washington Health Care Authority.

APPOINTMENT OF SUE CRYSTAL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Parlette and West - 2.

MOTION

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

SENATE RESOLUTION 2001-8642

By Senators Snyder, Carlson and Kohl-Welles

WHEREAS, The history of the Lewis and Clark is an important part of the early history of the United States and an essential part of Washington State's early past; and

WHEREAS, The Lewis and Clark party arrived at the mouth of the Columbia River in November of 1805 and remained at Station Camp for ten days along its northern shore; and

WHEREAS, It is at this campsite that Captain William Clark wrote in his journal the following words, "**...This I could plainly see would be the extent of our journey by water...in full view of the ocean...from Point Adams to Cape Disappointment.**"; and

WHEREAS, At this exact same camp Sergeant Patrick Gass wrote in his journal, "**We are now at the end of our voyage which has been completely accomplished according to the intention of the expedition...**"; and

WHEREAS, At this exact same campsite Private Joseph Whitehouse wrote in his journal, "**We are now in plain view of the Pacific Ocean...& think that we are at an end of our Voyage...**"; and

WHEREAS, after the party had returned to St. Louis, Captain Lewis wrote to President Thomas Jefferson describing their successful arrival at the ocean: "**Sir, It is with pleasure that I announce to you the safe arrival of myself and party at 12 Oclk, today at this place with our papers and baggage. In obedience to your orders we have penetrated the Continent of North America to the Pacific Ocean...**"; and

WHEREAS, The historic date which Lewis and Clark considered as marking the entire Corps of Discovery's arrival at the Pacific Ocean in 1805: "**On the 17th of November we reached the Ocean.**"

NOW THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize that these journals and letters provides evidence that the western end of the Lewis and Clark expedition is located in Pacific County, Washington; and

BE IT FURTHER RESOLVED, That the Senate of the state of Washington recognize the significance of Lewis and Clark to the early history of this State; and commemorate the western terminus of the Lewis and Clark trail, one of the most important historic sites in the western United States.

MOTION

At 9:27 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:25 a.m. by President Owen.

MOTION

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

SENATE RESOLUTION 2001-8628

By Senators Johnson, Shin, Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, and Zarelli

WHEREAS, We, the members of the Washington State Senate, as we gather here today, are honored to pay tribute to Mr. Takuji Yamashita following his posthumous admission to the Washington State Bar; and

WHEREAS, Mr. Yamashita came to America as a teenager, graduated from Tacoma High in two years, proceeded to become one of the earliest graduates of the University of Washington Law School in 1902, and thereafter passed the state bar examination; and

WHEREAS, Mr. Yamashita was one of the twentieth century's earliest civil-rights crusaders, fighting against the discrimination he faced as a Japanese immigrant by challenging in court three of America's major barriers against Asians: prohibitions on citizenship, land ownership, and joining a profession; and

WHEREAS, Mr. Yamashita, despite the difficulties and frustrations of his time, conducted himself with profound dignity and helped sow the seeds for an America that would permit all people, regardless of race, creed, color or national origin, to more fully pursue the guarantees of life, liberty, and the pursuit of happiness; and

WHEREAS, Mr. Yamashita overcame unjust discrimination to become a successful and compassionate entrepreneur, opening hostleries to house travelers and cafes to feed hungry workers; and

WHEREAS, Mr. Yamashita quietly exemplified humankind's best qualities and his struggles for the betterment of America have greatly benefitted us all;

NOW, THEREFORE, BE IT RESOLVED, That on this day, we, the members of the Washington State Senate, pause in our endeavors to pay tribute to one of the most honorable Washingtonians, Mr. Takuji Yamashita, some forty-one years after his death and following his posthumous admission to the Washington State Bar, in order to call attention to Mr. Yamashita's accomplishments and dedication to freedom and equality for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately from the Secretary of the Senate to the family of Takuji Yamashita, the University of Washington School of Law, the Asian Bar Association of Washington and the Washington State Bar Association.

Senators Johnson, Shin, Betti Sheldon and Regala spoke to Senate Resolution 2001-8628.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Fumiko Saito, Consul General of Japan, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit the Consul General to address the Senate.

MOTION

On motion of Senator Betti Sheldon, all members names will be on Senate Resolution 2001-8628.

MOTION

On motion of Senator Honeyford, Senator Stevens was excused.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2029, by Representatives Hurst, Mitchell, Fisher, Hankins, Haigh, Anderson, Cooper, Ericksen, Ogden, Marine, Jarrett, Wood, Romero, Armstrong, Rockefeller, Mielke, Hatfield, Sump, Lovick, Simpson, Woods, Reardon, Morell, Skinner, Ahern, Jackley, Murray, Edmonds and Kenney

Authorizing changes to the VIN inspection program.

The bill was read the second time.

MOTION

Senator Haugen moved that the following Committee on Transportation striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 46.12.030 and 1995 c 274 s 1 and 1995 c 256 s 23 are each reenacted and amended to read as follows:

The application for ~~((a))~~ a certificate of ownership shall be upon a form furnished or approved by the department and shall contain:

(1) A full description of the vehicle, which shall contain the proper vehicle identification number, the number of miles indicated on the odometer at the time of delivery of the vehicle, and any distinguishing marks of identification;

(2) The name and address of the person who is to be the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party;

(3) Such other information as the department may require. The department may in any instance, in addition to the information required on the application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either. A physical examination of the vehicle is mandatory if ~~((it previously was registered in any other state or country or if))~~ it has been rebuilt after surrender of the certificate of ownership to the department under RCW 46.12.070 due to the vehicle's destruction or declaration as a total loss. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the ~~((foreign))~~ title and registration certificate. ~~((If the vehicle is from a jurisdiction that does not issue titles, the inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the registration certificate. The inspection must also confirm that the license plates on the vehicle are those assigned to the vehicle by the jurisdiction in which the vehicle was previously licensed.))~~ The inspection must be made by a member of the Washington state patrol or other person authorized by the department to make such inspections.

The application shall be subscribed by the registered owner and be sworn to by that applicant in the manner described by RCW 9A.72.085. The department shall retain the application in either the original, computer, or photostatic form.

Sec. 2. RCW 46.12.040 and 1990 c 238 s 2 are each amended to read as follows:

The application accompanied by a draft, money order, certified bank check, or cash for one dollar and twenty-five cents, together with the last preceding certificates or other satisfactory evidence of ownership, shall be forwarded to the director.

The fee shall be in addition to any other fee for the license registration of the vehicle. The certificate of ownership shall not be required to be renewed annually, or at any other time, except as by law provided.

In addition to the application fee and any other fee for the license registration of a vehicle, ~~((there shall be collected from the applicant an inspection fee whenever a physical examination of the vehicle is required as a part of the vehicle licensing or titling process.~~

~~For vehicles previously registered in any other state or country, the inspection))~~ the department shall collect from the applicant a fee ((shall be)) of fifteen dollars ((and)) for vehicles previously registered in any other state or country. The proceeds from the fee shall be deposited in the motor vehicle fund. For ((all other)) vehicles requiring a physical examination, the inspection fee shall be ((twenty)) fifty dollars and shall be deposited in the motor vehicle fund.

NEW SECTION. Sec. 3. A new section is added to chapter 46.12 RCW to read as follows:

The department shall institute software and systems modifications to enable a WACIC/NCIC stolen vehicle search of out-of-state vehicles as part of the title transaction. During the stolen vehicle search, if the information obtained indicates the vehicle is stolen, that information shall be immediately reported to the state patrol

and the applicant shall not be permitted to register the vehicle. Vehicles for which the stolen vehicle check is negative shall be registered if the department is satisfied that all other requirements have been met.

Sec. 4. RCW 46.12.060 and 1975 c 25 s 10 are each amended to read as follows:

Before the department shall issue a certificate of ownership, or reissue such a certificate, covering any vehicle, the identification number of which has been altered, removed, obliterated, defaced, omitted, or is otherwise absent, the registered owner of the vehicle shall file an application with the department, accompanied by a fee of five dollars, upon a form provided, and containing such facts and information as shall be required by the department for the assignment of a special number for such vehicle. Upon receipt of such application, the department, if satisfied the applicant is entitled to the assignment of an identification number, shall designate a special identification number for such vehicle, which shall be noted upon the application therefor, and likewise upon a suitable record of the authorization of the use thereof, to be kept by the department. This assigned identification number shall be placed or stamped in a conspicuous position upon the vehicle in such manner and form as may be prescribed by the department. Upon receipt by the department of ~~((a certificate by an officer of the Washington state patrol, or other person authorized by the department, that the vehicle has been inspected and that the identification number or the special number plate, has been stamped or securely attached in a conspicuous position upon the vehicle, accompanied by))~~ an application for a certificate of ownership or application for reissue of such certificate and the required fee therefor, the department shall use such number as the numerical or alpha-numerical identification marks for the vehicle in any certificate of license registration or certificate of ownership that may thereafter be issued therefor.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment to House Bill No. 2029.

The motion by Senator Haugen carried and the committee striking amendment was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "registration;" strike the remainder of the title and insert "amending RCW 46.12.040 and 46.12.060; reenacting and amending RCW 46.12.030; adding a new section to chapter 46.12 RCW; providing an effective date; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, House Bill No. 2029, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2029, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2029, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Stevens and West - 2.

HOUSE BILL NO. 2029, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5078, by Senator Haugen

Revising the disposition of vehicle license fees.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5078 was substituted for Senate Bill No. 5078 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5078 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5078.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5078 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau and Winsley - 45.

Voting nay: Senators Hargrove and Zarelli - 2.

Excused: Senators Stevens and West - 2.

SUBSTITUTE SENATE BILL NO. 5078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator McDonald was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1266, by House Committee on Transportation (originally sponsored by Representatives Fisher and Mitchell) (by request of Governor Locke)

Making supplemental transportation appropriations.

The bill was read the second time.

MOTIONS

On motion of Senator Haugen, the following striking amendment by Senators Haugen and Benton was adopted:

Strike everything after the enacting clause and insert the following:

"PART II TRANSPORTATION AGENCIES

Sec. 201. 2000 2nd sp.s. c 3 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation \$ 1,452,000
Highway Safety Account--Federal Appropriation \$ 9,038,000
School Zone Safety Account--State Appropriation \$ ((1,004,000))

1,204,000

TOTAL APPROPRIATION \$ ((11,494,000))

11,694,000

The appropriations in this section ((is)) are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$25,000 of the highway safety account--state is provided as a one-time appropriation to implement the Cooper Jones act, chapter 165, Laws of 1998.

(2) The Washington traffic safety commission may oversee no more than four pilot projects regarding the use of traffic safety cameras at school zones and/or railroad crossings and no more than one pilot project regarding the use of traffic safety cameras at school zones, stoplights, and/or railroad crossings. The traffic safety commission shall use the following guidelines to administer the program:

(a) Traffic safety cameras may take pictures of the vehicle and vehicle license plate only;

(b) The law enforcement agency of the city or county government shall plainly mark the locations where the automated traffic enforcement system is used by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic enforcement system;

(c) Cities and counties using traffic safety cameras must provide periodic notice by mail to its citizens indicating the zones in which the traffic safety cameras will be used;

(d) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(e) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fifteen days after notification of the violation, furnishes the officials or agents of the municipality that issued the citation with:

(i) An affidavit made under oath, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner; or

(ii) Testimony in open court under oath that the person was not the operator of the vehicle at the time of the alleged violation;

(f) Infractions detected through the use of traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(g) By January 1, 2001, the traffic safety commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding traffic safety cameras demonstrated by the pilot projects.

Sec. 202. 2000 2nd sp.s. c 3 s 203 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State
Appropriation \$ 60,568,000
Motor Vehicle Account--State Appropriation \$ 1,661,000
Motor Vehicle Account--Private/Local
Appropriation \$ 376,000
County Arterial Preservation Account--
State Appropriation \$ 28,542,000

TOTAL APPROPRIATION \$ 91,147,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$240,000 of the motor vehicle account--state appropriation is provided solely for the completion of a study updating the legislature on the freight and goods road systems on county roads.

(2) The appropriations contained in this section include funding to assist counties in providing match for federal emergency funding for earthquake damage as determined by the county road administration board. The county road administration

board shall report to the transportation committees of the senate and house of representatives and the office of financial management by September 30, 2001, on the projects selected to receive match funding.

Sec. 203. 2000 2nd sp.s. c 3 s 204 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State
Appropriation \$ 104,433,000
Transportation Improvement Account--
State Appropriation \$ 148,814,000
Public Transportation Systems Account--
State Appropriation \$ 4,532,000
Multimodal Transportation Account--State
Appropriation \$ 11,977,000
TOTAL APPROPRIATION \$ 269,756,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The transportation improvement account--state appropriation includes \$60,000,000 in proceeds from the sale of bonds, \$30,000,000 authorized by RCW 47.26.500, and \$30,000,000 authorized by House Bill No. 2788. If House Bill No. 2788 is not enacted in the form passed by the legislature \$30,000,000 of the amount provided in this subsection shall lapse.

(2) The appropriations contained in this section include funding to assist cities and counties in providing match for federal emergency funding for earthquake damage as determined by the transportation improvement board. The transportation improvement board shall report to the transportation committees of the senate and house of representatives and the office of financial management by September 30, 2001, on the projects selected to receive match funding.

Sec. 204. 2000 2nd sp.s. c 3 s 211 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--
State Appropriation \$ ((154,314,000)) 154,550,000

State Patrol Highway Account--
Federal Appropriation \$ ((6,153,000)) 7,097,000

State Patrol Highway Account--
Private/Local Appropriation \$ 169,000
TOTAL APPROPRIATION \$ ((160,636,000)) 161,816,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$1,435,000 of the state patrol highway account--state appropriation is provided solely to the field operations group subprogram as a one-time appropriation to begin funding phase III of the Washington state patrol's upgrade to the statewide emergency communication system. The Washington state patrol shall provide a full analysis of the costs, benefits, and requirements for completing all phases of the upgrade to the statewide emergency communication system to the senate transportation committee and the house of representatives transportation committee by December 1, 1999.

(2) The Washington state patrol is authorized to use the federal community-oriented policing program (COPS) for 18 COPS troopers to begin in July 2000. The troopers must be used on the state's highways and up to six may be utilized in the Vancouver, Washington area.

Sec. 205. 2000 2nd sp.s. c 3 s 212 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU

State Patrol Highway Account--
State Appropriation \$ ((65,621,000)) 65,963,000

State Patrol Highway Account--
Federal Appropriation \$ 104,000
State Patrol Highway Account--
Private/Local Appropriation \$ 743,000
TOTAL APPROPRIATION \$ ((66,468,000)) 66,810,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$877,000 of the state patrol highway account--state appropriation is provided solely to maintain pursuit vehicles and provide for replacement of the vehicles at 110,000 miles. The agency may purchase a total of 354 pursuit vehicles during the biennium ending June 30, 2001. The appropriation in this section reflects carry forward and new funding due to the consolidation of gasoline, maintenance, parts, and pursuit vehicles into the fleet section of the support services bureau.

Sec. 206. 2000 2nd sp.s. c 3 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--
State Appropriation \$ 2,210,000
Highway Safety Account--State Appropriation \$ ((77,974,000)) 77,901,000

TOTAL APPROPRIATION \$ ((80,184,000)) 80,111,000

The appropriations in this section are subject to the following conditions and limitations:

(1) By January 1, 2001, the department shall report to the transportation committees of the house of representatives and the senate on the progress of the driver history initiative project and make recommendations for implementing this project on a statewide level.

(2) \$2,880,000 of the highway safety account--state appropriation is provided solely for the department to enter into a contract for the implementation of an improved state driver's license and identicard. The contract with the vendor providing the improved license and identicard shall state that the license and the identicard shall not contain: (a) The driver's social security number in either visible or machine readable form; or (b) the driver's fingerprint or thumbprint. Consistent with RCW 42.17.260(9) the department shall not sell or otherwise make available any information that it gathers from citizens of the state of Washington in administering the driver's licensing program except as already authorized in Title 46 RCW.

(3) In September of 1999 the department of licensing shall report to the senate transportation committee and the house of representatives transportation committee on:

(a) The controls implemented by the department to ensure the integrity and credibility of the written driver's license test administered by the department; and

(b) The policies and procedures implemented by the department to ensure that the driver's manuals produced and distributed by the department contain correct data based on current federal, state, and local statutes, ordinances, and rules.

(4) \$17,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1774 enacted in the form passed by the legislature. If House Bill No. 1774 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(5) \$130,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 2259 enacted in the form passed by the legislature. If House Bill No. 2259 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

Sec. 207. 2000 2nd sp.s. c 3 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation	\$ ((45,236,000))	<u>45,563,000</u>
Motor Vehicle Account--Federal Appropriation	\$ ((400,000))	<u>481,000</u>
TOTAL APPROPRIATION	\$ ((45,636,000))	<u>46,044,000</u>

Sec. 208. 2000 2nd sp.s. c 3 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Motor Vehicle Account--State Appropriation	\$ ((459,765,000))	<u>460,931,000</u>
Motor Vehicle Account--Federal Appropriation	\$ ((240,241,000))	<u>242,091,000</u>
Motor Vehicle Account--Private/Local Appropriation	\$ 50,363,000	
Special Category C Account--State Appropriation	\$ 55,220,000	
Puyallup Tribal Settlement Account-- State Appropriation	\$ 8,662,000	
Multimodal Transportation Account--State Appropriation	\$ 4,880,000	
Multimodal Transportation Account--Federal Appropriation	\$ 1,275,000	
Multimodal Transportation Account--Private/Local Appropriation	\$ 1,106,000	
TOTAL APPROPRIATION	\$ ((824,542,000))	<u>824,528,000</u>

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of \$55,220,000 includes \$40,500,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5060 or House Bill No. 1203 enacted in the form passed by the legislature. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--state appropriation includes \$1,285,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report December 1st and June 1st of each year to the senate transportation committee and the house of representatives transportation committee and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(4) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account or multimodal transportation account to ensure efficient funds management and program delivery.

(5) \$2,270,000 of the motor vehicle account--state appropriation is provided solely for the north Sumner interchange project. The project shall no longer receive a portion of its funding from the economic development account.

(6) \$4,880,000 of the multimodal transportation account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(7) The motor vehicle account--state appropriation includes \$147,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(8)(a) \$50,000,000 of the motor vehicle account--state appropriation is provided as a cash contribution for the development of the public private initiatives project at Tacoma Narrows. State funds shall be used initially for the acquisition of right of way and the forensic studies of the existing bridge including purchase of equipment necessary to conduct the studies. The balance of state funds not required for acquisition of right of way and forensic studies shall be placed with the designated bond trustee at the same time the privately secured debt proceeds are deposited.

(b) The \$50,000,000 provided in (a) of this subsection includes \$5,527,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW.

(9) \$5,800,000 of the motor vehicle account--state appropriation is provided solely for the completion of the weigh stations at Stanwood and Cle Elum along with weigh in motion at those sites and weigh in motion at Fort Lewis Northbound. The Washington state patrol and department of transportation shall work cooperatively to complete these projects.

(10) \$485,000 of the motor vehicle account--state appropriation is a reappropriation provided solely to enable the translake committee to finalize and present its recommendations. Upon presentation of the recommendations, or upon the expenditure of the appropriation provided by this subsection, the department of transportation shall disband the committee.

(11) \$800,000 of the motor vehicle account--state appropriation and \$3,000,000 of the motor vehicle account--federal appropriation are provided solely to the Washington state department of transportation, office of urban mobility, to advance the recommendations of the translake Washington study committee. These funds shall be used to develop a scope of work for an environmental impact statement and related engineering work, including an environmental strategy, a decision process, a statement of purpose and need, and a formal notice of intent. None of the appropriation for the scope of work for the environmental impact statement shall be available to support any activities of the translake Washington study committee.

(12) \$1,166,000 of the motor vehicle fund--state appropriation is provided solely for predesign of the northeast 44th street interchange on I-405. This amount shall be placed into a reserve status until such time as a one-third contribution is made by the city of Renton and a one-third contribution is made by the project developer. If the city and developer contributions are not obtained by October 31, 2000, this amount shall lapse.

(13) The department's work force levels for highway construction for the 1999-2001 biennium shall be 2200 FTEs. Additional work force increases for highway construction are authorized and shall not exceed five percent of the authorized work force. The department shall report quarterly on program delivery and related work force adjustments.

(14) \$1,250,000 of the motor vehicle account--state appropriation is provided solely to establish alternatives for flood management and flood hazard reduction projects in the Chehalis basin.

(a) The department of transportation shall convene a technical committee to develop watershed-based solutions to flooding within the Chehalis basin. The technical committee shall be comprised of representatives of the department of transportation, department of ecology, department of fish and wildlife, the department of community, trade, and economic development, the military department's emergency management division, and affected counties and tribes. The department of transportation shall also seek the participation of the United States army corps of engineers, federal emergency management administration, the United States geological survey, the United States fish and wildlife service, the United States environmental protection agency, and other entities with critical knowledge related to the structural or nonstructural flood hazard reduction projects in the Chehalis basin. Funds shall be distributed by the department of transportation for alternative analysis, mapping, and model testing projects as recommended by the technical committee. The solutions considered by the technical committee shall be consistent with fish and habitat recovery efforts and avoid additional flood hazard to downstream communities. The department of transportation shall present a report to the senate transportation committee and the house of representatives transportation committee by December 1, 1999, regarding findings and progress made by funded projects.

(b) If the federal government makes funds available to accomplish the project described in (a) of this subsection, the department of transportation shall place the appropriation identified in this section in reserve.

Sec. 209. 2000 2nd sp.s. c 3 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation	\$ ((239,927,000))	<u>240,627,000</u>
Motor Vehicle Account--Federal Appropriation	\$ ((486,000))	
		<u>1,486,000</u>
Motor Vehicle Account--Private/Local Appropriation	\$ ((3,417,000))	
		<u>4,917,000</u>
TOTAL APPROPRIATION	\$ ((243,830,000))	<u>247,030,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall not close any highway rest areas but shall continue to operate and maintain all existing rest areas. The department shall convene a panel of stakeholders to evaluate innovative financing options and partnership opportunities at safety rest areas on state highways. At a minimum, the evaluation shall include: (a) A survey of relevant laws that impact the state's ability to create public-private partnerships or utilize innovative financing techniques for the maintenance and operation of

safety rest areas; and (b) an identification of maintenance and operation activities necessary to ensure continuous operation of safety rest areas. By December 1, 2000, the stakeholder panel shall make recommendations to the house of representatives and senate transportation committees and the office of financial management on the feasibility of instituting a pilot project for public-private partnerships or innovative financing of safety rest areas.

Sec. 210. 2000 2nd sp.s. c 3 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Puget Sound Capital Construction Account-- State Appropriation	\$ 2,989,000	
Motor Vehicle Account--State Appropriation	\$ ((84,062,000))	<u>84,262,000</u>
<u>Multimodal Transportation Account--Federal</u> <u>Appropriation</u>	<u>\$ 1,000</u>	
Motor Vehicle Account--Federal Appropriation	\$ ((425,000))	<u>462,000</u>
Puget Sound Ferry Operations Account-- State Appropriation	\$ 6,353,000	
Transportation Account--State Appropriation	\$ 115,000	
Multimodal Transportation Account--State Appropriation	\$ 1,402,000	
TOTAL APPROPRIATION	\$ ((95,046,000))	<u>95,584,000</u>

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity:

(1) \$75,000 of the motor vehicle account--state appropriation is provided solely to enable the secretary of transportation to implement a leadership training program at the department of transportation. The program shall include a mentoring component. The department shall develop performance measures to evaluate the effectiveness of the program, including but not limited to a performance measure to determine the effect of the program on employee retention. The department shall provide a progress report on the training program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee by December 1, 2000.

(2) Appropriation transfers from transportation management and support to the transportation equipment fund for management information services activities shall be permitted through fiscal year 2000. Effective July 1, 2000, expenditures for these activities shall be charged directly to transportation management and support.

Sec. 211. 2000 2nd sp.s. c 3 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation	\$ ((40,459,000))	<u>10,211,000</u>
Motor Vehicle Account--Federal Appropriation	\$ 17,000,000	
Transportation Account--State Appropriation	\$ 328,000	
Multimodal Transportation Account--State Appropriation	\$ ((1,043,000))	<u>1,291,000</u>
TOTAL APPROPRIATION	\$ 28,830,000	

Sec. 212. 2000 2nd sp.s. c 3 s 227 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT

Motor Vehicle Account--State Appropriation	\$ 2,913,000	
Puget Sound Ferry Operations--State Appropriation	\$ 1,155,000	

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR

Motor Vehicle Account--State Appropriation	\$ 907,000	
(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES		

Motor Vehicle Account--State Appropriation	\$ 3,693,000	
(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL		
Motor Vehicle Account--State Appropriation	\$ ((1,990,000))	<u>2,240,000</u>

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Account--State Appropriation	\$ 11,539,000	
(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION		
Motor Vehicle Fund--Puget Sound Ferry Operations Account-- State Appropriation	\$ 3,262,000	

(7) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Account--State Appropriation	\$ 158,000	
(8) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE		
Motor Vehicle Account--State Appropriation	\$ 1,100,000	

(9) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Account--State Appropriation	\$ 392,000	
TOTAL APPROPRIATION	\$ 27,359,000	

Sec. 213. 2000 2nd sp.s. c 3 s 230 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Marine Operating Account--State

Appropriation \$ 148,330,000

Puget Sound Ferry Operations Account--State

Appropriation \$ ((137,587,000))

149,415,000

Multimodal Transportation Account--State

Appropriation \$ 5,092,000

TOTAL APPROPRIATION \$ ((294,009,000))

302,837,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Appropriations in this section shall initially be allotted as appropriated by this section. Subsequent allotment modifications shall not permit moneys that are provided solely for a specified purpose to be used for other than that purpose. After May 1, 2000, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer appropriations between the marine operating account--state and the Puget Sound ferry operations account--state appropriations. However, the program shall not expend more than the total amount appropriated from these accounts.

(2) The appropriation is based on the budgeted expenditure of ((~~\$29,539,000~~)) \$41,367,000 for vessel operating fuel in the 1999-2001 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(3) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1999-2001 biennium may not exceed \$195,690,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$341.75 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1999-2001 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1999, and thereafter, as established in the 1999-2001 general fund operating budget.

(4) The department, when implementing ferry service reductions, shall, to the extent possible, maintain peak hour vehicle and passenger service capacity, summer tourist route capacity, and a fall/winter/spring presence on all auto ferry routes, while ensuring equitable treatment among routes.

(5) The joint task force on ferries is created.

(a) The joint task force on ferries is composed of:

(i) Eight members of the legislature selected as follows:

(A) Four members of the senate, two from each of the major caucuses, to be appointed by the president of the senate, who shall select one of the four senate members as cochair;

(B) Four members of the house of representatives, two from each of the major caucuses, to be appointed by the cospeaker of the respective caucus. The cospeakers shall jointly select one of the four house members as cochair; and

(C) The members appointed from each major caucus of the senate and the house of representatives must include one member from a legislative district that encompasses a terminus of a Washington state ferry route and one from a legislative district that does not include a terminus of a Washington state ferry route;

(ii) At least one person designated by the cochairs representing each of the following:

(A) Ferry advisory committees;

(B) Persons who do not use ferries;

(C) Labor organizations representing ferry workers;

(D) Washington State Ferries;

(E) Transit operators;

(F) The office of financial management; and

(G) Other groups as deemed appropriate by the cochairs of the task force.

(b) The transportation committees shall provide staff support as mutually agreed by the cochairs of the joint task force.

(c) The legislative transportation committee shall pay the expenses of the legislative committee members.

(d) The joint task force on ferries shall report to the full legislature at the beginning of the 2001 legislative session. The report must include, but not be limited to, analysis and recommendations on the following:

(i) Establishment of a long-term goal for recovery of operating costs from fare revenue;

(ii) Options for further cuts in ferry service or full or partial restoration of ferry service cuts;

(iii) Feasibility of full or partial privatization of the ferry system, public-private partnerships, or state and local partnerships;

and

(iv) Establishing the short-term and long-term capital needs of the Washington state ferry system.

(5) The commission is authorized to increase Washington state ferry tariffs in excess of the fiscal growth factor, established under chapter 43.135 RCW, in fiscal year 2001.

Sec. 214. 2000 2nd sp.s. c 3 s 232 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Account--State Appropriation \$ ((83,435,000))

82,269,000

Motor Vehicle Account--Federal Appropriation \$ ((8,040,000))

6,190,000

Transportation Account--State Appropriation \$ 321,000

High Capacity Transportation Account--State
Appropriation \$ 150,000

Highway Infrastructure Account--Federal
Appropriation \$ 1,500,000

Highway Infrastructure Account--State
Appropriation \$ 234,000

Multimodal Transportation Account--State
Appropriation \$ 10,381,000

Urban Arterial Trust Account--State
Appropriation \$ 5,000,000

TOTAL APPROPRIATION \$ ((109,061,000))

106,045,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$40,692,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(2) \$187,000 of the transportation account--state appropriation and \$213,000 of the multimodal transportation account--state appropriation are provided solely for a study by the senate transportation committee and the house of representatives transportation committee in cooperation with the port of Benton developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

(3) The motor vehicle account--state appropriation includes \$30,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) \$10,000,000 of the multimodal transportation account--state appropriation is provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section unless agreement on ocean disposal sites has been reached which protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(5) The motor vehicle account--state appropriation includes \$1,167,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(6) \$5,000,000 of the urban arterial trust account--state appropriation is provided solely for a small city pavement preservation program, to be administered by the department's highways and local programs division. The department, in consultation with stakeholders, shall establish program guidelines. The guidelines should include but not be limited to a provision limiting program eligibility to cities with a population of 2,500 or less.

(7) \$15,000,000 of the motor vehicle account--state appropriation is provided solely for a county corridor congestion relief program, to be administered by the department's highways and local programs division. Urban corridors must connect to urban or significant activity centers; begin or end at the intersection of another arterial, state highway, or limited access freeway system; and provide an alternate route to the limited access freeway system. The purpose of the program is to provide funding for congested urban corridors, as defined and selected by the department of transportation in consultation with counties and regional transportation planning organizations. At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systematic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.

(8) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for improving traffic and pedestrian safety near schools. The highways and local programs division within the department of transportation shall administer this program. Funds should be used for traffic and pedestrian improvements near schools, including roadway channelization and signalization.

(9) The highways and local programs division within the department of transportation shall develop a prequalification procedure for potential bidders on projects administered or approved by the transportation improvement board. The board shall work with other interested parties including but not limited to associations representing general contractors and the office of minority and women's business enterprises. The prequalification procedure's goal is to ascertain that bidders are qualified by experience, financing, equipment, and organization to do the work called for in the contract documents. The prequalification procedure may require a bidder to (1) satisfy threshold requirements established by the board prior to being furnished a proposal form on any contract; or (2) complete a preaward survey of the bidder's qualification prior to award.

(10) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for city fish passage barrier removal and habitat restoration. Funds should be used for eliminating fish passage barriers, including stormwater facilities, and providing for habitat restoration for salmonid species that are listed as threatened or endangered. The amount provided in this section may only be expended upon authorization from the department of transportation's environmental affairs office.

(11) \$10,000,000 of the motor vehicle fund--state appropriation is provided solely for a city corridor congestion relief program, to be administered by the department's highways and local programs division. Urban corridors must connect to urban or significant activity centers, begin or end at the intersection of another arterial, state highway or limited access freeway system, and provide an alternate route to the limited access freeway system. The purpose of the program is to provide funding for congested urban corridors as defined and selected by the department of transportation in consultation with counties and regional transportation planning organizations. At a minimum, project selection criteria should include: Consistency with regional transportation plans;

measurable improvements in mobility; cost effectiveness; systematic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.

**PART IV
TRANSFERS AND DISTRIBUTIONS**

Sec. 401. 2000 2nd sp.s. c 3 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation	\$ ((161,310,000))	<u>154,200,000</u>
Ferry Bond Retirement Account Appropriation	\$ ((53,592,000))	<u>55,082,000</u>
Transportation Improvement Board Bond Retirement Account--State Appropriation	\$ 35,909,000	
Puget Sound Capital Construction Account--State Appropriation	\$ 270,000	
Motor Vehicle Account--State Appropriation	\$ ((1,960,000))	<u>1,600,000</u>
Special Category C Account--State Appropriation	\$ ((405,000))	<u>100,000</u>
Transportation Improvement Account--State Appropriation	\$ 600,000	
TOTAL APPROPRIATION	\$ ((254,046,000))	<u>248,426,000</u>

Sec. 402. 2000 2nd sp.s. c 3 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

(1) Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$ ((483,325,000))	<u>422,025,000</u>
(2) Transportation Fund Appropriation for motor vehicle excise tax distribution	\$ ((178,207,000))	<u>179,882,000</u>
(3) Multimodal Transportation Account--State Appropriation for motor vehicle excise tax distribution	\$ ((52,619,000))	<u>52,583,000</u>

Sec. 403. 2000 2nd sp.s. c 3 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

(1) RV Account--State Appropriation: For transfer to the Motor Vehicle Fund--State	\$ 1,865,000	
(2) State Patrol Highway Account--State Appropriation: For transfer to the Motor Vehicle Account--State	\$ 27,000,000	
(3) Highway Safety Fund--State Appropriation: For transfer to the Multimodal Transportation Account--State	\$ 3,220,000	
(4) ((Puget Sound Ferry Operations Account--State Appropriation: For transfer to the Marine Operating Account--State	\$ 1,400,000	
(5)) Public Transportation Systems Account--State Appropriation: For transfer to the Multimodal Transportation Account--State	\$ 23,182,000	
((6)) (5) Transportation Fund--State Appropriation: For transfer to the Multimodal Transportation Account--State	\$ 28,061,000	

The department of transportation shall ((only)) request the state treasurer to transfer funds provided under subsection (1) of this section only on an as-needed basis.
The state treasurer shall transfer the balance remaining at the close of the 2001 fiscal year in the licensing services account to the motor vehicle account.

Sec. 404. 2000 2nd sp.s. c 3 s 405 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

Puget Sound Ferry Operations Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account--State	\$ 67,000,000	
Motor Vehicle Fund--State Appropriation: For transfer to the Advanced Environmental		

Mitigation Revolving Account \$ 1,000,000
Motor Vehicle Fund--State Appropriation:
For transfer to Puget Sound Capital Construction
Account \$ 18,272,000
Transportation Equipment Fund--State
Appropriation: For transfer to the Motor
Vehicle Fund \$ ((2,500,000))

2,509,000

~~((High Capacity Transportation Account--State
Appropriation: For transfer to the Multimodal
Transportation Account \$ 2,036,000
Passenger Ferry Account--State Appropriation:
For transfer to the Multimodal Transportation
Account \$ 235,000))~~

The department of transportation shall only transfer funds to the Puget Sound capital construction account--state as provided under this subsection on an as-needed basis. The department of transportation shall transfer all unexpended funds from the high capacity transportation account, the passenger ferry account, the public transportation systems account, and the transportation account to the multimodal transportation account.

PART VI PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS

NEW SECTION. Sec. 601. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 602. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending 2000 2nd sp.s. c 3 ss 201, 203, 204, 211, 212, 216, 217, 219, 221, 224, 226, 227, 230, 232, 401, 403, 404, and 405 (uncodified); making appropriations; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 1266, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1266, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1266, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators McDonald, Stevens and West - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1266, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5327, by Senators Haugen, West and Gardner (by request of Governor Locke)

Making transportation appropriations for 2001-03.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5327 was substituted for Senate Bill No. 5327 and the substitute bill was placed on second reading and read the second time.

Senator Finkbeiner moved that the following amendment by Senators McDonald, Finkbeiner and Jacobson be adopted:

On page 27, after "2001" on line 22, insert the following:

NEW SECTION. Sec. 605. The appropriations assumed in sections 217 and 220 of this act are based upon the project list within the transportation executive information system, capital projects and facilities reporting system known as 2001-03 Floor Current Law Budget- Living Within Our Means, dated March 23, 2001.

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McDonald, Finkbeiner and Jacobsen on page 27, after "2001" on line 22, to Substitute Senate Bill No. 5327.

The motion by Senator Finkbeiner carried and the amendment was adopted.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5327 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5327.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5327 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Voting nay: Senators Carlson and Hargrove - 2.

Excused: Senators McDonald, Stevens and West - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Franklin was excused.

SECOND READING

SENATE BILL NO. 5755, by Senators Horn, Haugen, Winsley, McAuliffe and Oke (by request of The Blue Ribbon Commission on Transportation)

Adjusting responsibilities of the transportation commission.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5755 was substituted for Senate Bill No. 5755 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the following striking amendment by Senators Haugen, Horn and Benton was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that transportation in the state of Washington is in crisis. Congestion on the state highways has reached unprecedented proportions in several parts of the state, some roads and bridges are in poor condition and need improvement, and the revenues that state and local governments have traditionally used to fund projects are declining.

The legislature further finds that the Blue Ribbon Commission on Transportation, in its final report, recognized that a lack of governmental coordination among jurisdictions creates an inability to provide an integrated transportation system and recommended that efficiencies in agencies be accomplished whenever possible.

Therefore, it is the legislature's intent to create the transportation funding board. It is the legislature's further intent to consolidate three separately funded transportation agencies because many of their services are duplicative with each other and with services offered by the state department of transportation. In these times of insufficient funding, it makes sense to achieve a savings for the state that can be better spent in addressing the transportation needs of the citizens of Washington. The legislature therefore intends that some functions of the county road administration board, all of the functions of the transportation improvement

board, and all of the functions of the freight mobility strategic investment board be consolidated into the highway and local programs division of the department of transportation and administered by the transportation funding board.

It is the further intent of the legislature to create the legislative transportation accountability program as a single point of accountability at the state level to monitor and analyze the performance of the state's transportation system and ensure that statewide transportation benchmarks are achieved.

It is the further intent of the legislature to authorize the governor to appoint the secretary of transportation and transfer the functions of the transportation commission to the department of transportation, the transportation funding board, and the legislative transportation accountability program.

PART I - DEPARTMENT OF TRANSPORTATION

Sec. 2. RCW 47.01.021 and 1977 ex.s. c 151 s 2 are each amended to read as follows:

As used in this title unless the context indicates otherwise:

(1) "Department" means the department of transportation created in RCW 47.01.031;

(2) "~~(Commission)~~ Board" means the transportation (~~(commission)~~) funding board created in (~~(RCW 47.01.054)~~) section 9 of this act;

(3) "Secretary" means the secretary of transportation as provided for in RCW 47.01.041.

NEW SECTION. Sec. 3. A new section is added to chapter 47.01 RCW to read as follows:

The department has the following functions, powers, and duties:

(1) To propose policies to be adopted by the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system that will meet the needs of the people of this state for safe and efficient transportation services. The department shall consider mobility and congestion relief, and, where appropriate, develop policies for the use of integrated, intermodal transportation systems to implement the travel demands, economic and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources, including land and energy. To this end, the department shall:

(a) Develop transportation policies that are based on the policies, goals, and objectives expressed and inherent in state laws and the legislative transportation accountability program's transportation benchmarks; and

(b) Inventory the adopted policies, goals, and objectives of the local and areawide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan.

(2) To prepare and submit a comprehensive and balanced statewide transportation plan to the house and senate standing committees on transportation, that must be based on the transportation policy adopted by the legislature, the benchmarks adopted by the legislative transportation accountability program, and applicable state and federal laws. The plan must take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities. The plan must be reviewed and revised before each regular session of the legislature during an even-numbered year.

(3) To implement the policy of the state on each of the following items:

(a) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(b) To provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impacts of transportation programs;

(c) To integrate the statewide transportation plan with the needs of the elderly and handicapped, and to coordinate federal and state programs directed at assisting local governments to answer those needs;

(d) To provide for the administration of grants in aid and other financial assistance to counties and municipal corporations for transportation purposes; and

(e) To provide for the management, sale, and lease of property or property rights owned by the department that are not required for transportation purposes.

(4) To approve and propose to the governor before the convening of each regular session during an odd-numbered year a recommended budget for the operation of the department and for carrying out the program of the department for the ensuing biennium. The proposed budget must separately state the appropriations to be made from the motor vehicle fund for highway purposes in accordance with constitutional limitations and appropriations and expenditures to be made from the general fund, or accounts thereof, and other available sources for other operations of the department.

(5) To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities.

(6) To adopt such rules and policy directives as may be necessary to carry out reasonably and properly those functions expressly vested in the department by statute.

Sec. 4. RCW 47.80.023 and 1998 c 171 s 8 are each amended to read as follows:

Each regional transportation planning organization shall have the following duties:

(1) Prepare and periodically update a transportation strategy for the region that makes progress towards meeting the benchmarks set forth in section 51 of this act. The strategy (~~(shall)~~) should address alternative transportation modes and transportation demand management measures in regional corridors and shall recommend preferred transportation policies to implement adopted growth strategies. The strategy shall serve as a guide in preparation of the regional transportation plan.

(2) Prepare a regional transportation plan as set forth in RCW 47.80.030 that is consistent with countywide planning policies if such have been adopted pursuant to chapter 36.70A RCW, with county, city, and town comprehensive plans, and state transportation plans.

(3) Certify by December 31, 1996, that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region reflect the guidelines and principles developed pursuant to RCW 47.80.026, are consistent with the adopted regional transportation plan, and, where appropriate, conform with the requirements of RCW 36.70A.070.

(4) Where appropriate, certify that countywide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.

(5) Develop, in cooperation with the department of transportation, operators of public transportation services and local governments within the region, a six-year regional transportation improvement program which proposes regionally significant transportation projects and programs and transportation demand management measures. ~~The regional transportation improvement program ((shall be based on the programs, projects, and transportation demand management measures of regional significance as))~~ must consider mobility and congestion relief in reviewing and adopting the programs, projects, and transportation demand management measures of regional significance as identified by its own analysis of population growth and travel demands, as well as those identified by transit agencies, cities, and counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121, respectively. The program shall include a priority list of projects and programs, project segments and programs, transportation demand management measures, and a specific financial plan that demonstrates how the transportation improvement program can be funded. Included within the program must be analysis of transportation corridors within the region to determine whether an existing corridor should be expanded, a city or county road should become a state route, and whether a new corridor is needed to alleviate congestion and enhance mobility based on travel demand. The program shall be updated at least every two years for the ensuing six-year period.

(6) Designate a lead planning agency to coordinate preparation of the regional transportation plan and carry out the other responsibilities of the organization. The lead planning agency may be a regional organization, a component county, city, or town agency, or the appropriate Washington state department of transportation district office.

(7) Review level of service methodologies used by cities and counties planning under chapter 36.70A RCW to promote a consistent regional evaluation of transportation facilities and corridors.

(8) Work with cities, counties, transit agencies, the department of transportation, and others to develop level of service standards or alternative transportation performance measures.

The department shall create subregion offices to provide assistance and advice to urbanized areas on congestion relief efforts.

Sec. 5. RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, ~~((and))~~ (14) the secretary of health, and (15) the director of financial institutions.

Such officers, except the ~~((secretary of transportation and the))~~ director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. ~~((The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.))~~ The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

Sec. 6. RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each amended to read as follows:

The executive head of the department of transportation shall be the secretary of transportation, who shall be appointed by the ~~((transportation commission, and))~~ governor for a term of six years from appointment, but may serve no more than one year unless and until confirmed by the senate, and may not be reappointed if senate confirmation has not been received within one year of appointment. The secretary shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The secretary ~~((shall be an ex officio member of the commission without a vote. The secretary shall be the chief executive officer of the commission and be responsible to it, and shall be guided by policies established by it. The secretary shall serve until removed by the commission, but only for incapacity, incompetence, neglect of duty, malfeasance in office, or failure to carry out the commission's policies. Before a motion for dismissal shall be acted on by the commission, the secretary shall be granted a hearing on formal written charges before the full commission. An action by the commission to remove the secretary shall be final))~~ serves at the pleasure of the governor.

Sec. 7. RCW 47.01.101 and 1987 c 505 s 48 and 1987 c 179 s 1 are each reenacted and amended to read as follows:

The secretary shall have the authority and it shall be his or her duty, subject to policy guidance from the ~~((commission))~~ legislature and the governor:

- (1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;
- (2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;
- (3) To designate and establish such transportation district or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;
- (4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;
- (5) To adopt all department rules that are subject to the adoption procedures contained in the state Administrative Procedure Act ~~((, except rules subject to adoption by the commission pursuant to statute));~~
- (6) To maintain and safeguard the official records of the department ~~((, including the commission's recorded resolutions and orders));~~
- (7) ~~((To provide full staff support to the commission to assist it in carrying out its functions, powers, and duties and to execute the policy established by the commission pursuant to its legislative authority;~~
- ~~((8))~~ To execute and implement the biennial operating budget for the operation of the department in accordance with chapter 43.88 RCW and with legislative appropriation and, in such manner as prescribed therein, to make and report to the ~~((commission))~~ governor and the chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, deviations from the planned biennial category A and H highway construction programs necessary to adjust to unexpected delays or other unanticipated circumstances ~~((; and~~
- ~~((9))~~ (8) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

NEW SECTION. Sec. 8. A new section is added to chapter 47.01 RCW to read as follows:

All references in the Revised Code of Washington to the transportation commission that assign committee membership or administrative authority are transferred to the secretary of transportation.

PART II - TRANSPORTATION FUNDING BOARD

NEW SECTION. Sec. 9. A new section is added to chapter 47.01 RCW to read as follows:

- (1) The transportation funding board is created.
- (2) The board is composed of seventeen members. No appointee may serve more than one year without senate confirmation. The following fourteen members are appointed by the governor with the advice and consent of the senate for terms of six years, except that six members initially are appointed for terms of three years:
 - (a) Three representatives from counties, appointed from a list of at least four persons nominated by the Washington state association of counties or its successor;
 - (b) Three representatives from cities and towns, appointed from a list of at least four persons nominated jointly by the association of Washington cities or its successor and city councils of any jurisdiction not represented by the association of Washington cities;
 - (c) One representative of the public transit system;
 - (d) One representative from the executive committee of the Washington state ferry users;
 - (e) One member appointed as a representative of the trucking industry from a list of two persons recommended by the Washington trucking association or its successor;
 - (f) One member appointed as a representative of the railroads;
 - (g) One member appointed as a representative of the ports, appointed from a list of at least two persons nominated by the Washington public ports association or its successor;
 - (h) Two private sector representatives; and
 - (i) One member representing special needs transportation.
- (3) The board must also include the three following representatives:
 - (a) One member representing the highways division of the department;
 - (b) One member representing the local programs division of the department; and
 - (c) One member representing the office of financial management.
- (4) In making appointments to the board, the governor shall ensure that each geographic region of the state is represented.
- (5) If a vacancy on the board occurs by death, resignation, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations under subsection (2) of this section must be filled from a list of persons nominated by the appropriate association or associations.
- (6) The governor may not remove members from the board before the expiration of their terms unless for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the Thurston county superior court, upon petition and show cause proceedings brought for that purpose in that court and directed to the board member in question.
- (7) No member may be appointed for more than two consecutive terms.
- (8) No member may serve for more than one year without the consent of the senate.

NEW SECTION. Sec. 10. A new section is added to chapter 47.01 RCW to read as follows:

- (1) The board shall meet quarterly and upon the call of its chair. It may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by the majority vote of at least nine members.
- (2) The board shall elect one of its members as the chair for a term of one year. The chair may vote on all matters before the board.
- (3) Each member of the board will be compensated in accordance with RCW 43.03.250 and reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chair. However, in no event may a board member be compensated in any year for more than one hundred days, except the chair of the board may be compensated for not more than one hundred twenty-five days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.
- (4) The highways and local programs division of the department shall provide staff support to the board.
- (5) The board shall keep proper records and is subject to audit by the state auditor.

NEW SECTION. Sec. 11. A new section is added to chapter 47.01 RCW to read as follows:

The board shall oversee and approve funding for improvements on state, city, and county arterials as specified by law. The board shall also select, prioritize, and create funding partnerships for freight transportation projects and minimize the impact of freight movement on local communities.

NEW SECTION. Sec. 12. A new section is added to chapter 47.01 RCW to read as follows:

The board and the highways and local programs division of the department shall:

- (1) Adopt rules necessary to implement the board's responsibilities relating to the allocation of funds; and
- (2) Adopt reasonably uniform design standards for city and county arterials.

NEW SECTION. Sec. 13. A new section is added to chapter 47.01 RCW to read as follows:

All costs associated with staff to the transportation funding board, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060, will be paid from the urban arterial trust account, the transportation improvement account, the rural arterial trust account, and the motor vehicle account in the motor vehicle fund as determined by the biennial appropriation.

NEW SECTION. Sec. 14. A new section is added to chapter 47.01 RCW to read as follows:

The highways and local programs division of the department shall administer the rural arterial trust account created in RCW 36.79.020, with the oversight and approval of the transportation funding board. All rules and procedures previously adopted by the county road administration board regarding this account must be adopted in their entirety by the transportation funding board.

NEW SECTION. Sec. 15. A new section is added to chapter 47.01 RCW to read as follows:

(1) The highways and local programs division of the department shall administer the urban arterial trust account created in RCW 47.26.080, the arterial improvement grant program, the small city program, the city hardship program, and the pedestrian safety and mobility program, with oversight and approval by the transportation funding board. All rules and procedures regarding the administration of the account and programs must be adopted in their entirety by the transportation funding board.

(2) The highways and local programs division of the department shall administer the transportation improvement account created in RCW 47.26.084 and the transportation partnership grant program, with the oversight and approval of the transportation funding board. All rules and procedures regarding the administration of the account and program must be adopted in their entirety by the transportation funding board.

NEW SECTION. Sec. 16. A new section is added to chapter 47.01 RCW to read as follows:

The transportation funding board and the highways and local programs division of the department shall adopt reasonable rules necessary to implement the city hardship assistance program as recommended by the road jurisdiction study.

The following criteria should be used to implement the program:

(1) Only those cities with a net gain in cost responsibility due to jurisdictional transfers in chapter 342, Laws of 1991, as determined by the board, may participate;

(2) Cities with populations of fifteen thousand or less, as determined by the office of financial management, may participate;

(3) The board shall develop criteria and procedures under which eligible cities may request funding for rehabilitation projects on city streets acquired under chapter 342, Laws of 1991; and

(4) The board may also allocate funds from the city hardship assistance program to cities with a population under twenty thousand to offset extraordinary costs associated with the transfer of roadways other than under chapter 342, Laws of 1991, that occur after January 1, 1991.

NEW SECTION. Sec. 17. A new section is added to chapter 47.01 RCW to read as follows:

The legislature recognizes the need for a multijurisdictional body to review future requests for jurisdictional transfers. The transportation funding board shall receive petitions from cities, counties, or the state requesting any addition or deletion from the state highway system. Additionally, the board may conduct its own analysis and make recommendations based upon that analysis to determine additions or deletions from the state highway system. The board shall use the criteria established in RCW 47.17.001 in evaluating petitions and shall adopt rules for implementation of this process. The board shall forward any recommended jurisdictional transfers to the transportation committees of the house and senate by November 15th of each year.

Sec. 18. RCW 36.57A.070 and 1985 c 6 s 5 are each amended to read as follows:

The legislative transportation accountability program committee shall review the comprehensive transit plan adopted by the authority (~~shall be reviewed by the state transportation commission~~) to determine:

(1) The completeness of service to be offered and the economic viability of the transit system proposed in such comprehensive transit plan;

(2) Whether such plan integrates the proposed transportation system with existing transportation modes and systems that serve the benefit area;

(3) Whether such plan coordinates that area's system and service with nearby public transportation systems;

(4) Whether such plan is eligible for matching state or federal funds(;

~~After reviewing the comprehensive transit plan, the state transportation commission shall have sixty days in which to approve such plan and to certify to the state treasurer that such public transportation benefit area shall be eligible to receive the motor vehicle excise tax proceeds authorized pursuant to RCW 36.58.273, as now or hereafter amended in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended. To be approved a plan shall provide for coordinated transportation planning, the integration of such proposed transportation program with other transportation systems operating in areas adjacent to, or in the vicinity of the proposed public transportation benefit area, and be consistent with the public transportation coordination criteria adopted pursuant to the urban mass transportation act of 1964 as amended as of July 1, 1975. In the event such comprehensive plan is disapproved and ruled ineligible to receive motor vehicle tax proceeds, the state transportation commission shall provide written notice to the authority within thirty days as to the reasons for such plan's disapproval and such ineligibility. The authority may resubmit such plan upon reconsideration and correction of such deficiencies in the plan cited in such notice of disapproval).~~

Sec. 19. RCW 36.78.030 and 1971 ex.s. c 85 s 5 are each amended to read as follows:

There is created hereby a county road administration board consisting of nine members who shall be appointed by the executive committee of the Washington state association of counties. (~~Prior to July 1, 1965 the executive committee of the Washington state association of counties shall appoint the first members of the county road administration board: Three members to serve one year; three members to serve two years; and three members to serve three years from July 1, 1965. Upon expiration of the original terms subsequent~~). Appointments (~~shall~~) must be made (~~by the same appointing authority~~) for three year terms except in the case of a vacancy, in which event the appointment (~~shall~~) will be only for the remainder of the unexpired term in which the vacancy has occurred.

Sec. 20. RCW 36.78.070 and 1999 c 269 s 1 are each amended to read as follows:

The county road administration board shall:

(1) Establish by rule, standards of good practice for the administration of county roads and the efficient movement of people and goods over county roads;

(2) Establish reporting requirements for counties with respect to the standards of good practice adopted by the board;

(3) Receive and review reports from counties and reports from its executive director to determine compliance with legislative directives and the standards of good practice adopted by the board;

(4) (~~Advise counties on issues relating to county roads and the safe and efficient movement of people and goods over county roads and~~) Assist counties in developing uniform and efficient transportation-related information technology resources;

(5) Report annually before the fifteenth day of January, and throughout the year as appropriate, to the state department of transportation and to the chairs of the legislative transportation committee and the house and senate transportation committees, and to other entities as appropriate on the status of county road administration in each county, including one copy to the staff of each of the committees. The annual report shall contain recommendations for improving administration of the county road programs;

(6) Administer the (~~rural arterial program established by chapter 36.79 RCW and the~~) program funded by the county arterial preservation account established by RCW 46.68.090(~~, as well as any other programs provided for in law~~).

Sec. 21. RCW 36.78.090 and 1984 c 7 s 33 are each amended to read as follows:

(1) Before May 1st of each year the board shall transmit to the state treasurer certificates of good practice on behalf of the counties which during the preceding calendar year:

(a) Have submitted to the state department of transportation or to the board all reports required by law or regulation of the board; and

(b) Have reasonably complied with provisions of law relating to county road administration and with the standards of good practice as formulated and adopted by the board.

(2) The board shall not transmit to the state treasurer a certificate of good practice on behalf of any county failing to meet the requirements of subsection (1) of this section, but the board shall in such case and before May 1st, notify the county and the state treasurer of its reasons for withholding the certificate.

(3) The state treasurer, upon receiving a notice that a certificate of good practice will not be issued on behalf of a county, or that a previously issued certificate of good practice has been revoked, shall, effective the first day of the month after that in which notice is received, withhold from such county its share of motor vehicle fuel taxes distributable ~~((pursuant to))~~ under RCW 46.68.120 until the board ~~((thereafter))~~ issues on behalf of such county a certificate of good practice or a conditional certificate. After withholding or revoking a certificate of good practice with respect to any county, the board may ~~((thereafter))~~ at any time issue such a certificate or a conditional certificate when the board is satisfied that the county has complied or is diligently attempting to comply with the requirements of subsection (1) of this section.

(4) The board may, upon notice and a hearing, revoke a previously issued certificate of good practice or substitute a conditional certificate ~~((therefor))~~ when, after issuance of a certificate of good practice, any county fails to meet the requirements of subsection (1) (a) and (b) of this section, but the board shall in such case notify the county and the state treasurer of its reasons for the revocation or substitution.

(5) Motor vehicle fuel taxes withheld from any county pursuant to this section shall not be distributed to any other county, but shall be retained in the motor vehicle fund to the credit of the county originally entitled ~~((thereto))~~ to them. Whenever the state treasurer receives from the board a certificate of good practice issued on behalf of such county he shall distribute to such county all of the funds theretofore retained in the motor vehicle fund to the credit of such county.

Sec. 22. RCW 36.78.100 and 1977 ex. s. c 257 s 2 are each amended to read as follows:

Whenever the board finds that a county has failed to submit the reports required by RCW 36.78.090, or has failed to comply with provisions of law relating to county road administration or has failed to meet the standards of good practice as formulated and adopted by the board, the board may in lieu of withholding or revoking a certificate of good practice issue and transmit to the state treasurer on behalf of such county a conditional certificate which will authorize the continued distribution to such county all or a designated portion of its share of motor vehicle fuel taxes. The ~~((issuance of such))~~ board shall issue a conditional certificate ~~((shall be))~~ upon terms and conditions as ~~((shall be deemed by the board to be))~~ appropriate. ~~((In the event))~~ If a county on whose behalf a conditional certificate is issued fails to comply with the terms and conditions of such certificate, the board may ~~((forthwith))~~ cancel or modify such certificate notifying the state treasurer ~~((thereof))~~ of its action. In such case the state treasurer shall ~~((thereafter))~~ withhold from such county all or the designated portion of its share of the motor vehicle fuel taxes as provided in RCW 36.78.090.

Sec. 23. RCW 36.79.010 and 1997 c 81 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Rural arterial program" means improvement projects on those county roads in rural areas classified as rural arterials and collectors in accordance with the federal functional classification system and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas.

(2) "Rural area" means every area of the state outside of areas designated as urban areas by the state transportation commission with the approval of the secretary of the United States department of transportation in accordance with federal law.

(3) "Board" means the ~~((county road administration))~~ transportation funding board created by ~~((RCW 36.78.030))~~ section 9 of this act.

Sec. 24. RCW 36.79.020 and 1997 c 81 s 2 are each amended to read as follows:

There is created in the motor vehicle fund the rural arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the rural arterial trust account shall be expended for (1) the construction and improvement of county rural arterials and collectors, (2) the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas, and (3) those expenses of the board associated with the administration of the rural arterial program. No more than three percent of moneys in the account may be spent on the expenses of the board associated with the administration of the rural arterial program.

Sec. 25. RCW 36.79.060 and 1998 c 245 s 31 are each amended to read as follows:

The highways and local programs division of the department of transportation and the board shall:

(1) Adopt rules necessary to implement the provisions of this chapter relating to the allocation of funds in the rural arterial trust account to counties;

(2) Adopt reasonably uniform design standards for county rural arterials and collectors that meet the requirements for trucks transporting commodities.

Sec. 26. RCW 36.79.110 and 1988 c 167 s 7 are each amended to read as follows:

The county road administration board and the transportation ~~((improvement))~~ funding board shall jointly adopt rules to assure coordination of their respective programs especially with respect to projects proposed by the group of incorporated cities outside the boundaries of federally approved urban areas, and to encourage the system development of county-city arterials in rural areas.

Sec. 27. RCW 43.84.092 and 2000 2nd sp.s. c 4 s 6 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180

and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, ~~((the public transportation systems account,))~~ the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 28. RCW 47.06A.010 and 1998 c 175 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the ~~((freight mobility strategic investment))~~ transportation funding board created in ~~((RCW 47.06A.030))~~ section 9 of this act.

(2) "Department" means the department of transportation.

(3) "Freight mobility" means the safe, reliable, and efficient movement of goods within and through the state to ensure the state's economic vitality.

(4) "Local governments" means cities, towns, counties, special purpose districts, port districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts.

(5) "Public entity" means a state agency, city, town, county, port district, or municipal or regional planning organization.

(6) "Strategic freight corridor" means a transportation corridor of great economic importance within an integrated freight system that:

(a) Serves international and domestic interstate and intrastate trade;

(b) Enhances the state's competitive position through regional and global gateways;

(c) Carries freight tonnages of at least:

(i) Four million gross tons annually on state highways, city streets, and county roads;

(ii) Five million gross tons annually on railroads; or

(iii) Two and one-half million net tons on waterways; and
(d) Has been designated a strategic corridor by the board under RCW 47.06A.020(3). However, new alignments to, realignments of, and new links to strategic corridors that enhance freight movement may qualify, even though no tonnage data exists for facilities to be built in the future.

Sec. 29. RCW 47.06A.020 and 1999 c 216 s 1 are each amended to read as follows:

(1) The ~~highways and local programs division of the department and the~~ board shall:

(a) Adopt rules and procedures necessary to implement the freight mobility strategic investment program;
(b) Solicit from public entities proposed projects that meet eligibility criteria established in accordance with subsection (4) of this section; and

(c) Review and evaluate project applications based on criteria established under this section, and prioritize and select projects comprising a portfolio to be funded in part with grants from state funds appropriated for the freight mobility strategic investment program. In determining the appropriate level of state funding for a project, the board shall ensure that state funds are allocated to leverage the greatest amount of partnership funding possible. After selecting projects comprising the portfolio, the board shall submit them as part of its budget request to the office of financial management and the legislature. The board shall ensure that projects submitted as part of the portfolio are not more appropriately funded with other federal, state, or local government funding mechanisms or programs. The board shall reject those projects that appear to improve overall general mobility with limited enhancement for freight mobility.

The board shall provide periodic progress reports on its activities to the office of financial management and the legislative transportation committee.

(2) The board may:

(a) Accept from any state or federal agency, loans or grants for the financing of any transportation project and enter into agreements with any such agency concerning the loans or grants;

(b) Provide technical assistance to project applicants;

(c) Accept any gifts, grants, or loans of funds, property, or financial, or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;

(d) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and

(e) Do all things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

(3) The board shall designate strategic freight corridors within the state. The board shall update the list of designated strategic corridors not less than every two years, and shall establish a method of collecting and verifying data, including information on city and county-owned roadways.

(4) From June 11, 1998, through the biennium ending June 30, 2001, the board shall utilize threshold project eligibility criteria that, at a minimum, includes the following:

(a) The project must be on a strategic freight corridor;

(b) The project must meet one of the following conditions:

(i) It is primarily aimed at reducing identified barriers to freight movement with only incidental benefits to general or personal mobility; or

(ii) It is primarily aimed at increasing capacity for the movement of freight with only incidental benefits to general or personal mobility; or

(iii) It is primarily aimed at mitigating the impact on communities of increasing freight movement, including roadway/railway conflicts; and

(c) The project must have a total public benefit/total public cost ratio of equal to or greater than one.

(5) From June 11, 1998, through the biennium ending June 30, 2001, the board shall use the multicriteria analysis and scoring framework for evaluating and ranking eligible freight mobility and freight mitigation projects developed by the freight mobility project prioritization committee and contained in the January 16, 1998, report entitled "Project Eligibility, Priority and Selection Process for a Strategic Freight Investment Program." The prioritization process shall measure the degree to which projects address important program objectives and shall generate a project score that reflects a project's priority compared to other projects. The board shall assign scoring points to each criterion that indicate the relative importance of the criterion in the overall determination of project priority. After June 30, 2001, the board may supplement and refine the initial project priority criteria and scoring framework developed by the freight mobility project prioritization committee as expertise and experience is gained in administering the freight mobility program.

(6) It is the intent of the legislature that each freight mobility project contained in the project portfolio submitted by the board utilize the greatest amount of nonstate funding possible. The board shall adopt rules that give preference to projects that contain the greatest levels of financial participation from nonprogram fund sources. The board shall consider twenty percent as the minimum partnership contribution, but shall also ensure that there are provisions allowing exceptions for projects that are located in areas where minimal local funding capacity exists or where the magnitude of the project makes the adopted partnership contribution financially unfeasible.

(7) The board shall develop and recommend policies that address operational improvements that primarily benefit and enhance freight movement, including, but not limited to, policies that reduce congestion in truck lanes at border crossings and weigh stations and provide for access to ports during nonpeak hours.

Sec. 30. RCW 47.26.044 and 1994 c 179 s 6 are each amended to read as follows:

The term "board" as used in this chapter means the transportation ~~((improvement))~~ funding board.

Sec. 31. RCW 47.26.080 and 1999 c 94 s 16 are each amended to read as follows:

There is hereby created in the motor vehicle fund the urban arterial trust account. The intent of the urban arterial trust account program is to improve the arterial street system of the state by improving mobility and safety while supporting an environment essential to the quality of life of the citizens of the state of Washington. The city hardship assistance program, as provided in ~~((RCW 47.26.164))~~ section 16 of this act, and the small city program, as provided for in RCW 47.26.115, are implemented within the urban arterial trust account.

The board shall not allocate funds, nor make payments of the funds under RCW 47.26.260, to any county, city, or town identified by the governor under RCW 36.70A.340.

No more than two percent of the funds in the urban arterial trust account may be spent on administrative costs in implementing programs under this account.

Sec. 32. RCW 47.26.084 and 1999 c 94 s 17 are each amended to read as follows:

The transportation improvement account is hereby created in the motor vehicle fund. The intent of the program is to improve mobility of people and goods in Washington state by supporting economic development and environmentally responsive solutions to our statewide transportation system needs.

Within one year after board approval of an application for funding, a county, city, or transportation benefit district shall provide written certification to the board of the pledged local and/or private funding. Funds allocated to an applicant that does not certify its funding within one year after approval may be reallocated by the board.

No more than two percent of the funding in the account may be spent for the administrative costs to operate the program.

Sec. 33. RCW 47.26.170 and 1994 c 179 s 16 are each amended to read as follows:

Each county having within its boundaries an urban area and cities and towns shall prepare and submit to the ~~((transportation improvement))~~ board arterial inventory data required to determine the long-range arterial construction needs. The counties, cities, and towns shall revise the arterial inventory data every four years to show the current arterial construction needs through the advanced planning period, and as revised shall submit them to the ~~((transportation improvement))~~ board during the first week of January every four years beginning in 1996. The inventory data shall be prepared pursuant to guidelines established by the ~~((transportation improvement))~~ board. As information is updated, it shall be made available to the ~~((commission and the legislative))~~ transportation committees of the house and senate.

Sec. 34. RCW 47.26.185 and 1994 c 179 s 17 are each amended to read as follows:

The ~~((transportation improvement))~~ board may adopt rules establishing qualifications for cities and counties administering and supervising the design and construction of projects financed in part from funds administered by the board. The rules establishing qualification shall take into account the resources and population of the city or county, its permanent engineering staff, its design and construction supervision experience, and other factors the board deems appropriate. Any city or county failing to meet the qualifications established by the board for administering and supervising a project shall contract with a qualified city or county or the department for the administration and supervision of the design and construction of any approved project as a condition for receiving funds for the project.

Sec. 35. RCW 47.26.260 and 1994 c 179 s 19 are each amended to read as follows:

The ~~((transportation improvement))~~ board shall adopt rules providing for the approval of payments of funds in the accounts to a county, city, town, or transportation benefit district for costs of pre-design, design, engineering, and costs of construction of an approved project from time to time as work progresses. These payments shall at no time exceed the account share of the costs incurred to the date of the voucher covering such payment.

Sec. 36. RCW 47.26.270 and 1994 c 179 s 20 are each amended to read as follows:

Counties, cities, towns, and transportation benefit districts receiving funds from the board shall provide such matching funds as established by rules adopted by the ~~((transportation improvement))~~ board. When determining matching requirements, the board shall consider (1) financial resources available to counties and cities to meet arterial needs, (2) the amounts and percentages of funds available for road or street construction traditionally expended by counties and cities on arterials, (3) in the case of counties, the relative needs of arterials lying outside urban areas, and (4) the requirements necessary to avoid diversion of funds traditionally expended for arterial construction to other street or road purposes or to nonhighway purposes.

Sec. 37. RCW 47.26.426 and 1999 c 268 s 1 are each amended to read as follows:

At least one year ~~((prior to))~~ before the date any interest is due and payable on such first authorization bonds, series II bonds, and series III bonds or before the maturity date of any such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.26.425, 47.26.4252, and 47.26.4254 the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle and special fuels, for each month of the year which shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer, subject to RCW 47.26.425, 47.26.4252, and 47.26.4254, shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle and special fuels of the motor vehicle fund to the transportation ~~((improvement))~~ funding board bond retirement account, maintained in the office of the state treasurer, which fund shall be available for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

Sec. 38. RCW 47.26.440 and 1994 c 179 s 25 are each amended to read as follows:

Not later than November 1st of each even-numbered year the ~~((transportation improvement))~~ board shall prepare and present to the ~~((commission))~~ department for comment and recommendation an adopted budget for expenditures from funds administered by the board during the ensuing biennium. The budget shall contain an estimate of the revenues to be credited to the several accounts and the amount, if any, of bond proceeds which the board determines should be made available through the sale of bonds in the ensuing biennium.

Sec. 39. RCW 47.26.507 and 1999 c 268 s 3 are each amended to read as follows:

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle and special fuels payable into the transportation ~~((improvement))~~ funding board bond retirement account, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the ~~((fund account))~~ account to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

Sec. 40. RCW 82.44.150 and 1999 c 94 s 30 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes imposed by RCW 82.44.020(1) remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(2) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the transportation fund under RCW 82.44.110, ~~((make the following deposits:~~

~~(a)) deposit to the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax within each county that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders; except that in a case of a municipality located in a county that has a population of one hundred seventy-five thousand or more that does not have an interstate highway located within its borders, that sum shall be deposited in the passenger ferry account(;~~

~~(b) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after June 30, 1999, within a county with a population of one million or more and a county with a population of from two hundred thousand to less than one million bordering a county with a population of one million or more with which it shares a border of more than five miles, a sum equal to 6.8688 percent of the special excise tax distributed under RCW 35.58.273; and~~

~~(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after June 30, 1999, within counties not described in (b) of this subsection, a sum equal to 1.0534 percent of the special excise tax levied and collected under RCW 35.58.273).~~

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding (i) the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and (ii) the sales and use tax equalization distributions provided under RCW 82.14.046; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter, excluding the sales and use tax equalization distributions provided under RCW 82.14.046.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year excluding the sales and use tax equalization distributions provided under RCW 82.14.046. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section and RCW 82.14.046 shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

Sec. 41. RCW 82.44.180 and 1999 c 402 s 5 and 1999 c 94 s 31 are each reenacted and amended to read as follows:

~~((1))~~ The transportation fund is created in the state treasury. Revenues under RCW 82.44.110 and 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

~~((2))~~ There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2) (b) and (c) shall be appropriated to the transportation improvement board and allocated by the transportation improvement board to public transportation projects submitted by the public transportation systems as defined by chapters 36.56, 36.57, and 36.57A RCW and RCW 35.84.060 and 81.112.030, and the Washington state ferry system, solely for:

~~(a) Planning;~~

~~(b) Development of capital projects;~~

~~(c) Development of high capacity transportation systems as defined in RCW 81.104.015;~~

~~(d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;~~

~~(e) Other public transportation system-related roadway projects on state highways, county roads, or city streets;~~

~~(f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board from other fund sources; and~~

(g) Reimbursement to the general fund of tax credits authorized under RCW 82.04.4453 and 82.16.048, subject to appropriation.)

PART III - LEGISLATIVE TRANSPORTATION ACCOUNTABILITY PROGRAM

NEW SECTION. Sec. 42. The legislative transportation accountability program committee is created, consisting of four senators, two from each of the two largest caucuses, and four representatives, two from each of the two largest caucuses, from the legislature. The president of the senate shall appoint the senate members of the committee, and the speaker of the house shall appoint the house members of the committee. Not more than two members from each house may be from the same political party. All members must be appointed before the close of the 2001 session of the legislature and before the close of each regular session during each succeeding odd-numbered year. Members are subject to confirmation, as to the senate members by the senate, and as to the house members by the house.

NEW SECTION. Sec. 43. The term of office of the members of the committee who continue to be members of the senate and house is from the close of the session in which they were appointed or elected as provided in section 42 of this act until the close of the next regular session during an odd-numbered year, or, if the appointments or elections are not made, until the close of the next regular session during an odd-numbered year during which successors are appointed or elected. The terms of office of committee members who do not continue to be members of the senate and house cease upon the convening of the next regular session of the legislature during an odd-numbered year after their confirmation, election, or appointment. Vacancies on the committee must be filled by interim appointment by the speaker of the house and president of the senate. All such vacancies must be filled from the same political party and from the same house as the member whose seat was vacated.

NEW SECTION. Sec. 44. Upon the commencement of a succeeding regular session of the legislature during an odd-numbered year, those members of the committee who continue to be members of the senate and house, respectively, shall continue as members of the committee as indicated in section 43 of this act and the committee shall continue with all its powers, duties, authorities, records, papers, personnel, and staff, and all funds made available for its use.

NEW SECTION. Sec. 45. The members of the committee shall serve without additional compensation, but will be reimbursed under RCW 44.04.120 while attending sessions of the committee or meetings of any subcommittee of the committee, or on other committee business authorized by the committee.

NEW SECTION. Sec. 46. All expenses incurred by the committee, including salaries and expenses of employees, will be paid upon voucher forms as provided by the administrator and signed by the chair or vice-chair of the committee and attested by the secretary of the committee, and the authority of the chair and secretary to sign vouchers continues until their successors are selected after each ensuing session of the legislature. Vouchers may be drawn on funds appropriated by law for the committee. The senate and the house may authorize the committee to draw on funds appropriated by the legislature for legislative expenses.

NEW SECTION. Sec. 47. The committee shall appoint its own chair, vice-chair, and other officers; and make rules for orderly procedure.

NEW SECTION. Sec. 48. The committee shall acquire a data processing service capability under the exclusive jurisdiction and control of the legislature acting through the committee and its administrator for the purpose of providing the legislature and its staff with the type of information required for in-depth analysis and monitoring of state transportation activities. The legislative transportation accountability program established in this section may be referred to in this chapter as the LTAP administration.

NEW SECTION. Sec. 49. To carry out section 48 of this act the LTAP administration shall provide for:

- (1) Automated data bases and application systems in support of legislative requirements to monitor, evaluate, analyze, report, and review;
- (2) Maintenance of computer software, application programs, data bases, and related documentation;
- (3) Education, training, and programming services;
- (4) Procedural documentation support; and
- (5) Consulting assistance on special projects.

NEW SECTION. Sec. 50. The legislature recognizes that the Blue Ribbon Commission on Transportation issued comprehensive reports on transportation in November of 2000, in which seventeen separate benchmarks to measure performance were outlined. These benchmarks set forth a vision of comprehensive transportation system performance measurements and goals towards which all levels of government and modes of transportation should work. Adoption of these benchmarks is essential to forming the cornerstone of government accountability at the state, city, county, and transit district levels. The legislature intends to adopt these benchmarks, and further intends that they be used to measure results and monitor performance of the state's transportation system at the state, city, county, and transit district levels. These benchmarks will provide a baseline of transportation performance against which future action can be measured and performance goals set to achieve these benchmarks. The legislature intends that transportation funding be tied to progress in achieving these benchmarks. All modes and facets of the transportation system, both existing and new or proposed systems, are subject, and must work, to ensure that these benchmarks are met at the state, city, county, and transit district levels.

NEW SECTION. Sec. 51. On December 15th of each year, the LTAP committee shall prepare and submit to the house and senate standing committees on transportation and the office of financial management, a comprehensive statewide report on transportation systems at the state, county, city, and transit levels, measuring each system's performance and progress in achieving the following benchmarks:

- (1) No interstate highway within the state is in poor condition;
- (2) No major state route is in poor condition;
- (3) No local arterial in the state is in poor condition;
- (4) No bridge in the state is structurally deficient;
- (5) Traffic congestion on urban interstate highways does not exceed the national mean for national metropolitan areas;
- (6) Driver delay in metropolitan areas does not exceed the national mean for national metropolitan areas;
- (7) All bridges within the state have been retrofitted for seismic safety, and are maintained to ensure seismic safety;
- (8) Per capita vehicle miles traveled does not exceed the total per capita vehicle miles driven in calendar year 2000;

- (9) Nonautomobile trips in urban centers are a significant portion of all trips within urban area;
- (10) Administrative costs as a percentage of transportation spending are no greater than the national median, and are consistently improved until they are at least within the most efficient quartile nationally;
- (11) Public transit agencies achieve the median cost per vehicle revenue hour of peer group transit agencies, after adjustment to reflect regional cost-of-living is made;
- (12) The number of traffic accidents on systems throughout the state continues to decline;
- (13) Air quality is maintained at federally required levels;
- (14) Operations, maintenance, and project delivery costs are continuously improved to incorporate the best and most cost-effective practices available;
- (15) There are adequate funding sources to ensure that the transportation system keeps pace with growth in population and economy;
- (16) Freight mobility is accommodated within the transportation system; and
- (17) Overall hours of travel delay per person in congested corridors are reduced to and maintained at reasonable levels.

These benchmarks represent only minimum standards, and while each system need not meet all benchmarks at any given time, each system must consistently work towards achieving, maintaining, and surpassing these benchmarks.

The LTAP may compile data and adopt rules and standards necessary to define and measure these benchmarks.

NEW SECTION. Sec. 52. (1) The LTAP shall serve as a single, independent, statewide point of accountability for reporting, funding, and monitoring the performance of an integrated transportation system. The LTAP has the following functions:

(a) Take responsibility for overseeing the attainment of benchmarks adopted by the Blue Ribbon Commission on Transportation on November 29, 2000;

(b) Report annually to the governor and the legislature on:

- (i) Progress toward achieving reform and efficiencies;
- (ii) Progress toward accomplishment of the legislature's adopted investment strategies; and
- (iii) Policy proposals for furthering progress toward benchmarks and related transportation policies;

(c) Review regional and integrated statewide transportation plans and budgets and advise local and state entities on whether those plans and budgets are consistent with statewide transportation benchmarks; and

(d) Monitor and report the efforts at the state, city, county, and transit district levels on adopting leading edge transportation strategies and achieving transportation benchmarks.

(2) The committee may:

(a) Have timely access, upon written request of the administrator, to all machine readable, printed, and other data of state transportation agencies relative to expenditures, budgets, and related fiscal matters; and

(b) Enter into contracts; and when entering into a contract for computer access, make necessary provisions relative to the scheduling of computer time and use in recognition of the unique requirements and priorities of the legislative process.

NEW SECTION. Sec. 53. The committee may make reports to the legislature. The committee shall keep complete minutes of its meetings.

NEW SECTION. Sec. 54. Each person who appears before the committee, other than a state official or employee, may upon request receive for attendance the fees and mileage provided for witnesses in civil cases in courts of record in accordance with RCW 2.40.010. The requests must be audited and paid upon the presentation of proper vouchers signed by the person and approved by the secretary and chair of the committee.

NEW SECTION. Sec. 55. The committee may appoint an officer to be known as the LTAP administrator to serve as the executive officer of the committee, assist in its duties, and compile information for the committee.

The committee may select and employ temporary and permanent personnel and fix their salaries.

The administrator shall:

- (1) Manage the LTAP operations;
- (2) Assist the several standing committees of the house and senate; appear before other legislative committees; and assist any other legislative committee upon instruction by the committee;
- (3) Provide the legislature with information obtained under the direction of the committee;
- (4) Maintain a record of all work performed by the administrator under the direction of the committee and to keep and make available all documents, data, and reports submitted to the administrator by any legislative committee.

NEW SECTION. Sec. 56. The committee is expressly exempted from chapter 43.105 RCW.

NEW SECTION. Sec. 57. The committee shall cooperate, act, and function with Washington state legislative committees and may cooperate with the councils or committees of other states similar to this committee and with other interstate research organizations.

NEW SECTION. Sec. 58. Sections 42 through 57 of this act constitute a new chapter in Title 44 RCW.

NEW SECTION. Sec. 59. The executive director of the transportation improvement board, the freight mobility strategic investment board, the director of the county road administration board, and the assistant secretary of the highways and local programs division within the department of transportation, along with the secretary of transportation, the chair of the transportation improvement board, the chair of the county road administration board, the chair of the transportation commission, the director of the office of financial management, the chair of the senate transportation committee, and the chair of the house transportation committee, or their designees shall submit to the legislature and the office of financial management, by December 1, 2001, an interim plan and time schedule to consolidate the rural arterial trust account responsibilities of the county road administration board, the transportation improvement board, and the freight mobility strategic investment board. A final plan and time schedule must be submitted to the legislature and the office of financial management by December 1, 2002.

The legislative transportation accountability program committee shall submit an interim report to the legislature and the office of financial management by December 1, 2001, providing a plan and schedule for beginning operations of the LTAP. A final plan and schedule must be submitted to the legislature and the office of financial management by December 1, 2002.

NEW SECTION. Sec. 60. The following acts or parts of acts are each repealed:

- (1) RCW 36.79.070 (Board may contract with department of transportation for staff services and facilities) and 1983 1st ex.s. c 49 s 7;
- (2) RCW 47.01.051 (Commission created--Appointment of members--Terms--Qualifications--Removal) and 1977 ex.s. c 151 s 5;
- (3) RCW 47.01.061 (Commission--Procedures and internal operations) and 1987 c 364 s 2, 1984 c 287 s 94, 1983 1st ex.s. c 53 s 29, 1981 c 59 s 1, & 1977 ex.s. c 151 s 6;
- (4) RCW 47.01.070 (Director's and commissioner's prior assignments may be delegated) and 1977 ex.s. c 151 s 27 & 1961 c 13 s 47.01.070;
- (5) RCW 47.26.121 (Transportation improvement board--Membership--Chair--Expenses) and 1996 c 49 s 1, 1995 c 269 s 2603, 1994 c 179 s 13, & 1993 c 172 s 1;
- (6) RCW 47.26.130 (Transportation improvement board--Travel expenses) and 1988 c 167 s 15, 1975-'76 2nd ex.s. c 34 s 139, 1975 1st ex.s. c 1 s 2, 1969 ex.s. c 171 s 2, & 1967 ex.s. c 83 s 19;
- (7) RCW 47.26.140 (Transportation improvement board--Executive director, staff--Finances) and 1999 c 94 s 19, 1996 c 49 s 2, 1995 c 269 s 2605, 1994 c 179 s 14, 1988 c 167 s 16, 1977 ex.s. c 151 s 58, 1975-'76 2nd ex.s. c 34 s 140, 1969 ex.s. c 171 s 3, & 1967 ex.s. c 83 s 20;
- (8) RCW 47.26.150 (Transportation improvement board--Meetings) and 1988 c 167 s 17;
- (9) RCW 47.26.160 (Transportation improvement board--Powers and duties) and 1995 c 269 s 2607, 1994 c 179 s 15, 1988 c 167 s 18, 1987 c 505 s 51, 1984 c 7 s 155, 1977 ex.s. c 235 s 17, 1971 ex.s. c 291 s 1, & 1967 ex.s. c 83 s 22;
- (10) RCW 47.26.164 (City hardship assistance program--Implementation) and 1999 c 94 s 20 & 1991 c 342 s 60;
- (11) RCW 47.26.167 (Jurisdictional transfers) and 1991 c 342 s 62;
- (12) RCW 47.06A.001 (Findings) and 1998 c 175 s 1;
- (13) RCW 47.06A.030 (Board--Creation--Membership) and 1999 c 216 s 2 & 1998 c 175 s 4;
- (14) RCW 47.06A.040 (Board--Administration and staffing) and 1999 c 216 s 3 & 1998 c 175 s 5;
- (15) RCW 47.06A.070 (Records) and 1998 c 175 s 8; and
- (16) RCW 47.06A.900 (Severability--1998 c 175) and 1998 c 175 s 15.

NEW SECTION. Sec. 61. Part headings used in this act are not part of the law.

NEW SECTION. Sec. 62. (1) Sections 42 and 59 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

(2) Sections 4 through 7 of this act take effect January 1, 2002.

(3) The remainder of this act takes effect July 1, 2003."

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On line 2 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 47.01.021, 47.80.023, 43.17.020, 47.01.041, 36.57A.070, 36.78.030, 36.78.070, 36.78.090, 36.78.100, 36.79.010, 36.79.020, 36.79.060, 36.79.110, 43.84.092, 47.06A.010, 47.06A.020, 47.26.044, 47.26.080, 47.26.084, 47.26.170, 47.26.185, 47.26.260, 47.26.270, 47.26.426, 47.26.440, 47.26.507, and 82.44.150; reenacting and amending RCW 47.01.101 and 82.44.180; adding new sections to chapter 47.01 RCW; adding a new chapter to Title 44 RCW; creating new sections; repealing RCW 36.79.070, 47.01.051, 47.01.061, 47.01.070, 47.26.121, 47.26.130, 47.26.140, 47.26.150, 47.26.160, 47.26.164, 47.26.167, 47.06A.001, 47.06A.030, 47.06A.040, 47.06A.070, and 47.06A.900; providing effective dates; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5755 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5755.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5755 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 6; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 39.

Voting nay: Senators Hale, Hewitt, McCaslin, Morton, Parlette and Sheahan - 6.

Excused: Senators Franklin, McDonald, Stevens and West - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5755, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:40 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, March 26, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-FIFTH DAY, MARCH 23, 2001

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

SEVENTY-EIGHTH DAY

NOON SESSION

Senate Chamber, Cherberg Building, Olympia, Monday, March 26, 2001
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 22, 2001
SB 5237 Prime Sponsor, Senator Rasmussen: Making annual transfers of money into the fair fund. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5237 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 22, 2001
SB 5411 Prime Sponsor, Senator Patterson: Describing occupational diseases affecting fire fighters. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5411 as recommended by Committee on Labor, Commerce and Financial Institutions be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Roach, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Rossi.

Passed to Committee on Rules for second reading.

March 22, 2001
SB 5576 Prime Sponsor, Senator Hargrove: Simplifying asset tests. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5576 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 22, 2001
HB 1055 Prime Sponsor, Representative Haigh: Exempting certain leasehold interests from leasehold excise tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 22, 2001

EHB 1099 Prime Sponsor, Representative Santos: Outlining requirements for the operation of a PACE program in Washington state. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Regala and Winsley.

Passed to Committee on Rules for second reading.

March 22, 2001

HB 1116 Prime Sponsor, Representative Campbell: Clarifying tax exemptions for sale or use of orthotic devices. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 22, 2001

SHB 1342 Prime Sponsor, House Committee on Appropriations: Modifying provisions concerning the general administration services account. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 22, 2001

HB 1367 Prime Sponsor, Representative Esser: Correcting outdated references and double amendments. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 22, 2001

EHB 1407 Prime Sponsor, Representative Fisher: Modifying the taxation of fuel. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Benton, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 22, 2001

SHB 1501 Prime Sponsor, House Committee on Commerce and Labor: Authorizing the electronic filing of corporation and limited liability company annual reports. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Regala and Winsley.

Passed to Committee on Rules for second reading.

March 22, 2001

SHB 1537 Prime Sponsor, House Committee on Financial Institutions and Insurance: Protecting credit union directors and committee members. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

March 22, 2001

HB 1568 Prime Sponsor, Representative Lovick: Updating procedures for actions against driving school licensees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 22, 2001

HB 1706 Prime Sponsor, Representative Morris: Authorizing the department of revenue to issue direct pay permits. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fraser, Hewitt, Honeyford, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 22, 2001

HB 1770 Prime Sponsor, Representative McDermott: Allowing contributions to primary losers. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Horn, Kline, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 23, 2001

HB 1780 Prime Sponsor, Representative Armstrong: Concerning moneys in the fruit and vegetable district fund. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan and Swecker.

Passed to Committee on Rules for second reading.

March 23, 2001

SHB 1892 Prime Sponsor, House Committee on Agriculture and Ecology: Regulating agricultural commodity boards and commissions. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan and Swecker.

Passed to Committee on Rules for second reading.

March 22, 2001

HB 1895 Prime Sponsor, Representative Esser: Creating the crime of theft of motor vehicle fuel. Reported by
Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa,
Johnson, Kastama, Long, McCaslin, Roach and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senator Zarelli.

Passed to Committee on Rules for second reading.

March 23, 2001

SHB 1897 Prime Sponsor, House Committee on Appropriations: Modifying requirements to receive state allocations
for an agricultural fair. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette,
Sheahan and Swecker.

Passed to Committee on Rules for second reading.

March 23, 2001

HB 1984 Prime Sponsor, Representative Quall: Creating the small farm direct marketing assistance program.
Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means.
Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan and Swecker.

Referred to Committee on Ways and Means.

March 22, 2001

HJR 4202 Prime Sponsor, Representative H. Sommers: Investing state investment board funds. Reported by
Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Deccio, Fairley,
Franklin, Honeyford, Patterson, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton and Hochstatter.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 7, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Eugene Matt, to be appointed April 2, 2001, for a term ending at the pleasure of the Governor as Director of
the Department of Personnel.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Labor, Commerce and Financial Institutions

March 8, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Deborah Moore, appointed March 8, 2001, for a term ending August 2, 2003, as a member of the Sentencing Guidelines Commission.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Judiciary.

March 13, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Inez Zozaya-Geist, appointed March 13, 2001, for a term ending September 20, 2006, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Higher Education.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000
March 22, 2001

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "State Primary Care Provider Study." It is mandated under Chapter 1, Laws of 2000 E2, Section 210(16).

Please call Roger Gantz at (360) 725-1880 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Social and Health Services Report to the Legislature on the "State Primary Care Provider Study" is on file in the office of the Secretary of the Senate.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, March 27, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-EIGHTH DAY, MARCH 26, 2001

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

SEVENTY-NINTH DAY

NOON SESSION

Senate Chamber, Cherbeg Building, Olympia, Tuesday, March 27, 2001

The Senate was called to order at 12:00 noon by President Pro Tempore Franklin. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 26, 2001

SB 5082 Prime Sponsor, Senator Haugen: Defining rural counties for purposes of sales and use tax for public facilities in rural counties. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Fraser, Hewitt, Kline, Long, Parlette, Rasmussen, Sheahan, B. Sheldon, Snyder, Spanel and Winsley.

Passed to Committee on Rules for second reading.

March 26, 2001

SB 5102 Prime Sponsor, Senator Snyder: Encouraging the development of nonprofit hospitals in rural counties through sales tax exemptions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 26, 2001

SB 5170 Prime Sponsor, Senator Jacobsen: Creating a temporary joint task force on telework enhancement. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5170 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 26, 2001

SB 5266 Prime Sponsor, Senator Patterson: Providing a tax exemption for thoroughbred horses. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5266 as recommended by Committee on Labor, Commerce and Financial Institutions be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Fraser, Hewitt, Honeyford, Kohl-Welles, Long, Parlette, Rasmussen, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 26, 2001

SB 5523 Prime Sponsor, Senator Horn: Authorizing an offset for certain overpayments of tax concerning leased equipment. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 26, 2001

SB 5947 Prime Sponsor, Senator Rasmussen: Providing tax exemptions and credits to dairy farmers. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5947 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Long, Parlette, Rasmussen, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Regala.

Passed to Committee on Rules for second reading.

March 26, 2001

SB 5977 Prime Sponsor, Senator Rossi: Exempting private residences on United States forest service land from the leasehold excise tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Hewitt, Honeyford, Parlette, Rasmussen, Roach, Rossi, Sheahan, B. Sheldon, Snyder and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley, Vice-Chair.

Passed to Committee on Rules for second reading.

March 26, 2001

SB 6008 Prime Sponsor, Senator Eide: Providing commute trip reduction incentives. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6008 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Long, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 26, 2001

SB 6034 Prime Sponsor, Senator Fraser: Revising state wireless enhanced 911 excise taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6034 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Sheahan, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 26, 2001

SB 6060 Prime Sponsor, Senator Fraser: Updating references for purposes of the hazardous substance tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 26, 2001

SB 6092 Prime Sponsor, Senator Kohl-Welles: Changing the property tax exemption for very low-income households. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Parlette, Rasmussen, Regala, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 22, 2001

SHB 1027 Prime Sponsor, House Committee on Commerce and Labor: Establishing the live horse racing compact. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Benton, Deccio, Franklin, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

March 26, 2001

HB 1062 Prime Sponsor, Representative O'Brien: Modifying provisions pertaining to the certification of peace officers. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Kline, Chair; Constantine, Vice Chair; Johnson, Long, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

March 26, 2001

HB 1084 Prime Sponsor, Representative Ogden: Authorizing independent salary commissions for cities, towns, and counties. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Horn, McCaslin and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2001

HB 1103 Prime Sponsor, Representative Lambert: Regulating mail to constituents. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Horn, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2001

SHB 1120 Prime Sponsor, House Committee on Education: Establishing requirements for employing holders of lapsed teaching certificates. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Hochstatter, Johnson, Kastama, Kohl-Welles, Rasmussen and Regala.

Passed to Committee on Rules for second reading.

March 26, 2001

SHB 1295 Prime Sponsor, House Committee on Trade and Economic Development: Modifying revenue bond provisions of the economic development finance authority. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass as amended. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Fairley, Finkbeiner, Haugen, McCaslin and Rossi.

Passed to Committee on Rules for second reading.

March 26, 2001

SHB 1325 Prime Sponsor, House Committee on State Government: Creating a joint committee on veterans' and military affairs. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Horn, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2001

SHB 1381 Prime Sponsor, House Committee on Higher Education: Requiring institutions of higher education to use personal identifiers that are not social security numbers. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules for second reading.

March 26, 2001

SHB 1384 Prime Sponsor, House Committee on State Government: Clarifying the circumstances under which the governing body of a public agency may hold an executive session to discuss litigation. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Horn, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2001

SHB 1515 Prime Sponsor, House Committee on State Government: Changing public works provisions for institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules for second reading.

March 26, 2001

HB 1542 Prime Sponsor, Representative Van Luven: Exempting certain financial or proprietary information provided to the department of community, trade, and economic development from public disclosure. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

March 22, 2001

HB 1564 Prime Sponsor, Representative Casada: Reenacting provisions relating to the crime of making false or misleading statements to public servants. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

March 22, 2001

HB 1578 Prime Sponsor, Representative Carrell: Reenacting provisions relating to criminal profiteering. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Rasmussen and Regala.

Passed to Committee on Rules for second reading.

March 22, 2001

HB 1579 Prime Sponsor, Representative Carrell: Reenacting provisions relating to the crime of unlawful practice of law. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Deccio, Fairley, Franklin, Patterson, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

March 22, 2001

HB 1614 Prime Sponsor, Representative Lovick: Reenacting provisions relating to the crime of commercial bribery. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Deccio, Fairley, Franklin, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

March 26, 2001

SHB 1632 Prime Sponsor, House Committee on Technology, Telecommunications and Energy: Prescribing criminal penalties for fraudulently obtaining or using digital signatures and digital certificates. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Fairley, Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

March 26, 2001

SHB 1680 Prime Sponsor, House Committee on Transportation: Extending design-build for public works. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Horn, Jacobsen, Kastama, McAuliffe, Patterson, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 22, 2001

HB 1692 Prime Sponsor, Representative Boldt: Reenacting provisions relating to the crime of perjury. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Deccio, Fairley, Franklin, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

March 22, 2001

HB 1694 Prime Sponsor, Representative Boldt: Reenacting provisions relating to the crime of unlicensed practice of a profession or business. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Deccio, Fairley, Franklin, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

March 26, 2001

SHB 1739 Prime Sponsor, House Committee on State Government: Protecting the integrity of elections. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Hale, Horn, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2001

HB 1820 Prime Sponsor, Representative Van Luven: Clarifying that certain technology transactions by institutions of higher education are exempt from state ethics requirements. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules for second reading.

March 26, 2001

SHB 1884 Prime Sponsor, House Committee on Child and Family Service: Changing provisions relating to telecommunications services for hearing or speech impaired. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Fairley, Finkbeiner, Haugen, McCaslin and Rossi.

Passed to Committee on Rules for second reading.

March 26, 2001

ESHB 1997 Prime Sponsor, House Committee on Local Government and Housing: Revising provisions relating to industrial land banks. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Horn, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2001

SHB 2049 Prime Sponsor, House Committee on State Government: Establishing technical assistance programs. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Hale, Horn, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2001

ESHB 2051 Prime Sponsor, House Committee on State Government: Revising rule-making procedures. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Gardner, Hale, Horn, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2001

SHB 2066 Prime Sponsor, House Committee on Education: Enhancing educator preparation and mentoring. Reported by Committee on Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Kastama, Kohl-Welles, Rasmussen and Regala.

Referred to Committee on Ways and Means.

March 26, 2001

SHB 2221 Prime Sponsor, House Committee on Transportation: Adjusting procedures for ferry maintenance and preservation. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Horn, Jacobsen, Kastama, McAuliffe, Patterson, Shin and Swecker.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Betti Sheldon, House Bill No. 1062 was referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 26, 2001

GA 9047 JOHN W. AMAYA, appointed June 1, 2000, for a term ending May 31, 2001, as a member of the Board of Regents for the University of Washington. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 26, 2001

GA 9066 DAVID EDWARDS, appointed April 20, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Tacoma Community College District No. 22. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 26, 2001

GA 9073 SAN JUANA GONZALEZ, appointed March 7, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Yakima Community College District No. 16. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 26, 2001

GA 9077 RONALD S. HOWELL, appointed November 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Edmonds Community College District No. 23.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 26, 2001

GA 9080 ALLIE M. JOINER, appointed October 4, 2000, for a term ending July 1, 2005, as a member of the Board of Trustees for the State School for the Deaf.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Kastama, Kohl-Welles, Rasmussen and Regala.

Passed to Committee on Rules.

March 26, 2001

GA 9081 DEBRA JONES, appointed April 19, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Whatcom Community College District No. 21.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 26, 2001

GA 9083 SANFORD KINZER, appointed October 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Everett Community College District No. 5.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 26, 2001

GA 9095 JACK C. McRAE, appointed March 28, 2000, for a term ending September 30, 2003, as a member of the Board of Trustees for Edmonds Community College District No. 23.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 26, 2001

GA 9109 DIANA POSTLEWAIT, appointed October 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Renton Technical College District No. 27.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

March 26, 2001

GA 9160 MICHAEL ALLAN, appointed February 22, 2001, for a term ending September 30, 2005, as a member of the Board of Trustees for Highline Community College District No. 9.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6151 by Senators Long and Hargrove

AN ACT Relating to the management of high-risk sex offenders in the civil commitment and criminal justice systems; amending RCW 36.70A.103, 9.94A.030, 9.94A.715, 9.94A.060, 9.94A.190, 9.94A.370, 9.94A.390, 9.95.005, 9.95.010, 9.95.011, 9.95.017, 9.95.052, 9.95.055, 9.95.064, 9.95.070, 9.95.080, 9.95.090, 9.95.110, 9.95.115, 9.95.120, 9.95.121, 9.95.122, 9.95.123, 9.95.124, 9.95.125, 9.95.126, 9.95.130, 9.95.140, 9.95.145, 9.95.190, 9.95.250, 9.95.900, 9A.28.020, 9A.36.021, 9A.40.030, 9A.44.100, and 72.09.370; reenacting and amending RCW 9.94A.120; adding a new section to chapter 71.09 RCW; adding new sections to chapter 9.94A RCW; adding a new section to chapter 72.09 RCW; adding new sections to chapter 9.95 RCW; creating new sections; repealing RCW 9.95.0011; prescribing penalties; providing an effective date; and declaring an emergency.
Referred to Committee on Human Services and Corrections.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, March 28, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-NINTH DAY, MARCH 27, 2001

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

EIGHTIETH DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Wednesday, March 28, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator McDonald. On motion of Senator Honeyford, Senator McDonald was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kaley Buse and Jessica Diaz, presented the Colors. Reverend Phil Rue, pastor of the Gloria Dei Lutheran Church in Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 26, 2001

SB 5469 Prime Sponsor, Senator T. Sheldon: Changing provisions for tax deferrals in rural counties and community empowerment zones. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5469 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Long, Parlette, Rasmussen, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Rossi.

Passed to Committee on Rules for second reading.

March 26, 2001

SB 5514 Prime Sponsor, Senator Spanel: Revising public facility district provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5514 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Parlette, Rasmussen, Regala, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 26, 2001

SB 5540 Prime Sponsor, Senator Franklin: Authorizing public utility tax credits for home energy assistance programs for low-income households. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5540 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 26, 2001

SB 5541 Prime Sponsor, Senator Jacobsen: Exempting wind or solar energy electric generating facilities from sales and use taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5541 as recommended by Committee on Environment, Energy and Water be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 26, 2001

SB 5894 Prime Sponsor, Senator Patterson: Modifying the taxation of lodging. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5894 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1036 Prime Sponsor, Representative Benson: Investigating alien banks. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Honeyford, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

March 27, 2001

SHB 1039 Prime Sponsor, House Committee on Criminal Justice and Corrections: Clarifying which prior offenses are considered strikes.

MAJORITY Recommendation: Do pass as amended. Signed by Senators Kline, Chair; Costa, Hargrove, Johnson, Kastama, Long McCaslin and Thibaudeau

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1040 Prime Sponsor, Representative Ballasiotes: Authorizing crime victims' compensation benefits in hit-and-run vehicular assault cases. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 26, 2001

HB 1071 Prime Sponsor, Representative Doumit: Adjusting deadlines for salmon recovery grant applications. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke and Stevens.

Passed to Committee on Rules for second reading.

March 27, 2001

SHB 1091 Prime Sponsor, House Committee on Criminal Justice and Corrections: Changing sexual misconduct laws with regard to school employees. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Costa, Hargrove, Johnson, Kastama, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1098 Prime Sponsor, Representative Fisher: Improving the effectiveness of the commute trip reduction program. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Patterson, Prentice, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 27, 2001

SHB 1117 Prime Sponsor, House Committee on Judiciary: Providing procedures for enforcement of court-ordered restitution obligations in courts of limited jurisdiction. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 2001

SHB 1133 Prime Sponsor, House Committee on Commerce and Labor: Determining liability for donated labor on community projects. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Hochstatter, Honeyford, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

March 27, 2001

SHB 1135 Prime Sponsor, House Committee on Judiciary: Modifying power of attorney provisions. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1138 Prime Sponsor, Representative Cairnes: Depositing wage fines in the public works administration account. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Hochstatter, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

March 26, 2001

SHB 1163 Prime Sponsor, House Committee on Agriculture and Ecology: Changing provisions relating to disposal of garbage and junk vehicles. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke and Snyder.

Passed to Committee on Rules for second reading.

March 27, 2001

SHB 1174 Prime Sponsor, House Committee on Judiciary: Authorizing vacation of records of conviction for misdemeanor and gross misdemeanor offenses. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin and Thibaudeau.

Referred to Committee on Ways and Means.

March 27, 2001

HB 1205 Prime Sponsor, Representative Keiser: Licensing and regulation of consumer loan companies. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Hochstatter, Honeyford, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1211 Prime Sponsor, Representative Benson: Creating the financial services regulation fund. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Hochstatter, Honeyford, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1216 Prime Sponsor, Representative Lambert: Investigating sudden unexplained deaths of children. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1227 Prime Sponsor, Representative Ballasiotes: Changing provisions relating to escaping from custody. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 2001

SHB 1234 Prime Sponsor, House Committee on Commerce and Labor: Revising apprenticeship law to respond to a 1999 United States department of labor audit. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1243 Prime Sponsor, Representative Hurst: Changing provisions relating to the admissibility into evidence of a refusal to submit to a test of alcohol or drug concentration. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1269 Prime Sponsor, Representative Bush: Authorizing additional hardship waivers for vehicle owners in cases of suspended license vehicle impounds. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1277 Prime Sponsor, Representative Bush: Regarding residential landlord-tenant relationships. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Kastama, Long and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senator Johnson.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1280 Prime Sponsor, Representative Simpson: Increasing the seriousness ranking for hit and run--death. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Kastama, Long and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senator McCaslin.

Passed to Committee on Rules for second reading.

March 26, 2001

HB 1296 Prime Sponsor, Representative Hatfield: Restricting the investment of insurers in depository institutions or any company which controls a depository institution. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1366 Prime Sponsor, Representative Hatfield: Regulating credit unions. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Hochstatter, Honeyford, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1419 Prime Sponsor, Representative Hurst: Requiring a notation in the driving record when a driver is required to use an ignition interlock or other biological or technical device. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 2001

EHB 1530 Prime Sponsor, Representative Lantz: Providing for the appointment of individuals to receive claims against local governmental entities. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Kastama, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 26, 2001

HB 1547 Prime Sponsor, Representative Simpson: Licensing insurance agents, brokers, solicitors, and adjusters.
Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

March 27, 2001

SHB 1560 Prime Sponsor, House Committee on Criminal Justice and Corrections: Restricting the use of the terms sheriff and sheriff's posse. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Long, McCaslin and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Hargrove, Johnson and Kastama.

Passed to Committee on Rules for second reading.

March 27, 2001

ESHB 1571 Prime Sponsor, House Committee on Commerce and Labor: Changing provisions on simulcast horse racing. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Honeyford, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

March 27, 2001

2SHB 1590 Prime Sponsor, House Committee on Appropriations: Supporting the practice of breastfeeding. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

March 27, 2001

SHB 1591 Prime Sponsor, House Committee on Judiciary: Revising requirements for service of orders in harassment matters. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 26, 2001

ESHB 1655 Prime Sponsor, House Committee on Natural Resources: Appointing a fish and wildlife advisory committee composed of disabled persons. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

March 27, 2001

SHB 1678 Prime Sponsor, House Committee on Transportation: Funding advance right-of-way acquisitions.
Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Johnson, Kastama, McAuliffe, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 27, 2001

EHB 1745 Prime Sponsor, Representative Lambert: Making child support technical amendments regarding medical support. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Kastama, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

March 27, 2001

SHB 1763 Prime Sponsor, House Committee on Financial Institutions and Insurance: Protecting the confidentiality of information relating to insurance. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Hochstatter, Honeyford, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

March 26, 2001

SHB 1836 Prime Sponsor, House Committee on Natural Resources: Creating a legislative task force on local park and recreation maintenance and operations. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton and Oke.

Passed to Committee on Rules for second reading.

March 26, 2001

HB 1844 Prime Sponsor, Representative Doumit: Allowing the department of natural resources to exchange certain bedlands to obtain clear title to certain property on the Cowlitz river. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

March 26, 2001

HB 1846 Prime Sponsor, Representative Alexander: Allowing the department of natural resources to sell or exchange its light industrial property in Thurston county. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Oke and Snyder.

MINORITY Recommendation: Do not pass. Signed by Senator Stevens.

Referred to Committee on Ways and Means.

March 27, 2001

HB 1855 Prime Sponsor, Representative Hunt: Allowing private clubs to serve liquor at special events. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Hochstatter, Honeyford, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

March 27, 2001

EHB 1864 Prime Sponsor, Representative Dickerson: Revising information requirements in family law court files. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Kastama, Long, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 2001

SHB 1950 Prime Sponsor, House Committee on Commerce and Labor: Describing worker rights under industrial insurance. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Hochstatter, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

March 26, 2001

HB 1951 Prime Sponsor, Representative Clements: Allowing restaurants and private clubs to sell wine for off-premises consumption. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

March 27, 2001

SHB 2046 Prime Sponsor, House Committee on Judiciary: Validating trusts created for the benefit of nonhuman animals. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 2064 Prime Sponsor, Representative Carrell: Providing for the availability of online legal research capability on a cost-efficient basis to all residents of the state. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

March 27, 2001

GA 9117 MARILYN GLENN SAYAN, reappointed November 15, 2000, for a term ending September 8, 2005, as
Chair of the Public Employment Relations Commission.
Reported by Committee on Commerce and Financial Institutions

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Prentice, Chair;
Gardner, Vice Chair; Franklin, Patterson, Rasmussen, Regala and Winsley.

Passed to Committee on Rules

MOTION

On motion of Senator Betti Sheldon, Substitute House Bill No. 1174 was referred to the Committee on
Ways and Means.

INTRODUCTION AND FIRST READING

SB 6152 by Senator Prentice

AN ACT Relating to creating an open primary with a public declaration of party affiliation; amending
RCW 29.42.040 and 29.42.050; adding new sections to chapter 29.30 RCW; adding a new section to
chapter 29.36 RCW; adding a new section to chapter 29.51 RCW; adding a new section to chapter 29.27
RCW; and repealing RCW 29.18.200.
Referred to Committee on State and Local Government.

SB 6153 by Senator Brown

AN ACT Relating to fiscal matters.
Referred to Committee on Ways and Means.

SB 6154 by Senator Brown

AN ACT Relating to fiscal matters.
Referred to Committee on Ways and Means.

SB 6155 by Senator Brown

AN ACT Relating to state government.
Referred to Committee on Ways and Means.

SB 6156 by Senator Brown

AN ACT Relating to state government.
Referred to Committee on Ways and Means.

SB 6157 by Senator Brown

AN ACT Relating to human services.
Referred to Committee on Ways and Means.

SB 6158 by Senator Brown

AN ACT Relating to human services.
Referred to Committee on Ways and Means.

SB 6159 by Senator Brown

AN ACT Relating to natural resources.
Referred to Committee on Ways and Means.

SB 6160 by Senator Brown

AN ACT Relating to natural resources.
Referred to Committee on Ways and Means.

SB 6161 by Senator Brown

AN ACT Relating to education.
Referred to Committee on Ways and Means.

SB 6162 by Senator Brown

AN ACT Relating to education.
Referred to Committee on Ways and Means.

SB 6163 by Senators Brown and Kohl-Welles

AN ACT Relating to higher education.
Referred to Committee on Ways and Means.

SB 6164 by Senators Brown and Kohl-Welles

AN ACT Relating to higher education.
Referred to Committee on Ways and Means.

SB 6165 by Senator Brown

AN ACT Relating to revenue.
Referred to Committee on Ways and Means.

SB 6166 by Senators Brown, Snyder, Long, Fraser, Rossi, Constantine, Spanel, B. Sheldon and Carlson

AN ACT Relating to termination and restatement of plan 1 of the law enforcement officers' and fire fighters' retirement system; amending RCW 41.26.010, 41.26.040, 41.26.061, 44.44.040, 48.62.031, 48.62.051, 2.10.155, 26.09.138, 36.28A.010, 41.04.205, 41.04.270, 41.04.350, 41.04.400, 41.05.320, 41.18.210, 41.20.170, 41.20.175, 41.24.400, 41.32.800, 41.32.860, 41.35.230, 41.40.690, 41.40.850, 41.45.010, 41.45.010, 41.45.020, 41.45.050, 41.45.050, 41.45.070, 41.48.030, 41.48.050, 41.50.030, 41.50.055, 41.50.075, 41.50.075, 41.50.080, 41.50.090, 41.50.110, 41.50.112, 41.50.150, 41.50.255, 41.50.500, 41.50.500, 41.50.670, 43.84.092, 43.84.092, 43.79A.040, 46.52.130, and 72.72.060; reenacting and amending RCW 41.26.030, 6.15.020, 41.45.020, 41.45.060, 41.45.070, and 41.56.030; adding new chapters to Title 41 RCW; creating new sections; repealing RCW 41.26.005, 41.26.035, 41.26.045, 41.26.046, 41.26.047, 41.26.075, 41.26.080, 41.26.090, 41.26.100, 41.26.110, 41.26.115, 41.26.120, 41.26.125, 41.26.130, 41.26.135, 41.26.140, 41.26.150, 41.26.160, 41.26.161, 41.26.162, 41.26.170, 41.26.190, 41.26.192, 41.26.194, 41.26.195, 41.26.197, 41.26.200, 41.26.211, 41.26.221, 41.26.240, 41.26.250, 41.26.260, 41.26.270, 41.26.281, 41.26.3901, 41.26.3902, 41.26.3903, and 41.26.410; providing effective dates; providing an expiration date; and declaring an emergency. declaring an emergency.
Referred to Committee on Ways and Means.

SB 6167 by Senators Brown, Snyder, Spanel and B. Sheldon

AN ACT Relating to actuarial funding of state retirement systems; amending RCW 41.45.010, 41.45.010, 41.45.020, 41.45.030, 41.45.050, 41.45.050, 41.45.061, 41.45.067, 41.45.070, 41.45.080, and 41.45.120; reenacting and amending RCW 41.45.020, 41.45.060, 41.45.061, and 41.45.070; adding new sections to chapter 41.45 RCW; decodifying RCW 41.45.0602; providing effective dates; providing an expiration date; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 6168 by Senator Brown

AN ACT Relating to revenue.
Referred to Committee on Ways and Means.

SB 6169 by Senator Brown

AN ACT Relating to retirement from public service.
Referred to Committee on Ways and Means.

SB 6170 by Senator Brown

AN ACT Relating to retirement from public service. Referred to Committee on Ways and Means.

MOTION

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

SENATE RESOLUTION 2001-8649

By Senators Costa, Roach, Regala, Rasmussen, Kohl-Welles and Spanel

WHEREAS, It is the tradition of the Washington State Senate to recognize the outstanding and much-needed efforts of individuals, groups and organizations that work to protect human rights; and

WHEREAS, March is National Women's History Month, during which sexual trafficking is recognized as a serious issue for women and human rights advocates around the world; and

WHEREAS, Sexual trafficking is defined as the purchase, sale, recruitment, harboring transportation, transfer or receipt of a person for the purpose of a commercial sex act; and

WHEREAS, Most Americans are unaware that millions of young women and children are trafficked every year into the international sex trade; and

WHEREAS, The UNICEF organization has donated a great deal of time, energy and resources for implementing prevention, protection and rescue efforts of sexual trafficking victims who are often taken to cities or remote areas where their captors take away passports, visas, and identification and control them through threats, abuse and terror; and

WHEREAS, Oprah Winfrey dedicated an entire television show to recognize former President Bill Clinton's signing of the Victims of Trafficking and Violence Protection Act 2000 and the brutal effects of sexual trafficking, since an estimated 45,000-50,000 women and children are trafficked annually to the United States and that sexual trafficking is organized crime's third largest source of money-surpassed only by drugs and guns-generating \$8 billion a year; and

WHEREAS, The Coalition Against Trafficking in Women, in conjunction with the International Human Rights Network, has led and won a decisive battle to influence a strong and inclusive definition of trafficking that is at the core of a new United Nations' *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*; and

WHEREAS, The organization End Child Prostitution in Asian Tourism has fought hard to stop advertising for and easy access to foreign sex tour since several countries do not acknowledge sexual trafficking as anything more than a legitimate barter of commodities; and

WHEREAS, Concerned Women for America has worked to raise awareness by supporting legislation to enforce the punishment of traffickers and protect the rights of victims; and

WHEREAS, The Miramed Institute works with girls in rural areas and small villages who are at risk of being kidnaped and trafficked and tries to protect girls from suffering intolerable brutalization as workers in sex tourism destinations and brothels around the world; and

WHEREAS, *Women's World* magazine has designated an ongoing trafficking resource guide so readers can get information on trafficking, verify legitimate businesses, offer help to girls returning to their countries of origin after escaping, and have information about jobs to be cautious of such as child-care providers, restaurant workers, and maid which are often traps; and

WHEREAS, The Center for Women Policy Studies recommends that efforts to address sexual trafficking focus on criminalizing the activities of traffickers rather than the women and girls who are their victims, many countries deal with prostitutes as criminals and put them in jail as an attempt to control AIDS and STD's regardless if the girls were kidnaped or forced to be sex slaves; and

WHEREAS, The Center for Women Policy Studies also works to bring awareness to the fact that many victims of sexual trafficking are taken across foreign borders where they do not speak the language, and the victims fear arrest, imprisonment and deportation to their home country – where they likely will be ostracized or punished because of their sexual exploitation; and

WHEREAS, The Sanlaap organization has established shelters to protect, rehabilitate, counsel and reintegrate victims into society; and

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate does hereby recognize and commend the honorable efforts of those organizations that work to put a stop to the sexual trafficking and exploitation of women and children throughout the world; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately from the Secretary of the Senate to The National Women's History Project, UNICEF, Oprah Winfrey, The Coalition Against Trafficking in Women, The International Human Rights Network, End Child Prostitution in Asian Tourism, Concerned Women of America, The Center for Women Policy Studies, Miramed Institute, *Women's World* magazine and Sanlaap.

Senators Costa, Kohl-Welles, Zarelli and Shin spoke to Senate Resolution 2001-8649.

INTRODUCTION OF SPECIAL GUEST FROM RUSSIA

The President welcomed and introduced Marina Tyasto, the Director of the Connective Leadership Project in Novosibirsk, Russia, who was seated on the rostrum.

With permission of the Senate, business was suspended and Ms. Tyasto addressed the Senate.

INTRODUCTION OF ADDITIONAL GUESTS FROM RUSSIA

The President welcomed and introduced a delegation accompanying the Russian guest, Marina Tyasto. The group promoting women in government, with a focus on women's issues, was seated in the back of the Chamber.

MOTION

Senator Deccio moved that the following resolution be adopted:

SENATE RESOLUTION 2001-8644

By Senator Deccio

WHEREAS, the Senate adopted permanent rules for the 2001-02 biennium under Senate Resolution 2001-8601; and

WHEREAS, pursuant to Senate Rule 35, the Senate has received one day's notice from Senator Deccio of his intent to move adoption of an amendment to the Senate Rule 29 in the manner set forth below;

NOW THEREFORE, BE IT RESOLVED, that Senate Resolution 2001-8601 and Rule 29 of the Permanent Rules of the Senate for the 2001-02 biennium are each amended to read as follows:

"Rule 29. When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully address the President, and when recognized shall, in a courteous manner, first announce his or her position on the question under debate and then speak to the question under debate, avoiding personalities; provided that a senator may refer to another member using the title "Senator" and the surname of the other member. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been sustained, a member shall not be denied the right to speak at least once on each question, nor shall a member be limited to less than three minutes on each question. In any event, the senator who presents the motion may open and close debate on the question."

Senators Snyder, Honeyford, T. Sheldon, Morton, McCaslin, Fraser and Roach spoke to Senate Resolution 2001-8644, some in favor of and some against the resolution.

POINT OF INQUIRY

Senator Roach: "Senator Deccio, I am wondering--looking at this requirement that we first announce our positions on the question under debate--would your reasoning for requiring this, since we have all mentioned that sometimes it takes us half way through debate to determine our position, would your motivation really be to limit our

debate and make things move a little more quickly and make it a little bit more easy for you to sit and be here on the Senate floor?"

Senator Deccio: "I don't know; I haven't decided."

Senators Hargrove, Gardner, Prentice, Johnson, McAuliffe, Snyder, Carlson and Deccio also spoke to Senate Resolution 2001-8644, some for the resolution and some against the resolution.

MOTION TO WITHDRAW RESOLUTION

There being no objection, on motion of Senator Deccio, Senate Resolution 2001-8644 was withdrawn.

HAPPY BIRTHDAY WISHES

The President extended Senator West a Happy Birthday on the occasion of his fiftieth birthday.

PERSONAL PRIVILEGE

Senator West: "A point of personal privilege, Mr. President. I really do think this one does apply to me, so it is would be personal. Senator Winsley said it was down hill from here and she is on the side of fifty that she would have evidence of that. I would point out, Sir, that I am still below the median age of the State Senate and I hope to remain there for quite a few years. I would also like to point out that I share this date and time--not the year--but the month and day with Bette Snyder, the wife of the distinguished majority leader. So, we wish her a Happy Birthday on this great and glorious day."

MOTION

At 10:40 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, March 29, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTIETH DAY, MARCH 28, 2001

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

EIGHTY-FIRST DAY

NOON SESSION

Senate Chamber, Cherberg Building, Olympia, Thursday, March 29, 2001
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 27, 2001

HB 1067 Prime Sponsor, Representative O'Brien: Revising provisions relating to the commissioning and training of railroad police. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Patterson, Prentice, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 28, 2001

HB 1070 Prime Sponsor, Representative Delvin: Revising provisions relating to the juvenile offender basic training camp program. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1095 Prime Sponsor, Representative Mitchell: Updating oversize load permits. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Patterson, Prentice, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1100 Prime Sponsor, Representative Fisher: Modifying notice requirements. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Patterson, Prentice, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 27, 2001

SHB 1161 Prime Sponsor, House Committee on Commerce and Labor: Authorizing the department of licensing to establish engineer and land surveyors' certificate and licensing renewal intervals, renewal fees, and renewal dates. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Hochstatter, Honeyford, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1179 Prime Sponsor, Representative Ericksen: Strengthening procedures for disqualification of drinking or drugged commercial drivers. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Finkbeiner, Jacobsen, Kastama, Oke, Patterson, Prentice and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Swecker.

Passed to Committee on Rules for second reading.

March 28, 2001

E2SHB 1180 Prime Sponsor, House Committee on Appropriations: Obtaining and expending funds for the public health system. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

March 28, 2001

HB 1287 Prime Sponsor, Representative Reardon: Extending the prohibition on mandatory local measured telecommunications service. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass as amended. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Fairley, Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

March 28, 2001

HB 1317 Prime Sponsor, Representative Ballasiotes: Removing the expiration date on emergency administration of epinephrine. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1369 Prime Sponsor, Representative Esser: Making technical corrections to chapter 19.28 RCW, electricians and electrical installations. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Hochstatter, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

March 28, 2001

SHB 1391 Prime Sponsor, House Committee on State Government: Overseeing statutory legislative committees. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach and T. Sheldon.

Passed to Committee on Rules for second reading.

March 28, 2001

ESHB 1418 Prime Sponsor, House Committee on Finance: Promoting community revitalization. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Fairley, Finkbeiner, McCaslin and Stevens.

Referred to Committee on Ways and Means.

March 28, 2001

ESHB 1458 Prime Sponsor, House Committee on Local Government and Housing: Relating to establishing a timeline for final decisions on project permit applications. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Gardner, Hale, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 28, 2001

SHB 1517 Prime Sponsor, House Committee on State Government: Establishing quality management programs. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Referred to Committee on Ways and Means.

March 28, 2001

SHB 1528 Prime Sponsor, House Committee on Technology, Telecommunications and Energy: Reducing regulatory requirements on competitive telecommunications services and companies. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass as amended. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Finkbeiner, Haugen and McCaslin.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1584 Prime Sponsor, Representative Haigh: Revising requirements for vehicle license renewal. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Jacobsen, Johnson, Kastama, McAuliffe, Oke, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 27, 2001

SHB 1596 Prime Sponsor, House Committee on Transportation: Authorizing transportation for persons with special needs. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Jacobsen, Johnson, Kastama, McAuliffe, Oke, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 28, 2001

SHB 1717 Prime Sponsor, House Committee on Criminal Justice and Corrections: Exempting from public inspection specified information on correctional facilities. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

March 28, 2001

SHB 1899 Prime Sponsor, House Committee on State Government: Prohibiting the use of social security numbers and drivers' license numbers in professional licenses. Reported by Committee on Human Services and Corrections.

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

March 27, 2001

SHB 1915 Prime Sponsor, House Committee on Finance: Modifying wine and cider provisions. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Gardner, Vice Chair.

Passed to Committee on Rules for second reading.

March 27, 2001

HB 1983 Prime Sponsor, Representative Benson: Modifying "debt collector" so the term excludes affiliates of creditors that service creditor's accounts. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Hochstatter, Honeyford, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

March 28, 2001

HB 2031 Prime Sponsor, Representative Cairnes: Limiting the taxation of pay phone services. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Referred to Committee on Ways and Means.

March 28, 2001

HB 2096 Prime Sponsor, Representative Dunshee: Authorizing water-sewer districts to engage in general fund-raising for programs for low-income customers. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Kline and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Horn and T. Sheldon.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Betti Sheldon, Substitute House Bill No. 1517 was referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 29, 2001

GA 9127 JAMES A. TUPPER, JR., appointed July 1, 2000, for a term ending June 30, 2006, as a member of the Pollution Control/Shorelines Hearings Board.
Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Jacobsen and Patterson.

MINORITY Recommendation: Do not confirm. Signed by Senators Hale, Honeyford, McDonald and Morton.

Passed to Committee on Rules.

March 29, 2001

GA 9155 KALEEN COTTINGHAM, appointed February 3, 2001, for a term ending June 30, 2002, as a member of the Pollution Control/Shorelines Hearings Board.
Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Jacobsen and Patterson.

MINORITY Recommendation: Do not confirm. Signed by Senators Hale, Honeyford, McDonald and Morton.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6171 by Senators Fairley, Zarelli, Spanel, Snyder and Franklin

AN ACT Relating to fiscal matters; amending 1999 c 379 ss 112, 758, and 937 (uncodified); amending 2000 2nd sp.s. c 1 ss 1008 and 1013 (uncodified); adding a new section to 1999 c 379 (uncodified); making appropriations; authorizing expenditures for capital improvements; and declaring an emergency.
Referred to Committee on Ways and Means.

SCR 8413 by Senator Prentice

Establishing a committee to study oil pricing.

Referred to Committee on Labor, Commerce and Financial Institutions.

MOTION

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

SENATE RESOLUTION 2001-8640

By Senator Parlette

WHEREAS, Melvin O. Hunt, Police Chief of the city of Grand Coulee, has faithfully served the city for twenty-five years; and

WHEREAS, Melvin Hunt graduated from Grand Coulee High School, the University of Idaho, and the Spokane Police Academy before beginning his service to the city; and

WHEREAS, Chief Hunt began his law enforcement career with Grand Coulee on March 23, 1976, after serving the city as an auxiliary officer; and

WHEREAS, Chief Hunt has worked hard to provide leadership and sound judgment in law enforcement for the entire area, including the city of Grand Coulee and its environs; and

WHEREAS, The leadership and dedication evidenced by Chief Hunt have contributed greatly to the overall quality of life and livability of the city of Grand Coulee and the surrounding area; and

WHEREAS, In recognition and appreciation of Melvin Hunt's outstanding service, the Mayor and City Council of Grand Coulee proclaimed Sunday, March 25, 2001, "Melvin O. Hunt Day";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Chief Melvin O. Hunt's longstanding service performed with distinction, dedication to duty, loyalty, and dignity; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Melvin O. Hunt, Police Chief of the city of Grand Coulee, Tammara Byers, Mayor of the city of Grand Coulee, and the members of the Grand Coulee City Council.

MOTION

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

SENATE RESOLUTION 2001-8651

By Senator Regala

WHEREAS, The Slavonian community has been a vital and vibrant part of Tacoma and western Washington for more than a century by providing leaders in fields of endeavor ranging from salmon fishing to politics, business, the judiciary and higher education; and

WHEREAS, Names such as Lieutenant Governor John Cherberg, State Senator and Court of Appeals Judge Jack Petrich, former University of Washington President Henry Suzzallo, fisherman and later airline founder Nick Bez, and shipbuilders Joe Martinac and the Skansie Brothers were all of Slavonian descent; and

WHEREAS, The Slavonian American Benevolent Society was founded in 1901 in Tacoma by immigrants from the Dalmatian Coast and islands in what is now Croatia; and

WHEREAS, The Society has maintained and nurtured ethnic traditions by providing a place to share cultural activities through plays, music and social events that bring people together around food, dancing and the sharing of songs from Dalmatia; and

WHEREAS, In 1906, the Slavonian American Benevolent Society built a lodge on North 30th Street in Old Tacoma. In addition to producing plays in the native Serbo-Croatian language, the Lodge was home to the first productions of the Tacoma Little Theater; and

WHEREAS, The Lodge was designated as an historic building by the U.S. Department of the Interior in 1975, and is now listed on the National Historic Register. The structure is one of the longest standing buildings maintained by an ethnic-cultural group in our state; and

WHEREAS, The Society, which originally was an all male organization, changed the rules in the 1950s to allow women members to expand the number of family activities available to members; and

WHEREAS, The calendar of events includes the traditional "Three Kings Dance" in January; Vela Gospa in August, and the Daffodil Dinner in April; and

WHEREAS, members of the Slavonian American Benevolent Society have chosen to celebrate its Centennial by commissioning a sculpture by Larry Anderson commemorating the life and work of early immigrants from Croatia;

NOW THEREFORE BE IT RESOLVED, That the Senate of the state of Washington recognize and congratulate the Slavonian American Benevolent Society for one-hundred years of outstanding accomplishments and service; and

BE IT FURTHER RESOLVED, That copies of this resolution be presented to the Slavonian American Benevolent Society and President John Petrinovich.

MOTION

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

SENATE RESOLUTION 2001-8652

By Senator Roach

WHEREAS, Chief Donald J. Frazier is retiring after having been in law enforcement for thirty years including twenty-two and half years as Chief; and

WHEREAS, Donald Frazier helped build a state of the art public safety building, and a state of the art communications center; and

WHEREAS, Chief Frazier authorized the laptop computer program, instituted a DARE program, the Citizen's Academy, and full-time Narcotics & Property Detectives; and

WHEREAS, Chief Frazier instituted a Multi-agency SWAT team, a Marine Services Program, a Multi-agency Investigative team, a K-9 program, the ID-a-Kid program, the 911 simulator program; and

WHEREAS, Chief Frazier also instituted the Loaner Life Jacket Program, the Drown Proofing Education for Elementary School Children, a Police Chaplin Program, the Community Service Officer, and the Bonney Lake Police Department Open House and National Night Out Against Crime; and

WHEREAS, Chief Frazier was responsible for earning accreditation for the department and was the 1991 Bonney Lake Citizen of the Year; and

WHEREAS, Chief Frazier spent countless hours with service clubs and other organizations involved in community projects; and

WHEREAS, Chief Donald J. Frazier remained a dedicated father to his children while juggling the stressful life of a police officer and police chief; and

WHEREAS, Chief Frazier managed to befriend and touch all who have worked with him and those who know him away from the job;

NOW THEREFORE, BE IT RESOLVED, That, Chief Donald T. Frazier be recognized for his outstanding service to the Bonney Lake Community and the legacy that he leaves to his friends, family, and fellow officers.

MOTION

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

SENATE RESOLUTION 2001-8653

By Senator Larry Sheahan

***WHEREAS, The Washington State Senate supports excellence in all fields of human endeavor; and
WHEREAS, The members of the Garfield-Palouse High School Boys' Basketball Team have shown outstanding and unusual athletic skills at their chosen sport by winning the State's Class B Championship for the second consecutive year; and***

WHEREAS, The Vikings benefitted from the leadership and example of ten seniors on the varsity team; and

WHEREAS, These seniors led the Garfield-Palouse team to an astounding 27-1 record during the course of the year; and

WHEREAS, Jason Fox, Aaron Elder and Adam Elder made the All-State Team, and four members of the starting five made the First Team, All-County; and

WHEREAS, The Vikings Boys' Basketball Team benefitted from the leadership and support of Principal Skip Wilson, Athletic Director Alli Bennett, Coach Tim Coles, and Assistant Coach Steve Swinney in their bid for athletic excellence; and

WHEREAS, The team and its leadership have brought distinction and pride to Garfield-Palouse High School, its students, its supporters, and the entire Garfield-Palouse community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and congratulate the 2000-2001 Garfield-Palouse High School Boys' Basketball Team for its hard work, dedication to athletic excellence, and maturity in achieving this recognition; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the principal of Garfield-Palouse High School and to the coaching staff of the 2000-2001 Garfield-Palouse High School Boys' Basketball Team.

MOTION

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

SENATE RESOLUTION 2001-8654

By Senator Larry Sheahan

***WHEREAS, The Washington State Senate supports excellence in all fields of human endeavor; and
WHEREAS, The members of the Tekoa-Oaksdale High School Girls' Basketball Team have exhibited outstanding athletic skill by winning the Class B State Championship; and***

WHEREAS, To win the Class B State Championship, the Wildcats had to go to overtime to secure a 70-64 win over their opponents; and

WHEREAS, Betsy Smart and Katie Driscoll of the Tekoa-Oaksdale High School Girls' Basketball Team were selected to the first team All-State, and Michelle Faunce was named to the second team All-State; and

WHEREAS, The Wildcats Girls' Basketball Team benefitted from the leadership and support of Principal and Athletic Director Wayne Roellich, Coach Paul Vorhees, and Assistant Coach Kristen Davis in their bid for athletic excellence; and

WHEREAS, The team and its leadership have brought distinction and pride to Tekoa-Oaksdale High School, its students, its supporters, and the entire Tekoa-Oaksdale community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and congratulate the 2000-2001 Tekoa-Oaksdale High School Girls' Basketball Team for its hard work, dedication to excellence, and maturity in achieving this recognition; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the principal of Tekoa/Oaksdale and to the coaching staff of the 2000-2001 Girls Class B State Basketball Champions.

MOTION

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

SENATE RESOLUTION 2001-8655

By Senator Hewitt

WHEREAS, Walla Walla Community College was one of only two out of thirteen-hundred community colleges chosen for an eighteen month study of economic and social benefits to the community by the Association of Community College Trustees, a national nonprofit education organization; and

WHEREAS, the study tracked three kinds of benefits: the contributions to local jobs and incomes, private benefits to exiting students, and social benefits to Walla Walla County, Columbia County, and northern Umatilla County; and

WHEREAS, the study found that 8.4 percent of the total earnings in the regional economy was attributable to Walla Walla Community College operations and past-student productivity; and

WHEREAS, the study found that without Walla Walla Community College the communities would immediately lose two percent of their economy; and

WHEREAS, the study found that Walla Walla Community College operations directly contributes \$19.4 million with jobs and services to the region; and

WHEREAS, the study found that taxpayers in the region save \$18.60 in costs associated with crime, medical care, welfare and unemployment for every \$1 spent on education; and

WHEREAS, the study found that Walla Walla Community College accounts for earnings in the region equal to that of over 3,600 jobs; and

WHEREAS, the study found that every credit hour of instruction at Walla Walla Community College adds \$56 to an exiting student's annual income making the total value of credit hours of instruction equal to \$46.4 million in earnings or 1,311 jobs in the Walla Walla economy; and

WHEREAS, the study demonstrated that Walla Walla Community College is a sound public investment that enriches the lives of its students, both materially and culturally, while reducing the demand for taxpayer-supported social services and contributing to the economic vitality of the state;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the Walla Walla Community College Board of Trustees, President Steve VanAusdle, and all the members of the college faculty and staff be congratulated on participating in the Association of Community Colleges Trustees Study, and recognized for their significant contribution to their community and the state of Washington; and

BE IT FURTHER RESOLVED, that a copy of this resolution be immediately transmitted by the Secretary of the Senate to Walla Walla Community College President Steve VanAusdle.

MOTION

At 12:12 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, March 30, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-FIRST DAY, MARCH 29, 2001

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

EIGHTY-SECOND DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Friday, March 30, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Stevens. On motion of Senator Honeyford, Senator Stevens was excused.

The Sergeant at Arms Color Guard, consisting of Pages Charles Urlacher and Nicole Yount, presented the Colors. Reverend Vicki Morse, pastor of the Gull Harbor Lutheran Church in Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 29, 2001

SB 5345 Prime Sponsor, Senator Brown: Making operating appropriations for 2001-03. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5345 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Long, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Parlette, Rossi and Sheahan.

Passed to Committee on Rules for second reading.

March 29, 2001

SB 5346 Prime Sponsor, Senator Brown: Making supplemental operating appropriations. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5346 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Kline, Kohl-Welles, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 29, 2001

SB 5347 Prime Sponsor, Senator Fairley: Making appropriations and authorizing expenditures for capital improvements. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5347 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 29, 2001

SB 5990 Prime Sponsor, Senator Fairley: Issuing general obligation bonds. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 29, 2001

SB 6166 Prime Sponsor, Senator Brown: Restating plan 1 of the law enforcement officers' and fire fighters' retirement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6166 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Long, Regala, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 29, 2001

SB 6167 Prime Sponsor, Senator Brown: Ensuring sound actuarial funding of the state retirement systems. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6167 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Parlette, Rossi and Sheahan.

Passed to Committee on Rules for second reading.

March 29, 2001

SB 6171 Prime Sponsor, Senator Fairley: Providing for supplemental capital budget appropriations. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6171 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Vice-Chair; Fraser, Honeyford, Kline, Kohl-Welles, Long, Parlette, Regala, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 29, 2001

2SHB 1041 Prime Sponsor, House Committee on Appropriations: Allowing protection orders for unlawful harassment to restrain persons under the age of eighteen. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Kline, Chair; Constantine, Vice Chair; Hargrove, Kastama, Long, McCaslin and Zarelli.

Passed to Committee on Rules for second reading.

March 29, 2001

HB 1052 Prime Sponsor, Representative O'Brien: Incorporating amendments into the reorganized chapter 9.94A RCW. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 29, 2001

HB 1066 Prime Sponsor, Representative O'Brien: Revising the authority of the criminal justice training commission to own and operate training facilities. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Kline, Chair; Constantine, Vice Chair; Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 29, 2001

HB 1126 Prime Sponsor, Representative O'Brien: Modifying collection of business to business debts by collection agencies. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Hargrove, Johnson, Kastama, Long, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

March 29, 2001

SHB 1187 Prime Sponsor, House Committee on State Government: Exempting certain information on criminal acts from public disclosure. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 29, 2001

HB 1198 Prime Sponsor, Representative G. Chandler: Including drinking water accounts in interest-bearing accounts. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald, Morton and Patterson.

Passed to Committee on Rules for second reading.

March 28, 2001

ESHB 1286 Prime Sponsor, House Committee on Natural Resources: Providing hatchery origin salmon eggs in order to replenish fish runs. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

March 28, 2001

SHB 1320 Prime Sponsor, House Committee on Health Care: Modifying provisions concerning adult family homes. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Deccio and Parlette.

Passed to Committee on Rules for second reading.

March 28, 2001

SHB 1341 Prime Sponsor, House Committee on Appropriations: Developing a home and community-based waiver for persons in community residential settings. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

March 28, 2001

ESHB 1364 Prime Sponsor, House Committee on Health Care: Mandating general anesthesia services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

March 29, 2001

ESHB 1370 Prime Sponsor, House Committee on Criminal Justice and Corrections: Restricting the sale of ephedrine, pseudoephedrine, or phenylpropanolamine. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 28, 2001

SHB 1426 Prime Sponsor, House Committee on Health Care: Establishing a quality improvement program for boarding homes. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

March 28, 2001

2SHB 1499 Prime Sponsor, House Committee on Appropriations: Regulating marine fin fish aquaculture. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

March 29, 2001

SHB 1545 Prime Sponsor, House Committee on Judiciary: Regulating nonprofit organizations. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 29, 2001

HB 1611 Prime Sponsor, Representative Schindler: Modifying missing persons record retention policies. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Hargrove, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 29, 2001

HB 1613 Prime Sponsor, Representative Romero: Providing a time limit for the transmittal of unidentified persons information. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Kastama, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 29, 2001

SHB 1643 Prime Sponsor, House Committee on Judiciary: Limiting liability of volunteers. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 29, 2001

SHB 1649 Prime Sponsor, House Committee on Judiciary: Including striking the body of a deceased person within hit and run. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Costa, Hargrove, Kastama, Long, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 28, 2001

E2SHB 1658 Prime Sponsor, House Committee on Appropriations: Establishing a pilot project culturing shellfish on nonproductive oyster reserve land. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

March 28, 2001

E2SHB 1728 Prime Sponsor, House Committee on Appropriations: Regulating the activities of insurance third-party administrators. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

March 29, 2001

SHB 1793 Prime Sponsor, House Committee on Judiciary: Revising court filing fees for tax warrants and recovery of state agency overpayments. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

March 28, 2001

SHB 1821 Prime Sponsor, House Committee on Natural Resources: Concerning coastal Dungeness crab resource plan provisions. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

March 28, 2001

2SHB 1835 Prime Sponsor, House Committee on Finance: Creating a forest products commission. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

March 28, 2001

SHB 1849 Prime Sponsor, House Committee on Natural Resources: Requiring the parks and recreation commission to have a record check performed on certain job applicants. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Referred to Committee on Ways and Means.

March 28, 2001

HB 1851 Prime Sponsor, Representative McMorris: Modifying the definition of small employer to include school districts. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

March 28, 2001

EHB 1936 Prime Sponsor, Representative Quall: Allowing the residential owner of land that abuts state-owned shoreland to anchor their boats to adjacent buoys. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

March 28, 2001

ESHB 1996 Prime Sponsor, House Committee on State Government: Protecting certain data obtained by the department of fish and wildlife. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

March 28, 2001

SHB 2041 Prime Sponsor, House Committee on Health Care: Providing for resident protection standards in boarding homes and adult family homes. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Costa, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

March 28, 2001

SHB 2105 Prime Sponsor, House Committee on Natural Resources: Modifying provisions related to small forest landowners. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

March 29, 2001

SHCR 4401 Prime Sponsor, House Committee on Natural Resources: Creating a joint select committee on the disposal of derelict vessels. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Jacobsen and Patterson.

MINORITY Recommendation:: Do not pass. Signed by Senators Hale, McDonald and Morton.

Passed to Committee on Rules for second reading.

March 28, 2001

EHCR 4410 Prime Sponsor, Representative Sump: Creating a joint select legislative task force to evaluate the state's authority under the forest resources conservation and shortage relief act. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Betti Sheldon, Substitute House Bill No. 1341 was passed to the Committee on Rules.
On motion of Senator Betti Sheldon, Substitute House Bill No. 1793 was referred to the Committee on Ways and Means.

REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

March 29, 2001

GA 9120 DELORES SIBONGA, appointed June 26, 2000, for a term ending June 17, 2005, as a member of the Human Rights Commission.
Reported by Committee on Judiciary

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Kline, Chair; Costa, Johnson, Kastama, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

March 29, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 1314, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

SHB 1314 by House Committee on Appropriations (originally sponsored by Representatives H. Sommers and Sehlin)
(by request of Governor Locke)

Making supplemental operating appropriations for 1999-01.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Substitute House Bill No. 1314 was advanced to second reading and placed on the second reading calendar.

MOTION

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

SENATE RESOLUTION 2001-8643

By Senator Hewitt

WHEREAS, On December 2, 2000, the Pasco High School Bulldogs won the Class 4A State Football Championship by beating Bethel High School 20-3 in the Tacoma Dome; and

WHEREAS, This win was the Bulldogs second state 4A football championship crown in three years; and

WHEREAS, The Bulldogs are the first 14-0 team in state history; and

WHEREAS, 280-pound defensive lineman Gabe Gutierrez put the icing on the game cake with an interception and 16-yard "rumble" for his first touchdown; and

WHEREAS, Wide receiver Raul Vigil, who helped the Bulldogs win the state soccer title two years ago, played his first football season and set a 4A title-game record;

WHEREAS, Head Coach Steve Graff provided strong, inspirational leadership and was unwavering in his expectations of good sportsmanship and honorable behavior both on and off the athletic field; and

WHEREAS, Assistant Coaches David Spray, Kevin Pedersen, Don Hogue, Scott Bond, Troy Sommerville, Steve Davis, Joe Carrasco, Tom Carroll, John Cazier, Mike Clayton, Tim Henderson and Gilbert Marquez contributed immeasurably to the development of a winning team; and

WHEREAS, Trainers Laurie Snover, Veronica Daniel, Paul Hale, Bonnie Nolan, Andrew Olson, Paulena Ransom, Melissa Roberts and Brittany Welsh, and Managers Britney Miller & Elizabeth Monk provided superior team support during the winning season; and

WHEREAS, Team Captains: Doug Vincent, Brandon Kania, Tyler Shook, Ben Davis, Kyle Lamb, Tanner Savage lead the charge to victory; and

WHEREAS, Team members Rocky Lozano, Chris Ortiz, Kyle Lamb, Steven Jenks, Tyler Shook, Marshal Smith, Jesse Lamb, Ben Fox, David Shimek, Brady Neergaard, Ameer Tillman, Brian Boler, Skyler Allen, Raul Vijil, Caleb Stromstad, Marc Mackay, Agustin Ramos, Brad Boler, Matt Picicci, Tyler Hockaday, Drew Castleberry, Ben Davis, Philip Mehlenbacher, Tom Kinion, Hans Esterhuizen, Mike Welch, Johnny Fairley, Doug Vincent, Nick Gonzales, John Pittman, Brett Rogers, Kyle Kania, Tanner Savage, David Hanson, William Hargrow, Charlie Smith, Gabe Gutierrez, Joe Scales, Ryan Dupuy, Nik Chassin, Jacob Galstad, Brandon Ono, Mike Garza, Brandon Kania, Brian Dilley, and Eric Mattox have distinguished themselves as high school athletes;

WHEREAS, The long hours of dedication, preparation and practice by all members of the team and its coaching staff are worthy of our respect and recognition; and

WHEREAS, The Bulldogs have the respect and unwavering loyalty of thousands of Pasco fans who showed their "Pasco Pride" by traveling the wintry roads to Tacoma in support of the team;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the Pasco High School Bulldogs be honored for their dedication and perseverance and for the pride that their achievement brings to their school and community.

BE IT FURTHER RESOLVED, that a copy of this resolution be immediately transmitted by the Secretary of the Senate to Pasco High School Principal Sheri Adkinson, to Pasco High School Athletic Director Le Burns, to Coach Graff, and to each member of the Bulldog championship team.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the members of the Pasco High School State Class 4A Champion Football Team and their coaches, who were seated in the back of the Chamber.

MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

SENATE RESOLUTION 2001-8648

By Senator Kohl-Welles

WHEREAS, The Millionair Club was founded eighty years ago by Ballard resident Martin Johanson, who believed that it was not enough to simply feed the homeless, but to give them meaningful work as well; and

WHEREAS, This extraordinary non-profit organization has provided over 660,000 day-labor jobs in the Puget Sound area and served more than 8.6 million meals; and

WHEREAS, The Millionair Club has risen from its humble beginnings in a Pioneer Square basement to one of the largest and most successful day-labor programs in Seattle and in the state of Washington; and

WHEREAS, The city of Seattle and the state of Washington benefit greatly from the accomplishments of the caring and gifted individuals who work and volunteer for the Millionair Club, who give selflessly of themselves so that the homeless and underprivileged may work and contribute to the economic and social development of the city of Seattle and the state of Washington; and

WHEREAS, Through the Millionair Club, our state's homeless citizens have an opportunity to regain the dignity and status of a normal citizen of the state of Washington, and contribute to their communities alongside more privileged citizens of our state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor and congratulate the Millionair Club for its hard work, dedication, and contribution to furthering the dignity and honor of homeless citizens by allowing them to empower themselves.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mel Jackson and Tiffany Dieffenbach, members of the Millionair Club, who were seated in the back of the Chamber.

PERSONAL PRIVILEGE

Senator Honeyford: "A point of personal privilege, Mr. President. Fellow members of the Senate, I am saddened to announce that Senator Newhouse, our former colleague, passed away last night. Funeral services are pending. We don't know yet. My office will let you know when we get that information. I would ask for a moment of silence for his wife, Ruth, and his family."

MOMENT OF SILENCE

The Senate stood for a moment of silence in memory of Senator Irv Newhouse.

MOTION

At 10:22 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:24 a.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5345, by Senators Brown, Rossi and Constantine (by request of Governor Locke)

Making operating appropriations for 2001-03.

MOTIONS

On motion of Senator Constantine, Substitute Senate Bill No. 5345 was substituted for Senate Bill No. 5345 and the substitute bill was placed on second reading and read the second time.

Senator Rossi moved that the following amendments be considered simultaneously and be adopted:

On page 14, on line 31, reduce the appropriation by \$482,000.

On page 14, on line 32, reduce the appropriation by \$474,000.

Adjust the total accordingly.

On page 15, on line 21, strike all material following "(1)" down through and including "economic development." on page 15, line 25.

Debate ensued.

POINT OF ORDER

Senator Snyder: "A point of order. I don't think the speaker is speaking to the amendments."

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, please keep your remarks to the amendments."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Rossi on page 14, lines 31 and 32, and page 15, line 21, to Substitute Senate Bill No. 5345.

The motion by Senator Rossi failed and the amendments were not adopted.

MOTION

Senator Rossi moved that the following amendment by Senators Rossi and Sheahan be adopted:

On page 59, after line 28, insert the following:

"(4) The department shall transfer amounts provided in this section and from various other program administrative budgets to achieve the following administrative cost savings:

(a) \$4,800,000 of the general fund--state appropriation for fiscal year 2002, \$6,560,000 of the general fund--state appropriations for fiscal year 2003, and \$7,760,000 of the general fund--federal appropriation shall be reduced from the administrative support budgets (category 9000) in economic service, juvenile rehabilitation, and developmental disabilities sections by reducing administrative FTEs per total program FTEs to the actual ratio of fiscal year 1997.

(b) \$14,000,000 of the general fund--state appropriation for fiscal year 2002, \$19,000,000 of the general fund--state appropriation for fiscal year 2003, and \$27,000,000 of the general fund--federal appropriation shall be reduced through a nineteen percent reduction in agency administrative budgets (program 110 and category 9000). Administrative reductions shall not include reductions in the division of fraud, medical assistance administration, or any work units providing direct client services.

(c) Funds saved in subsections (a) and (b) of this section shall be transferred to support the following enhancements: (i) increase wages for low wage workers who provide direct care for elderly and disabled persons in their own homes, in nursing homes and in community residential programs by \$.75 per hour, (ii) reduce the average caseload for social workers in children's services to 1:20, (iii) reduce the average caseload for case managers in developmental disabilities to 1:40 for persons on the medicaid waiver, (iv) fund the chore services program at the carry forward level, (v) increase funding for family support in developmental disabilities for an additional 750 families, and (vi) provide funding to implement the choice of service provision in RCW 71A.16.010."

Debate ensued.

Senators Snyder, Fraser and Prentice demanded the previous question and the demand was sustained.

Senator Sheahan demanded a roll call and the demand was sustained

POINT OF CLARIFICATION

Senator Snyder: "A point of clarification, Mr. President. Was that demand for the roll call or the demand for the previous question or on the amendment?"

REPLY BY THE PRESIDENT

President Owen: "It was on the amendment, Senator Snyder."

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Rossi and Sheahan on page 59, after line 28, to Substitute Senate Bill No. 5345.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Swecker, West, Winsley and Zarelli - 23.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel and Thibaudeau - 25.

Excused: Senator Stevens - 1.

MOTION

Senator Rossi moved that the following amendments be considered simultaneously and be adopted:

On page 73, line 22, increase the general fund--state appropriation for fiscal year 2002 from \$46,975,000 to \$44,475,000

On page 73, line 22, decrease the oil spill prevention account--state appropriation from \$10,850,000 to \$7,850,000

On page 79, after line 6, insert the following:

"(23) \$1,500,000 of the general fund--state appropriation for fiscal year 2002 is provided solely to establish a safety tug service. The department shall establish an agreement with the United States coast guard to charter safety tug service. The captain of the port for Puget Sound will dispatch the safety tug service on a short-term charter basis to the areas or incidents that the captain deems to be of highest concern. \$180,000 of the oil spill prevention account--state appropriation is provided solely to update the marine information system to access vessel incident reporting information from the federal government. By December 1, 2002, the department shall report to the appropriate fiscal committees of the legislature on the activities of the safety tug service. The report shall include information on rescues, assists or responses performed by the tug service. The report shall also indicate the class of vessels involved and the nature of the rescue, assist or response."

On page 183, beginning on line 1, delete everything through line 2 and insert the following:

"Transferred funds will be utilized to update the marine information system to access vessel incident reporting information from the federal government.....\$180,000"

Adjust the totals accordingly.

Debate ensued.

Senator Sheahan demanded a roll call and the demand was sustained.

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Benton: "A parliamentary inquiry. Mr. President. How many votes does it take to adopt an amendment to the budget bill?"

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, it takes thirty votes."

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Rossi on page 73, lines 22 (2); page 79, after line 6; and page 183, beginning on line 1, to Substitute Senate Bill No. 5345.

ROLL CALL

The Secretary called the roll and the amendments were was not adopted by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Swecker, West, Winsley and Zarelli - 24.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel and Thibaudeau - 24.

Excused: Senator Stevens - 1.

MOTION

On motion of Senator Oke, the following amendments by Senators Stevens and Oke were considered simultaneously and were adopted:

On page 83, line 26, increase the general fund--state appropriation for fiscal year 2002 from \$45,736,000 to \$45,986,000.

On page 83, line 27, increase the general fund--state appropriation for fiscal year 2003 from \$46,205,000 to \$46,456,000.

Adjust the totals accordingly

On page 88, after line 5, insert the following: "(25) \$250,000 of the general fund--state appropriation for fiscal year 2002 and \$250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for planning, scientific assessment, and development processes necessary to assist in completing the habitat conservation plan for the lower skykomish river as proposed by the lower skykomish river habitat conservation group."

MOTION

Senator Carlson moved that the following amendment be adopted:

On page 133, line 19, strike all material down to and through "College." on line 23.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carlson on page 133, line 19, to Substitute Senate Bill No. 5345.

The motion by Senator Carlson failed and the amendment was not adopted.

MOTION

On motion of Senator Snyder, Rule 15 was dispensed with for the day.

EDITOR'S NOTE: Rule 15 states, 'The Senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.'

MOTION

Senator Carlson moved that the following amendments by Senators Carlson, Benton and Zarelli be considered simultaneously and be adopted:

On page 134, line 37, strike "19,674" and insert "19,696"

On page 134, line 37, strike "19,778" and insert "19,823"

On page 140, line 4, increase the General Fund--State appropriation for fiscal year 2002 by \$231,000 and adjust the total accordingly.

On page 140, line 5, increase the General Fund--State appropriation for fiscal year 2003 by \$458,000 and adjust the total accordingly.

On page 141, line 1, insert the following:

"(4) \$1,546,000 of the general fund--state appropriations are provided solely for enrollment growth at the Vancouver branch campus."

Renumber the subsections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments on page 134, lines 37(2); page 140, lines 4 and 5; and page 141, line 1, to Substitute Senate Bill No. 5345.

The motion by Senator Carlson failed and the amendments were not adopted.

MOTION

Senator Carlson moved that the following amendments be considered simultaneously and be adopted:

On page 135, line 11, increase the General Fund--State appropriation for FY 2002 by \$1,500,000 and adjust the total accordingly.

On page 135, line 12, increase the General Fund--State appropriation for FY 2003 by \$3,100,000 and adjust the total accordingly.

On page 135, after line 30, insert the following:

"(3) \$1,500,000 of the general fund--state appropriation for fiscal year 2002 and \$3,100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments and associated benefits. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount."

Renumber the subsections accordingly.

On page 135, beginning on line 37, after "staff." strike "Amounts provided in this subsection may be used in combination with salary and benefit turnover savings to further provide recruitment and retention salary adjustments."

Debate ensued.

Senator Sheahan demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be roll call on the adoption of the amendments by Senator Carlson on page 135, lines, 11, 12, 30 and 37, to Substitute Senate Bill No. 5345.

ROLL CALL

The Secretary called the roll and the amendments were was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Swecker, West, Winsley and Zarelli - 22.

Voting nay: Senators Brown, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel and Thibaudeau - 26.

Excused: Senator Stevens - 1.

MOTION

Senator Honeyford moved that the following amendments by Senators Honeyford, Parlette, Hewitt, Hochstatter and Sheahan be considered simultaneously and be adopted:

On page 149, line 3, increase the general fund state appropriation for FY 2002 by \$25,000 and adjust the total accordingly.

On page 149, line 4, increase the general fund state appropriation for FY 2003 by \$25,000 and adjust the total accordingly.

On page 149, line 11, insert the following:

"(4) \$50,000 are provided for equal grants to Washington State University and Heritage College solely for the purposes of administrative activities related to the federal "College Assistance Migrant Program" to meet the special higher education needs of the migrant and seasonal farm worker student population."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Honeyford, Parlette, Hewitt, Hochstatter and Sheahan on page 149, lines 3, 4, and 11, to Substitute Senate Bill No. 5345. The motion by Senator Honeyford failed and the amendments were not adopted.

MOTION

Senator Swecker moved that the following amendments by Senators Zarelli and Swecker be considered simultaneously and be adopted:

On page 165, on line 33, after "limitations:" insert "(1)"

On page 165, after line 37, insert the following:

" (2)Use of these moneys to connect public libraries are limited to public libraries who have in place a policy of internet safety applied to publicly available computers with internet access via the K-20 educational network that includes the operation of a technology protection measure that protects against access to visual depictions that are (i) obscene under chapter 9.68 RCW; or (ii) sexual exploitation of children under chapter 9.68A RCW; and enforce the operation of the selected technology protection measure during any use of the computers. An administrator, supervisor, or person authorized by the library may modify or disable the technology protection measure concerned to enable access for bona fide research or other lawful purposes."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Sheahan demanded a roll call and the demand was sustained.

Debate ensued.

POINT OF ORDER

Senator Sheahan: "Mr. President, a point of order. I don't believe the Senator is speaking to the amendment."

REMARKS BY SENATOR KASTAMA

Senator Kastama: "Mr. President, may I respond? It was the Senator from the other side who started talking about my amendment. I think it is rather appropriate that I talk about it, too."

REPLY BY THE PRESIDENT

President Owen: "The President believes that the debate has brought both of these into play as to whether or other they should be adopted, so I believe it is within the scope of the debate."

Senator Kastama: "Thank you, Mr. President."

Further debate ensued.

The President declared the question before the Senate to be roll call on the adoption of the amendments by Senators Zarelli and Swecker on page 165, lines 33 and 37, to Substitute Senate Bill No. 5345.

ROLL CALL

The Secretary called the roll and the amendments failed to receive a sixty percent majority by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Deccio, Eide, Finkbeiner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Long, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Roach, Rossi, Sheahan, Sheldon, T., Shin, Swecker, West, Winsley and Zarelli - 29.

Voting nay: Senators Brown, Constantine, Costa, Fairley, Franklin, Fraser, Gardner, Haugen, Jacobsen, Kline, Kohl-Welles, McAuliffe, Prentice, Rasmussen, Regala, Sheldon, B., Snyder, Spanel and Thibaudeau - 19.

Excused: Senator Stevens - 1.

MOTION

Senator Kastama moved that the following amendments by Senators Kastama, Patterson and Haugen be considered simultaneously and be adopted:

On page 165, line 33, after "limitations:" insert "(1)"

On page 165, after line 37, insert the following:

"(2) Use of these moneys to connect public libraries are limited to public libraries who have in place a policy of internet safety applied to publicly available computers with internet access via the K-20 educational network that protects against access to visual depictions that are (i) obscene under chapter 9.68 RCW; or (ii) sexual exploitation of children under chapter 9.68A RCW."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Benton: "A parliamentary inquiry, Mr. President. Does the Senate rule requiring thirty votes pertain to sixty percent of the Senate or sixty percent of the members present?"

REPLY BY THE PRESIDENT

President Owen: "Sixty percent of the members elected."

Senator Benton: "Thank you."

Further debate ensued.

Senator Snyder demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be roll call on the adoption of the amendments by Senators Kastama, Patterson and Haugen on page 165, lines 33 and 37, to Substitute Senate Bill No. 5345.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 39; Nays, 8; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, West, Winsley and Zarelli - 39.

Voting nay: Senators Constantine, Fairley, Hochstatter, Kline, Kohl-Welles, Regala, Swecker and Thibaudeau - 8.

Absent: Senator Horn - 1.

Excused: Senator Stevens - 1.

MOTION

Senator Benton moved that the following amendment by Senators Benton and Sheahan be adopted:

On page 183, beginning on line 32, delete all material down to and including line 37.

Senator Sheahan demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be roll call on the adoption of the amendment by Senators Benton and Sheahan on page 183, beginning on line 32, to Substitute Senate Bill No. 5345.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 17; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, McDonald, Morton, Parlette, Roach, Rossi, Sheahan, Swecker, West and Zarelli - 17.

Voting nay: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Winsley - 31.
Excused: Senator Stevens - 1.

MOTION

Senator McDonald moved that the following amendment by Senators McDonald and Rossi be adopted:

On page 198, after line 16, insert the following:

NEW SECTION. Sec. 920. A new section is added to chapter 41.06 RCW to read as follows:

Any department, agency, or institution of higher education may purchase services, including services that have been customarily and historically provided by employees in the classified service under this chapter, by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities.

No department, agency, or institution may enter into, renew, extend, or allow the automatic extension of any collective bargaining agreement that restricts or modifies the authority granted by this section.

NEW SECTION. Sec. 921. A new section is added to chapter 43.88 RCW to read as follows:

The office of financial management shall establish a process for identifying the savings achieved by state agencies and institutions of higher education as a result of contracting for services under the authority granted in section 920 of this act. Expenditures during the 1999-2001 fiscal biennium shall constitute the baseline for purposes of calculating the savings.

It is the intent of the legislature that, from the up to seven hundred million dollars in identified savings, fifty percent be directed to providing increased state funding for common school education programs and common school construction and fifty percent be directed to providing increased state funding for transportation projects and programs.

NEW SECTION. Sec. 922. The following acts or parts of acts are each repealed:

(1) RCW 41.06.380 (Purchasing services by contract not prohibited--Limitations) and 1979 ex.s. c 46 s 2; and

(2) RCW 41.06.382 (Purchasing services by contract not prohibited--Limitations) and 1979 ex.s. c 46 s 1."

Renumber the sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Constantine: "A point of order, Mr. President. I would like the President to rule on to whether the amendment is in order with regard to the scope and object of the bill and whether it violates the requirement of a single subject. It is my belief that this amendment is an attempt to repel permanent statutory law within the budget act. It is also outside of the title. In the case the Legislature v. Locke, the Supreme Court made clear that we cannot include permanent substantive law in the budget. The budget, in fact, is limited to appropriations, although there is policy within it, we do not make of repel permanent statutory law. This amendment, in fact, is a bill that is pending before the body and can be hung on the budget. I would appreciate the President's ruling. Thank you, Mr. President."

Debate ensued.

MOTION

On motion of Senator Betti Sheldon, further consideration of Substitute Senate Bill No. 5345 was deferred.

MOTION

On motion of Senator Honeyford, Senator Johnson was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1314, by House Committee on Appropriations (originally sponsored by Representatives H. Sommers and Sehlin) (by request of Governor Locke)

The bill was read the second time.

MOTION

Senator Brown moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"PART I GENERAL GOVERNMENT

Sec. 101. 1999 c 309 s 111 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2000) \$ 904,000
General Fund--State Appropriation (FY 2001) \$ ((852,000))

944,000

TOTAL APPROPRIATION \$ ((1,756,000))

1,848,000

Sec. 102. 2000 2nd sp.s. c 1 s 107 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2000) \$ 13,144,000
General Fund--State Appropriation (FY 2001) \$ ((14,569,000))

14,204,000

Public Safety and Education Account--State
Appropriation \$ ((25,085,000))

25,135,000

Judicial Information Systems Account--State
Appropriation \$ 19,016,000

TOTAL APPROPRIATION \$ ((71,814,000))

71,499,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve. The administrator for the courts shall continue to implement procedures for the collection and disbursement of these employer contributions.

(3) \$223,000 of the public safety and education account appropriation is provided solely for the gender and justice commission.

(4) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(5) \$278,000 of the general fund--state appropriation for fiscal year 2000, \$285,000 of the general fund--state appropriation for fiscal year 2001, and \$263,000 of the public safety and education account appropriation are provided solely for the workload associated with tax warrants and other state cases filed in Thurston county.

(6) \$200,000 of the public safety and education account appropriation is provided solely for a unified family court pilot program. Of this amount, \$150,000 is provided for the costs of establishing the program and \$50,000 is provided for costs associated with evaluating the efficacy of the program. The pilot program grant is limited to the 1999-01 biennium. After this time, it is assumed that funding for continuation of the unified family court or expansion to other counties would be provided by local jurisdictions based on the results of the evaluation of the program.

(7) \$130,000 of the general fund--state appropriation for fiscal year 2000 and \$130,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the new judicial positions authorized by Engrossed Senate Bill No. 5036 (superior court judges).

(8) \$132,000 of the general fund--state appropriation for fiscal year 2000 and \$136,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state's portion of increased costs in the superior court mandatory arbitration program.

(9) \$750,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to increase the number of children served by court-appointed special advocates in dependency matters. The office of the administrator for the courts, after consulting with the Washington association of juvenile court administrators and the Washington association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(10) \$30,000 of the public safety and education account--state appropriation is provided solely for the office of the administrator for the courts to convene a task force to review whether there are revisions to existing statutes and court rules which, if implemented, would decrease the likelihood of an inappropriate imposition of the death penalty.

Sec. 103. 2000 2nd sp.s. c 1 s 108 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2001) \$ 500,000
Public Safety and Education Account--State
Appropriation \$ ((12,490,000))

12,080,000

TOTAL APPROPRIATION \$ ((12,990,000))

12,580,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$558,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.

(2) \$51,000 of the public safety and education account appropriation is provided solely for the implementation of House Bill No. 1599 (court funding). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(4) The entire general fund--state appropriation is provided solely for a dependency and termination legal representation funding pilot program.

(a) The goal of the pilot program shall be to enhance the quality of legal representation in dependency and termination hearings, thereby reducing the number of continuances requested by contract attorneys, including those based on the unavailability of defense counsel. To meet the goal, the pilot shall include the following components:

(i) A maximum caseload requirement of 90 dependency and termination cases per full-time attorney;

(ii) Implementation of enhanced defense attorney practice standards, including but not limited to those related to reasonable case preparation and the delivery of adequate client advice, as developed by Washington state public defense attorneys and included in the office of public defense December 1999 report *Costs of Defense and Children's Representation in Dependency and Termination Hearings*;

(iii) Use of investigative and expert services in appropriate cases; and

(iv) Effective implementation of indigency screening of all dependency and termination parents, guardians, and legal custodians represented by appointed counsel.

(b) The pilot program shall be established in one eastern and one western Washington juvenile court.

(c) The director shall contract for an independent evaluation of the pilot program benefits and costs. An interim evaluation shall be submitted to the governor and fiscal committees of the legislature no later than January 1, 2001. A final evaluation shall be submitted to the governor and the fiscal committees of the legislature no later than ninety days following the close of the 1999-01 fiscal biennium.

(5) \$50,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2491 (DNA testing of offenders). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 104. 2000 2nd sp.s. c 1 s 109 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2000) \$ 5,762,000

General Fund--State Appropriation (FY 2001) \$ 5,720,000

General Fund--Federal Appropriation \$ 209,000

Water Quality Account--State Appropriation \$ 700,000

TOTAL APPROPRIATION \$ ((12,345,000))

12,391,600

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,612,000 of the general fund--state appropriation for fiscal year 2000, \$1,588,000 of the general fund--state appropriation for fiscal year 2001, \$700,000 of the water quality account appropriation, and \$209,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the salmon recovery office to support the efforts of the independent science panel.

(3) \$62,000 of the fiscal year 2000 general fund--state appropriation and \$63,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079, establishing the salmon recovery funding board in the office of the governor. If legislation establishing the board is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(4) \$3,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement Senate Bill No. 5408 (state medal of valor).

Sec. 105. 2000 2nd sp.s. c 1 s 111 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2000) \$ 1,751,000

General Fund--State Appropriation (FY 2001) \$ ((2,470,000))

2,307,000

TOTAL APPROPRIATION \$ ((3,921,000))

4,058,000

The appropriations in this section are subject to the following conditions and limitations: \$328,000 of the general fund--state appropriation for fiscal year 2000 and \$760,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5931 (electronic filing and public access). If the bill is not enacted by June 30, 1999, the amounts provided shall lapse.

Sec. 106. 2000 2nd sp.s. c 1 s 112 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2000) \$ 14,043,000

General Fund--State Appropriation (FY 2001) \$ ((8,399,000))

9,770,000

General Fund--Private/Local Appropriation \$ 120,000

Archives and Records Management Account--State
Appropriation \$ ((5,489,000))

5,876,000

Archives and Records Management Account--Private/
Local Appropriation \$ ((4,123,000))

4,132,000

Department of Personnel Service Account--State
Appropriation \$ 681,000
TOTAL APPROPRIATION \$ ((32,855,000))

34,622,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,355,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$3,780,000 of the general fund--state appropriation for fiscal year 2000 ((is)) and \$1,621,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to reimburse counties for the state's share of presidential preference primary election costs. For expenses payable in fiscal year 2001, counties shall be reimbursed only for those actual presidential preference primary election costs that the secretary of state validates as eligible for reimbursement.

(3) \$2,106,000 of the general fund--state appropriation for fiscal year 2000 and ((\$2,663,000)) \$2,413,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2000 and \$125,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for legal advertising of state measures under RCW 29.27.072.

(5)(a) \$1,870,350 of the general fund--state appropriation for fiscal year 2000 and \$1,907,757 of the general fund--state appropriation for fiscal year 2001 are provided solely for continuing the contract with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of state-wide significance during the 1999-2001 biennium.

(b) The funding level for each year of the contract shall be based on the amount provided in this subsection and adjusted to reflect the implicit price deflator for the previous year. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(6) ((\$867,000)) \$1,252,000 of the archives and records management account--state appropriation is provided solely for operation of the central microfilming bureau under RCW 40.14.020(8).

(7) \$120,000 of the general fund--private/local appropriation is provided solely for the Washington quality awards council.

(8) \$20,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the operations of the task force on archaeology and historic preservation. The task force shall develop a single recommendation for consideration by the legislature and the governor on the issue of the location of the office of archaeology and historic preservation within state government. The recommended location shall maximize the office of archaeology and historic preservation's stature, visibility, accessibility, and delivery of service state-wide in the context of its critical role as an important link among downtown and neighborhood revitalization efforts, the cultural tourism movement, rural economic development initiatives, and the preservation of the structures and sites that still remain as the legacy of Washington's rich and diverse heritage. The task force shall consider and include in its recommendation how best both to realize the potential of the office of archaeology and historic preservation to generate revenue from services it could provide in international, national, state, local, and private venues and also how best to achieve adequate funding from all funding sources to assure that the office of archaeology and historic preservation can provide the best possible service to the citizens of the state. There shall be eleven members of the task force as follows: One member shall be the state historic preservation officer or his or her designee; two members shall be representatives of state agencies; two members shall be representatives of local governments; there shall be one representative each from the Washington state historical society, the eastern Washington state historical society, the Washington trust for historic preservation, and Indian tribes; and two members shall be representatives of the private sector who have experience in preservation of historic buildings or archaeological sites or who have particular interest in the issue of preservation of historic buildings and archaeological sites. The state historic preservation officer shall be the chair of the task force. The task force shall report to appropriate committees of the legislature and the governor by January 1, 2001.

(9) \$8,000 of the fiscal year 2001 general fund--state appropriation is provided solely to implement Senate Bill No. 5408 (state medal of valor).

Sec. 107. 1999 c 309 s 119 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2000) \$ 215,000

General Fund--State Appropriation (FY 2001) \$ ((215,000))

221,000

TOTAL APPROPRIATION \$ ((430,000))

436,000

Sec. 108. 2000 2nd sp.s. c 1 s 114 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2000) \$ 67,000

General Fund--State Appropriation (FY 2001) \$ ((128,000))

133,000

TOTAL APPROPRIATION \$ ((195,000))

200,000

The appropriations in this section are subject to the following conditions and limitations and are sufficient for the commission to: (1) Carry out statutorily required public hearings; (2) enter into an agreement with the department of personnel to provide data sharing, research support, and training for commission members and staff; (3) employ part-time staff in fiscal year 2000 to respond to requests for information; and (4) begin full-time staffing in September 2000 to allow for orientation and training for commission members prior to the next salary setting cycle. \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$10,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for office rent for the remainder of the biennium, increased AFRS and consolidated mail costs, general administration consulting services, and unexpected commission meeting costs related to litigation. Future funding for lease costs beyond the current biennium shall be contingent upon the agency's colocation with another agency.

Sec. 109. 2000 2nd sp.s. c 1 s 115 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2000) \$ 4,079,000
General Fund--State Appropriation (FY 2001) \$ ((4,557,000))

4,527,000

General Fund--Federal Appropriation \$ 2,526,000
Public Safety and Education Account--State
Appropriation \$ 1,338,000
New Motor Vehicle Arbitration Account--State
Appropriation \$ 1,109,000
Legal Services Revolving Account--State
Appropriation \$ 118,390,000
TOTAL APPROPRIATION \$ ((131,999,000))

131,969,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general and the office of financial management shall modify the attorney general billing system to meet the needs of user agencies for greater predictability, timeliness, and explanation of how legal services are being used by the agency. The attorney general shall provide the following information each month to agencies receiving legal services: (a) The full-time equivalent attorney services provided for the month; (b) the full-time equivalent investigator services provided for the month; (c) the full-time equivalent paralegal services provided for the month; and (d) direct legal costs, such as filing and docket fees, charged to the agency for the month.

(3) \$154,000 of the fiscal year 2000 general fund--state appropriation and \$308,000 of the fiscal year 2001 general fund--state appropriation are provided solely for the costs associated with the legal defense and implementation of initiative measures ((No. 695)) approved by the voters in fiscal years 2000 and 2001.

(4) \$486,000 of the legal services revolving account appropriation is provided solely to support activities related to vulnerable adults. Such activities include providing technical assistance for guardianships, financial exploitation cases, protection orders, and providing assistance to police and prosecutors addressing vulnerable adults.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for costs associated with enforcing state authority on taxation of liquor with respect to Resolution T-022-00, or any other tax or regulatory ordinances regarding liquor, adopted by the Confederated Tribes and Bands of the Yakama Nation.

Sec. 110. 2000 2nd sp.s. c 1 s 129 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2000) \$ 431,000
General Fund--State Appropriation (FY 2001) \$ ((479,000))

490,000

TOTAL APPROPRIATION \$ ((940,000))

921,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of House Bill No. 2344 (community supervision caseloads).

Sec. 111. 2000 2nd sp.s. c 1 s 117 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2000) \$ 12,600,000
General Fund--State Appropriation (FY 2001) \$ ((13,208,000))

13,350,000

General Fund--Federal Appropriation \$ ((23,340,000))

23,628,000

General Fund--Private/Local Appropriation \$ 500,000
TOTAL APPROPRIATION \$ ((49,648,000))

50,078,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to evaluate and promote the use by state and local agencies of the training facilities at the Hanford reservation.

(2) Funding in this section provides for a feasibility study to collect Washington enrollment data on distance learning programs sponsored by in-state and out-of-state private institutions in cooperation with the higher education coordinating board and the state board for community and technical colleges. Findings shall be submitted to the appropriate committees of the legislature by January 2000.

(3) \$75,000 of the fiscal year 2000 general fund--state appropriation and \$75,000 of the fiscal year 2001 general fund--state appropriation are provided solely to track and administer state and federal funding for salmon recovery allocated by the salmon recovery funding board established under Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079.

(4) The office of financial management, in collaboration with the institutions of higher education, the higher education coordinating board, and the state board for community and technical colleges, shall modify state information systems in order to provide consistent data on students engaged in distance learning. Higher education institutions shall provide enrollment information in support of this effort. Reporting on the numbers and categories of students enrolled in distance learning by class level and institutions shall begin by fall term, 2000. Washington independent institutions of higher education are encouraged to participate in this process and to provide distance learner enrollment data.

(5) \$1,000,000 of the general fund--state appropriation and \$500,000 of the general fund--private/local appropriation are provided solely for the commission on early learning. One-half of the amount provided from the general fund--state shall not be expended unless matched by an equal amount from private sources.

(6) \$329,000 of the general fund--state appropriation for fiscal 2001 is provided solely to develop a centralized database of social service contract information as recommended by the task force on agency contracting services.

(7) \$689,000 of the general fund--state appropriation is provided solely for information systems improvements at the department of fish and wildlife, including a network upgrade, purchase of personal computers, and support for agency information systems.

(8) \$795,000 of the general fund--state appropriation is provided solely for improvements in the basic business practices at the department of fish and wildlife, including budget monitoring, cost accounting, time accounting and payroll systems, and license revenue forecasting.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the task force on health care reinsurance established by Second Substitute Senate Bill No. 6067 (health insurance coverage). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(10) \$285,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the office of financial management to adopt and publish uniform guidelines for the effective and efficient management of personal service contracts and client service contracts by all state agencies, conduct training on these guidelines for agency personnel, and conduct risk-based audits of personal service and client service contracts, as generally described in Second Substitute House Bill No. 2738 (state agency personal service contract practices).

(a) The guidelines shall, at a minimum, include: (i) Accounting methods, systems, measures, and principles to be used by agencies and contractors; (ii) precontract procedures for selecting potential contractors based on their qualifications and ability to perform; (iii) incorporation of performance measures and measurable benchmarks in contracts, and the use of performance audits; (iv) uniform contract terms to ensure contract performance and compliance with state and federal standards; (v) proper payment and reimbursement methods to ensure that the state receives full value for taxpayer moneys, including cost settlements and cost allowance; (vi) post-contract procedures, including methods for recovering improperly spent or overspent moneys for disallowance and adjustment; (vii) adequate contract remedies and sanctions to ensure compliance; (viii) monitoring, fund tracking, risk assessment, and auditing procedures and requirements; (ix) financial reporting, record retention, and record access procedures and requirements; (x) procedures and criteria for terminating contracts for cause or otherwise; and (xi) other subjects related to effective and efficient contract management.

(b) The office of financial management shall provide a training course for agency personnel responsible for executing and managing personal service contracts and client service contracts. The course must contain training on effective and efficient contract management under the guidelines established under this subsection.

(c) The office of financial management shall conduct risk-based audits of the contracting practices associated with individual personal service and client service contracts from multiple state agencies to ensure compliance with the guidelines established in this subsection. The office of financial management shall forward the results of the audits conducted under this subsection to the governor, the appropriate standing committees of the legislature, and the joint legislative audit and review committee.

(11) \$30,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a review of K-12 regional cost differences. The office of financial management shall conduct research, including a review of existing methods of determining regional cost differences. Regional cost differences shall include, but not be limited to, the cost of renting, leasing, or purchasing housing. The office of financial management shall report findings on cost differences on a regional basis and make recommendations on options for mitigating these differences to the appropriate committees of the house of representatives and senate by December 15, 2000.

(12) \$243,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for an audit of the state ferry capital program. The audit of ferry capital operations shall determine the following: Whether the ferry system is acquiring, protecting, and using its resources economically and efficiently; the causes of inefficiencies or uneconomical practices; and whether the ferry system has complied with laws and regulations governing economy and efficiency. This audit shall build on audits performed by, or under the direction of, the joint legislative audit and review committee on ferry capital operations. In establishing the scope of this audit, the director of financial management shall solicit public comments from interested parties and benchmark the state ferry capital operations to other public and private ferry capital operations. To address the intent of this subsection, the director may contract for specialized expertise. The audit report shall be delivered on or before January 1, 2001, to the governor and to the fiscal committees of the state legislature.

Sec. 112. 1999 c 309 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State
Appropriation \$ ((20,749,000))

20,880,000

Sec. 113. 2000 2nd sp.s. c 1 s 118 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State

Appropriation \$ 16,999,000
 Higher Education Personnel Services Account--State
 Appropriation \$ 1,640,000
 TOTAL APPROPRIATION \$ 18,639,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall reduce its charge for personnel services to the lowest rate possible.
- (2) The department of personnel service account appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.
- (3) \$515,000 of the department of personnel service account appropriation is provided solely for the development and implementation of a new employment application processing system to: Provide for electronic applications via the internet, provide continuous application acceptance, provide increased public access to job openings, allow for single applications for multiple jobs, and provide for scanning of larger applicant databases as job openings arise.
- (4) \$190,000 of the department of personnel service account appropriation is provided solely for the expansion of the executive fellowship program.
- (5) \$108,000 of the department of personnel service account appropriation is provided solely for increased funding of the administrative expenses of the combined fund drive.
- (6) \$52,000 of the department of personnel service account appropriation is provided solely to implement House Bill No. 5432 (retiree charitable deductions). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.
- (7) The department of personnel has the authority to charge agencies for expenses associated with converting its payroll/personnel computer system to accommodate the year 2000 date change and to implement plan 3 of the public employees' retirement system. Funding to cover these expenses shall be realized from the agency FICA savings associated with the pretax benefits contributions plan.

Sec. 114. 1999 c 309 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2000) \$ 216,000
 General Fund--State Appropriation (FY 2001) \$ ~~((225,000))~~

TOTAL APPROPRIATION \$ ~~((441,000))~~

234,000

450,000

Sec. 115. 1999 c 309 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2000) \$ 190,000
 General Fund--State Appropriation (FY 2001) \$ ~~((188,000))~~

TOTAL APPROPRIATION \$ ~~((378,000))~~

197,000

387,000

Sec. 116. 2000 2nd sp.s. c 1 s 119 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Dependent Care Administrative Account--State
 Appropriation \$ 361,000
 Department of Retirement Systems Expense Account--
 State Appropriation \$ ~~((44,608,000))~~

TOTAL APPROPRIATION \$ ~~((44,969,000))~~

44,662,000

45,023,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$92,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 5030 (Washington state patrol surviving spouse retirement). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.
- (2) \$259,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1024 (retirement system option). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.
- (3) \$55,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 6012 (investment board fund values). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.
- (4) \$22,000 of the department of retirement systems expense account appropriation is provided solely to implement Senate Bill No. 5432 (PERS retiree charitable deductions). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.
- (5) \$50,000 of the department of retirement systems expense account appropriation is provided solely for the department to prepare and distribute to state employees information about options under the federal tax code for tax-advantaged retirement savings.
- (6) \$3,731,000 of the department of retirement systems expense account appropriation is provided solely for the information systems project known as the electronic document image management system. Authority to expend this amount is conditioned on compliance with section 902 of this act.
- (7) The department shall adjust the retirement systems administrative rate during the 1999-2001 biennium as necessary to provide for law enforcement officers' and fire fighters' retirement system employer funding for a study of LEOFF plan 1 medical liabilities by the office of the state actuary.

(8) \$293,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 2604 (survivor options). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(9) \$2,879,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6530 (pension enhancements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(10) \$480,000 of the department of retirement systems expense account appropriation is provided solely for increased charges for services provided by the department of information systems. The two departments shall submit a report on the causes of the increased charges to the office of financial management no later than September 1, 2000.

Sec. 117. 1999 c 309 s 138 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2000) \$ 69,998,000

General Fund--State Appropriation (FY 2001) \$ ((68,171,000))

67,156,000

Timber Tax Distribution Account--State

Appropriation \$ 4,893,000

Waste Education/Recycling/Litter Control--State

Appropriation \$ 101,000

State Toxics Control Account--State

Appropriation \$ 67,000

Oil Spill Administration Account--State

Appropriation \$ 14,000

TOTAL APPROPRIATION \$ ((143,244,000))

142,229,000

The appropriations in this section are subject to the following conditions and limitations: The department of revenue shall conduct a study and prepare a report of current state and local taxation of the electricity industry and options for changes to avoid revenue loss, promote competitive neutrality, and encourage economic development within the electricity industry. The study shall include an analysis of the following: (1) Current state and local taxation of the wholesale and retail electricity industry, including tax incidence, rate, base, collection, and allocation of taxes; (2) trends in the wholesale and retail electricity markets affecting current and future revenue streams, including power imports and exports by in-state and out-of-state suppliers; (3) The extent to which existing state and local tax laws may be insufficient to protect revenue streams in light of identifiable wholesale and retail market changes; and (4) whether the tax code is adequate to fairly tax new participants in the market such as brokers, marketers, aggregators, and traders. The department shall conduct the study with support from the utilities and transportation commission, the energy division of the department of community, trade, and economic development, and the state auditor. The department shall consult with energy utilities, retail electric customers, local governments, independent power producers, brokers, marketers, traders, other interested parties, and the chairs and ranking minority members of the committees of the senate and the house of representatives with jurisdiction over electricity issues periodically throughout the course of the study, and shall submit its report to the legislature and the governor by December 1, 1999.

Sec. 118. 2000 2nd sp.s. c 1 s 124 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2000) \$ 1,293,000

General Fund--State Appropriation (FY 2001) \$ ((1,284,000))

1,526,000

Liquor Control Board Construction and Maintenance

Account--State Appropriation \$ ((9,998,000))

12,883,000

Liquor Revolving Account--State Appropriation \$ ((129,422,000))

130,313,000

TOTAL APPROPRIATION \$ ((141,997,000))

146,015,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,804,000 of the liquor revolving account appropriation is provided solely for the agency information technology upgrade. This amount provided in this subsection is conditioned upon satisfying the requirements of section 902 of this act.

(2) \$105,000 of the liquor revolving account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5712 (motel liquor licenses). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) \$300,000 of the liquor revolving account appropriation is provided solely for the board to develop a business plan. The board shall provide copies of the plan to the office of financial management and the fiscal committees of the legislature by September 30, 1999.

(4) \$1,985,000 of the liquor control board construction and maintenance account appropriation is provided solely for the operation of the temporary distribution center.

(5) \$53,000 of the liquor revolving account appropriation is provided solely to train new enforcement agents. In cooperation with the board, the criminal justice training commission shall establish a training curriculum that is appropriate for liquor enforcement officers. Nothing in this subsection makes liquor officers eligible for membership in the law enforcement and fire fighters' pension systems.

(6) \$2,885,000 of the liquor control board construction and maintenance account appropriation is provided solely for mandatory redemption of certificates of participation used to finance the distribution center and material handling system.

Sec. 119. 2000 2nd sp.s. c 1 s 126 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2000) \$ 10,889,000	
General Fund--State Appropriation (FY 2001) \$ ((8,344,000))	11,648,000
General Fund--Federal Appropriation \$ ((22,148,000))	22,192,000
General Fund--Private/Local Appropriation \$ 238,000	
Enhanced 911 Account--State Appropriation \$ ((19,507,000))	16,607,000
Disaster Response Account--State Appropriation \$ ((10,157,000))	12,226,000
Disaster Response Account-- Federal Appropriation \$ ((46,699,000))	42,566,000
Worker and Community Right to Know Fund--State Appropriation \$ 285,000	
TOTAL APPROPRIATION \$ ((118,267,000))	116,651,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,470,000 of the general fund--state appropriation for fiscal year 2000 ~~((is))~~ and \$3,227,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for deposit in the disaster response account to cover costs pursuant to section 402(9) of this act and subsection (2) of this section.

(2) ~~((9,855,000))~~ \$8,787,000 of the disaster response account--state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disaster 1079 (November/December 1995 storms), FEMA disaster 1100 (February 1996 floods), FEMA disaster 1152 (November 1996 ice storm), FEMA disaster 1159 (December 1996 holiday storm), FEMA disaster 1172 (March 1997 floods), FEMA disaster 1252 (1998 northeast counties floods), and FEMA disaster 1255 (Kelso landslide). The military department may, upon approval of the director of the office of financial management, use portions of the disaster response account--state appropriation to offset costs of new disasters occurring before June 30, 2001. The military department is to submit a report quarterly to the office of financial management and the fiscal committees of the house of representatives and senate detailing disaster costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (d) estimates of future payments by biennium. This information is to be displayed by individual disaster, by fund, and by type of assistance.

(3) \$100,000 of the general fund--state fiscal year 2000 appropriation and \$100,000 of the general fund--state fiscal year 2001 appropriation are provided solely for implementation of the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$35,000 of the general fund--state fiscal year 2000 appropriation and \$35,000 of the general fund--state fiscal year 2001 appropriation are provided solely for the north county emergency medical service.

(5) \$302,000 of the disaster response account--state appropriation is provided solely for the costs of activating the national guard during the world trade organization conference in Seattle.

(6) \$4,003,000 of the disaster response account--state appropriation is provided solely for fire mobilization costs.

**PART II
HUMAN SERVICES**

Sec. 201. 2000 2nd sp.s. c 1 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose, except as expressly provided in subsection (3) of this section.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2000, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2000 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in subsection (3)(b) of this section.

(b) After May 1, 2001, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer moneys among programs, including federal moneys that are provided solely for a specified purpose.

However, the department shall not transfer state moneys that are provided for a specified purpose except as expressly provided in subsection (3)(d) of this section.

(c) To the extent that transfers under subsection (3)(a) of this section are insufficient to fund actual expenditures in excess of fiscal year 2000 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, voluntary placement, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

~~((e))~~ (d) To the extent that transfers under subsection (3)(b) of this section are insufficient to fund actual expenditures in excess of fiscal year 2001 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

(e) The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications.

Sec. 202. 2000 2nd sp.s. c 1 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) \$ 196,694,000

General Fund--State Appropriation (FY 2001) \$ ((214,000,000))

210,463,000

General Fund--Federal Appropriation \$ ((355,146,000))

354,027,000

General Fund--Private/Local Appropriation \$ 400,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$ 4,194,000

Public Safety and Education Account--

State Appropriation \$ 457,000

TOTAL APPROPRIATION \$ ((770,894,000))

766,235,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$594,000 of the general fund--state appropriation for fiscal year 2000, \$1,964,000 of the general fund--state appropriation for fiscal year 2001, and \$195,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 5557 (the HOPE act) or sections 10 through 29 of Engrossed Second Substitute House Bill No. 1493. If neither bill is enacted by June 30, 1999, the funds shall be provided for:

(a) The department to contract for 10 temporary residential placements, for up to 30 days, for street youth by June 30, 2000, and for 29 temporary residential placements for street youth by June 30, 2001. These street youth ((shall be sixteen to eighteen years old who are dependents of the state, and)) are persons under the age of eighteen who live outdoors or in other unsafe locations not intended for occupancy by a minor((, and whose permanency plan of care does not include return to home or family reunification. The department shall contact the missing children's clearinghouse regarding these youth. The department may approve placements for fourteen and fifteen-year olds who also meet these criteria. Youth who receive these placements may receive one or more of the following services: Educational services, vocational training, job readiness assistance, job search assistance, chemical dependency treatment, and counseling)) and who are not residing with a parent or at their legally authorized residence; and

(b) For the department to contract for 10 residential placements for dependent youth by June 30, 2000, and for 29 residential placements for youth by June 30, 2001. These youth shall be aged sixteen through eighteen who live outdoors or in unsafe locations not intended for occupancy by a minor, and whose permanency plan does not include return to home or family reunification. These placements may be available to youth up to eighteen years of age. Youth who receive these placements shall receive training related to one or more of the following: Basic education, employment, money management and other skills that will assist the youth in developing independent living skills.

(2) \$2,191,000 of the fiscal year 2000 general fund--state appropriation, \$2,191,000 of the fiscal year 2001 general fund--state appropriation, and \$1,540,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services." The reduction in funds assumed in this section is intended to realign the appropriation with actual service levels and expenditures and is not intended to reduce the current level of intensive family preservation services across the state.

(3) \$670,925 of the general fund--state fiscal year 2000 appropriation and \$670,925 of the general fund--state fiscal year 2001 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(4) \$513,000 of the general fund--state fiscal year 2000 appropriation and \$513,000 of the general fund--state fiscal year 2001 appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(5) \$140,000 of the fiscal year 2001 state general fund appropriation is provided solely for the department to establish and maintain a toll-free telephone number and an electronic on-line system for communication of information regarding child day-care centers and family day-care providers. This number shall be available during standard business hours, and during nonbusiness hours callers shall be able to leave messages. The number shall be published in reasonably available printed and electronic media. The number shall be easily identifiable as a method that callers may use to determine whether a day-care provider is licensed, determine whether a day-care provider is in good standing regarding licensing requirements, determine the general nature

of enforcement actions against the provider, obtain information on how to report suspected or observed noncompliance with licensing requirements, obtain information on how to report health, safety, and welfare concerns, receive follow-up assistance including information on the office of the family and children's ombudsman, and receive referral information on other agencies or entities that may be of further assistance to the caller. Upon request, the department shall disclose the receipt, general nature, current status and resolution of all complaints on record with the department after the effective date of this section against a child day-care center or family day-care provider that result in an enforcement action. The department shall make available to the public during business hours all inspection reports and notices of enforcement actions involving child day-care centers and family day-care providers consistent with chapter 42.17 RCW. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

(6) \$2,311,000 of the fiscal year 2000 general fund--state appropriation, \$2,370,000 of the fiscal year 2001 general fund--state appropriation, and \$4,182,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks.

(7) \$90,000 of the general fund--state appropriation for fiscal year 2000, \$91,000 of the general fund--state appropriation for fiscal year 2001, and \$64,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 1619 (foster parent reimbursements). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(8) \$121,000 of the general fund--state appropriation for fiscal year 2000, \$101,000 of the general fund--state appropriation for fiscal year 2001, and \$80,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1668 (foster parent training). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(9) \$213,000 of the general fund--state appropriation for fiscal year 2000, \$93,000 of the general fund--state appropriation for fiscal year 2001, and \$78,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills is enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(10) \$348,000 of the general fund--federal appropriation is provided solely for the department to determine the character of persons who have unsupervised access to children in care, including exempt child care providers defined in RCW 74.15.020, through a conviction record and pending charges check at the Washington state patrol, in order to authorize payment for care. If a check through the Washington state patrol or the federal bureau of investigation has been completed within the preceding year of the department's request, the department may rely upon the previous check for persons who confirm no offenses have been committed within the last year. Further, the appropriation is provided to the department to implement a waiver process and administrative hearing review process for exempt child care providers whose background check may otherwise disqualify them. This subsection does not establish any obligation, duty, or cause of action.

(11) \$457,000 of the public safety and education account is provided to train service providers in serving and advocating for domestic violence victims with disabilities, monitor batterer treatment programs for compliance with certification standards, fund domestic violence services to underserved populations, and support the fatality review process.

(12) \$2,214,000 of the general fund--state appropriation for fiscal year 2001 and \$686,000 of the general fund--federal appropriation are provided solely for an increase in the combined adoption support and foster care caseloads. Of the amounts provided in this subsection, \$1,107,000 shall not be expended if the total expenditures for these programs or per capita expenditures for fiscal year 2000 or for the first quarter of fiscal year 2001 for any portion of these caseloads exceed the November 1999 expenditure forecast and the department does not provide a detailed report comparing the forecasted and actual expenditures per case by rate payment category and the reasons for each overexpenditure by December 1, 2000, to the appropriate policy and fiscal committees of the legislature.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for allocation, without deduction for administrative costs by the department, to the educational institute for rural families to ensure continued seasonal child care in region two of the department. These funds are not intended to supplant the contracted rate of reimbursement or the total reimbursement for the provision of seasonal child care by this provider.

(14) \$174,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a foster parent retention pilot program. This program will be directed at foster parents caring for children who act out sexually, as described in House Bill No. 2709 (foster parent retention program).

(15) The amounts provided in this section are sufficient to implement Engrossed Second Substitute Senate Bill No. 6400 (domestic violence).

Sec. 203. 2000 2nd sp.s. c 1 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES	
General Fund--State Appropriation (FY 2000)	\$ 35,379,000
General Fund--State Appropriation (FY 2001)	\$ ((38,283,000))
	<u>35,408,000</u>
General Fund--Federal Appropriation	\$ ((9,732,000))
	<u>9,884,000</u>
General Fund--Private/Local Appropriation	\$ 380,000
Juvenile Accountability Incentive Account--Federal	
Appropriation	\$ 6,548,000
Public Safety and Education Account--State	
Appropriation	\$ 10,700,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation	\$ ((20,977,000))
	<u>19,871,000</u>
TOTAL APPROPRIATION	\$ ((121,999,000))
	<u>118,170,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$666,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) \$5,742,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(c) \$1,161,000 of the general fund--state appropriation for fiscal year 2000, \$1,162,000 of the general fund--state appropriation for fiscal year 2001, \$5,000,000 of the violence reduction and drug enforcement account appropriation, and \$177,000 of the juvenile accountability incentive account--federal appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(d) \$2,419,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(e) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for juvenile rehabilitation administration to contract with the institute for public policy for responsibilities assigned in chapter 338, Laws of 1997 (juvenile code revisions).

(f) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative.

(g) \$75,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a contract for expanded services of the teamchild project.

(h) \$75,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the Skagit county delinquency prevention project.

(i) \$350,000 of the general fund--state appropriation for fiscal year 2000, \$735,000 of the general fund--state appropriation for fiscal year 2001, \$229,000 of the general fund--federal appropriation, and \$673,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates for contracted service providers. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(j) No later than January 1, 2001, the Washington state institute for public policy shall report to the legislature on the outcomes of low and moderate risk juvenile rehabilitation administration offenders who were released without supervision compared to those who were released with supervision. The study shall compare both the recidivism rates as well as the nature of any new criminal offenses each group commits. The legislature shall consider the results of this study in making any decision to continue or revise parole services for this group of offenders.

(k) \$16,000 of the general fund--state appropriation for fiscal year 2000 and \$16,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5214 (firearms on school property). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse. The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of Substitute Senate Bill No. 5214 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(l) \$3,440,000 of the general fund--state appropriation for fiscal year 2000 and \$3,441,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(m) \$6,000,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. To the extent that distributions made under (l) and (m) of this subsection and pursuant to section 801 of this act exceed actual costs of processing truancy, children in need of services, and at-risk youth petitions, the department, in consultation with the respective juvenile court administrator and the county, may approve expenditure of funds provided in this subsection on other costs of the civil or criminal justice system. When this occurs, the department shall notify the office of financial management and the legislative fiscal committees. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per petition processing costs nor shall it penalize counties with lower than average per petition processing costs.

(n) \$4,700,000 of the public safety and education account appropriation is provided solely for distribution to counties pursuant to stipulation and agreed-to order of dismissal in Thurston county superior court case number 98-2-02458. The department shall not retain any portion of these funds to cover administrative or any other departmental costs.

(o) The distributions made under (l), (m), and (n) of this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(p) Each quarter during the 1999-01 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing the petitions in each of the following categories: Truancy, children in need of services, and at-risk youth. Counties shall submit the reports to the department no later than 45 days after the end of the quarter. The department shall

forward this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a quarter ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(q) \$31,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program implemented pursuant to section 204 of this 2000 act.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) \$ 46,815,000
General Fund--State Appropriation (FY 2001) \$ ((48,061,000))

44,022,000

General Fund--Private/Local Appropriation \$ 740,000
Violence Reduction and Drug Enforcement Account--
State Appropriation \$ ((45,282,000))

14,645,000

TOTAL APPROPRIATION \$ ((140,898,000))

106,222,000

The appropriations in this subsection are subject to the following conditions and limitations: \$37,000 of the general fund--state appropriation for fiscal year 2000 and \$74,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase payment rates for contracted service providers. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2000) \$ 1,419,000
General Fund--State Appropriation (FY 2001) \$ 1,421,000
General Fund--Federal Appropriation \$ 317,000
Juvenile Accountability Incentive Account--Federal
Appropriation \$ 1,100,000

Violence Reduction and Drug Enforcement Account--
State Appropriation \$ 421,000

TOTAL APPROPRIATION \$ 4,678,000

Sec. 204. 2000 2nd sp.s. c 1 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2000) \$ 165,723,000
General Fund--State Appropriation (FY 2001) \$ ((179,190,000))

184,775,000

General Fund--Federal Appropriation \$ ((305,644,000))

311,421,000

General Fund--Local Appropriation \$ 1,827,000
Health Services Account Appropriation \$ 1,225,000

TOTAL APPROPRIATION \$ ((653,609,000))

664,971,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$711,000 of the general fund--state appropriation for fiscal year 2000 and \$757,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to directly reimburse eligible providers for the medicaid share of mental health services provided to persons eligible for both medicaid and medicare.

(d) \$64,000 of the general fund--state appropriation for fiscal year 2000 and \$150,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for regional support networks to participate in prerelease treatment planning and to conduct involuntary commitment evaluations, as required by Substitute Senate Bill No. 5011 (mentally ill offenders). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(e) \$5,000 of the general fund--state appropriation for fiscal year 2000 and \$466,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for case management and other community support services, as authorized by Substitute Senate Bill No. 5011 (mentally ill offenders). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a pilot project demonstrating new and collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of WAC 275-57. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; (ii) protocols, guidelines, and handbooks suitable for use by other school districts and regional support networks

seeking to replicate the pilot project's approach; and (iii) intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) \$47,000 of the general fund--state appropriation for fiscal year 2000 and \$47,000 of the general fund--state appropriation for fiscal year 2001 are provided for implementation of Substitute Senate Bill No. 5214 (firearms on school premises). If the bill is not enacted by June 30, 1999, the amounts provided shall lapse.

(h) The general fund--state appropriation for fiscal year 2001 includes \$1,891,000 to replace federal funding for outpatient services which is no longer available due to the reduction in the federal medical assistance percentage. The department shall distribute these additional state funds among the regional support networks according to each regional support network's capitation rate by eligibility category.

(i) The appropriations in this subsection include an increase in funding for medicaid outpatient services as a result of the forecasted increase in the number of persons eligible for medicaid over the number previously budgeted. The department shall distribute these additional appropriations among the regional support networks according to each regional support network's capitation rate by eligibility category.

(j) The health services account appropriation is provided solely for implementation of strategies which the department and the affected regional support networks conclude will best assure continued availability of community-based inpatient psychiatric services in all areas of the state. Such strategies may include, but are not limited to, emergency contracts for continued operation of inpatient facilities otherwise at risk of closure because of demonstrated, disproportionate uncompensated care; start-up grants for development of evaluation and treatment facilities; and increases in the rate paid for inpatient psychiatric services for medically indigent and/or general assistance for the unemployed patients. The funds provided in this subsection must be: (i)(A) Prioritized for use in those areas of the state which are at greatest risk of lacking sufficient inpatient psychiatric treatment capacity; (B) prioritized for use by those hospitals which do not receive low-income disproportionate share hospital payments as of the date of application for funding; (C) matched on a one-quarter local, three-quarters state basis by funding from the regional support network or networks in the area in which the funds are expended; and (D) used to support strategies which can be sustained during the 2001-03 biennium at a state cost no more than 100 percent greater than the amount provided in this subsection. ((Payments from the amount provided in this subsection shall not be made to any provider that has not agreed: (ii)(A) That, except for prospective rate increases, the payment shall offset, on a dollar-for-dollar basis, any liability that may be established against the state for the rate of state reimbursement for inpatient psychiatric care; and (B) that the provider will maintain or enhance its inpatient psychiatric treatment capacity throughout the period ending June 30, 2001, or for the duration of the funding, whichever is later.)) The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(k) \$1,000,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of Substitute House Bill No. 2663 (atypical antipsychotic medications). If Substitute House Bill No. 2663 is not enacted by June 30, 2000, the amount provided in this subsection shall lapse. Prior to implementing the projects established in the bill, the department shall report to the appropriate policy and fiscal committees of the legislature on proposed medication delivery and monitoring systems and arrangements for obtaining manufacturer discounts or rebates. No more than \$175,000 of the funds provided in this subsection may be used for state and contractor start-up, evaluation, and administration of the projects, and no more than \$100,000 of that amount may be for ongoing costs which continue beyond fiscal year 2001. The department may transfer and allot the state component of such administrative costs to its mental health program support subprogram. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) \$ 69,797,000

General Fund--State Appropriation (FY 2001) \$ ((72,279,000))

71,919,000

General Fund--Federal Appropriation \$ ((441,429,000))

140,780,000

General Fund--Private/Local Appropriation \$ 29,809,000

TOTAL APPROPRIATION \$ ((313,014,000))

312,305,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(c) The department shall use general fund--local appropriations in this subsection to establish a third-party revenue incentive pool, which shall be used for staff-initiated projects which will increase the quality of care at the state hospitals. For fiscal year 2000, the incentive pool shall be (i) the first \$200,000 by which revenues from third-party payers exceed \$28,000,000; and (ii) fifty percent of any amounts beyond \$28,200,000, up to a maximum of \$500,000. For fiscal year 2001, the incentive pool shall be (iii) the first \$350,000 by which third-party revenues exceed \$28,480,000; and (iv) fifty percent of any amounts beyond \$28,830,000, up to a maximum of \$700,000. For purposes of this subsection, "third-party revenues" does not include disproportionate share hospital payments or the federal share of salaries and benefit allocations. The department may establish separate incentive pools for each hospital. The department may also divide the annual revenue target into quarterly goals, and make funds available from the incentive pool on a quarterly basis.

(d) \$444,000 of the general fund--state appropriation for fiscal year 2000, \$1,866,000 of the general fund--state appropriation for fiscal year 2001, \$196,000 of the general fund--private/local appropriation, and \$157,000 of the general fund--federal appropriation are provided for improved, more specialized care for persons with developmental disabilities during their treatment for a psychiatric illness at the state hospitals.

(e) By March 1, 2001, the department shall modify the treatment approach on at least two state hospital wards to more cost-effective models of care. The models shall place greater emphasis upon community transition, or upon long-term support, than

upon intensive psychiatric rehabilitation for residents for whom such an alternative model of care is determined appropriate by their treatment team. The alternative treatment approaches may include closure of a ward and use of hospital staff to provide transitional community services, in coordination with the regional support networks.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2000) \$ 10,895,000
 General Fund--State Appropriation (FY 2001) \$ ((11,940,000)) 13,275,000

Violence Reduction and Drug Enforcement
 Account--State Appropriation \$ 14,000,000
 TOTAL APPROPRIATION \$ ((36,835,000)) 38,170,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the fiscal committees of the legislature by October 1, 1999, on plans for increasing the efficiency of staffing patterns at the civil commitment center sufficiently to operate within authorized staffing and expenditure levels.

(b) The violence reduction and drug enforcement account appropriation is provided solely for deposit into the state building and construction account for design and construction of a new special commitment center facility (capital project 00-2-001). These funds shall not be transferred for other purposes as otherwise provided in section 201(3)(b) of this act. The amount provided in this subsection is subject to the review and allotment procedures under sections 902 and 903 of chapter 379, Laws of 1999. In accordance with section 909 of chapter 379, Laws of 1999, the department of corrections is responsible for project management.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2000) \$ 444,000
 General Fund--State Appropriation (FY 2001) \$ 443,000
 General Fund--Federal Appropriation \$ 3,282,000
 TOTAL APPROPRIATION \$ 4,169,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2000) \$ 2,612,000
 General Fund--State Appropriation (FY 2001) \$ ((2,706,000)) 2,688,000
 General Fund--Federal Appropriation \$ ((3,227,000)) 3,220,000
 TOTAL APPROPRIATION \$ ((8,545,000)) 8,520,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) By December 1, 1999, the department shall provide the fiscal committees of the legislature with an independent assessment of options for increasing the efficiency and effectiveness of current systems and organizational structures for billing third-party payers for hospital services.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2000, \$100,000 of the general fund--state appropriation for fiscal year 2001, and \$120,000 of the general fund federal appropriation are provided solely for the institute for public policy to evaluate the impacts of Substitute Senate Bill No. 5011 (mentally ill offenders), and of chapter 297, Laws of 1998 (commitment of mentally ill persons). If Substitute Senate Bill No. 5011 is not enacted by June 30, 1999, one-half of each of these amounts shall lapse.

Sec. 205. 2000 2nd sp.s. c 1 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2000) \$ 185,473,000
 General Fund--State Appropriation (FY 2001) \$ ((205,593,000)) 212,352,000
 General Fund--Federal Appropriation \$ ((325,535,000)) 326,295,000
 Health Services Account--State Appropriation \$ 262,000
 TOTAL APPROPRIATION \$ ((716,863,000)) 724,382,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health services account appropriation and \$127,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(b) \$3,100,000 of the general fund--state appropriation for fiscal year 2000, \$4,650,000 of the general fund--state appropriation for fiscal year 2001, and \$8,250,000 of the general fund--federal appropriation are provided solely to increase services and supports for people with developmental disabilities. These funds shall be expended in accordance with priorities established by the stakeholder advisory group established in accordance with chapter 216, Laws of 1998 (developmental disabilities), except that (i) at least 50 percent of these amounts must be used to increase the number of people receiving residential, employment, family support, or other direct services; (ii) the services and supports must be designed and implemented such that the cost of continuing

them in the 2001-03 biennium does not exceed \$19.2 million, of which no more than \$9.3 million is from state funds; and (iii) strong consideration shall be given to the need for increased wages for direct care workers in contracted residential programs.

(c) \$413,000 of the general fund--state appropriation for fiscal year 2000, \$1,172,000 of the general fund--state appropriation for fiscal year 2001, and \$694,000 of the general fund--federal appropriation are provided solely for employment, or other day activities and training programs, for young people who complete their high school curriculum in 1999 or 2000.

(d) \$1,919,000 of the general fund--state appropriation for fiscal year 2000, \$6,673,000 of the general fund--state appropriation for fiscal year 2001, and \$7,361,000 of the general fund--federal appropriation are provided solely to improve services for persons with developmental disabilities who would otherwise be at risk of needing involuntary commitment to or prolonged treatment at state psychiatric hospitals. The department shall use these funds to enhance the community crisis response system managed by regional support networks, improve crisis prevention and stabilization services through the developmental disabilities community services system, and expand community residential capacity for persons with developmental disabilities who are ready for discharge from state psychiatric hospitals. Funding for community residential capacity is sufficient to move a biennium total of 48 patients out of the state hospitals at a reasonable pace by June 30, 2001. The department shall manage the intensity of services provided so that the average cost per day does not exceed \$300 per person placed in this expanded community residential capacity. The department shall report to the appropriate committees of the legislature progress towards implementing this subsection after each calendar quarter. The legislature finds that, in addition to the appropriations in this subsection for improvements in services to persons with developmental disabilities who are committed to the custody of the secretary under chapter 71.05 RCW, it is necessary to study long-term treatment alternatives and their legal, fiscal, and policy implications. Therefore, the department shall provide a report to the ways and means committee of the senate and the appropriations committee of the house of representatives by December 1, 2000, containing options and recommendations for secure treatment programs. The report shall identify various treatment models that could be implemented and various types and locations of secure facilities, both state-owned and leased, in which programs could be sited, together with the department's recommendations. The report shall evaluate the potential for siting such programs on the grounds of existing state residential habilitation centers. The report shall also include analysis of advantages and disadvantages associated with contracting for some or all of the new program options identified. The report shall evaluate the options based on short-term and long-term costs, client and community security, efficiency of coordination with other service delivery systems, and how they address specific legal issues. In developing this report, the department shall invite participation by representatives of the Washington protection and advocacy system (WPAS), and shall include in the report WPAS' position on options and recommendations submitted by the department and any additional recommendations made by WPAS. The legislature recognizes a need to improve long-term services provided to individuals with developmental disabilities who are undergoing involuntary treatment under chapter 71.05 RCW. The legislature is committed to providing resources necessary to address issues in the U.S. District Court case of *Allen v. Western State Hospital*.

(e) \$513,000 of the general fund--state appropriation for fiscal year 2000, \$1,421,000 of the general fund--state appropriation for fiscal year 2001, and \$2,033,000 of the general fund--federal appropriation are provided to develop and operate secure residential and day program placements for persons who seem likely to pose a significant risk to the public safety if their current residential arrangement were to continue.

(f) \$209,000 of the general fund--state appropriation for fiscal year 2000, \$664,000 of the general fund--state appropriation for fiscal year 2001, and \$939,000 of the general fund--federal appropriation are provided to increase wages as required by Initiative No. 688 (state minimum wage) for contracted adult family homes, adult residential care facilities, hourly and daily family support providers, and hourly attendant care providers.

(g) \$1,978,000 of the general fund--state appropriation for fiscal year 2000, \$4,475,000 of the general fund--state appropriation for fiscal year 2001, and \$6,989,000 of the general fund--federal appropriation are provided solely to increase compensation for individual and agency home care workers. Payments to individual providers are to be increased from \$6.18 per hour to \$6.68 per hour on July 1, 1999, and to \$7.18 per hour on July 1, 2000. Payments to agency providers are to be increased to \$11.97 per hour on July 1, 1999, and to \$12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(h) Within amounts appropriated in this subsection, the developmental disabilities program shall contract for a pilot program to test an alternative service delivery model for persons with autism. The department must use a competitive process to determine the site of the pilot. The pilot program must be time-limited and subject to an evaluation of client outcomes to determine the effectiveness and efficiency of the pilot program compared to the standard service model for persons with autism.

(i) \$500,000 of the general fund--state appropriation for fiscal year 2001 and \$160,000 of the general fund--federal appropriation are provided solely for increased family support services and related case management support.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000)	\$ 66,076,000	
General Fund--State Appropriation (FY 2001)	\$ ((67,478,000))	
		<u>66,904,000</u>
General Fund--Federal Appropriation	\$ ((146,482,000))	
		<u>145,834,000</u>
General Fund--Private/Local Appropriation	\$ 10,227,000	
TOTAL APPROPRIATION	\$ ((290,263,000))	<u>289,041,000</u>

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2000)	\$ 2,431,000
General Fund--State Appropriation (FY 2001)	\$ 2,435,000
General Fund--Federal Appropriation	\$ 2,080,000

TOTAL APPROPRIATION \$ 6,946,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 12,007,000

Sec. 206. 2000 2nd sp.s. c 1 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) \$ 446,025,000

General Fund--State Appropriation (FY 2001) \$ ((475,043,000))

476,865,000

General Fund--Federal Appropriation \$ ((979,301,000))

977,019,000

General Fund--Private/Local Appropriation \$ 3,910,000

Health Services Account--State Appropriation \$ ((2,404,000))

3,167,000

TOTAL APPROPRIATION \$ ((1,906,383,000))

1,906,986,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, ((~~\$2,148,000~~)) \$4,756,000 of the general fund--federal appropriation, \$923,000 of the general fund--state appropriation for fiscal year 2000, and ((~~\$958,000~~)) \$1,019,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,640,000 of the general fund--state appropriation for fiscal year 2000 and \$1,640,000 of the general fund--state appropriation for fiscal year 2001, plus the associated vendor rate increase for each year, are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing Engrossed Second Substitute House Bill No. 1484 (nursing home payment rates), the weighted average nursing facility payment rate for fiscal year 2000 shall be no more than \$10.85 for the capital portion of the rate and no more than \$108.20 for the noncapital portion of the rate. For fiscal year 2001, the weighted average nursing facility payment rate shall be no more than \$11.44 for the capital portion of the rate and no more than ((~~\$144.24~~)) \$111.64 for the noncapital portion of the rate. These rates include vendor rate increases, but exclude nurse's aide training.

(4) In addition to the rates set forth in subsection (3), \$286,000 of the general fund--state appropriation for fiscal year 2000 and \$310,000 of the general fund--federal appropriation are provided solely for supplemental rate adjustments for certain nursing facilities. In accordance with RCW 74.46.431, the department shall use these funds to apply an additional economic trends and conditions adjustment factor to the rate of any facility whose total rate allocation would otherwise be less than its April 1, 1999, total rate, adjusted for case-mix changes. This supplemental adjustment factor shall be the percentage by which the facility's April 1, 1999, rate would otherwise exceed the rate calculated in accordance with chapter 74.46 RCW and subsection (3) of this section, except that (a) no adjustment shall be provided for any amounts by which a facility's rate is lower due to a reduction in its facility-average medicaid case-mix score; and (b) the adjustment factor shall be reduced proportionately for all facilities by the percentage by which total supplemental payments would otherwise exceed the funds provided for such payments in this subsection. This subsection applies only to rates paid for services provided between July 1, 1999, and March 31, 2000.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(6) Funds are appropriated in this section to increase compensation for individual and for agency home care providers. Payments to individual home care providers are to be increased from \$6.18 per hour to \$6.68 per hour on July 1, 1999, and to \$7.18 per hour on July 1, 2000. Payments to agency providers are to increase to \$11.97 per hour on July 1, 1999, and to \$12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$200,000 of the general fund--state appropriation for fiscal year 2000, \$80,000 of the general fund--state appropriation for fiscal year 2001, and \$280,000 of the general fund--federal appropriation are provided solely for enhancement and integration of existing management information systems to (a) provide data at the local office level on service utilization, costs, and recipient characteristics; and (b) reduce the staff time devoted to data entry.

(8) The department of social and health services shall provide access and choice to consumers of adult day health services for the purposes of nursing services, physical therapy, occupational therapy, and psychosocial therapy. Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(9) \$1,452,000 of the general fund--state appropriation for fiscal year 2000, \$1,528,000 of the general fund--state appropriation for fiscal year 2001, and \$2,980,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1546 (in-home care services). If Second Substitute House Bill No. 1546 is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(10) \$610,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of Substitute House Bill No. 2454 (caregiver support). If Substitute House Bill No. 2454 is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(11) \$8,000 of the general fund--state appropriation for fiscal year 2000, \$131,000 of the general fund--state appropriation for fiscal year 2001, and \$139,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 2637 (background checks). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

Sec. 207. 2000 2nd sp.s. c 1 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) \$ 427,742,000

General Fund--State Appropriation (FY 2001) \$ ((410,943,000))

421,371,000

General Fund--Federal Appropriation \$ ((1,229,774,000))

1,226,044,000

General Fund--Private/Local Appropriation \$ 30,807,000

TOTAL APPROPRIATION \$ ((2,099,236,000))

2,105,964,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$284,083,000 of the general fund--state appropriation for fiscal year 2000, \$268,114,000 of the general fund--state appropriation for fiscal year 2001, \$1,140,342,000 of the general fund--federal appropriation, and \$28,371,000 of the general fund--local appropriation are provided solely for the WorkFirst program and child support operations. WorkFirst expenditures include TANF grants, diversion services, subsidized child care, employment and training, other WorkFirst related services, allocated field services operating costs, and allocated economic services program administrative costs. Within the amounts provided in this subsection, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. An increased attention to job retention and wage progression is necessary to emphasize the legislature's goal that the WorkFirst program succeed in helping recipients gain long-term economic independence and not cycle on and off public assistance. The wage progression measure shall report the median percentage increase in quarterly earnings and hourly wage after 12 months, 24 months, and 36 months. The wage progression report shall also report the percent with earnings above one hundred percent and two hundred percent of the federal poverty level. The report shall compare former WorkFirst participants with similar workers who did not participate in WorkFirst. The department shall also report percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months.

(b) Develop informational materials that educate families about the difference between cash assistance and work support benefits. These materials must explain, among other facts, that the benefits are designed to support their employment, that there are no time limits on the receipts of work support benefits, and that immigration or residency status will not be affected by the receipt of benefits. These materials shall be posted in all community service offices and distributed to families. Materials must be available in multiple languages. When a family leaves the temporary assistance for needy families program, receives cash diversion assistance, or withdraws a temporary assistance for needy families application, the department of social and health services shall educate them about the difference between cash assistance and work support benefits and offering them the opportunity to begin or to continue receiving work support benefits, so long as they are eligible. The department shall provide this information through in-person interviews, over the telephone, and/or through the mail. Work support benefits include food stamps, medicaid for all family members, medicaid or state children's health insurance program for children, and child care assistance. The department shall report annually to the legislature the number of families who have had exit interviews, been reached successfully by phone, and sent mail. The report shall also include the percentage of families who elect to continue each of the benefits and the percentage found ineligible by each substantive reason code. A substantive reason code shall not be "other." The report shall identify barriers to informing families about work support benefits and describe existing and future actions to overcome such barriers.

(c) Provide \$500,000 from the general fund--state appropriation for fiscal year 2000 and \$500,000 from the general fund--state appropriation for fiscal year 2001 for continuation of the WorkFirst evaluation conducted by the joint legislative audit and review committee.

(d) Report to the appropriate committees of the legislature, by December 1, 2000, how the new federal child support incentive system can be used to maximize federal incentive payments and to support the greatest achievement of WorkFirst program goals. In the event that the department earns federal child support incentive payments in excess of amounts budgeted, the department shall use one-half of those additional funds to offset general fund--state allotments and one-half of those additional funds to improve child support services. The department shall also work with the Washington state association of county clerks to identify ways to protect the confidentiality of social security numbers on court documents needed by the child support enforcement system while ensuring the reliability of this information without significantly increasing the cost to administer the child support system. The department shall report its recommendations for protecting the confidentiality of social security numbers to appropriate committees of the legislature by December 1, 2000.

(e) Provide up to \$500,000 of the general fund--federal appropriation to the office of financial management for a study of rate setting methods and policy for subsidized child care, the best method for coordinating and consolidating child care and early education programs currently funded by state government, and for a review of the various state programs for low-income families with children. The child care rate study shall analyze the effects of rate setting policy on the affordability and quality of the overall child care market. The child care and early education program study shall evaluate how current programs may be coordinated and consolidated to provide the most efficient level of administration, grant funding, and increased accessibility by families who are served by these programs. The study of state programs for low-income families shall compare and contrast eligibility and access to these programs and identify ways to coordinate or consolidate these programs to reduce administrative costs and improve access. The office shall submit a report to the department of social and health services and the appropriate committees of the legislature by December 1, 2000.

(f) Convene a working group that includes stakeholders and recipients of public assistance to establish basic customer service performance measures and goals. The customer service measures and goals will seek to make support for working families a priority. Customer service measures and goals may include, but are not limited to: Hours of operation that allow working families

to get services without missing work, reduced wait times, systems for answering and returning phone calls in a timely manner, access to benefits that support work, access to job training and education, and, access to services for families with limited literacy or English skills, and families with special needs. The department shall report to the legislature by January 2001 the establishment of customer service measures and goals, and the departmental actions to assure the goals are being met.

(g) Use existing flexibility in federal and state welfare laws and regulations to support, on a limited basis, longer education and training plans that have a strong likelihood to lead to long-term economic independence for recipient.

(h) Provide up to \$1,400,000 of the general fund--federal appropriation for after-school care for middle school youth through programs such as those described in House Bill No. 2530 (after-school care).

(i) Provide up to \$2,710,000 of the general fund--federal appropriation for training and technical assistance for child care providers seeking training to enable them to competently serve children with special needs as described in House Bill No. 2869 (child care provider training).

(j) Provide \$230,000, or as much thereof as may be necessary, to the department of health to expand the vasectomy project to temporary assistance for needy families clients and their partners until such time as a federal family planning waiver is granted that will cover these services.

(k) Ensure that funds provided in this subsection to implement policies that disregard or exempt a portion of recipients' income are designed to achieve stated WorkFirst program goals and outcomes. Income disregards are effective incentives to help WorkFirst families move towards economic independence. Income disregard policy shall not discriminate based on who the specific employer is.

(2) \$43,408,000 of the general fund--state appropriation for fiscal year 2000 and \$43,386,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed funds provided. The department shall, by July 1, 2000, begin using federal funds provided in subsection (1) of this section, as allowed by federal rules, for the costs of providing income assistance to children with court-appointed guardians or court-appointed custodians.

(3) \$5,444,000 of the general fund--state appropriation for fiscal year 2000 and \$5,632,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(4) RCW 74.08A.280 permits the department to develop contracts for state-wide welfare-to-work services. Within amounts available in this section, the department shall provide progress reports on the use of such contracting to the fiscal committees of the legislature by January 1, 2001. Each of these reports shall describe the number of current contracts for temporary assistance for needy families (TANF) or WorkFirst services that the department has with community social service providers and a description of the services being provided through each of those contracts.

(5) The legislature finds that, since the passage of the federal personal responsibility and work opportunity act in 1997, Washington's public assistance population has declined dramatically, and that the currently appropriated level for the temporary assistance for needy families program is sufficient for the 1999-01 biennium. The legislature further finds that federal funding for the temporary assistance for needy families program may decrease after the current five-year block grant has expired. The legislature declares that at least \$60,000,000 of the year-end balance in the federal TANF grant shall be held in reserve by the office of financial management at the close of the 1999-01 biennium.

Sec. 208. 2000 2nd sp.s. c 1 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2000) \$ 21,338,000

General Fund--State Appropriation (FY 2001) \$ ((22,104,000))

22,066,000

General Fund--Federal Appropriation \$ ((90,373,000))

90,364,000

General Fund--Private/Local Appropriation \$ 1,204,000

Public Safety and Education Account--State

Appropriation \$ 7,102,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$ 77,150,000

TOTAL APPROPRIATION \$ ((219,268,000))

219,224,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,960,000 of the general fund--state appropriation for fiscal year 2000 and \$1,960,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for expansion of 50 drug and alcohol treatment beds for persons committed under RCW 70.96A.140. Patients meeting the commitment criteria of RCW 70.96A.140 but who voluntarily agree to treatment in lieu of commitment shall also be eligible for treatment in these additional treatment beds. The department shall develop specific placement criteria for these expanded treatment beds to ensure that this new treatment capacity is prioritized for persons incapacitated as a result of chemical dependency and who are also high utilizers of hospital services.

(2) \$18,000 of the general fund--state appropriation for fiscal year 2000, \$88,000 of the general fund--state appropriation for fiscal year 2001, and \$116,000 of the general fund--federal appropriation are provided solely for activities related to chemical dependency services under subsection 202(1) of this act. If that subsection is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(3) \$1,444,000 of the general fund--state appropriation for fiscal year 2000, \$1,484,000 of the general fund--state appropriation for fiscal year 2001, and \$330,000 of the general fund--federal appropriation are provided for implementation of Engrossed Substitute Senate Bill No. 5480 (drug-affected infants) or sections 1 through 17 of Second Substitute House Bill No. 1574. If legislation expanding services to prevent drug-affected infants is not enacted by June 30, 1999, the amounts provided in this subsection shall be provided solely for the development and implementation of comprehensive programs for alcohol and drug abusing mothers and their young children. The pilot programs shall be implemented in several locations, including at least one rural

location. The pilot programs shall also be supported with TANF funds provided in section 208 of this act as a way to reduce prolonged dependency on public assistance for program participants.

(4) \$442,000 of the public safety and education account--state appropriation is provided solely for drug courts that have a net loss of federal grant funding from fiscal year 2000 to fiscal year 2001. The legislature finds that drug courts reduce criminal justice costs for both state and local governments. This appropriation is intended to cover approximately one-half of the lost federal funding. It is the intent of the legislature to provide state assistance to counties to cover a part of lost federal funding for drug courts for a maximum of three years.

Sec. 209. 2000 2nd sp.s. c 1 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2000) \$ 744,327,000

General Fund--State Appropriation (FY 2001) \$ ((834,864,000))

976,059,000

General Fund--Federal Appropriation \$ ((2,542,652,000))

2,701,092,000

General Fund--Private/Local Appropriation \$ ((258,616,000))

256,704,000

Emergency Medical Services and Trauma Care Systems

Trust Account--State Appropriation \$ 9,200,000

Health Services Account--State Appropriation \$ ((487,040,000))

527,852,000

TOTAL APPROPRIATION \$ ((4,876,699,000))

5,215,234,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994.

(2) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(3) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(4) \$1,647,000 of the general fund--state appropriation for fiscal year 2000 and \$1,672,000 of the general fund--state appropriation for fiscal year 2001 are provided for treatment of low-income kidney dialysis patients.

(5) \$80,000 of the general fund--state appropriation for fiscal year 2000, \$80,000 of the general fund--state appropriation for fiscal year 2001, and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(6) The department shall report to the fiscal committees of the legislature by September 15, 1999, and again by December 15, 1999, on (a) actions it has taken and proposes to take to increase the share of medicare part B premium payments upon which it is collecting medicaid matching funds; (b) the percentage of such premium payments for each month of service subsequent to June 1998 which have been paid with unmatched, state-only funds; and (c) why matching funds could not be collected on those payments.

(7) The department shall report to the fiscal committees of the legislature by December 1, 1999, and again by October 1, 2000, on the amount which has been recovered from third-party payers as a result of its efforts to improve coordination of benefits on behalf of "basic health plan-plus" enrollees.

(8) The department shall report to the health care and fiscal committees of the legislature by December 1, 1999, on options for controlling the growth in medicaid prescription drug expenditures through strategies such as but not limited to volume purchasing, selective contracting, supplemental drug discounts, and improved care coordination for high utilizers.

(9) \$3,992,000 of the health services account appropriation and \$7,651,000 of the general fund--federal appropriation are provided solely for health insurance coverage for children with family incomes between 200 percent and 250 percent of the federal poverty level, as provided in Substitute Senate Bill No. 5416 (children's health insurance program). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(10) Upon approval from the federal health care financing administration, the department shall implement the section 1115 family planning waiver to provide family planning services to persons with family incomes at or below two hundred percent of the federal poverty level.

(11) In accordance with Substitute Senate Bill No. 5968, \$70,821,000 of the health services account appropriation for fiscal year 2000, ((~~\$42,041,000~~)) \$67,331,000 of the health services account appropriation for fiscal year 2001, and ((~~\$120,278,000~~)) \$146,579,000 of the general fund--federal appropriation, or so much thereof as may be expended without exceeding the medicare upper payment limit, are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. Such payments shall be distributed among the participating rural public hospital districts proportional to the number of days of medicaid-funded nursing home care provided by each district during the preceding calendar year, relative to the total number of such days of care provided by all participating rural public hospital districts. Prior to making any supplemental payments, the department shall first obtain federal approval for such payments under the medicaid state plan. The payments shall further be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least ((~~87~~)) 89 percent of the total supplemental payment amounts received during the 1999-01 fiscal biennium; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than a total of \$30,000,000 for the 1999-01 biennium.

(12) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(13) \$1,529,000 of the general fund--state appropriation for fiscal year 2000, \$4,077,000 of the general fund--state appropriation for fiscal year 2001, and \$5,394,000 of the general fund--federal appropriation are provided solely for implementation of the settlement negotiated by the department and the attorney general in the case of *Allenmore et al. vs. DSHS*.

(14) From funds provided in this section, the department shall develop disease state management and therapeutic substitution programs which will substantially maintain or enhance the quality of the drug benefit for medical assistance recipients, while controlling overall health care costs. In designing the disease state management programs, the department shall research programs which have proven effective with similar populations in other states, and shall then work with concerned provider and consumer groups to adapt those strategies to Washington's service delivery system. The department shall work with its drug utilization and education council to develop a therapeutic substitution program for at least two classes of drugs. Under the therapeutic substitution program, the council shall analyze pharmacoeconomic research on the costs and benefits of all drugs within the class, and identify the most cost-effective drug or drugs within the class for placement on the formulary. Other drugs within the class shall be preauthorized when clinically indicated under criteria established by the council. The department shall report to appropriate committees of the legislature by December 1, 2000, prior to implementing its proposed strategies.

(15) (~~(\$14,848,000)~~) \$27,100,000 of the health services account appropriation for fiscal year 2001 and (~~(\$15,269,000)~~) \$27,800,000 of the general fund--federal appropriation are provided solely for additional disproportionate share hospital payments to public hospital districts. Such additional payments shall not be made prior to federal approval of a revision in the medicaid payment methodology for state teaching hospitals, and shall not exceed the increase in medicaid payments which results from that change. The payments shall further be conditioned upon a contractual commitment by the participating public hospital districts to make an intergovernmental transfer to the health services account equal to at least (~~((77))~~) 85 percent of the additional disproportionate share payment. The participating districts shall retain no more than (~~(\$7,000,000)~~) \$7,800,000 of the additional disproportionate share payment. At least 28 percent of the amounts retained by the participating hospital districts shall be allocated to the state teaching hospitals.

(16)(a) \$49,000 of the general fund--state appropriation for fiscal year 2001 and \$49,000 of the general fund--federal appropriation for fiscal year 2001 are provided solely for the medical assistance administration and the health care authority to jointly conduct a state-wide study to:

(i) Determine payment sources and rates paid for primary health care providers performing outpatient primary care services and primary care in hospital emergency rooms for the state's medical assistance programs, including healthy options, and the basic health plan. To determine payment sources and rates paid, the agencies may seek information in relation to such factors as:

(A) The rates paid to primary care providers for their medical assistance programs, including healthy options, and basic health plan contracts; and

(B) How these rates compare with nonpublic pay clients for the same services.

The agencies are authorized to attain this information from health plans or providers. The agencies shall maintain the confidentiality of data collected for the purpose of the study;

(ii) Determine which primary care providers serve a relatively high number of low-income clients, and how that affects their medical practice. For purposes of the study, "primary care providers" includes pediatricians, family practitioners, general practitioners, internists, physician assistants, and advanced registered nurse practitioners; and

(iii) Develop proposals to support these providers' medical practices. The agencies must determine what constitutes a relatively high percentage of low-income clients for individual primary care providers who contract for medical assistance administration programs, including healthy options, and the basic health plan, and recommend whether and at what point this disproportionately high percentage should result in additional compensation to the primary care provider. The agencies shall recommend a method to calculate a payment adjustment designed to help support medical practices, according to the study's findings.

(b) In conducting the study, the agencies shall determine which regions of the state to include in the study, based on factors the agencies determine will provide the most representative data state-wide. The agencies shall also consult with interested parties, including any organization or agency affected by this subsection, throughout the course of the study.

(c) The agencies shall report to the legislature by December 1, 2000, with the results of the primary health care provider study. The report shall include recommendations on: (i) What constitutes a disproportionately high percentage of low-income clients; (ii) possible payment adjustments for these providers; (iii) methods to implement such a rate adjustment; and (iv) what such a payment adjusted program will cost.

(17) From funds appropriated in this section, the medical assistance program shall assist the Washington state institute for public policy with the assessment of options for expanding medicaid eligibility required in section 607 of this 2000 act. Such assistance shall include analysis of medicaid enrollment and expenditure data needed for enrollment and cost projections; information and advice on state and federal medicaid requirements; and liaison with state and federal officials in other states undertaking similar expansions.

(18) \$290,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of the asset exemption provisions of House Bill No. 2686. If these provisions are not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 210. 2000 2nd sp.s. c 1 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2000) \$ 8,770,000

General Fund--State Appropriation (FY 2001) \$ (~~(8,635,000)~~)

8,600,000

General Fund--Federal Appropriation \$ (~~(81,906,000)~~)

81,797,000

General Fund--Private/Local Appropriation \$ 1,865,000

TOTAL APPROPRIATION \$ (~~(101,176,000)~~)

101,032,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with state and local organizations to improve and expand employment opportunities for people with severe disabilities served by those organizations.

(2) \$190,000 of the general fund--state appropriation for fiscal year 2001, and \$1,590,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals enrolled for services with the developmental disabilities program who complete their high school curriculum in 1999 or 2000.

Sec. 211. 2000 2nd sp.s. c 1 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) \$ 26,004,000

General Fund--State Appropriation (FY 2001) \$ ((20,119,000))

26,281,000

General Fund--Federal Appropriation \$ ((43,227,000))

47,157,000

General Fund--Private/Local Appropriation \$ 720,000

TOTAL APPROPRIATION \$ ((90,070,000))

100,162,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding is provided for the incremental cost of lease renewals and for the temporary increased costs for relocating staff out of state office building no. 2 (OB2) during the renovation of that building. Of this increase, \$2,400,000 is provided for relocating staff. This amount is recognized as one-time-only funding for the 1999-01 biennium. As part of the 2001-2003 budget request, the department shall update the estimate of increased cost for relocating staff, including specifying what portion of that increase is due to providing more square footage per FTE in the new leased space compared to the space occupied previously.

(2) The department may transfer up to \$528,000 of the general fund--state appropriation for fiscal year 2000, \$1,057,000 of the general fund--state appropriation for fiscal year 2001, and \$812,000 of the general fund--federal appropriation to the administration and supporting services program from various other programs to implement administrative reductions.

(3) The department may transfer and allot up to \$5,560,000 of the general fund--state appropriation for fiscal year 2001 and \$3,518,000 of the general fund--federal appropriation to the administration and supporting services program from various other programs in the department to achieve fiscal reductions assumed in this section. In selecting reductions in the various other programs, the department shall place a higher priority on reductions in administrative support functions as opposed to direct client services. Reductions in positions providing direct client services shall be implemented only if those reductions can be justified by reduced workload or through reorganization or other efficiencies that do not result in a risk of failing to meet federal or state certification or licensing standards. In achieving the level of savings assumed in this subsection, the department shall not eliminate or reduce funding and/or staff that would shift or transfer filing or appeal workload to superior courts. By September 1, 2000, the department shall report its plan to implement the savings in this section to the fiscal committees of the legislature.

(4) \$187,000 of the general fund--state appropriation for fiscal year 2000, \$746,000 of the general fund--state appropriation for fiscal year 2001, and \$2,251,000 of the general fund--federal appropriation are provided to implement a new fraud and abuse detection system. By December 1, 2000, the department shall provide a report to the fiscal committees of the legislature that will include: The actual cost recovery in fiscal year 1999 and fiscal year 2000, prior to implementation of the new fraud and abuse detection system; actual cost avoidance in fiscal year 1999 and fiscal year 2000, prior to implementation of the new fraud and abuse detection system; actual cost recovery and actual cost avoidance achieved to date after implementation in fiscal year 2000 and 2001, compared to the savings included in sections 202, 205, 206, and 209 of this 2000 act; and the criteria and methodology used for determining cost recovery and cost avoidance.

Sec. 212. 2000 2nd sp.s. c 1 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund--Federal Appropriation \$ 100,000

Death Investigations Account--State

Appropriation \$ 148,000

Public Safety and Education Account--State

Appropriation \$ ((17,632,000))

16,492,000

Municipal Criminal Justice Assistance Account--

Local Appropriation \$ 412,000

TOTAL APPROPRIATION \$ ((17,880,000))

17,152,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$125,000 of the public safety and education account appropriation is provided solely for information technology upgrades and improvements for the criminal justice training commission.

(2) \$481,000 of the public safety and education account appropriation is provided solely for the implementation of provisions of chapter 351, Laws of 1997 (criminal justice training) dealing with supervisory and management training of law enforcement personnel. Within the funds provided in this subsection, the criminal justice training commission shall provide the required training in the least disruptive manner to local law enforcement agencies and may include, but is not limited to, regional on-site training, interactive training, and credit for training given by the home department.

(3) \$1,990,000 of the public safety and education account appropriation is provided solely for expanding the basic law enforcement academy (BLEA) from 469 hours to 720 hours. The funds provided in this subsection are assumed sufficient for the criminal justice training commission to provide expanded BLEA training to 330 attendees in fiscal year 2000 and 660 attendees in fiscal year 2001.

(4) \$180,000 of the public safety and education account appropriation is provided solely for the implementation of Second Substitute House Bill No. 1176 (sexually violent offender records). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(5) \$276,000 of the public safety and education account appropriation is provided solely for the implementation of Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills is enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(6) \$50,000 of the public safety and education account appropriation is provided solely for additional domestic violence training courses for 911 operators.

(7) \$215,000 of the public safety and education account appropriation is provided solely for the Washington association of sheriffs and police chiefs to conduct a study of law enforcement services and expenditures for both counties and cities within the county for counties with populations over one hundred fifty thousand. The study shall begin no later than July 1, 2000, and shall be completed by ((June 30)) October 31, 2001. The final report shall be distributed by the Washington association of sheriffs and police chiefs to the appropriate standing committees of the legislature. The study shall:

(a) Make recommendations to improve the efficiency of delivering law enforcement services. The recommendations may be made to law enforcement jurisdictions, Washington association of sheriffs and police chiefs, units of local government, and the legislature;

(b) Research, compile, and analyze data sufficient to provide a comprehensive analysis of the costs and total expenditures for law enforcement. These costs include but are not limited to special services, defined as but not limited to: SWAT teams, bomb disposal units, air support, marine units, hostage negotiation teams, homicide investigation units, drug units, canine units, arson investigation teams, computer fraud and forensics units, domestic violence and special assault units, and gang and youth violence units. The study shall identify duplications and inefficiencies in current service delivery;

(c) Obtain data from all local governments on the types of costs identified in (b) of this subsection. This data will be compiled and analyzed by the agency or organization that conducts the study for each county; and

(d) Obtain data from those counties and law enforcement agencies where master interlocal agreements, joint specialty service units, and other cooperative arrangements have been developed between law enforcement agencies to improve the effectiveness, efficiency, and ensured quality of specialty law enforcement services.

Sec. 213. 2000 2nd sp.s. c 1 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2000) \$ 7,268,000

General Fund--State Appropriation (FY 2001) \$ 7,240,000

Public Safety and Education Account--State

Appropriation \$ ((18,756,000))

20,156,000

Public Safety and Education Account--Federal

Appropriation \$ 5,950,000

Public Safety and Education Account--Private/Local

Appropriation \$ 3,057,000

Electrical License Account--State

Appropriation \$ 24,402,000

Farm Labor Revolving Account--Private/Local

Appropriation \$ 28,000

Worker and Community Right-to-Know Account--State

Appropriation \$ 2,211,000

Public Works Administration Account--State

Appropriation \$ 2,996,000

Accident Account--State Appropriation \$ 167,092,000

Accident Account--Federal Appropriation \$ 9,112,000

Medical Aid Account--State Appropriation \$ 169,172,000

Medical Aid Account--Federal Appropriation \$ 1,592,000

Plumbing Certificate Account--State

Appropriation \$ 971,000

Pressure Systems Safety Account--State

Appropriation \$ 2,167,000

TOTAL APPROPRIATION \$ ((422,014,000))

423,414,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider and managed care contracts; (c) coordinate with the department of social and health services to use the public safety and education account as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods.

(2) \$2,665,000 of the public safety and education account--state appropriation is provided solely for additional costs for client benefits in the crime victims compensation program, provided that no more than \$5,095,000 of the appropriations provided in subsection (1) of this section is expended for department administration of the crime victims compensation program.

(3) From within funds provided, the department shall improve customer service and satisfaction for injured workers by speeding up the process for reporting injuries, and shall enhance vocational rehabilitation services for injured workers.

Sec. 214. 2000 2nd sp.s. c 1 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2000) \$ 1,640,000
 General Fund--State Appropriation (FY 2001) \$ 1,628,000
 General Fund--Federal Appropriation \$ 134,000
 General Fund--Private/Local Appropriation \$ 78,000
 Industrial Insurance Premium Refund Account--State
 Appropriation \$ 78,000
 Charitable, Educational, Penal, and Reformatory
 Institutions Account--State
 Appropriation \$ 2,000

TOTAL APPROPRIATION \$ 3,560,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$39,000 of the general fund--state appropriation is provided solely as an additional state contribution toward the cost of constructing a memorial on the state capitol grounds to the men and women who served in the nation's armed forces during the second world war.

(b) \$231,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for disbursement to the national World War II memorial fund for construction and maintenance of the national monument honoring the men and women from Washington and the other states who served in the nation's armed forces during the second world war.

(c) \$200,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to conduct a predesign study for replacement of aging skilled nursing facilities. The predesign study shall comply with the requirements of sections 902 and 903, chapter 379, Laws of 1999.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2000) \$ 2,466,000
 General Fund--State Appropriation (FY 2001) \$ 2,494,000
 General Fund--Federal Appropriation \$ ((26,000))

78,000

General Fund--Private/Local Appropriation \$ 1,495,000
 TOTAL APPROPRIATION \$ ((6,481,000))

6,533,000

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) \$ 5,346,000
 General Fund--State Appropriation (FY 2001) \$ 4,790,000
 General Fund--Federal Appropriation \$ 23,002,000
 General Fund--Private/Local Appropriation \$ 16,527,000
 TOTAL APPROPRIATION \$ 49,665,000

Sec. 215. 2000 2nd sp.s. c 1 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2000) \$ 62,840,000
 General Fund--State Appropriation (FY 2001) \$ ((64,284,000))

65,034,000

General Fund--Federal Appropriation \$ ((268,032,000))

268,081,000

General Fund--Private/Local Appropriation \$ ((68,648,000))

74,989,000

Hospital Commission Account--State
 Appropriation \$ 2,378,000
 Health Professions Account--State
 Appropriation \$ 37,529,000
 Emergency Medical Services and Trauma Care Systems
 Trust Account--State Appropriation \$ 14,856,000
 State Drinking Water Account--State
 Appropriation \$ 2,531,000
 Drinking Water Assistance Account--Federal
 Appropriation \$ 5,456,000
 Waterworks Operator Certification--State
 Appropriation \$ 593,000
 Water Quality Account--State Appropriation \$ 3,124,000
 Accident Account--State Appropriation \$ 258,000
 Medical Aid Account--State Appropriation \$ 45,000
 State Toxics Control Account--State
 Appropriation \$ 2,614,000
 Health Services Account Appropriation \$ ((42,992,000))

12,242,000

Medical Test Site Licensure Account--State
 Appropriation \$ 1,651,000
 Youth Tobacco Prevention Account--State
 Appropriation \$ 1,804,000
 Tobacco Prevention and Control Account--State
 Appropriation \$ 15,620,000

TOTAL APPROPRIATION \$ ((565,255,000))

571,645,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,434,000 of the health professions account appropriation is provided solely for the development and implementation of a licensing and disciplinary management system. Expenditures are conditioned upon compliance with section 902 of this act. These funds shall not be expended without appropriate project approval by the department of information systems.

(2) The department or any successor agency is authorized to raise existing fees charged to the nursing assistants, podiatrists, and osteopaths; for certificate of need; for temporary worker housing; for state institution inspection; for residential care facilities and for transient accommodations, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(3) \$339,000 of the general fund--state appropriation for fiscal year 2000, \$339,000 of the general fund--state appropriation for fiscal year 2001, and \$678,000 of the general fund--federal appropriation are provided solely for technical assistance to local governments and special districts on water conservation and reuse. \$339,000 of the general fund--federal amount may be expended in each fiscal year of the biennium, only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(4) \$1,685,000 of the general fund--state fiscal year 2000 appropriation and \$1,686,000 of the general fund--state fiscal year 2001 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(5) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(6) \$620,000 of the tobacco prevention and control account appropriation and \$209,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5516 or, if the bill is not enacted, for the development of a sustainable, long-term, comprehensive tobacco control program. The plan shall identify a specific set of outcome measures that shall be used to track long range progress in reducing the use of tobacco. Nationally accepted measures that can be used to compare progress with other states shall be included. The plan shall emphasize programs that have demonstrated effectiveness in achieving progress towards the specified outcome measures. Components of the plan that do not have a record of success may be included, provided that the plan also includes the means of evaluating those components. The plan shall also include an inventory of existing publically funded programs that seek to prevent the use of tobacco, alcohol, or other drugs by children and youth and recommendations to coordinate and consolidate these programs in order to achieve greatest positive outcomes within total available resources. A preliminary plan shall be submitted to the appropriate committees of the legislature by December 1, 1999.

(7) \$2,075,000 of fiscal year 2000 general fund--state appropriation and \$2,075,000 of fiscal year 2001 general fund--state appropriation are provided for the Washington poison center. The department shall require the center to develop a long range financing plan that identifies options for diversifying funding for center operations, including, but not limited to, federal grants, private sector grants and sponsorships, and multistate or regional operating agreements. The plan shall be submitted to the appropriate committees of the legislature by December 1, 2000.

(8) \$50,000 of fiscal year 2000 general fund--state appropriation and \$50,000 of fiscal year 2001 general fund--state appropriation are provided solely for fund raising and other activities for the development of early hearing loss clinics. The development plan for these clinics shall not assume ongoing general fund--state appropriations.

(9) \$15,000,000 of the tobacco prevention and control account appropriation is provided solely for the implementation of a sustainable, long-term tobacco control program. The integrated components of the program may include: Community-based programs, cessation, public awareness and education, youth access, and assessment and evaluation. A final plan will define the sustainable implementation of the long-term program given the remaining available balance in the tobacco prevention and control account. This plan shall be submitted to the appropriate committees of the legislature by September 1, 2000.

(10) \$24,000 of the fiscal year 2000 general fund--state appropriation and \$117,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 6199 (patient bill of rights). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

Sec. 216. 2000 2nd sp.s. c 1 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in chapter 309, Laws of 1999, as amended, shall be expended for the programs and in the amounts specified therein. However, after April 1, ((2000)) 2001, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ((2000)) 2001 between the correctional operations and community supervision programs after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2000) \$ 26,064,000
General Fund--State Appropriation (FY 2001) \$ 28,022,000
Public Safety and Education Account--State
Appropriation \$ 2,962,000
Violence Reduction and Drug Enforcement
Account Appropriation \$ 2,000,000
Cost of Supervision Fund Appropriation \$ 2,254,000
TOTAL APPROPRIATION \$ 61,302,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$72,000 of the general fund--state appropriation for fiscal year 2000, \$212,000 of the general fund--state appropriation for fiscal year 2001, \$2,962,000 of the public safety and education account appropriation, \$2,000,000 of the violence reduction drug enforcement account appropriation, and \$2,254,000 of the cost of supervision fund appropriation are provided solely for replacement of the department's offender-based tracking system. These amounts are subject to section 902 of this act.

(b) \$462,000 of the general fund--state appropriation for fiscal year 2000 and \$538,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2000) \$ 360,685,000

General Fund--State Appropriation (FY 2001) \$ ((364,386,000))

371,428,000

General Fund--Federal Appropriation \$ ((35,577,000))

25,830,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$ ((1,614,000))

2,684,000

Public Health Services Account Appropriation \$ ((1,884,000))

1,117,000

Institutional Welfare Betterment Account

Appropriation \$ 2,570,000

TOTAL APPROPRIATION \$ ((766,716,000))

764,314,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Not more than \$3,000,000 may be expended to provide financial assistance to counties for monitoring and treatment services provided to felony offenders involved in drug court programs pursuant to sections 7 through 12 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing). The secretary may negotiate terms, conditions, and amounts of assistance with counties or groups of counties operating drug courts, and may review charging and other documents to verify eligibility for payment. The secretary may contract with the division of alcohol and substance abuse, department of social and health services, for monitoring and treatment services provided pursuant to this subsection.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(d) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(e) \$583,000 of the general fund--state appropriation for fiscal year 2000 and \$1,178,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase payment rates for contracted education providers and contracted work release facilities. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(f) \$151,000 of the general fund--state appropriation for fiscal year 2000 and \$57,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(g) \$18,000 of the general fund--state appropriation for fiscal year 2000 and \$334,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Senate Bill No. 5538 (sentencing) or section 3 of House Bill No. 1544 (sentencing corrections). If neither bill is enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(h) \$171,000 of the general fund--state appropriation for fiscal year 2000 and \$1,094,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(i) The department of corrections shall submit to the appropriate policy and fiscal committees of the senate and house of representatives, by December 15, 1999, a report on how the department plans to manage hepatitis C in the inmate population. In developing the plan, the department shall work with recognized experts in the field and shall take notice of the current national institutes of health hepatitis C guidelines and hepatitis C protocols observed in other correctional settings. Included in the plan shall be offender education about the disease, how and when offenders would be tested, how the disease would be managed if an inmate is determined to have hepatitis C, and an estimate of the number of inmates in the Washington prison system with hepatitis C. The proposed plan must also include recommendations to the legislature on ways to improve hepatitis C disease management and what level of funding would be necessary to appropriately test for and treat the disease.

(j) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following:

(A) Enter into a long-term ground lease or a long-term lease with purchase option for development of a Tacoma prerelease facility for approximately \$360,000 per year. Prior to entering into any lease, the department of corrections shall obtain written confirmation from the city of Tacoma and Pierce county that the prerelease facility planned for the site meets all land use, environmental protection, and community notification requirements.

(B) Enter into a financing contract in the amount of \$21,350,000 to acquire, construct, or remodel a 400-bed, expandable to 600-bed, Tacoma prerelease facility.

(C) Lease-develop with the option to purchase or lease-purchase approximately 100 work release beds in facilities throughout the state for \$7,000,000.

(k) ~~(\$1,884,000)~~ \$1,117,000 of the public health services account appropriation is provided solely for costs associated with the testing, treatment, and other activities related to managing hepatitis C in the inmate population.

(l) \$117,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Second Substitute Senate Bill No. 6255 (anhydrous ammonia). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(m) \$2,570,000 of the institutional welfare betterment account appropriation is provided solely for deposit in the public health services account.

(n) During the 1999-01 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account as of January 1, 2000.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2000) \$ 48,451,000

General Fund--State Appropriation (FY 2001) \$ ~~((53,787,000))~~

53,311,000

Public Safety and Education

Account--State Appropriation \$ 9,861,000

TOTAL APPROPRIATION \$ ~~((112,099,000))~~

111,623,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) Amounts provided in this subsection are sufficient for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability).

(c) \$109,000 of the general fund--state appropriation for fiscal year 2000 and \$126,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5011 (dangerous mentally ill offenders). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(d) \$219,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in Engrossed Second Substitute Senate Bill No. 5421 (offender accountability act) and sections 7 through 12 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing).

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2000) \$ 817,000

General Fund--State Appropriation (FY 2001) \$ ~~((3,523,000))~~

100,000

Institutional Welfare Betterment Account

Appropriation \$ 3,509,000

TOTAL APPROPRIATION \$ ~~((7,849,000))~~

4,426,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(b) \$50,000 of the general fund--state appropriation for fiscal year 2000 ~~((and \$50,000 of the general fund--state appropriation for fiscal year 2001 are))~~ is provided solely for the correctional industries board of directors to hire one staff person, responsible directly to the board, to assist the board in fulfilling its duties.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2000) \$ 12,898,000

General Fund--State Appropriation (FY 2001) \$ ~~((11,983,000))~~

12,255,000

TOTAL APPROPRIATION \$ ~~((24,881,000))~~

25,153,000

Sec. 217. 1999 c 309 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2000) \$ 1,481,000

General Fund--State Appropriation (FY 2001) \$ 1,513,000

General Fund--Federal Appropriation \$ ~~((11,062,000))~~

11,612,000

General Fund--Private/Local Appropriation \$ 80,000

TOTAL APPROPRIATION \$ ~~((14,136,000))~~

14,686,000

Sec. 218. 2000 2nd sp.s. c 1 s 222 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 2000) \$ 1,263,000

General Fund--State Appropriation (FY 2001) \$ 1,259,000	
General Fund--Federal Appropriation \$ 209,498,000	
General Fund--Private/Local Appropriation \$ 29,135,000	
Unemployment Compensation Administration Account-- Federal Appropriation \$ ((169,985,000))	<u>177,799,000</u>
Administrative Contingency Account--State Appropriation \$ 9,443,000	
Employment Service Administrative Account--State Appropriation \$ 19,457,000	
TOTAL APPROPRIATION \$ ((440,040,000))	<u>447,854,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of funds appropriated in this section for the information systems project to improve the agency's labor exchange system are conditioned upon compliance with section 902 of this act.

(2) \$327,000 of the unemployment compensation administration account--federal appropriation is provided consistent with section 903(c)(2) of the federal social security act to address deficiencies in the tax and wage information system (TAXIS) and to improve the quality and timeliness of employer tax information and employee wage records.

(3) \$2,567,000 of the employment service administrative account--state appropriation is provided solely for implementation of Substitute House Bill No. 3077 (unemployment insurance). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

PART III NATURAL RESOURCES

Sec. 301. 2000 2nd sp.s. c 1 s 301 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2000) \$ 36,462,000	
General Fund--State Appropriation (FY 2001) \$ 42,225,000	
General Fund--Federal Appropriation \$ 55,141,000	
General Fund--Private/Local Appropriation \$ 4,234,000	
Special Grass Seed Burning Research Account-- State Appropriation \$ 14,000	
Reclamation Revolving Account--State Appropriation \$ 1,735,000	
Flood Control Assistance Account-- State Appropriation \$ ((3,989,000))	<u>3,957,000</u>
Public Safety and Education Account-- State Appropriation \$ 749,000	
State Emergency Water Projects Revolving Account-- State Appropriation \$ 317,000	
Waste Reduction/Recycling/Litter Control Account-- State Appropriation \$ 13,193,000	
State Drought Preparedness Account--State Appropriation \$ ((675,000))	<u>350,000</u>
Salmon Recovery Account--State Appropriation \$ 1,120,000	
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation \$ 557,000	
Water Quality Account--State Appropriation \$ 3,881,000	
Wood Stove Education and Enforcement Account-- State Appropriation \$ 551,000	
Worker and Community Right-to-Know Account-- State Appropriation \$ 3,155,000	
State Toxics Control Account--State Appropriation \$ ((48,369,000))	<u>48,608,000</u>
State Toxics Control Account--Private/Local Appropriation \$ 377,000	
Local Toxics Control Account--State Appropriation \$ 4,587,000	
Water Quality Permit Account--State Appropriation \$ 21,763,000	
Underground Storage Tank Account--State Appropriation \$ 2,475,000	
Environmental Excellence Account--State	

Appropriation \$ 20,000
 Biosolids Permit Account--State Appropriation \$ 572,000
 Hazardous Waste Assistance Account--State
 Appropriation \$ 3,943,000
 Air Pollution Control Account--State
 Appropriation \$ 4,576,000
 Oil Spill Administration Account--State
 Appropriation \$ 9,172,000
 Air Operating Permit Account--State
 Appropriation \$ 3,549,000
 Freshwater Aquatic Weeds Account--State
 Appropriation \$ 1,430,000
 Oil Spill Response Account--State
 Appropriation \$ 7,078,000
 Metals Mining Account--State Appropriation \$ 43,000
 Water Pollution Control Revolving Account--
 State Appropriation \$ 439,000
 Water Pollution Control Revolving Account--
 Federal Appropriation \$ 2,200,000
 TOTAL APPROPRIATION \$ ((278,594,000))

278,473,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,432,000 of the general fund--state appropriation for fiscal year 2000, \$3,438,000 of the general fund--state appropriation for fiscal year 2001, \$394,000 of the general fund--federal appropriation, \$2,070,000 of the oil spill administration account--state appropriation, \$819,000 of the state toxics control account--state appropriation, and \$3,686,000 of the water quality permit account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$170,000 of the oil spill administration account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(3) \$374,000 of the general fund--state appropriation for fiscal year 2000 and \$283,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department to digitize water rights documents and to provide this information to watershed planning groups.

(4) \$1,566,000 of the general fund--federal appropriation, \$1,033,000 of the general fund--private/local appropriation, and \$919,000 of the water quality account appropriation are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for study of the impacts of gravel removal on the hydrology of Maury Island. The study shall consider impacts to the nearshore environment and aquifer recharge, and assess the potential for groundwater or marine sediment contamination. The department shall contract for the study, which shall be completed by June 30, 2000.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for a study of the impacts of gravel deposit on the Highline aquifer. The study shall consider impacts to instream flow and sedimentation of Des Moines, Miller, and Walker creeks. The department shall contract for the study, which shall be completed by June 30, 2000.

(7) The entire freshwater aquatic weeds account appropriation shall be distributed according to the provisions of RCW 43.21A.660. Funding may be provided for chemical control of Eurasian watermilfoil.

(8) \$15,000 of the general fund--state appropriation for fiscal year 2000 and \$15,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to monitor and address, in coordination with the marine operations division of the department of transportation, odor problems in Fauntleroy Cove.

(9) \$144,000 of the general fund--state appropriation for fiscal year 2000 and \$133,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for water quality activities related to forest practices.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the department to form an advisory committee for the purpose of updating the department's storm water management plan and the Puget Sound storm water management manual. The advisory committee shall be appointed no later than September 1, 1999, and it shall provide its recommendations on storm water management to the legislature by December 31, 2000.

(11) \$383,000 of the general fund--state appropriation for fiscal year 2000 and \$384,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for an agency permit assistance center, including four regional permit assistance offices.

(12) \$438,000 of the general fund--state appropriation for fiscal year 2000, \$1,025,000 of the general fund--state appropriation for fiscal year 2001, and \$1,870,000 of the general fund--federal appropriation are provided solely for the establishment of total maximum daily loads for water bodies across the state, and for pilot projects to evaluate the ability of existing voluntary and regulatory programs to improve water quality in water quality limited segments listed pursuant to section 303(d) of the federal clean water act. In areas with a ground water management area, total maximum daily loads that include a ground water element will be done in cooperation with the ground water management area process. Pilot projects shall include the following allocations from the general fund--state amounts provided in this subsection: \$100,000 shall be provided to a conservation district in the Palouse region; \$100,000 shall be provided to the Lake Whatcom management committee through the city of Bellingham; and \$250,000 shall be provided to the Roza-Sunnyside irrigation district joint board of control. Each pilot project sponsor shall provide a report to the legislature by January 1, 2001, describing the water quality goals of the project, how the goals relate to meeting state water quality standards, the strategies to accomplish those goals, and the method of evaluating project effectiveness. The pilot project sponsors shall also submit final reports to the legislature at project completion.

(13) \$591,000 of the general fund--state appropriation for fiscal year 2000 and \$1,131,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to process water rights applications.

(14) \$414,000 of the general fund--state appropriation for fiscal year 2000 and \$383,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for technical assistance and project review for water conservation and reuse projects.

(15) The entire salmon recovery account appropriation is provided to increase compliance with existing water quality and water resources laws.

(16) \$4,250,000 of the general fund--state appropriation for fiscal year 2000 and \$4,750,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to local governments to conduct watershed planning. Of the general fund--state amounts provided in this subsection: (a) \$500,000 is provided solely for a grant to the Methow river planning unit to develop baseline hydrological data for the Methow river; and (b) \$85,000 is provided for the lower Yakima/Naches/upper Yakima planning unit contingent upon recommendations of the governor's fact finder that a dual watershed assessment process is necessary. If such a recommendation is not provided, this amount is available for the purposes of this subsection.

(17) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$82,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department, in cooperation with the department of fish and wildlife, to establish fish and habitat index monitoring sites to measure the effectiveness of salmon recovery activities.

(18) \$276,000 of the general fund--state appropriation for fiscal year 2000 and \$207,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Senate Bill No. 5424 (aquatic plant management). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(19) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the continuation of the southwest Washington coastal erosion study.

(20) \$638,000 of the oil spill administration account appropriation is provided solely to implement Substitute House Bill No. 2247 (oil spill response tax). Of this amount: (a) \$120,000 is provided solely for spill response equipment; (b) \$307,000 is provided solely to develop an oil spill risk management plan; and (c) \$211,000 is provided solely for spills information management improvements. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(21) \$145,000 of the general fund--state fiscal year 2000 appropriation and \$145,000 of the general fund--state fiscal year 2001 appropriation are provided solely for training and technical assistance to support the activities of county water conservancy boards.

(22) \$3,154,000 of the general fund--state appropriation for fiscal year 2000 and \$6,649,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to maintain the state's air quality program. Within the funds provided in this subsection, the department shall maintain funding for local air pollution control authorities at no less than ninety percent of the level of grants provided prior to January 1, 2000.

(23) \$749,000 of the public safety and education account appropriation for fiscal year 2001 is provided solely for methamphetamine lab clean up activities.

(24) \$300,000 of the state drought preparedness account--state appropriation for fiscal year 2001 is provided solely for a preconstruction and feasibility analysis of the Roza irrigation district off-stream storage project at Washout canyon. Moneys may be expended from the amount provided in this subsection only to the extent that matching funds in cash and in-kind contributions are provided by the Roza irrigation district. If this match is not provided by the district, the amount provided in this subsection shall lapse.

(25) \$1,500,000 of the state toxics control account appropriation is provided solely for cleanup actions related to the Everett smelter site in the city of Everett. The department shall seek recovery of the funds expended for this purpose from the liable parties by way of a settlement agreement or court action under the authority of chapter 70.105D RCW, the model toxics control act. Moneys collected as a result of a cost recovery action at the Everett smelter site shall be used first to reimburse the local toxics control account for the total amount of this appropriation. This appropriation is the result of a one-time loan from the local toxics control account and does not imply that the legislature will use this loan source or the state toxics control account for future cleanup of the Everett smelter site.

(26) ~~(\$375,000)~~ \$50,000 of the state drought preparedness account--state appropriation is provided solely for an environmental impact statement of the Pine Hollow reservoir project to be conducted in conjunction with the local irrigation district.

(27) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for creating the task force on water storage. The purpose of the task force is to examine the role of increased water storage in providing water supplies to meet the needs of fish, population growth, and economic development, and to enhance the protection of people's lives and their property and the protection of aquatic habitat through flood control facilities. For this purpose, increased storage may be in the form of surface storage including off-stream storage, underground storage, or the enlargement or enhancement of existing structures. The task force shall also examine means of providing funding for increased water storage.

The department of ecology shall provide staff support for the task force and the director of the department of ecology shall convene the first meeting of the task force not less than thirty days after the effective date of this section.

No member of the task force shall receive compensation, per diem, or reimbursement of expenses from the task force or the department of ecology for his or her activities as a member of the task force. However, each may receive such compensation, per diem, and/or reimbursement as is authorized by the entity he or she is employed by, is appointed from, or represents on the task force.

Following its examination, the task force shall report its recommendations to the appropriate committees of the legislature by December 31, 2000.

(28) Within the funds appropriated in this section, the department shall develop for review by the legislature a proposed long-term strategy to address persistent, bio-accumulative and toxic chemicals in the environment. The department shall submit its proposal to the appropriate legislative committees by December 30, 2000.

(29) \$1,650,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to the oil spill administration account to be used for a rescue tug. By December 1, 2000, the department shall report to the appropriate fiscal committees of the legislature on the activities of the dedicated rescue tug. The report shall include information on rescues, assists, or responses performed by the tug. The report shall also indicate the class of vessels involved and the nature of the rescue, assist, or response.

(30) \$84,375 of the flood control assistance account appropriation is provided solely as a reappropriation for the biennium ending June 30, 2003, to complete the Latah Creek feeder bank stabilization project. The amount provided by this subsection shall be reduced by the amount expended from this account for this project during the biennium ending June 30, 2001.

Sec. 302. 2000 2nd sp.s. c 1 s 302 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2000) \$ 27,522,000

General Fund--State Appropriation (FY 2001) \$ ~~((28,227,000))~~

28,259,000

General Fund--Federal Appropriation \$ 2,113,000

General Fund--Private/Local Appropriation \$ ~~((59,000))~~

167,000

Winter Recreation Program Account--State

Appropriation \$ 763,000

Off Road Vehicle Account--State Appropriation \$ 264,000

Snowmobile Account--State Appropriation \$ 3,653,000

Aquatic Lands Enhancement Account--State

Appropriation \$ 325,000

Public Safety and Education Account--State

Appropriation \$ 48,000

Water Trail Program Account--State

Appropriation \$ 14,000

Parks Renewal and Stewardship Account--

State Appropriation \$ 25,907,000

TOTAL APPROPRIATION \$ ~~((88,895,000))~~

89,035,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan agency action items P&RC-01 and P&RC-03.

(2) \$65,000 of the general fund--state appropriation for fiscal year 2000 and \$71,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state parks and recreation commission to meet its responsibilities under the Native American graves protection and repatriation act (P.L. 101-601).

(3) \$2,000,000 of the parks renewal and stewardship account appropriation is dependent upon the parks and recreation commission generating revenue to the account in excess of \$26,000,000 for the biennium. These funds shall be used for deferred maintenance and visitor and ranger safety activities.

(4) \$772,000 of the general fund--state appropriation for fiscal year 2000 and \$849,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(5) Fees approved by the state parks and recreation commission in 1998 for camping, group camping, extra vehicles, and the sno-park daily permit are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) \$79,000 of the general fund--state appropriation for fiscal year 2000 and \$79,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a grant for the operation of the Northwest avalanche center.

(7) The state parks and recreation commission may increase fees adopted prior to January 1, 2000, for implementation on or after July 1, 2000, in excess of the fiscal growth factor under RCW 43.135.055.

(8) \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a study on existing and future recreational needs and opportunities on the west slope of the Cascade foothills. The study shall include an inventory of existing land and facilities, an assessment of projected demand, and recommendations for regional coordination among public and private outdoor recreation providers to promote expanded recreation opportunities within the Cascade foothills. The study shall be submitted to the governor and the appropriate committees of the legislature by June 30, 2001.

Sec. 303. 2000 2nd sp.s. c 1 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2000) \$ 42,616,000

General Fund--State Appropriation (FY 2001) \$ ~~((44,567,000))~~

45,212,000

General Fund--Federal Appropriation \$ ~~((37,380,000))~~

55,005,000

General Fund--Private/Local Appropriation \$ ~~((16,800,000))~~

23,850,000

Off Road Vehicle Account--State

Appropriation \$ 490,000

Aquatic Lands Enhancement Account--State

Appropriation \$ 5,992,000

Public Safety and Education Account--State

Appropriation \$ 586,000

Recreational Fisheries Enhancement Account--

State Appropriation \$ 3,596,000

Salmon Recovery Account--State

Appropriation \$ 10,105,000

Warm Water Game Fish Account--State

Appropriation \$ ~~((2,499,000))~~

	<u>2,899,000</u>
Eastern Washington Pheasant Enhancement Account-- State Appropriation \$ 851,000	
Wildlife Account--State Appropriation \$ ((41,433,000))	
	<u>42,223,000</u>
Wildlife Account--Federal Appropriation \$ 38,040,000	
Wildlife Account--Private/Local Appropriation \$ 15,072,000	
Game Special Wildlife Account--State Appropriation \$ 1,939,000	
Game Special Wildlife Account--Federal Appropriation \$ 9,603,000	
Game Special Wildlife Account--Private/Local Appropriation \$ 350,000	
Environmental Excellence Account--State Appropriation \$ 15,000	
Regional Fisheries Salmonid Recovery Account-- Federal Appropriation \$ 1,750,000	
Oil Spill Administration Account--State Appropriation \$ 969,000	
TOTAL APPROPRIATION \$ ((274,353,000))	
	<u>301,163,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,252,000 of the general fund--state appropriation for fiscal year 2000 and \$1,244,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan agency action items DFW-01, DFW-02, DFW-03, DFW-04, and DFW-05.

(2) \$776,000 of the salmon recovery account appropriation is provided solely for the department's review of forest practices applications and related hydraulic permit applications.

(3) \$1,500,000 of the salmon recovery account appropriation is provided solely for the department to update the salmon and steelhead stock inventory and, in cooperation with the department of ecology, to establish fish and habitat index monitoring sites to measure the effectiveness of salmon recovery activities.

(4) \$232,000 of the general fund--state appropriation for fiscal year 2000 and \$232,000 of the general fund--state appropriation for fiscal year 2001 are provided for the control of European green crab (*Carcinus maenas*). The department shall submit a report to the governor and the appropriate legislative committees by September 1, 2000, evaluating the effectiveness of various control strategies and providing recommendations on long-term control strategies. \$248,000 of this amount is for implementation of Puget Sound work plan and agency action item DFW-23.

(5) \$191,000 of the general fund--state appropriation for fiscal year 2000 and \$191,000 of the general fund--state appropriation for fiscal year 2001 are provided for noxious weed control and survey activities on department lands. Of this amount, \$48,000 is provided for the biological control of yellowstar thistle.

(6) All salmon habitat restoration and protection projects proposed for funding by regional fisheries enhancement groups shall be submitted by January 1st or July 1st of each year for review to the salmon recovery funding board.

(7) \$2,340,000 of the salmon recovery account appropriation and \$7,000,000 of the general fund--federal appropriation are provided solely to implement a license buy-back program for commercial fishing licenses.

(8) \$511,000 of the general fund--state appropriation for fiscal year 2000 and \$488,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(9) Any indirect cost reimbursement received by the department from federal grants must be spent on agency administrative activities and cannot be redirected to direct program activities.

(10) \$43,000 of the general fund--state appropriation for fiscal year 2000 and \$42,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for staffing and operation of the Tennant Lake interpretive center.

(11) \$32,000 of the general fund--state appropriation for fiscal year 2000 and \$33,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(12) \$100,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement Senate Bill No. 5508 (crab catch record cards). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(13) \$6,440,000 of the general fund--state appropriation for fiscal year 2000, \$5,796,000 of the general fund--state appropriation for fiscal year 2001, \$12,260,000 of the wildlife account--state appropriation, \$710,000 of the aquatic lands enhancement account appropriation, and \$500,000 of the public safety and education account appropriation are provided solely for operation of the enforcement division. Within these funds, the department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within these funds, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(14) \$500,000 of the salmon recovery account, \$624,000 of the general fund--state appropriation for fiscal year 2000, and \$624,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department to implement a hatchery endangered species act response. The strategy shall include emergency hatchery responses and retrofitting of hatcheries for salmon recovery.

(15) \$45,000 of the general fund--state appropriation for fiscal year 2000 and \$46,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for operation of the Rod Meseberg (ringold) warm water fish hatchery to implement House Bill No. 1716 (warm water fish culture). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(16) \$2,500,000 of the salmon recovery account appropriation is provided solely for grants to lead entities established in accordance with RCW 75.46.060.

(17) \$200,000 of the salmon recovery account appropriation is provided solely for salmon and steelhead predation control and bycatch monitoring strategies.

(18) \$50,000 of the general fund--state appropriation for fiscal year 2000, \$50,000 of the general fund--state appropriation for fiscal year 2001, and \$200,000 of the wildlife account--state appropriation are provided solely for field surveys and harvest management for Washington elk herds.

(19) \$155,000 of the general fund--state appropriation for fiscal year 2000 and \$345,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to purchase and implement the automated recreational license data base system.

(20) \$1,400,000 of the general fund--state appropriation for fiscal year 2000 and \$1,400,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for fish passage barrier and screening technical assistance, engineering services, and construction assistance for local governments, state agencies, volunteer groups, and regional fisheries enhancement groups.

(21) \$1,500,000 of the salmon recovery account appropriation is provided solely for local salmon recovery technical assistance. Technical assistance shall be coordinated among all state agencies including the conservation commission, department of fish and wildlife, department of ecology, department of health, department of agriculture, department of transportation, state parks and recreation, interagency committee for outdoor recreation, governor's salmon recovery office, Puget Sound water quality action team, department of community, trade, and economic development, and department of natural resources.

(22) \$400,000 of the wildlife account appropriation is provided solely to implement House Bill No. 1681 (trout purchase by state). The fish and wildlife commission may authorize expenditure of these funds only if the costs of the program will be recovered by the increase in license sales directly attributable to the planting of privately grown trout. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(23) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.

(24) \$245,000 of the state wildlife account appropriation is provided solely for winter feeding of deer and winter range rehabilitation on the Chilliwit wildlife area.

(25) Within the appropriation from the wildlife account the department shall, at a minimum, operate Reiter Pond at fiscal year 2000 production levels.

(26) Within the appropriations in this section the department shall, at a minimum, operate the Colville hatchery at fiscal year 2000 production levels.

(27) \$384,000 of the general fund--private/local appropriation is provided solely to implement Senate Bill No. 6277 (authorizing cost reimbursement agreements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(28) \$400,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of the Puget Sound work plan agency action items DFW-10 and DFW-18, implementing a comprehensive Puget Sound ground fish and forage fish recovery plan.

(29) \$203,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for data collection and analysis related to Lake Washington sockeye.

(30) \$800,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for additional enforcement staff to respond and take appropriate action in response to public complaints regarding bear and cougar.

(31) \$500,000 of the general fund--state appropriation for fiscal year 2001 and \$200,000 of the wildlife account--state appropriation are provided solely to implement an endangered species act strategy for state hatchery operations, including fish passage improvements, screen compliance, rearing strategies, and restoration of production.

(32) \$789,000 of the salmon recovery account appropriation is provided solely for screening of irrigation diversions and projects to improve instream flows in the Methow river basin.

(33) \$645,000 of the general fund--state appropriation is provided solely for fire suppression costs during the 2000 fire season and to feed elk and deer.

Sec. 304. 2000 2nd sp.s. c 1 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2000) \$ 25,784,000

General Fund--State Appropriation (FY 2001) \$ ((28,576,000))

34,662,000

General Fund--Federal Appropriation \$ ((2,865,000))

5,025,000

General Fund--Private/Local Appropriation \$ 1,604,000

Forest Development Account--State

Appropriation \$ 48,086,000

Off Road Vehicle Account--State

Appropriation \$ 3,668,000

Surveys and Maps Account--State

Appropriation \$ 2,221,000

Aquatic Lands Enhancement Account--State

Appropriation \$ 2,656,000

Resources Management Cost Account--State

Appropriation \$ 79,097,000

Surface Mining Reclamation Account--State

Appropriation \$ 1,435,000

Disaster Response Account--State

Appropriation \$ 2,651,000

Salmon Recovery Account--State

Appropriation \$ 3,483,000
 Aquatic Land Dredged Material Disposal Site
 Account--State Appropriation \$ 1,014,000
 Natural Resource Conservation Areas Stewardship
 Account Appropriation \$ 1,100,000
 Air Pollution Control Account--State
 Appropriation \$ 687,000
 Metals Mining Account--State Appropriation \$ 63,000
 Agricultural College Trust Management Account
 Appropriation \$ ((4,736,000))

1,913,000

TOTAL APPROPRIATION \$ ((206,426,000))

215,054,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2000, \$18,000 of the general fund--state appropriation for fiscal year 2001, and \$1,058,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2) \$7,304,000 of the general fund--state appropriation for fiscal year 2000, \$7,304,000 of the general fund--state appropriation for fiscal year 2001, and \$2,651,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression.

(3) \$331,000 of the general fund--state appropriation for fiscal year 2000 and \$339,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for geologic studies to evaluate ground stability in high growth areas and to provide geologic expertise to small communities.

(4) \$663,000 of the general fund--state appropriation for fiscal year 2000 and \$689,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(5) \$3,483,000 of the salmon recovery account appropriation and \$3,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for implementation of chapter 4, Laws of 1999 sp. sess.

(a) Of the salmon recovery account appropriation in this subsection:

(i) \$2,580,000 is provided solely for costs associated with adopting and implementing new forest rules for protection of riparian habitat and water quality; road maintenance and abandonment planning; fish and water quality compliance staff; geographic information systems improvements for forest roads and hydrography; and updating the forest practices permit application system; and

(ii) \$903,000 is provided solely to implement sections 501 through 505 of chapter 4, Laws of 1999 sp. sess., including:

(A) The establishment of a small landowner office;

(B) Administration of the forestry riparian easement program;

(C) Contracting with private consultants to perform timber cruises;

(D) Development of small landowner options through alternate management plans;

(E) Evaluation of cumulative impacts of alternate plans;

(F) Establishment of a small landowners advisory committee;

(G) Development of criteria for determining compensation for qualifying timber; and

(H) Collection and reporting of the statistical information on small landowners as directed in section 503 of chapter 4, Laws of 1999 sp. sess.

(b) Of the general fund--state appropriation in this subsection:

(i) \$2,128,000 is provided solely for cooperative monitoring, evaluation, and research projects; hazard zonation; adopting and implementing new forest rules to protect riparian habitat and water quality; and geographic information systems improvements for forest roads and hydrography; and

(ii) \$872,000 is provided solely for the department to implement sections 501 through 505 of chapter 4, laws of 1999 sp. sess., including providing technical assistance for small forest landowners for the following:

(A) Determining streamside buffers;

(B) Preparation of road management plans;

(C) Participation in watershed analysis and adaptive management;

(D) Determining culvert replacement needs; and

(E) Developing alternative plans to comply with forest and fish rules.

(6) \$44,000 of the resource management cost account appropriation is provided solely for maintenance and safety improvements at the Gull Harbor marine station. The department shall develop a plan for use or disposal of the marine station by December 1, 1999.

(7) \$582,000 of the resource management cost account appropriation is provided solely to expand geoduck resource management activities.

(8) \$172,000 of the resource management cost account appropriation is provided solely to convert aquatic land maps and records to an electronic format.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2000, \$100,000 of the general fund--state appropriation for fiscal year 2001, and \$400,000 of the aquatic lands enhancement account appropriation are provided solely for spartina control. Within these amounts, the department shall continue support for a field study of biological control methods.

(10) \$2,000,000 of the general fund--state appropriation for fiscal year 2000 and \$2,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for fire protection activities.

(11) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands.

(12) \$1,100,000 of the natural resources conservation areas stewardship account is provided solely to the department for planning, management, and stewardship of natural area preserves and natural resources conservation areas.

(13) \$384,000 of the general fund--private/local appropriation is provided solely to implement Senate Bill No. 6277 (authorizing cost reimbursement agreements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

~~((14))~~ (14) \$2,000,000 of the forest development account appropriation is provided solely for immediate road decommissioning, maintenance, and repair in the Lake Whatcom watershed.

~~((15))~~ (15) The department shall submit a report of the uses of the access road revolving fund to the legislature and the office of financial management no later than December 1, 2000. The report shall include the following:

(a) Distribution of funds from fiscal year 1996 through fiscal year 2000;

(b) Types of activities funded;

(c) Method for prioritizing road projects, state-wide and by region; and

(d) Proposed plan for road maintenance and repair in the 2001-2003 biennium.

(16) \$6,131,000 of the general fund--state appropriation and \$2,160,000 of the general fund--federal appropriation are provided solely for the costs of fighting wildfires on state and federal lands during the 2000 fire season.

PART IV TRANSPORTATION

Sec. 401. 2000 2nd sp.s. c 1 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2000) \$ 5,630,000

General Fund--State Appropriation (FY 2001) \$ ~~((4,871,000))~~

5,023,000

Architects' License Account--State

Appropriation \$ ~~((678,000))~~

668,000

Cemetery Account--State Appropriation \$ 205,000

Profession Engineers' Account--State

Appropriation \$ 2,703,000

Real Estate Commission--State Appropriation \$ ~~((6,824,000))~~

6,784,000

Master License Account--State Appropriation \$ 7,317,000

Uniform Commercial Code Account--State

Appropriation \$ 3,448,000

Real Estate Education Account--State

Appropriation \$ 630,000

Funeral Directors and Embalmers Account--State

Appropriation \$ 472,000

Washington Real Estate Research Account

Appropriation \$ 313,000

TOTAL APPROPRIATION \$ ~~((33,091,000))~~

33,193,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2000, \$25,000 of the general fund--state appropriation for fiscal year 2001, and \$100,000 of the professional engineers' account appropriation are provided solely for Second Substitute Senate Bill No. 5821 (on-site wastewater treatment). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) \$313,000 of the Washington real estate research account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5720 (real estate research). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

Sec. 402. 2000 2nd sp.s. c 1 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2000) \$ 21,496,000

General Fund--State Appropriation (FY 2001) \$ ~~((20,826,000))~~

20,939,000

General Fund--Federal Appropriation \$ 3,999,000

General Fund--Private/Local Appropriation \$ 344,000

Death Investigations Account--State

Appropriation \$ 3,689,000

Public Safety and Education Account--State

Appropriation \$ 9,611,000

County Criminal Justice Assistance Account--State

Appropriation \$ 2,887,000

Municipal Criminal Justice Assistance Account--

State Appropriation \$ 1,118,000

Fire Service Trust Account--State

Appropriation \$ 125,000

Disaster Response Account--State

Appropriation \$ 1,386,000

Fire Service Training Account--State

Appropriation \$ 6,730,000
 State Toxics Control Account--State
 Appropriation \$ 442,000
 Violence Reduction and Drug Enforcement Account--
 State Appropriation \$ 260,000
 Fingerprint Identification Account--State
 Appropriation \$ 2,958,000
 TOTAL APPROPRIATION \$ ((75,874,000))

75,984,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$255,000 of the general fund--state appropriation for fiscal year 2000 and \$95,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for replacement of fire training equipment at the fire service training academy.
- (2) \$604,000 of the public safety and education account appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5108 (missing/exploited children). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.
- (3) \$2,816,000 of the death investigation account appropriation is provided solely for the implementation of Substitute House Bill No. 1560 (forensic lab services). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.
- (4) \$2,900,000 of the fire service training account appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5102 (fire fighter training). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse. In providing the fire fighter one training program required by the bill, the state patrol shall, to the extent possible, utilize existing public and private fire fighting training facilities in southeastern Washington.
- (5) \$354,000 of the public safety and education account appropriation is provided solely for additional law enforcement and security coverage on the west capitol campus.
- (6) \$66,000 of the general fund--state appropriation for fiscal year 2000 and \$58,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for activities of the missing children's clearinghouse as related to services performed under subsection 202(1) of this act. If that subsection is not enacted, the amount provided in this subsection shall lapse.
- (7) When a program within the agency is supported by more than one fund and one of the funds is the state general fund, the agency shall charge its expenditures in such a manner as to ensure that each fund is charged in proportion to its support of the program. The agency may adopt guidelines for the implementation of this subsection. The guidelines may account for federal matching requirements, budget provisos, or other requirements to spend other moneys in a particular manner.
- (8) \$300,000 of the death investigations account--state appropriation is provided solely for the operation of the state toxicology laboratory. If House Bill No. 2330 (liquor disbursements) is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.
- (9) \$1,386,000 of the disaster response account--state appropriation is provided solely for costs associated with the state patrol's participation in support of the world trade organization conference.
- (10) \$125,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 2420 (oil/gas pipeline safety). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

PART V EDUCATION

Sec. 501. 2000 2nd sp.s. c 1 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund--State Appropriation (FY 2000) \$ 34,844,000
 General Fund--State Appropriation (FY 2001) \$ 42,315,000
 General Fund--Federal Appropriation \$ ((83,099,000))

93,143,000

TOTAL APPROPRIATION \$ ((160,258,000))

170,302,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) AGENCY OPERATIONS
 - (a) \$404,000 of the general fund--state appropriation for fiscal year 2000 and \$403,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.
 - (b) \$348,000 of the general fund--state appropriation is provided for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.
 - (c) \$128,000 of the general fund--state appropriation is provided solely for increased costs of providing a norm-referenced test to all third grade students and retests of certain third grade students and other costs in accordance with chapter 319, Laws of 1998 (student achievement).
 - (d) \$145,000 of the general fund--state appropriation is provided for an institutional education program director.
- (2) STATE-WIDE PROGRAMS
 - (a) \$2,524,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center. Of this amount, \$350,000 is provided to add a math van.
 - (b) \$63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.
 - (c) \$2,754,000 of the general fund--state appropriation is provided for educational centers, including state support activities. \$100,000 of this amount is provided to help stabilize funding through distribution among existing education centers that are currently funded by the state at an amount less than \$100,000 a biennium.

(d) \$100,000 of the general fund--state appropriation is provided for an organization in southwest Washington that received funding from the Spokane educational center in the 1995-97 biennium and provides educational services to students who have dropped out of school.

(e) \$5,923,000 of the general fund--state appropriation is provided solely for matching grants to enhance security in schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(f) \$5,649,000 of the general fund--state appropriation for FY 2001 is provided for school safety allocations to school districts. The amount provided in this subsection (2)(f) is subject to the following conditions and limitations:

(i) School districts may use funds allocated under this subsection (2)(f) for school safety purposes for the 2000-01 school year, including but not limited to the following: Planning; training; equipment; before, during, and after-school safety; and minor building renovations.

(ii) Allocations to school districts shall be made beginning on July 1, 2000, at a maximum rate of \$10.00 multiplied by the full-time equivalent enrollment of the district. A district's allocation shall be reduced by any amount awarded to that district for security and safety grants under section 501 (2)(e) of this act and under sections 1 (2) and 2 of chapter 12, Laws of 1999 sp. sess. For purposes of this subsection "full-time equivalent enrollment" means the average K-12 full-time equivalent enrollment from September 1, 1999, to May 31, 2000, or 150 full-time equivalent students, whichever is greater.

(g) \$200,000 of the general fund--state appropriation for fiscal year 2000, \$200,000 of the general fund--state appropriation for fiscal year 2001, and \$400,000 of the general fund--federal appropriation transferred from the department of health are provided solely for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(h) \$1,500,000 of the general fund--state appropriation for fiscal year 2000 and \$1,500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed.

(i) A maximum of \$300,000 of the general fund--state appropriation is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(j) \$5,702,000 of the general fund--state appropriation is provided solely for shared infrastructure costs, data equipment maintenance, and depreciation costs for operation of the K-20 telecommunications network.

(k) \$4,000,000 of the general fund--state appropriation is provided solely for a K-20 telecommunications network technical support system in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network. A maximum of \$650,000 may be expended for state-level administration and staff training on the K-20 network.

(l) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for allocation to the primary coordinators of the state geographic alliance to improve the teaching of geography in schools.

(m) \$2,000,000 of the general fund--state appropriation is provided for start-up grants for alternative programs and services that improve instruction and learning for at-risk students. Grants shall be awarded to applicants showing the greatest potential for improved student learning for at-risk students including:

(i) Students who are disruptive or have been suspended, expelled, or subject to other disciplinary actions;

(ii) Students with unexcused absences who need intervention;

(iii) Students who have left school; and

(iv) Students involved with the court system.

(n) \$1,600,000 of the general fund--state appropriation is provided for grants for magnet schools.

(o) \$4,300,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to amounts shown in LEAP Document 30C as developed on April 27, 1997, at 03:00 hours.

(p) \$431,000 of the general fund--state appropriation is provided solely to implement Engrossed House Bill No. 2760 (educator quality). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(q) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to schools and school districts to establish school safety plans.

(r) \$5,242,000 of the general fund--state is provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(s) \$50,000 of the general fund--state appropriation is provided as matching funds for district contributions to provide analysis of the efficiency of school district business practices.

(t) \$750,000 of the general fund--state appropriation is provided solely for computer system programming and upgrades to benefit the office of the superintendent of public instruction, schools, and school districts.

(u) \$21,000 of the general fund--state appropriation for fiscal year 2000 and \$21,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the increased costs resulting from Engrossed Second Substitute House Bill No. 1477 (school district organization). If the bill is not enacted by June 30, 1999, the amounts in this subsection shall lapse.

(v) \$1,500,000 of the general fund--state appropriation is provided solely for the excellence in mathematics training program as specified in Substitute House Bill No. 1569 (excellence in mathematics). If the bill is not enacted by June 30, 1999, the amount in this subsection shall lapse.

(w) \$2,000,000 of the general fund--state appropriation is provided solely for teacher institutes during the summer of 2000, programs, and administration costs, as provided for in Engrossed Second Substitute House Bill No. 2085 (disruptive students). If the bill is not enacted by June 30, 1999, the amount in this subsection shall lapse.

(x) \$200,000 of the general fund--state appropriation is provided solely for support for vocational student leadership organizations.

(y) \$1,100,000 of the general fund--state appropriation is provided for an equal matching grant to the Northeast vocational area cooperative to establish high-technology learning centers to provide college-level technology curriculum for high school students leading to an information technology certificate or degree. Only the following sources may be used as matching for the state funds: Private sector contributions; operating levy revenues; capital levy revenues; technology levy revenues; or other local funds not from federal or state sources.

(z) \$75,000 of the general fund--state appropriation is provided for speech pathology grants to charitable organizations as qualified under the internal revenue code and incorporated under the laws of the state of Washington. These grants shall be used for the purpose of providing childhood speech pathology by nationally certified speech pathologists to children who have demonstrated a lack of verbal communication skills and who would benefit from such a program. Speech pathology services shall be provided at no cost to the child receiving the benefits or to the parents or guardians of the child.

(aa) \$500,000 of the general fund--state appropriation is provided solely for competitive grants to school districts to obtain curriculum or programs that allow high school students to have access to internet-based curriculum that leads directly to higher education credits or provides preparation for tests that lead to higher education credit in subjects including but not limited to mathematics, languages, and science.

(bb) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,800,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for grants to school districts for programs to prepare high school students to achieve information technology industry skills certifications. The funds may be expended to provide or improve internet access; purchase and install networking or computer equipment; train faculty; or acquire curriculum materials. A match of cash or in-kind contributions from nonstate sources equal to at least half of the cash amount of the grant is required. To assure continuity of the curriculum with higher education institutions, the grant program will be designed and implemented by an interagency team comprised of representatives from the office of the superintendent of public instruction, the state board for community and technical colleges, the higher education coordinating board, and the office of financial management. School districts may apply for grants in cooperation with other school districts or community or technical colleges and must demonstrate in the grant application a cooperative relationship with a community or technical college in information technology programs. Preference for grants shall be made to districts with sound technology plans, which offer student access to computers outside of school hours, which demonstrate involvement of the private sector in information technology programs, and which serve the needs of low-income communities.

(cc) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the Washington civil liberties education program pursuant to Engrossed Second Substitute House Bill No. 1572 (civil liberties education). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(dd) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the World War II oral history project pursuant to Substitute House Bill No. 2418 (WWII oral history project). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(ee) \$431,000 of the general fund--state appropriation is provided solely for the purchase of filtering servers necessary for districts to implement a computer technology filtering system for schools. Priority shall be given to districts that do not have any filtering systems in place. Funding shall be provided only at the request of that district's school board.

(ff) \$297,000 of the general fund--state appropriation is provided solely for training in oral medications administration. If Substitute Senate Bill No. 6328 (oral medications training) is enacted, the funds are provided to implement the provisions of the bill. If the bill is not enacted by June 30, 2000, the superintendent shall provide training in administration of oral medications using the model program developed by the office of the superintendent of public instruction.

Sec. 502. 2000 2nd sp.s. c 1 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2000) \$ 3,507,296,000

General Fund--State Appropriation (FY 2001) \$ ((3,480,704,000))

3,489,806,000

TOTAL APPROPRIATION \$ ((6,987,997,000))

6,997,102,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 1999-00 and 2000-01 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students in grades K-4. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated

instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students in grades K-4 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students for the 1999-00 school year and the 2000-01 school year. Districts documenting staffing ratios of less than 1 certificated staff per 19.5 students shall be allocated the greater of the total ratio in subsections (2)(a)(i) and (iv) of this section or the actual documented ratio; and

(B) Skills center programs meeting the standards for skill center funding recommended by the superintendent of public instruction, January 1999, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Indirect cost charges, as defined by the superintendent of public instruction, to vocational-secondary programs shall not exceed 10 percent; and

(iii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1999-00 and 2000-01 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 16.49 percent in the 1999-00 school year and 15.62 percent in the 2000-01 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 15.56 percent in the 1999-00 school year and 15.82 percent in the 2000-01 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,117 per certificated staff unit in the 1999-00 school year and a maximum of \$8,239 per certificated staff unit in the 2000-01 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$19,933 per certificated staff unit in the 1999-00 school year and a maximum of \$20,232 per certificated staff unit in the 2000-01 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$15,467 per certificated staff unit in the 1999-00 school year and a maximum of \$15,699 per certificated staff unit in the 2000-01 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$365.28 for the 1999-00 school year and \$479.94 for the 2000-01 school year per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1998-99 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of ((~~\$10,598,000~~)) \$10,423,000 outside the basic education formula during fiscal years 2000 and 2001 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$457,000 may be expended in fiscal year 2000 and a maximum of \$464,000 may be expended in fiscal year 2001;

(b) For summer vocational programs at skills centers, a maximum of \$2,098,000 may be expended each fiscal year;

(c) A maximum of \$585,000 may be expended for school district emergencies provided that up to \$260,000 shall be for the Toutle Lake school district emergency;

(d) A maximum of \$500,000 per fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) A maximum of \$3,117,000 of the general fund--state appropriation for fiscal year 2000 and ((~~\$779,000~~)) \$604,000 of the general fund--state appropriation for fiscal year 2001 are provided for the 1999-00 school year for districts which experience an enrollment decline in the 1999-00 school year from the 1998-99 school year of more than 4.5 percent in full-time equivalent enrollment or more than 300 full-time equivalent students. The superintendent shall allocate funds to eligible school districts for up to one-half of the enrollment loss at the basic education unenhanced rate for the district. School districts receiving small school factor bonus funds shall not be eligible for enrollment decline funds to the extent that the district has no state apportionment loss as a result of the enrollment decline.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under chapter 309, Laws of 1999, including appropriations for salary and benefits increases, is 4.0 percent from the 1998-99 school to the 1999-00 school year, and 3.0 percent from the 1999-00 school year to the 2000-01 school year. This subsection supersedes section 1, chapter 10, Laws of 1999 sp. sess.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

Sec. 503. 2000 2nd sp.s. c 1 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2000) \$ 186,314,000

General Fund--State Appropriation (FY 2001) \$ ((~~344,043,000~~))

TOTAL APPROPRIATION \$ ((530,327,000))

345,596,000

531,910,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$406,544,000~~)) \$407,693,000 is provided for a cost of living adjustment of 3.0 percent effective September 1, 1999, and another 3.0 percent effective September 1, 2000, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of 15.85 percent for school year 1999-00 and 14.98 percent for school year 2000-01 for certificated staff and 12.06 percent for school year 1999-00 and 12.32 percent for school year 2000-01 for classified staff. The appropriation also includes 1.67 percent effective September 1, 1999, for three learning improvement days pursuant to section 503(7) of this act and the salary allocation schedule adjustments for beginning and senior certificated instructional staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide cost-of-living, learning improvement days for certificated instructional staff, and incremental fringe benefit allocations based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.60 per weighted pupil-mile for the 1999-00 school year and \$1.23 per weighted pupil-mile for the 2000-01 school year;

(ii) For education of highly capable students, an increase of \$14.04 per formula student for the 1999-00 school year and \$21.09 per formula student for the 2000-01 school year; and

(iii) For transitional bilingual education, an increase of \$36.19 per eligible bilingual student for the 1999-00 school year and \$54.51 per eligible student for the 2000-01 school year; and

(iv) For learning assistance, an increase of \$13.97 per entitlement unit for the 1999-00 school year and \$23.04 per entitlement unit for the 2000-01 school year.

(c) The appropriations in this section include \$417,000 for fiscal year 2000 and ((~~\$1,214,000~~)) \$1,227,000 for fiscal year 2001 for salary increase adjustments for substitute teachers.

(2) ((~~\$123,846,000~~)) \$124,217,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$335.75 per month for the 1999-00 and 2000-01 school years. The appropriations in this section provide for a rate increase to \$388.02 per month for the 1999-00 school year and \$425.89 per month for the 2000-01 school year at the following rates:

(a) For pupil transportation, an increase of \$0.48 per weighted pupil-mile for the 1999-00 school year and \$0.82 for the 2000-01 school year;

(b) For education of highly capable students, an increase of \$3.32 per formula student for the 1999-00 school year and \$5.72 for the 2000-01 school year;

(c) For transitional bilingual education, an increase of \$8.46 per eligible bilingual student for the 1999-00 school year and \$14.59 for the 2000-01 school year; and

(d) For learning assistance, an increase of \$6.65 per funded unit for the 1999-00 school year and \$11.47 for the 2000-01 school year.

(3) The rates specified in this section are subject to revision each year by the legislature.

Sec. 504. 2000 2nd sp.s. c 1 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2000) \$ 181,204,000

General Fund--State Appropriation (FY 2001) \$ ((~~181,064,000~~))

183,660,000

TOTAL APPROPRIATION \$ ((~~362,265,000~~))

364,864,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$1,473,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$10,000 of the fiscal year 2000 appropriation and \$10,000 of the fiscal year 2001 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$34.96 per weighted mile in the 1999-00 school year and \$35.17 per weighted mile in the 2000-01 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

Sec. 505. 2000 2nd sp.s. c 1 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2000) \$ 387,011,000

General Fund--State Appropriation (FY 2001) \$ ((~~385,482,000~~))

391,076,000

General Fund--Federal Appropriation \$ ((171,667,000))

176,111,000

TOTAL APPROPRIATION \$ ((944,160,000))

954,198,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure, to the greatest extent possible, that special education students receive their appropriate share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education allocation funded in this section.

(2) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(3) The superintendent of public instruction shall distribute state funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(4) For the 1999-00 and 2000-01 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (5)(c) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" means the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1999-00 and the 2000-01 school years, each district's funded enrollment percent shall be the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be 12.7, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) A maximum of \$12,000,000 of the general fund--state appropriation for fiscal year 2000 and a maximum of \$12,000,000 of the general fund--state appropriation for fiscal year 2001 are provided as safety net funding for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (4) of this section. Safety net funding shall be awarded by the state safety net oversight committee.

(a) The safety net oversight committee shall first consider the needs of districts adversely affected by the 1995 change in the special education funding formula. Awards shall be based on the amount required to maintain the 1994-95 state special education excess cost allocation to the school district in aggregate or on a dollar per funded student basis.

(b) The committee shall then consider unusual needs of districts due to a special education population which differs significantly from the assumptions of the state funding formula. Awards shall be made to districts that convincingly demonstrate need due to the concentration and/or severity of disabilities in the district. Differences in program costs attributable to district philosophy or service delivery style are not a basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with Substitute Senate Bill No. 5626 (medicaid payments to schools).

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) The superintendent may expend up to \$100,000 per year of the amounts provided in this subsection to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

(8) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(9) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) Staff of the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff of the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(10) To the extent necessary, \$5,500,000 of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of one or more individual special education students. If safety net awards to meet the extraordinary needs of one or more individual special education students exceed \$5,500,000 of the general fund--federal

appropriation, the superintendent shall expend all available federal discretionary funds necessary to meet this need. General fund--state funds shall not be expended for this purpose.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

(14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(15) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

Sec. 506. 2000 2nd sp.s. c 1 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2000) \$ 7,738,000

General Fund--State Appropriation (FY 2001) \$ (~~7,771,000~~)

7,276,000

TOTAL APPROPRIATION \$ (~~15,509,000~~)

15,014,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations include such funds as are necessary to complete the school year ending in each fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$507,000 may be expended for regional traffic safety education coordinators.

(3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1999-00 and 2000-01 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1999-00 and 2000-01 school years.

Sec. 507. 2000 2nd sp.s. c 1 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2000) \$ 102,563,000

General Fund--State Appropriation (FY 2001) \$ (~~122,144,000~~)

124,107,000

TOTAL APPROPRIATION \$ (~~224,677,000~~)

226,670,000

Sec. 508. 2000 2nd sp.s. c 1 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2000) \$ 19,296,000

General Fund--State Appropriation (FY 2001) \$ (~~19,469,000~~)

18,249,000

General Fund--Federal Appropriation \$ 8,548,000

TOTAL APPROPRIATION \$ (~~47,343,000~~)

46,093,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$92,000 of the general fund--state appropriation for fiscal year 2000 and (~~\$143,000~~) \$139,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 509. 2000 2nd sp.s. c 1 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2000) \$ 6,164,000

General Fund--State Appropriation (FY 2001) \$ (~~6,405,000~~)

TOTAL APPROPRIATION \$ ((12,269,000))

6,090,000

12,254,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$312.19 per funded student for the 1999-00 school year and (((\$340.43)) \$310.40 per funded student for the 2000-01 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$350,000 of the appropriation is for the centrum program at Fort Worden state park.

(4) \$186,000 of the appropriation is for the Washington imagination network and future problem-solving programs.

Sec. 510. 2000 2nd sp.s. c 1 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2000) \$ 33,234,000

General Fund--State Appropriation (FY 2001) \$ ((36,300,000))

35,413,000

TOTAL APPROPRIATION \$ ((69,534,000))

68,647,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$268,000 of the general fund--state appropriation for fiscal year 2000 and \$322,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the commission established under PART I of Substitute Senate Bill No. 5418 or Second Substitute House Bill No. 1462. If neither bill is enacted by June 30, 1999, the amount provided in this subsection shall be used for implementation of education reform and an accountability system by the office of the superintendent of public instruction.

(2) \$9,307,000 of the general fund--state appropriation for fiscal year 2000 and (((\$11,329,000)) \$10,442,000 of the general fund--state appropriation for fiscal year 2001 are provided for development and implementation of the Washington assessments of student learning. Up to \$689,000 of the appropriation may be expended for data analysis and data management of test results.

(3) \$2,190,000 is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$6,818,000 is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers. The 1999 teacher preparation and development report from the Washington institute for public policy found that (a) there are no state-wide standards for what teacher assistance programs are intended to accomplish and (b) the program has not been changed to reflect increased expectations for improved student learning under education reform. By November 15, 2001, the office of the superintendent of public instruction shall submit a report to the education and fiscal committees of the house of representatives and the senate documenting the outcomes of program changes implemented in response to the study.

(5) \$4,050,000 is provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(6) \$7,200,000 is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$5,000,000 is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$1,260,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning or its successor, as specified in RCW 28A.300.130 (center for the improvement of student learning).

(9) \$2,208,000 is provided solely for the leadership internship program for superintendents, principals, and program administrators.

(10) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to establish a mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance state-wide, the superintendent of public instruction, shall employ regional school improvement coordinators and mathematics school improvement specialists to provide assistance to schools and districts. The regional coordinators and specialists shall be hired by and work under the direction of a state-wide school improvement coordinator. The mathematics improvement specialists shall serve on a rotating basis from one to three years and shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement coordinators and specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(11) A maximum of \$1,000,000 of the general fund--state appropriation is provided to expand the number of summer accountability institutes offered by the superintendent of public instruction and the commission on student learning or its successor. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling but placing an emphasis on mathematics.

(12) \$8,000,000 of the general fund--state appropriation for fiscal year 2000 and \$8,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets one of the following conditions:

(i) The program is recommended either by the education commission of the states or the Northwest regional educational laboratory; or

(ii) The program is developed by schools or school districts and is approved by the office of the superintendent of public instruction based on the following criteria:

(A) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(B) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(C) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(D) It has measurable goals for student reading aligned with the essential academic learning requirements; and

(E) It contains an evaluation component to determine the effectiveness of the program.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning, interim, and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from July 1, 1999, through August 31, 2001.

(13) \$120,000 of the general fund--state appropriation for fiscal year 2000 and \$272,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards.

(a) During the 1999-00 school year, teachers who have attained certification by the national board will receive a one-time 15 percent salary bonus. The bonus is provided in recognition of their outstanding performance. The bonuses shall be provided subject to the following conditions and limitations:

(i) For teachers achieving certification prior to September 1, 1999, the bonus shall begin on September 1, 1999.

(ii) Teachers enrolled in the program prior to September 1, 1999, achieving certification during the 1999-2000 school year shall be eligible for the bonus for the number of months during the school year that the individual has achieved certification.

(b) During the 2000-01 school year, teachers who have attained certification by the national board during the 2000-01 school year or in prior school years will receive an annual bonus of \$3,500. The annual bonus will be paid in a lump sum amount. The annual bonus provided under this subsection shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) It is the intent of the legislature that teachers achieving certification by the national board of professional teaching standards will receive no more than two bonus payments under this subsection.

(14) \$125,000 of the general fund--state appropriation for fiscal year 2001 is provided for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(15) \$35,000 of the general fund--state appropriation for fiscal year 2000 and \$71,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the second grade reading test. The funds shall be expended for assessment training for new second grade teachers and replacement of assessment materials.

Sec. 511. 2000 2nd sp.s. c 1 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2000) \$ 35,876,000

General Fund--State Appropriation (FY 2001) \$ ((37,605,000))

37,776,000

TOTAL APPROPRIATION \$ ((73,484,000))

73,652,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$646.06 per eligible bilingual student in the 1999-00 school year and \$641.64 in the 2000-01 school year, exclusive of salary and benefit adjustments provided in section ((503 of this act)) 504, chapter 1, Laws of 2000 2nd sp. sess.

Sec. 512. 2000 2nd sp.s. c 1 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2000) \$ 68,936,000

General Fund--State Appropriation (FY 2001) \$ ((69,470,000))

68,392,000

TOTAL APPROPRIATION \$ ((138,406,000))

137,328,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funding for school district learning assistance programs shall be allocated at maximum rates of \$382.08 per funded unit for the 1999-00 school year and \$381.90 per funded unit for the 2000-01 school year.

(3) A school district's funded units for the 1999-2000 and 2000-01 school years shall be the sum of the following:

(a) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag; and

(b) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(c) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.92. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(d) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

(4) School districts may carry over from one year to the next up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

Sec. 513. 2000 2nd sp.s. c 1 s 517 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS

General Fund--State Appropriation (FY 2000) \$ 32,981,000

General Fund--State Appropriation (FY 2001) \$ ((27,345,000))

27,389,000

TOTAL APPROPRIATION \$ ((60,296,000))

60,370,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funds are provided for local education program enhancements to meet educational needs as identified by the school district, including alternative education programs.

(3) Allocations for the 1999-00 school year shall be at a maximum annual rate of \$28.81 per full-time equivalent student and \$28.81 per full-time equivalent student for the 2000-01 school year. Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250 and shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve: PROVIDED, That for school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than sixty average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than twenty average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than sixty average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(5) The superintendent shall not allocate up to one-fourth of a district's funds under this section if:

(a) The district is not maximizing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); or

(b) The district is not in compliance in filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030.

Sec. 514. 2000 2nd sp.s. c 1 s 518 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BETTER SCHOOLS PROGRAM

General Fund--State Appropriation (FY 2001) \$ ((67,500,000))

56,096,000

Better schools program funds are appropriated to provide additional school improvement resources to help students meet the essential academic learning requirements and student assessment performance standards. ((It is the intent of the legislature that these funds will be appropriated on an ongoing basis in future biennia.)) Allocations received under this section shall be used for the following new and expanded educational enhancements as follows:

(1) (~~(\$37,389,000)~~) \$35,985,000 of the appropriation shall be allocated for class size reduction and expanded learning opportunities as follows:

(a) For the 2000-01 school year, an additional 2.2 certificated instructional staff units for grades K-4 per thousand full-time equivalent students are provided to supplement the certificated staffing allocations under section 502 (2)(a) of this act. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used (i) for reducing class sizes in grades K-4 or (ii) to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(b) Any district maintaining a ratio equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students in grades K-4 may use allocations generated under this subsection to employ additional certificated instructional staff or classified instructional assistants in grades K-12 or to provide additional classroom opportunities under (a) of this subsection in grades K-12.

(c) Salary calculations, nonemployee related costs, and substitute teacher allocations shall be calculated in the same manner as provided under section 502 of this act. The allocation includes salary and benefit increases equivalent to those provided under section 503 of this act.

(2) \$20,111,000 of the appropriation shall be allocated for professional development and training as follows:

(a) For fiscal year 2001, the funds shall be used for additional professional development for certificated and classified staff, including additional paid time for curriculum and lesson redesign and development work and training to ensure that instruction is aligned with state standards and student needs.

(b) For fiscal year 2001, the superintendent shall allocate the funds to school districts at a rate of \$20.04 per student based on the October 1999 P-105 unduplicated headcount.

(c) School districts shall allocate the funds to schools and the expenditure of the funds shall be determined by the staff at each school site.

Sec. 515. 2000 2nd sp.s. c 1 s 519 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Education Savings Account--State Appropriation \$ (~~78,642,000~~)

28,077,000

Education Construction Account--State

Appropriation \$ 35,000,000

TOTAL APPROPRIATION \$ (~~143,642,000~~)

63,077,000

The appropriation in this section is subject to the following conditions and limitations:

(1) (~~(\$42,642,000 in fiscal year 2000 and \$36,000,000 in fiscal year 2001 are)~~) \$28,077,000 of the education savings account is appropriated to the common school construction account.

(2) The education construction account appropriation shall be deposited in the common school construction account.

**PART VI
HIGHER EDUCATION**

Sec. 601. 2000 2nd sp.s. c 1 s 602 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2000) \$ 456,291,000

General Fund--State Appropriation (FY 2001) \$ (~~489,677,000~~)

490,377,000

General Fund--Federal Appropriation \$ 11,404,000

Education Construction Account--State

Appropriation \$ 1,000,000

Employment and Training Trust Account--

State Appropriation \$ 888,000

TOTAL APPROPRIATION \$ (~~959,260,000~~)

959,960,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2)(a) \$5,000,000 of the general fund--state appropriation for fiscal year 2000 and \$5,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase salaries and related benefits for part-time faculty. The state board for community and technical colleges shall allocate these funds to college districts based on the headcount of part-time faculty under contract for the 1998-99 academic year. To earn these funds, a college district must match the state funds with local revenue, the amounts for which shall be determined by the state board. State fund allocations that go unclaimed by a college district shall lapse. The board may provide salary increases to part-time faculty in a total amount not to exceed \$10,000,000 from tuition revenues. The board shall report to the office of financial management and legislative fiscal committees on the distribution of state funds, match requirements of each district, and the wage adjustments for part-time faculty by October 1 of each fiscal year.

(b) Each college district shall examine its current ratio of part-time to full-time faculty by discipline and report to the board a plan to reduce wage disparity and reliance on part-time faculty through salary improvements, conversion of positions to full-time status, and other remedies deemed appropriate given labor market conditions and educational programs offered in each community. The board shall set long-term performance targets for each district with respect to use of part-time faculty and monitor progress annually. The board shall report to the fiscal and higher education committees of the legislature on implementation of this

subsection by no later than December 1, 1999, with recommendations for the ensuing biennium provided no later than December 1, 2000.

(3) \$1,155,000 of the general fund--state appropriation for fiscal year 2000 and \$2,345,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments and associated benefits. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.

(4) \$950,000 of the general fund--state appropriation for fiscal year 2000 and \$950,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to lower the part-time faculty retirement eligibility threshold to fifty percent of the full-time workload.

(5) \$332,000 of the general fund--state appropriation for fiscal year 2000 and \$3,153,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for Cascadia Community College start-up and enrollment costs.

(6) \$1,441,000 of the general fund--state appropriation for fiscal year 2000 and \$1,441,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for 500 FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(7) \$27,775,000 of the general fund--state appropriation for fiscal year 2000, \$28,761,000 of the general fund--state appropriation for fiscal year 2001, and the entire employment and training trust account appropriation are provided solely as special funds for training and related support services, including financial aid, child care, and transportation, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers).

(a) Funding is provided to support up to 7,200 full-time equivalent students in each fiscal year.

(b) The state board for community and technical colleges shall submit a plan for allocation of the full-time equivalent students provided in this subsection to the workforce training and education coordinating board for review and approval.

(8) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for tuition support for students enrolled in work-based learning programs.

(9) \$567,000 of the general fund--state appropriation for fiscal year 2000 and \$568,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for administration and customized training contracts through the job skills program.

(10) \$750,000 of the general fund--state appropriation for fiscal year 2000 and \$750,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to expand information technology and computer science programs. Successful grant applications from a college, partnerships of colleges, or partnerships of colleges and K-12 school districts must include a match of cash, in-kind, or donations equivalent to the grant amount. Grant applications shall receive priority that prepare students to meet industry standards, achieve industry skill certificates, or continue to upper division computer science or computer engineering studies. No college may receive more than \$300,000 from appropriations in this section. The state board for community and technical colleges shall report the implementation of this section to the governor and legislative fiscal committees by June 30, 2001, including plans of successful grant recipients for the continuation of programs funded by this section.

(11) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Pierce College branch at Puyallup.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are solely for implementation of Substitute Senate Bill No. 5277 (higher education student child care matching grants). In no case shall funds provided in this subsection be used to construct or remodel facilities. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(13) Funding in this section provides for the collection and reporting of Washington enrollment data, and related activities, for the distance learning information project described in section 129 of this act.

(14) \$425,000 of the general fund--state appropriation is provided solely for allocation to Olympic college. Olympic college shall contract with accredited baccalaureate institution(s) to bring a program of upper-division courses, concentrating on but not limited to business, education, and human relations, to Bremerton. Moneys may be used by Olympic college during either fiscal year to equip and support a state-owned or state-leased facility in Bremerton where contracted courses are delivered.

(15) \$1,000,000 of the education construction account--state appropriation for fiscal year 2001 is provided to replace failing roofs at Columbia basin college.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2001 is provided for assistance to students with disabilities.

(17) \$750,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a student centered online delivery system to broaden access and increase use of college catalogs, schedules, and registration systems.

(18) \$658,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for maintenance and operations of Cascadia college phase 2, and for facilities previously authorized for construction with certificates of participation:

- (a) Workforce training facility at Columbia basin college;
- (b) Student services auditorium at Columbia basin college;
- (c) Music building at Edmonds community college;
- (d) Student center at South Puget Sound community college;
- (e) Addition to the Lair student center at Spokane community college;
- (f) Addition to the student union building at Yakima Valley community college; and
- (g) Classroom and child care facility at Whatcom community college.

Sec. 602. 2000 2nd sp.s. c 1 s 606 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2000) \$ 42,060,000

General Fund--State Appropriation (FY 2001) \$ ((44,726,000))

45,026,000

TOTAL APPROPRIATION \$ ((86,786,000))

87,086,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$312,000 of the general fund--state appropriation for fiscal year 2000 and \$312,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment, retention, and equity salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2) The office of financial management shall hold and release funds to the university at the rate of \$4,756 per enrolled state FTE student in excess of fiscal year 2000 actual annualized enrollment as determined in the budget driver tracking report prepared by the office of financial management. Of the amounts held pursuant to this subsection, \$300,000 shall be released to the university for the sole purpose of implementing enrollment improvement initiatives, and any remaining moneys not earned by the university for enrolling additional state students during the 2000-2001 academic year shall lapse to the education savings account at the close of the biennium.

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 2000 2nd sp.s. c 1 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2000) \$ 634,792,000	
General Fund--State Appropriation (FY 2001) \$ ((435,288,000))	<u>436,354,000</u>
State Building Construction Account--State Appropriation \$ 6,797,000	
Debt-Limit Reimbursable Bond Retirement Account-- State Appropriation \$ 2,565,000	
TOTAL APPROPRIATION \$ ((1,079,442,000))	<u>1,080,508,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2000 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2000.

Sec. 702. 2000 2nd sp.s. c 1 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2000) \$ 23,678,000	
General Fund--State Appropriation (FY 2001) \$ 23,283,000	
Higher Education Construction Account--State Appropriation \$ ((695,000))	<u>545,000</u>
<u>State Higher Education Construction Account-- State Appropriation \$ 150,000</u>	
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation \$ ((149,977,000))	<u>117,077,000</u>
Stadium and Exhibition Center Construction--State Appropriation \$ 1,970,000	
TOTAL APPROPRIATION \$ ((469,603,000))	<u>166,703,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

Sec. 703. 2000 2nd sp.s. c 1 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2000) \$ 567,000	
General Fund--State Appropriation (FY 2001) \$ 568,000	
Higher Education Construction Account--State Appropriation \$ ((83,000))	<u>63,000</u>
State Building Construction Account--State Appropriation \$ 1,237,000	
<u>State Higher Education Construction Account-- State Appropriation \$ 20,000</u>	
Public Safety Reimbursable Bond Account--State Appropriation \$ 0	
Stadium/Exhibition Center Construction Account--State Appropriation \$ 250,000	
TOTAL APPROPRIATION \$ 2,705,000	
Total Bond Retirement and Interest Appropriations contained in sections 701 through 704 of this act and section 704, chapter 309,	

Laws of 1999 \$ ((1,295,863,000))

1,292,963,000

Sec. 704. 1999 c 309 s 708 (uncodified) is amended to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL
General Fund--State Appropriation (FY 2001) \$ 1,000,000
Disaster Response Account--State
Appropriation \$ 4,000,000

~~((The sum of three million dollars or so much thereof as may be available on June 30, 1999, from the total amount of unspent fiscal year 1999 fire contingency funding in))~~ The appropriations in this section are subject to the following conditions and limitations: The general fund--state appropriation is provided solely for deposit into the disaster response account. The disaster response account~~((--is appropriated))~~ appropriation is provided for the purpose of making allocations to the military department for fire mobilizations costs or to the department of natural resources for fire suppression costs.

NEW SECTION. Sec. 705. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

- (a) Gregory Sykes, claim number SCJ 2001-01 \$ 6,647
- (b) Daniel Anker, claim number SCJ 2001-02 \$ 17,584
- (c) Joshua Swaney, claim number SCJ 2001-03 \$ 32,000
- (d) Yanis Nadzins, claim number SCJ 2001-04 \$ 5,000
- (e) Shawn Kostelec, claim number SCJ 2001-05 \$ 2,800
- (f) Terry Hanson, claim number SCJ 2001-07 \$ 6,742
- (g) Allen West, claim number SCJ 2001-08 \$ 9,001
- (h) Kim McLemore, claim number SCJ 2001-09 \$ 920
- (i) Norma Vasquez, claim number SCJ 2001-11 \$ 1,110
- (j) Clifford Stewart, claim number SCJ 2001-12 \$ 2,948
- (k) Lee Sumerlin, claim number SCJ 2001-14 \$ 135
- (l) Maxwell Jones, claim number SCJ 2001-16 \$ 6,840

(2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.36.050:

- (a) Carl Anderson, claim number SCG 2001-02 \$ 30,357
- (b) Marshall Anderson, claim number SCG 2001-03 \$ 20,439
- (c) Richard Anderson, claim number SCG 2001-04 \$ 34,196
- (d) Bud Hamilton, claim number SCG 2001-05 \$ 97,761
- (e) Ice Brothers, claim number SCG 2001-06 \$ 23,922
- (f) Dick Rubenser, claim number SCG 2001-07 \$ 14,100

NEW SECTION. Sec. 706. A new section is added to 1999 c 309 (uncodified) to read as follows:

Any program costs or money in this act that is shifted to the general fund from another fund or account requires an adjustment to the state expenditure limit under RCW 43.135.035(5).

NEW SECTION. Sec. 707. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR WASHINGTON STATE UNIVERSITY--AGRICULTURAL COLLEGE TRUST LANDS. The sum of sixteen million dollars is appropriated from the education construction account to the agricultural permanent account as full and final payment of the agricultural college trust land settlement effective May 24, 1999, between the office of financial management and Washington State University, and shall be used to support financing of the health sciences building in Spokane.

Sec. 708. 2000 2nd sp.s. c 1 s 730 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY PUBLIC HEALTH ASSISTANCE

The sum of \$33,183,801 is appropriated from the health services account to the department of community, trade, and economic development for distribution for the purposes of public health. Of the amounts provided, \$11,061,266 is to be distributed for ~~((calendar))~~ fiscal year 2000 for the period from ~~((July))~~ January 1 through ~~((December 31))~~ June 30, and \$22,122,535 is to be distributed for ~~((calendar))~~ fiscal year 2001, to the following counties and health districts in the amounts designated:

1999-2001

County or Health District FY 2000 FY 2001 Biennium

Adams County Health District 15,165 30,330 45,495
Asotin County Health District 30,008 60,015 90,023
Benton-Franklin Health District 551,371 1,102,742 1,654,113
Chelan-Douglas Health District 79,726 159,451 239,177
Clallam County Health and Human Services Department 68,512 137,024 205,536
Southwest Washington Health District 512,816 1,025,631 1,538,447
Columbia County Health District 19,857 39,715 59,572
Cowlitz County Health Department 129,921 259,842 389,763
Garfield County Health District 7,363 14,726 22,089
Grant County Health District 48,355 96,710 145,065
Grays Harbor Health Department 90,088 180,176 270,264

Island County Health Department 37,465 74,930 112,395
Jefferson County Health and Human Services 38,072 76,145 114,217
Seattle-King County Department of Public Health 4,153,122 8,306,245 12,459,367
Bremerton-Kitsap County Health District 271,037 542,074 813,111
Kittitas County Health Department 38,712 77,425 116,137
Klickitat County Health Department 24,002 48,004 72,006
Lewis County Health Department 49,704 99,409 149,113
Lincoln County Health Department 10,306 20,613 30,919
Mason County Department of Health Services 40,946 81,893 122,839
Okanogan County Health District 30,549 61,099 91,648
Pacific County Health Department 37,935 75,871 113,806
Tacoma-Pierce County Health Department 1,372,177 2,744,353 4,116,530
San Juan County Health and Community Services 15,058 30,116 45,174
Skagit County Health Department 98,115 196,230 294,345
Snohomish Health District 1,090,447 2,180,893 3,271,340
Spokane County Health District 1,027,015 2,054,031 3,081,046
Northeast Tri-County Health District 47,995 95,991 143,986
Thurston County Health Department 287,121 574,242 861,363
Wahkiakum County Health Department 6,748 13,495 20,243
Walla Walla County-City Health Department 83,532 167,063 250,595
Whatcom County Health Department 409,608 819,215 1,228,823
Whitman County Health Department 38,071 76,142 114,213
Yakima Health District 300,347 600,694 901,041

TOTAL APPROPRIATIONS \$11,061,266 \$22,122,535 \$33,183,801

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 801. 2000 2nd sp.s. c 1 s 802 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--TRANSFERS

Local Toxics Control Account: For transfer to the state toxics control account on or before June 1, 2000, an amount equal to \$1,500,000. This transfer shall be repaid to the local toxics control account from moneys in the state toxics control account by June 30, 2005. The transfer shall be repaid prior to June 30, 2005, to the extent that moneys are received from the cost recovery action at the Everett smelter site \$ 1,500,000

Park Land Trust Revolving Fund: For transfer to the common school construction fund, \$13,350,000 of the amount deposited into the park land trust revolving fund on January 6, 2000, plus all interest attributed to that amount that has accrued since deposit, up to (~~(\$13,550,000)~~) \$13,650,400. Nothing in this section constitutes an authorization or ratification of the transaction that resulted in this deposit \$ (~~13,550,000~~)

13,650,400

Park Land Trust Revolving Fund: For transfer to the natural resources real property replacement account, \$3,200,000 of the amount deposited into the park land trust revolving fund on January 6, 2000, plus all interest attributed to that amount that has accrued since deposit, up to \$3,300,000. Nothing in this section constitutes an authorization or ratification of the transaction that resulted in this deposit \$ 3,300,000

Sec. 802. 1999 c 309 s 803 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--TRANSFERS

General Fund: For transfer to the Water Quality Account \$ 83,423,000

General Fund: For transfer to the Flood Control Assistance Account \$ 4,000,000

State Convention and Trade Center Account: For transfer to the State Convention and Trade Center Operations Account \$ 3,800,000

Water Quality Account: For transfer to the Water

Pollution Control Account. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the account. The amounts transferred shall not exceed the match required for each federal deposit \$ 16,350,000

State Treasurer's Service Account: For transfer to the general fund on or before June 30, 2001, an amount up to \$10,000,000 in excess of the cash requirements of the State Treasurer's Service Account \$ 10,000,000

Public Works Assistance Account: For transfer to the Drinking Water Assistance Account \$ 7,700,000

County Sales and Use Tax Equalization Account: For transfer to the County Public Health Account \$ 2,577,664

Public Health Services Account: For transfer to the County Public Health Account \$ 1,056,000

State Emergency Water Projects Revolving Account: For transfer to the State Drought Preparedness Account \$ 6,800,000

Tobacco Settlement Account: For transfer to the Health Services Account in an amount not to exceed the actual balance of the tobacco settlement account \$ 223,087,000

State Toxics Control Account: For transfer to the local toxics control account on or before June 30, 2001, up to \$2,500,000, but not greater than the loan enacted in the 1999 supplemental budget. The exact amount and timing of the transfer shall be determined by the office of financial management, based on state toxics control account fund balances \$ 2,500,000

Health Services Account: For transfer to the state general fund by June 30, 2001, for health services purposes consistent with RCW 43.72.900. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2001 to reflect this transfe \$ 123,000,000

PART IX MISCELLANEOUS

Sec. 901. 2000 c 241 s 4 (uncodified) is amended to read as follows:
JOINT TASK FORCE ON LOCAL GOVERNMENTS
 This act expires March 30, (~~2002~~) 2001.
NEW SECTION. Sec. 902. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.
NEW SECTION. Sec. 903. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."
 Debate ensued.
 The President declared the question before the Senate to be the adoption of the striking amendment by Senator Brown to Substitute House Bill No. 1314.
 The motion by Senator Brown carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Brown, the following title amendment was adopted:
 On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending 1999 c 309 ss 111, 119, 130, 133, 134, 138, 223, 708, and 803 (uncodified); amending 2000 c 241 s 4 (uncodified); amending 2000 2nd sp.s. c 1 ss 107, 108, 109, 111, 112, 114, 115, 129, 117, 118, 119, 124, 126, 201, 202, 203, 205, 206, 207, 208, 209, 210, 211, 212, 216, 217, 218, 219, 220, 222, 301, 302, 305, 306, 401, 402, 501, 502, 504, 505, 507, 508, 510, 511, 512, 514, 515, 516, 517, 518, 519, 602, 606, 701, 703, 704, 730, and 802 (uncodified); adding new sections to 1999 c 309 (uncodified); creating new sections; making appropriations; and declaring an emergency."
 On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 1314, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
 Debate ensued.
 The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1314, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1314, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 39.

Voting nay: Senators Benton, Finkbeiner, Hewitt, Hochstatter, Honeyford, Morton, Parlette and West - 8.

Excused: Senators Johnson and Stevens - 2.

SUBSTITUTE HOUSE BILL NO. 1314, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5347, by Senators Fairley and Zarelli (by request of Governor Locke)

Making appropriations and authorizing expenditures for capital improvements.

MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5347 was substituted for Senate Bill No. 5347 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5347.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5347 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Johnson and Stevens - 2.

SUBSTITUTE SENATE BILL NO. 5347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5990, by Senators Fairley, Spanel, B. Sheldon and Zarelli (by request of Office of Financial Management)

Issuing general obligation bonds.

The bill was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5990 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5990.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5990 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin,

McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Johnson and Stevens - 2.

SENATE BILL NO. 5990, having received the constitutional majority sixty percent majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6166, by Senators Brown, Snyder, Long, Fraser, Rossi, Constantine, Spanel, B. Sheldon and Carlson

Restating plan 1 of the law enforcement officers' and fire fighters' retirement system.

MOTIONS

On motion of Senator Constantine, Substitute Senate Bill No. 6166 was substituted for Senate Bill No. 6166 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Constantine, the rules were suspended, Substitute Senate Bill No. 6166 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6166.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6166 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Voting nay: Senators Benton, Honeyford, Horn, Morton and Sheahan - 5.

Excused: Senators Johnson and Stevens - 2.

SUBSTITUTE SENATE BILL NO. 6166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Fourth Grade class from Wedgewood Elementary School in Seattle, who were accompanied by the Instructional Assistant, Senator Jacobsen's wife Rachel.

SECOND READING

SENATE BILL NO. 6167, by Senators Brown, Snyder, Spanel and B. Sheldon

Ensuring sound actuarial funding of the state retirement systems.

MOTIONS

On motion of Senator Constantine, Substitute Senate Bill No. 6167 was substituted for Senate Bill No. 6167 and the substitute bill was placed on second reading and read the second time.

Senator Carlson moved that the following amendment be adopted:

On page 19, after line 24, insert the following:

Sec. 20. RCW 41.40.197 and 1995 c 345 s 5 are each amended to read as follows:

(1) Beginning July 1, 1995, and annually thereafter, the retirement allowance of a person meeting the requirements of this section shall be increased by the annual increase amount.

(2) The following persons shall be eligible for the benefit provided in subsection (1) of this section:

(a) A beneficiary who has received a retirement allowance for at least one year by July 1st in the calendar year in which the annual increase is given and has attained at least age sixty-six by ((July 1st)) December 31st in the calendar year in which the annual increase is given; or

(b) A beneficiary whose retirement allowance is lower than the minimum benefit provided under RCW 41.40.1984.

(3) The following persons shall also be eligible for the benefit provided in subsection (1) of this section:

- (a) A beneficiary receiving the minimum benefit on June 30, 1995, under RCW 41.40.198; or
- (b) A recipient of a survivor benefit on June 30, 1995, which has been increased by RCW 41.40.325.
- (4) If otherwise eligible, those receiving an annual adjustment under RCW 41.40.188(1)(c) shall be eligible for the annual increase adjustment in addition to the benefit that would have been received absent this section.
- (5) Those receiving a benefit under RCW 41.40.220(1), or a survivor of a disabled member under RCW 41.44.170(5) shall be eligible for the benefit provided by this section.
- (6) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to receive this postretirement adjustment not granted prior to that time.
- (7) Effective July 1, 2001, the actuarial calculation for the computation of the increases provided by this section shall be based on the economic assumptions included in section six of this act.

Sec. 21. RCW 41.32.489 and 1995 c 345 s 2 are each amended to read as follows:

- (1) Beginning July 1, 1995, and annually thereafter, the retirement allowance of a person meeting the requirements of this section shall be increased by the annual increase amount.
- (2) The following persons shall be eligible for the benefit provided in subsection (1) of this section:
 - (a) A beneficiary who has received a retirement allowance for at least one year by July 1st in the calendar year in which the annual increase is given and has attained at least age sixty-six by (~~July 1st~~) December 31st in the calendar year in which the annual increase is given; or
 - (b) A beneficiary whose retirement allowance is lower than the minimum benefit provided under RCW 41.32.4851.
- (3) The following persons shall also be eligible for the benefit provided in subsection (1) of this section:
 - (a) A beneficiary receiving the minimum benefit on June 30, 1995, under RCW 41.32.485; or
 - (b) A recipient of a survivor benefit on June 30, 1995, which has been increased by RCW 41.32.575.
- (4) If otherwise eligible, those receiving an annual adjustment under RCW 41.32.530(1)(d) shall be eligible for the annual increase adjustment in addition to the benefit that would have been received absent this section.
- (5) Those receiving a temporary disability benefit under RCW 41.32.540 shall not be eligible for the benefit provided by this section.
- (6) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to receive this postretirement adjustment not granted prior to that time.
- (7) Effective July 1, 2001, the actuarial calculation for the computation of the increases provided by this section shall be based on the economic assumptions included in section six of this act. "

Renumber the sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carlson on page 19, after line 24, to Substitute Senate Bill No. 6167.

The motion by Senator Carlson failed and the amendment was not adopted.

MOTION

On motion of Senator Constantine, the rules were suspended, Substitute Senate Bill No. 6167 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

POINT OF INQUIRY

Senator Long: "Senator Brown, is the amendment passed in the Ways and Means Committee last night still in the bill?"

Senator Brown: "Yes, it is, Senator Long."

Further debate ensued.

Senators Snyder, Spanel and Betti Sheldon demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried .

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6167.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6167 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Winsley - 26.

Voting nay: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Swecker, West and Zarelli -21.

Excused: Senators Johnson and Stevens - 2.

SUBSTITUTE SENATE BILL NO. 6167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5345 and the pending amendment by Senator McDonald and Rossi on page 198, after line 16, deferred earlier today.

WITHDRAWAL OF MOTION FOR SCOPE AND OBJECT OF AMENDMENT TO SUBSTITUTE SENATE BILL NO.
5345

On motion of Senator Constantine, and there being no objection, the point of order on the scope and objection of the amendment by Senators McDonald and Rossi on page 198, line 16, to Substitute Senate Bill No. 5345 was withdrawn.

The President declared the question before the Senate to be the adoption of the amendment by Senators McDonald and Rossi on page 198, after line 16, to Substitute Senate Bill No. 5345.

Debate ensued

The motion by Senator McDonald failed and the amendment was not adopted.

MOTION

On motion of Senator Constantine, Engrossed Substitute Senate Bill No. 5345 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senators Snyder, McCaslin and Prentice demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5345.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5345 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Winsley - 30.

Voting nay: Senators Benton, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Swecker, West and Zarelli - 17.

Excused: Senators Johnson and Stevens - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5345, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brown: "Mr. President, I rise to a point of personal privilege. I just briefly want to express my gratitude to everyone, regardless of how you voted, because I know you voted your conscious and what is best for the people of the state. I just have to say that I have had incredible wonderful support from the staff of the Ways and Means Committee. I just want to acknowledge how much work they have put in on this budget. Thank you very much and thank you, Mr. President."

MOTION

At 2:00 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 4:31 p.m. by President Pro Tempore Shin.

MOTION

On motion of Senator Carlson, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 29, 2001

SSB 5625 Prime Sponsor, House Committee on Education: Adopting recommendations of the academic achievement and accountability commission. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5625 be second substituted therefor, and the second substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

March 29, 2001

EHB 1015 Prime Sponsor, Representative Pennington: Prohibiting methyl tertiary-butyl ether as a gasoline additive. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald, Morton and Patterson.

Passed to Committee on Rules for second reading.

March 30, 2001

ESHB 1034 Prime Sponsor, House Committee on Agriculture and Ecology: Changing outdoor burning provisions. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Jacobsen and Morton.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 28, 2001

SHB 1042 Prime Sponsor, House Committee on Health Care: Establishing sterilization requirements for the commercial practices of electrology and tattooing. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

March 28, 2001

SHB 1094 Prime Sponsor, House Committee on Health Care: Allowing a health care professional to surrender his or her license to practice. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

March 30, 2001

HB 1102 Prime Sponsor, Representative Boldt: Regarding rights of foster parents. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

March 29, 2001

SHB 1212 Prime Sponsor, House Committee on Juvenile Justice: Sealing certain juvenile records. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

March 30, 2001

2SHB 1249 Prime Sponsor, House Committee on Appropriations: Regarding the quality of foster care services. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

March 30, 2001

SHB 1259 Prime Sponsor, House Committee on Appropriations: Providing services for persons twenty years of age who are or who have been in foster care. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

March 29, 2001

HB 1346 Prime Sponsor, Representative Dickerson: Exempting from child care regulations persons who place or care for children entering the United States for medical care. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

March 29, 2001

EHB 1347 Prime Sponsor, Representative Benson: Creating the structured settlement protection act. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Benton, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

March 28, 2001

SHB 1365 Prime Sponsor, House Committee on Child and Family Service: Requiring the department of health to publicize a list of recalled infant and child products. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

March 29, 2001

ESHB 1420 Prime Sponsor, House Committee on Commerce and Labor: Prohibiting discrimination against volunteer fire fighters. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

March 29, 2001

HB 1422 Prime Sponsor, Representative Benson: Increasing the size of the state investment board. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, West and Winsley.

Passed to Committee on Rules for second reading.

March 29, 2001

2SHB 1445 Prime Sponsor, House Committee on Finance: Retaining the linked deposit program. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Patterson, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Honeyford.

Referred to Committee on Ways and Means.

March 28, 2001

SHB 1469 Prime Sponsor, House Committee on Health Care: Dispensing controlled substance orders and prescriptions. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

March 29, 2001

SHB 1471 Prime Sponsor, House Committee on Juvenile Justice: Regarding diversions. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

March 30, 2001

EHB 1606 Prime Sponsor, Representative Clements: Allowing tariffs for irrigation pumping installations to reduce energy usage. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, Morton and Patterson.

Passed to Committee on Rules for second reading.

March 30, 2001

SHB 1650 Prime Sponsor, House Committee on Health Care: Requiring monitoring of the performance of the community mental health service delivery system. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

March 29, 2001

HB 1716 Prime Sponsor, Representative Veloria: Providing income assistance benefits to qualified World War II veterans living in the Republic of the Philippines. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

March 30, 2001

2SHB 1752 Prime Sponsor, House Committee on Appropriations: Allowing for claims for wildlife damage on rangeland suitable for grazing or browsing of domestic livestock. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Parlette, Sheahan and Swecker.

Passed to Committee on Rules for second reading.

March 28, 2001

SHB 1759 Prime Sponsor, House Committee on Health Care: Allowing for the sale of hypodermic syringes and needles to reduce the transmission of bloodborne diseases. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser and Winsley.

Passed to Committee on Rules for second reading.

March 30, 2001

HB 1859 Prime Sponsor, Representative Poulsen: Exempting electric generating facilities using wind, solar energy, landfill gas, or fuel cells from sales and use taxes. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, Morton and Patterson.

Referred to Committee on Ways and Means.

March 30, 2001

HB 1865 Prime Sponsor, Representative G. Chandler: Changing watershed planning provisions. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass as amended. Signed by Senators Fraser, Chair; Regala, Vice Chair; Hale, Jacobsen and Morton.

Passed to Committee on Rules for second reading.

March 30, 2001

SHB 1891 Prime Sponsor, House Committee on Appropriations: Increasing the international trade of Washington state agricultural products. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder and Swecker.

Referred to Committee on Ways and Means.

March 30, 2001

HB 1898 Prime Sponsor, Representative Hankins: Licensing crisis nurseries. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

March 29, 2001

HB 1911 Prime Sponsor, Representative Reardon: Requiring coverage for neurodevelopmental therapies. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser and Winsley.

Referred to Committee on Ways and Means.

March 30, 2001

SHB 1913 Prime Sponsor, House Committee on Appropriations: Creating a demonstration project to provide services to disturbed youth. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

March 28, 2001

SHB 1920 Prime Sponsor, House Committee on Judiciary: Allowing medical reports in guardianship proceedings by advanced registered nurse practitioners. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

March 30, 2001

HB 1952 Prime Sponsor, Representative Ballasiotes: Revising registration requirements for transient sex offenders and kidnapping offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

March 28, 2001

HB 2011 Prime Sponsor, Representative Campbell: Clarifying licensing for public psychiatric facilities. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Costa, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

March 29, 2001

2SHB 2025 Prime Sponsor, House Committee on Appropriations: Changing transitional bilingual instruction program provisions. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Kastama, Prentice, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Johnson.

Passed to Committee on Rules for second reading.

March 30, 2001

HB 2086 Prime Sponsor, Representative O'Brien: Bringing state law into compliance with federal standards for lifetime registration for certain sex offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

March 29, 2001

HB 2095 Prime Sponsor, Representative Dunshee: Changing reporting requirements for architectural and engineering firms. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, West and Winsley.

Passed to Committee on Rules for second reading.

March 29, 2001

ESHB 2137 Prime Sponsor, House Committee on Education: Prohibiting explosives on school premises. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Johnson, Kastama, Prentice, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules for second reading.

March 29, 2001

EHB 2168 Prime Sponsor, Representative Conway: Regulating siting of essential state community justice facilities. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

March 29, 2001

ESHB 2172 Prime Sponsor, House Committee on Commerce and Labor: Modifying provisions on the repair and maintenance of backflow prevention assemblies. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Hochstatter, Honeyford, Patterson, Regala and West.

MINORITY Recommendation: Do not pass. Signed by Senators Benton and Winsley.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Carlson, Substitute House Bill No. 1365 was passed to the Committee on Rules.

On motion of Senator Carlson, Second Substitute House Bill No. 1445 was referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 29, 2001

GA 9026 KATHERINE KREITER, appointed March 13, 2000, for a term ending January 15, 2003, as a member of the Liquor Control Board.

Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Patterson, Rasmussen, Regala and Winsley.

MINORITY Recommendation: That said appointment not be confirmed: Signed by Senators Hochstatter and Honeyford.

Passed to Committee on Rules.

March 29, 2001

GA 9041 LARRY TAYLOR, appointed March 16, 2000, for a term ending August 2, 2006, as a member of the Lottery Commission.

Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Patterson, Rasmussen, Regala and Winsley.

MINORITY Recommendation: That said appointment not be confirmed: Signed by Senator Honeyford.

Passed to Committee on Rules.

March 29, 2001

GA 9076 BEVERLY HERMANSON, appointed January 12, 2000, for a term ending December 31, 2002, as a member of the Investment Board.

Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Franklin, Hochstatter, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules.

March 29, 2001

GA 9090 CURTIS LUDWIG, appointed June 12, 2000, for a term ending June 30, 2006, as a member of the Gambling Commission.

Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Patterson, Rasmussen, Regala and Winsley.

MINORITY Recommendation: That said appointment not be confirmed: Signed by Senators Hochstatter and Honeyford.

Passed to Committee on Rules.

March 29, 2001

GA 9104 ALAN R. PARKER, appointed May 15, 2000, for a term ending June 30, 2003, as a member of the Gambling Commission.
Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Gardner, Vice Chair; Franklin, Patterson, Rasmussen, Regala and Winsley.

MINORITY Recommendation: That said appointment not be confirmed: Signed by Senators Hochstatter and Honeyford.

Passed to Committee on Rules.

March 29, 2001

GA 9114 JUDITH R. ROLAND, appointed April 4, 2000, for a term ending January 7, 2006, as a member of the Horse Racing Commission.
Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules.

March 29, 2001

GA 9145 VERA ING, appointed January 16, 2001, for a term ending January 15, 2007, as a member of the Liquor Control Board.
Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That said appointment be confirmed: Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules.

MOTION

At 4:33 p.m., on motion of Senator Carlson, the Senate adjourned until 4:00 p.m., Monday, April 2, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-SECOND DAY, MARCH 30, 2001

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

EIGHTY-FIFTH DAY

AFTERNOON SESSION

Senate Chamber, Cherberg Building, Olympia, Monday, April 2, 2001

The Senate was called to order at 4:00 p.m. President Owen. No roll call was taken.

There being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 5:00 p.m. by Senator Larry Sheahan.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 2, 2001

SB 5094 Prime Sponsor, Senator T. Sheldon: Authorizing sales and use tax exemptions for call centers. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5094 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Hewitt, Honeyford, Kohl-Welles, Long, Parlette, Rasmussen, Roach, Sheahan, B. Sheldon, Snyder, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

SB 5144 Prime Sponsor, Senator Winsley: Creating a supplemental actuarially reduced survivor benefit for qualified law enforcement officers' and fire fighters' retirement system plan 1 members who choose to actuarially reduce their benefits. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

SB 5344 Prime Sponsor, Senator Spanel: Providing funds for the state legislative building renovation. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5344 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

SB 6036 Prime Sponsor, Senator Eide: Repealing local motor vehicle taxes. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Eide, Finkbeiner, Horn, Johnson, Kastama, McDonald, Oke, T. Sheldon and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Jacobsen, McAuliffe, Prentice and Shin.

Passed to Committee on Rules for second reading.

April 2, 2001

SHB 1000 Prime Sponsor, House Committee on Capital Budget: Managing capital facility projects by the public works board. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

SHB 1001 Prime Sponsor, House Committee on Capital Budget: Authorizing projects recommended by the public works board. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

SHB 1004 Prime Sponsor, House Committee on Appropriations: Adjusting disability payments. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

HB 1018 Prime Sponsor, Representative Pennington: Providing tax relief for disasters. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

HB 1045 Prime Sponsor, Representative Conway: Reducing the law enforcement officers' and fire fighters' retirement system plan 2 disability actuarial reduction age from fifty-five to fifty-three. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

EHB 1046 Prime Sponsor, Representative Doumit: Modifying the Washington state patrol retirement system retirement and survivor benefits. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

HB 1048 Prime Sponsor, Representative Lambert: Increasing the number of hours that teachers' retirement system plan retirees may work in an eligible position to eight hundred forty without a reduction in their retirement benefits. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

HB 1062 Prime Sponsor, Representative O'Brien: Modifying provisions pertaining to the certification of peace officers. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Judiciary. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

SHB 1119 Prime Sponsor, House Committee on Finance: Modifying the taxation of new and used motor vehicle sales. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Long, Parlette, Rasmussen, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

HB 1162 Prime Sponsor, Representative McMorris: Providing medical assistance reimbursements for small, rural hospitals. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

SHB 1174 Prime Sponsor, House Committee on Judiciary: Authorizing vacation of records of conviction for misdemeanor and gross misdemeanor offenses. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

April 2, 2001

SHB 1202 Prime Sponsor, House Committee on Finance: Improving property tax administration. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

SHB 1203 Prime Sponsor, House Committee on Finance: Authorizing the department of revenue to modify sales tax exemption documentation and retention requirements for simplification purposes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, and Winsley.

Passed to Committee on Rules for second reading.

April 2, 2001

HB 1213 Prime Sponsor, Representative Delvin: Correcting statutes pertaining to the public employees' and school employees' retirement systems. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

SHB 1214 Prime Sponsor, House Committee on Appropriations: Clarifying certain administrative and investment duties of the department of retirement systems and the state investment board. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

HB 1361 Prime Sponsor, Representative Jackley: Simplifying excise tax application and administration. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

April 2, 2001

ESHB 1371 Prime Sponsor, House Committee on Appropriations: Allowing participation in health care authority insurance plans and contracts by surviving spouses and dependent children of emergency service personnel killed in the line of duty. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

HB 1385 Prime Sponsor, Representative Reardon: Clarifying the taxable situs and nature of linen and uniform supply services. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Fairley, Vice-Chair Capital Budget; Kline, Long, Rasmussen, Roach, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

April 2, 2001

HB 1394 Prime Sponsor, Representative Eickmeyer: Clarifying the use of county road funds in salmon recovery projects. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Horn, Jacobsen, Kastama, McAuliffe, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

April 2, 2001

ESHB 1418 Prime Sponsor, House Committee on Finance: Promoting community revitalization. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Roach, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Vice-Chair; and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

2SHB 1445 Prime Sponsor, House Committee on Finance: Retaining the linked deposit program. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Vice-Chair; Honeyford and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

SHB 1450 Prime Sponsor, House Committee on Finance: Providing property tax relief for certain land transfers. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fraser, Hewitt, Honeyford, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

SHB 1467 Prime Sponsor, House Committee on Finance: Improving property tax administration by correcting terminology and deleting obsolete provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Long, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

April 2, 2001

SHB 1517 Prime Sponsor, House Committee on State Government: Establishing quality management programs. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

April 2, 2001

HB 1581 Prime Sponsor, Representative Cooper: Revising provisions for licensing of motor vehicle dealers and manufacturers. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

April 2, 2001

HB 1582 Prime Sponsor, Representative Hatfield: Exempting certain motorcycles used for training from the use tax. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

April 2, 2001

HB 1750 Prime Sponsor, Representative Fisher: Authorizing cities and towns to require full compensation from abutting property owners for street vacations. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

April 2, 2001

SHB 1781 Prime Sponsor, House Committee on Appropriations: Making payment of agency commissions for agency liquor vendor stores. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

ESHB 1785 Prime Sponsor, House Committee on Natural Resources: Implementing the recommendations of the joint legislative audit and review committee report regarding capital budget programs investing in the environment. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

SHB 1793 Prime Sponsor, House Committee on Judiciary: Revising court filing fees for tax warrants and recovery of state agency overpayments. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

HB 1846 Prime Sponsor, Representative Alexander: Allowing the department of natural resources to sell or exchange its light industrial property in Thurston county. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair Capital Budget; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

HB 1859 Prime Sponsor, Representative Poulsen: Exempting electric generating facilities using wind, solar energy, landfill gas, or fuel cells from sales and use taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair Capital Budget; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

SHB 1891 Prime Sponsor, House Committee on Appropriations: Increasing the international trade of Washington state agricultural products. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Agriculture and International Trade. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

HB 1911 Prime Sponsor, Representative Reardon: Requiring coverage for neurodevelopmental therapies. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Health and Long-Term Care. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Parlette, Rossi and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

HB 2126 Prime Sponsor, Representative Kenney: Authorizing a college savings plan. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

SHB 2184 Prime Sponsor, House Committee on Finance: Revising tax treatment of park model trailers. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair Capital Budget; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 2001

ESHB 2191 Prime Sponsor, House Committee on Finance: Providing property tax exemptions for certain property leased by public entities. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 6172 by Senators Patterson, Horn, Haugen, Finkbeiner, Costa, McDonald, Prentice, Constantine, Kohl-Welles, Eide, McAuliffe, Fairley and Jacobsen

AN ACT Relating to regional transportation governance; and adding a new chapter to Title 36 RCW.
Referred to Committee on Transportation.

MOTION

At 5:02 p.m., on motion of Senator Kastama, the Senate adjourned until 8:30 a.m., Tuesday, April 3, 2001.

BRAD OWEN, President of the Senate

TONY COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-FIFTH DAY, APRIL 2, 2001

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

EIGHTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Tuesday, April 3, 2001

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Hargrove, McDonald, Rasmussen and Rossi. On motion of Senator Hewitt, Senators Finkbeiner, McDonald and Rossi were excused. On motion of Senator Eide, Senators Hargrove and Rasmussen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Michael Diaz and Claire Hughes, presented the Colors. Reverend Mike McIntosh, pastor of the Grace Church in Federal Way, and a guest of Senator Tracey Eide, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SCR 8414 by Senators Jacobson, Kohl-Welles, Carlson and Rasmussen

Establishing a blue ribbon task force to study opportunities to expand public and private scholarship and financial aid support for students in higher education in Washington state.

Referred to Committee on Higher Education.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9018, Kay Harlan, as a member of the Board of Trustees for Clover Park Technical College District No. 29, was confirmed.

APPOINTMENT OF KAY HARLAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Excused: Senators Finkbeiner, Hargrove, McDonald, Rasmussen and Rossi - 5.

MOTION

At 8:43 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 9:44 a.m. by President Owen.

MOTION

On motion of Senator Eide, Senator Haugen was excused.

SECOND READING

HOUSE BILL NO. 1071, by Representatives Doumit, Buck, Sump, Ogden and Dunn (by request of Salmon Recovery Funding Board)

Adjusting deadlines for salmon recovery grant applications.

The bill was read the second time.

MOTIONS

On motion of Senator Jacobsen, the following Committee on Natural Resources, Parks and Shorelines striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.85.140 and 2000 c 107 s 103 are each amended to read as follows:

(1) Habitat project lists shall be submitted to the salmon recovery funding board for funding (~~by January 1st and July 1st of each year beginning in 2000~~) at least once a year on a schedule established by the board. The board shall provide the legislature with a list of the proposed projects and a list of the projects funded by October 1st of each year (~~beginning in 2000~~) for informational purposes. Project sponsors who complete salmon habitat projects approved for funding from habitat project lists and have met grant application deadlines will be paid by the salmon recovery funding board within thirty days of project completion.

(2) The interagency committee for outdoor recreation shall track all funds allocated for salmon habitat projects and salmon recovery activities on behalf of the board, including both funds allocated by the board and funds allocated by other state or federal agencies for salmon recovery or water quality improvement.

(3) Beginning in December 2000, the board shall provide a biennial report to the governor and the legislature on salmon recovery expenditures. This report shall be coordinated with the state of the salmon report required under RCW 77.85.020."

MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 2 of the title, after "deadlines;" strike the remainder of the title and insert "and amending RCW 77.85.140."

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1071, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1071, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1071, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Kline - 1.

Excused: Senator Haugen - 1.

HOUSE BILL NO. 1071, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1391, by House Committee on State Government (originally sponsored by Representatives Kessler and Mastin)

Overseeing statutory legislative committees.

The bill was read the second time.

MOTIONS

On motion of Senator Patterson, the following Committee on State and Local Government striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 44.04 RCW to read as follows:

The joint legislative audit and review committee, the legislative transportation committee, the joint committee on pension policy, the legislative evaluation and accountability program committee, and the joint legislative systems committee are subject to such operational policies, procedures, and oversight as are deemed necessary by the facilities and operations committee of the senate and the executive rules committee of the house of representatives to ensure operational adequacy of the agencies of the legislative branch. As used in this section, "operational policies, procedures, and oversight" includes the development process of

biennial budgets, contracting procedures, personnel policies, and compensation plans, selection of a chief administrator, facilities, and expenditures.

NEW SECTION. Sec. 2. A new section is added to chapter 44.28 RCW to read as follows:

The administration of the joint legislative audit and review committee is subject to section 1 of this act.

Sec. 3. RCW 44.28.060 and 1996 c 288 s 7 are each amended to read as follows:

The members of the joint committee shall form an executive committee consisting of one member from each of the four major political caucuses, which shall include a chair and a vice-chair. The chair and vice-chair shall serve for a period not to exceed two years. The chair and the vice-chair may not be members of the same political party. The chair shall alternate between the members of the majority parties in the senate and the house of representatives.

Subject to section 1 of this act, the executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the joint committee, as well as other duties delegated to it by the joint committee. The executive committee shall recommend applicants for the position of the legislative auditor to the membership of the joint committee. The legislative auditor shall be hired with the approval of a majority of the membership of the joint committee. Subject to section 1 of this act, the executive committee shall set the salary of the legislative auditor.

The joint committee shall adopt rules and procedures for its orderly operation. The joint committee may create subcommittees to perform duties under this chapter.

Sec. 4. RCW 44.28.065 and 1996 c 288 s 8 are each amended to read as follows:

The legislative auditor shall:

- (1) Establish and manage the office of the joint legislative audit and review committee to carry out the functions of this chapter;
- (2) Direct the audit and review functions described in this chapter and ensure that performance audits are performed in accordance with the "Government Auditing Standards" published by the comptroller general of the United States as applicable to the scope of the audit;
- (3) Make findings and recommendations to the joint committee and under its direction to the committees of the state legislature concerning the organization and operation of state agencies and the expenditure of state funds by units of local government;
- (4) Subject to section 1 of this act, in consultation with and with the approval of the executive committee, hire staff necessary to carry out the purposes of this chapter. Subject to section 1 of this act, employee salaries, other than the legislative auditor, shall be set by the legislative auditor with the approval of the executive committee;
- (5) Assist the several standing committees of the house and senate in consideration of legislation affecting state departments and their efficiency; appear before other legislative committees; and assist any other legislative committee upon instruction by the joint legislative audit and review committee;
- (6) Provide the legislature with information obtained under the direction of the joint legislative audit and review committee;
- (7) Maintain a record of all work performed by the legislative auditor under the direction of the joint legislative audit and review committee and keep and make available all documents, data, and reports submitted to the legislative auditor by any legislative committee.

NEW SECTION. Sec. 5. A new section is added to chapter 44.40 RCW to read as follows:

The administration of the legislative transportation committee is subject to section 1 of this act.

Sec. 6. RCW 44.40.015 and 1999 sp.s. c 1 s 617 are each amended to read as follows:

The members of the legislative transportation committee shall form an executive committee consisting of two members from each of the four major political caucuses, which will include the chair and vice-chair of the legislative transportation committee. There will be four alternates to the executive committee, one from each of the four major political caucuses. Each alternate may represent a member from the same political caucus from which they were chosen when that member is absent, and have voting privileges during that absence.

Subject to section 1 of this act, the executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the committee, determining the number of legislative transportation committee staff, and other duties delegated to it by the committee. Except when those responsibilities are assumed by the legislative transportation committee, and subject to section 1 of this act, the executive committee is responsible for adopting interim work plans and meeting schedules, approving all contracts signed on behalf of the committee, and setting policies for legislative transportation ~~((committee [committee]))~~ committee staff utilization.

Sec. 7. RCW 44.40.040 and 1979 c 151 s 157 are each amended to read as follows:

The members of the legislative transportation committee and the house and senate transportation committees shall receive allowances while attending meetings of the committees or subcommittees and while engaged in other authorized business of the committees as provided in RCW 44.04.120 ~~((as now or hereafter amended))~~. Subject to section 1 of this act, all expenses incurred by the committee, and the house and senate transportation committees, including salaries of employees of the legislative transportation committee, shall be paid upon voucher forms as provided by the office of financial management and signed by the chairman or vice chairman or authorized designee of the chairman of the committee, and the authority of said chairman or vice chairman to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

Sec. 8. RCW 44.40.090 and 1977 ex.s. c 235 s 10 are each amended to read as follows:

Subject to section 1 of this act, powers and duties enumerated by this chapter shall be delegated to the senate and house transportation committees during periods when the legislative transportation committee is not appointed.

Sec. 9. RCW 44.40.100 and 1977 ex.s. c 235 s 11 are each amended to read as follows:

Subject to section 1 of this act, the legislative transportation committee ~~((and/or))~~ and the senate and house transportation committees may enter into contracts on behalf of the state to carry out the purposes of this chapter ~~((44.40-RCW-as-amended))~~; and it or they may act for the state in the initiation of or participation in any multigovernmental program relative to transportation planning or programming; and it or they may enter into contracts to receive federal or other funds, grants, or gifts to carry out said purposes and to be used in preference to or in combination with state funds. When federal or other funds are received, they shall be deposited with the state treasurer and thereafter expended only upon approval by the committee or committees.

NEW SECTION. Sec. 10. A new section is added to chapter 44.44 RCW to read as follows:

The administration of the joint committee on pension policy is subject to section 1 of this act.

Sec. 11. RCW 44.44.030 and 1987 c 25 s 2 are each amended to read as follows:

(1) Subject to section 1 of this act, the state actuary shall have the authority to select and employ such research, technical, clerical personnel, and consultants as the actuary deems necessary, whose salaries shall be fixed by the actuary and approved by the joint committee on pension policy, and who shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

(2) All actuarial valuations and experience studies performed by the office of the state actuary shall be signed by a member of the American academy of actuaries. If the state actuary is not such a member, the state actuary, after approval by the committee, shall contract for a period not to exceed two years with a member of the American academy of actuaries to assist in developing actuarial valuations and experience studies.

NEW SECTION. Sec. 12. A new section is added to chapter 44.48 RCW to read as follows:

The administration of the legislative evaluation and accountability program committee is subject to section 1 of this act.

Sec. 13. RCW 44.48.050 and 1977 ex.s. c 373 s 5 are each amended to read as follows:

Subject to section 1 of this act, all expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the administrator and signed by the chairman or vice chairman of the committee and attested by the secretary of said committee, and the authority of said chairman and secretary to sign vouchers shall continue until their successors are selected after each ensuing session of the legislature. Vouchers may be drawn on funds appropriated by law for the committee: PROVIDED, That the senate and the house may authorize the committee to draw on funds appropriated by the legislature for legislative expenses.

Sec. 14. RCW 44.48.090 and 1979 c 151 s 158 are each amended to read as follows:

The committee shall have the following powers:

(1) To have timely access, upon written request of the administrator, to all machine readable, printed, and other data of state agencies relative to expenditures, budgets, and related fiscal matters;

(2) To suggest changes relative to state accounting and reporting systems to the office of financial management or its successor and to require timely written responses to such suggestions; and

(3) Subject to section 1 of this act, to enter into contracts; and when entering into any contract for computer access, make necessary provisions relative to the scheduling of computer time and usage in recognition of the unique requirements and priorities of the legislative process.

Sec. 15. RCW 44.48.120 and 1977 ex.s. c 373 s 12 are each amended to read as follows:

The committee is hereby authorized and empowered to appoint an officer to be known as the LEAP administrator who shall be the executive officer of the committee and assist in its duties and shall compile information for the committee.

Subject to section 1 of this act, the committee is hereby authorized and empowered to select and employ temporary and permanent personnel and fix their salaries.

The duties of the administrator shall be as follows:

(1) To manage the LEAP operations.

(2) To assist the several standing committees of the house and senate; to appear before other legislative committees; and to assist any other legislative committee upon instruction by the committee.

(3) To provide the legislature with information obtained under the direction of the committee.

(4) To maintain a record of all work performed by the administrator under the direction of the committee and to keep and make available all documents, data, and reports submitted to the administrator by any legislative committee.

NEW SECTION. Sec. 16. A new section is added to chapter 44.68 RCW to read as follows:

The administration of the joint legislative systems committee is subject to section 1 of this act.

Sec. 17. RCW 44.68.040 and 1986 c 61 s 4 are each amended to read as follows:

Subject to section 1 of this act:

(1) The systems committee, after consultation with the administrative committee, shall employ a legislative systems coordinator. The coordinator shall serve at the pleasure of the systems committee, which shall fix the coordinator's salary.

(2) The coordinator shall serve as the executive and administrative head of the center, and shall assist the administrative committee in managing the information processing and communications systems of the legislature as directed by the administrative committee.

Sec. 18. RCW 44.68.050 and 1986 c 61 s 5 are each amended to read as follows:

The administrative committee shall, subject to the approval of the systems committee and subject to section 1 of this act:

(1) Adopt policies, procedures, and standards regarding the information processing and communications systems of the legislature;

(2) Establish appropriate charges for services, equipment, and publications provided by the legislative information processing and communications systems, applicable to legislative and nonlegislative users as determined by the administrative committee;

(3) Employ or engage and fix the compensation for personnel required to carry out the purposes of this chapter;

(4) Enter into contracts for (a) the sale, exchange, or acquisition of equipment, supplies, services, and facilities required to carry out the purposes of this chapter and (b) the distribution of legislative information;

(5) Generally assist the systems committee in carrying out its responsibilities under this chapter, as directed by the systems committee."

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On line 1 of the title, after "legislature;" strike the remainder of the title and insert "amending RCW 44.28.060, 44.28.065, 44.40.015, 44.40.040, 44.40.090, 44.40.100, 44.44.030, 44.48.050, 44.48.090, 44.48.120, 44.68.040, and 44.68.050; adding a new

section to chapter 44.04 RCW; adding a new section to chapter 44.28 RCW; adding a new section to chapter 44.40 RCW; adding a new section to chapter 44.44 RCW; adding a new section to chapter 44.48 RCW; and adding a new section to chapter 44.68 RCW."

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1391, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Thibaudeau: "Senator Patterson, my question has to do with the amendment that you just discussed, and being a little bit slow this morning, I didn't respond earlier, but I did vote 'no' on the amendment. My concern has to do with a number of amendments to bills that were handled, I believe in the Judiciary Committee, and it required much greater oversight by JLARC. The concern was that agencies were not implementing bills as we passed them. So, I guess my question has to do with how specific is this in terms of what is going to be required of the policy committees following every single solitary rule that gets adopted by our agencies?"

Senator Patterson: "Thank you, Senator Thibaudeau. What this legislation says is that a process will be developed--an oversight process--relating to the budget, relating to contracting procedures, personnel policies, how we pay folks that work for the committees, the compensation plans, how it is we go about hiring the chief administrator for these committees and how the money is spent. These policies--there will be oversight provided related to these policies by the Senate Facility and Operations Committee and the Executive Rules Committee of the House."

Further debate ensued.

POINT OF INQUIRY

Senator Long: "Senator Patterson, how would it affect current administrators--current people who are staffing these positions?" Senator Patterson: "The bill would have no effect whatsoever on the folks that are working for these committees now--any of the policies relating to them as employees. The bill simply attempts to try to coordinate between the House and the Senate what our policy is going to be in the future regarding contracting, hiring and firing and different personnel related rules."

Senator Long: "I am asking the question because it indicates in the summary the hiring of the chief administrator, so would the current administrators remain or would some of them be changed?"

Senator Patterson: "There has been no discussion about changing anyone's employment status. There has been absolutely no discussion--"

Senator Long: "This is all prospective?"

Senator Patterson: "That is correct."

Senator Long: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1391, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1391, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 47.

Voting nay: Senator Thibaudeau - 1.

Excused: Senator Haugen - 1.

SUBSTITUTE HOUSE BILL NO. 1391, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

SENATE RESOLUTION 2001-8645

By Senators Finkbeiner, Hochstatter, Kline, Johnson, Prentice, Kohl-Welles, McAuliffe, Oke, Roach, Costa, Sheldon, B., Franklin, Rasmussen, Stevens, Zarelli, McCaslin, Winsley and Fraser

WHEREAS, Eugene Drayton, born in Longview, Texas, served in the United States Army during World War II and settled in Seattle upon discharge from the Army in 1945, to begin a career with the United States Postal Service; and

WHEREAS, In 1958, Eugene Drayton, heeding a higher calling, became an associate minister at the House of Prayer for All Nations; and

WHEREAS, Pastor Drayton gave up a fifteen year career with the United States Postal Service, dedicated himself fully to following his spiritual calling, and began an outreach "ministry that would reach all nations or races of people," and founded the Zion United House of Prayer in 1960; and

WHEREAS, After ministering in his hands-on style for many years, Pastor Drayton took notice of an increasing number of students in his Sunday School classes unable to read or write; and

WHEREAS, Pastor Drayton, assuming immense responsibility and acting in total faith, developed a vision of a private school that could afford great learning opportunities for those not likely to have such opportunities; and

WHEREAS, Pastor Drayton's vision was realized in 1982, when he successfully founded Zion Preparatory Academy otherwise known as "The Miracle on 32nd Street"; and

WHEREAS, Pastor Drayton has remained faithful to his church, his school, and his community, by extending learning opportunities to children in multiethnic urban neighborhoods; and

WHEREAS, Zion Preparatory Academy instills discipline, personal responsibility, high academic standards, and a foundation of spiritual belief that has benefitted both alumni and the community; and

WHEREAS, Zion Preparatory works to counteract negative stereotypes and provide its students with positive African-American role models; and

WHEREAS, The academy continues to be one of the largest recipients of private and corporate contributions among educational institutions in Seattle; and

WHEREAS, Pastor Drayton has selflessly contributed to the community and youth by serving on the boards of service and children's organizations for decades; and

WHEREAS, Pastor Drayton, at the age of eighty-one, continues to minister at Zion United House of Prayer in Seattle;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the outstanding achievements of Pastor Eugene Drayton, who has dedicated his life to helping Seattle's underprivileged and minority youth acquire a solid education, a sense of self-worth, and understanding of the importance of greater service to God and community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately delivered to the Zion United House of Prayer, Zion Preparatory Academy, the Office of the Governor, the Office of the Superintendent of Public Instruction, the Seattle City Council, and the King County Metropolitan Council.

Senators Kohl-Welles, Franklin, Hochstatter, McAuliffe, Shin and Oke spoke to Senate Resolution 2001-8645.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Pastor Eugene Drayton and Mr. Doug Wheeler, the Headmaster of Zion Preparatory Academy, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Pastor Drayton to address the Senate.

MOTION

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

SENATE RESOLUTION 2001-8658

By Senators Honeyford, Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli

WHEREAS, Irving R. Newhouse served the people of the Yakima Valley, and the citizens of the state of Washington for nearly forty years, serving thirty-four illustrious years in the Washington State Legislature from 1965 through 1998 with integrity and honor; and

WHEREAS, Senator Newhouse, who lived in the Yakima Valley for all of his life, began a career of public service in 1964 with his election to the Washington State House of Representatives, and continued his service upon his appointment to the State Senate in 1980; and

WHEREAS, In recognition of his political insight and intelligence, Senator Newhouse rose to several leadership positions including Senate Republican Floor Leader and Senate President Pro Tempore; and

WHEREAS, His unmatched understanding of the political process and the Senate's parliamentary procedure occasionally allowed him to direct the Senate's business even when his own party was not in power; and

WHEREAS, Senator Newhouse's vast legislative experience and excellent memory proved a frequent source of perspective and information, as well as a good deal of humor; and

WHEREAS, Senator Newhouse's commitment to the citizens of the Eighth and Fifteenth Legislative Districts and his constant support of the agricultural community have proved invaluable to all the people of our state; and

WHEREAS, Despite constant accolades for his service and legislation and reputation for wielding a fair share of political power, Irv always remained the son of John and Tina, the brother to Melvin, Ellen, Alfred, David, Betty, John, Maryjane, Albert and Wayne, just another farmer from the valley at the local coffee shop; and

WHEREAS, His noble and dedicated service, marked by his honesty and humility, was a constant example of a truly devoted public servant and an inspiration to many who serve in the Legislature now; and

WHEREAS, The Washington State Legislature named the Irving R. Newhouse Building on the state capital campus in honor of Senator Newhouse's significant contribution to the state of Washington; and

WHEREAS, Irv, in addition to his many years of public service, was also a dedicated, devoted and loving husband, father, and grandfather; and

WHEREAS, Irving R. Newhouse passed away from this earth on March 29, 2001, after eighty years of distinguished life;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its sympathy and condolences to the family of Senator Irving R. Newhouse; and

BE IT FURTHER RESOLVED, That the members of the Washington State Senate hereby pay tribute to Irv's legacy of public service and his contribution to the public good; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Mrs. Ruth Newhouse and members of the family of Senator Irving R. Newhouse.

Senators Deccio, Thibaudeau, McCaslin, Rasmussen, Hale and Snyder spoke to Senate Resolution 2001-8658.

Funeral Services for Senator Irving R. Newhouse were scheduled for this afternoon in Sunnyside, Washington.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the sixth order if business.

SECOND READING

HOUSE BILL NO. 1100, by Representatives Fisher and Woods (by request of Marine Employees' Commission)

Modifying notice requirements.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, House Bill No. 1100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1100.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1100 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator Benton - 1.

Excused: Senator Haugen - 1.

HOUSE BILL NO. 1100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5540, by Senators Franklin, Eide, Regala, Fraser, Costa, Rasmussen, Patterson, Kline, Kohl-Welles, Winsley and Gardner (by request of Governor Locke)

Authorizing public utility tax credits for home energy assistance programs for low-income households.

MOTIONS

On motion of Senator Fraser, Second Substitute Senate Bill No. 5540 was substituted for Senate Bill No. 5540 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Second Substitute Senate Bill No. 5540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5540.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5540 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Haugen - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

NOTICE FOR AMENDMENT TO SENATE RULES

Requiring one day notice, the President announced that Senator Honeyford will move to amend Senate Rule 35 at a later time.

EDITOR'S NOTE: Senate Rule 35 states: '1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be rescinded or changed without a majority vote of the members, and one day's notice of the motion.'

MOTION

At 10:56 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Wednesday, April 4, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-SIXTH DAY, APRIL 3, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

EIGHTY-SEVENTH DAY

MORNING SESSION

SENATE CHAMBER, CHERBERG BUILDING, OLYMPIA, WEDNESDAY, APRIL 4, 2001

THE SENATE WAS CALLED TO ORDER AT 9:00 A.M. BY PRESIDENT OWEN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS DECCIO, FINKBEINER, FRANKLIN, HARGROVE AND McDONALD. ON MOTION OF SENATOR HONEYFORD, SENATORS DECCIO, FINKBEINER AND McDONALD WERE EXCUSED.

THE SERGEANT AT ARMS COLOR GUARD, CONSISTING OF PAGES ALISON ALBRECHT AND KARI BOERSEN, PRESENTED THE COLORS. SENATOR KAREN FRASER OFFERED THE PRAYER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

MESSAGE FROM THE HOUSE

APRIL 3, 2001

MR. PRESIDENT:

THE HOUSE HAS PASSED:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625,
HOUSE BILL NO. 1633, AND THE SAME ARE HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK
TIMOTHY A. MARTIN, CO-CHIEF CLERK

INTRODUCTION AND FIRST READING

SB 6173 BY SENATORS HORN AND McCASLIN

AN ACT RELATING TO THE RECOVERY OF TAXPAYER LITIGATION EXPENSES; AND ADDING A NEW SECTION TO CHAPTER 84.08 RCW.
REFERRED TO COMMITTEE ON JUDICIARY.

SCR 8415 BY SENATORS SNYDER AND WEST

AMENDING CUTOFF DATES.

HOLD.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1625 BY HOUSE COMMITTEE ON CAPITAL BUDGET (ORIGINALLY SPONSORED BY REPRESENTATIVES ESSER, MCINTIRE, ALEXANDER AND MURRAY) (BY REQUEST OF OFFICE OF FINANCIAL MANAGEMENT)

PROVIDING FOR SUPPLEMENTAL CAPITAL BUDGET APPROPRIATIONS.

HOLD.

HB 1633 BY REPRESENTATIVES CAMPBELL AND CODY (BY REQUEST OF INSURANCE COMMISSIONER KREIDLER)

MAKING TECHNICAL CORRECTIONS TO PROVISIONS CONCERNING THE INDIVIDUAL HEALTH INSURANCE MARKET.

REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

MOTIONS

ON MOTION OF SENATOR BETTI SHELDON, THE RULES WERE SUSPENDED, SENATE CONCURRENT RESOLUTION NO. 8415 WAS ADVANCED TO SECOND READING AND PLACED ON THE SECOND READING CALENDAR.

ON MOTION OF SENATORS BETTI SHELDON, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625 WAS ADVANCED TO SECOND READING AND PLACED ON THE SECOND READING CALENDAR.

INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT WELCOMED AND INTRODUCED THE FOLLOWING YOUNG LADIES REPRESENTING THE WASHINGTON STATE DAIRY AMBASSADOR GROUP, WHO WERE SEATED ON THE ROSTRUM. ALTERNATE KIM DeVRIES, REPRESENTING THE SKAGIT-ISLAND COUNTIES; ALTERNATE LIBBY GOERES, REPRESENTING GRAYS HARBOR COUNTY, ALLISON HURST, THE SNOHOMISH COUNTY DAIRY AMBASSADOR, AND THE STATE'S DAIRY AMBASSADOR, CORINNE KOOPMANS FROM ZILLAH, WHO WILL BE THE OFFICIAL SPOKESPERSON FOR THE DAIRY FARMERS OF WASHINGTON AND WILL BE A FULL TIME ADVERTISING/MARKETING INTERN AT THE WASHINGTON DAIRY PRODUCTS COMMISSION OFFICE IN LYNNWOOD.

WITH PERMISSION OF THE SENATE, BUSINESS WAS SUSPENDED TO PERMIT AMBASSADOR CORINNE TO ADDRESS THE SENATE.

PERSONAL PRIVILEGE

SENATOR RASMUSSEN: "A PERSONAL PRIVILEGE, MR. PRESIDENT. I, TOO, WOULD LIKE TO WELCOME THE DAIRY AMBASSADORS TO THE SENATE. A COUPLE OF WEEKS AGO, WE HAD A FLOOR RESOLUTION AND WHILE NOT HAVING A CHANCE TO READ THE FLOOR RESOLUTION AGAIN TO THE BODY, I DO THINK THAT IT IS APPROPRIATE THAT WE GIVE TIME TO HONOR THE DAIRY INDUSTRY AND ALSO FARMING IN GENERAL. I THINK IT IS TREMENDOUSLY IMPORTANT TO OUR ECONOMY, BUT MORE IMPORTANT TO A WAY OF LIFE. THESE YOUNG PEOPLE REPRESENT THE CREAM OF THE CROP. THEY ARE THE YOUNG PEOPLE THAT WILL BE OUR FUTURE LEADERS, BUT MORE IMPORTANTLY, THEY WILL BE THE FOUNDATION AND STABILITY FOR THE STATE OF WASHINGTON. SO, I TOO, WOULD LIKE TO WELCOME THEM HERE AND TO GIVE THEM THE RESOLUTION WE READ IN SESSION A COUPLE OF WEEKS AGO, BECAUSE WE WERE NOT SURE WHAT THE STABILITY OF THIS PLACE WOULD BE. I KNOW THE STABILITY OF FARMING IN THIS STATE IS TREMENDOUSLY IMPORTANT TO ALL OF US. I THANK YOU FOR BEING HERE."

SENATOR HONEYFORD ALSO THANKED THE AMBASSADOR GROUP FOR VISITING THE SENATE.

MOTION

ON MOTION OF SENATOR SPANEL, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8633

BY SENATORS SPANEL AND HAUGEN

WHEREAS, THE BEAUTIFUL SKAGIT VALLEY IS THE TULIP CAPITAL OF THE NORTHWEST; AND
WHEREAS, EVERY APRIL, THE TULIPS ARE IN BLOOM, CELEBRATING THE BEGINNING OF SPRING; AND
WHEREAS, THE SKAGIT VALLEY TULIP FESTIVAL BEGINS THE FESTIVAL SEASON IN WASHINGTON STATE; AND
WHEREAS, THIS YEAR'S EIGHTEENTH ANNUAL EVENT WILL RUN FROM APRIL 6TH THROUGH APRIL 22ND, FOCUSING ON THE COMMUNITIES OF SEDRO-WOOLLEY, BURLINGTON, ANACORTES, LA CONNER, MOUNT VERNON, CONCRETE AND CONWAY; AND

WHEREAS, THIS YEAR'S TULIP FESTIVAL AMBASSADORS WILL ABLY AND PERSONABLY PERFORM THEIR RESPONSIBILITIES AS REPRESENTATIVES OF THIS FESTIVAL; AND

WHEREAS, MORE THAN HALF A MILLION PEOPLE VISITED THE SKAGIT VALLEY TULIP FESTIVAL LAST YEAR, PARTICIPATING IN THE JOY AND EXCITEMENT OF THIS ANNUAL EVENT, AND CONTRIBUTING TO THE ECONOMY OF THE SKAGIT VALLEY; AND

WHEREAS, THIS YEAR'S VISITORS WILL BE GREETED BY MORE THAN ONE THOUSAND FIVE HUNDRED ACRES OF TULIPS REFLECTING ALL THE COLORS OF THE RAINBOW, BY THE FULLNESS OF LIFE IN THE VALLEY AND ITS WONDERFUL PEOPLE; AND

WHEREAS, HIGHLIGHTS OF THE EVENT INCLUDE THE KIWANIS ANNUAL SALMON BARBEQUE, THE TULIP PEDAL BIKE RIDE, THE TULIP 10K SLUG RUN/WALK, THE DOWNTOWN MOUNT VERNON STREET FAIR, AND MUCH MORE;

NOW, THEREFORE, BE IT RESOLVED, THAT THE SENATE SALUTE THE SEVEN COMMUNITIES OF THE SKAGIT VALLEY, THEIR CHAMBERS OF COMMERCE, SKAGIT VALLEY TULIP FESTIVAL AMBASSADORS, AND THE TULIP FESTIVAL COMMITTEE FOR THEIR SKAGIT VALLEY TULIP FESTIVAL; AND

BE IT FURTHER RESOLVED, THAT THE SENATE COMMEND THE COMMUNITY LEADERS AND CORPORATE SPONSORS FOR THE SUCCESS OF THIS IMPORTANT EVENT AND ENCOURAGE CITIZENS FROM ACROSS WASHINGTON STATE TO TAKE THE TIME TO ENJOY THIS SPECTACULAR DISPLAY; AND

BE IT FURTHER RESOLVED, THAT COPIES OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO AUDREY SMITH, TULIP FESTIVAL EXECUTIVE DIRECTOR, AND THE SKAGIT VALLEY TULIP FESTIVAL AMBASSADORS.

SENATORS SPANEL AND HAUGEN SPOKE TO SENATE RESOLUTION 2001-8633.

HAPPY BIRTHDAY TO SENATOR FAIRLEY

THE PRESIDENT EXTENDED HAPPY BIRTHDAY WISHES TO SENATOR FAIRLEY.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE REVERTED TO THE SIXTH ORDER OF BUSINESS.

SECOND READING

HOUSE BILL NO. 1055, BY REPRESENTATIVES HAIGH AND EICKMEYER

EXEMPTING CERTAIN LEASEHOLD INTERESTS FROM LEASEHOLD EXCISE TAX.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR BROWN, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1055 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE. DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1055.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1055 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 42; NAYS, 2; ABSENT, 2; EXCUSED, 3.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FRASER, GARDNER, HALE, HAUGEN, HEWITT, HOCHSTATTER, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 42.

VOTING NAY: SENATORS BENTON AND HONEYFORD - 2.

ABSENT: SENATORS FRANKLIN AND HARGROVE - 2.

EXCUSED: SENATORS DECCIO, FINKBEINER AND McDONALD - 3.

HOUSE BILL NO. 1055, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1349, BY HOUSE COMMITTEE ON APPROPRIATIONS (ORIGINALLY SPONSORED BY REPRESENTATIVES KESSLER, BUCK, MORRIS, SEHLIN, LINVILLE AND ROCKEFELLER)

AUTHORIZING A FUNDING MECHANISM FOR REMOVAL AND DISPOSAL OF DERELICT VESSELS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR FRASER, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1349 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1349.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1349 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 47; NAYS, 0; ABSENT, 0; EXCUSED, 2.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 47.

EXCUSED: SENATORS DECCIO AND McDONALD - 2.

SUBSTITUTE HOUSE BILL NO. 1349, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

HAPPY BIRTHDAY TO SENATOR FRANKLIN

THE PRESIDENT EXTENDED HAPPY BIRTHDAY WISHES TO SENATOR FRANKLIN.

PERSONAL PRIVILEGE

SENATOR FRANKLIN: "A POINT OF PERSONAL PRIVILEGE, MR. PRESIDENT. I WAS KEEPING VERY QUIET AND I SUSPECT I KNOW THE PERSON WHO MIGHT HAVE TOLD THAT I AM HAVING A BIRTHDAY TODAY, BECAUSE AS YOU KNOW IT IS ON THE SAME DAY EACH YEAR. I THINK SHE LEFT HER SEAT; THERE SHE IS. I DON'T COUNT BIRTHDAYS ANYMORE. I JUST KEEP MOVING. THANK YOU."

PERSONAL PRIVILEGE

SENATOR PRENTICE: MR. PRESIDENT, I ALSO RISE TO A POINT OF PERSONAL PRIVILEGE. I WOULD LIKE TO INQUIRE OF ROSA FRANKLIN THAT WHILE I HAVE KNOWN HER FOR ABOUT FORTY YEARS--SHE HASN'T AGED A DAY."

SENATOR FRANKLIN: "I GRATEFULLY ADMIT MY AGE, BECAUSE I AM AGING WITH GRACE. I AM SEVENTY-FOUR."

SECOND READING

HOUSE BILL NO. 1313, BY REPRESENTATIVES COX, KENNEY, LANTZ, DUNN, ROCKEFELLER AND HAIGH (BY REQUEST OF WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD)

CHANGING LIABILITY AND LICENSURE PROVISIONS FOR PRIVATE VOCATIONAL SCHOOLS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR KOHL-WELLES, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1313 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1313.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1313 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-

WELLES, LONG, MCAULIFFE, MCCASLIN, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.
EXCUSED: SENATOR McDONALD - 1.

HOUSE BILL NO. 1313, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

PERSONAL PRIVILEGE

SENATOR MORTON: "MR. PRESIDENT, A POINT OF PERSONAL PRIVILEGE. LADIES AND GENTLEMEN OF THE SENATE, I HAD THE PRIVILEGE, A FEW MINUTES AGO TO PLACE ON YOUR DESKS INFORMATION PERTAINING TO THE COUNTY OF OKANAGAN. I BELIEVE THIS INFORMATION WILL BE HELPFUL TO YOU AS YOU COME TO UNDERSTAND THE DILEMMA OF OKANAGAN AND I WANTED YOU TO HAVE IT FOR INFORMATIONAL PURPOSES--AND I HOPE THAT YOU WILL READ IT. THE CITIZENS OF THE COUNTY OF OKANAGAN AND THEIR COUNTY COMMISSIONERS HAVE DRAWN A LINE IN THE SAND AND THEY HAVE SAID THAT BEYOND THIS POINT, WE WILL GO NO FURTHER. SO, THEY ARE SUING--AND THAT IS WHAT THIS IS ABOUT--THEY ARE SUING THE FEDERAL GOVERNMENT, THE NATIONAL MARINE FISHERIES, THE UNITED STATES FOREST SERVICE AND THE OUTCOME OF THIS WILL DETERMINE STATE'S RIGHTS AND DO WE REALLY HAVE THE STATE'S RIGHTS OF WATER AND ITS USE OR DO WE NOT? IT IS A MAJOR UNDERTAKING FOR THIS COUNTY, AND MR. PRESIDENT, WILL HAVE A MAJOR IMPACT ON THE DECISION FROM IT FOR THE WHOLE OF THE STATE. I WANTED YOU TO HAVE THIS INFORMATION. THANK YOU, MR. PRESIDENT."

SECOND READING

HOUSE BILL NO. 1548, BY REPRESENTATIVES KIRBY AND CARRELL

EXPANDING THE SMALL WORKS ROSTER PROCESS TO INCLUDE METROPOLITAN PARK DISTRICTS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PATTERSON, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1548 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1548.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1548 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 40; NAYS, 8; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST AND WINSLEY - 40.

VOTING NAY: SENATORS HEWITT, HOCHSTATTER, HONEYFORD, HORN, JOHNSON, MORTON, ROSSI AND ZARELLI - 8.

EXCUSED: SENATOR McDONALD - 1.

HOUSE BILL NO. 1548, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

ENGROSSED HOUSE BILL NO. 1864, BY REPRESENTATIVES DICKERSON, CASADA AND McINTIRE

REVISING INFORMATION REQUIREMENTS IN FAMILY LAW COURT FILES.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR KLINE, THE RULES WERE SUSPENDED, ENGROSSED HOUSE BILL NO. 1864 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED HOUSE BILL NO. 1864.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED HOUSE BILL NO. 1864 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHLWELLES, LONG, MCAULIFFE, MCCASLIN, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR McDONALD - 1.

ENGROSSED HOUSE BILL NO. 1864, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1309, BY REPRESENTATIVES EDWARDS, VAN LUVEN, CODY, SKINNER, SCHUAL-BERKE, O'BRIEN, REARDON, MULLIKEN, DUNSHEE, PENNINGTON, ROCKEFELLER, EICKMEYER, RUDERMAN, DARNEILLE, FROMHOLD, WOOD, COOPER, HATFIELD, LINVILLE, GRANT, KEISER, KENNEY, MCINTIRE, CAMPBELL, EDMONDS AND KAGI

ESTABLISHING TRAINING STANDARDS FOR HEMODIALYSIS TECHNICIANS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR THIBAudeau, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1309 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1309.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1309 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 49; NAYS, 0; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHLWELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 49.

HOUSE BILL NO. 1309, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

INTRODUCTION OF TULIP AMBASSADORS

THE PRESIDENT WELCOMED AND INTRODUCED THE TULIP AMBASSADORS, MARIKSA MARSKE AND JOSH MURDOCK, AND THE TULIP FESTIVAL EXECUTIVE DIRECTOR, AUDREY SMITH, WHO WERE SEATED ON THE ROSTRUM. SENATE RESOLUTION 2001-8633, HONORING THE SKAGIT VALLEY TULIP FESTIVAL WAS READ IN EARLIER TODAY.

MOTION

ON MOTION OF SENATOR EIDE, SENATOR GARDNER WAS EXCUSED.

SECOND READING

HOUSE BILL NO. 1317, BY REPRESENTATIVES BALLASIOTES AND MORELL

REMOVING THE EXPIRATION DATE ON EMERGENCY ADMINISTRATION OF EPINEPHRINE.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR THIBAudeau, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1317 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1317.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1317 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR GARDNER - 1.

HOUSE BILL NO. 1317, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8410, BY SENATORS T. SHELDON, ROSSI AND B. SHELDON

STUDYING WIRELESS COMMUNICATION.

MOTIONS

ON MOTION OF SENATOR TIM SHELDON, SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8410 WAS SUBSTITUTED FOR SENATE CONCURRENT RESOLUTION NO. 8410 AND THE SUBSTITUTE CONCURRENT RESOLUTION WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR TIM SHELDON, THE RULES WERE SUSPENDED, SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8410 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8410.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8410 AND THE CONCURRENT RESOLUTION PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 47; NAYS, 0; ABSENT, 1; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WINSLEY AND ZARELLI - 47.

ABSENT: SENATOR WEST - 1.

EXCUSED: SENATOR GARDNER - 1.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8410, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1135, BY HOUSE COMMITTEE ON JUDICIARY (ORIGINALLY SPONSORED BY REPRESENTATIVES LANTZ, ESSER AND McDERMOTT)

MODIFYING POWER OF ATTORNEY PROVISIONS.

THE BILL WAS READ THE SECOND TIME.

MOTIONS

ON MOTION OF SENATOR KLINE, THE FOLLOWING COMMITTEE ON JUDICIARY STRIKING AMENDMENT WAS ADOPTED:
STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"NEW SECTION. Sec. 1. (1) AN APPOINTMENT OF A PRINCIPAL'S SPOUSE AS ATTORNEY IN FACT, INCLUDING APPOINTMENT AS SUCCESSOR OR CO-ATTORNEY IN FACT, UNDER A POWER OF ATTORNEY SHALL BE REVOKED UPON ENTRY OF A DECREE OF DISSOLUTION OR LEGAL SEPARATION OR DECLARATION OF INVALIDITY OF THE MARRIAGE OF THE PRINCIPAL AND THE ATTORNEY IN FACT, UNLESS THE POWER OF ATTORNEY OR THE DECREE PROVIDES OTHERWISE. THE EFFECT OF THIS REVOCATION SHALL BE AS IF THE SPOUSE RESIGNED AS ATTORNEY IN FACT, OR IF NAMED AS SUCCESSOR ATTORNEY IN FACT, RENOUNCED THE APPOINTMENT, AS OF THE DATE OF ENTRY OF THE DECREE OR DECLARATION, AND THE POWER OF ATTORNEY SHALL OTHERWISE REMAIN IN EFFECT WITH RESPECT TO APPOINTMENTS OF OTHER PERSONS AS ATTORNEY IN FACT FOR THE PRINCIPAL OR PROCEDURES PRESCRIBED IN THE POWER OF ATTORNEY TO APPOINT OTHER PERSONS, AND ANY TERMS RELATING TO SERVICE BY PERSONS AS ATTORNEY IN FACT.

(2) THIS SECTION APPLIES TO ALL DECREES OF DISSOLUTION AND DECLARATIONS OF INVALIDITY OF MARRIAGE ENTERED AFTER THE EFFECTIVE DATE OF THIS ACT.

Sec. 2. RCW 11.94.040 AND 1985 C 30 S 28 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) ANY PERSON ACTING WITHOUT NEGLIGENCE AND IN GOOD FAITH IN REASONABLE RELIANCE ON A POWER OF ATTORNEY SHALL NOT INCUR ANY LIABILITY ((THEREBY)).

(2) IF THE ATTORNEY IN FACT PRESENTS THE POWER OF ATTORNEY TO A THIRD PERSON AND REQUESTS THE PERSON TO ACCEPT THE ATTORNEY IN FACT'S AUTHORITY TO ACT FOR THE PRINCIPAL, AND ALSO PRESENTS TO THE PERSON AN ACKNOWLEDGED AFFIDAVIT OR DECLARATION SIGNED UNDER PENALTY OF PERJURY IN THE FORM DESIGNATED IN RCW 9A.72.085, SIGNED AND DATED CONTEMPORANEOUSLY WITH PRESENTING THE POWER OF ATTORNEY, WHICH MEETS THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION, AND THE PERSON ACCEPTING THE POWER OF ATTORNEY HAS EXAMINED THE POWER OF ATTORNEY AND CONFIRMED THE IDENTITY OF THE ATTORNEY IN FACT, THEN THE PERSON'S RELIANCE ON THE POWER OF ATTORNEY IS PRESUMED TO BE WITHOUT NEGLIGENCE AND IN GOOD FAITH IN REASONABLE RELIANCE, WHICH PRESUMPTION MAY BE REBUTTED BY CLEAR AND CONVINCING EVIDENCE THAT THE PERSON ACCEPTING THE POWER OF ATTORNEY KNEW OR SHOULD HAVE KNOWN THAT ONE OR MORE OF THE MATERIAL STATEMENTS IN THE AFFIDAVIT IS UNTRUE. IT SHALL NOT BE FOUND THAT AN ORGANIZATION KNEW OR SHOULD HAVE KNOWN OF CIRCUMSTANCES THAT WOULD REVOKE OR TERMINATE THE POWER OF ATTORNEY OR LIMIT OR MODIFY THE AUTHORITY OF THE ATTORNEY IN FACT, UNLESS THE INDIVIDUAL ACCEPTING THE POWER OF ATTORNEY ON BEHALF OF THE ORGANIZATION KNEW OR SHOULD HAVE KNOWN OF THE CIRCUMSTANCES.

(3) AN AFFIDAVIT PRESENTED PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL STATE THAT:

(A) THE PERSON PRESENTING HIMSELF OR HERSELF AS THE ATTORNEY IN FACT AND SIGNING THE AFFIDAVIT OR DECLARATION IS THE PERSON SO NAMED IN THE POWER OF ATTORNEY;

(B) IF THE ATTORNEY IN FACT IS NAMED IN THE POWER OF ATTORNEY AS A SUCCESSOR ATTORNEY IN FACT, THE CIRCUMSTANCES OR CONDITIONS STATED IN THE POWER OF ATTORNEY THAT WOULD CAUSE THAT PERSON TO BECOME THE ACTING ATTORNEY IN FACT HAVE OCCURRED;

(C) TO THE BEST OF THE ATTORNEY IN FACT'S KNOWLEDGE, THE PRINCIPAL IS STILL ALIVE;

(D) TO THE BEST OF THE ATTORNEY IN FACT'S KNOWLEDGE, AT THE TIME THE POWER OF ATTORNEY WAS SIGNED, THE PRINCIPAL WAS COMPETENT TO EXECUTE THE DOCUMENT AND WAS NOT UNDER UNDUE INFLUENCE TO SIGN THE DOCUMENT;

(E) ALL EVENTS NECESSARY TO MAKING THE POWER OF ATTORNEY EFFECTIVE HAVE OCCURRED;

(F) THE ATTORNEY IN FACT DOES NOT HAVE ACTUAL KNOWLEDGE OF THE REVOCATION, TERMINATION, LIMITATION, OR MODIFICATION OF THE POWER OF ATTORNEY OR OF THE ATTORNEY IN FACT'S AUTHORITY;

(G) THE ATTORNEY IN FACT DOES NOT HAVE ACTUAL KNOWLEDGE OF THE EXISTENCE OF OTHER CIRCUMSTANCES THAT WOULD LIMIT, MODIFY, REVOKE, OR TERMINATE THE POWER OF ATTORNEY OR THE ATTORNEY IN FACT'S AUTHORITY TO TAKE THE PROPOSED ACTION;

(H) IF THE ATTORNEY IN FACT WAS MARRIED TO THE PRINCIPAL AT THE TIME OF EXECUTION OF THE POWER OF ATTORNEY, THEN AT THE TIME OF SIGNING THE AFFIDAVIT OR DECLARATION, THE MARRIAGE OF THE PRINCIPAL AND THE ATTORNEY IN FACT HAS NOT BEEN DISSOLVED OR DECLARED INVALID; AND

(I) THE ATTORNEY IN FACT IS ACTING IN GOOD FAITH PURSUANT TO THE AUTHORITY GIVEN UNDER THE POWER OF ATTORNEY.

(4) UNLESS THE DOCUMENT CONTAINS A TIME LIMIT, THE LENGTH OF TIME WHICH HAS ELAPSED FROM ITS DATE OF EXECUTION SHALL NOT PREVENT A PARTY FROM REASONABLY RELYING ON THE DOCUMENT.

(5) UNLESS THE DOCUMENT CONTAINS A REQUIREMENT THAT IT BE FILED FOR RECORD TO BE EFFECTIVE, A PERSON ((SHALL)) MAY PLACE REASONABLE RELIANCE ON IT REGARDLESS OF WHETHER IT IS SO FILED.

NEW SECTION. Sec. 3. (1) A PERSON DESIGNATED IN SECTION 4 OF THIS ACT MAY FILE A PETITION REQUESTING THAT THE COURT:

(A) DETERMINE WHETHER THE POWER OF ATTORNEY IS IN EFFECT OR HAS TERMINATED;

(B) COMPEL THE ATTORNEY IN FACT TO SUBMIT THE ATTORNEY IN FACT'S ACCOUNTS OR REPORT THE ATTORNEY IN FACT'S ACTS AS ATTORNEY IN FACT TO THE PRINCIPAL, THE SPOUSE OF THE PRINCIPAL, THE GUARDIAN OF THE PERSON OR THE ESTATE OF THE PRINCIPAL, OR TO ANY OTHER PERSON REQUIRED BY THE COURT IN ITS DISCRETION, IF THE ATTORNEY IN FACT HAS FAILED TO SUBMIT AN ACCOUNTING OR REPORT WITHIN SIXTY DAYS AFTER WRITTEN REQUEST FROM THE PERSON FILING THE PETITION, HOWEVER, A GOVERNMENT AGENCY CHARGED WITH THE PROTECTION OF VULNERABLE ADULTS MAY FILE A PETITION UPON THE ATTORNEY IN FACT'S REFUSAL OR FAILURE TO SUBMIT AN ACCOUNTING UPON WRITTEN REQUEST AND SHALL NOT BE REQUIRED TO WAIT SIXTY DAYS;

(C) RATIFY PAST ACTS OR APPROVE PROPOSED ACTS OF THE ATTORNEY IN FACT;

(D) ORDER THE ATTORNEY IN FACT TO EXERCISE OR REFRAIN FROM EXERCISING AUTHORITY IN A POWER OF ATTORNEY IN A PARTICULAR MANNER OR FOR A PARTICULAR PURPOSE;

(E) MODIFY THE AUTHORITY OF AN ATTORNEY IN FACT UNDER A POWER OF ATTORNEY;

(F) REMOVE THE ATTORNEY IN FACT ON A DETERMINATION BY THE COURT OF BOTH OF THE FOLLOWING:

(I) THE ATTORNEY IN FACT HAS VIOLATED OR IS UNFIT TO PERFORM THE FIDUCIARY DUTIES UNDER THE POWER OF ATTORNEY; AND

(II) THE REMOVAL OF THE ATTORNEY IN FACT IS IN THE BEST INTEREST OF THE PRINCIPAL;

(G) APPROVE THE RESIGNATION OF THE ATTORNEY IN FACT AND APPROVE THE FINAL ACCOUNTINGS OF THE RESIGNING ATTORNEY IN FACT IF SUBMITTED, SUBJECT TO ANY ORDERS THE COURT DETERMINES ARE NECESSARY TO PROTECT THE PRINCIPAL'S INTERESTS;

(H) CONFIRM THE AUTHORITY OF A SUCCESSOR ATTORNEY IN FACT TO ACT UNDER A POWER OF ATTORNEY UPON REMOVAL OR RESIGNATION OF THE PREVIOUS ATTORNEY IN FACT;

(I) COMPEL A THIRD PERSON TO HONOR THE AUTHORITY OF AN ATTORNEY IN FACT, PROVIDED THAT A THIRD PERSON MAY NOT BE COMPELLED TO HONOR THE AGENT'S AUTHORITY IF THE PRINCIPAL COULD NOT COMPEL THE THIRD PERSON TO ACT IN THE SAME CIRCUMSTANCES;

(J) ORDER THE ATTORNEY IN FACT TO FURNISH A BOND IN AN AMOUNT THE COURT DETERMINES TO BE APPROPRIATE.

(2) THE PETITION SHALL CONTAIN A STATEMENT IDENTIFYING THE PRINCIPAL'S KNOWN IMMEDIATE FAMILY MEMBERS, AND ANY OTHER PERSONS KNOWN TO PETITIONER TO BE INTERESTED IN THE PRINCIPAL'S WELFARE OR THE PRINCIPAL'S ESTATE, STATING WHICH OF SAID PERSONS HAVE AN INTEREST IN THE ACTION REQUESTED IN THE PETITION AND EXPLAINING THE DETERMINATION OF WHO IS INTERESTED IN THE PETITION.

NEW SECTION. Sec. 4. (1) A PETITION MAY BE FILED UNDER SECTION 3 OF THIS ACT BY ANY OF THE FOLLOWING PERSONS:

(A) THE ATTORNEY IN FACT;

(B) THE PRINCIPAL;

(C) THE SPOUSE OF THE PRINCIPAL;

(D) THE GUARDIAN OF THE ESTATE OR PERSON OF THE PRINCIPAL; OR

(E) ANY OTHER INTERESTED PERSON, AS LONG AS THE PERSON DEMONSTRATES TO THE COURT'S SATISFACTION THAT THE PERSON IS INTERESTED IN THE WELFARE OF THE PRINCIPAL AND HAS A GOOD FAITH BELIEF THAT THE COURT'S INTERVENTION IS NECESSARY, AND THAT THE PRINCIPAL IS INCAPACITATED AT THE TIME OF FILING THE PETITION OR OTHERWISE UNABLE TO PROTECT HIS OR HER OWN INTERESTS.

(2) NOTWITHSTANDING SECTION 1 OF THIS ACT, THE PRINCIPAL MAY SPECIFY IN THE POWER OF ATTORNEY BY NAME CERTAIN PERSONS WHO SHALL HAVE NO AUTHORITY TO BRING A PETITION UNDER SECTION 3 OF THIS ACT WITH RESPECT TO THE POWER OF ATTORNEY. THIS PROVISION IS ENFORCEABLE:

(A) IF THE PERSON SO NAMED IS NOT AT THE TIME OF FILING THE PETITION THE GUARDIAN OF THE PRINCIPAL;

(B) IF AT THE TIME OF SIGNING THE POWER OF ATTORNEY THE PRINCIPAL WAS REPRESENTED BY AN ATTORNEY WHO ADVISED THE PRINCIPAL REGARDING THE POWER OF ATTORNEY AND WHO SIGNED A CERTIFICATE AT THE TIME OF EXECUTION OF THE POWER OF ATTORNEY, STATING THAT THE ATTORNEY HAS ADVISED THE PRINCIPAL CONCERNING HIS OR HER RIGHTS, THE APPLICABLE LAW, AND THE EFFECT AND CONSEQUENCES OF EXECUTING THE POWER OF ATTORNEY; OR

(C) IF (A) AND (B) OF THIS SUBSECTION DO NOT APPLY, UNLESS THE PERSON SO NAMED CAN ESTABLISH THAT THE PRINCIPAL WAS UNDULY INFLUENCED BY ANOTHER OR UNDER MISTAKEN BELIEFS WHEN EXCLUDING THE PERSON FROM THE PETITION PROCESS, OR UNLESS THE PERSON NAMED IS A GOVERNMENT AGENCY CHARGED WITH PROTECTION OF VULNERABLE ADULTS.

NEW SECTION. Sec. 5. IN RULING ON A PETITION FILED UNDER SECTION 3 OF THIS ACT AND ORDERING ANY RELIEF, THE COURT MUST CONSIDER THE BEST INTERESTS OF THE PRINCIPAL AND WILL ORDER RELIEF THAT IS THE LEAST RESTRICTIVE TO THE EXERCISE OF THE POWER OF ATTORNEY WHILE STILL ADEQUATE IN THE COURT'S VIEW TO SERVE THE PRINCIPAL'S BEST INTERESTS. UPON ENTRY OF AN ORDER RULING ON A PETITION, THE COURT'S OVERSIGHT OF THE ATTORNEY IN FACT'S ACTIONS AND OF THE OPERATION OF THE POWER OF ATTORNEY ENDS UNLESS ANOTHER PETITION IS FILED UNDER THIS CHAPTER OR UNLESS THE ORDER SPECIFIES FURTHER COURT INVOLVEMENT THAT IS NECESSARY FOR A RESOLUTION OF THE ISSUES RAISED IN THE PETITION.

NEW SECTION. Sec. 6. IN ANY PROCEEDING COMMENCED BY THE FILING OF A PETITION UNDER SECTION 3 OF THIS ACT BY A PERSON OTHER THAN THE ATTORNEY IN FACT, THE COURT MAY IN ITS DISCRETION AWARD COSTS, INCLUDING REASONABLE ATTORNEYS' FEES, TO ANY PERSON PARTICIPATING IN THE PROCEEDINGS FROM ANY OTHER PERSON PARTICIPATING IN THE PROCEEDINGS, OR FROM THE ASSETS OF THE PRINCIPAL, AS THE COURT DETERMINES TO BE EQUITABLE. IN DETERMINING WHAT IS EQUITABLE IN MAKING THE AWARD, THE COURT MUST CONSIDER WHETHER THE PETITION WAS FILED WITHOUT REASONABLE CAUSE, AND ORDER COSTS AND FEES PAID BY THE ATTORNEY IN FACT INDIVIDUALLY ONLY IF THE COURT DETERMINES THAT THE ATTORNEY IN FACT HAS CLEARLY VIOLATED HIS OR HER FIDUCIARY DUTIES OR HAS REFUSED WITHOUT JUSTIFICATION TO COOPERATE WITH THE PRINCIPAL OR THE PRINCIPAL'S GUARDIAN OR PERSONAL REPRESENTATIVE. IN A PROCEEDING TO COMPEL A THIRD PARTY TO ACCEPT A POWER OF ATTORNEY, THE COURT MAY ORDER COSTS, INCLUDING REASONABLE ATTORNEYS' FEES, TO BE PAID BY THE THIRD PARTY ONLY IF THE COURT DETERMINES THAT THE THIRD PARTY DID NOT HAVE A GOOD FAITH CONCERN THAT THE ATTORNEY IN FACT'S EXERCISE OF AUTHORITY WOULD BE IMPROPER. TO THE EXTENT THIS SECTION IS INCONSISTENT WITH RCW 11.96A.150, THIS SECTION CONTROLS THE AWARD OF COSTS AND ATTORNEYS' FEES IN PROCEEDINGS BROUGHT UNDER SECTION 3 OF THIS ACT.

NEW SECTION. Sec. 7. THE PROVISIONS OF CHAPTER 11.96A RCW, EXCEPT FOR RCW 11.96A.260 THROUGH 11.96A.320, ARE APPLICABLE TO PROCEEDINGS COMMENCED BY THE FILING OF A PETITION UNDER SECTION 3 OF THIS ACT.

NEW SECTION. Sec. 8. (1) THE FOLLOWING PERSONS ARE ENTITLED TO NOTICE OF HEARING ON ANY PETITION UNDER SECTION 3 OF THIS ACT:

(A) THE PRINCIPAL;

(B) THE PRINCIPAL'S SPOUSE;

(C) THE ATTORNEY IN FACT;

(D) THE GUARDIAN OF THE ESTATE OR PERSON OF THE PRINCIPAL;

(E) ANY OTHER PERSON IDENTIFIED IN THE PETITION AS BEING INTERESTED IN THE ACTION REQUESTED IN THE PETITION, OR IDENTIFIED BY THE COURT AS HAVING A RIGHT TO NOTICE OF THE HEARING. IF A PERSON WOULD BE EXCLUDED FROM BRINGING A PETITION UNDER SECTION 4(2) OF THIS ACT, THEN THAT PERSON IS NOT ENTITLED TO NOTICE OF THE HEARING.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, IF THE WHEREABOUTS OF THE PRINCIPAL ARE UNKNOWN OR THE PRINCIPAL IS OTHERWISE UNAVAILABLE TO RECEIVE NOTICE, THE COURT MAY WAIVE THE REQUIREMENT OF NOTICE TO THE PRINCIPAL, AND IF THE PRINCIPAL'S SPOUSE IS SIMILARLY UNAVAILABLE TO RECEIVE NOTICE, THE COURT MAY WAIVE THE REQUIREMENT OF NOTICE TO THE PRINCIPAL'S SPOUSE.

(3) NOTICE MUST BE GIVEN AS REQUIRED UNDER CHAPTER 11.96A RCW, EXCEPT THAT THE PARTIES ENTITLED TO NOTICE SHALL BE DETERMINED UNDER THIS SECTION.

Sec. 9. RCW 11.96A.040 AND 1999 C 42 S 201 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE SUPERIOR COURT OF EVERY COUNTY HAS ORIGINAL SUBJECT MATTER JURISDICTION OVER THE PROBATE OF WILLS AND THE ADMINISTRATION OF ESTATES OF INCAPACITATED, MISSING, AND DECEASED INDIVIDUALS IN ALL INSTANCES, INCLUDING WITHOUT LIMITATION:

(A) WHEN A RESIDENT OF THE STATE DIES;

(B) WHEN A NONRESIDENT OF THE STATE DIES IN THE STATE; OR

(C) WHEN A NONRESIDENT OF THE STATE DIES OUTSIDE THE STATE.

(2) THE SUPERIOR COURT OF EVERY COUNTY HAS ORIGINAL SUBJECT MATTER JURISDICTION OVER TRUSTS AND ALL MATTERS RELATING TO TRUSTS.

(3) THE SUPERIOR COURTS MAY: PROBATE OR REFUSE TO PROBATE WILLS, APPOINT PERSONAL REPRESENTATIVES, ADMINISTER AND SETTLE THE AFFAIRS AND THE ESTATES OF INCAPACITATED, MISSING, OR DECEASED INDIVIDUALS INCLUDING BUT NOT LIMITED TO DECEDENTS' NONPROBATE ASSETS; ADMINISTER AND SETTLE MATTERS THAT RELATE TO NONPROBATE ASSETS AND ARISE UNDER CHAPTER 11.18 OR 11.42 RCW; ADMINISTER AND SETTLE ALL MATTERS RELATING TO TRUSTS; ADMINISTER AND SETTLE MATTERS THAT RELATE TO POWERS OF ATTORNEY; AWARD PROCESSES AND CAUSE TO COME BEFORE THEM ALL PERSONS WHOM THE COURTS DEEM IT NECESSARY TO EXAMINE; ORDER AND CAUSE TO BE ISSUED ALL SUCH WRITS AND ANY OTHER ORDERS AS ARE PROPER OR NECESSARY; AND DO ALL OTHER THINGS PROPER OR INCIDENT TO THE EXERCISE OF JURISDICTION UNDER THIS SECTION.

(4) THE SUBJECT MATTER JURISDICTION OF THE SUPERIOR COURT APPLIES WITHOUT REGARD TO VENUE. A PROCEEDING OR ACTION BY OR BEFORE A SUPERIOR COURT IS NOT DEFECTIVE OR INVALID BECAUSE OF THE SELECTED VENUE IF THE COURT HAS JURISDICTION OF THE SUBJECT MATTER OF THE ACTION.

Sec. 10. RCW 11.96A.050 AND 1999 C 42 S 202 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) VENUE FOR PROCEEDINGS PERTAINING TO TRUSTS SHALL BE:

(A) FOR TESTAMENTARY TRUSTS ESTABLISHED UNDER WILLS PROBATED IN THE STATE OF WASHINGTON, IN THE SUPERIOR COURT OF THE COUNTY WHERE LETTERS TESTAMENTARY WERE GRANTED TO A PERSONAL REPRESENTATIVE OF THE ESTATE SUBJECT TO THE WILL OR, IN THE ALTERNATIVE, THE SUPERIOR COURT OF THE COUNTY OF THE SITUS OF THE TRUST; AND

(B) FOR ALL OTHER TRUSTS, IN THE SUPERIOR COURT OF THE COUNTY IN WHICH THE SITUS OF THE TRUST IS LOCATED, OR, IF THE SITUS IS NOT LOCATED IN THE STATE OF WASHINGTON, IN ANY COUNTY.

(2) VENUE FOR PROCEEDINGS SUBJECT TO CHAPTER 11.88 OR 11.92 RCW SHALL BE DETERMINED UNDER THE PROVISIONS OF THOSE CHAPTERS.

(3) VENUE FOR PROCEEDINGS PERTAINING TO THE PROBATE OF WILLS, THE ADMINISTRATION AND DISPOSITION OF A DECEDENT'S PROPERTY, INCLUDING NONPROBATE ASSETS, AND ANY OTHER MATTER NOT IDENTIFIED IN SUBSECTION (1) OR (2) OF THIS SECTION, MAY BE IN ANY COUNTY IN THE STATE OF WASHINGTON. A PARTY TO A PROCEEDING MAY REQUEST THAT VENUE BE CHANGED IF THE REQUEST IS MADE WITHIN FOUR MONTHS OF THE MAILING OF THE NOTICE OF APPOINTMENT AND PENDENCY OF PROBATE REQUIRED BY RCW 11.28.237, AND EXCEPT FOR GOOD CAUSE SHOWN, VENUE MUST BE MOVED AS FOLLOWS:

(A) IF THE DECEDENT WAS A RESIDENT OF THE STATE OF WASHINGTON AT THE TIME OF DEATH, TO THE COUNTY OF THE DECEDENT'S RESIDENCE; OR

(B) IF THE DECEDENT WAS NOT A RESIDENT OF THE STATE OF WASHINGTON AT THE TIME OF DEATH, TO ANY OF THE FOLLOWING:

(I) ANY COUNTY IN WHICH ANY PART OF THE PROBATE ESTATE MIGHT BE;

(II) IF THERE ARE NO PROBATE ASSETS, ANY COUNTY WHERE ANY NONPROBATE ASSET MIGHT BE; OR

(III) THE COUNTY IN WHICH THE DECEDENT DIED.

(4) ONCE LETTERS TESTAMENTARY OR OF ADMINISTRATION HAVE BEEN GRANTED IN THE STATE OF WASHINGTON, ALL ORDERS, SETTLEMENTS, TRIALS, AND OTHER PROCEEDINGS UNDER THIS TITLE SHALL BE HAD OR MADE IN THE COUNTY IN WHICH SUCH LETTERS HAVE BEEN GRANTED UNLESS VENUE IS MOVED AS PROVIDED IN SUBSECTION (2) OF THIS SECTION.

(5) VENUE FOR PROCEEDINGS PERTAINING TO POWERS OF ATTORNEY SHALL BE IN THE SUPERIOR COURT OF THE COUNTY OF THE PRINCIPAL'S RESIDENCE, EXCEPT FOR GOOD CAUSE SHOWN.

~~(6)~~ IF VENUE IS MOVED, AN ACTION TAKEN BEFORE VENUE IS CHANGED IS NOT INVALID BECAUSE OF THE VENUE.

~~((6))~~ (7) ANY REQUEST TO CHANGE VENUE THAT IS MADE MORE THAN FOUR MONTHS AFTER THE COMMENCEMENT OF THE ACTION MAY BE GRANTED IN THE DISCRETION OF THE COURT.

Sec. 11. RCW 11.96A.120 AND 1999 C 42 S 305 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THIS SECTION IS INTENDED TO ADOPT THE COMMON LAW CONCEPT OF VIRTUAL REPRESENTATION. THIS SECTION SUPPLEMENTS THE COMMON LAW RELATING TO THE DOCTRINE OF VIRTUAL REPRESENTATION AND SHALL NOT BE CONSTRUED AS LIMITING THE APPLICATION OF THAT COMMON LAW DOCTRINE.

(2) ANY NOTICE REQUIREMENT IN THIS TITLE IS SATISFIED IF NOTICE IS GIVEN AS FOLLOWS:

(A) WHERE AN INTEREST IN AN ESTATE, TRUST, OR NONPROBATE ASSET OR AN INTEREST THAT MAY BE AFFECTED BY A POWER OF ATTORNEY HAS BEEN GIVEN TO PERSONS WHO COMPRISE A CERTAIN CLASS UPON THE HAPPENING OF A CERTAIN EVENT, NOTICE MAY BE GIVEN TO THE LIVING PERSONS WHO WOULD CONSTITUTE THE CLASS IF THE EVENT HAD HAPPENED IMMEDIATELY BEFORE THE COMMENCEMENT OF THE PROCEEDING REQUIRING NOTICE, AND THE PERSONS SHALL VIRTUALLY REPRESENT ALL OTHER MEMBERS OF THE CLASS;

(B) WHERE AN INTEREST IN AN ESTATE, TRUST, OR NONPROBATE ASSET OR AN INTEREST THAT MAY BE AFFECTED BY A POWER OF ATTORNEY HAS BEEN GIVEN TO A LIVING PERSON, AND THE SAME INTEREST, OR A SHARE IN IT, IS TO PASS TO THE SURVIVING SPOUSE OR TO PERSONS WHO ARE, OR MIGHT BE, THE DISTRIBUTEES, HEIRS, ISSUE, OR OTHER KINDRED OF THAT LIVING PERSON UPON THE HAPPENING OF A FUTURE EVENT, NOTICE MAY BE GIVEN TO THAT LIVING PERSON, AND THE LIVING PERSON SHALL VIRTUALLY REPRESENT THE SURVIVING SPOUSE, DISTRIBUTEES, HEIRS, ISSUE, OR OTHER KINDRED OF THE PERSON; AND

(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, WHERE AN INTEREST IN AN ESTATE, TRUST, OR NONPROBATE ASSET OR AN INTEREST THAT MAY BE AFFECTED BY A POWER OF ATTORNEY HAS BEEN GIVEN TO A PERSON OR A CLASS OF PERSONS, OR BOTH, UPON THE HAPPENING OF ANY FUTURE EVENT, AND THE SAME INTEREST OR A SHARE OF THE INTEREST IS TO PASS TO ANOTHER PERSON OR CLASS OF PERSONS, OR BOTH, UPON THE HAPPENING OF AN ADDITIONAL FUTURE EVENT, NOTICE MAY BE GIVEN TO THE LIVING PERSON OR PERSONS WHO WOULD TAKE THE INTEREST UPON THE HAPPENING OF THE FIRST EVENT, AND THE LIVING PERSON OR PERSONS SHALL VIRTUALLY REPRESENT THE PERSONS AND CLASSES OF PERSONS WHO MIGHT TAKE ON THE HAPPENING OF THE ADDITIONAL FUTURE EVENT.

(3) A PARTY IS NOT VIRTUALLY REPRESENTED BY A PERSON RECEIVING NOTICE IF A CONFLICT OF INTEREST INVOLVING THE MATTER IS KNOWN TO EXIST BETWEEN THE NOTIFIED PERSON AND THE PARTY.

(4) AN ACTION TAKEN BY THE COURT IS CONCLUSIVE AND BINDING UPON EACH PERSON RECEIVING ACTUAL OR CONSTRUCTIVE NOTICE OR WHO IS OTHERWISE VIRTUALLY REPRESENTED.

Sec. 12. RCW 11.94.050 AND 1989 C 87 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) ALTHOUGH A DESIGNATED ATTORNEY IN FACT OR AGENT HAS ALL POWERS OF ABSOLUTE OWNERSHIP OF THE PRINCIPAL, OR THE DOCUMENT HAS LANGUAGE TO INDICATE THAT THE ATTORNEY IN FACT OR AGENT SHALL HAVE ALL THE POWERS THE PRINCIPAL WOULD HAVE IF ALIVE AND COMPETENT, THE ATTORNEY IN FACT OR AGENT SHALL NOT HAVE THE POWER TO MAKE, AMEND, ALTER, OR REVOKE THE PRINCIPAL'S WILLS OR CODICILS, AND SHALL NOT HAVE THE POWER, UNLESS SPECIFICALLY PROVIDED OTHERWISE IN THE DOCUMENT: TO

MAKE, AMEND, ALTER, OR REVOKE ANY OF THE PRINCIPAL'S (~~WILLS, CODICILS;~~) LIFE INSURANCE, ANNUITY, OR SIMILAR CONTRACT BENEFICIARY DESIGNATIONS, EMPLOYEE BENEFIT PLAN BENEFICIARY DESIGNATIONS, TRUST AGREEMENTS, REGISTRATION OF THE PRINCIPAL'S SECURITIES IN BENEFICIARY FORM, PAYABLE ON DEATH OR TRANSFER ON DEATH BENEFICIARY DESIGNATIONS, DESIGNATION OF PERSONS AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP WITH THE PRINCIPAL WITH RESPECT TO ANY OF THE PRINCIPAL'S PROPERTY, COMMUNITY PROPERTY AGREEMENTS, OR ANY OTHER PROVISIONS FOR NONPROBATE TRANSFER AT DEATH CONTAINED IN NONTESTAMENTARY INSTRUMENTS DESCRIBED IN RCW 11.02.091; TO MAKE ANY GIFTS OF PROPERTY OWNED BY THE PRINCIPAL; TO MAKE TRANSFERS OF PROPERTY TO ANY TRUST (WHETHER OR NOT CREATED BY THE PRINCIPAL) UNLESS THE TRUST BENEFITS THE PRINCIPAL ALONE AND DOES NOT HAVE DISPOSITIVE PROVISIONS WHICH ARE DIFFERENT FROM THOSE WHICH WOULD HAVE GOVERNED THE PROPERTY HAD IT NOT BEEN TRANSFERRED INTO THE TRUST, OR TO DISCLAIM PROPERTY.

(2) NOTHING IN SUBSECTION (1) OF THIS SECTION PROHIBITS AN ATTORNEY IN FACT OR AGENT FROM MAKING ANY TRANSFER OF RESOURCES NOT PROHIBITED UNDER CHAPTER 74.09 RCW WHEN THE TRANSFER IS FOR THE PURPOSE OF QUALIFYING THE PRINCIPAL FOR MEDICAL ASSISTANCE OR THE LIMITED CASUALTY PROGRAM FOR THE MEDICALLY NEEDY.

NEW SECTION. Sec. 13. SECTIONS 1 AND 3 THROUGH 8 OF THIS ACT ARE EACH ADDED TO CHAPTER 11.94 RCW."

MOTIONS

ON MOTION OF SENATOR KLINE, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 1 OF THE TITLE, AFTER "ATTORNEY," STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 11.94.040, 11.96A.040, 11.96A.050, 11.96A.120, AND 11.94.050; AND ADDING NEW SECTIONS TO CHAPTER 11.94 RCW."

ON MOTION OF SENATOR JOHNSON, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1135, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1135, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1135, AS AMENDED BY THE SENATE AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR GARDNER - 1.

SUBSTITUTE HOUSE BILL NO. 1135, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5523, BY SENATORS HORN, ROSSI AND SNYDER

AUTHORIZING AN OFFSET FOR CERTAIN OVERPAYMENTS OF TAX CONCERNING LEASED EQUIPMENT.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR BROWN, THE RULES WERE SUSPENDED, SENATE BILL NO. 5523 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SENATE BILL NO. 5523.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SENATE BILL NO. 5523 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR GARDNER - 1.

SENATE BILL NO. 5523, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1546, BY REPRESENTATIVES SCHUAL-BERKE, CAMPBELL, BALLASIOTES, D. SCHMIDT, SIMPSON, CONWAY, KEISER, DARNEILLE, KAGI, WOODS, RUDERMAN, HURST AND MCINTIRE (BY REQUEST OF SECRETARY OF STATE REED)

AUTHORIZING ADDRESS CONFIDENTIALITY FOR VICTIMS OF STALKING.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PATTERSON, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1546 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1546.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1546 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 47; NAYS, 0; ABSENT, 1; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 47.

ABSENT: SENATOR DECCIO - 1.

EXCUSED: SENATOR GARDNER - 1.

HOUSE BILL NO. 1546, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5894, BY SENATORS PATTERSON AND ROSSI

MODIFYING THE TAXATION OF LODGING.

MOTIONS

ON MOTION OF SENATOR PATTERSON, SUBSTITUTE SENATE BILL NO. 5894 WAS SUBSTITUTED FOR SENATE BILL NO. 5894 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR PATTERSON, THE RULES WERE SUSPENDED, SUBSTITUTE SENATE BILL NO. 5894 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5894.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5894 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 46; NAYS, 1; ABSENT, 1; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 46.

VOTING NAY: SENATOR LONG - 1.

ABSENT: SENATOR DECCIO - 1.

EXCUSED: SENATOR GARDNER - 1.

SUBSTITUTE SENATE BILL NO. 5894, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1280, BY REPRESENTATIVES SIMPSON, BALLASIOTES, O'BRIEN, CAIRNES, LOVICK, SANTOS, ARMSTRONG, CAMPBELL AND KEISER

INCREASING THE SERIOUSNESS RANKING FOR HIT AND RUN--DEATH.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR KLINE, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1280 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1280.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1280 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 41; NAYS, 7; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FRANKLIN, FRASER, HARGROVE, HAUGEN, HEWITT, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 41.

VOTING NAY: SENATORS DECCIO, FINKBEINER, HALE, HOCHSTATTER, MCCASLIN, MORTON AND STEVENS - 7.

EXCUSED: SENATOR GARDNER - 1.

HOUSE BILL NO. 1280, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5947, BY SENATORS RASMUSSEN, MORTON, GARDNER AND HONEYFORD

PROVIDING TAX EXEMPTIONS AND CREDITS TO DAIRY FARMERS.

MOTIONS

ON MOTION OF SENATOR RASMUSSEN, SECOND SUBSTITUTE SENATE BILL NO. 5947 WAS SUBSTITUTED FOR SENATE BILL NO. 5947 AND THE SECOND SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR RASMUSSEN, THE RULES WERE SUSPENDED, SECOND SUBSTITUTE SENATE BILL NO. 5947 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SECOND SUBSTITUTE SENATE BILL NO. 5947.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SECOND SUBSTITUTE SENATE BILL NO. 5947 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 47; NAYS, 1; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 47.

VOTING NAY: SENATOR REGALA - 1.

EXCUSED: SENATOR GARDNER - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5947, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8404, BY SENATORS KOHL-WELLES, PRENTICE, WINSLEY, CARLSON, HORN, MCAULIFFE AND FRANKLIN

ADOPTING THE UPDATE TO THE STATE COMPREHENSIVE PLAN FOR WORK FORCE TRAINING AND EDUCATION.

MOTIONS

ON MOTION OF SENATOR KOHL-WELLES, SUBSTITUTE SENATE CONCURRENT RESOLUTION No. 8404 WAS SUBSTITUTED FOR SENATE CONCURRENT RESOLUTION No. 8404 AND THE SUBSTITUTE CONCURRENT RESOLUTION WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR KOHL-WELLES, THE RULES WERE SUSPENDED, SUBSTITUTE SENATE CONCURRENT RESOLUTION No. 8404 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE CONCURRENT RESOLUTION WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE CONCURRENT RESOLUTION No. 8404.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE CONCURRENT RESOLUTION No. 8404 AND THE CONCURRENT RESOLUTION PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 46; NAYS, 2; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, HALE, HARGROVE, HAUGEN, HEWITT, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST AND WINSLEY - 46.

VOTING NAY: SENATORS HOCHSTATTER AND ZARELLI - 2.

EXCUSED: SENATOR GARDNER - 1.

SUBSTITUTE CONCURRENT RESOLUTION NO. 8404, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1027, BY HOUSE COMMITTEE ON COMMERCE AND LABOR (ORIGINALLY SPONSORED BY REPRESENTATIVES CAIRNES, CODY, KENNEY, D. SCHMIDT AND DUNN) (BY REQUEST OF HORSE RACING COMMISSION)

ESTABLISHING THE LIVE HORSE RACING COMPACT.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PRENTICE, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL No. 1027 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL No. 1027.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL No. 1027 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 39; NAYS, 9; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FINKBEINER, FRANKLIN, FRASER, HALE, HEWITT, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, MCAULIFFE, MCCASLIN, McDONALD, MORTON, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, WEST, WINSLEY AND ZARELLI - 39.

VOTING NAY: SENATORS FAIRLEY, HARGROVE, HAUGEN, HOCHSTATTER, LONG, OKE, PARLETTE, STEVENS AND THIBAudeau - 9.

EXCUSED: SENATOR GARDNER - 1.

SUBSTITUTE HOUSE BILL NO. 1027, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8403, BY SENATORS T. SHELDON, SWECKER, KLINE, REGALA, PRENTICE AND COSTA

PROMOTING STATE AND TRIBAL RELATIONS.

MOTIONS

ON MOTION OF SENATOR KLINE, SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8403 WAS SUBSTITUTED FOR SENATE CONCURRENT RESOLUTION NO. 8403 AND THE SUBSTITUTE CONCURRENT RESOLUTION WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR KLINE, THE RULES WERE SUSPENDED, SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8403 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE CONCURRENT RESOLUTION WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8403.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8403 AND THE CONCURRENT RESOLUTION PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 45; NAYS, 3; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, HALE, HARGROVE, HAUGEN, HEWITT, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 45.

VOTING NAY: SENATORS DECCIO, HOCHSTATTER AND HONEYFORD - 3.

EXCUSED: SENATOR GARDNER - 1.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8403, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1591, BY HOUSE COMMITTEE ON JUDICIARY (ORIGINALLY SPONSORED BY REPRESENTATIVES ESSER, LANTZ, O'BRIEN, LISK, KIRBY, B. CHANDLER, LINVILLE AND DOUMIT)

REVISING REQUIREMENTS FOR SERVICE OF ORDERS IN HARASSMENT MATTERS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR KLINE, THE FOLLOWING COMMITTEE ON JUDICIARY STRIKING AMENDMENT WAS ADOPTED: STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"**Sec. 1.** RCW 10.14.080 AND 1995 c 246 s 36 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) UPON FILING A PETITION FOR A CIVIL ANTIHARASSMENT PROTECTION ORDER UNDER THIS CHAPTER, THE PETITIONER MAY OBTAIN AN EX PARTE TEMPORARY ANTIHARASSMENT PROTECTION ORDER. AN EX PARTE TEMPORARY ANTIHARASSMENT PROTECTION ORDER MAY BE GRANTED WITH OR WITHOUT NOTICE UPON THE FILING OF AN AFFIDAVIT WHICH, TO THE SATISFACTION OF THE COURT, SHOWS REASONABLE PROOF OF UNLAWFUL HARASSMENT OF THE PETITIONER BY THE RESPONDENT AND THAT GREAT OR IRREPARABLE HARM WILL RESULT TO THE PETITIONER IF THE TEMPORARY ANTIHARASSMENT PROTECTION ORDER IS NOT GRANTED.

(2) AN EX PARTE TEMPORARY ANTIHARASSMENT PROTECTION ORDER SHALL BE EFFECTIVE FOR A FIXED PERIOD NOT TO EXCEED FOURTEEN DAYS OR TWENTY-FOUR DAYS IF THE COURT HAS PERMITTED SERVICE BY PUBLICATION UNDER RCW 10.14.085. THE EX PARTE ORDER MAY BE REISSUED. A FULL HEARING, AS PROVIDED IN THIS CHAPTER, SHALL BE SET FOR NOT LATER THAN FOURTEEN DAYS FROM THE ISSUANCE OF THE TEMPORARY ORDER OR NOT LATER THAN TWENTY-FOUR DAYS IF SERVICE BY PUBLICATION IS PERMITTED. EXCEPT AS PROVIDED IN RCW 10.14.070 AND 10.14.085, THE RESPONDENT SHALL BE PERSONALLY SERVED WITH A COPY OF THE EX PARTE ORDER ALONG WITH A COPY OF THE PETITION AND NOTICE OF THE DATE SET FOR THE HEARING. THE EX PARTE ORDER AND NOTICE OF HEARING

SHALL INCLUDE AT A MINIMUM THE DATE AND TIME OF THE HEARING SET BY THE COURT TO DETERMINE IF THE TEMPORARY ORDER SHOULD BE MADE EFFECTIVE FOR ONE YEAR OR MORE, AND NOTICE THAT IF THE RESPONDENT SHOULD FAIL TO APPEAR OR OTHERWISE NOT RESPOND, AN ORDER FOR PROTECTION WILL BE ISSUED AGAINST THE RESPONDENT PURSUANT TO THE PROVISIONS OF THIS CHAPTER, FOR A MINIMUM OF ONE YEAR FROM THE DATE OF THE HEARING. THE NOTICE SHALL ALSO INCLUDE A BRIEF STATEMENT OF THE PROVISIONS OF THE EX PARTE ORDER AND NOTIFY THE RESPONDENT THAT A COPY OF THE EX PARTE ORDER AND NOTICE OF HEARING HAS BEEN FILED WITH THE CLERK OF THE COURT.

(3) AT THE HEARING, IF THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT UNLAWFUL HARASSMENT EXISTS, A CIVIL ANTIHARASSMENT PROTECTION ORDER SHALL ISSUE PROHIBITING SUCH UNLAWFUL HARASSMENT.

(4) AN ORDER ISSUED UNDER THIS CHAPTER SHALL BE EFFECTIVE FOR NOT MORE THAN ONE YEAR UNLESS THE COURT FINDS THAT THE RESPONDENT IS LIKELY TO RESUME UNLAWFUL HARASSMENT OF THE PETITIONER WHEN THE ORDER EXPIRES. IF SO, THE COURT MAY ENTER AN ORDER FOR A FIXED TIME EXCEEDING ONE YEAR OR MAY ENTER A PERMANENT ANTIHARASSMENT PROTECTION ORDER. THE COURT SHALL NOT ENTER AN ORDER THAT IS EFFECTIVE FOR MORE THAN ONE YEAR IF THE ORDER RESTRAINS THE RESPONDENT FROM CONTACTING THE RESPONDENT'S MINOR CHILDREN. THIS LIMITATION IS NOT APPLICABLE TO CIVIL ANTIHARASSMENT PROTECTION ORDERS ISSUED UNDER CHAPTER 26.09, 26.10, OR 26.26 RCW. IF THE PETITIONER SEEKS RELIEF FOR A PERIOD LONGER THAN ONE YEAR ON BEHALF OF THE RESPONDENT'S MINOR CHILDREN, THE COURT SHALL ADVISE THE PETITIONER THAT THE PETITIONER MAY APPLY FOR RENEWAL OF THE ORDER AS PROVIDED IN THIS CHAPTER OR IF APPROPRIATE MAY SEEK RELIEF PURSUANT TO CHAPTER 26.09 OR 26.10 RCW.

(5) AT ANY TIME WITHIN THE THREE MONTHS BEFORE THE EXPIRATION OF THE ORDER, THE PETITIONER MAY APPLY FOR A RENEWAL OF THE ORDER BY FILING A PETITION FOR RENEWAL. THE PETITION FOR RENEWAL SHALL STATE THE REASONS WHY THE PETITIONER SEEKS TO RENEW THE PROTECTION ORDER. UPON RECEIPT OF THE PETITION FOR RENEWAL, THE COURT SHALL ORDER A HEARING WHICH SHALL BE NOT LATER THAN FOURTEEN DAYS FROM THE DATE OF THE ORDER. EXCEPT AS PROVIDED IN RCW 10.14.085, PERSONAL SERVICE SHALL BE MADE UPON THE RESPONDENT NOT LESS THAN FIVE DAYS BEFORE THE HEARING. IF TIMELY SERVICE CANNOT BE MADE THE COURT SHALL SET A NEW HEARING DATE AND SHALL EITHER REQUIRE ADDITIONAL ATTEMPTS AT OBTAINING PERSONAL SERVICE OR PERMIT SERVICE BY PUBLICATION AS PROVIDED BY RCW 10.14.085. IF THE COURT PERMITS SERVICE BY PUBLICATION, THE COURT SHALL SET THE NEW HEARING DATE NOT LATER THAN TWENTY-FOUR DAYS FROM THE DATE OF THE ORDER. IF THE ORDER EXPIRES BECAUSE TIMELY SERVICE CANNOT BE MADE THE COURT SHALL GRANT AN EX PARTE ORDER OF PROTECTION AS PROVIDED IN THIS SECTION. THE COURT SHALL GRANT THE PETITION FOR RENEWAL UNLESS THE RESPONDENT PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT THE RESPONDENT WILL NOT RESUME HARASSMENT OF THE PETITIONER WHEN THE ORDER EXPIRES. THE COURT MAY RENEW THE PROTECTION ORDER FOR ANOTHER FIXED TIME PERIOD OR MAY ENTER A PERMANENT ORDER AS PROVIDED IN SUBSECTION (4) OF THIS SECTION.

(6) THE COURT, IN GRANTING AN EX PARTE TEMPORARY ANTIHARASSMENT PROTECTION ORDER OR A CIVIL ANTIHARASSMENT PROTECTION ORDER, SHALL HAVE BROAD DISCRETION TO GRANT SUCH RELIEF AS THE COURT DEEMS PROPER, INCLUDING AN ORDER:

- (A) RESTRAINING THE RESPONDENT FROM MAKING ANY ATTEMPTS TO CONTACT THE PETITIONER;
- (B) RESTRAINING THE RESPONDENT FROM MAKING ANY ATTEMPTS TO KEEP THE PETITIONER UNDER SURVEILLANCE;
- (C) REQUIRING THE RESPONDENT TO STAY A STATED DISTANCE FROM THE PETITIONER'S RESIDENCE AND WORKPLACE; AND
- (D) CONSIDERING THE PROVISIONS OF RCW 9.41.800.

(7) A PETITIONER MAY NOT OBTAIN AN EX PARTE TEMPORARY ANTIHARASSMENT PROTECTION ORDER AGAINST A RESPONDENT IF THE PETITIONER HAS PREVIOUSLY OBTAINED TWO SUCH EX PARTE ORDERS AGAINST THE SAME RESPONDENT BUT HAS FAILED TO OBTAIN THE ISSUANCE OF A CIVIL ANTIHARASSMENT PROTECTION ORDER UNLESS GOOD CAUSE FOR SUCH FAILURE CAN BE SHOWN.

(8) THE COURT ORDER SHALL SPECIFY THE DATE AN ORDER ISSUED PURSUANT TO SUBSECTIONS (4) AND (5) OF THIS SECTION EXPIRES IF ANY. THE COURT ORDER SHALL ALSO STATE WHETHER THE COURT ISSUED THE PROTECTION ORDER FOLLOWING PERSONAL SERVICE OR SERVICE BY PUBLICATION AND WHETHER THE COURT HAS APPROVED SERVICE BY PUBLICATION OF AN ORDER ISSUED UNDER THIS SECTION.

SEC. 2. RCW 10.14.100 AND 1992 C 143 S 15 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) AN ORDER ISSUED UNDER THIS CHAPTER SHALL BE PERSONALLY SERVED UPON THE RESPONDENT, EXCEPT AS PROVIDED IN SUBSECTIONS (5) AND (7) OF THIS SECTION.

(2) THE SHERIFF OF THE COUNTY OR THE PEACE OFFICERS OF THE MUNICIPALITY IN WHICH THE RESPONDENT RESIDES SHALL SERVE THE RESPONDENT PERSONALLY UNLESS THE PETITIONER ELECTS TO HAVE THE RESPONDENT SERVED BY A PRIVATE PARTY.

(3) IF THE SHERIFF OR MUNICIPAL PEACE OFFICER CANNOT COMPLETE SERVICE UPON THE RESPONDENT WITHIN TEN DAYS, THE SHERIFF OR MUNICIPAL PEACE OFFICER SHALL NOTIFY THE PETITIONER.

(4) RETURNS OF SERVICE UNDER THIS CHAPTER SHALL BE MADE IN ACCORDANCE WITH THE APPLICABLE COURT RULES.

(5) IF AN ORDER ENTERED BY THE COURT RECITES THAT THE RESPONDENT APPEARED IN PERSON BEFORE THE COURT, THE NECESSITY FOR FURTHER SERVICE IS WAIVED AND PROOF OF SERVICE OF THAT ORDER IS NOT NECESSARY. THE COURT'S ORDER, ENTERED AFTER A HEARING, NEED NOT BE SERVED ON A RESPONDENT WHO FAILS TO APPEAR BEFORE THE COURT, IF MATERIAL TERMS OF THE ORDER HAVE NOT CHANGED FROM THOSE CONTAINED IN THE TEMPORARY ORDER, AND IT IS SHOWN TO THE COURT'S SATISFACTION THAT THE RESPONDENT HAS PREVIOUSLY BEEN PERSONALLY SERVED WITH THE TEMPORARY ORDER.

(6) EXCEPT IN CASES WHERE THE PETITIONER IS GRANTED LEAVE TO PROCEED IN FORMA PAUPERIS, MUNICIPAL POLICE DEPARTMENTS SERVING DOCUMENTS AS REQUIRED UNDER THIS CHAPTER MAY COLLECT THE SAME FEES FOR SERVICE AND MILEAGE AUTHORIZED BY RCW 36.18.040 TO BE COLLECTED BY SHERIFFS.

(7) IF THE COURT PREVIOUSLY ENTERED AN ORDER ALLOWING SERVICE BY PUBLICATION OF THE NOTICE OF HEARING AND TEMPORARY ORDER OF PROTECTION PURSUANT TO RCW 10.14.085, THE COURT MAY PERMIT SERVICE BY PUBLICATION OF THE ORDER OF PROTECTION ISSUED UNDER RCW 10.14.080. SERVICE BY PUBLICATION MUST COMPLY WITH THE REQUIREMENTS OF RCW 10.14.085."

MOTIONS

ON MOTION OF SENATOR KLINE, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED.

ON PAGE 1, LINE 1 OF THE TITLE, AFTER "MATTERS;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AND AMENDING RCW 10.14.080 AND 10.14.100."

ON MOTION OF SENATOR KLINE, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1591, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1591, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1591, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR GARDNER - 1.

SUBSTITUTE HOUSE BILL NO. 1591, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

AT 11:02 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE RECESSED UNTIL 1:00 P.M.

THE SENATE WAS CALLED TO ORDER AT 1:05 P.M. BY PRESIDENT PRO TEMPORE FRANKLIN.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

ON MOTION OF SENATOR FRASER, GUBERNATORIAL APPOINTMENT NO. 9113, DONALD V. RHODES, AS A MEMBER OF THE BOARD OF TRUSTEES FOR SOUTH PUGET SOUND COMMUNITY COLLEGE DISTRICT NO. 24, WAS CONFIRMED.

APPOINTMENT OF DONALD V. RHODES

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 6; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, COSTA, DECCIO, EIDE, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHIN, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 43.

ABSENT: SENATORS CONSTANTINE, FAIRLEY, MCCASLIN, McDONALD, SHELDON, T. AND SNYDER - 6.

MOTIONS

ON MOTION OF SENATOR HONEYFORD, SENATORS MCCASLIN AND McDONALD WERE EXCUSED.

ON MOTION OF SENATOR EIDE, SENATORS CONSTANTINE AND KLINE WERE EXCUSED.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1384, BY HOUSE COMMITTEE ON STATE GOVERNMENT (ORIGINALLY SPONSORED BY REPRESENTATIVES ROMERO, McMORRIS, SIMPSON, CONWAY, MILOSCIA, HAIGH, D. SCHMIDT, CLEMENTS, DELVIN, HUNT, LAMBERT, BENSON AND SCHINDLER) (BY REQUEST OF STATE AUDITOR SONNTAG)

CLARIFYING THE CIRCUMSTANCES UNDER WHICH THE GOVERNING BODY OF A PUBLIC AGENCY MAY HOLD AN EXECUTIVE SESSION TO DISCUSS LITIGATION.

THE BILL WAS READ THE SECOND TIME.

MOTIONS

ON MOTION OF SENATOR PATTERSON, THE FOLLOWING COMMITTEE ON STATE AND LOCAL GOVERNMENT STRIKING AMENDMENT WAS ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"Sec. 1. RCW 42.30.110 AND 1989 C 238 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) NOTHING CONTAINED IN THIS CHAPTER MAY BE CONSTRUED TO PREVENT A GOVERNING BODY FROM HOLDING AN EXECUTIVE SESSION DURING A REGULAR OR SPECIAL MEETING:

(A) TO CONSIDER MATTERS AFFECTING NATIONAL SECURITY;

(B) TO CONSIDER THE SELECTION OF A SITE OR THE ACQUISITION OF REAL ESTATE BY LEASE OR PURCHASE WHEN PUBLIC KNOWLEDGE REGARDING SUCH CONSIDERATION WOULD CAUSE A LIKELIHOOD OF INCREASED PRICE;

(C) TO CONSIDER THE MINIMUM PRICE AT WHICH REAL ESTATE WILL BE OFFERED FOR SALE OR LEASE WHEN PUBLIC KNOWLEDGE REGARDING SUCH CONSIDERATION WOULD CAUSE A LIKELIHOOD OF DECREASED PRICE. HOWEVER, FINAL ACTION SELLING OR LEASING PUBLIC PROPERTY SHALL BE TAKEN IN A MEETING OPEN TO THE PUBLIC;

(D) TO REVIEW NEGOTIATIONS ON THE PERFORMANCE OF PUBLICLY BID CONTRACTS WHEN PUBLIC KNOWLEDGE REGARDING SUCH CONSIDERATION WOULD CAUSE A LIKELIHOOD OF INCREASED COSTS;

(E) TO CONSIDER, IN THE CASE OF AN EXPORT TRADING COMPANY, FINANCIAL AND COMMERCIAL INFORMATION SUPPLIED BY PRIVATE PERSONS TO THE EXPORT TRADING COMPANY;

(F) TO RECEIVE AND EVALUATE COMPLAINTS OR CHARGES BROUGHT AGAINST A PUBLIC OFFICER OR EMPLOYEE. HOWEVER, UPON THE REQUEST OF SUCH OFFICER OR EMPLOYEE, A PUBLIC HEARING OR A MEETING OPEN TO THE PUBLIC SHALL BE CONDUCTED UPON SUCH COMPLAINT OR CHARGE;

(G) TO EVALUATE THE QUALIFICATIONS OF AN APPLICANT FOR PUBLIC EMPLOYMENT OR TO REVIEW THE PERFORMANCE OF A PUBLIC EMPLOYEE. HOWEVER, SUBJECT TO RCW 42.30.140(4), DISCUSSION BY A GOVERNING BODY OF SALARIES, WAGES, AND OTHER CONDITIONS OF EMPLOYMENT TO BE GENERALLY APPLIED WITHIN THE AGENCY SHALL OCCUR IN A MEETING OPEN TO THE PUBLIC, AND WHEN A GOVERNING BODY ELECTS TO TAKE FINAL ACTION HIRING, SETTING THE SALARY OF AN INDIVIDUAL EMPLOYEE OR CLASS OF EMPLOYEES, OR DISCHARGING OR DISCIPLINING AN EMPLOYEE, THAT ACTION SHALL BE TAKEN IN A MEETING OPEN TO THE PUBLIC;

(H) TO EVALUATE THE QUALIFICATIONS OF A CANDIDATE FOR APPOINTMENT TO ELECTIVE OFFICE. HOWEVER, ANY INTERVIEW OF SUCH CANDIDATE AND FINAL ACTION APPOINTING A CANDIDATE TO ELECTIVE OFFICE SHALL BE IN A MEETING OPEN TO THE PUBLIC;

(I) TO DISCUSS WITH LEGAL COUNSEL REPRESENTING THE AGENCY MATTERS RELATING TO AGENCY ENFORCEMENT ACTIONS, OR TO DISCUSS WITH LEGAL COUNSEL REPRESENTING THE AGENCY LITIGATION OR POTENTIAL LITIGATION TO WHICH THE AGENCY, THE GOVERNING BODY, OR A MEMBER ACTING IN AN OFFICIAL CAPACITY IS, OR IS LIKELY TO BECOME, A PARTY, WHEN PUBLIC KNOWLEDGE REGARDING THE DISCUSSION IS LIKELY TO RESULT IN AN ADVERSE LEGAL OR FINANCIAL CONSEQUENCE TO THE AGENCY.

THIS SUBSECTION (1)(i) DOES NOT PERMIT A GOVERNING BODY TO HOLD AN EXECUTIVE SESSION SOLELY BECAUSE AN ATTORNEY REPRESENTING THE AGENCY IS PRESENT. FOR PURPOSES OF THIS SUBSECTION (1)(i), "POTENTIAL LITIGATION" MEANS MATTERS PROTECTED BY RPC 1.6 OR RCW 5.60.060(2)(A) CONCERNING:

(A) LITIGATION THAT HAS BEEN SPECIFICALLY THREATENED TO WHICH THE AGENCY, THE GOVERNING BODY, OR A MEMBER ACTING IN AN OFFICIAL CAPACITY IS, OR IS LIKELY TO BECOME, A PARTY;

(B) LITIGATION THAT THE AGENCY REASONABLY BELIEVES MAY BE COMMENCED BY OR AGAINST THE AGENCY, THE GOVERNING BODY, OR A MEMBER ACTING IN AN OFFICIAL CAPACITY; OR

(C) LITIGATION OR LEGAL RISKS OF A PROPOSED ACTION OR CURRENT PRACTICE THAT THE AGENCY HAS IDENTIFIED WHEN PUBLIC DISCUSSION OF THE LITIGATION OR LEGAL RISKS IS LIKELY TO RESULT IN AN ADVERSE LEGAL OR FINANCIAL CONSEQUENCE TO THE AGENCY;

(J) TO CONSIDER, IN THE CASE OF THE STATE LIBRARY COMMISSION OR ITS ADVISORY BODIES, WESTERN LIBRARY NETWORK PRICES, PRODUCTS, EQUIPMENT, AND SERVICES, WHEN SUCH DISCUSSION WOULD BE LIKELY TO ADVERSELY AFFECT THE NETWORK'S ABILITY TO CONDUCT BUSINESS IN A COMPETITIVE ECONOMIC CLIMATE. HOWEVER, FINAL ACTION ON THESE MATTERS SHALL BE TAKEN IN A MEETING OPEN TO THE PUBLIC;

(K) TO CONSIDER, IN THE CASE OF THE STATE INVESTMENT BOARD, FINANCIAL AND COMMERCIAL INFORMATION WHEN THE INFORMATION RELATES TO THE INVESTMENT OF PUBLIC TRUST OR RETIREMENT FUNDS AND WHEN PUBLIC KNOWLEDGE REGARDING THE DISCUSSION WOULD RESULT IN LOSS TO SUCH FUNDS OR IN PRIVATE LOSS TO THE PROVIDERS OF THIS INFORMATION.

(2) BEFORE CONVENING IN EXECUTIVE SESSION, THE PRESIDING OFFICER OF A GOVERNING BODY SHALL PUBLICLY ANNOUNCE THE PURPOSE FOR EXCLUDING THE PUBLIC FROM THE MEETING PLACE, AND THE TIME WHEN THE EXECUTIVE SESSION WILL BE CONCLUDED. THE EXECUTIVE SESSION MAY BE EXTENDED TO A STATED LATER TIME BY ANNOUNCEMENT OF THE PRESIDING OFFICER.

NEW SECTION. Sec. 2. A NEW SECTION IS ADDED TO CHAPTER 42.30 RCW TO READ AS FOLLOWS:

THE ATTORNEY GENERAL'S OFFICE MAY PROVIDE INFORMATION, TECHNICAL ASSISTANCE, AND TRAINING ON THE PROVISIONS OF THIS CHAPTER."

MOTIONS

ON MOTION OF SENATOR PATTERSON, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 3 OF THE TITLE, AFTER "LITIGATION;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 42.30.110; AND ADDING A NEW SECTION TO CHAPTER 42.30 RCW."

ON MOTION OF SENATOR PATTERSON, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1384, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1384, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1384, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 44; NAYS, 1; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KOHL-WELLES, LONG, McAULIFFE, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 44.

VOTING NAY: SENATOR MORTON - 1.

EXCUSED: SENATORS CONSTANTINE, KLINE, MCCASLIN AND McDONALD - 4.

SUBSTITUTE HOUSE BILL NO. 1384, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR HONEYFORD, SENATOR HORN WAS EXCUSED.

SECOND READING

HOUSE BILL NO. 1296, BY REPRESENTATIVES HATFIELD, BENSON AND MCINTIRE (BY REQUEST OF INSURANCE COMMISSIONER KREIDLER)

RESTRICTING THE INVESTMENT OF INSURERS IN DEPOSITORY INSTITUTIONS OR ANY COMPANY WHICH CONTROLS A DEPOSITORY INSTITUTION.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PRENTICE, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1296 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1296.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1296 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 47; NAYS, 0; ABSENT, 0; EXCUSED, 2.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, McAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 47.

EXCUSED: SENATORS CONSTANTINE AND HORN - 2.

HOUSE BILL NO. 1296, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 6008, BY SENATORS EIDE, FINKBEINER, HAUGEN, KLINE, WINSLEY AND McAULIFFE (BY REQUEST OF OFFICE OF FINANCIAL MANAGEMENT)

PROVIDING COMMUTE TRIP REDUCTION INCENTIVES.

MOTIONS

ON MOTION OF SENATOR EIDE, SUBSTITUTE SENATE BILL NO. 6008 WAS SUBSTITUTED FOR SENATE BILL NO. 6008 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR EIDE, THE RULES WERE SUSPENDED, SUBSTITUTE SENATE BILL NO. 6008 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 6008.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 6008 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 38; NAYS, 10; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HOCHSTATTER, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, MORTON, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, SHELDON, B., SHIN, SNYDER, SPANEL, SWECKER, THIBAudeau, WINSLEY AND ZARELLI - 38.

VOTING NAY: SENATORS BENTON, HEWITT, HONEYFORD, JOHNSON, McDONALD, PARLETTE, ROACH, SHELDON, T., STEVENS AND WEST - 10.

EXCUSED: SENATOR HORN - 1.

SUBSTITUTE SENATE BILL NO. 6008, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5748, BY SENATORS MCAULIFFE, HORN, SHIN, WINSLEY, OKE, HAUGEN, KOHL-WELLES AND KASTAMA (BY REQUEST OF THE BLUE RIBBON COMMISSION ON TRANSPORTATION)

INTEGRATING TRANSPORTATION AND LAND USE PLANNING.

MOTIONS

ON MOTION OF SENATOR HAUGEN, SUBSTITUTE SENATE BILL NO. 5748 WAS SUBSTITUTED FOR SENATE BILL NO. 5748 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR MCAULIFFE, THE RULES WERE SUSPENDED, SUBSTITUTE SENATE BILL NO. 5748 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5748.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5748 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR HORN - 1.

SUBSTITUTE SENATE BILL NO. 5748, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

PRESIDENT OWEN ASSUMED THE CHAIR.

SECOND READING

SENATE BILL NO. 5764, BY SENATORS SHIN, HORN, WINSLEY, OKE AND HAUGEN (BY REQUEST OF THE BLUE RIBBON COMMISSION ON TRANSPORTATION)

MAINTAINING AND PRESERVING TRANSPORTATION FACILITIES AND ASSETS.

MOTIONS

ON MOTION OF SENATOR SHIN, SUBSTITUTE SENATE BILL NO. 5764 WAS SUBSTITUTED FOR SENATE BILL NO. 5764 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR HAUGEN, THE FOLLOWING AMENDMENTS BY SENATORS HAUGEN, HORN AND SHIN WERE CONSIDERED SIMULTANEOUSLY AND WERE ADOPTED:

ON PAGE 2, AFTER LINE 19, STRIKE ALL MATERIAL THROUGH "METHOD." ON LINE 27

ON PAGE 3, AFTER LINE 11, STRIKE ALL MATERIAL THROUGH "JURISDICTION." ON LINE 20, AND INSERT THE FOLLOWING:

"DURING THE 2001-2003 BIENNIUM, CITIES AND TOWNS SHALL PROVIDE TO THE TRANSPORTATION COMMISSION, OR ITS SUCCESSOR ENTITY, PRESERVATION RATING INFORMATION ON AT LEAST SEVENTY PERCENT OF THE CITY'S OR TOWN'S ARTERIAL NETWORK. THEREAFTER, THE PRESERVATION RATING INFORMATION REQUIREMENT SHALL INCREASE IN FIVE PERCENT INCREMENTS IN SUBSEQUENT BIENNIA. THE RATING SYSTEM USED BY CITIES AND TOWNS MUST BE BASED UPON THE WASHINGTON STATE PAVEMENT RATING METHOD."

ON PAGE 5, LINE 29, AFTER "ALL" INSERT "TRANSPORTATION SYSTEM"

ON PAGE 5, LINE 33, AFTER "CHAPTER" STRIKE "47.26" AND INSERT "36.78"

MOTIONS

ON MOTION OF SENATOR SHIN, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 6 OF THE TITLE, AFTER "CHAPTER" STRIKE "47.26" AND INSERT "36.78"

ON MOTION OF SENATOR SHIN, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE SENATE BILL NO. 5764 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5764.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5764 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 49; NAYS, 0; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAUDEAU, WEST, WINSLEY AND ZARELLI - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5764, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR EIDE, SENATOR BROWN WAS EXCUSED.

SECOND READING

SENATE BILL NO. 5759, BY SENATORS PATTERSON, HORN, PRENTICE, MCAULIFFE, SHIN, FINKBEINER, WINSLEY, HAUGEN, FRANKLIN, KOHL-WELLES AND KASTAMA (BY REQUEST OF THE BLUE RIBBON COMMISSION ON TRANSPORTATION)

IMPROVING TRAFFIC CHOKEPOINTS.

MOTIONS

ON MOTION OF SENATOR PATTERSON, SUBSTITUTE SENATE BILL NO. 5759 WAS SUBSTITUTED FOR SENATE BILL NO. 5759 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR PATTERSON, THE RULES WERE SUSPENDED, SUBSTITUTE SENATE BILL NO. 5759 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5759.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5759 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR BROWN - 1.

SUBSTITUTE SENATE BILL NO. 5759, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5760, BY SENATORS PATTERSON, HORN, PRENTICE, MCAULIFFE, SHIN, FINKBEINER, HAUGEN AND KOHL-WELLES (BY REQUEST OF THE BLUE RIBBON COMMISSION ON TRANSPORTATION)

DIRECTING USE OF INTELLIGENT TRANSPORTATION SYSTEMS AND TRAFFIC SYSTEM MANAGEMENT.

MOTIONS

ON MOTION OF SENATOR PATTERSON, SUBSTITUTE SENATE BILL NO. 5760 WAS SUBSTITUTED FOR SENATE BILL NO. 5760 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

SENATOR BENTON MOVED THAT THE FOLLOWING STRIKING AMENDMENT BY SENATORS BENTON AND HAUGEN BE ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"NEW SECTION. Sec. 1. THE LEGISLATURE FINDS THAT EMERGING TECHNOLOGIES CAN ASSIST IN OPTIMIZING THE STATE'S LARGE, COMPLEX, AND INCREASINGLY CONGESTED TRANSPORTATION SYSTEM. TRAFFIC SYSTEM MANAGEMENT (TSM) AND INTELLIGENT TRANSPORTATION SYSTEMS (ITS) ARE DESIGNED TO ADD CAPACITY WITHOUT REQUIRING MAJOR NEW INFRASTRUCTURE ADDITIONS.

THE LEGISLATURE INTENDS THAT FUNDING BE PROVIDED TO PROJECTS AND PROGRAMS THAT PROVIDE COST-EFFECTIVE MEANS OF RELIEVING CONGESTION. THE PROJECTS AND PROGRAMS MAY INCLUDE, BUT ARE NOT LIMITED TO, FREEWAY RAMP METERING, SIGNAL SYNCHRONIZATION, PATROLS DEDICATED TO REMOVAL OF DISABLED VEHICLES FROM ROADWAYS, AND HIGHWAY MESSAGING SIGNS.

NEW SECTION. Sec. 2. A NEW SECTION IS ADDED TO CHAPTER 47.05 RCW TO READ AS FOLLOWS:

THE DEPARTMENT SHALL NOT SPEND MORE THAN FIVE PERCENT OF FUNDS FROM THE IMPROVEMENT PROGRAM FOR INTELLIGENT TRANSPORTATION SYSTEMS (ITS) AND TRAFFIC SYSTEM MANAGEMENT (TSM) PROJECTS AND PROGRAMS THAT IMPROVE SYSTEM PERFORMANCE AND CAPACITY. THE PROJECTS AND PROGRAMS MAY INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING: TRAFFIC AND INCIDENT MANAGEMENT, WHICH INCLUDES FREEWAY ON-RAMP METERING; SIGNAL SYNCHRONIZATION; INTERSECTION MODIFICATION; PRIORITY TREATMENT FOR HIGH-OCCUPANCY AND TRANSIT VEHICLES; AND ROVING SERVICE PATROLS DESIGNED TO QUICKLY REMOVE DISABLED VEHICLES FROM ROADWAYS. PROJECTS AND PROGRAMS SELECTED FOR FUNDING UNDER THIS SECTION MUST UNDERGO A BENEFIT/COST ANALYSIS THAT YIELDS BENEFITS GREATER THAN ONE TO ONE.

BY DECEMBER 1ST OF EACH YEAR THE DEPARTMENT MUST REPORT TO THE OFFICE OF FINANCIAL MANAGEMENT AND THE LEGISLATURE ON THE AMOUNT OF FUNDS SPENT ON INTELLIGENT TRANSPORTATION SYSTEMS AND TRAFFIC SYSTEMS PROJECTS AND PROGRAMS.

NEW SECTION. Sec. 3. THIS ACT IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY, OR SUPPORT OF THE STATE GOVERNMENT AND ITS EXISTING PUBLIC INSTITUTIONS, AND TAKES EFFECT JULY 1, 2001."

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE STRIKING AMENDMENT BY SENATORS BENTON AND HAUGEN TO SUBSTITUTE SENATE BILL NO. 5760.

THE MOTION BY SENATOR BENTON CARRIED AND THE STRIKING AMENDMENT WAS ADOPTED.

MOTIONS

ON MOTION OF SENATOR PATTERSON, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON LINE 2 OF THE TITLE, AFTER "MANAGEMENT;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "ADDING A NEW SECTION TO CHAPTER 47.05 RCW; CREATING A NEW SECTION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY."

ON MOTION OF SENATOR PATTERSON, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE SENATE BILL NO. 5760 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5760.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5760 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHLWELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR BROWN - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5760, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1678, BY HOUSE COMMITTEE ON TRANSPORTATION (ORIGINALLY SPONSORED BY REPRESENTATIVES FISHER, MITCHELL AND POULSEN) (BY REQUEST OF THE BLUE RIBBON COMMISSION ON TRANSPORTATION)

FUNDING ADVANCE RIGHT-OF-WAY ACQUISITIONS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR GARDNER, THE FOLLOWING COMMITTEE ON TRANSPORTATION STRIKING AMENDMENT WAS ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

NEW SECTION. Sec. 1. A NEW SECTION IS ADDED TO CHAPTER 47.26 RCW TO READ AS FOLLOWS:

THE TERM "ADVANCE RIGHT-OF-WAY ACQUISITION" AS USED IN THIS CHAPTER MEANS THE ACQUISITION OF PROPERTY AND PROPERTY RIGHTS, TOGETHER WITH THE ENGINEERING COSTS NECESSARY FOR THE ADVANCE RIGHT-OF-WAY ACQUISITION. PROPERTY OR PROPERTY RIGHTS PURCHASED MUST BE FOR PROJECTS APPROVED BY THE TRANSPORTATION IMPROVEMENT BOARD OR THE COUNTY ROAD ADMINISTRATION BOARD AS PART OF A CITY OR COUNTY SIX-YEAR PLAN OR PROGRAM.

NEW SECTION. Sec. 2. A NEW SECTION IS ADDED TO CHAPTER 47.26 RCW TO READ AS FOLLOWS:

THE CITY AND COUNTY ADVANCE RIGHT-OF-WAY REVOLVING FUND IS CREATED IN THE CUSTODY OF THE TREASURER. THE TRANSPORTATION IMPROVEMENT BOARD IS THE ADMINISTRATOR OF THE FUND AND MAY DEPOSIT DIRECTLY AND SPEND WITHOUT APPROPRIATION.

THE TRANSPORTATION IMPROVEMENT BOARD AND THE COUNTY ROAD ADMINISTRATION BOARD, IN CONSULTATION WITH THE ASSOCIATION OF WASHINGTON CITIES AND THE WASHINGTON ASSOCIATION OF COUNTIES, SHALL ADOPT REASONABLE RULES AND DEVELOP POLICIES TO IMPLEMENT THIS PROGRAM.

NEW SECTION. Sec. 3. A NEW SECTION IS ADDED TO CHAPTER 47.26 RCW TO READ AS FOLLOWS:

(1) AFTER ANY PROPERTIES OR PROPERTY RIGHTS ARE ACQUIRED THROUGH FUNDS IN THE CITY AND COUNTY ADVANCE RIGHT-OF-WAY REVOLVING FUND, THE ACQUIRING CITY OR COUNTY IS RESPONSIBLE FOR THE MANAGEMENT OF THE PROPERTIES IN ACCORDANCE WITH SOUND BUSINESS PRACTICES AND SHALL PROVIDE ANNUAL STATUS REPORTS TO THE BOARD. FUNDS RECEIVED BY THE CITY OR COUNTY FROM THE INTERIM MANAGEMENT OF THE PROPERTIES MUST BE DEPOSITED INTO THE CITY AND COUNTY ADVANCE RIGHT-OF-WAY REVOLVING FUND.

(2) WHEN THE CITY OR COUNTY PROCEEDS WITH THE CONSTRUCTION OF AN ARTERIAL PROJECT THAT WILL REQUIRE THE USE OF ANY OF THE PROPERTY SO ACQUIRED, THE CITY OR COUNTY SHALL REIMBURSE THE CITY AND COUNTY ADVANCE RIGHT-OF-WAY REVOLVING FUND. REIMBURSEMENT MUST REFLECT THE ORIGINAL COST OF THE ACQUIRED PROPERTY OR PROPERTY RIGHTS REQUIRED FOR THE PROJECT PLUS AN INTEREST RATE AS DETERMINED ANNUALLY BY THE BOARD. THE BOARD SHALL REPORT ON THE INTEREST RATE SET TO THE TRANSPORTATION COMMITTEES THROUGH ITS ANNUAL REPORT.

(3) WHEN THE CITY OR COUNTY DETERMINES THAT ANY PROPERTIES OR PROPERTY RIGHTS ACQUIRED FROM FUNDS IN THE CITY AND COUNTY ADVANCE RIGHT-OF-WAY REVOLVING FUND WILL NOT BE REQUIRED FOR AN ARTERIAL CONSTRUCTION PROJECT OR THE PROPERTY HAS BEEN HELD BY THE CITY OR COUNTY FOR MORE THAN SIX YEARS, THE CITY OR COUNTY SHALL EITHER SELL THE PROPERTY AT FAIR MARKET VALUE OR REIMBURSE THE FUND AT FAIR MARKET VALUE. ALL PROCEEDS OF THE SALE MUST BE DEPOSITED IN THE CITY AND COUNTY ADVANCE RIGHT-OF-WAY REVOLVING FUND. AT THE BOARD'S DISCRETION, A PORTION OF SAVINGS ON TRANSPORTATION IMPROVEMENT BOARD PROJECTS REALIZED THROUGH THE USE OF THE CITY AND COUNTY ADVANCE REVOLVING FUND MAY BE DEPOSITED BACK INTO THE CITY AND COUNTY ADVANCE RIGHT-OF-WAY REVOLVING FUND.

(4) DEPOSITS IN THE FUND MAY BE REEXPENDED WITHOUT FURTHER OR ADDITIONAL APPROPRIATIONS.

Sec. 4. RCW 43.79A.040 AND 2000 C 79 S 45 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) MONEY IN THE TREASURER'S TRUST FUND MAY BE DEPOSITED, INVESTED, AND REINVESTED BY THE STATE TREASURER IN ACCORDANCE WITH RCW 43.84.080 IN THE SAME MANNER AND TO THE SAME EXTENT AS IF THE MONEY WERE IN THE STATE TREASURY.

(2) ALL INCOME RECEIVED FROM INVESTMENT OF THE TREASURER'S TRUST FUND SHALL BE SET ASIDE IN AN ACCOUNT IN THE TREASURY TRUST FUND TO BE KNOWN AS THE INVESTMENT INCOME ACCOUNT.

(3) THE INVESTMENT INCOME ACCOUNT MAY BE UTILIZED FOR THE PAYMENT OF PURCHASED BANKING SERVICES ON BEHALF OF TREASURER'S TRUST FUNDS INCLUDING, BUT NOT LIMITED TO, DEPOSITORY, SAFEKEEPING, AND DISBURSEMENT FUNCTIONS FOR THE STATE TREASURER OR AFFECTED STATE AGENCIES. THE INVESTMENT INCOME ACCOUNT IS SUBJECT IN ALL RESPECTS TO CHAPTER 43.88 RCW, BUT NO APPROPRIATION IS REQUIRED FOR PAYMENTS TO FINANCIAL INSTITUTIONS. PAYMENTS SHALL OCCUR PRIOR TO DISTRIBUTION OF EARNINGS SET FORTH IN SUBSECTION (4) OF THIS SECTION.

(4)(A) MONTHLY, THE STATE TREASURER SHALL DISTRIBUTE THE EARNINGS CREDITED TO THE INVESTMENT INCOME ACCOUNT TO THE STATE GENERAL FUND EXCEPT UNDER (B) AND (C) OF THIS SUBSECTION.

(B) THE FOLLOWING ACCOUNTS AND FUNDS SHALL RECEIVE THEIR PROPORTIONATE SHARE OF EARNINGS BASED UPON EACH ACCOUNT'S OR FUND'S AVERAGE DAILY BALANCE FOR THE PERIOD: THE WASHINGTON ADVANCED COLLEGE TUITION PAYMENT PROGRAM ACCOUNT, THE AGRICULTURAL LOCAL FUND, THE AMERICAN INDIAN SCHOLARSHIP ENDOWMENT FUND, THE BASIC HEALTH PLAN SELF-INSURANCE RESERVE ACCOUNT, THE WASHINGTON INTERNATIONAL EXCHANGE SCHOLARSHIP ENDOWMENT FUND, THE DEVELOPMENTAL DISABILITIES ENDOWMENT TRUST FUND, THE ENERGY ACCOUNT, THE FAIR FUND, THE GAME FARM ALTERNATIVE ACCOUNT, THE GRAIN INSPECTION REVOLVING FUND, THE JUVENILE ACCOUNTABILITY INCENTIVE ACCOUNT, THE RURAL REHABILITATION ACCOUNT, THE STADIUM AND EXHIBITION CENTER ACCOUNT, THE YOUTH ATHLETIC FACILITY (~~((GRANT))~~) ACCOUNT, THE SELF-INSURANCE REVOLVING FUND, THE SULFUR DIOXIDE ABATEMENT ACCOUNT, AND THE CHILDREN'S TRUST FUND. HOWEVER, THE EARNINGS TO BE DISTRIBUTED SHALL FIRST BE REDUCED BY THE ALLOCATION TO THE STATE TREASURER'S SERVICE FUND PURSUANT TO RCW 43.08.190.

(C) THE FOLLOWING ACCOUNTS AND FUNDS SHALL RECEIVE EIGHTY PERCENT OF THEIR PROPORTIONATE SHARE OF EARNINGS BASED UPON EACH ACCOUNT'S OR FUND'S AVERAGE DAILY BALANCE FOR THE PERIOD: THE ADVANCED RIGHT OF WAY REVOLVING FUND, THE ADVANCED ENVIRONMENTAL MITIGATION REVOLVING ACCOUNT, THE CITY AND COUNTY ADVANCE RIGHT-OF-WAY REVOLVING FUND, THE FEDERAL NARCOTICS ASSET FORFEITURES ACCOUNT, THE HIGH OCCUPANCY VEHICLE ACCOUNT, THE LOCAL RAIL SERVICE ASSISTANCE ACCOUNT, AND THE MISCELLANEOUS TRANSPORTATION PROGRAMS ACCOUNT.

(5) IN CONFORMANCE WITH ARTICLE II, SECTION 37 OF THE STATE CONSTITUTION, NO TRUST ACCOUNTS OR FUNDS SHALL BE ALLOCATED EARNINGS WITHOUT THE SPECIFIC AFFIRMATIVE DIRECTIVE OF THIS SECTION.

SEC. 5. RCW 47.44.010 AND 1980 C 28 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE DEPARTMENT OF TRANSPORTATION MAY GRANT FRANCHISES TO PERSONS, ASSOCIATIONS, PRIVATE OR MUNICIPAL CORPORATIONS, THE UNITED STATES GOVERNMENT, OR ANY AGENCY THEREOF, TO USE ANY STATE HIGHWAY FOR THE CONSTRUCTION AND MAINTENANCE OF WATER PIPES, FLUME, GAS, OIL OR COAL PIPES, TELEPHONE, TELEGRAPH AND ELECTRIC LIGHT AND POWER LINES AND CONDUITS, TRAMS OR RAILWAYS, AND ANY STRUCTURES OR FACILITIES (~~((WHICH))~~) THAT ARE PART OF AN URBAN PUBLIC TRANSPORTATION SYSTEM OWNED OR OPERATED BY A MUNICIPAL CORPORATION, AGENCY, OR DEPARTMENT OF THE STATE OF WASHINGTON OTHER THAN THE DEPARTMENT OF TRANSPORTATION, AND ANY OTHER SUCH FACILITIES. IN ORDER TO MINIMIZE THE DISRUPTION TO TRAFFIC AND DAMAGE TO THE ROADWAY, THE DEPARTMENT IS ENCOURAGED TO DEVELOP A JOINT TRENCHING POLICY WITH OTHER AFFECTED JURISDICTIONS SO THAT ALL PERMITTEES AND FRANCHISEES REQUIRING ACCESS TO GROUND UNDER THE ROADWAY MAY DO SO AT ONE TIME.

(2) ALL APPLICATIONS FOR (~~((SUCH))~~) THE FRANCHISE (~~((SHALL))~~) MUST BE MADE IN WRITING AND SUBSCRIBED BY THE APPLICANT, AND (~~((SHALL))~~) DESCRIBE THE STATE HIGHWAY OR PORTION THEREOF OVER WHICH FRANCHISE IS DESIRED AND THE NATURE OF THE FRANCHISE. THE APPLICATION MUST ALSO INCLUDE THE IDENTIFICATION OF ALL JURISDICTIONS AFFECTED BY THE FRANCHISE AND THE NAMES OF OTHER POSSIBLE FRANCHISEES WHO SHOULD RECEIVE NOTICE OF THE APPLICATION FOR A FRANCHISE.

(3) THE DEPARTMENT OF TRANSPORTATION SHALL ADOPT RULES PROVIDING FOR A HEARING OR AN OPPORTUNITY FOR A HEARING WITH REASONABLE PUBLIC NOTICE THEREOF WITH RESPECT TO ANY FRANCHISE APPLICATION INVOLVING THE CONSTRUCTION AND MAINTENANCE OF UTILITIES OR OTHER FACILITIES WITHIN THE HIGHWAY RIGHT OF WAY WHICH THE DEPARTMENT DETERMINES MAY (~~((1))~~) (A) DURING CONSTRUCTION, SIGNIFICANTLY DISRUPT THE FLOW OF TRAFFIC OR USE OF DRIVEWAYS OR OTHER FACILITIES WITHIN THE RIGHT OF WAY, OR (~~((2))~~) (B) DURING OR FOLLOWING CONSTRUCTION, CAUSE A SIGNIFICANT AND ADVERSE EFFECT UPON THE SURROUNDING ENVIRONMENT.

SEC. 6. RCW 47.44.020 AND 1980 C 28 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) IF THE DEPARTMENT OF TRANSPORTATION DEEMS IT TO BE FOR THE PUBLIC INTEREST, THE FRANCHISE MAY BE GRANTED IN WHOLE OR IN PART, WITH OR WITHOUT HEARING UNDER SUCH REGULATIONS AND CONDITIONS AS THE DEPARTMENT MAY PRESCRIBE, WITH OR WITHOUT COMPENSATION, BUT NOT IN EXCESS OF THE REASONABLE COST FOR INVESTIGATING, HANDLING, AND GRANTING THE FRANCHISE. THE DEPARTMENT MAY REQUIRE THAT THE UTILITY AND APPURTENANCES BE SO PLACED ON THE HIGHWAY THAT THEY WILL, IN ITS OPINION, LEAST INTERFERE WITH OTHER USES OF THE HIGHWAY.

(2) IF A HEARING IS HELD, IT (~~((SHALL))~~) MUST BE CONDUCTED BY THE DEPARTMENT, AND MAY BE ADJOURNED FROM TIME TO TIME UNTIL COMPLETED. THE APPLICANT MAY BE REQUIRED TO PRODUCE ALL FACTS PERTAINING TO THE FRANCHISE, AND EVIDENCE MAY BE TAKEN FOR AND AGAINST GRANTING IT.

(3) THE FACILITY (~~((SHALL))~~) MUST BE MADE SUBJECT TO REMOVAL WHEN NECESSARY FOR THE CONSTRUCTION, ALTERATION, REPAIR, OR IMPROVEMENT OF THE HIGHWAY AND AT THE EXPENSE OF THE FRANCHISE HOLDER, EXCEPT THAT THE STATE SHALL PAY THE COST OF (~~((SUCH))~~) THE REMOVAL WHENEVER THE STATE (~~((SHALL BE))~~) IS ENTITLED TO RECEIVE PROPORTIONATE REIMBURSEMENT THEREFOR FROM THE UNITED STATES IN THE CASES AND IN THE MANNER SET FORTH IN RCW 47.44.030. RENEWAL UPON EXPIRATION OF A FRANCHISE (~~((SHALL))~~) MUST BE BY APPLICATION.

(4) A PERSON CONSTRUCTING OR OPERATING SUCH A UTILITY ON A STATE HIGHWAY IS LIABLE TO ANY PERSON INJURED THEREBY FOR ANY DAMAGES INCIDENT TO THE WORK OF INSTALLATION OR THE CONTINUATION OF THE OCCUPANCY OF THE HIGHWAY BY THE UTILITY, AND EXCEPT AS PROVIDED ABOVE, IS LIABLE TO THE STATE FOR ALL NECESSARY EXPENSES INCURRED IN RESTORING THE HIGHWAY TO A PERMANENT SUITABLE CONDITION FOR TRAVEL. A PERSON CONSTRUCTING OR OPERATING SUCH A UTILITY ON A STATE HIGHWAY IS ALSO LIABLE TO THE STATE FOR ALL NECESSARY EXPENSES INCURRED IN INSPECTING THE CONSTRUCTION AND RESTORING THE PAVEMENT OR OTHER RELATED TRANSPORTATION EQUIPMENT OR FACILITIES TO A PERMANENT CONDITION SUITABLE FOR TRAVEL AND OPERATION IN ACCORDANCE WITH REQUIREMENTS SET BY THE DEPARTMENT. PERMIT AND FRANCHISE HOLDERS ARE ALSO FINANCIALLY RESPONSIBLE TO THE DEPARTMENT FOR TRENCHING WORK NOT COMPLETED WITHIN THE CONTRACTUAL PERIOD AND FOR COMPENSATING FOR THE LOSS OF USEFUL PAVEMENT LIFE CAUSED BY TRENCHING. NO FRANCHISE MAY BE GRANTED FOR A LONGER PERIOD THAN FIFTY YEARS, AND NO EXCLUSIVE FRANCHISE OR PRIVILEGE MAY BE GRANTED.

(5) THE HOLDER OF A FRANCHISE GRANTED UNDER THIS SECTION IS FINANCIALLY RESPONSIBLE TO THE DEPARTMENT FOR TRENCHING WORK NOT COMPLETED WITHIN THE PERIOD OF THE PERMIT AND FOR COMPENSATING FOR THE LOSS OF USEFUL PAVEMENT LIFE CAUSED BY TRENCHING. IN THE CASE OF COMMON TRENCHING OPERATIONS, LIABILITY UNDER THIS SUBSECTION WILL BE ASSESSED EQUALLY BETWEEN THE FRANCHISEES. THE ASSESSED PARTIES MAY THEREAFTER PURSUE CLAIMS OF CONTRIBUTION OR INDEMNITY IN ACCORD WITH SUCH FAULT AS MAY BE DETERMINED BY ARBITRATION OR OTHER LEGAL ACTION.

SEC. 7. RCW 47.44.050 AND 1984 C 7 S 237 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE DEPARTMENT (~~((IS EMPOWERED TO))~~) MAY GRANT A PERMIT TO CONSTRUCT OR MAINTAIN ON, OVER, ACROSS, OR ALONG ANY STATE HIGHWAY ANY WATER, GAS, TELEPHONE, TELEGRAPH, LIGHT, POWER, OR OTHER SUCH FACILITIES WHEN THEY DO NOT EXTEND ALONG THE STATE HIGHWAY FOR A DISTANCE GREATER THAN THREE HUNDRED FEET. THE DEPARTMENT MAY REQUIRE SUCH INFORMATION AS IT DEEMS NECESSARY IN THE APPLICATION FOR ANY SUCH PERMIT, AND MAY GRANT OR WITHHOLD THE PERMIT WITHIN ITS DISCRETION.

ANY PERMIT GRANTED MAY BE CANCELED AT ANY TIME, AND ANY FACILITIES REMAINING UPON THE RIGHT OF WAY OF THE STATE HIGHWAY AFTER THIRTY DAYS WRITTEN NOTICE OF THE CANCELLATION (~~IS [ARE]~~) ARE AN UNLAWFUL OBSTRUCTION AND MAY BE REMOVED IN THE MANNER PROVIDED BY LAW.

(2) THE HOLDER OF A PERMIT GRANTED UNDER THIS SECTION IS FINANCIALLY RESPONSIBLE TO THE DEPARTMENT FOR TRENCHING WORK NOT COMPLETED WITHIN THE PERIOD OF THE PERMIT AND FOR COMPENSATING FOR THE LOSS OF USEFUL PAVEMENT LIFE CAUSED BY TRENCHING. IN THE CASE OF COMMON TRENCHING OPERATIONS, LIABILITY UNDER THIS SUBSECTION WILL BE ASSESSED EQUALLY BETWEEN THE PERMIT HOLDERS. THE ASSESSED PARTIES MAY THEREAFTER PURSUE CLAIMS OF CONTRIBUTION OR INDEMNITY IN ACCORD WITH SUCH FAULT AS MAY BE DETERMINED BY ARBITRATION OR OTHER LEGAL ACTION.

Sec. 8. RCW 47.24.020 AND 1993 C 126 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

THE JURISDICTION, CONTROL, AND DUTY OF THE STATE AND CITY OR TOWN WITH RESPECT TO SUCH STREETS (~~(SHALL BE)~~) IS AS FOLLOWS:

(1) THE DEPARTMENT HAS NO AUTHORITY TO CHANGE OR ESTABLISH ANY GRADE OF ANY SUCH STREET WITHOUT APPROVAL OF THE GOVERNING BODY OF SUCH CITY OR TOWN, EXCEPT WITH RESPECT TO LIMITED ACCESS FACILITIES ESTABLISHED BY THE COMMISSION;

(2) THE CITY OR TOWN SHALL EXERCISE FULL RESPONSIBILITY FOR AND CONTROL OVER ANY SUCH STREET BEYOND THE CURBS AND IF NO CURB IS INSTALLED, BEYOND THAT PORTION OF THE HIGHWAY USED FOR HIGHWAY PURPOSES. HOWEVER, WITHIN INCORPORATED CITIES AND TOWNS THE TITLE TO A STATE LIMITED ACCESS HIGHWAY VESTS IN THE STATE, AND, NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE DEPARTMENT SHALL EXERCISE FULL JURISDICTION, RESPONSIBILITY, AND CONTROL TO AND OVER SUCH FACILITY AS PROVIDED IN CHAPTER 47.52 RCW;

(3) THE DEPARTMENT HAS AUTHORITY TO PROHIBIT THE SUSPENSION OF SIGNS, BANNERS, OR DECORATIONS ABOVE THE PORTION OF SUCH STREET BETWEEN THE CURBS OR PORTION USED FOR HIGHWAY PURPOSES UP TO A VERTICAL HEIGHT OF TWENTY FEET ABOVE THE SURFACE OF THE ROADWAY;

(4) THE CITY OR TOWN SHALL AT ITS OWN EXPENSE MAINTAIN ALL UNDERGROUND FACILITIES IN SUCH STREETS, AND HAS THE RIGHT TO CONSTRUCT SUCH ADDITIONAL UNDERGROUND FACILITIES AS MAY BE NECESSARY IN SUCH STREETS. HOWEVER, PAVEMENT TRENCHING AND RESTORATION PERFORMED AS PART OF INSTALLATION OF SUCH FACILITIES MUST MEET OR EXCEED REQUIREMENTS ESTABLISHED BY THE DEPARTMENT;

(5) THE CITY OR TOWN HAS THE RIGHT TO GRANT THE PRIVILEGE TO OPEN THE SURFACE OF ANY SUCH STREET, BUT ALL DAMAGE OCCASIONED THEREBY SHALL PROMPTLY BE REPAIRED EITHER BY THE CITY OR TOWN ITSELF OR AT ITS DIRECTION. PAVEMENT TRENCHING AND RESTORATION PERFORMED UNDER A PRIVILEGE GRANTED BY THE CITY UNDER THIS SUBSECTION MUST MEET OR EXCEED REQUIREMENTS ESTABLISHED BY THE DEPARTMENT;

(6) THE CITY OR TOWN AT ITS OWN EXPENSE SHALL PROVIDE STREET ILLUMINATION AND SHALL CLEAN ALL SUCH STREETS, INCLUDING STORM SEWER INLETS AND CATCH BASINS, AND REMOVE ALL SNOW, EXCEPT THAT THE STATE SHALL WHEN NECESSARY PLOW THE SNOW ON THE ROADWAY. IN CITIES AND TOWNS HAVING A POPULATION OF TWENTY-TWO THOUSAND FIVE HUNDRED OR LESS ACCORDING TO THE LATEST DETERMINATION OF POPULATION BY THE OFFICE OF FINANCIAL MANAGEMENT, THE STATE, WHEN NECESSARY FOR PUBLIC SAFETY, SHALL ASSUME, AT ITS EXPENSE, RESPONSIBILITY FOR THE STABILITY OF THE SLOPES OF CUTS AND FILLS AND THE EMBANKMENTS WITHIN THE RIGHT OF WAY TO PROTECT THE ROADWAY ITSELF. WHEN THE POPULATION OF A CITY OR TOWN FIRST EXCEEDS TWENTY-TWO THOUSAND FIVE HUNDRED ACCORDING TO THE DETERMINATION OF POPULATION BY THE OFFICE OF FINANCIAL MANAGEMENT, THE CITY OR TOWN SHALL HAVE THREE YEARS FROM THE DATE OF THE DETERMINATION TO PLAN FOR ADDITIONAL STAFFING, BUDGETARY, AND EQUIPMENT REQUIREMENTS BEFORE BEING REQUIRED TO ASSUME THE RESPONSIBILITIES UNDER THIS SUBSECTION. THE STATE SHALL INSTALL, MAINTAIN, AND OPERATE ALL ILLUMINATING FACILITIES ON ANY LIMITED ACCESS FACILITY, TOGETHER WITH ITS INTERCHANGES, LOCATED WITHIN THE CORPORATE LIMITS OF ANY CITY OR TOWN, AND SHALL ASSUME AND PAY THE COSTS OF ALL SUCH INSTALLATION, MAINTENANCE, AND OPERATION INCURRED AFTER NOVEMBER 1, 1954;

(7) THE DEPARTMENT HAS THE RIGHT TO USE ALL STORM SEWERS ON SUCH HIGHWAYS WITHOUT COST; AND IF NEW STORM SEWER FACILITIES ARE NECESSARY IN CONSTRUCTION OF NEW STREETS BY THE DEPARTMENT, THE COST OF THE FACILITIES SHALL BE BORNE BY THE STATE AND/OR CITY AS MAY BE MUTUALLY AGREED UPON BETWEEN THE DEPARTMENT AND THE GOVERNING BODY OF THE CITY OR TOWN;

(8) CITIES AND TOWNS HAVE EXCLUSIVE RIGHT TO GRANT FRANCHISES NOT IN CONFLICT WITH STATE LAWS AND RULES, OVER, BENEATH, AND UPON SUCH STREETS, BUT THE DEPARTMENT IS AUTHORIZED TO ENFORCE IN AN ACTION BROUGHT IN THE NAME OF THE STATE ANY CONDITION OF ANY FRANCHISE WHICH A CITY OR TOWN HAS GRANTED ON SUCH STREET. NO FRANCHISE FOR TRANSPORTATION OF PASSENGERS IN MOTOR VEHICLES MAY BE GRANTED ON SUCH STREETS WITHOUT THE APPROVAL OF THE DEPARTMENT, BUT THE DEPARTMENT SHALL NOT REFUSE TO APPROVE SUCH FRANCHISE UNLESS ANOTHER STREET CONVENIENTLY LOCATED AND OF STRENGTH OF CONSTRUCTION TO SUSTAIN TRAVEL OF SUCH VEHICLES IS ACCESSIBLE;

(9) EVERY FRANCHISE OR PERMIT GRANTED ANY PERSON BY A CITY OR TOWN FOR USE OF ANY PORTION OF SUCH STREET BY A PUBLIC UTILITY (~~(SHALL)~~) MUST REQUIRE THE GRANTEE OR PERMITTEE TO RESTORE, REPAIR, AND REPLACE (~~(TO ITS ORIGINAL CONDITION)~~) ANY PORTION OF THE STREET DAMAGED OR INJURED BY IT TO CONDITIONS THAT MEET OR EXCEED REQUIREMENTS ESTABLISHED BY THE DEPARTMENT;

(10) THE CITY OR TOWN HAS THE RIGHT TO ISSUE OVERLOAD OR OVERWIDTH PERMITS FOR VEHICLES TO OPERATE ON SUCH STREETS OR ROADS SUBJECT TO REGULATIONS PRINTED AND DISTRIBUTED TO THE CITIES AND TOWNS BY THE DEPARTMENT;

(11) CITIES AND TOWNS SHALL REGULATE AND ENFORCE ALL TRAFFIC AND PARKING RESTRICTIONS ON SUCH STREETS, BUT ALL REGULATIONS ADOPTED BY A CITY OR TOWN RELATING TO SPEED, PARKING, AND TRAFFIC CONTROL DEVICES ON SUCH STREETS NOT IDENTICAL TO STATE LAW RELATING THERETO ARE SUBJECT TO THE APPROVAL OF THE DEPARTMENT BEFORE BECOMING EFFECTIVE. ALL REGULATIONS PERTAINING TO SPEED, PARKING, AND TRAFFIC CONTROL DEVICES RELATING TO SUCH STREETS HERETOFORE ADOPTED BY A CITY OR TOWN NOT IDENTICAL WITH STATE LAWS SHALL BECOME NULL AND VOID UNLESS APPROVED BY THE DEPARTMENT HERETOFORE OR WITHIN ONE YEAR AFTER MARCH 21, 1963;

(12) THE DEPARTMENT SHALL ERECT, CONTROL, AND MAINTAIN AT STATE EXPENSE ALL ROUTE MARKERS AND DIRECTIONAL SIGNS, EXCEPT STREET SIGNS, ON SUCH STREETS;

(13) THE DEPARTMENT SHALL INSTALL, OPERATE, MAINTAIN, AND CONTROL AT STATE EXPENSE ALL TRAFFIC CONTROL SIGNALS, SIGNS, AND TRAFFIC CONTROL DEVICES FOR THE PURPOSE OF REGULATING BOTH PEDESTRIAN AND MOTOR VEHICULAR TRAFFIC ON, ENTERING UPON, OR LEAVING STATE HIGHWAYS IN CITIES AND TOWNS HAVING A POPULATION OF TWENTY-TWO THOUSAND FIVE HUNDRED OR LESS ACCORDING TO THE LATEST DETERMINATION OF POPULATION BY THE OFFICE OF FINANCIAL MANAGEMENT. SUCH CITIES AND TOWNS MAY SUBMIT TO THE DEPARTMENT A PLAN FOR TRAFFIC CONTROL SIGNALS, SIGNS, AND TRAFFIC CONTROL DEVICES DESIRED BY

THEM, INDICATING THE LOCATION, NATURE OF INSTALLATION, OR TYPE THEREOF, OR A PROPOSED AMENDMENT TO SUCH AN EXISTING PLAN OR INSTALLATION, AND THE DEPARTMENT SHALL CONSULT WITH THE CITIES OR TOWNS CONCERNING THE PLAN BEFORE INSTALLING SUCH SIGNALS, SIGNS, OR DEVICES. CITIES AND TOWNS HAVING A POPULATION IN EXCESS OF TWENTY-TWO THOUSAND FIVE HUNDRED ACCORDING TO THE LATEST DETERMINATION OF POPULATION BY THE OFFICE OF FINANCIAL MANAGEMENT SHALL INSTALL, MAINTAIN, OPERATE, AND CONTROL SUCH SIGNALS, SIGNS, AND DEVICES AT THEIR OWN EXPENSE, SUBJECT TO APPROVAL OF THE DEPARTMENT FOR THE INSTALLATION AND TYPE ONLY. WHEN THE POPULATION OF A CITY OR TOWN FIRST EXCEEDS TWENTY-TWO THOUSAND FIVE HUNDRED ACCORDING TO THE DETERMINATION OF POPULATION BY THE OFFICE OF FINANCIAL MANAGEMENT, THE CITY OR TOWN SHALL HAVE THREE YEARS FROM THE DATE OF THE DETERMINATION TO PLAN FOR ADDITIONAL STAFFING, BUDGETARY, AND EQUIPMENT REQUIREMENTS BEFORE BEING REQUIRED TO ASSUME THE RESPONSIBILITIES UNDER THIS SUBSECTION. FOR THE PURPOSE OF THIS SUBSECTION, STRIPING, LANE MARKING, AND CHANNELIZATION ARE CONSIDERED TRAFFIC CONTROL DEVICES;

(14) ALL REVENUE FROM PARKING METERS PLACED ON SUCH STREETS BELONGS TO THE CITY OR TOWN;

(15) RIGHTS OF WAY FOR SUCH STREETS SHALL BE ACQUIRED BY EITHER THE CITY OR TOWN OR BY THE STATE AS SHALL BE MUTUALLY AGREED UPON. COSTS OF ACQUIRING RIGHTS OF WAY MAY BE AT THE SOLE EXPENSE OF THE STATE OR AT THE EXPENSE OF THE CITY OR TOWN OR AT THE EXPENSE OF THE STATE AND THE CITY OR TOWN AS MAY BE MUTUALLY AGREED UPON. TITLE TO ALL SUCH RIGHTS OF WAY SO ACQUIRED SHALL VEST IN THE CITY OR TOWN: PROVIDED, THAT NO VACATION, SALE, RENTAL, OR ANY OTHER NONTRANSPORTATION USE OF ANY UNUSED PORTION OF ANY SUCH STREET MAY BE MADE BY THE CITY OR TOWN WITHOUT THE PRIOR WRITTEN APPROVAL OF THE DEPARTMENT; AND ALL REVENUE DERIVED FROM SALE, VACATION, RENTAL, OR ANY NONTRANSPORTATION USE OF SUCH RIGHTS OF WAY SHALL BE SHARED BY THE CITY OR TOWN AND THE STATE IN THE SAME PROPORTION AS THE PURCHASE COSTS WERE SHARED;

(16) IF ANY CITY OR TOWN FAILS TO PERFORM ANY OF ITS OBLIGATIONS AS SET FORTH IN THIS SECTION OR IN ANY COOPERATIVE AGREEMENT ENTERED INTO WITH THE DEPARTMENT FOR THE MAINTENANCE OF A CITY OR TOWN STREET FORMING PART OF THE ROUTE OF A STATE HIGHWAY, THE DEPARTMENT MAY NOTIFY THE MAYOR OF THE CITY OR TOWN TO PERFORM THE NECESSARY MAINTENANCE WITHIN THIRTY DAYS. IF THE CITY OR TOWN WITHIN THE THIRTY DAYS FAILS TO PERFORM THE MAINTENANCE OR FAILS TO AUTHORIZE THE DEPARTMENT TO PERFORM THE MAINTENANCE AS PROVIDED BY RCW 47.24.050, THE DEPARTMENT MAY PERFORM THE MAINTENANCE, THE COST OF WHICH IS TO BE DEDUCTED FROM ANY SUMS IN THE MOTOR VEHICLE FUND CREDITED OR TO BE CREDITED TO THE CITY OR TOWN.

NEW SECTION. Sec. 9. IF SPECIFIC FUNDING FOR THE PURPOSES OF THIS ACT, REFERENCING THIS ACT BY BILL OR CHAPTER NUMBER, IS NOT PROVIDED BY JUNE 30, 2001, IN THE TRANSPORTATION APPROPRIATIONS ACT, THIS ACT IS NULL AND VOID."

MOTIONS

ON MOTION OF SENATOR GARDNER, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON LINE 1 OF THE TITLE, AFTER "ACQUISITION;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 43.79A.040, 47.44.010, 47.44.020, 47.44.050, AND 47.24.020; ADDING NEW SECTIONS TO CHAPTER 47.26 RCW; AND CREATING A NEW SECTION."

ON MOTION OF SENATOR GARDNER, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1678, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1678, AS AMENDED BY THE SENATE..

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1678, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR BROWN - 1.

SUBSTITUTE HOUSE BILL NO. 1678, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1680, BY HOUSE COMMITTEE ON TRANSPORTATION (ORIGINALLY SPONSORED BY REPRESENTATIVES FISHER, MITCHELL AND POULSEN) (BY REQUEST OF THE BLUE RIBBON COMMISSION ON TRANSPORTATION)

EXTENDING DESIGN-BUILD FOR PUBLIC WORKS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR GARDNER, THE FOLLOWING COMMITTEE ON TRANSPORTATION STRIKING AMENDMENT WAS ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

NEW SECTION. Sec. 1. THE LEGISLATURE FINDS AND DECLARES THAT A CONTRACTING PROCEDURE THAT FACILITATES CONSTRUCTION OF TRANSPORTATION FACILITIES IN A MORE TIMELY MANNER MAY OCCASIONALLY BE NECESSARY TO ENSURE THAT CONSTRUCTION CAN PROCEED SIMULTANEOUSLY WITH THE DESIGN OF THE FACILITY. THE LEGISLATURE FURTHER FINDS THAT THE DESIGN-BUILD PROCESS AND OTHER ALTERNATIVE PROJECT DELIVERY CONCEPTS ACHIEVE THE GOALS OF TIME SAVINGS AND AVOIDANCE OF COSTLY CHANGE ORDERS.

THE LEGISLATURE FINDS AND DECLARES THAT A 2001 AUDIT, CONDUCTED BY TALBOT, KORVOLA & WARWICK, EXAMINING THE WASHINGTON STATE FERRIES' CAPITAL PROGRAM RESULTED IN A RECOMMENDATION FOR IMPROVEMENTS AND CHANGES IN AUTO FERRY PROCUREMENT PROCESSES. THE AUDITORS RECOMMENDED THAT AUTO FERRIES BE PROCURED THROUGH USE OF A MODIFIED REQUEST FOR PROPOSALS PROCESS WHEREBY THE PREVAILING SHIPBUILDER AND WASHINGTON STATE FERRIES ENGAGE IN A DESIGN AND BUILD PARTNERSHIP. THIS PROCESS PROMOTES OWNERSHIP OF THE DESIGN BY THE SHIPBUILDER WHILE USING THE DEPARTMENT OF TRANSPORTATION'S EXPERTISE IN FERRY DESIGN AND OPERATIONS. ALTERNATIVE PROCESSES LIKE DESIGN-BUILD PARTNERSHIPS CAN PROMOTE INNOVATION AND CREATE COMPETITIVE INCENTIVES THAT INCREASE THE LIKELIHOOD OF FINISHING PROJECTS ON TIME AND WITHIN THE BUDGET.

THE PURPOSE OF THIS ACT IS TO AUTHORIZE THE DEPARTMENT'S USE OF A MODIFIED REQUEST FOR PROPOSALS PROCESS FOR PROCUREMENT OF AUTO FERRIES, AND TO PRESCRIBE APPROPRIATE REQUIREMENTS AND CRITERIA TO ENSURE THAT CONTRACTING PROCEDURES FOR THIS PROCUREMENT PROCESS SERVE THE PUBLIC INTEREST.

NEW SECTION. Sec. 2. A NEW SECTION IS ADDED TO CHAPTER 47.20 RCW TO READ AS FOLLOWS:

THE DEPARTMENT OF TRANSPORTATION SHALL DEVELOP A PROCESS FOR AWARDING COMPETITIVELY BID HIGHWAY CONSTRUCTION CONTRACTS FOR PROJECTS OVER TEN MILLION DOLLARS THAT MAY BE CONSTRUCTED USING A DESIGN-BUILD PROCEDURE. AS USED IN THIS SECTION AND SECTION 3 OF THIS ACT, "DESIGN-BUILD PROCEDURE" MEANS A METHOD OF CONTRACTING UNDER WHICH THE DEPARTMENT OF TRANSPORTATION CONTRACTS WITH ANOTHER PARTY FOR THE PARTY TO BOTH DESIGN AND BUILD THE STRUCTURES, FACILITIES, AND OTHER ITEMS SPECIFIED IN THE CONTRACT.

THE PROCESS DEVELOPED BY THE DEPARTMENT MUST, AT A MINIMUM, INCLUDE THE SCOPE OF SERVICES REQUIRED UNDER THE DESIGN-BUILD PROCEDURE, CONTRACTOR PREQUALIFICATION REQUIREMENTS, CRITERIA FOR EVALUATING TECHNICAL INFORMATION AND PROJECT COSTS, CONTRACTOR SELECTION CRITERIA, AND ISSUE RESOLUTION PROCEDURES. IN ADDITION, THE DEPARTMENT SHOULD PROVIDE METHODS BY WHICH PUBLIC EMPLOYEES MAY PARTICIPATE IN THE DESIGN-BUILD PROCESS. THIS SECTION EXPIRES APRIL 30, 2008.

NEW SECTION. Sec. 3. A NEW SECTION IS ADDED TO CHAPTER 47.20 RCW TO READ AS FOLLOWS:

THE DEPARTMENT OF TRANSPORTATION MAY USE THE DESIGN-BUILD PROCEDURE FOR PUBLIC WORKS PROJECTS OVER TEN MILLION DOLLARS WHERE:

(1) THE CONSTRUCTION ACTIVITIES ARE HIGHLY SPECIALIZED AND A DESIGN-BUILD APPROACH IS CRITICAL IN DEVELOPING THE CONSTRUCTION METHODOLOGY; OR

(2) THE PROJECTS SELECTED PROVIDE OPPORTUNITY FOR GREATER INNOVATION AND EFFICIENCIES BETWEEN THE DESIGNER AND THE BUILDER; OR

(3) SIGNIFICANT SAVINGS IN PROJECT DELIVERY TIME WOULD BE REALIZED.

THIS SECTION EXPIRES APRIL 30, 2008.

NEW SECTION. Sec. 4. A NEW SECTION IS ADDED TO CHAPTER 47.60 RCW TO READ AS FOLLOWS:

(1) THE DEPARTMENT MAY PURCHASE NEW AUTO FERRIES THROUGH USE OF A MODIFIED REQUEST FOR PROPOSALS PROCESS WHEREBY THE PREVAILING SHIPBUILDER AND THE DEPARTMENT ENGAGE IN A DESIGN AND BUILD PARTNERSHIP FOR THE DESIGN AND CONSTRUCTION OF THE AUTO FERRIES. THE PROCESS CONSISTS OF THE THREE PHASES DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

(2) THE DEFINITIONS IN THIS SUBSECTION APPLY THROUGHOUT SECTIONS 5 THROUGH 10 OF THIS ACT.

(A) "PHASE ONE" MEANS THE EVALUATION AND SELECTION OF PROPOSERS TO PARTICIPATE IN DEVELOPMENT OF TECHNICAL PROPOSALS IN PHASE TWO.

(B) "PHASE TWO" MEANS THE PREPARATION OF TECHNICAL PROPOSALS BY THE SELECTED PROPOSERS IN CONSULTATION WITH THE DEPARTMENT.

(C) "PHASE THREE" MEANS THE SUBMITTAL AND EVALUATION OF BIDS, THE AWARD OF THE CONTRACT TO THE SUCCESSFUL PROPOSER, AND THE DESIGN AND CONSTRUCTION OF THE AUTO FERRIES.

NEW SECTION. Sec. 5. A NEW SECTION IS ADDED TO CHAPTER 47.60 RCW TO READ AS FOLLOWS:

TO COMMENCE THE REQUEST FOR PROPOSALS PROCESS, THE DEPARTMENT SHALL PUBLISH A NOTICE OF ITS INTENT ONCE A WEEK FOR AT LEAST TWO CONSECUTIVE WEEKS IN AT LEAST ONE TRADE PAPER AND ONE OTHER PAPER, BOTH OF GENERAL CIRCULATION IN THE STATE. THE NOTICE MUST CONTAIN, BUT IS NOT LIMITED TO, THE FOLLOWING INFORMATION:

(1) THE NUMBER OF AUTO FERRIES TO BE PROCURED, THE AUTO AND PASSENGER CAPACITIES, THE DELIVERY DATES, AND THE ESTIMATED PRICE RANGE FOR THE CONTRACT;

(2) A STATEMENT THAT A MODIFIED REQUEST FOR PROPOSALS DESIGN AND BUILD PARTNERSHIP WILL BE USED IN THE PROCUREMENT PROCESS;

(3) A SHORT SUMMARY OF THE REQUIREMENTS FOR PREQUALIFICATION OF PROPOSERS INCLUDING A STATEMENT THAT PREQUALIFICATION IS A PREREQUISITE TO SUBMITTAL OF A PROPOSAL IN PHASE ONE; AND

(4) AN ADDRESS AND TELEPHONE NUMBER THAT MAY BE USED TO OBTAIN A PREQUALIFICATION QUESTIONNAIRE AND THE REQUEST FOR PROPOSALS.

NEW SECTION. Sec. 6. A NEW SECTION IS ADDED TO CHAPTER 47.60 RCW TO READ AS FOLLOWS:

SUBJECT TO LEGISLATIVE APPROPRIATION FOR THE PROCUREMENT OF VESSELS, THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS TO INTERESTED PARTIES THAT MUST INCLUDE, AT LEAST, THE FOLLOWING:

(1) SOLICITATION OF A PROPOSAL TO PARTICIPATE IN A DESIGN AND BUILD PARTNERSHIP WITH THE DEPARTMENT TO DESIGN AND CONSTRUCT THE AUTO FERRIES;

(2) INSTRUCTIONS ON THE PREQUALIFICATION PROCESS AND PROCEDURES;

(3) A DESCRIPTION OF THE MODIFIED REQUEST FOR PROPOSALS PROCESS. UNDER THIS PROCESS, THE DEPARTMENT MAY MODIFY ANY COMPONENT OF THE REQUEST FOR PROPOSALS, INCLUDING THE OUTLINE SPECIFICATIONS, BY ADDENDUM AT ANY TIME BEFORE THE SUBMITTAL OF BIDS IN PHASE THREE;

(4) A DESCRIPTION OF THE DESIGN AND BUILD PARTNERSHIP PROCESS TO BE USED FOR PROCUREMENT OF THE VESSELS;

(5) OUTLINE SPECIFICATIONS THAT PROVIDE THE REQUIREMENTS FOR THE VESSELS INCLUDING, BUT NOT LIMITED TO, ITEMS SUCH AS LENGTH, BEAM, DISPLACEMENT, SPEED, PROPULSION REQUIREMENTS, CAPACITIES FOR AUTOS AND PASSENGERS, PASSENGER SPACE CHARACTERISTICS, AND CREW SIZE. THE DEPARTMENT WILL PRODUCE NOTIONAL LINE DRAWINGS DEPICTING HULL GEOMETRY THAT WILL INTERFACE WITH WASHINGTON STATE FERRIES TERMINAL FACILITIES. NOTIONAL LINES MAY BE MODIFIED IN PHASE TWO, SUBJECT TO APPROVAL BY THE DEPARTMENT;

(6) INSTRUCTIONS FOR THE DEVELOPMENT OF TECHNICAL PROPOSALS IN PHASE TWO, AND INFORMATION REGARDING CONFIDENTIALITY OF TECHNICAL PROPOSALS;

(7) THE VESSEL DELIVERY SCHEDULE, IDENTIFICATION OF THE PORT ON PUGET SOUND WHERE DELIVERY MUST TAKE PLACE, AND THE LOCATION WHERE ACCEPTANCE TRIALS MUST BE HELD;

(8) THE ESTIMATED PRICE RANGE FOR THE CONTRACT;

(9) THE FORM AND AMOUNT OF THE REQUIRED BID DEPOSIT AND CONTRACT SECURITY;

(10) A COPY OF THE CONTRACT THAT WILL BE SIGNED BY THE SUCCESSFUL PROPOSER;

(11) THE DATE BY WHICH PROPOSALS IN PHASE ONE MUST BE RECEIVED BY THE DEPARTMENT IN ORDER TO BE CONSIDERED;

(12) A DESCRIPTION OF INFORMATION TO BE SUBMITTED IN THE PROPOSALS IN PHASE ONE CONCERNING EACH PROPOSER'S QUALIFICATIONS, CAPABILITIES, AND EXPERIENCE;

(13) A STATEMENT OF THE MAXIMUM NUMBER OF PROPOSERS THAT MAY BE SELECTED IN PHASE ONE FOR DEVELOPMENT OF TECHNICAL PROPOSALS IN PHASE TWO;

(14) CRITERIA THAT WILL BE USED FOR THE PHASE ONE SELECTION OF PROPOSERS TO PARTICIPATE IN THE PHASE TWO DEVELOPMENT OF TECHNICAL PROPOSALS;

(15) A DESCRIPTION OF THE PROCESS THAT WILL BE USED FOR THE PHASE THREE SUBMITTAL AND EVALUATION OF BIDS, AWARD OF THE CONTRACT, AND POSTAWARD ADMINISTRATIVE ACTIVITIES;

(16) A REQUIREMENT THAT THE CONTRACTOR COMPLY WITH ALL APPLICABLE LAWS, RULES, AND REGULATIONS INCLUDING BUT NOT LIMITED TO THOSE PERTAINING TO THE ENVIRONMENT, WORKER HEALTH AND SAFETY, AND PREVAILING WAGES;

(17) A REQUIREMENT THAT THE VESSELS BE CONSTRUCTED WITHIN THE BOUNDARIES OF THE STATE OF WASHINGTON EXCEPT THAT EQUIPMENT FURNISHED BY THE STATE AND COMPONENTS, PRODUCTS, AND SYSTEMS THAT ARE STANDARD MANUFACTURED ITEMS ARE NOT SUBJECT TO THE IN-STATE REQUIREMENT UNDER THIS SUBSECTION. FOR THE PURPOSES OF THIS SUBSECTION, "CONSTRUCTED" MEANS THE FABRICATION, BY THE JOINING TOGETHER BY WELDING OR FASTENING OF ALL STEEL PARTS FROM WHICH THE TOTAL VESSEL IS CONSTRUCTED, INCLUDING, BUT NOT LIMITED TO, ALL SHELL FRAMES, LONGITUDINALS, BULKHEADS, WEBS, PIPING RUNS, WIRE WAYS, AND DUCTING. "CONSTRUCTED" ALSO MEANS THE INSTALLATION OF ALL COMPONENTS AND SYSTEMS, INCLUDING, BUT NOT LIMITED TO, EQUIPMENT AND MACHINERY, CASTINGS, ELECTRICAL, ELECTRONICS, DECK COVERING, LINING, PAINT, AND JOINER WORK REQUIRED BY THE CONTRACT. "CONSTRUCTED" ALSO MEANS THE INTERCONNECTION OF ALL EQUIPMENT, MACHINERY, AND SERVICES, SUCH AS PIPING, WIRING, AND DUCTING; AND

(18) A REQUIREMENT THAT ALL WARRANTY WORK ON THE VESSEL MUST BE PERFORMED WITHIN THE BOUNDARIES OF THE STATE OF WASHINGTON, INsofar AS PRACTICAL.

NEW SECTION. Sec. 7. A NEW SECTION IS ADDED TO CHAPTER 47.60 RCW TO READ AS FOLLOWS:

PHASE ONE OF THE REQUEST FOR PROPOSALS PROCESS CONSISTS OF EVALUATION AND SELECTION OF PREQUALIFIED PROPOSERS TO PARTICIPATE IN SUBSEQUENT DEVELOPMENT OF TECHNICAL PROPOSALS IN PHASE TWO, AS FOLLOWS:

(1) THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS TO INTERESTED PARTIES.

(2) THE REQUEST FOR PROPOSALS MUST REQUIRE THAT EACH PROPOSER PREQUALIFY FOR THE CONTRACT UNDER CHAPTER 468-310 WAC, EXCEPT THAT THE DEPARTMENT MAY ADOPT RULES FOR THE FINANCIAL PREQUALIFICATION OF PROPOSERS FOR THIS SPECIFIC CONTRACT ONLY. THE DEPARTMENT SHALL MODIFY THE FINANCIAL PREQUALIFICATION RULES IN CHAPTER 468-310 WAC IN ORDER TO MAXIMIZE COMPETITION AMONG FINANCIALLY CAPABLE AND OTHERWISE QUALIFIED PROPOSERS. IN ADOPTING THESE RULES, THE DEPARTMENT SHALL CONSIDER FACTORS INCLUDING, WITHOUT LIMITATION: (A) SHIPYARD RESOURCES IN WASHINGTON STATE; (B) THE COST TO DESIGN AND CONSTRUCT MULTIPLE VESSELS UNDER A SINGLE CONTRACT WITHOUT OPTIONS; AND (C) THE SEQUENCED DELIVERY SCHEDULE FOR THE VESSELS.

(3) THE DEPARTMENT MAY USE SOME, OR ALL, OF THE NONFINANCIAL PREQUALIFICATION FACTORS AS PART OF THE EVALUATION FACTORS IN PHASE ONE TO ENABLE THE DEPARTMENT TO SELECT A LIMITED NUMBER OF BEST QUALIFIED PROPOSERS TO PARTICIPATE IN DEVELOPMENT OF TECHNICAL PROPOSALS IN PHASE TWO.

(4) THE DEPARTMENT SHALL EVALUATE SUBMITTED PROPOSALS IN ACCORDANCE WITH THE SELECTION CRITERIA ESTABLISHED IN THE REQUEST FOR PROPOSALS. SELECTION CRITERIA MAY INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

(A) SHIPYARD FACILITIES;

(B) ORGANIZATION COMPONENTS;

(C) DESIGN CAPABILITY;

(D) BUILD STRATEGY;

(E) EXPERIENCE AND PAST PERFORMANCE;

(F) ABILITY TO MEET VESSEL DELIVERY DATES;

(G) PROJECTED WORKLOAD; AND

(H) EXPERTISE OF PROJECT TEAM AND OTHER KEY PERSONNEL.

(5) UPON CONCLUDING ITS EVALUATION OF PROPOSALS, THE DEPARTMENT SHALL SELECT THE BEST QUALIFIED PROPOSERS IN ACCORDANCE WITH THE REQUEST FOR PROPOSALS. THE SELECTED PROPOSERS MUST PARTICIPATE IN DEVELOPMENT OF TECHNICAL PROPOSALS. SELECTION MUST BE MADE IN ACCORDANCE WITH THE SELECTION CRITERIA STATED IN THE REQUEST FOR PROPOSALS. ALL PROPOSERS MUST BE RANKED IN ORDER OF PREFERENCE AS DERIVED FROM THE SAME SELECTION CRITERIA.

NEW SECTION. Sec. 8. A NEW SECTION IS ADDED TO CHAPTER 47.60 RCW TO READ AS FOLLOWS:

PHASE TWO OF THE REQUEST FOR PROPOSALS PROCESS CONSISTS OF PREPARATION OF TECHNICAL PROPOSALS IN CONSULTATION WITH THE DEPARTMENT, AS FOLLOWS:

(1) THE DEVELOPMENT OF TECHNICAL PROPOSALS IN COMPLIANCE WITH THE DETAILED INSTRUCTIONS PROVIDED IN THE REQUEST FOR PROPOSALS, INCLUDING THE OUTLINE SPECIFICATIONS, AND ANY ADDENDA TO THEM. TECHNICAL PROPOSALS MUST INCLUDE THE FOLLOWING:

(A) DESIGN AND SPECIFICATIONS SUFFICIENT TO FULLY DEPICT THE FERRIES' CHARACTERISTICS AND IDENTIFY INSTALLED EQUIPMENT;

(B) DRAWINGS SHOWING ARRANGEMENTS OF EQUIPMENT AND DETAILS NECESSARY FOR THE PROPOSER TO DEVELOP A FIRM, FIXED PRICE BID;

(C) PROJECT SCHEDULE INCLUDING VESSEL DELIVERY DATES; AND

(D) OTHER APPROPRIATE ITEMS.

(2) THE DEPARTMENT SHALL CONDUCT PERIODIC REVIEWS WITH EACH OF THE SELECTED PROPOSERS TO CONSIDER AND CRITIQUE THEIR DESIGNS, DRAWINGS, AND SPECIFICATIONS. THESE REVIEWS MUST BE HELD TO ENSURE THAT TECHNICAL PROPOSALS MEET THE DEPARTMENT'S REQUIREMENTS AND ARE RESPONSIVE TO THE CRITIQUES CONDUCTED BY THE DEPARTMENT DURING THE DEVELOPMENT OF TECHNICAL PROPOSALS.

(3) IF, AS A RESULT OF THE PERIODIC TECHNICAL REVIEWS OR OTHERWISE, THE DEPARTMENT DETERMINES THAT IT IS IN THE BEST INTERESTS OF THE DEPARTMENT TO MODIFY ANY ELEMENT OF THE REQUEST FOR PROPOSALS, INCLUDING THE OUTLINE SPECIFICATIONS, IT SHALL DO SO BY WRITTEN ADDENDA TO THE REQUEST FOR PROPOSALS.

(4) PROPOSERS MUST SUBMIT FINAL TECHNICAL PROPOSALS FOR APPROVAL THAT INCLUDE DESIGN, DRAWINGS, AND SPECIFICATIONS AT A SUFFICIENT LEVEL OF DETAIL TO FULLY DEPICT THE FERRIES' CHARACTERISTICS AND IDENTIFY INSTALLED EQUIPMENT, AND TO ENABLE A PROPOSER TO DELIVER A FIRM, FIXED PRICE BID TO THE DEPARTMENT. THE DEPARTMENT SHALL REJECT FINAL TECHNICAL PROPOSALS THAT MODIFY, FAIL TO CONFORM TO, OR ARE NOT FULLY RESPONSIVE TO AND IN COMPLIANCE WITH THE REQUIREMENTS OF THE REQUEST FOR PROPOSALS, INCLUDING THE OUTLINE SPECIFICATIONS, AS AMENDED BY ADDENDA.

NEW SECTION. Sec. 9. A NEW SECTION IS ADDED TO CHAPTER 47.60 RCW TO READ AS FOLLOWS:

PHASE THREE CONSISTS OF THE SUBMITTAL AND EVALUATION OF BIDS AND THE AWARD OF THE CONTRACT TO THE SUCCESSFUL PROPOSER FOR THE FINAL DESIGN AND CONSTRUCTION OF THE AUTO FERRIES, AS FOLLOWS:

(1) THE DEPARTMENT SHALL REQUEST BIDS FOR DETAILED DESIGN AND APPROVAL OF THE VESSELS AFTER COMPLETION OF THE REVIEW OF TECHNICAL PROPOSALS IN PHASE TWO. THE DEPARTMENT WILL REVIEW DETAILED DESIGN DRAWINGS IN PHASE THREE FOR CONFORMITY WITH THE TECHNICAL PROPOSALS SUBMITTED IN PHASE TWO. IN NO CASE MAY THE DEPARTMENT'S REVIEW REPLACE THE BUILDER'S RESPONSIBILITY TO DELIVER A PRODUCT MEETING THE PHASE TWO TECHNICAL PROPOSAL. THE DEPARTMENT MAY ONLY CONSIDER BIDS FROM SELECTED PROPOSERS THAT HAVE QUALIFIED TO BID BY SUBMITTING TECHNICAL PROPOSALS THAT HAVE BEEN APPROVED BY THE DEPARTMENT.

(2) EACH QUALIFIED PROPOSER MUST SUBMIT ITS TOTAL BID PRICE FOR ALL VESSELS, INCLUDING CERTIFICATION THAT THE BID IS BASED UPON ITS APPROVED TECHNICAL PROPOSAL AND THE REQUEST FOR PROPOSALS.

(3) BIDS CONSTITUTE AN OFFER AND REMAIN OPEN FOR NINETY DAYS FROM THE DATE OF THE BID OPENING. A DEPOSIT IN CASH, CERTIFIED CHECK, CASHIER'S CHECK, OR SURETY BOND IN AN AMOUNT SPECIFIED IN THE REQUEST FOR PROPOSALS MUST ACCOMPANY EACH BID AND NO BID MAY BE CONSIDERED UNLESS THE DEPOSIT IS ENCLOSED.

(4) THE DEPARTMENT SHALL EVALUATE THE SUBMITTED BIDS. UPON COMPLETING THE BID EVALUATION, THE DEPARTMENT MAY SELECT THE RESPONSIVE AND RESPONSIBLE PROPOSER THAT OFFERS THE LOWEST TOTAL BID PRICE FOR ALL VESSELS.

(5) THE DEPARTMENT MAY WAIVE INFORMALITIES IN THE PROPOSAL AND BID PROCESS, ACCEPT A BID FROM THE LOWEST RESPONSIVE AND RESPONSIBLE PROPOSER, REJECT ANY OR ALL BIDS, REPUBLISH, AND REVISE OR CANCEL THE REQUEST FOR PROPOSALS TO SERVE THE BEST INTERESTS OF THE DEPARTMENT.

(6) THE DEPARTMENT MAY:

(A) AWARD THE CONTRACT TO THE PROPOSER THAT HAS BEEN SELECTED AS THE RESPONSIVE AND RESPONSIBLE PROPOSER THAT HAS SUBMITTED THE LOWEST TOTAL BID PRICE;

(B) IF A CONTRACT CANNOT BE SIGNED WITH THE APPARENT SUCCESSFUL PROPOSER, AWARD THE CONTRACT TO THE NEXT LOWEST RESPONSIVE AND RESPONSIBLE PROPOSER; OR

(C) IF NECESSARY, REPEAT THIS PROCEDURE WITH EACH RESPONSIVE AND RESPONSIBLE PROPOSER IN ORDER OF RANK UNTIL THE LIST OF THOSE PROPOSERS HAS BEEN EXHAUSTED.

(7) IF THE DEPARTMENT AWARDS A CONTRACT TO A PROPOSER UNDER THIS SECTION, AND THE PROPOSER FAILS TO ENTER INTO THE CONTRACT AND FURNISH SATISFACTORY CONTRACT SECURITY AS REQUIRED BY CHAPTER 39.08 RCW WITHIN TWENTY DAYS FROM THE DATE OF AWARD, ITS DEPOSIT IS FORFEITED TO THE STATE AND WILL BE DEPOSITED BY THE STATE TREASURER TO THE CREDIT OF THE PUGET SOUND CAPITAL CONSTRUCTION ACCOUNT. UPON THE EXECUTION OF A FERRY DESIGN AND CONSTRUCTION CONTRACT ALL PROPOSAL DEPOSITS WILL BE RETURNED.

(8) THE DEPARTMENT MAY PROVIDE AN HONORARIUM TO REIMBURSE EACH UNSUCCESSFUL PHASE THREE PROPOSER FOR A PORTION OF ITS TECHNICAL PROPOSAL PREPARATION COSTS AT A PRESET, FIXED AMOUNT TO BE SPECIFIED IN THE REQUEST FOR PROPOSALS. IF THE DEPARTMENT REJECTS ALL BIDS, THE DEPARTMENT MAY PROVIDE THE HONORARIA TO ALL PHASE THREE PROPOSERS THAT SUBMITTED BIDS.

NEW SECTION. Sec. 10. A NEW SECTION IS ADDED TO CHAPTER 47.60 RCW TO READ AS FOLLOWS:

(1) THE DEPARTMENT SHALL IMMEDIATELY NOTIFY THOSE PROPOSERS THAT ARE NOT SELECTED TO PARTICIPATE IN DEVELOPMENT OF TECHNICAL PROPOSALS IN PHASE ONE AND THOSE PROPOSERS WHO SUBMIT UNSUCCESSFUL BIDS IN PHASE THREE.

(2) THE DEPARTMENT'S DECISION IS CONCLUSIVE UNLESS AN AGGRIEVED PROPOSER FILES AN APPEAL WITH THE SUPERIOR COURT OF THURSTON COUNTY WITHIN FIVE DAYS AFTER RECEIVING NOTICE OF THE DEPARTMENT'S AWARD DECISION. THE COURT SHALL HEAR ANY SUCH APPEAL ON THE DEPARTMENT'S ADMINISTRATIVE RECORD FOR THE PROJECT. THE COURT MAY AFFIRM THE DECISION OF THE DEPARTMENT, OR IT MAY REVERSE OR REMAND THE ADMINISTRATIVE DECISION IF IT DETERMINES THE ACTION OF THE DEPARTMENT WAS ARBITRARY AND CAPRICIOUS."

MOTIONS

ON MOTION OF SENATOR GARDNER, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON LINE 1 OF THE TITLE, AFTER "WORKS;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "ADDING NEW SECTIONS TO CHAPTER 47.20 RCW; ADDING NEW SECTIONS TO CHAPTER 47.60 RCW; CREATING A NEW SECTION; AND PROVIDING EXPIRATION DATES."

ON MOTION OF SENATOR GARDNER, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1680, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1680, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1680, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR BROWN - 1.

SUBSTITUTE HOUSE BILL NO. 1680, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5743, BY SENATORS HAUGEN, HORN, SHIN, WINSLEY, OKE AND KOHL-WELLES (BY REQUEST OF THE BLUE RIBBON COMMISSION ON TRANSPORTATION)

INVESTING IN HUMAN RESOURCES FOR TRANSPORTATION.

MOTIONS

ON MOTION OF SENATOR HAUGEN, SUBSTITUTE SENATE BILL NO. 5743 WAS SUBSTITUTED FOR SENATE BILL NO. 5743 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR HAUGEN, THE FOLLOWING AMENDMENT BY SENATORS HAUGEN AND BENTON WAS ADOPTED:

ON PAGE 4, LINE 32, DELETE EVERYTHING FROM "AT A MINIMUM" THROUGH "AREAS." AND INSERT THE FOLLOWING: "THE ASSESSMENT MUST INCLUDE AN ANALYSIS OF REGIONAL VARIATIONS."

MOTION

ON MOTION OF SENATOR HAUGEN, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE SENATE BILL NO. 5743 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5743.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5743 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR BROWN - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5743, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5749, BY SENATORS MCAULIFFE, HORN, WINSLEY, OKE AND HAUGEN (BY REQUEST OF THE BLUE RIBBON COMMISSION ON TRANSPORTATION)

ADOPTING COST-BENEFIT ANALYSIS FOR TRANSPORTATION PLANNING.

MOTIONS

ON MOTION OF SENATOR HAUGEN, SUBSTITUTE SENATE BILL No. 5749 WAS SUBSTITUTED FOR SENATE BILL No. 5749 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

SENATOR HORN MOVED THAT THE FOLLOWING STRIKING AMENDMENT BY SENATORS HAUGEN, HORN AND BENTON BE ADOPTED:

ON PAGE 1, STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

SEC. 1. RCW 47.05.010 AND 1993 C 490 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

THE LEGISLATURE FINDS THAT SOLUTIONS TO STATE HIGHWAY DEFICIENCIES HAVE BECOME INCREASINGLY COMPLEX AND DIVERSE AND THAT ANTICIPATED TRANSPORTATION REVENUES WILL FALL SUBSTANTIALLY SHORT OF THE AMOUNT REQUIRED TO SATISFY ALL TRANSPORTATION NEEDS. DIFFICULT INVESTMENT TRADE-OFFS WILL BE REQUIRED.

IT IS THE INTENT OF THE LEGISLATURE THAT INVESTMENT OF STATE TRANSPORTATION FUNDS TO ADDRESS DEFICIENCIES ON THE STATE HIGHWAY SYSTEM BE BASED ON A POLICY OF PRIORITY PROGRAMMING HAVING AS ITS BASIS THE RATIONAL SELECTION OF PROJECTS AND SERVICES ACCORDING TO FACTUAL NEED AND AN EVALUATION OF LIFE CYCLE COSTS AND BENEFITS ~~((AND WHICH))~~ THAT ARE SYSTEMATICALLY SCHEDULED TO CARRY OUT DEFINED OBJECTIVES WITHIN AVAILABLE REVENUE. THE STATE MUST DEVELOP ANALYTIC TOOLS TO USE A COMMON METHODOLOGY TO MEASURE BENEFITS AND COSTS FOR ALL MODES.

THE PRIORITY PROGRAMMING SYSTEM ~~((SHALL))~~ MUST ENSURE PRESERVATION OF THE EXISTING STATE HIGHWAY SYSTEM, RELIEVE CONGESTION, PROVIDE MOBILITY FOR PEOPLE AND GOODS, SUPPORT THE STATE'S ECONOMY, AND PROMOTE ENVIRONMENTAL PROTECTION AND ENERGY CONSERVATION.

THE PRIORITY PROGRAMMING SYSTEM ~~((SHALL))~~ MUST IMPLEMENT THE STATE-OWNED HIGHWAY COMPONENT OF THE STATEWIDE ~~((MULTIMODAL))~~ TRANSPORTATION PLAN, CONSISTENT WITH LOCAL AND REGIONAL TRANSPORTATION PLANS, BY TARGETING STATE TRANSPORTATION INVESTMENT TO APPROPRIATE MULTIMODAL SOLUTIONS ~~((WHICH))~~ THAT ADDRESS IDENTIFIED STATE HIGHWAY SYSTEM DEFICIENCIES.

THE PRIORITY PROGRAMMING SYSTEM FOR IMPROVEMENTS ~~((SHALL))~~ MUST INCORPORATE A BROAD RANGE OF SOLUTIONS THAT ARE IDENTIFIED IN THE STATEWIDE ~~((MULTIMODAL))~~ TRANSPORTATION PLAN AS APPROPRIATE TO ADDRESS STATE HIGHWAY SYSTEM DEFICIENCIES, INCLUDING BUT NOT LIMITED TO HIGHWAY EXPANSION, EFFICIENCY IMPROVEMENTS, NONMOTORIZED TRANSPORTATION FACILITIES, HIGH OCCUPANCY VEHICLE FACILITIES, TRANSIT FACILITIES AND SERVICES, RAIL FACILITIES AND SERVICES, AND TRANSPORTATION DEMAND MANAGEMENT PROGRAMS.

SEC. 2. RCW 47.05.030 AND 1998 C 171 S 6 ARE EACH AMENDED TO READ AS FOLLOWS:

THE TRANSPORTATION COMMISSION SHALL ADOPT A COMPREHENSIVE SIX-YEAR INVESTMENT PROGRAM SPECIFYING PROGRAM OBJECTIVES AND PERFORMANCE MEASURES FOR THE PRESERVATION AND IMPROVEMENT PROGRAMS DEFINED IN THIS SECTION. IN THE SPECIFICATION OF INVESTMENT PROGRAM OBJECTIVES AND PERFORMANCE MEASURES, THE TRANSPORTATION COMMISSION, IN CONSULTATION WITH THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, SHALL DEFINE AND ADOPT STANDARDS FOR EFFECTIVE PROGRAMMING AND PRIORITIZATION PRACTICES INCLUDING A NEEDS ANALYSIS PROCESS. THE ~~((NEEDS))~~ ANALYSIS PROCESS ~~((SHALL))~~ MUST ENSURE THE IDENTIFICATION OF PROBLEMS AND DEFICIENCIES, THE EVALUATION OF ALTERNATIVE SOLUTIONS AND TRADE-OFFS, AND ESTIMATIONS OF THE COSTS AND BENEFITS OF PROSPECTIVE PROJECTS. PROJECT PRIORITIZATION MUST BE BASED PRIMARILY UPON COST-BENEFIT ANALYSIS, WHERE APPROPRIATE. THE INVESTMENT PROGRAM ~~((SHALL))~~ MUST BE REVISED BIENNIALLY, EFFECTIVE ON JULY 1ST OF ODD-NUMBERED YEARS. THE INVESTMENT PROGRAM ~~((SHALL))~~ MUST BE BASED UPON THE NEEDS IDENTIFIED IN THE STATE-OWNED HIGHWAY COMPONENT OF THE STATEWIDE ~~((MULTIMODAL))~~ TRANSPORTATION PLAN AS DEFINED IN RCW 47.01.071(3).

(1) THE PRESERVATION PROGRAM ~~((SHALL))~~ CONSISTS OF THOSE INVESTMENTS NECESSARY TO PRESERVE THE EXISTING STATE HIGHWAY SYSTEM AND TO RESTORE EXISTING SAFETY FEATURES, GIVING CONSIDERATION TO LOWEST LIFE CYCLE COSTING. THE PRESERVATION PROGRAM MUST REQUIRE USE OF THE MOST COST-EFFECTIVE PAVEMENT SURFACES, CONSIDERING:

(A) LIFE CYCLE COST ANALYSIS;

(B) TRAFFIC VOLUME;

(C) SUBGRADE SOIL CONDITIONS;

(D) ENVIRONMENTAL AND WEATHER CONDITIONS;

(E) MATERIALS AVAILABLE; AND

(F) CONSTRUCTION FACTORS.

THE COMPREHENSIVE SIX-YEAR INVESTMENT PROGRAM FOR PRESERVATION ~~((SHALL))~~ MUST IDENTIFY PROJECTS FOR TWO YEARS AND AN INVESTMENT PLAN FOR THE REMAINING FOUR YEARS.

(2) THE IMPROVEMENT PROGRAM ~~((SHALL))~~ CONSISTS OF INVESTMENTS NEEDED TO ADDRESS IDENTIFIED DEFICIENCIES ON THE STATE HIGHWAY SYSTEM TO INCREASE MOBILITY, ADDRESS CONGESTION, AND IMPROVE ((MOBILITY,)) SAFETY, SUPPORT FOR THE ECONOMY, AND PROTECTION OF THE ENVIRONMENT. THE SIX-YEAR INVESTMENT PROGRAM FOR IMPROVEMENTS ~~((SHALL))~~ MUST IDENTIFY PROJECTS FOR TWO YEARS AND MAJOR DEFICIENCIES PROPOSED TO BE ADDRESSED IN THE SIX-YEAR PERIOD GIVING CONSIDERATION TO RELATIVE BENEFITS AND LIFE CYCLE COSTING. THE TRANSPORTATION COMMISSION SHALL GIVE HIGHER PRIORITY FOR CORRECTING IDENTIFIED DEFICIENCIES ON THOSE FACILITIES CLASSIFIED AS FACILITIES OF STATEWIDE SIGNIFICANCE AS DEFINED IN RCW 47.06.140.

THE TRANSPORTATION COMMISSION SHALL APPROVE AND PRESENT THE COMPREHENSIVE SIX-YEAR INVESTMENT PROGRAM TO THE LEGISLATURE IN SUPPORT OF THE BIENNIAL BUDGET REQUEST UNDER RCW 44.40.070 AND 44.40.080.

SEC. 3. RCW 47.05.035 AND 1993 C 490 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

THE COMMISSION SHALL DEVELOP AND USE TRANSPORTATION DEMAND MODELING TOOLS TO EVALUATE INVESTMENTS BASED ON THE BEST MODE OR IMPROVEMENT, OR MIX OF MODES AND IMPROVEMENTS, TO MEET CURRENT AND FUTURE LONG-TERM DEMAND WITHIN A CORRIDOR OR SYSTEM FOR THE LOWEST COST. THE END RESULT OF THESE DEMAND MODELING TOOLS IS TO PROVIDE A COST-BENEFIT ANALYSIS BY WHICH THE COMMISSION CAN DETERMINE THE RELATIVE MOBILITY IMPROVEMENT AND CONGESTION RELIEF EACH MODE OR IMPROVEMENT UNDER CONSIDERATION WILL PROVIDE AND THE RELATIVE INVESTMENT EACH MODE OR IMPROVEMENT UNDER CONSIDERATION WILL NEED TO ACHIEVE THAT RELIEF. IN DEVELOPING PROGRAM OBJECTIVES AND PERFORMANCE MEASURES, THE TRANSPORTATION COMMISSION SHALL EVALUATE INVESTMENT TRADE-OFFS BETWEEN THE PRESERVATION AND IMPROVEMENT PROGRAMS. IN MAKING THESE INVESTMENT TRADE-OFFS, THE COMMISSION SHALL EVALUATE, USING COST-BENEFIT TECHNIQUES,

ROADWAY AND BRIDGE MAINTENANCE ACTIVITIES AS COMPARED TO ROADWAY AND BRIDGE PRESERVATION PROGRAM ACTIVITIES AND ADJUST THOSE PROGRAMS ACCORDINGLY.

THE COMMISSION SHALL ALLOCATE THE ESTIMATED REVENUE BETWEEN PRESERVATION AND IMPROVEMENT PROGRAMS GIVING PRIMARY CONSIDERATION TO THE FOLLOWING FACTORS:

(1) THE RELATIVE NEEDS IN EACH OF THE PROGRAMS AND THE SYSTEM PERFORMANCE LEVELS THAT CAN BE ACHIEVED BY MEETING THESE NEEDS;

(2) THE NEED TO PROVIDE ADEQUATE FUNDING FOR PRESERVATION TO PROTECT THE STATE'S INVESTMENT IN ITS EXISTING HIGHWAY SYSTEM;

(3) THE CONTINUITY OF FUTURE TRANSPORTATION DEVELOPMENT WITH THOSE IMPROVEMENTS PREVIOUSLY PROGRAMMED; AND

(4) THE AVAILABILITY OF DEDICATED FUNDS FOR A SPECIFIC TYPE OF WORK.

SEC. 4. RCW 47.05.051 AND 1998 C 175 S 12 ARE EACH AMENDED TO READ AS FOLLOWS:

THE COMPREHENSIVE SIX-YEAR INVESTMENT PROGRAM SHALL BE BASED UPON THE NEEDS IDENTIFIED IN THE STATE-OWNED HIGHWAY COMPONENT OF THE STATEWIDE MULTIMODAL TRANSPORTATION PLAN AS DEFINED IN RCW 47.01.071(3) AND PRIORITY SELECTION SYSTEMS THAT INCORPORATE THE FOLLOWING CRITERIA:

(1) PRIORITY PROGRAMMING FOR THE PRESERVATION PROGRAM SHALL TAKE INTO ACCOUNT THE FOLLOWING, NOT NECESSARILY IN ORDER OF IMPORTANCE:

(A) EXTENDING THE SERVICE LIFE OF THE EXISTING HIGHWAY SYSTEM, INCLUDING USING THE MOST COST-EFFECTIVE PAVEMENT SURFACES, CONSIDERING:

(I) LIFE CYCLE COST ANALYSIS;

(II) TRAFFIC VOLUME;

(III) SUBGRADE SOIL CONDITIONS;

(IV) ENVIRONMENTAL AND WEATHER CONDITIONS;

(V) MATERIALS AVAILABLE; AND

(VI) CONSTRUCTION FACTORS;

(B) ENSURING THE STRUCTURAL ABILITY TO CARRY LOADS IMPOSED UPON HIGHWAYS AND BRIDGES; AND

(C) MINIMIZING LIFE CYCLE COSTS. THE TRANSPORTATION COMMISSION IN CARRYING OUT THE PROVISIONS OF THIS SECTION MAY DELEGATE TO THE DEPARTMENT OF TRANSPORTATION THE AUTHORITY TO SELECT PRESERVATION PROJECTS TO BE INCLUDED IN THE SIX-YEAR PROGRAM.

(2) PRIORITY PROGRAMMING FOR THE IMPROVEMENT PROGRAM SHALL TAKE INTO ACCOUNT THE FOLLOWING:

(A) SUPPORT FOR THE STATE'S ECONOMY, INCLUDING JOB CREATION AND JOB PRESERVATION;

(B) THE COST-EFFECTIVE MOVEMENT OF PEOPLE AND GOODS;

(C) ACCIDENT AND ACCIDENT RISK REDUCTION;

(D) PROTECTION OF THE STATE'S NATURAL ENVIRONMENT;

(E) CONTINUITY AND SYSTEMATIC DEVELOPMENT OF THE HIGHWAY TRANSPORTATION NETWORK;

(F) CONSISTENCY WITH LOCAL COMPREHENSIVE PLANS DEVELOPED UNDER CHAPTER 36.70A RCW;

(G) CONSISTENCY WITH REGIONAL TRANSPORTATION PLANS DEVELOPED UNDER CHAPTER 47.80 RCW;

(H) PUBLIC VIEWS CONCERNING PROPOSED IMPROVEMENTS;

(I) THE CONSERVATION OF ENERGY RESOURCES;

(J) FEASIBILITY OF FINANCING THE FULL PROPOSED IMPROVEMENT;

(K) COMMITMENTS ESTABLISHED IN PREVIOUS LEGISLATIVE SESSIONS;

(L) RELATIVE COSTS AND BENEFITS OF CANDIDATE PROGRAMS;

(M) MAJOR PROJECTS ADDRESSING CAPACITY DEFICIENCIES WHICH PRIORITIZE ALLOWING FOR PRELIMINARY ENGINEERING SHALL BE REPRIORITIZED DURING THE SUCCEEDING BIENNIUM, BASED UPON UPDATED PROJECT DATA. REPRIORITIZED PROJECTS MAY BE DELAYED OR CANCELED BY THE TRANSPORTATION COMMISSION IF HIGHER PRIORITY PROJECTS ARE AWAITING FUNDING; ~~((AND))~~

(N) MAJOR PROJECT APPROVALS WHICH SIGNIFICANTLY INCREASE A PROJECT'S SCOPE OR COST FROM ORIGINAL PRIORITIZATION ESTIMATES SHALL INCLUDE A REVIEW OF THE PROJECT'S ESTIMATED REVISED PRIORITY RANK AND THE LEVEL OF FUNDING PROVIDED. PROJECTS MAY BE DELAYED OR CANCELED BY THE TRANSPORTATION COMMISSION IF HIGHER PRIORITY PROJECTS ARE AWAITING FUNDING~~((:)); AND~~

(O) CONGESTION REDUCTION.

(3) THE COMMISSION MAY DEPART FROM THE PRIORITY PROGRAMMING ESTABLISHED UNDER SUBSECTIONS (1) AND (2) OF THIS SECTION: (A) TO THE EXTENT THAT OTHERWISE FUNDS CANNOT BE UTILIZED FEASIBLY WITHIN THE PROGRAM; (B) AS MAY BE REQUIRED BY A COURT JUDGMENT, LEGALLY BINDING AGREEMENT, OR STATE AND FEDERAL LAWS AND REGULATIONS; (C) AS MAY BE REQUIRED TO COORDINATE WITH FEDERAL, LOCAL, OR OTHER STATE AGENCY CONSTRUCTION PROJECTS; (D) TO TAKE ADVANTAGE OF SOME SUBSTANTIAL FINANCIAL BENEFIT THAT MAY BE AVAILABLE; (E) FOR CONTINUITY OF ROUTE DEVELOPMENT; OR (F) BECAUSE OF CHANGED FINANCIAL OR PHYSICAL CONDITIONS OF AN UNFORESEEN OR EMERGENT NATURE. THE COMMISSION OR SECRETARY OF TRANSPORTATION SHALL MAINTAIN IN ITS FILES INFORMATION SUFFICIENT TO SHOW THE EXTENT TO WHICH THE COMMISSION HAS DEPARTED FROM THE ESTABLISHED PRIORITY.

(4) THE COMMISSION SHALL IDENTIFY THOSE PROJECTS THAT YIELD FREIGHT MOBILITY BENEFITS OR THAT ALLEVIATE THE IMPACTS OF FREIGHT MOBILITY UPON AFFECTED COMMUNITIES.

SEC. 5. RCW 47.06.130 AND 1993 C 446 S 13 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE DEPARTMENT MAY CARRY OUT SPECIAL TRANSPORTATION PLANNING STUDIES TO RESOLVE SPECIFIC ISSUES WITH THE DEVELOPMENT OF THE STATE TRANSPORTATION SYSTEM OR OTHER STATEWIDE TRANSPORTATION ISSUES.

(2) THE DEPARTMENT SHALL CONDUCT MULTIMODAL CORRIDOR ANALYSES ON MAJOR CONGESTED CORRIDORS. ANALYSIS WILL INCLUDE THE COST-EFFECTIVENESS OF ALL FEASIBLE STRATEGIES IN ADDRESSING CONGESTION OR IMPROVING MOBILITY WITHIN THE CORRIDOR, AND MUST RECOMMEND THE MOST EFFECTIVE STRATEGY OR MIX OF STRATEGIES TO ADDRESS IDENTIFIED DEFICIENCIES. A LONG-TERM VIEW OF CORRIDORS SHALL BE EMPLOYED TO DETERMINE WHETHER AN EXISTING CORRIDOR SHOULD BE EXPANDED, A CITY OR COUNTY ROAD SHOULD BECOME A STATE ROUTE, AND WHETHER A NEW CORRIDOR IS NEEDED TO ALLEVIATE CONGESTION AND ENHANCE MOBILITY BASED ON TRAVEL DEMAND. TO THE EXTENT PRACTICABLE, FULL COSTS OF ALL STRATEGIES MUST BE REFLECTED IN THE ANALYSIS. AT A MINIMUM, THIS ANALYSIS SHALL INCLUDE:

- (A) THE CURRENT AND PROJECTED FUTURE DEMAND FOR TOTAL PERSON TRIPS ON THAT CORRIDOR;
(B) THE IMPACT OF MAKING NO IMPROVEMENTS TO THAT CORRIDOR;
(C) THE DAILY COST PER ADDED PERSON SERVED FOR EACH MODE OR IMPROVEMENT PROPOSED TO MEED DEMAND;
(D) THE COST PER HOUR OF TRAVEL TIME SAVED PER DAY FOR EACH MODE OR IMPROVEMENT PROPOSED TO MEET

DEMAND; AND

(E) HOW MUCH OF THE CURRENT AND ANTICIPATED FUTURE DEMAND WILL BE MET AND LEFT UNMET FOR EACH MODE OR IMPROVEMENT PROPOSED TO MEET DEMAND.

THE END RESULT OF THIS ANALYSIS WILL BE TO PROVIDE A COST-BENEFIT ANALYSIS BY WHICH POLICYMAKERS CAN DETERMINE THE MOST COST EFFECTIVE IMPROVEMENT OR MODE, OR MIX OF IMPROVEMENTS AND MODES, FOR INCREASING MOBILITY AND REDUCING CONGESTION.

NEW SECTION. Sec. 6. THIS ACT TAKES EFFECT JULY 1, 2001."

MOTION

ON MOTION OF SENATOR HAUGEN, THE FOLLOWING AMENDMENTS BY SENATORS HAUGEN, HORN, HARGROVE AND BENTON TO THE STRIKING AMENDMENT BY SENATORS HAUGEN, HORN AND BENTON WERE CONSIDERED SIMULTANEOUSLY AND WERE ADOPTED:

ON PAGE 2, AFTER LINE 19 OF THE AMENDMENT, STRIKE ALL MATERIAL THROUGH "APPROPRIATE." ON LINE 21

ON PAGE 3, LINE 15 OF THE AMENDMENT, AFTER "47.06.140." INSERT "PROJECT PRIORITIZATION MUST BE BASED PRIMARILY UPON COST-BENEFIT ANALYSIS, WHERE APPROPRIATE."

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE STRIKING AMENDMENT BY SENATORS HAUGEN HORN AND BENTON, AS AMENDED, TO SUBSTITUTE SENATE BILL NO. 5749.

THE MOTION BY SENATOR HORN CARRIED AND THE STRIKING AMENDMENT, AS AMENDED, WAS ADOPTED.

MOTION

ON MOTION OF SENATOR HAUGEN, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE SENATE BILL NO. 5749 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5749.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5749 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR BROWN - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5749, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5765, BY SENATORS PRENTICE, SWECKER, SHIN, OKE, PARLETTE, HORN, HAUGEN AND McDONALD (BY REQUEST OF THE BLUE RIBBON COMMISSION ON TRANSPORTATION)

STREAMLINING THE ENVIRONMENTAL PERMIT PROCESS FOR TRANSPORTATION PROJECTS.

MOTIONS

ON MOTION OF SENATOR PRENTICE, SUBSTITUTE SENATE BILL NO. 5765 WAS SUBSTITUTED FOR SENATE BILL NO. 5765 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR PRENTICE, THE FOLLOWING STRIKING AMENDMENT BY SENATORS PRENTICE AND SWECKER WAS ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"NEW SECTION. Sec. 1. LEGISLATIVE INTENT AND FINDINGS. THE LEGISLATURE FINDS THAT THE PUBLIC HEALTH AND SAFETY OF ITS CITIZENS, NATURAL RESOURCES, AND THE ENVIRONMENT ARE VITAL INTERESTS OF THE STATE THAT NEED TO BE PROTECTED AND PRESERVED. THE LEGISLATURE FURTHER FINDS THAT THE SAFETY OF THE TRAVELING PUBLIC AND THE STATE'S

ECONOMIC WELL-BEING ARE VITAL INTERESTS THAT DEPEND UPON THE DEVELOPMENT OF COST-EFFECTIVE AND EFFICIENT TRANSPORTATION SYSTEMS PLANNED, DESIGNED, CONSTRUCTED, AND MAINTAINED THROUGH EXPEDITED PERMIT DECISION-MAKING PROCESSES.

IT IS THE INTENT OF THE LEGISLATURE TO ACHIEVE TRANSPORTATION PERMIT REFORM TO EXPEDITE THE DELIVERY OF STATEWIDE SIGNIFICANT TRANSPORTATION PROJECTS THROUGH A STREAMLINED APPROACH TO ENVIRONMENTAL PERMIT DECISION MAKING WHILE IMPROVING ENVIRONMENTAL BENEFITS THROUGH A WATERSHED-BASED APPROACH TO AQUATIC AND NATURAL RESOURCE MANAGEMENT. IN ORDER TO OPTIMIZE THE LIMITED RESOURCES AVAILABLE FOR TRANSPORTATION SYSTEM IMPROVEMENTS AND ENVIRONMENTAL PROTECTION, STATE REGULATORY AND NATURAL RESOURCE AGENCIES, PUBLIC AND PRIVATE SECTOR INTERESTS, INDIAN TRIBES, AND THE DEPARTMENT OF TRANSPORTATION MUST WORK COOPERATIVELY TO ESTABLISH COMMON GOALS, MINIMIZE PROJECT DELAYS, DEVELOP CONSISTENCY IN THE APPLICATION OF ENVIRONMENTAL STANDARDS, MAXIMIZE ENVIRONMENTAL BENEFITS THROUGH COORDINATED INVESTMENT STRATEGIES, AND ELIMINATE DUPLICATIVE PROCESSES THROUGH DELEGATION OF SELECTED PERMIT DRAFTING AND COMPLIANCE ACTIVITIES BETWEEN STATE AND FEDERAL AGENCIES.

THEREFORE, THE TRANSPORTATION PERMIT EFFICIENCY AND ACCOUNTABILITY COMMITTEE IS CREATED. THE COMMITTEE MUST CONDUCT THREE ENVIRONMENTAL PERMIT STREAMLINING PILOT PROGRAMS. THE COMMITTEE MUST ALSO IDENTIFY AND DEVELOP GENERAL PERMITS AND A PROGRAMMATIC CONSULTATION PROCESS. FINALLY, THE COMMITTEE MUST EXPLORE OTHER PERMIT STREAMLINING OPPORTUNITIES BY DESIGNATING TRANSPORTATION PROJECTS OF STATEWIDE SIGNIFICANCE AND SELECTED DELEGATION OF PERMIT AUTHORITY.

NEW SECTION. Sec. 2. DEFINITIONS. THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS CHAPTER UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE.

(1) "BEST AVAILABLE INFORMATION" MEANS THE EXISTING SOURCES OF DATA, INCLUDING LIMITING FACTORS ANALYSES REQUIRED UNDER CHAPTER 77.85 RCW THAT CAN BE USED TO MAKE INFORMED DECISIONS REGARDING ENVIRONMENTAL CONDITIONS WITHIN A WATERSHED.

(2) "BEST MANAGEMENT PRACTICES" MEANS CURRENTLY AVAILABLE AND GENERALLY ACCEPTED TECHNIQUES, INCLUDING NEW TECHNOLOGIES OR STRATEGIES THAT SEEK TO REDUCE THE NEGATIVE IMPACTS OF TRANSPORTATION FACILITIES, PROJECTS, AND SERVICES ON COMMUNITIES AND THE ENVIRONMENT, AND PROMOTE MORE EFFICIENT AND EFFECTIVE USE OF TRANSPORTATION FACILITIES. EXAMPLES INCLUDE TRANSPORTATION DEMAND MANAGEMENT, TRANSPORTATION SYSTEMS MANAGEMENT, AND COMPENSATORY MITIGATION.

(3) "COMMITTEE" MEANS THE TRANSPORTATION PERMIT EFFICIENCY AND ACCOUNTABILITY COMMITTEE CREATED IN SECTION 3 OF THIS ACT.

(4) "GENERAL PERMIT" MEANS A PERMIT THAT COVERS A GEOGRAPHIC AREA AND APPLIES TO A PROJECT ACTIVITY. A GENERAL PERMIT ALLOWS ACTIONS TO PROCEED WITHOUT INDIVIDUAL REVIEW BY EACH PERMIT DECISION-MAKING AGENCY.

(5) "LARGER-IMPACTING PROJECTS" MEANS PROJECTS THAT ARE LIKELY TO AFFECT A SPECIES OR ITS HABITAT AND MUST BE EXAMINED FOR WAYS TO MITIGATE OR REDUCE THE IMPACT TO AVOID HARM.

(6) "LEAST COST PLANNING" MEANS THE USE OF BEST AVAILABLE INFORMATION WITHIN A WATERSHED BASIN APPLIED TO TRANSPORTATION DECISION MAKING IN THE PLANNING, PERMIT DECISION MAKING, AND MITIGATION PHASES OF A PROJECT.

(7) "LOW-IMPACT DEVELOPMENT PROJECT" MEANS AN ACTIVITY OR SERIES OF ACTIONS THAT CONFORM TO A COMPREHENSIVE LAND-USE PLANNING AND ENGINEERING DESIGN APPROACH WITH A GOAL OF MAINTAINING OR RESTORING EXISTING NATURAL HABITAT FUNCTIONS AND HYDROLOGIC REGIME OF URBAN AND DEVELOPING WATERSHEDS. THESE PROJECTS INCORPORATE STRATEGIC WATERSHED PLANNING WITH SITE-SPECIFIC MANAGEMENT TECHNIQUES TO REDUCE DEVELOPMENT IMPACTS TO BETTER REPLICATE NATURAL WATERSHED HYDROLOGY AND WATER QUALITY, WHILE ALLOWING FOR DEVELOPMENT OR INFRASTRUCTURE REHABILITATION TO OCCUR.

(8) "ONE-STOP PERMIT DECISION MAKING" MEANS A COORDINATED PERMIT DECISION-MAKING PROCESS THAT STREAMLINES ENVIRONMENTAL REVIEW AND PERMIT DECISION MAKING FOR TRANSPORTATION PROJECTS BY PROVIDING CONCURRENT, CONSOLIDATED REVIEW BY EACH AGENCY REQUIRED TO REVIEW THE PROJECT.

(9) "PROGRAMMATIC AGREEMENT" MEANS A REGULATORY INSTRUMENT THAT OUTLINES PERMIT CONDITIONS AND OBLIGATIONS UNDER WHICH A VARIETY OF IDENTIFIED PROJECT ACTIVITIES FOR AN AGENCY PROGRAM OR OTHER ACTIONS MAY BE CONDUCTED WITHIN A WATERSHED OR OTHER GEOGRAPHICALLY DEFINED TERRITORY, WITHOUT THE NECESSITY OF OBTAINING INDIVIDUAL PERMITS.

(10) "TRANSPORTATION PROJECT OF STATEWIDE SIGNIFICANCE" MEANS A SURFACE TRANSPORTATION PROJECT OR COMBINATION OF SURFACE TRANSPORTATION PROJECTS, THAT CROSSES MULTIPLE CITY OR COUNTY JURISDICTIONAL BOUNDARIES OR CONNECTS MAJOR STATE DESTINATIONS IN SUPPORT OF THE STATE'S ECONOMY AND IS SO DESIGNATED BY THE DEPARTMENT OF TRANSPORTATION AND APPROVED BY THE TRANSPORTATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES. THE TRANSPORTATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES MAY ALSO DESIGNATE SUCH PROJECTS. THE PILOT PROJECTS ESTABLISHED IN SECTION 4 OF THIS ACT ARE EXAMPLES OF TRANSPORTATION PROJECTS OF STATEWIDE SIGNIFICANCE, BUT TRANSPORTATION PROJECTS OF STATEWIDE SIGNIFICANCE ARE NOT LIMITED TO THE PILOT PROJECTS.

NEW SECTION. Sec. 3. TRANSPORTATION PERMIT EFFICIENCY AND ACCOUNTABILITY COMMITTEE-- CREATED. THE TRANSPORTATION PERMIT EFFICIENCY AND ACCOUNTABILITY COMMITTEE IS CREATED.

(1) THE COMMITTEE WILL CONSIST OF FIFTEEN VOTING MEMBERS, INCLUDING TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES FROM EACH OF THE TWO LARGEST CAUCUSES AND TWO MEMBERS OF THE SENATE FROM EACH OF THE TWO LARGEST CAUCUSES; ONE MEMBER DESIGNATED BY THE SECRETARY OF TRANSPORTATION; ONE MEMBER DESIGNATED BY THE DIRECTOR OF FISH AND WILDLIFE; ONE MEMBER DESIGNATED BY THE DIRECTOR OF ECOLOGY; ONE MEMBER DESIGNATED BY THE STATE COMMISSIONER OF PUBLIC LANDS; ONE MEMBER DESIGNATED BY THE NORTHWEST INDIAN FISHERIES COMMISSION; ONE MEMBER DESIGNATED BY THE COLUMBIA RIVER INTERTRIBAL FISHERIES COMMISSION; TWO MEMBERS APPOINTED BY THE STATE TRANSPORTATION COMMISSION OR ITS SUCCESSOR AGENCY, UPON CONSULTATION WITH THE ASSOCIATION OF WASHINGTON CITIES AND THE WASHINGTON ASSOCIATION OF COUNTIES, TO REPRESENT LOCAL GOVERNMENT INTERESTS; ONE MEMBER APPOINTED BY THE STATE TRANSPORTATION COMMISSION OR ITS SUCCESSOR AGENCY, UPON CONSULTATION WITH THE CONSULTING ENGINEERS COUNCIL OF WASHINGTON, THE ASSOCIATED GENERAL CONTRACTORS OF WASHINGTON, AND THE WASHINGTON CONSTRUCTION INDUSTRY COUNCIL, TO REPRESENT THE CONSTRUCTION INDUSTRY; ONE MEMBER APPOINTED BY THE STATE TRANSPORTATION COMMISSION OR ITS SUCCESSOR AGENCY, UPON CONSULTATION WITH STATEWIDE ENVIRONMENTAL ORGANIZATIONS, TO REPRESENT ENVIRONMENTAL INTERESTS; AND ONE MEMBER APPOINTED BY THE STATE TRANSPORTATION COMMISSION OR ITS SUCCESSOR AGENCY, UPON CONSULTATION WITH THE STATE FISH AND

WILDLIFE COMMISSION, TO REPRESENT THE INTERESTS OF CITIZENS ENGAGED IN FISH AND WILDLIFE RECOVERY. THE COMMITTEE SHALL ELECT A CHAIR FROM THE FOUR LEGISLATORS APPOINTED TO THE COMMITTEE.

(2) REPRESENTATIVES FROM FEDERAL REGULATORY AND TRANSPORTATION AGENCIES, INCLUDING THE ENVIRONMENTAL PROTECTION AGENCY, NATIONAL MARINE FISHERIES SERVICE, ARMY CORPS OF ENGINEERS, FEDERAL HIGHWAYS ADMINISTRATION, AND UNITED STATES FISH AND WILDLIFE SERVICE MUST BE INVITED TO PARTICIPATE IN COMMITTEE DELIBERATIONS AS NONVOTING MEMBERS.

(3) THE COMMITTEE MAY CREATE TECHNICAL SUBCOMMITTEES FOR THE PILOT PROJECTS DESIGNATED IN SECTION 4 OF THIS ACT AND TRANSPORTATION PROJECTS OF STATEWIDE SIGNIFICANCE. THE TECHNICAL SUBCOMMITTEES MUST INCLUDE, BUT ARE NOT LIMITED TO, REPRESENTATIVES OF LOCAL GOVERNMENTS FROM JURISDICTIONS THAT HAVE TRANSPORTATION PROJECTS OF STATEWIDE SIGNIFICANCE. DECISIONS MADE BY THE TECHNICAL SUBCOMMITTEE MUST BE APPROVED BY A MAJORITY OF THE TRANSPORTATION PERMIT EFFICIENCY AND ACCOUNTABILITY COMMITTEE.

(4) NONVOTING MEMBERS WILL NOT BE COMPENSATED BUT WILL RECEIVE REIMBURSEMENT FOR TRAVEL EXPENSES IN ACCORDANCE WITH RCW 43.03.050 AND 43.03.060.

(5) THE DEPARTMENT OF TRANSPORTATION OFFICE OF ENVIRONMENTAL AFFAIRS SHALL PROVIDE ADMINISTRATIVE AND CLERICAL ASSISTANCE TO THE COMMITTEE.

NEW SECTION. Sec. 4. PILOT PROJECTS. (1) IT IS THE EXPECTATION OF THE LEGISLATURE THAT A COMPREHENSIVE APPROACH TO ENVIRONMENTAL PERMIT DECISION MAKING FOR TRANSPORTATION PROJECTS CREATED BETWEEN AGENCIES, PUBLIC AND PRIVATE SECTOR INTERESTS, AND TRIBES THAT FOCUSES ON CONCISE DESIGN STANDARDS AND A COMMITMENT TO EXPEDITED PERMIT DECISIONS WILL MINIMIZE DUPLICATIVE AND TIME-CONSUMING PERMIT PROCESSES AND ACHIEVE A GREATER POTENTIAL FOR BENEFIT TO THE ENVIRONMENT. PILOT EFFORTS DESIGNED TO DELEGATE SELECTED PERMIT DRAFTING AND COMPLIANCE ACTIVITIES TO THE DEPARTMENT WHEN AGREEMENT ON STANDARDS ARE ACHIEVED AND WHEN COMPLIANCE SAFEGUARDS ARE IMPLEMENTED SHOULD BE TESTED. TO THIS END, THE LEGISLATURE DIRECTS THE COMMITTEE TO SELECT AND CONDUCT THREE PERMIT REFORM PILOT PROGRAMS.

(2) THE COMMITTEE MUST SELECT ONE PERMIT REFORM PILOT PROGRAM THAT INCLUDES A MIX OF PROJECTS FROM EACH OF THE FOLLOWING GEOGRAPHIC AREAS:

(A) THE TRANSLAKE AND I-405 CONGESTION RELIEF STUDY AREAS TO TEST THE APPLICATION OF PERMIT REFORM TO NEAR BUILT-OUT CONDITIONS IN URBAN AREAS WITHIN THE CEDAR-SAMMAMISH, DUWAMISH-GREEN, AND OTHER APPLICABLE ADJOINING WATERSHEDS AGREED TO BY THE COMMITTEE;

(B) TRANSPORTATION PROJECTS THAT CAN BE GROUPED FOR GEOGRAPHIC PERMIT DECISION MAKING RELATED TO WESTERN WASHINGTON WATERSHEDS AND SALMON RECOVERY AREAS FOR THE WILLAPA, GRAYS-ELOCHOMAN, LEWIS, SALMON-WASHOUGAL, WIND-WHITE SALMON, KLICKITAT, AND OTHER APPLICABLE ADJOINING WATERSHEDS AGREED TO BY THE COMMITTEE; AND

(C) TRANSPORTATION PROJECTS THAT CAN BE GROUPED FOR GEOGRAPHIC PERMIT DECISION MAKING RELATED TO EASTERN WASHINGTON WATERSHEDS AND SALMON RECOVERY AREAS FOR THE WALLA WALLA, MIDDLE SNAKE, LOWER SNAKE, ROCK-GLADE, AND OTHER APPLICABLE ADJOINING WATERSHEDS AGREED TO BY THE COMMITTEE.

NEW SECTION. Sec. 5. COMMITTEE--RESPONSIBILITIES FOR TRANSPORTATION PROJECTS OF STATEWIDE SIGNIFICANCE. (1) THE COMMITTEE AND ITS AUTHORIZED TECHNICAL SUBCOMMITTEES SHALL DEVELOP A ONE-STOP PERMIT DECISION-MAKING PROCESS THAT USES INTERDISCIPLINARY REVIEW OF TRANSPORTATION PROJECTS OF STATEWIDE SIGNIFICANCE TO STREAMLINE AND EXPEDITE PERMIT DECISION MAKING. THE ONE-STOP PERMITTING PROCESS MUST INCLUDE EARLY REVIEW AND COORDINATION BETWEEN STATE REGULATORY AGENCIES AND THE DEPARTMENT IN ORDER TO DEVELOP COMMON ENVIRONMENTAL GOALS AND STRATEGIES, AND MINIMIZE SUBSEQUENT CHANGES TO CONDITIONS.

(2) THE COMMITTEE MUST USE A ONE-STOP PERMITTING PROCESS AND OTHER COMPONENTS IDENTIFIED IN THIS CHAPTER TO:

(A) LINK EXPEDITED PERMIT DECISION MAKING TO BEST AVAILABLE INFORMATION FOR A WATERSHED; AND

(B) LINK INVESTMENT STRATEGY AND PRIORITIES OF THE PILOT WATERSHED AREAS WITH THE MITIGATION NEEDS OF THE DEPARTMENT ALONG A GEOGRAPHIC BASED APPROACH.

(3) THE COMMITTEE MUST USE AN INTERDISCIPLINARY PERMIT REVIEW APPROACH FOR EACH PILOT PROJECT IN ORDER TO:

(A) PROVIDE COORDINATED AND CONSOLIDATED REVIEW AND APPROVAL OF PERMIT APPLICATIONS;

(B) PROVIDE COORDINATED AND CONSOLIDATED PUBLIC HEARINGS WHERE REQUIRED BY ONE OR MORE REGULATORY AGENCIES UNDER STATE LAW;

(C) ESTABLISH TIMELINES FOR PERMIT DECISION MAKING;

(D) ALLOW DELEGATION OF SELECTED PERMIT DRAFTING AND COMPLIANCE ACTIVITIES TO THE DEPARTMENT.

(5) THE COMMITTEE SHALL SEEK FEDERAL DELEGATION AUTHORITIES TO THE STATE WHERE APPROPRIATE TO STREAMLINE PERMIT PROCESSES FOR TRANSPORTATION PROJECTS OF STATEWIDE SIGNIFICANCE INCLUDING: DELEGATION OF SECTION 404 PERMIT AUTHORITY UNDER THE CLEAN WATER ACT; NONFEDERAL LEAD AGENCY STATUS UNDER THE FEDERAL ENDANGERED SPECIES ACT; SECTION 106 CULTURAL RESOURCE DESIGNATION UNDER THE NATIONAL HISTORIC PRESERVATION ACT; AND OTHER APPROPRIATE AUTHORITY THAT WHEN DELEGATED SHOULD RESULT IN PERMIT STREAMLINING.

(6) THE COMMITTEE SHALL DEVELOP AND PRIORITIZE A LIST OF PERMIT STREAMLINING OPPORTUNITIES, SPECIFICALLY IDENTIFYING SUBSTANTIVE AND PROCEDURAL DUPLICATIONS AND SUGGESTIONS FOR RESOLVING THOSE DUPLICATIONS, AND STANDARD DEVELOPMENT NEEDS. BASED ON THE LIST OF PERMIT STREAMLINING OPPORTUNITIES, THE COMMITTEE SHALL DESIGNATE TRANSPORTATION PROJECTS OF STATEWIDE SIGNIFICANCE AND SUBMIT THOSE PROJECTS TO THE TRANSPORTATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.

(7) THE COMMITTEE MUST PROVIDE TO THE LEGISLATIVE AUTHORITY OF EACH COUNTY AND CITY A LIST OF THE PROJECTS THAT THE COMMITTEE HAS DESIGNATED AS PILOT PROJECTS OR TRANSPORTATION PROJECTS OF STATEWIDE SIGNIFICANCE. THE COMMITTEE MUST ALSO PROVIDE EACH COUNTY AND CITY WITH A LIST OF PROJECTS DESIGNATED AS TRANSPORTATION PROJECTS OF STATEWIDE SIGNIFICANCE BY THE TRANSPORTATION COMMITTEES OF THE LEGISLATURE.

(8) THE COMMITTEE MUST PROVIDE A SUMMARY REPORT TO THE LEGISLATURE EVERY SIX MONTHS BEGINNING SEPTEMBER 15, 2001.

NEW SECTION. Sec. 6. COMMITTEE RESPONSIBILITIES FOR PROGRAMMATIC AGREEMENTS AND GENERAL PERMITS. THE COMMITTEE SHALL:

(1) IDENTIFY AND DEVELOP GENERAL PERMITS AND PROGRAMMATIC CONSULTATION PROCESSES FOR LOW-IMPACTING PROJECTS AND FOR LARGER-IMPACTING PROJECTS. THE COMMITTEE MUST DEVELOP GENERAL PERMITS FOR EVALUATING LOW-IMPACTING PROJECTS IN THREE TO SIX MONTHS FROM THE EFFECTIVE DATE OF THIS ACT AND FOR LARGER-IMPACTING PROJECTS IN SIX TO NINE MONTHS FROM THE EFFECTIVE DATE OF THIS ACT. THE COMMITTEE MUST DEVELOP A PROGRAMMATIC CONSULTATION PROCESS FOR LOW-

IMPACTING PROJECTS IN THREE TO SIX MONTHS FROM THE EFFECTIVE DATE OF THIS ACT AND FOR LARGER-IMPACTING PROJECTS IN SIX TO NINE MONTHS FROM THE EFFECTIVE DATE OF THIS ACT;

(2) DEVELOP AND IMPLEMENT A GENERAL PERMIT PROGRAM. AT A MINIMUM THIS PROGRAM MUST REQUIRE THAT DECISIONS ON MINOR VARIATIONS TO THE REQUIREMENTS OF THE GENERAL PERMIT OR PROGRAMMATIC CONDITIONS MUST BE PROVIDED BY THE PERMIT DECISION-MAKING AGENCIES WITHIN FIFTEEN BUSINESS DAYS OF SUBMITTAL; AND

(3) REVIEW THE DEPARTMENT'S CONSTRUCTION PROJECT LIST TO DETERMINE WHICH PROJECTS CAN BE INCLUDED IN PROGRAMMATIC OR GENERAL PERMIT AGREEMENTS. THE COMMITTEE SHALL DEVELOP AGREEMENTS TO COVER THOSE PROJECTS.

NEW SECTION. Sec. 7. GENERAL COMMITTEE RESPONSIBILITIES. THE COMMITTEE MUST:

(1) EVALUATE THE USE OF PLANNING AND PERMIT DECISION-MAKING STANDARDS THAT ENCOURAGE LOW-IMPACT ALTERNATIVES;

(2) SEEK TO ACCELERATE THE PERMIT PROCESS FOR PROJECTS THAT USE LOW-IMPACT DEVELOPMENT STANDARDS;

(3) DEVELOP PRELIMINARY MODELS AND STRATEGIES TO TEST HOW BEST TO MAXIMIZE THE ENVIRONMENTAL INVESTMENT OF TRANSPORTATION FUNDS WITHIN THE FRAMEWORK OF SECTIONS 1 THROUGH 6 OF THIS ACT;

(4) DEVELOP A UNIFORM METHODOLOGY FOR THE TIMELY AND PREDICTABLE SUBMITTAL AND EVALUATION OF COMPLETED PLANS AND SPECIFICATIONS DETAILING PROJECT ELEMENTS THAT IMPACT ENVIRONMENTAL RESOURCES AS WELL AS PROPOSED MITIGATION MEASURES DURING THE PRELIMINARY SPECIFICATIONS AND ENGINEERING PHASE OF PROJECT DEVELOPMENT;

(5) DEVELOP A LEAST-COST METHODOLOGY FOR ANALYZING ENVIRONMENTAL IMPACTS AND APPLYING COMPENSATORY MITIGATION CONSISTENT WITH A WATERSHED-BASED APPROACH BEFORE FINAL DESIGN;

(6) ASSESS MODELS TO COLLATE AND ACCESS WATERSHED DATA TO SUPPORT EARLY AGENCY INVOLVEMENT IN TRANSPORTATION PLANNING AND REVIEWS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT AND THE STATE ENVIRONMENTAL POLICY ACT;

(7) IN CONSULTATION WITH THE DEPARTMENT, IDENTIFY PROJECTS THAT DO NOT QUALIFY AS TRANSPORTATION PROJECTS OF STATEWIDE SIGNIFICANCE OR FOR PROGRAMMATIC REVIEW OR GENERAL PERMIT AGREEMENTS, AND DEVELOP A STREAMLINED PERMIT DECISION-MAKING PROCESS FOR THEM;

(8) COLLABORATE WITH APPROPRIATE AGENCIES AND PARTIES TO DEVELOP CONCISE ENVIRONMENTAL STANDARDS AND BEST MANAGEMENT PRACTICES FOR TRANSPORTATION PROJECTS THAT CAN BE APPLIED WITH CERTAINTY, CONSISTENCY, AND ASSURANCE OF SWIFT PERMIT ACTION, WHILE TAKING INTO ACCOUNT THE VARYING CLIMATE, GEOMORPHOLOGIC, AND HYDROLOGIC CONDITIONS THROUGHOUT THE STATE. THE STANDARDS AND BEST MANAGEMENT PRACTICES MAY USE PRESCRIPTIVE OR PERFORMANCE STANDARDS AND MUST MEET ALL CURRENT RELEVANT FEDERAL, STATE, AND LOCAL ENVIRONMENTAL AND LAND USE REGULATIONS;

(9) CREATE A STREAMLINED PERMIT DECISION-MAKING AND CONSULTATION PROCESS FOR TRANSPORTATION PROJECTS FOR SECTION 404 FEDERAL CLEAN WATER ACT PERMITS AND SECTION 10 PERMITS ISSUED BY THE UNITED STATES ARMY CORPS OF ENGINEERS, SECTION 401 AND 402 PERMITS ISSUED BY THE DEPARTMENT OF ECOLOGY, SHORELINE APPROVALS REVIEWED BY THE DEPARTMENT OF ECOLOGY, HYDRAULIC PROJECT APPROVALS ISSUED BY THE DEPARTMENT OF FISH AND WILDLIFE, AND ANY OTHER APPLICABLE PERMIT ISSUED FOR TRANSPORTATION PROJECTS;

(10) USE EXISTING BEST AVAILABLE INFORMATION FROM WATERSHED PLANNING EFFORTS, LEAD ENTITIES, REGIONAL FISHERIES ENHANCEMENT GROUPS, AND OTHER RECOGNIZED ENTITIES AS DEEMED APPROPRIATE BY THE COMMITTEE, TO DETERMINE POTENTIAL MITIGATION REQUIREMENTS FOR PROJECTS WITHIN A WATERSHED. PRIORITY CONSIDERATION SHOULD BE GIVEN TO THE USE OF THE STATE'S ALTERNATIVE MITIGATION TO BEST LINK TRANSPORTATION MITIGATION NEEDS WITH LOCAL WATERSHED AND LEAD ENTITY PROJECT LISTS;

(11) GIVE CONSIDERATION TO FLEXIBLE APPROACHES THAT MAXIMIZE TRANSPORTATION AND ENVIRONMENTAL INTERESTS;

(12) WORK WITH THE DEPARTMENT OF ECOLOGY TO DEVELOP A VIRTUAL ONE-STOP ENVIRONMENTAL PERMITTING CENTER TO PROVIDE INTERESTED PARTIES AND CITIZENS WITH INFORMATION REGARDING ENVIRONMENTAL PERMITTING REQUIREMENTS; AND

(13) DEVELOP A DISPUTE RESOLUTION PROCESS TO RESOLVE CONFLICTS IN INTERPRETATION OF ENVIRONMENTAL STANDARDS AND BEST MANAGEMENT PRACTICES, MITIGATION REQUIREMENTS, PERMIT REQUIREMENTS, AND OTHER RELATED ISSUES BY SEPTEMBER 15, 2001. EVERY EFFORT TO INCLUDE FEDERAL AGENCIES IN THE DISPUTE RESOLUTION PROCESS MUST BE MADE. A LIST OF ONGOING DISPUTED ISSUES MUST BE INCLUDED IN THE COMMITTEE'S REPORT TO THE LEGISLATURE.

NEW SECTION. Sec. 8. DEPARTMENT ORGANIZATION AND ADMINISTRATIVE ACTIONS. THE LEGISLATURE FINDS THAT AN ESSENTIAL COMPONENT OF STREAMLINED PERMIT DECISION MAKING IS THE ABILITY OF THE DEPARTMENT TO DEMONSTRATE THE CAPACITY TO MEET ENVIRONMENTAL RESPONSIBILITIES. THEREFORE, THE LEGISLATURE DIRECTS THAT:

(1) QUALIFIED ENVIRONMENTAL STAFF WITHIN THE DEPARTMENT SHALL LEAD THE DEVELOPMENT OF ALL ENVIRONMENTAL DOCUMENTATION ASSOCIATED WITH DEPARTMENT PROJECTS AND PERMIT ACTIVITIES IN ACCORDANCE WITH THE DEPARTMENT'S PROJECT DELIVERY TOOLS.

(2) THE DEPARTMENT SHALL CONDUCT SPECIAL PREBID MEETINGS FOR PROJECTS THAT ARE ENVIRONMENTALLY COMPLEX. IN ADDITION, THE DEPARTMENT SHALL REVIEW ENVIRONMENTAL CONSIDERATIONS RELATED TO THESE PROJECTS DURING THE PRECONSTRUCTION MEETING HELD WITH THE CONTRACTOR WHO IS AWARDED THE BID.

(3) ENVIRONMENTAL STAFF AT THE DEPARTMENT SHALL CONDUCT FIELD INSPECTIONS TO ENSURE THAT PROJECT ACTIVITIES ARE PERFORMED UNDER PERMIT CONDITIONS. THESE INSPECTORS MUST:

(A) HAVE THE ABILITY TO ISSUE STOP WORK ORDERS WHEN COMPLIANCE WITH PERMIT STANDARDS ARE NOT BEING MET;

(B) FOR THIS PORTION OF THEIR JOB DUTIES, BE ACCOUNTABLE TO THE DIRECTOR OF THE OFFICE OF ENVIRONMENTAL SERVICES OF THE DEPARTMENT.

(4) FAILURE TO COMPLY WITH A STOP WORK ORDER MAY RESULT IN CIVIL PENALTIES BEING ASSESSED AGAINST THE DEPARTMENT AND INDIVIDUALS INVOLVED. WILLFUL VIOLATION OF A STOP WORK NOTICE ISSUED BY THE DEPARTMENT IS SUBJECT TO CIVIL PENALTIES ASSESSED ON THE AGENCY AS WELL AS THE INDIVIDUALS INVOLVED. PERSISTENT VIOLATIONS BY THE DEPARTMENT MAY RESULT IN LOSS OF PERMIT DRAFTING AND PROGRAM MANAGEMENT RESPONSIBILITIES.

NEW SECTION. Sec. 9. TRAINING AND COMPLIANCE. THE LEGISLATURE EXPECTS THE DEPARTMENT TO CONTINUE ITS EFFORTS TO IMPROVE TRAINING AND COMPLIANCE. THE DEPARTMENT SHALL:

(1) PROVIDE TRAINING IN ENVIRONMENTAL PROCEDURES AND PERMIT REQUIREMENTS FOR THOSE RESPONSIBLE FOR PROJECT DELIVERY ACTIVITIES;

(2) REQUIRE WETLAND MITIGATION SITES TO BE DESIGNED BY TRAINED BIOLOGIST OR LANDSCAPE ARCHITECTS, QUALIFIED BY THE DEPARTMENT OF ECOLOGY'S WETLAND PROGRAM. ENVIRONMENTAL MITIGATION SITE IMPROVEMENTS MUST HAVE OVERSIGHT CONDUCTED BY ENVIRONMENTAL STAFF;

(3) DEVELOP AN ENVIRONMENTAL COMPLIANCE DATA SYSTEM TO TRACK ALL PERMIT CONDITIONS;

(4) REPORT ALL NONCOMPLIANCE ACTIVITIES TO APPLICABLE AGENCIES OF JURISDICTION ALONG WITH A REMEDY PLAN;

(5) FUND THE DEPARTMENTS OF ECOLOGY, NATURAL RESOURCES, AND FISH AND WILDLIFE, OPERATING UNDER THEIR PERMIT-GRANTING AUTHORITY TO CONDUCT AUDITS OF THE DEPARTMENT'S PERMIT DRAFTING AND COMPLIANCE ACTIVITIES. THE DEPARTMENT OF ECOLOGY SHALL COLLATE THE AUDITS IN AN ANNUAL REPORT TO THE LEGISLATURE;

(6) FUND DEDICATED TECHNICAL STAFF AT FEDERAL PERMIT DECISION-MAKING ENTITIES AND THE STATE DEPARTMENTS OF ECOLOGY, NATURAL RESOURCES, COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, AND FISH AND WILDLIFE TO IMPLEMENT THE REQUIREMENTS OF THIS CHAPTER;

(7) FUND A TECHNICAL SPECIALIST AT THE NORTHWEST INDIAN FISHERIES COMMISSION AND THE COLUMBIA RIVER INTERTRIBAL FISHERIES COMMISSION FOR THE PURPOSE OF IMPLEMENTING THIS CHAPTER;

(8) REIMBURSE LOCAL JURISDICTIONS FOR COSTS ASSOCIATED WITH LOCAL PARTICIPATION ON THE COMMITTEE AND TECHNICAL SUBCOMMITTEES.

NEW SECTION. SEC. 10. CAPTIONS USED IN THIS ACT ARE NOT PART OF THE LAW.

NEW SECTION. SEC. 11. SECTIONS 1 THROUGH 10 OF THIS ACT CONSTITUTE A NEW CHAPTER IN TITLE 47 RCW."

MOTION

ON MOTION OF SENATOR PRENTICE, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON LINE 3 OF THE TITLE, AFTER "PROJECTS;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "ADDING A NEW CHAPTER TO TITLE 47 RCW; AND PRESCRIBING PENALTIES."

ON MOTION OF SENATOR PRENTICE, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE SENATE BILL NO. 5765 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5765.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5765 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 44; NAYS, 4; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FINKBEINER, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 44.

VOTING NAY: SENATORS FAIRLEY, FRANKLIN, KLINE AND KOHL-WELLES - 4.

EXCUSED: SENATOR BROWN - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5765, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

PERSONAL PRIVILEGE

SENATOR HAUGEN: "A POINT OF PERSONAL PRIVILEGE, MR. PRESIDENT. I JUST WANT TO SAY 'THANK YOU' TO THE MEMBERS OF THE SENATE. WE HAVE JUST ABOUT COMPLETED ALL THE WORK ON THE BLUE RIBBON COMMISSION'S RECOMMENDATIONS. THEY CAME TO US WITH TWO YEARS OF WORK AND SAID 'PLEASE, PLEASE, WE NEED YOU TO MAKE CHANGES, BUT WE KNOW YOU WILL DO BUSINESS AS USUAL.' LAST WEEK AND THIS WEEK WE HAVE ENACTED ALMOST EVERYONE OF THEIR RECOMMENDATIONS WITH THE EXCEPTION OF THE TRANSPORTATION COMMISSION ISSUE AND THE NEW REVENUE SOURCE. I JUST WANT TO SAY THAT WE DID SOMETHING HERE IN THE SENATE THAT WAS SIGNIFICANT. WE DID BUSINESS NOT AS USUAL.

"AS YOU CAN SEE, ALL THESE BILLS PASSED IN THE SENATE WITH STRONG BIPARTISAN SUPPORT AND I WANT TO THANK THE MEMBERS OF MY COMMITTEE AND AS YOU SAW THERE WERE VARIOUS MEMBERS WHO WORKED ON ALL THESE BILLS. I WANT TO THANK YOU FOR YOUR EFFORTS IN ORDER TO PUT DOWN THE PARTISAN ISSUES AND TRIED TO DEAL WITH TRANSPORTATION. IF WE DON'T BEGIN TO MAKE MAJOR INVESTMENTS IN THIS STATE, OUR STATE WILL NO LONGER BE THE PLACE THAT WE ALL WANT TO LIVE IN. I BELIEVE THAT WE HAVE, IN THIS BODY, AT LEAST MADE THE FIRST MAJOR STEPS IN TRYING TO PUT TOGETHER A REVENUE PACKAGE, SO THAT ALL OF US CAN GO HOME PROUD OF WHAT WE HAVE DONE THIS SESSION. AGAIN, I WANT TO THANK EACH ONE OF YOU FOR YOUR EFFORTS; EACH ONE OF YOU FOR YOUR VOTES. THESE WERE NOT EASY BILLS, BUT THEY WERE MADE EASY BECAUSE WE WANTED TO WORK TOGETHER AND BECAUSE WE ALL CARE ABOUT THE OUTCOME. THANK YOU, MR. PRESIDENT."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1375, BY HOUSE COMMITTEE ON STATE GOVERNMENT (ORIGINALLY SPONSORED BY REPRESENTATIVES MILOSCIA AND COX) (BY REQUEST OF GOVERNOR LOCKE)

REAUTHORIZING THE EXPEDITED RULE ADOPTION PROCESS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PATTERSON, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1375 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1375.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1375 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 49; NAYS, 0; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHEDDON, B., SHEDDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 49.

SUBSTITUTE HOUSE BILL NO. 1375, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1140, BY HOUSE COMMITTEE ON AGRICULTURE AND ECOLOGY (ORIGINALLY SPONSORED BY REPRESENTATIVES SCHOESLER, GRANT, SUMP, G. CHANDLER, COX, MCMORRIS, DOUMIT, MIELKE, ARMSTRONG, MASTIN, B. CHANDLER, LINVILLE, HATFIELD, ALEXANDER, BENSON AND HAIGH)

MODIFYING THE TAXATION OF GRAIN WAREHOUSES.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR RASMUSSEN, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1140 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1140.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1140 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 49; NAYS, 0; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHEDDON, B., SHEDDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 49.

SUBSTITUTE HOUSE BILL NO. 1140, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1892, BY HOUSE COMMITTEE ON AGRICULTURE AND ECOLOGY (ORIGINALLY SPONSORED BY REPRESENTATIVES LINVILLE AND G. CHANDLER)

REGULATING AGRICULTURAL COMMODITY BOARDS AND COMMISSIONS.

THE BILL WAS READ THE SECOND TIME.

MOTIONS

ON MOTION OF SENATOR RASMUSSEN, THE FOLLOWING COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE STRIKING AMENDMENT WAS ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"Sec. 1. RCW 15.66.030 AND 1961 C 11 S 15.66.030 ARE EACH AMENDED TO READ AS FOLLOWS:

MARKETING ORDERS MAY BE MADE FOR ANY ONE OR MORE OF THE FOLLOWING PURPOSES:

(1) TO ESTABLISH PLANS AND CONDUCT PROGRAMS FOR ADVERTISING AND SALES PROMOTION, TO MAINTAIN PRESENT MARKETS OR TO CREATE NEW OR LARGER MARKETS FOR ANY AGRICULTURAL COMMODITY GROWN IN THE STATE OF WASHINGTON;

(2) TO PROVIDE FOR CARRYING ON RESEARCH STUDIES TO FIND MORE EFFICIENT METHODS OF PRODUCTION, PROCESSING, HANDLING AND MARKETING OF ANY AGRICULTURAL COMMODITY;

(3) TO PROVIDE FOR IMPROVING STANDARDS AND GRADES BY DEFINING, ESTABLISHING AND PROVIDING LABELING REQUIREMENTS WITH RESPECT TO THE SAME;

(4) TO INVESTIGATE AND TAKE NECESSARY ACTION TO PREVENT UNFAIR TRADE PRACTICES;

(5) TO PROVIDE INFORMATION OR COMMUNICATE ON MATTERS PERTAINING TO THE PRODUCTION, PROCESSING, MARKETING, OR USES OF AN AGRICULTURAL COMMODITY PRODUCED IN WASHINGTON STATE TO ANY ELECTED OFFICIAL OR OFFICER OR EMPLOYEE OF ANY AGENCY;

(6) TO PROVIDE MARKETING INFORMATION AND SERVICES FOR PRODUCERS OF AN AGRICULTURAL COMMODITY;

(7) TO PROVIDE INFORMATION AND SERVICES FOR MEETING RESOURCE CONSERVATION OBJECTIVES OF PRODUCERS OF AN AGRICULTURAL COMMODITY;

(8) TO ENGAGE IN COOPERATIVE EFFORTS IN THE DOMESTIC OR FOREIGN MARKETING OF FOOD PRODUCTS OF AN AGRICULTURAL COMMODITY; AND

(9) TO PROVIDE FOR COMMODITY-RELATED EDUCATION AND TRAINING.

SEC. 2. RCW 15.66.110 AND 1961 C 11 S 15.66.110 ARE EACH AMENDED TO READ AS FOLLOWS:

EVERY MARKETING ORDER SHALL ESTABLISH A COMMODITY COMMISSION COMPOSED OF NOT LESS THAN FIVE NOR MORE THAN THIRTEEN MEMBERS. IN ADDITION, THE DIRECTOR SHALL BE AN EX OFFICIO MEMBER OF EACH COMMODITY COMMISSION. COMMISSION MEMBERS SHALL BE CITIZENS AND RESIDENTS OF THIS STATE IF REQUIRED BY THE MARKETING ORDER, AND OVER THE AGE OF ~~((TWENTY-FIVE YEARS))~~ EIGHTEEN. THE TERM OF OFFICE OF COMMISSION MEMBERS SHALL BE THREE YEARS WITH THE TERMS ROTATING SO THAT ONE-THIRD OF THE TERMS WILL COMMENCE AS NEARLY AS PRACTICABLE EACH YEAR. HOWEVER, THE FIRST COMMISSION SHALL BE SELECTED, ONE-THIRD FOR A TERM OF ONE YEAR, ONE-THIRD FOR A TERM OF TWO YEARS, AND ONE-THIRD FOR A TERM OF THREE YEARS, AS NEARLY AS PRACTICABLE. NO LESS THAN TWO-THIRDS OF THE COMMISSION MEMBERS SHALL BE ELECTED BY THE AFFECTED PRODUCERS AND SUCH ELECTED MEMBERS SHALL ALL BE AFFECTED PRODUCERS. THE REMAINING ~~((ONE-THIRD))~~ MEMBERS SHALL BE APPOINTED BY THE COMMISSION AND SHALL BE EITHER AFFECTED PRODUCERS, OTHERS ACTIVE IN MATTERS RELATING TO THE AFFECTED COMMODITY OR PERSONS NOT SO RELATED.

SEC. 3. RCW 15.66.140 AND 1985 C 261 S 20 ARE EACH AMENDED TO READ AS FOLLOWS:

EVERY MARKETING COMMISSION SHALL HAVE SUCH POWERS AND DUTIES IN ACCORDANCE WITH PROVISIONS OF THIS CHAPTER AS MAY BE PROVIDED IN THE MARKETING ORDER AND SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

(1) TO ELECT A CHAIRMAN AND SUCH OTHER OFFICERS AS DETERMINED ADVISABLE;

(2) TO ADOPT, RESCIND AND AMEND RULES AND REGULATIONS REASONABLY NECESSARY FOR THE ADMINISTRATION AND OPERATION OF THE COMMISSION AND THE ENFORCEMENT OF ITS DUTIES UNDER THE MARKETING ORDER;

(3) TO ADMINISTER, ENFORCE, DIRECT AND CONTROL THE PROVISIONS OF THE MARKETING ORDER AND OF THIS CHAPTER RELATING THERETO;

(4) TO EMPLOY AND DISCHARGE AT ITS DISCRETION SUCH ADMINISTRATORS AND ADDITIONAL PERSONNEL, ATTORNEYS, ADVERTISING AND RESEARCH AGENCIES AND OTHER PERSONS AND FIRMS THAT IT MAY DEEM APPROPRIATE AND PAY COMPENSATION TO THE SAME;

(5) TO ACQUIRE PERSONAL PROPERTY AND PURCHASE OR LEASE OFFICE SPACE AND OTHER NECESSARY REAL PROPERTY AND TRANSFER AND CONVEY THE SAME;

(6) TO INSTITUTE AND MAINTAIN IN ITS OWN NAME ANY AND ALL LEGAL ACTIONS, INCLUDING ACTIONS BY INJUNCTION, MANDATORY INJUNCTION OR CIVIL RECOVERY, OR PROCEEDINGS BEFORE ADMINISTRATIVE TRIBUNALS OR OTHER GOVERNMENTAL AUTHORITIES NECESSARY TO CARRY OUT THE PROVISIONS OF THIS CHAPTER AND OF THE MARKETING ORDER;

(7) TO KEEP ACCURATE RECORDS OF ALL ITS RECEIPTS AND DISBURSEMENTS, WHICH RECORDS SHALL BE OPEN TO INSPECTION AND AUDIT BY THE STATE AUDITOR OR PRIVATE AUDITOR DESIGNATED BY THE STATE AUDITOR AT LEAST EVERY FIVE YEARS;

(8) BORROW MONEY AND INCUR INDEBTEDNESS;

(9) MAKE NECESSARY DISBURSEMENTS FOR ROUTINE OPERATING EXPENSES;

(10) TO EXPEND FUNDS FOR COMMODITY-RELATED EDUCATION, TRAINING, AND LEADERSHIP PROGRAMS AS EACH COMMISSION DEEMS EXPEDIENT;

(11) TO WORK COOPERATIVELY WITH OTHER LOCAL, STATE, AND FEDERAL AGENCIES; UNIVERSITIES; AND NATIONAL ORGANIZATIONS FOR THE PURPOSES PROVIDED IN THE COMMISSION'S MARKETING ORDER;

(12) TO ENTER INTO CONTRACTS OR INTERAGENCY AGREEMENTS WITH ANY PRIVATE OR PUBLIC AGENCY, WHETHER FEDERAL, STATE, OR LOCAL, TO CARRY OUT THE PURPOSES PROVIDED IN THE COMMISSION'S MARKETING ORDER. PERSONAL SERVICE CONTRACTS MUST COMPLY WITH CHAPTER 39.29 RCW;

(13) TO ACCEPT AND EXPEND OR RETAIN ANY GIFTS, BEQUESTS, CONTRIBUTIONS, OR GRANTS FROM PRIVATE PERSONS OR PRIVATE AND PUBLIC AGENCIES TO CARRY OUT THE PURPOSES PROVIDED IN THE COMMISSION'S MARKETING ORDER;

(14) TO ENTER INTO CONTRACTS OR AGREEMENTS FOR RESEARCH IN THE PRODUCTION, PROCESSING, MARKETING, USE, OR DISTRIBUTION OF AN AFFECTED COMMODITY;

(15) TO RETAIN IN EMERGENCY SITUATIONS THE SERVICES OF PRIVATE LEGAL COUNSEL TO CONDUCT LEGAL ACTIONS ON BEHALF OF A COMMISSION. THE RETENTION OF A PRIVATE ATTORNEY IS SUBJECT TO REVIEW BY THE OFFICE OF THE ATTORNEY GENERAL;

(16) TO ENGAGE IN APPROPRIATE FUND-RAISING ACTIVITIES FOR THE PURPOSE OF SUPPORTING ACTIVITIES OF THE COMMISSION AUTHORIZED BY THE MARKETING ORDER;

(17) TO PARTICIPATE IN INTERNATIONAL, FEDERAL, STATE, AND LOCAL HEARINGS, MEETINGS, AND OTHER PROCEEDINGS RELATING TO THE PRODUCTION, MANUFACTURE, REGULATION, DISTRIBUTION, SALE, OR USE OF AFFECTED COMMODITIES INCLUDING ACTIVITIES AUTHORIZED UNDER RCW 42.17.190, INCLUDING THE REPORTING OF THOSE ACTIVITIES TO THE PUBLIC DISCLOSURE COMMISSION; AND

(18) SUCH OTHER POWERS AND DUTIES THAT ARE NECESSARY TO CARRY OUT THE PURPOSES OF THIS CHAPTER.

Sec. 4. RCW 15.65.040 AND 1961 C 256 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

IT IS HEREBY DECLARED TO BE THE POLICY OF THIS CHAPTER:

(1) TO AID AGRICULTURAL PRODUCERS IN PREVENTING ECONOMIC WASTE IN THE MARKETING OF THEIR AGRICULTURAL COMMODITIES AND IN DEVELOPING MORE EFFICIENT METHODS OF MARKETING AGRICULTURAL PRODUCTS.

(2) TO ENABLE AGRICULTURAL PRODUCERS OF THIS STATE, WITH THE AID OF THE STATE:

(A) TO DEVELOP, AND ENGAGE IN RESEARCH FOR DEVELOPING, BETTER AND MORE EFFICIENT PRODUCTION, MARKETING, AND UTILIZATION OF AGRICULTURAL PRODUCTS;

(B) TO ESTABLISH ORDERLY MARKETING OF AGRICULTURAL COMMODITIES;

(C) TO PROVIDE FOR UNIFORM GRADING AND PROPER PREPARATION OF AGRICULTURAL COMMODITIES FOR MARKET;

(D) TO PROVIDE METHODS AND MEANS (INCLUDING, BUT NOT LIMITED TO, PUBLIC RELATIONS AND PROMOTION) FOR THE MAINTENANCE OF PRESENT MARKETS AND FOR THE DEVELOPMENT OF NEW OR LARGER MARKETS, BOTH DOMESTIC AND FOREIGN, FOR AGRICULTURAL COMMODITIES PRODUCED WITHIN THIS STATE AND FOR THE PREVENTION, MODIFICATION, OR ELIMINATION OF TRADE BARRIERS WHICH OBSTRUCT THE FREE FLOW OF SUCH AGRICULTURAL COMMODITIES TO MARKET;

(E) TO ELIMINATE OR REDUCE ECONOMIC WASTE IN THE MARKETING AND/OR USE OF AGRICULTURAL COMMODITIES;

(F) TO RESTORE AND MAINTAIN ADEQUATE PURCHASING POWER FOR THE AGRICULTURAL PRODUCERS OF THIS STATE;

(G) TO PROVIDE INFORMATION OR COMMUNICATE ON MATTERS PERTAINING TO THE PRODUCTION, PROCESSING, MARKETING, OR USES OF AN AGRICULTURAL COMMODITY PRODUCED IN WASHINGTON STATE TO ANY ELECTED OFFICIAL OR OFFICER OR EMPLOYEE OF ANY AGENCY;

(H) TO PROVIDE MARKETING INFORMATION AND SERVICES FOR PRODUCERS OF AN AGRICULTURAL COMMODITY;

(I) TO PROVIDE INFORMATION AND SERVICES FOR MEETING RESOURCE CONSERVATION OBJECTIVES OF PRODUCERS OF AN AGRICULTURAL COMMODITY;

(J) TO ENGAGE IN COOPERATIVE EFFORTS IN THE DOMESTIC OR FOREIGN MARKETING OF FOOD PRODUCTS OF AN AGRICULTURAL COMMODITY;

(K) TO PROVIDE FOR COMMODITY-RELATED EDUCATION AND TRAINING; AND

~~((e))~~ (L) TO ACCOMPLISH ALL THE DECLARED POLICIES OF THIS CHAPTER.

(3) TO PROTECT THE INTEREST OF CONSUMERS BY ASSURING A SUFFICIENT PURE AND WHOLESOME SUPPLY OF AGRICULTURAL COMMODITIES OF GOOD QUALITY AT ALL SEASONS AND TIMES.

Sec. 5. RCW 15.65.230 AND 1961 C 256 S 23 ARE EACH AMENDED TO READ AS FOLLOWS:

~~((THE))~~ A PRODUCER MEMBER~~((S))~~ OF EACH ~~((SUCH))~~ COMMODITY BOARD ~~((SHALL))~~ MUST BE A PRACTICAL PRODUCER~~((S))~~ OF THE AFFECTED COMMODITY AND ~~((SHALL))~~ MUST BE A CITIZEN~~((S-AND))~~, RESIDENT~~((S))~~ OF THIS STATE, AND OVER THE AGE OF ~~((TWENTY-FIVE))~~ EIGHTEEN YEARS~~((, EACH OF WHOM IS AND HAS))~~. EACH PRODUCER BOARD MEMBER MUST BE AND HAVE BEEN ACTUALLY ENGAGED IN PRODUCING SUCH A COMMODITY WITHIN THE STATE OF WASHINGTON FOR A PERIOD OF FIVE YEARS AND ~~((HAS))~~ HAVE, DURING THAT PERIOD, DERIVED A SUBSTANTIAL PORTION OF HIS OR HER INCOME THEREFROM AND ~~((WHO IS))~~ NOT BE ENGAGED IN BUSINESS, DIRECTLY OR INDIRECTLY, AS A HANDLER OR OTHER DEALER. ~~((THE))~~ A HANDLER MEMBER~~((S))~~ OF ~~((SUCH))~~ EACH BOARD ~~((SHALL))~~ MUST BE A PRACTICAL HANDLER~~((S))~~ OF THE AFFECTED COMMODITY AND ~~((SHALL))~~ MUST BE A CITIZEN~~((S-AND))~~, RESIDENT~~((S))~~ OF THIS STATE, AND OVER THE AGE OF TWENTY-FIVE YEARS~~((, EACH OF WHOM IS AND HAS))~~. EACH HANDLER BOARD MEMBER MUST BE AND HAVE BEEN, EITHER INDIVIDUALLY OR AS AN OFFICER OR EMPLOYEE OF A CORPORATION, FIRM, PARTNERSHIP, ASSOCIATION, OR COOPERATIVE, ACTUALLY ENGAGED IN HANDLING SUCH A COMMODITY WITHIN THE STATE OF WASHINGTON FOR A PERIOD OF FIVE YEARS AND ~~((HAS))~~ HAVE, DURING THAT PERIOD, DERIVED A SUBSTANTIAL PORTION OF HIS OR HER INCOME THEREFROM. THE QUALIFICATION OF A MEMBER~~((S))~~ OF THE BOARD AS ~~((HEREIN))~~ SET FORTH IN THIS SECTION MUST CONTINUE DURING ~~((THEIR))~~ THE TERM~~((S))~~ OF OFFICE.

Sec. 6. RCW 15.65.280 AND 1985 C 261 S 11 ARE EACH AMENDED TO READ AS FOLLOWS:

THE POWERS AND DUTIES OF THE BOARD SHALL BE:

(1) TO ELECT A CHAIRMAN AND SUCH OTHER OFFICERS AS IT DEEMS ADVISABLE;

(2) TO ADVISE AND COUNSEL THE DIRECTOR WITH RESPECT TO THE ADMINISTRATION AND CONDUCT OF SUCH MARKETING AGREEMENT OR ORDER;

(3) TO RECOMMEND TO THE DIRECTOR ADMINISTRATIVE RULES, REGULATIONS AND ORDERS AND AMENDMENTS THERETO FOR THE EXERCISE OF HIS POWERS IN CONNECTION WITH SUCH AGREEMENT OR ORDER;

(4) TO ADVISE THE DIRECTOR UPON ANY AND ALL ASSESSMENTS PROVIDED PURSUANT TO THE TERMS OF SUCH AGREEMENT OR ORDER AND UPON THE COLLECTION, DEPOSIT, WITHDRAWAL, DISBURSEMENT AND PAYING OUT OF ALL MONEYS;

(5) TO ASSIST THE DIRECTOR IN THE COLLECTION OF SUCH NECESSARY INFORMATION AND DATA AS THE DIRECTOR MAY DEEM NECESSARY IN THE PROPER ADMINISTRATION OF THIS CHAPTER;

(6) TO ADMINISTER THE ORDER OR AGREEMENT AS ITS ADMINISTRATIVE BOARD IF THE DIRECTOR DESIGNATES IT SO TO DO IN SUCH ORDER OR AGREEMENT;

(7) TO WORK COOPERATIVELY WITH OTHER LOCAL, STATE, AND FEDERAL AGENCIES; UNIVERSITIES; AND NATIONAL ORGANIZATIONS FOR THE PURPOSES PROVIDED IN THE BOARD'S MARKETING ORDER;

(8) TO ENTER INTO CONTRACTS OR INTERAGENCY AGREEMENTS WITH ANY PRIVATE OR PUBLIC AGENCY, WHETHER FEDERAL, STATE, OR LOCAL, TO CARRY OUT THE PURPOSES PROVIDED IN THE BOARD'S MARKETING ORDER. PERSONAL SERVICE CONTRACTS MUST COMPLY WITH CHAPTER 39.29 RCW;

(9) TO ACCEPT AND EXPEND OR RETAIN ANY GIFTS, BEQUESTS, CONTRIBUTIONS, OR GRANTS FROM PRIVATE PERSONS OR PRIVATE AND PUBLIC AGENCIES TO CARRY OUT THE PURPOSES PROVIDED IN THE BOARD'S MARKETING ORDER;

(10) TO RETAIN IN EMERGENT SITUATIONS THE SERVICES OF PRIVATE LEGAL COUNSEL TO CONDUCT LEGAL ACTIONS ON BEHALF OF A BOARD. THE RETENTION OF A PRIVATE ATTORNEY IS SUBJECT TO REVIEW BY THE OFFICE OF THE ATTORNEY GENERAL;

(11) TO ENGAGE IN APPROPRIATE FUND-RAISING ACTIVITIES FOR THE PURPOSE OF SUPPORTING ACTIVITIES OF THE BOARD AUTHORIZED BY THE MARKETING ORDER;

(12) TO ENTER INTO CONTRACTS OR AGREEMENTS FOR RESEARCH IN THE PRODUCTION, PROCESSING, MARKETING, USE, OR DISTRIBUTION OF AN AFFECTED COMMODITY;

(13) TO PARTICIPATE IN INTERNATIONAL, FEDERAL, STATE, AND LOCAL HEARINGS, MEETINGS, AND OTHER PROCEEDINGS RELATING TO THE PRODUCTION, MANUFACTURE, REGULATION, DISTRIBUTION, SALE, OR USE OF AFFECTED COMMODITIES INCLUDING ACTIVITIES AUTHORIZED UNDER RCW 42.17.190, INCLUDING THE REPORTING OF THOSE ACTIVITIES TO THE PUBLIC DISCLOSURE COMMISSION; AND

(14) TO PERFORM SUCH OTHER DUTIES AS THE DIRECTOR MAY PRESCRIBE IN THE MARKETING AGREEMENT OR ORDER.

ANY AGREEMENT OR ORDER UNDER WHICH THE COMMODITY BOARD ADMINISTERS THE ORDER OR AGREEMENT SHALL (IF SO REQUESTED BY THE AFFECTED PRODUCERS WITHIN THE AFFECTED AREA IN THE PROPOSAL OR PROMULGATION HEARING) CONTAIN PROVISIONS WHEREBY THE DIRECTOR RESERVES THE POWER TO APPROVE OR DISAPPROVE EVERY ORDER, RULE OR DIRECTIVE ISSUED BY THE BOARD, IN WHICH EVENT SUCH APPROVAL OR DISAPPROVAL SHALL BE BASED ON WHETHER OR NOT THE DIRECTOR BELIEVES THE BOARD'S ACTION HAS BEEN CARRIED OUT IN CONFORMANCE WITH THE PURPOSES OF THIS CHAPTER.

NEW SECTION. Sec. 7. A NEW SECTION IS ADDED TO CHAPTER 15.65 RCW TO READ AS FOLLOWS:

A COMMODITY BOARD MAY ESTABLISH A FOUNDATION USING COMMISSION FUNDS AS GRANT MONEY WHEN THE FOUNDATION BENEFITS THE COMMODITY FOR WHICH THE BOARD WAS ESTABLISHED. COMMISSION FUNDS MAY BE USED FOR THE PURPOSES AUTHORIZED IN THE MARKETING ORDER.

NEW SECTION. Sec. 8. A NEW SECTION IS ADDED TO CHAPTER 15.66 RCW TO READ AS FOLLOWS:

A COMMODITY COMMISSION MAY ESTABLISH A FOUNDATION USING COMMISSION FUNDS AS GRANT MONEY WHEN THE FOUNDATION BENEFITS THE COMMODITY FOR WHICH THE COMMISSION WAS ESTABLISHED. COMMISSION FUNDS MAY BE USED FOR THE PURPOSES AUTHORIZED IN THE MARKETING ORDER.

NEW SECTION. Sec. 9. A NEW SECTION IS ADDED TO CHAPTER 15.65 RCW TO READ AS FOLLOWS:

(1) EACH BOARD MEMBER OF A COMMODITY BOARD ESTABLISHED UNDER THIS CHAPTER MAY BE COMPENSATED PURSUANT TO RCW 43.03.230.

(2) BOARD MEMBERS AND EMPLOYEES OF A COMMODITY BOARD ESTABLISHED UNDER THIS CHAPTER MAY BE REIMBURSED FOR ACTUAL TRAVEL EXPENSES INCURRED IN CARRYING OUT THE PROVISIONS OF THIS CHAPTER, AS DEFINED UNDER THE COMMODITY BOARD'S MARKETING ORDER. OTHERWISE, IF NOT DEFINED OR REFERENCED IN THE MARKETING ORDER, REIMBURSEMENT FOR TRAVEL EXPENSES SHALL BE IN ACCORDANCE WITH RCW 43.03.050 AND 43.03.060.

(3) APPROVAL FOR COMPENSATION AND TRAVEL EXPENSES SHALL BE AS DEFINED IN THE COMMODITY BOARD'S MARKETING ORDER.

NEW SECTION. Sec. 10. A NEW SECTION IS ADDED TO CHAPTER 15.66 RCW TO READ AS FOLLOWS:

(1) EACH BOARD MEMBER OF A COMMODITY COMMISSION ESTABLISHED UNDER THIS CHAPTER MAY BE COMPENSATED PURSUANT TO RCW 43.03.230.

(2) BOARD MEMBERS AND EMPLOYEES OF A COMMODITY COMMISSION ESTABLISHED UNDER THIS CHAPTER MAY BE REIMBURSED FOR ACTUAL TRAVEL EXPENSES INCURRED IN CARRYING OUT THE PROVISIONS OF THIS CHAPTER, AS DEFINED UNDER THE COMMODITY COMMISSION'S MARKETING ORDER. OTHERWISE, IF NOT DEFINED OR REFERENCED IN THE MARKETING ORDER, REIMBURSEMENT FOR TRAVEL EXPENSES SHALL BE IN ACCORDANCE WITH RCW 43.03.050 AND 43.03.060.

(3) APPROVAL FOR COMPENSATION AND TRAVEL EXPENSES SHALL BE AS DEFINED IN THE COMMODITY COMMISSION'S MARKETING ORDER.

Sec. 11. RCW 43.03.230 AND 1984 C 287 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) ANY AGRICULTURAL COMMODITY BOARD OR COMMISSION ESTABLISHED PURSUANT TO TITLE 15 OR 16 RCW SHALL BE IDENTIFIED AS A CLASS TWO GROUP FOR PURPOSES OF COMPENSATION.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, EACH MEMBER OF A CLASS TWO GROUP IS ELIGIBLE TO RECEIVE COMPENSATION IN AN AMOUNT NOT TO EXCEED (~~THIRTY-FIVE~~) ONE HUNDRED DOLLARS FOR EACH DAY DURING WHICH THE MEMBER ATTENDS AN OFFICIAL MEETING OF THE GROUP OR PERFORMS STATUTORILY PRESCRIBED DUTIES APPROVED BY THE CHAIRPERSON OF THE GROUP. A PERSON SHALL NOT RECEIVE COMPENSATION FOR A DAY OF SERVICE UNDER THIS SECTION IF THE PERSON (A) OCCUPIES A POSITION, NORMALLY REGARDED AS FULL-TIME IN NATURE, IN ANY AGENCY OF THE FEDERAL GOVERNMENT, WASHINGTON STATE GOVERNMENT, OR WASHINGTON STATE LOCAL GOVERNMENT; AND (B) RECEIVES ANY COMPENSATION FROM SUCH GOVERNMENT FOR WORKING THAT DAY.

(3) COMPENSATION MAY BE PAID A MEMBER UNDER THIS SECTION ONLY IF IT IS AUTHORIZED UNDER THE LAW DEALING IN PARTICULAR WITH THE SPECIFIC GROUP TO WHICH THE MEMBER BELONGS OR DEALING IN PARTICULAR WITH THE MEMBERS OF THAT SPECIFIC GROUP."

MOTIONS

ON MOTION OF SENATOR RASMUSSEN, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 1 OF THE TITLE, AFTER "COMMISSIONS;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 15.66.030, 15.66.110, 15.66.140, 15.65.040, 15.65.230, 15.65.280, AND 43.03.230; ADDING NEW SECTIONS TO CHAPTER 15.65 RCW; AND ADDING NEW SECTIONS TO CHAPTER 15.66 RCW."

ON MOTION OF SENATOR RASMUSSEN, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1892, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1892, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1892, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 49; NAYS, 0; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 49.

SUBSTITUTE HOUSE BILL NO. 1892, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1770, BY REPRESENTATIVES McDERMOTT, D. SCHMIDT, HAIGH, MILOSCIA, DUNSHEE, McMORRIS, MORRIS, ROMERO, ESSER, LAMBERT, SCHINDLER, DICKERSON AND OGDEN

ALLOWING CONTRIBUTIONS TO PRIMARY LOSERS.

THE BILL WAS READ THE SECOND TIME.

MOTIONS

ON MOTION OF SENATOR PATTERSON, THE FOLLOWING COMMITTEE ON STATE AND LOCAL GOVERNMENT STRIKING AMENDMENT WAS ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"Sec. 1. RCW 42.17.640 AND 1995 C 397 S 20 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) NO PERSON, OTHER THAN A BONA FIDE POLITICAL PARTY OR A CAUCUS POLITICAL COMMITTEE, MAY MAKE CONTRIBUTIONS TO A CANDIDATE FOR A STATE LEGISLATIVE OFFICE THAT IN THE AGGREGATE EXCEED FIVE HUNDRED DOLLARS OR TO A CANDIDATE FOR A STATE OFFICE OTHER THAN A STATE LEGISLATIVE OFFICE THAT IN THE AGGREGATE EXCEED ONE THOUSAND DOLLARS FOR EACH ELECTION IN WHICH THE CANDIDATE IS ON THE BALLOT OR APPEARS AS A WRITE-IN CANDIDATE. CONTRIBUTIONS MADE WITH RESPECT TO A PRIMARY MAY NOT BE MADE AFTER THE DATE OF THE PRIMARY. HOWEVER, CONTRIBUTIONS TO A CANDIDATE OR A CANDIDATE'S AUTHORIZED COMMITTEE MAY BE MADE WITH RESPECT TO A PRIMARY UNTIL THIRTY DAYS AFTER THE PRIMARY, SUBJECT TO THE FOLLOWING LIMITATIONS: (A) THE CANDIDATE LOST THE PRIMARY; (B) THE CANDIDATE'S AUTHORIZED COMMITTEE HAS INSUFFICIENT FUNDS TO PAY DEBTS OUTSTANDING AS OF THE DATE OF THE PRIMARY; AND (C) THE CONTRIBUTIONS MAY ONLY BE RAISED AND SPENT TO SATISFY THE OUTSTANDING DEBT. CONTRIBUTIONS MADE WITH RESPECT TO A GENERAL ELECTION MAY NOT BE MADE AFTER THE FINAL DAY OF THE APPLICABLE ELECTION CYCLE.

(2) NO PERSON, OTHER THAN A BONA FIDE POLITICAL PARTY OR A CAUCUS POLITICAL COMMITTEE, MAY MAKE CONTRIBUTIONS TO A STATE OFFICIAL AGAINST WHOM RECALL CHARGES HAVE BEEN FILED, OR TO A POLITICAL COMMITTEE HAVING THE EXPECTATION OF MAKING EXPENDITURES IN SUPPORT OF THE RECALL OF THE STATE OFFICIAL, DURING A RECALL CAMPAIGN THAT IN THE AGGREGATE EXCEED FIVE HUNDRED DOLLARS IF FOR A STATE LEGISLATIVE OFFICE OR ONE THOUSAND DOLLARS IF FOR A STATE OFFICE OTHER THAN A STATE LEGISLATIVE OFFICE.

(3)(A) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, NO BONA FIDE POLITICAL PARTY OR CAUCUS POLITICAL COMMITTEE MAY MAKE CONTRIBUTIONS TO A CANDIDATE DURING AN ELECTION CYCLE THAT IN THE AGGREGATE EXCEED (I) FIFTY CENTS MULTIPLIED BY THE NUMBER OF ELIGIBLE REGISTERED VOTERS IN THE JURISDICTION FROM WHICH THE CANDIDATE IS ELECTED IF THE CONTRIBUTOR IS A CAUCUS POLITICAL COMMITTEE OR THE GOVERNING BODY OF A STATE ORGANIZATION, OR (II) TWENTY-FIVE CENTS MULTIPLIED BY THE NUMBER OF REGISTERED VOTERS IN THE JURISDICTION FROM WHICH THE CANDIDATE IS ELECTED IF THE CONTRIBUTOR IS A COUNTY CENTRAL COMMITTEE OR A LEGISLATIVE DISTRICT COMMITTEE.

(B) NO CANDIDATE MAY ACCEPT CONTRIBUTIONS FROM A COUNTY CENTRAL COMMITTEE OR A LEGISLATIVE DISTRICT COMMITTEE DURING AN ELECTION CYCLE THAT WHEN COMBINED WITH CONTRIBUTIONS FROM OTHER COUNTY CENTRAL COMMITTEES OR LEGISLATIVE DISTRICT COMMITTEES WOULD IN THE AGGREGATE EXCEED TWENTY-FIVE CENTS TIMES THE NUMBER OF REGISTERED VOTERS IN THE JURISDICTION FROM WHICH THE CANDIDATE IS ELECTED.

(4)(A) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, NO BONA FIDE POLITICAL PARTY OR CAUCUS POLITICAL COMMITTEE MAY MAKE CONTRIBUTIONS TO A STATE OFFICIAL AGAINST WHOM RECALL CHARGES HAVE BEEN FILED, OR TO A POLITICAL COMMITTEE HAVING THE EXPECTATION OF MAKING EXPENDITURES IN SUPPORT OF THE RECALL OF THE STATE OFFICIAL, DURING A RECALL CAMPAIGN THAT IN THE AGGREGATE EXCEED (I) FIFTY CENTS MULTIPLIED BY THE NUMBER OF ELIGIBLE REGISTERED VOTERS IN THE JURISDICTION ENTITLED TO RECALL THE STATE OFFICIAL IF THE CONTRIBUTOR IS A CAUCUS POLITICAL COMMITTEE OR THE GOVERNING BODY OF A STATE ORGANIZATION, OR (II) TWENTY-FIVE CENTS MULTIPLIED BY THE NUMBER OF REGISTERED VOTERS IN THE JURISDICTION FROM WHICH THE CANDIDATE IS ELECTED IF THE CONTRIBUTOR IS A COUNTY CENTRAL COMMITTEE OR A LEGISLATIVE DISTRICT COMMITTEE.

(B) NO STATE OFFICIAL AGAINST WHOM RECALL CHARGES HAVE BEEN FILED, NO AUTHORIZED COMMITTEE OF THE OFFICIAL, AND NO POLITICAL COMMITTEE HAVING THE EXPECTATION OF MAKING EXPENDITURES IN SUPPORT OF THE RECALL OF A STATE OFFICIAL MAY ACCEPT CONTRIBUTIONS FROM A COUNTY CENTRAL COMMITTEE OR A LEGISLATIVE DISTRICT COMMITTEE DURING AN ELECTION CYCLE THAT WHEN COMBINED WITH CONTRIBUTIONS FROM OTHER COUNTY CENTRAL COMMITTEES OR LEGISLATIVE DISTRICT COMMITTEES WOULD IN THE AGGREGATE EXCEED TWENTY-FIVE CENTS MULTIPLIED BY THE NUMBER OF REGISTERED VOTERS IN THE JURISDICTION FROM WHICH THE CANDIDATE IS ELECTED.

(5) FOR PURPOSES OF DETERMINING CONTRIBUTION LIMITS UNDER SUBSECTIONS (3) AND (4) OF THIS SECTION, THE NUMBER OF ELIGIBLE REGISTERED VOTERS IN A JURISDICTION IS THE NUMBER AT THE TIME OF THE MOST RECENT GENERAL ELECTION IN THE JURISDICTION.

(6) NOTWITHSTANDING SUBSECTIONS (1) THROUGH (4) OF THIS SECTION, NO PERSON OTHER THAN AN INDIVIDUAL, BONA FIDE POLITICAL PARTY, OR CAUCUS POLITICAL COMMITTEE MAY MAKE CONTRIBUTIONS REPORTABLE UNDER THIS CHAPTER TO A CAUCUS POLITICAL COMMITTEE THAT IN THE AGGREGATE EXCEED FIVE HUNDRED DOLLARS IN A CALENDAR YEAR OR TO A BONA FIDE POLITICAL PARTY THAT IN THE AGGREGATE EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS IN A CALENDAR YEAR. THIS SUBSECTION DOES NOT APPLY TO LOANS MADE IN THE ORDINARY COURSE OF BUSINESS.

(7) FOR THE PURPOSES OF RCW 42.17.640 THROUGH 42.17.790, A CONTRIBUTION TO THE AUTHORIZED POLITICAL COMMITTEE OF A CANDIDATE, OR OF A STATE OFFICIAL AGAINST WHOM RECALL CHARGES HAVE BEEN FILED, IS CONSIDERED TO BE A CONTRIBUTION TO THE CANDIDATE OR STATE OFFICIAL.

(8) A CONTRIBUTION RECEIVED WITHIN THE TWELVE-MONTH PERIOD AFTER A RECALL ELECTION CONCERNING A STATE OFFICE IS CONSIDERED TO BE A CONTRIBUTION DURING THAT RECALL CAMPAIGN IF THE CONTRIBUTION IS USED TO PAY A DEBT OR OBLIGATION INCURRED TO INFLUENCE THE OUTCOME OF THAT RECALL CAMPAIGN.

(9) THE CONTRIBUTIONS ALLOWED BY SUBSECTION (2) OF THIS SECTION ARE IN ADDITION TO THOSE ALLOWED BY SUBSECTION (1) OF THIS SECTION, AND THE CONTRIBUTIONS ALLOWED BY SUBSECTION (4) OF THIS SECTION ARE IN ADDITION TO THOSE ALLOWED BY SUBSECTION (3) OF THIS SECTION.

(10) RCW 42.17.640 THROUGH 42.17.790 APPLY TO A SPECIAL ELECTION CONDUCTED TO FILL A VACANCY IN A STATE OFFICE. HOWEVER, THE CONTRIBUTIONS MADE TO A CANDIDATE OR RECEIVED BY A CANDIDATE FOR A PRIMARY OR SPECIAL ELECTION CONDUCTED TO FILL SUCH A VACANCY SHALL NOT BE COUNTED TOWARD ANY OF THE LIMITATIONS THAT APPLY TO THE CANDIDATE OR TO CONTRIBUTIONS MADE TO THE CANDIDATE FOR ANY OTHER PRIMARY OR ELECTION.

(11) NOTWITHSTANDING THE OTHER SUBSECTIONS OF THIS SECTION, NO CORPORATION OR BUSINESS ENTITY NOT DOING BUSINESS IN WASHINGTON STATE, NO LABOR UNION WITH FEWER THAN TEN MEMBERS WHO RESIDE IN WASHINGTON STATE, AND NO POLITICAL COMMITTEE THAT HAS NOT RECEIVED CONTRIBUTIONS OF TEN DOLLARS OR MORE FROM AT LEAST TEN PERSONS REGISTERED TO VOTE IN WASHINGTON STATE DURING THE PRECEDING ONE HUNDRED EIGHTY DAYS MAY MAKE CONTRIBUTIONS REPORTABLE UNDER THIS CHAPTER TO A CANDIDATE, TO A STATE OFFICIAL AGAINST WHOM RECALL CHARGES HAVE BEEN FILED, OR TO A POLITICAL COMMITTEE HAVING THE EXPECTATION OF MAKING EXPENDITURES IN SUPPORT OF THE RECALL OF THE OFFICIAL. THIS SUBSECTION DOES NOT APPLY TO LOANS MADE IN THE ORDINARY COURSE OF BUSINESS.

(12) NOTWITHSTANDING THE OTHER SUBSECTIONS OF THIS SECTION, NO COUNTY CENTRAL COMMITTEE OR LEGISLATIVE DISTRICT COMMITTEE MAY MAKE CONTRIBUTIONS REPORTABLE UNDER THIS CHAPTER TO A CANDIDATE, STATE OFFICIAL AGAINST WHOM RECALL CHARGES HAVE BEEN FILED, OR POLITICAL COMMITTEE HAVING THE EXPECTATION OF MAKING EXPENDITURES IN SUPPORT OF THE RECALL OF A STATE OFFICIAL IF THE COUNTY CENTRAL COMMITTEE OR LEGISLATIVE DISTRICT COMMITTEE IS OUTSIDE OF THE JURISDICTION ENTITLED TO ELECT THE CANDIDATE OR RECALL THE STATE OFFICIAL.

(13) NO PERSON MAY ACCEPT CONTRIBUTIONS THAT EXCEED THE CONTRIBUTION LIMITATIONS PROVIDED IN THIS SECTION.

(14) THE FOLLOWING CONTRIBUTIONS ARE EXEMPT FROM THE CONTRIBUTION LIMITS OF THIS SECTION:

(A) AN EXPENDITURE OR CONTRIBUTION EARMARKED FOR VOTER REGISTRATION, FOR ABSENTEE BALLOT INFORMATION, FOR PRECINCT CAUCUSES, FOR GET-OUT-THE-VOTE CAMPAIGNS, FOR PRECINCT JUDGES OR INSPECTORS, FOR SAMPLE BALLOTS, OR FOR BALLOT COUNTING, ALL WITHOUT PROMOTION OF OR POLITICAL ADVERTISING FOR INDIVIDUAL CANDIDATES; OR

(B) AN EXPENDITURE BY A POLITICAL COMMITTEE FOR ITS OWN INTERNAL ORGANIZATION OR FUND RAISING WITHOUT DIRECT ASSOCIATION WITH INDIVIDUAL CANDIDATES."

MOTIONS

ON MOTION OF SENATOR PATTERSON, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON LINE 2 OF THE TITLE, AFTER "PRIMARY;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AND AMENDING RCW 42.17.640."

ON MOTION OF SENATOR PATTERSON, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1770, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1770, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1770, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 33; NAYS, 16; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HAUGEN, HORN, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, MCAULIFFE, MCCASLIN, McDONALD, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, THIBAudeau AND WEST - 33.

VOTING NAY: SENATORS BENTON, FINKBEINER, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, JOHNSON, LONG, MORTON, OKE, ROACH, ROSSI, SHEAHAN, STEVENS, WINSLEY AND ZARELLI - 16.

HOUSE BILL NO. 1770, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4002, BY REPRESENTATIVES VELORIA, CAMPBELL, CODY, PENNINGTON, COX, KESSLER, WOODS, KENNEY, ROMERO, BUSH, KEISER, SCHOESLER, ARMSTRONG, CLEMENTS, DELVIN, SANTOS, MCINTIRE, O'BRIEN, D. SCHMIDT, TOKUDA, HAIGH, EDWARDS, DARNEILLE, SCHUAL-BERKE AND TALCOTT

ASKING THAT THE FEDERAL GOVERNMENT PROVIDE VETERANS' BENEFITS OWED TO FILIPINO VETERANS.

THE JOINT MEMORIAL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PATTERSON, THE RULES WERE SUSPENDED, HOUSE JOINT MEMORIAL NO. 4002 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE JOINT MEMORIAL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE JOINT MEMORIAL NO. 4002.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE JOINT MEMORIAL NO. 4002 AND THE JOINT MEMORIAL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 49; NAYS, 0; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 49.

HOUSE JOINT MEMORIAL NO. 4002, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED.

SECOND READING

HOUSE BILL NO. 1577, BY REPRESENTATIVES D. SCHMIDT AND ROMERO (BY REQUEST OF SECRETARY OF STATE REED)

CLARIFYING STANDARDS FOR CANDIDATES USING PARTY DESIGNATIONS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PATTERSON, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1577 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

POINT OF INQUIRY

SENATOR ROACH: "SENATOR PATTERSON, THE QUESTION THAT I HAVE IS IF A CANDIDATE FROM A MINOR PARTY SHOULD BE NOMINATED OR SUPPORTED BY TWO OR THREE OF THOSE MINOR PARTIES, WOULD THEY BE ABLE TO SHOW THAT ON A BALLOT?"

SENATOR PATTERSON: "SENATOR ROACH, YOU WERE IN THE COMMITTEE WITH ME THERE. THAT PARTICULAR QUESTION WAS NOT RAISED. I GUESS SENATOR GARDNER KNOWS THE ANSWER TO THAT QUESTION. SENATOR GARDNER."

REMARKS BY SENATOR GARDNER

SENATOR GARDNER: "THANK YOU MR. PRESIDENT. I DO HAVE THE ANSWER, SINCE I HAD THE SAME BILL IN THE SENATE. THE PURPOSE OF THE BILL IS TO PREVENT ONE CANDIDATE HAVING A DUAL PARTY DESIGNATION ON THE BALLOT."

SENATOR ROACH: "THANK YOU, SENATOR GARDNER."

FURTHER DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1577.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1577 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 42; NAYS, 6; ABSENT, 1; EXCUSED, 0.

VOTING YEA: SENATORS BROWN, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, THIBAudeau, WEST AND WINSLEY - 42.

VOTING NAY: SENATORS BENTON, CARLSON, ROACH, STEVENS, SWECKER AND ZARELLI - 6.

ABSENT: SENATOR JOHNSON - 1.

HOUSE BILL NO. 1577, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTIONS

ON MOTION OF SENATOR HONEYFORD, SENATOR JOHNSON WAS EXCUSED.

ON MOTION OF SENATOR EIDE, SENATOR KLINE WAS EXCUSED.

SECOND READING

HOUSE BILL NO. 1634, BY REPRESENTATIVES SANTOS, DeBOLT, HATFIELD AND BENSON (BY REQUEST OF INSURANCE COMMISSIONER KREIDLER)

PRIORITIZING AND ORDERING THE DISTRIBUTION OF CLAIMS OF AN INSURER'S ESTATE.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PRENTICE, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1634 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1634.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1634 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 1; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

ABSENT: SENATOR HARGROVE - 1.

HOUSE BILL NO. 1634, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

ENGROSSED SENATE BILL NO. 5686, BY SENATORS EIDE, RASMUSSEN, KOHL-WELLES, MCAULIFFE AND CARLSON (BY REQUEST OF GOVERNOR LOCKE)

CHANGING ACADEMIC ASSESSMENTS TIMELINES.

THE BILL WAS READ THE SECOND TIME.

MOTION

SENATOR HOCHSTATTER MOVED THAT THE FOLLOWING AMENDMENT BE ADOPTED:

ON PAGE 3, LINE 16, AFTER "REQUIREMENTS." INSERT "HOWEVER, THE ASSESSMENTS SHALL BE POSTPONED UNTIL IT IS PROVEN THROUGH SCIENTIFIC RESEARCH THAT THE ASSESSMENTS ARE A RELIABLE AND VALID MEASURE OF BASIC ACADEMICS."

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATOR HOCHSTATTER ON PAGE 3, LINE 16, TO SENATE BILL No. 5686.

THE MOTION BY SENATOR HOCHSTATTER FAILED AND THE AMENDMENT WAS NOT ADOPTED.

MOTION

SENATOR CARLSON MOVED THAT THE FOLLOWING AMENDMENT BE ADOPTED:

ON PAGE 4, AFTER LINE 4, INSERT THE FOLLOWING:

"THE HIGH SCHOOL SOCIAL STUDIES COMPONENT OF THE WASHINGTON ASSESSMENT OF STUDENT LEARNING SHALL NOT BE ADMINISTERED BEFORE THE ELEVENTH GRADE."

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATOR CARLSON ON PAGE 4, LINE 4, TO SENATE BILL No. 5686.

THE MOTION BY SENATOR CARLSON CARRIED AND THE AMENDMENT WAS ADOPTED.

MOTION

SENATOR JOHNSON MOVED THAT THE FOLLOWING AMENDMENT BY SENATORS JOHNSON, EIDE AND MCAULIFFE BE ADOPTED:

ON PAGE 4, AFTER LINE 4, INSERT THE FOLLOWING:

"PRIOR TO 2008, ANY STUDENT WHO PASSES THE HIGH SCHOOL ASSESSMENTS SHALL RECEIVE AN ENDORSEMENT ON HIS OR HER HIGH SCHOOL TRANSCRIPT."

RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATOR JOHNSON ON PAGE 4, LINE 4, TO SENATE BILL No. 5686.

THE MOTION BY SENATOR JOHNSON CARRIED AND THE AMENDMENT WAS ADOPTED.

MOTION

SENATOR FINKBEINER MOVED THAT THE FOLLOWING AMENDMENT BY SENATORS FINKBEINER AND ZARELLI BE ADOPTED:

ON PAGE 4, AFTER LINE 4, INSERT THE FOLLOWING:

"THE HIGH SCHOOL ASSESSMENTS IN ARTS, HEALTH, AND FITNESS SHALL LEAD TO AN ENDORSEMENT AND SHALL NOT BE REQUIRED FOR HIGH SCHOOL GRADUATION."

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATORS FINKBEINER AND ZARELLI ON PAGE 4, LINE 4, TO SENATE BILL No. 5686.

THE MOTION BY SENATOR FINKBEINER FAILED ON A RISING VOTE AND THE AMENDMENT WAS NOT ADOPTED.

MOTION

SENATOR FINKBEINER MOVED THAT THE FOLLOWING AMENDMENT BY BE ADOPTED:

ON PAGE 8, AFTER LINE 32, INSERT THE FOLLOWING:

SEC. 2. RCW 28A.230.195 AND 1999 C 373 S 603 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) IF STUDENTS' SCORES ON THE TEST OR ASSESSMENTS UNDER RCW 28A.230.190, 28A.230.230, AND ~~((28A.630.885))~~ 28A.655.060 INDICATE THAT STUDENTS NEED HELP IN IDENTIFIED AREAS, THE SCHOOL DISTRICT SHALL EVALUATE ITS INSTRUCTIONAL PRACTICES AND MAKE APPROPRIATE ADJUSTMENTS.

(2) EACH SCHOOL DISTRICT SHALL NOTIFY THE PARENTS OF EACH STUDENT OF THEIR CHILD'S PERFORMANCE ON THE TEST AND ASSESSMENTS CONDUCTED UNDER THIS CHAPTER.

(3) AFTER DATA ARE COMPLETE AND ACCURATE, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL MAKE THE WRITING PORTION OF THE WASHINGTON ASSESSMENT OF STUDENT LEARNING FOR INDIVIDUAL STUDENTS AVAILABLE TO SCHOOLS. SCHOOLS SHALL MAKE AVAILABLE THE WRITING PORTION OF EACH STUDENT'S ASSESSMENT AND INFORMATION ON THE CRITERIA USED TO DETERMINE THE STUDENT'S SCORE TO THE STUDENT, THE STUDENT'S PARENT OR GUARDIAN, AND THE STUDENT'S TEACHER. THE STUDENT'S TEACHER SHALL NOT BE REQUIRED TO CORRECT THE WRITING PORTION OF THE ASSESSMENT.

SEC. 3. RCW 28A.655.090 AND 1999 C 388 S 301 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) BY SEPTEMBER 10, 1998, AND BY SEPTEMBER 10TH EACH YEAR THEREAFTER, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL REPORT TO SCHOOLS, SCHOOL DISTRICTS, AND THE LEGISLATURE ON THE RESULTS OF THE WASHINGTON ASSESSMENT OF STUDENT LEARNING AND STATE-MANDATED NORM-REFERENCED STANDARDIZED TESTS.

(2) THE REPORTS SHALL INCLUDE THE ASSESSMENT RESULTS BY SCHOOL AND SCHOOL DISTRICT, AND INCLUDE CHANGES OVER TIME. FOR THE WASHINGTON ASSESSMENT OF STUDENT LEARNING, RESULTS SHALL BE REPORTED AS FOLLOWS:

(A) THE PERCENTAGE OF STUDENTS MEETING THE STANDARDS;

(B) THE PERCENTAGE OF STUDENTS PERFORMING AT EACH LEVEL OF THE ASSESSMENT; AND

(C) A LEARNING IMPROVEMENT INDEX THAT SHOWS CHANGES IN STUDENT PERFORMANCE WITHIN THE DIFFERENT LEVELS OF STUDENT LEARNING REPORTED ON THE WASHINGTON ASSESSMENT OF STUDENT LEARNING.

(3) THE REPORTS SHALL CONTAIN DATA REGARDING THE DIFFERENT CHARACTERISTICS OF SCHOOLS, SUCH AS POVERTY LEVELS, PERCENT OF ENGLISH AS A SECOND LANGUAGE STUDENTS, DROPOUT RATES, ATTENDANCE, PERCENT OF STUDENTS IN SPECIAL EDUCATION, AND STUDENT MOBILITY SO THAT DISTRICTS AND SCHOOLS CAN LEARN FROM THE IMPROVEMENT EFFORTS OF OTHER SCHOOLS AND DISTRICTS WITH SIMILAR CHARACTERISTICS.

(4) THE REPORTS SHALL CONTAIN STUDENT SCORES ON MANDATED TESTS BY COMPARABLE WASHINGTON SCHOOLS OF SIMILAR CHARACTERISTICS.

(5) THE REPORTS SHALL CONTAIN INFORMATION ON PUBLIC SCHOOL CHOICE OPTIONS AVAILABLE TO STUDENTS, INCLUDING VOCATIONAL EDUCATION.

(6) THE REPORTS SHALL BE POSTED ON THE SUPERINTENDENT OF PUBLIC INSTRUCTION'S INTERNET WEB SITE.

(7) TO PROTECT THE PRIVACY OF STUDENTS, THE RESULTS OF SCHOOLS AND DISTRICTS THAT TEST FEWER THAN TEN STUDENTS IN A GRADE LEVEL SHALL NOT BE REPORTED. IN ADDITION, IN ORDER TO ENSURE THAT RESULTS ARE REPORTED ACCURATELY, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL MAINTAIN THE CONFIDENTIALITY OF STATEWIDE DATA FILES UNTIL THE SUPERINTENDENT DETERMINES THAT THE DATA ARE COMPLETE AND ACCURATE.

(8) AFTER THE DATA ARE COMPLETE AND ACCURATE, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL MAKE THE WRITING PORTION OF THE WASHINGTON ASSESSMENT OF STUDENT LEARNING FOR INDIVIDUAL STUDENTS AVAILABLE TO SCHOOLS. SCHOOLS SHALL MAKE AVAILABLE THE WRITING PORTION OF EACH STUDENT'S ASSESSMENT AND INFORMATION ON THE CRITERIA USED TO DETERMINE THE STUDENT'S SCORE TO THE STUDENT, THE STUDENT'S PARENT OR GUARDIAN, AND THE STUDENT'S TEACHER. THE STUDENT'S TEACHER SHALL NOT BE REQUIRED TO CORRECT THE WRITING PORTION OF THE ASSESSMENT.

(9) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL MONITOR THE PERCENTAGE AND NUMBER OF SPECIAL EDUCATION AND LIMITED ENGLISH-PROFICIENT STUDENTS EXEMPTED FROM TAKING THE ASSESSMENTS BY SCHOOLS AND SCHOOL DISTRICTS TO ENSURE THE EXEMPTIONS ARE IN COMPLIANCE WITH EXEMPTION GUIDELINES.

NEW SECTION. Sec. 4. BY SEPTEMBER 1, 2001, THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL REPORT TO THE GOVERNOR AND THE FISCAL AND EDUCATION COMMITTEES OF THE LEGISLATURE ON THE ESTIMATED COST OF RETURNING ADDITIONAL TEST QUESTIONS AND ANSWERS TO PARENTS AND TEACHERS.

NEW SECTION. Sec. 5. SECTIONS 2 AND 3 OF THIS ACT TAKE EFFECT SEPTEMBER 1, 2002.

NEW SECTION. Sec. 6. IF SPECIFIC FUNDING FOR THE PURPOSES OF SECTIONS 2 THROUGH 5 OF THIS ACT, REFERENCING SECTIONS 2 THROUGH 5 OF THIS ACT BY BILL OR CHAPTER NUMBER, IS NOT PROVIDED BY JUNE 30, 2001, IN THE OMNIBUS APPROPRIATIONS ACT, SECTIONS 2 THROUGH 5 OF THIS ACT ARE NULL AND VOID."

DEBATE ENSUED.

SENATOR SHEAHAN DEMANDED A ROLL CALL AND THE DEMAND WAS SUSTAINED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE ADOPTION OF THE AMENDMENT BY SENATOR FINKBEINER ON PAGE 8, AFTER LINE 32, TO SENATE BILL NO. 5686.

ROLL CALL

THE SECRETARY CALLED THE ROLL AND THE AMENDMENT WAS NOT ADOPTED BY THE FOLLOWING VOTE: YEAS, 23; NAYS, 25; ABSENT, 1; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, DECCIO, FINKBEINER, HALE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JOHNSON, LONG, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, ROACH, ROSSI, SHEAHAN, STEVENS, SWECKER, WEST, WINSLEY AND ZARELLI - 23.

VOTING NAY: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HAUGEN, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, McAULIFFE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL AND THIBAudeau - 25.

ABSENT: SENATOR HARGROVE - 1.

MOTION

ON MOTION OF SENATOR EIDE, THE RULES WERE SUSPENDED, ENGROSSED SENATE BILL NO. 5686 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SENATE BILL NO. 5686.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SENATE BILL NO. 5686 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 46; NAYS, 2; ABSENT, 1; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HAUGEN, HOCHSTATTER, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, McAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 46.

VOTING NAY: SENATORS HEWITT AND HONEYFORD - 2.

ABSENT: SENATOR HARGROVE - 1.

ENGROSSED SENATE BILL NO. 5686, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR EIDE, SENATOR THIBAudeau WAS EXCUSED.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1739, BY HOUSE COMMITTEE ON STATE GOVERNMENT (ORIGINALLY SPONSORED BY REPRESENTATIVES BUSH, D. SCHMIDT, ROMERO, MILOSCIA, ANDERSON, CAMPBELL, TALCOTT, ESSER AND CASADA) (BY REQUEST OF SECRETARY OF STATE REED)

PROTECTING THE INTEGRITY OF ELECTIONS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PATTERSON, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL No. 1739 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL No. 1739.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL No. 1739 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR THIBAudeau - 1.

SUBSTITUTE HOUSE BILL NO. 1739, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1836, BY HOUSE COMMITTEE ON NATURAL RESOURCES (ORIGINALLY SPONSORED BY REPRESENTATIVES EDWARDS, DOUMIT, SUMP, COOPER, HAIGH, EICKMEYER, TOKUDA, BOLDT, DUNN, ESSER, LOVICK AND JACKLEY)

CREATING A LEGISLATIVE TASK FORCE ON LOCAL PARK AND RECREATION MAINTENANCE AND OPERATIONS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR JACOBSEN, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL No. 1836 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL No. 1836.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL No. 1836 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR THIBAudeau - 1.

SUBSTITUTE HOUSE BILL NO. 1836, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1632, BY HOUSE COMMITTEE ON TECHNOLOGY, TELECOMMUNICATIONS AND ENERGY (ORIGINALLY SPONSORED BY REPRESENTATIVES RUDERMAN, ANDERSON, SCHUAL-BERKE AND CASADA) (BY REQUEST OF DEPARTMENT OF INFORMATION SERVICES)

PRESCRIBING CRIMINAL PENALTIES FOR FRAUDULENTLY OBTAINING OR USING DIGITAL SIGNATURES AND DIGITAL CERTIFICATES.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR TIM SHELDON, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL No. 1632 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL No. 1632.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL No. 1632 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR THIBAudeau - 1.

SUBSTITUTE HOUSE BILL NO. 1632, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

NOTICE FOR RECONSIDERATION

HAVING VOTED ON THE PREVAILING SIDE, SENATOR WEST SERVED NOTICE TO RECONSIDER THE VOTE BY WHICH SUBSTITUTE HOUSE BILL No. 1836 PASSED THE SENATE EARLIER TODAY.

SECOND READING

HOUSE BILL NO. 1983, BY REPRESENTATIVES BENSON AND HATFIELD

MODIFYING "DEBT COLLECTOR" SO THE TERM EXCLUDES AFFILIATES OF CREDITORS THAT SERVICE CREDITOR'S ACCOUNTS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PRENTICE, THE RULES WERE SUSPENDED, HOUSE BILL No. 1983 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL No. 1983.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL No. 1983 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR THIBAudeau - 1.

HOUSE BILL NO. 1983, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1095, BY REPRESENTATIVES MITCHELL, FISHER AND HANKINS (BY REQUEST OF DEPARTMENT OF TRANSPORTATION)

UPDATING OVERSIZE LOAD PERMITS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR KASTAMA, THE FOLLOWING AMENDMENT BY SENATORS KASTAMA, BENTON AND HAUGEN WAS ADOPTED:

ON PAGE 1, AFTER LINE 18, INSERT THE FOLLOWING:

"Sec. 2. RCW 46.44.091 AND 1989 C 52 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (3) AND (4) OF THIS SECTION, NO SPECIAL PERMIT SHALL BE ISSUED FOR MOVEMENT ON ANY STATE HIGHWAY OR ROUTE OF A STATE HIGHWAY WITHIN THE LIMITS OF ANY CITY OR TOWN WHERE THE GROSS WEIGHT, INCLUDING LOAD, EXCEEDS THE FOLLOWING LIMITS:

(A) TWENTY-TWO THOUSAND POUNDS ON A SINGLE AXLE OR ON DUAL AXLES WITH A WHEELBASE BETWEEN THE FIRST AND SECOND AXLES OF LESS THAN THREE FEET SIX INCHES;

(B) FORTY-THREE THOUSAND POUNDS ON DUAL AXLES HAVING A WHEELBASE BETWEEN THE FIRST AND SECOND AXLES OF NOT LESS THAN THREE FEET SIX INCHES BUT LESS THAN SEVEN FEET;

(C) ON ANY GROUP OF AXLES OR IN THE CASE OF A VEHICLE EMPLOYING TWO SINGLE AXLES WITH A WHEEL BASE BETWEEN THE FIRST AND LAST AXLE OF NOT LESS THAN SEVEN FEET BUT LESS THAN TEN FEET, A WEIGHT IN POUNDS DETERMINED BY MULTIPLYING SIX THOUSAND FIVE HUNDRED TIMES THE DISTANCE IN FEET BETWEEN THE CENTER OF THE FIRST AXLE AND THE CENTER OF THE LAST AXLE OF THE GROUP;

(D) ON ANY GROUP OF AXLES WITH A WHEEL BASE BETWEEN THE FIRST AND LAST AXLE OF NOT LESS THAN TEN FEET BUT LESS THAN THIRTY FEET, A WEIGHT IN POUNDS DETERMINED BY MULTIPLYING TWO THOUSAND TWO HUNDRED TIMES THE SUM OF TWENTY AND THE DISTANCE IN FEET BETWEEN THE CENTER OF THE FIRST AXLE AND THE CENTER OF THE LAST AXLE OF THE GROUP;

(E) ON ANY GROUP OF AXLES WITH A WHEEL BASE BETWEEN THE FIRST AND LAST AXLE OF THIRTY FEET OR GREATER, A WEIGHT IN POUNDS DETERMINED BY MULTIPLYING ONE THOUSAND SIX HUNDRED TIMES THE SUM OF FORTY AND THE DISTANCE IN FEET BETWEEN THE CENTER OF THE FIRST AXLE AND THE CENTER OF THE LAST AXLE OF THE GROUP.

(2) THE TOTAL WEIGHT OF A VEHICLE OR COMBINATION OF VEHICLES ALLOWABLE BY SPECIAL PERMIT UNDER SUBSECTION (1) OF THIS SECTION SHALL BE GOVERNED BY THE LESSER OF THE WEIGHTS OBTAINED BY USING THE TOTAL NUMBER OF AXLES AS A GROUP OR ANY COMBINATION OF AXLES AS A GROUP.

(3) THE WEIGHT LIMITATIONS PERTAINING TO SINGLE AXLES MAY BE EXCEEDED TO PERMIT THE MOVEMENT OF EQUIPMENT OPERATING UPON SINGLE PNEUMATIC TIRES HAVING A RIM WIDTH OF TWENTY INCHES OR MORE AND A RIM DIAMETER OF TWENTY-FOUR INCHES OR MORE OR DUAL PNEUMATIC TIRES HAVING A RIM WIDTH OF SIXTEEN INCHES OR MORE AND A RIM DIAMETER OF TWENTY-FOUR INCHES OR MORE AND SPECIALLY DESIGNED VEHICLES MANUFACTURED AND CERTIFIED FOR SPECIAL PERMITS PRIOR TO JULY 1, 1975.

(4) PERMITS MAY BE ISSUED FOR WEIGHTS IN EXCESS OF THE LIMITATIONS CONTAINED IN SUBSECTION (1) OF THIS SECTION ON HIGHWAYS OR SECTIONS OF HIGHWAYS WHICH HAVE BEEN DESIGNED AND CONSTRUCTED FOR WEIGHTS IN EXCESS OF SUCH LIMITATIONS, OR FOR ANY SHIPMENT DULY CERTIFIED AS NECESSARY BY MILITARY OFFICIALS, OR BY OFFICIALS OF PUBLIC OR PRIVATE POWER FACILITIES, OR WHEN IN THE OPINION OF THE DEPARTMENT OF TRANSPORTATION THE MOVEMENT OR ACTION IS A NECESSARY MOVEMENT OR ACTION: PROVIDED, THAT IN THE JUDGMENT OF THE DEPARTMENT OF TRANSPORTATION THE STRUCTURES AND HIGHWAY SURFACES ON THE ROUTES INVOLVED ARE CAPABLE OF SUSTAINING WEIGHTS IN EXCESS OF SUCH LIMITATIONS AND IT IS NOT REASONABLE FOR ECONOMIC OR OPERATIONAL CONSIDERATIONS TO TRANSPORT SUCH EXCESS WEIGHTS BY RAIL OR WATER FOR ANY SUBSTANTIAL DISTANCE OF THE TOTAL MILEAGE APPLIED FOR.

(5) ~~(PERMITS MAY BE ISSUED FOR THE OPERATION OF FIRE TRUCKS ON THE PUBLIC HIGHWAYS IF THE MAXIMUM GROSS WEIGHT ON ANY SINGLE AXLE DOES NOT EXCEED TWENTY-FOUR THOUSAND POUNDS AND THE GROSS WEIGHT ON ANY TANDEM AXLE DOES NOT EXCEED FORTY-THREE THOUSAND POUNDS.~~

~~(6))~~ APPLICATION SHALL BE MADE IN WRITING ON SPECIAL FORMS PROVIDED BY THE DEPARTMENT OF TRANSPORTATION AND SHALL BE SUBMITTED AT LEAST THIRTY-SIX HOURS IN ADVANCE OF THE PROPOSED MOVEMENT. AN APPLICATION FOR A SPECIAL PERMIT FOR A GROSS WEIGHT OF ANY COMBINATION OF VEHICLES EXCEEDING TWO HUNDRED THOUSAND POUNDS SHALL BE SUBMITTED IN WRITING TO THE DEPARTMENT OF TRANSPORTATION AT LEAST THIRTY DAYS IN ADVANCE OF THE PROPOSED MOVEMENT.

NEW SECTION. Sec. 3 A NEW SECTION IS ADDED TO CHAPTER 46.44 RCW TO READ AS FOLLOWS:

(1) AS USED IN THIS SECTION, "FIRE-FIGHTING APPARATUS" MEANS A VEHICLE OR COMBINATION OF VEHICLES, OWNED BY A REGULARLY ORGANIZED FIRE SUPPRESSION AGENCY, DESIGNED, MAINTAINED, AND USED EXCLUSIVELY FOR FIRE SUPPRESSION AND RESCUE OR FOR FIRE PREVENTION ACTIVITIES. THESE VEHICLES AND ASSOCIATED LOADS OR EQUIPMENT ARE NECESSARY TO PROTECT THE PUBLIC SAFETY AND ARE CONSIDERED NONDIVISIBLE LOADS. A VEHICLE OR COMBINATION OF VEHICLES THAT IS NOT DESIGNED PRIMARILY FOR FIRE SUPPRESSION INCLUDING, BUT NOT LIMITED TO, A HAZARDOUS MATERIALS RESPONSE VEHICLE, BUS, MOBILE KITCHEN, MOBILE SANITATION FACILITY, AND HEAVY EQUIPMENT TRANSPORT VEHICLE IS NOT A FIRE-FIGHTING APPARATUS FOR PURPOSES OF THIS SECTION.

(2) FIRE-FIGHTING APPARATUS MUST COMPLY WITH ALL APPLICABLE FEDERAL AND STATE VEHICLE OPERATING AND SAFETY CRITERIA, INCLUDING RULES ADOPTED BY AGENCIES WITHIN EACH JURISDICTION.

(3) ALL OWNERS AND OPERATORS OF FIRE-FIGHTING APPARATUS SHALL COMPLY WITH CURRENT INFORMATION, AVAILABLE THROUGH THE DEPARTMENT, REGARDING THE APPLICABLE LOAD RESTRICTIONS OF STATE BRIDGES WITHIN THE DESIGNATED FIRE SERVICE AREA, INCLUDING ANY AUTOMATIC OR MUTUAL AID AGREEMENT AREAS.

(4) FIRE-FIGHTING APPARATUS OPERATING WITHIN A FIRE DISTRICT BOUNDARY OF THE OWNER OF THE APPARATUS, INCLUDING ANY AUTOMATIC OR MUTUAL AID AGREEMENT AREAS, MAY OPERATE WITHOUT A PERMIT IF:

(A) THE WEIGHT DOES NOT EXCEED:

(I) 600 POUNDS PER INCH WIDTH OF TIRE;

(II) 24,000 POUNDS ON A SINGLE AXLE;

(III) 43,000 POUNDS ON A TANDEM AXLE SET;

(IV) 67,000 POUNDS GROSS VEHICLE WEIGHT, SUBJECT TO THE GROSS WEIGHT LIMITS OF RCW 46.44.091(1) (C), (D), AND (E);

(V) THE TIRE MANUFACTURER'S TIRE LOAD RATING.

(B) THERE IS NO TRIDEM AXLE SET.

(C) THE DIMENSIONS DO NOT EXCEED:

(I) 8 FEET, 6 INCHES WIDE;

(II) 14 FEET HIGH;

(III) 50 FEET OVERALL LENGTH;

(IV) 15 FOOT FRONT OVERHANG;

(V) REAR OVERHANG NOT EXCEEDING THE LENGTH OF THE WHEEL BASE.

(5) THE DEPARTMENT MAY GRANT PERMITS FOR FIRE FIGHTING APPARATUS THAT EXCEED THE WEIGHT LIMITS IN SUBSECTION (4) OF THIS SECTION ONLY IF THEY WERE PUT INTO OPERATION IN THIS STATE BEFORE JULY 1, 2001. THE DEPARTMENT SHALL ISSUE THE PERMIT ON AN ANNUAL BASIS FOR THE APPARATUS TO OPERATE WITHIN THE DESIGNATED FIRE SERVICE AREA, INCLUDING MUTUAL BENEFIT AGREEMENT AREAS, SUBJECT TO THE APPLICABLE LOAD RESTRICTIONS OF STATE BRIDGES REFERRED TO IN SUBSECTION (3) OF THIS SECTION AND ANY OTHER LIMITATIONS STIPULATED ON THE PERMIT. BEFORE ISSUING A PERMIT, THE DEPARTMENT WILL COMPARE THE APPARATUS TO BE PERMITTED WITH THE BRIDGE LOAD RATINGS FOR STRUCTURES ON STATE HIGHWAYS WITHIN THE OPERATING AREA. THE PERMIT WILL DENOTE ANY STRUCTURES WHERE ACCESS BY THE APPARATUS IS EITHER BASED ON SPECIAL OPERATING INSTRUCTIONS OR IS DENIED."

RENUMBER THE SECTION FOLLOWING CONSECUTIVELY.

MOTIONS

ON MOTION OF SENATOR GARDNER, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON LINE 2 OF THE TITLE, AFTER "46.44.090" INSERT "AND 46.44.091; ADDING A NEW SECTION TO CHAPTER 46.44 RCW;"

ON MOTION OF SENATOR GARDNER, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1095, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1095, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1095, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, McAULIFFE, McCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR THIBAudeau - 1.

HOUSE BILL NO. 1095, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1623, BY REPRESENTATIVES KENNEY, COX, SKINNER, BENSON, GOMBOSKY, ROCKEFELLER, EDWARDS AND MULLIKEN

AUTHORIZING FOUR-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION TO PARTICIPATE WITH THE STATE IN INVESTING SURPLUS FUNDS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR KOHL-WELLES, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1623 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1623.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1623 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR THIBAudeau - 1.

HOUSE BILL NO. 1623, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1019, BY HOUSE COMMITTEE ON NATURAL RESOURCES (ORIGINALLY SPONSORED BY REPRESENTATIVES PENNINGTON, HATFIELD, MIELKE AND OGDEN)

MODIFYING THE COMPOSITION OF THE FISH AND WILDLIFE COMMISSION.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR JACOBSEN, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1019 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1019.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1019 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 5; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, RASMUSSEN, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, WEST, WINSLEY AND ZARELLI - 43.

VOTING NAY: SENATORS CONSTANTINE, FRASER, KOHL-WELLES, PRENTICE AND REGALA - 5.

EXCUSED: SENATOR THIBAudeau - 1.

SUBSTITUTE HOUSE BILL NO. 1019, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625, BY HOUSE COMMITTEE ON CAPITAL BUDGET (ORIGINALLY SPONSORED BY REPRESENTATIVES ESSER, MCINTIRE, ALEXANDER AND MURRAY) (BY REQUEST OF OFFICE OF FINANCIAL MANAGEMENT)

PROVIDING FOR SUPPLEMENTAL CAPITAL BUDGET APPROPRIATIONS.

THE BILL WAS READ THE SECOND TIME.

MOTIONS

ON MOTION OF SENATOR OF SENATOR SPANEL, THE FOLLOWING AMENDMENT BY SENATORS SPANEL, HONEYFORD, ZARELLI AND FAIRLEY WAS ADOPTED:

ON PAGE 3, BEGINNING ON LINE 30, STRIKE ALL MATERIAL DOWN TO AND INCLUDING PAGE 4, LINE 13, AND INSERT THE FOLLOWING:

"(C) THE DEPARTMENT SHALL MAKE TEMPORARY ACCOMMODATIONS FOR THE DISPLACEMENT OF LEGISLATORS AND LEGISLATIVE STAFF IN THE JOHN L. O'BRIEN BUILDING, THE PRITCHARD BUILDING, THE CHERBERG BUILDING, AND THE NEWHOUSE BUILDING.

(D) THE DEPARTMENT SHALL TEMPORARILY MOVE THE STATE LIBRARY TO THE SUNSET LIFE BUILDING BY JUNE 30, 2001, AND, IF NEEDED, THE DEPARTMENT SHALL LEASE STORAGE FACILITIES IN THURSTON COUNTY FOR BOOKS AND OTHER LIBRARY ASSETS;

(E) THE DEPARTMENT SHALL MAKE TEMPORARY ACCOMMODATIONS FOR OTHER TENANTS OF THE STATE LEGISLATIVE BUILDING AS FOLLOWS:

(I) THE OFFICE OF THE INSURANCE COMMISSIONER SHALL BE MOVED TO LEASED SPACE IN THURSTON COUNTY;

(II) THE OFFICE OF THE GOVERNOR SHALL BE MOVED TO THE INSURANCE BUILDING;

(III) THE OFFICE OF THE CODE REVISER AND THE LIEUTENANT GOVERNOR SHALL BE MOVED TO A LOCATION ON THE WEST CAPITOL CAMPUS; AND

(IV) THE OTHER TENANTS, INCLUDING THE OFFICE OF THE STATE TREASURER, THE OFFICE OF THE STATE AUDITOR, AND THE OFFICE OF THE SECRETARY OF STATE SHALL BE MOVED TO LEASED SPACE IN THURSTON COUNTY;”

MOTION

ON MOTION OF SENATOR ZARELLI, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR THIBAudeau - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1971, BY HOUSE COMMITTEE ON EDUCATION (ORIGINALLY SPONSORED BY REPRESENTATIVES QUALL AND TALCOTT)

ALLOWING CERTIFIED REAL ESTATE APPRAISERS TO APPRAISE SCHOOL DISTRICT PROPERTY.

THE BILL WAS READ THE SECOND TIME.

MOTIONS

ON MOTION OF SENATOR MCAULIFFE, THE FOLLOWING COMMITTEE ON EDUCATION STRIKING AMENDMENT WAS ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"Sec. 1. RCW 28A.335.090 AND 1995 C 358 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE BOARD OF DIRECTORS OF EACH SCHOOL DISTRICT SHALL HAVE EXCLUSIVE CONTROL OF ALL SCHOOL PROPERTY, REAL OR PERSONAL, BELONGING TO THE DISTRICT; SAID BOARD SHALL HAVE POWER, SUBJECT TO RCW 28A.335.120, IN THE NAME OF THE DISTRICT, TO CONVEY BY DEED ALL THE INTEREST OF THEIR DISTRICT IN OR TO ANY REAL PROPERTY OF THE DISTRICT WHICH IS NO LONGER REQUIRED FOR SCHOOL PURPOSES. EXCEPT AS OTHERWISE SPECIALLY PROVIDED BY LAW, AND RCW 28A.335.120, THE BOARD OF DIRECTORS OF EACH SCHOOL DISTRICT MAY PURCHASE, LEASE, RECEIVE AND HOLD REAL AND PERSONAL PROPERTY IN THE NAME OF THE DISTRICT, AND RENT, LEASE OR SELL THE SAME, AND ALL CONVEYANCES OF REAL ESTATE MADE TO THE DISTRICT SHALL VEST TITLE IN THE DISTRICT.

(2) ANY PURCHASE OF REAL PROPERTY BY A SCHOOL DISTRICT SHALL BE PRECEDED BY A MARKET VALUE APPRAISAL BY A PROFESSIONALLY DESIGNATED REAL ESTATE APPRAISER AS DEFINED IN RCW 74.46.020 OR BY A GENERAL REAL ESTATE APPRAISER CERTIFIED UNDER CHAPTER 18.140 RCW WHO WAS SELECTED BY THE BOARD OF DIRECTORS.

Sec. 2. RCW 28A.335.120 AND 1995 C 358 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE BOARD OF DIRECTORS OF ANY SCHOOL DISTRICT OF THIS STATE MAY:

(A) SELL FOR CASH, AT PUBLIC OR PRIVATE SALE, AND CONVEY BY DEED ALL INTEREST OF THE DISTRICT IN OR TO ANY OF THE REAL PROPERTY OF THE DISTRICT WHICH IS NO LONGER REQUIRED FOR SCHOOL PURPOSES; AND

(B) PURCHASE REAL PROPERTY FOR THE PURPOSE OF LOCATING THEREON AND AFFIXING THERETO ANY HOUSE OR HOUSES AND APPURTENANT BUILDINGS REMOVED FROM SCHOOL SITES OWNED BY THE DISTRICT AND SELL FOR CASH, AT PUBLIC OR PRIVATE SALE, AND CONVEY BY DEED ALL INTEREST OF THE DISTRICT IN OR TO SUCH ACQUIRED AND IMPROVED REAL PROPERTY.

(2) WHEN THE BOARD OF DIRECTORS OF ANY SCHOOL DISTRICT PROPOSES A SALE OF SCHOOL DISTRICT REAL PROPERTY PURSUANT TO THIS SECTION AND THE VALUE OF THE PROPERTY EXCEEDS SEVENTY THOUSAND DOLLARS, THE BOARD SHALL PUBLISH A NOTICE OF ITS INTENTION TO SELL THE PROPERTY. THE NOTICE SHALL BE PUBLISHED AT LEAST ONCE EACH WEEK DURING TWO CONSECUTIVE WEEKS IN A LEGAL NEWSPAPER WITH A GENERAL CIRCULATION IN THE AREA IN WHICH THE SCHOOL DISTRICT IS LOCATED. THE NOTICE SHALL DESCRIBE THE PROPERTY TO BE SOLD AND DESIGNATE THE PLACE WHERE AND THE DAY AND HOUR WHEN A HEARING WILL BE HELD. THE BOARD SHALL HOLD A PUBLIC HEARING UPON THE PROPOSAL TO DISPOSE OF THE SCHOOL DISTRICT PROPERTY AT THE PLACE AND THE DAY AND HOUR FIXED IN THE NOTICE AND ADMIT EVIDENCE OFFERED FOR AND AGAINST THE PROPRIETY AND ADVISABILITY OF THE PROPOSED SALE.

(3) THE BOARD OF DIRECTORS OF ANY SCHOOL DISTRICT DESIRING TO SELL SURPLUS REAL PROPERTY SHALL PUBLISH A NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE SCHOOL DISTRICT. SCHOOL DISTRICTS SHALL NOT SELL THE PROPERTY FOR AT LEAST FORTY-FIVE DAYS FOLLOWING THE PUBLICATION OF THE NEWSPAPER NOTICE.

(4) PRIVATE SCHOOLS SHALL HAVE THE SAME RIGHTS AS ANY OTHER PERSON OR ENTITY TO SUBMIT BIDS FOR THE PURCHASE OF SURPLUS REAL PROPERTY AND TO HAVE SUCH BIDS CONSIDERED ALONG WITH ALL OTHER BIDS.

(5) ANY SALE OF SCHOOL DISTRICT REAL PROPERTY AUTHORIZED PURSUANT TO THIS SECTION SHALL BE PRECEDED BY A MARKET VALUE APPRAISAL BY A PROFESSIONALLY DESIGNATED REAL ESTATE APPRAISER AS DEFINED IN RCW 74.46.020 OR A GENERAL REAL ESTATE APPRAISER CERTIFIED UNDER CHAPTER 18.140 RCW SELECTED BY THE BOARD OF DIRECTORS AND NO SALE SHALL TAKE PLACE IF THE SALE PRICE WOULD BE LESS THAN NINETY PERCENT OF THE APPRAISAL MADE BY THE ((PROFESSIONALLY DESIGNATED)) REAL ESTATE APPRAISER: PROVIDED, THAT IF THE PROPERTY HAS BEEN ON THE MARKET FOR ONE YEAR OR MORE THE PROPERTY MAY BE REAPPRAISED AND SOLD FOR NOT LESS THAN SEVENTY-FIVE PERCENT OF THE REAPPRAISED VALUE WITH THE UNANIMOUS CONSENT OF THE BOARD.

(6) IF IN THE JUDGMENT OF THE BOARD OF DIRECTORS OF ANY DISTRICT THE SALE OF REAL PROPERTY OF THE DISTRICT NOT NEEDED FOR SCHOOL PURPOSES WOULD BE FACILITATED AND GREATER VALUE REALIZED THROUGH USE OF THE SERVICES OF LICENSED REAL ESTATE BROKERS, A CONTRACT FOR SUCH SERVICES MAY BE NEGOTIATED AND CONCLUDED: PROVIDED, THAT THE USE OF A LICENSED REAL ESTATE BROKER WILL NOT ELIMINATE THE OBLIGATION OF THE BOARD OF DIRECTORS TO PROVIDE THE NOTICE DESCRIBED IN THIS SECTION: PROVIDED FURTHER, THAT THE FEE OR COMMISSIONS CHARGED FOR ANY BROKER SERVICES SHALL NOT EXCEED SEVEN PERCENT OF THE RESULTING SALE VALUE FOR A SINGLE PARCEL: PROVIDED FURTHER, THAT ANY PROFESSIONALLY DESIGNATED REAL ESTATE APPRAISER AS DEFINED IN RCW 74.46.020 OR A GENERAL REAL ESTATE APPRAISER CERTIFIED UNDER CHAPTER 18.140 RCW SELECTED BY THE BOARD TO APPRAISE THE MARKET VALUE OF A PARCEL OF PROPERTY TO BE SOLD MAY NOT BE A PARTY TO ANY CONTRACT WITH THE SCHOOL DISTRICT TO SELL SUCH PARCEL OF PROPERTY FOR A PERIOD OF THREE YEARS AFTER THE APPRAISAL.

(7) IF IN THE JUDGMENT OF THE BOARD OF DIRECTORS OF ANY DISTRICT THE SALE OF REAL PROPERTY OF THE DISTRICT NOT NEEDED FOR SCHOOL PURPOSES WOULD BE FACILITATED AND GREATER VALUE REALIZED THROUGH SALE ON CONTRACT TERMS, A REAL ESTATE SALES CONTRACT MAY BE EXECUTED BETWEEN THE DISTRICT AND BUYER: PROVIDED, THAT THE TERMS AND CONDITIONS OF ANY SUCH SALES CONTRACT MUST COMPLY WITH RULES AND REGULATIONS OF THE STATE BOARD OF EDUCATION, HEREIN AUTHORIZED, GOVERNING SCHOOL DISTRICT REAL PROPERTY CONTRACT SALES."

MOTIONS

ON MOTION OF SENATOR MCAULIFFE, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 2 OF THE TITLE, AFTER "PROPERTIES;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AND AMENDING RCW 28A.335.090 AND 28A.335.120."

ON MOTION OF SENATOR MCAULIFFE, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1971, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1971, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1971, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 47; NAYS, 0; ABSENT, 1; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, WEST, WINSLEY AND ZARELLI - 47.

ABSENT: SENATOR McDONALD - 1.

EXCUSED: SENATOR THIBAudeau - 1.

SUBSTITUTE HOUSE BILL NO. 1971, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

AT 4:49 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 10:00 A.M., THURSDAY, APRIL 5, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

EIGHTY-SEVENTH DAY, APRIL 4, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

EIGHTY-EIGHTH DAY

MORNING SESSION

SENATE CHAMBER, CHERBERG BUILDING, OLYMPIA, THURSDAY, APRIL 5, 2001

THE SENATE WAS CALLED TO ORDER AT 10:00 A.M. BY PRESIDENT OWEN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS GARDNER AND ZARELLI.

THE SERGEANT AT ARMS COLOR GUARD, CONSISTING OF PAGES KAYLA MCINTYRE AND RORY AUGUST, PRESENTED THE COLORS. REVEREND RICK LONG, PASTOR OF THE ATONEMENT FREE LUTHERAN CHURCH IN ARLINGTON, AND A GUEST OF SENATOR VAL STEVENS, OFFERED THE PRAYER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

MOTION

ON MOTION OF SENATOR TIM SHELDON, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8647

BY SENATORS SHELDON, T., SHELDON, B., SPANEL, RASMUSSEN AND SHEAHAN

WHEREAS, IT IS THE TRADITION OF THE WASHINGTON STATE SENATE TO RECOGNIZE CONSERVATION AND PROTECTION OF OUR NATURAL RESOURCES AND LAND; AND

WHEREAS, ON OCTOBER 13, 2000, SIMPSON TIMBER COMPANY SIGNED AN INNOVATIVE, FIFTY-YEAR MULTISPECIES HABITAT CONSERVATION PLAN WITH THE U.S. FISH AND WILDLIFE SERVICE AND THE NATIONAL MARINE FISHERIES SERVICE; AND

WHEREAS, SOME FIFTY-ONE SPECIES OF FISH AND WILDLIFE, SEVERAL OF WHICH ARE LISTED AS "THREATENED" UNDER THE FEDERAL ENDANGERED SPECIES ACT, ARE PROTECTED BY THE HABITAT CONSERVATION PLAN; AND

WHEREAS, THE HABITAT CONSERVATION PLAN REPRESENTS THE FIRST TIME FEDERAL ENDANGERED SPECIES ACT AND CLEAN WATER ACT ISSUES HAVE BEEN TACKLED TOGETHER UNDER A SINGLE PLAN FOR AN ENTIRE OWNERSHIP AND IS THE FIRST PLAN IN THE NATION TO PROVIDE FOR COMPLIANCE WITH FEDERAL CLEAN WATER ACT REQUIREMENTS; AND

WHEREAS, THE HABITAT CONSERVATION PLAN WAS SO UNUSUAL THAT THEN SECRETARY OF THE INTERIOR BRUCE BABBITT FLEW OUT TO ATTEND ITS SIGNING ON SIMPSON TIMBERLAND; AND

WHEREAS, MORE THAN 262,000 ACRES OF TIMBERLAND OWNED BY SIMPSON INVESTMENT COMPANY ON THE OLYMPIC PENINSULA IS COVERED BY THE HABITAT CONSERVATION PLAN; AND

WHEREAS, THE HABITAT CONSERVATION PLAN HAS BEEN ADOPTED AS A TOTAL MAXIMUM DAILY LOAD FOR WATER QUALITY PURPOSES BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY; AND

WHEREAS, THE HABITAT CONSERVATION PLAN TAKES INTO ACCOUNT THE GEOLOGIC SETTING AND PHYSICAL PROCESSES ON AREA HABITATS AND VARYING HABITAT PROTECTION STRATEGIES ACCORDING TO THESE CRITERIA; AND

WHEREAS, THE HABITAT CONSERVATION PLAN SERVES AS A MODEL FOR FUTURE CONSERVATION PARTNERSHIPS;

AND

WHEREAS, THE HABITAT CONSERVATION PLAN SETS A STANDARD FOR FUTURE OPPORTUNITIES TO LINK WATER QUALITY AND WILDLIFE CONSERVATION;

NOW, THEREFORE, BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE COMMENDS AND OFFERS ITS APPRECIATION TO THE SIMPSON TIMBER COMPANY FOR ITS DEDICATION TO WILDLIFE HABITAT CONSERVATION AND SOUND ENVIRONMENTAL STEWARDSHIP; AND

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO COLIN MOSELY, CHAIRMAN OF THE SIMPSON INVESTMENT COMPANY; THE U.S. SECRETARY OF THE INTERIOR; THE U.S. FISH AND WILDLIFE SERVICE; THE NATIONAL MARINE FISHERIES SERVICE; WASHINGTON GOVERNOR GARY LOCKE; WASHINGTON COMMISSIONER OF PUBLIC LANDS DOUG SUTHERLAND; TOM FITZSIMMONS, DIRECTOR OF THE WASHINGTON DEPARTMENT OF ECOLOGY; AND TO THE U.S. SENATORS FROM WASHINGTON STATE, PATTY MURRAY AND MARIA CANTWELL.

SENATORS TIM SHELDON, REGALA AND JACOBSEN SPOKE TO SENATE RESOLUTION 2001-8647.

INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT WELCOMED AND INTRODUCED RAY TENNISON, PRESIDENT OF THE SIMPSON TIMBER COMPANY AND COLIN MOSELY, CHAIRMAN OF THE BOARD, WHO WERE SEATED ON THE ROSTRUM.

MOTION

ON MOTION OF SENATOR JOHNSON, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8637

BY SENATORS JOHNSON, SHELDON, B., SPANEL, KOHL-WELLES AND RASMUSSEN

WHEREAS, WASHINGTON STATE ANNUALLY AWARDS ONE TEACHER IN THE STATE WITH THE DISTINGUISHED TEACHER OF THE YEAR AWARD; AND

WHEREAS, KATIE HENDERSON, CHOSEN AMONG HUNDREDS OF WASHINGTON'S TOP EDUCATORS, IS THE RECIPIENT OF THE 2001 WASHINGTON STATE TEACHER OF THE YEAR AWARD; AND

WHEREAS, KATIE HENDERSON IS A SIXTH GRADE TEACHER AT GLENRIDGE ELEMENTARY IN THE KENT SCHOOL DISTRICT AND HAS BEEN A PROFESSIONAL EDUCATOR FOR MORE THAN TWENTY-FIVE YEARS; AND

WHEREAS, Mrs. HENDERSON IS A REMARKABLE CATALYST FOR LEARNING IN HER CLASSROOMS AND HER SCHOOL, HELPING TO CULTIVATE A COMMUNITY OF LEARNERS AMONG HER COLLEAGUES AND STUDENTS; AND

WHEREAS, HER PASSION, VISION, AND COMMITMENT TO EDUCATING HER STUDENTS CONSISTENTLY EXCEEDS ALL EXPECTATIONS, AND SHE REGULARLY ENGAGES EACH STUDENT'S MIND, HEART, AND SPIRIT, DRAWING OUT OF THESE STUDENTS THE CONFIDENCE AND COURAGE TO HAVE FUN WHILE LEARNING; AND

WHEREAS, Mrs. HENDERSON'S BRILLIANCE IN SEIZING EVERY TEACHABLE MOMENT AND STRETCHING YOUNG MINDS TO WANT TO LEARN NEW AND EXCITING CONCEPTS IS AT THE HEART OF EDUCATION; AND

WHEREAS, Mrs. HENDERSON CHALLENGES HER STUDENTS TO FOLLOW HER DOWN NEW ROADS AND ADVENTURES IN LEARNING; AND

WHEREAS, PARENTS OF Mrs. HENDERSON'S STUDENTS HAVE SUNG PRAISES OF HER ABILITY TO CONNECT WITH THEIR CHILDREN, NO MATTER HOW DIFFERENT EACH IS; AND

WHEREAS, Mrs. HENDERSON GUIDES HER STUDENTS TO DISCOVER WITHIN THEMSELVES NEW PATHS FOR SUCCESS AND NEW VALIDATION FOR THEIR OWN UNIQUE TALENTS; AND

WHEREAS, SHE IS A RESPECTED LEADER IN HER SCHOOL DISTRICT, REGULARLY VOLUNTEERING FOR SPECIAL COMMITTEE ASSIGNMENTS AND LEADERSHIP POSITIONS, COMMITTING HER TIME AND ENERGY TO IMPROVING THE KENT SCHOOL DISTRICT THROUGH CURRICULUM DEVELOPMENT, COACHING, AND TEACHER TRAINING;

NOW, THEREFORE, BE IT RESOLVED, THAT THE SENATE RECOGNIZE KATIE HENDERSON FOR HER REMARKABLE ACHIEVEMENT IN BEING AWARDED WASHINGTON STATE TEACHER OF THE YEAR; AND

BE IT FURTHER RESOLVED, THAT COPIES OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO THE OFFICE OF THE GOVERNOR, THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION, THE WASHINGTON EDUCATION ASSOCIATION, THE KENT EDUCATION ASSOCIATION, THE KENT SCHOOL DISTRICT SUPERINTENDENT, THE PRINCIPAL OF GLENRIDGE ELEMENTARY, AND KATIE HENDERSON.

SENATORS JOHNSON, MCAULIFFE, DECCIO AND FRANKLIN SPOKE TO SENATE RESOLUTION 2001-8637.

INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT WELCOMED AND INTRODUCED KATIE HENDERSON, THE WASHINGTON STATE 2001 TEACHER OF THE YEAR AND SIXTH GRADE TEACHER AT GLENRIDGE ELEMENTARY SCHOOL IN THE KENT SCHOOL DISTRICT, WHO WAS SEATED ON THE ROSTRUM.

THE PRESIDENT ALSO INTRODUCED THE STUDENT BODY OFFICERS FROM GLENRIDGE ELEMENTARY SCHOOL, WHO WERE SEATED IN THE BACK OF THE CHAMBER.

MOTION

ON MOTION OF SENATOR RASMUSSEN, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8631

BY SENATORS RASMUSSEN, SHELDON, B., SPANEL AND SHEAHAN

WHEREAS, THE AGRICULTURAL EDUCATION OF THE NATIONAL FUTURE FARMERS OF AMERICA ORGANIZATION PROVIDES A STRONG FOUNDATION FOR WASHINGTON'S AGRICULTURE; AND

WHEREAS, FUTURE FARMERS OF AMERICA'S MOTTO, "LEARNING TO DO, DOING TO LEARN, LEARNING TO LIVE, LIVING TO SERVE," GIVES DIRECTION AND PURPOSE TO THE STUDENTS WHO ARE PROVIDING LEADERSHIP FOR A GROWING PLANET; AND

WHEREAS, THE NATIONAL FUTURE FARMERS OF AMERICA ORGANIZATION MAKES A POSITIVE DIFFERENCE IN THE LIVES OF STUDENTS – BY DEVELOPING THEIR POTENTIAL FOR PREMIER LEADERSHIP, PERSONAL GROWTH AND CAREER SUCCESS – THROUGH AGRICULTURAL EDUCATION, AS RECOGNIZED IN ITS MISSION STATEMENT; AND

WHEREAS, THE FUTURE FARMERS OF AMERICA ORGANIZATION ALSO HELPS ASSURE THE FUTURE PROGRESS AND PROSPERITY OF THE AGRICULTURAL BUSINESS AND MOTIVATES YOUNG PEOPLE TO MAKE POSITIVE CONTRIBUTIONS TO THEIR SCHOOLS, HOMES, COMMUNITIES AND ULTIMATELY, THEIR COUNTRY; AND

WHEREAS, THE FFA OFFERS DIVERSE EDUCATIONAL OPPORTUNITIES SUCH AS LAND JUDGING, EXPOS, FAIRS, AGRICULTURAL MECHANICS, PUBLIC SPEAKING, SKILL CONTESTS, CHAPTER MEETINGS, AWARD AND RECOGNITION PROGRAMS, COMMITTEES AND COMMUNITY PROJECTS; AND

WHEREAS, OF THE 450,000 NATIONAL MEMBERS OF THE FFA RANGING FROM AGES TWELVE TO TWENTY-ONE, SOME 10,000 ARE FROM WASHINGTON;

NOW, THEREFORE, BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE HONOR THE TWO HUNDRED FUTURE FARMERS OF AMERICA CHAPTERS IN WASHINGTON'S HIGH SCHOOLS; AND

BE IT FURTHER RESOLVED, THAT COPIES OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO THE STATE PRESIDENT OF THE FUTURE FARMERS OF AMERICA.

SENATORS RASMUSSEN AND SWECKER SPOKE TO SENATE RESOLUTION 2001-8631.

MOTION

AT 10:31 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE WAS DECLARED TO BE AT EASE.

THE SENATE WAS CALLED TO ORDER AT 11:39 A.M. BY PRESIDENT OWEN.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE REVERTED TO THE SIXTH ORDER OF BUSINESS.

SECOND READING

HOUSE BILL NO. 1216, BY REPRESENTATIVES LAMBERT, O'BRIEN, CARRELL AND DELVIN

INVESTIGATING SUDDEN UNEXPLAINED DEATHS OF CHILDREN.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR KLINE, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1216 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1216.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1216 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 47; NAYS, 0; ABSENT, 2; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST AND WINSLEY - 47.

ABSENT: SENATORS GARDNER AND ZARELLI - 2.

HOUSE BILL NO. 1216, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTIONS

ON MOTION OF SENATOR EIDE, SENATOR GARDNER WAS EXCUSED. ON MOTION OF SENATOR HEWITT, SENATOR ZARELLI WAS EXCUSED.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8415, BY SENATORS SNYDER AND WEST

AMENDING CUTOFF DATES.

THE CONCURRENT RESOLUTION WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR SNYDER, THE RULES WERE SUSPENDED, SENATE CONCURRENT RESOLUTION No. 8415 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE CONCURRENT RESOLUTION WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SENATE CONCURRENT RESOLUTION No. 8415.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SENATE CONCURRENT RESOLUTION No. 8415 AND THE CONCURRENT RESOLUTION PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 46; NAYS, 1; ABSENT, 0; EXCUSED, 2.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST AND WINSLEY - 46.

VOTING NAY: SENATOR FINKBEINER - 1.

EXCUSED: SENATORS GARDNER AND ZARELLI - 2.

SENATE CONCURRENT RESOLUTION NO. 8415, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED.

SECOND READING

SENATE BILL NO. 5102, BY SENATORS SNYDER, RASMUSSEN, T. SHELDON, GARDNER, PRENTICE AND McCASLIN

ENCOURAGING THE DEVELOPMENT OF NONPROFIT HOSPITALS IN RURAL COUNTIES THROUGH SALES TAX EXEMPTIONS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR BROWN, THE RULES WERE SUSPENDED, SENATE BILL NO. 5102 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SENATE BILL NO. 5102.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SENATE BILL NO. 5102 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 45; NAYS, 0; ABSENT, 2; EXCUSED, 2.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, HALE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAUDEAU, WEST AND WINSLEY - 45.

ABSENT: SENATORS FRASER AND HARGROVE - 2.

EXCUSED: SENATORS GARDNER AND ZARELLI - 2.

SENATE BILL NO. 5102, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR HONEYFORD, SENATOR MCCASLIN WAS EXCUSED.

SECOND READING

SENATE BILL NO. 6092, BY SENATORS KOHL-WELLES, COSTA AND OKE (BY REQUEST OF DEPARTMENT OF REVENUE)

CHANGING THE PROPERTY TAX EXEMPTION FOR VERY LOW-INCOME HOUSEHOLDS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR KOHL-WELLES, THE RULES WERE SUSPENDED, SENATE BILL NO. 6092 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SENATE BILL NO. 6092.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SENATE BILL NO. 6092 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 46; NAYS, 0; ABSENT, 0; EXCUSED, 3.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAUDEAU, WEST AND WINSLEY - 46.

EXCUSED: SENATORS GARDNER, MCCASLIN AND ZARELLI - 3.

SENATE BILL NO. 6092, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR SNYDER, RULE 15 WAS SUSPENDED THROUGH THURSDAY, APRIL 12, 2001.

EDITOR'S NOTE: SENATE RULE 15 STATES: 'THE SENATE SHALL CONVENE AT 10:00 A.M. EACH WORKING DAY, UNLESS ADJOURNED TO A DIFFERENT HOUR. THE SENATE SHALL ADJOURN NOT LATER THAN 10:00 P.M. OF EACH WORKING DAY. THE SENATE SHALL RECESS NINETY MINUTES FOR LUNCH EACH WORKING DAY. WHEN RECONVENING ON THE SAME DAY THE SENATE SHALL RECESS NINETY MINUTES FOR DINNER EACH WORKING EVENING. THIS RULE MAY BE SUSPENDED BY A MAJORITY.'

MOTION

AT 11:57 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE WAS DECLARED TO BE AT EASE.

THE SENATE WAS CALLED TO ORDER AT 1:00 P.M. BY PRESIDENT OWEN.

MOTIONS

ON MOTION OF SENATOR BETTI SHELDON, SENATOR SNYDER WAS EXCUSED.

ON MOTION OF SENATOR HEWITT, SENATORS McDONALD AND WINSLEY WERE EXCUSED.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

ON MOTION OF SENATOR BETTI SHELDON, GUBERNATORIAL APPOINTMENT NO. 9065, DEBRA D. DORAN, AS A MEMBER OF THE BOARD OF TRUSTEES FOR OLYMPIC COMMUNITY COLLEGE DISTRICT NO. 3, WAS CONFIRMED.

APPOINTMENT OF DEBRA D. DORAN

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 40; NAYS, 0; ABSENT, 4; EXCUSED, 5.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KOHL-WELLES, LONG, MCAULIFFE, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SPANEL, STEVENS, SWECKER, THIBAUDEAU AND WEST - 40.

ABSENT: SENATORS CONSTANTINE, COSTA, FRASER AND KLINE - 4.

EXCUSED: SENATORS MCCASLIN, McDONALD, SNYDER, WINSLEY AND ZARELLI - 5.

MOTIONS

ON MOTION OF SENATOR BETTI SHELDON, SENATOR COSTA WAS EXCUSED.

ON MOTION OF SENATOR HEWITT, SENATOR ROSSI WAS EXCUSED.

MOTION

ON MOTION OF SENATOR FRANKLIN, GUBERNATORIAL APPOINTMENT NO. 9131, MARILYN WALTON, AS A MEMBER OF THE BOARD OF TRUSTEES FOR TACOMA COMMUNITY COLLEGE DISTRICT NO. 22, WAS CONFIRMED.

APPOINTMENT OF MARILYN WALTON

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 44; NAYS, 0; ABSENT, 0; EXCUSED, 5.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SPANEL, STEVENS, SWECKER, THIBAUDEAU, WEST AND WINSLEY - 44.

EXCUSED: SENATORS COSTA, MCCASLIN, ROSSI, SNYDER AND ZARELLI - 5.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1352, BY HOUSE COMMITTEE ON STATE GOVERNMENT (ORIGINALLY SPONSORED BY REPRESENTATIVES McMORRIS, D. SCHMIDT, McDERMOTT, SCHINDLER, HAIGH, LAMBERT AND MILOSCIA) (BY REQUEST OF PUBLIC DISCLOSURE COMMISSION)

CORRECTING INACCURATE OR PROCEDURALLY OBSOLETE PROVISIONS OF THE PUBLIC DISCLOSURE COMMISSION LAW.

THE BILL WAS READ THE SECOND TIME.

MOTION

SENATOR McDONALD MOVED THAT THE FOLLOWING AMENDMENT BY SENATORS McDONALD, FINKBEINER, ROACH, KASTAMA, JOHNSON, EIDE AND COSTA BE ADOPTED:

ON PAGE 12, AFTER LINE 11, INSERT THE FOLLOWING:

"Sec. 4. RCW 35.22.650 AND 1975 1ST EX.S. C 56 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

ALL CONTRACTS BY AND BETWEEN A FIRST CLASS CITY AND CONTRACTORS FOR ANY PUBLIC WORK OR IMPROVEMENT EXCEEDING THE SUM OF TEN THOUSAND DOLLARS, OR FIFTEEN THOUSAND DOLLARS FOR CONSTRUCTION OF WATER MAINS, SHALL CONTAIN THE FOLLOWING CLAUSE:

"CONTRACTOR AGREES THAT ((HE)) THE CONTRACTOR SHALL ACTIVELY SOLICIT THE EMPLOYMENT OF MINORITY GROUP MEMBERS. CONTRACTOR FURTHER AGREES THAT ((HE)) THE CONTRACTOR SHALL ACTIVELY SOLICIT BIDS FOR THE SUBCONTRACTING OF GOODS OR SERVICES FROM QUALIFIED MINORITY BUSINESSES. CONTRACTOR SHALL FURNISH EVIDENCE OF ((HIS)) THE CONTRACTOR'S COMPLIANCE WITH THESE REQUIREMENTS OF MINORITY EMPLOYMENT AND SOLICITATION. CONTRACTOR FURTHER AGREES TO CONSIDER THE GRANT OF SUBCONTRACTS TO SAID MINORITY BIDDERS ON THE BASIS OF SUBSTANTIALLY EQUAL PROPOSALS IN THE LIGHT MOST FAVORABLE TO SAID MINORITY BUSINESSES. THE CONTRACTOR SHALL BE REQUIRED TO SUBMIT EVIDENCE OF COMPLIANCE WITH THIS SECTION AS PART OF THE BID."

AS USED IN THIS SECTION, THE TERM "MINORITY BUSINESS" MEANS A BUSINESS AT LEAST FIFTY-ONE PERCENT OF WHICH IS OWNED BY MINORITY GROUP MEMBERS. MINORITY GROUP MEMBERS INCLUDE, BUT ARE NOT LIMITED TO, BLACKS, WOMEN, NATIVE AMERICANS, ((ORIENTALS)) ASIANS, ESKIMOS, ALEUTS, AND SPANISH AMERICANS.

NEW SECTION. Sec. 5. A NEW SECTION IS ADDED TO CHAPTER 43.117 RCW TO READ AS FOLLOWS:

(1) THE COMMISSION SHALL WORK IN CONJUNCTION WITH STATE AND LOCAL GOVERNMENT AGENCIES TO IDENTIFY AND REVISE OBSOLETE RACIAL TERMINOLOGY, INCLUDING THE TERM "ORIENTAL" IN REFERENCE TO PERSONS OF ASIAN DESCENT, THAT ARE CURRENTLY IN USE IN OFFICIAL GOVERNMENT DOCUMENTS INCLUDING, BUT NOT LIMITED TO, STATUTES, CODES, RULES, AND REGULATIONS.

(2) THE COMMISSION SHALL WORK WITH THE WASHINGTON ASSOCIATION OF ACUPUNCTURISTS AND OTHER INTERESTED STAKEHOLDERS TO PREPARE AND SUBMIT BY JANUARY 1, 2002, A REPORT TO THE LEGISLATURE THAT RECOMMENDS WHETHER THE USE IN STATUTE OF THE TERM "ORIENTAL MEDICINE" IS OBSOLETE AND, IF SO, SUGGESTS AMENDATORY LANGUAGE THAT MAY BE SUBSTITUTED THEREFORE.

NEW SECTION. Sec. 6. THE DEPARTMENT OF REVENUE SHALL REVIEW TITLE 175 WAC FOR OBSOLETE RACIAL TERMINOLOGY AND UPDATE ITS RULES ACCORDINGLY."

RENUMBER THE REMAINING SECTION CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATORS McDONALD, FINKBEINER, ROACH, KASTAMA, JOHNSON, EIDE AND COSTA ON PAGE 12, AFTER LINE 11, TO SUBSTITUTE HOUSE BILL NO. 1352.

THE MOTION BY SENATOR McDONALD CARRIED AND THE AMENDMENT WAS ADOPTED.

MOTIONS

ON MOTION OF SENATOR PATTERSON, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 1 OF THE TITLE, AFTER "INACCURATE OR" STRIKE THE REMAINDER OF THE TITLE AND INSERT "OBSOLETE PROVISIONS AND TERMINOLOGY; AMENDING RCW 42.17.020, 42.17.090, 42.17.380, AND 35.22.650; ADDING A NEW SECTION TO CHAPTER 43.117 RCW; CREATING A NEW SECTION; AND REPEALING RCW 42.17.700."

ON MOTION OF SENATOR PATTERSON, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1352, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1352, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1352, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 49; NAYS, 0; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHEDDON, B., SHEDDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 49.

SUBSTITUTE HOUSE BILL NO. 1352, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR EIDE, SENATOR REGALA WAS EXCUSED.

SECOND READING

HOUSE BILL NO. 1547, BY REPRESENTATIVES SIMPSON, BUSH, BENSON, HATFIELD, SANTOS AND KEISER (BY REQUEST OF INSURANCE COMMISSIONER KREIDLER)

LICENSING INSURANCE AGENTS, BROKERS, SOLICITORS, AND ADJUSTERS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PRENTICE, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1547 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1547.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1547 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR REGALA - 1.

HOUSE BILL NO. 1547, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1259, BY HOUSE COMMITTEE ON APPROPRIATIONS (ORIGINALLY SPONSORED BY REPRESENTATIVES TOKUDA, BOLDT, KAGI, SCHUAL-BERKE, KENNEY, LAMBERT AND EDWARDS) (BY REQUEST OF DEPARTMENT OF SOCIAL AND HEALTH SERVICES)

PROVIDING SERVICES FOR PERSONS TWENTY YEARS OF AGE WHO ARE OR WHO HAVE BEEN IN FOSTER CARE.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR HARGROVE, THE FOLLOWING COMMITTEE ON HUMAN SERVICES AND CORRECTIONS STRIKING AMENDMENT WAS ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"Sec. 1. RCW 74.13.031 AND 1999 c 267 s 8 ARE EACH AMENDED TO READ AS FOLLOWS:

THE DEPARTMENT SHALL HAVE THE DUTY TO PROVIDE CHILD WELFARE SERVICES AND SHALL:

(1) DEVELOP, ADMINISTER, SUPERVISE, AND MONITOR A COORDINATED AND COMPREHENSIVE PLAN THAT ESTABLISHES, AIDS, AND STRENGTHENS SERVICES FOR THE PROTECTION AND CARE OF RUNAWAY, DEPENDENT, OR NEGLECTED CHILDREN.

(2) WITHIN AVAILABLE RESOURCES, RECRUIT AN ADEQUATE NUMBER OF PROSPECTIVE ADOPTIVE AND FOSTER HOMES, BOTH REGULAR AND SPECIALIZED, I.E. HOMES FOR CHILDREN OF ETHNIC MINORITY, INCLUDING INDIAN HOMES FOR INDIAN CHILDREN, SIBLING GROUPS, HANDICAPPED AND EMOTIONALLY DISTURBED, TEENS, PREGNANT AND PARENTING TEENS, AND ANNUALLY REPORT TO THE GOVERNOR AND THE LEGISLATURE CONCERNING THE DEPARTMENT'S SUCCESS IN: (A) MEETING THE NEED FOR ADOPTIVE AND FOSTER HOME PLACEMENTS; (B) REDUCING THE FOSTER PARENT TURNOVER RATE; (C) COMPLETING HOME STUDIES FOR LEGALLY FREE CHILDREN; AND (D) IMPLEMENTING AND OPERATING THE PASSPORT PROGRAM REQUIRED BY RCW 74.13.285. THE REPORT SHALL INCLUDE A SECTION ENTITLED "FOSTER HOME TURN-OVER, CAUSES AND RECOMMENDATIONS."

(3) INVESTIGATE COMPLAINTS OF ANY RECENT ACT OR FAILURE TO ACT ON THE PART OF A PARENT OR CARETAKER THAT RESULTS IN DEATH, SERIOUS PHYSICAL OR EMOTIONAL HARM, OR SEXUAL ABUSE OR EXPLOITATION, OR THAT PRESENTS AN IMMINENT RISK OF SERIOUS HARM, AND ON THE BASIS OF THE FINDINGS OF SUCH INVESTIGATION, OFFER CHILD WELFARE SERVICES IN RELATION TO THE PROBLEM TO SUCH PARENTS, LEGAL CUSTODIANS, OR PERSONS SERVING IN LOCO PARENTIS, AND/OR BRING THE SITUATION TO THE ATTENTION OF AN APPROPRIATE COURT, OR ANOTHER COMMUNITY AGENCY: PROVIDED, THAT AN INVESTIGATION IS NOT REQUIRED OF NONACCIDENTAL INJURIES WHICH ARE CLEARLY NOT THE RESULT OF A LACK OF CARE OR SUPERVISION BY THE CHILD'S PARENTS, LEGAL CUSTODIANS, OR PERSONS SERVING IN LOCO PARENTIS. IF THE INVESTIGATION REVEALS THAT A CRIME AGAINST A CHILD MAY HAVE BEEN COMMITTED, THE DEPARTMENT SHALL NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY.

(4) OFFER, ON A VOLUNTARY BASIS, FAMILY RECONCILIATION SERVICES TO FAMILIES WHO ARE IN CONFLICT.

(5) MONITOR OUT-OF-HOME PLACEMENTS, ON A TIMELY AND ROUTINE BASIS, TO ASSURE THE SAFETY, WELL-BEING, AND QUALITY OF CARE BEING PROVIDED IS WITHIN THE SCOPE OF THE INTENT OF THE LEGISLATURE AS DEFINED IN RCW 74.13.010 AND 74.15.010, AND ANNUALLY SUBMIT A REPORT MEASURING THE EXTENT TO WHICH THE DEPARTMENT ACHIEVED THE SPECIFIED GOALS TO THE GOVERNOR AND THE LEGISLATURE.

(6) HAVE AUTHORITY TO ACCEPT CUSTODY OF CHILDREN FROM PARENTS AND TO ACCEPT CUSTODY OF CHILDREN FROM JUVENILE COURTS, WHERE AUTHORIZED TO DO SO UNDER LAW, TO PROVIDE CHILD WELFARE SERVICES INCLUDING PLACEMENT FOR ADOPTION, AND TO PROVIDE FOR THE PHYSICAL CARE OF SUCH CHILDREN AND MAKE PAYMENT OF MAINTENANCE COSTS IF NEEDED. EXCEPT WHERE REQUIRED BY PUBLIC LAW 95-608 (25 U.S.C. SEC. 1915), NO PRIVATE ADOPTION AGENCY WHICH RECEIVES CHILDREN FOR ADOPTION FROM THE DEPARTMENT SHALL DISCRIMINATE ON THE BASIS OF RACE, CREED, OR COLOR WHEN CONSIDERING APPLICATIONS IN THEIR PLACEMENT FOR ADOPTION.

(7) HAVE AUTHORITY TO PROVIDE TEMPORARY SHELTER TO CHILDREN WHO HAVE RUN AWAY FROM HOME AND WHO ARE ADMITTED TO CRISIS RESIDENTIAL CENTERS.

(8) HAVE AUTHORITY TO PURCHASE CARE FOR CHILDREN; AND SHALL FOLLOW IN GENERAL THE POLICY OF USING PROPERLY APPROVED PRIVATE AGENCY SERVICES FOR THE ACTUAL CARE AND SUPERVISION OF SUCH CHILDREN INsofar AS THEY ARE AVAILABLE, PAYING FOR CARE OF SUCH CHILDREN AS ARE ACCEPTED BY THE DEPARTMENT AS ELIGIBLE FOR SUPPORT AT REASONABLE RATES ESTABLISHED BY THE DEPARTMENT.

(9) ESTABLISH A CHILDREN'S SERVICES ADVISORY COMMITTEE WHICH SHALL ASSIST THE SECRETARY IN THE DEVELOPMENT OF A PARTNERSHIP PLAN FOR UTILIZING RESOURCES OF THE PUBLIC AND PRIVATE SECTORS, AND ADVISE ON ALL MATTERS PERTAINING TO CHILD WELFARE, LICENSING OF CHILD CARE AGENCIES, ADOPTION, AND SERVICES RELATED THERETO. AT LEAST ONE MEMBER SHALL REPRESENT THE ADOPTION COMMUNITY.

(10) HAVE AUTHORITY TO PROVIDE CONTINUED FOSTER CARE OR GROUP CARE FOR INDIVIDUALS FROM EIGHTEEN THROUGH TWENTY YEARS OF AGE TO ENABLE THEM TO COMPLETE THEIR HIGH SCHOOL OR VOCATIONAL SCHOOL PROGRAM.

(11) HAVE AUTHORITY WITHIN FUNDS APPROPRIATED FOR FOSTER CARE SERVICES TO PURCHASE CARE FOR INDIAN CHILDREN WHO ARE IN THE CUSTODY OF A FEDERALLY RECOGNIZED INDIAN TRIBE OR TRIBALLY LICENSED CHILD-PLACING AGENCY PURSUANT TO PARENTAL CONSENT, TRIBAL COURT ORDER, OR STATE JUVENILE COURT ORDER; AND THE PURCHASE OF SUCH CARE SHALL BE SUBJECT TO THE SAME ELIGIBILITY STANDARDS AND RATES OF SUPPORT APPLICABLE TO OTHER CHILDREN FOR WHOM THE DEPARTMENT PURCHASES CARE.

NOTWITHSTANDING ANY OTHER PROVISION OF RCW 13.32A.170 THROUGH 13.32A.200 AND 74.13.032 THROUGH 74.13.036, OR OF THIS SECTION ALL SERVICES TO BE PROVIDED BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES UNDER SUBSECTIONS (4), (6), AND (7) OF THIS SECTION, SUBJECT TO THE LIMITATIONS OF THESE SUBSECTIONS, MAY BE PROVIDED BY ANY PROGRAM OFFERING SUCH SERVICES FUNDED PURSUANT TO TITLES II AND III OF THE FEDERAL JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

(12) WITHIN AMOUNTS APPROPRIATED FOR THIS SPECIFIC PURPOSE, PROVIDE PREVENTIVE SERVICES TO FAMILIES WITH CHILDREN THAT PREVENT OR SHORTEN THE DURATION OF AN OUT-OF-HOME PLACEMENT.

(13) HAVE AUTHORITY TO PROVIDE INDEPENDENT LIVING SERVICES TO YOUTHS, INCLUDING INDIVIDUALS EIGHTEEN THROUGH TWENTY YEARS OF AGE, WHO ARE OR HAVE BEEN IN FOSTER CARE.

NEW SECTION. Sec. 2. A NEW SECTION IS ADDED TO CHAPTER 74.13 RCW TO READ AS FOLLOWS:

INDEPENDENT LIVING SERVICES INCLUDE ASSISTANCE IN ACHIEVING BASIC EDUCATIONAL REQUIREMENTS SUCH AS A GED, ENROLLMENT IN VOCATIONAL AND TECHNICAL TRAINING PROGRAMS OFFERED AT THE COMMUNITY AND VOCATIONAL COLLEGES, AND OBTAINING AND MAINTAINING EMPLOYMENT; AND ACCOMPLISHING BASIC LIFE SKILLS SUCH AS MONEY MANAGEMENT, NUTRITION, PREPARING MEALS, AND CLEANING HOUSE. A BASELINE SKILL LEVEL IN ABILITY TO FUNCTION PRODUCTIVELY AND INDEPENDENTLY SHALL BE DETERMINED AT ENTRY. PERFORMANCE SHALL BE MEASURED AND MUST DEMONSTRATE IMPROVEMENT FROM INVOLVEMENT IN THE PROGRAM. EACH RECIPIENT SHALL HAVE A PLAN FOR ACHIEVING INDEPENDENT LIVING SKILLS BY THE TIME THE RECIPIENT REACHES AGE TWENTY-ONE. THE PLAN SHALL BE WRITTEN WITHIN THE FIRST THIRTY DAYS OF PLACEMENT AND REVIEWED EVERY NINETY DAYS. A RECIPIENT WHO FAILS TO CONSISTENTLY ADHERE TO THE ELEMENTS OF THE PLAN SHALL BE SUBJECT TO REASSESSMENT BY THE PROFESSIONAL STAFF OF THE PROGRAM AND MAY BE DECLARED INELIGIBLE TO RECEIVE SERVICES."

MOTIONS

ON MOTION OF SENATOR HARGROVE, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 2 OF THE TITLE, AFTER "CARE;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 74.13.031; AND ADDING A NEW SECTION TO CHAPTER 74.13 RCW."

ON MOTION OF SENATOR HARGROVE, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1259, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1259, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1259, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 1; EXCUSED, 0.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI

- 48.

ABSENT: SENATOR BENTON - 1.

SUBSTITUTE HOUSE BILL NO. 1259, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5082, BY SENATORS HAUGEN, T. SHELDON, RASMUSSEN AND GARDNER

DEFINING RURAL COUNTIES FOR PURPOSES OF SALES AND USE TAX FOR PUBLIC FACILITIES IN RURAL COUNTIES.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR TIM SHELDON, THE RULES WERE SUSPENDED, SENATE BILL NO. 5082 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SENATE BILL NO. 5082.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SENATE BILL NO. 5082 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 49; NAYS, 0; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAUDEAU, WEST, WINSLEY AND ZARELLI - 49.

SENATE BILL NO. 5082, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5514, BY SENATORS SPANEL, CARLSON, HALE, GARDNER, RASMUSSEN, WINSLEY, REGALA, COSTA AND FRASER

REVISING PUBLIC FACILITY DISTRICT PROVISIONS.

MOTIONS

ON MOTION OF SENATOR BROWN, SECOND SUBSTITUTE SENATE BILL NO. 5514 WAS SUBSTITUTED FOR SENATE BILL NO. 5514 AND THE SECOND SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

MOTION

SENATOR HEWITT MOVED THAT THE FOLLOWING AMENDMENT BY SENATORS HEWITT, HALE AND SPANEL BE ADOPTED: BEGINNING ON PAGE 6, LINE 21, STRIKE ALL OF SECTION 4 AND INSERT THE FOLLOWING:

"**Sec. 4.** RCW 82.14.390 AND 1999 C 165 S 13 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION, THE GOVERNING BODY OF A PUBLIC FACILITIES DISTRICT CREATED UNDER CHAPTER 35.57 OR 36.100 RCW BEFORE JANUARY 1, 2001, THAT COMMENCES CONSTRUCTION OF A NEW REGIONAL CENTER, OR IMPROVEMENT OR REHABILITATION OF AN EXISTING NEW REGIONAL CENTER, BEFORE JANUARY 1, 2003, MAY IMPOSE A SALES AND USE TAX IN ACCORDANCE WITH THE TERMS OF THIS CHAPTER. EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION, THE GOVERNING BODY OF A PUBLIC FACILITIES DISTRICT CREATED UNDER CHAPTER 35.57 OR 36.100 RCW AFTER DECEMBER 31, 2001, THAT COMMENCES CONSTRUCTION OF A NEW REGIONAL CENTER, OR IMPROVEMENT OR REHABILITATION OF AN EXISTING NEW REGIONAL CENTER, BEFORE JANUARY 1, 2004, MAY IMPOSE A SALES AND USE TAX IN ACCORDANCE WITH THE TERMS OF THIS CHAPTER BEGINNING JULY 1, 2002. THE TAX IS IN ADDITION TO OTHER TAXES AUTHORIZED BY LAW AND SHALL BE COLLECTED FROM THOSE PERSONS WHO ARE TAXABLE BY THE STATE UNDER CHAPTERS 82.08 AND 82.12 RCW UPON THE OCCURRENCE OF ANY TAXABLE EVENT WITHIN THE PUBLIC FACILITIES DISTRICT. THE RATE OF TAX SHALL NOT EXCEED 0.033 PERCENT OF THE SELLING PRICE IN THE CASE OF A SALES TAX OR VALUE OF THE ARTICLE USED IN THE CASE OF A USE TAX.

(2) THE TAX IMPOSED UNDER SUBSECTION (1) OF THIS SECTION SHALL BE DEDUCTED FROM THE AMOUNT OF TAX OTHERWISE REQUIRED TO BE COLLECTED OR PAID OVER TO THE DEPARTMENT OF REVENUE UNDER CHAPTER 82.08 OR 82.12 RCW. THE DEPARTMENT OF REVENUE SHALL PERFORM THE COLLECTION OF SUCH TAXES ON BEHALF OF THE COUNTY AT NO COST TO THE PUBLIC FACILITIES DISTRICT.

(3) ~~((NO TAX MAY BE COLLECTED UNDER THIS SECTION BEFORE AUGUST 1, 2000.))~~ THE TAX IMPOSED IN THIS SECTION SHALL EXPIRE WHEN THE BONDS ISSUED FOR THE CONSTRUCTION OF THE REGIONAL CENTER AND RELATED PARKING FACILITIES ARE RETIRED, BUT NOT MORE THAN TWENTY-FIVE YEARS AFTER THE TAX IS FIRST COLLECTED.

(4) MONEYS COLLECTED UNDER THIS SECTION SHALL ONLY BE USED FOR THE PURPOSES SET FORTH IN RCW 35.57.020 AND MUST BE MATCHED WITH AN AMOUNT FROM OTHER PUBLIC OR PRIVATE SOURCES EQUAL TO THIRTY-THREE PERCENT OF THE AMOUNT COLLECTED UNDER THIS SECTION, PROVIDED THAT AMOUNTS GENERATED FROM NONVOTER APPROVED TAXES AUTHORIZED UNDER CHAPTER 35.57 RCW OR NONVOTER APPROVED TAXES AUTHORIZED UNDER CHAPTER 36.100 RCW SHALL NOT CONSTITUTE A PUBLIC OR PRIVATE SOURCE. FOR THE PURPOSE OF THIS SECTION, PUBLIC OR PRIVATE SOURCES INCLUDES, BUT IS NOT LIMITED TO CASH OR IN-KIND CONTRIBUTIONS USED IN ALL PHASES OF THE DEVELOPMENT OR IMPROVEMENT OF THE REGIONAL CENTER, LAND THAT IS DONATED AND USED FOR THE SITING OF THE REGIONAL CENTER, CASH OR IN-KIND CONTRIBUTIONS FROM PUBLIC OR PRIVATE FOUNDATIONS, OR AMOUNTS ATTRIBUTED TO PRIVATE SECTOR PARTNERS AS PART OF A PUBLIC AND PRIVATE PARTNERSHIP AGREEMENT NEGOTIATED BY THE PUBLIC FACILITIES DISTRICT.

(5) THE COMBINED TOTAL TAX LEVIED UNDER THIS SECTION SHALL NOT BE GREATER THAN 0.033 PERCENT. IF BOTH A PUBLIC FACILITIES DISTRICT CREATED UNDER CHAPTER 35.57 RCW AND A PUBLIC FACILITIES DISTRICT CREATED UNDER CHAPTER 36.100 RCW IMPOSE A TAX UNDER THIS SECTION, THE TAX IMPOSED BY A PUBLIC FACILITIES DISTRICT CREATED UNDER CHAPTER 35.57 RCW SHALL BE CREDITED AGAINST THE TAX IMPOSED BY A PUBLIC FACILITIES DISTRICT CREATED UNDER CHAPTER 36.100 RCW.

(6) A PUBLIC FACILITIES DISTRICT CREATED UNDER CHAPTER 36.100 RCW IS NOT ELIGIBLE TO IMPOSE THE TAX UNDER THIS SECTION IF THE LEGISLATIVE AUTHORITY OF THE COUNTY WHERE THE PUBLIC FACILITIES DISTRICT IS LOCATED HAS IMPOSED A SALES AND USE TAX UNDER RCW 82.14.0485 OR 82.14.0494."

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATORS HEWITT, HALE AND SPANEL ON PAGE 6, AFTER LINE 21, TO SECOND SUBSTITUTE SENATE BILL NO. 5514.

THE MOTION BY SENATOR HEWITT CARRIED AND THE AMENDMENT WAS ADOPTED.

MOTION

ON MOTION OF SENATOR HORN, THE FOLLOWING AMENDMENT BY SENATORS HORN AND SPANEL WAS ADOPTED:

BEGINNING ON PAGE 8, LINE 1, STRIKE ALL OF SECTIONS 5 AND 6 AND INSERT THE FOLLOWING:

"NEW SECTION. Sec. 5. A NEW SECTION IS ADDED TO CHAPTER 35.57 RCW TO READ AS FOLLOWS:

(1) A PUBLIC FACILITIES DISTRICT ESTABLISHED IN ACCORDANCE WITH THIS CHAPTER SHALL BE DISSOLVED AND ITS AFFAIRS LIQUIDATED:

(A) WHEN DIRECTED BY A MAJORITY OF PERSONS IN THE DISTRICT VOTING ON THE QUESTION. AN ELECTION PLACING THE QUESTION BEFORE THE VOTERS MAY BE CALLED BY RESOLUTION OF THE PUBLIC FACILITIES DISTRICT GOVERNING AUTHORITY; OR

(B) AT SUCH TIME THAT THE INITIAL DEBT ISSUED BY THE DISTRICT THAT IS SECURED BY THE TAX AUTHORIZED IN SECTION 4 OF THIS ACT HAS BEEN RETIRED.

(2) WITH DISSOLUTION OF THE PUBLIC FACILITIES DISTRICT, ANY OUTSTANDING OBLIGATIONS AND BONDED INDEBTEDNESS OF THE DISTRICT SHALL BE SATISFIED OR ALLOCATED BY MUTUAL AGREEMENT TO THE COUNTY OR COUNTIES AND COMPONENT CITIES OF THE DISTRICT.

(3) ALL ASSETS OF THE DISTRICT AT THE TIME THE DISTRICT IS DISSOLVED UNDER THIS SECTION BECOMES THE PROPERTY OF THE CITY IN WHICH THE ASSETS ARE LOCATED, OR OF THE COUNTY IN WHICH THE ASSETS ARE LOCATED IF IN AN UNINCORPORATED AREA.

NEW SECTION. Sec. 6. A NEW SECTION IS ADDED TO CHAPTER 36.100 RCW TO READ AS FOLLOWS:

(1) A PUBLIC FACILITIES DISTRICT ESTABLISHED IN ACCORDANCE WITH THIS CHAPTER AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL BE DISSOLVED AND ITS AFFAIRS LIQUIDATED:

(A) WHEN DIRECTED BY A MAJORITY OF PERSONS IN THE DISTRICT VOTING ON THE QUESTION. AN ELECTION PLACING THE QUESTION BEFORE THE VOTERS MAY BE CALLED BY RESOLUTION OF THE PUBLIC FACILITIES DISTRICT GOVERNING AUTHORITY; OR

(B) AT SUCH TIME THAT THE INITIAL DEBT ISSUED BY THE DISTRICT THAT IS SECURED BY THE TAX AUTHORIZED IN SECTION 4 OF THIS ACT HAS BEEN RETIRED.

(2) WITH DISSOLUTION OF THE PUBLIC FACILITIES DISTRICT UNDER THIS SECTION, ANY OUTSTANDING OBLIGATIONS AND BONDED INDEBTEDNESS OF THE DISTRICT SHALL BE SATISFIED OR ALLOCATED BY MUTUAL AGREEMENT TO THE COUNTY OR COUNTIES AND COMPONENT CITIES OF THE DISTRICT.

(3) ALL ASSETS OF THE DISTRICT AT THE TIME THE DISTRICT IS DISSOLVED UNDER THIS SECTION BECOMES THE PROPERTY OF THE CITY IN WHICH THE ASSETS ARE LOCATED, OR OF THE COUNTY IN WHICH THE ASSETS ARE LOCATED IF IN AN UNINCORPORATED AREA."

MOTION

ON MOTION OF SENATOR BROWN, THE RULES WERE SUSPENDED, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5514 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5514.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5514 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 39; NAYS, 10; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HORN, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, THIBAudeau, WEST, AND WINSLEY - 39.

VOTING NAY: SENATORS BENTON, HOCHSTATTER, HONEYFORD, JOHNSON, McDONALD, ROACH, ROSSI, STEVENS, SWECKER AND ZARELLI- 10.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5514, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1295, BY HOUSE COMMITTEE ON TRADE AND ECONOMIC DEVELOPMENT (ORIGINALLY SPONSORED BY REPRESENTATIVES DUNN, DUNSHEE, MIELKE, FROMHOLD, HUNT, MILOSCIA, ROACH AND BENSON)

MODIFYING REVENUE BOND PROVISIONS OF THE ECONOMIC DEVELOPMENT FINANCE AUTHORITY.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE FOLLOWING COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS STRIKING AMENDMENT WAS ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"**Sec. 1.** RCW 43.163.090 AND 1998 c 245 s 50 ARE EACH AMENDED TO READ AS FOLLOWS:

THE AUTHORITY SHALL ADOPT A GENERAL PLAN OF ECONOMIC DEVELOPMENT FINANCE OBJECTIVES TO BE IMPLEMENTED BY THE AUTHORITY DURING THE PERIOD OF THE PLAN. THE AUTHORITY MAY EXERCISE THE POWERS AUTHORIZED UNDER THIS CHAPTER PRIOR TO THE ADOPTION OF THE INITIAL PLAN. IN DEVELOPING THE PLAN, THE AUTHORITY SHALL CONSIDER AND SET OBJECTIVES FOR:

- (1) EMPLOYMENT GENERATION ASSOCIATED WITH THE AUTHORITY'S PROGRAMS;
- (2) THE APPLICATION OF FUNDS TO SECTORS AND REGIONS OF THE STATE ECONOMY EVIDENCING NEED FOR IMPROVED ACCESS TO CAPITAL MARKETS AND FUNDING RESOURCES;
- (3) GEOGRAPHIC DISTRIBUTION OF FUNDS AND PROGRAMS AVAILABLE THROUGH THE AUTHORITY;
- (4) ELIGIBILITY CRITERIA FOR PARTICIPANTS IN AUTHORITY PROGRAMS;
- (5) THE USE OF FUNDS AND RESOURCES AVAILABLE FROM OR THROUGH FEDERAL, STATE, LOCAL, AND PRIVATE SOURCES AND PROGRAMS;
- (6) STANDARDS FOR ECONOMIC VIABILITY AND GROWTH OPPORTUNITIES OF PARTICIPANTS IN AUTHORITY PROGRAMS;
- (7) NEW PROGRAMS WHICH SERVE A TARGETED NEED FOR FINANCING ASSISTANCE WITHIN THE PURPOSES OF THIS CHAPTER;

AND

(8) OPPORTUNITIES TO IMPROVE CAPITAL ACCESS AS EVIDENCED BY PROGRAMS EXISTENT IN OTHER STATES OR AS THEY ARE MADE POSSIBLE BY RESULTS OF PRIVATE CAPITAL MARKET CIRCUMSTANCES.

THE AUTHORITY SHALL, AS PART OF THE FINANCE PLAN REQUIRED UNDER THIS SECTION, DEVELOP AN OUTREACH AND MARKETING PLAN DESIGNED TO INCREASE ITS FINANCIAL SERVICES TO ~~((DISTRESSED))~~ RURAL COUNTIES. AS USED IN THIS SECTION, "~~((DISTRESSED))~~ RURAL COUNTIES" ~~((HAS THE SAME MEANING AS DISTRESSED AREA))~~ MEANS COUNTIES SMALLER THAN TWO HUNDRED TWENTY-FIVE SQUARE MILES OR AS DEFINED IN RCW 43.168.020.

AT LEAST ONE PUBLIC HEARING SHALL BE CONDUCTED BY THE AUTHORITY ON THE PLAN PRIOR TO ITS ADOPTION. THE PLAN SHALL BE ADOPTED BY RESOLUTION OF THE AUTHORITY NO LATER THAN NOVEMBER 15, 1990. THE AUTHORITY MAY PERIODICALLY UPDATE THE PLAN AS DETERMINED NECESSARY BY THE AUTHORITY. THE PLAN OR UPDATED PLAN SHALL INCLUDE A REPORT ON AUTHORITY ACTIVITIES CONDUCTED SINCE THE COMMENCEMENT OF AUTHORITY OPERATION OR SINCE THE LAST PLAN WAS REPORTED, WHICHEVER IS MORE RECENT, INCLUDING A STATEMENT OF RESULTS ACHIEVED UNDER THE PURPOSES OF THIS CHAPTER AND THE PLAN. UPON ADOPTION, THE AUTHORITY SHALL CONDUCT ITS PROGRAMS IN OBSERVANCE OF THE OBJECTIVES ESTABLISHED IN THE PLAN.

Sec. 2. RCW 43.163.130 AND 1998 c 48 s 1 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE AUTHORITY MAY ISSUE ITS NONRECOURSE REVENUE BONDS IN ORDER TO OBTAIN THE FUNDS TO CARRY OUT THE PROGRAMS AUTHORIZED IN THIS CHAPTER. THE BONDS SHALL BE SPECIAL OBLIGATIONS OF THE AUTHORITY, PAYABLE SOLELY OUT OF THE SPECIAL FUND OR FUNDS ESTABLISHED BY THE AUTHORITY FOR THEIR REPAYMENT.

(2) ANY BONDS ISSUED UNDER THIS CHAPTER MAY BE SECURED BY A FINANCING DOCUMENT BETWEEN THE AUTHORITY AND THE PURCHASERS OR OWNERS OF SUCH BONDS OR BETWEEN THE AUTHORITY AND A CORPORATE TRUSTEE, WHICH MAY BE ANY TRUST COMPANY OR BANK HAVING THE POWERS OF A TRUST COMPANY WITHIN OR WITHOUT THE STATE.

(A) THE FINANCING DOCUMENT MAY PLEDGE OR ASSIGN, IN WHOLE OR IN PART, THE REVENUES AND FUNDS HELD OR TO BE RECEIVED BY THE AUTHORITY, ANY PRESENT OR FUTURE CONTRACT OR OTHER RIGHTS TO RECEIVE THE SAME, AND THE PROCEEDS THEREOF.

(B) THE FINANCING DOCUMENT MAY CONTAIN SUCH PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS, SECURITY, AND REMEDIES OF BONDOWNERS AS MAY BE REASONABLE AND PROPER, INCLUDING, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, PROVISIONS DEFINING DEFAULTS AND PROVIDING FOR REMEDIES IN THE EVENT OF DEFAULT WHICH MAY INCLUDE THE ACCELERATION OF MATURITIES, RESTRICTIONS ON THE INDIVIDUAL RIGHTS OF ACTION BY BONDOWNERS, AND COVENANTS SETTING FORTH DUTIES OF AND LIMITATIONS ON THE AUTHORITY IN CONDUCT OF ITS PROGRAMS AND THE MANAGEMENT OF ITS PROPERTY.

(C) IN ADDITION TO OTHER SECURITY PROVIDED IN THIS CHAPTER OR OTHERWISE BY LAW, BONDS ISSUED BY THE AUTHORITY MAY BE SECURED, IN WHOLE OR IN PART, BY FINANCIAL GUARANTIES, BY INSURANCE OR BY LETTERS OF CREDIT ISSUED TO THE AUTHORITY OR A TRUSTEE OR ANY OTHER PERSON, BY ANY BANK, TRUST COMPANY, INSURANCE OR SURETY COMPANY OR OTHER FINANCIAL INSTITUTION, WITHIN OR WITHOUT THE STATE. THE AUTHORITY MAY PLEDGE OR ASSIGN, IN WHOLE OR IN PART, THE REVENUES AND FUNDS HELD OR TO BE RECEIVED BY THE AUTHORITY, ANY PRESENT OR FUTURE CONTRACT OR OTHER RIGHTS TO RECEIVE THE SAME, AND THE

PROCEEDS THEREOF, AS SECURITY FOR SUCH GUARANTIES OR INSURANCE OR FOR THE REIMBURSEMENT BY THE AUTHORITY TO ANY ISSUER OF SUCH LETTER OF CREDIT OF ANY PAYMENTS MADE UNDER SUCH LETTER OF CREDIT.

(3) WITHOUT LIMITING THE POWERS OF THE AUTHORITY CONTAINED IN THIS CHAPTER, IN CONNECTION WITH EACH ISSUE OF ITS OBLIGATION BONDS, THE AUTHORITY SHALL CREATE AND ESTABLISH ONE OR MORE SPECIAL FUNDS, INCLUDING, BUT NOT LIMITED TO DEBT SERVICE AND SINKING FUNDS, RESERVE FUNDS, PROJECT FUNDS, AND SUCH OTHER SPECIAL FUNDS AS THE AUTHORITY DEEMS NECESSARY, USEFUL, OR CONVENIENT.

(4) ANY SECURITY INTEREST CREATED AGAINST THE UNEXPENDED BOND PROCEEDS AND AGAINST THE SPECIAL FUNDS CREATED BY THE AUTHORITY SHALL BE IMMEDIATELY VALID AND BINDING AGAINST THE MONEY AND ANY SECURITIES IN WHICH THE MONEY MAY BE INVESTED WITHOUT AUTHORITY OR TRUSTEE POSSESSION. THE SECURITY INTEREST SHALL BE PRIOR TO ANY PARTY HAVING ANY COMPETING CLAIM AGAINST THE MONEYS OR SECURITIES, WITHOUT FILING OR RECORDING UNDER ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE, TITLE 62A RCW, AND REGARDLESS OF WHETHER THE PARTY HAS NOTICE OF THE SECURITY INTEREST.

(5) THE BONDS MAY BE ISSUED AS SERIAL BONDS, TERM BONDS OR ANY OTHER TYPE OF BOND INSTRUMENT CONSISTENT WITH THE PROVISIONS OF THIS CHAPTER. THE BONDS SHALL BEAR SUCH DATE OR DATES; MATURE AT SUCH TIME OR TIMES; BEAR INTEREST AT SUCH RATE OR RATES, EITHER FIXED OR VARIABLE; BE PAYABLE AT SUCH TIME OR TIMES; BE IN SUCH DENOMINATIONS; BE IN SUCH FORM; BEAR SUCH PRIVILEGES OF TRANSFERABILITY, EXCHANGEABILITY, AND INTERCHANGEABILITY; BE SUBJECT TO SUCH TERMS OF REDEMPTION; AND BE SOLD AT PUBLIC OR PRIVATE SALE, IN SUCH MANNER, AT SUCH TIME OR TIMES, AND AT SUCH PRICE OR PRICES AS THE AUTHORITY SHALL DETERMINE. THE BONDS SHALL BE EXECUTED BY THE MANUAL OR FACSIMILE SIGNATURES OF THE AUTHORITY'S CHAIR AND EITHER ITS SECRETARY OR EXECUTIVE DIRECTOR, AND MAY BE AUTHENTICATED BY THE TRUSTEE (IF THE AUTHORITY DETERMINES TO USE A TRUSTEE) OR ANY REGISTRAR WHICH MAY BE DESIGNATED FOR THE BONDS BY THE AUTHORITY.

(6) BONDS MAY BE ISSUED BY THE AUTHORITY TO REFUND OTHER OUTSTANDING AUTHORITY BONDS, AT OR PRIOR TO MATURITY OF, AND TO PAY ANY REDEMPTION PREMIUM ON, THE OUTSTANDING BONDS. BONDS ISSUED FOR REFUNDING PURPOSES MAY BE COMBINED WITH BONDS ISSUED FOR THE FINANCING OR REFINANCING OF NEW PROJECTS. PENDING THE APPLICATION OF THE PROCEEDS OF THE REFUNDING BONDS TO THE REDEMPTION OF THE BONDS TO BE REDEEMED, THE AUTHORITY MAY ENTER INTO AN AGREEMENT OR AGREEMENTS WITH A CORPORATE TRUSTEE REGARDING THE INTERIM INVESTMENT OF THE PROCEEDS AND THE APPLICATION OF THE PROCEEDS AND THE EARNINGS ON THE PROCEEDS TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON, AND THE REDEMPTION OF, THE BONDS TO BE REDEEMED.

(7) THE BONDS OF THE AUTHORITY MAY BE NEGOTIABLE INSTRUMENTS UNDER TITLE 62A RCW.

(8) NEITHER THE MEMBERS OF THE AUTHORITY, NOR ITS EMPLOYEES OR AGENTS, NOR ANY PERSON EXECUTING THE BONDS SHALL BE PERSONALLY LIABLE ON THE BONDS OR BE SUBJECT TO ANY PERSONAL LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE OF THE BONDS.

(9) THE AUTHORITY MAY PURCHASE ITS BONDS WITH ANY OF ITS FUNDS AVAILABLE FOR THE PURCHASE. THE AUTHORITY MAY HOLD, PLEDGE, CANCEL OR RESELL THE BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH BONDOWNERS.

(10) THE AUTHORITY SHALL NOT EXCEED ((FIVE)) SEVEN HUNDRED FIFTY MILLION DOLLARS IN TOTAL OUTSTANDING DEBT AT ANY TIME.

(11) THE STATE FINANCE COMMITTEE SHALL BE NOTIFIED IN ADVANCE OF THE ISSUANCE OF BONDS BY THE AUTHORITY IN ORDER TO PROMOTE THE ORDERLY OFFERING OF OBLIGATIONS IN THE FINANCIAL MARKETS.

(12) THE AUTHORITY MAY NOT ISSUE ANY BONDS AFTER JUNE 30, ((2004)) 2006.

SEC. 3. RCW 43.163.210 AND 1998 C 48 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

FOR THE PURPOSE OF FACILITATING ECONOMIC DEVELOPMENT IN THE STATE OF WASHINGTON AND ENCOURAGING THE EMPLOYMENT OF WASHINGTON WORKERS AT MEANINGFUL WAGES:

(1) THE AUTHORITY MAY DEVELOP AND CONDUCT A PROGRAM OR PROGRAMS TO PROVIDE NONRECOURSE REVENUE BOND FINANCING FOR THE PROJECT COSTS FOR ECONOMIC DEVELOPMENT ACTIVITIES.

(2) THE AUTHORITY MAY DEVELOP AND CONDUCT A PROGRAM THAT WILL STIMULATE AND ENCOURAGE THE DEVELOPMENT OF NEW PRODUCTS WITHIN WASHINGTON STATE BY THE INFUSION OF FINANCIAL AID FOR INVENTION AND INNOVATION IN SITUATIONS IN WHICH THE FINANCIAL AID WOULD NOT OTHERWISE BE REASONABLY AVAILABLE FROM COMMERCIAL SOURCES. THE AUTHORITY IS AUTHORIZED TO PROVIDE NONRECOURSE REVENUE BOND FINANCING FOR THIS PROGRAM.

(A) FOR THE PURPOSES OF THIS PROGRAM, THE AUTHORITY SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

(i) TO ENTER INTO FINANCING AGREEMENTS WITH ELIGIBLE PERSONS DOING BUSINESS IN WASHINGTON STATE, UPON TERMS AND ON CONDITIONS CONSISTENT WITH THE PURPOSES OF THIS CHAPTER, FOR THE ADVANCEMENT OF FINANCIAL AND OTHER ASSISTANCE TO THE PERSONS FOR THE DEVELOPMENT OF SPECIFIC PRODUCTS, PROCEDURES, AND TECHNIQUES, TO BE DEVELOPED AND PRODUCED IN THIS STATE, AND TO CONDITION THE AGREEMENTS UPON CONTRACTUAL ASSURANCES THAT THE BENEFITS OF INCREASING OR MAINTAINING EMPLOYMENT AND TAX REVENUES SHALL REMAIN IN THIS STATE AND ACCRUE TO IT;

(ii) OWN, POSSESS, AND TAKE LICENSE IN PATENTS, COPYRIGHTS, AND PROPRIETARY PROCESSES AND NEGOTIATE AND ENTER INTO CONTRACTS AND ESTABLISH CHARGES FOR THE USE OF THE PATENTS, COPYRIGHTS, AND PROPRIETARY PROCESSES WHEN THE PATENTS AND LICENSES FOR PRODUCTS RESULT FROM ASSISTANCE PROVIDED BY THE AUTHORITY;

(iii) NEGOTIATE ROYALTY PAYMENTS TO THE AUTHORITY ON PATENTS AND LICENSES FOR PRODUCTS ARISING AS A RESULT OF ASSISTANCE PROVIDED BY THE AUTHORITY;

(iv) NEGOTIATE AND ENTER INTO OTHER TYPES OF CONTRACTS WITH ELIGIBLE PERSONS THAT ASSURE THAT PUBLIC BENEFITS WILL RESULT FROM THE PROVISION OF SERVICES BY THE AUTHORITY; PROVIDED THAT THE CONTRACTS ARE CONSISTENT WITH THE STATE CONSTITUTION;

(v) ENCOURAGE AND PROVIDE TECHNICAL ASSISTANCE TO ELIGIBLE PERSONS IN THE PROCESS OF DEVELOPING NEW PRODUCTS;

(vi) REFER ELIGIBLE PERSONS TO RESEARCHERS OR LABORATORIES FOR THE PURPOSE OF TESTING AND EVALUATING NEW PRODUCTS, PROCESSES, OR INNOVATIONS; AND

(vii) TO THE EXTENT PERMITTED UNDER ITS CONTRACT WITH ELIGIBLE PERSONS, TO CONSENT TO A TERMINATION, MODIFICATION, FORGIVENESS, OR OTHER CHANGE OF A TERM OF A CONTRACTUAL RIGHT, PAYMENT, ROYALTY, CONTRACT, OR AGREEMENT OF ANY KIND TO WHICH THE AUTHORITY IS A PARTY.

(B) ELIGIBLE PERSONS SEEKING FINANCIAL AND OTHER ASSISTANCE UNDER THIS PROGRAM SHALL FORWARD AN APPLICATION, TOGETHER WITH AN APPLICATION FEE PRESCRIBED BY RULE, TO THE AUTHORITY. AN INVESTIGATION AND REPORT CONCERNING THE ADVISABILITY OF APPROVING AN APPLICATION FOR ASSISTANCE SHALL BE COMPLETED BY THE STAFF OF THE AUTHORITY. THE

INVESTIGATION AND REPORT MAY INCLUDE, BUT IS NOT LIMITED TO, FACTS ABOUT THE COMPANY UNDER CONSIDERATION AS ITS HISTORY, WAGE STANDARDS, JOB OPPORTUNITIES, STABILITY OF EMPLOYMENT, PAST AND PRESENT FINANCIAL CONDITION AND STRUCTURE, PRO FORMA INCOME STATEMENTS, PRESENT AND FUTURE MARKETS AND PROSPECTS, INTEGRITY OF MANAGEMENT AS WELL AS THE FEASIBILITY OF THE PROPOSED PRODUCT AND INVENTION TO BE GRANTED FINANCIAL AID, INCLUDING THE STATE OF DEVELOPMENT OF THE PRODUCT AS WELL AS THE LIKELIHOOD OF ITS COMMERCIAL FEASIBILITY. AFTER RECEIPT AND CONSIDERATION OF THE REPORT SET OUT IN THIS SUBSECTION AND AFTER OTHER ACTION AS IS DEEMED APPROPRIATE, THE APPLICATION SHALL BE APPROVED OR DENIED BY THE AUTHORITY. THE APPLICANT SHALL BE PROMPTLY NOTIFIED OF ACTION BY THE AUTHORITY. IN MAKING THE DECISION AS TO APPROVAL OR DENIAL OF AN APPLICATION, PRIORITY SHALL BE GIVEN TO THOSE PERSONS OPERATING OR PLANNING TO OPERATE BUSINESSES OF SPECIAL IMPORTANCE TO WASHINGTON'S ECONOMY, INCLUDING, BUT NOT LIMITED TO: (i) EXISTING RESOURCE-BASED INDUSTRIES OF AGRICULTURE, FORESTRY, AND FISHERIES; (ii) EXISTING ADVANCED TECHNOLOGY INDUSTRIES OF ELECTRONICS, COMPUTER AND INSTRUMENT MANUFACTURING, COMPUTER SOFTWARE, AND INFORMATION AND DESIGN; AND (iii) EMERGING INDUSTRIES SUCH AS ENVIRONMENTAL TECHNOLOGY, BIOTECHNOLOGY, BIOMEDICAL SCIENCES, MATERIALS SCIENCES, AND OPTICS.

(3) THE AUTHORITY MAY ALSO DEVELOP AND IMPLEMENT, IF AUTHORIZED BY THE LEGISLATURE, SUCH OTHER ECONOMIC DEVELOPMENT FINANCING PROGRAMS ADOPTED IN FUTURE GENERAL PLANS OF ECONOMIC DEVELOPMENT FINANCE OBJECTIVES DEVELOPED UNDER RCW 43.163.090.

(4) THE AUTHORITY MAY NOT ISSUE ANY BONDS FOR THE PROGRAMS AUTHORIZED UNDER THIS SECTION AFTER JUNE 30, ((2004)) 2006.

NEW SECTION. Sec. 4. THIS ACT IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY, OR SUPPORT OF THE STATE GOVERNMENT AND ITS EXISTING PUBLIC INSTITUTIONS, AND TAKES EFFECT IMMEDIATELY."

MOTIONS

ON MOTION OF SENATOR BETTI SHELDON, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 2 OF THE TITLE, AFTER "AUTHORITY;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 43.163.090, 43.163.130, AND 43.163.210; AND DECLARING AN EMERGENCY."

ON MOTION OF SENATOR BETTI SHELDON, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1295, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1295, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1295, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 49; NAYS, 0; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, McAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 49.

SUBSTITUTE HOUSE BILL NO. 1295, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2221, BY HOUSE COMMITTEE ON TRANSPORTATION (ORIGINALLY SPONSORED BY REPRESENTATIVES MIELKE, ROCKEFELLER AND JACKLEY)

ADJUSTING PROCEDURES FOR FERRY MAINTENANCE AND PRESERVATION.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR GARDNER, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 2221 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 2221.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 2221 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 49; NAYS, 0; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 49.

SUBSTITUTE HOUSE BILL NO. 2221, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1515, BY HOUSE COMMITTEE ON STATE GOVERNMENT (ORIGINALLY SPONSORED BY REPRESENTATIVES ARMSTRONG, O'BRIEN, BARLEAN, HUNT, SCHOESLER, EICKMEYER, AHERN, DARNEILLE, ANDERSON, CARRELL, G. CHANDLER, HATFIELD, BUCK, LOVICK AND EDWARDS)

CHANGING PUBLIC WORKS PROVISIONS FOR INSTITUTIONS OF HIGHER EDUCATION.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR KOHL-WELLES, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1515 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1515.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1515 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 49; NAYS, 0; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 49.

SUBSTITUTE HOUSE BILL NO. 1515, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1376, BY HOUSE COMMITTEE ON STATE GOVERNMENT (ORIGINALLY SPONSORED BY REPRESENTATIVES ARMSTRONG, McDERMOTT, McMORRIS, D. SCHMIDT, HAIGH AND WOODS) (BY REQUEST OF DEPARTMENT OF VETERANS AFFAIRS)

EXEMPTING CERTAIN VETERANS AFFAIRS PERSONNEL FROM THE STATE CIVIL SERVICE LAW.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PATTERSON, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1376 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1376.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1376 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 36; NAYS, 13; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, MCAULIFFE, MCCASLIN, OKE, PARLETTE, PATTERSON, PRENTICE, REGALA, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau AND WINSLEY - 36.

VOTING NAY: SENATORS BENTON, FINKBEINER, FRANKLIN, HEWITT, JOHNSON, LONG, McDONALD, MORTON, RASMUSSEN, ROACH, ROSSI, WEST AND ZARELLI - 13.

SUBSTITUTE HOUSE BILL NO. 1376, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1943, BY REPRESENTATIVES MULLIKEN, GRANT, G. CHANDLER AND DUNSHEE

EXPANDING PURPOSES OF COUNTY RAIL DISTRICTS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PATTERSON, THE RULES WERE SUSPENDED, HOUSE BILL No. 1943 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL No. 1943.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL No. 1943 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 5; ABSENT, 1.

VOTING YEA: SENATORS BENTON, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST AND WINSLEY - 45.

VOTING NAY: SENATORS JOHNSON, McDONALD, ROACH, ROSSI AND ZARELLI - 5.

ABSENT: SENATOR DECCIO - 1.

HOUSE BILL NO. 1943, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1067, BY REPRESENTATIVES O'BRIEN, BALLASIOTES, DELVIN, LOVICK AND HAIGH (BY REQUEST OF CRIMINAL JUSTICE TRAINING COMMISSION)

REVISING PROVISIONS RELATING TO THE COMMISSIONING AND TRAINING OF RAILROAD POLICE.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR GARDNER, THE RULES WERE SUSPENDED, HOUSE BILL No. 1067 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL No. 1067.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL No. 1067 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 1; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH,

ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

ABSENT: SENATOR BROWN - 1.

HOUSE BILL NO. 1067, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MORION OF SENATOR EIDE, SENATOR BROWN WAS EXCUSED.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1249, BY HOUSE COMMITTEE ON APPROPRIATIONS (ORIGINALLY SPONSORED BY REPRESENTATIVES KAGI, BOLDT, BALLASIOTES, TOKUDA, DICKERSON, GOMBOSKY, DARNEILLE, MORELL, ANDERSON, SCHUAL-BERKE, ESSER, MCINTIRE, DOUMIT, KENNEY, CLEMENTS, EDWARDS, FROMHOLD, MILOSCIA, BARLEAN, TALCOTT, RUDERMAN, CONWAY, KESSLER, OGDEN, LOVICK, D. SCHMIDT, O'BRIEN, EDMONDS, WOOD AND HAIGH)

REGARDING THE QUALITY OF FOSTER CARE SERVICES.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR COSTA, THE FOLLOWING COMMITTEE ON HUMAN SERVICES AND CORRECTIONS STRIKING AMENDMENT WAS ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"NEW SECTION. Sec. 1. A NEW SECTION IS ADDED TO CHAPTER 43.20A RCW TO READ AS FOLLOWS:

(1) ALL FIELD OFFICES AND THE ADMINISTRATIVE OFFICE OF THE CHILDREN'S ADMINISTRATION IN THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES SHALL BE FULLY ACCREDITED BY THE COUNCIL ON ACCREDITATION FOR CHILDREN AND FAMILY SERVICES. THE COST OF ACCREDITATION SHALL BE ACCOMPLISHED WITHIN EXISTING AGENCY RESOURCES. THE DEPARTMENT SHALL PHASE IN ACCREDITATION AT A RATE OF NO LESS THAN ONE FIELD OFFICE PER YEAR, ACHIEVING COMPLETE AGENCY ACCREDITATION BY JANUARY 30, 2008.

(2) BY JANUARY 30, 2008, ALL PRIVATE CHILD-PLACING AGENCIES SHALL BE FULLY ACCREDITED BY THE COUNCIL ON ACCREDITATION FOR CHILDREN AND FAMILY SERVICES PRIOR TO CONTRACTING WITH THE DEPARTMENT FOR SERVICES TO FAMILIES AND CHILDREN."

MOTIONS

ON MOTION OF SENATOR COSTA, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 1 OF THE TITLE, AFTER "SERVICES;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AND ADDING A NEW SECTION TO CHAPTER 43.20A RCW."

ON MOTION OF SENATOR COSTA, THE RULES WERE SUSPENDED, SECOND SUBSTITUTE HOUSE BILL NO. 1249, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SECOND SUBSTITUTE HOUSE BILL NO. 1249, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SECOND SUBSTITUTE HOUSE BILL NO. 1249, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 47; NAYS, 0; ABSENT, 1; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 47.

ABSENT: SENATOR DECCIO - 1.

EXCUSED: SENATOR BROWN - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1249, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR HEWITT, SENATOR HORN WAS EXCUSED.

SECOND READING

SENATE BILL NO. 5237, BY SENATORS RASMUSSEN, SWECKER, SHEAHAN, HONEYFORD, WEST, FRASER, KASTAMA, REGALA, HEWITT, HALE, PARLETTE, MORTON, HOCHSTATTER AND FRANKLIN

MAKING ANNUAL TRANSFERS OF MONEY INTO THE FAIR FUND.

MOTIONS

ON MOTION OF SENATOR RASMUSSEN, SUBSTITUTE SENATE BILL NO. 5237 WAS SUBSTITUTED FOR SENATE BILL NO. 5237 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

SENATOR RASMUSSEN MOVED THAT THE FOLLOWING AMENDMENT BY SENATORS RASMUSSEN AND DECCIO BE ADOPTED:

ON PAGE 1, AFTER LINE 16, INSERT THE FOLLOWING:

"NEW SECTION. SEC. 2. THE SUM OF \$100,000 IS APPROPRIATED FOR THE FISCAL YEAR ENDING JUNE 30, 2002, FROM THE GENERAL FUND TO THE FAIR FUND TO BE USED FOR SPECIAL ASSISTANCE AS PROVIDED FOR IN RCW 15.76.150."

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATORS RASMUSSEN AND DECCIO ON PAGE 1, AFTER LINE 16, TO SUBSTITUTE SENATE BILL NO. 5237.

THE MOTION BY SENATOR RASMUSSEN CARRIED AND THE AMENDMENT WAS ADOPTED.

MOTIONS

ON MOTION OF SENATOR RASMUSSEN, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, ON LINE 1 OF THE TITLE, AFTER "FUND;", DELETE "AND AMENDING RCW 15.76.115." AND INSERT "AMENDING RCW 15.76.115; AND MAKING AN APPROPRIATION."

ON MOTION OF SENATOR RASMUSSEN, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE SENATE BILL NO. 5237 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5237.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5237 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 47; NAYS, 0; ABSENT, 0; EXCUSED, 2.

VOTING YEA: SENATORS BENTON, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 47.

EXCUSED: SENATORS BROWN AND HORN - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5237, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1116, BY REPRESENTATIVES CAMPBELL, CODY, CARRELL, MORRIS, ROACH, SANTOS, PENNINGTON, CONWAY, ROMERO, O'BRIEN, HUNT, EDMONDS, DARNEILLE, VELORIA, SCHUAL-BERKE, REARDON, LANTZ, SIMPSON, CAIRNES, DUNSHEE, DICKERSON, ALEXANDER, FROMHOLD, D. SCHMIDT, HAIGH AND JACKLEY

CLARIFYING TAX EXEMPTIONS FOR SALE OR USE OF ORTHOTIC DEVICES.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR CONSTANTINE, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1116 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1116.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1116 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR BROWN - 1

HOUSE BILL NO. 1116, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1131, BY REPRESENTATIVES MULLIKEN, DUNSHEE, EDWARDS, G. CHANDLER, DeBOLT, DUNN AND HATFIELD

MODIFYING THE POWERS OF PUBLIC HOSPITAL DISTRICTS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PATTERSON, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1131 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1131.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1131 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 49; NAYS, 0; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 49.

HOUSE BILL NO. 1131, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1320, BY HOUSE COMMITTEE ON HEALTH CARE (ORIGINALLY SPONSORED BY REPRESENTATIVES EDMONDS, SKINNER, PENNINGTON, CODY, GOMBOSKY, CAMPBELL, DARNEILLE, RUDERMAN, CONWAY, SCHUAL-BERKE, EDWARDS, MIELKE, LINVILLE, KENNEY, JACKLEY AND KAGI)

MODIFYING PROVISIONS CONCERNING ADULT FAMILY HOMES.

THE BILL WAS READ THE SECOND TIME.

MOTIONS

ON MOTION OF SENATOR THIBAudeau, THE FOLLOWING COMMITTEE ON HEALTH AND LONG-TERM CARE STRIKING AMENDMENT WAS ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"Sec. 1. RCW 70.128.005 AND 2000 C 121 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

THE LEGISLATURE FINDS THAT ADULT FAMILY HOMES ARE AN IMPORTANT PART OF THE STATE'S LONG-TERM CARE SYSTEM. ADULT FAMILY HOMES PROVIDE AN ALTERNATIVE TO INSTITUTIONAL CARE AND PROMOTE A HIGH DEGREE OF INDEPENDENT LIVING FOR RESIDENTS. PERSONS WITH FUNCTIONAL LIMITATIONS HAVE BROADLY VARYING SERVICE NEEDS. ADULT FAMILY HOMES THAT CAN MEET THOSE NEEDS ARE AN ESSENTIAL COMPONENT OF A LONG-TERM SYSTEM. THE LEGISLATURE FURTHER FINDS THAT DIFFERENT POPULATIONS LIVING IN ADULT FAMILY HOMES, SUCH AS THE DEVELOPMENTALLY DISABLED AND THE ELDERLY, OFTEN HAVE SIGNIFICANTLY DIFFERENT NEEDS AND CAPACITIES FROM ONE ANOTHER.

IT IS THE LEGISLATURE'S INTENT THAT DEPARTMENT RULES AND POLICIES RELATING TO THE LICENSING AND OPERATION OF ADULT FAMILY HOMES RECOGNIZE AND ACCOMMODATE THE DIFFERENT NEEDS AND CAPACITIES OF THE VARIOUS POPULATIONS SERVED BY THE HOMES. FURTHERMORE, THE DEVELOPMENT AND OPERATION OF ADULT FAMILY HOMES THAT CAN PROVIDE QUALITY PERSONAL CARE AND SPECIAL CARE SERVICES SHOULD BE ENCOURAGED.

THE LEGISLATURE FINDS THAT MANY RESIDENTS OF COMMUNITY-BASED LONG-TERM CARE FACILITIES ARE VULNERABLE AND THEIR HEALTH AND WELL-BEING ARE DEPENDENT ON THEIR CAREGIVERS. THE QUALITY, SKILLS, AND KNOWLEDGE OF THEIR CAREGIVERS ARE ((OFTEN)) THE KEY TO GOOD CARE. THE LEGISLATURE FINDS THAT THE NEED FOR WELL-TRAINED CAREGIVERS IS GROWING AS THE STATE'S POPULATION AGES AND RESIDENTS' NEEDS INCREASE. THE LEGISLATURE INTENDS THAT CURRENT TRAINING STANDARDS BE ENHANCED.

THE LEGISLATURE FINDS THAT THE STATE OF WASHINGTON HAS A COMPELLING INTEREST IN PROTECTING AND PROMOTING THE HEALTH, WELFARE, AND SAFETY OF VULNERABLE ADULTS RESIDING IN ADULT FAMILY HOMES. THE HEALTH, SAFETY, AND WELL-BEING OF VULNERABLE ADULTS MUST BE THE PARAMOUNT CONCERN IN DETERMINING WHETHER TO ISSUE A LICENSE TO AN APPLICANT, WHETHER TO SUSPEND OR REVOKE A LICENSE, OR WHETHER TO TAKE OTHER LICENSING ACTIONS.

SEC. 2. RCW 70.128.010 AND 1995 C 260 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS CHAPTER.

(1) "ADULT FAMILY HOME" MEANS A REGULAR FAMILY ABODE IN WHICH A PERSON OR PERSONS PROVIDE PERSONAL CARE, SPECIAL CARE, ROOM, AND BOARD TO MORE THAN ONE BUT NOT MORE THAN SIX ADULTS WHO ARE NOT RELATED BY BLOOD OR MARRIAGE TO THE PERSON OR PERSONS PROVIDING THE SERVICES.

(2) "PROVIDER" MEANS ANY PERSON WHO IS LICENSED UNDER THIS CHAPTER TO OPERATE AN ADULT FAMILY HOME. FOR THE PURPOSES OF THIS SECTION, "PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LIMITED LIABILITY COMPANY.

(3) "DEPARTMENT" MEANS THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

(4) "RESIDENT" MEANS AN ADULT IN NEED OF PERSONAL OR SPECIAL CARE IN AN ADULT FAMILY HOME WHO IS NOT RELATED TO THE PROVIDER.

(5) "ADULTS" MEANS PERSONS WHO HAVE ATTAINED THE AGE OF EIGHTEEN YEARS.

(6) "HOME" MEANS AN ADULT FAMILY HOME.

(7) "IMMINENT DANGER" MEANS SERIOUS PHYSICAL HARM TO OR DEATH OF A RESIDENT HAS OCCURRED, OR THERE IS A SERIOUS THREAT TO RESIDENT LIFE, HEALTH, OR SAFETY.

(8) "SPECIAL CARE" MEANS CARE BEYOND PERSONAL CARE AS DEFINED BY THE DEPARTMENT, IN RULE.

(9) "CAPACITY" MEANS THE MAXIMUM NUMBER OF PERSONS IN NEED OF PERSONAL OR SPECIAL CARE PERMITTED IN AN ADULT FAMILY HOME AT A GIVEN TIME. THIS NUMBER SHALL INCLUDE RELATED CHILDREN OR ADULTS IN THE HOME AND WHO RECEIVED SPECIAL CARE.

(10) "RESIDENT MANAGER" MEANS A PERSON EMPLOYED OR DESIGNATED BY THE PROVIDER TO MANAGE THE ADULT FAMILY HOME.

SEC. 3. RCW 18.52C.020 AND 1997 C 392 S 527 ARE EACH AMENDED TO READ AS FOLLOWS:

UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS CHAPTER.

(1) "SECRETARY" MEANS THE SECRETARY OF THE DEPARTMENT OF HEALTH.

(2) "HEALTH CARE FACILITY" MEANS A NURSING HOME, HOSPITAL, HOSPICE CARE FACILITY, HOME HEALTH CARE AGENCY, HOSPICE AGENCY, BOARDING HOME, ((ADULT-FAMILY-HOME,)) GROUP HOME, OR OTHER ENTITY FOR THE DELIVERY OF HEALTH CARE OR LONG-TERM CARE SERVICES, INCLUDING CHORE SERVICES PROVIDED UNDER CHAPTER 74.39A RCW.

(3) "NURSING HOME" MEANS ANY NURSING HOME FACILITY LICENSED PURSUANT TO CHAPTER 18.52 RCW.

(4) "NURSING POOL" MEANS ANY PERSON ENGAGED IN THE BUSINESS OF PROVIDING, PROCURING, OR REFERRING HEALTH CARE OR LONG-TERM CARE PERSONNEL FOR TEMPORARY EMPLOYMENT IN HEALTH CARE FACILITIES, SUCH AS LICENSED NURSES OR PRACTICAL NURSES, NURSING ASSISTANTS, AND CHORE SERVICE PROVIDERS. "NURSING POOL" DOES NOT INCLUDE AN INDIVIDUAL WHO ONLY ENGAGES IN PROVIDING HIS OR HER OWN SERVICES.

(5) "PERSON" INCLUDES AN INDIVIDUAL, FIRM, CORPORATION, PARTNERSHIP, OR ASSOCIATION.

(6) "ADULT FAMILY HOME" MEANS A RESIDENTIAL HOME LICENSED PURSUANT TO CHAPTER 70.128 RCW.

SEC. 4. RCW 70.24.017 AND 1991 C 3 S 322 ARE EACH AMENDED TO READ AS FOLLOWS:

UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS CHAPTER:

(1) "ACQUIRED IMMUNODEFICIENCY SYNDROME" OR "AIDS" MEANS THE CLINICAL SYNDROME OF HIV-RELATED ILLNESS AS DEFINED BY THE BOARD OF HEALTH BY RULE.

(2) "BOARD" MEANS THE STATE BOARD OF HEALTH.

(3) "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH, OR ANY SUCCESSOR DEPARTMENT WITH JURISDICTION OVER PUBLIC HEALTH MATTERS.

(4) "HEALTH CARE PROVIDER" MEANS ANY PERSON WHO IS A MEMBER OF A PROFESSION UNDER RCW 18.130.040 OR OTHER PERSON PROVIDING MEDICAL, NURSING, PSYCHOLOGICAL, OR OTHER HEALTH CARE SERVICES REGULATED BY THE DEPARTMENT OF HEALTH.

(5) "HEALTH CARE FACILITY" MEANS A HOSPITAL, NURSING HOME, NEUROPSYCHIATRIC OR MENTAL HEALTH FACILITY, HOME HEALTH AGENCY, HOSPICE, CHILD CARE AGENCY, ((ADULT-FAMILY-HOME,)) GROUP CARE FACILITY, FAMILY FOSTER HOME, CLINIC, BLOOD BANK, BLOOD CENTER, SPERM BANK, LABORATORY, OR OTHER SOCIAL SERVICE OR HEALTH CARE INSTITUTION REGULATED OR OPERATED BY THE DEPARTMENT OF HEALTH.

(6) "HIV-RELATED CONDITION" MEANS ANY MEDICAL CONDITION RESULTING FROM INFECTION WITH HIV INCLUDING, BUT NOT LIMITED TO, SEROPOSITIVITY FOR HIV.

(7) "HUMAN IMMUNODEFICIENCY VIRUS" OR "HIV" MEANS ALL HIV AND HIV-RELATED VIRUSES WHICH DAMAGE THE CELLULAR BRANCH OF THE HUMAN IMMUNE OR NEUROLOGICAL SYSTEMS AND LEAVE THE INFECTED PERSON IMMUNODEFICIENT OR NEUROLOGICALLY IMPAIRED.

(8) "TEST FOR A SEXUALLY TRANSMITTED DISEASE" MEANS A TEST APPROVED BY THE BOARD BY RULE.

(9) "LEGAL GUARDIAN" MEANS A PERSON APPOINTED BY A COURT TO ASSUME LEGAL AUTHORITY FOR ANOTHER WHO HAS BEEN FOUND INCOMPETENT OR, IN THE CASE OF A MINOR, A PERSON WHO HAS LEGAL CUSTODY OF THE CHILD.

(10) "LOCAL PUBLIC HEALTH OFFICER" MEANS THE OFFICER DIRECTING THE COUNTY HEALTH DEPARTMENT OR HIS OR HER DESIGNEE WHO HAS BEEN GIVEN THE RESPONSIBILITY AND AUTHORITY TO PROTECT THE HEALTH OF THE PUBLIC WITHIN HIS OR HER JURISDICTION.

(11) "PERSON" INCLUDES ANY NATURAL PERSON, PARTNERSHIP, ASSOCIATION, JOINT VENTURE, TRUST, PUBLIC OR PRIVATE CORPORATION, OR HEALTH FACILITY.

(12) "RELEASE OF TEST RESULTS" MEANS A WRITTEN AUTHORIZATION FOR DISCLOSURE OF ANY SEXUALLY TRANSMITTED DISEASE TEST RESULT WHICH IS SIGNED, DATED, AND WHICH SPECIFIES TO WHOM DISCLOSURE IS AUTHORIZED AND THE TIME PERIOD DURING WHICH THE RELEASE IS TO BE EFFECTIVE.

(13) "SEXUALLY TRANSMITTED DISEASE" MEANS A BACTERIAL, VIRAL, FUNGAL, OR PARASITIC DISEASE, DETERMINED BY THE BOARD BY RULE TO BE SEXUALLY TRANSMITTED, TO BE A THREAT TO THE PUBLIC HEALTH AND WELFARE, AND TO BE A DISEASE FOR WHICH A LEGITIMATE PUBLIC INTEREST WILL BE SERVED BY PROVIDING FOR REGULATION AND TREATMENT. THE BOARD SHALL DESIGNATE CHANCROID, GONORRHEA, GRANULOMA INGUINALE, LYMPHOGRANULOMA VENEREUM, GENITAL HERPES SIMPLEX, CHLAMYDIA, NONGONOCOCCAL URETHRITIS (NGU), TRACHOMITIS, GENITAL HUMAN PAPILOMA VIRUS INFECTION, SYPHILIS, ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS), AND HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION AS SEXUALLY TRANSMITTED DISEASES, AND SHALL CONSIDER THE RECOMMENDATIONS AND CLASSIFICATIONS OF THE CENTERS FOR DISEASE CONTROL AND OTHER NATIONALLY RECOGNIZED MEDICAL AUTHORITIES IN DESIGNATING OTHER DISEASES AS SEXUALLY TRANSMITTED.

(14) "STATE PUBLIC HEALTH OFFICER" MEANS THE SECRETARY OF HEALTH OR AN OFFICER APPOINTED BY THE SECRETARY.

Sec. 5. RCW 70.128.007 AND 1995 1ST SP.S. C 18 S 19 ARE EACH AMENDED TO READ AS FOLLOWS:

THE PURPOSES OF THIS CHAPTER ARE TO:

(1) ENCOURAGE THE ESTABLISHMENT AND MAINTENANCE OF ADULT FAMILY HOMES THAT PROVIDE A HUMANE, SAFE, AND ((HOMELIKE)) RESIDENTIAL HOME ENVIRONMENT FOR PERSONS WITH FUNCTIONAL LIMITATIONS WHO NEED PERSONAL AND SPECIAL CARE;

(2) ESTABLISH STANDARDS FOR REGULATING ADULT FAMILY HOMES THAT ADEQUATELY PROTECT RESIDENTS;

(3) ENCOURAGE CONSUMERS, FAMILIES, PROVIDERS, AND THE PUBLIC TO BECOME ACTIVE IN ASSURING THEIR FULL PARTICIPATION IN DEVELOPMENT OF ADULT FAMILY HOMES THAT PROVIDE HIGH QUALITY AND COST-EFFECTIVE CARE;

(4) PROVIDE FOR APPROPRIATE CARE OF RESIDENTS IN ADULT FAMILY HOMES BY REQUIRING THAT EACH RESIDENT HAVE A CARE PLAN THAT PROMOTES THE MOST APPROPRIATE LEVEL OF PHYSICAL, MENTAL, AND PSYCHOSOCIAL WELL-BEING CONSISTENT WITH CLIENT CHOICE; AND

(5) ACCORD EACH RESIDENT THE RIGHT TO PARTICIPATE IN THE DEVELOPMENT OF THE CARE PLAN AND IN OTHER MAJOR DECISIONS INVOLVING THE RESIDENT AND THEIR CARE.

Sec. 6. RCW 70.128.010 AND 1995 C 260 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS CHAPTER.

(1) "ADULT FAMILY HOME" MEANS A ((REGULAR FAMILY ABODE)) RESIDENTIAL HOME IN WHICH A PERSON OR PERSONS PROVIDE PERSONAL CARE, SPECIAL CARE, ROOM, AND BOARD TO MORE THAN ONE BUT NOT MORE THAN SIX ADULTS WHO ARE NOT RELATED BY BLOOD OR MARRIAGE TO THE PERSON OR PERSONS PROVIDING THE SERVICES.

(2) "PROVIDER" MEANS ANY PERSON WHO IS LICENSED UNDER THIS CHAPTER TO OPERATE AN ADULT FAMILY HOME. FOR THE PURPOSES OF THIS SECTION, "PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LIMITED LIABILITY COMPANY.

(3) "DEPARTMENT" MEANS THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

(4) "RESIDENT" MEANS AN ADULT IN NEED OF PERSONAL OR SPECIAL CARE IN AN ADULT FAMILY HOME WHO IS NOT RELATED TO THE PROVIDER.

(5) "ADULTS" MEANS PERSONS WHO HAVE ATTAINED THE AGE OF EIGHTEEN YEARS.

(6) "HOME" MEANS AN ADULT FAMILY HOME.

(7) "IMMINENT DANGER" MEANS SERIOUS PHYSICAL HARM TO OR DEATH OF A RESIDENT HAS OCCURRED, OR THERE IS A SERIOUS THREAT TO RESIDENT LIFE, HEALTH, OR SAFETY.

(8) "SPECIAL CARE" MEANS CARE BEYOND PERSONAL CARE AS DEFINED BY THE DEPARTMENT, IN RULE.

(9) "CAPACITY" MEANS THE MAXIMUM NUMBER OF PERSONS IN NEED OF PERSONAL OR SPECIAL CARE PERMITTED IN AN ADULT FAMILY HOME AT A GIVEN TIME. THIS NUMBER SHALL INCLUDE RELATED CHILDREN OR ADULTS IN THE HOME AND WHO RECEIVED SPECIAL CARE.

Sec. 7. RCW 70.128.090 AND 1995 1ST SP.S. C 18 S 24 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) DURING INSPECTIONS OF AN ADULT FAMILY HOME, THE DEPARTMENT SHALL HAVE ACCESS AND AUTHORITY TO EXAMINE AREAS AND ARTICLES IN THE HOME USED TO PROVIDE CARE OR SUPPORT TO RESIDENTS, INCLUDING RESIDENTS' RECORDS, ACCOUNTS, AND THE PHYSICAL PREMISES, INCLUDING THE BUILDINGS, GROUNDS, AND EQUIPMENT. THE PERSONAL RECORDS OF THE PROVIDER ARE NOT SUBJECT TO DEPARTMENT INSPECTION NOR IS THE SEPARATE BEDROOM OF THE PROVIDER, NOT USED IN DIRECT CARE OF A CLIENT, SUBJECT TO REVIEW. THE DEPARTMENT MAY INSPECT ALL ROOMS DURING THE INITIAL LICENSING OF THE HOME. HOWEVER, DURING A COMPLAINT INVESTIGATION, THE DEPARTMENT SHALL HAVE ACCESS TO THE ENTIRE PREMISES AND ALL PERTINENT RECORDS WHEN NECESSARY TO CONDUCT OFFICIAL BUSINESS. THE DEPARTMENT ALSO SHALL HAVE THE AUTHORITY TO INTERVIEW THE PROVIDER AND RESIDENTS OF AN ADULT FAMILY HOME.

(2) WHENEVER AN INSPECTION IS CONDUCTED, THE DEPARTMENT SHALL PREPARE A WRITTEN REPORT THAT SUMMARIZES ALL INFORMATION OBTAINED DURING THE INSPECTION, AND IF THE HOME IS IN VIOLATION OF THIS CHAPTER, SERVE A COPY OF THE INSPECTION REPORT UPON THE PROVIDER AT THE SAME TIME AS A NOTICE OF VIOLATION. THIS NOTICE SHALL BE MAILED TO THE PROVIDER WITHIN TEN WORKING DAYS OF THE COMPLETION OF THE INSPECTION PROCESS. IF THE HOME IS NOT IN VIOLATION OF THIS CHAPTER, A COPY OF THE INSPECTION REPORT SHALL BE MAILED TO THE PROVIDER WITHIN TEN CALENDAR DAYS OF THE INSPECTION OF THE HOME. ALL INSPECTION REPORTS SHALL BE MADE AVAILABLE TO THE PUBLIC AT THE DEPARTMENT DURING BUSINESS HOURS.

(3) THE PROVIDER SHALL DEVELOP CORRECTIVE MEASURES FOR ANY VIOLATIONS FOUND BY THE DEPARTMENT'S INSPECTION. THE DEPARTMENT ((MAY)) SHALL UPON REQUEST PROVIDE CONSULTATION AND TECHNICAL ASSISTANCE TO ASSIST THE PROVIDER IN DEVELOPING EFFECTIVE CORRECTIVE MEASURES. THE DEPARTMENT SHALL INCLUDE A STATEMENT OF THE PROVIDER'S CORRECTIVE MEASURES IN THE DEPARTMENT'S INSPECTION REPORT.

SEC. 8. RCW 70.128.120 AND 2000 C 121 S 5 ARE EACH AMENDED TO READ AS FOLLOWS:

EACH ADULT FAMILY HOME PROVIDER AND EACH RESIDENT MANAGER SHALL HAVE THE FOLLOWING MINIMUM QUALIFICATIONS:

(1) TWENTY-ONE YEARS OF AGE OR OLDER;

(2) FOR THOSE APPLYING AFTER SEPTEMBER 1, 2001, TO BE LICENSED AS PROVIDERS, AND FOR RESIDENT MANAGERS WHOSE EMPLOYMENT BEGINS AFTER SEPTEMBER 1, 2001, A HIGH SCHOOL DIPLOMA OR GENERAL EDUCATIONAL DEVELOPMENT (GED) CERTIFICATE;

(3) GOOD MORAL AND RESPONSIBLE CHARACTER AND REPUTATION;

~~((3))~~ (4) LITERACY IN THE ENGLISH LANGUAGE, HOWEVER, A PERSON NOT LITERATE IN THE ENGLISH LANGUAGE MAY MEET THE REQUIREMENTS OF THIS SUBSECTION BY ASSURING THAT THERE IS A PERSON ON STAFF AND AVAILABLE WHO IS ABLE TO COMMUNICATE OR MAKE PROVISIONS FOR COMMUNICATING WITH THE RESIDENT IN HIS OR HER PRIMARY LANGUAGE AND CAPABLE OF UNDERSTANDING AND SPEAKING ENGLISH WELL ENOUGH TO BE ABLE TO RESPOND APPROPRIATELY TO EMERGENCY SITUATIONS AND BE ABLE TO READ AND UNDERSTAND RESIDENT CARE PLANS;

~~((4))~~ (5) MANAGEMENT AND ADMINISTRATIVE ABILITY TO CARRY OUT THE REQUIREMENTS OF THIS CHAPTER;

~~((5))~~ (6) SATISFACTORY COMPLETION OF DEPARTMENT-APPROVED BASIC TRAINING AND CONTINUING EDUCATION TRAINING AS SPECIFIED BY THE DEPARTMENT IN RULE, BASED ON RECOMMENDATIONS OF THE COMMUNITY LONG-TERM CARE TRAINING AND EDUCATION STEERING COMMITTEE AND WORKING IN COLLABORATION WITH PROVIDERS, CONSUMERS, CAREGIVERS, ADVOCATES, FAMILY MEMBERS, EDUCATORS, AND OTHER INTERESTED PARTIES IN THE RULE-MAKING PROCESS;

~~((6))~~ (7) SATISFACTORY COMPLETION OF DEPARTMENT-APPROVED, OR EQUIVALENT, SPECIAL CARE TRAINING BEFORE A PROVIDER MAY PROVIDE SPECIAL CARE SERVICES TO A RESIDENT;

~~((7))~~ (8) NOT BEEN CONVICTED OF ANY CRIME LISTED IN RCW 43.43.830 AND 43.43.842; ~~((AND~~

~~(8) EFFECTIVE JULY 1, 1996;))~~ (9) REGISTERED WITH THE DEPARTMENT OF HEALTH; ~~AND~~

(10) FOR THOSE APPLYING AFTER SEPTEMBER 1, 2001, TO BE LICENSED AS PROVIDERS, AND FOR RESIDENT MANAGERS WHOSE EMPLOYMENT BEGINS AFTER SEPTEMBER 1, 2001, AT LEAST THREE HUNDRED TWENTY HOURS OF SUCCESSFUL, DIRECT CAREGIVING EXPERIENCE OBTAINED AFTER AGE EIGHTEEN TO VULNERABLE ADULTS IN A LICENSED OR CONTRACTED SETTING PRIOR TO OPERATING OR MANAGING AN ADULT FAMILY HOME.

NEW SECTION. SEC. 9. A NEW SECTION IS ADDED TO CHAPTER 70.128 RCW TO READ AS FOLLOWS:

ADULT FAMILY HOMES SHALL COMPLY WITH THE PROVISIONS OF CHAPTER 70.24 RCW.

NEW SECTION. SEC. 10. A NEW SECTION IS ADDED TO CHAPTER 70.128 RCW TO READ AS FOLLOWS:

IN ORDER TO PREVENT DISRUPTION TO CURRENT RESIDENTS, AT THE REQUEST OF THE CURRENT LICENSED PROVIDER, THE DEPARTMENT SHALL GIVE PROCESSING PRIORITY TO THE APPLICATION OF A PERSON SEEKING TO BE LICENSED AS THE NEW PROVIDER FOR THE ADULT FAMILY HOME. THE DEPARTMENT MAY ISSUE A PROVISIONAL LICENSE WHEN A CURRENTLY LICENSED ADULT FAMILY HOME PROVIDER HAS APPLIED TO BE LICENSED AS THE NEW PROVIDER FOR A CURRENTLY LICENSED ADULT FAMILY HOME, THE APPLICATION HAS BEEN INITIALLY PROCESSED, AND ALL THAT REMAINS TO COMPLETE THE APPLICATION PROCESS IS AN ON-SITE INSPECTION.

NEW SECTION. SEC. 11. A NEW SECTION IS ADDED TO CHAPTER 70.128 RCW TO READ AS FOLLOWS:

THE DEPARTMENT SHALL IMPLEMENT, AS PART OF THE REQUIRED TRAINING AND CONTINUING EDUCATION, FOOD SAFETY TRAINING INTEGRATED INTO THE CURRICULUM THAT MEETS THE STANDARDS ESTABLISHED BY THE STATE BOARD OF HEALTH PURSUANT TO CHAPTER 69.06 RCW. INDIVIDUAL FOOD HANDLER PERMITS ARE NOT REQUIRED FOR PERSONS WHO SUCCESSFULLY COMPLETE THE TRAINING.

NEW SECTION. SEC. 12. A NEW SECTION IS ADDED TO CHAPTER 70.128 RCW TO READ AS FOLLOWS:

THE DEPARTMENT SHALL WORK WITH THE PROVIDERS AND RESIDENT COMMUNITIES TO DEVELOP OPPORTUNITIES FOR LICENSING AND QUALITY ASSURANCE STAFF TO BECOME FAMILIAR WITH THE ACTUAL ENVIRONMENT AND THE DAILY HANDS-ON ROUTINE OF CARE AND SERVICES IN AN ADULT FAMILY HOME.

NEW SECTION. SEC. 13. A NEW SECTION IS ADDED TO CHAPTER 74.39A RCW TO READ AS FOLLOWS:

AN EMPLOYER PROVIDING HOME AND COMMUNITY SERVICES, INCLUDING FACILITIES LICENSED UNDER CHAPTERS 18.51, 18.20, AND 70.128 RCW, AN EMPLOYER OF A PROGRAM AUTHORIZED UNDER RCW 71A.12.040(10), OR AN IN-HOME SERVICES AGENCY EMPLOYER LICENSED UNDER CHAPTER 70.127 RCW, WHO DISCLOSES INFORMATION ABOUT A FORMER OR CURRENT EMPLOYEE TO A PROSPECTIVE HOME AND COMMUNITY SERVICES EMPLOYER, NURSING HOME EMPLOYER, OR ARE AN IN-HOME SERVICES AGENCY EMPLOYER, IS PRESUMED TO BE ACTING IN GOOD FAITH AND IS IMMUNE FROM CIVIL AND CRIMINAL LIABILITY FOR SUCH DISCLOSURE OR ITS CONSEQUENCES IF THE DISCLOSED INFORMATION RELATES TO: (1) THE EMPLOYEE'S ABILITY TO PERFORM HIS OR HER JOB; (2) THE DILIGENCE, SKILL, OR RELIABILITY WITH WHICH THE EMPLOYEE CARRIED OUT THE DUTIES OF HIS OR HER JOB; OR (3) ANY ILLEGAL OR WRONGFUL ACT COMMITTED BY THE EMPLOYEE WHEN RELATED TO HIS OR HER ABILITY TO CARE FOR A VULNERABLE ADULT. FOR PURPOSES OF THIS SECTION, THE PRESUMPTION OF GOOD FAITH MAY ONLY BE REBUTTED UPON A SHOWING BY CLEAR AND CONVINCING EVIDENCE THAT THE INFORMATION DISCLOSED BY THE EMPLOYER WAS KNOWINGLY FALSE OR MADE WITH RECKLESS DISREGARD FOR THE TRUTH OF THE INFORMATION DISCLOSED. SHOULD THE EMPLOYEE SUCCESSFULLY REBUT THE PRESUMPTION OF GOOD FAITH STANDARD IN A COURT OF COMPETENT JURISDICTION, AND THEREFORE BE THE PREVAILING PARTY, THE PREVAILING PARTY SHALL BE ENTITLED TO RECOVER REASONABLE ATTORNEYS' FEES AGAINST THE EMPLOYER. NOTHING IN THIS SECTION SHALL AFFECT OR LIMIT ANY OTHER STATE, FEDERAL, OR CONSTITUTIONAL RIGHT OTHERWISE AVAILABLE.

NEW SECTION. SEC. 14. THE FOLLOWING ACTS OR PARTS OF ACTS ARE EACH REPEALED:

(1) RCW 70.128.061 (MORATORIUM ON AUTHORIZATION OF ADULT FAMILY HOME LICENSES) AND 1997 C 392 S 402; AND

(2) RCW 70.128.062 (RULE-MAKING AUTHORITY TO IMPLEMENT RCW 70.128.061) AND 1997 C 392 S 403.

NEW SECTION. SEC. 15. SECTION 11 OF THIS ACT TAKES EFFECT MARCH 2, 2002."

MOTIONS

ON MOTION OF SENATOR THIBAudeau, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED;

ON PAGE 1, LINE 1 OF THE TITLE, AFTER "HOMES;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 70.128.005, 70.128.010, 18.52C.020, 70.24.017, 70.128.007, 70.128.010, 70.128.090, AND 70.128.120; ADDING NEW SECTIONS TO CHAPTER 70.128 RCW; ADDING A NEW SECTION TO CHAPTER 74.39A RCW; REPEALING RCW 70.128.061 AND 70.128.062; AND PROVIDING AN EFFECTIVE DATE."

ON MOTION OF SENATOR THIBAudeau, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1320, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1320, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1320, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 49; NAYS, 0; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 49.

SUBSTITUTE HOUSE BILL NO. 1320, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR EIDE, SENATOR PATTERSON WAS EXCUSED.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2046, BY HOUSE COMMITTEE ON JUDICIARY (ORIGINALLY SPONSORED BY REPRESENTATIVES HAIGH, LANTZ, SUMP, REARDON, DUNN AND BARLEAN)

VALIDATING TRUSTS CREATED FOR THE BENEFIT OF NONHUMAN ANIMALS.

THE BILL WAS READ THE SECOND TIME.

MOTION

SENATOR KLINE MOVED THAT THE FOLLOWING COMMITTEE ON JUDICIARY STRIKING AMENDMENT BE ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

NEW SECTION. Sec. 1. THE PURPOSE OF THIS CHAPTER IS TO RECOGNIZE AND VALIDATE CERTAIN TRUSTS THAT ARE ESTABLISHED FOR THE BENEFIT OF ANIMALS. UNDER THE COMMON LAW SUCH TRUSTS WERE UNENFORCEABLE AT LAW. THE LEGISLATURE INTENDS THAT SUCH TRUSTS BE RECOGNIZED AS VALID, AND THAT SUCH TRUSTS BE ENFORCEABLE IN ACCORDANCE WITH THEIR TERMS.

NEW SECTION. Sec. 2. AS USED IN THIS CHAPTER, "ANIMAL" MEANS A NONHUMAN ANIMAL WITH VERTEBRAE.

NEW SECTION. Sec. 3. A TRUST FOR THE CARE OF ONE OR MORE ANIMALS IS VALID. THE ANIMALS THAT ARE TO BE BENEFITED BY THE TRUST MAY BE INDIVIDUALLY IDENTIFIED, OR MAY BE IDENTIFIED IN SUCH OTHER MANNER THAT THEY CAN BE READILY IDENTIFIED. UNLESS OTHERWISE PROVIDED IN THE TRUST INSTRUMENT OR IN THIS CHAPTER, THE TRUST WILL TERMINATE WHEN NO ANIMAL THAT IS DESIGNATED AS A BENEFICIARY OF THE TRUST REMAINS LIVING.

NEW SECTION. Sec. 4. EXCEPT AS EXPRESSLY PROVIDED OTHERWISE IN THE TRUST INSTRUMENT OR IN SECTION 8 OF THIS ACT, AND EXCEPT AS MAY BE NECESSARY TO PAY THE TRUSTEE REASONABLE COMPENSATION AND TO REIMBURSE THE TRUSTEE FOR REASONABLE COSTS INCURRED ON BEHALF OF THE TRUST, NO PORTION OF THE PRINCIPAL OR INCOME OF THE TRUST MAY BE CONVERTED TO THE USE OF THE TRUSTEE OR TO ANY USE OTHER THAN FOR THE TRUST'S PURPOSE OR FOR THE BENEFIT OF THE DESIGNATED ANIMAL OR ANIMALS.

NEW SECTION. Sec. 5. UPON TERMINATION OF THE TRUST, THE TRUSTEE SHALL TRANSFER THE UNEXPENDED TRUST PROPERTY IN THE FOLLOWING ORDER:

(1) AS DIRECTED IN THE INSTRUMENT;

(2) IF THE TRUST WAS CREATED IN A NONRESIDUARY CLAUSE IN THE TRUSTOR'S WILL OR IN A CODICIL TO THE TRUSTOR'S WILL AND THE WILL OR CODICIL DOES NOT DIRECT OTHERWISE, UNDER THE RESIDUARY CLAUSE IN THE TRUSTOR'S WILL, WHICH SHALL BE READ AS THOUGH THE TESTATOR DIED ON THE DATE THE TRUST TERMINATED; AND

(3) IF NO TAKER IS PRODUCED BY THE APPLICATION OF SUBSECTION (1) OR (2) OF THIS SECTION, TO THE TRUSTOR'S HEIRS UNDER RCW 11.04.015, AS IT EXISTS AT THE TIME OF THE TRUST'S TERMINATION.

NEW SECTION. Sec. 6. THE INTENDED USE OF THE PRINCIPAL OR INCOME CAN BE ENFORCED BY A PERSON DESIGNATED FOR THAT PURPOSE IN THE TRUST INSTRUMENT, BY THE PERSON HAVING CUSTODY OF AN ANIMAL THAT IS A BENEFICIARY OF THE TRUST, OR BY A PERSON APPOINTED BY A COURT UPON APPLICATION TO IT BY ANY PERSON. A PERSON WITH AN INTEREST IN THE WELFARE OF THE ANIMAL MAY PETITION FOR AN ORDER APPOINTING OR REMOVING A PERSON DESIGNATED OR APPOINTED TO ENFORCE THE TRUST.

NEW SECTION. Sec. 7. EXCEPT AS ORDERED BY THE COURT OR REQUIRED BY THE TRUST INSTRUMENT, NO FILING, REPORT, REGISTRATION, OR PERIODIC ACCOUNTING SHALL BE REQUIRED OF THE TRUST OR THE TRUSTEE.

NEW SECTION. Sec. 8. IF NO TRUSTEE IS DESIGNATED OR NO DESIGNATED TRUSTEE IS WILLING OR ABLE TO SERVE, THE COURT SHALL NAME A TRUSTEE. THE COURT MAY ORDER THE REMOVAL OF AN ACTING TRUSTEE AND THE TRANSFER OF THE PROPERTY TO ANOTHER TRUSTEE IF IT IS NECESSARY OR APPROPRIATE IN ORDER TO ASSURE THAT THE INTENDED USE IS CARRIED OUT. A COURT MAY ALSO MAKE SUCH OTHER ORDERS AND DETERMINATIONS AS SHALL BE ADVISABLE TO CARRY OUT THE INTENT OF THE TRUSTOR AND THE PURPOSE OF THIS CHAPTER.

NEW SECTION. Sec. 9. IN CONSTRUING THE LANGUAGE OF A TRUST FOR AN ANIMAL, THE GOVERNING INSTRUMENT SHALL BE LIBERALLY CONSTRUED TO PROVIDE THE PROTECTIONS OF THIS CHAPTER. IT IS PRESUMED THAT LANGUAGE CONTAINED IN A TRUST FOR AN ANIMAL IS NOT MERELY PRECATORY OR HONORARY IN NATURE UNLESS IT CAN BE SHOWN BY CLEAR AND COGENT EVIDENCE THAT SUCH WAS THE TRUSTOR'S INTENT. EXTRINSIC EVIDENCE IS ADMISSIBLE IN DETERMINING THE TRUSTOR'S INTENT.

NEW SECTION. Sec. 10. RCW 11.98.130 THROUGH 11.98.160 APPLY TO TRUSTS THAT ARE SUBJECT TO THIS CHAPTER. IF APPLICABLE, ANY REFERENCE IN THOSE STATUTES TO A "LIFE OR LIVES IN BEING OR CONCEIVED AT THE EFFECTIVE DATE OF THE INSTRUMENT" SHALL BE CONSTRUED TO REFER TO ANY ANIMAL THAT IS A BENEFICIARY OF THE TRUST AND THAT IS IN BEING OR CONCEIVED AT THE EFFECTIVE DATE OF THE INSTRUMENT.

NEW SECTION. Sec. 11. RCW 11.98.130 THROUGH 11.98.160 APPLY TO TRUSTS THAT ARE SUBJECT TO THIS CHAPTER.

NEW SECTION. Sec. 12. EXCEPT AS OTHERWISE PROVIDED IN THE TRUST INSTRUMENT OR IN THIS CHAPTER, ALL POWERS AND DUTIES CONFERRED ON A TRUSTEE UNDER WASHINGTON LAW ALSO APPLY TO THE TRUSTEE OF A TRUST FOR ANIMALS.

NEW SECTION. Sec. 13. THIS CHAPTER APPLIES TO TRUSTS THAT ARE CREATED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT AND TO TRUSTS THAT ARE IN EXISTENCE ON THE EFFECTIVE DATE OF THIS ACT, BUT THAT ARE REVOCABLE BY THE TRUSTOR ON THE EFFECTIVE DATE OF THIS ACT. IF A TRUSTOR IS INCOMPETENT TO EXERCISE A POWER OF REVOCATION ON THE EFFECTIVE DATE OF THIS ACT, THIS CHAPTER DOES NOT APPLY TO SUCH TRUST UNLESS THE TRUSTOR LATER BECOMES COMPETENT TO EXERCISE SUCH POWER OF REVOCATION, IN WHICH CASE THIS CHAPTER APPLIES TO SUCH TRUST.

NEW SECTION. Sec. 14. (1) SECTIONS 1 THROUGH 9, 12, AND 13 OF THIS ACT TAKE EFFECT OCTOBER 1, 2001.

(2) SECTION 10 OF THIS ACT TAKES EFFECT OCTOBER 1, 2001, IF SENATE BILL NO. 5054, OR ITS LEGISLATIVE SUCCESSOR BEARING THE SAME BILL NUMBER, DOES NOT TAKE EFFECT BY OCTOBER 1, 2001.

(3) SECTION 11 OF THIS ACT TAKES EFFECT OCTOBER 1, 2001, IF SENATE BILL NO. 5054, OR ITS LEGISLATIVE SUCCESSOR BEARING THE SAME BILL NUMBER, TAKES EFFECT BY OCTOBER 1, 2001.

NEW SECTION. Sec. 15. SECTIONS 1 THROUGH 14 OF THIS ACT CONSTITUTE A NEW CHAPTER IN TITLE 11 RCW."

DEBATE ENSUED.

POINT OF INQUIRY

SENATOR DECCIO: "SENATOR KLINE, IF THE BENEFICIARY DIES, HOW DO YOU FIND THE NEXT OF KIN?"

SENATOR KLINE: "AT THE DOG POUND."

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE COMMITTEE ON JUDICIARY STRIKING AMENDMENT TO SUBSTITUTE HOUSE BILL NO. 2046.

THE MOTION BY SENATOR KLINE CARRIED AND THE COMMITTEE STRIKING AMENDMENT WAS ADOPTED.

MOTIONS

ON MOTION OF SENATOR KLINE, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 2 OF THE TITLE, AFTER "ANIMALS;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "ADDING A NEW CHAPTER TO TITLE 11 RCW; PROVIDING AN EFFECTIVE DATE; AND PROVIDING CONTINGENT EFFECTIVE DATES."

ON MOTION OF SENATOR KLINE, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 2046, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 2046, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 2046, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 36; NAYS, 12; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, PARLETTE, PRENTICE, RASMUSSEN, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, THIBAUDEAU AND WINSLEY - 36.

VOTING NAY: SENATORS BENTON, FINKBEINER, HOCHSTATTER, HONEYFORD, MORTON, OKE, REGALA, ROACH, ROSSI, STEVENS, WEST AND ZARELLI - 12.

EXCUSED: SENATOR PATTERSON - 1.

SUBSTITUTE HOUSE BILL NO. 2046, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1098, BY REPRESENTATIVES FISHER, WOODS, MCINTIRE, HAIGH, EDWARDS AND LINVILLE (BY REQUEST OF DEPARTMENT OF TRANSPORTATION)

IMPROVING THE EFFECTIVENESS OF THE COMMUTE TRIP REDUCTION PROGRAM.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR HAUGEN, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1098 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1098.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1098 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR PATTERSON - 1.

HOUSE BILL NO. 1098, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1419, BY REPRESENTATIVES HURST, ESSER, LANTZ, CARREL, HAIGH, O'BRIEN, ROACH AND RUDERMAN.

REQUIRING A NOTATION IN THE DRIVING RECORD WHERE A DRIVER IS REQUIRED TO USE AN IGNITION INTERLOCK OR OTHER BIOLOGICAL OR TECHNICAL DEVICE.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR CONSTANTINE, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1419 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1419.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1419 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 49; NAYS, 0; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 49.

HOUSE BILL NO. 1419, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR HEWITT, SENATOR JOHNSON WAS EXCUSED.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1763, BY HOUSE COMMITTEE ON FINANCIAL INSTITUTIONS AND INSURANCE (ORIGINALLY SPONSORED BY REPRESENTATIVES MCINTIRE, BUSH, KEISER AND OGDEN (BY REQUEST OF INSURANCE COMMISSIONER KREIDLER)

PROTECTING THE CONFIDENTIALITY OF INFORMATION RELATING TO INSURANCE.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PRENTICE, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1763 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1763.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1763 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR JOHNSON - 1.

SUBSTITUTE HOUSE BILL NO. 1763, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1212, BY HOUSE COMMITTEE ON JUVENILE JUSTICE (ORIGINALLY SPONSORED BY REPRESENTATIVE BUSH)

SEALING CERTAIN JUVENILE RECORDS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR COSTA, THE FOLLOWING COMMITTEE ON HUMAN SERVICES AND CORRECTIONS STRIKING AMENDMENT WAS NOT ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"**Sec. 1.** RCW 13.50.050 AND 1999 C 198 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THIS SECTION GOVERNS RECORDS RELATING TO THE COMMISSION OF JUVENILE OFFENSES, INCLUDING RECORDS RELATING TO DIVERSIONS.

(2) THE OFFICIAL JUVENILE COURT FILE OF ANY ALLEGED OR PROVEN JUVENILE OFFENDER SHALL BE OPEN TO PUBLIC INSPECTION, UNLESS SEALED PURSUANT TO SUBSECTION (12) OF THIS SECTION.

(3) ALL RECORDS OTHER THAN THE OFFICIAL JUVENILE COURT FILE ARE CONFIDENTIAL AND MAY BE RELEASED ONLY AS PROVIDED IN THIS SECTION, RCW 13.50.010, 13.40.215, AND 4.24.550.

(4) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND RCW 13.50.010, RECORDS RETAINED OR PRODUCED BY ANY JUVENILE JUSTICE OR CARE AGENCY MAY BE RELEASED TO OTHER PARTICIPANTS IN THE JUVENILE JUSTICE OR CARE SYSTEM ONLY WHEN AN INVESTIGATION OR CASE INVOLVING THE JUVENILE IN QUESTION IS BEING PURSUED BY THE OTHER PARTICIPANT OR WHEN THAT OTHER PARTICIPANT IS ASSIGNED THE RESPONSIBILITY FOR SUPERVISING THE JUVENILE.

(5) EXCEPT AS PROVIDED IN RCW 4.24.550, INFORMATION NOT IN AN OFFICIAL JUVENILE COURT FILE CONCERNING A JUVENILE OR A JUVENILE'S FAMILY MAY BE RELEASED TO THE PUBLIC ONLY WHEN THAT INFORMATION COULD NOT REASONABLY BE EXPECTED TO IDENTIFY THE JUVENILE OR THE JUVENILE'S FAMILY.

(6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE RELEASE, TO THE JUVENILE OR HIS OR HER ATTORNEY, OF LAW ENFORCEMENT AND PROSECUTING ATTORNEYS' RECORDS PERTAINING TO INVESTIGATION, DIVERSION, AND PROSECUTION OF JUVENILE OFFENSES SHALL BE GOVERNED BY THE RULES OF DISCOVERY AND OTHER RULES OF LAW APPLICABLE IN ADULT CRIMINAL INVESTIGATIONS AND PROSECUTIONS.

(7) UPON THE DECISION TO ARREST OR THE ARREST, LAW ENFORCEMENT AND PROSECUTING ATTORNEYS MAY COOPERATE WITH SCHOOLS IN RELEASING INFORMATION TO A SCHOOL PERTAINING TO THE INVESTIGATION, DIVERSION, AND PROSECUTION OF A JUVENILE ATTENDING THE SCHOOL. UPON THE DECISION TO ARREST OR THE ARREST, INCIDENT REPORTS MAY BE RELEASED UNLESS RELEASING THE RECORDS WOULD JEOPARDIZE THE INVESTIGATION OR PROSECUTION OR ENDANGER WITNESSES. IF RELEASE OF INCIDENT REPORTS WOULD JEOPARDIZE THE INVESTIGATION OR PROSECUTION OR ENDANGER WITNESSES, LAW ENFORCEMENT AND PROSECUTING ATTORNEYS MAY RELEASE INFORMATION TO THE MAXIMUM EXTENT POSSIBLE TO ASSIST SCHOOLS IN PROTECTING OTHER STUDENTS, STAFF, AND SCHOOL PROPERTY.

(8) THE JUVENILE COURT AND THE PROSECUTOR MAY SET UP AND MAINTAIN A CENTRAL RECORD-KEEPING SYSTEM WHICH MAY RECEIVE INFORMATION ON ALL ALLEGED JUVENILE OFFENDERS AGAINST WHOM A COMPLAINT HAS BEEN FILED PURSUANT TO RCW 13.40.070 WHETHER OR NOT THEIR CASES ARE CURRENTLY PENDING BEFORE THE COURT. THE CENTRAL RECORD-KEEPING SYSTEM MAY BE COMPUTERIZED. IF A COMPLAINT HAS BEEN REFERRED TO A DIVERSION UNIT, THE DIVERSION UNIT SHALL PROMPTLY REPORT TO THE JUVENILE COURT OR THE PROSECUTING ATTORNEY WHEN THE JUVENILE HAS AGREED TO DIVERSION. AN OFFENSE SHALL NOT BE REPORTED AS CRIMINAL HISTORY IN ANY CENTRAL RECORD-KEEPING SYSTEM WITHOUT NOTIFICATION BY THE DIVERSION UNIT OF THE DATE ON WHICH THE OFFENDER AGREED TO DIVERSION.

(9) UPON REQUEST OF THE VICTIM OF A CRIME OR THE VICTIM'S IMMEDIATE FAMILY, THE IDENTITY OF AN ALLEGED OR PROVEN JUVENILE OFFENDER ALLEGED OR FOUND TO HAVE COMMITTED A CRIME AGAINST THE VICTIM AND THE IDENTITY OF THE ALLEGED OR PROVEN JUVENILE OFFENDER'S PARENT, GUARDIAN, OR CUSTODIAN AND THE CIRCUMSTANCE OF THE ALLEGED OR PROVEN CRIME SHALL BE RELEASED TO THE VICTIM OF THE CRIME OR THE VICTIM'S IMMEDIATE FAMILY.

(10) SUBJECT TO THE RULES OF DISCOVERY APPLICABLE IN ADULT CRIMINAL PROSECUTIONS, THE JUVENILE OFFENSE RECORDS OF AN ADULT CRIMINAL DEFENDANT OR WITNESS IN AN ADULT CRIMINAL PROCEEDING SHALL BE RELEASED UPON REQUEST TO PROSECUTION AND DEFENSE COUNSEL AFTER A CHARGE HAS ACTUALLY BEEN FILED. THE JUVENILE OFFENSE RECORDS OF ANY ADULT CONVICTED OF A CRIME AND PLACED UNDER THE SUPERVISION OF THE ADULT CORRECTIONS SYSTEM SHALL BE RELEASED UPON REQUEST TO THE ADULT CORRECTIONS SYSTEM.

(11) IN ANY CASE IN WHICH AN INFORMATION HAS BEEN FILED PURSUANT TO RCW 13.40.100 OR A COMPLAINT HAS BEEN FILED WITH THE PROSECUTOR AND REFERRED FOR DIVERSION PURSUANT TO RCW 13.40.070, THE PERSON THE SUBJECT OF THE INFORMATION OR COMPLAINT MAY FILE A MOTION WITH THE COURT TO HAVE THE COURT VACATE ITS ORDER AND FINDINGS, IF ANY, AND, SUBJECT TO SUBSECTION (23) OF THIS SECTION, ORDER THE SEALING OF THE OFFICIAL JUVENILE COURT FILE, THE SOCIAL FILE, AND RECORDS OF THE COURT AND OF ANY OTHER AGENCY IN THE CASE.

(12) THE COURT SHALL GRANT THE MOTION TO SEAL RECORDS MADE PURSUANT TO SUBSECTION (11) OF THIS SECTION IF IT FINDS THAT:

(A) FOR CLASS B OFFENSES OTHER THAN SEX OFFENSES, SINCE THE LAST DATE OF RELEASE FROM CONFINEMENT, INCLUDING FULL-TIME RESIDENTIAL TREATMENT, IF ANY, OR ENTRY OF DISPOSITION, THE PERSON HAS SPENT TEN CONSECUTIVE YEARS IN THE COMMUNITY WITHOUT COMMITTING ANY OFFENSE OR CRIME THAT SUBSEQUENTLY RESULTS IN CONVICTION. FOR CLASS C OFFENSES OTHER THAN SEX OFFENSES, SINCE THE LAST DATE OF RELEASE FROM CONFINEMENT, INCLUDING FULL-TIME RESIDENTIAL TREATMENT, IF ANY, OR ENTRY OF DISPOSITION, THE PERSON HAS SPENT FIVE CONSECUTIVE YEARS IN THE COMMUNITY WITHOUT COMMITTING ANY OFFENSE OR CRIME THAT SUBSEQUENTLY RESULTS IN CONVICTION. FOR MISDEMEANORS, SINCE THE LAST DATE OF RELEASE FROM CONFINEMENT, INCLUDING FULL-TIME RESIDENTIAL TREATMENT, IF ANY, OR ENTRY OF DISPOSITION, THE PERSON HAS SPENT TWO CONSECUTIVE YEARS IN THE COMMUNITY WITHOUT COMMITTING ANY OFFENSE OR CRIME THAT SUBSEQUENTLY RESULTS IN CONVICTION. FOR GROSS MISDEMEANORS, SINCE THE LAST DATE OF RELEASE FROM CONFINEMENT, INCLUDING FULL-TIME RESIDENTIAL TREATMENT, IF ANY, OR ENTRY OF DISPOSITION, THE PERSON HAS SPENT THREE CONSECUTIVE YEARS IN THE COMMUNITY WITHOUT COMMITTING ANY OFFENSE OR CRIME THAT SUBSEQUENTLY RESULTS IN CONVICTION;

(B) NO PROCEEDING IS PENDING AGAINST THE MOVING PARTY SEEKING THE CONVICTION OF A JUVENILE OFFENSE OR A CRIMINAL OFFENSE;

(C) NO PROCEEDING IS PENDING SEEKING THE FORMATION OF A DIVERSION AGREEMENT WITH THAT PERSON;

(D) THE PERSON HAS NOT BEEN CONVICTED OF A CLASS A OR SEX OFFENSE; AND

(E) FULL RESTITUTION HAS BEEN PAID.

(13) THE PERSON MAKING A MOTION PURSUANT TO SUBSECTION (11) OF THIS SECTION SHALL GIVE REASONABLE NOTICE OF THE MOTION TO THE PROSECUTION AND TO ANY PERSON OR AGENCY WHOSE FILES ARE SOUGHT TO BE SEALED.

(14) IF THE COURT GRANTS THE MOTION TO SEAL MADE PURSUANT TO SUBSECTION (11) OF THIS SECTION, IT SHALL, SUBJECT TO SUBSECTION (23) OF THIS SECTION, ORDER SEALED THE OFFICIAL JUVENILE COURT FILE, THE SOCIAL FILE, AND OTHER RECORDS RELATING TO THE CASE AS ARE NAMED IN THE ORDER. THEREAFTER, THE PROCEEDINGS IN THE CASE SHALL BE TREATED AS IF THEY NEVER OCCURRED, AND THE SUBJECT OF THE RECORDS MAY REPLY ACCORDINGLY TO ANY INQUIRY ABOUT THE EVENTS, RECORDS OF WHICH ARE SEALED. ANY AGENCY SHALL REPLY TO ANY INQUIRY CONCERNING CONFIDENTIAL OR SEALED RECORDS THAT RECORDS ARE CONFIDENTIAL, AND NO INFORMATION CAN BE GIVEN ABOUT THE EXISTENCE OR NONEXISTENCE OF RECORDS CONCERNING AN INDIVIDUAL.

(15) INSPECTION OF THE FILES AND RECORDS INCLUDED IN THE ORDER TO SEAL MAY THEREAFTER BE PERMITTED ONLY BY ORDER OF THE COURT UPON MOTION MADE BY THE PERSON WHO IS THE SUBJECT OF THE INFORMATION OR COMPLAINT, EXCEPT AS OTHERWISE PROVIDED IN RCW 13.50.010(8) AND SUBSECTION (23) OF THIS SECTION.

(16) ANY ADJUDICATION OF A JUVENILE OFFENSE OR A CRIME SUBSEQUENT TO SEALING HAS THE EFFECT OF NULLIFYING THE SEALING ORDER. ANY CHARGING OF AN ADULT FELONY SUBSEQUENT TO THE SEALING HAS THE EFFECT OF NULLIFYING THE SEALING ORDER FOR THE PURPOSES OF CHAPTER 9.94A RCW.

(17) A PERSON EIGHTEEN YEARS OF AGE OR OLDER WHOSE CRIMINAL HISTORY CONSISTS OF ONLY ONE REFERRAL FOR DIVERSION MAY REQUEST THAT THE COURT ORDER THE RECORDS IN THAT CASE DESTROYED. THE REQUEST SHALL BE GRANTED, SUBJECT TO SUBSECTION (23) OF THIS SECTION, IF THE COURT FINDS THAT TWO YEARS HAVE ELAPSED SINCE COMPLETION OF THE DIVERSION AGREEMENT.

(18) IF THE COURT GRANTS THE MOTION TO DESTROY RECORDS MADE PURSUANT TO SUBSECTION (17) OF THIS SECTION, IT SHALL, SUBJECT TO SUBSECTION (23) OF THIS SECTION, ORDER THE OFFICIAL JUVENILE COURT FILE, THE SOCIAL FILE, AND ANY OTHER RECORDS NAMED IN THE ORDER TO BE DESTROYED.

(19) THE PERSON MAKING THE MOTION PURSUANT TO SUBSECTION (17) OF THIS SECTION SHALL GIVE REASONABLE NOTICE OF THE MOTION TO THE PROSECUTING ATTORNEY AND TO ANY AGENCY WHOSE RECORDS ARE SOUGHT TO BE DESTROYED.

(20) ANY JUVENILE TO WHOM THE PROVISIONS OF THIS SECTION MAY APPLY SHALL BE GIVEN WRITTEN NOTICE OF HIS OR HER RIGHTS UNDER THIS SECTION AT THE TIME OF HIS OR HER DISPOSITION HEARING OR DURING THE DIVERSION PROCESS.

(21) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PREVENT A CRIME VICTIM OR A MEMBER OF THE VICTIM'S FAMILY FROM DIVULGING THE IDENTITY OF THE ALLEGED OR PROVEN JUVENILE OFFENDER OR HIS OR HER FAMILY WHEN NECESSARY IN A CIVIL PROCEEDING.

(22) ANY JUVENILE JUSTICE OR CARE AGENCY MAY, SUBJECT TO THE LIMITATIONS IN SUBSECTION (23) OF THIS SECTION AND (A) AND (B) OF THIS SUBSECTION, DEVELOP PROCEDURES FOR THE ROUTINE DESTRUCTION OF RECORDS RELATING TO JUVENILE OFFENSES AND DIVERSIONS.

(A) RECORDS MAY BE ROUTINELY DESTROYED ONLY WHEN THE PERSON THE SUBJECT OF THE INFORMATION OR COMPLAINT HAS ATTAINED TWENTY-THREE YEARS OF AGE OR OLDER, OR IS EIGHTEEN YEARS OF AGE OR OLDER AND HIS OR HER CRIMINAL HISTORY CONSISTS ENTIRELY OF ONE DIVERSION AGREEMENT AND TWO YEARS HAVE PASSED SINCE COMPLETION OF THE AGREEMENT.

(B) THE COURT MAY NOT ROUTINELY DESTROY THE OFFICIAL JUVENILE COURT FILE OR RECORDINGS OR TRANSCRIPTS OF ANY PROCEEDINGS.

(23) NO IDENTIFYING INFORMATION HELD BY THE WASHINGTON STATE PATROL IN ACCORDANCE WITH CHAPTER 43.43 RCW IS SUBJECT TO DESTRUCTION OR SEALING UNDER THIS SECTION. FOR THE PURPOSES OF THIS SUBSECTION, IDENTIFYING INFORMATION INCLUDES PHOTOGRAPHS, FINGERPRINTS, PALMPRINTS, SOLEPRINTS, TOEPRINTS AND ANY OTHER DATA THAT IDENTIFIES A PERSON BY PHYSICAL CHARACTERISTICS, NAME, BIRTHDATE OR ADDRESS, BUT DOES NOT INCLUDE INFORMATION REGARDING CRIMINAL ACTIVITY, ARREST, CHARGING, DIVERSION, CONVICTION OR OTHER INFORMATION ABOUT A PERSON'S TREATMENT BY THE CRIMINAL JUSTICE SYSTEM OR ABOUT THE PERSON'S BEHAVIOR.

(24) INFORMATION IDENTIFYING CHILD VICTIMS UNDER AGE EIGHTEEN WHO ARE VICTIMS OF SEXUAL ASSAULTS BY JUVENILE OFFENDERS IS CONFIDENTIAL AND NOT SUBJECT TO RELEASE TO THE PRESS OR PUBLIC WITHOUT THE PERMISSION OF THE CHILD VICTIM OR THE CHILD'S LEGAL GUARDIAN. IDENTIFYING INFORMATION INCLUDES THE CHILD VICTIM'S NAME, ADDRESSES, LOCATION, PHOTOGRAPHS, AND IN CASES IN WHICH THE CHILD VICTIM IS A RELATIVE OF THE ALLEGED PERPETRATOR, IDENTIFICATION OF THE RELATIONSHIP BETWEEN THE CHILD AND THE ALLEGED PERPETRATOR. INFORMATION IDENTIFYING A CHILD VICTIM OF SEXUAL ASSAULT MAY BE RELEASED TO LAW ENFORCEMENT, PROSECUTORS, JUDGES, DEFENSE ATTORNEYS, OR PRIVATE OR GOVERNMENTAL AGENCIES THAT PROVIDE SERVICES TO THE CHILD VICTIM OF SEXUAL ASSAULT."

MOTION

ON MOTION OF SENATOR COSTA, THE FOLLOWING STRIKING AMENDMENT BY SENATORS COSTA AND LONG WAS ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"Sec. 1. RCW 13.50.050 AND 1999 C 198 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THIS SECTION GOVERNS RECORDS RELATING TO THE COMMISSION OF JUVENILE OFFENSES, INCLUDING RECORDS RELATING TO DIVERSIONS.

(2) THE OFFICIAL JUVENILE COURT FILE OF ANY ALLEGED OR PROVEN JUVENILE OFFENDER SHALL BE OPEN TO PUBLIC INSPECTION, UNLESS SEALED PURSUANT TO SUBSECTION (12) OF THIS SECTION.

(3) ALL RECORDS OTHER THAN THE OFFICIAL JUVENILE COURT FILE ARE CONFIDENTIAL AND MAY BE RELEASED ONLY AS PROVIDED IN THIS SECTION, RCW 13.50.010, 13.40.215, AND 4.24.550.

(4) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND RCW 13.50.010, RECORDS RETAINED OR PRODUCED BY ANY JUVENILE JUSTICE OR CARE AGENCY MAY BE RELEASED TO OTHER PARTICIPANTS IN THE JUVENILE JUSTICE OR CARE SYSTEM ONLY WHEN AN INVESTIGATION OR CASE INVOLVING THE JUVENILE IN QUESTION IS BEING PURSUED BY THE OTHER PARTICIPANT OR WHEN THAT OTHER PARTICIPANT IS ASSIGNED THE RESPONSIBILITY FOR SUPERVISING THE JUVENILE.

(5) EXCEPT AS PROVIDED IN RCW 4.24.550, INFORMATION NOT IN AN OFFICIAL JUVENILE COURT FILE CONCERNING A JUVENILE OR A JUVENILE'S FAMILY MAY BE RELEASED TO THE PUBLIC ONLY WHEN THAT INFORMATION COULD NOT REASONABLY BE EXPECTED TO IDENTIFY THE JUVENILE OR THE JUVENILE'S FAMILY.

(6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE RELEASE, TO THE JUVENILE OR HIS OR HER ATTORNEY, OF LAW ENFORCEMENT AND PROSECUTING ATTORNEYS' RECORDS PERTAINING TO INVESTIGATION, DIVERSION, AND PROSECUTION OF JUVENILE OFFENSES SHALL BE GOVERNED BY THE RULES OF DISCOVERY AND OTHER RULES OF LAW APPLICABLE IN ADULT CRIMINAL INVESTIGATIONS AND PROSECUTIONS.

(7) UPON THE DECISION TO ARREST OR THE ARREST, LAW ENFORCEMENT AND PROSECUTING ATTORNEYS MAY COOPERATE WITH SCHOOLS IN RELEASING INFORMATION TO A SCHOOL PERTAINING TO THE INVESTIGATION, DIVERSION, AND PROSECUTION OF A JUVENILE ATTENDING THE SCHOOL. UPON THE DECISION TO ARREST OR THE ARREST, INCIDENT REPORTS MAY BE RELEASED UNLESS RELEASING THE RECORDS WOULD JEOPARDIZE THE INVESTIGATION OR PROSECUTION OR ENDANGER WITNESSES. IF RELEASE OF INCIDENT REPORTS WOULD JEOPARDIZE THE INVESTIGATION OR PROSECUTION OR ENDANGER WITNESSES, LAW ENFORCEMENT AND PROSECUTING ATTORNEYS MAY RELEASE INFORMATION TO THE MAXIMUM EXTENT POSSIBLE TO ASSIST SCHOOLS IN PROTECTING OTHER STUDENTS, STAFF, AND SCHOOL PROPERTY.

(8) THE JUVENILE COURT AND THE PROSECUTOR MAY SET UP AND MAINTAIN A CENTRAL RECORD-KEEPING SYSTEM WHICH MAY RECEIVE INFORMATION ON ALL ALLEGED JUVENILE OFFENDERS AGAINST WHOM A COMPLAINT HAS BEEN FILED PURSUANT TO RCW 13.40.070 WHETHER OR NOT THEIR CASES ARE CURRENTLY PENDING BEFORE THE COURT. THE CENTRAL RECORD-KEEPING SYSTEM MAY BE COMPUTERIZED. IF A COMPLAINT HAS BEEN REFERRED TO A DIVERSION UNIT, THE DIVERSION UNIT SHALL PROMPTLY REPORT TO THE JUVENILE COURT OR THE PROSECUTING ATTORNEY WHEN THE JUVENILE HAS AGREED TO DIVERSION. AN OFFENSE SHALL NOT BE REPORTED AS CRIMINAL HISTORY IN ANY CENTRAL RECORD-KEEPING SYSTEM WITHOUT NOTIFICATION BY THE DIVERSION UNIT OF THE DATE ON WHICH THE OFFENDER AGREED TO DIVERSION.

(9) UPON REQUEST OF THE VICTIM OF A CRIME OR THE VICTIM'S IMMEDIATE FAMILY, THE IDENTITY OF AN ALLEGED OR PROVEN JUVENILE OFFENDER ALLEGED OR FOUND TO HAVE COMMITTED A CRIME AGAINST THE VICTIM AND THE IDENTITY OF THE ALLEGED OR PROVEN JUVENILE OFFENDER'S PARENT, GUARDIAN, OR CUSTODIAN AND THE CIRCUMSTANCE OF THE ALLEGED OR PROVEN CRIME SHALL BE RELEASED TO THE VICTIM OF THE CRIME OR THE VICTIM'S IMMEDIATE FAMILY.

(10) SUBJECT TO THE RULES OF DISCOVERY APPLICABLE IN ADULT CRIMINAL PROSECUTIONS, THE JUVENILE OFFENSE RECORDS OF AN ADULT CRIMINAL DEFENDANT OR WITNESS IN AN ADULT CRIMINAL PROCEEDING SHALL BE RELEASED UPON REQUEST TO PROSECUTION AND DEFENSE COUNSEL AFTER A CHARGE HAS ACTUALLY BEEN FILED. THE JUVENILE OFFENSE RECORDS OF ANY ADULT CONVICTED OF A CRIME AND PLACED UNDER THE SUPERVISION OF THE ADULT CORRECTIONS SYSTEM SHALL BE RELEASED UPON REQUEST TO THE ADULT CORRECTIONS SYSTEM.

(11) IN ANY CASE IN WHICH AN INFORMATION HAS BEEN FILED PURSUANT TO RCW 13.40.100 OR A COMPLAINT HAS BEEN FILED WITH THE PROSECUTOR AND REFERRED FOR DIVERSION PURSUANT TO RCW 13.40.070, THE PERSON THE SUBJECT OF THE INFORMATION OR COMPLAINT MAY FILE A MOTION WITH THE COURT TO HAVE THE COURT VACATE ITS ORDER AND FINDINGS, IF ANY, AND, SUBJECT TO SUBSECTION (23) OF THIS SECTION, ORDER THE SEALING OF THE OFFICIAL JUVENILE COURT FILE, THE SOCIAL FILE, AND RECORDS OF THE COURT AND OF ANY OTHER AGENCY IN THE CASE.

(12) THE COURT SHALL GRANT THE MOTION TO SEAL RECORDS MADE PURSUANT TO SUBSECTION (11) OF THIS SECTION IF IT FINDS THAT:

(A) FOR CLASS B OFFENSES OTHER THAN SEX OFFENSES, SINCE THE LAST DATE OF RELEASE FROM CONFINEMENT, INCLUDING FULL-TIME RESIDENTIAL TREATMENT, IF ANY, OR ENTRY OF DISPOSITION, THE PERSON HAS SPENT TEN CONSECUTIVE YEARS IN THE COMMUNITY WITHOUT COMMITTING ANY OFFENSE OR CRIME THAT SUBSEQUENTLY RESULTS IN CONVICTION. FOR CLASS C OFFENSES OTHER THAN SEX OFFENSES, SINCE THE LAST DATE OF RELEASE FROM CONFINEMENT, INCLUDING FULL-TIME RESIDENTIAL TREATMENT, IF ANY, OR ENTRY OF DISPOSITION, THE PERSON HAS SPENT FIVE CONSECUTIVE YEARS IN THE COMMUNITY WITHOUT COMMITTING ANY OFFENSE OR CRIME THAT SUBSEQUENTLY RESULTS IN CONVICTION. FOR MISDEMEANORS, SINCE THE LAST DATE OF RELEASE FROM CONFINEMENT, INCLUDING FULL-TIME RESIDENTIAL TREATMENT, IF ANY, OR ENTRY OF DISPOSITION, THE PERSON HAS SPENT TWO CONSECUTIVE YEARS IN THE COMMUNITY WITHOUT COMMITTING ANY OFFENSE OR CRIME THAT SUBSEQUENTLY RESULTS IN CONVICTION AND THE PERSON IS AT LEAST EIGHTEEN YEARS OLD. FOR GROSS MISDEMEANORS, SINCE THE LAST DATE OF RELEASE FROM CONFINEMENT, INCLUDING FULL-TIME RESIDENTIAL TREATMENT, IF ANY, OR ENTRY OF DISPOSITION, THE PERSON HAS SPENT THREE CONSECUTIVE YEARS IN THE COMMUNITY WITHOUT COMMITTING ANY OFFENSE OR CRIME THAT SUBSEQUENTLY RESULTS IN CONVICTION AND THE PERSON IS AT LEAST EIGHTEEN YEARS OLD;

(B) NO PROCEEDING IS PENDING AGAINST THE MOVING PARTY SEEKING THE CONVICTION OF A JUVENILE OFFENSE OR A CRIMINAL OFFENSE;

(C) NO PROCEEDING IS PENDING SEEKING THE FORMATION OF A DIVERSION AGREEMENT WITH THAT PERSON;

(D) THE PERSON HAS NOT BEEN CONVICTED OF A CLASS A OR SEX OFFENSE; AND

(E) FULL RESTITUTION HAS BEEN PAID.

(13) THE PERSON MAKING A MOTION PURSUANT TO SUBSECTION (11) OF THIS SECTION SHALL GIVE REASONABLE NOTICE OF THE MOTION TO THE PROSECUTION AND TO ANY PERSON OR AGENCY WHOSE FILES ARE SOUGHT TO BE SEALED.

(14) IF THE COURT GRANTS THE MOTION TO SEAL MADE PURSUANT TO SUBSECTION (11) OF THIS SECTION, IT SHALL, SUBJECT TO SUBSECTION (23) OF THIS SECTION, ORDER SEALED THE OFFICIAL JUVENILE COURT FILE, THE SOCIAL FILE, AND OTHER RECORDS RELATING TO THE CASE AS ARE NAMED IN THE ORDER. THEREAFTER, THE PROCEEDINGS IN THE CASE SHALL BE TREATED AS IF THEY NEVER OCCURRED, AND THE SUBJECT OF THE RECORDS MAY REPLY ACCORDINGLY TO ANY INQUIRY ABOUT THE EVENTS, RECORDS OF WHICH ARE SEALED. ANY AGENCY SHALL REPLY TO ANY INQUIRY CONCERNING CONFIDENTIAL OR SEALED RECORDS THAT RECORDS ARE CONFIDENTIAL, AND NO INFORMATION CAN BE GIVEN ABOUT THE EXISTENCE OR NONEXISTENCE OF RECORDS CONCERNING AN INDIVIDUAL.

(15) INSPECTION OF THE FILES AND RECORDS INCLUDED IN THE ORDER TO SEAL MAY THEREAFTER BE PERMITTED ONLY BY ORDER OF THE COURT UPON MOTION MADE BY THE PERSON WHO IS THE SUBJECT OF THE INFORMATION OR COMPLAINT, EXCEPT AS OTHERWISE PROVIDED IN RCW 13.50.010(8) AND SUBSECTION (23) OF THIS SECTION.

(16) ANY ADJUDICATION OF A JUVENILE OFFENSE OR A CRIME SUBSEQUENT TO SEALING HAS THE EFFECT OF NULLIFYING THE SEALING ORDER. ANY CHARGING OF AN ADULT FELONY SUBSEQUENT TO THE SEALING HAS THE EFFECT OF NULLIFYING THE SEALING ORDER FOR THE PURPOSES OF CHAPTER 9.94A RCW.

(17) A PERSON EIGHTEEN YEARS OF AGE OR OLDER WHOSE CRIMINAL HISTORY CONSISTS OF ONLY ONE REFERRAL FOR DIVERSION MAY REQUEST THAT THE COURT ORDER THE RECORDS IN THAT CASE DESTROYED. THE REQUEST SHALL BE GRANTED, SUBJECT TO SUBSECTION (23) OF THIS SECTION, IF THE COURT FINDS THAT TWO YEARS HAVE ELAPSED SINCE COMPLETION OF THE DIVERSION AGREEMENT.

(18) IF THE COURT GRANTS THE MOTION TO DESTROY RECORDS MADE PURSUANT TO SUBSECTION (17) OF THIS SECTION, IT SHALL, SUBJECT TO SUBSECTION (23) OF THIS SECTION, ORDER THE OFFICIAL JUVENILE COURT FILE, THE SOCIAL FILE, AND ANY OTHER RECORDS NAMED IN THE ORDER TO BE DESTROYED.

(19) THE PERSON MAKING THE MOTION PURSUANT TO SUBSECTION (17) OF THIS SECTION SHALL GIVE REASONABLE NOTICE OF THE MOTION TO THE PROSECUTING ATTORNEY AND TO ANY AGENCY WHOSE RECORDS ARE SOUGHT TO BE DESTROYED.

(20) ANY JUVENILE TO WHOM THE PROVISIONS OF THIS SECTION MAY APPLY SHALL BE GIVEN WRITTEN NOTICE OF HIS OR HER RIGHTS UNDER THIS SECTION AT THE TIME OF HIS OR HER DISPOSITION HEARING OR DURING THE DIVERSION PROCESS.

(21) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PREVENT A CRIME VICTIM OR A MEMBER OF THE VICTIM'S FAMILY FROM DIVULGING THE IDENTITY OF THE ALLEGED OR PROVEN JUVENILE OFFENDER OR HIS OR HER FAMILY WHEN NECESSARY IN A CIVIL PROCEEDING.

(22) ANY JUVENILE JUSTICE OR CARE AGENCY MAY, SUBJECT TO THE LIMITATIONS IN SUBSECTION (23) OF THIS SECTION AND (A) AND (B) OF THIS SUBSECTION, DEVELOP PROCEDURES FOR THE ROUTINE DESTRUCTION OF RECORDS RELATING TO JUVENILE OFFENSES AND DIVERSIONS.

(A) RECORDS MAY BE ROUTINELY DESTROYED ONLY WHEN THE PERSON THE SUBJECT OF THE INFORMATION OR COMPLAINT HAS ATTAINED TWENTY-THREE YEARS OF AGE OR OLDER, OR IS EIGHTEEN YEARS OF AGE OR OLDER AND HIS OR HER CRIMINAL HISTORY CONSISTS ENTIRELY OF ONE DIVERSION AGREEMENT AND TWO YEARS HAVE PASSED SINCE COMPLETION OF THE AGREEMENT.

(B) THE COURT MAY NOT ROUTINELY DESTROY THE OFFICIAL JUVENILE COURT FILE OR RECORDINGS OR TRANSCRIPTS OF ANY PROCEEDINGS.

(23) NO IDENTIFYING INFORMATION HELD BY THE WASHINGTON STATE PATROL IN ACCORDANCE WITH CHAPTER 43.43 RCW IS SUBJECT TO DESTRUCTION OR SEALING UNDER THIS SECTION. FOR THE PURPOSES OF THIS SUBSECTION, IDENTIFYING INFORMATION INCLUDES PHOTOGRAPHS, FINGERPRINTS, PALMPRINTS, SOLEPRINTS, TOEPRINTS AND ANY OTHER DATA THAT IDENTIFIES A PERSON BY PHYSICAL CHARACTERISTICS, NAME, BIRTHDATE OR ADDRESS, BUT DOES NOT INCLUDE INFORMATION REGARDING CRIMINAL ACTIVITY,

ARREST, CHARGING, DIVERSION, CONVICTION OR OTHER INFORMATION ABOUT A PERSON'S TREATMENT BY THE CRIMINAL JUSTICE SYSTEM OR ABOUT THE PERSON'S BEHAVIOR.

(24) INFORMATION IDENTIFYING CHILD VICTIMS UNDER AGE EIGHTEEN WHO ARE VICTIMS OF SEXUAL ASSAULTS BY JUVENILE OFFENDERS IS CONFIDENTIAL AND NOT SUBJECT TO RELEASE TO THE PRESS OR PUBLIC WITHOUT THE PERMISSION OF THE CHILD VICTIM OR THE CHILD'S LEGAL GUARDIAN. IDENTIFYING INFORMATION INCLUDES THE CHILD VICTIM'S NAME, ADDRESSES, LOCATION, PHOTOGRAPHS, AND IN CASES IN WHICH THE CHILD VICTIM IS A RELATIVE OF THE ALLEGED PERPETRATOR, IDENTIFICATION OF THE RELATIONSHIP BETWEEN THE CHILD AND THE ALLEGED PERPETRATOR. INFORMATION IDENTIFYING A CHILD VICTIM OF SEXUAL ASSAULT MAY BE RELEASED TO LAW ENFORCEMENT, PROSECUTORS, JUDGES, DEFENSE ATTORNEYS, OR PRIVATE OR GOVERNMENTAL AGENCIES THAT PROVIDE SERVICES TO THE CHILD VICTIM OF SEXUAL ASSAULT."

MOTIONS

ON MOTION OF SENATOR COSTA, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 2 OF THE TITLE, AFTER "MISDEMEANORS;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AND AMENDING RCW 13.50.050."

ON MOTION OF SENATOR COSTA, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1212, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1212, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1212, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 49; NAYS, 0; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAUDEAU, WEST, WINSLEY AND ZARELLI - 49.

SUBSTITUTE HOUSE BILL NO. 1212, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1898, BY REPRESENTATIVES HANKINS, SKINNER, TOKUDA, BOLDT, KENNEY, DUNN, KEISER, VAN LUVEN, McMORRIS, DELVIN, MITCHELL AND SANTOS

LICENSING CRISIS NURSERIES.

THE BILL WAS READ THE SECOND TIME.

MOTIONS

ON MOTION OF SENATOR COSTA, THE FOLLOWING COMMITTEE ON HUMAN SERVICES AND CORRECTIONS STRIKING AMENDMENT WAS ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"Sec. 1. RCW 74.15.020 AND 1999 C 267 S 11 ARE EACH AMENDED TO READ AS FOLLOWS:

FOR THE PURPOSE OF CHAPTER 74.15 RCW AND RCW 74.13.031, AND UNLESS OTHERWISE CLEARLY INDICATED BY THE CONTEXT THEREOF, THE FOLLOWING TERMS SHALL MEAN:

(1) "AGENCY" MEANS ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION, CORPORATION, OR FACILITY WHICH RECEIVES CHILDREN, EXPECTANT MOTHERS, OR PERSONS WITH DEVELOPMENTAL DISABILITIES FOR CONTROL, CARE, OR MAINTENANCE OUTSIDE THEIR OWN HOMES, OR WHICH PLACES, ARRANGES THE PLACEMENT OF, OR ASSISTS IN THE PLACEMENT OF CHILDREN, EXPECTANT MOTHERS, OR PERSONS WITH DEVELOPMENTAL DISABILITIES FOR FOSTER CARE OR PLACEMENT OF CHILDREN FOR ADOPTION, AND SHALL INCLUDE THE FOLLOWING IRRESPECTIVE OF WHETHER THERE IS COMPENSATION TO THE AGENCY OR TO THE CHILDREN, EXPECTANT MOTHERS OR PERSONS WITH DEVELOPMENTAL DISABILITIES FOR SERVICES RENDERED:

(A) "CHILD DAY-CARE CENTER" MEANS AN AGENCY WHICH REGULARLY PROVIDES CARE FOR A GROUP OF CHILDREN FOR PERIODS OF LESS THAN TWENTY-FOUR HOURS;

(B) "CHILD-PLACING AGENCY" MEANS AN AGENCY WHICH PLACES A CHILD OR CHILDREN FOR TEMPORARY CARE, CONTINUED CARE, OR FOR ADOPTION;

(C) "COMMUNITY FACILITY" MEANS A GROUP CARE FACILITY OPERATED FOR THE CARE OF JUVENILES COMMITTED TO THE DEPARTMENT UNDER RCW 13.40.185. A COUNTY DETENTION FACILITY THAT HOUSES JUVENILES COMMITTED TO THE DEPARTMENT UNDER RCW 13.40.185 PURSUANT TO A CONTRACT WITH THE DEPARTMENT IS NOT A COMMUNITY FACILITY;

(D) "CRISIS RESIDENTIAL CENTER" MEANS AN AGENCY WHICH IS A TEMPORARY PROTECTIVE RESIDENTIAL FACILITY OPERATED TO PERFORM THE DUTIES SPECIFIED IN CHAPTER 13.32A RCW, IN THE MANNER PROVIDED IN RCW 74.13.032 THROUGH 74.13.036;

(E) "EMERGENCY RESPITE CENTER" IS AN AGENCY THAT MAY BE COMMONLY KNOWN AS A CRISIS NURSERY, THAT PROVIDES EMERGENCY AND CRISIS CARE FOR UP TO SEVENTY-TWO HOURS TO CHILDREN WHO HAVE BEEN ADMITTED BY THEIR PARENTS OR GUARDIANS TO PREVENT ABUSE OR NEGLECT. EMERGENCY RESPITE CENTERS MAY OPERATE FOR UP TO TWENTY-FOUR HOURS A DAY, AND FOR UP TO SEVEN DAYS A WEEK. EMERGENCY RESPITE CENTERS MAY PROVIDE CARE FOR CHILDREN AGES BIRTH THROUGH SEVENTEEN, AND FOR PERSONS EIGHTEEN THROUGH TWENTY WITH DEVELOPMENTAL DISABILITIES WHO ARE ADMITTED WITH A SIBLING OR SIBLINGS THROUGH AGE SEVENTEEN. EMERGENCY RESPITE CENTERS MAY NOT SUBSTITUTE FOR CRISIS RESIDENTIAL CENTERS OR HOPE CENTERS, OR ANY OTHER SERVICES DEFINED UNDER THIS SECTION, AND MAY NOT SUBSTITUTE FOR SERVICES WHICH ARE REQUIRED UNDER CHAPTER 13.32A OR 13.34 RCW;

(F) "FAMILY DAY-CARE PROVIDER" MEANS A CHILD DAY-CARE PROVIDER WHO REGULARLY PROVIDES CHILD DAY CARE FOR NOT MORE THAN TWELVE CHILDREN IN THE PROVIDER'S HOME IN THE FAMILY LIVING QUARTERS;

((F)) (G) "FOSTER-FAMILY HOME" MEANS AN AGENCY WHICH REGULARLY PROVIDES CARE ON A TWENTY-FOUR HOUR BASIS TO ONE OR MORE CHILDREN, EXPECTANT MOTHERS, OR PERSONS WITH DEVELOPMENTAL DISABILITIES IN THE FAMILY ABODE OF THE PERSON OR PERSONS UNDER WHOSE DIRECT CARE AND SUPERVISION THE CHILD, EXPECTANT MOTHER, OR PERSON WITH A DEVELOPMENTAL DISABILITY IS PLACED;

((G)) (H) "GROUP-CARE FACILITY" MEANS AN AGENCY, OTHER THAN A FOSTER-FAMILY HOME, WHICH IS MAINTAINED AND OPERATED FOR THE CARE OF A GROUP OF CHILDREN ON A TWENTY-FOUR HOUR BASIS;

((H)) (I) "HOPE CENTER" MEANS AN AGENCY LICENSED BY THE SECRETARY TO PROVIDE TEMPORARY RESIDENTIAL PLACEMENT AND OTHER SERVICES TO STREET YOUTH. A STREET YOUTH MAY REMAIN IN A HOPE CENTER FOR THIRTY DAYS WHILE SERVICES ARE ARRANGED AND PERMANENT PLACEMENT IS COORDINATED. NO STREET YOUTH MAY STAY LONGER THAN THIRTY DAYS UNLESS APPROVED BY THE DEPARTMENT AND ANY ADDITIONAL DAYS APPROVED BY THE DEPARTMENT MUST BE BASED ON THE UNAVAILABILITY OF A LONG-TERM PLACEMENT OPTION. A STREET YOUTH WHOSE PARENT WANTS HIM OR HER RETURNED TO HOME MAY REMAIN IN A HOPE CENTER UNTIL HIS OR HER PARENT ARRANGES RETURN OF THE YOUTH, NOT LONGER. ALL OTHER STREET YOUTH MUST HAVE COURT APPROVAL UNDER CHAPTER 13.34 OR 13.32A RCW TO REMAIN IN A HOPE CENTER UP TO THIRTY DAYS;

((I)) (J) "MATERNITY SERVICE" MEANS AN AGENCY WHICH PROVIDES OR ARRANGES FOR CARE OR SERVICES TO EXPECTANT MOTHERS, BEFORE OR DURING CONFINEMENT, OR WHICH PROVIDES CARE AS NEEDED TO MOTHERS AND THEIR INFANTS AFTER CONFINEMENT;

((J)) (K) "RESPONSIBLE LIVING SKILLS PROGRAM" MEANS AN AGENCY LICENSED BY THE SECRETARY THAT PROVIDES RESIDENTIAL AND TRANSITIONAL LIVING SERVICES TO PERSONS AGES SIXTEEN TO EIGHTEEN WHO ARE DEPENDENT UNDER CHAPTER 13.34 RCW AND WHO HAVE BEEN UNABLE TO LIVE IN HIS OR HER LEGALLY AUTHORIZED RESIDENCE AND, AS A RESULT, THE MINOR LIVED OUTDOORS OR IN ANOTHER UNSAFE LOCATION NOT INTENDED FOR OCCUPANCY BY THE MINOR. DEPENDENT MINORS AGES FOURTEEN AND FIFTEEN MAY BE ELIGIBLE IF NO OTHER PLACEMENT ALTERNATIVE IS AVAILABLE AND THE DEPARTMENT APPROVES THE PLACEMENT;

((K)) (L) "SERVICE PROVIDER" MEANS THE ENTITY THAT OPERATES A COMMUNITY FACILITY.

(2) "AGENCY" SHALL NOT INCLUDE THE FOLLOWING:

(A) PERSONS RELATED TO THE CHILD, EXPECTANT MOTHER, OR PERSON WITH DEVELOPMENTAL DISABILITY IN THE FOLLOWING WAYS:

(I) ANY BLOOD RELATIVE, INCLUDING THOSE OF HALF-BLOOD, AND INCLUDING FIRST COUSINS, NEPHEWS OR NIECES, AND PERSONS OF PRECEDING GENERATIONS AS DENOTED BY PREFIXES OF GRAND, GREAT, OR GREAT-GREAT;

(II) STEPFATHER, STEPMOTHER, STEPBROTHER, AND STEPSISTER;

(III) A PERSON WHO LEGALLY ADOPTS A CHILD OR THE CHILD'S PARENT AS WELL AS THE NATURAL AND OTHER LEGALLY ADOPTED CHILDREN OF SUCH PERSONS, AND OTHER RELATIVES OF THE ADOPTIVE PARENTS IN ACCORDANCE WITH STATE LAW;

(IV) SPOUSES OF ANY PERSONS NAMED IN (I), (II), OR (III) OF THIS SUBSECTION (2)(A), EVEN AFTER THE MARRIAGE IS TERMINATED; OR

(V) EXTENDED FAMILY MEMBERS, AS DEFINED BY THE LAW OR CUSTOM OF THE INDIAN CHILD'S TRIBE OR, IN THE ABSENCE OF SUCH LAW OR CUSTOM, A PERSON WHO HAS REACHED THE AGE OF EIGHTEEN AND WHO IS THE INDIAN CHILD'S GRANDPARENT, AUNT OR UNCLE, BROTHER OR SISTER, BROTHER-IN-LAW OR SISTER-IN-LAW, NIECE OR NEPHEW, FIRST OR SECOND COUSIN, OR STEPPARENT WHO PROVIDES CARE IN THE FAMILY ABODE ON A TWENTY-FOUR-HOUR BASIS TO AN INDIAN CHILD AS DEFINED IN 25 U.S.C. SEC. 1903(4);

(B) PERSONS WHO ARE LEGAL GUARDIANS OF THE CHILD, EXPECTANT MOTHER, OR PERSONS WITH DEVELOPMENTAL DISABILITIES;

(C) PERSONS WHO CARE FOR A NEIGHBOR'S OR FRIEND'S CHILD OR CHILDREN, WITH OR WITHOUT COMPENSATION, WHERE: (I) THE PERSON PROVIDING CARE FOR PERIODS OF LESS THAN TWENTY-FOUR HOURS DOES NOT CONDUCT SUCH ACTIVITY ON AN ONGOING, REGULARLY SCHEDULED BASIS FOR THE PURPOSE OF ENGAGING IN BUSINESS, WHICH INCLUDES, BUT IS NOT LIMITED TO, ADVERTISING SUCH CARE; OR (II) THE PARENT AND PERSON PROVIDING CARE ON A TWENTY-FOUR-HOUR BASIS HAVE AGREED TO THE PLACEMENT IN WRITING AND THE STATE IS NOT PROVIDING ANY PAYMENT FOR THE CARE;

(D) PARENTS ON A MUTUALLY COOPERATIVE BASIS EXCHANGE CARE OF ONE ANOTHER'S CHILDREN;

(E) A PERSON, PARTNERSHIP, CORPORATION, OR OTHER ENTITY THAT PROVIDES PLACEMENT OR SIMILAR SERVICES TO EXCHANGE STUDENTS OR INTERNATIONAL STUDENT EXCHANGE VISITORS OR PERSONS WHO HAVE THE CARE OF AN EXCHANGE STUDENT IN THEIR HOME;

(F) NURSERY SCHOOLS OR KINDERGARTENS WHICH ARE ENGAGED PRIMARILY IN EDUCATIONAL WORK WITH PRESCHOOL CHILDREN AND IN WHICH NO CHILD IS ENROLLED ON A REGULAR BASIS FOR MORE THAN FOUR HOURS PER DAY;

(G) SCHOOLS, INCLUDING BOARDING SCHOOLS, WHICH ARE ENGAGED PRIMARILY IN EDUCATION, OPERATE ON A DEFINITE SCHOOL YEAR SCHEDULE, FOLLOW A STATED ACADEMIC CURRICULUM, ACCEPT ONLY SCHOOL-AGE CHILDREN AND DO NOT ACCEPT CUSTODY OF CHILDREN;

(H) SEASONAL CAMPS OF THREE MONTHS' OR LESS DURATION ENGAGED PRIMARILY IN RECREATIONAL OR EDUCATIONAL ACTIVITIES;

(I) HOSPITALS LICENSED PURSUANT TO CHAPTER 70.41 RCW WHEN PERFORMING FUNCTIONS DEFINED IN CHAPTER 70.41 RCW, NURSING HOMES LICENSED UNDER CHAPTER 18.51 RCW AND BOARDING HOMES LICENSED UNDER CHAPTER 18.20 RCW;

(J) LICENSED PHYSICIANS OR LAWYERS;

(K) FACILITIES PROVIDING CARE TO CHILDREN FOR PERIODS OF LESS THAN TWENTY-FOUR HOURS WHOSE PARENTS REMAIN ON THE PREMISES TO PARTICIPATE IN ACTIVITIES OTHER THAN EMPLOYMENT;

(L) FACILITIES APPROVED AND CERTIFIED UNDER CHAPTER 71A.22 RCW;

(M) ANY AGENCY HAVING BEEN IN OPERATION IN THIS STATE TEN YEARS PRIOR TO JUNE 8, 1967, AND NOT SEEKING OR ACCEPTING MONIES OR ASSISTANCE FROM ANY STATE OR FEDERAL AGENCY, AND IS SUPPORTED IN PART BY AN ENDOWMENT OR TRUST FUND;

(N) PERSONS WHO HAVE A CHILD IN THEIR HOME FOR PURPOSES OF ADOPTION, IF THE CHILD WAS PLACED IN SUCH HOME BY A LICENSED CHILD-PLACING AGENCY, AN AUTHORIZED PUBLIC OR TRIBAL AGENCY OR COURT OR IF A REPLACEMENT REPORT HAS BEEN FILED UNDER CHAPTER 26.33 RCW AND THE PLACEMENT HAS BEEN APPROVED BY THE COURT;

(O) AN AGENCY OPERATED BY ANY UNIT OF LOCAL, STATE, OR FEDERAL GOVERNMENT OR AN AGENCY, LOCATED WITHIN THE BOUNDARIES OF A FEDERALLY RECOGNIZED INDIAN RESERVATION, LICENSED BY THE INDIAN TRIBE;

(P) AN AGENCY LOCATED ON A FEDERAL MILITARY RESERVATION, EXCEPT WHERE THE MILITARY AUTHORITIES REQUEST THAT SUCH AGENCY BE SUBJECT TO THE LICENSING REQUIREMENTS OF THIS CHAPTER.

(3) "DEPARTMENT" MEANS THE STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

(4) "JUVENILE" MEANS A PERSON UNDER THE AGE OF TWENTY-ONE WHO HAS BEEN SENTENCED TO A TERM OF CONFINEMENT UNDER THE SUPERVISION OF THE DEPARTMENT UNDER RCW 13.40.185.

(5) "PROBATIONARY LICENSE" MEANS A LICENSE ISSUED AS A DISCIPLINARY MEASURE TO AN AGENCY THAT HAS PREVIOUSLY BEEN ISSUED A FULL LICENSE BUT IS OUT OF COMPLIANCE WITH LICENSING STANDARDS.

(6) "REQUIREMENT" MEANS ANY RULE, REGULATION, OR STANDARD OF CARE TO BE MAINTAINED BY AN AGENCY.

(7) "SECRETARY" MEANS THE SECRETARY OF SOCIAL AND HEALTH SERVICES.

(8) "STREET YOUTH" MEANS A PERSON UNDER THE AGE OF EIGHTEEN WHO LIVES OUTDOORS OR IN ANOTHER UNSAFE LOCATION NOT INTENDED FOR OCCUPANCY BY THE MINOR AND WHO IS NOT RESIDING WITH HIS OR HER PARENT OR AT HIS OR HER LEGALLY AUTHORIZED RESIDENCE.

(9) "TRANSITIONAL LIVING SERVICES" MEANS AT A MINIMUM, TO THE EXTENT FUNDS ARE AVAILABLE, THE FOLLOWING:

(A) EDUCATIONAL SERVICES, INCLUDING BASIC LITERACY AND COMPUTATIONAL SKILLS TRAINING, EITHER IN LOCAL ALTERNATIVE OR PUBLIC HIGH SCHOOLS OR IN A HIGH SCHOOL EQUIVALENCY PROGRAM THAT LEADS TO OBTAINING A HIGH SCHOOL EQUIVALENCY DEGREE;

(B) ASSISTANCE AND COUNSELING RELATED TO OBTAINING VOCATIONAL TRAINING OR HIGHER EDUCATION, JOB READINESS, JOB SEARCH ASSISTANCE, AND PLACEMENT PROGRAMS;

(C) COUNSELING AND INSTRUCTION IN LIFE SKILLS SUCH AS MONEY MANAGEMENT, HOME MANAGEMENT, CONSUMER SKILLS, PARENTING, HEALTH CARE, ACCESS TO COMMUNITY RESOURCES, AND TRANSPORTATION AND HOUSING OPTIONS;

(D) INDIVIDUAL AND GROUP COUNSELING; AND

(E) ESTABLISHING NETWORKS WITH FEDERAL AGENCIES AND STATE AND LOCAL ORGANIZATIONS SUCH AS THE UNITED STATES DEPARTMENT OF LABOR, EMPLOYMENT AND TRAINING ADMINISTRATION PROGRAMS INCLUDING THE JOB TRAINING PARTNERSHIP ACT WHICH ADMINISTERS PRIVATE INDUSTRY COUNCILS AND THE JOB CORPS; VOCATIONAL REHABILITATION; AND VOLUNTEER PROGRAMS.

NEW SECTION. Sec. 2. A NEW SECTION IS ADDED TO CHAPTER 74.15 RCW TO READ AS FOLLOWS:

THE SECRETARY IS AUTHORIZED TO LICENSE EMERGENCY RESPITE CENTERS. THE DEPARTMENT MAY ADOPT RULES TO SPECIFY LICENSING REQUIREMENTS FOR EMERGENCY RESPITE CENTERS.

NEW SECTION. Sec. 3. THE LEGISLATURE INTENDS TO INCREASE THE LIKELIHOOD THAT PREGNANT WOMEN WILL OBTAIN ADEQUATE PRENATAL CARE AND WILL PROVIDE THEIR NEWBORNS WITH ADEQUATE HEALTH CARE DURING THE FIRST FEW DAYS OF THEIR LIVES. THE LEGISLATURE RECOGNIZES THAT PRENATAL AND POSTDELIVERY HEALTH CARE FOR NEWBORNS AND THEIR MOTHERS IS ESPECIALLY CRITICAL TO THEIR SURVIVAL AND WELL-BEING. THE LEGISLATURE INTENDS THAT REASONABLE STEPS SHOULD BE TAKEN TO REMOVE ANY BARRIERS TO SUCH CARE, PARTICULARLY FOR THOSE PARENTS WHO MAY OTHERWISE ENCOUNTER EMOTIONAL AND/OR PSYCHOLOGICAL BARRIERS TO OBTAINING SUCH CARE BY REDUCING IMPEDIMENTS TO OBTAINING PRENATAL AND POSTDELIVERY CARE TO NEWBORNS WHILE ENCOURAGING PREGNANT WOMEN TO ACT RESPONSIBLY REGARDING THE HEALTH OF THEIR NEWBORNS. THE LEGISLATURE DOES NOT INTEND TO ENCOURAGE THE ABANDONMENT OF NEWBORN CHILDREN NOR TO CHANGE EXISTING LAW RELATING TO NOTIFICATION TO PARENTS UNDER CHAPTER 13.34 RCW, BUT RATHER TO ASSURE THAT ABANDONMENT DOES NOT OCCUR AND THAT ALL NEWBORNS HAVE AN OPPORTUNITY FOR ADEQUATE HEALTH CARE AND A STABLE HOME LIFE.

NEW SECTION. Sec. 4. A NEW SECTION IS ADDED TO CHAPTER 13.34 RCW TO READ AS FOLLOWS:

(1) FOR PURPOSES OF THIS SECTION:

(A) "APPROPRIATE LOCATION" MEANS THE EMERGENCY DEPARTMENT OF A HOSPITAL LICENSED UNDER CHAPTER 70.41 RCW DURING THE HOURS THE HOSPITAL IS IN OPERATION.

(B) "NEWBORN" MEANS A LIVE HUMAN BEING WHO IS LESS THAN SEVENTY-TWO HOURS OLD.

(C) "QUALIFIED PERSON" MEANS ANY PERSON THAT THE PARENT TRANSFERRING THE NEWBORN REASONABLY BELIEVES IS A BONA FIDE EMPLOYEE, VOLUNTEER, OR MEDICAL STAFF MEMBER OF THE HOSPITAL AND WHO REPRESENTS TO THE PARENT TRANSFERRING THE NEWBORN THAT HE OR SHE CAN AND WILL SUMMON APPROPRIATE RESOURCES TO MEET THE NEWBORN'S IMMEDIATE NEEDS.

(2) A PARENT OF A NEWBORN WHO TRANSFERS THE NEWBORN TO A QUALIFIED PERSON AT AN APPROPRIATE LOCATION IS NOT SUBJECT TO CRIMINAL LIABILITY UNDER RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, OR 26.20.035.

(3)(A) THE QUALIFIED PERSON AND THE HOSPITAL SHALL NOT REQUIRE THE PARENT TRANSFERRING THE NEWBORN TO PROVIDE ANY IDENTIFYING INFORMATION IN ORDER TO TRANSFER THE NEWBORN.

(B) THE QUALIFIED PERSON AND THE HOSPITAL SHALL ATTEMPT TO PROTECT THE ANONYMITY OF THE PARENT WHO TRANSFERS THE NEWBORN, WHILE PROVIDING AN OPPORTUNITY FOR THE PARENT TO ANONYMOUSLY GIVE THE HOSPITAL SUCH INFORMATION AS THE PARENT KNOWS ABOUT THE FAMILY MEDICAL HISTORY OF THE PARENTS AND THE NEWBORN. THE QUALIFIED PERSON AND THE HOSPITAL SHALL PROVIDE REFERRAL INFORMATION ABOUT ADOPTION OPTIONS, COUNSELING, APPROPRIATE MEDICAL AND EMOTIONAL AFTERCARE SERVICES, DOMESTIC VIOLENCE, AND LEGAL RIGHTS TO THE PARENT SEEKING TO TRANSFER THE NEWBORN.

(C) IF A PARENT OF A NEWBORN TRANSFERS THE NEWBORN TO A QUALIFIED PERSON AT AN APPROPRIATE LOCATION PURSUANT TO THIS SECTION, THE HOSPITAL SHALL CAUSE CHILD PROTECTIVE SERVICES TO BE NOTIFIED WITHIN TWENTY-FOUR HOURS AFTER RECEIPT OF SUCH A NEWBORN. CHILD PROTECTIVE SERVICES SHALL ASSUME CUSTODY OF THE NEWBORN WITHIN TWENTY-FOUR HOURS AFTER RECEIPT OF NOTIFICATION AND SHALL ARRANGE FOR DISCHARGE OF THE NEWBORN FROM THE HOSPITAL.

(D) A HOSPITAL, ITS EMPLOYEES, VOLUNTEERS, AND MEDICAL STAFF ARE IMMUNE FROM ANY CRIMINAL OR CIVIL LIABILITY FOR ACCEPTING OR RECEIVING A NEWBORN UNDER THIS SECTION.

SEC. 5. RCW 9A.42.060 AND 1996 C 302 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON IS GUILTY OF THE CRIME OF ABANDONMENT OF A DEPENDENT PERSON IN THE FIRST DEGREE IF:

(A) THE PERSON IS THE PARENT OF A CHILD, A PERSON ENTRUSTED WITH THE PHYSICAL CUSTODY OF A CHILD OR OTHER DEPENDENT PERSON, OR A PERSON EMPLOYED TO PROVIDE TO THE CHILD OR OTHER DEPENDENT PERSON ANY OF THE BASIC NECESSITIES OF LIFE;

(B) THE PERSON RECKLESSLY ABANDONS THE CHILD OR OTHER DEPENDENT PERSON; AND

(C) AS A RESULT OF BEING ABANDONED, THE CHILD OR OTHER DEPENDENT PERSON SUFFERS GREAT BODILY HARM.

(2) A PARENT OF A NEWBORN WHO TRANSFERS THE NEWBORN TO A QUALIFIED PERSON AT AN APPROPRIATE LOCATION PURSUANT TO SECTION 4 OF THIS ACT IS NOT SUBJECT TO CRIMINAL LIABILITY UNDER THIS SECTION.

(3) ABANDONMENT OF A DEPENDENT PERSON IN THE FIRST DEGREE IS A CLASS B FELONY.

SEC. 6. RCW 9A.42.070 AND 1996 C 302 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON IS GUILTY OF THE CRIME OF ABANDONMENT OF A DEPENDENT PERSON IN THE SECOND DEGREE IF:

(A) THE PERSON IS THE PARENT OF A CHILD, A PERSON ENTRUSTED WITH THE PHYSICAL CUSTODY OF A CHILD OR OTHER DEPENDENT PERSON, OR A PERSON EMPLOYED TO PROVIDE TO THE CHILD OR OTHER DEPENDENT PERSON ANY OF THE BASIC NECESSITIES OF LIFE; AND

(B) THE PERSON RECKLESSLY ABANDONS THE CHILD OR OTHER DEPENDENT PERSON; AND:

(I) AS A RESULT OF BEING ABANDONED, THE CHILD OR OTHER DEPENDENT PERSON SUFFERS SUBSTANTIAL BODILY HARM; OR

(II) ABANDONING THE CHILD OR OTHER DEPENDENT PERSON CREATES AN IMMINENT AND SUBSTANTIAL RISK THAT THE CHILD OR OTHER DEPENDENT PERSON WILL DIE OR SUFFER GREAT BODILY HARM.

(2) A PARENT OF A NEWBORN WHO TRANSFERS THE NEWBORN TO A QUALIFIED PERSON AT AN APPROPRIATE LOCATION PURSUANT TO SECTION 4 OF THIS ACT IS NOT SUBJECT TO CRIMINAL LIABILITY UNDER THIS SECTION.

(3) ABANDONMENT OF A DEPENDENT PERSON IN THE SECOND DEGREE IS A CLASS C FELONY.

SEC. 7. RCW 9A.42.080 AND 1996 C 302 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON IS GUILTY OF THE CRIME OF ABANDONMENT OF A DEPENDENT PERSON IN THE THIRD DEGREE IF:

(A) THE PERSON IS THE PARENT OF A CHILD, A PERSON ENTRUSTED WITH THE PHYSICAL CUSTODY OF A CHILD OR OTHER DEPENDENT PERSON, OR A PERSON EMPLOYED TO PROVIDE TO THE CHILD OR DEPENDENT PERSON ANY OF THE BASIC NECESSITIES OF LIFE; AND

(B) THE PERSON RECKLESSLY ABANDONS THE CHILD OR OTHER DEPENDENT PERSON; AND:

(I) AS A RESULT OF BEING ABANDONED, THE CHILD OR OTHER DEPENDENT PERSON SUFFERS BODILY HARM; OR

(II) ABANDONING THE CHILD OR OTHER DEPENDENT PERSON CREATES AN IMMINENT AND SUBSTANTIAL RISK THAT THE CHILD OR OTHER PERSON WILL SUFFER SUBSTANTIAL BODILY HARM.

(2) A PARENT OF A NEWBORN WHO TRANSFERS THE NEWBORN TO A QUALIFIED PERSON AT AN APPROPRIATE LOCATION PURSUANT TO SECTION 4 OF THIS ACT IS NOT SUBJECT TO CRIMINAL LIABILITY UNDER THIS SECTION.

(3) ABANDONMENT OF A DEPENDENT PERSON IN THE THIRD DEGREE IS A GROSS MISDEMEANOR.

SEC. 8. RCW 26.20.030 AND 1984 C 260 S 26 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, ANY PERSON WHO HAS A CHILD DEPENDENT UPON HIM OR HER FOR CARE, EDUCATION OR SUPPORT AND DESERTS SUCH CHILD IN ANY MANNER WHATEVER WITH INTENT TO ABANDON IT IS GUILTY OF THE CRIME OF FAMILY ABANDONMENT.

(2) A PARENT OF A NEWBORN WHO TRANSFERS THE NEWBORN TO A QUALIFIED PERSON AT AN APPROPRIATE LOCATION PURSUANT TO SECTION 4 OF THIS ACT IS NOT SUBJECT TO CRIMINAL LIABILITY UNDER THIS SECTION.

(3) THE CRIME OF FAMILY ABANDONMENT IS A CLASS C FELONY UNDER CHAPTER 9A.20 RCW.

SEC. 9. RCW 26.20.035 AND 1984 C 260 S 27 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, ANY PERSON WHO IS ABLE TO PROVIDE SUPPORT, OR HAS THE ABILITY TO EARN THE MEANS TO PROVIDE SUPPORT, AND WHO:

(A) WILLFULLY OMITTS TO PROVIDE NECESSARY FOOD, CLOTHING, SHELTER, OR MEDICAL ATTENDANCE TO A CHILD DEPENDENT UPON HIM OR HER; OR

(B) WILLFULLY OMITTS TO PROVIDE NECESSARY FOOD, CLOTHING, SHELTER, OR MEDICAL ATTENDANCE TO HIS OR HER SPOUSE, IS GUILTY OF THE CRIME OF FAMILY NONSUPPORT.

(2) A PARENT OF A NEWBORN WHO TRANSFERS THE NEWBORN TO A QUALIFIED PERSON AT AN APPROPRIATE LOCATION PURSUANT TO SECTION 4 OF THIS ACT IS NOT SUBJECT TO CRIMINAL LIABILITY UNDER THIS SECTION.

(3) THE CRIME OF FAMILY NONSUPPORT IS A GROSS MISDEMEANOR UNDER CHAPTER 9A.20 RCW.

NEW SECTION. Sec. 10. (1) THE SECRETARY OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES SHALL CONVENE A TASK FORCE TO RECOMMEND METHODS OF IMPLEMENTING SECTIONS 3 THROUGH 9 OF THIS ACT, INCLUDING HOW PRIVATE OR PUBLIC FUNDING MAY BE OBTAINED TO SUPPORT A PROGRAM OF PUBLIC EDUCATION REGARDING THE PROVISIONS OF SECTIONS 3 THROUGH 9 OF THIS ACT. THE TASK FORCE SHALL CONSIDER ALL REASONABLE METHODS OF EDUCATING WASHINGTON RESIDENTS ABOUT THE NEED FOR PRENATAL AND POSTDELIVERY HEALTH CARE FOR A NEWBORN WHOSE PARENTS MAY OTHERWISE NOT SEEK SUCH CARE AND PLACE THEIR NEWBORN AT RISK AS A RESULT. THE TASK FORCE SHALL ALSO CONSIDER, AND MAKE RECOMMENDATIONS REGARDING: (A) WAYS TO MEET THE MEDICAL AND EMOTIONAL NEEDS OF THE MOTHER AND TO IMPROVE THE PROMOTION OF ADOPTION AS AN ALTERNATIVE TO PLACING A NEWBORN IN SITUATIONS THAT CREATE A SERIOUS RISK TO HIS OR HER HEALTH; AND (B) METHODS OF PROVIDING ACCESS TO (I) THE MEDICAL HISTORY OF THE PARENTS OF A NEWBORN WHO IS TRANSFERRED TO A HOSPITAL PURSUANT TO SECTION 4 OF THIS ACT; AND (II) THE MEDICAL HISTORY OF THE NEWBORN, CONSISTENT WITH THE PROTECTION OF THE ANONYMITY OF THE PARENTS OF THE NEWBORN. THE TASK FORCE SHALL DEVELOP MODEL FORMS OF POLICIES AND PROCEDURES FOR HOSPITALS TO USE IN RECEIVING NEWBORNS UNDER SECTION 4 OF THIS ACT.

(2) IN ADDITION TO THE SECRETARY, OR THE SECRETARY'S DESIGNEE, THE TASK FORCE SHALL INCLUDE BUT NOT BE LIMITED TO REPRESENTATION FROM THE FOLLOWING: (A) LICENSED PHYSICIANS; (B) PUBLIC AND PRIVATE AGENCIES WHICH PROVIDE ADOPTION

SERVICES; (C) PRIVATE ATTORNEYS HANDLING ADOPTIONS; (D) THE LICENSED NURSING COMMUNITY; (E) HOSPITALS; (F) PROSECUTING ATTORNEYS; (G) FOSTER PARENTS; (H) THE DEPARTMENT OF HEALTH; (I) THE ATTORNEY GENERAL; (J) ADVOCACY GROUPS CONCERNED WITH THE AVAILABILITY OF ADOPTION RECORDS; (K) RISK MANAGERS; AND (L) THE PUBLIC. AT LEAST THREE MEMBERS OF THE TASK FORCE SHALL BE PUBLIC MEMBERS. THE TASK FORCE MAY SEEK INPUT FROM OTHER EXPERTS AS NEEDED.

(3) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION.

(4) THE TASK FORCE SHALL SUBMIT ITS REPORT AND RECOMMENDATIONS TO THE GOVERNOR AND LEGISLATURE NOT LATER THAN DECEMBER 1, 2001.

(5) THIS SECTION EXPIRES JANUARY 1, 2003.

NEW SECTION. Sec. 11. SECTIONS 3 THROUGH 9 OF THIS ACT ARE NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY, OR SUPPORT OF THE STATE GOVERNMENT AND ITS EXISTING PUBLIC INSTITUTIONS, AND TAKE EFFECT IMMEDIATELY."

MOTIONS

ON MOTION OF SENATOR COSTA, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED.

ON PAGE 1, LINE 1 OF THE TITLE, AFTER "NURSERIES;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 74.15.020, 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, AND 26.20.035; ADDING A NEW SECTION TO CHAPTER 74.15 RCW; ADDING A NEW SECTION TO CHAPTER 13.34 RCW; CREATING NEW SECTIONS; PRESCRIBING PENALTIES; PROVIDING AN EXPIRATION DATE; AND DECLARING AN EMERGENCY."

ON MOTION OF SENATOR COSTA, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1898, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1898, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1898, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 49; NAYS, 0; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAUDEAU, WEST, WINSLEY AND ZARELLI - 49.

HOUSE BILL NO. 1898, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1895, BY REPRESENTATIVES ESSER, MORRIS, BARLEAN, COOPER, MIELKE, O'BRIEN, MULLIKEN, ERICKSEN, HATFIELD, B. CHANDLER, LINVILLE AND KIRBY

CREATING THE CRIME OF THEFT OF MOTOR VEHICLE FUEL.

THE BILL WAS READ THE SECOND TIME.

MOTION

SENATOR ZARELLI MOVED THAT THE FOLLOWING STRIKING AMENDMENT BE ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"NEW SECTION. Sec. 1. A NEW SECTION IS ADDED TO CHAPTER 46.61 RCW UNDER THE SUBCHAPTER HEADING "MISCELLANEOUS RULES" TO READ AS FOLLOWS:

(1) ANY PERSON WHO REFUSES TO PAY OR EVADES PAYMENT FOR MOTOR VEHICLE FUEL THAT IS PUMPED INTO A MOTOR VEHICLE IS GUILTY OF THEFT OF MOTOR VEHICLE FUEL. A VIOLATION OF THIS SUBSECTION IS A GROSS MISDEMEANOR PUNISHABLE UNDER CHAPTER 9A.20 RCW.

(2) THE COURT SHALL ORDER THE DEPARTMENT TO SUSPEND THE PERSON'S LICENSE, PERMIT, OR NONRESIDENT PRIVILEGE TO DRIVE FOR A PERIOD SPECIFIED BY THE COURT OF UP TO SIX MONTHS.

Sec. 2. RCW 46.20.311 AND 2000 C 115 S 7 ARE EACH AMENDED TO READ AS FOLLOWS:

(1)(A) THE DEPARTMENT SHALL NOT SUSPEND A DRIVER'S LICENSE OR PRIVILEGE TO DRIVE A MOTOR VEHICLE ON THE PUBLIC HIGHWAYS FOR A FIXED PERIOD OF MORE THAN ONE YEAR, EXCEPT AS SPECIFICALLY PERMITTED UNDER RCW 46.20.267, 46.20.342, OR OTHER PROVISION OF LAW. EXCEPT FOR A SUSPENSION UNDER RCW 46.20.267, 46.20.289, 46.20.291(5), ~~46.61.---~~ (SECTION 1 OF THIS ACT), OR 74.20A.320, WHENEVER THE LICENSE OR DRIVING PRIVILEGE OF ANY PERSON IS SUSPENDED BY REASON OF A CONVICTION, A FINDING THAT A TRAFFIC INFRACTION HAS BEEN COMMITTED, PURSUANT TO CHAPTER 46.29 RCW, OR PURSUANT TO RCW 46.20.291 OR

46.20.308, THE SUSPENSION SHALL REMAIN IN EFFECT UNTIL THE PERSON GIVES AND THEREAFTER MAINTAINS PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE AS PROVIDED IN CHAPTER 46.29 RCW. IF THE SUSPENSION IS THE RESULT OF A VIOLATION OF RCW 46.61.502 OR 46.61.504, THE DEPARTMENT SHALL DETERMINE THE PERSON'S ELIGIBILITY FOR LICENSING BASED UPON THE REPORTS PROVIDED BY THE ALCOHOLISM AGENCY OR PROBATION DEPARTMENT DESIGNATED UNDER RCW 46.61.5056 AND SHALL DENY REINSTATEMENT UNTIL ENROLLMENT AND PARTICIPATION IN AN APPROVED PROGRAM HAS BEEN ESTABLISHED AND THE PERSON IS OTHERWISE QUALIFIED. WHENEVER THE LICENSE OR DRIVING PRIVILEGE OF ANY PERSON IS SUSPENDED AS A RESULT OF CERTIFICATION OF NONCOMPLIANCE WITH A CHILD SUPPORT ORDER UNDER CHAPTER 74.20A RCW OR A RESIDENTIAL OR VISITATION ORDER, THE SUSPENSION SHALL REMAIN IN EFFECT UNTIL THE PERSON PROVIDES A RELEASE ISSUED BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES STATING THAT THE PERSON IS IN COMPLIANCE WITH THE ORDER.

(B)(I) THE DEPARTMENT SHALL NOT ISSUE TO THE PERSON A NEW, DUPLICATE, OR RENEWAL LICENSE UNTIL THE PERSON PAYS A REISSUE FEE OF TWENTY DOLLARS.

(II) IF THE SUSPENSION IS THE RESULT OF A VIOLATION OF RCW 46.61.502 OR 46.61.504, OR IS THE RESULT OF ADMINISTRATIVE ACTION UNDER RCW 46.20.308, THE REISSUE FEE SHALL BE ONE HUNDRED FIFTY DOLLARS.

(2)(A) ANY PERSON WHOSE LICENSE OR PRIVILEGE TO DRIVE A MOTOR VEHICLE ON THE PUBLIC HIGHWAYS HAS BEEN REVOKED, UNLESS THE REVOCATION WAS FOR A CAUSE WHICH HAS BEEN REMOVED, IS NOT ENTITLED TO HAVE THE LICENSE OR PRIVILEGE RENEWED OR RESTORED UNTIL: (I) AFTER THE EXPIRATION OF ONE YEAR FROM THE DATE THE LICENSE OR PRIVILEGE TO DRIVE WAS REVOKED; (II) AFTER THE EXPIRATION OF THE APPLICABLE REVOCATION PERIOD PROVIDED BY RCW 46.20.3101 OR 46.61.5055; (III) AFTER THE EXPIRATION OF TWO YEARS FOR PERSONS CONVICTED OF VEHICULAR HOMICIDE; OR (IV) AFTER THE EXPIRATION OF THE APPLICABLE REVOCATION PERIOD PROVIDED BY RCW 46.20.265.

(B)(I) AFTER THE EXPIRATION OF THE APPROPRIATE PERIOD, THE PERSON MAY MAKE APPLICATION FOR A NEW LICENSE AS PROVIDED BY LAW TOGETHER WITH A REISSUE FEE IN THE AMOUNT OF TWENTY DOLLARS.

(II) IF THE REVOCATION IS THE RESULT OF A VIOLATION OF RCW 46.20.308, 46.61.502, OR 46.61.504, THE REISSUE FEE SHALL BE ONE HUNDRED FIFTY DOLLARS. IF THE REVOCATION IS THE RESULT OF A VIOLATION OF RCW 46.61.502 OR 46.61.504, THE DEPARTMENT SHALL DETERMINE THE PERSON'S ELIGIBILITY FOR LICENSING BASED UPON THE REPORTS PROVIDED BY THE ALCOHOLISM AGENCY OR PROBATION DEPARTMENT DESIGNATED UNDER RCW 46.61.5056 AND SHALL DENY REISSUANCE OF A LICENSE, PERMIT, OR PRIVILEGE TO DRIVE UNTIL ENROLLMENT AND PARTICIPATION IN AN APPROVED PROGRAM HAS BEEN ESTABLISHED AND THE PERSON IS OTHERWISE QUALIFIED.

(C) EXCEPT FOR A REVOCATION UNDER RCW 46.20.265, THE DEPARTMENT SHALL NOT THEN ISSUE A NEW LICENSE UNLESS IT IS SATISFIED AFTER INVESTIGATION OF THE DRIVING ABILITY OF THE PERSON THAT IT WILL BE SAFE TO GRANT THE PRIVILEGE OF DRIVING A MOTOR VEHICLE ON THE PUBLIC HIGHWAYS, AND UNTIL THE PERSON GIVES AND THEREAFTER MAINTAINS PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE AS PROVIDED IN CHAPTER 46.29 RCW. FOR A REVOCATION UNDER RCW 46.20.265, THE DEPARTMENT SHALL NOT ISSUE A NEW LICENSE UNLESS IT IS SATISFIED AFTER INVESTIGATION OF THE DRIVING ABILITY OF THE PERSON THAT IT WILL BE SAFE TO GRANT THAT PERSON THE PRIVILEGE OF DRIVING A MOTOR VEHICLE ON THE PUBLIC HIGHWAYS.

(3)(A) WHENEVER THE DRIVER'S LICENSE OF ANY PERSON IS SUSPENDED PURSUANT TO ARTICLE IV OF THE NONRESIDENT VIOLATORS COMPACT OR RCW 46.23.020 OR 46.20.289 OR 46.20.291(5), THE DEPARTMENT SHALL NOT ISSUE TO THE PERSON ANY NEW OR RENEWAL LICENSE UNTIL THE PERSON PAYS A REISSUE FEE OF TWENTY DOLLARS.

(B) IF THE SUSPENSION IS THE RESULT OF A VIOLATION OF THE LAWS OF THIS OR ANY OTHER STATE, PROVINCE, OR OTHER JURISDICTION INVOLVING (I) THE OPERATION OR PHYSICAL CONTROL OF A MOTOR VEHICLE UPON THE PUBLIC HIGHWAYS WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS, OR (II) THE REFUSAL TO SUBMIT TO A CHEMICAL TEST OF THE DRIVER'S BLOOD ALCOHOL CONTENT, THE REISSUE FEE SHALL BE ONE HUNDRED FIFTY DOLLARS.

SEC. 3. RCW 46.20.342 AND 2000 c 115 s 8 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) IT IS UNLAWFUL FOR ANY PERSON TO DRIVE A MOTOR VEHICLE IN THIS STATE WHILE THAT PERSON IS IN A SUSPENDED OR REVOKED STATUS OR WHEN HIS OR HER PRIVILEGE TO DRIVE IS SUSPENDED OR REVOKED IN THIS OR ANY OTHER STATE. ANY PERSON WHO HAS A VALID WASHINGTON DRIVER'S LICENSE IS NOT GUILTY OF A VIOLATION OF THIS SECTION.

(A) A PERSON FOUND TO BE AN HABITUAL OFFENDER UNDER CHAPTER 46.65 RCW, WHO VIOLATES THIS SECTION WHILE AN ORDER OF REVOCATION ISSUED UNDER CHAPTER 46.65 RCW PROHIBITING SUCH OPERATION IS IN EFFECT, IS GUILTY OF DRIVING WHILE LICENSE SUSPENDED OR REVOKED IN THE FIRST DEGREE, A GROSS MISDEMEANOR. UPON THE FIRST SUCH CONVICTION, THE PERSON SHALL BE PUNISHED BY IMPRISONMENT FOR NOT LESS THAN TEN DAYS. UPON THE SECOND CONVICTION, THE PERSON SHALL BE PUNISHED BY IMPRISONMENT FOR NOT LESS THAN NINETY DAYS. UPON THE THIRD OR SUBSEQUENT CONVICTION, THE PERSON SHALL BE PUNISHED BY IMPRISONMENT FOR NOT LESS THAN ONE HUNDRED EIGHTY DAYS. IF THE PERSON IS ALSO CONVICTED OF THE OFFENSE DEFINED IN RCW 46.61.502 OR 46.61.504, WHEN BOTH CONVICTIONS ARISE FROM THE SAME EVENT, THE MINIMUM SENTENCE OF CONFINEMENT SHALL BE NOT LESS THAN NINETY DAYS. THE MINIMUM SENTENCE OF CONFINEMENT REQUIRED SHALL NOT BE SUSPENDED OR DEFERRED. A CONVICTION UNDER THIS SUBSECTION DOES NOT PREVENT A PERSON FROM PETITIONING FOR REINSTATEMENT AS PROVIDED BY RCW 46.65.080.

(B) A PERSON WHO VIOLATES THIS SECTION WHILE AN ORDER OF SUSPENSION OR REVOCATION PROHIBITING SUCH OPERATION IS IN EFFECT AND WHILE THE PERSON IS NOT ELIGIBLE TO REINSTATE HIS OR HER DRIVER'S LICENSE OR DRIVING PRIVILEGE, OTHER THAN FOR A SUSPENSION FOR THE REASONS DESCRIBED IN (C) OF THIS SUBSECTION, IS GUILTY OF DRIVING WHILE LICENSE SUSPENDED OR REVOKED IN THE SECOND DEGREE, A GROSS MISDEMEANOR. THIS SUBSECTION APPLIES WHEN A PERSON'S DRIVER'S LICENSE OR DRIVING PRIVILEGE HAS BEEN SUSPENDED OR REVOKED BY REASON OF:

(I) A CONVICTION OF A FELONY IN THE COMMISSION OF WHICH A MOTOR VEHICLE WAS USED;

(II) A PREVIOUS CONVICTION UNDER THIS SECTION;

(III) A NOTICE RECEIVED BY THE DEPARTMENT FROM A COURT OR DIVERSION UNIT AS PROVIDED BY RCW 46.20.265, RELATING TO A MINOR WHO HAS COMMITTED, OR WHO HAS ENTERED A DIVERSION UNIT CONCERNING AN OFFENSE RELATING TO ALCOHOL, LEGEND DRUGS, CONTROLLED SUBSTANCES, OR IMITATION CONTROLLED SUBSTANCES;

(IV) A CONVICTION OF RCW 46.20.410, RELATING TO THE VIOLATION OF RESTRICTIONS OF AN OCCUPATIONAL DRIVER'S LICENSE;

(V) A CONVICTION OF RCW 46.20.345, RELATING TO THE OPERATION OF A MOTOR VEHICLE WITH A SUSPENDED OR REVOKED LICENSE;

(VI) A CONVICTION OF RCW 46.52.020, RELATING TO DUTY IN CASE OF INJURY TO OR DEATH OF A PERSON OR DAMAGE TO AN ATTENDED VEHICLE;

(vii) A CONVICTION OF RCW 46.61.024, RELATING TO ATTEMPTING TO ELUDE PURSUING POLICE VEHICLES;
(viii) A CONVICTION OF RCW 46.61.500, RELATING TO RECKLESS DRIVING;
(ix) A CONVICTION OF RCW 46.61.502 OR 46.61.504, RELATING TO A PERSON UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS;

(x) A CONVICTION OF RCW 46.61.520, RELATING TO VEHICULAR HOMICIDE;
(xi) A CONVICTION OF RCW 46.61.522, RELATING TO VEHICULAR ASSAULT;
(xii) A CONVICTION OF RCW 46.61.527(4), RELATING TO RECKLESS ENDANGERMENT OF ROADWAY WORKERS;
(xiii) A CONVICTION OF RCW 46.61.530, RELATING TO RACING OF VEHICLES ON HIGHWAYS;
(xiv) A CONVICTION OF RCW 46.61.685, RELATING TO LEAVING CHILDREN IN AN UNATTENDED VEHICLE WITH MOTOR RUNNING;
(xv) A CONVICTION OF RCW 46.61.--- (SECTION 1 OF THIS ACT), RELATING TO THEFT OF MOTOR VEHICLE FUEL;
(xvi) A CONVICTION OF RCW 46.64.048, RELATING TO ATTEMPTING, AIDING, ABETTING, COERCING, AND COMMITTING CRIMES;
(~~(xvii)~~) (xvii) AN ADMINISTRATIVE ACTION TAKEN BY THE DEPARTMENT UNDER CHAPTER 46.20 RCW; OR
(~~(xviii)~~) (xviii) A CONVICTION OF A LOCAL LAW, ORDINANCE, REGULATION, OR RESOLUTION OF A POLITICAL SUBDIVISION OF THIS STATE, THE FEDERAL GOVERNMENT, OR ANY OTHER STATE, OF AN OFFENSE SUBSTANTIALLY SIMILAR TO A VIOLATION INCLUDED IN THIS SUBSECTION.

(C) A PERSON WHO VIOLATES THIS SECTION WHEN HIS OR HER DRIVER'S LICENSE OR DRIVING PRIVILEGE IS, AT THE TIME OF THE VIOLATION, SUSPENDED OR REVOKED SOLELY BECAUSE (I) THE PERSON MUST FURNISH PROOF OF SATISFACTORY PROGRESS IN A REQUIRED ALCOHOLISM OR DRUG TREATMENT PROGRAM, (II) THE PERSON MUST FURNISH PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE AS PROVIDED BY CHAPTER 46.29 RCW, (III) THE PERSON HAS FAILED TO COMPLY WITH THE PROVISIONS OF CHAPTER 46.29 RCW RELATING TO UNINSURED ACCIDENTS, (IV) THE PERSON HAS FAILED TO RESPOND TO A NOTICE OF TRAFFIC INFRACTION, FAILED TO APPEAR AT A REQUESTED HEARING, VIOLATED A WRITTEN PROMISE TO APPEAR IN COURT, OR HAS FAILED TO COMPLY WITH THE TERMS OF A NOTICE OF TRAFFIC INFRACTION OR CITATION, AS PROVIDED IN RCW 46.20.289, (V) THE PERSON HAS COMMITTED AN OFFENSE IN ANOTHER STATE THAT, IF COMMITTED IN THIS STATE, WOULD NOT BE GROUNDS FOR THE SUSPENSION OR REVOCATION OF THE PERSON'S DRIVER'S LICENSE, (VI) THE PERSON HAS BEEN SUSPENDED OR REVOKED BY REASON OF ONE OR MORE OF THE ITEMS LISTED IN (B) OF THIS SUBSECTION, BUT WAS ELIGIBLE TO REINSTATE HIS OR HER DRIVER'S LICENSE OR DRIVING PRIVILEGE AT THE TIME OF THE VIOLATION, OR (VII) THE PERSON HAS RECEIVED TRAFFIC CITATIONS OR NOTICES OF TRAFFIC INFRACTION THAT HAVE RESULTED IN A SUSPENSION UNDER RCW 46.20.267 RELATING TO INTERMEDIATE DRIVERS' LICENSES, OR ANY COMBINATION OF (I) THROUGH (VII), IS GUILTY OF DRIVING WHILE LICENSE SUSPENDED OR REVOKED IN THE THIRD DEGREE, A MISDEMEANOR.

(2) UPON RECEIVING A RECORD OF CONVICTION OF ANY PERSON OR UPON RECEIVING AN ORDER BY ANY JUVENILE COURT OR ANY DULY AUTHORIZED COURT OFFICER OF THE CONVICTION OF ANY JUVENILE UNDER THIS SECTION, THE DEPARTMENT SHALL:

(A) FOR A CONVICTION OF DRIVING WHILE SUSPENDED OR REVOKED IN THE FIRST DEGREE, AS PROVIDED BY SUBSECTION (1)(A) OF THIS SECTION, EXTEND THE PERIOD OF ADMINISTRATIVE REVOCATION IMPOSED UNDER CHAPTER 46.65 RCW FOR AN ADDITIONAL PERIOD OF ONE YEAR FROM AND AFTER THE DATE THE PERSON WOULD OTHERWISE HAVE BEEN ENTITLED TO APPLY FOR A NEW LICENSE OR HAVE HIS OR HER DRIVING PRIVILEGE RESTORED; OR

(B) FOR A CONVICTION OF DRIVING WHILE SUSPENDED OR REVOKED IN THE SECOND DEGREE, AS PROVIDED BY SUBSECTION (1)(B) OF THIS SECTION, NOT ISSUE A NEW LICENSE OR RESTORE THE DRIVING PRIVILEGE FOR AN ADDITIONAL PERIOD OF ONE YEAR FROM AND AFTER THE DATE THE PERSON WOULD OTHERWISE HAVE BEEN ENTITLED TO APPLY FOR A NEW LICENSE OR HAVE HIS OR HER DRIVING PRIVILEGE RESTORED; OR

(C) NOT EXTEND THE PERIOD OF SUSPENSION OR REVOCATION IF THE CONVICTION WAS UNDER SUBSECTION (1)(C) OF THIS SECTION. IF THE CONVICTION WAS UNDER SUBSECTION (1)(A) OR (B) OF THIS SECTION AND THE COURT RECOMMENDS AGAINST THE EXTENSION AND THE CONVICTED PERSON HAS OBTAINED A VALID DRIVER'S LICENSE, THE PERIOD OF SUSPENSION OR REVOCATION SHALL NOT BE EXTENDED.

SEC. 4. RCW 46.63.020 AND 1999 C 86 S 6 ARE EACH AMENDED TO READ AS FOLLOWS:

FAILURE TO PERFORM ANY ACT REQUIRED OR THE PERFORMANCE OF ANY ACT PROHIBITED BY THIS TITLE OR AN EQUIVALENT ADMINISTRATIVE REGULATION OR LOCAL LAW, ORDINANCE, REGULATION, OR RESOLUTION RELATING TO TRAFFIC INCLUDING PARKING, STANDING, STOPPING, AND PEDESTRIAN OFFENSES, IS DESIGNATED AS A TRAFFIC INFRACTION AND MAY NOT BE CLASSIFIED AS A CRIMINAL OFFENSE, EXCEPT FOR AN OFFENSE CONTAINED IN THE FOLLOWING PROVISIONS OF THIS TITLE OR A VIOLATION OF AN EQUIVALENT ADMINISTRATIVE REGULATION OR LOCAL LAW, ORDINANCE, REGULATION, OR RESOLUTION:

(1) RCW 46.09.120(2) RELATING TO THE OPERATION OF A NONHIGHWAY VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE;

(2) RCW 46.09.130 RELATING TO OPERATION OF NONHIGHWAY VEHICLES;

(3) RCW 46.10.090(2) RELATING TO THE OPERATION OF A SNOWMOBILE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTICS OR HABIT-FORMING DRUGS OR IN A MANNER ENDANGERING THE PERSON OF ANOTHER;

(4) RCW 46.10.130 RELATING TO THE OPERATION OF SNOWMOBILES;

(5) CHAPTER 46.12 RCW RELATING TO CERTIFICATES OF OWNERSHIP AND REGISTRATION AND MARKINGS INDICATING THAT A VEHICLE HAS BEEN DESTROYED OR DECLARED A TOTAL LOSS;

(6) RCW 46.16.010 RELATING TO INITIAL REGISTRATION OF MOTOR VEHICLES;

(7) RCW 46.16.011 RELATING TO PERMITTING UNAUTHORIZED PERSONS TO DRIVE;

(8) RCW 46.16.160 RELATING TO VEHICLE TRIP PERMITS;

(9) RCW 46.16.381(2) RELATING TO KNOWINGLY PROVIDING FALSE INFORMATION IN CONJUNCTION WITH AN APPLICATION FOR A SPECIAL PLACARD OR LICENSE PLATE FOR DISABLED PERSONS' PARKING;

(10) RCW 46.20.005 RELATING TO DRIVING WITHOUT A VALID DRIVER'S LICENSE;

(11) RCW 46.20.091 RELATING TO FALSE STATEMENTS REGARDING A DRIVER'S LICENSE OR INSTRUCTION PERMIT;

(12) RCW (~~(46.20.336)~~) 46.20.0921 RELATING TO THE UNLAWFUL POSSESSION AND USE OF A DRIVER'S LICENSE;

(13) RCW 46.20.342 RELATING TO DRIVING WITH A SUSPENDED OR REVOKED LICENSE OR STATUS;

(14) RCW 46.20.345 RELATING TO THE OPERATION OF A MOTOR VEHICLE WITH A SUSPENDED OR REVOKED LICENSE;

(15) RCW 46.20.410 RELATING TO THE VIOLATION OF RESTRICTIONS OF AN OCCUPATIONAL DRIVER'S LICENSE;

(~~(15)~~) RCW 46.20.420 RELATING TO THE OPERATION OF A MOTOR VEHICLE WITH A SUSPENDED OR REVOKED LICENSE;))

(16) RCW 46.20.740 RELATING TO OPERATION OF A MOTOR VEHICLE WITHOUT AN IGNITION INTERLOCK DEVICE IN VIOLATION OF A LICENSE NOTATION THAT THE DEVICE IS REQUIRED;

(17) RCW 46.20.750 RELATING TO ASSISTING ANOTHER PERSON TO START A VEHICLE EQUIPPED WITH AN IGNITION INTERLOCK DEVICE;

(18) RCW 46.25.170 RELATING TO COMMERCIAL DRIVER'S LICENSES;

(19) CHAPTER 46.29 RCW RELATING TO FINANCIAL RESPONSIBILITY;

(20) RCW 46.30.040 RELATING TO PROVIDING FALSE EVIDENCE OF FINANCIAL RESPONSIBILITY;

(21) RCW 46.37.435 RELATING TO WRONGFUL INSTALLATION OF SUNSCREENING MATERIAL;

(22) RCW 46.44.180 RELATING TO OPERATION OF MOBILE HOME PILOT VEHICLES;

(23) RCW 46.48.175 RELATING TO THE TRANSPORTATION OF DANGEROUS ARTICLES;

(24) RCW 46.52.010 RELATING TO DUTY ON STRIKING AN UNATTENDED CAR OR OTHER PROPERTY;

(25) RCW 46.52.020 RELATING TO DUTY IN CASE OF INJURY TO OR DEATH OF A PERSON OR DAMAGE TO AN ATTENDED VEHICLE;

(26) RCW 46.52.090 RELATING TO REPORTS BY REPAIRMEN, STORAGE MEN, AND APPRAISERS;

(27) RCW 46.52.130 RELATING TO CONFIDENTIALITY OF THE DRIVING RECORD TO BE FURNISHED TO AN INSURANCE COMPANY, AN EMPLOYER, AND AN ALCOHOL/DRUG ASSESSMENT OR TREATMENT AGENCY;

(28) RCW 46.55.020 RELATING TO ENGAGING IN THE ACTIVITIES OF A REGISTERED TOW TRUCK OPERATOR WITHOUT A REGISTRATION CERTIFICATE;

(29) RCW 46.55.035 RELATING TO PROHIBITED PRACTICES BY TOW TRUCK OPERATORS;

(30) RCW 46.61.015 RELATING TO OBEDIENCE TO POLICE OFFICERS, ((FLAGMEN)) FLAGGERS, OR FIRE FIGHTERS;

(31) RCW 46.61.020 RELATING TO REFUSAL TO GIVE INFORMATION TO OR COOPERATE WITH AN OFFICER;

(32) RCW 46.61.022 RELATING TO FAILURE TO STOP AND GIVE IDENTIFICATION TO AN OFFICER;

(33) RCW 46.61.024 RELATING TO ATTEMPTING TO ELUDE PURSUING POLICE VEHICLES;

(34) RCW 46.61.500 RELATING TO RECKLESS DRIVING;

(35) RCW 46.61.502 AND 46.61.504 RELATING TO PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS;

(36) RCW 46.61.503 RELATING TO A PERSON UNDER AGE TWENTY-ONE DRIVING A MOTOR VEHICLE AFTER CONSUMING ALCOHOL;

(37) RCW 46.61.520 RELATING TO VEHICULAR HOMICIDE BY MOTOR VEHICLE;

(38) RCW 46.61.522 RELATING TO VEHICULAR ASSAULT;

(39) RCW 46.61.5249 RELATING TO FIRST DEGREE NEGLIGENT DRIVING;

(40) RCW 46.61.527(4) RELATING TO RECKLESS ENDANGERMENT OF ROADWAY WORKERS;

(41) RCW 46.61.530 RELATING TO RACING OF VEHICLES ON HIGHWAYS;

(42) RCW 46.61.685 RELATING TO LEAVING CHILDREN IN AN UNATTENDED VEHICLE WITH THE MOTOR RUNNING;

(43) RCW 46.61.--- (SECTION 1 OF THIS ACT) RELATING TO THEFT OF MOTOR VEHICLE FUEL;

(44) RCW 46.64.010 RELATING TO UNLAWFUL CANCELLATION OF OR ATTEMPT TO CANCEL A TRAFFIC CITATION;

((44)) (45) RCW 46.64.048 RELATING TO ATTEMPTING, AIDING, ABETTING, COERCING, AND COMMITTING CRIMES;

((45)) (46) CHAPTER 46.65 RCW RELATING TO HABITUAL TRAFFIC OFFENDERS;

((46)) (47) RCW 46.68.010 RELATING TO FALSE STATEMENTS MADE TO OBTAIN A REFUND;

((47)) (48) CHAPTER 46.70 RCW RELATING TO UNFAIR MOTOR VEHICLE BUSINESS PRACTICES, EXCEPT WHERE THAT CHAPTER PROVIDES FOR THE ASSESSMENT OF MONETARY PENALTIES OF A CIVIL NATURE;

((48)) (49) CHAPTER 46.72 RCW RELATING TO THE TRANSPORTATION OF PASSENGERS IN FOR HIRE VEHICLES;

((49)) (50) RCW 46.72A.060 RELATING TO LIMOUSINE CARRIER INSURANCE;

((50)) (51) RCW 46.72A.070 RELATING TO OPERATION OF A LIMOUSINE WITHOUT A VEHICLE CERTIFICATE;

((51)) (52) RCW 46.72A.080 RELATING TO FALSE ADVERTISING BY A LIMOUSINE CARRIER;

((52)) (53) CHAPTER 46.80 RCW RELATING TO MOTOR VEHICLE WRECKERS;

((53)) (54) CHAPTER 46.82 RCW RELATING TO DRIVER'S TRAINING SCHOOLS;

((54)) (55) RCW 46.87.260 RELATING TO ALTERATION OR FORGERY OF A CAB CARD, LETTER OF AUTHORITY, OR OTHER TEMPORARY AUTHORITY ISSUED UNDER CHAPTER 46.87 RCW;

((55)) (56) RCW 46.87.290 RELATING TO OPERATION OF AN UNREGISTERED OR UNLICENSED VEHICLE UNDER CHAPTER 46.87 RCW."

DEBATE ENSUED.

SENATORS SNYDER, FRANKLIN AND FRASER DEMANDED THE PREVIOUS QUESTION AND THE DEMAND WAS SUSTAINED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE SHALL THE MAIN QUESTION BE NOW PUT.

THE DEMAND FOR THE PREVIOUS QUESTION CARRIED.

SENATOR ZARELLI CLOSED DEBATE ON THE STRIKING AMENDMENT TO HOUSE BILL NO. 1895.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE STRIKING AMENDMENT BY SENATOR ZARELLI TO HOUSE BILL NO. 1895.

THE MOTION BY SENATOR ZARELLI CARRIED AND THE STRIKING AMENDMENT WAS ADOPTED.

MOTIONS

ON MOTION OF SENATOR CONSTANTINE, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 1 OF THE TITLE, AFTER "FUEL;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 46.20.311, 46.20.342, AND 46.63.020; ADDING A NEW SECTION TO CHAPTER 46.61 RCW; AND PRESCRIBING PENALTIES."

ON MOTION OF SENATOR CONSTANTINE, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1895, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1895, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1895, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 46; NAYS, 3; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, WEST, WINSLEY AND ZARELLI - 46.

VOTING NAY: SENATORS MCCASLIN, MORTON AND THIBAudeau - 3.

HOUSE BILL NO. 1895, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

AT 3:57 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 9:00 A.M., FRIDAY, APRIL 6, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

EIGHTY-EIGHTH DAY, APRIL 5, 2001

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

EIGHTY-NINTH DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Friday, April 6, 2001

The Senate was called to order at 9:00 a.m. by President Pro Tempore Franklin. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Horn and Morton. On motion of Senator Honeyford, Senators Horn and Morton were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jaime Klippert and Nicholas Dietzen, presented the Colors. Bishop Carlos Sevilla from the Catholic Diocese of Yakima offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 4, 2001

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5013,
SUBSTITUTE SENATE BILL NO. 5015,
SENATE BILL NO. 5022,
SENATE BILL NO. 5038,
SENATE BILL NO. 5047,
SENATE BILL NO. 5048,
ENGROSSED SENATE BILL NO. 5051,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5052,
SENATE BILL NO. 5121,
SENATE BILL NO. 5145,

SUBSTITUTE SENATE BILL NO. 5219,
SUBSTITUTE SENATE BILL NO. 5241,
SENATE BILL NO. 5252,
ENGROSSED SENATE BILL NO. 5258,
SENATE BILL NO. 5273,
SENATE BILL NO. 5331,
SENATE BILL NO. 5367, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

April 4, 2001

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5691, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

April 4, 2001

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 6109, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

April 4, 2001

MR. PRESIDENT:

The House has passed:
ENGROSSED SENATE BILL NO. 5053,
SENATE BILL NO. 5061,
SUBSTITUTE SENATE BILL NO. 5958,
SENATE BILL NO. 5972,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5995,
SENATE BILL NO. 6022, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

April 4, 2001

MR. PRESIDENT:

The Co-Speakers have signed HOUSE BILL NO. 1100, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

April 5, 2001

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5057,
SUBSTITUTE SENATE BILL NO. 5118, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5013,
SUBSTITUTE SENATE BILL NO. 5015,
SENATE BILL NO. 5022,
SENATE BILL NO. 5038,
SENATE BILL NO. 5047,
SENATE BILL NO. 5048,
ENGROSSED SENATE BILL NO. 5051,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5052,
SENATE BILL NO. 5121,
SENATE BILL NO. 5145,
SUBSTITUTE SENATE BILL NO. 5219,
SUBSTITUTE SENATE BILL NO. 5241,
SENATE BILL NO. 5252,
ENGROSSED SENATE BILL NO. 5258,
SENATE BILL NO. 5273,
SENATE BILL NO. 5331,
SENATE BILL NO. 5367.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5057,
SUBSTITUTE SENATE BILL NO. 5118.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5691.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6109.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5053,
SENATE BILL NO. 5061,
SUBSTITUTE SENATE BILL NO. 5958,
SENATE BILL NO. 5972,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5995,
SENATE BILL NO. 6022.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1100.

INTRODUCTION AND FIRST READING

SB 6174 by Senators T. Sheldon, Morton, Hale, Zarelli, Honeyford, Horn, Hewitt, Rossi, Stevens, Finkbeiner, Sheahan and Hargrove and Roach

AN ACT Relating to the management of state energy supply and demand; amending RCW 80.50.020, 80.50.060, 80.50.100, 80.52.030, 82.16.055, 19.29A.040, 82.08.02567, and 82.12.02567; adding new sections to chapter 80.50 RCW; adding a new section to chapter 80.52 RCW; adding a new section to chapter 82.34 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 19.29A RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Environment, Energy and Water.

MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

SENATE RESOLUTION 2001-8621

By Senators Kohl-Welles, McDonald, Deccio, Thibaudeau, Johnson, Prentice, Rasmussen, Fraser, Swecker and Fairley

WHEREAS, The Senate wishes to recognize the value of Community Rehabilitation Programs and the contributions they make to our state; and

WHEREAS, There are more than one hundred rehabilitation programs in the state of Washington that serve approximately 20,000 citizens with severe disabilities and other barriers to employment each year; and

WHEREAS, These programs support universal access of all our citizens to appropriate and satisfying employment and related supporting services and opportunities, and support the individual's right to self-determination and choice including the right to live and to work where and with whom one chooses; and

WHEREAS, These programs provide an array of employment services and employment opportunities to Washington's citizens having the most severe barriers to full community integration and competitive employment, including persons with developmental disabilities and WorkFirst participants; and

WHEREAS, Rehabilitation programs address employment needs that no other segment of the service delivery system performs; and

WHEREAS, They are the employers of choice for many and they also are the employers of last resort for many others; and

WHEREAS, In order to fully support individuals with developmental and other severe disabilities in our state, these programs must be recognized and valued for the unique and essential role they perform in the state's service delivery system and employment network;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor and celebrate the professionals and volunteers who operate and govern the Community Rehabilitation Programs serving our citizens with the severest barriers to employment.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced the organizational members of the Community Rehabilitation Programs from across the state, who were seated in the back of the Chamber.

MOTION

At 9:16 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:26 a.m. by President Pro Tempore Franklin.

MOTION

On motion of Senator Betti Sheldon the Senate reverted to the sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9111, Carolyn J. Purnell, as a member of the State Board for Community and Technical Colleges, was confirmed.

REAPPOINTMENT OF CAROLYN J. PURNELL

The Secretary called the roll. The reappointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Horn and Morton - 2.

MOTION

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

SENATE RESOLUTION 2001-8657

By Senators Rasmussen, Snyder, Winsley, Regala, Franklin, Kastama, Swecker, Shin, Roach, McCaslin, Oke, Johnson, Kohl-Welles, Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rossi, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Thibaudeau, West and Zarelli

WHEREAS, The Washington State Senate takes honor in recognizing residents who have dedicated their life to service; and

WHEREAS, Helmut "Brownie" Braunsteiner of Tacoma, has been a leader and a volunteer throughout his life, demonstrating the difference one person can make in so many others' lives; and

WHEREAS, Brownie was born in Austria in 1926 and was forced into the Hitler Youth Organization until the Nazis discovered his mother was Jewish; and

WHEREAS, Brownie escaped to America with his family in October of 1939; and

WHEREAS, In 1944, Brownie began his twenty-seven year career in the Army, serving in World War II, Korea and Vietnam; and

WHEREAS, Because he spoke fluent German, Brownie acted as an interpreter-translator at the Nuremberg War Crimes Trials in 1945, and in 1961 he tutored former President John F. Kennedy in Berlin on the exact pronunciation of JFK's famous phrase of unity, "Ich bin ein Berliner;" and

WHEREAS, Brownie turned to volunteerism, because as a patriotic person thankful to enjoy the fruits of American freedom, he felt he owed the United States a favor; and

WHEREAS, For thirty years, Brownie has been a full-time volunteer for veterans organizations, coordinating Veterans of Foreign Wars volunteers for the VA Hospital at American Lake and chairing the Pierce County Veterans Advisory Council; and

WHEREAS, In 1987, Brownie helped found Fife's Veterans Independent Enterprises of Washington, which rehabilitates homeless drug or alcohol dependent vets--housing them in its own facilities and placing them in jobs in its workshop; and

WHEREAS, After developing diabetes, Brownie has volunteered countless hours with the Diabetes Association of Pierce County; and

WHEREAS, The Diabetes Association of Pierce County, established in 1978, is a local nonprofit organization that has screened 96,825 people for diabetes at no charge – and Brownie has conducted ninety percent of those screenings; and

WHEREAS, Brownie tries to help people detect diabetes in time to prevent severe complications--going so far as to check if they've been to a doctor about their condition three weeks after the test; and

WHEREAS, Brownie, who recently celebrated his seventy-fifth birthday, was diagnosed with terminal lung cancer a few months ago, and has been given four to six months to live;

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate does hereby recognize the outstanding contributions, selfless volunteerism, patriotism and endless devotion made by Brownie Braunsteiner to the people of Washington and the United States; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately from the Secretary of the Senate to Helmut "Brownie" Braunsteiner and his family, the Diabetes Association of Pierce County and the Veterans Independent Enterprises of Washington.

MOTION

Senator Rasmussen: "Thank you, Madam President. I move adoption of the resolution. Ladies and gentlemen of the Senate, I think we truly, truly have one of the finest individuals ever born in this country--I mean this world, because he was born in Austria. He is a supreme, wonderful, wonderful person. I brought this resolution to you because I want you to know how great America is because this fellow certainly has proved it in his patriotism and his volunteerism.

"If you read the resolution--just think of it--97,000 people he screened for diabetes. Ninety percent of those, he did himself. That's a lot. Think of what he's done for our country, being an interpreter in the Nuremberg trials. I just want to give you this opportunity to get to meet Brownie. I am so delighted that he is here and I am hoping that we will have enough time for Brownie to tell us a little bit about his life. Every once in awhile you want to make sure there's somebody for your kids to look up to. We all look up to you, Brownie, and we love you very much."

REMARKS BY SENATOR OKE

Senator Oke: "Thank you, Madam Chair. Brownie, again, it's an honor to be here with you and I salute you, sir, for your service. You've got a wonderful looking hair cut, I'll tell you that. Every time I attend a veteran's event, Brownie's there. I don't know how he finds time to be everywhere, but you can see from what's already shared that this individual has done so much in his life. He has a heart for people and he has helped so many people. The World War II Memorial is something that Brownie was deeply involved with and reminded me quite often that if we didn't get that memorial, there wouldn't be anybody that served that could actually view it. That memorial is a tribute to you, Brownie, and thanks for the years of service, and thank you and God bless you, sir."

REMARKS BY SENATOR KASTAMA

Senator Kastama: "Thank you, Madam President. Brownie, it's a pleasure to go ahead and speak on your behalf. I think this is just a clear example of a person's life when you concentrate on the needs of others, your concerns, your fears, your animosities, they fade to the background and you can see life in a clear way, and I think Brownie's a clear example of that. As was said in the resolution, he was born in Austria in 1926. He was actually forced into the Hitler Youth Organization as a thirteen year old, but then ejected from that when they found out his mother was Jewish. What it doesn't say was the fact that because of this, everyday when he was on his way to school and after school, he was beaten by those very same individuals--those Hitler youth individuals.

"Coming to this country, he served the United States in World War II, Korea and in Vietnam. Then, he went on to participate in volunteerism to give back to this country. Brownie, thank you very much for that. It's already been said that he was the coordinator for the VFW Volunteers, the VA Hospital, Chairman of the Pierce County Veteran's Advisory Council and then he also worked extensively in diabetes, assisting people in that regard.

"I'd like to read from a column that was written on your behalf, Brownie, in February this year, and again, I think this just displays the fact that concentrating on other people's concerns often takes your life and puts it in the background and makes you see things clear. This is quoting from Brownie, he said, *'My glass is still half full. I've had a very good life. I've had the opportunity to come to a free country. Think what would have happened to me if I would have ended up in a concentration camp. I could have died on patrol in Vietnam. I hope I've given back, but I need a little bit more time now to find replacements for me and to train them. Nobody is irreplaceable.'*

"Brownie, you're not replaceable, we know that. The columnist goes on to say that we agree Brownie. Heroes are mighty hard to replace. You're a hero. Thank you, Brownie."

REMARKS BY SENATOR WINSLEY

Senator Winsley: "Thank you, Madam President. It's an honor to pay tribute to Brownie. I think of Brownie as Mr. Veteran, but I also have to think about Tom Brokaw's book about the greatest generation that every lived. Brownie has seen the depression and the political turmoil in Europe and then he came and joined American forces in World War II. That generation is, I think, a generation that we really need to pay tribute to as a whole. I sometimes--I used to tell my children and now I tell my grandchildren, how many miles I had to walk to school one way. We've all done that, haven't we? They laugh and then my husband always says, 'And I was working when I was thirteen.' That initiative, that work ethic, is part of that generation.

"I'd also like to share with members that Brownie's illness is probably due to Agent Orange that he contacted in Vietnam and that's sad that all those many years he gave to our country--and now his illness is probably due to that service. Anyhow, God bless you."

REMARKS BY SENATOR SHIN

Senator Shin: "Thank you, Madam President. I stand up to honor Senate Resolution 2001-8657. Brownie's story is an epitome of what America stands for. Throughout history, from way back in the nineteenth century to today, multitudes of people, refugees and political exiles came to this country. Once they found freedom, they did not stop there. They appreciate freedom and protect their freedom and they want to pay back the blessings they have received. Brownie, I want to congratulate you. Learning about the Third Reich and what the Hitler regime has done to, not only Germany, but to Europe, especially against the Jewish people is unthinkable--is repugnant.

"But history may not repeat itself, because of what you have done. You came here to this country, not as a refugee alone and you're grateful for this country. Therefore, you not only volunteered to the military, serving there in many capacities, but to the Alzheimer and the Diabetes Association. You're the kind of person whose footsteps I would like to follow, because you lead me and I, too, am an immigrant. I'm not a refugee, but I am an immigrant who came from abroad and learned about the blessings of this country. I would like to have the members of the Senate know what this country means to me and to know that even though we are immigrants, we'll make good American citizens.

"Many people ask me, 'Are you Japanese?' I said, 'No.' 'Are you Chinese?' I said, 'No.' 'Then, what are you?' I tell them proudly, 'I am an American.' In 1998, when I was elected as a State Senator, I was the highest

ranking officer of Korean descent elected to legislative office in this country. The Korean government invited me to Korea and at the airport, there was media and TV and radio and dignitaries welcoming me as a national hero. The press asked me, 'In your district, are your constituents mostly Asians?' I said, 'No.' Then they said, 'Who are they?' I answered, 'Well, ninety-six percent are white Americans and four percent are minority.' 'And they voted for you?' I said, 'Yes.' 'How could they vote for you?' I didn't know what to say. I said, 'That's a living testimony that American democracy really works.' Next morning on the front page of the newspaper, American democracy really does work. I was proud of what I said to them. A little bit of a lesson in democracy could teach others, as well.

"Brownie, like you, I'm grateful to this country. I think you have paid back the dues more than we deserve and congratulations to you. I'm sorry I didn't get a chance to meet you sooner, but I wish to have a chance to talk to you and learn something about what really admonished you to serve and for what you have done for this country. In 1963, President Kennedy said, 'Ask not what your country can do for you but ask what you can do for your country.' Thank you very much for the lesson and the living testimony."

REMARKS BY SENATOR BENTON

Senator Benton: "Thank you, Madam President. I, too, rise to add my name to those here honoring Brownie today. It's an honor for him to be here, but I'll tell you it's an honor for us to be able to honor you, sir. It has been my pleasure to work with you since my arrival in the House of Representatives in 1995 and throughout that time, we have worked very closely together, most of those years struggling to build the World War II Memorial here on the Capital Campus. Without your tenacity and dedication to that cause, it certainly would never have occurred and for that I thank you, as many generations to come will as well.

"Thank you for your service to this great country and thank you for your service to the citizens of this great state. As many people before me have said, you are a model mentor--someone for all of us to look up to. So, on behalf of my family and my children and my grandchildren to come, I thank you for everything you have done for all of us. Thank you, Brownie."

REMARKS BY SENATOR REGALA

Senator Regala: "Thank you, Madam President. It's also my privilege to be able to stand here and to honor Brownie this morning. You know, it was interesting as I watched my fellow Senators as we were listening to the resolution, the expressions on people's faces as it began to sink in what an outstanding man this man in front of us--Brownie Braunsteiner--is and the accomplishments that he has had in his life. Although he has done some really outstanding things and met some very famous people and been in very important places, the thing that stands out in my mind is that whenever you meet Brownie, he always has a smile. He's always very happy to meet you no matter who you are and he has devoted his life to serving this country that he adopted and also to serving some of those who others would consider less important. Brownie has worked tirelessly on behalf of veterans who are dealing with substance abuse, veterans who are homeless and of course, he has done his outstanding service for those who are suffering with diabetes. Although he has met many high and famous people, Brownie has never forgotten that everyone is important and he works very hard for them. I think the fact that he's always willing to give of himself is what makes him such a wonderful person and I hope that we'll all be able to give you some love back that will sustain you in these next few days as you struggle. Thank you, Brownie."

REMARKS BY SENATOR DECCIO

Senator Deccio: "Thank you, Madam President. Sir, I don't know you, but we have something in common. As a veteran of World War II and a diabetic, I salute you."

REMARKS BY SENATOR SNYDER

Senator Snyder: "Thank you, Madam President. I was privileged to serve on the World War II Memorial Committee with Brownie. He was one of the worker bees. I was privileged to be on the committee and. I hope that I did my share, but Brownie carried the load for several people and he's one of those people that, as the resolution says, that's been doing things for everybody forever. We're sorry that he can't go on for another one hundred years to keep doing those things, because I am sure it's going to take several people to take his place to do all of the things that he has been doing these past number of years.

"As I've been listening to the remarks and reread the resolution, I think of two comments that have been made and one of them is that you Brownie never said a lot at the meetings, but when you did speak, it was like the old E. F. Hutton ad, 'When Brownie speaks, everybody listens.' The other one was what Warren Magnuson used to say, 'That there's two types of horses--there are show horses and there are work horses.' Brownie is a work horse. There's no question about it. I want to thank you too on behalf of everybody. Thank you."

REMARKS BY SENATOR SWECKER

Senator Swecker: "Thank you, Madam President. Well, Brownie, I want you to know that you're a model. I'm a veteran from a subsequent war and a younger generation, but your dedication to the cause of serving fellow veterans well beyond your service, your formal service in our country--our country's armed forces--is a model that my generation needs to emulate. So, I thank you for your demonstration of leadership for us and I just pray that our generation has those talented and key individuals who are willing to step forth and be advocates for the veterans of our conflicts. Thank you."

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution 2001-8657.

The motion by Senator Rasmussen carried and Senate Resolution 2001-8657 was adopted.

MOTIONS

On motion of Senator Benton, the names of all members of the Senate will be added as sponsors of the resolution.

On motion of Senator Benton, the remarks by the members on the resolution will be spread across the Journal and sent to Mr. Braunsteiner.

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you, Madam President. I hope we indeed will have time to have some remarks from Brownie and as we welcome him and as we honor him. We want our hero to be able to say a few remarks and those, too, I would like to make sure they are spread upon the journal. Thank you."

REMARKS BY HELMUT "BROWNIE" BRAUNSTEINER

Helmut 'Brownie' Braunsteiner: "Well, thank you so much. I've temporarily done away with my oxygen. I hope I don't run out of steam. I'm overwhelmed. The resolution is just marvelous. But standing before you, you know, coming from a country that formerly had a mandatory system of voting made me more conscious in the United States of the political system and I have followed what you have been doing for many, many years. Some are gone now and others have taken their place, but I tell you that you're doing a marvelous job. I cannot tell you that the system that we have, not only in the state, but overall in the United States is just fantastic.

"Senator 'Mom' wanted me to just briefly explain one incident in my life and I was been very privileged and that is when I acted as an interpreter translator for John F. Kennedy in Berlin. One of the interesting features--first of all, let me explain something. I spent about four hours with President Kennedy sitting in a room trying to get a statement that he wished to make to the people in Berlin and it translated into this huge crowd that was assembled in the Square. What he wanted to convey to them that if as an enclave that was entirely surrounded by the Soviet Union and the East Germans, if in fact, they felt that freedom meant that much to them being inhibited in movement in any direction. Now, that sentence--and I have to give it to you in German--'Ich bin ein Berliner.' [I am a resident of Berlin.]. That's the way the German language works.

"Now, he was in a mode where he would say, 'Ick bin ein Berliner,' so it took several hours of phonetic explanation. He would take one word--John F. Kennedy was a very, very bright and astute individual, but he was very impatient. He was very driving and abrupt and he just forced everything out of you. He had a great memory, but he scribbled on a piece of paper and in order to prevent him from saying 'Ick' because the 'ch' is very hard to pronounce for Americans, so we had to stretch it out to 'iss.' That took ten minutes until we finally got the sound and he scribbled it on a piece of paper. Then 'Ein' was not that much of a problem, because I said simply take mine--in other words, my book, this book is mine and take that and drop the 'm' and just 'ein' and it came out perfect. The other word 'bin', well, that's easy too in the English language. Then finally, the 'Berliner'-- that's a very--because when you make a mistake telling people where they are from,--then you're in trouble. So, we worked on that for a long, long time and he finally got it and I think he said it perfectly. This is still on the Internet and you can find the voice of the original speech that he made on that date.

"I can tell you something. I stood way in the background on that large stage overlooking that crowd, but the people went wild. They went completely wild. I also had the privilege of, later on, acting as an interpreter translator for Robert Kennedy, who brought his whole clan--six children and his wife--and we kept the children busy climbing all over a tank while Robert Kennedy reviewed some of the issues in Berlin at that time. I also had the privilege, of course, of being an interpreter translator to the Nuremberg war trials where I got my revenge. I made a few mistakes in translating things that the.....but that's another story. I don't want to go into that.

"To make a long story short, I know many of you personally. I think you're doing a marvelous job. Please continue. If nothing else in my memory, take care of the veterans and that's all I ask you to do. Thank you so much. Thank you. I salute you."

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the sixth order of business.

MOTION

On motion of Senator Eide, Senator Tim Sheldon was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1792, by House Committee on Financial Institutions and insurance (originally sponsored by Representatives Benson and Hatfield) (by request of Insurance Commissioner Kreidler)

Creating the holding company act for health care service contractors and health maintenance organizations.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1792 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1792.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1792 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Horn, Morton and Sheldon, T. - 3.

SUBSTITUTE HOUSE BILL NO. 1792, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1717, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Morell, O'Brien, Ballasiotes, McMorris, Cairnes and Ahern)

Exempting from public inspection specified information on correctional facilities.

The bill was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators McCaslin, Hargrove and Gardner be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.17.310 and 2000 c 134 s 3, 2000 c 56 s 1, and 2000 c 6 s 5 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy. After the arrest of a suspect and referral of the case to the prosecuting authority, basic arrest information contained within the police incident report is no longer exempt, unless the agency promptly requests an examination of the record in camera and obtains an injunction against such release pursuant to RCW 42.17.330. After conviction, acquittal, dismissal of charges, or declination to file, the remainder of the investigative file in that particular case is no longer exempt, unless the agency promptly requests an examination of the record in camera and obtains an injunction against such release pursuant to RCW 42.17.330.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection

and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds, except when disclosure is expressly required by law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a correctional facility or any individual's safety.

(xx) Records the disclosure of which would reveal, directly or indirectly, the strategy or position to be taken by an agency during the course of any collective bargaining, professional negotiations, professional services contracting or strategic planning with respect to proprietary services, or grievance or mediation proceedings.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators McCaslin, Hargrove and Gardner to Substitute House Bill No. 1717.

The motion by Senator Hargrove carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "records;" strike the remainder of the title and insert "and reenacting and amending RCW 42.17.310."

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1717, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1717, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1717, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Patterson, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 41.

Voting nay: Senators Constantine, Fairley, Jacobsen, Kline, Prentice and Thibaudeau - 6.

Absent: Senator Parlette - 1.

Excused: Senator Morton - 1.

SUBSTITUTE HOUSE BILL NO. 1717, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Swecker served notice to reconsider the vote by which Substitute House Bill No. 1717, as amended by the Senate, passed the Senate.

SECOND READING

HOUSE BILL NO. 1727, by Representatives Roach, Miloscia, Benson and Hatfield (by request of Insurance Commissioner Kreidler)

Regulating the investment limits of insurers in noninsurance subsidiaries.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1727 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1727.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1727 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Morton - 1.

HOUSE BILL NO. 1727, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1366, by Representatives Hatfield, Benson and Keiser (by request of Department of Financial Institutions)

Regulating credit unions.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1366 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1366.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1366 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420, by House Committee on Commerce and Labor (originally sponsored by Representatives Hurst, Roach, Dunshee, Lovick, Woods, Jackley, Mielke, Wood, Carrell, Cooper, Sump, Hatfield, Pflug, Haigh, Conway, Reardon, Morris, Edmonds, Ruderman, O'Brien, Voloria, Poulsen, Morell, Kenney, Bush, Anderson, Cody, Santos, Rockefeller and Kessler)

Prohibiting discrimination against volunteer fire fighters.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the following Committee on Labor, Commerce and Financial Institutions striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that seventy-five percent of fire fighters in the state are volunteers and that many communities would be without fire fighting services if it were not for volunteer fire fighters. Volunteer fire fighters risk their lives to protect others, providing an important public service that should be recognized and supported. Volunteer fire fighters should not have to risk their livelihoods in serving others. It is the intention of the legislature to protect volunteer fire fighters from adverse employment actions stemming from their volunteer service.

NEW SECTION. Sec. 2. A new section is added to chapter 49.12 RCW to read as follows:

(1) An employer may not discharge from employment or discipline a volunteer fire fighter because of leave taken related to an alarm of fire or an emergency call.

(2)(a) A volunteer fire fighter who believes he or she was discharged or disciplined in violation of this section may file a complaint alleging the violation with the director. The volunteer fire fighter may allege a violation only by filing such a complaint within ninety days of the alleged violation.

(b) Upon receipt of the complaint, the director must cause an investigation to be made as the director deems appropriate and must determine whether this section has been violated. Notice of the director's determination must be sent to the complainant and the employer within ninety days of receipt of the complaint.

(c) If the director determines that this section was violated and the employer fails to reinstate the employee or withdraw the disciplinary action taken against the employee, whichever is applicable, within thirty days of receipt of notice of the director's determination, the volunteer fire fighter may bring an action against the employer alleging a violation of this section and seeking reinstatement or withdrawal of the disciplinary action.

(d) In any action brought under this section, the superior court shall have jurisdiction, for cause shown, to restrain violations under this section and to order reinstatement of the employee or withdrawal of the disciplinary action.

(3) For the purposes of this section:

(a) "Alarm of fire or emergency call" means responding to, working at, or returning from a fire alarm or an emergency call, but not participating in training or other nonemergency activities.

(b) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any business, industry, profession, or activity in this state and employs one or more employees, and also includes the state, any state institution, state agency, political subdivision of the state, and municipal corporation or quasi-municipal corporation.

(c) "Reinstatement" means reinstatement with back pay, without loss of seniority or benefits, and with removal of any related adverse material from the employee's personnel file, if a file is maintained by the employer.

(d) "Withdrawal of disciplinary action" means withdrawal of disciplinary action with back pay, without loss of seniority or benefits, and with removal of any related adverse material from the employee's personnel file, if a file is maintained by the employer.

(e) "Volunteer fire fighter" means a fire fighter who:

(i) Is not paid;

(ii) Is not already at his or her place of employment when called to serve as a volunteer, unless the employer agrees to provide such an accommodation; and

(iii) Has been ordered to remain at his or her position by the commanding authority at the scene of the fire.

(4) The legislature declares that the public policies articulated in this section depend on the procedures established in this section and no civil or criminal action may be maintained relying on the public policies articulated in this section without complying with the procedures set forth in this section, and to that end all civil actions and civil causes of action for such injuries and all jurisdiction of the courts of this state over such causes are hereby abolished, except as provided in this section."

MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 1 of the title, after "fighters;" strike the remainder of the title and insert "adding a new section to chapter 49.12 RCW; and creating a new section."

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 1420, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1420, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1420, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Roach was excused.

SECOND READING

HOUSE BILL NO. 1084, by Representatives Ogden, Dunn, Boldt and Fromhold

Authorizing independent salary commissions for cities, towns, and counties.

The bill was read the second time.

MOTION

Senator Honeyford moved that the following amendment be adopted:

On page 6, after line 11, insert the following:

"(10) Any salary increase established by the commission in any calendar year shall not exceed the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the federal department of commerce."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 6, after line 11, to House Bill No. 1084.

The motion by Senator Honeyford failed and the amendment was not adopted.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1084 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senators Snyder, Fraser and Betti Sheldon demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1084.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1084 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Jacobsen, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Winsley - 33.

Voting nay: Senators Benton, Deccio, Finkbeiner, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Long, McDonald, Morton, Rossi, Stevens and Zarelli - 15.

Excused: Senator Roach - 1.

HOUSE BILL NO. 1084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1835, by House Committee on Finance (originally sponsored by Representatives Doumit, Sump, Schoesler and Clements)

Creating a forest products commission.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the following Committee on Natural Resources, Parks and Shorelines striking amendment was adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the creation of a forest products commission would assist in expanding the state's economy, because:

(1) Marketing is a dynamic and changing part of the Washington forest products industry and a vital element in expanding the state economy;

(2) The sale in the state and export to other states and abroad of forest products made in the state contribute substantial benefits to the economy of the state, provide a large number of jobs and sizeable tax revenues, and are key components of the health of many local communities because many secondary businesses are largely dependent on the health of the forest products industry; and

(3) Forest products are made from a renewable resource and are more environmentally sound than many alternative products.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commission" means the forest products commission.

(2) "Department" means the department of agriculture.

(3) "Director" means the director of the department of agriculture or the director's authorized representative.

(4) "Forest products" or "timber" means trees of any species maintained for eventual harvest whether planted or of natural growth, standing or down, on privately or publicly owned land, and also includes wood products related thereto, but does not include Christmas trees or other trees on which the timber excise tax provided under chapter 84.33 RCW is not imposed.

(5) "Person" includes any individual, corporation, firm, partnership, trust, association, or any other organization of individuals.

(6) "Producer" means any person who harvests timber in Washington state and pays the timber excise tax imposed under chapter 84.33 RCW on at least two million board feet in a calendar year or in four consecutive calendar quarters.

(7) "Eastern Washington" means that portion of the state lying east of the Cascade mountain range.

(8) "Western Washington" means that portion of the state lying west of the Cascade mountain range.

NEW SECTION. Sec. 3. (1)(a) There is created a commodity commission to be known and designated as the Washington forest products commission. The commission is composed of nine voting members. The commission may, in its sole discretion, add or remove nonvoting ex officio members to the commission. Of the members, six shall be from western Washington, and three shall be from eastern Washington. After the initial election of commission members, however, if a position cannot be filled by a member from eastern Washington within sixty days from the date on which nominations may first be received because of a lack of candidates, the position may be filled by a member from western Washington. Under no circumstances will there be less than two board members from eastern Washington. If a position was filled by a member from western Washington because of a lack of candidates from eastern Washington, and districts are not used for the nomination and election of members, then a person from eastern Washington must fill the next available vacancy or open position at the next election to bring the number of representatives from eastern Washington up to three members. All members shall be elected by the entire group of producers unless the commission creates districts for the members as authorized in section 5 of this act. If districts are used for the nomination and election of commission members, and it does not appear that one of the positions from eastern Washington will be filled because of a lack of candidates, then a commission member who resides in western Washington must be elected by the entire group of producers as an at-large member. The position of the western Washington member who is elected as an at-large member shall be filled by a member from eastern Washington at the expiration of the term of the at-large member. If districts are not used for the nomination and election of members, the commission shall strive to achieve representation on the commission from the different geographic regions of the state.

(b) Of the six members from western Washington, three members must have annual harvests of more than seventy-five million board feet, and three members must have annual harvests between two million board feet and seventy-five million board feet.

(c) Of the two members from eastern Washington, one member must have an annual harvest greater than forty million board feet, and one member must have an annual harvest between two million board feet and forty million board feet. If there is a third member from eastern Washington, the only harvest requirement is that the member have an annual harvest of at least two million board feet.

(2) The members must be citizens and residents of this state, and over the age of twenty-one years. Each member must currently, and for the five years last preceding his or her election, be actually engaged in producing forest products within the state of Washington, either individually or as an officer of a corporation, firm, partnership, trust, association, or business organization at the level of production required to qualify as a producer. Each member must also derive a substantial amount of his or her income from the production of forest products. The qualifications set forth in this section apply throughout each member's term of office.

(3) No more than one member of the commission may be employed by, or connected in a proprietary capacity with, the same corporation, firm, partnership, trust, association, or business organization.

(4) Five voting members of the commission constitute a quorum for the transaction of all business and the carrying out of the duties of the commission.

(5) The regular term of office of the members is four years from November 1st following their election and until their successors are elected and qualified. However, the first terms of the members elected November 1, 2001, is as follows: Positions one, four, and seven terminate November 1, 2003; positions two, five, and eight terminate November 1, 2004; and positions three, six, and nine terminate November 1, 2005.

NEW SECTION. Sec. 4. (1) The director shall call the initial meeting of producers of forest products for the purpose of nominating their respective members of the commission. Public notice of the meeting shall be given by the director in the manner the director determines is appropriate. A producer may on his or her own motion file his or her name with the director for the purpose of receiving notice of the meeting. The nonreceipt of the notice by any interested person does not invalidate the proceedings.

(2) Prior to the nomination of commission members, the department of revenue shall provide the director with a list of all qualified producers within the state based upon tax records of the department.

(3) For the initial election of commission members, any qualified producer may be nominated orally for a commissioner position at the meeting convened by the director. Nominations may also be made within five days prior to the meeting by a written petition filed with the department, signed by at least five producers who reside in the state. If the director determines that one of the positions from eastern Washington will go unfilled because of a lack of candidates, the director shall announce that this position shall be filled by a member from western Washington. If the position designated for eastern Washington is filled by a member from western Washington because of a lack of candidates from eastern Washington, this position shall be designated as position number seven by the director for purposes of section 3(5) of this act. Under no circumstances will there be less than two board members from eastern Washington.

(4) The initial members of the commission shall be elected by secret mail ballot under the supervision of the director at the same time the referendum is submitted under section 12 of this act calling for the creation of the commission and the imposition of the initial assessment. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for the position receiving the largest number of votes.

NEW SECTION. Sec. 5. (1) After the initial election of commission members, the commission shall establish rules for electing commission members, including the method used for notification, nominating, and voting. The commission may create commission districts and boundaries, and may also establish a weighted voting procedure for election of commission members. The commission shall hold its annual meeting during the month of October each year for the purpose of nominating commission members and the transaction of other business. Public notice of the meeting shall be given by the commission in the manner it determines is appropriate. A producer may on his or her own motion file his or her name with the commission for the purpose of receiving notice of the meeting. The nonreceipt of the notice by any interested person does not invalidate the proceedings.

(2) Prior to the nomination of commission members, the department of revenue shall provide the commission with a list of all qualified producers within the state based upon tax records of the department.

NEW SECTION. Sec. 6. (1) In the event a position becomes vacant due to resignation, disqualification, death, or for any other reason, the position until the next annual meeting shall be filled by vote of the remaining members of the commission. At the annual meeting a commissioner shall be elected to fill the balance of the unexpired term.

(2) Each member of the commission shall be compensated in accordance with RCW 43.03.230 and shall be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter. Employees of the commission may also be reimbursed for actual travel expenses when on official commission business.

NEW SECTION. Sec. 7. Obligations incurred by the commission and liabilities or claims against the commission may be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission exists against either the state of Washington or any subdivision or instrumentality thereof or against any member, officer, employee, or agent of the commission in his or her individual capacity. The members of the commission, including employees of the commission, may not be held responsible individually or any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employees, except for their own individual acts of dishonesty or crime. A person or employee may not be held responsible individually for any act or omission of any other members of the commission.

NEW SECTION. Sec. 8. The powers and duties of the commission include:

(1) To elect a chairman and such officers as the commission deems advisable. The commission shall adopt rules for its own governance, which provide for the holding of an annual meeting for the election of officers and transaction of other business and for such other meetings as the commission may direct;

(2) To adopt any rules necessary to carry out the purposes of this chapter, in conformance with chapter 34.05 RCW;

(3) To administer and do all things reasonably necessary to carry out the purposes of this chapter;

(4) At the pleasure of the commission, to employ a treasurer who is responsible for all receipts and disbursements by the commission and the faithful discharge of whose duties shall be guaranteed by a bond at the sole expense of the commission;

(5) At the pleasure of the commission, to employ and discharge managers, secretaries, agents, attorneys, and employees and to engage the services of independent contractors as the commission deems necessary, to prescribe their duties, and to fix their compensation;

(6) To engage directly or indirectly in the promotion of Washington forest products and managed forests, and shall in the good faith judgment of the commission be in aid of the marketing, advertising, or sale of forest products, or of research related to such marketing, advertising, or sale of forest products, or of research related to managed forests;

(7) To enforce the provisions of this chapter, including investigating and prosecuting violations of this chapter;

(8) To acquire and transfer personal and real property, establish offices, incur expense, and enter into contracts.

Contracts for creation and printing of promotional literature are not subject to chapter 43.78 RCW, but such contracts may be canceled by the commission unless performed under conditions of employment which substantially conform to the laws of this state and the rules of the department of labor and industries. The commission may create such debt and other liabilities as may be reasonable for proper discharge of its duties under this chapter;

(9) To maintain such account or accounts with one or more qualified public depositaries as the commission may direct, to cause moneys to be deposited therein, and to expend moneys for purposes authorized by this chapter by drafts made by the commission upon such institutions or by other means;

(10) To cause to be kept and annually closed, in accordance with generally accepted accounting principles, accurate records of all receipts, disbursements, and other financial transactions, available for audit by the state auditor;

(11) To create and maintain a list of producers and to disseminate information among and solicit the opinions of producers with respect to the discharge of the duties of the commission, directly or by arrangement with trade associations or other instrumentalities;

(12) To employ, designate as agent, act in concert with, and enter into contracts with any person, council, commission, or other entity for the purpose of promoting the general welfare of the forest products industry and particularly for the purpose of assisting in the sale and distribution of Washington forest products in domestic and foreign commerce, expending moneys as it may deem necessary or advisable for such purpose and for the purpose of paying its proportionate share of the cost of any program providing direct or indirect assistance to the sale and distribution of Washington forest products in domestic or foreign commerce, and employing and paying for vendors of professional services of all kinds;

(13) To sue and be sued as a commission, without individual liability for acts of the commission within the scope of the powers conferred upon it by this chapter;

(14) To propose assessment levels for producers subject to referendum approval under section 11 of this act; and

(15) To participate in federal and state agency hearings, meetings, and other proceedings relating to the regulation, production, manufacture, distribution, sale, or use of forest products.

NEW SECTION. Sec. 9. The commission shall create, provide for, and conduct a research, promotional, and educational campaign as sales and market conditions reasonably require. It shall investigate and ascertain the needs of producers, conditions of markets, and degree of public awareness of products, and take into account the information obtained in the discharge of its duties under this chapter.

NEW SECTION. Sec. 10. (1) The commission shall cause a list to be prepared of all Washington producers of forest products from any information available from the commission, producers' association, or producers, including tax records from the department of revenue. This list shall contain the names and addresses of all persons who produce forest products within this state, the amount of forest products produced during the period designated by the commission, and the assessment amount for each member. The list is considered confidential and may be reviewed only by the employees of the commission, except for information that may be disclosed to the public and commission members under subsection (4) of this section. A qualified person may, at any time, have his or her name placed upon the list by delivering or mailing the information to the commission. This list shall be corrected and brought up to date in accordance with evidence and information available to the commission on or before December 31st of each year, or as soon thereafter as possible. For all purposes of giving notice and holding referendums, the list on hand, corrected up to the day next preceding the date for issuing notices or ballots as the case may be, is, for purposes of this chapter, the list of all producers entitled to notice or to assent or dissent or to vote.

(2) The commission shall develop a reporting system to document that the producers of forest products in this state are reporting quantities of forest products produced and subject to the assessment as provided in section 11 of this act.

(3) The department of revenue may charge the commission for the reasonable costs of providing reports of harvest activity on a quarterly basis.

(4) Any taxpayer information received by the commission from the department of revenue may only be used for the limited purposes of establishing lists of producers necessary to determine eligibility for voting, eligibility for serving as a commission member, the amount of assessments owed, or other necessary purposes as established by law. Any return or tax information received from the department of revenue may be reviewed only by the employees of the commission. Employees may disclose to the public and commission members a list of commission members, groupings of at least three commission members by the amount of forest products harvested over any time period designated by the commission of at least one quarter, and the members who are eligible for the various positions on the commission.

NEW SECTION. Sec. 11. (1) To provide for permanent funding of the forest products commission, an assessment shall be levied by the commission on producers of each species of forest products. The initial rate of assessment that shall be submitted for approval by referendum pursuant to section 12 of this act is fifty-seven cents per thousand board feet. The initial assessment is not effective until approved by a majority of producers as required by section 12 of this act.

(2) After the initial assessment rate is approved, the commission may adjust the amount of the assessment within a range of forty-five cents up to ninety cents per thousand board feet. The commission shall submit any proposed increase in the assessment to producers pursuant to the referendum process established in this section, and shall supply all known producers with a ballot for the referendum. The commission shall establish the assessment for the marketing year by January 1st of each year, or as soon thereafter as possible. Assessments may only be used for the purposes and objects of this chapter.

(3) The forest products commission may raise the assessment on forest products in excess of the fiscal growth factor under chapter 43.135 RCW. The assessment limits established by this section are solely to provide prior legislative authority for the purposes of RCW 43.135.055 and are not a limit on the authority of the forest products commission to alter assessments in any manner not limited by RCW 43.135.055. However, any alteration in assessments made under this section must be made with the procedural requirements established by this chapter for altering such assessments.

(4) The requirement for approval of an assessment is met if: (a) At least fifty-one percent by numbers of producers replying in the referendum vote affirmatively, and these producers represent at least sixty-one percent of the volume of the producers replying in the referendum; or (b) sixty-five percent by numbers of producers replying in the referendum vote affirmatively, and these producers represent at least fifty-one percent of the volume of the producers replying in the referendum. An assessment shall only be approved if at least forty percent of the eligible producers participate in the vote.

NEW SECTION. Sec. 12. (1) For purposes of determining producer participation in the commission, the initial election of commissioners, and for imposition of the original assessment specified in section 11 of this act, the director shall conduct a referendum among all producers of forest products within the state.

(2) The requirement for approval of the assessment and creation of the commission is met if: (a) At least fifty-one percent by numbers of producers replying in the referendum vote affirmatively, and these producers represent at least sixty-one percent of the volume of the producers replying in the referendum; or (b) sixty-five percent by numbers of producers replying in the

referendum vote affirmatively, and these producers represent at least fifty-one percent of the volume of the producers replying in the referendum. The referendum shall only be approved if at least forty percent of the eligible producers participate in the vote.

(3) If the director determines that the requisite approval has been given, the director shall declare the establishment of the commission and direct it to put into force the assessment authorized in section 11 of this act. If the director finds that the requisite approval has not been given, then this chapter is not operative.

NEW SECTION. Sec. 13. The commission shall deposit moneys collected under section 11 of this act in a separate account in the name of the commission in any bank that is a state depository. All expenditures and disbursements made from this account under this chapter may be made without the necessity of a specific legislative appropriation. RCW 43.01.050 does not apply to this account or to the moneys received, collected, or expended under this chapter.

NEW SECTION. Sec. 14. A due and payable assessment levied in the amount determined by the commission under section 11 of this act constitutes a personal debt of every person so assessed, or who otherwise owes the assessment, and the assessment is due and payable to the commission when payment is called for by the commission. If a person fails to pay the commission the full amount of the assessment by the date due, the commission may add to the unpaid assessment an amount not exceeding ten percent of the assessment to defray the cost of enforcing its collection. If the person fails to pay any due and payable assessment or other such sum, the commission may bring a civil action for collection against the person or persons in a court of competent jurisdiction. The action shall be tried and judgment rendered as in any other cause of action for a debt due and payable.

NEW SECTION. Sec. 15. All county and state law enforcement officers shall assist in the enforcement of this chapter.

NEW SECTION. Sec. 16. The superior courts are hereby vested with jurisdiction to enforce this chapter and the rules of the commission, and to prevent and restrain violations thereof.

NEW SECTION. Sec. 17. This chapter shall be liberally construed to effectuate its purposes.

Sec. 18. RCW 42.17.31907 and 1996 c 80 s 3 are each amended to read as follows:

The following agricultural business and commodity commission records are exempt from the disclosure requirements of this chapter:

(1) Production or sales records required to determine assessment levels and actual assessment payments to commodity commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.-- (sections 1 through 17 and 22 of this act), and 16.67 RCW or required by the department of agriculture under RCW 15.13.310(4) or 15.49.370(6);

(2) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture; and

(3) Financial and commercial information and records supplied by persons to commodity commissions formed under chapters 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.-- (sections 1 through 17 and 22 of this act), and 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information.

Sec. 19. RCW 43.135.055 and 1997 c 303 s 2 are each amended to read as follows:

(1) No fee may increase in any fiscal year by a percentage in excess of the fiscal growth factor for that fiscal year without prior legislative approval.

(2) This section does not apply to an assessment made by an agricultural commodity commission or board created by state statute or created under a marketing agreement or order under chapter 15.65 or 15.66 RCW, or to the forest products commission, if the assessment is approved by referendum in accordance with the provisions of the statutes creating the commission or board or chapter 15.65 or 15.66 RCW for approving such assessments.

NEW SECTION. Sec. 20. A new section is added to chapter 82.32 RCW to read as follows:

The forest products commission, created pursuant to chapter 15.-- RCW (sections 1 through 17 and 22 of this act), constitutes a state agency for purposes of applying the exemption contained in RCW 82.32.330(3)(f) for the disclosure of taxpayer information by the department. Disclosure of return or tax information may be made only to employees of the commission and not to commission members. Employees are authorized to use this information in accordance with section 10(4) of this act. Employees are subject to all civil and criminal penalties provided under RCW 82.32.330 for disclosures made to another person not entitled under the provisions of this section or section 10 of this act to knowledge of such information.

NEW SECTION. Sec. 21. Sections 1 through 17 and 22 of this act constitute a new chapter in Title 15 RCW.

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

MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 42.17.31907 and 43.135.055; adding a new section to chapter 82.32 RCW; and adding a new chapter to Title 15 RCW."

On motion of Senator Jacobsen, the rules were suspended, Second Substitute House Bill No. 1835, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1835, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1835, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Deccio - 1.

Excused: Senator McCaslin - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1835, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

WITHDRAWAL OF MOTION TO RECONSIDER SUBSTITUTE HOUSE BILL NO. 1717

On motion of Senator Swecker and there being no objection, the motion to reconsider the vote by which Substitute House Bill No. 1717 passed the Senate, was withdrawn.

MOTION

On motion of Senator Honeyford, Senators Deccio and Hale were excused.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1499, by House Committee on Appropriations (originally sponsored by Representatives Jackley, Buck, Rockefeller, Eickmeyer, Sump, Doumit, Pennington and Dunn)

Regulating marine fin fish aquaculture.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Second Substitute House Bill No. 1499 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1499.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1499 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Deccio, Hale and McCaslin - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 6, 2001

MR. PRESIDENT:

The Co-Speakers have signed:

SUBSTITUTE HOUSE BILL NO. 1019,

SUBSTITUTE HOUSE BILL NO. 1027,

SUBSTITUTE HOUSE BILL NO. 1140,
HOUSE BILL NO. 1280,
HOUSE BILL NO. 1296,
HOUSE BILL NO. 1309,
HOUSE BILL NO. 1313,
HOUSE BILL NO. 1317,
SUBSTITUTE HOUSE BILL NO. 1375,
HOUSE BILL NO. 1546,
HOUSE BILL NO. 1548,
HOUSE BILL NO. 1577,
SUBSTITUTE HOUSE BILL NO. 1632,
HOUSE BILL NO. 1634,
SUBSTITUTE HOUSE BILL NO. 1739,
ENGROSSED HOUSE BILL NO. 1864,
HOUSE BILL NO. 1983, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1019,
SUBSTITUTE HOUSE BILL NO. 1027,
SUBSTITUTE HOUSE BILL NO. 1140,
HOUSE BILL NO. 1280,
HOUSE BILL NO. 1296,
HOUSE BILL NO. 1309,
HOUSE BILL NO. 1313,
HOUSE BILL NO. 1317,
SUBSTITUTE HOUSE BILL NO. 1375,
HOUSE BILL NO. 1546,
HOUSE BILL NO. 1548,
HOUSE BILL NO. 1577,
SUBSTITUTE HOUSE BILL NO. 1632,
HOUSE BILL NO. 1634,
SUBSTITUTE HOUSE BILL NO. 1739,
ENGROSSED HOUSE BILL NO. 1864,
HOUSE BILL NO. 1983.

MOTION

At 11:57 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:05 p.m. by President Pro Tempore Franklin.

MESSAGES FROM THE HOUSE

April 5, 2001

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5206,
SUBSTITUTE SENATE BILL NO. 5224,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5238,
SENATE BILL NO. 5348, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

April 5, 2001

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5054,

**SENATE BILL NO. 5305,
SENATE BILL NO. 5377,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5434,
SUBSTITUTE SENATE BILL NO. 5472,
SUBSTITUTE SENATE BILL NO. 5497,
SENATE BILL NO. 5531,
SUBSTITUTE SENATE BILL NO. 5572,
SUBSTITUTE SENATE BILL NO. 5733,
SENATE BILL NO. 5863,
SUBSTITUTE SENATE BILL NO. 5925,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5942,
SUBSTITUTE SENATE BILL NO. 6053,
SENATE BILL NO. 6107,
SENATE JOINT MEMORIAL NO. 8006,
SENATE JOINT MEMORIAL NO. 8008,** and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

April 5, 2001

MR. PRESIDENT:

The House has passed:
**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1995,
SUBSTITUTE HOUSE BILL NO. 2104,** and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
**SENATE BILL NO. 5206,
SUBSTITUTE SENATE BILL NO. 5224,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5238,
SENATE BILL NO. 5348.**

SIGNED BY THE PRESIDENT

The President signed:
**SENATE BILL NO. 5054,
SENATE BILL NO. 5305,
SENATE BILL NO. 5377,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5434,
SUBSTITUTE SENATE BILL NO. 5472,
SUBSTITUTE SENATE BILL NO. 5497,
SENATE BILL NO. 5531,
SUBSTITUTE SENATE BILL NO. 5572,
SUBSTITUTE SENATE BILL NO. 5733,
SENATE BILL NO. 5863,
SUBSTITUTE SENATE BILL NO. 5925,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5942,
SUBSTITUTE SENATE BILL NO. 6053,
SENATE BILL NO. 6107,
SENATE JOINT MEMORIAL NO. 8006,
SENATE JOINT MEMORIAL NO. 8008.**

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1995 by House Committee on Judiciary (originally sponsored by Representatives Dickerson, Cairnes, Grant, Dunn, Campbell, Kagi, Pearson and Wood)

Revising provisions relating to civil forfeitures of property and convening a workgroup to evaluate civil forfeiture laws.

Passed to Committee on Rules.

SHB 2104 by House Committee on Appropriations (originally sponsored by Representatives Rockefeller, Sump, Pearson and Doumit)

Providing for an increase in forest fire protection funds.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Eide, Senators Haugen and Kline were excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Morton, Gubernatorial Appointment No. 9094, Elizabeth McInturff, as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges District No. 17, was confirmed.

APPOINTMENT OF ELIZABETH McINTURFF

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 6; Excused, 4. Voting yea: Senators Benton, Carlson, Constantine, Costa, Eide, Franklin, Fraser, Gardner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 39.

Absent: Senators Brown, Fairley, Finkbeiner, Hargrove, Jacobsen and Kastama - 6.

Excused: Senators Deccio, Haugen, Kline and McCaslin - 4.

MOTION

On motion of Senator Honeyford, Senator Finkbeiner was excused.

MOTION

On motion of Senator Shin, Gubernatorial Appointment No. 9095, Jack C. McRae, as a member of the Board of Trustees for Edmonds Community College District No. 23, was confirmed.

APPOINTMENT OF JACK C. McRAE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Excused: Senators Deccio, Finkbeiner, Haugen, Kline and McCaslin - 5.

SECOND READING

HOUSE BILL NO. 1780, by Representatives Armstrong, Linville, B. Chandler and Grant

Concerning moneys in the fruit and vegetable district fund.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1780 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1780.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1780 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Deccio, Haugen, Kline and McCaslin - 4.

HOUSE BILL NO. 1780, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1365, by House Committee on Children and Family Services (originally sponsored by Representatives Doumit, Pflug, Tokuda, Boldt, Pennington, Rockefeller, Hatfield, Eickmeyer, Campbell, Edwards, Cairnes, Murray, Cody, Jackley, Mastin, Kirby, Buck, Kessler, Chopp, McIntire, Grant, Morris, Lisk, Ruderman, Van Luven, Kenney, Conway, Kagi and Schual-Berke)

Requiring the department of health to publicize a list of recalled infant and child products.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the following Committee on Health and Long-Term Care striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that infants and children in Washington are injured, sometimes fatally, by unsafe consumer products designed for use by infants and children.

(2) The legislature finds that parents and other persons responsible for the care of infants and children are often unaware that some of these consumer products have been recalled or are unsafe.

(3) The legislature intends to address this lack of awareness by establishing a statewide infant and children product safety campaign across Washington state.

NEW SECTION. Sec. 2. A new section is added to chapter 43.70 RCW to read as follows:

(1) The legislature authorizes the secretary to establish and maintain a product safety education campaign to promote greater awareness of products designed to be used by infants and children, excluding toys, that:

(a) Are recalled by the United States consumer products safety commission;

(b) Do not meet federal safety regulations and voluntary safety standards; or

(c) Are unsafe or illegal to place into the stream of commerce under the infant crib safety act, chapter 70.111 RCW.

(2) The department shall make reasonable efforts to ensure that this infant and children product safety education campaign reaches the target population. The target population for this campaign includes, but is not limited to, parents, foster parents and other caregivers, child care providers, consignment and resale stores selling infant and child products, and charitable and governmental entities serving infants, children, and families.

(3) The secretary may utilize a combination of methods to achieve this outreach and education goal, including but not limited to print and electronic media. The secretary may operate the campaign or may contract with a vendor.

(4) The department shall coordinate this infant and children product safety education campaign with child-serving entities including, but not limited to, hospitals, birthing centers, midwives, pediatricians, obstetricians, family practice physicians, governmental and private entities serving infants, children, and families, and relevant manufacturers.

(5) The department shall coordinate with other agencies and entities to eliminate duplication of effort in disseminating infant and children consumer product safety information.

(6) The department may receive funding for this infant and children product safety education effort from federal, state, and local governmental entities, child-serving foundations, or other private sources."

MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "adding a new section to chapter 43.70 RCW; and creating a new section."

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 1365, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1365, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1365, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Deccio, Haugen and Kline - 3.

SUBSTITUTE HOUSE BILL NO. 1365, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1426, by House Committee on Health Care (originally sponsored by Representatives Edmonds, Skinner, Cody, Pflug, Dunn, Schual-Berke, Boldt, Kagi, Kenney, Campbell, Conway and Marine)

Establishing a quality improvement program for boarding homes.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 1426 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1426.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1426 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Deccio, Haugen and Kline - 3.

SUBSTITUTE HOUSE BILL NO. 1426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

POINT OF ORDER

Senator Thibaudeau: "Madam President, a point of order. I can't hear. It is very difficult to hear with so many people talking. I know that I do that sometimes, but it is very difficult to hear at this time. I can't even hear you."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Franklin: "Because of the situation outdoors it is very noisy, so I would ask all of you to keep your talking to a limit, so that we can all hear what is going on."

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1180, by House Committee on Health Care (originally sponsored by Representatives Cody, Marine, Ruderman, McMorris and Schual-Berke) (by request of Department of Health)

Obtaining and expending funds for the public health system.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Second Substitute House Bill No. 1180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1180.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1180 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Winsley - 40.

Voting nay: Senators Benton, Hochstatter, Honeyford, Roach, Stevens and Zarelli - 6.

Excused: Senators Deccio, Haugen and Kline - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1590, by House Committee on Appropriations (originally sponsored by Representatives Cody, Clements, Conway, Skinner, Gombosky, Mitchell, Edmonds, Hatfield, Keiser, Kenney, Kagi, McIntire, Wood, Ruderman, Santos and Hurst)

Supporting the practice of breastfeeding.

The bill was read the second time.

MOTION

Senator Roach moved that the following amendment by Senators Roach and McCaslin be adopted:

On page 3, on line 26, after "exposure", insert the following:

"as long as the breast remains covered"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Roach and McCaslin on page 3, line 26, to Second Substitute House Bill No. 1590.

The motion by Senator Roach failed and the amendment was not adopted.

MOTION

On motion of Senator Prentice, the rules were suspended, Second Substitute House Bill No. 1590 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1590.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1590 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Voting nay: Senators Honeyford, Morton and Stevens - 3.

Excused: Senators Deccio and Haugen - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1590, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1729, by Representatives Benson, Hatfield, McIntire, Cairnes, Roach, Simpson and Keiser

Licensing surplus line brokers.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1729 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1729.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1729 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Haugen - 2.

HOUSE BILL NO. 1729, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Horn was excused.

SECOND READING

HOUSE BILL NO. 1564, by Representatives Casada, Lantz, Carrell, Hurst, Esser and O'Brien

Reenacting provisions relating to the crime of making false or misleading statements to public servants.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the following Committee on Labor, Commerce and Financial Institutions amendment was adopted:

On page 1, beginning on line 6, after "*Thomas*," strike all material through "2000" on line 7, and insert "103 Wn. App. 800"

MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "Relating to" strike all material through "servants" on line 2 of the title, and insert "obstructing governmental operations"

On motion of Senator Prentice, the rules were suspended, House Bill No. 1564, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1564, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1564, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Deccio, Haugen and Horn - 3.

HOUSE BILL NO. 1564, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1716, by Representatives Veloria, Mielke, Buck, O'Brien, Conway, Talcott, Hunt, Crouse, Clements, Murray, Schoesler, Miloscia, Benson, Tokuda, Santos, D. Schmidt, McDermott, Lovick, Cody, Campbell, Haigh, Keiser, Ogden and Dickerson (by request of Governor Locke)

Providing income assistance benefits to qualified World War II veterans living in the Republic of the Philippines.

The bill was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1716 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1716.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1716 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Haugen - 2.

HOUSE BILL NO. 1716, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6036, by Senators Eide, Benton, Winsley, Oke, Long, Stevens, Johnson, Finkbeiner, Hale, Hochstatter, Carlson, Swecker, Rossi, Roach, T. Sheldon, Patterson and Kastama

Repealing local motor vehicle taxes.

The bill was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 6036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senators Betti Sheldon, Fraser and Prentice demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6036.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6036 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Carlson, Eide, Finkbeiner, Franklin, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Long, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Snyder, Stevens, Swecker, West, Winsley and Zarelli - 32.

Voting nay: Senators Brown, Constantine, Costa, Fairley, Fraser, Gardner, Jacobsen, Kline, Kohl-Welles, McAuliffe, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 15.

Excused: Senators Deccio and Haugen - 2.

SENATE BILL NO. 6036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Eide, Senator Snyder was excused.

On motion of Senator Honeyford, Senator West was excused.

SECOND READING

HOUSE BILL NO. 1951, by Representatives Clements, B. Chandler, G. Chandler, Lisk and Mulliken

Allowing restaurants and private clubs to sell wine for off-premises consumption.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the following Committee on Labor, Commerce and Financial Institutions striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.24.450 and 1999 c 281 s 5 are each amended to read as follows:

(1) No club shall be entitled to a spirits, beer, and wine private club license:

(a) Unless such private club has been in continuous operation for at least one year immediately prior to the date of its application for such license;

(b) Unless the private club premises be constructed and equipped, conducted, managed, and operated to the satisfaction of the board and in accordance with this title and the regulations made thereunder;

(c) Unless the board shall have determined pursuant to any regulations made by it with respect to private clubs, that such private club is a bona fide private club; it being the intent of this section that license shall not be granted to a club which is, or has been, primarily formed or activated to obtain a license to sell liquor, but solely to a bona fide private club, where the sale of liquor is incidental to the main purposes of the spirits, beer, and wine private club, as defined in RCW 66.04.010(7).

(2) The annual fee for a spirits, beer, and wine private club license, whether inside or outside of an incorporated city or town, is seven hundred twenty dollars per year.

(3) The board may issue an endorsement to the spirits, beer, and wine private club license that allows up to forty nonclub, member-sponsored events using club liquor. Visitors and guests may attend these events only by invitation of the sponsoring member or members. These events may not be open to the general public. The fee for the endorsement shall be an annual fee of nine hundred dollars. Upon the board's request, the holder of the endorsement must provide the board or the board's designee with the following information at least seventy-two hours prior to the event: The date, time, and location of the event; the name of the sponsor of the event; and a brief description of the purpose of the event.

(4) The board may issue an endorsement to the spirits, beer, and wine private club license that allows the holder of a spirits, beer, and wine private club license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this chapter is one hundred twenty dollars.

Sec. 2. RCW 66.24.452 and 1997 c 321 s 31 are each amended to read as follows:

(1) There shall be a beer and wine license to be issued to a private club for sale of beer and wine for on-premises consumption.

(2) Beer and wine sold by the licensee may be on tap or by open bottles or cans.

(3) The fee for the private club beer and wine license is one hundred eighty dollars per year.

(4) The board may issue an endorsement to the private club beer and wine license that allows the holder of a private club beer and wine license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this chapter is one hundred twenty dollars.

Sec. 3. RCW 66.24.425 and 1998 c 126 s 7 are each amended to read as follows:

(1) The board may, in its discretion, issue a spirits, beer, and wine restaurant license to a business which qualifies as a "restaurant" as that term is defined in RCW 66.24.410 in all respects except that the business does not serve the general public but, through membership qualification, selectively restricts admission to the business. For purposes of RCW 66.24.400 and 66.24.420, all licenses issued under this section shall be considered spirits, beer, and wine restaurant licenses and shall be subject to all requirements, fees, and qualifications in this title, or in rules adopted by the board, as are applicable to spirits, beer, and wine restaurant licenses generally except that no service to the general public may be required.

(2) No license shall be issued under this section to a business:

(a) Which shall not have been in continuous operation for at least one year immediately prior to the date of its application; or

(b) Which denies membership or admission to any person because of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical handicap.

(3) The board may issue an endorsement to the spirits, beer, and wine restaurant license that allows the holder of a spirits, beer, and wine restaurant license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this chapter is one hundred twenty dollars.

Sec. 4. RCW 66.24.400 and 1998 c 126 s 5 are each amended to read as follows:

(1) There shall be a retailer's license, to be known and designated as a spirits, beer, and wine restaurant license, to sell spirituous liquor by the individual glass, beer, and wine, at retail, for consumption on the premises, including mixed drinks and cocktails compounded or mixed on the premises only: PROVIDED, That a hotel, or club licensed under chapter 70.62 RCW with overnight sleeping accommodations, that is licensed under this section may sell liquor by the bottle to registered guests of the hotel or club for consumption in guest rooms, hospitality rooms, or at banquets in the hotel or club: PROVIDED FURTHER, That a patron of a bona fide hotel, restaurant, or club licensed under this section may remove from the premises recorked or recapped in its original container any portion of wine which was purchased for consumption with a meal, and registered guests who have purchased liquor from the hotel or club by the bottle may remove from the premises any unused portion of such liquor in its original container. Such license may be issued only to bona fide restaurants, hotels and clubs, and to dining, club and buffet cars on passenger trains, and to dining places on passenger boats and airplanes, and to dining places at civic centers with facilities for sports, entertainment, and conventions, and to such other establishments operated and maintained primarily for the benefit of tourists, vacationers and travelers as the board shall determine are qualified to have, and in the discretion of the board should have, a spirits, beer, and wine restaurant license under the provisions and limitations of this title.

(2) The board may issue an endorsement to the spirits, beer, and wine restaurant license that allows the holder of a spirits, beer, and wine restaurant license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this chapter is one hundred twenty dollars.

Sec. 5. RCW 66.24.570 and 1997 c 321 s 36 are each amended to read as follows:

(1) There is a license for sports entertainment facilities to be designated as a sports/entertainment facility license to sell beer, wine, and spirits at retail, for consumption upon the premises only, the license to be issued to the entity providing food and beverage service at a sports entertainment facility as defined in this section. The cost of the license is two thousand five hundred dollars per annum.

(2) For purposes of this section, a sports entertainment facility includes a publicly or privately owned arena, coliseum, stadium, or facility where sporting events are presented for a price of admission. The facility does not have to be exclusively used for sporting events.

(3) The board may impose reasonable requirements upon a licensee under this section, such as requirements for the availability of food and victuals including but not limited to hamburgers, sandwiches, salads, or other snack food. The board may also restrict the type of events at a sports entertainment facility at which beer, wine, and spirits may be served. When imposing conditions for a licensee, the board must consider the seating accommodations, eating facilities, and circulation patterns in such a facility, and other amenities available at a sports entertainment facility.

(4) The board may issue a caterer's endorsement to the license under this section to allow the licensee to remove from the liquor stocks at the licensed premises, for use as liquor for sale and service at special occasion locations at a specified date

and place not currently licensed by the board. The privilege of selling and serving liquor under the endorsement is limited to members and guests of a society or organization as defined in RCW 66.24.375. Cost of the endorsement is three hundred fifty dollars.

(a) The holder of this license with catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(b) If attendance at the function will be limited to members and invited guests of the sponsoring society or organization, the requirement that the society or organization be within the definition of RCW 66.24.375 is waived.

(5) The board may issue an endorsement to the beer, wine, and spirits sports/entertainment facility license that allows the holder of a beer, wine, and spirits sports/entertainment facility license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this chapter is one hundred twenty dollars."

MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 1 of the title, after "consumption;" strike the remainder of the title and insert "and amending RCW 66.24.450, 66.24.452, 66.24.425, 66.24.400, and 66.24.570."

On motion of Senator Prentice, the rules were suspended, House Bill No. 1951, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1951, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1951, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 43.

Voting nay: Senators Long, Morton and Oke - 3.

Excused: Senators Deccio, Snyder and West - 3.

HOUSE BILL NO. 1951, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Honeyford, Senator Johnson was excused.

On motion of Senator Eide, Senator Prentice was excused.

SECOND READING

HOUSE BILL NO. 1062, by Representatives O'Brien, Ballasiotes, Delvin, Lovick and Haigh (by request of Criminal Justice Training Commission)

Modifying provisions pertaining to the certification of peace officers.

The bill was read the second time.

MOTION

On motion of Senator Costa, the following Committee on Judiciary striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.101.010 and 1981 c 132 s 2 are each amended to read as follows:

When used in this chapter:

(1) The term "commission" means the Washington state criminal justice training commission.

(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.

(3) The term "criminal justice personnel" means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.

(4) The term "law enforcement personnel" means any public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made.

(5) The term "correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

(6) A peace officer is "convicted" at the time a plea of guilty has been accepted, or a verdict of guilty or finding of guilt has been filed, notwithstanding the pendency of any future proceedings, including but not limited to sentencing, posttrial or postfact-finding motions and appeals. "Conviction" includes a deferral of sentence and also includes the equivalent disposition by a court in a jurisdiction other than the state of Washington.

(7) "Discharged for disqualifying misconduct" means terminated from employment for: (a) Conviction of (i) any crime committed under color of authority as a peace officer, (ii) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), (iii) the unlawful use or possession of a controlled substance, or (iv) any other crime the conviction of which disqualifies a Washington citizen from the legal right to possess a firearm under state or federal law; (b) conduct that would constitute any of the crimes addressed in (a) of this subsection; or (c) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination.

(8) A peace officer is "discharged for disqualifying misconduct" within the meaning of subsection (7) of this section under the ordinary meaning of the term and when the totality of the circumstances support a finding that the officer resigned in anticipation of discipline, whether or not the misconduct was discovered at the time of resignation, and when such discipline, if carried forward, would more likely than not have led to discharge for disqualifying misconduct within the meaning of subsection (7) of this section.

(9) When used in context of proceedings referred to in this chapter, "final" means that the peace officer has exhausted all available civil service appeals, collective bargaining remedies, and all other such direct administrative appeals, and the officer has not been reinstated as the result of the action. Finality is not affected by the pendency or availability of state or federal administrative or court actions for discrimination, or by the pendency or availability of any remedies other than direct civil service and collective bargaining remedies.

(10) "Peace officer" means any law enforcement personnel subject to the basic law enforcement training requirement of RCW 43.101.200 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.200. Commissioned officers of the Washington state patrol, whether they have been or may be exempted by rule of the commission from the basic training requirement of RCW 43.101.200, are included as peace officers for purposes of this chapter. Fish and wildlife officers with enforcement powers for all criminal laws under RCW 77.12.055 are peace officers for purposes of this chapter.

NEW SECTION. Sec. 2. (1) As a condition of continuing employment as peace officers, all Washington peace officers: (a) Shall timely obtain certification as peace officers, or timely obtain certification or exemption therefrom, by meeting all requirements of RCW 43.101.200, as that section is administered under the rules of the commission, as well by meeting any additional requirements under this chapter; and (b) shall maintain the basic certification as peace officers under this chapter. The commission shall certify peace officers who have satisfied, or have been exempted by statute or by rule from, the basic training requirements of RCW 43.101.200 on or before the effective date of this section. Thereafter, the commission may revoke certification pursuant to this chapter.

(2) The commission shall allow a peace officer to retain status as a certified peace officer as long as the officer: (a) Timely meets the basic law enforcement training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.200 or under rule of the commission; (b) meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (c) is not denied certification by the commission under this chapter; and (d) has not had certification revoked by the commission.

(3) As a prerequisite to certification, as well as a prerequisite to pursuit of a hearing under section 9 of this act, a peace officer must, on a form devised or adopted by the commission, authorize the release to the commission of his or her personnel files, termination papers, criminal investigation files, or other files, papers, or information that are directly related to a certification matter or decertification matter before the commission.

NEW SECTION. Sec. 3. Upon request by a peace officer's employer or on its own initiative, the commission may deny or revoke certification of any peace officer, after written notice and hearing, if a hearing is timely requested by the peace officer under section 9 of this act, based upon a finding of one or more of the following conditions:

(1) The peace officer has failed to timely meet all requirements for obtaining a certificate of basic law enforcement training, a certificate of basic law enforcement training equivalency, or a certificate of exemption from the training;

(2) The peace officer has knowingly falsified or omitted material information on an application for training or certification to the commission;

(3) The peace officer has been convicted at any time of a felony offense under the laws of this state or has been convicted of a federal or out-of-state offense comparable to a felony under the laws of this state; except that if a certified peace officer was convicted of a felony before being employed as a peace officer, and the circumstances of the prior felony conviction were fully disclosed to his or her employer before being hired, the commission may revoke certification only with the agreement of the employing law enforcement agency;

(4) The peace officer has been discharged for disqualifying misconduct, the discharge is final, and some or all of the acts or omissions forming the basis for the discharge proceedings occurred on or after the effective date of this section;

(5) The peace officer's certificate was previously issued by administrative error on the part of the commission; or

(6) The peace officer has interfered with an investigation or action for denial or revocation of certificate by: (a) Knowingly making a materially false statement to the commission; or (b) in any matter under investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness.

NEW SECTION. Sec. 4. (1) A person denied a certification based upon dismissal or withdrawal from a basic law enforcement academy for any reason not also involving discharge for disqualifying misconduct is eligible for readmission and certification upon meeting standards established in rules of the commission, which rules may provide for probationary terms on readmission.

(2) A person whose certification is denied or revoked based upon prior administrative error of issuance, failure to cooperate, or interference with an investigation is eligible for certification upon meeting standards established in rules of the commission, rules which may provide for a probationary period of certification in the event of reinstatement of eligibility.

(3) A person whose certification is denied or revoked based upon a felony criminal conviction is not eligible for certification at any time.

(4) A peace officer whose certification is denied or revoked based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction, may, five years after the revocation or denial, petition the commission for reinstatement of the certificate or for eligibility for reinstatement. The commission shall hold a hearing on the petition to consider reinstatement, and the commission may allow reinstatement based upon standards established in rules of the commission. If the certificate is reinstated or eligibility for certification is determined, the commission may establish a probationary period of certification.

(5) A peace officer whose certification is revoked based solely upon a criminal conviction may petition the commission for reinstatement immediately upon a final judicial reversal of the conviction. The commission shall hold a hearing on request to consider reinstatement, and the commission may allow reinstatement based on standards established in rules of the commission. If the certificate is reinstated or if eligibility for certification is determined, the commission may establish a probationary period of certification.

NEW SECTION. Sec. 5. A peace officer's certification lapses automatically when there is a break of more than twenty-four consecutive months in the officer's service as a full-time law enforcement officer. A break in full-time law enforcement service which is due solely to the pendency of direct review or appeal from a disciplinary discharge, or to the pendency of a work-related injury, does not cause a lapse in certification. The officer may petition the commission for reinstatement of certification. Upon receipt of a petition for reinstatement of a lapsed certificate, the commission shall determine under this chapter and any applicable rules of the commission if the peace officer's certification status is to be reinstated, and the commission shall also determine any requirements which the officer must meet for reinstatement. The commission may adopt rules establishing requirements for reinstatement.

NEW SECTION. Sec. 6. Upon termination of a peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify the commission on a personnel action report form provided by the commission. The agency of termination shall, upon request of the commission, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation under section 3 of this act. The commission shall maintain these notices in a permanent file, subject to section 12 of this act.

NEW SECTION. Sec. 7. In addition to its other powers granted under this chapter, the commission has authority and power to:

- (1) Adopt, amend, or repeal rules as necessary to carry out this chapter;
- (2) Issue subpoenas and administer oaths in connection with investigations, hearings, or other proceedings held under this chapter;
- (3) Take or cause to be taken depositions and other discovery procedures as needed in investigations, hearings, and other proceedings held under this chapter;
- (4) Appoint members of a hearings board as provided under section 10 of this act;
- (5) Enter into contracts for professional services determined by the commission to be necessary for adequate enforcement of this chapter;
- (6) Grant, deny, or revoke certification of peace officers under the provisions of this chapter;
- (7) Designate individuals authorized to sign subpoenas and statements of charges under the provisions of this chapter;

and

- (8) Employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter.

NEW SECTION. Sec. 8. A law enforcement officer or duly authorized representative of a law enforcement agency may submit a written complaint to the commission charging that a peace officer's certificate should be denied or revoked, and specifying the grounds for the charge. Filing a complaint does not make a complainant a party to the commission's action. The commission has sole discretion whether to investigate a complaint, and the commission has sole discretion whether to investigate matters relating to certification, denial of certification, or revocation of certification on any other basis, without restriction as to the source or the existence of a complaint. A person who files a complaint in good faith under this section is immune from suit or any civil action related to the filing or the contents of the complaint.

NEW SECTION. Sec. 9. (1) If the commission determines, upon investigation, that there is probable cause to believe that a peace officer's certification should be denied or revoked under section 3 of this act, the commission must prepare and serve upon the officer a statement of charges. Service on the officer must be by mail or by personal service on the officer. Notice of the charges must also be mailed to or otherwise served upon the officer's agency of termination and any current law enforcement agency employer. The statement of charges must be accompanied by a notice that to receive a hearing on the denial or revocation, the officer must, within sixty days of communication of the statement of charges, request a hearing before the hearings board appointed under section 10 of this act. Failure of the officer to request a hearing within the sixty-day period constitutes a default, whereupon the commission may enter an order under RCW 34.05.440.

(2) If a hearing is requested, the date of the hearing must be scheduled not earlier than ninety days nor later than one hundred eighty days after communication of the statement of charges to the officer; the one hundred eighty day period may be extended on mutual agreement of the parties or for good cause. The commission shall give written notice of hearing at least twenty days prior to the hearing, specifying the time, date, and place of hearing.

NEW SECTION. Sec. 10. (1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is clear, cogent, and convincing evidence.

(2) On all appeals brought under section 9 of this act, a five-member hearings panel shall both hear the case and make the commission's final administrative decision. Members of the commission or the board on law enforcement training standards and education may but need not be appointed to the hearings panels. The commission shall appoint as follows two or more panels to hear appeals from decertification actions:

(a) When an appeal is filed in relation to decertification of a Washington peace officer who is not a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) One police chief; (ii) one sheriff; (iii) two peace officers who are at or below the level of first line supervisor, who are from city or county law enforcement agencies, and who have at least ten years' experience as peace officers; and (iv) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(b) When an appeal is filed in relation to decertification of a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) Either one police chief or one sheriff; (ii) one administrator of the state patrol; (iii) one peace officer who is at or below the level of first line supervisor, who is from a city or county law enforcement agency, and who has at least ten years' experience as a peace officer; (iv) one state patrol officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(c) Persons appointed to hearings panels by the commission shall, in relation to any decertification matter on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

(3) Where the charge upon which revocation or denial is based is that a peace officer was "discharged for disqualifying misconduct," and the discharge is "final," within the meaning of section 3(4) of this act, and the officer received a civil service hearing or arbitration hearing culminating in an affirming decision following separation from service by the employer, the hearings panel may revoke or deny certification if the hearings panel determines that the discharge occurred and was based on disqualifying misconduct; the hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the employment separation proceeding. However, the hearings panel may, in its discretion, consider additional evidence to determine whether such a discharge occurred and was based on such disqualifying misconduct. The hearings panel shall, upon written request by the subject peace officer, allow the peace officer to present additional evidence of extenuating circumstances.

Where the charge upon which revocation or denial of certification is based is that a peace officer "has been convicted at any time of a felony offense" within the meaning of section 3(3) of this act, the hearings panel shall revoke or deny certification if it determines that the peace officer was convicted of a felony. The hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the criminal proceeding. However, the hearings panel shall, upon the panel's determination of relevancy, consider additional evidence to determine whether the peace officer was convicted of a felony.

Where the charge upon which revocation or denial is based is under section 3(1), (2), (5), or (6) of this act, the hearings panel shall determine the underlying facts relating to the charge upon which revocation or denial of certification is based.

(4) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.

NEW SECTION. Sec. 11. The commission, its boards, and individuals acting on behalf of the commission and its boards are immune from suit in any civil or criminal action contesting or based upon proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

NEW SECTION. Sec. 12. (1) Except as provided under subsection (2) of this section, the following records of the commission are confidential and exempt from public disclosure: (a) The contents of personnel action reports filed under section 6 of this act; (b) all files, papers, and other information obtained by the commission pursuant to section 2(3) of this act; and (c) all investigative files of the commission compiled in carrying out the responsibilities of the commission under this chapter. Such records are not subject to public disclosure, subpoena, or discovery proceedings in any civil action, except as provided in subsection (5) of this section.

(2) Records which are otherwise confidential and exempt under subsection (1) of this section may be reviewed and copied: (a) By the officer involved or the officer's counsel or authorized representative, who may review the officer's file and may submit any additional exculpatory or explanatory evidence, statements, or other information, any of which must be included in the file; (b) by a duly authorized representative of (i) the agency of termination, or (ii) a current employing law enforcement agency, which may review and copy its employee-officer's file; or (c) by a representative of or investigator for the commission.

(3) Records which are otherwise confidential and exempt under subsection (1) of this section may also be inspected at the offices of the commission by a duly authorized representative of a law enforcement agency considering an application for employment by a person who is the subject of a record. A copy of records which are otherwise confidential and exempt under subsection (1) of this section may later be obtained by an agency after it hires the applicant. In all other cases under this subsection, the agency may not obtain a copy of the record.

(4) Upon a determination that a complaint is without merit, that a personnel action report filed under section 6 of this act does not merit action by the commission, or that a matter otherwise investigated by the commission does not merit action, the commission shall purge records addressed in subsection (1) of this section.

(5) The hearings, but not the deliberations, of the hearings board are open to the public. The transcripts, admitted evidence, and written decisions of the hearings board on behalf of the commission are not confidential or exempt from public disclosure, and are subject to subpoena and discovery proceedings in civil actions.

(6) Every individual, legal entity, and agency of federal, state, or local government is immune from civil liability, whether direct or derivative, for providing information to the commission in good faith.

NEW SECTION. Sec. 13. Sections 2 through 12 and 14 of this act are each added to chapter 43.101 RCW.

NEW SECTION. Sec. 14. This act takes effect January 1, 2002."

MOTION

On motion of Senator Costa, the following striking amendment by Senators Costa, Kline and Long was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.101.010 and 1981 c 132 s 2 are each amended to read as follows:

When used in this chapter:

(1) The term "commission" means the Washington state criminal justice training commission.

(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.

(3) The term "criminal justice personnel" means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.

(4) The term "law enforcement personnel" means any public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made.

(5) The term "correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

(6) A peace officer is "convicted" at the time a plea of guilty has been accepted, or a verdict of guilty or finding of guilt has been filed, notwithstanding the pendency of any future proceedings, including but not limited to sentencing, posttrial or postfact-finding motions and appeals. "Conviction" includes a deferral of sentence and also includes the equivalent disposition by a court in a jurisdiction other than the state of Washington.

(7) "Discharged for disqualifying misconduct" means terminated from employment for: (a) Conviction of (i) any crime committed under color of authority as a peace officer, (ii) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), (iii) the unlawful use or possession of a controlled substance, or (iv) any other crime the conviction of which disqualifies a Washington citizen from the legal right to possess a firearm under state or federal law; (b) conduct that would constitute any of the crimes addressed in (a) of this subsection; or (c) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination.

(8) A peace officer is "discharged for disqualifying misconduct" within the meaning of subsection (7) of this section under the ordinary meaning of the term and when the totality of the circumstances support a finding that the officer resigned in anticipation of discipline, whether or not the misconduct was discovered at the time of resignation, and when such discipline, if carried forward, would more likely than not have led to discharge for disqualifying misconduct within the meaning of subsection (7) of this section.

(9) When used in context of proceedings referred to in this chapter, "final" means that the peace officer has exhausted all available civil service appeals, collective bargaining remedies, and all other such direct administrative appeals, and the officer has not been reinstated as the result of the action. Finality is not affected by the pendency or availability of state or federal administrative or court actions for discrimination, or by the pendency or availability of any remedies other than direct civil service and collective bargaining remedies.

(10) "Peace officer" means any law enforcement personnel subject to the basic law enforcement training requirement of RCW 43.101.200 and any other requirements of that section, and police service dogs subject to requirements adopted under this act, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.200. Commissioned officers of the Washington state patrol, whether they have been or may be exempted by rule of the commission from the basic training requirement of RCW 43.101.200, are included as peace officers for purposes of this chapter. Fish and wildlife officers with enforcement powers for all criminal laws under RCW 77.12.055 are peace officers for purposes of this chapter.

NEW SECTION. Sec. 2. (1) As a condition of continuing employment as peace officers, all Washington peace officers: (a) Shall timely obtain certification as peace officers, or timely obtain certification for exemption therefrom, by meeting all requirements of RCW 43.101.200, as that section is administered under the rules of the commission, as well by meeting any additional requirements under this chapter; and (b) shall maintain the basic certification as peace officers under this chapter. The commission shall certify peace officers who have satisfied, or have been exempted by statute or by rule from, the basic training requirements of RCW 43.101.200 on or before the effective date of this section. Thereafter, the commission may revoke certification pursuant to this chapter.

(2) The commission shall allow a peace officer to retain status as a certified peace officer as long as the officer: (a) Timely meets the basic law enforcement training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.200 or under rule of the commission; (b) meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (c) is not denied certification by the commission under this chapter; and (d) has not had certification revoked by the commission.

(3) As a prerequisite to certification, as well as a prerequisite to pursuit of a hearing under section 9 of this act, a peace officer must, on a form devised or adopted by the commission, authorize the release to the commission of his or her personnel files, termination papers, criminal investigation files, or other files, papers, or information that are directly related to a certification matter or decertification matter before the commission.

NEW SECTION. Sec. 3. Upon request by a peace officer's employer or on its own initiative, the commission may deny or revoke certification of any peace officer, after written notice and hearing, if a hearing is timely requested by the peace officer under section 9 of this act, based upon a finding of one or more of the following conditions:

(1) The peace officer has failed to timely meet all requirements for obtaining a certificate of basic law enforcement training, a certificate of basic law enforcement training equivalency, or a certificate of exemption from the training;

(2) The peace officer has knowingly falsified or omitted material information on an application for training or certification to the commission;

(3) The peace officer has been convicted at any time of a felony offense under the laws of this state or has been convicted of a federal or out-of-state offense comparable to a felony under the laws of this state; except that if a certified peace officer was convicted of a felony before being employed as a peace officer, and the circumstances of the prior felony conviction were fully disclosed to his or her employer before being hired, the commission may revoke certification only with the agreement of the employing law enforcement agency;

(4) The peace officer has been discharged for disqualifying misconduct, the discharge is final, and some or all of the acts or omissions forming the basis for the discharge proceedings occurred on or after the effective date of this section;

(5) The peace officer's certificate was previously issued by administrative error on the part of the commission; or

(6) The peace officer has interfered with an investigation or action for denial or revocation of certificate by: (a) Knowingly making a materially false statement to the commission; or (b) in any matter under investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness.

NEW SECTION. Sec. 4. (1) A person denied a certification based upon dismissal or withdrawal from a basic law enforcement academy for any reason not also involving discharge for disqualifying misconduct is eligible for readmission and certification upon meeting standards established in rules of the commission, which rules may provide for probationary terms on readmission.

(2) A person whose certification is denied or revoked based upon prior administrative error of issuance, failure to cooperate, or interference with an investigation is eligible for certification upon meeting standards established in rules of the commission, rules which may provide for a probationary period of certification in the event of reinstatement of eligibility.

(3) A person whose certification is denied or revoked based upon a felony criminal conviction is not eligible for certification at any time.

(4) A peace officer whose certification is denied or revoked based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction, may, five years after the revocation or denial, petition the commission for reinstatement of the certificate or for eligibility for reinstatement. The commission shall hold a hearing on the petition to consider reinstatement, and the commission may allow reinstatement based upon standards established in rules of the commission. If the certificate is reinstated or eligibility for certification is determined, the commission may establish a probationary period of certification.

(5) A peace officer whose certification is revoked based solely upon a criminal conviction may petition the commission for reinstatement immediately upon a final judicial reversal of the conviction. The commission shall hold a hearing on request to consider reinstatement, and the commission may allow reinstatement based on standards established in rules of the commission. If the certificate is reinstated or if eligibility for certification is determined, the commission may establish a probationary period of certification.

NEW SECTION. Sec. 5. A peace officer's certification lapses automatically when there is a break of more than twenty-four consecutive months in the officer's service as a full-time law enforcement officer. A break in full-time law enforcement service which is due solely to the pendency of direct review or appeal from a disciplinary discharge, or to the pendency of a work-related injury, does not cause a lapse in certification. The officer may petition the commission for reinstatement of certification. Upon receipt of a petition for reinstatement of a lapsed certificate, the commission shall determine under this chapter and any applicable rules of the commission if the peace officer's certification status is to be reinstated, and the commission shall also determine any requirements which the officer must meet for reinstatement. The commission may adopt rules establishing requirements for reinstatement.

NEW SECTION. Sec. 6. Upon termination of a peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify the commission on a personnel action report form provided by the commission. The agency of termination shall, upon request of the commission, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation under section 3 of this act. The commission shall maintain these notices in a permanent file, subject to section 12 of this act.

NEW SECTION. Sec. 7. In addition to its other powers granted under this chapter, the commission has authority and power to:

(1) Adopt, amend, or repeal rules as necessary to carry out this chapter;

(2) Issue subpoenas and administer oaths in connection with investigations, hearings, or other proceedings held under this chapter;

(3) Take or cause to be taken depositions and other discovery procedures as needed in investigations, hearings, and other proceedings held under this chapter;

(4) Appoint members of a hearings board as provided under section 10 of this act;

(5) Enter into contracts for professional services determined by the commission to be necessary for adequate enforcement of this chapter;

(6) Grant, deny, or revoke certification of peace officers under the provisions of this chapter;

(7) Designate individuals authorized to sign subpoenas and statements of charges under the provisions of this chapter; and

(8) Employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter.

NEW SECTION. Sec. 8. A law enforcement officer or duly authorized representative of a law enforcement agency may submit a written complaint to the commission charging that a peace officer's certificate should be denied or revoked, and specifying the grounds for the charge. Filing a complaint does not make a complainant a party to the commission's action. The commission has sole discretion whether to investigate a complaint, and the commission has sole discretion whether to investigate matters relating to certification, denial of certification, or revocation of certification on any other basis, without restriction as to the source or the existence of a complaint. A person who files a complaint in good faith under this section is immune from suit or any civil action related to the filing or the contents of the complaint.

NEW SECTION. Sec. 9. (1) If the commission determines, upon investigation, that there is probable cause to believe that a peace officer's certification should be denied or revoked under section 3 of this act, the commission must prepare and serve upon the officer a statement of charges. Service on the officer must be by mail or by personal service on the officer. Notice of the charges must also be mailed to or otherwise served upon the officer's agency of termination and any current law enforcement agency employer. The statement of charges must be accompanied by a notice that to receive a hearing on the denial or

revocation, the officer must, within sixty days of communication of the statement of charges, request a hearing before the hearings board appointed under section 10 of this act. Failure of the officer to request a hearing within the sixty-day period constitutes a default, whereupon the commission may enter an order under RCW 34.05.440.

(2) If a hearing is requested, the date of the hearing must be scheduled not earlier than ninety days nor later than one hundred eighty days after communication of the statement of charges to the officer; the one hundred eighty day period may be extended on mutual agreement of the parties or for good cause. The commission shall give written notice of hearing at least twenty days prior to the hearing, specifying the time, date, and place of hearing.

NEW SECTION. Sec. 10. (1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is clear, cogent, and convincing evidence.

(2) On all appeals brought under section 9 of this act, a five-member hearings panel shall both hear the case and make the commission's final administrative decision. Members of the commission or the board on law enforcement training standards and education may but need not be appointed to the hearings panels. The commission shall appoint as follows two or more panels to hear appeals from decertification actions:

(a) When an appeal is filed in relation to decertification of a Washington peace officer who is not a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) One police chief; (ii) one sheriff; (iii) two peace officers who are at or below the level of first line supervisor, who are from city or county law enforcement agencies, and who have at least ten years' experience as peace officers; and (iv) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(b) When an appeal is filed in relation to decertification of a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) Either one police chief or one sheriff; (ii) one administrator of the state patrol; (iii) one peace officer who is at or below the level of first line supervisor, who is from a city or county law enforcement agency, and who has at least ten years' experience as a peace officer; (iv) one state patrol officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(c) Persons appointed to hearings panels by the commission shall, in relation to any decertification matter on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

(3) Where the charge upon which revocation or denial is based is that a peace officer was "discharged for disqualifying misconduct," and the discharge is "final," within the meaning of section 3(4) of this act, and the officer received a civil service hearing or arbitration hearing culminating in an affirming decision following separation from service by the employer, the hearings panel may revoke or deny certification if the hearings panel determines that the discharge occurred and was based on disqualifying misconduct; the hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the employment separation proceeding. However, the hearings panel may, in its discretion, consider additional evidence to determine whether such a discharge occurred and was based on such disqualifying misconduct. The hearings panel shall, upon written request by the subject peace officer, allow the peace officer to present additional evidence of extenuating circumstances.

Where the charge upon which revocation or denial of certification is based is that a peace officer "has been convicted at any time of a felony offense" within the meaning of section 3(3) of this act, the hearings panel shall revoke or deny certification if it determines that the peace officer was convicted of a felony. The hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the criminal proceeding. However, the hearings panel shall, upon the panel's determination of relevancy, consider additional evidence to determine whether the peace officer was convicted of a felony.

Where the charge upon which revocation or denial is based is under section 3(1), (2), (5), or (6) of this act, the hearings panel shall determine the underlying facts relating to the charge upon which revocation or denial of certification is based.

(4) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.

NEW SECTION. Sec. 11. The commission, its boards, and individuals acting on behalf of the commission and its boards are immune from suit in any civil or criminal action contesting or based upon proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

NEW SECTION. Sec. 12. (1) Except as provided under subsection (2) of this section, the following records of the commission are confidential and exempt from public disclosure: (a) The contents of personnel action reports filed under section 6 of this act; (b) all files, papers, and other information obtained by the commission pursuant to section 2(3) of this act; and (c) all investigative files of the commission compiled in carrying out the responsibilities of the commission under this chapter. Such records are not subject to public disclosure, subpoena, or discovery proceedings in any civil action, except as provided in subsection (5) of this section.

(2) Records which are otherwise confidential and exempt under subsection (1) of this section may be reviewed and copied: (a) By the officer involved or the officer's counsel or authorized representative, who may review the officer's file and may submit any additional exculpatory or explanatory evidence, statements, or other information, any of which must be included in the file; (b) by a duly authorized representative of (i) the agency of termination, or (ii) a current employing law enforcement agency, which may review and copy its employee-officer's file; or (c) by a representative of or investigator for the commission.

(3) Records which are otherwise confidential and exempt under subsection (1) of this section may also be inspected at the offices of the commission by a duly authorized representative of a law enforcement agency considering an application for employment by a person who is the subject of a record. A copy of records which are otherwise confidential and exempt under subsection (1) of this section may later be obtained by an agency after it hires the applicant. In all other cases under this subsection, the agency may not obtain a copy of the record.

(4) Upon a determination that a complaint is without merit, that a personnel action report filed under section 6 of this act does not merit action by the commission, or that a matter otherwise investigated by the commission does not merit action, the commission shall purge records addressed in subsection (1) of this section.

(5) The hearings, but not the deliberations, of the hearings board are open to the public. The transcripts, admitted evidence, and written decisions of the hearings board on behalf of the commission are not confidential or exempt from public disclosure, and are subject to subpoena and discovery proceedings in civil actions.

(6) Every individual, legal entity, and agency of federal, state, or local government is immune from civil liability, whether direct or derivative, for providing information to the commission in good faith.

NEW SECTION. Sec. 13. It is the intent of sections 14 through 23 of this act to enhance public safety and the quality of law enforcement. The legislature finds these goals may be achieved by establishing a minimum standard of performance for working police service dog teams and a procedure for certification of teams. The legislature further finds it necessary to create an oversight mechanism to promote efficient and responsible implementation of the certification process.

NEW SECTION. Sec. 14. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Canine training standards board" or "board" means the board established by the commission under section 17 of this act.

(2) "Certified" means a determination by the commission that a police service dog team has met the minimum standard.

(3) "Commission" means the Washington state criminal justice training commission.

(4) "Handler" means a person who is responsible for the routine care, control, and utilization of a police service dog for law enforcement purposes and is:

(a) Any commissioned law enforcement officer of an agency, including a state, county, city, municipality, or a combination thereof or an employee of the Washington state department of corrections;

(b) A person contracted to provide law enforcement services;

(c) An employee of a local correctional facility; or

(d) In the case of an accelerant detection dog, the state fire marshal's designee or an employee of the fire department, city, or county authorized by the fire chief to be the dog's handler.

(5) "Law enforcement purposes" means detection of contraband or evidence and apprehension of criminal suspects.

(6) "Master trainer" means a person who meets the criteria established in rule by the commission following consultation with individuals and groups with experience and expertise in training and handling police service dogs.

(7) "Police service detection dog" means a dog assigned or used by a handler solely to detect contraband or arson by-products for law enforcement purposes.

(8) "Police service dog" means a dog assigned or used by a handler for law enforcement purposes.

(9) "Police service dog team" or "team" means a dog and handler that is certified as a team.

NEW SECTION. Sec. 15. (1) A police service dog handler may not use a police service dog for law enforcement purposes unless the handler and dog are certified as a team, except as otherwise provided in this section.

(2) Any dog team provided to assist in law enforcement purposes is exempt from the certification requirement of sections 14 through 23 of this act only if: (a) The dog is owned by, and acts under the control of, an agency of the federal government which engages in law enforcement purposes; (b) the team is provided on a temporary basis not exceeding forty-eight hours; and (c) the dog and its handler meet the internal minimum performance standards of the agency of the federal government which owns or controls the dog.

(3) If any law enforcement agency is, prior to August 1, 2003, utilizing a police service dog and a handler for law enforcement purposes, the agency may continue the use until March 1, 2004. After March 1, 2004, the dog and handler must be certified as a team to be used for law enforcement purposes.

(4) Any law enforcement agency that has not, prior to August 1, 2003, utilized a police service dog and a handler for law enforcement purposes must obtain certification before deploying a team.

(5) Upon determination by the commission that a law enforcement agency or the department of corrections has deployed a police service dog and handler not certified pursuant to this chapter, the commission may issue an order directing the agency or department to immediately cease the unauthorized deployment.

(6) If the agency or department does not discontinue the unauthorized deployment, the commission may seek appropriate injunctive relief in the superior court of the county in which the agency or department is located.

(7) Police service detection dogs are exempt from the certification requirement set forth in this section unless the commission extends the certification requirement to these dogs by rule.

NEW SECTION. Sec. 16. (1) The commission is directed to develop and adopt a minimum performance standard for each category of police service dog and handler, with the categories being derived from the law enforcement functions that the police service dogs and handlers perform. Each police service dog and handler must meet the standard for its category in order to become a team.

(2) The commission is directed to implement a process through which police service dogs and their handlers will be tested for certification. The commission is authorized to charge a fee for the purpose of conducting certification tests.

(3) The commission shall establish minimum training hours for police service dogs and handlers that must be completed prior to testing for certification. Prior to testing a police service dog and a handler for certification, the chief of police, sheriff, secretary of corrections, or chief of the Washington state patrol must submit an affidavit verifying that the required hours of training have been successfully completed by the police service dog and handler.

(4) The initial certification of police service dog teams is valid for one year. Recertification shall be valid for a period of time as determined by the commission.

NEW SECTION. Sec. 17. (1) The commission is directed to create the canine training standards board. The commission is directed to endeavor to ensure the composition of the board will include persons experienced with patrol, detector, and tracking police service dogs. The board shall, in consultation with the board on law enforcement training standards and education, recommend to the commission minimum performance standards and develop model training and performance standards for police service dogs and handlers. The model training and model performance standards may be used by local jurisdictions in developing their own canine programs.

(2) The board shall examine the option of requiring certification of police service detection dogs and make recommendations to the commission.

(3) The board shall be comprised of:

(a) A representative of the Washington state patrol with police service dog experience;
(b) A representative of the department of corrections with police service dog experience;
(c) A representative of a nonprofit organization in Washington with expertise and experience in the training and evaluating of patrol, detector, and tracking police service dogs and handlers;
(d) A representative of a nationwide nonprofit organization with experience and expertise in the humane treatment of dogs;

(e) A master trainer from a county with a population of two hundred fifty thousand or more appointed by the Washington association of sheriffs and police chiefs in consultation with the Washington council of police and sheriffs and the bargaining unit representing commissioned officers in any county with a population of one million or more;

(f) A representative of the county legislative authority appointed by the presiding officer of the Washington association of counties from a county with a population of two hundred fifty thousand or more that deploys a police service dog and handler for law enforcement purposes and, after March 1, 2004, is certified as a team;

(g) A master trainer from a city with a population of one hundred thousand or more appointed by the Washington association of sheriffs and police chiefs in consultation with the Washington council of police and sheriffs and the bargaining unit representing commissioned officers in any city with a population of four hundred thousand or more;

(h) A representative of the association of Washington cities appointed by the presiding officer of the association of Washington cities from a city with a population of one hundred thousand or more that deploys a police service dog and handler for law enforcement purposes and, after March 1, 2004, is certified as a team;

(i) Two persons, one with police service dog experience, appointed by the association of Washington cities from a city with a population of less than one hundred thousand;

(j) Two persons, one with police service dog experience, appointed by the Washington association of counties from a county with a population of less than two hundred fifty thousand;

(k) One representative to be appointed by the governor.

Prior to making the appointments requiring police service dog experience in (i) and (j) of this subsection, the Washington association of counties and the association of Washington cities shall consult with the Washington association of sheriffs and police chiefs and the Washington council of police and sheriffs.

(4) The board is a class 1 group under RCW 43.03.220 except that any member of the public appointed to the board is eligible for compensation under RCW 43.03.240(2).

(5) The board shall cease to exist after the minimum performance standards are developed and adopted by the commission and the model training and model performance standards are created.

(6) The board shall hold its initial meeting not later than November 1, 2001.

NEW SECTION. Sec. 18. (1) Any person claiming to be aggrieved by an act relating to the certification of a police service dog team may, personally or by his or her attorney, make, sign, and file with the commission a complaint in writing under oath or by declaration. The commission does not have jurisdiction to hear a complaint alleging negligent conduct by a certified team while engaged in law enforcement purposes.

(2) Any complaint filed pursuant to this section must be filed within thirty days after the alleged act giving rise to the complaint relating to certification of a police service dog team.

(3) After the filing of any complaint, the chairperson of the commission shall refer it to the appropriate section of the commission's staff for prompt investigation and ascertainment of the facts alleged in the complaint. The results of the investigation shall be reduced to written findings of fact and a copy shall be provided to the complainant.

NEW SECTION. Sec. 19. (1) The entire file, including the complaint and any and all findings made, shall be certified to the chairperson of the commission. The chairperson of the commission may thereupon request the appointment of an administrative law judge under Title 34 RCW to hear the complaint if the chairperson believes from the results of the investigation that there are reasonable grounds to conclude that a violation of this chapter may have occurred. If the chairperson requests the appointment of an administrative law judge, he or she shall cause to be issued and served in the name of the commission a written notice, together with a copy of the complaint, as the same may have been amended, requiring the parties to appear and on the complaint at a hearing before the administrative law judge, at a time and place to be specified in such notice.

(2) The place of any such hearing may be the office of the commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the commission: PROVIDED, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the commission who previously participated in the denial of certification shall participate in the hearing except as a witness, nor shall the member or employee participate in the deliberations of the administrative law judge in such case.

(3) The commission shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The commission has the right to cross-examine the complainant.

(4) The administrative law judge conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

(5) If, upon all the evidence, the administrative law judge finds that the commission has wrongfully denied certification, the administrative law judge shall state findings of fact and shall issue and file with the commission and cause to be served on the commission an order requiring the commission to certify the police service dog team.

(6) The final order of the administrative law judge shall include a notice to the parties of the right to obtain judicial review of the order by appeal in accordance with the provisions of RCW 34.05.510 through 34.05.598, and that such appeal must be served and filed within thirty days after the service of the order on the parties.

(7) If, upon all the evidence, the administrative law judge finds that the commission correctly denied certification, the administrative law judge shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

NEW SECTION. Sec. 20. (1) Every police service dog used by law enforcement or any other state or local governmental agency is required to be identified by a microchip as defined in RCW 16.57.010(13) or through the use of superior technology as designated by the commission.

(2) The microchip of any police service dog used by a state or local governmental agency may not be removed except for medical necessity. If it is necessary to remove the microchip, the reason for the removal must be documented, entered into the data base created by section 21 of this act, and a new microchip inserted unless the dog is permanently retired from service.

NEW SECTION. Sec. 21. (1) The commission is directed to develop and manage a centralized data base of information pertaining to all police service dogs used by Washington state and local governmental agencies. The data base shall be cumulative, updated, and contain the following information for each police service dog:

(a) Identification as required in section 20(1) of this act;

(b) Name;

(c) Breed;

(d) Type of training:

(i) G = Generalist;

(ii) N = Narcotic;

(iii) B = Bomb;

(iv) Xn = Cross-trained narcotic;

(v) Xb = Cross-trained bomb;

(vi) O = Other;

(e) Date acquired;

(f) Source of acquisition:

(i) Vendor name, address, and telephone number;

(ii) Donated by private person, nonprofit entity, or other;

(g) Handler's name;

(h) Date of certification and recertifications;

(i) Date and reason released from service.

(2) Except as provided in RCW 42.17.310, the commission shall make this data base available through a web page and accessible by entering a dog's identification number as required in section 20(1) of this act.

(3) All records pertaining to training, utilization, and certification from acquisition to first certification pertaining to police service dogs are required to be kept by the agency with ownership of the police service dog and made available upon request.

NEW SECTION. Sec. 22. The commission shall adopt rules to implement this chapter.

Sec. 23. RCW 42.17.310 and 2000 c 134 s 3, 2000 c 56 s 1, and 2000 c 6 s 5 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

- (p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.
- (q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.
- (r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.
- (s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.
- (t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
- (u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.
- (v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.
- (w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).
- (x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.
- (y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.
- (z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.
- (aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.
- (bb) Financial and valuable trade information under RCW 51.36.120.
- (cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.
- (dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.
- (ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.
- (ff) Business related information protected from public inspection and copying under RCW 15.86.110.
- (gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.
- (hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.
- (ii) Personal information in files maintained in a data base created under RCW 43.07.360.
- (jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.
- (kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.
- (ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.
- (mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.
- (nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds, except when disclosure is expressly required by law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Information collected pursuant to section 21(1)(d) (iii) and (v) of this act.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 24. Sections 2 through 12 of this act are each added to chapter 43.101 RCW.

NEW SECTION. Sec. 25. Sections 13 through 22 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 26. (1) Sections 1 through 12 and 24 of this act take effect January 1, 2002.

(2) Sections 13 through 23 and 25 of this act take effect August 1, 2001."

MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 1 of the title, after "officers;" strike the remainder of the title and insert "amending RCW 43.101.010; reenacting and amending RCW 42.17.310; adding new sections to chapter 43.101 RCW; adding a new chapter to Title 43 RCW; and providing effective dates."

On motion of Senator Costa, the rules were suspended, House Bill No. 1062, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1062, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1062, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Excused: Senators Deccio, Johnson, Prentice, Snyder and West - 5.

HOUSE BILL NO. 1062, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1028, by Representatives Haigh, D. Schmidt, Romero, Conway, Kenney and Talcott

Revising the provision for military leave for public employees.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1028 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1028.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1028 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Absent: Senators Finkbeiner and Gardner - 2.

Excused: Senators Deccio, Snyder and West - 3.

HOUSE BILL NO. 1028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Finkbeiner was excused.

SECOND READING

HOUSE BILL NO. 1002, by Representatives Ruderman, Rockefeller, Santos, Lambert, Darneille, Haigh, McIntire and Hunt

Limiting the public inspection and copying of residential addresses or residential phone numbers of public employees or volunteers of public agencies.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1002.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1002 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators Deccio, Finkbeiner, Snyder and West - 4.

HOUSE BILL NO. 1002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1173, by Representatives Mulliken and Dunshee

Purchasing material, supplies, or equipment by fire districts.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1173 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1173.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1173 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Franklin, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Absent: Senator Fraser - 1.

Excused: Senators Deccio, Finkbeiner, Snyder and West - 4.

HOUSE BILL NO. 1173, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1136, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Schoesler, Wood, Ahern, Gombosky, Cox, Grant, Doumit, G. Chandler, Rockefeller, Linville, Schindler, Mulliken, Buck, Mastin, McMorris, Benson and Eickmeyer)

Regarding product standards.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1136 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1136.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1136 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Deccio, Snyder and West - 3.

SUBSTITUTE HOUSE BILL NO. 1136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1160, by Representatives Hunt, Clements, Conway and Kenney (by request of Department of Licensing)

Providing for temporary real estate appraiser practice permits.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1160.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1160 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Deccio, Snyder and West - 3.

HOUSE BILL NO. 1160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1542, by Representatives Van Luven, Gombosky, Fromhold and Dunn (by request of Department of Community, Trade, and Economic Development)

Exempting certain financial or proprietary information provided to the department of community, trade, and economic development from public disclosure.

The bill was read the second time.

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, House Bill No. 1542 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1542.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1542 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Deccio, Snyder and West - 3.

HOUSE BILL NO. 1542, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Swecker: "A point of personal privilege, Madam President. I just wanted to inform the members that our recent student visitors who exercised their First Amendment rights were polled. It was an informal, but

reliable poll. Approximately one-half of those present were from the Seattle Community Colleges. One-fourth were from The Evergreen State College and the South Puget Sound Community College--our local colleges--and the other fourth were from other schools. Thank you, Madam Chair."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2049, by House Committee on State Government (originally sponsored by Representatives Pearson, Crouse, Cox, Schindler, DeBolt, Mitchell, Ericksen, Cairnes, Clements and Talcott)

Establishing technical assistance programs.

The bill was read the second time.

MOTION

On motion of Senator Roach, the following Committee on State and Local Government striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.05.040 and 1995 c 403 s 605 are each amended to read as follows:

(1) The owner and operator shall be given a reasonable period of time to correct violations identified during a technical assistance visit before any civil penalty provided for by law is imposed for those violations. A regulatory agency may revisit a facility, business, or other location after a technical assistance visit and a reasonable period of time has passed to correct violations identified by the agency in writing and issue civil penalties as provided for by law for any uncorrected violations.

(2) During a visit under subsection (1) of this section, the regulatory agency may not issue civil penalties for violations not previously identified in a technical assistance visit, unless the violations are of the type for which the agency may issue a citation: (a) During a technical assistance visit under RCW 43.05.050; or (b) under RCW 43.05.090."

MOTIONS

On motion of Senator Roach, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "and amending RCW 43.05.040."

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 2049, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2049, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2049, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Deccio, Snyder and West - 3.

SUBSTITUTE HOUSE BILL NO. 2049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1596, by House Committee on Transportation (originally sponsored by Representatives G. Chandler, Wood, Mulliken, Fisher, Mitchell, Ogden and Santos)

Authorizing transportation for persons with special needs.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1596 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1596.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1596 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Deccio, Snyder and West - 3.

SUBSTITUTE HOUSE BILL NO. 1596, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Swecker was excused.

SECOND READING

HOUSE BILL NO. 1205, by Representatives Keiser, DeBolt, Barlean, Simpson and Santos (by request of Department of Financial Institutions)

Licensing and regulation of consumer loan companies.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1205 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1205.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1205 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators Deccio, Snyder, Swecker and West - 4.

HOUSE BILL NO. 1205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2184, by House Committee on Finance (originally sponsored by Representatives Berkey, DeBolt, Morris, Dunshee and Edwards)

Revising tax treatment of park model trailers.

The bill was read the second time.

MOTION

On motion of Senator Brown, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to promote fairness in the application of tax. Therefore, for the purposes of excise tax, park model trailers will be taxed in the same manner as mobile homes.

Sec. 2. RCW 82.45.032 and 1993 sp.s. c 25 s 504 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Real estate" or "real property" means any interest, estate, or beneficial interest in land or anything affixed to land, including the ownership interest or beneficial interest in any entity which itself owns land or anything affixed to land. The term includes used mobile homes, used park model trailers, used floating homes, and improvements constructed upon leased land.

(2) "Used mobile home" means a mobile home which has been previously sold at retail and has been subjected to tax under chapter 82.08 RCW, or which has been previously used and has been subjected to tax under chapter 82.12 RCW, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.

(3) "Mobile home" means a mobile home as defined by RCW 46.04.302, as now or hereafter amended.

(4) "Park model trailer" means a park model trailer as defined in RCW 46.04.622.

~~(5)~~ "Used floating home" means a floating home in respect to which tax has been paid under chapter 82.08 or 82.12 RCW.

~~((5))~~ (6) "Used park model trailer" means a park model trailer that has been previously sold at retail and has been subjected to tax under chapter 82.08 RCW, or that has been previously used and has been subjected to tax under chapter 82.12 RCW, and that has substantially lost its identity as a mobile unit by virtue of its being permanently sited in location and placed on a foundation of either posts or blocks with connections with sewer, water, or other utilities for the operation of installed fixtures and appliances.

(7) "Floating home" means a building on a float used in whole or in part for human habitation as a single-family dwelling, which is not designed for self propulsion by mechanical means or for propulsion by means of wind, and which is on the property tax rolls of the county in which it is located.

NEW SECTION. Sec. 3. A new section is added to chapter 82.08 RCW to read as follows:

The tax imposed by RCW 82.08.020 shall not apply to:

(1) Sales of used park model trailers, as defined in RCW 82.45.032;

(2) The renting or leasing of used park model trailers, as defined in RCW 82.45.032, when the rental agreement or lease exceeds thirty days in duration.

NEW SECTION. Sec. 4. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to the use of used park model trailers, as defined in RCW 82.45.032.

NEW SECTION. Sec. 5. This act takes effect August 1, 2001."

MOTIONS

On motion of Senator Brown, the following title amendment was adopted:

On page 1, line 3 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 82.45.032; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date."

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 2184, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2184, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2184, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 44.

Absent: Senator Finkbeiner - 1.

Excused: Senators Deccio, Snyder, Swecker and West - 4.

SUBSTITUTE HOUSE BILL NO. 2184, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1950, by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Clements, Wood, Kenney and Miloscia)

Describing worker rights under industrial insurance.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the following Committee on Labor, Commerce and Financial Institutions striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.28.010 and 1977 ex.s. c 350 s 32 are each amended to read as follows:

(1) Whenever any accident occurs to any worker it shall be the duty of such worker or someone in his or her behalf to forthwith report such accident to his or her employer, superintendent, or ~~((foreman or forewoman))~~ supervisor in charge of the work, and of the employer to at once report such accident and the injury resulting therefrom to the department pursuant to RCW 51.28.025~~((, as now or hereafter amended,))~~ where the worker has received treatment from a ~~((physician))~~ health services provider, has been hospitalized, disabled from work, or has died as the apparent result of such accident and injury.

(2) Upon receipt of such notice of accident, the department shall immediately forward to the worker or his or her beneficiaries or dependents notification, in nontechnical language, of their rights under this title. The notice must specify the worker's right to receive health services from a health services provider of the worker's choice, as defined in RCW 51.08.095, and must list the types of providers authorized to provide these services.

Sec. 2. RCW 51.28.020 and 1984 c 159 s 3 are each amended to read as follows:

(1)(a) Where a worker is entitled to compensation under this title he or she shall file with the department or his or her ~~((self-insuring))~~ self-insured employer, as the case may be, his or her application for such, together with the certificate of the ~~((physician))~~ health services provider who attended him or her~~((, and it shall be the duty of))~~. Application forms used by the department and self-insured employers shall include a notice specifying the worker's right to receive health services from a health services provider of the worker's choice, as defined in RCW 51.08.095, and listing the types of providers authorized to provide these services as attending doctors.

(b) The ~~((physician to))~~ health services provider who attended the injured worker shall inform the injured worker of his or her rights under this title and ~~((te))~~ lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the worker. The department shall provide ~~((physicians))~~ health services providers with a manual which outlines the procedures to be followed in applications for compensation involving occupational diseases, and which describes claimants' rights and responsibilities related to occupational disease claims.

(2) If application for compensation is made to a ~~((self-insuring))~~ self-insured employer, he or she shall forthwith send a copy ~~((thereof))~~ of the application to the department.

Sec. 3. RCW 51.08.095 and 1986 c 200 s 12 are each amended to read as follows:

"Health services provider" or "provider" means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially injured worker. Health services providers authorized to treat injured workers as attending doctors under this title are: (1) Persons licensed to practice medicine under chapter 18.71 RCW; (2) persons licensed to practice osteopathic medicine and surgery under chapter 18.57 RCW; (3) persons licensed to practice chiropractic under chapter 18.25 RCW; (4) persons licensed to practice naturopathy under chapter 18.36A RCW; (5) persons licensed to practice podiatric medicine and surgery under chapter 18.22 RCW; (6) persons licensed to practice dentistry under chapter 18.32 RCW; and (7) persons licensed to practice optometry under chapter 18.53 RCW.

NEW SECTION. Sec. 4. By January 1, 2002, the department of labor and industries shall develop the forms required under sections 1 and 2 of this act, and these forms must be in use by the department and self-insured employers by July 1, 2002.

NEW SECTION. Sec. 5. This act takes effect January 1, 2002, but the department may immediately take such steps as are necessary to ensure that this act is fully implemented on its effective date."

MOTIONS

On motion of Senator Prentice, the following amendment was adopted:

On page 2, line 30, after "act", delete "." and insert ", and these forms must be in use by the department and self insured employers by July 1, 2002."

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1950, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1950, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1950, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Deccio, Swecker and West - 3.

SUBSTITUTE HOUSE BILL NO. 1950, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rasmussen: "A point of personal privilege, Madam President. I would like to thank the Senate for the resolution this morning honoring Brownie Braunsteiner. I thought it was absolutely wonderful. Brownie really enjoyed it. What you didn't know is that he had just returned from Austria where he said 'goodbye' to his family and his friends. For that today, I would like to tell you all, 'thank you.' It just meant so much to him.

"Madam President, I have another point. I think you need to know where I spent the night. We usually don't tell these types of things. Actually, I spent it at Swedish Hospital. Our daughter just gave birth to our seventeenth grandchild--a little boy. Thank you very much."

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

April 5, 2001

SB 6143 Prime Sponsor, Senator T. Sheldon: Requiring publication of level III sex and kidnapping offender notifications. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6143 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

April 5, 2001

SB 6151 Prime Sponsor, Senator Long: Revising provisions relating to high-risk sex offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6151 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Hewitt, Kohl-Welles, Long and Stevens.

MINORITY Recommendation: Do not pass. Signed by Senators Carlson, Franklin and Kastama.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 6, 2001

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5127,
SUBSTITUTE SENATE BILL NO. 5205,
SENATE BILL NO. 5223,
SUBSTITUTE SENATE BILL NO. 5484,
SUBSTITUTE SENATE BILL NO. 5502,
SUBSTITUTE SENATE BILL NO. 5734, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5127,
SUBSTITUTE SENATE BILL NO. 5205,
SENATE BILL NO. 5223,
SUBSTITUTE SENATE BILL NO. 5484,
SUBSTITUTE SENATE BILL NO. 5502,
SUBSTITUTE SENATE BILL NO. 5734.

MOTION

At 3:43 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:30 a.m., Monday, April, 9, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-NINTH DAY, APRIL 6, 2001

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

NINETY-SECOND DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Monday, April 9, 2001

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, McAuliffe, Parlette and Zarelli. On motion of Senator Honeyford, Senators Parlette and Zarelli were excused. On motion of Senator Eide, Senator McAuliffe was excused.

The Sergeant at Arms Color Guard consisting of Pages David Anderson and Paige Caudell, presented the Colors. Senator Adam Kline offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

March 8, 2001

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

I have the honor to submit the following reappointment, subject to your confirmation.
Susan Wilder Crane, reappointed March 6, 2001, for a term ending February 21, 2004, as a member of the
Washington State Apprenticeship and Training Council.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Labor, Commerce and Financial Institutions.

MESSAGES FROM THE HOUSE

April 6, 2001

MR. PRESIDENT:

The Co-Speakers have signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5013,
SUBSTITUTE SENATE BILL NO. 5015,
SENATE BILL NO. 5022,
SENATE BILL NO. 5038,
SENATE BILL NO. 5047,
SENATE BILL NO. 5048,
ENGROSSED SENATE BILL NO. 5051,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5052,
ENGROSSED SENATE BILL NO. 5053,
SENATE BILL NO. 5057,
SENATE BILL NO. 5061,
SUBSTITUTE SENATE BILL NO. 5118,
SENATE BILL NO. 5121,
SENATE BILL NO. 5145,
SUBSTITUTE SENATE BILL NO. 5219,
SUBSTITUTE SENATE BILL NO. 5241,
SENATE BILL NO. 5252,
ENGROSSED SENATE BILL NO. 5258,
SENATE BILL NO. 5273,
SENATE BILL NO. 5331,
SENATE BILL NO. 5367,
SENATE BILL NO. 5691,
SUBSTITUTE SENATE BILL NO. 5958,
SENATE BILL NO. 5972,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5995,
SENATE BILL NO. 6022,
SENATE BILL NO. 6109, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

April 6, 1999

MR. PRESIDENT:

The Co-Speakers have signed:
HOUSE BILL NO. 1055,
SUBSTITUTE HOUSE BILL NO. 1349,
HOUSE BILL NO. 1623,
HOUSE JOINT MEMORIAL NO. 4002, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-
Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1055,
SUBSTITUTE HOUSE BILL NO. 1349,
HOUSE BILL NO. 1623,
HOUSE JOINT MEMORIAL NO. 4002.

INTRODUCTION AND FIRST READING

SB 6175 by Senators Hale, T. Sheldon, Morton, Hargrove and Shin

AN ACT Relating to emergency energy authority; amending RCW 43.21G.040; creating a new section; and declaring an emergency.
Referred to Committee on Environment, Energy and Water.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9062, Elizabeth A. Cowles, as a member of the Board of Regents for Washington State University, was confirmed.

Senators West and Kohl-Welles spoke to Gubernatorial Appointment No. 9062, Elizabeth A. Cowles, as a member of the Board of Regents for Washington State University.

APPOINTMENT OF ELIZABETH A. COWLES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 45.

Absent: Senator Finkbeiner - 1.

Excused: Senators McAuliffe, Parlette and Zarelli - 3.

MOTION

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

SENATE RESOLUTION 2001-8666

By Senators Kastama, Rasmussen and Franklin

WHEREAS, It is the tradition of the Washington State Senate to recognize the outstanding academic and extracurricular achievements of our state's youth; and

WHEREAS, The Puyallup High School debate team placed first at the Washington State Forensic Association Annual State Debate Tournament held in Tacoma at the University of Puget Sound on March 16 and 17, 2001; and

WHEREAS, Team members Josh Evenson, Dean Sweberg, Andrew Strobel and Bill Beck Jr. balance a full schedule of advanced classes, part-time jobs, and thirty to forty hours per week to research and practice for the debate team; and

WHEREAS, Team coach Sarah Martin provides strong, inspirational leadership, encouragement, and support; and

WHEREAS, Seniors Josh Evenson and Dean Sweberg placed first in the team debate, while simultaneously qualifying to compete at the National Tournament in Oklahoma City, Oklahoma this June; and

WHEREAS, Andrew Strobel and Bill Beck Jr., who had to compete against their senior teammates in the semifinals, placed third as a pair; and

WHEREAS, The Puyallup team placed first and third in the "cross-examination debate" category, in which they proposed that the federal government could reduce teen conflicts by implementing policy on privacy issues such as medical records, employment, search and seizure, and consumer protection; and

WHEREAS, In the individual speaker category, Josh Evenson placed third and Bill Beck Jr. placed fifth in the state; and

WHEREAS, The Puyallup High School debate team was recognized by the Western Region of the Washington State Forensic Association for team excellence based on cumulative points by the National Forensic League from 1992 to 2000;

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate does hereby recognize the hard work, determination and perseverance of the Puyallup High School debate team and the pride they bring to their school and community; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately by the Secretary of the Senate to Puyallup High School and the members and coach of the Puyallup High School Debate Team.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Puyallup High School Debate Team, who were seated at the back of the Chamber

PERSONAL PRIVILEGE

Senator McCaslin: "I rise to a point of personal privilege, Mr. President. The previous speaker failed to mention the political acumen and skills of the Senator from the Twenty-fifth District. Congratulations."

MOTION

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

SENATE RESOLUTION 2001-8668

By Senators Kastama, Rasmussen and Franklin

WHEREAS, It is the tradition of the Washington State Senate to recognize those who attain exceptional academic and extracurricular achievements; and

WHEREAS, The Puyallup High School dance team gave an electrifying performance at the Washington Interscholastic Activities Association Dance Team Tournament held at the Sundome in Yakima, Washington, on March 17; and

WHEREAS, The thirty-one member team placed first in the "pom" category; and

WHEREAS, The Vikings were also crowned the 4-A academic champions for dance and drill teams with a grade point average of 3.71; and

WHEREAS, Out of ninety-three teams competing in the tournament, the Puyallup High School dance team received the highest score and a rating of "superior"; and

WHEREAS, Coach Keri Bott provided support, encouragement and inspiration to the team's 31 members, who spent countless hours throughout the school year preparing for the tournament;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby recognize that the dedication and hard work of the Puyallup High School dance team has brought great pride to their school and community; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately by the Secretary of the Senate to the Puyallup High School and the members and coach of the Puyallup High School dance team.

MOTION

At 9:54 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:17 a.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

April 9, 2001
SB 6140 Prime Sponsor, Senator McDonald: Creating congestion relief boards. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6140 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Finkbeiner, Horn, Johnson, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

April 9, 2001

SB 6172 Prime Sponsor, Senator Patterson: Authorizing creation of regional congestion relief districts. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6172 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Jacobsen, Kastama, McAuliffe, Patterson, Prentice, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Benton and Johnson.

Passed to Committee on Rules for second reading.

April 9, 2001

EHB 1012 Prime Sponsor, Representative Mitchell: Allowing Washington state ferry fares to be increased in excess of the fiscal growth factor. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, Shin and Swecker.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1174, by House Committee on Judiciary (originally sponsored by Representatives Hurst, Carrell, Lantz, Lovick and O'Brien)

Authorizing vacation of records of conviction for misdemeanor and gross misdemeanor offenses.

The bill was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1174 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1174.

ROLL CALL

The Secretary called the roll on the final passage of Substitute, Second Substitute House Bill No. 1174 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 47.

Voting nay: Senator Zarelli - 1.
Absent: Senator Finkbeiner - 1.

SUBSTITUTE HOUSE BILL NO. 1174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1545, by House Committee on Judiciary (originally sponsored by Representatives Lantz, Esser, Carrell and Cody)

Regulating nonprofit organizations.

The bill was read the second time.

MOTION

On motion of Senator Kline, the following Committee on Judiciary amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 24.06.005 and 2000 c 167 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the term:

- (1) "Corporation" or "domestic corporation" means a mutual corporation or miscellaneous corporation subject to the provisions of this chapter, except a foreign corporation.
- (2) "Foreign corporation" means a mutual or miscellaneous corporation or other corporation organized under laws other than the laws of this state which would be subject to the provisions of this chapter if organized under the laws of this state.
- (3) "Mutual corporation" means a corporation organized to accomplish one or more of its purposes on a mutual basis for members and other persons.
- (4) "Miscellaneous corporation" means any corporation which is organized for a purpose or in a manner not provided for by the Washington business corporation act or by the Washington nonprofit corporation act, and which is not required to be organized under other laws of this state.
- (5) "Articles of incorporation" includes the original articles of incorporation and all amendments thereto, and includes articles of merger.
- (6) "Bylaws" means the code or codes of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated.
- (7) "Member" means one having membership rights in a corporation in accordance with provisions of its articles of incorporation or bylaws.
- (8) "Stock" or "share" means the units into which the proprietary interests of a corporation are divided in a corporation organized with stock.
- (9) "Stockholder" or "shareholder" means one who is a holder of record of one or more shares in a corporation organized with stock.
- (10) "Board of directors" means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which such group is designated.
- (11) "Insolvent" means inability of a corporation to pay debts as they become due in the usual course of its affairs.
- (12) "Duplicate originals" means two copies, original or otherwise, each with original signatures, or one original with original signatures and one copy thereof.
- (13) "Conforms to law" as used in connection with duties of the secretary of state in reviewing documents for filing under this chapter, means the secretary of state has determined the document complies as to form with the applicable requirements of this chapter.
- (14) "Effective date" means, in connection with a document filing made by the secretary of state, the date which is shown by affixing a "filed" stamp on the documents. When a document is received for filing by the secretary of state in a form which complies with the requirements of this chapter and which would entitle the document to be filed immediately upon receipt, but the secretary of state's approval action occurs subsequent to the date of receipt, the secretary of state's filing date shall relate back to the date on which the secretary of state first received the document in acceptable form. An applicant may request a specific effective date no more than thirty days later than the receipt date which might otherwise be applied as the effective date.
- (15) "Executed by an officer of the corporation," or words of similar import, means that any document signed by such person shall be and is signed by that person under penalties of perjury and in an official and authorized capacity on behalf of the corporation or person making the document submission with the secretary of state.
- (16) "An officer of the corporation" means, in connection with the execution of documents submitted for filing with the secretary of state, the president, a vice president, the secretary, or the treasurer of the corporation.
- (17) "Electronic transmission" or "electronically transmitted" means any process of electronic communication not directly involving the physical transfer of paper that is suitable for the retention, retrieval, and reproduction of the transmitted information by the recipient. However, such an electronic transmission must either set forth or be submitted with information, including any security or validation controls used, from which it can reasonably be determined that the electronic transmission was authorized by, as applicable, the corporation or shareholder or member by or on behalf of which the electronic transmission was sent.
- (18) "Consumer cooperative" means a corporation engaged in the retail sale, to its members and other consumers, of goods or services of a type that are generally for personal, living, or family use.

Sec. 2. RCW 24.06.025 and 1987 c 212 s 708 are each amended to read as follows:

The articles of incorporation shall set forth:

- (1) The name of the corporation.
- (2) The period of duration, which may be perpetual or for a stated number of years.

- (3) The purpose or purposes for which the corporation is organized.
- (4) The qualifications and the rights and responsibilities of the members and the manner of their election, appointment or admission to membership and termination of membership; and, if there is more than one class of members or if the members of any one class are not equal, the relative rights and responsibilities of each class or each member.
- (5) If the corporation is to have capital stock:
- (a) The aggregate number of shares which the corporation shall have authority to issue; if such shares are to consist of one class only, the par value of each of such shares, or a statement that all of such shares are without par value; or, if such shares are to be divided into classes, the number of shares of each class, and a statement of the par value of the shares of each such class or that such shares are to be without par value;
- (b) If the shares are to be divided into classes, the designation of each class and a statement of the preferences, limitations and relative rights in respect of the shares of each class;
- (c) If the corporation is to issue the shares of any preferred or special class in series, then the designation of each series and a statement of the variations in the relative rights and preferences as between series insofar as the same are to be fixed in the articles of incorporation, and a statement of any authority to be vested in the board of directors to establish series and fix and determine the variations in the relative rights and preferences as between series;
- (d) Any provision limiting or denying to shareholders the preemptive right to acquire additional shares of the corporation.
- (6) If the corporation is to distribute surplus funds to its members, stockholders or other persons, provisions for determining the amount and time of the distribution.
- (7) Provisions for distribution of assets on dissolution or final liquidation.
- (8) Whether a dissenting shareholder or member shall be limited to a return of less than the fair value of his shares or membership.
- (9) ~~((Any provisions, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation.~~
- ~~((10))~~ The address of its initial registered office, including street and number, and the name of its initial registered agent at such address.
- ~~((11))~~ (10) The number of directors constituting the initial board of directors, and the names and addresses of the persons who are to serve as the initial directors.
- ~~((12))~~ (11) The name and address of each incorporator.
- ~~((13))~~ (12) Any provision, not inconsistent with law, ~~((which the incorporators elect to set forth in the articles of incorporation))~~ for the regulation of the internal affairs of the association, including ~~((provisions regarding))~~:
- (a) ~~((Eliminating or limiting the personal liability of a director to the association or its members for monetary damages for conduct as a director: PROVIDED, That such provision shall not eliminate or limit the liability of a director for acts or omissions that involve intentional misconduct by a director or a knowing violation of law by a director, or for any transaction from which the director will personally receive a benefit in money, property, or services to which the director is not legally entitled. No such provision may eliminate or limit the liability of a director for any act or omission occurring before the date when such provision becomes effective))~~ Overriding the release from liability provided in RCW 24.06.035(2); and
- (b) Any provision which under this title is required or permitted to be set forth in the bylaws.
- It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this chapter.

Unless the articles of incorporation provide that a change in the number of directors shall be made only by amendment to the articles of incorporation, a change in the number of directors made by amendment to the bylaws shall be controlling. In all other cases, whenever a provision of the articles of incorporation is inconsistent with a bylaw, the provision of the articles of incorporation shall be controlling.

Sec. 3. RCW 24.06.030 and 1969 ex.s. c 120 s 6 are each amended to read as follows:

Each corporation shall have power:

- (1) To have perpetual succession by its corporate name unless a limited period of duration is stated in its articles of incorporation.
- (2) To sue and be sued, complain and defend, in its corporate name.
- (3) To have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.
- (4) To purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, hold, be trustee of, improve, use and otherwise deal in and with real or personal property, or any interest therein, wherever situated.
- (5) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.
- (6) To lend money to its employees.
- (7) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, whether for profit or not for profit, associations, partnerships or individuals, or direct or indirect obligations of the United States, or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof.
- (8) To make contracts and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises and income.
- (9) To lend money for its corporate purposes, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.
- (10) To conduct its affairs, carry on its operations, and have offices and exercise the powers granted by this chapter, in any state, territory, district, or possession of the United States, or in any foreign country.
- (11) To elect or appoint officers and agents of the corporation, and define their duties and fix their compensation.
- (12) To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for the administration and regulation of the affairs of the corporation.

(13) To establish and maintain reserve, equity, surplus or other funds, and to provide for the time, form and manner of distribution of such funds among members, shareholders or other persons with interests therein in accordance with the articles of incorporation.

(14) Unless otherwise provided in the articles of incorporation, to make donations for the public welfare or for charitable, scientific or educational purposes, and in time of war to make donations in aid of the United States and its war activities.

(15) To indemnify any director or officer or former director or officer of the corporation, or any person who may have served at its request as a director or officer of another corporation, against expenses actually and necessarily incurred by him or her in connection with the defense of any action, suit or proceeding in which he or she is made a party by reason of being or having been such director or officer, except ~~((in relation to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty))~~ for acts or omissions that involve intentional misconduct or a knowing violation of law by the director or officer, or that involve a transaction from which the director or officer will personally receive a benefit in money, property, or services to which the director or officer is not legally entitled: PROVIDED, That such indemnification shall not be deemed exclusive of any other rights to which such director or officer may be entitled, under any bylaw, agreement, vote of board of directors or members or shareholders, or otherwise.

(16) To cease its corporate activities and surrender its corporate franchise.

(17) To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is organized and not inconsistent with the articles of incorporation or the provisions of this chapter.

Sec. 4. RCW 24.06.035 and 1987 c 212 s 709 are each amended to read as follows:

(1) A corporation subject to the provisions of this chapter shall not engage in any business, trade, a vocation or profession for profit: PROVIDED, That nothing contained herein shall be construed to forbid such a corporation from accumulating reserve, equity, surplus or other funds through subscriptions, fees, dues or assessments, or from charges made its members or other persons for services rendered or supplies or benefits furnished, or from distributing its surplus funds to its members, stockholders or other persons in accordance with the provisions of the articles of incorporation. A member of the board of directors or an officer of such a corporation shall have the same immunity from liability as is granted in RCW 4.24.264.

(2) Unless the articles of incorporation provide otherwise, a member of the board of directors or an officer of the corporation is not individually liable to the corporation or its shareholders or members in their capacity as shareholders or members for conduct within his or her official capacity as a director or officer after the effective date of this subsection except for acts or omissions that involve intentional misconduct or a knowing violation of the law, or that involve a transaction from which the director or officer will personally receive a benefit in money, property, or services to which the director or officer is not legally entitled. Nothing in this subsection may be construed to limit or modify in any manner the power of the attorney general to bring an action on behalf of the public to enjoin, correct, or otherwise remedy a breach of a charitable trust by a corporation or its directors or officers.

Sec. 5. RCW 24.06.100 and 1969 ex.s. c 120 s 20 are each amended to read as follows:

Meetings of members and/or shareholders may be held at such place, either within or without this state, as may be provided in the bylaws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation in this state.

An annual meeting of the members and shareholders shall be held at such time as may be provided in the bylaws. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation.

Special meetings of the members or shareholders may be called by the president or by the board of directors. Special meetings of the members or shareholders may also be called by such other officers or persons or number or proportion of members or shareholders as may be provided in the articles of incorporation or the bylaws. In the absence of a provision fixing the number or proportion of members or shareholders entitled to call a meeting, a special meeting of members or shareholders may be called by persons having one-twentieth of the votes entitled to be cast at such meeting. Only business within the purpose or purposes described in the meeting notice required by RCW 24.06.105 may be conducted at a special meeting.

If the articles of incorporation or bylaws so provide, members or shareholders may participate in any meeting of members or shareholders by any means of communication by which all persons participating in the meeting can hear each other during the meeting. A member or shareholder participating in a meeting by this means is deemed to be present in person at the meeting.

Sec. 6. RCW 24.06.110 and 2000 c 167 s 4 are each amended to read as follows:

The right of a class or classes of members or shareholders to vote may be limited, enlarged or denied to the extent specified in the articles of incorporation. Unless so limited, enlarged or denied, each member and each outstanding share of each class shall be entitled to one vote on each matter submitted to a vote of members or shareholders. No member of a class may acquire any interest which will entitle him or her to a greater vote than any other member of the same class.

A member or shareholder may vote in person or, unless the articles of incorporation or the bylaws otherwise provide, may vote by mail, by electronic transmission, or by proxy executed in writing by the member or shareholder or by his or her duly authorized attorney-in-fact: PROVIDED, That no proxy shall be valid for more than eleven months from the date of its execution unless otherwise specified in the proxy.

If a member or shareholder may vote by proxy, the proxy may be given by:

(1) Executing a writing authorizing another person or persons to act for the member or shareholder as proxy. Execution may be accomplished by the member or shareholder or the member's or shareholder's authorized officer, director, employee, or agent signing the writing or causing his or her signature to be affixed to the writing by any reasonable means including, but not limited to, facsimile signature; or

(2) Authorizing another person or persons to act for the member or shareholder as proxy by transmitting or authorizing the transmission of an electronic transmission to the person who will be the holder of the proxy, or to a proxy solicitation firm, proxy support service organization, or like agent duly authorized by the person who will be the holder of the proxy to receive the transmission. If it is determined that the electronic transmissions are valid, the inspector of election or, if there are no inspectors, any other officer or agent of the corporation making that determination on behalf of the corporation shall specify the information upon which they relied. The corporation shall require the holders of proxies received by electronic transmission to provide to the corporation copies of the electronic transmission and the corporation shall retain copies of the electronic transmission for a reasonable period of time.

If specifically permitted by the articles of incorporation ((may provide that)) or bylaws, whenever proposals or directors or officers are to be voted upon, such vote may be taken by mail or by electronic transmission if the name of each candidate and the text of each proposal to be so voted upon are set forth in a writing accompanying or contained in the notice of meeting. Persons voting by mail or by electronic transmission shall be deemed present for all purposes of quorum, count of votes and percentages of total voting power voting.

The articles of incorporation or the bylaws may provide that in all elections for directors every person entitled to vote shall have the right to cumulate his or her vote and to give one candidate a number of votes equal to his or her vote multiplied by the number of directors to be elected, or by distributing such votes on the same principle among any number of such candidates.

Sec. 7. RCW 24.06.115 and 2000 c 167 s 5 are each amended to read as follows:

The articles of incorporation or the bylaws may provide the number or percentage of votes which members or shareholders are entitled to cast in person, by mail, by electronic transmission, or by proxy, which shall constitute a quorum at meetings of shareholders or members. However, in no event shall a quorum be less than one-fourth, or in the case of consumer cooperatives, five percent, of the votes which members or shareholders are entitled to cast in person, by mail, by electronic transmission, or by proxy, at a meeting considering the adoption of a proposal which is required by the provisions of this chapter to be adopted by at least two-thirds of the votes which members or shareholders present at the meeting in person or by mail, by electronic transmission, or represented by proxy are entitled to cast. In all other matters and in the absence of any provision in the articles of incorporation or bylaws, a quorum shall consist of one-fourth, or in the case of consumer cooperatives, five percent, of the votes which members or shareholders are entitled to cast in person, by mail, by electronic transmission, or by proxy at the meeting. On any proposal on which a class of shareholders or members is entitled to vote as a class, a quorum of the class entitled to vote as such class must also be present in person, by mail, by electronic transmission, or represented by proxy.

Sec. 8. RCW 24.06.150 and 1969 ex.s. c 120 s 30 are each amended to read as follows:

Meetings of the board of directors, regular or special, may be held either within or without this state, and upon such notice as the bylaws may prescribe. Attendance of a director at any meeting shall constitute a waiver of notice of such meeting except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors need be specified in the notice or waiver of notice of such meeting.

Unless the articles of incorporation or bylaws provide otherwise, any or all directors may participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating can hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

NEW SECTION. Sec. 9. A new section is added to chapter 24.06 RCW to read as follows:

(1) A director shall discharge the duties of a director, including duties as a member of a committee, and an officer with discretionary authority shall discharge the officer's duties under that authority:

- (a) In good faith;
- (b) With the care an ordinarily prudent person in a like position would exercise under similar circumstances; and
- (c) In a manner the director or officer reasonably believes to be in the best interests of the corporation.

(2) In discharging the duties of a director or an officer, a director or officer is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

- (a) One or more officers or employees of the corporation whom the director or officer reasonably believes to be reliable and competent in the matters presented; or
- (b) Legal counsel, public accountants, or other persons as to matters the director or officer reasonably believes are within the person's professional or expert competence.

In addition, a director is entitled to rely on a committee of the board of directors of which the director is not a member if the director reasonably believes the committee merits confidence.

(3) A director or an officer is not acting in good faith if the director or officer has knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (2) of this section unwarranted.

(4) A director or officer is not liable for any action taken as a director or as an officer, or any failure to take any action, if the director or officer performed the duties of the director's or officer's office in compliance with this section.

Sec. 10. RCW 24.06.185 and 1969 ex.s. c 120 s 37 are each amended to read as follows:

A corporation may amend its articles of incorporation from time to time in any and as many respects as may be desired, so long as its articles of incorporation as amended contain only such provisions as are lawful under this chapter. A member or shareholder of a corporation does not have a vested property right resulting from any provision in the articles of incorporation.

Sec. 11. RCW 24.06.190 and 2000 c 167 s 6 are each amended to read as follows:

Amendments to the articles of incorporation shall be made in the following manner:

A corporation's board of directors may amend the articles of incorporation to change the name of the corporation, without seeking member or shareholder approval. With respect to amendments other than to change the name of the corporation, the board of directors shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of members and shareholders, which may be either an annual or a special meeting. Written or printed notice or, if specifically permitted by the articles of incorporation or bylaws of the corporation, notice by electronic transmission, setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each member and shareholder entitled to vote at such meeting within the time and in the manner provided in this chapter for the giving of notice of meetings of members and shareholders. The proposed amendment shall be adopted upon receiving at least two-thirds of the votes which members or shareholders present in person or by mail or by electronic transmission at such meeting or represented by proxy are entitled to cast: PROVIDED, That when any class of shares or members is entitled to vote thereon by class, the proposed amendment must receive at least two-thirds of the votes of the members or shareholders of each class entitled to vote thereon as a class, who are present in person, by mail, by electronic transmission, or represented by proxy at such meeting.

Any number of amendments may be submitted and voted upon at any one meeting.

Sec. 12. RCW 24.06.195 and 2000 c 167 s 7 are each amended to read as follows:

The articles of amendment shall be executed in duplicate originals by the corporation by an officer of the corporation, and shall set forth:

(1) The name of the corporation.
(2) Any amendment so adopted.
(3) If an amendment was adopted by the board of directors without being submitted for member or shareholder action, a statement to that effect and that member or shareholder action was not required; or a statement setting forth the date of the meeting of members and shareholders at which the amendment was adopted, that a quorum was present at such meeting, and that such amendment received at least two-thirds of the votes which members or shareholders of the corporation, and of each class entitled to vote thereon as a class, present at such meeting in person, by mail, by electronic transmission, or represented by proxy were entitled to cast, or a statement that such amendment was adopted by a consent in writing signed by all members and shareholders entitled to vote with respect thereto.

Sec. 13. RCW 24.06.245 and 1969 ex.s. c 120 s 49 are each amended to read as follows:

Any member or shareholder of a corporation shall have the right to dissent from any of the following corporate actions:

(1) Any plan of merger or consolidation to which the corporation is a party other than a merger or consolidation in which all members or shareholders of the corporation have the right to continue their membership or shareholder status in the surviving corporation on substantially similar terms; or

(2) Any sale or exchange of all or substantially all of the property and assets of the corporation not made in the usual and regular course of its business, including a sale in dissolution, but not including a sale pursuant to an order of a court having jurisdiction in the premises or a sale for cash on terms requiring that all or substantially all of the net proceeds of sale be distributed to the shareholders in accordance with their respective interests within one year after the date of sale; or

(3) Any amendment to the articles of incorporation ~~((which changes voting or property rights of members or shareholders other than by changing the number of memberships or shares or classes of either thereof))~~ that materially reduces the number of shares owned by a shareholder to a fraction of a share if the fractional share is to be acquired by the corporation for cash; or

(4) ~~((Any amendment to the articles of incorporation which reorganizes a corporation under the provisions of this chapter))~~ Any corporate action taken pursuant to a member or shareholder vote to the extent that the articles of incorporation, bylaws, or a resolution of the board of directors provides that voting or nonvoting members or shareholders are entitled to dissent and obtain payment for their membership or shares.

A member or shareholder entitled to dissent and obtain payment for the member's or shareholder's membership interest or shares under this chapter may not challenge the corporate action creating the member's or shareholder's entitlement unless the action fails to comply with the procedural requirements imposed by this title, the articles of incorporation, or the bylaws, or is fraudulent with respect to the member or shareholder or the corporation.

The provisions of this section shall not apply to the members or shareholders of the surviving corporation in a merger if such corporation is on the date of the filing of the articles of merger the owner of all the outstanding shares of the other corporations, domestic or foreign, which are parties to the merger ~~((, or if a vote of the members and shareholders of such corporation is not necessary to authorize such merger)).~~

The meeting notice for any meeting at which a proposed corporate action creating dissenters' rights is submitted to a vote must state that members or shareholders are or may be entitled to assert dissenters' rights and be accompanied by a copy of RCW 24.06.250.

Sec. 14. RCW 24.06.250 and 2000 c 167 s 11 are each amended to read as follows:

Any member or shareholder electing to exercise such right of dissent shall file with the corporation, prior to or at the meeting of members and shareholders at which such proposed corporate action is submitted to a vote, a written objection to such proposed corporate action. If such proposed corporate action be approved by the required vote and such member or shareholder shall not have voted in favor thereof, such member or shareholder may, within ten days after the date on which the vote was taken, ~~((or if a corporation is to be merged without a vote of its members and shareholders into another corporation, any other members or shareholders may, within fifteen days after the plan of such merger shall have been mailed or sent by electronic transmission to such members and shareholders,))~~ make written demand on the corporation, or, in the case of a merger or consolidation, on the surviving or new corporation, domestic or foreign, for payment of the fair value of such member's membership or of such shareholder's shares, and, if such proposed corporate action is effected, such corporation shall pay to such member, upon surrender of his or her membership certificate, if any, or to such shareholder, upon surrender of the certificate or certificates representing such shares, the fair value thereof as of the day prior to the date on which the vote was taken approving the proposed corporate action, excluding any appreciation or depreciation in anticipation of such corporate action. Any member or shareholder failing to make demand within the ten day period shall be bound by the terms of the proposed corporate action. Any member or shareholder making such demand shall thereafter be entitled only to payment as in this section provided and shall not be entitled to vote or to exercise any other rights of a member or shareholder.

No such demand shall be withdrawn unless the corporation shall consent thereto. The right of such member or shareholder to be paid the fair value of his or her membership or shares shall cease and his or her status as a member or shareholder shall be restored, without prejudice to any corporate proceedings which may have been taken during the interim, if:

(1) Such demand shall be withdrawn upon consent; or

(2) The proposed corporate action shall be abandoned or rescinded or the members or shareholders shall revoke the authority to effect such action; or

(3) In the case of a merger, on the date of the filing of the articles of merger the surviving corporation is the owner of all the outstanding shares of the other corporations, domestic and foreign, that are parties to the merger; or

(4) ~~((No demand or petition for the determination of fair value by a court shall have been made or filed within the time provided by this section; or~~

~~(5)))~~ A court of competent jurisdiction shall determine that such member or shareholder is not entitled to the relief provided by this section.

Within ten days after such corporate action is effected, the corporation, or, in the case of a merger or consolidation, the surviving or new corporation, domestic or foreign, shall give written notice thereof to each dissenting member or shareholder who has made demand as herein provided, and shall make a written offer to each such member or shareholder to pay for such shares or membership at a specified price deemed by such corporation to be the fair value thereof. Except in cases where the fair value payable to dissenters is fixed in the articles of incorporation or pursuant to RCW 24.06.255, such notice and offer shall be

accompanied by a balance sheet of the corporation in which the member ((has)) holds his or her membership or ((the shares of which)) the dissenting shareholder holds shares, as of the latest available date and not more than twelve months prior to the making of such offer, and a profit and loss statement of such corporation for the twelve months' period ended on the date of such balance sheet.

If the fair value payable to dissenting members or shareholders is fixed in the articles of incorporation or pursuant to RCW 24.06.255, or if within thirty days after the date on which such corporate action was effected the fair value of such shares or membership is agreed upon between any such dissenting member or shareholder and the corporation, payment therefor shall be made within ninety days after the date on which such corporate action was effected, upon surrender of the membership certificate, if any, or upon surrender of the certificate or certificates representing such shares. Upon payment of the agreed value the dissenting member or shareholder shall cease to have any interest in such membership or shares.

If the fair value payable to dissenting members or shareholders is not fixed in the articles of incorporation or pursuant to RCW 24.06.025, and within such period of thirty days a dissenting member or shareholder and the corporation do not so agree, then the dissenting member or shareholder shall be entitled to make written demand to the corporation, ~~((within thirty days after receipt of written demand from any dissenting member or shareholder given))~~ within sixty days after the date on which such corporate action was effected, requesting that the corporation petition for a determination of the fair value by a court. If such a demand is not timely made on the corporation, the right of such member or shareholder to demand to be paid the fair value of his or her membership or shares shall be forfeited. Within thirty days after receipt of such a written demand from any dissenting member or shareholder, the corporation shall, or at its election at any time within ((such period of sixty)) ninety days after the date on which such corporate action was effected may, file a petition in any court of competent jurisdiction in the county in this state where the registered office of the corporation is located praying that the fair value of such membership or shares be found and determined. If, in the case of a merger or consolidation, the surviving or new corporation is a foreign corporation without a registered office in this state, such petition shall be filed in the county where the registered office of the domestic corporation was last located. If the corporation shall fail to institute the proceeding as herein provided, any dissenting member or shareholder may do so in the name of the corporation. All dissenting members and shareholders, wherever residing, shall be made parties to the proceeding as an action against their memberships or shares quasi in rem. A copy of the petition shall be served on each dissenting member and shareholder who is a resident of this state and shall be served by registered or certified mail on each dissenting member or shareholder who is a nonresident. Service on nonresidents shall also be made by publication as provided by law. The jurisdiction of the court shall be plenary and exclusive. All members and shareholders who are parties to the proceeding shall be entitled to judgment against the corporation for the amount of the fair value of their shares. The court may, if it so elects, appoint one or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers shall have such power and authority as shall be specified in the order of their appointment or an amendment thereof. The judgment shall be payable only upon and concurrently with the surrender to the corporation of the membership certificate, if any, or of the certificate or certificates representing such shares. Upon payment of the judgment, the dissenting shareholder or member shall cease to have any interest in such shares or membership.

The judgment shall include an allowance for interest at such rate as the court may find to be fair and equitable in all the circumstances, from the date on which the vote was taken on the proposed corporate action to the date of payment.

The costs and expenses of any such proceeding shall be determined by the court and shall be assessed against the corporation, but all or any part of such costs and expenses may be apportioned and assessed as the court may deem equitable against any or all of the dissenting members and shareholders who are parties to the proceeding to whom the corporation shall have made an offer to pay for membership or shares if the court shall find that the action of such members or shareholders in failing to accept such offer was arbitrary or vexatious or not in good faith. Such expenses shall include reasonable compensation for and reasonable expenses of the appraisers, but shall exclude the fees and expenses of counsel for and experts employed by any party; but if the fair value of the memberships or shares as determined materially exceeds the amount which the corporation offered to pay therefor, or if no offer was made, the court in its discretion may award to any member or shareholder who is a party to the proceeding such sum as the court may determine to be reasonable compensation to any expert or experts employed by the member or shareholder in the proceeding.

Within twenty days after demanding payment for his or her shares or membership, each member and shareholder demanding payment shall submit the certificate or certificates representing his or her membership or shares to the corporation for notation thereon that such demand has been made. His or her failure to do so shall, at the option of the corporation, terminate his or her rights under this section unless a court of competent jurisdiction, for good and sufficient cause shown, shall otherwise direct. If membership or shares represented by a certificate on which notation has been so made shall be transferred, each new certificate issued therefor shall bear a similar notation, together with the name of the original dissenting holder of such membership or shares, and a transferee of such membership or shares shall acquire by such transfer no rights in the corporation other than those which the original dissenting member or shareholder had after making demand for payment of the fair value thereof.

Sec. 15. RCW 24.06.255 and 1969 ex.s. c 120 s 51 are each amended to read as follows:

Notwithstanding any provision in this chapter for the payment of fair value to a dissenting member or shareholder, (1) the articles of incorporation may provide that a dissenting member or shareholder shall be limited to a return of a lesser amount, but in no event shall a dissenting member or shareholder be limited to a return of less than the consideration paid to the corporation for the membership or shares which he or she holds unless the fair value of the membership or shares is less than the consideration paid to the corporation, and (2) the fair value payable to a dissenting member of a consumer cooperative shall be a fixed amount equal to the consideration paid to the corporation for the member's current membership unless the articles of incorporation expressly provide for a greater or lesser amount."

MOTIONS

On motion of Senator Kline, the following title amendment was adopted:

On page 1, line 1 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 24.06.005, 24.06.025, 24.06.030, 24.06.035, 24.06.100, 24.06.110, 24.06.115, 24.06.150, 24.06.185, 24.06.190, 24.06.195, 24.06.245, 24.06.250, and 24.06.255; and adding a new section to chapter 24.06 RCW."

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1545, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1545, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1545, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Deccio - 1.

SUBSTITUTE HOUSE BILL NO. 1545, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1371, by House Committee on Appropriations (originally sponsored by Representatives Morell, O'Brien, Woods, Bush, Cooper, Haigh, Simpson, Armstrong, Ahern, Lovick, Marine, Anderson, Pearson, Benson, Keiser, Conway, Hurst, Santos and Campbell)

Allowing participation in health care authority insurance plans and contracts by surviving spouses and dependent children of emergency service personnel killed in the line of duty.

The bill was read the second time.

MOTIONS

On motion of Senator Brown, the following Committee on Ways and Means amendment was adopted:

On page 7, after line 9, strike "2001" and insert "1998"

On motion of Senator Brown, the rules were suspended, Engrossed Substitute House Bill No. 1371, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1371, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1371, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1371, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1582, by Representatives Hatfield, Delvin, Cooper, Ericksen, Linville, Kenney, Rockefeller and Lisk (by request of Department of Licensing)

Exempting certain motorcycles used for training from the use tax.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, House Bill No. 1582 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1582.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1582 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Hargrove - 1.

HOUSE BILL NO. 1582, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1070, by Representatives Delvin, Dickerson, Ogden, Conway, Haigh, Kagi and Hurst (by request of Department of Social and Health Services)

Revising provisions relating to the juvenile offender basic training camp program.

The bill was read the second time.

MOTION

On motion of Senator Costa, the rules were suspended, House Bill No. 1070 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1070.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1070 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Prentice - 1.

HOUSE BILL NO. 1070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1346, by Representatives Dickerson, Tokuda, Kenney, Kagi and Santos

Exempting from child care regulations persons who place or care for children entering the United States for medical care.

The bill was read the second time.

MOTION

On motion of Senator Costa, the rules were suspended, House Bill No. 1346 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1346.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1346 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1346, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1093, by House Committee on Health Care (originally sponsored by Representatives Schual-Berke, Ballasiotes, Cody, Campbell, Ruderman, Skinner, Conway, Edmonds, Kenney and Kagi)

Changing physician license fees.

The bill was read the second time.

MOTION

On motion of Senator Snyder, the rules were suspended, Substitute House Bill No. 1093 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1093.

\ ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1093 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1093, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1094, by House Committee on Health Care (originally sponsored by Representatives Skinner, Schual-Berke, Cody, Campbell, Conway, Ruderman, Dunshee, Alexander, Edmonds, Kenney, Edwards and Kagi)

Allowing a health care professional to surrender his or her license to practice.

The bill was read the second time.

MOTIONS

On motion of Senator Thibaudeau, the following Committee on Health and Long-Term Care amendment was adopted: On page 2, after line 30, insert the following:

"NEW SECTION. Sec. 2 A new section is added to chapter 18.130 RCW to read as follows:

(1) No sanction provided for in RCW 18.130.160, including the surrender of a practitioner's license, may be imposed on a person solely for the unlicensed practice of reflexology.

(2) This section expires July 1, 2002."

On motion of Senator Thibaudeau, the following Committee on Health and Long-Term Care amendment was adopted:

On page 2, line 10, after "sanctions" insert ", which must be reported to the federal data bank"

MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 2 of the title, after "license;" strike "and" and after "18.130.160" insert "; adding a new section to chapter 18.130 RCW; and providing an expiration date"

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 1094, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1094, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1094, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1094, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:58 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:35 p.m. by President Pro Tempore Franklin.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9055, Carol Carlstad, as a member of the Board of Trustees for Grays Harbor Community College District No. 2, was confirmed.

APPOINTMENT OF CAROL CARLSTAD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 5; Excused, 0.

Voting yea: Senators Benton, Carlson, Constantine, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Absent: Senators Brown, Costa, Deccio, McDonald and Patterson - 5.

MOTION

On motion of Senator Betti Sheldon, Senator Hargrove was excused.

MOTION

On motion of Senator Shin, Gubernatorial Appointment No. 9006, Paul D. Burton, as a member of the Board of Trustees for Shoreline Community College District No. 7, was confirmed.

APPOINTMENT OF PAUL D. BURTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Hargrove - 1.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1119, by House Committee on Finance (originally sponsored by Representatives Schoesler, Gombosky, Ahern and Schindler)

Modifying the taxation of new and used motor vehicle sales.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 1119 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1119.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1119 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Shin - 1.

Excused: Senator Hargrove - 1.

SUBSTITUTE HOUSE BILL NO. 1119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Jacobsen was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191, by House Committee on Finance (originally sponsored by Representatives Morris, Sehlin, Lisk and Fromhold)

Providing property tax exemptions for certain property leased by public entities.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Substitute House Bill No. 2191 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2191.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2191 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Hargrove and Jacobsen - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5344, by Senators Spanel, Fairley, Zarelli and Fraser (by request of Governor Locke)

Providing funds for the state legislative building renovation.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5344 was substituted for Senate Bill No. 5344 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5344 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5344.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5344 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Hargrove and Jacobsen - 2.

SUBSTITUTE SENATE BILL NO. 5344, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1793, by House Committee on Judiciary (originally sponsored by Representatives Hatfield and McDermott)

Revising court filing fees for tax warrants and recovery of state agency overpayments.

The bill was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1793 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1793.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1793 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Jacobsen - 1.

SUBSTITUTE HOUSE BILL NO. 1793, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kline was excused.

SECOND READING

HOUSE BILL NO. 1859, by Representatives Poulsen, Crouse, Morris, Casada, DeBolt, Esser, Simpson, B. Chandler, Linville, Delvin, Wood, Conway, Kenney, Santos, Romero, Kessler, Pflug, Rockefeller, Lovick, O'Brien, Darneille, Pearson, Ruderman, McIntire, Anderson, Keiser, Dunn, McDermott, Kagi, Schual-Berke, Campbell, Edmonds and Jackley

Exempting electric generating facilities using wind, solar energy, landfill gas, or fuel cells from sales and use taxes.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Bill No. 1859 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1859.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1859 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Jacobsen and Kline - 2.

HOUSE BILL NO. 1859, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair

SECOND READING

HOUSE BILL NO. 2037, by Representative G. Chandler

Changing provisions relating to the administration of irrigation districts.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 2037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2037.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2037 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Jacobsen and Kline - 2.

HOUSE BILL NO. 2037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Eide, Senators Hargrove and Thibaudeau were excused.

On motion of Senator Hewitt, Senator Parlette was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1099, by Representatives Santos, Benson, Tokuda, Bush, DeBolt, Hatfield and McIntire

Outlining requirements for the operation of a PACE program in Washington state.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed House Bill No. 1099 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1099.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1099 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Excused: Senators Hargrove, Jacobsen, Parlette and Thibaudeau - 4.

HOUSE BILL NO. 1099, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1915, by House Committee on Finance (originally sponsored by Representatives Cairnes, Morris, H. Sommers, Skinner, Hankins, Kessler, Lisk, Clements, Benson, Delvin, B. Chandler, Veloria, G. Chandler, Conway, Ruderman, Santos, Grant, Barlean and Alexander)

Modifying wine and cider provisions.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1915 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1915.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1915 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Hargrove, Jacobsen and Thibaudeau - 3.

SUBSTITUTE HOUSE BILL NO. 1915, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2168, by Representatives Conway, Schoesler, O'Brien, Ballasiotes, Darneille, Kirby and Hunt

Regulating siting of essential state community justice facilities.

The bill was read the second time.

MOTIONS

On motion of Senator Costa, the following Committee on Human Services and Corrections striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 72.05.020 and 1998 c 269 s 2 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Catchment area" means the combination of a group of counties or jurisdictions used in siting community facilities when the number of qualifying offenders cannot economically support the placement of a community facility or when a single county is unable to provide the needed support.

(2) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility.

~~((2))~~ (3) "Department" means the department of social and health services.

~~((3))~~ (4) "Equitable distribution" or "distribute equitably" means siting or locating community facilities in a manner that will not cause a disproportionate grouping of facilities in any single geographic region, or in any community or neighborhood within a jurisdiction.

(5) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

~~((4))~~ (6) "Service provider" means the entity that operates a community facility.

NEW SECTION. Sec. 2. A new section is added to chapter 72.05 RCW to read as follows:

(1) The department shall make reasonable efforts to distribute community facilities equitably among the counties and work with the counties in the normal county planning process to achieve equitable distribution within each county, among the jurisdictions within the county, and among the communities or neighborhoods within the jurisdictions of the county, taking into account at least the following:

(a) The locations of existing residential facilities owned, operated by, or operated under contract with the department;

(b) The locations of other projected residential facilities owned, operated by, or operated under contract with the department;

(c) The number of juvenile registered sex offenders classified as level II or III or registered as homeless per thousand persons residing in the jurisdiction;

(d) The number of juvenile violent offenders under parole or probation per thousand persons residing in the jurisdiction;

and

(e) The number of juvenile offenders sentenced or adjudicated per thousand persons residing in the jurisdiction.

(2) To carry out the purposes of subsection (1) of this section, the department shall, no later than January 1, 2002, develop a mapping system to identify the locations of existing and projected facilities identified in subsection (1) of this section. The department shall also maintain a list of the number of offenders identified in subsection (1) of this section and shall annually publish a report including the map and offender rates for the counties and jurisdictions of the state.

(3)(a) The department shall give great weight to the factors identified in subsection (1) of this section in projecting and proposing siting of new community facilities.

(b) In considering the projected placement or actual siting of a community facility, the department shall use the information in the most recent report published at the time that the facility is projected or that the site is listed for consideration as a work release facility.

Sec. 3. RCW 72.05.400 and 1998 c 269 s 5 are each amended to read as follows:

(1) Whenever the department operates, or the secretary enters a contract to operate, a community facility, the community facility may be operated only after the public notification and opportunities for review and comment as required by this section.

(2) The secretary shall establish a process for early and continuous public participation in establishing or relocating community facilities. The process shall include, at a minimum, public meetings in the local communities affected, as well as opportunities for written and oral comments, in the following manner:

(a) If there are more than three sites initially selected as potential locations and the selection process by the secretary or a service provider reduces the number of possible sites for a community facility to no fewer than three, the secretary or the chief operating officer of the service provider shall notify the public of the possible siting and hold at least two public hearings in each community where a community facility may be sited at least forty-five days before a final selection is made.

(b) When the secretary or service provider has determined the community facility's location, the secretary or the chief operating officer of the service provider shall hold at least one additional public hearing in the community where the community facility will be sited.

(c) When the secretary has entered negotiations with a service provider and only one site is under consideration, then at least two public hearings shall be held.

(d) To provide adequate notice of ~~((,))~~ and opportunity for interested persons to comment on ~~((,))~~ a proposed location, the secretary or the chief operating officer of the service provider shall provide at least fourteen days' advance notice of the ~~((meeting to))~~ public hearings to at least the following:

(i) The affected counties, cities, and towns;

(ii) Local government planning agencies in the affected communities;

(iii) All newspapers of general circulation in the ~~((community,))~~ local area and all radio stations and television stations generally available to persons in the community ~~((,))~~ where the potential site is located;

(iv) Any school district, private school, or kindergarten in which the community facility would be sited or whose boundary is within two miles of a proposed community facility, institutions of higher education, any library district ~~((in which the community facility would be sited, local business or fraternal organizations that request notification from the secretary or agency, and any person or property owner within a one-half mile radius of the proposed community facility));~~ and all other local government offices within a one-half mile radius of the proposed site or sites;

(v) The local chamber of commerce, local economic development agencies, and any other local organizations that request such notification from the department; and

(vi) Written notification to all residents and property owners within a one-half mile radius of the proposed site or sites.

(3) The notice required under subsection (2) of this section must also inform the public that any interested person or entity, including a local government entity, is invited to submit written comments regarding a proposed location, including comments regarding whether the site meets the equitable distribution and other statutory requirements for the facility. Written comments must be submitted not later than thirty days following the date notice is issued pursuant to subsection (2) of this section.

(4) The department must consider the testimony received at the public hearings and any written comments submitted before making a final selection of the site for the location or relocation of a community facility. The department shall issue a written analysis of the final selection, including how the selection was consistent with the requirements of section 2 of this act.

(5) Before initiating ~~((this))~~ the process in subsection (2) of this section, the department shall contact local government planning agencies in the communities containing the proposed community facility. The department shall coordinate with local government agencies to ensure that opportunities are provided for effective citizen input and to reduce the duplication of notice and meetings.

~~((3))~~ (6) The secretary shall not issue a license to any service provider until the service provider submits proof that the requirements of this section have been met.

~~((4))~~ (7) This section shall apply only to community facilities sited after September 1, 1998.

NEW SECTION. Sec. 4. A new section is added to chapter 72.05 RCW to read as follows:

The department may use catchment areas in lieu of specific counties when the number of qualifying offenders cannot economically support the placement of a community facility or when a single county is unable to provide the needed support.

Sec. 5. RCW 72.65.010 and 1992 c 7 s 56 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings:

(1) "Catchment area" means the combination of a group of counties or jurisdictions used in siting community facilities when the number of qualifying offenders cannot economically support the placement of a community facility or when a single county is unable to provide the needed support.

(2) "Department" ~~((shall))~~ means the department of corrections.

~~((2))~~ (3) "Equitable distribution" or "distribute equitably" means siting or locating community facilities in a manner that will not cause a disproportionate grouping of facilities in any single geographic region, or in any community or neighborhood within a jurisdiction.

(4) "Prisoner" means a person either male or female, convicted of a felony and sentenced by the superior court to a term of confinement and treatment in a state correctional institution under the jurisdiction of the department.

(5) "Secretary" ~~((shall))~~ means the secretary of corrections.

~~((3))~~ (6) "State correctional institutions" shall mean and include all state adult correctional facilities established pursuant to law under the jurisdiction of the department for the treatment of convicted felons sentenced to a term of confinement.

~~((4))~~ "Prisoner" shall mean a person either male or female, convicted of a felony and sentenced by the superior court to a term of confinement and treatment in a state correctional institution under the jurisdiction of the department.

~~((5))~~ (7) "Superintendent" ~~((shall))~~ means the superintendent of a state correctional institution, camp or other facility now or hereafter established under the jurisdiction of the department pursuant to law.

NEW SECTION. Sec. 6. A new section is added to chapter 72.65 RCW to read as follows:

(1) The department shall make reasonable efforts to distribute work release facilities equitably among the counties and work with the counties in the normal county planning process to achieve equitable distribution within each county, among the jurisdictions within the county, and among the communities or neighborhoods within the jurisdictions of the county, taking into account at least the following:

- (a) The locations of existing residential facilities owned, operated by, or operated under contract with the department;
- (b) The locations of other projected residential facilities owned, operated by, or operated under contract with the department;
- (c) The number of adult registered sex offenders classified as level II or level III or registered as homeless per thousand persons residing in the jurisdiction;
- (d) The number of adult violent offenders under community custody, community placement, community supervision, or parole per thousand persons residing in the jurisdiction; and
- (e) The number of adult offenders sentenced per thousand persons residing in the jurisdiction.

(2) To carry out the purposes of subsection (1) of this section, the department shall, no later than January 1, 2002, develop a mapping system to identify the locations of existing and projected facilities identified in subsection (1) of this section. The department shall also maintain a list of the number of offenders identified in subsection (1) of this section and shall annually publish a report including the map and offender rates for the counties and jurisdictions of the state.

(3)(a) The department shall give great weight to the factors identified in subsection (1) of this section in projecting and proposing siting of new work release facilities.

(b) In considering the projected placement or actual siting of a work release facility, the department shall use the information in the most recent report published at the time that the facility is projected or that the site is listed for consideration as a work release facility.

Sec. 7. RCW 72.65.220 and 1997 c 348 s 1 are each amended to read as follows:

(1) The department or a private or public entity under contract with the department may establish or relocate for the operation of a work release or other community-based facility only after ~~((public notifications and local public meetings have been completed consistent with))~~ meeting the requirements of this section.

(2) The department and other state agencies responsible for siting department-owned, operated, or contracted facilities shall establish a process for early and continuous public participation in establishing or relocating work release or other community-based facilities. This process shall include public meetings in the local communities affected, opportunities for written and oral comments, and wide dissemination of proposals and alternatives, including at least the following:

(a) When the department or a private or public entity under contract with the department has selected three or fewer sites for final consideration of a department-owned, operated, or contracted work release or other community-based facility, the department or contracting organization shall make public notification and conduct at least two public hearings in each of the local communities ~~((of the final three or fewer proposed sites))~~ where such a facility may be sited at least forty-five days before a final selection is made. An additional public hearing after public notification shall also be conducted in the local community selected as the final proposed site.

(b) ~~((Notifications required under this section shall be provided to))~~ To provide adequate notice of and opportunity for interested persons to comment on a proposed location, the department or contracting entity shall provide at least fourteen days' advance notice of the public hearings to at least the following:

- (i) The affected counties, cities, and towns;
- (ii) Local government planning agencies in the affected communities;

~~((iii))~~ All newspapers of general circulation in the local area and all ~~((local))~~ radio stations~~((,))~~ and television stations~~((, and cable networks))~~ generally available to persons in the community where the potential site is located;

~~((iii))~~ (iv) Appropriate school districts, private schools, kindergartens, institutions of higher education, city and county libraries, and all other local government offices within a one-half mile radius of the proposed site or sites;

~~((iii))~~ (v) The local chamber of commerce, local economic development agencies, and any other local organizations that request such notification from the department; and

~~((iv) In writing))~~ (vi) Written notification to all residents ~~((and/or))~~ and property owners within a one-half mile radius of the proposed site or sites.

(3) The notice required under subsection (2) of this section must also inform the public that any interested person or entity, including a local government entity, is invited to submit written comments regarding a proposed location, including comments regarding whether the site meets the equitable distribution and other statutory requirements for the facility. Written comments must be submitted not later than thirty days following the date notice is issued pursuant to subsection (2) of this section.

(4) The department must consider the testimony received at the public hearings and any written comments submitted before making a final selection of the site for the location or relocation of a work release facility. The department shall issue a written analysis of the final selection, including how the selection was consistent with the requirements of section 6 of this act.

(5) When the department contracts for the operation of a work release or other community-based facility that is not owned or operated by the department, the department shall require as part of its contract that the contracting entity comply with all the public notification and public hearing requirements as provided in this section for each located and relocated work release or other community-based facility.

NEW SECTION. Sec. 8. A new section is added to chapter 72.65 RCW to read as follows:

The department may use catchment areas in lieu of specific counties when the number of qualifying offenders cannot economically support the placement of a work release facility or when a single county is unable to provide the needed support.

Sec. 9. RCW 36.70A.200 and 1998 c 171 s 3 are each amended to read as follows:

(1) The comprehensive plan of each county and city that is planning under this chapter shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, and group homes.

(2) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(3) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

NEW SECTION. Sec. 10. A new section is added to chapter 36.70A RCW to read as follows:

(1) On or before the date by which counties planning under this chapter must review and, if needed, revise their comprehensive plans pursuant to RCW 36.70A.130, the counties shall notify the department of social and health services and the department of corrections of their intent to begin the review and shall work with the departments to achieve equitable distribution of community facilities as defined in RCW 72.05.020 and department of corrections work release facilities within the county and within the jurisdictions, communities, and neighborhoods located within the county, or within the catchment area if appropriate. In planning with the departments for distributing facilities, the counties must consider not only the reports required under sections 2 and 6 of this act but the statutory requirements presented by the departments for the placement and operation of these facilities.

(2) Community facilities and work release facilities are correctional facilities and, as such, are essential public facilities subject to the provisions of RCW 36.70A.200.

(3) Within twelve months of the completion of any revisions to the county comprehensive plan under subsection (1) of this section, or if no county revision was necessary within twelve months of the date established in RCW 36.70A.130, the county and each affected city within the county shall adopt or revise development regulations, including but not limited to zoning regulations and design standards, as necessary to implement the requirements of this act.

(4) Nothing in this section precludes a local government from requiring the department to obtain a special use or conditional use permit before siting a community facility that does not conform to the plan or development regulations established pursuant to this section.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 13. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

MOTION

Senator Costa moved that the following striking amendment by Senators Costa, Hargrove and Long be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 72.05.020 and 1998 c 269 s 2 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Catchment area" means the combination of a group of counties or jurisdictions used in siting community facilities when the number of qualifying offenders cannot economically support the placement of a community facility or when a single county is unable to provide the needed support.

(2) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility.

~~((2))~~ (3) "Department" means the department of social and health services.

~~((3))~~ (4) "Equitable distribution" or "distribute equitably" means siting or locating community facilities in a manner that will not cause a disproportionate grouping of facilities in any single geographic region, or in any community or neighborhood within a jurisdiction.

(5) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

~~((4))~~ (6) "Service provider" means the entity that operates a community facility.

NEW SECTION. Sec. 2. A new section is added to chapter 72.05 RCW to read as follows:

(1) The department shall make reasonable efforts to distribute community facilities equitably among the counties and work with the counties in the normal county planning process to achieve equitable distribution within each county, among the jurisdictions within the county, and among the communities or neighborhoods within the jurisdictions of the county, taking into account at least the following:

(a) The locations of existing residential facilities owned, operated by, or operated under contract with the department;

(b) The locations of other projected residential facilities owned, operated by, or operated under contract with the department;

(c) The number of juvenile registered sex offenders classified as level II or III or registered as homeless per thousand persons residing in the jurisdiction;

(d) The number of juvenile violent offenders under parole or probation per thousand persons residing in the jurisdiction;

and

(e) The number of juvenile offenders sentenced or adjudicated in the jurisdiction per thousand persons residing in the jurisdiction.

(2) To carry out the purposes of subsection (1) of this section, the department shall, no later than January 1, 2002, develop a mapping system to identify the locations of existing and projected facilities identified in subsection (1) of this section. The department shall also maintain a list of the number of offenders identified in subsection (1) of this section and shall annually publish a report including the map and offender rates for the counties and jurisdictions of the state.

(3)(a) The department shall give great weight to the factors identified in subsection (1) of this section in projecting and proposing siting of new community facilities.

(b) In considering the projected placement or actual siting of a community facility, the department shall use the information in the most recent report published at the time that the facility is projected or that the site is listed for consideration as a community facility and the criteria adopted under subsection (4) of this section.

(4) The department shall adopt by rule facility criteria and shall consult with local governments in such rule making.

(5) Prior to adopting a distribution of community facilities among specific counties or catchment areas, the department shall consult with the county legislative authorities of each county within the proposed distribution. The department shall also hold at least one public hearing within each such county or, if known, the affected part of the county.

(6) Upon adoption of a distribution of community facilities under this section, the office of financial management shall include such facilities on the list of essential state public facilities maintained under RCW 36.70A.200(2). The department shall promptly notify each county included within such distribution.

Sec. 3. RCW 72.05.400 and 1998 c 269 s 5 are each amended to read as follows:

(1) Whenever the department operates, or the secretary enters a contract to operate, a community facility, the community facility may be operated only after the public notification and opportunities for review and comment as required by this section.

(2) The secretary shall establish a process for early and continuous public participation in establishing or relocating community facilities. The process shall include, at a minimum, public meetings in the local communities affected, as well as opportunities for written and oral comments, in the following manner:

(a) If there are more than three sites initially selected as potential locations and the selection process by the secretary or a service provider reduces the number of possible sites for a community facility to no fewer than three, the secretary or the chief operating officer of the service provider shall notify the public of the possible siting and hold at least two public hearings in each community where a community facility may be sited at least forty-five days before a final selection is made.

(b) When the secretary or service provider has determined the community facility's location, the secretary or the chief operating officer of the service provider shall hold at least one additional public hearing in the community where the community facility will be sited.

(c) When the secretary has entered negotiations with a service provider and only one site is under consideration, then at least two public hearings shall be held.

(d) To provide adequate notice of ~~((,))~~ and opportunity for interested persons to comment on ~~((,))~~ a proposed location, the secretary or the chief operating officer of the service provider shall provide at least fourteen days' advance notice of the ~~((meeting to))~~ public hearings to at least the following:

(i) The affected counties, cities, and towns;

(ii) Local government planning agencies in the affected communities;

(iii) All newspapers of general circulation in the ~~((community,))~~ local area and all radio stations and television stations generally available to persons in the community ~~((,))~~ where the potential site is located;

(iv) Any school district, private school, or kindergarten in which the community facility would be sited or whose boundary is within two miles of a proposed community facility, institutions of higher education, any library district ~~((in which the community facility would be sited, local business or fraternal organizations that request notification from the secretary or agency, and any person or property owner within a one-half mile radius of the proposed community facility));~~ and all other local government offices within a one-half mile radius of the proposed site or sites;

(v) The local chamber of commerce, local economic development agencies, and any other local organizations that request such notification from the department; and

(vi) Written notification to all residents and property owners within a one-half mile radius of the proposed site or sites.

(3) The notice required under subsection (2) of this section must also inform the public that any interested person or entity, including a local government entity, is invited to submit written comments regarding a proposed location, including comments regarding whether the site meets the equitable distribution and other statutory requirements for the facility. Written comments must be submitted not later than thirty days following the date notice is issued pursuant to subsection (2) of this section.

(4) The department must consider the testimony received at the public hearings and any written comments submitted before making a final selection of the site for the location or relocation of a community facility. The department shall issue a written analysis of the final selection, including how the selection was consistent with the requirements of section 2 of this act.

(5) Before initiating ~~((this))~~ the process in subsection (2) of this section, the department shall contact local government planning agencies in the communities containing the proposed community facility. The department shall coordinate with local government agencies to ensure that opportunities are provided for effective citizen input and to reduce the duplication of notice and meetings.

~~((3))~~ (6) The secretary shall not issue a license to any service provider until the service provider submits proof that the requirements of this section have been met.

~~((4))~~ (7) This section shall apply only to community facilities sited after September 1, 1998.

NEW SECTION. Sec. 4. A new section is added to chapter 72.05 RCW to read as follows:

The department may use catchment areas in lieu of specific counties when the number of qualifying offenders cannot economically support the placement of a community facility or when a single county is unable to provide the needed support.

Sec. 5. RCW 72.65.010 and 1992 c 7 s 56 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings:

(1) "Catchment area" means the combination of a group of counties or jurisdictions used in siting community facilities when the number of qualifying offenders cannot economically support the placement of a community facility or when a single county is unable to provide the needed support.

(2) "Department" ~~((shall))~~ means the department of corrections.

~~((2))~~ (3) "Equitable distribution" or "distribute equitably" means siting or locating work release facilities in a manner that will not cause a disproportionate grouping of facilities in any single geographic region, or in any community or neighborhood within a jurisdiction.

(4) "Prisoner" means a person either male or female, convicted of a felony and sentenced by the superior court to a term of confinement and treatment in a state correctional institution under the jurisdiction of the department.

(5) "Secretary" ((shall)) means the secretary of corrections.

~~((3))~~ (6) "State correctional institutions" shall mean and include all state adult correctional facilities established pursuant to law under the jurisdiction of the department for the treatment of convicted felons sentenced to a term of confinement.

~~((4))~~ "Prisoner" shall mean a person either male or female, convicted of a felony and sentenced by the superior court to a term of confinement and treatment in a state correctional institution under the jurisdiction of the department.

~~(5))~~ (7) "Superintendent" ((shall)) means the superintendent of a state correctional institution, camp or other facility now or hereafter established under the jurisdiction of the department pursuant to law.

NEW SECTION. Sec. 6. A new section is added to chapter 72.65 RCW to read as follows:

(1) The department shall make reasonable efforts to distribute work release facilities equitably among the counties and work with the counties in the normal county planning process to achieve equitable distribution within each county, among the jurisdictions within the county, and among the communities or neighborhoods within the jurisdictions of the county, taking into account at least the following:

- (a) The locations of existing residential facilities owned, operated by, or operated under contract with the department;
- (b) The locations of other projected residential facilities owned, operated by, or operated under contract with the department;
- (c) The number of adult registered sex offenders classified as level II or level III or registered as homeless per thousand persons residing in the jurisdiction;
- (d) The number of adult violent offenders under community custody, community placement, community supervision, or parole per thousand persons residing in the jurisdiction; and
- (e) The number of adult offenders sentenced in the jurisdiction per thousand persons residing in the jurisdiction.

(2) To carry out the purposes of subsection (1) of this section, the department shall, no later than January 1, 2002, develop a mapping system to identify the locations of existing and projected facilities identified in subsection (1) of this section. The department shall also maintain a list of the number of offenders identified in subsection (1) of this section and shall annually publish a report including the map and offender rates for the counties and jurisdictions of the state.

(3)(a) The department shall give great weight to the factors identified in subsection (1) of this section in projecting and proposing siting of new work release facilities.

(b) In considering the projected placement or actual siting of a work release facility, the department shall use the information in the most recent report published at the time that the facility is projected or that the site is listed for consideration as a work release facility and the criteria adopted under subsection (4) of this section.

(4) The department shall adopt by rule facility criteria and shall consult with local governments in such rule making.

(5) Prior to adopting a distribution of work release facilities among specific counties or catchment areas, the department shall consult with the county legislative authorities of each county within the proposed distribution. The department shall also hold at least one public hearing within each such county or, if known, the affected part of the county.

(6) Upon adoption of a distribution of work release facilities under this section, the office of financial management shall include such facilities on the list of essential state public facilities maintained under RCW 36.70A.200(2). The department shall promptly notify each county included within such distribution..

Sec. 7. RCW 72.65.220 and 1997 c 348 s 1 are each amended to read as follows:

(1) The department or a private or public entity under contract with the department may establish or relocate for the operation of a work release or other community-based facility only after ~~((public notifications and local public meetings have been completed consistent with))~~ meeting the requirements of this section.

(2) The department and other state agencies responsible for siting department-owned, operated, or contracted facilities shall establish a process for early and continuous public participation in establishing or relocating work release or other community-based facilities. This process shall include public meetings in the local communities affected, opportunities for written and oral comments, and wide dissemination of proposals and alternatives, including at least the following:

(a) When the department or a private or public entity under contract with the department has selected three or fewer sites for final consideration of a department-owned, operated, or contracted work release or other community-based facility, the department or contracting organization shall make public notification and conduct at least two public hearings in each of the local communities ~~((of the final three or fewer proposed sites))~~ where such a facility may be sited at least forty-five days before a final

selection is made. An additional public hearing after public notification shall also be conducted in the local community selected as the final proposed site.

(b) ~~((Notifications required under this section shall be provided to))~~ To provide adequate notice of and opportunity for interested persons to comment on a proposed location, the department or contracting entity shall provide at least fourteen days' advance notice of the public hearings to at least the following:

(i) The affected counties, cities, and towns;

(ii) Local government planning agencies in the affected communities;

(iii) ~~All newspapers of general circulation in the local area and all ((local)) radio stations((, and television stations((, and cable networks))~~ generally available to persons in the community where the potential site is located;

~~((#))~~ (iv) Appropriate school districts, private schools, kindergartens, institutions of higher education, city and county libraries, and all other local government offices within a one-half mile radius of the proposed site or sites;

~~((#))~~ (v) The local chamber of commerce, local economic development agencies, and any other local organizations that request such notification from the department; and

~~((iv) In writing))~~ (vi) Written notification to all residents ((and/or)) and property owners within a one-half mile radius of the proposed site or sites.

(3) The notice required under subsection (2) of this section must also inform the public that any interested person or entity, including a local government entity, is invited to submit written comments regarding a proposed location, including comments regarding whether the site meets the equitable distribution and other statutory requirements for the facility. Written comments must be submitted not later than thirty days following the date notice is issued pursuant to subsection (2) of this section.

(4) The department must consider the testimony received at the public hearings and any written comments submitted before making a final selection of the site for the location or relocation of a work release facility. The department shall issue a written analysis of the final selection, including how the selection was consistent with the requirements of section 6 of this act.

(5) When the department contracts for the operation of a work release or other community-based facility that is not owned or operated by the department, the department shall require as part of its contract that the contracting entity comply with all the public notification and public hearing requirements as provided in this section for each located and relocated work release or other community-based facility.

NEW SECTION. Sec. 8. A new section is added to chapter 72.65 RCW to read as follows:

The department may use catchment areas in lieu of specific counties when the number of qualifying offenders cannot economically support the placement of a work release facility or when a single county is unable to provide the needed support.

Sec. 9. RCW 36.70A.200 and 1998 c 171 s 3 are each amended to read as follows:

(1) The comprehensive plan of each county and city that is planning under this chapter shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities including community facilities sited under chapter 72.05 RCW and work release facilities sited under chapter 72.65 RCW, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, and group homes.

(2) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(3) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

NEW SECTION. Sec. 10. A new section is added to chapter 36.70A RCW to read as follows:

(1) When a county is notified by the department of corrections or the department of social and health services of a potential distribution under section 2 or 6 of this act, the county shall provide timely notice to any potentially impacted cities in the county.

(2) Each county that plans under this chapter and that receives notice under section 2 or 6 of this act regarding the inclusion of the county within the distribution of proposed siting of community or work release facilities shall if necessary take action to revise the countywide planning policies adopted under RCW 36.70A.210 to address the siting of such facilities. The county must include all cities in such review and must solicit the participation of the department of social and health services regarding policies applicable to community facilities and the department of corrections regarding policies applicable to work release facilities. The county and cities within the county shall develop policies that address the distribution of such facilities within the county and criteria for the siting of such facilities. The policies shall be consistent with the criteria under sections 2 and 6 of this act, as well as the reports and criteria adopted by rules under sections 2 and 6 of this act.

(3) Each county and city identified in the countywide planning policies developed under subsection (2) of this section for projected siting within such county or city of community or work release facilities shall implement such policies through any

necessary revisions to its comprehensive plan and development regulations. The provisions of the comprehensive plan and development regulations shall be consistent with the criteria under sections 2 and 6 of this act, as well as the reports and criteria adopted by rule under sections 2 and 6 of this act. Any amendments may be combined with the next scheduled adoption of revisions, but in any event not later than the date provided for comprehensive review and revision of plans pursuant to RCW 36.70A.130(1).

(4) Nothing in this section precludes a local government from requiring that a special use permit or a conditional use permit be obtained to site a community facility or a work release facility. The local government shall establish timelines for processing any required permits that are no longer than those established for other comparable project permits under RCW 36.70B.080.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 13. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Costa, Hargrove and Long to Engrossed House Bill No. 2168.

The motion by Senator Costa carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 72.05.020, 72.05.400, 72.65.010, 72.65.220, and 36.70A.200; adding new sections to chapter 72.05 RCW; adding new sections to chapter 72.65 RCW; adding a new section to chapter 36.70A RCW; creating a new section; and declaring an emergency."

On motion of Senator Costa, the rules were suspended, Engrossed House Bill No. 2168, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2168, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2168, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 47.

Excused: Senators Hargrove and Thibaudeau - 2.

ENGROSSED HOUSE BILL NO. 2168, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senators Parlette and Deccio were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1339, by House Committee on Finance (originally sponsored by Representatives Linville, Ericksen, Barlean and Van Luven) (by request of Department of Revenue)

Providing equity in the taxation of farmers.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1339 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1339.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1339 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Deccio, Hargrove and Parlette - 3.

SUBSTITUTE HOUSE BILL NO. 1339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Gardner, Senators Eide and Haugen were excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418, by House Committee on Finance (originally sponsored by Representatives Gombosky, McMorris, Mulliken, Pennington, Ahern, Wood, Ogden, Benson, Reardon, Linville, Haigh, Miloscia, Simpson, McIntire, Santos, Rockefeller and Kessler)

Promoting community revitalization.

The bill was read the second time.

MOTION

On motion of Senator Brown, the following Committee on Ways and Means striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) It is declared to be the public policy of the state of Washington to promote and facilitate the orderly development and economic stability of its communities. Local governments need the ability to raise revenue to finance public improvements that are designed to encourage economic growth and development in geographic areas characterized by high levels of unemployment and stagnate employment and income growth. The construction of necessary public improvements in accordance with local economic development plans will encourage investment in job-producing private development and expand the public tax base.

(2) It is the purpose of this chapter:

(a) To encourage taxing districts to cooperate in the allocation of future tax revenues that are used to finance public improvements designed to encourage private development in selected areas, in particular in those local governments that are located adjacent to another state or international border;

(b) To assist those local governments that have a competitive disadvantage in its ability to attract business, private investment, or commercial development due to its location near a state or international border; and

(c) To prevent or arrest the decay of selected areas due to the inability of existing financial methods to provide needed public improvements, and to encourage private investment designed to promote and facilitate the orderly redevelopment of selected areas.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessed value of real property" means the valuation of real property as placed on the last completed assessment roll.

(2) "Local government" means any city, town, county, port district, or any combination thereof.

(3) "Ordinance" means any appropriate method of taking legislative action by a local government.

(4) "Public improvements" means:

(a) Infrastructure improvements within the increment area that include:

(i) Street and road construction and maintenance;

(ii) Water and sewer system construction and improvements;

(iii) Sidewalks and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities and recreational areas; and

(vii) Storm water and drainage management systems; and

(b) Expenditures for any of the following purposes:

(i) Providing environmental analysis, professional management, planning, and promotion within the increment area, including the management and promotion of retail trade activities in the increment area;

(ii) Providing maintenance and security for common or public areas in the increment area; or

(iii) Historic preservation activities authorized under RCW 35.21.395.

(5) "Public improvement costs" means the costs of: (a) Design, planning, acquisition, site preparation, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) relocating, maintaining, and operating property pending construction of public improvements; (c) relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the tax allocation base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; and (f) administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of community revitalization financing to fund the costs of the public improvements.

(6) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by port districts or public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; and (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065.

(7) "Tax allocation base value" means the true and fair value of real property located within an increment area for taxes imposed in the year in which the increment area is created, plus twenty-five percent of any increase in the true and fair value of real property located within an increment area that is placed on the assessment rolls after the increment area is created.

(8) "Tax allocation revenues" means those tax revenues derived from the imposition of regular property taxes on the increment value and distributed to finance public improvements.

(9) "Increment area" means the geographic area from which taxes are to be appropriated to finance public improvements authorized under this chapter.

(10) "Increment value" means seventy-five percent of any increase in the true and fair value of real property in an increment area that is placed on the tax rolls after the increment area is created.

(11) "Taxing districts" means a governmental entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved increment area.

(12) "Value of taxable property" means the value of the taxable property as defined in RCW 39.36.015.

NEW SECTION. Sec. 3. A local government may finance public improvements using community revitalization financing subject to the following conditions:

(1) The local government adopts an ordinance designating an increment area within its boundaries and specifying the public improvements proposed to be financed in whole or in part with the use of community revitalization financing;

(2) The public improvements proposed to be financed in whole or in part using community revitalization financing are expected to encourage private development within the increment area and to increase the fair market value of real property within the increment area;

(3) Private development that is anticipated to occur within the increment area, as a result of the public improvements, will be consistent with the countywide planning policy adopted by the county under RCW 36.70A.210 and the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW;

(4) Taxing districts, in the aggregate, that levy at least seventy percent of the regular property tax within which the increment area is located approves the community revitalization financing of the project under section 5(1) of this act; and

(5) In an increment area that includes any portion of a fire protection district as defined in Title 52 RCW, the fire protection district must approve their participation in the community revitalization financing of the project under this act. Approval by the fire protection district shall be considered as part of the required participation by taxing districts under subsection (4) of this section.

NEW SECTION. Sec. 4. Public improvements that are financed with community revitalization financing may be undertaken and coordinated with other programs or efforts undertaken by the local government and other taxing districts and may be funded in part from revenue sources other than community revitalization financing.

NEW SECTION. Sec. 5. Before adopting an ordinance creating the increment area, a local government must:

(1) Obtain written agreement for the use of community revitalization financing to finance all or a portion of the costs of the designated public improvements from taxing districts that, in the aggregate, levy at least seventy percent of the regular property tax on property within the increment area. A signed, written agreement from taxing districts that in the aggregate levy at least seventy percent of the regular property tax within the increment area, constitutes concurrence by all taxing districts in the increment area in the public improvement and participation in the public improvement to the extent of providing limited funding under community revitalization financing authorized under this chapter. The agreement must be authorized by the governing body of taxing districts that in the aggregate levy at least seventy percent of the regular property tax on property within the increment area;

(2) Hold a public hearing on the proposed financing of the public improvement in whole or in part with community revitalization financing. Notice of the public hearing must be published in the official local government newspaper at least ten days before the public hearing and posted in at least six conspicuous public places located in the proposed increment area. Notices must describe the contemplated public improvements, estimate the costs of the public improvements, describe the portion of the costs of the public improvements to be borne by community revitalization financing, describe any other sources of revenue to finance the public improvements, describe the boundaries of the proposed increment area, and estimate the period during which community revitalization financing is contemplated to be used. The public hearing may be held by either the governing body of the local government, or a committee of the governing body that includes at least a majority of the whole governing body; and

(3) Adopt an ordinance establishing the increment area that describes the public improvements, describes the boundaries of the increment area, estimates the cost of the public improvements and the portion of these costs to be financed by community revitalization financing, estimates the time during which regular property taxes are to be apportioned, provides the date when the apportionment of the regular property taxes will commence, and finds that the conditions of section 3 of this act are met.

NEW SECTION. Sec. 6. The local government shall:

(1) Publish notice in a legal newspaper circulated within the increment area that describes the public improvement, describes the boundaries of the increment area, and identifies the location and times where the ordinance and other public information concerning the public improvement may be inspected; and

(2) Deliver a certified copy of the ordinance to the county treasurer, the county assessor, and the governing body of each taxing district within which the increment area is located.

NEW SECTION. Sec. 7. (1) Commencing on the later of either the date established in the ordinance creating the increment area, or the first day of the calendar year following the passage of the ordinance, the county treasurer shall distribute receipts from regular taxes imposed on real property located in the increment area as follows:

(a) Each taxing district shall receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the tax allocation base value for that community revitalization financing project in the taxing district, or upon the total assessed value of real property in the taxing district, whichever is smaller; and

(b) The local government that created the increment area shall receive an additional portion of the regular property taxes levied by or for each taxing district upon the increment value within the increment area. However, the local government that created the increment area may agree to receive less than the full amount of this portion as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the taxing districts that imposed regular property taxes, or have regular property taxes imposed for them, in the increment area for

collection that year in proportion to their regular tax levy rates for collection that year. The local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by community revitalization financing.

(2) The county assessor shall allocate twenty-five percent of any increased real property value occurring in the increment area to the tax allocation base value and seventy-five percent to the increment value. This section does not authorize revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW or under other authorized revaluation procedures.

(3) The apportionment of increases in assessed valuation in an increment area, and the associated distribution to the local government of receipts from regular property taxes that are imposed on the increment value, must cease when tax allocation revenues are no longer necessary or obligated to pay the costs of the public improvements. Any excess tax allocation revenues and earnings on the tax allocation revenues remaining at the time the apportionment of tax receipts terminates must be returned to the county treasurer and distributed to the taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the increment area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

NEW SECTION. Sec. 8. (1) A local government designating an increment area and authorizing the use of community revitalization financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from tax allocation revenues it receives, subject to the following requirements:

(a) The ordinance adopted by the local government creating the increment area and authorizing the use of community revitalization financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The local government includes this statement of the intent in all notices required by section 5 of this act.

(2) The general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(3) In addition to the requirements in subsection (1) of this section, a local government designating an increment area and authorizing the use of community revitalization financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the increment area.

NEW SECTION. Sec. 9. A direct or collateral attack on a public improvement, public improvement ordinance, or increment area purported to be authorized or created in conformance with applicable legal requirements, including this chapter, may not be commenced more than thirty days after publication of notice as required by section 6 of this act.

NEW SECTION. Sec. 10. This chapter supplements and neither restricts nor limits any powers which the state or any local government might otherwise have under any laws of this state.

NEW SECTION. Sec. 11. A new section is added to chapter 27.12 RCW to read as follows:

In addition to other authority that a rural county library district or intercounty rural library district possesses, a rural county library district or an intercounty rural library district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a rural county library district or intercounty rural library district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 12. A new section is added to chapter 35.61 RCW to read as follows:

In addition to other authority that a metropolitan park district possesses, a metropolitan park district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a metropolitan park district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 13. A new section is added to chapter 36.32 RCW to read as follows:

In addition to other authority that a county possesses, a county may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a county to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 14. A new section is added to chapter 36.68 RCW to read as follows:

In addition to other authority that a park and recreation service area possesses, a park and recreation service area may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a park and recreation service area to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 15. A new section is added to chapter 36.69 RCW to read as follows:

In addition to other authority that a park and recreation district possesses, a park and recreation district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a park and recreation district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 16. A new section is added to chapter 36.75 RCW to read as follows:

In addition to other authority that a road district possesses, a road district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a road district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 17. A new section is added to chapter 52.12 RCW to read as follows:

In addition to other authority that a fire protection district possesses, a fire protection district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a fire protection district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 18. A new section is added to chapter 53.08 RCW to read as follows:

In addition to other authority that a port district possesses, a port district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a port district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 19. A new section is added to chapter 54.16 RCW to read as follows:

In addition to other authority that a public utility district possesses, a public utility district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a public utility district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 20. A new section is added to chapter 67.38 RCW to read as follows:

In addition to other authority that a cultural arts, stadium, and convention center district possesses, a cultural arts, stadium, and convention center district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a cultural arts, stadium, and convention center district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 21. A new section is added to chapter 68.52 RCW to read as follows:

In addition to other authority that a cemetery district possesses, a cemetery district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a cemetery district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 22. A new section is added to chapter 70.44 RCW to read as follows:

In addition to other authority that a public hospital district possesses, a public hospital district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a public hospital district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 23. A new section is added to chapter 86.15 RCW to read as follows:

In addition to other authority that a flood control zone district possesses, a flood control zone district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a flood control zone district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 24. A new section is added to chapter 84.55 RCW to read as follows:

Limitations on regular property taxes that are provided in this chapter shall continue in a taxing district whether or not an increment area exists within the taxing district as provided under chapter 39.-- RCW (sections 1 through 10 and 29 of this act).

Sec. 25. RCW 36.33.220 and 1973 1st ex.s. c 195 s 142 are each amended to read as follows:

The legislative authority of any county may budget, in accordance with the provisions of chapter 36.40 RCW, and expend any portion of the county road property tax revenues for any service to be provided in the unincorporated area of the county notwithstanding any other provision of law, including chapter 36.82 RCW and RCW 84.52.050 and 84.52.043. County road property tax revenues that are diverted under chapter 39.-- RCW (sections 1 through 10 and 29 of this act) may be expended as provided under chapter 39.-- RCW (sections 1 through 10 and 29 of this act).

Sec. 26. RCW 36.79.140 and 1997 c 81 s 6 are each amended to read as follows:

At the time the board reviews the six-year program of each county each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 36.79.130, the portion of the rural arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible approve rural arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 36.79.090. Only those counties that during the preceding twelve months have spent all revenues collected for road purposes only for such purposes, including traffic law enforcement, as are allowed to the state by Article II, section 40 of the state Constitution are eligible to receive funds from the rural arterial trust account(~~(: PROVIDED HOWEVER)~~), except that: (1) Counties with a population of less than eight thousand are exempt from this eligibility restriction(~~(: AND PROVIDED FURTHER, That)~~); (2) counties expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050 are also exempt from this eligibility restriction; and (3) this restriction shall not apply to any moneys diverted from the road district levy under chapter 39.-- RCW (sections 1 through 10 and 29 of this act). The board shall authorize rural arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve rural arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The board may, within the constraints of available rural arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting county that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the county was developed. The proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW 36.79.080.

Sec. 27. RCW 36.82.040 and 1973 1st ex.s. c 195 s 41 are each amended to read as follows:

For the purpose of raising revenue for establishing, laying out, constructing, altering, repairing, improving, and maintaining county roads, bridges, and wharves necessary for vehicle ferriage and for other proper county purposes, the board shall annually at the time of making the levy for general purposes make a uniform tax levy throughout the county, or any road district thereof, of not to exceed two dollars and twenty-five cents per thousand dollars of assessed value of the last assessed valuation of the taxable property in the county, or road district thereof, unless other law of the state requires a lower maximum levy, in which event such lower maximum levy shall control. All funds accruing from such levy shall be credited to and deposited in the county road fund except that revenue diverted under RCW 36.33.220 shall be placed in a separate and identifiable account within the county current expense fund and except that revenue diverted under chapter 39.-- RCW (sections 1 through 10 and 29 of this act) shall be expended as provided under chapter 39.-- RCW (sections 1 through 10 and 29 of this act).

Sec. 28. RCW 46.68.124 and 1990 c 33 s 586 are each amended to read as follows:

(1) The equivalent population for each county shall be computed as the sum of the population residing in the county's unincorporated area plus twenty-five percent of the population residing in the county's incorporated area. Population figures required for the computations in this subsection shall be certified by the director of the office of financial management on or before July 1st of each odd-numbered year.

(2) The total annual road cost for each county shall be computed as the sum of one twenty-fifth of the total estimated county road replacement cost, plus the total estimated annual maintenance cost. Appropriate costs for bridges and ferries shall be included. The county road administration board shall be responsible for establishing a uniform system of roadway categories for both maintenance and construction and also for establishing a single statewide cost per mile rate for each roadway category.

The total annual cost for each county will be based on the established statewide cost per mile and associated mileage for each category. The mileage to be used for these computations shall be as shown in the county road log as maintained by the county road administration board as of July 1, 1985, and each two years thereafter. Each county shall be responsible for submitting changes, corrections, and deletions as regards the county road log to the county road administration board. Such changes, corrections, and deletions shall be subject to verification and approval by the county road administration board prior to inclusion in the county road log.

(3) The money need factor for each county shall be the county's total annual road cost less the following four amounts:

(a) One-half the sum of the actual county road tax levied upon the valuation of all taxable property within the county road districts pursuant to RCW 36.82.040, including any amount of such tax diverted under chapter 39-- RCW (sections 1 through 10 and 29 of this act), for the two calendar years next preceding the year of computation of the allocation amounts as certified by the department of revenue;

(b) One-half the sum of all funds received by the county road fund from the federal forest reserve fund pursuant to RCW 28A.520.010 and 28A.520.020 during the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer;

(c) One-half the sum of timber excise taxes received by the county road fund pursuant to chapter 84.33 RCW in the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer;

(d) One-half the sum of motor vehicle license fees and motor vehicle and special fuel taxes refunded to the county, pursuant to RCW 46.68.080 during the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer.

(4) The state treasurer and the department of revenue shall furnish to the county road administration board the information required by subsection (3) of this section on or before July 1st of each odd-numbered year.

(5) The county road administration board, shall compute and provide to the counties the allocation factors of the several counties on or before September 1st of each year based solely upon the sources of information herein before required: PROVIDED, That the allocation factor shall be held to a level not more than five percent above or five percent below the allocation factor in use during the previous calendar year. Upon computation of the actual allocation factors of the several counties, the county road administration board shall provide such factors to the state treasurer to be used in the computation of the counties' fuel tax allocation for the succeeding calendar year. The state treasurer shall adjust the fuel tax allocation of each county on January 1st of every year based solely upon the information provided by the county road administration board.

NEW SECTION. Sec. 29. Sections 1 through 10 of this act expire July 1, 2010.

NEW SECTION. Sec. 30. Sections 1 through 10 and 29 of this act constitute a new chapter in Title 39 RCW.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

Senator Brown moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) It is declared to be the public policy of the state of Washington to promote and facilitate the orderly development and economic stability of its communities. Local governments need the ability to raise revenue to finance public improvements that are designed to encourage economic growth and development in geographic areas characterized by high levels of unemployment and stagnate employment and income growth. The construction of necessary public improvements in accordance with local economic development plans will encourage investment in job-producing private development and expand the public tax base.

(2) It is the purpose of this chapter:

(a) To encourage taxing districts to cooperate in the allocation of future tax revenues that are used to finance public improvements designed to encourage private development in selected areas, in particular in those local governments that are located adjacent to another state or international border;

(b) To assist those local governments that have a competitive disadvantage in its ability to attract business, private investment, or commercial development due to its location near a state or international border; and

(c) To prevent or arrest the decay of selected areas due to the inability of existing financial methods to provide needed public improvements, and to encourage private investment designed to promote and facilitate the orderly redevelopment of selected areas.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessed value of real property" means the valuation of real property as placed on the last completed assessment roll.

(2) "Local government" means any city, town, county, port district, or any combination thereof.

(3) "Ordinance" means any appropriate method of taking legislative action by a local government.

(4) "Public improvements" means:

(a) Infrastructure improvements within the increment area that include:

(i) Street and road construction and maintenance;

(ii) Water and sewer system construction and improvements;

(iii) Sidewalks and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities and recreational areas; and

(vii) Storm water and drainage management systems; and

(b) Expenditures for any of the following purposes:

(i) Providing environmental analysis, professional management, planning, and promotion within the increment area, including the management and promotion of retail trade activities in the increment area;

(ii) Providing maintenance and security for common or public areas in the increment area; or

(iii) Historic preservation activities authorized under RCW 35.21.395.

(5) "Public improvement costs" means the costs of: (a) Design, planning, acquisition, site preparation, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) relocating, maintaining, and operating property pending construction of public improvements; (c) relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the tax allocation base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; and (f) administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of community revitalization financing to fund the costs of the public improvements.

(6) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by port districts or public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; and (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065. Regular property taxes do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(7) "Tax allocation base value" means the true and fair value of real property located within an increment area for taxes imposed in the year in which the increment area is created, plus twenty-five percent of any increase in the true and fair value of real property located within an increment area that is placed on the assessment rolls after the increment area is created.

(8) "Tax allocation revenues" means those tax revenues derived from the imposition of regular property taxes on the increment value and distributed to finance public improvements.

(9) "Increment area" means the geographic area from which taxes are to be appropriated to finance public improvements authorized under this chapter.

(10) "Increment value" means seventy-five percent of any increase in the true and fair value of real property in an increment area that is placed on the tax rolls after the increment area is created.

(11) "Taxing districts" means a governmental entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved increment area.

(12) "Value of taxable property" means the value of the taxable property as defined in RCW 39.36.015.

NEW SECTION. Sec. 3. A local government may finance public improvements using community revitalization financing subject to the following conditions:

(1) The local government adopts an ordinance designating an increment area within its boundaries and specifying the public improvements proposed to be financed in whole or in part with the use of community revitalization financing;

(2) The public improvements proposed to be financed in whole or in part using community revitalization financing are expected to encourage private development within the increment area and to increase the fair market value of real property within the increment area;

(3) Private development that is anticipated to occur within the increment area, as a result of the public improvements, will be consistent with the countywide planning policy adopted by the county under RCW 36.70A.210 and the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW;

(4) Taxing districts, in the aggregate, that levy at least seventy-five percent of the regular property tax within which the increment area is located approves the community revitalization financing of the project under section 5(1) of this act; and

(5) In an increment area that includes any portion of a fire protection district as defined in Title 52 RCW, the fire protection district must approve their participation in the community revitalization financing of the project under this act. Approval by the fire protection district shall be considered as part of the required participation by taxing districts under subsection (4) of this section.

NEW SECTION. Sec. 4. Public improvements that are financed with community revitalization financing may be undertaken and coordinated with other programs or efforts undertaken by the local government and other taxing districts and may be funded in part from revenue sources other than community revitalization financing.

NEW SECTION. Sec. 5. Before adopting an ordinance creating the increment area, a local government must:

(1) Obtain written agreement for the use of community revitalization financing to finance all or a portion of the costs of the designated public improvements from taxing districts that, in the aggregate, levy at least seventy-five percent of the regular property tax on property within the increment area. A signed, written agreement from taxing districts that in the aggregate levy at least seventy-five percent of the regular property tax within the increment area, constitutes concurrence by all taxing districts in the increment area in the public improvement and participation in the public improvement to the extent of providing limited funding under community revitalization financing authorized under this chapter. The agreement must be authorized by the governing body of taxing districts that in the aggregate levy at least seventy-five percent of the regular property tax on property within the increment area;

(2) Hold a public hearing on the proposed financing of the public improvement in whole or in part with community revitalization financing. Notice of the public hearing must be published in a legal newspaper of general circulation within the proposed increment area at least ten days before the public hearing and posted in at least six conspicuous public places located in the proposed increment area. Notices must describe the contemplated public improvements, estimate the costs of the public improvements, describe the portion of the costs of the public improvements to be borne by community revitalization financing, describe any other sources of revenue to finance the public improvements, describe the boundaries of the proposed increment area, and estimate the period during which community revitalization financing is contemplated to be used. The public hearing may be held by either the governing body of the local government, or a committee of the governing body that includes at least a majority of the whole governing body; and

(3) Adopt an ordinance establishing the increment area that describes the public improvements, describes the boundaries of the increment area, estimates the cost of the public improvements and the portion of these costs to be financed by community revitalization financing, estimates the time during which regular property taxes are to be apportioned, provides the date when the apportionment of the regular property taxes will commence, and finds that the conditions of section 3 of this act are met.

NEW SECTION. Sec. 6. The local government shall:

(1) Publish notice in a legal newspaper of general circulation within the increment area that describes the public improvement, describes the boundaries of the increment area, and identifies the location and times where the ordinance and other public information concerning the public improvement may be inspected; and

(2) Deliver a certified copy of the ordinance to the county treasurer, the county assessor, and the governing body of each taxing district within which the increment area is located.

NEW SECTION. Sec. 7. (1) Commencing in the calendar year following the passage of the ordinance, the county treasurer shall distribute receipts from regular taxes imposed on real property located in the increment area as follows:

(a) Each taxing district shall receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the tax allocation base value for that community revitalization financing project in the taxing district, or upon the total assessed value of real property in the taxing district, whichever is smaller; and

(b) The local government that created the increment area shall receive an additional portion of the regular property taxes levied by or for each taxing district upon the increment value within the increment area. However, the local government that created the increment area may agree to receive less than the full amount of this portion as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the taxing districts that imposed regular property taxes, or have regular property taxes imposed for them, in the increment area for collection that year in proportion to their regular tax levy rates for collection that year. The local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by community revitalization financing.

(2) The county assessor shall allocate twenty-five percent of any increased real property value occurring in the increment area to the tax allocation base value and seventy-five percent to the increment value. This section does not authorize revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW or under other authorized revaluation procedures.

(3) The apportionment of increases in assessed valuation in an increment area, and the associated distribution to the local government of receipts from regular property taxes that are imposed on the increment value, must cease when tax allocation revenues are no longer necessary or obligated to pay the costs of the public improvements. Any excess tax allocation revenues and earnings on the tax allocation revenues remaining at the time the apportionment of tax receipts terminates must be returned to the county treasurer and distributed to the taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the increment area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

NEW SECTION. Sec. 8. (1) A local government designating an increment area and authorizing the use of community revitalization financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from tax allocation revenues it receives, subject to the following requirements:

(a) The ordinance adopted by the local government creating the increment area and authorizing the use of community revitalization financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The local government includes this statement of the intent in all notices required by section 5 of this act.

(2) The general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(3) In addition to the requirements in subsection (1) of this section, a local government designating an increment area and authorizing the use of community revitalization financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the increment area.

NEW SECTION. Sec. 9. A direct or collateral attack on a public improvement, public improvement ordinance, or increment area purported to be authorized or created in conformance with applicable legal requirements, including this chapter, may not be commenced more than thirty days after publication of notice as required by section 6 of this act.

NEW SECTION. Sec. 10. This chapter supplements and neither restricts nor limits any powers which the state or any local government might otherwise have under any laws of this state.

NEW SECTION. Sec. 11. A new section is added to chapter 27.12 RCW to read as follows:

In addition to other authority that a rural county library district or intercounty rural library district possesses, a rural county library district or an intercounty rural library district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a rural county library district or intercounty rural library district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 12. A new section is added to chapter 35.61 RCW to read as follows:

In addition to other authority that a metropolitan park district possesses, a metropolitan park district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a metropolitan park district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 13. A new section is added to chapter 36.32 RCW to read as follows:

In addition to other authority that a county possesses, a county may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a county to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 14. A new section is added to chapter 36.68 RCW to read as follows:

In addition to other authority that a park and recreation service area possesses, a park and recreation service area may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a park and recreation service area to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 15. A new section is added to chapter 36.69 RCW to read as follows:

In addition to other authority that a park and recreation district possesses, a park and recreation district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a park and recreation district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 16. A new section is added to chapter 36.75 RCW to read as follows:

In addition to other authority that a road district possesses, a road district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a road district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 17. A new section is added to chapter 52.12 RCW to read as follows:

In addition to other authority that a fire protection district possesses, a fire protection district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a fire protection district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 18. A new section is added to chapter 53.08 RCW to read as follows:

In addition to other authority that a port district possesses, a port district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a port district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 19. A new section is added to chapter 54.16 RCW to read as follows:

In addition to other authority that a public utility district possesses, a public utility district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a public utility district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 20. A new section is added to chapter 67.38 RCW to read as follows:

In addition to other authority that a cultural arts, stadium, and convention center district possesses, a cultural arts, stadium, and convention center district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a cultural arts, stadium, and convention center district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 21. A new section is added to chapter 68.52 RCW to read as follows:

In addition to other authority that a cemetery district possesses, a cemetery district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a cemetery district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 22. A new section is added to chapter 70.44 RCW to read as follows:

In addition to other authority that a public hospital district possesses, a public hospital district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a public hospital district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 23. A new section is added to chapter 86.15 RCW to read as follows:

In addition to other authority that a flood control zone district possesses, a flood control zone district may provide any public improvement as defined under section 2 of this act, but this additional authority is limited to participating in the financing of the public improvements as provided under section 5 of this act.

This section does not limit the authority of a flood control zone district to otherwise participate in the public improvements if that authority exists elsewhere.

NEW SECTION. Sec. 24. A new section is added to chapter 84.55 RCW to read as follows:

Limitations on regular property taxes that are provided in this chapter shall continue in a taxing district whether or not an increment area exists within the taxing district as provided under chapter 39.-- RCW (sections 1 through 10 and 29 of this act).

Sec. 25. RCW 36.33.220 and 1973 1st ex.s. c 195 s 142 are each amended to read as follows:

The legislative authority of any county may budget, in accordance with the provisions of chapter 36.40 RCW, and expend any portion of the county road property tax revenues for any service to be provided in the unincorporated area of the county notwithstanding any other provision of law, including chapter 36.82 RCW and RCW 84.52.050 and 84.52.043. County road property tax revenues that are diverted under chapter 39.-- RCW (sections 1 through 10 and 29 of this act) may be expended as provided under chapter 39.-- RCW (sections 1 through 10 and 29 of this act).

Sec. 26. RCW 36.79.140 and 1997 c 81 s 6 are each amended to read as follows:

At the time the board reviews the six-year program of each county each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 36.79.130, the portion of the rural arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible approve rural arterial trust account funds

to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 36.79.090. Only those counties that during the preceding twelve months have spent all revenues collected for road purposes only for such purposes, including traffic law enforcement, as are allowed to the state by Article II, section 40 of the state Constitution are eligible to receive funds from the rural arterial trust account(~~(: PROVIDED HOWEVER)~~), except that: (1) Counties with a population of less than eight thousand are exempt from this eligibility restriction(~~(: AND PROVIDED FURTHER, That)~~); (2) counties expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050 are also exempt from this eligibility restriction; and (3) this restriction shall not apply to any moneys diverted from the road district levy under chapter 39.-- RCW (sections 1 through 10 and 29 of this act). The board shall authorize rural arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve rural arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The board may, within the constraints of available rural arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting county that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the county was developed. The proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW 36.79.080.

Sec. 27. RCW 36.82.040 and 1973 1st ex.s. c 195 s 41 are each amended to read as follows:

For the purpose of raising revenue for establishing, laying out, constructing, altering, repairing, improving, and maintaining county roads, bridges, and wharves necessary for vehicle ferriage and for other proper county purposes, the board shall annually at the time of making the levy for general purposes make a uniform tax levy throughout the county, or any road district thereof, of not to exceed two dollars and twenty-five cents per thousand dollars of assessed value of the last assessed valuation of the taxable property in the county, or road district thereof, unless other law of the state requires a lower maximum levy, in which event such lower maximum levy shall control. All funds accruing from such levy shall be credited to and deposited in the county road fund except that revenue diverted under RCW 36.33.220 shall be placed in a separate and identifiable account within the county current expense fund and except that revenue diverted under chapter 39.-- RCW (sections 1 through 10 and 29 of this act) shall be expended as provided under chapter 39.-- RCW (sections 1 through 10 and 29 of this act).

Sec. 28. RCW 46.68.124 and 1990 c 33 s 586 are each amended to read as follows:

(1) The equivalent population for each county shall be computed as the sum of the population residing in the county's unincorporated area plus twenty-five percent of the population residing in the county's incorporated area. Population figures required for the computations in this subsection shall be certified by the director of the office of financial management on or before July 1st of each odd-numbered year.

(2) The total annual road cost for each county shall be computed as the sum of one twenty-fifth of the total estimated county road replacement cost, plus the total estimated annual maintenance cost. Appropriate costs for bridges and ferries shall be included. The county road administration board shall be responsible for establishing a uniform system of roadway categories for both maintenance and construction and also for establishing a single statewide cost per mile rate for each roadway category. The total annual cost for each county will be based on the established statewide cost per mile and associated mileage for each

category. The mileage to be used for these computations shall be as shown in the county road log as maintained by the county road administration board as of July 1, 1985, and each two years thereafter. Each county shall be responsible for submitting changes, corrections, and deletions as regards the county road log to the county road administration board. Such changes, corrections, and deletions shall be subject to verification and approval by the county road administration board prior to inclusion in the county road log.

(3) The money need factor for each county shall be the county's total annual road cost less the following four amounts:

(a) One-half the sum of the actual county road tax levied upon the valuation of all taxable property within the county road districts pursuant to RCW 36.82.040, including any amount of such tax diverted under chapter 39-- RCW (sections 1 through 10 and 29 of this act), for the two calendar years next preceding the year of computation of the allocation amounts as certified by the department of revenue;

(b) One-half the sum of all funds received by the county road fund from the federal forest reserve fund pursuant to RCW 28A.520.010 and 28A.520.020 during the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer;

(c) One-half the sum of timber excise taxes received by the county road fund pursuant to chapter 84.33 RCW in the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer;

(d) One-half the sum of motor vehicle license fees and motor vehicle and special fuel taxes refunded to the county, pursuant to RCW 46.68.080 during the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer.

(4) The state treasurer and the department of revenue shall furnish to the county road administration board the information required by subsection (3) of this section on or before July 1st of each odd-numbered year.

(5) The county road administration board, shall compute and provide to the counties the allocation factors of the several counties on or before September 1st of each year based solely upon the sources of information herein before required: PROVIDED, That the allocation factor shall be held to a level not more than five percent above or five percent below the allocation factor in use during the previous calendar year. Upon computation of the actual allocation factors of the several counties, the county road administration board shall provide such factors to the state treasurer to be used in the computation of the counties' fuel tax allocation for the succeeding calendar year. The state treasurer shall adjust the fuel tax allocation of each county on January 1st of every year based solely upon the information provided by the county road administration board.

NEW SECTION. Sec. 29. Sections 1 through 10 of this act expire July 1, 2010.

NEW SECTION. Sec. 30. Sections 1 through 10 and 29 of this act constitute a new chapter in Title 39 RCW.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Brown.

Debate ensued.

The motion by Senator Brown carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Brown, the following title amendment was adopted:

On page 1, line 1 of the title, after "financing;" strike the remainder of the title and insert "amending RCW 36.33.220, 36.79.140, 36.82.040, and 46.68.124; adding a new section to chapter 27.12 RCW; adding a new section to chapter 35.61 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.68 RCW; adding a new section to chapter 36.69 RCW; adding a new section to chapter 36.75 RCW; adding a new section to chapter 52.12 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 67.38 RCW; adding a new section to chapter 68.52 RCW; adding a new section to chapter 70.44 RCW; adding a new section to chapter 86.15 RCW; adding a new section to chapter 84.55 RCW; adding a new chapter to Title 39 RCW; and providing an expiration date."

On motion of Senator Brown, the rules were suspended, Engrossed Substitute House Bill No. 1418, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1418, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1418, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 10; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Carlson, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Morton, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 35.

Voting nay: Senators Constantine, Costa, Fairley, Finkbeiner, Honeyford, McCaslin, McDonald, Oke, Rossi and Zarelli - 10.

Excused: Senators Deccio, Eide, Haugen and Parlette - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1287, by Representatives Reardon, Delvin, Hunt, Ruderman, Campbell, Simpson, McIntire, Crouse, Casada, Hankins, Doumit, Mielke, Bush, Quall, Cooper, Haigh, Skinner, Ballasiotes, Morris, Woods, DeBolt, Lambert, O'Brien, Tokuda, Pennington, Hatfield, Fisher, Eickmeyer, Ericksen, Ahern, Anderson, Pflug, Schindler, Dunshee, Ogden, Veloria, Grant, Morell, Romero, Kenney, Schoesler, Barlean, Keiser, Cody, Roach, Miloscia, Dickerson, Esser, Conway, Murray, Edmonds, Edwards, Kessler, Linville, D. Schmidt, Jackley, Hurst, Kagi and Van Luven

Extending the prohibition on mandatory local measured telecommunications service.

The bill was read the second time.

MOTION

Senator Tim Sheldon moved that the following Committee on Economic Development and Telecommunication striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 80.04.130 and 1998 c 110 s 1 are each amended to read as follows:

(1) Whenever any public service company shall file with the commission any schedule, classification, rule or regulation, the effect of which is to change any rate, charge, rental or toll theretofore charged, the commission shall have power, either upon its own motion or upon complaint, upon notice, to enter upon a hearing concerning such proposed change and the reasonableness and justness thereof, and pending such hearing and the decision thereon the commission may suspend the operation of such rate, charge, rental or toll for a period not exceeding ten months from the time the same would otherwise go into effect, and after a full hearing the commission may make such order in reference thereto as would be provided in a hearing initiated after the same had become effective. The commission shall not suspend a tariff that makes a decrease in a rate, charge, rental, or toll filed by a telecommunications company pending investigation of the fairness, justness, and reasonableness of the decrease when the filing does not contain any offsetting increase to another rate, charge, rental, or toll and the filing company agrees to not file for an increase to any rate, charge, rental, or toll to recover the revenue deficit that results from the decrease for a period of one year. The filing company shall file with any decrease sufficient information as the commission by rule may require to demonstrate the decreased rate, charge, rental, or toll is above the long run incremental cost of the service. A tariff decrease that results in a rate that is below long run incremental cost, or is contrary to commission rule or order, or the requirements of this chapter, shall be rejected for filing and returned to the company. The commission may prescribe a different rate to be effective on the prospective date stated in its final order after its investigation, if it concludes based on the record that the originally filed and effective rate is unjust, unfair, or unreasonable.

For the purposes of this section, tariffs for the following telecommunications services, that temporarily waive or reduce charges for existing or new subscribers for a period not to exceed sixty days in order to promote the use of the services shall be considered tariffs that decrease rates, charges, rentals, or tolls:

- (a) Custom calling service;
- (b) Second access lines; or

(c) Other services the commission specifies by rule.

The commission may suspend any promotional tariff other than those listed in (a) through (c) of this subsection.

The commission may suspend the initial tariff filing of any water company removed from and later subject to commission jurisdiction because of the number of customers or the average annual gross revenue per customer provisions of RCW 80.04.010. The commission may allow temporary rates during the suspension period. These rates shall not exceed the rates charged when the company was last regulated. Upon a showing of good cause by the company, the commission may establish a different level of temporary rates.

(2) At any hearing involving any change in any schedule, classification, rule or regulation the effect of which is to increase any rate, charge, rental or toll theretofore charged, the burden of proof to show that such increase is just and reasonable shall be upon the public service company.

(3) The implementation of mandatory local measured telecommunications service is a major policy change in available telecommunications service. The commission shall not accept for filing a price list, nor shall it accept for filing or approve, prior to June 1, ((2004)) 2004, a tariff filed by a telecommunications company which imposes mandatory local measured service on any customer or class of customers, except that, upon finding that it is in the public interest, the commission may accept for filing a price list or it may accept for filing and approve a tariff that imposes mandatory measured service for a telecommunications company's extended area service or foreign exchange service. This subsection does not apply to land, air, or marine mobile service, or to pay telephone service, or to any service which has been traditionally offered on a measured service basis.

(4) The implementation of Washington telephone assistance program service is a major policy change in available telecommunications service. The implementation of Washington telephone assistance program service will aid in achieving the stated goal of universal telephone service.

(5) If a utility claims a sales or use tax exemption on the pollution control equipment for an electrical generation facility and abandons the generation facility before the pollution control equipment is fully depreciated, any tariff filing for a rate increase to recover abandonment costs for the pollution control equipment shall be considered unjust and unreasonable for the purposes of this section."

MOTION

Senator Tim Sheldon moved that the following amendment to the striking committee amendment be adopted:

On page 3, after line 11 of the amendment, insert the following:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Tim Sheldon on page 3, after line 11, to the Committee on Economic Development and Telecommunications striking amendment to House Bill No. 1287.

The motion by Senator Tim Sheldon carried and the amendment to the striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Economic Development and Telecommunications striking amendment, as amended, to House Bill No. 1287.

The motion by Senator Tim Sheldon carried and the striking committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Tim Sheldon, the following title amendments were considered simultaneously and were adopted: On page 1, line 2 of the title, after "service;" strike the remainder of the title and insert "and amending RCW 80.04.130."

On page 3, line 16 of the title amendment, after "insert" strike "and" and after "80.04.130" insert "; and declaring an emergency"

On motion of Senator Tim Sheldon, the rules were suspended, House Bill No. 1287, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1287, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1287, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1287, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Haugen: "A point of personal privilege, Mr. President. Today is a very special day and lots of famous people were born today and one person who is very famous in my life is Basil Badley. For that, we are serving cake in the room next door, so if people would like to step out during the break to get a piece of cake, they are most welcome. Thank you."

PRESIDENT EXTEND HAPPY BIRTHDAY WISHES

The President wished Lobbyist Basil Badley a Happy Birthday.

MOTION

On motion of Senator Eide, Senator Brown was excused.

SECOND READING

SENATE BILL NO. 5094, by Senators T. Sheldon, Sheahan, Gardner, Honeyford, Hargrove and Costa

Authorizing sales and use tax exemptions for call centers.

MOTIONS

On motion of Senator Tim Sheldon, Second Substitute Senate Bill No. 5094 was substituted for Senate Bill No. 5094 and the second substitute bill was placed on second reading and read the second time.

MOTIONS

On motion of Senator Tim Sheldon, the following amendment was adopted:

On page 3, beginning on line 21, strike all material through "act." on line 22

On motion of Senator Tim Sheldon, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5094 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5094.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5094 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe,

McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Brown - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5094, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5469, by Senators T. Sheldon, Rasmussen, Haugen and McCaslin

Changing provisions for tax deferrals in rural counties and community empowerment zones.

MOTIONS

On motion of Senator Tim Sheldon, Second Substitute Senate Bill No. 5469 was substituted for Senate Bill No. 5469 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the rules were suspended, Second Substitute Senate Bill No. 5469 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5469.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5469 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Kastama, Kline, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Voting nay: Senators Carlson, Horn, Johnson, Kohl-Welles, McDonald and Rossi - 6.

Absent: Senator Deccio - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5469, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 9, 2001

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5335,

SENATE BILL NO. 5389,

SENATE BILL NO. 5491, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5335,

SENATE BILL NO. 5389,

SENATE BILL NO. 5491.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1042, by House Committee on Health Care (originally sponsored by Representatives Campbell, Schual-Berke, Skinner, Haigh and Lantz)

Establishing sterilization requirements for the commercial practices of electrology and tattooing.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the following Committee on Health and Long-Term amendment was adopted:

On page 2, after line 34, insert the following:

"Sec. 5. RCW 5.40.050 and 1986 c 305 s 901 are each amended to read as follows:

A breach of a duty imposed by statute, ordinance, or administrative rule shall not be considered negligence per se, but may be considered by the trier of fact as evidence of negligence; however, any breach of duty as provided by statute, ordinance, or administrative rule relating to electrical fire safety, the use of smoke alarms, sterilization of needles and instruments used in tattooing or electrology as required under section 4 of this act, or driving while under the influence of intoxicating liquor or any drug, shall be considered negligence per se."

MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 2 of the title, after "tattooing;" insert "amending RCW 5.40.050;"

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 1042, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1042, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1042, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1042, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5541, by Senators Jacobsen, Eide, Patterson, Fraser, Regala, Kline, Spanel, Kohl-Welles, Roach and Winsley (by request of Governor Locke)

Exempting wind, fuel cells, biomass waste, or solar energy electric generating facilities from sales and use taxes.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5541 was substituted for Senate Bill No. 5541 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Finkbeiner, the following amendment by Senators Finkbeiner, Morton and Fraser was adopted:

On page 3, after line 9, insert the following:

"Sec. 3. RCW 44.39.010 and section 13, chapter 328, laws of 1977 are each amended to read as follows:

There is hereby created the joint committee on energy ~~((and utilities))~~ shortages of the legislature of the state of Washington.

Sec. 4. RCW 44.39.015 and section 14, chapter 328, laws of 1977 are each amended to read as follows:

The committee shall consist of four senators and four representatives who shall be selected biennially as follows:

(1) The president of the senate shall ~~((nominate))~~ appoint four members from the ~~((energy and utilities committee))~~ senate to serve on the committee, including the ~~((chairman,))~~ chairperson of the committee responsible for energy issues. Two members ~~((being))~~ from each major political party must be appointed ~~((, to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members))~~.

(2) The speaker or co-speakers of the house of representatives shall nominate four members from the ~~((energy and utilities committee))~~ house of representatives to serve on the committee, including the ~~((chairman,))~~ chairperson or co-chairs of the committee responsible for energy issues. Two members ~~((being))~~ from each major political party must be appointed ~~((, to serve on the committee, and shall submit the list of nominees to the house of representatives for confirmation. Upon confirmation, the representatives shall be deemed installed as members. The chairmen of the senate and house energy and utilities committees shall alternately serve as chairman for one year terms. The chairman of the house committee shall serve as the initial chairman. The chairman may designate another committee member to serve as chairman in his or her absence))~~.

(3) The committee shall elect a chairperson and a vice-chairperson. The chairperson shall be a member of the house of representatives in even-numbered years and a member of the senate in odd-numbered years. In the case of a tie in the membership of the house of representatives in an even-numbered year, the committee shall elect co-chairs from the house of representatives in that year."

Renumber the sections consecutively and correct any internal references accordingly.

MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, strike all material in the title after "Relating to" and insert the following; "responding to energy supply shortages; amending RCW 82.08.02567, RCW 82.12.02567, RCW 44.39.010, and RCW 44.39.015; providing an effective date; providing expiration dates; and declaring an emergency."

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 5541 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5541.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5541 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator McDonald - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5541, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator McDonald was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2041, by House Committee on Health Care (originally sponsored by Representatives Edmonds, Skinner, Ogden and Kenney)

Providing for resident protection standards in boarding homes and adult family homes.

The bill was read the second time.

MOTIONS

On motion of Senator Thibaudeau, the following amendment was adopted:

On page 19, beginning on line 16, strike all of section 11.

Renumber the sections consecutively and correct any internal references accordingly.

On motion of Senator Thibaudeau, the following title amendment was adopted;

On page 1, line 2 of the title after "homes"; strike the remainder of the title and insert the following:

"amending RCW 74.39A.060, 18.20.185, 74.39A.080, 18.20.190, 70.128.160, 70.128.060, and 18.20.050; adding new sections to chapter 70.128 RCW; and adding a new section to chapter 18.20 RCW."

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 2041, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2041, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2041, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

SUBSTITUTE HOUSE BILL NO. 2041, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Patterson was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1530, by Representatives Lantz and Carrell

Providing for the appointment of an agent to receive claims against local government entities.

The bill was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed House Bill No. 1530 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1530.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1530 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Finkbeiner - 1.

Excused: Senator Patterson - 1.

ENGROSSED HOUSE BILL NO. 1530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kline was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1606, by Representatives Clements, Crouse, B. Chandler, G. Chandler, Schoesler and Lisk

Allowing tariffs for irrigation pumping installations to reduce energy usage.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed House Bill No. 1606 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1606.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1606 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Kline and Patterson - 2.

ENGROSSED HOUSE BILL NO. 1606, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1198, by Representatives G. Chandler and Cooper (by request of Department of Health)

Including drinking water accounts in interest-bearing accounts.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, House Bill No. 1198 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1198.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1198 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Kline and Patterson - 2.

HOUSE BILL NO. 1198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1936, by Representatives Quall, Morris, Linville, Grant, Sehlin, Doumit, Esser and Anderson

Allowing the residential owner of land that abuts state-owned shoreland to anchor their boats to adjacent buoys.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed House Bill No. 1936 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1936.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1936 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long,

McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Kline - 1.

ENGROSSED HOUSE BILL NO. 1936, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5170, by Senators Jacobsen, Finkbeiner, Eide and Kohl-Welles

Creating a temporary joint task force on telework enhancement.

MOTIONS

On motion of Senator Jacobsen, Second Substitute Senate Bill No. 5170 was substituted for Senate Bill No. 5170 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Second Substitute Senate Bill No. 5170 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5170.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5170 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, West and Winsley - 43.

Voting nay: Senators Benton, Johnson, Sheldon, T., Stevens, Swecker and Zarelli - 6.

SECOND SUBSTITUTE SENATE BILL NO. 5170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Honeyford was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1471, by House Committee on Juvenile Justice (originally sponsored by Representatives Darneille, Delvin, Dickerson and Armstrong)

Regarding diversions.

The bill was read the second time.

MOTION

On motion of Senator Costa, the following Committee on Human Services amendments were not adopted:

On page 3, beginning on line 33, after "diversion" strike "and the person is at least eighteen years old"

On page 7, line 15, after "has" strike "~~((two))~~ three" and insert "two"

MOTION

On motion of Senator Costa, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.50.050 and 1999 c 198 s 4 are each amended to read as follows:

- (1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.
- (2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (12) of this section.
- (3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.
- (4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.
- (5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.
- (6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.
- (7) Upon the decision to arrest or the arrest, law enforcement and prosecuting attorneys may cooperate with schools in releasing information to a school pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. Upon the decision to arrest or the arrest, incident reports may be released unless releasing the records would jeopardize the investigation or prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.
- (8) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.
- (9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.
- (10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.
- (11) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.
- (12) The court shall grant the motion to seal records made pursuant to subsection (11) of this section if it finds that:
 - (a) For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent ten consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction. For diversions, since completion of the diversion agreement, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction or diversion and the person is at least eighteen years old;
 - (b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;
 - (c) No proceeding is pending seeking the formation of a diversion agreement with that person;
 - (d) The person has not been convicted of a class A or sex offense; and
 - (e) Full restitution has been paid.

(13) The person making a motion pursuant to subsection (11) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(14) If the court grants the motion to seal made pursuant to subsection (11) of this section, it shall, subject to subsection (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (23) of this section.

(16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW.

(17)(a) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

(b) A person twenty-three years of age or older whose criminal history consists of only referrals for diversion may request that the court order the records in those cases destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense.

(18) If the court grants the motion to destroy records made pursuant to subsection (17) of this section, it shall, subject to subsection (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(19) The person making the motion pursuant to subsection (17) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(22) Any juvenile justice or care agency may, subject to the limitations in subsection (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(23) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

(24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

Sec. 2. RCW 13.40.070 and 1997 c 338 s 17 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsections (1)(a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (7) of this section. If the prosecutor finds that the requirements of subsection (1)(a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, a class C felony listed in RCW 9.94A.440(2) as a crime against persons or listed in RCW 9A.46.060 as a crime of harassment, or a class C felony that is a violation of RCW 9.41.080 or 9.41.040(1)(b)(iii); or

(b) An alleged offender is accused of a felony and has a criminal history of any felony, or at least two gross misdemeanors, or at least two misdemeanors; or

(c) An alleged offender has previously been committed to the department; or

(d) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion;

or

(e) An alleged offender has two or more diversion ~~((contracts))~~ agreements on the alleged offender's criminal history; or

(f) A special allegation has been filed that the offender or an accomplice was armed with a firearm when the offense was committed.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (7) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(8) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversion interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversion unit, the victim shall be notified of the referral and informed how to contact the unit.

(9) The responsibilities of the prosecutor under subsections (1) through (8) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

(10) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to mediation or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims.

Sec. 3. RCW 13.40.127 and 1997 c 338 s 21 are each amended to read as follows:

(1) A juvenile is eligible for deferred disposition unless he or she:

(a) Is charged with a sex or violent offense;

(b) Has a criminal history which includes any felony;

(c) Has a prior deferred disposition or deferred adjudication; or

(d) Has two or more ~~((diversions))~~ adjudications.

(2) The juvenile court may, upon motion at least fourteen days before commencement of trial and, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty. The court shall consider whether the offender and the community will benefit from a deferred disposition before deferring the disposition.

(3) Any juvenile who agrees to a deferral of disposition shall:

(a) Stipulate to the admissibility of the facts contained in the written police report;

(b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with terms of supervision; and

(c) Waive the following rights to: (i) A speedy disposition; and (ii) call and confront witnesses.

The adjudicatory hearing shall be limited to a reading of the court's record.

(4) Following the stipulation, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile.

(5) Any juvenile granted a deferral of disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution under RCW 13.40.190 shall be a condition of community supervision under this section.

(6) A parent who signed for a probation bond has the right to notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety of any failure to comply. A surety shall notify the court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove, by a preponderance of the evidence, that the juvenile has failed to comply with the terms of community supervision.

(7) A juvenile's lack of compliance shall be determined by the judge upon written motion by the prosecutor or the juvenile's juvenile court community supervision counselor. If a juvenile fails to comply with terms of supervision, the court shall enter an order of disposition.

(8) At any time following deferral of disposition the court may, following a hearing, continue the case for an additional one-year period for good cause.

(9) At the conclusion of the period set forth in the order of deferral and upon a finding by the court of full compliance with conditions of supervision and payment of full restitution, the respondent's conviction shall be vacated and the court shall dismiss the case with prejudice."

MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 1 of the title, after "diversion;" strike the remainder of the title and insert "and amending RCW 13.50.050, 13.40.070, and 13.40.127."

On motion of Senator Costa, the rules were suspended, Substitute House Bill No. 1471, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1471, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1471, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 46.

Voting nay: Senators McDonald and Zarelli - 2.

Excused: Senator Honeyford - 1.

SUBSTITUTE HOUSE BILL NO. 1471, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1891, by House Committee on Appropriations (originally sponsored by Representatives Mulliken, Schoesler, Veloria, B. Chandler, Van Luven, Linville, G. Chandler, Conway and Dunn)

Increasing the international trade of Washington state agricultural products.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the following Committee on Agriculture and International Trade striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the growing and processing of food and agricultural products is the dominant industry in Washington state and a major employer in rural Washington. The legislature also finds that agriculture is a critical component of Washington's international trade industry, accounting for billions of dollars in exports every year.

The legislature further finds that the export market for Washington's agricultural products has dropped significantly in recent years and that such a drop has negatively impacted the economy in Washington's agricultural regions. Therefore, it is the intent of the legislature to enhance Washington's international trade of agricultural products by increasing funding for the Washington state department of agriculture's international marketing program in an effort to promote marketing of Washington's products and to assist the agricultural industry in efforts to reduce trade barriers that stand in the way of trade in new and emerging markets.

NEW SECTION. Sec. 2. A new section is added to chapter 43.23 RCW to read as follows:

There is created a market development and promotion matching fund program within the Washington state department of agriculture. The purpose of the program is to allow the department of agriculture and the agricultural industry to combine funds in order to enhance access to markets that are growth sales areas for the industry's product. The goal of the program is to expose buyers to Washington's diverse agricultural products. The agriculture industry may bring in buying missions, perform trade promotions in various markets, hire overseas contractors, and perform other marketing functions that help it target the correct buyer and market for its product.

NEW SECTION. Sec. 3. A new section is added to chapter 43.23 RCW to read as follows:

(1) The legislature finds that trade barriers have become an increasingly important issue in the agricultural arena. Further, the world trade organization highlighted the need for "a fair and level playing field." The legislature finds that both large and small commodity groups need adequate resources to address trade barrier issues.

(2) There is created within the department of agriculture a trade barrier matching fund program to assist agriculture industries in fighting trade barriers. The purpose of the program is to allow the department of agriculture and the agricultural industry to combine funds in order to address trade barriers issues impacting the agricultural industry.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

MOTIONS

On motion of Senator Rasmussen, the following title amendment was adopted:

On page 1, line 1 of the title, after "agriculture;" strike the remainder of the title and insert "adding new sections to chapter 43.23 RCW; and creating new sections."

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1891, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1891, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1891, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1891, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Horn served notice that he would move to reconsider the vote by which Engrossed House Bill No. 1936 passed the Senate earlier today.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1649, by House Committee on Judiciary (originally sponsored by Representative Kessler)

Including striking the body of a deceased person within hit and run.

The bill was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1649 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1649.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1649 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1649, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1422, by Representatives Benson, Hatfield and Bush (by request of State Treasurer Murphy and Superintendent of Public Instruction Bergeson)

Increasing the size of the state investment board.

The bill was read the second time.

MOTION

On motion of Senator Snyder, the following amendment was adopted:

On page 3 after line 7, insert the following:

"**Sec. 2.** RCW 43.33A.040 and 1981 c 219 s 2 are each amended to read as follows:

(1) A quorum to conduct the business of the state investment board consists of at least ~~((four voting members of the board before January 10, 1983, and five))~~ six voting members ~~((thereafter))~~. No action may be taken by the board without the affirmative vote of ~~((four members before January 10, 1983, and five))~~ six members ~~((thereafter))~~.

(2) The state investment board shall meet at least quarterly at such times as it may fix. The board shall elect a chairperson and vice chairperson annually: PROVIDED, That the legislative members are not eligible to serve as chairperson."

Renumber the sections consecutively and correct any internal references accordingly.

MOTIONS

On motion of Senator Snyder, the following title amendment was adopted:

On page 1, on line 2 of the title, after "43.33A.020", insert " and 43.33A.040"

On motion of Senator Prentice, the rules were suspended, House Bill No. 1422, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1422, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1422, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senators McDonald, Snyder and Spanel - 3.

Absent: Senator Deccio - 1.

HOUSE BILL NO. 1422, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 4:20 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 5:16 p.m. by President Owen

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

MESSAGE FROM THE HOUSE

April 9, 2001

MR. PRESIDENT:

The Co-Speakers have signed:

HOUSE BILL NO. 1067,

HOUSE BILL NO. 1098,

HOUSE BILL NO. 1116,

HOUSE BILL NO. 1131,

HOUSE BILL NO. 1216,

SUBSTITUTE HOUSE BILL NO. 1376,

HOUSE BILL NO. 1419,

SUBSTITUTE HOUSE BILL NO. 1515,

HOUSE BILL NO. 1547,

SUBSTITUTE HOUSE BILL NO. 1763,

HOUSE BILL NO. 1943,

SUBSTITUTE HOUSE BILL NO. 2221, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1067,

**HOUSE BILL NO. 1098,
HOUSE BILL NO. 1116,
HOUSE BILL NO. 1131,
HOUSE BILL NO. 1216,
SUBSTITUTE HOUSE BILL NO. 1376,
HOUSE BILL NO. 1419,
SUBSTITUTE HOUSE BILL NO. 1515,
HOUSE BILL NO. 1547,
SUBSTITUTE HOUSE BILL NO. 1763,
HOUSE BILL NO. 1943,
SUBSTITUTE HOUSE BILL NO. 2221.**

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Constantine, Gubernatorial Appointment No. 9116, Donald Root, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6, was confirmed..

APPOINTMENT OF DONALD ROOT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 4; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senators Horn, Kline, McAuliffe and McDonald - 4.

MOTIONS

On motion of Senator Eide, Senator McAuliffe was excused.

On motion of Senator Hewitt, Senator McDonald was excused.

SECOND READING

HOUSE BILL NO. 1581, by Representatives Cooper, Haigh, Morell, Hankins, Rockefeller and Delvin (by request of Department of Licensing)

Revising provisions for licensing of motor vehicle dealers and manufacturers.

The bill was read the second time.

MOTIONS

Senator Gardner moved that the following Committee on Transportation striking amendment be adopted:
Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.70.005 and 1986 c 241 s 1 are each amended to read as follows:

The legislature finds and declares that the distribution ~~((and))~~, sale, and lease of vehicles in the state of Washington vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate and license vehicle manufacturers, distributors, or wholesalers and factory or distributor representatives, and to regulate and license dealers of vehicles doing business in Washington, in order to prevent frauds, impositions, and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this state.

Sec. 2. RCW 46.70.011 and 1998 c 46 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) "Vehicle dealer" means any person, firm, association, corporation, or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles, or arranging or offering or attempting to solicit or negotiate on behalf of others, a sale, purchase, or exchange of an interest in new or used motor vehicles, irrespective of whether the motor vehicles are owned by that person. Vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" is a vehicle dealer that deals in new or used motor vehicles, or both;

(b) A "mobile home and travel trailer dealer" is a vehicle dealer that deals in mobile homes, park trailers, or travel trailers, or more than one type of these vehicles;

(c) A "miscellaneous vehicle dealer" is a vehicle dealer that deals in motorcycles or vehicles other than motor vehicles or mobile homes and travel trailers or any combination of such vehicles.

(4) The term "vehicle dealer" does not include, nor do the licensing requirements of RCW 46.70.021 apply to, the following persons, firms, associations, or corporations:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of, any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which that person is the registered or legal owner, or both, thereof; or

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, subject to registration, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or an affiliated licensee, who, on behalf of another negotiates the purchase, sale, lease, or exchange of a manufactured or mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the manufactured or mobile home is, or will be, located; or

(g) Owners who are also operators of the special highway construction equipment or of the highway construction equipment for which a vehicle license and display vehicle license number plate is required as defined in RCW 46.16.010; or

(h) Any bank, trust company, savings bank, mutual savings bank, savings and loan association, credit union, and any parent, subsidiary, or affiliate thereof, authorized to do business in this state under state or federal law with respect to the sale or other disposition of a motor vehicle owned and used in their business; or with respect to the acquisition and sale or other disposition of a motor vehicle in which the entity has acquired an interest as a lessor, lessee, or secured party.

(5) "Vehicle salesperson" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) "Department" means the department of licensing, which shall administer and enforce the provisions of this chapter.

(7) "Director" means the director of licensing.

(8) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles in whole or in part and further includes the terms:

(a) "Distributor," which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch," which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor

representatives, and further includes any sales promotion organization, whether a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative," which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of their vehicles or for supervising or contracting with their dealers or prospective dealers.

(9) "Established place of business" means a location meeting the requirements of RCW 46.70.023(1) at which a vehicle dealer conducts business in this state.

(10) "Principal place of business" means that dealer firm's business location in the state, which place the dealer designates as their principal place of business.

(11) "Subagency" means any place of business of a vehicle dealer within the state, which place is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the state, at which place the firm does business using a name other than the principal name of the firm, or both.

(12) "Temporary subagency" means a location other than the principal place of business or subagency within the state where a licensed vehicle dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten days for a specific purpose such as auto shows, shopping center promotions, tent sales, exhibitions, or similar merchandising ventures. No more than six temporary subagency licenses may be issued to a licensee in any twelve-month period.

(13) "Wholesale vehicle dealer" means a vehicle dealer who buys and sells other than at retail.

(14) "Retail vehicle dealer" means a vehicle dealer who may buy and sell at both wholesale and retail.

(15) "Listing dealer" means a used mobile home dealer who makes contracts with sellers who will compensate the dealer for obtaining a willing purchaser for the seller's mobile home.

(16) "Auction" means a transaction conducted by means of exchanges between an auctioneer and the members of the audience, constituting a series of oral invitations for offers for the purchase of vehicles made by the auctioneer, offers to purchase by members of the audience, and the acceptance of the highest or most favorable offer to purchase.

(17) "Auction company" means a sole proprietorship, partnership, corporation, or other legal or commercial entity licensed under chapter 18.11 RCW that only sells or offers to sell vehicles at auction or only arranges or sponsors auctions.

(18) "Buyer's agent" means any person, firm, partnership, association, limited liability company, limited liability partnership, or corporation retained or employed by a consumer to arrange for or to negotiate, or both, the purchase or lease of a new motor vehicle on behalf of the consumer, and who is paid a fee or receives other compensation from the consumer for its services.

(19) "New motor vehicle" means any motor vehicle that is self-propelled and is required to be registered and titled under Title 46 RCW, has not been previously titled to a retail purchaser or lessee, and is not a "used vehicle" as defined under RCW 46.04.660.

Sec. 3. RCW 46.70.041 and 1993 c 307 s 6 and 1993 c 175 s 2 are each reenacted and amended to read as follows:

(1) Every application for a vehicle dealer license shall contain the following information to the extent it applies to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his or her fingerprints, the honesty, truthfulness, and good reputation of the applicant for the license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization including if the applicant is a corporation, proof that the corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant and any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime which directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all directors, officers, or partners;

(f) A business telephone with a listing in the local directory;

(g) The name or names of new vehicles the vehicle dealer wishes to sell;

(h) The names and addresses of each manufacturer from whom the applicant has received a franchise;

(i) A certificate by a representative of the department, that the applicant's principal place of business and each subagency business location in the state of Washington meets the location requirements as required by this chapter. The certificate shall include proof of the applicant's ownership or lease of the real property where the applicant's principal place of business is established;

(j) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his or her established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty. This requirement applies only to applicants seeking to sell, to exchange, to offer, to auction, to solicit, to advertise, or to broker new or current-model vehicles with factory or distributor warranties;

(k) The class of vehicles the vehicle dealer will be buying, selling, listing, exchanging, offering, brokering, leasing (~~with an option to purchase~~), auctioning, soliciting, or advertising, and which classification or classifications the dealer wishes to be designated as;

(l) Effective July 1, 2002, a certificate from the provider of each education program or test showing that the applicant has completed the education programs and passed the test required under section 12 of this act if the applicant is a dealer subject to the education and test requirements:

(m) Any other information the department may reasonably require.

(2) If the applicant is a manufacturer the application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(g) Any other information the department may reasonably require.

Sec. 4. RCW 46.70.051 and 1997 c 432 s 4 are each amended to read as follows:

(1) After the application has been filed, the fee paid, and bond posted, if required, the department shall, if no denial order is in effect and no proceeding is pending under RCW 46.70.101, issue the appropriate license, which license, in the case of a vehicle dealer, shall designate the classification of the dealer. Nothing prohibits a vehicle dealer from obtaining licenses for more than one classification, and nothing prevents any vehicle dealer from dealing in other classes of vehicles on an isolated basis.

(2) An auction company licensed under chapter 18.11 RCW may sell at auction all classifications of vehicles under a motor vehicle dealer's license issued under this chapter including motor vehicles, miscellaneous type vehicles, and mobile homes and travel trailers.

(3) At the time the department issues a vehicle dealer license, the department shall provide to the dealer a current, up-to-date vehicle dealer manual that may be provided electronically setting forth the various statutes and rules applicable to vehicle dealers. In addition, at the time any such license is renewed under RCW 46.70.083, the department shall provide the dealer with any updates or current revisions to the vehicle dealer manual. These updates or current revisions may be provided electronically.

(4) The department may contract with responsible private parties to provide them elements of the vehicle data base on a regular basis. The private parties may only disseminate this information to licensed vehicle dealers.

(a) Subject to the disclosure agreement provisions of RCW 46.12.380 and the requirements of Executive Order 97-01, the department may provide to the contracted private parties the following information:

(i) All vehicle and title data necessary to accurately disclose known title defects, brands, or flags and odometer discrepancies;

(ii) All registered and legal owner information necessary to determine true ownership of the vehicle and the existence of any recorded liens, including but not limited to liens of the department of social and health services or its successor; and

(iii) Any data in the department's possession necessary to calculate the motor vehicle excise tax, license, and registration fees including information necessary to determine the applicability of regional transit authority excise and use tax surcharges.

(b) The department may provide this information in any form the contracted private party and the department agree upon, but if the data is to be transmitted over the Internet or similar public network from the department to the contracted private party, it must be encrypted.

(c) The department shall give these contracted private parties advance written notice of any change in the information referred to in (a)(i), (ii), or (iii) of this subsection, including information pertaining to the calculation of motor vehicle excise taxes.

(d) The department shall revoke a contract made under this subsection (4) with a private party who disseminates information from the vehicle data base to anyone other than a licensed vehicle dealer. A private party who obtains information from the vehicle data base under a contract with the department and disseminates any of that information to anyone other than a licensed vehicle dealer is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(e) Nothing in this subsection (4) authorizes a vehicle dealer or any other organization or entity not otherwise appointed as a vehicle licensing subagent under RCW 46.01.140 to perform any of the functions of a vehicle licensing subagent so appointed.

Sec. 5. RCW 46.70.090 and 1994 c 262 s 10 are each amended to read as follows:

(1) The department shall issue a vehicle dealer license plate which shall be attached to the rear of the vehicle only and which is capable of distinguishing the classification of the dealer, to vehicle dealers properly licensed pursuant to this chapter and shall, upon application, issue manufacturer's license plates to manufacturers properly licensed pursuant to this chapter.

(2) The department shall issue to a vehicle dealer up to three vehicle dealer license plates. After the third dealer plate is issued, the department shall limit the number of dealer plates to six percent of the vehicles sold during the preceding license period. For an original license the vehicle dealer license applicant shall estimate the first year's sales or leases. The director or director's designee may waive these dealer plate issuance restrictions for a vehicle dealer if the waiver both serves the purposes of this chapter and is essential to the continuation of the business. The director shall adopt rules to implement this waiver.

(3) Motor vehicle dealer license plates may be used:

(a) To demonstrate motor vehicles held for sale or lease when operated by an individual holding a valid operator's license, if a dated demonstration permit, valid for no more than seventy-two hours, is carried in the vehicle at all times it is operated by any such individual.

(b) On motor vehicles owned, held for sale or lease, and which are in fact available for sale or lease by the firm when operated by an officer of the corporation, partnership, or proprietorship or by their spouses, or by an employee of the firm, if a card so identifying any such individual is carried in the vehicle at all times it is operated by such individual. Any such vehicle so operated may be used to transport the dealer's own tools, parts, and equipment of a total weight not to exceed five hundred pounds.

(c) On motor vehicles being tested for repair.

(d) On motor vehicles being moved to or from a motor vehicle dealer's place of business for sale.

(e) On motor vehicles being moved to or from motor vehicle service and repair facilities before sale or lease.

(f) On motor vehicles being moved to or from motor vehicle exhibitions within the state of Washington, if any such exhibition does not exceed a period of twenty days.

(4) Mobile home and travel trailer dealer license plates may be used:

(a) On units hauled to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(b) On mobile homes hauled to a customer's location for set-up after sale.

(c) On travel trailers held for sale to demonstrate the towing capability of the vehicle if a dated demonstration permit, valid for not more than seventy-two hours, is carried with the vehicle at all times.

(d) On mobile homes being hauled from a customer's location if the requirements of RCW 46.44.170 and 46.44.175 are met.

(e) On any motor vehicle owned by the dealer which is used only to move vehicles legally bearing mobile home and travel trailer dealer license plates of the dealer so owning any such motor vehicle.

(f) On vehicles being moved to or from vehicle exhibitions within the state of Washington, if any such exhibition does not exceed a period of twenty days.

(5) Miscellaneous vehicle dealer license plates may be used:

(a) To demonstrate any miscellaneous vehicle: PROVIDED, That:

(i) No such vehicle may be demonstrated on a public highway unless the customer has an appropriate endorsement on his or her driver's license, if such endorsement is required to operate such vehicle; and

(ii) A dated demonstration permit, valid for no more than seventy-two hours, is carried with the vehicle at all times it is operated by any such individual.

(b) On vehicles owned, held for sale, and which are in fact available for sale, by the firm when operated by an officer of the corporation, partnership, or proprietorship or by a bona fide full-time employee of the firm, if a card so identifying such individual is carried in the vehicle at all times it is operated by him or her.

(c) On vehicles being tested for repair.

(d) On vehicles being transported to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(e) On vehicles on which any other item sold or to be sold by the dealer is transported from the place of business of the manufacturer to the place of business of the dealer or to and from places of business of the dealer if such vehicle and such item are purchased or sold as one package.

(6) Manufacturers properly licensed pursuant to this chapter may apply for and obtain manufacturer license plates and may be used:

(a) On vehicles being moved to or from the place of business of a manufacturer to a vehicle dealer within this state who is properly licensed pursuant to this chapter.

(b) To test vehicles for repair.

(7) Vehicle dealer license plates and manufacturer license plates shall not be used for any purpose other than set forth in this section and specifically shall not be:

(a) Used on any vehicle not within the class for which the vehicle dealer or manufacturer license plates are issued unless specifically provided for in this section.

(b) Loaned to any person for any reason not specifically provided for in this section.

(c) Used on any vehicles for the transportation of any person, produce, freight, or commodities unless specifically provided for in this section, except there shall be permitted the use of such vehicle dealer license plates on a vehicle transporting commodities in the course of a demonstration over a period not to exceed seventy-two consecutive hours from the commencement of such demonstration, if a representative of the dealer is present and accompanies such vehicle during the course of the demonstration.

(d) Used on any vehicle sold to a resident of another state to transport such vehicle to that other state in lieu of a trip permit or in lieu of vehicle license plates obtained from that other state.

(e) Used on any new vehicle unless the vehicle dealer has provided the department a current service agreement with the manufacturer or distributor of that vehicle as provided in RCW 46.70.041(1)(k).

(8) In addition to or in lieu of any sanction imposed by the director pursuant to RCW 46.70.101 for unauthorized use of vehicle dealer license plates or manufacturer license plates, the director may order that any or all vehicle dealer license plates or manufacturer license plates issued pursuant to this chapter be confiscated for such period as ~~((he))~~ the director deems appropriate.

Sec. 6. RCW 46.70.101 and 1998 c 282 s 7 are each amended to read as follows:

The director may by order deny, suspend, or revoke the license of any vehicle dealer or vehicle manufacturer or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if the director finds that the order is in the public interest and that the applicant or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled or which license was assessed a civil penalty and the assessed amount has not been paid;

(ii) Has been adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the adjudication is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, adjudged guilty shall mean in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his or her application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Has knowingly, or with reason to know, provided the department with false information relating to the number of vehicle sales transacted during the past one year in order to obtain a vehicle dealer license plate;

(v) Does not have an established place of business as required in this chapter;

(vi) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records, and files maintained within this state;

(vii) Sells, exchanges, offers, brokers, auctions, solicits, or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor the terms of such agreement within a reasonable time or repudiates the same, except for sales by

wholesale motor vehicle auction dealers to franchise motor vehicle dealers of the same make licensed under Title 46 RCW or franchise motor vehicle dealers of the same make licensed by any other state;

(viii) Is insolvent, either in the sense that their liabilities exceed their assets, or in the sense that they cannot meet their obligations as they mature;

(ix) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;

(x) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183;

(xi) Knowingly, or with reason to know, allows a salesperson employed by the dealer, or acting as their agent, to commit any of the prohibited practices set forth in subsection (1)(a) of this section and RCW 46.70.180;

~~(xii) Fails to have a current certificate or registration with the department of revenue.~~

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale, lease, or transfer of a vehicle;

(iii) Has forged the signature of the registered or legal owner on a certificate of title;

(iv) Has purchased, sold, disposed of, or has in his or her possession any vehicle which he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;

(v) Has willfully failed to deliver to a purchaser or owner a certificate of ownership to a vehicle which he or she has sold or leased;

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates or manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(viii) Has engaged in practices inimical to the health or safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction or safety of vehicles, except for sales by wholesale motor vehicle auction dealers to motor vehicle dealers and vehicle wreckers licensed under Title 46 RCW or motor vehicle dealers licensed by any other state;

(ix) Has aided or assisted an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, allowing use of facilities, dealer license number, or by any other means;

(x) Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of the property or funds; or

(xi) Has sold any vehicle with actual knowledge that:

(A) It has any of the following brands on the title: "SALVAGE/REBUILT," "JUNK," or "DESTROYED"; or

(B) It has been declared totaled out by an insurance carrier and then rebuilt; or

(C) The vehicle title contains the specific comment that the vehicle is "rebuilt";

without clearly disclosing that brand or comment in writing.

(c) The licensee or any partner, officer, director, or owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

(2) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:

(a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(b) Has knowingly or with reason to know, made a false statement of a material fact in his or her application for license, or any data attached thereto, or in any matter under investigation by the department;

(c) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(d) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale, lease, or transfer of a vehicle;

(e) Has purchased, sold, leased, disposed of, or has in his or her possession, any vehicle which he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

- (g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;
- (h) Sells or distributes in this state or transfers into this state for resale or for lease, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;
- (i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale or for lease unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;
- (j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or unused vehicle sold, leased, or distributed in this state or transferred into this state for resale or for lease by any such manufacturer;
- (k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles;
- (l) Is insolvent either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature;
- (m) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183.

Sec. 7. RCW 46.70.120 and 1996 c 282 s 4 are each amended to read as follows:

A dealer shall complete and maintain for a period of at least five years a record of the purchase and sale or lease of all vehicles purchased (~~or~~), sold, or leased by him or her. The records shall consist of:

- (1) The license and title numbers of the state in which the last license was issued;
- (2) A description of the vehicle;
- (3) The name and address of the person from whom purchased;
- (4) The name of the legal owner, if any;
- (5) The name and address of the purchaser or lessee;
- (6) If purchased from a dealer, the name, business address, dealer license number, and resale tax number of the dealer;
- (7) The price paid for the vehicle and the method of payment;
- (8) The vehicle odometer disclosure statement given by the seller to the dealer, and the vehicle odometer disclosure statement given by the dealer to the purchaser or lessee;
- (9) The written agreement to allow a dealer to sell between the dealer and the consignor, or the listing dealer and the seller;
- (10) Trust account records of receipts, deposits, and withdrawals;
- (11) All sale documents, which shall show the full name of dealer employees involved in the sale or lease; and
- (12) Any additional information the department may require. However, the department may not require a dealer to collect or retain the hardback copy of a temporary license permit after the permanent license plates for a vehicle have been provided to the purchaser or lessee, if the dealer maintains some other copy of the temporary license permit together with a log of the permits issued.

Such records shall be maintained separate from all other business records of the dealer. Records older than two years may be kept at a location other than the dealer's place of business if those records are made available in hard copy for inspection within three calendar days, exclusive of Saturday, Sunday, or a legal holiday, after a request by the director or the director's authorized agent. Records kept at the vehicle dealer's place of business must be available for inspection by the director or the director's authorized agent during normal business hours.

Dealers may maintain their recordkeeping and filing systems in accordance with their own particular business needs and practices. Nothing in this chapter requires dealers to maintain their records in any particular order or manner, as long as the records identified in this section are maintained in the dealership's recordkeeping system.

Sec. 8. RCW 46.70.122 and 1990 c 238 s 5 are each amended to read as follows:

- (1) If the purchaser or transferee is a dealer he or she shall, on selling, leasing, or otherwise disposing of the vehicle, promptly execute the assignment and warranty of title, in such form as the director shall prescribe.
- (2) The assignment and warranty shall show any secured party holding a security interest created or reserved at the time of resale or lease, to which shall be attached the assigned certificates of ownership and license registration received by the dealer. The dealer shall mail or deliver them to the department with the transferee's application for the issuance of new certificates of ownership and license registration. The title certificate issued for a vehicle possessed by a dealer and subject to a security interest shall be delivered to the secured party who upon request of the dealer's transferee shall, unless the transfer was

a breach of the security agreement, either deliver the certificate to the transferee for transmission to the department, or upon receipt from the transferee of the owner's bill of sale or sale document, the transferee's application for a new certificate and the required fee, mail or deliver to the department. Failure of a dealer to deliver the title certificate to the secured party does not affect perfection of the security interest.

Sec. 9. RCW 46.70.130 and 1996 c 282 s 5 are each amended to read as follows:

(1) Before the execution of a contract or chattel mortgage or the consummation of the sale or lease of any vehicle, the seller must furnish the buyer or lessee an itemization in writing signed by the seller separately disclosing to the buyer or lessee the finance charge, insurance costs, taxes, and other charges which are paid or to be paid by the buyer or lessee.

(2) Notwithstanding subsection (1) of this section, an itemization of the various license and title fees paid or to be paid by the buyer or lessee, which itemization must be the same as that disclosed on the registration/application for title document issued by the department, may be required only on the title application at the time the application is submitted for title transfer. A vehicle dealer may not be required to separately or individually itemize the license and title fees on any other document, including but not limited to the purchase order and lease agreement. No fee itemization may be required on the temporary permit.

Sec. 10. RCW 46.70.180 and 1999 c 398 s 10 are each amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale or lease agreement any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price or capitalized cost of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold or leased to a person for a consideration and upon further consideration that the purchaser or lessee agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser or lessee being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer or lessee of a vehicle a written order or offer to purchase or lease, or a contract document signed by the buyer or lessee, which:

(a) Is subject to the dealer's, or his or her authorized representative's future acceptance, and the dealer fails or refuses within three calendar days, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer or lessee, either (i) to deliver to the buyer or lessee the dealer's signed acceptance, or (ii) to void the order, offer, or contract document and tender the return of any initial payment or security made or given by the buyer or lessee, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer or lessee as part of the purchase price or lease, for any reason except:

(i) Failure to disclose that the vehicle's certificate of ownership has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.050 and 46.12.075; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of five hundred miles or more, as reflected on the vehicle's odometer, between the time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the mileage" means (A) a discrepancy between the mileage reflected on the vehicle's odometer and the stated mileage on the signed

odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesperson to refuse to furnish, upon request of a prospective purchaser or lessee, for vehicles previously registered to a business or governmental entity, the name and address of the business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer may issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied.

(9) For a dealer, (~~salesman~~) salesperson, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser or lessee prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, (~~salesman~~) salesperson, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser or lessee has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser or lessee, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales or lease agreement signed by the seller and buyer or lessee.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, purchase moneys or funds that have been deposited into or withdrawn out of any account controlled or used by any buyer's agent, gratuity, or reward in connection with the purchase (~~of~~) sale, or lease of a new motor vehicle.

(12) For a buyer's agent, acting directly or through a subsidiary, to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase (~~of~~) sale, or lease of a new motor vehicle. In addition, it is unlawful for any buyer's agent to engage in any of the following acts on behalf of or in the name of the consumer:

(a) Receiving or paying any purchase moneys or funds into or out of any account controlled or used by any buyer's agent;

(b) Signing any vehicle purchase orders, sales contracts, leases, odometer statements, or title documents, or having the name of the buyer's agent appear on the vehicle purchase order, sales contract, lease, or title; or

(c) Signing any other documentation relating to the purchase, sale, lease, or transfer of any new motor vehicle.

It is unlawful for a buyer's agent to use a power of attorney obtained from the consumer to accomplish or effect the purchase, sale, lease, or transfer of ownership documents of any new motor vehicle by any means which would otherwise be prohibited under (a) through (c) of this subsection. However, the buyer's agent may use a power of attorney for physical delivery of motor vehicle license plates to the consumer.

Further, it is unlawful for a buyer's agent to engage in any false, deceptive, or misleading advertising, disseminated in any manner whatsoever, including but not limited to making any claim or statement that the buyer's agent offers, obtains, or guarantees the lowest price on any motor vehicle or words to similar effect.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW. This subsection also applies to leased vehicles. In addition, it is unlawful for any buyer's agent to fail to have a written agreement with the customer that: (a) Sets forth the terms of the parties' agreement; (b) discloses to the customer the total amount of any fees or other compensation being paid by the customer to the buyer's agent for the agent's services; and (c) further discloses whether the fee or any portion of the fee is refundable. ~~((The department of licensing shall by December 31, 1996, in rule, adopt standard disclosure language for buyer's agent agreements under RCW 46.70.011, 46.70.070, and this section.))~~

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith.

(c) Encourage, aid, abet, or teach a vehicle dealer to sell or lease vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale or lease of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser or lessee of any new or unused vehicle that has been sold or leased, distributed for sale or lease, or transferred into this state for resale or lease by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

(16) To knowingly and intentionally engage in collusion with a registered owner of a vehicle to repossess and return or resell the vehicle to the registered owner in an attempt to avoid a suspended license impound under chapter 46.55 RCW. However, compliance with chapter ~~((62A.9))~~ 62A.9A RCW in repossessing, selling, leasing, or otherwise disposing of the vehicle, including providing redemption rights to the debtor, is not a violation of this section.

Sec. 11. RCW 46.70.900 and 1973 1st ex.s. c 132 s 20 are each amended to read as follows:

All provisions of this chapter shall be liberally construed to the end that deceptive practices or commission of fraud or misrepresentation in the sale, lease, barter, or disposition of vehicles in this state may be prohibited and prevented, and irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of selling, leasing, bartering, or otherwise dealing in vehicles in this state and reliable persons may be encouraged to engage in the business of selling, leasing, bartering and otherwise dealing in vehicles in this state: PROVIDED, That this chapter shall not apply to printers, publishers, or broadcasters who in good faith print, publish or broadcast material without knowledge of its deceptive character.

NEW SECTION. Sec. 12. A new section is added to chapter 46.70 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, the following education requirements apply to an applicant for a vehicle dealer license under RCW 46.70.021:

(a) An applicant for a vehicle dealer license under RCW 46.70.021 must complete a minimum of eight hours of approved education programs described in subsection (3) of this section and pass a test prior to submitting an application for the license; and

(b) An applicant for a renewal of a vehicle dealer license under RCW 46.70.083 must complete a minimum of five hours per year in a licensing period of approved continuing education programs described in subsection (3) of this section prior to submitting an application for the renewal of the vehicle dealer license.

(2) The education and test requirements in subsection (1) of this section do not apply to an applicant for a vehicle dealer license under RCW 46.70.021 if the applicant is:

(a) A franchised dealer of new recreational vehicles;

(b) A nationally franchised or corporate-owned motor vehicle rental company;

(c) A dealer of manufactured dwellings;

(d) A national auction company that holds a vehicle dealer license and a wrecker license whose primary activity in this state is the sale or disposition of totaled vehicles; or

(e) A wholesale auto auction company that holds a vehicle dealer license.

(3) The education programs and test required in subsection (1) of this section shall be developed by motor vehicle industry organizations including, but not limited to, the state independent auto dealers association and the department of licensing.

(4) A new motor vehicle dealer, as defined under RCW 46.96.020, is deemed to have met the education and test requirements required for applicants for a vehicle dealer license under this section.

Sec. 13. RCW 46.70.070 and 1996 c 194 s 2 are each amended to read as follows:

(1) Before issuing a vehicle dealer's license, the department shall require the applicant to file with the department a surety bond in the amount of:

(a) ~~(Fifteen)~~ Thirty thousand dollars for motor vehicle dealers;

(b) Thirty thousand dollars for mobile home, park trailer, and travel trailer dealers~~(: PROVIDED, That if such dealer does not deal in mobile homes or park trailers such bond shall be fifteen thousand dollars);~~

(c) Five thousand dollars for miscellaneous dealers,

running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his or her business in conformity with the provisions of this chapter.

Any retail purchaser, consignee who is not a motor vehicle dealer, or a motor vehicle dealer who has purchased from, sold to, or otherwise transacted business with a wholesale dealer, who has suffered any loss or damage by reason of any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. However, under this section, motor vehicle dealers who have purchased from, sold to, or otherwise transacted business with wholesale dealers may only institute actions against wholesale dealers and their surety bonds. Successive recoveries against said bond shall be permitted, but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the vehicle dealer license shall automatically be deemed canceled.

(2) The bond for any vehicle dealer licensed or to be licensed under more than one classification shall be the highest bond required for any such classification.

(3) Vehicle dealers shall maintain a bond for each business location in this state and bond coverage for all temporary subagencies.

NEW SECTION. **Sec. 14.** Section 12 of this act takes effect July 1, 2002."

MOTION

On motion of Senator Gardner, the following amendment by Senators Haugen and Benton to the Committee on Transportation striking amendment was adopted:

On page 3, line 8 of the amendment, after "party" insert "; or

(i) Any person who is regularly engaged in the business of acquiring leases or installment contracts by assignment, with respect to the acquisition and sale or other disposition of a motor vehicle in which the person has acquired an interest as a result of the business"

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment, as amended, to House Bill No. 1581.

The motion by Senator Gardner carried and the committee striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Gardner, the following title amendment was adopted:

On page 1, line 2 of the title, after "manufacturers;" strike the remainder of the title and insert "amending RCW 46.70.005, 46.70.011, 46.70.051, 46.70.090, 46.70.101, 46.70.120, 46.70.122, 46.70.130, 46.70.180, 46.70.900, and 46.70.070; reenacting and amending RCW 46.70.041; adding a new section to chapter 46.70 RCW; and providing an effective date."

On motion of Senator Gardner, the rules were suspended, House Bill No. 1581, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1581, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1581, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators McAuliffe and McDonald - 2.

HOUSE BILL NO. 1581, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1537, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Roach, Hatfield, Benson, Miloscia and Keiser)

Protecting credit union directors and committee members.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1537 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1537.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1537 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators McAuliffe and McDonald - 2.

SUBSTITUTE HOUSE BILL NO. 1537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1138, by Representatives Cairnes, Conway, Campbell, Dunshee, O'Brien, Cooper, Simpson, Roach, Kenney, D. Schmidt, Kirby and Keiser

Depositing wage fines in the public works administration account.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1138.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1138 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Voting nay: Senators Benton, Hochstatter, Horn and Stevens - 4.

Excused: Senators McAuliffe and McDonald - 2.

HOUSE BILL NO. 1138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1076, by Representatives Schual-Berke, Campbell, Cody, Skinner, Pennington, Ruderman, Kagi, Darneille, Edmonds, Marine, Edwards, McDermott, Haigh and Kenney

Removing the two-year limited license renewal limit on teaching-research medical professionals.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed House Bill No. 1076 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1076.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1076 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

ENGROSSED HOUSE BILL NO. 1076, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1163, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Eickmeyer, Doumit, Rockefeller, Jackley and Haigh)

Changing provisions relating to disposal of garbage and junk vehicles.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1163 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1163.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1163 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McDonald - 1.

SUBSTITUTE HOUSE BILL NO. 1163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1997, by House Committee on Local Government and Housing (originally sponsored by Representatives Alexander, DeBolt, Doumit, Mulliken, Dunshee, Mielke, Kessler, Hatfield and Ogden)

Revising provisions relating to industrial land banks.

The bill was read the second time.

MOTION

Senator Gardner moved that the following striking amendment by Senators Gardner, Carlson and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.367 and 1998 c 289 s 2 are each amended to read as follows:

(1) In addition to the major industrial development allowed under RCW 36.70A.365, a county required or choosing to plan under RCW 36.70A.040 that meets the criteria in subsection (9) or (10) of this section may establish, in consultation with cities consistent with provisions of RCW 36.70A.210, a process for designating a bank of no more than two master planned locations for major industrial activity outside urban growth areas.

(2) A master planned location for major industrial developments outside an urban growth area may be included in the urban industrial land bank for the county if criteria including, but not limited to, the following are met:

- (a) New infrastructure is provided for and/or applicable impact fees are paid;
- (b) Transit-oriented site planning and traffic demand management programs are implemented;
- (c) Buffers are provided between the major industrial development and adjacent nonurban areas;
- (d) Environmental protection including air and water quality has been addressed and provided for;

(e) Development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas;
(f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands;

(g) The plan for the major industrial development is consistent with the county's development regulations established for protection of critical areas; and

(h) An inventory of developable land has been conducted as provided in RCW 36.70A.365.

(3) In selecting master planned locations for inclusion in the urban industrial land bank, priority shall be given to locations that are adjacent to, or in close proximity to, an urban growth area.

(4) Final approval of inclusion of a master planned location in the urban industrial land bank shall be considered an adopted amendment to the comprehensive plan adopted pursuant to RCW 36.70A.070, except that RCW 36.70A.130(2) does not apply so that inclusion or exclusion of master planned locations may be considered at any time.

(5) Once a master planned location has been included in the urban industrial land bank, manufacturing and industrial businesses that qualify as major industrial development under RCW 36.70A.365 may be located there.

(6) Nothing in this section may be construed to alter the requirements for a county to comply with chapter 43.21C RCW.

(7)(a) The authority of a county meeting the criteria of subsection (9) of this section to engage in the process of including or excluding master planned locations from the urban industrial land bank shall terminate on December 31, 1999. However, any location included in the urban industrial land bank on December 31, 1999, shall ((remain)) be available for major industrial development as long as the criteria of subsection (2) of this section ((continue to be)) are met.

(b) The authority of a county meeting the criteria of subsection (10) of this section to engage in the process of including or excluding master planned locations from the urban industrial land bank terminates on December 31, 2002. However, any location included in the urban industrial land bank on December 31, 2002, shall be available for major industrial development as long as the criteria of subsection (2) of this section are met.

(8) For the purposes of this section, "major industrial development" means a master planned location suitable for manufacturing or industrial businesses that: (a) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or (b) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent; or (c) requires a location with characteristics such as proximity to transportation facilities or related industries such that there is no suitable location in an urban growth area. The major industrial development may not be for the purpose of retail commercial development or multitenant office parks.

(9) This section ~~((applies))~~ and the termination date specified in subsection (7)(a) of this section apply to a county that at the time the process is established under subsection (1) of this section:

(a) Has a population greater than two hundred fifty thousand and is part of a metropolitan area that includes a city in another state with a population greater than two hundred fifty thousand;

(b) Has a population greater than one hundred forty thousand and is adjacent to another country; or

(c) Has a population greater than forty thousand but less than seventy-five thousand and has an average level of unemployment for the preceding three years that exceeds the average state unemployment for those years by twenty percent; and

(i) Is bordered by the Pacific Ocean; or

(ii) Is located in the Interstate 5 or Interstate 90 corridor.

(10) This section and the termination date specified in subsection (7)(b) of this section apply to a county that at the time the process is established under subsection (1) of this section:

(a)(i) Has a population greater than forty thousand but fewer than eighty thousand;

(ii) Has an average level of unemployment for the preceding three years that exceeds the average state unemployment for those years by twenty percent; and

(iii) Is located in the Interstate 5 or Interstate 90 corridor;

(b) Has a population greater than one hundred sixty thousand but fewer than three hundred thousand and shares a common border with Canada; or

(c) Has a population greater than three hundred thousand but fewer than four hundred thousand."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Gardner, Carlson and Zarelli to Engrossed Substitute House Bill No. 1997.

The motion by Senator Gardner carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 2 of the title, after "areas;" strike the remainder of the title and insert "and amending RCW 36.70A.367."

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute House Bill No. 1997, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1997, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1997, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 47.

Voting nay: Senator Thibaudeau - 1.

Excused: Senator McDonald - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1997, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1012, by Representatives Mitchell, Fisher, Poulsen, McDermott, Ogden and Dunn

Allowing Washington state ferry fares to be increased in excess of the fiscal growth factor.

The bill was read the second time.

MOTIONS

Senator Haugen moved that the following Committee on Transportation striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.60.326 and 1999 c 94 s 27 are each amended to read as follows:

(1) In order to maintain an adequate, fair, and economically sound schedule of charges for the transportation of passengers, vehicles, and commodities on the Washington state ferries, the department of transportation each year shall conduct a full review of such charges.

(2) Prior to February 1st of each odd-numbered year the department shall transmit to the transportation commission a report of its review together with its recommendations for the revision of a schedule of charges for the ensuing biennium. The commission on or before July 1st of that year shall adopt as a rule, in the manner provided by the Washington administrative procedure act, a schedule of charges for the Washington state ferries for the ensuing biennium commencing July 1st. The schedule may initially be adopted as an emergency rule if necessary to take effect on, or as near as possible to, July 1st.

(3) The department in making its review and formulating recommendations and the commission in adopting a schedule of charges may consider any of the following factors:

(a) The amount of subsidy available to the ferry system for maintenance and operation;

(b) The time and distance of ferry runs;

(c) The maintenance and operation costs for ferry runs with a proper adjustment for higher costs of operating outmoded or less efficient equipment;

- (d) The efficient distribution of traffic between cross-sound routes;
- (e) The desirability of reasonable commutation rates for persons using the ferry system to commute daily to work;
- (f) The effect of proposed fares in increasing walk-on and vehicular passenger use;
- (g) The effect of proposed fares in promoting all types of ferry use during nonpeak periods;
- (h) Such other factors as prudent managers of a major ferry system would consider.

(4) If at any time during the biennium it appears that projected revenues from the Puget Sound ferry operations account and any other operating subsidy available to the Washington state ferries will be less than the projected total cost of maintenance and operation of the Washington state ferries for the biennium, the department shall forthwith undertake a review of its schedule of charges to ascertain whether or not the schedule of charges should be revised. The department shall, upon completion of its review report, submit its recommendation to the transportation commission which may in its sound discretion revise the schedule of charges as required to meet necessary maintenance and operation expenditures of the ferry system for the biennium or may defer action until the regular annual review and revision of ferry charges as provided in subsection (2) of this section.

(5) The provisions of RCW 47.60.330 relating to public participation shall apply to the process of revising ferry tolls under this section.

(6) Under RCW 43.135.055, the transportation commission may increase ferry tolls included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

Senator Sheahan moved that the Committee on Transportation striking amendment not be adopted.
Debate ensued.

POINT OF INQUIRY

Senator West: "Senator Haugen, is it your intent that a study of this type would be encompassed in the final transportation budget?"

Senator Haugen: "I have said all along that we were going to do a study, but we are going to make sure we know what we are studying--not just a study and ten thousand dollars when you have ten cities. We would be glad to address the issue, because I do think there are some problems in this state and we should target it to the cities where there are problems."

Senator West: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the positive motion by Senator Haugen to adopt the Committee on Transportation striking amendment to Engrossed House Bill No. 1012.

The motion by Senator Haugen carried and the committee striking amendment was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "factor;" strike the remainder of the title and insert "amending RCW 47.60.326; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Engrossed House Bill No. 1012, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Hewitt, Senator Swecker was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1012, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1012, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheldon, B., Shin, Snyder, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 38.

Voting nay: Senators Costa, Deccio, Hale, Hochstatter, Honeyford, Roach, Sheahan, Sheldon, T. and West - 9.

Excused: Senators McDonald and Swecker - 2.

ENGROSSED HOUSE BILL NO. 1012, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 6:06 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Tuesday, April 10, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-SECOND DAY, APRIL 9, 2001

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

NINETY-THIRD DAY

----- MORNING SESSION -----

Senate Chamber, Cherberg Building, Olympia, Tuesday, April 10, 2001

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Costa, Fairley, Finkbeiner, Hale, Parlette, Patterson and Rasmussen. On motion of Senator Eide, Senators Brown and Fairley were excused. On motion of Senator Honeyford, Senators Finkbeiner, Hale and Parlette were excused.

The Sergeant at Arms Color Guard, consisting of Pages Shannon McKinley and Anthony Castano, presented the Colors. Reverend Ed Quillin, pastor of the Timberline Baptist Church of Lacey, and a guest of Senator Swecker, offered the prayer.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS MOTION

On motion of Senator Shin, Gubernatorial Appointment No. 9022, Arun G. Jhaveri, as a member of the Board of Trustees for Highline Community College District No. 9, was confirmed.

APPOINTMENT OF ARUN G. JHAVERI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.

Voting yea: Senators Benton, Carlson, Constantine, Deccio, Eide, Franklin, Fraser, Gardner, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Prentice, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Absent: Senators Costa, Patterson and Rasmussen - 3.

Excused: Senators Brown, Fairley, Finkbeiner, Hale and Parlette - 5.

MOTION

On motion of Senator Eide, Senator Costa was excused.

MOTION

On motion of Senator Gardner, Gubernatorial Appointment No. 9017, Elizabeth Hancock, as a member of the Board of Trustees for Skagit Valley Community College District No. 4, was confirmed.

APPOINTMENT OF ELIZABETH HANCOCK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Carlson, Constantine, Deccio, Eide, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Absent: Senator Hargrove - 1.

Excused: Senators Brown, Costa, Fairley, Finkbeiner and Parlette - 5.

MOTION

On motion of Senator Betti Sheldon, Senator Hargrove was excused.

SECOND READING

HOUSE BILL NO. 1855, by Representatives Hunt, Conway, Clements, Ericksen, Pennington and Kenney

Allowing private clubs to serve liquor at special events.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1855 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1855.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1855 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Fairley, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Voting nay: Senators Eide, Long and Oke - 3.

Excused: Senators Brown, Finkbeiner, Hargrove and Parlette - 4.

HOUSE BILL NO. 1855, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1040, by Representatives Ballasiotes, O'Brien, Jarrett, Conway and Simpson

Authorizing crime victims' compensation benefits in hit-and-run vehicular assault cases.

The bill was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1040 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1040.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1040 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Absent: Senator Sheldon, T. - 1.

Excused: Senators Brown, Finkbeiner, Hargrove and Parlette - 4.

HOUSE BILL NO. 1040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1706, by Representatives Morris and Cairnes (by request of Department of Revenue)

Authorizing the department of revenue to issue direct pay permits.

The bill was read the second time.

MOTION

On motion of Senator Constantine, the rules were suspended, House Bill No. 1706 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1706.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1706 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Brown and Parlette - 2.

HOUSE BILL NO. 1706, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator McAuliffe was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, by House Committee on Health Care (originally sponsored by Representatives Pflug, Edmonds, Cody, Campbell, Boldt, Doumit, Pennington and Schual-Berke)

Mandating general anesthesia services.

The bill was read the second time.

MOTIONS

On motion of Senator Thibaudeau, the following Committee on Health and Long-Term Care striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 41.05 RCW to read as follows:

(1) Each employee benefit plan offered to public employees that provides coverage for hospital, medical, or ambulatory surgery center services must cover general anesthesia services and related facility charges in conjunction with any dental procedure performed in a hospital or ambulatory surgical center if such anesthesia services and related facility charges are medically necessary because the covered person:

(a) Is under the age of seven, or physically or developmentally disabled, with a dental condition that cannot be safely and effectively treated in a dental office; or

(b) Has a medical condition that the person's physician determines would place the person at undue risk if the dental procedure were performed in a dental office. The procedure must be approved by the person's physician.

(2) Each employee benefit plan offered to public employees that provides coverage for dental services must cover general anesthesia services in conjunction with any covered dental procedure performed in a dental office if the general anesthesia services are medically necessary because the covered person is under the age of seven or physically or developmentally disabled.

(3) This section does not prohibit an employee benefit plan from:

(a) Applying cost-sharing requirements, maximum annual benefit limitations, and prior authorization requirements to the services required under this section; or

(b) Covering only those services performed by a health care provider, or in a health care facility, that is part of its provider network; nor does it limit the authority in negotiating rates and contracts with specific providers.

(4) This section does not apply to medicare supplement policies, or supplemental contracts covering a specified disease or other limited benefits.

(5) For the purpose of this section, "general anesthesia services" means services to induce a state of unconsciousness accompanied by a loss of protective reflexes, including the ability to maintain an airway independently and respond purposefully to physical stimulation or verbal command.

(6) This section applies to employee benefit plans issued or renewed on or after January 1, 2002.

NEW SECTION. Sec. 2. A new section is added to chapter 48.43 RCW to read as follows:

(1) Each group health benefit plan that provides coverage for hospital, medical, or ambulatory surgery center services must cover general anesthesia services and related facility charges in conjunction with any dental procedure performed in a hospital or ambulatory surgical center if such anesthesia services and related facility charges are medically necessary because the covered person:

(a) Is under the age of seven, or physically or developmentally disabled, with a dental condition that cannot be safely and effectively treated in a dental office; or

(b) Has a medical condition that the person's physician determines would place the person at undue risk if the dental procedure were performed in a dental office. The procedure must be approved by the person's physician.

(2) Each group health benefit plan or group dental plan that provides coverage for dental services must cover medically necessary general anesthesia services in conjunction with any covered dental procedure performed in a dental office if the general anesthesia services are medically necessary because the covered person is under the age of seven or physically or developmentally disabled.

(3) This section does not prohibit a group health benefit plan or group dental plan from:

(a) Applying cost-sharing requirements, maximum annual benefit limitations, and prior authorization requirements to the services required under this section; or

(b) Covering only those services performed by a health care provider, or in a health care facility, that is part of its provider network; nor does it limit the health carrier in negotiating rates and contracts with specific providers.

(4) This section does not apply to medicare supplement policies, or supplemental contracts covering a specified disease or other limited benefits.

(5) For the purpose of this section, "general anesthesia services" means services to induce a state of unconsciousness accompanied by a loss of protective reflexes, including the ability to maintain an airway independently and respond purposefully to physical stimulation or verbal command.

(6) This section applies to group health benefit plans and group dental plans issued or renewed on or after January 1, 2002."

MOTIONS

On motion of senator Thibaudeau, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 41.05 RCW; and adding a new section to chapter 48.43 RCW."

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute House Bill No. 1364, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1364, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1364, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators McAuliffe and Parlette - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1162, by Representatives McMorris, Cody, Alexander, Schual-Berke, Mastin, Cox, Mulliken, Sump, G. Chandler, Lisk, B. Chandler, Hatfield, Schoesler, Grant, Armstrong, Kessler, Doumit, DeBolt, Delvin, Dickerson, Kenney, Bush, Conway, Edmonds, Pflug and Haigh

Providing medical assistance reimbursements for small, rural hospitals.

The bill was read the second time.

MOTIONS

On motion of Senator Thibaudeau, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that promoting a financially viable health care system in all parts of the state is a paramount interest. The health care financing administration has recognized the crucial role that hospitals play in providing care in rural areas by creating the critical access hospital program to allow small, rural hospitals that qualify to receive reasonable cost-based reimbursement for medicare services. The legislature further finds that creating a similar reimbursement system for the state's medical assistance programs in small, rural hospitals that qualify will help assure the long-term financial viability of the rural health system in those communities.

NEW SECTION. Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

Payments for recipients eligible for medical assistance programs under this chapter for services provided by hospitals, regardless of the beneficiary's managed care enrollment status, shall be made based on allowable costs incurred during the year, when services are provided by a rural hospital certified by the health care financing administration as a critical access hospital. Any additional payments made by the medical assistance administration for the healthy options program shall be no more than the additional amounts per service paid under this section for other medical assistance programs.

For purposes of this section, "medical assistance programs" means the programs defined in RCW 74.09.010 for which federal matching funds are available.

NEW SECTION. Sec. 3. A new section is added to chapter 74.09 RCW to read as follows:

The department shall implement the program created in section 2 of this act within sixty days of the effective date of this act regardless of the beneficiary's managed care status.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 3 of the title, after "hospital;" strike the remainder of the title and insert "adding new sections to chapter 74.09 RCW; and creating new sections."

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 1162, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House bill No. 1162, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1162, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McAuliffe - 1.

HOUSE BILL NO. 1162, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1781, by House Committee on Appropriations (originally sponsored by Representatives H. Sommers, Sehlin, Clements, Conway and Kenney) (by request of Liquor Control Board)

Making payment of agency commissions for agency liquor vendor stores.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 1781 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1781.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1781 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McAuliffe - 1.

SUBSTITUTE HOUSE BILL NO. 1781, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1004, by House Committee on Appropriations (originally sponsored by Representatives Morris and Doumit)

Adjusting disability payments.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 1004 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1004.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1004 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1004, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1851, by Representative McMorris

Modifying the definition of small employer to include school districts.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 1851 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1851.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1851 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1851, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

SENATE RESOLUTION 2001-8667

By Senators McAuliffe, Spanel, Sheldon, B., Rasmussen and Kohl-Welles

***WHEREAS, it is the One Hundred and Twentieth Anniversary of the Holy Names Academy; and
WHEREAS, Holy Names Academy, a private Catholic college-preparatory school for young women, is the oldest continually operating school in Washington State; and
WHEREAS, Established in 1880 by the Congregation of the Sisters of the Holy Names of Jesus and Mary, Holy Names Academy has graduated over 10,000 students; and
WHEREAS, The Academy strives to provide the best for people of diverse backgrounds and to create a strong female voice in our society by preparing young women for lives of leadership, community service, and good citizenship; and
WHEREAS, A rich heritage of academic excellence and values is transmitted to students through a caring staff with a commitment to academic excellence; and
WHEREAS, The school's programs include student activities which foster individual growth and respect for others; and***

WHEREAS, Holy Names prepares its students well with students taking AP exams earning scores that far exceed the national average; and

WHEREAS, Students in the graduating class of 2001 have been named high scorers in the National Merit and National Achievement or National Hispanic Recognition programs; and

WHEREAS, The graduates of the Academy demonstrate courageous and imaginative leadership in religious, professional and social spheres;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Holy Names Academy for its one hundred and twenty years of continuous education for young women in Washington State; and,

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Holy Names Academy.

Senators McAuliffe, Deccio and Kohl-Welles spoke to Senate Resolution 2001-8667.

MOTION

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

SENATE RESOLUTION 2001-8627

By Senators Benton, Fraser, West, Stevens, Prentice, Thibaudeau, Morton, Patterson, Rasmussen and Kohl-Welles

WHEREAS, The 2001 Prudential Spirit of Community Award, presented by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Cameron Byrd, 16, from Camas, Washington, and a sophomore at Portland Christian High, has helped raise more than \$300,000 for breast cancer prevention and youth causes by recording CD's and playing concerts with his rock band; and

WHEREAS, Tim Wilken, 16, a 4-H member and a student at Sprague High School, founded a program that provides computers and computer lessons to senior citizens and low-income families in his rural community; and

WHEREAS, Michaela Raikes, 13, an eighth-grader at Villa Academy, started a program that provides birthday parties for children staying at an emergency shelter with their mothers; and

WHEREAS, Jennifer Gibson, 17, of Granite Falls, a senior at Granite Falls High School, helped start a Teen Court in her school to help troubled youth avoid suspension and learn from their mistakes; and

WHEREAS, Heath Hilton, 15, of Monroe, a student at Monroe High School, organized a group of young people and senior citizens to plant an intergenerational community garden and donate the harvest to a local food bank; and

WHEREAS, Corey McCrea, 18, of Snohomish, a senior at Snohomish High School, initiated the development of a skate park in his community, and raised \$110,000 and secured land for the park, to be built in April of this year; and

WHEREAS, Sonja Ray, 17, of Seattle, a senior at Tyee High School in SeaTac, co-chaired a campaign to collect clothes and money for homeless youth in the Seattle area; and

WHEREAS, Erin Richardson, 17, of Spokane, a senior at Joel E. Ferris High School, helped win a \$25,000 grant to conduct a public awareness campaign about the environmental and health hazards of field burning; and

WHEREAS, Alden Tucker, 17, of Lacey, a junior at North Thurston High School, lobbied the State Legislature to pass a bill enabling teenagers to serve as bone marrow donors (the bill was signed into law in March, 2000) and helped collect money and registrations for marrow donations; and

WHEREAS, the success of the state of Washington, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Cameron Byrd, Tim Wilken, Michaela Raikes, Jennifer Gibson, Heath Hilton, Corey McCrea, Sonja Ray, Erin Richardson and Alden Tucker, who use their considerable talents and resources to serve others;

NOW, THEREFORE, BE IT RESOLVED, That the Senate congratulate and honor Cameron Byrd, Tim Wilken, Michaela Raikes, Jennifer Gibson, Heath Hilton, Corey McCrea, Sonja Ray, Erin Richardson and Alden Tucker as recipients of Prudential Spirit of Community Awards, recognize their outstanding records of volunteer service, peer leadership, and community spirit, and extend best wishes for their continued success and happiness; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Cameron Byrd, Tim Wilken, Michaela Raikes, Jennifer Gibson, Heath Hilton, Corey McCrea, Sonja Ray, Erin Richardson and Alden Tucker.

Senators Benton, Fraser, Patterson, Stevens, Thibaudeau and Morton spoke to Senate Resolution 2001-8667.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Prudential Spirit of Community Award Winners, who were seated in the back of the Chamber.

MOTION

At 10:25 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:35 a.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the first order of business.

REPORT OF STANDING COMMITTEE

HB 1633 Prime Sponsor, Representative Campbell: Making technical corrections to provisions concerning the individual health insurance market. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Honeyford, Senator Hale was excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Brown, Gubernatorial Appointment No. 9030, Carol Landa-McVicker, as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges District No. 17, was confirmed.

APPOINTMENT OF CAROL LANDA-McVICKER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 10; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hewitt, Hochstatter, Honeyford, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 38.
Absent: Senators Deccio, Hargrove, Haugen, Horn, Kline, McDonald, Parlette, Patterson, West and Winsley - 10.
Excused: Senator Hale - 1.

MOTION

On motion of Senator Costa, gubernatorial appointment No. 9059, Gene L. Chase, as a member of the Board of Trustees for Everett Community College District No. 5, was confirmed.

APPOINTMENT OF GENE L. CHASE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.
Absent: Senators Haugen, Kline and Patterson - 3.
Excused: Senator Hale - 1.

MOTION

On motion of Senator Eide, Senator Kline was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1202, by House Committee on Finance (originally sponsored by Representatives Cairnes and Morris) (by request of Department of Revenue)

Improving property tax administration.

The bill was read the second time.

MOTION

On motion of Senator Brown, the following striking amendment by Senators Brown, Fraser and Rossi was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 84.14.110 and 1995 c 375 s 14 are each amended to read as follows:

(1) If improvements have been exempted under this chapter, the improvements continue to be exempted and not be converted to another use for at least ten years from date of issuance of the certificate of tax exemption. If the owner intends to convert the multifamily development to another use, the owner shall notify the assessor within sixty days of the change in use. If, after a certificate of tax exemption has been filed with the county assessor the city or assessor or agent discovers that a portion of the property is changed or will be changed to a use that is other than residential or that housing or amenities no longer meet the requirements as previously approved or agreed upon by contract between the governing authority and the owner and that the multifamily housing, or a portion of the housing, no longer qualifies for the exemption, the tax exemption must be canceled and the following must occur:

(a) Additional real property tax must be imposed upon the value of the nonqualifying improvements in the amount that would normally be imposed, plus a penalty must be imposed amounting to twenty percent. This additional tax is calculated based upon the difference between the property tax paid and the property tax that would have been paid if it had included the value of the nonqualifying improvements dated back to the date that the improvements were converted to a nonmultifamily use;

(b) The tax must include interest upon the amounts of the additional tax at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the improvements had been assessed at a value without regard to this chapter; and

(c) The additional tax owed together with interest and penalty must become a lien on the land and attach at the time the property or portion of the property is removed from multifamily use or the amenities no longer meet applicable requirements, and has priority to and must be fully paid and satisfied before a recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes. An additional tax unpaid on its due date is delinquent. From the date of delinquency until paid, interest must be charged at the same rate applied by law to delinquent ad valorem property taxes.

(2) Upon a determination that a tax exemption is to be canceled for a reason stated in this section, the governing authority shall notify the record owner of the property as shown by the tax rolls by mail, return receipt requested, of the determination to cancel the exemption. The owner may appeal the determination to the governing authority within thirty days by filing a notice of appeal with the clerk of the governing authority, which notice must specify the factual and legal basis on which the determination of cancellation is alleged to be erroneous. The governing authority or a hearing examiner or other official authorized by the governing authority may hear the appeal. At the hearing, all affected parties may be heard and all competent evidence received. After the hearing, the deciding body or officer shall either affirm, modify, or repeal the decision of cancellation of exemption based on the evidence received. An aggrieved party may appeal the decision of the deciding body or officer to the superior court under RCW 34.05.510 through 34.05.598.

(3) Upon determination by the governing authority or authorized representative to terminate an exemption, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under RCW 84.40.080. The county assessor shall make such a valuation of the property and improvements as is necessary to permit the correction of the rolls. The owner may appeal the valuation to the county board of equalization under chapter 84.48 RCW and according to the provisions of RCW 84.40.038. If there has been a failure to comply with this chapter, the property must be listed as an omitted assessment for assessment years beginning January 1 of the calendar year in which the noncompliance first occurred, but the listing as an omitted assessment may not be for a period more than three calendar years preceding the year in which the failure to comply was discovered.

Sec. 2. RCW 84.26.130 and 1989 c 175 s 178 are each amended to read as follows:

Any decision by a local review board on an application for classification as historic property eligible for special valuation may be appealed to superior court under RCW 34.05.510 through 34.05.598 in addition to any other remedy at law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization in accordance with RCW 84.40.038.

Sec. 3. RCW 84.33.120 and 1999 sp.s. c 4 s 702 are each amended to read as follows:

(1) In preparing the assessment rolls as of January 1, 1982, for taxes payable in 1983 and each January 1st thereafter, the assessor shall list each parcel of forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (2) of this section and shall compute the assessed value of the land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. Values for the several grades of bare forest land shall be as follows.

LAND GRADE	OPERABILITY VALUES	CLASS PER ACRE	
			1 \$141
1	2 136		3 131 4 95
			1 118
2	2 114		3 110 4 80
			1 93
3	2 90		3 87 4 66
			1 70
4	2 68		3 66 4 52
			1 51
5	2 48		3 46 4 31
			1 26
6	2 25		3 25 4 23
			1 12
7	2 12		3 11 4 11

(2) On or before December 31, 1981, the department shall adjust, by rule under chapter 34.05 RCW, the forest land values contained in subsection (1) of this section in accordance with this subsection, and shall certify these adjusted values to the county assessor for his or her use in preparing the assessment rolls as of January 1, 1982. For the adjustment to be made on or before December 31, 1981, for use in the 1982 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1976, and June 30, 1981, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1975, and June 30, 1980, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(c) Adjust the forest land values contained in subsection (1) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

For the adjustments to be made on or before December 31, 1982, and each succeeding year thereafter, the same procedure shall be followed as described in this subsection utilizing harvester excise tax returns filed under RCW 82.04.291 and this chapter except that this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(3) In preparing the assessment roll for 1972 and each year thereafter, the assessor shall enter as the true and fair value of each parcel of forest land the appropriate grade value certified to him or her by the department of revenue, and he or she shall compute the assessed value of such land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. In preparing the assessment roll for 1975 and each year thereafter, the assessor shall assess and value as classified forest land all forest land that is not then designated pursuant to RCW 84.33.120(4) or 84.33.130 and shall make a notation of such classification upon the assessment and tax rolls. On or before January 15 of the first year in which such notation is made, the assessor shall mail notice by certified mail to the owner that such land has been classified as forest land and is subject to the compensating tax imposed by this section. If the owner desires not to have such land assessed and valued as classified forest land, he or she shall give the assessor written notice thereof on or before March 31 of such year and the assessor shall remove from the assessment and tax rolls the classification notation entered pursuant to this subsection, and shall thereafter assess and value such land in the manner provided by law other than this chapter 84.33 RCW.

(4) In any year commencing with 1972, an owner of land which is assessed and valued by the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and shall act upon the application in the manner prescribed in subsection (3) of RCW 84.33.130.

(5) Land that has been assessed and valued as classified forest land as of any year commencing with 1975 assessment year or earlier shall continue to be so assessed and valued until removal of classification by the assessor only upon the occurrence of one of the following events:

(a) Receipt of notice from the owner to remove such land from classification as forest land;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that, because of actions taken by the owner, such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from classification if a governmental agency, organization, or other recipient identified in subsection (9) or (10) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in classified forest land by means of a transaction that qualifies for an exemption under subsection (9) or (10) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the classified land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(d) Determination that a higher and better use exists for such land than growing and harvesting timber after giving the owner written notice and an opportunity to be heard;

(e) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (7) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (7) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals.

The assessor shall remove classification pursuant to (c) or (d) of this subsection prior to September 30 of the year prior to the assessment year for which termination of classification is to be effective. Removal of classification as forest land upon occurrence of (a), (b), (d), or (e) of this subsection shall apply only to the land affected, and upon occurrence of (c) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber: PROVIDED, That any remaining classified forest land meets necessary definitions of forest land pursuant to RCW 84.33.100.

(6) Within thirty days after such removal of classification as forest land, the assessor shall notify the owner in writing setting forth the reasons for such removal. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (4) of this section or RCW 84.33.130. The seller, transferor, or owner may appeal such removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(7) Unless the owner successfully applies for designation of such land or unless the removal is reversed on appeal, notation of removal from classification shall immediately be made upon the assessment and tax rolls, and commencing on January 1 of the year following the year in which the assessor made such notation, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (5)(e), (9), or (10) of this section and unless the assessor shall not have mailed notice of classification pursuant to subsection (3) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to the difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by a number, in no event greater than ten, equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as forest land.

(8) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from classification as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(9) The compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

- (a) Transfer to a government entity in exchange for other forest land located within the state of Washington;
- (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;
- (c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (7) of this section shall be imposed upon the current owner;
- (d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;
- (e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land;
- (f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or
- (g) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(10) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

- (a) An action described in subsection (9) of this section; or
- (b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

(11) With respect to any land that has been designated prior to May 6, 1974, pursuant to RCW 84.33.120(4) or 84.33.130, the assessor may, prior to January 1, 1975, on his or her own motion or pursuant to petition by the owner, change, without imposition of the compensating tax provided under RCW 84.33.140, the status of such designated land to classified forest land.

Sec. 4. RCW 84.33.130 and 1994 c 301 s 32 are each amended to read as follows:

(1) An owner of land desiring that it be designated as forest land and valued pursuant to RCW 84.33.120 as of January 1 of any year shall make application to the county assessor before such January 1.

(2) The application shall be made upon forms prepared by the department of revenue and supplied by the county assessor, and shall include the following:

- (a) A legal description of or assessor's tax lot numbers for all land the applicant desires to be designated as forest land;
- (b) The date or dates of acquisition of such land;
- (c) A brief description of the timber on such land, or if the timber has been harvested, the owner's plan for restocking;
- (d) Whether there is a forest management plan for such land;
- (e) If so, the nature and extent of implementation of such plan;
- (f) Whether such land is used for grazing;
- (g) Whether such land has been subdivided or a plat filed with respect thereto;
- (h) Whether such land and the applicant are in compliance with the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;
- (i) Whether such land is subject to forest fire protection assessments pursuant to RCW 76.04.610;
- (j) Whether such land is subject to a lease, option or other right which permits it to be used for any purpose other than growing and harvesting timber;

(k) A summary of the past experience and activity of the applicant in growing and harvesting timber;
(l) A summary of current and continuing activity of the applicant in growing and harvesting timber;
(m) A statement that the applicant is aware of the potential tax liability involved when such land ceases to be designated as forest land;

(n) An affirmation that the statements contained in the application are true and that the land described in the application is, by itself or with other forest land not included in the application, in contiguous ownership of twenty or more acres which is primarily devoted to and used for growing and harvesting timber.

The assessor shall afford the applicant an opportunity to be heard if the application so requests.

(3) The assessor shall act upon the application with due regard to all relevant evidence and without any one or more items of evidence necessarily being determinative, except that the application may be denied for one of the following reasons, without regard to other items:

(a) The land does not contain either a "merchantable stand of timber" or an "adequate stocking" as defined by rule adopted by the forest practices board, except this reason (a) shall not alone be sufficient for denial of the application (i) if such land has been recently harvested or supports a growth of brush or noncommercial type timber, and the application includes a plan for restocking within three years or such longer period necessitated by unavailability of seed or seedlings, or (ii) if only isolated areas within such land do not meet such minimum standards due to rock outcroppings, swamps, unproductive soil or other natural conditions;

(b) The applicant, with respect to such land, has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;

(c) The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling such ordinary high tide line and two hundred feet horizontally landward therefrom, except that if the higher and better use determined by the assessor to exist for such land would not be permitted or economically feasible by virtue of any federal, state or local law or regulation such land shall be assessed and valued pursuant to the procedures set forth in RCW 84.33.110 and 84.33.120 without being designated. The application shall be deemed to have been approved unless, prior to May 1, of the year after such application was mailed or delivered to the assessor, the assessor shall notify the applicant in writing of the extent to which the application is denied.

(4) An owner who receives notice pursuant to subsection (3) of this section that his or her application has been denied may appeal such denial to the county board of equalization in accordance with the provisions of RCW 84.40.038.

Sec. 5. RCW 84.33.140 and 1999 sp.s. c 4 s 703 are each amended to read as follows:

(1) When land has been designated as forest land pursuant to RCW 84.33.120(4) or 84.33.130, a notation of such designation shall be made each year upon the assessment and tax rolls, a copy of the notice of approval together with the legal description or assessor's tax lot numbers for such land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and such land shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120 until removal of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove such designation;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) Such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (5) or (6) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in designated forest land by means of a transaction that qualifies for an exemption under subsection (5) or (6) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land. Removal of designation upon occurrence of any of (a) through (c) of this subsection shall apply only to the land affected, and upon occurrence of (d) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber, without regard to other land that may have been included in the same application and approval for designation: PROVIDED, That any remaining designated forest land meets necessary definitions of forest land pursuant to RCW 84.33.100.

(2) Within thirty days after such removal of designation of forest land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(3) Unless the removal is reversed on appeal a copy of the notice of removal with notation of the action, if any, upon appeal, together with the legal description or assessor's tax lot numbers for the land removed from designation shall, at the

expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and commencing on January 1 of the year following the year in which the assessor mailed such notice, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (1)(c), (5), or (6) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to the difference between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by a number, in no event greater than ten, equal to the number of years for which such land was designated as forest land.

(4) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The compensating tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (3) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land;

(f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(g) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(6) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (3) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (1) of this section resulted solely from:

(a) An action described in subsection (5) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

Sec. 6. RCW 84.34.035 and 1992 c 69 s 5 are each amended to read as follows:

The assessor shall act upon the application for current use classification of farm and agricultural lands under RCW 84.34.020(2), with due regard to all relevant evidence. The application shall be deemed to have been approved unless, prior to the first day of May of the year after such application was mailed or delivered to the assessor, the assessor shall notify the applicant in writing of the extent to which the application is denied. An owner who receives notice that his or her application has been denied may appeal such denial to the board of equalization in the county where the property is located. The appeal shall be filed in accordance with RCW 84.40.038(, within thirty days after the mailing of the notice of denial). Within ten days following approval of the application, the assessor shall submit notification of such approval to the county auditor for recording in the place and manner provided for the public recording of state tax liens on real property. The assessor shall retain a copy of all applications.

The assessor shall, as to any such land, make a notation each year on the assessment list and the tax roll of the assessed value of such land for the use for which it is classified in addition to the assessed value of such land were it not so classified.

Sec. 7. RCW 84.34.108 and 1999 sp.s. c 4 s 706 and 1999 c 233 s 22 are each reenacted and amended to read as follows:

(1) When land has once been classified under this chapter, a notation of such classification shall be made each year upon the assessment and tax rolls and such land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of such classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of such classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not, by itself, result in removal of classification. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (4) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified land for filing or recording unless the new owner has signed the

notice of continuance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (4) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of such land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in making a determination whether such land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request.

(2) Land may not be removed from classification because of:

(a) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(b) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(3) Within thirty days after such removal of all or a portion of such land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(4) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to full market value on the date of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (6) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of such an additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest shall be equal to the interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(5) Additional tax, applicable interest, and penalty, shall become a lien on such land which shall attach at the time such land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(6) The additional tax, applicable interest, and penalty specified in subsection (4) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land;

(e) Transfer of land to a church when such land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections: PROVIDED, That at such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (4) of this section shall be imposed;

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d);

(h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

Sec. 8. RCW 84.36.385 and 1992 c 206 s 13 are each amended to read as follows:

(1) A claim for exemption under RCW 84.36.381 as now or hereafter amended, shall be made and filed at any time during the year for exemption from taxes payable the following year and thereafter and solely upon forms as prescribed and furnished by the department of revenue. However, an exemption from tax under RCW 84.36.381 shall continue for no more than four years unless a renewal application is filed as provided in subsection (3) of this section. The county assessor may also require, by written notice, a renewal application following an amendment of the income requirements set forth in RCW 84.36.381. Renewal applications shall be on forms prescribed and furnished by the department of revenue.

(2) A person granted an exemption under RCW 84.36.381 shall inform the county assessor of any change in status affecting the person's entitlement to the exemption on forms prescribed and furnished by the department of revenue.

(3) Each person exempt from taxes under RCW 84.36.381 in 1993 and thereafter, shall file with the county assessor a renewal application not later than December 31 of the year the assessor notifies such person of the requirement to file the renewal application.

(4) Beginning in 1992 and in each of the three succeeding years, the county assessor shall notify approximately one-fourth of those persons exempt from taxes under RCW 84.36.381 in the current year who have not filed a renewal application within the previous four years, of the requirement to file a renewal application.

(5) If the assessor finds that the applicant does not meet the qualifications as set forth in RCW 84.36.381, as now or hereafter amended, the claim or exemption shall be denied but such denial shall be subject to appeal under the provisions of RCW 84.48.010(5) and in accordance with the provisions of RCW 84.40.038. If the applicant had received exemption in prior years based on erroneous information, the taxes shall be collected subject to penalties as provided in RCW 84.40.130 for a period of not to exceed three years.

(6) The department and each local assessor is hereby directed to publicize the qualifications and manner of making claims under RCW 84.36.381 through 84.36.389, through communications media, including such paid advertisements or notices as it deems appropriate. Notice of the qualifications, method of making applications, the penalties for not reporting a change in status, and availability of further information shall be included on or with property tax statements and revaluation notices for all residential property including mobile homes, except rental properties.

Sec. 9. RCW 84.36.812 and 1984 c 220 s 9 are each amended to read as follows:

All additional taxes imposed under RCW 84.36.262 or 84.36.810 shall become due and payable by the seller or transferor at the time of sale. The county auditor shall not accept an instrument of conveyance unless the additional tax has been paid or the department of revenue has determined that the property is not subject to RCW 84.36.262 or 84.36.810. The seller, the transferor, or the new owner may appeal the assessed values upon which the additional tax is based to the county board of equalization in accordance with the provisions of RCW 84.40.038.

Sec. 10. RCW 84.38.040 and 1994 c 301 s 34 are each amended to read as follows:

(1) Each claimant electing to defer payment of special assessments and/or real property tax obligations under this chapter shall file with the county assessor, on forms prescribed by the department and supplied by the assessor, a written declaration thereof. The declaration to defer special assessments and/or real property taxes for any year shall be filed no later than thirty days before the tax or assessment is due or thirty days after receiving notice under RCW 84.64.050, whichever is later: PROVIDED, That for good cause shown, the department may waive this requirement.

(2) The declaration shall designate the property to which the deferral applies, and shall include a statement setting forth (a) a list of all members of the claimant's household, (b) the claimant's equity value in his residence, (c) facts establishing the eligibility for the deferral under the provisions of this chapter, and (d) any other relevant information required by the rules of the department. Each copy shall be signed by the claimant subject to the penalties as provided in chapter 9A.72 RCW for false swearing. The first declaration to defer filed in a county shall include proof of the claimant's age acceptable to the assessor.

(3) The county assessor shall determine if each claimant shall be granted a deferral for each year but the claimant shall have the right to appeal this determination to the county board of equalization, in accordance with the provisions of RCW 84.40.038, whose decision shall be final as to the deferral of that year.

Sec. 11. RCW 84.40.038 and 1997 c 294 s 1 are each amended to read as follows:

(1) The owner or person responsible for payment of taxes on any property may petition the county board of equalization for a change in the assessed valuation placed upon such property by the county assessor or for any other reason specifically authorized by statute. Such petition must be made on forms prescribed or approved by the department of revenue and any petition not conforming to those requirements or not properly completed shall not be considered by the board. The petition must be filed with the board on or before July 1st of the year of the assessment or determination, within thirty days after the date an assessment ~~((or))~~, value change notice, or other notice has been mailed, or within a time limit of up to sixty days adopted by the county legislative authority, whichever is later. If a county legislative authority sets a time limit, the authority may not change the limit for three years from the adoption of the limit.

(2) The board of equalization may waive the filing deadline if the petition is filed within a reasonable time after the filing deadline and the petitioner shows good cause for the late filing. The decision of the board of equalization regarding a waiver of the filing deadline is final and not appealable under RCW 84.08.130. Good cause may be shown by one or more of the following events or circumstances:

(a) Death or serious illness of the taxpayer or his or her immediate family;

(b) The taxpayer was absent from the address where the taxpayer normally receives the assessment or value change notice, was absent for more than fifteen days of the days allowed in subsection (1) of this section before the filing deadline, and the filing deadline is after July 1;

(c) Incorrect written advice regarding filing requirements received from board of equalization staff, county assessor's staff, or staff of the property tax advisor designated under RCW 84.48.140;

(d) Natural disaster such as flood or earthquake;

(e) Delay or loss related to the delivery of the petition by the postal service, and documented by the postal service; or

(f) Other circumstances as the department may provide by rule.

(3) The owner or person responsible for payment of taxes on any property may request that the appeal be heard by the state board of tax appeals without a hearing by the county board of equalization when the assessor, the owner or person responsible for payment of taxes on the property, and a majority of the county board of equalization agree that a direct appeal to the state board of tax appeals is appropriate. The state board of tax appeals may reject the appeal, in which case the county board of equalization shall consider the appeal under RCW 84.48.010. Notice of such a rejection, together with the reason therefor, shall be provided to the affected parties and the county board of equalization within thirty days of receipt of the direct appeal by the state board.

Sec. 12. RCW 84.48.080 and 1997 c 3 s 112 are each amended to read as follows:

(1) Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its

due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the ((assessed)) valuation of the property in each county bears to the ((correct)) total ((assessed)) valuation of all property in the state.

~~((First:))~~ (a) The department shall classify all property, real and personal, and shall raise and lower the ((assessed)) valuation of any class of property in any county to a value that shall be equal, so far as possible, to the ((correct-assessed)) true and fair value of such class as of January 1st of the current year~~((after determining the correct appraised value, and any adjustment applicable under RCW 84.40.0305 for the property,))~~ for the purpose of ascertaining the just amount of tax due from each county for state purposes. ~~((In equalizing personal property as of January 1st of the current year, the department shall use the assessment level of the preceding year.))~~ In equalizing personal property as of January 1st of the current year, the department shall use valuation data with respect to personal property from the three years immediately preceding the current assessment year in a manner it deems appropriate. Such classification may be on the basis of types of property, geographical areas, or both. For purposes of this section, for each county that has not provided the department with an assessment return by December 1st, the department shall proceed, using facts and information and in a manner it deems appropriate, to estimate the value of each class of property in the county.

~~((Second:))~~ (b) The department shall keep a full record of its proceedings and the same shall be published annually by the department.

(2) The department shall levy the state taxes authorized by law. The amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state ~~((as equalized under this section)),~~ which assessed value shall be one hundred percent of the true and fair value of the property in money. The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the ((assessed)) valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October 1 of the preceding year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, any assessment return provided by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

In addition to computing a levy under this subsection that is reduced under RCW 84.55.012, the department shall compute a hypothetical levy without regard to the reduction under RCW 84.55.012. This hypothetical levy shall also be apportioned among the several counties in proportion to the valuation of the taxable property of the county for the year, as equalized by the department, in the same manner as the actual levy and shall be used by the county assessors for the purpose of recomputing and establishing a consolidated levy under RCW 84.52.010.

(3) The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

(4) After the completion of the duties prescribed in this section, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

Sec. 13. RCW 84.40.190 and 1993 c 33 s 4 are each amended to read as follows:

Every person required by this title to list property shall make out and deliver to the assessor, or to the department as required by RCW 84.40.065, either in person ~~((or))~~, by mail, or by electronic transmittal, a statement, verified under penalty of perjury, of all the personal property in his or her possession or under his or her control, and which, by the provisions of this title, he or she is required to list for taxation, either as owner or holder thereof. Each list, schedule or statement required by this chapter shall be signed by the individual if the person required to make the same is an individual; by the president, vice-president, treasurer, assistant treasurer, chief accounting officer or any other officer duly authorized to so act if the person required to make the same is a corporation; by a responsible and duly authorized member or officer having knowledge of its affairs, if the person required to make the same is a partnership or other unincorporated organization; or by the fiduciary, if the person required to make the same is a trust or estate. The list, schedule, or statement may be made and signed for the person required to make the same by an agent who is duly authorized to do so by a power of attorney filed with and approved by the assessor. When any list, schedule, or statement is made and signed by such agent, the principal required to make out and deliver the same shall be responsible for the contents and the filing thereof and shall be liable for the penalties imposed pursuant to RCW 84.40.130. No person shall be required to list for taxation in his statement to the assessor any share or portion of the capital stock, or of any of the property of any company, association or corporation, which such person may hold in whole or in part, where such company, being required so to do, has listed for assessment and taxation its capital stock and property with the department of revenue, or as otherwise required by law.

NEW SECTION. Sec. 14. A new section is added to chapter 84.52 RCW to read as follows:

(1) If an error has occurred in the levy of property taxes that has caused all taxpayers within a taxing district, other than the state, to pay an incorrect amount of property tax, the assessor shall correct the error by making an appropriate adjustment to the levy for that taxing district in the succeeding year. The adjustment shall be made without including any interest. If the governing authority of the taxing district determines that the amount of the adjustment in the succeeding year is so large as to cause a hardship for the taxing district or the taxpayers within the district, the adjustment may be made on a proportional basis over a period of not more than three consecutive years.

(a) A correction of an error in the levying of property taxes shall not be made for any period more than three years preceding the year in which the error is discovered.

(b) When calculating the levy limitation under chapter 84.55 RCW for levies made following the discovery of an error, the assessor shall determine and use the correct levy amount for the year or years being corrected as though the error had not occurred. The amount of the adjustment determined under this subsection (1) shall not be considered when calculating the levy limitation.

(c) If the taxing district in which a levy error has occurred does not levy property taxes in the year the error is discovered, or for a period of more than three years subsequent to the year the error was discovered, an adjustment shall not be made.

(2) If an error has occurred in the distribution of property taxes so that property tax collected has been incorrectly distributed to a taxing district or taxing districts wholly or partially within a county, the treasurer of the county in which the error occurred shall correct the error by making an appropriate adjustment to the amount distributed to that taxing district or districts in the succeeding year. The adjustment shall be made without including any interest. If the treasurer, in consultation with the governing authority of the taxing district or districts affected, determines that the amount of the adjustment in the succeeding year is so large as to cause a hardship for the taxing district or districts, the adjustment may be made on a proportional basis over a period of not more than three consecutive years. A correction of an error in the distribution of property taxes shall not be made for any period more than three years preceding the year in which the error is discovered.

Sec. 15. RCW 84.48.080 and 1997 c 3 s 112 are each amended to read as follows:

(1) Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the assessed valuation of the property in each county bears to the correct total assessed valuation of all property in the state.

~~((First.))~~ (a) The department shall classify all property, real and personal, and shall raise and lower the assessed valuation of any class of property in any county to a value that shall be equal, so far as possible, to the correct assessed value of such class as of January 1st of the current year, after determining the correct appraised value, and any adjustment applicable under RCW 84.40.0305 for the property, for the purpose of ascertaining the just amount of tax due from each county for state purposes. In equalizing personal property as of January 1st of the current year, the department shall use ~~((the assessment level of the preceding year))~~ valuation data with respect to personal property from the three years immediately preceding the current assessment year in a manner it deems appropriate. Such classification may be on the basis of types of property, geographical areas, or both. For purposes of this section, for each county that has not provided the department with an assessment return by December 1st, the department shall proceed, using facts and information and in a manner it deems appropriate, to estimate the value of each class of property in the county.

~~((Second.))~~ (b) The department shall keep a full record of its proceedings and the same shall be published annually by the department.

(2) The department shall levy the state taxes authorized by law. The amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state as equalized under this section. The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the assessed valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October 1 of the preceding year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, any assessment return provided by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

In addition to computing a levy under this subsection that is reduced under RCW 84.55.012, the department shall compute a hypothetical levy without regard to the reduction under RCW 84.55.012. This hypothetical levy shall also be apportioned among the several counties in proportion to the valuation of the taxable property of the county for the year, as equalized by the department, in the same manner as the actual levy and shall be used by the county assessors for the purpose of recomputing and establishing a consolidated levy under RCW 84.52.010.

(3) The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

(4) After the completion of the duties prescribed in this section, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

NEW SECTION. Sec. 16. Section 15 of this act takes effect for taxes levied in 2001 for collection in 2002 and thereafter if the proposed amendment to Article VII, section 1 of the state Constitution providing for valuation increases to be phased-in over a period of four years is validly submitted to and is approved and ratified by voters at the next general election. If the proposed amendment is not approved and ratified, section 15 of this act is null and void. If such proposed amendment is approved and ratified, section 12 of this act is null and void.

NEW SECTION. Sec. 17. Section 14 of this act takes effect January 1, 2002, and applies to errors that occur on and after January 1, 2002.

NEW SECTION. Sec. 18. Sections 1 through 12 of this act apply for taxes levied in 2001 for collection in 2002 and thereafter."

MOTIONS

On motion of Senator Brown, the following title amendment was adopted:

On page 1, line 6 of the title, after "errors;" strike the remainder of the title and insert "amending RCW 84.14.110, 84.26.130, 84.33.120, 84.33.130, 84.33.140, 84.34.035, 84.36.385, 84.36.812, 84.38.040, 84.40.038, 84.48.080, 84.40.190, and 84.48.080; reenacting and amending RCW 84.34.108; adding a new section to chapter 84.52 RCW; creating a new section; providing an effective date; and providing a contingent effective date."

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 1202, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1202, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1202, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Hale and Kline - 2.

SUBSTITUTE HOUSE BILL NO. 1202, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Constantine, Senator Thibaudeau was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1650, by House Committee on Health Care (originally sponsored by Representatives Cody, Alexander, Tokuda, Mulliken, Doumit, Schual-Berke, Edwards and Kagi)

Requiring monitoring of the performance of the community mental health service delivery system.

The bill was read the second time.

MOTION

Senator Hargrove moved that the following Committee on Human Services and Corrections striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature affirms its support for those recommendations of the performance audit of the public mental health system conducted by the joint legislative audit and review committee relating to: Improving the coordination of services for clients with multiple needs; improving the consistency of client, service, and fiscal data collected by the mental health division; replacing process-oriented accountability activities with a uniform statewide outcome measurement system; and using outcome information to identify and provide incentives for best practices in the provision of public mental health services.

NEW SECTION. Sec. 2. The legislature supports recommendations 1 through 10 and 12 through 14 of the mental health system performance audit conducted by the joint legislative audit and review committee. The legislature expects the department of social and health services to work diligently within available funds to implement these recommendations.

NEW SECTION. Sec. 3. In addition to any follow-up requirements prescribed by the joint legislative audit and review committee, the department of social and health services shall submit reports to the legislature on the status of the implementation of recommendations 1 through 10 and 12 through 14 of the performance audit report. The implementation status reports must be submitted to appropriate policy and fiscal committees of the legislature by June 1, 2001, and each year thereafter through 2004.

NEW SECTION. Sec. 4. The initial implementation status reports must discuss the status of implementing recommendations 1 through 8, which are due to be implemented by June 2001, and must also include a plan for implementing recommendations 9, 10, and 12 through 14, which are due to be implemented subsequent to June 2001. The initial implementation status report must also discuss what actions the department of social and health services has taken and will take in the future in response to recommendation 11 of the performance audit report.

NEW SECTION. Sec. 5. The department of social and health services shall conduct a longitudinal study of long-term client outcomes to assess any changes in client status at two, five, and ten years. The measures tracked shall include client change as a result of services, employment and/or education, housing stability, criminal justice involvement, and level of services needed. The department shall report these long-term outcomes to the appropriate policy and fiscal committee of the legislature annually beginning not later than December 31, 2004.

Sec. 6. RCW 71.24.015 and 1999 c 214 s 7 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs which provide for:

(1) Access to mental health services for adults of the state who are acutely mentally ill, chronically mentally ill, or seriously disturbed and children of the state who are acutely mentally ill, severely emotionally disturbed, or seriously disturbed, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. Access to mental health services shall not be limited by a person's history of confinement in a state, federal, or local correctional facility. It is also the purpose of this chapter to promote the early identification of mentally ill children and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and should enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) Accountability of efficient and effective services through statewide standards for monitoring and reporting of client and system outcome information;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill;

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of the mentally ill, and other service providers; and

(6) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders. The legislature intends to encourage the development of county-based and county-managed mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties are encouraged to enter into joint operating agreements with other counties to form regional systems of care which integrate planning, administration, and service delivery duties assigned to counties under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

Sec. 7. RCW 71.24.035 and 1999 c 10 s 4 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary may provide for public, client, and licensed service provider participation in developing the state mental health program.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;

(b) Assure that any county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers;

(ii) Regional support networks; and

(iii) Residential and inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used by the counties;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers;

(g) Develop and maintain an information system to be used by the state, counties, and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically inspect certified regional support networks and licensed service providers at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter; and

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter.

(6) The secretary shall use available resources only for regional support networks.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as set forth in subsection (5)(b) of this section. These factors shall include the population concentrations resulting from commitments under chapters 71.05 and 71.34 RCW to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(c) The department may allocate up to two percent of total funds to be distributed to the regional support networks for incentive payments to reward the achievement of superior outcomes, or significantly improved outcomes, as measured by a statewide performance measurement system consistent with the framework recommended in the joint legislative audit and review committee's performance audit of the mental health system. The department shall annually report to the legislature on its criteria and allocation of the incentives provided under this subsection.

(14) The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Allocate one hundred percent of available resources to the regional support networks in accordance with subsection (13) of this section. Incentive payments authorized under subsection (13) of this section may be allocated separately from other available resources.

(d) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(e) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

(f) Identify in its departmental biennial operating and capital budget requests the funds requested by regional support networks to implement their responsibilities under this chapter.

(g) Establish a maximum percentage for the reasonable administrative costs, not including direct service support, of licensed service providers.

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the health care and corrections committee of the senate and the human services committee of the house of representatives.

(17) The secretary shall establish a task force to examine the recruitment, training, and compensation of qualified mental health professionals in the community, which shall include the advantages and disadvantages of establishing a training academy, loan forgiveness program, or educational stipends offered in exchange for commitments of employment in mental health.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

Senator Kastama moved that the following amendment to the Committee on Human Services and Corrections striking amendment be adopted:

On page 9, beginning on line 1 of the amendment, strike all of section 8 and insert the following:

"NEW SECTION. Sec. 8. The legislature finds that in order to comply with the community mental health services act, chapter 71.24 RCW, and the medicaid managed care mental health waiver, and to effectively assist persons with mental illness and consumers of mental health services in the assertion of their civil and human rights, and to improve the quality of services available and promote the rehabilitation, recovery, and reintegration of these persons, an independent mental health ombudsman program should be instituted.

NEW SECTION. Sec. 9. As used in this chapter, "mental health provider or facility" means any of the following:

(1) An agency, individual, or facility that is part of the community mental health service delivery system, as defined in RCW 71.24.025;

(2) A long-term care facility, as defined in RCW 43.190.020, in which adults or children with mental illness reside;

(3) A state hospital, as defined in RCW 72.23.010;

(4) A facility or agency that receives funds from the state of Washington to provide residential or treatment services to adults or children with mental illness; and

(5) A facility or service licensed under chapter 71.12 RCW to provide care or treatment to adults or children with mental illness.

NEW SECTION. Sec. 10. (1) The department of community, trade, and economic development shall contract with a private nonprofit organization to be the office of mental health ombudsman and to provide mental health ombudsman services as specified under, and consistent with, the medicaid managed care mental health waiver, state law, the goals of the state, and the needs of its citizens. The department of community, trade, and economic development shall ensure that all program and staff support necessary to enable the ombudsman to effectively protect the interests of persons with mental illness is provided by the nonprofit organization that contracts to be the office of mental health ombudsman and to provide independent mental health ombudsman services. The department shall designate the organization to be the office of mental health ombudsman and to provide mental health ombudsman services by a competitive bidding process which shall include direct stakeholder participation in the development of the request for proposal, evaluation of bids, and final selection. The department shall ensure that the designated agency has demonstrated financial stability and meets the qualifications for ombudsman identified in section 11 of this act. The department shall undertake an annual review of the designated agency to ensure compliance with the provisions of the contract. The department shall not redesignate the agency serving as the office of mental health ombudsman except upon a showing of good cause for redesignation, and after notice and opportunity for agency and public comment have been made and there has been an opportunity to appeal the redesignation to the director.

(2) The department of community, trade, and economic development shall adopt rules to carry out this chapter.

(3) The office of mental health ombudsman shall have the following powers and duties:

(a) Provide services for coordinating the activities of mental health ombudsmen throughout the state;

(b) Carry out such other activities as the department of community, trade, and economic development deems appropriate;

(c) Establish procedures consistent with section 17 of this act for appropriate access by mental health ombudsmen to mental health providers and facilities and the records of patients, residents, and clients, including procedures to protect the confidentiality of the records and ensure that the identity of any complainant or resident will not be disclosed without the written consent of the complainant or resident, or upon court order;

(d) Establish a statewide uniform reporting system to collect and analyze data relating to complaints, conditions, and service quality provided by mental health providers and facilities for the purpose of identifying and resolving significant individual problems and analyzing, developing, and advocating remedies in policy, practice, or legislation for systemic problems, with provision for submission of such data to the department of social and health services, the state block grant mental health advisory committee, and to the federal department of health and human services, or its successor agency, on a regular basis. This reporting system must be compatible with uniform child and adult consumer service outcomes, where such outcome measures are established;

(e) Establish procedures to assure that any files maintained by ombudsman programs shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of a complainant or patient, resident, or client of a mental health provider or facility may not be disclosed by the ombudsman unless:

(i) The complainant or resident, or the complainant or resident's legal representative, consents in writing to such disclosure; or

(ii) Such disclosure is required by court order;

(f) Establish ombudsman services that are available statewide, and at eastern state and western state hospitals; and

(g) Establish the jurisdiction of the mental health ombudsman so that it does not overlap with other state ombudsman offices and allows contact and coordination among the various state ombudsman offices.

NEW SECTION. Sec. 11. (1) The agency designated by the department of community, trade, and economic development as the office of mental health ombudsman and any mental health ombudsman authorized by this chapter or a local governmental authority must have training or experience in all of the following areas:

(a) Mental health and other related social services programs;

(b) The legal system;

(c) Advocacy and supporting self-advocacy; and

(d) Dispute or problem resolution techniques, including investigation, mediation, and negotiation.

(2) A mental health ombudsman or quality review team member must not have been employed by a regional support network or any mental health provider or facility within the past three years, except where prior to the adoption of this chapter he or she has been employed by or volunteered for a regional support network or subcontractor thereof or a state hospital to provide mental health ombudsman services pursuant to the requirements of the federal medicaid managed care mental health waiver. The office of mental health ombudsman shall actively recruit persons who provided ombudsman services through a regional support network or subcontractor thereof or a state hospital.

(3) No mental health ombudsman or any member of his or her immediate family may have, or have had within the past three years, any pecuniary interest in the provision of mental health services.

(4) The office of mental health ombudsman shall maintain a toll-free telephone number.

(5) Mental health ombudsmen shall assist and advocate on behalf of patients, residents, and clients of mental health providers and facilities and shall attempt to resolve complaints informally, using complaint and grievance processes and, if applicable, the fair hearing process. Mental health ombudsmen shall attempt to resolve all disputes at the lowest possible level.

(6) The office of mental health ombudsman shall ensure that there are quality review teams established to evaluate quality and consumer satisfaction and provide recommendations for service improvements, as required by the medicaid managed care waiver. Quality review teams shall define, establish, and measure systemic consumer outcomes and report on systemic causes of consumer access barrier service problems.

(7) Where consented to by the patient, resident, or client, ombudsmen shall involve family members and friends in the process of resolving complaints.

(8) The office of mental health ombudsman shall support mental health service recipient participation in treatment planning and delivery, both on an individual basis and systemwide, and shall actively recruit and support the participation of consumers, parents, and guardians of minor children recipients, and family members of adult service recipients as mental health ombudsmen and quality review team members.

NEW SECTION. Sec. 12. (1) The office of mental health ombudsman shall provide information relevant to the quality of mental health services, and recommendations for improvements in the quality of mental health services, to regional support networks and the mental health division.

(2) The mental health division and the regional support networks shall work in cooperation with the office of mental health ombudsman to develop agreements regarding how this quality information will be incorporated into their quality management system. These agreements must ensure that information related to complaints and grievances conforms to a standardized form.

(3) The office of mental health ombudsman shall ensure that its reports and recommendations are broadly distributed and shall report annually regarding its activities, findings, and recommendations to at least the following: The mental health division, the mental health advisory board, the state long-term care ombudsman, the state family and children's ombudsman, the state designated protection and advocacy system, the department of community, trade, and economic development, regional support networks, and mental health advocacy groups.

(4) Regional support networks and the mental health division shall promptly provide the office of mental health ombudsman with demographic information they possess regarding the diversity of individuals applying for, receiving, and denied services in each region, service utilization information, contract and subcontract requirements, the results of all audits and reviews conducted by the regional support networks or the mental health division, and such other information collected or produced by the regional support networks or the mental health division as may be necessary for mental health ombudsman and quality review team members in the performance of their duties.

(5) Regional support networks and the mental health division shall assist mental health ombudsman and quality review team members in obtaining entry and meaningful access to mental health providers and facilities, cooperation from their staff, and access to patients and clients.

(6) Each regional support network and state hospital shall designate at least one liaison to the office of mental health ombudsman who shall be responsible for ensuring that mental health ombudsman and quality review team members are actively included in quality management planning and assessment, for providing assistance in resolving issues regarding access to information and patients or clients, and for resolving individual and systemic issues where requested by the mental health ombudsman or quality review team.

(7) Regional support networks, state hospitals, and their subcontractors shall respond in writing to all recommendations regarding quality improvement made by mental health ombudsmen and quality review teams within thirty days of issuance, and shall identify what action will be taken in response, and if no action or action other than that which is recommended by the mental health ombudsman or quality review team is taken, the reasons for the variance must be explained in writing.

NEW SECTION. Sec. 13. The office of mental health ombudsman shall provide the legislature with an annual report that includes:

(1) An identification of the demographic status of those served by the mental health ombudsman;

(2) A description of the issues addressed, and a brief description of case scenarios in a form that does not compromise confidentiality;

(3) An accounting of the monitoring activities of the ombudsman;

- (4) An identification of the results of measurements of consumer satisfaction and other outcome measures;
- (5) An identification of the numbers of volunteers used and in what capacity;
- (6) An identification of deficiencies in the service system and recommendations for remedial action;
- (7) Recommendations for regulatory action by agencies that would improve the quality of service to individuals with mental illness; and
- (8) Recommendations for legislative action that would result in improved services to individuals with mental illness.

NEW SECTION. Sec. 14. Every mental health provider and facility shall post in a conspicuous location a notice providing the office of mental health ombudsman's toll-free number, and the name, address, and phone number of the office of the appropriate local mental health ombudsman and quality review team and a brief description of the services provided. The form of the notice must be approved by the office of mental health ombudsman. This information must also be distributed to the patients, residents, and clients, and their family members and legal guardians, upon application for mental health provider services, and upon admission to a mental health facility.

NEW SECTION. Sec. 15. The office of mental health ombudsman shall:

- (1) Identify, investigate, and resolve complaints made by or on behalf of patients, residents, clients of mental health providers and facilities, and individuals denied services relating to administrative action, inaction, or decisions, that may adversely affect the rehabilitation, recovery, reintegration, health, safety, welfare, and rights of these individuals;
- (2) Monitor the development and implementation of federal, state, and local laws, rules, regulations, and policies with respect to mental health service provision in this state;
- (3) Provide information as appropriate to patients, residents, clients, individuals denied services, family members, guardians, resident representatives, employees of mental health providers and facilities, and others regarding the rights of residents, and to public agencies regarding the quality of service, complaints, and problems of individuals receiving or denied services from mental health providers and facilities; and
- (4) Provide for the training and certification of paid and volunteer mental health ombudsmen. Paid mental health ombudsmen shall recruit, supervise, and provide ongoing training of certified volunteer mental health ombudsmen. Volunteers may be recruited to otherwise assist with mental health ombudsman and quality review team services.
- (5) A trained and certified mental health ombudsman, in accordance with the policies and procedures established by the office of mental health ombudsman, shall inform residents, their representatives, and others about the rights of residents, and may identify, investigate, and resolve complaints and monitor the quality of services provided to patients, residents, and clients of mental health providers and facilities.

NEW SECTION. Sec. 16. (1) The office of mental health ombudsman shall develop referral procedures for all mental health ombudsmen to refer any complaint to an appropriate state or local government agency. The department of social and health services shall act as quickly as possible on any complaint referred to them by a mental health ombudsman.

(2) The department of social and health services shall respond to any complaint against a mental health provider or facility that was referred to it by a mental health ombudsman and shall forward to that ombudsman a summary of the results of the investigation and action proposed or taken.

(3) The office of mental health ombudsman, and all local mental health ombudsmen and related volunteers, shall work in cooperation with the state designated protection and advocacy agency, the long-term care ombudsman, and the children and family ombudsman. The office of mental health ombudsman shall develop and implement a working agreement with the protection and advocacy agency, the long-term care ombudsman, and the children and family ombudsman, to ensure efficient, coordinated service.

(4) The office of mental health ombudsman shall develop working agreements with each regional support network, the state psychiatric hospitals, the mental health division, and such other entities as necessary to accomplish the goals of the program.

NEW SECTION. Sec. 17. (1) The office of mental health ombudsman shall develop procedures governing the right of entry of all mental health ombudsmen to mental health providers and facilities, jails, and correctional facilities.

(2) Mental health ombudsmen and quality review team members shall have access to patients, residents, and clients of mental health providers and facilities, other entities providing inpatient or outpatient social services, and jails, with provisions made for privacy, for the purpose of hearing, investigating, and resolving complaints and monitoring the quality of services, at any time deemed necessary and reasonable by the office of mental health ombudsman to effectively carry out the provisions of this chapter. Ombudsmen and quality review team members who have passed criminal background checks must have access to inmates at correctional facilities with reasonable notice to the department of corrections, with provisions made for privacy, for the purpose of hearing, investigating, and resolving complaints and monitoring the quality of services, at any time deemed necessary and reasonable by the office of mental health ombudsman to effectively carry out the provisions of this chapter.

(3) Nothing in this chapter restricts, limits, or increases any existing right of an organization or individual not described in subsections (1) and (2) of this section to enter or provide assistance to patients, residents, or clients of mental health providers or facilities.

(4) Nothing in this chapter restricts any right or privilege of a patient, resident, or client of a mental health provider or facility to receive visitors of his or her choice.

NEW SECTION. Sec. 18. (1) No mental health ombudsman, volunteer, or quality review team member is liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against an employee of a mental health provider or facility, or a patient, resident, or client of a mental health provider or facility, or a volunteer, for any communication made, or information given or disclosed, to aid the mental health ombudsman or quality review team in carrying out duties and responsibilities under this chapter, unless the same was done maliciously or without good faith. This subsection is not intended to infringe on the rights of the employer to supervise, discipline, or terminate an employee for other reasons.

(3) All communications by a mental health ombudsman or quality review team member, if reasonably related to the requirements of that individual's responsibilities under this chapter and done in good faith, are privileged, and that privilege shall serve as a defense to any action in libel or slander.

(4) A representative of the office of mental health ombudsman is exempt from being required to testify in court as to any confidential matters except as the court may deem necessary to enforce this chapter.

NEW SECTION. Sec. 19. All records and files of mental health ombudsmen relating to any complaint or investigation made pursuant to carrying out their duties and the identities of complainants, witnesses, patients, or residents shall remain

confidential unless disclosure is authorized by the client or his or her guardian or legal representative. No disclosures may be made outside the office without the consent of any named witnesses, resident, patient, client, or complainant unless the disclosure is made without the identity of any of these individuals being disclosed.

NEW SECTION. Sec. 20. (1) It is the intent of the legislature that the state mental health ombudsman program make reasonable efforts to maintain and improve the current level and quality of care, taking into account the transition period from the current system of ombudsman programs and quality review teams within the regional support networks and state hospitals.

(2) The legislature intends that federal medicaid requirements be met.

(3) The legislature intends that the implementation and operation of the state mental health ombudsman program shall have no additional fiscal impact for the first two years of the program, and that:

(a) The department of community, trade, and economic development shall expend no more general fund-state dollars than the general fund-state amount annually expended by the department of social and health services, and its contractors and subcontractors, for mental health ombudsman and quality review team services, and related administrative costs, such as training, staff support, monitoring, and oversight.

(b) Costs and expenses, as referenced in this section, must include any and all general fund-state amounts associated with the implementation and operation of the state mental health ombudsman program by the department of community, trade, and economic development, the office of mental health ombudsman, and its contractors or subcontractors. Any general fund-state costs incurred in the planning and implementation of the state mental health ombudsman program while services are still being provided within the regional support networks and state hospitals must be made up out of the next fiscal year's total amount of the interagency agreement between the department of community, trade, and economic development and the department of social and health services, for contracted services and related administrative costs.

(c) Nothing in this section may be construed to prevent the solicitation and use of private funds by the department of community, trade, and economic development or the office of mental health ombudsman. Any funds received from private sources may be expended in excess of the limitations imposed in this section.

NEW SECTION. Sec. 21. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. Sections 8 through 21 and 23 of this act constitute a new chapter in Title 71 RCW.

NEW SECTION. Sec. 23. Sections 8 through 21 of this act take effect July 1, 2002.

NEW SECTION. Sec. 24. Sections 1 through 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kastama on page 9, beginning on line 1, to the Committee on Human Services and Corrections striking amendment to Substitute House Bill No. 1650.

The motion by Senator Kastama carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Human Services and Corrections striking amendment, as amended, to Substitute House Bill No. 1650.

The motion by Senator Hargrove carried and the committee striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Hargrove, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 71.24.015 and 71.24.035; creating new sections; and declaring an emergency."

On page 9, line 9 of the title amendment, after "insert" strike the remainder of the title amendment and insert "amending RCW 71.24.015 and 71.24.035; adding a new chapter to Title 71 RCW; creating new sections; providing an effective date; and declaring an emergency."

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1650, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1650, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1650, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 47.

Excused: Senators Hale and Thibaudeau - 2.

SUBSTITUTE HOUSE BILL NO. 1650, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1214, by House Committee on Appropriations (originally sponsored by Representatives H. Sommers, Lambert, Doumit and Delvin) (by request of Joint Committee on Pension Policy)

Clarifying certain administrative and investment duties of the department of retirement systems and the state investment board.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 1214 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1214.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1214 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Hale - 1.

SUBSTITUTE HOUSE BILL NO. 1214, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1952, by Representatives Ballasiotes and O'Brien

Revising registration requirements for transient sex offenders and kidnapping offenders.

The bill was read the second time.

MOTION

Senator Costa moved that the following Committee on Human Services and Corrections striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 9A.44.130 and 2000 c 91 s 2 are each amended to read as follows:

(1) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.500 upon the public safety department of any public or private institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release

with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

(vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within ~~((fourteen days))~~ forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly in person to the sheriff of the county where he or she is registered. ~~((If he or she has been classified as a risk level I sex or kidnapping offender, he or she must report monthly. If he or she has been classified as a risk level II or III sex or kidnapping offender, he or she must report weekly.))~~ The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining ~~((a sex))~~ an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within ~~((fourteen days))~~ forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name

change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means any offense defined as a sex offense by RCW 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a minor), 9.68A.050 (dealing in depictions of minor engaged in sexually explicit conduct), 9.68A.060 (sending, bringing into state depictions of minor engaged in sexually explicit conduct), 9.68A.090 (communication with minor for immoral purposes), 9.68A.100 (patronizing juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in the second degree), as well as any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030.

(b) "Kidnapping offense" means the crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent.

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(10) A person who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(11) A person who knowingly fails to register or who moves within the state without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

Sec. 2. RCW 4.24.550 and 1998 c 220 s 6 are each amended to read as follows:

(1) Public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. This authorization applies to information regarding: (a) Any person adjudicated or convicted of a sex offense as defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW 9A.44.130; (b) any person under the jurisdiction of the indeterminate sentence review board as the result of a sex offense or kidnapping offense; (c) any person committed as a sexually violent predator under chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW; (d) any person found not guilty of a sex offense or kidnapping offense by reason of insanity under chapter 10.77 RCW; and (e) any person found incompetent to stand trial for a sex offense or kidnapping offense and subsequently committed under chapter 71.05 or 71.34 RCW.

(2) The extent of the public disclosure of relevant and necessary information shall be rationally related to: (a) The level of risk posed by the offender to the community; (b) the locations where the offender resides, expects to reside, or is regularly found; and (c) the needs of the affected community members for information to enhance their individual and collective safety.

(3) Local law enforcement agencies shall consider the following guidelines in determining the extent of a public disclosure made under this section: (a) For offenders classified as risk level I, the agency shall share information with other appropriate law enforcement agencies and may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found; (b) for offenders classified as risk level II, the agency may also disclose relevant, necessary, and accurate information to public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found; ~~((and))~~ (c) for offenders classified as risk level III, the agency may also disclose relevant, necessary, and accurate information to the public at large; and (d) because more localized notification is not feasible and homeless and transient offenders may present unique risks to the community, the agency may also disclose relevant, necessary, and accurate information to the public at large for offenders registered as homeless or transient.

(4) Local law enforcement agencies that disseminate information pursuant to this section shall: (a) Review available risk level classifications made by the department of corrections, the department of social and health services, and the indeterminate sentence review board; (b) assign risk level classifications to all offenders about whom information will be disseminated; and (c) make a good faith effort to notify the public and residents at least fourteen days before the offender is released from confinement or, where an offender moves from another jurisdiction, as soon as possible after the agency learns of the offender's move, except that in no case may this notification provision be construed to require an extension of an offender's release date. The juvenile court shall provide local law enforcement officials with all relevant information on offenders allowed to remain in the community in a timely manner.

(5) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity in this section applies to risk level classification decisions and the release of relevant and necessary information regarding any individual for whom disclosure is authorized. The decision of a local law enforcement agency or official to classify an offender to a risk level other than the one assigned by the department of corrections, the department of social and health services, or the indeterminate sentence

review board, or the release of any relevant and necessary information based on that different classification shall not, by itself, be considered gross negligence or bad faith. The immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(6) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information authorized under this section.

(7) Nothing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as may otherwise be provided by law.

(8) When a local law enforcement agency or official classifies an offender differently than the offender is classified by the department of corrections, the department of social and health services, or the indeterminate sentence review board, the law enforcement agency or official shall notify the appropriate department or the board and submit its reasons supporting the change in classification."

MOTION

On motion of Senator Costa, the following amendment to the Committee on Human Services and Corrections striking amendment was adopted: On page 12, after line 20 of the amendment, insert the following:

"**Sec. 3.** RCW 36.28A.040 and 2000 c 3 s 1 are each amended to read as follows:

(1) No later than ~~((December 31, 2004))~~ July 1, 2002, the Washington association of sheriffs and police chiefs shall implement and operate an electronic state-wide city and county jail booking and reporting system. The system shall serve as a central repository and instant information source for offender information and jail statistical data. The system shall be placed on the Washington state justice information network and be capable of communicating electronically with every Washington state city and county jail and with all other Washington state criminal justice agencies as defined in RCW 10.97.030.

(2) After the Washington association of sheriffs and police chiefs has implemented an electronic jail booking system as described in subsection (1) of this section, if a city or county jail or law enforcement agency receives state or federal funding to cover the entire cost of implementing or reconfiguring an electronic jail booking system, the city or county jail or law enforcement agency shall implement or reconfigure an electronic jail booking system that is in compliance with the jail booking system standards developed pursuant to subsection (4) of this section.

(3) After the Washington association of sheriffs and police chiefs has implemented an electronic jail booking system as described in subsection (1) of this section, city or county jails, or law enforcement agencies that operate electronic jail booking systems, but choose not to accept state or federal money to implement or reconfigure electronic jail booking systems, shall electronically forward jail booking information to the Washington association of sheriffs and police chiefs. At a minimum the information forwarded shall include the name of the offender, vital statistics, the date the offender was arrested, the offenses arrested for, the date and time an offender is released or transferred from a city or county jail, and if available, the mug shot. The electronic format in which the information is sent shall be at the discretion of the city or county jail, or law enforcement agency forwarding the information. City and county jails or law enforcement agencies that forward jail booking information under this subsection are not required to comply with the standards developed under subsection (4)(b) of this section.

(4) The Washington association of sheriffs and police chiefs shall appoint, convene, and manage a state-wide jail booking and reporting system standards committee. The committee shall include representatives from the Washington association of sheriffs and police chiefs correction committee, the information service board's justice information committee, the judicial information system, at least two individuals who serve as jailers in a city or county jail, and other individuals that the Washington association of sheriffs and police chiefs places on the committee. The committee shall have the authority to:

(a) Develop and amend as needed standards for the state-wide jail booking and reporting system and for the information that must be contained within the system. At a minimum, the system shall contain:

(i) The offenses the individual has been charged with;

(ii) Descriptive and personal information about each offender booked into a city or county jail. At a minimum, this information shall contain the offender's name, vital statistics, address, and mugshot;

(iii) Information about the offender while in jail, which could be used to protect criminal justice officials that have future contact with the offender, such as medical conditions, acts of violence, and other behavior problems;

(iv) Statistical data indicating the current capacity of each jail and the quantity and category of offenses charged; ~~((and))~~

(v) The ability to communicate directly and immediately with the city and county jails and other criminal justice entities;

and
(vi) The date and time that an offender was released or transferred from a local jail;

(b) Develop and amend as needed operational standards for city and county jail booking systems, which at a minimum shall include the type of information collected and transmitted, and the technical requirements needed for the city and county jail booking system to communicate with the state-wide jail booking and reporting system;

(c) Develop and amend as needed standards for allocating grants to city and county jails or law enforcement agencies that will be implementing or reconfiguring electronic jail booking systems.

(5) By January 1, 2001, the standards committee shall complete the initial standards described in subsection (4) of this section, and the standards shall be placed into a report and provided to all Washington state city and county jails, all other criminal justice agencies as defined in RCW 10.97.030, the chair of the Washington state senate human services and corrections committee, and the chair of the Washington state house of representatives criminal justice and corrections committee."

The President declared the question before the Senate to be the adoption of the Committee on Human Services and Corrections striking amendment, as amended.

The motion by Senator Costa carried and the committee striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Costa, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "and amending RCW 9A.44.130 and 4.24.550."

On page 12, beginning on line 25 of the title amendment, after "9A.44.130" strike "and 4.24.550" and insert ", 4.24.550, and 36.28A.040"

On motion of Senator Costa, the rules were suspended, House Bill No. 1952, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1952, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1952, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1952, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2086, by Representatives O'Brien, Ballasiotes, Lovick, Kenney and Conway (by request of Department of Community, Trade, and Economic Development)

Bringing state law into compliance with federal standards for lifetime registration for certain sex offenders.

The bill was read the second time.

MOTIONS

On motion of Senator Hargrove, the following Committee on Human Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to amend the lifetime sex offender registration requirement so that it is narrowly tailored to meet the requirements of the Jacob Wetterling act.

Sec. 2. RCW 9A.44.140 and 2000 c 91 s 3 are each amended to read as follows:

(1) The duty to register under RCW 9A.44.130 shall end:

(a) For a person convicted of a class A felony or an offense listed in subsection (5) of this section, or a person convicted of any sex offense or kidnapping offense who has one or more prior convictions for a sex offense or kidnapping offense: Such person may only be relieved of the duty to register under subsection (3) or (4) of this section.

(b) For a person convicted of a class B felony, and the person does not have one or more prior convictions for a sex offense or kidnapping offense and the person's current offense is not listed in subsection (5) of this section: Fifteen years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent fifteen consecutive years in the community without being convicted of any new offenses.

(c) For a person convicted of a class C felony, a violation of RCW 9.68A.090 or 9A.44.096, or an attempt, solicitation, or conspiracy to commit a class C felony, and the person does not have one or more prior convictions for a sex offense or kidnapping offense and the person's current offense is not listed in subsection (5) of this section: Ten years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent ten consecutive years in the community without being convicted of any new offenses.

(2) The provisions of subsection (1) of this section shall apply equally to a person who has been found not guilty by reason of insanity under chapter 10.77 RCW of a sex offense or kidnapping offense.

(3)(a) Any person having a duty to register under RCW 9A.44.130 may petition the superior court to be relieved of that duty, if the person has spent ten consecutive years in the community without being convicted of any new offenses. The petition shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register, or, in the case of convictions in other states, a foreign country, or a federal or military court, to the court in Thurston county. The prosecuting attorney of the county shall be named and served as the respondent in any such petition. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after conviction, and may consider other factors. Except as provided

in subsection (4) of this section, the court may relieve the petitioner of the duty to register only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

(b)(i) The court may not relieve a person of the duty to register if the person has been determined to be a sexually violent predator as defined in RCW 71.09.020, or has been convicted of a sex offense or kidnapping offense that is a class A felony and that was committed with forcible compulsion on or after June 8, 2000.

(ii) Any person subject to (b)(i) of this subsection or subsection (5) of this section may petition the court to be exempted from any community notification requirements that the person may be subject to fifteen years after the later of the entry of the judgment and sentence or the last date of release from confinement, including full-time residential treatment, pursuant to the conviction, if the person has spent the time in the community without being convicted of any new offense.

(4) An offender having a duty to register under RCW 9A.44.130 for a sex offense or kidnapping offense committed when the offender was a juvenile may petition the superior court to be relieved of that duty. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after adjudication, and may consider other factors.

(a) The court may relieve the petitioner of the duty to register for a sex offense or kidnapping offense that was committed while the petitioner was fifteen years of age or older only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

(b) The court may relieve the petitioner of the duty to register for a sex offense or kidnapping offense that was committed while the petitioner was under the age of fifteen if the petitioner (i) has not been adjudicated of any additional sex offenses or kidnapping offenses during the twenty-four months following the adjudication for the offense giving rise to the duty to register, and (ii) proves by a preponderance of the evidence that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

This subsection shall not apply to juveniles prosecuted as adults.

(5)(a) A person who has been convicted of an aggravated offense, or has been convicted of one or more prior sexually violent offenses or criminal offenses against a victim who is a minor, as defined in (b) of this subsection may only be relieved of the duty to register under subsection (3) or (4) of this section. This provision shall apply to convictions for crimes committed on or after the effective date of this act.

(b) Unless the context clearly requires otherwise, the following definitions apply only to the federal lifetime registration requirements under this subsection:

(i) "Aggravated offense" means an adult conviction that meets the definition of 18 U.S.C. Sec. 2241, which is limited to the following:

(A) Any sex offense involving sexual intercourse or sexual contact where the victim is under twelve years of age;

(B) RCW 9A.44.040 (rape in the first degree), RCW 9A.44.073 (rape of a child in the first degree), or RCW 9A.44.083 (child molestation in the first degree);

(C) Any of the following offenses when committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct: RCW 9A.44.050 (rape in the second degree), RCW 9A.44.100 (indecent liberties), RCW 9A.44.160 (custodial sexual misconduct in the first degree), RCW 9A.64.020 (incest), or RCW 9.68A.040 (sexual exploitation of a minor);

(D) Any of the following offenses when committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct, if the victim is twelve years of age or over but under sixteen years of age and the offender is eighteen years of age or over and is more than forty-eight months older than the victim: RCW 9A.44.076 (rape of a child in the second degree), RCW 9A.44.079 (rape of a child in the third degree), RCW 9A.44.086 (child molestation in the second degree), or RCW 9A.44.089 (child molestation in the third degree);

(E) A felony with a finding of sexual motivation under RCW 9.94A.127 where the victim is under twelve years of age or that is committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct;

(F) An offense that is, under chapter 9A.28 RCW, an attempt or solicitation to commit such an offense; or

(G) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(i)(A) through (F) of this subsection.

(ii) "Sexually violent offense" means an adult conviction that meets the definition of 42 U.S.C. Sec. 14071(a)(1)(A), which is limited to the following:

(A) An aggravated offense;

(B) An offense that is not an aggravated offense but meets the definition of 18 U.S.C. Sec. 2242, which is limited to RCW 9A.44.050(1) (b) through (f) (rape in the second degree) and RCW 9A.44.100(1) (b) through (f) (indecent liberties);

(C) A felony with a finding of sexual motivation under RCW 9.94A.127 where the victim is incapable of appraising the nature of the conduct or physically incapable of declining participation in, or communicating unwillingness to engage in, the conduct;

(D) An offense that is, under chapter 9A.28 RCW, an attempt or solicitation to commit such an offense; or

(E) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(ii)(A) through (D) of this subsection.

(iii) "Criminal offense against a victim who is a minor" means, in addition to any aggravated offense or sexually violent offense where the victim was under eighteen years of age, an adult conviction for the following offenses where the victim is under eighteen years of age:

(A) RCW 9A.44.060 (rape in the third degree), RCW 9A.44.076 (rape of a child in the second degree), RCW 9A.44.079 (rape of a child in the third degree), RCW 9A.44.086 (child molestation in the second degree), RCW 9A.44.089 (child molestation in the third degree), RCW 9A.44.093 (sexual misconduct with a minor in the first degree), RCW 9A.44.096 (sexual misconduct with a minor in the second degree), RCW 9A.44.160 (custodial sexual misconduct in the first degree), RCW 9A.64.020 (incest), RCW

9.68A.040 (sexual exploitation of a minor), RCW 9.68A.090 (communication with a minor for immoral purposes), or RCW 9.68A.100 (patronizing a juvenile prostitute);

(B) RCW 9A.40.020 (kidnapping in the first degree), RCW 9A.40.030 (kidnapping in the second degree), or RCW 9A.40.040 (unlawful imprisonment), where the victim is a minor and the offender is not the minor's parent;

(C) A felony with a finding of sexual motivation under RCW 9.94A.127 where the victim is a minor;

(D) An offense that is, under chapter 9A.28 RCW, an attempt or solicitation to commit such an offense; or

(E) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(iii)(A) through (D) of this subsection.

(6) Unless relieved of the duty to register pursuant to this section, a violation of RCW 9A.44.130 is an ongoing offense for purposes of the statute of limitations under RCW 9A.04.080.

((6)) (7) Nothing in RCW 9.94A.220 relating to discharge of an offender shall be construed as operating to relieve the offender of his or her duty to register pursuant to RCW 9A.44.130.

(8) For purposes of determining whether a person has been convicted of more than one sex offense, failure to register as a sex offender or kidnapping offender is not a sex or kidnapping offense."

MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9A.44.140; and creating a new section."

On motion of Senator Hargrove, the rules were suspended, House Bill No. 2086, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2086, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2086, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Roach - 1.

HOUSE BILL NO. 2086, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1661, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Keiser, Bush, Santos and Miloscia)

Regulating juvenile life insurance.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1661.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1661 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1920, by House Committee on Judiciary (originally sponsored by Representatives Carrell, Lantz, Cody and Campbell)

Allowing medical reports in guardianship proceedings by advanced registered nurse practitioners.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 1920 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1920.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1920 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1920, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Brown was excused.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 10, 2001

MR. PRESIDENT:

The House insists on its position regarding the Senate amendments(s) to ENGROSSED HOUSE BILL NO. 1012, and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Gardner moved that the Senate refuse to recede from its amendment(s) to Engrossed House Bill No. 1012, adheres to its position and asks the House to concur therein.

Debate ensued.

MOTION

On motion Senator Snyder, further consideration of the Message from the House concerning Engrossed House Bill No. 1012 was deferred.

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

REPORTS OF STANDING COMMITTEES

April 10, 2001

SB 5419 Prime Sponsor, Senator Patterson: Providing chemical dependency treatment for certain offenders.
Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5419 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Long, Rasmussen, Regala, B. Sheldon, Snyder, Spanel and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senators Roach and Zarelli.

Passed to Committee on Rules for second reading.

April 10, 2001

SB 5613 Prime Sponsor, Senator Rasmussen: Creating the small farm direct marketing assistance program.
Reported by Committee on Ways and Means

MAJORITY Recommendation: That the bill be referred to the Rules Committee without recommendation. Signed by Senators Brown, Chair; Fraser, Kohl-Welles, Long, Rasmussen, Regala, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

SENATE RESOLUTION 2001-8638

By Senators Franklin, Spanel, Sheldon, B., Rasmussen, Kohl-Welles and Johnson

WHEREAS, Alzheimer's disease is a serious medical condition that afflicts nearly four million Americans; and

WHEREAS, In the United States, an estimated ten percent of the population has Alzheimer's disease by the age of 65, and nearly half of the elderly population suffer from it by the age of 85; and

WHEREAS, Since it was first diagnosed by German doctor Alois Alzheimer in 1906, Alzheimer's disease has shown to be more prominent in females than males; and

WHEREAS, There is no cure for Alzheimer's disease, which affects the parts of the brain that control thought, memory and language; and

WHEREAS, Vascular diseases such as high blood pressure, atherosclerosis, and strokes are key suspects of Alzheimer's disease and are able to prime the brain to develop the clinical symptoms for developing Alzheimer's disease; and

WHEREAS, Alzheimer's disease patients require varying degrees of extensive care depending on the stages of their disease, which can range from simple forgetfulness, to wandering and disillusions; and

WHEREAS, It is estimated that as many as fifty percent of individuals in United States nursing homes suffer from Alzheimer's disease, and that the financial hardships to families caring for Alzheimer's patients is approximately \$50,000 annually; and

WHEREAS, This disease affects persons of all social and economic backgrounds including former United States President Ronald Reagan, statesman Winston Churchill, actress Rita Hayworth, novelist E.B. White, entertainer Frank Sinatra, and automotive pioneer Henry Ford.

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby recognize the suffering of the victims of Alzheimer's disease, a devastating condition also known as the "long good-bye," and the

hardships on the families of those with Alzheimer's disease, which will only become more prominent as the baby boomer population continues to age; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Alzheimer's Association of America.

Senators Franklin and Eide spoke to Senate Resolution 2001-8638.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571, by House Committee on Commerce and Labor (originally sponsored by Representatives Wood, Clements and Conway)

Changing provisions on simulcast horse racing.

The bill was read the second time.

MOTION

On motion of Senator Prentice. the following Committee on Labor, Commerce and Financial Institutions striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 67.16.200 and 2000 c 223 s 1 are each amended to read as follows:

(1) A racing association licensed by the commission to conduct a race meet may seek approval from the commission to conduct parimutuel wagering on its program at a satellite location or locations within the state of Washington. The sale of parimutuel pools at satellite locations shall be conducted only during the licensee's race meet and simultaneous to all parimutuel wagering activity conducted at the licensee's live racing facility in the state of Washington. The commission's authority to approve satellite wagering at a particular location is subject to the following limitations:

(a) The commission may approve only one satellite location in each county in the state; however, the commission may grant approval for more than one licensee to conduct wagering at each satellite location. A satellite location shall not be operated within twenty driving miles of any class 1 racing facility. For the purposes of this section, "driving miles" means miles measured by the most direct route as determined by the commission; and

(b) A licensee shall not conduct satellite wagering at any satellite location within sixty driving miles of any other racing facility conducting a live race meet.

(2) Subject to local zoning and other land use ordinances, the commission shall be the sole judge of whether approval to conduct wagering at a satellite location shall be granted.

(3) The licensee shall combine the parimutuel pools of the satellite location with those of the racing facility for the purpose of determining odds and computing payoffs. The amount wagered at the satellite location shall be combined with the amount wagered at the racing facility for the application of take out formulas and distribution as provided in RCW 67.16.102, 67.16.105, 67.16.170, and 67.16.175. A satellite extension of the licensee's racing facility shall be subject to the same application of the rules of racing as the licensee's racing facility.

(4) Upon written application to the commission, a class 1 racing association may be authorized to transmit simulcasts of live horse races conducted at its racetrack to locations outside of the state of Washington approved by the commission and in accordance with the interstate horse racing act of 1978 (15 U.S.C. Sec. 3001 to 3007) or any other applicable laws. The commission may permit parimutuel pools on the simulcast races to be combined in a common pool. A racing association that transmits simulcasts of its races to locations outside this state shall pay at least fifty percent of the fee that it receives for sale of the simulcast signal to the horsemen's purse account for its live races after first deducting the actual cost of sending the signal out of state.

(5) Upon written application to the commission, a class 1 racing association may be authorized to transmit simulcasts of live horse races conducted at its racetrack to licensed racing associations located within the state of Washington and approved by the commission for the receipt of the simulcasts. The commission shall permit parimutuel pools on the simulcast races to be combined in a common pool. The fee for in-state, track-to-track simulcasts shall be five and one-half percent of the gross parimutuel receipts generated at the receiving location and payable to the sending racing association. A racing association that transmits simulcasts of its races to other licensed racing associations shall pay at least fifty percent of the fee that it receives for the simulcast signal. A racing association that receives races simulcast from class 1 racing associations within the state shall pay at least fifty percent of its share of the parimutuel receipts to the horsemen's purse account for its live race meet after first deducting the purchase price and the actual direct costs of importing the race.

(6) A class 1 racing association may be allowed to import simulcasts of horse races from out-of-state racing facilities. With the prior approval of the commission, the class 1 racing association may participate in an interstate common pool and may change its commission and breakage rates to achieve a common rate with other participants in the common pool.

(a) The class 1 racing association shall make written application with the commission for permission to import simulcast horse races for the purpose of parimutuel wagering. Subject to the terms of this section, the commission is the sole authority in determining whether to grant approval for an imported simulcast race.

(b) ~~((During the conduct of its race meeting, a class 1 racing association may be allowed to import no more than one simulcast race card program during each live race day.))~~ A licensed racing association may also be approved to import one simulcast race of regional or national interest on each live race day. ~~((A class 1 racing association may be permitted to import two simulcast programs on two nonlive race days per each week during its live meet. A licensee shall not operate parimutuel wagering on more than five days per week. Parimutuel wagering on imported simulcast programs shall only be conducted at the live racing facility of a class 1 racing association.))~~

(c) The commission may allow simulcast races of regional or national interest to be sent to satellite locations. The simulcasts shall be limited to one per day except for Breeder's Cup special events day.

(d) When open for parimutuel wagering, a class 1 racing association which imports simulcast races shall also conduct simulcast parimutuel wagering within its licensed racing enclosure on all races simulcast from other class 1 racing associations within the state of Washington.

(e) ~~((When not conducting a live race meeting, a class 1 racing association may be approved to conduct simulcast parimutuel wagering on imported simulcast races.))~~ The conduct of ~~((simulcast))~~ parimutuel wagering on ~~((the))~~ imported simulcast races shall be for not more than fourteen hours during any twenty-four hour period, for not more than five days per week and only at ~~((the))~~ the live racing facility of a class 1 racing association.

(f) On any imported simulcast race, the class 1 racing association shall pay fifty percent of its share of the parimutuel receipts to the horsemen's purse account for its live race meet after first deducting the purchase price of the imported race and the actual costs of importing the race.

(7) For purposes of this section, a class 1 racing association is defined as a licensee approved by the commission to conduct during each twelve-month period at least forty days of live racing. If a live race day is canceled due to reasons directly attributable to acts of God, labor disruptions affecting live race days but not directly involving the licensee or its employees, or other circumstances that the commission decides are beyond the control of the class 1 racing association, then the canceled day counts toward the forty-day requirement. The commission may by rule increase the number of live racing days required to maintain class 1 racing association status or make other rules necessary to implement this section.

(8) This section does not establish a new form of gaming in Washington or allow expanded gaming within the state beyond what has been previously authorized. Simulcast wagering has been allowed in Washington before April 19, 1997. Therefore, this section does not allow gaming of any nature or scope that was prohibited before April 19, 1997. This section is necessary to protect the Washington equine breeding and racing industries, and in particular those sectors of these industries that are dependent upon live horse racing. The purpose of this section is to protect these industries from adverse economic impacts and to promote fan attendance at class 1 racing facilities. Therefore, imported simulcast race card programs shall not be disseminated to any location outside the live racing facility of the class 1 racing association and a class 1 racing association is strictly prohibited from simulcasting imported race card programs to any location outside its live racing facility."

MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On line 3 of the title, after "facilities;" strike the remainder of the title and insert "and amending RCW 67.16.200."

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 1571, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Hochstatter: "A point of parliamentary inquiry, Mr President. Because this bill removes the provisions that say how often Class 1 Racing may be imported and simulcasting, does this bill increase gambling in the state of Washington and require a sixty percent majority vote on final passage?"

Debate ensued.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the parliamentary inquiry of Senator Hochstatter concerning the number of votes necessary to pass Engrossed Substitute House Bill No. 1571, as amended by the Senate, the President finds that the measure would remove restrictions on the number of simulcast races that may be imported by horse racing associations on live race days. Because the measure would permit increased occurrences of gambling, the President rules that a sixty percent vote is required on final passage in accordance with Article II, Section 24 of the State Constitution.

"Senator West is correct that tracks already have the prior authority under the law to adjust their live and dark day race schedules to increase the number of simulcast races they may import. However, for purposes of this inquiry, the President's analysis must start with the fact that tracks do not have prior authority to offer unlimited simulcasts on a given live race day."

The President ruled that Engrossed Substitute House Bill No. 1571, as amended by the Senate, would require a sixty percent majority vote on final passage.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1571, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1571, as amended by the Senate, and the bill having received the constitutional majority, passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, West, Winsley and Zarelli - 36.

Voting nay: Senators Carlson, Fairley, Hargrove, Haugen, Hochstatter, Long, McDonald, Oke, Parlette, Regala, Stevens and Thibaudeau - 12.

Absent: Senator Brown - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571, as amended by the Senate, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2172, by House Committee on Commerce and Labor (originally sponsored by Representatives Grant and Mastin)

Modifying provisions on the repair and maintenance of backflow prevention assemblies.

The bill was read the second time.

MOTIONS

Senator Prentice, the following Committee on Labor, Commerce and Financial Institutions striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.106.010 and 1997 c 326 s 2 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meaning:

- (1) "Advisory board" means the state advisory board of plumbers;
- (2) "Department" means the department of labor and industries;
- (3) "Director" means the director of department of labor and industries;
- (4) "Journeyman plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter;
- (5) "Medical gas piping" means oxygen, nitrous oxide, high pressure nitrogen, medical compressed air, and medical vacuum systems;
- (6) "Medical gas piping installer" means a journeyman plumber who has been issued a medical gas piping installer endorsement;
- (7) "Plumbing" means that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems, and medical gas piping systems within a building. Installation in a water system of water softening or water treatment equipment is not within the meaning of plumbing as used in this chapter;
- (8) "Specialty plumber" means anyone who has been issued a specialty certificate of competency limited to:
 - (a) Installation, maintenance, and repair of the plumbing of single-family dwellings, duplexes, and apartment buildings that do not exceed three stories; or
 - (b) Maintenance and repair of backflow prevention assemblies.

Sec. 2. RCW 18.106.040 and 1977 ex.s. c 149 s 4 are each amended to read as follows:

(1) Upon receipt of the application and evidence set forth in RCW 18.106.030, the director shall review the same and make a determination as to whether the applicant is eligible to take an examination for the certificate of competency. To be eligible to take the examination;

(a) Each applicant for a journeyman plumber's certificate of competency shall furnish written evidence that he or she has ((either)) completed a course of study in the plumbing trade in the armed services of the United States or at a school accredited by the coordinating council on occupational education((:)), or ((that he)) has had four or more years of experience under the direct supervision of a licensed journeyman plumber.

(b) Each applicant for a specialty plumber's certificate of competency under RCW 18.106.010(8)(a) shall furnish written evidence that he or she has ((either)) completed a course of study in the plumbing trade in the armed services of the United States or at a school accredited by the ((commission for vocational education or its designee)) work force training and education coordinating board under chapter 28C.10 RCW, or that he or she has had at least three years practical experience in ((his)) the specialty. ((No other requirement for eligibility may be imposed.))

(c) Each applicant for a specialty plumber's certificate of competency under RCW 18.106.010(8)(b) shall furnish written evidence that he or she is eligible to take the examination. These eligibility requirements shall be adopted by rule by the director pursuant to subsection (2)(b) of this section.

(2)(a) The director shall establish reasonable rules ((and regulations)) for the examinations to be given applicants for certificates of competency. In establishing ((said) the rules, ((regulations, and criteria,)) the director shall consult with the state advisory board of plumbers as established in RCW 18.106.110.

(b) The director shall establish reasonable criteria by rule for determining an applicant's eligibility to take an examination for the certificate of competency for specialty plumbers under subsection (1)(c) of this section. In establishing the criteria, the director shall consult with the state advisory board of plumbers as established in RCW 18.106.110. These rules must take effect by July 1, 2002.

(3) Upon determination that the applicant is eligible to take the examination, the director shall so notify ((him)) the applicant, indicating the time and place for taking the same.

(4) No other requirement for eligibility may be imposed.

NEW SECTION. Sec. 3. A new section is added to chapter 19.27 RCW to read as follows:

(1) Those actively registered with the department of health on or before July 1, 2001, as backflow assembly testers may perform maintenance and repair of backflow prevention assemblies, without being a certified plumber under chapter 18.106 RCW, until January 1, 2003. For the purposes of this section, "maintenance and repair" include cleaning and replacing internal parts of an assembly, but do not include installing or replacing backflow prevention assemblies.

(2) After January 1, 2003, backflow assembly testers exempted under subsection (1) of this section are required to meet the eligibility requirements for a specialty plumber's certificate of competency under RCW 18.106.040(1)(c).

NEW SECTION. Sec. 4. A new section is added to chapter 19.27 RCW to read as follows:

The owner of a building classified as a group R, division 3 occupancy, as defined in the state building code adopted under this chapter, shall have the backflow prevention assembly tested by a department of health certified backflow assembly tester:

(1) At the time of installation, repair, or relocation, if required by the local official, board, department, or agency authorized to administer and enforce the provisions of the uniform plumbing code as adopted under this chapter; or

(2) When such official, board, department, or agency finds that cross-connection control within the property lines of the premises may fail to prevent pollution or contamination of the domestic water supply."

MOTION

Senator Prentice moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.106.010 and 1997 c 326 s 2 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meaning:

(1) "Advisory board" means the state advisory board of plumbers;

(2) "Department" means the department of labor and industries;

(3) "Director" means the director of department of labor and industries;

(4) "Journeyman plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter;

(5) "Medical gas piping" means oxygen, nitrous oxide, high pressure nitrogen, medical compressed air, and medical vacuum systems;

(6) "Medical gas piping installer" means a journeyman plumber who has been issued a medical gas piping installer endorsement;

(7) "Plumbing" means that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems, and medical gas piping systems within a building. Installation in a water system of water softening or water treatment equipment is not within the meaning of plumbing as used in this chapter;

(8) "Specialty plumber" means anyone who has been issued a specialty certificate of competency limited to:

(a) Installation, maintenance, and repair of the plumbing of single-family dwellings, duplexes, and apartment buildings that do not exceed three stories; or

(b) Maintenance and repair of backflow prevention assemblies.

Sec. 2. RCW 18.106.040 and 1977 ex.s. c 149 s 4 are each amended to read as follows:

(1) Upon receipt of the application and evidence set forth in RCW 18.106.030, the director shall review the same and make a determination as to whether the applicant is eligible to take an examination for the certificate of competency. To be eligible to take the examination:

(a) Each applicant for a journeyman plumber's certificate of competency shall furnish written evidence that he or she has ((either)) completed a course of study in the plumbing trade in the armed services of the United States or at a school accredited by the coordinating council on occupational education((:)), or ((that he)) has had four or more years of experience under the direct supervision of a licensed journeyman plumber.

(b) Each applicant for a specialty plumber's certificate of competency under RCW 18.106.010(8)(a) shall furnish written evidence that he or she has ((either)) completed a course of study in the plumbing trade in the armed services of the United States or at a school accredited by the ((commission for vocational education or its designee)) work force training and education coordinating board under chapter 28C.10 RCW, or that he or she has had at least three years practical experience in ((his)) the specialty. ((No other requirement for eligibility may be imposed.))

(c) Each applicant for a specialty plumber's certificate of competency under RCW 18.106.010(8)(b) shall furnish written evidence that he or she is eligible to take the examination. These eligibility requirements shall be adopted by rule by the director pursuant to subsection (2)(b) of this section.

(2)(a) The director shall establish reasonable rules ((and regulations)) for the examinations to be given applicants for certificates of competency. In establishing ((said)) the rules, ((regulations, and criteria,)) the director shall consult with the state advisory board of plumbers as established in RCW 18.106.110.

(b) The director shall establish reasonable criteria by rule for determining an applicant's eligibility to take an examination for the certificate of competency for specialty plumbers under subsection (1)(c) of this section. In establishing the criteria, the director shall consult with the state advisory board of plumbers as established in RCW 18.106.110. These rules must take effect by July 1, 2002.

(3) Upon determination that the applicant is eligible to take the examination, the director shall so notify ((him)) the applicant, indicating the time and place for taking the same.

(4) No other requirement for eligibility may be imposed.

NEW SECTION. Sec. 3. A new section is added to chapter 18.106 RCW to read as follows:

(1) Those actively certified by the department of health on or before July 1, 2001, as backflow assembly testers and registered as a contractor under chapter 18.27 RCW or employed by a registered contractor, may perform maintenance and repair of backflow prevention assemblies, without being a certified plumber under this chapter, until January 1, 2003. For the purposes of this section, "maintenance and repair" include cleaning and replacing internal parts of an assembly, but do not include installing or replacing backflow prevention assemblies.

(2) After January 1, 2003, backflow assembly testers exempted under subsection (1) of this section are required to meet the eligibility requirements for a specialty plumber's certificate of competency under RCW 18.106.040(1)(c).

NEW SECTION. Sec. 4. A new section is added to chapter 19.27 RCW to read as follows:

The owner of a building classified as a group R, division 3 occupancy, as defined in the state building code adopted under this chapter, shall have the backflow prevention assembly tested by a department of health certified backflow assembly tester:

(1) At the time of installation, repair, or relocation, if required by the local official, board, department, or agency authorized to administer and enforce the provisions of the uniform plumbing code as adopted under this chapter; or

(2) When such official, board, department, or agency finds that cross-connection control within the property lines of the premises may fail to prevent pollution or contamination of the domestic water supply."

MOTION

On motion of Senator Prentice, the following amendments to the striking amendment were considered simultaneously and were adopted:

On page 2, line 8 of the amendment, after "school" strike "accredited" and insert "((accredited)) licensed"

On page 2, beginning on line 8 of the amendment, after "by the" strike "coordinating council on occupational education(,;)" and insert "((coordinating council on occupational education;)) work force training and education coordinating board"

On page 2, line 16 of the amendment, after "school" strike "accredited" and insert "((accredited)) licensed"

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Prentice, as amended, to Engrossed Substitute House Bill No. 2172.

The motion by Senator Prentice carried and the striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 2 of the title, after "assemblies;" strike the remainder of the title and insert "amending RCW 18.106.010 and 18.106.040; adding a new section to chapter 18.106 RCW; and adding a new section to chapter 19.27 RCW."

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 2172, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2172, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2172, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 45.

Voting nay: Senators McDonald, Roach and Winsley - 3.

Absent: Senator West - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2172, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1257, by Representatives Cox, Haigh, Fromhold, Schoesler and Hunt

Modifying educational service districts' borrowing authority.

The bill was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1257 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1257.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1257 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senators Costa and West - 2.

HOUSE BILL NO. 1257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator West was excused.

SECOND READING

HOUSE BILL NO. 1255, by Representatives Cox, Fromhold, Haigh, Schoesler and Hunt

Including educational service districts in school district provisions.

The bill was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1255 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1255.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1255 and the bill passed the Senate by the following vote: (vote totals) Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Voting nay: Senator Deccio - 1.

Excused: Senator West - 1.

HOUSE BILL NO. 1255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1117, by House Committee on Judiciary (originally sponsored by Representatives Carrell, Lantz, Lambert, O'Brien, Lovick, Hunt and Haigh)

Providing procedures for enforcement of court-ordered restitution obligations in courts of limited jurisdiction.

The bill was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1117 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1117.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1117 and the bill passed the Senate by the following vote: (vote totals) Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Voting nay: Senator Finkbeiner - 1.

Excused: Senator West - 1.

SUBSTITUTE HOUSE BILL NO. 1117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1644, by House Committee on State Government (originally sponsored by Representatives McMorris, Romero, Linville and Kenney) (by request of Secretary of State Reed)

Clarifying recount procedures.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1644 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1644.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1644 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senator Stevens - 1.

Excused: Senator West - 1.

SUBSTITUTE HOUSE BILL NO. 1644, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1000, by House Committee on Capital Budget (originally sponsored by Representatives Murray, Alexander, Ogden, Schoesler, Armstrong, Linville and McIntire) (by request of Public Works Board)

Managing capital facility projects by the public works board.

The bill was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 1000 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1000.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1000 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator West - 1.

SUBSTITUTE HOUSE BILL NO. 1000, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1385, by Representatives Reardon and Pennington (by request of Department of Revenue)

Clarifying the taxable situs and nature of linen and uniform supply services.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, House Bill No. 1385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1385.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1385 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau and Winsley - 43.

Voting nay: Senators Finkbeiner, McDonald, Stevens and Zarelli - 4.

Absent: Senator Horn - 1.

Excused: Senator West - 1.

HOUSE BILL NO. 1385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1243, by Representatives Hurst, Esser, Carrell, Lovick, Lantz and Lambert

Changing provisions relating to the admissibility into evidence of a refusal to submit to a test of alcohol or drug concentration.

The bill was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1243 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1243.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1243 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senator Gardner - 1.

Excused: Senator West - 1.

HOUSE BILL NO. 1243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Gardner was excused.

President Pro Tempore Franklin assumed the Chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1133, by House Committee on Commerce and Labor (originally sponsored by Representatives Carrell, Lantz, Lambert, Hurst, Casada, Morell, Kagi, Marine, Cox, Talcott, Tokuda, Fisher, Bush, Edwards, O'Brien, Darneille, Edmonds, Esser and Haigh)

Determining liability for donated labor on community projects.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1133 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1133.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1133 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 48.

Voting nay: Senator Zarelli - 1.

SUBSTITUTE HOUSE BILL NO. 1133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1018, by Representatives Pennington, Mielke, Pearson and Alexander

Providing tax relief for disasters.

The bill was read the second time.

MOTION

On motion of Senator Constantine, the rules were suspended, House Bill No. 1018 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1018.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1018 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senators Hochstatter and Horn - 2.

HOUSE BILL NO. 1018, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1213, by Representatives Delvin, Conway, H. Sommers, Lambert, Doumit and Hurst (by request of Joint Committee on Pension Policy)

Correcting statutes pertaining to the public employees' and school employees' retirement systems.

The bill was read the second time.

MOTION

On motion of Senator Constantine, the rules were suspended, House Bill No. 1213 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1213.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1213 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Brown - 1.

HOUSE BILL NO. 1213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1203, by House Committee on Finance (originally sponsored by Representatives Cairnes and Morris) (by request of Department of Revenue)

Authorizing the department of revenue to modify sales tax exemption documentation and retention requirements for simplification purposes.

The bill was read the second time.

MOTION

On motion of Senator Constantine, the rules were suspended, Substitute House Bill No. 1203 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1203.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1203 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Deccio - 1.

SUBSTITUTE HOUSE BILL NO. 1203, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1282, by House Committee on State Government (originally sponsored by Representatives D. Schmidt and Romero) (by request of Washington Uniform Legislation Commission)

Adding the code reviser to the uniform legislation commission.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1282 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1282.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1282 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Brown - 1.

SUBSTITUTE HOUSE BILL NO. 1282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Tim Sheldon, Senator Haugen was excused.

SECOND READING

HOUSE BILL NO. 1048, by Representatives Lambert, Doumit, Cox, Mulliken, H. Sommers, Clements, Talcott, Pearson, Alexander, Conway, Kagi, Ruderman, Hunt, McIntire, Hurst, Haigh, Kenney, Edmonds, Keiser and Simpson (by request of Joint Committee on Pension Policy)

Increasing the number of hours that teachers' retirement system plan retirees may work in an eligible position to eight hundred forty a.38 without a reduction in their retirement benefits.

The bill was read the second time.

MOTION

On motion of Senator Constantine, the rules were suspended, House Bill No. 1048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Carlson, do they begin to accrue additional credit on retirement once they get back into the system?"

Senator Carlson: "Senator Deccio, the process of retiring requires that they be out of the system for one month. That means that they no longer acquire the retirement system. They have terminated the system, so they substitute only and there is no additional either penalty or benefit in the retirement."

Senator Deccio: "Thank you."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1048.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1048 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Haugen - 1.

HOUSE BILL NO. 1048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Johnson was excused.

SECOND READING

HOUSE BILL NO. 1865, by Representatives G. Chandler and Grant

Changing watershed planning provisions.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the following Committee on Environment, Energy and Water striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.82.060 and 1998 c 247 s 2 are each amended to read as follows:

(1) Planning conducted under this chapter must provide for a process to allow the local citizens within a WRIA or multi-WRIA area to join together in an effort to: (a) Assess the status of the water resources of their WRIA or multi-WRIA area; and (b) determine how best to manage the water resources of the WRIA or multi-WRIA area to balance the competing resource demands for that area within the parameters under RCW 90.82.120.

(2) Watershed planning under this chapter may be initiated for a WRIA only with the concurrence of: (a) All counties within the WRIA; (b) the largest city or town within the WRIA unless the WRIA does not contain a city or town; and (c) the water supply utility obtaining the largest quantity of water from the WRIA or, for a WRIA with lands within the Columbia Basin project, the water supply utility obtaining from the Columbia Basin project the largest quantity of water for the WRIA. To apply for a grant for organizing the planning unit as provided for under RCW 90.82.040(2)(a), these entities shall designate the entity that will serve as the lead agency for the planning effort and indicate how the planning unit will be staffed.

(3) Watershed planning under this chapter may be initiated for a multi-WRIA area only with the concurrence of: (a) All counties within the multi-WRIA area; (b) the largest city or town in each WRIA unless the WRIA does not contain a city or town; and (c) the water supply utility obtaining the largest quantity of water in each WRIA.

(4) If entities in subsection (2) or (3) of this section decide jointly and unanimously to proceed, they shall invite all tribes with reservation lands within the management area.

(5) The entities in subsection (2) or (3) of this section, including the tribes if they affirmatively accept the invitation, constitute the initiating governments for the purposes of this section.

(6) The organizing grant shall be used to organize the planning unit and to determine the scope of the planning to be conducted. In determining the scope of the planning activities, consideration shall be given to all existing plans and related planning activities. The scope of planning must include water quantity elements as provided in RCW 90.82.070, and may include water quality elements as contained in RCW 90.82.090, habitat elements as contained in RCW 90.82.100, and instream flow elements as contained in RCW 90.82.080. The initiating governments shall work with state government, other local governments within the management area, and affected tribal governments, in developing a planning process. The initiating governments may hold public meetings as deemed necessary to develop a proposed scope of work and a proposed composition of the planning unit. In developing a proposed composition of the planning unit, the initiating governments shall provide for representation of a wide range of water resource interests.

(7) Each state agency with regulatory or other interests in the WRIA or multi-WRIA area to be planned shall assist the local citizens in the planning effort to the greatest extent practicable, recognizing any fiscal limitations. In providing such technical assistance and to facilitate representation on the planning unit, state agencies may organize and agree upon their representation on the planning unit. Such technical assistance must only be at the request of and to the extent desired by the planning unit conducting such planning. The number of state agency representatives on the planning unit shall be determined by the initiating governments in consultation with the governor's office.

(8) As used in this section, "lead agency" means the entity that coordinates staff support of its own or of other local governments and receives grants for developing a watershed plan."

MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 2 of the title, after "planning;" strike the remainder of the title and insert "and amending RCW 90.82.060."

On motion of Senator Fraser, the rules were suspended, House Bill No. 1865, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1865, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1865, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Haugen and Johnson - 2.

HOUSE BILL NO. 1865, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1611, by Representatives Schindler and Romero (by request of Washington State Patrol)

Modifying missing persons record retention policies.

The bill was read the second time.

MOTION

On motion of Senator Costa, the rules were suspended, House Bill No. 1611 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1611.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1611 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senators Fairley and McDonald - 2.

Excused: Senators Haugen and Johnson - 2.

HOUSE BILL NO. 1611, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1234, by House Committee on Commerce and Labor (originally sponsored by Representatives Clements, Conway, Lisk, Wood, B. Chandler, Kessler, Kenney, Hurst, Keiser, Simpson, Ogden, Lovick, Morris, McIntire, D. Schmidt, Ruderman, O'Brien, Schual-Berke, Edwards, Kagi, Cody and Edmonds) (by request of Washington State Apprenticeship and Training Council, State Board for Community and Technical Colleges and Department of Labor and Industries)

Revising apprenticeship law to respond to a 1999 United States department of labor audit.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1234 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1234.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1234 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Haugen - 1.

SUBSTITUTE HOUSE BILL NO. 1234, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2095, by Representatives Dunshee and Mulliken

Changing reporting requirements for architectural and engineering firms.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2095.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2095 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Horn - 1.

Excused: Senator Haugen - 1.

HOUSE BILL NO. 2095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

SECOND READING

ENGROSSED HOUSE BILL NO. 1745, by Representatives Lambert and Dickerson (by request of Department of Social and Health Services)

Making child support technical amendments regarding medical support.

The bill was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed House Bill No. 1745 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1745.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1745 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Haugen - 1.

ENGROSSED HOUSE BILL NO. 1745, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senators Benton and Zarelli were excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1996, by House Committee on State Government (originally sponsored by Representatives Lambert and Haigh) (by request of Department of Fish and Wildlife)

Protecting certain data obtained by the department of fish and wildlife.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the following Committee on Natural Resources, Parks and Shorelines striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17.310 and 2000 c 134 s 3, 2000 c 56 s 1, and 2000 c 6 s 5 are each reenacted and amended to read as follows:

- (1) The following are exempt from public inspection and copying:
- (a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.
 - (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.
 - (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.
 - (d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.
 - (e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.
 - (f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.
 - (g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.
 - (h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.
 - (i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.
 - (j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.
 - (k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.
 - (l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.
 - (m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.
 - (n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.
 - (o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.
 - (p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.
 - (q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.
 - (r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.
 - (s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.
 - (t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
 - (u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.
 - (v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.
 - (w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).
 - (x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester.

Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds, except when disclosure is expressly required by law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(xx) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(yy) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld."

MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 2 of the title, after "wildlife;" strike the remainder of the title and insert "and reenacting and amending RCW 42.17.310."

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 1996, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1996, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1996, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 46.

Excused: Senators Benton, Haugen and Zarelli - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1996, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1347, by Representatives Benson and Hatfield

Creating the structured settlement protection act.

The bill was read the second time.

MOTIONS

On motion of Senator Prentice, the following Committee on Labor, Commerce and Financial Institutions striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This chapter may be known and cited as the structured settlement protection act.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annuity issuer" means an insurer that has issued a contract to fund periodic payments under a structured settlement.
(2) "Dependents" means a payee's spouse and minor children and all other persons for whom the payee is legally obligated to provide support, including alimony.

(3) "Discounted present value" means the present value of future payments determined by discounting such payments to the present using the most recently published applicable federal rate for determining the present value of an annuity, as issued by the United States internal revenue service.

(4) "Gross advance amount" means the sum payable to the payee or for the payee's account as consideration for a transfer of structured settlement payment rights before any reductions for transfer expenses or other deductions to be made from such consideration.

(5) "Independent professional advice" means advice of an attorney, certified public accountant, actuary, or other licensed professional adviser.

(6) "Interested parties" means, with respect to any structured settlement, the payee, any beneficiary irrevocably designated under the annuity contract to receive payments following the payee's death, the annuity issuer, the structured settlement obligor, and any other party that has continuing rights or obligations under such structured settlement.

(7) "Net advance amount" means the gross advance amount less the aggregate amount of the actual and estimated transfer expenses required to be disclosed under section 3(5) of this act.

(8) "Payee" means an individual who is receiving tax-free payments under a structured settlement and proposes to make a transfer of payment rights thereunder.

(9) "Periodic payments" means (a) recurring payments and (b) scheduled future lump sum payments.

(10) "Qualified assignment agreement" means an agreement providing for a qualified assignment within the meaning of section 130 of the United States Internal Revenue Code (26 U.S.C. Sec. 130), as amended.

(11) "Responsible administrative authority" means, with respect to a structured settlement, any government authority vested by law with exclusive jurisdiction over the settled claim resolved by such structured settlement.

(12) "Settled claim" means the original tort claim or workers' compensation claim resolved by a structured settlement.

(13) "Structured settlement" means an arrangement for periodic payment of compensation for injuries or sickness as described in 26 U.S.C. Sec. 104(a)(1) or (2), as amended, or an arrangement for periodic payment of benefits under a special needs trust as described in 42 U.S.C. Sec. 1396p(d)(4), as amended.

(14) "Structured settlement agreement" means the agreement, judgment, stipulation, or release embodying the terms of a structured settlement.

(15) "Structured settlement obligor" means, with respect to any structured settlement, the party that has the continuing obligation to make periodic payments to the payee under a structured settlement agreement or a qualified assignment agreement.

(16) "Structured settlement payment rights" means rights to receive periodic payments under a structured settlement, whether from the structured settlement obligor or the annuity issuer, if:

(a) The payee is domiciled in, or the domicile or principal place of business of the structured settlement obligor or the annuity issuer is located in, this state;

(b) The structured settlement agreement was approved by a court or responsible administrative authority in this state; or

(c) The structured settlement agreement is expressly governed by the laws of this state.

(17) "Terms of the structured settlement" means, with respect to any structured settlement, the terms of the structured settlement agreement, the annuity contract, any qualified assignment agreement and any order or other approval of any court or responsible administrative authority or other government authority that authorized or approved such structured settlement.

(18) "Transfer" means any sale, assignment, pledge, hypothecation or other alienation or encumbrance of structured settlement payment rights made by a payee for consideration. However, "transfer" does not mean the creation or perfection of a security interest in structured settlement payment rights under a blanket security agreement entered into with an insured depository institution, in the absence of any action to redirect the structured settlement payments to such insured depository institution, or an agent or successor in interest thereof, or otherwise to enforce such blanket security interest against the structured settlement payment rights.

(19) "Transfer agreement" means the agreement providing for a transfer of structured settlement payment rights.

(20) "Transfer expenses" means all expenses of a transfer that are required under the transfer agreement to be paid by the payee or deducted from the gross advance amount, including, without limitation, court filing fees, attorneys' fees, escrow fees, lien recordation fees, judgment and lien search fees, finders' fees, commissions, and other payments to a broker or other intermediary. "Transfer expenses" does not mean preexisting obligations of the payee payable for the payee's account from the proceeds of a transfer.

(21) "Transferee" means a party acquiring or proposing to acquire structured settlement payment rights through a transfer.

NEW SECTION. Sec. 3. Not less than three days prior to the date on which a payee signs a transfer agreement, the transferee shall provide to the payee a separate disclosure statement, in bold type no smaller than 14 points, setting forth:

(1) The amounts and due dates of the structured settlement payments to be transferred;

- (2) The aggregate amount of such payments;
- (3) The discounted present value of the payments to be transferred, which shall be identified as the "calculation of current value of the transferred structured settlement payments under federal standards for valuing annuities", and the amount of the applicable federal rate used in calculating such discounted present value;
- (4) The gross advance amount;
- (5) An itemized listing of all applicable transfer expenses, other than attorneys' fees and related disbursements payable in connection with the transferee's application for approval of the transfer, and the transferee's best estimate of the amount of any such fees and disbursements;
- (6) The net advance amount;
- (7) The amount of any penalties or liquidated damages payable by the payee in the event of any breach of the transfer agreement by the payee; and
- (8) A statement that the payee has the right to cancel the transfer agreement, without penalty or further obligation, not later than the third business day after the date the agreement is signed by the payee.

NEW SECTION. Sec. 4. A direct or indirect transfer of structured settlement payment rights is not effective and a structured settlement obligor or annuity issuer is not required to make any payment directly or indirectly to any transferee of structured settlement payment rights unless the transfer has been approved in advance in a final court order or order of a responsible administrative authority based on express findings by such court or responsible administrative authority that:

- (1) The transfer is in the best interest of the payee, taking into account the welfare and support of the payee's dependents;
- (2) The payee has been advised in writing by the transferee to seek independent professional advice regarding the transfer and has either received such advice or knowingly waived such advice in writing; and
- (3) The transfer does not contravene any applicable statute or the order of any court or other government authority.

NEW SECTION. Sec. 5. Following a transfer of structured settlement payment rights under this chapter:

- (1) The structured settlement obligor and the annuity issuer shall, as to all parties except the transferee, be discharged and released from any and all liability for the transferred payments;
- (2) The transferee shall be liable to the structured settlement obligor and the annuity issuer:
 - (a) If the transfer contravenes the terms of the structured settlement, for any taxes incurred by such parties as a consequence of the transfer; and
 - (b) For any other liabilities or costs, including reasonable costs and attorneys' fees, arising from compliance by such parties with the order of the court or responsible administrative authority or arising as a consequence of the transferee's failure to comply with this chapter;
- (3) Neither the annuity issuer nor the structured settlement obligor may be required to divide any periodic payment between the payee and any transferee or assignee or between two, or more, transferees or assignees; and
- (4) Any further transfer of structured settlement payment rights by the payee may be made only after compliance with all of the requirements of this chapter.

NEW SECTION. Sec. 6. (1) An application under this chapter for approval of a transfer of structured settlement payment rights shall be made by the transferee and may be brought in the county in which the payee resides, in the county in which the structured settlement obligor or the annuity issuer maintains its principal place of business, or in any court or before any responsible administrative authority which approved the structured settlement agreement.

(2) Not less than twenty days prior to the scheduled hearing on any application for approval of a transfer of structured settlement payment rights under section 4 of this act, the transferee shall file with the court or responsible administrative authority and serve on all interested parties a notice of the proposed transfer and the application for its authorization, including with such notice:

- (a) A copy of the transferee's application;
- (b) A copy of the transfer agreement;
- (c) A copy of the disclosure statement required under section 3 of this act;
- (d) A listing of each of the payee's dependents, together with each dependent's age;
- (e) Notification that any interested party is entitled to support, oppose, or otherwise respond to the transferee's application, either in person or by counsel, by submitting written comments to the court or responsible administrative authority or by participating in the hearing; and
- (f) Notification of the time and place of the hearing and notification of the manner in which and the time by which written responses to the application must be filed, which may not be less than fifteen days after service of the transferee's notice, in order to be considered by the court or responsible administrative authority.

NEW SECTION. Sec. 7. (1) The provisions of this chapter may not be waived by any payee.

(2) Any transfer agreement entered into on or after the effective date of this act by a payee who resides in this state shall provide that disputes under such transfer agreement, including any claim that the payee has breached the agreement, shall be determined in and under the laws of this state. Such a transfer agreement may not authorize the transferee or any other party to confess judgment or consent to entry of judgment against the payee.

(3) Transfer of structured settlement payment rights do not extend to any payments that are life contingent unless, prior to the date on which the payee signs the transfer agreement, the transferee has established and has agreed to maintain procedures reasonably satisfactory to the annuity issuer and the structured settlement obligor for (a) periodically confirming the payee's survival, and (b) giving the annuity issuer and the structured settlement obligor prompt written notice in the event of the payee's death.

(4) No payee who proposes to make a transfer of structured settlement payment rights may incur any penalty, forfeit any application fee or other payment, or otherwise incur any liability to the proposed transferee or any assignee based on any failure of such a transfer to satisfy the conditions of this chapter.

(5) This chapter does not authorize any transfer of structured settlement payment rights in contravention of any law, nor does it imply that any transfer under a transfer agreement entered into prior to the effective date of this act is valid or invalid.

(6) Compliance with the requirements set forth in section 3 of this act and fulfillment of the conditions set forth in section 4 of this act is the sole responsibility of the transferee in any transfer of structured settlement payment rights, and neither the

structured settlement obligor nor the annuity issuer bear any responsibility for, or any liability arising from, noncompliance with the requirements or failure to fulfill the conditions.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act constitute a new chapter in Title 19 RCW."

MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "and adding a new chapter to Title 19 RCW."

On motion of Senator Prentice, the rules were suspended, Engrossed House Bill No. 1347, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1347, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1347, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 46.

Excused: Senators Benton, Haugen and Zarelli - 3.

ENGROSSED HOUSE BILL NO. 1347, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1643, by House Committee on Judiciary (originally sponsored by Representatives Lantz, Skinner, Fromhold, Ogden, Esser, Jarrett, McIntire, Rockefeller, Doumit, Keiser and Dunn)

Limiting liability of volunteers.

The bill was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1643 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1643.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1643 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 46.

Excused: Senators Benton, Haugen and Zarelli - 3.

SUBSTITUTE HOUSE BILL NO. 1643, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

MESSAGE FROM THE HOUSE

April 10, 2001

MR. PRESIDENT:

The Co-Speakers have signed:

HOUSE BILL NO. 1002,
HOUSE BILL NO. 1028,
HOUSE BILL NO. 1084,
SUBSTITUTE HOUSE BILL NO. 1136,
HOUSE BILL NO. 1160
HOUSE BILL NO. 1173,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1180,
HOUSE BILL NO. 1205,
HOUSE BILL NO. 1366,
SUBSTITUTE HOUSE BILL NO. 1426,
SECOND SUBSTITUTE HOUSE BILL NO. 1499,
HOUSE BILL NO. 1542,
SECOND SUBSTITUTE HOUSE BILL NO. 1590,
SUBSTITUTE HOUSE BILL NO. 1596,
HOUSE BILL NO. 1716,
HOUSE BILL NO. 1727,
HOUSE BILL NO. 1729,
HOUSE BILL NO. 1780,
SUBSTITUTE HOUSE BILL NO. 1792, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1002,
HOUSE BILL NO. 1028,
HOUSE BILL NO. 1084,
SUBSTITUTE HOUSE BILL NO. 1136,
HOUSE BILL NO. 1160
HOUSE BILL NO. 1173,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1180,
HOUSE BILL NO. 1205,
HOUSE BILL NO. 1366,
SUBSTITUTE HOUSE BILL NO. 1426,
SECOND SUBSTITUTE HOUSE BILL NO. 1499,
HOUSE BILL NO. 1542,
SECOND SUBSTITUTE HOUSE BILL NO. 1590,
SUBSTITUTE HOUSE BILL NO. 1596,
HOUSE BILL NO. 1716,
HOUSE BILL NO. 1727,
HOUSE BILL NO. 1729,
HOUSE BILL NO. 1780,
SUBSTITUTE HOUSE BILL NO. 1792.

MOTION

At 4:40 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Wednesday, April 11, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-THIRD DAY, APRIL 10, 2001

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

NINETY-FOURTH DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Wednesday, April 11, 2001

The Senate was called to order at 9:00 a.m. by President Pro Tempore Franklin. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Brown, Costa, Deccio, Finkbeiner, Hargrove, Haugen, Long, McDonald and Snyder. On motion of Senator Eide, Senators Costa and Haugen were excused. On motion of Senator Honeyford, Senators Deccio, Finkbeiner, Long and McDonald were excused.

The Sergeant at Arms Color Guard, consisting of Pages Sarah Cummins and LaDon Linde, presented the Colors. The Reverend Dale Oquist, pastor of the Evergreen Christian Center in Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 9, 2001

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1845, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

April 10, 2001

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1350, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

April 10, 2001

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5014,

SENATE BILL NO. 5317,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5970, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5014,

SENATE BILL NO. 5317,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5970.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1350 by Representatives G. Chandler and Linville

Changing water right appeals procedures for rights subject to a general stream adjudication.

Referred to Committee on Environment, Energy and Water.

EHB 1845 by Representatives Sehlin and H. Sommers (by request of Department of Natural Resources)

Increasing the fee for a surface mining reclamation permit.

Referred to Committee on Natural Resources, Parks and Shorelines.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Eide, Gubernatorial Appointment No. 9032, Esther L. Patrick, as a member of the Board of Trustees for Highline Community College District No. 9, was confirmed.

APPOINTMENT OF ESTHER L. PATRICK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 3; Excused, 6.

Voting yea: Senators Benton, Carlson, Constantine, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 40.

Absent: Senators Brown, Hargrove and Snyder - 3.

Excused: Senators Costa, Deccio, Finkbeiner, Haugen, Long and McDonald - 6.

MOTION

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

SENATE RESOLUTION 2001-8650

By Senators Regala, Jacobsen, Morton, Oke, Sheldon, T., Fraser, Stevens, Rasmussen and Spanel

WHEREAS, The Washington State Legislature has designated that the second Wednesday in April each year is celebrated as Arbor Day; and

WHEREAS, The year 2001 Arbor Day theme of "Trees for the 21st Century" inspires public tree plantings to restore trees lost to urban sprawl, rural land conversion, disease and pests, lack of proper care, and even old age; and

WHEREAS, Arbor Day is a day to recognize our state tree, the Western Hemlock and our state flower, the rhododendron; and

WHEREAS, Arbor Day is a traditional day for the planting of trees and shrubs by citizens in the state of Washington; and

WHEREAS, Nurseries, orchards, tree farms, public and private forests, and street and park trees add to the beauty and vigor of our state; and

WHEREAS, Arbor Day focuses community attention on planting trees while educating children and community groups about the value of trees; and

WHEREAS, Arbor Day is a symbolic day to recognize the importance of trees and shrubs to the environment, in neighborhoods and communities, in the state's agricultural and timber-based economy, and the importance of continued regeneration of our renewable resources; and

WHEREAS, The state of Washington is appropriately called the Evergreen State due to the special significance that trees and plants contribute to our economy, natural beauty, environment, and quality of life of our citizens; and

WHEREAS, Urban and community forestry programs have greatly benefitted the citizens of our cities and towns by contributing to the preservation of precious greenspace, planning for and managing community trees, and promoting the planting and care of trees along streets, highways, in parks, and at schools; and

WHEREAS, By observing Arbor Day and participating in urban and community forestry programs every year, the citizens of the state can show their appreciation for the state's natural resources, the full range of benefits that are provided from trees and shrubs in the state, and the importance of planting and caring for trees and shrubs throughout the year;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize April 11, 2001, as Arbor Day and encourage residents to plant a tree or shrub and celebrate this day; and

BE IT FURTHER RESOLVED, That, during the month of October, Urban and Community Forestry Month, the Senate encourage residents to celebrate by planting and caring for trees, and by identifying significant and historic trees in their communities.

Senators Regala, Roach, Rasmussen, Hochstatter, McCaslin, Hargrove and Honeyford spoke to Senate Resolution 2001-8650.

MOTION

At 9:25 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:15 a.m. by President Owen.

MOTION

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

SENATE RESOLUTION 2001-8660

By Senators Kastama, Regala, Roach and Rasmussen

WHEREAS, The annual Puyallup Valley Daffodil Festival is a cherished tradition for the people of Pierce County and the Northwest; and

WHEREAS, 2001 marks the Sixty-Eighth annual Puyallup Valley Daffodil Festival; and

WHEREAS, The Festival began in 1926 as a modest garden party in Sumner, and grew steadily each year until 1934 when flowers, which previously had been largely discarded in favor of daffodil bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Festival 2001 events are ongoing, and will culminate in the April 21, 2001, Grand Floral Street Parade, winding its way from downtown Tacoma through the communities of Puyallup, Sumner, and Orting; and

WHEREAS, This year's Festival royalty includes princesses Kyleen Bennett, Puyallup High School; McKenzie Bennett, Washington High School; Hallie Blakey, Henry Foss High School; Amanda Coate, Sumner High School; Aiyana Cristal, Wilson High School; Maricris Eleno, Lakes High School; Lindy Falk, Clover Park High School; Tara Faw, Orting High School; Jennifer Granlund, Stadium High School; Nancy Jeffery, Curtis High School; Carly Kneeshaw, Eatonville High School; Ashley May, Mt. Tahoma High School; Ambre Meyer, Franklin Pierce High School; Sara Richotte, Chief Leschi High School; Alethea Rupers, Lincoln High School; Amy Smith, Spanaway Lake High School; Tiffany Stracke, Fife High School; Jenny Toft, Bethel High School; and Nicole Uhling, Rogers High School; and

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and honor the many contributions made to our state by the Puyallup Valley Daffodil Festival and its organizers for the past sixty-eight years; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately by the Secretary of the Senate to the 2001 Puyallup Valley Daffodil Festival Officers and to the members of the Festival Royalty.

Senators Kastama, Rasmussen, Franklin and Regala spoke to Senate Resolution 2001-8660.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the 2001 Daffodil Queen Tara Faw and the President of the Daffodil Festival, Sandi Angeline, as well as Cindy Dutton, the mother of Queen Tara, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Queen Tara to address the Senate.

INTRODUCTION OF DAFFODIL COURT

The President welcomed and introduced the Daffodil Princesses, who were seated in the back of the Chamber.

MOTION

At 10:30 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:45 a.m. by President Owen.

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

MESSAGE FROM THE HOUSE

April 9, 2001

MR. PRESIDENT:

The Co-Speakers have signed:

SENATE BILL NO. 5054,
SENATE BILL NO. 5127,
SUBSTITUTE SENATE BILL NO. 5205,
SENATE BILL NO. 5206,
SENATE BILL NO. 5223,
SUBSTITUTE SENATE BILL NO. 5224,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5238,
SENATE BILL NO. 5305,

SENATE BILL NO. 5348,
SENATE BILL NO. 5377,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5434,
SUBSTITUTE SENATE BILL NO. 5472,
SUBSTITUTE SENATE BILL NO. 5484,

SUBSTITUTE SENATE BILL NO. 5497,
SUBSTITUTE SENATE BILL NO. 5502,
SENATE BILL NO. 5531,
SUBSTITUTE SENATE BILL NO. 5572,
SUBSTITUTE SENATE BILL NO. 5733,
SUBSTITUTE SENATE BILL NO. 5734,
SENATE BILL NO. 5863,
SUBSTITUTE SENATE BILL NO. 5925,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5942,
SUBSTITUTE SENATE BILL NO. 6053,
SENATE BILL NO. 6107,
SENATE JOINT MEMORIAL NO. 8006,
SENATE JOINT MEMORIAL NO. 8008, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

April 10, 2001

MR. PRESIDENT:

The Co-Speakers have signed:

SUBSTITUTE SENATE BILL NO. 5335,
SENATE BILL NO. 5389,
SENATE BILL NO. 5491, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

April 10, 2001

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5017,
SUBSTITUTE SENATE BILL NO. 5255,
SENATE BILL NO. 5359,
SUBSTITUTE SENATE BILL NO. 5509,
SENATE BILL NO. 5518,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5566,
SENATE BILL NO. 5903,
SUBSTITUTE SENATE BILL NO. 6020,

SUBSTITUTE SENATE BILL NO. 6035, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5017,
SUBSTITUTE SENATE BILL NO. 5255,
SENATE BILL NO. 5359,
SUBSTITUTE SENATE BILL NO. 5509,
SENATE BILL NO. 5518,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5566,
SENATE BILL NO. 5903,
SUBSTITUTE SENATE BILL NO. 6020,
SUBSTITUTE SENATE BILL NO. 6035.

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Hale, Gubernatorial Appointment No. 9079, Emmitt Jackson, as a member of the Professional Educator Standards Board, was confirmed.

APPOINTMENT OF EMMITT JACKSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senators Franklin and Morton - 2.

Excused: Senators Haugen and McDonald - 2.

MOTIONS

On motion of Senator Honeyford, Senator Morton was excused.

On motion of Senator Eide, Senator Gardner was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1256, by House Committee on Education (originally sponsored by Representatives Cox, Haigh, Fromhold, Schoesler and Hunt)

Regarding educational service districts' superintendent review committees.

The bill was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1256.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1256 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senator Franklin - 1.

Excused: Senators Gardner, Haugen and Morton - 3

SUBSTITUTE HOUSE BILL NO. 1256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE JOINT RESOLUTION NO. 4202, by Representatives H. Sommers, Sehlin, Benson, Hatfield and McIntire; by request of State Investment Board

Investing state investment board funds.

The joint resolution was read the second time.

MOTION

On motion of Senator Prentice, the following Committee on Labor, Commerce and Financial Institutions amendment was adopted:

On page 1, beginning on line 8, strike all material through "law." on line 14, and insert the following:

"Article XXIX, section 1. Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund, industrial insurance trust fund, ((or)) fund held in trust for the benefit of persons with developmental disabilities, or any other fund or account placed by law under the investment authority of the state investment board may be invested as authorized by law."

MOTION

On motion of Senator Prentice, the rules were suspended, House Joint Resolution No. 4202, as amended by the Senate, was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Resolution No. 4202, as amended by the Senate.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Resolution No. 4202, as amended by the Senate, and the joint resolution passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senators Hochstatter and Stevens - 2

Excused: Senators Gardner and Haugen - 2.

HOUSE JOINT RESOLUTION NO. 4202, as amended by the Senate, having received the constitutional two-thirds majority, was declared passed.

PERSONAL PRIVILEGE

Senator Zarelli: "A point of personal privilege, Mr. President. To all members of the Senate body, if you do not have a place to accommodate that fine tree that is sitting on your desk, I do have a piece of ground that would like to give it a final resting place. Please let me know. Thank you."

MOTION

At 12:05 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

On motion of Senator Honeyford, Senators Deccio, McCaslin and Swecker were excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Shin, Gubernatorial Appointment No. 9077, Ronald S. Howell, as a member of the Board of Trustees for Edmonds Community College District No. 23, was confirmed.

APPOINTMENT OF RONALD S. HOWELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 6; Excused, 4.

Voting yea: Senators Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West and Winsley - 39.

Absent: Senators Benton, Brown, Kline, Patterson, Roach and Zarelli - 6.

Excused: Senators Deccio, Haugen, McCaslin and Swecker - 4.

SECOND READING

HOUSE BILL NO. 1035, by Representative Pennington

Extending a program of steelhead recovery in certain counties.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1035.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1035 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senator Benton - 1.

Excused: Senators Haugen, McCaslin and Swecker - 3.

HOUSE BILL NO. 1035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

SENATE RESOLUTION 2001-8672

By Senators Kohl-Welles, Gardner, Spanel, Fairley, Prentice, McDonald, Finkbeiner, Regala, Rasmussen, Snyder, Winsley, Thibaudeau, Constantine, Franklin, Fraser, Swecker, Kastama, Oke, Jacobsen, Kline, Roach, Johnson, Costa and McAuliffe

WHEREAS, The Washington State commercial fishing fleet began leaving in March and the annual Blessing of the Fleet occurred at Fisherman's Terminal in Ballard, March 11, 2001; and

WHEREAS, The Washington State commercial fishing fleet is one of the world's largest distant water fleets; and

WHEREAS, The commercial fishing industry directly and indirectly employs thousands of people; and
WHEREAS, Commercial fishing has been designated as one of the most dangerous occupations in the United States; and

WHEREAS, The life of a fisher is one fraught with danger and hardship that most of us will never face; and
WHEREAS, Strength and courage are basic requirements for anyone who chooses to work on the high seas, battling the elements in order to harvest nature's bounty; and

WHEREAS, The Arctic Rose left the Pribilof Island Port of Saint Paul on April 1 en route to the Bering Sea opening for flathead sole; and

WHEREAS, On Monday, April 2, fifteen fishers aboard the Arctic Rose disappeared on the Bering Sea; and
WHEREAS, Nine of the fifteen fishers who lost their lives on this Seattle-based fishing vessel were residents of Washington State; and

WHEREAS, The men and women who work on fishing boats, living between God and the sea, and never certain which will claim them first, deserve our admiration, our appreciation, and when tragedy strikes, our remembrance;

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate honor and remember the captain and all crew members of the Arctic Rose: David Rundall from Everett; Aaron Broderick from Kirkland; Jimmy Conrad from Spanaway; Edward Haynes from Seattle; G.W. Kandris from Tacoma; Kenneth Kivlin from Port Orchard; Jeff Meincke from Lacey; Mike Olney from Sumas; and Alejandro Ortiz Espino, Angel Mendez, Justino OPoll and Alejandro Cortez from Coatepec, Veracruz, Mexico; Shawn Bouchard from Harlowton, Montana; Kerry Egan from Britt, Montana; and James Mills from Judith Gap, Montana; and

BE IT FURTHER RESOLVED, That the Washington State Senate extend its condolences to the families and friends of the fishers who lost their lives or are missing on the Bering Sea, and wish the rest of the entire commercial fishing fleet a safe and prosperous season and that all fishing men and women will return home safely to their families, friends, and communities; and

BE IT FURTHER RESOLVED, That the Secretary of Senate immediately transmit copies of this resolution to the families of the crew of the Arctic Rose.

Senators Kohl-Welles, Thibaudeau, Gardner, Fraser and Shin spoke to Senate Resolution 2001-8672.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced family members and friends of the crew from the Arctic Rose, seated on the rostrum and at the back of the Chamber.

With permission of the Senate, business was suspended to permit Jeremy Busy, a close friend of Jeff Meincke, a member of the crew, to address the Senate.

MOMENT OF SILENCE

On suggestion of Senator Snyder, the Senate stood for a moment of silence for those who lost their lives on the Arctic Rose.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1633, by Representatives Campbell and Cody (by request of Insurance Commissioner Kreidler)

Making technical corrections to provisions concerning the individual health insurance market.

The bill was read the second time.

MOTIONS

On motion of Senator Thibaudeau, the following Committee on Health and Long Term Care striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.20.025 and 2000 c 79 s 3 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Claims" means the cost to the insurer of health care services, as defined in RCW 48.43.005, provided to a policyholder or paid to or on behalf of the policyholder in accordance with the terms of a health benefit plan, as defined in RCW 48.43.005. This includes capitation payments or other similar payments made to providers for the purpose of paying for health care services for a policyholder.

(b) "Claims reserves" means: (i) The liability for claims which have been reported but not paid; (ii) the liability for claims which have not been reported but which may reasonably be expected; (iii) active life reserves; and (iv) additional claims reserves whether for a specific liability purpose or not.

(c) "Earned premiums" means premiums, as defined in RCW 48.43.005, plus any rate credits or recoupments less any refunds, for the applicable period, whether received before, during, or after the applicable period.

(d) "Incurred claims expense" means claims paid during the applicable period plus any increase, or less any decrease, in the claims reserves.

(e) "Loss ratio" means incurred claims expense as a percentage of earned premiums.

(f) "Reserves" means: (i) Active life reserves; and (ii) additional reserves whether for a specific liability purpose or not.

(2) An insurer shall file, for informational purposes only, a notice of its schedule of rates for its individual health benefit plans with the commissioner prior to use.

(3) An insurer shall file with the notice required under subsection (2) of this section supporting documentation of its method of determining the rates charged. The commissioner may request only the following supporting documentation:

(a) A description of the insurer's rate-making methodology;

(b) An actuarially determined estimate of incurred claims which includes the experience data, assumptions, and justifications of the insurer's projection;

(c) The percentage of premium attributable in aggregate for nonclaims expenses used to determine the adjusted community rates charged; and

(d) A certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the adjusted community rate charged can be reasonably expected to result in a loss ratio that meets or exceeds the loss ratio standard established in subsection (7) of this section.

(4) The commissioner may not disapprove or otherwise impede the implementation of the filed rates.

(5) By the last day of May each year any insurer (~~(providing)~~) issuing or renewing individual health benefit plans in this state during the preceding calendar year shall file for review by the commissioner supporting documentation of its actual loss ratio for its individual health benefit plans offered or renewed in the state in aggregate for the preceding calendar year. The filing shall include aggregate earned premiums, aggregate incurred claims, and a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual loss ratio has been calculated in accordance with accepted actuarial principles.

(a) At the expiration of a thirty-day period beginning with the date the filing is (~~(delivered to)~~) received by the commissioner, the filing shall be deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the insurer.

(c) Any dispute regarding the calculation of the actual loss ratio shall, upon written demand of either the commissioner or the insurer, be submitted to hearing under chapters 48.04 and 34.05 RCW.

(6) If the actual loss ratio for the preceding calendar year is less than the loss ratio established in subsection (7) of this section, a remittance is due and the following shall apply:

(a) The insurer shall calculate a percentage of premium to be remitted to the Washington state health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection (7) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of (~~(the [this])~~) this subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest shall be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances shall be aggregated and such amounts shall be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section shall be issued within thirty days after the actual loss ratio is deemed approved under subsection (5)(a) of this section or the determination by an administrative law judge under subsection (5)(c) of this section.

(7) The loss ratio applicable to this section shall be seventy-four percent minus the premium tax rate applicable to the insurer's individual health benefit plans under RCW 48.14.0201.

Sec. 2. RCW 48.41.030 and 2000 c 79 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accounting year" means a twelve-month period determined by the board for purposes of record-keeping and accounting. The first accounting year may be more or less than twelve months and, from time to time in subsequent years, the board may order an accounting year of other than twelve months as may be required for orderly management and accounting of the pool.

(2) "Administrator" means the entity chosen by the board to administer the pool under RCW 48.41.080.

(3) "Board" means the board of directors of the pool.

(4) "Commissioner" means the insurance commissioner.

(5) "Covered person" means any individual resident of this state who is eligible to receive benefits from any member, or other health plan.

(6) "Health care facility" has the same meaning as in RCW 70.38.025.

(7) "Health care provider" means any physician, facility, or health care professional, who is licensed in Washington state and entitled to reimbursement for health care services.

(8) "Health care services" means services for the purpose of preventing, alleviating, curing, or healing human illness or injury.

(9) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(10) "Health coverage" means any group or individual disability insurance policy, health care service contract, and health maintenance agreement, except those contracts entered into for the provision of health care services pursuant to Title XVIII of the Social Security Act, 42 U.S.C. Sec. 1395 et seq. The term does not include short-term care, long-term care, dental, vision, accident, fixed indemnity, disability income contracts, (~~civilian health and medical program for the uniform services (CHAMPUS)~~, 40 U.S.C. 55,) limited benefit or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of the worker's compensation or similar law, automobile medical payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(11) "Health plan" means any arrangement by which persons, including dependents or spouses, covered or making application to be covered under this pool, have access to hospital and medical benefits or reimbursement including any group or individual disability insurance policy; health care service contract; health maintenance agreement; uninsured arrangements of group or group-type contracts including employer self-insured, cost-plus, or other benefit methodologies not involving insurance or not governed by Title 48 RCW; coverage under group-type contracts which are not available to the general public and can be obtained only because of connection with a particular organization or group; and coverage by medicare or other governmental benefits. This term includes coverage through "health coverage" as defined under this section, and specifically excludes those types of programs excluded under the definition of "health coverage" in subsection (10) of this section.

(12) "Medical assistance" means coverage under Title XIX of the federal Social Security Act (42 U.S.C., Sec. 1396 et seq.) and chapter 74.09 RCW.

(13) "Medicare" means coverage under Title XVIII of the Social Security Act, (42 U.S.C. Sec. 1395 et seq., as amended).

(14) "Member" means any commercial insurer which provides disability insurance or stop loss insurance, any health care service contractor, and any health maintenance organization licensed under Title 48 RCW. "Member" also means the Washington state health care authority as issuer of the state uniform medical plan. "Member" shall also mean, as soon as authorized by federal law, employers and other entities, including a self-funding entity and employee welfare benefit plans that provide health plan benefits in this state on or after May 18, 1987. "Member" does not include any insurer, health care service contractor, or health maintenance organization whose products are exclusively dental products or those products excluded from the definition of "health coverage" set forth in subsection (10) of this section.

(15) "Network provider" means a health care provider who has contracted in writing with the pool administrator or a health carrier contracting with the pool administrator to offer pool coverage to accept payment from and to look solely to the pool or health carrier according to the terms of the pool health plans.

(16) "Plan of operation" means the pool, including articles, by-laws, and operating rules, adopted by the board pursuant to RCW 48.41.050.

(17) "Point of service plan" means a benefit plan offered by the pool under which a covered person may elect to receive covered services from network providers, or nonnetwork providers at a reduced rate of benefits.

(18) "Pool" means the Washington state health insurance pool as created in RCW 48.41.040.

Sec. 3. RCW 48.41.100 and 2000 c 79 s 12 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer (~~regulated~~) eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out one million dollars in benefits;

(c) Inmates of public institutions and persons whose benefits are duplicated under public programs. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

Sec. 4. RCW 48.41.110 and 2000 c 80 s 2 are each amended to read as follows:

(1) The pool shall offer one or more care management plans of coverage. Such plans may, but are not required to, include point of service features that permit participants to receive in-network benefits or out-of-network benefits subject to differential cost shares. Covered persons enrolled in the pool on January 1, 2001, may continue coverage under the pool plan in which they are enrolled on that date. However, the pool may incorporate managed care features into such existing plans.

(2) The administrator shall prepare a brochure outlining the benefits and exclusions of the pool policy in plain language. After approval by the board, such brochure shall be made reasonably available to participants or potential participants.

(3) The health insurance policy issued by the pool shall pay only reasonable amounts for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of illnesses, injuries, and conditions which are not otherwise limited or excluded. Eligible expenses are the reasonable amounts for the health care services and items for which benefits are extended under the pool policy. Such benefits shall at minimum include, but not be limited to, the following services or related items:

(a) Hospital services, including charges for the most common semiprivate room, for the most common private room if semiprivate rooms do not exist in the health care facility, or for the private room if medically necessary, but limited to a total of one hundred eighty inpatient days in a calendar year, and limited to thirty days inpatient care for mental and nervous conditions, or alcohol, drug, or chemical dependency or abuse per calendar year;

(b) Professional services including surgery for the treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a health care provider, or at the direction of a health care provider, by a staff of registered or licensed practical nurses, or other health care providers;

(c) The first twenty outpatient professional visits for the diagnosis or treatment of one or more mental or nervous conditions or alcohol, drug, or chemical dependency or abuse rendered during a calendar year by one or more physicians, psychologists, or community mental health professionals, or, at the direction of a physician, by other qualified licensed health care practitioners, in the case of mental or nervous conditions, and rendered by a state certified chemical dependency program approved under chapter 70.96A RCW, in the case of alcohol, drug, or chemical dependency or abuse;

(d) Drugs and contraceptive devices requiring a prescription;

(e) Services of a skilled nursing facility, excluding custodial and convalescent care, for not more than one hundred days in a calendar year as prescribed by a physician;

(f) Services of a home health agency;

(g) Chemotherapy, radioisotope, radiation, and nuclear medicine therapy;

(h) Oxygen;

(i) Anesthesia services;

(j) Prostheses, other than dental;

(k) Durable medical equipment which has no personal use in the absence of the condition for which prescribed;

(l) Diagnostic x-rays and laboratory tests;

(m) Oral surgery limited to the following: Fractures of facial bones; excisions of mandibular joints, lesions of the mouth, lip, or tongue, tumors, or cysts excluding treatment for temporomandibular joints; incision of accessory sinuses, mouth salivary glands or ducts; dislocations of the jaw; plastic reconstruction or repair of traumatic injuries occurring while covered under the pool; and excision of impacted wisdom teeth;

(n) Maternity care services;

(o) Services of a physical therapist and services of a speech therapist;

(p) Hospice services;

(q) Professional ambulance service to the nearest health care facility qualified to treat the illness or injury; and

(r) Other medical equipment, services, or supplies required by physician's orders and medically necessary and consistent with the diagnosis, treatment, and condition.

(4) The board shall design and employ cost containment measures and requirements such as, but not limited to, care coordination, provider network limitations, preadmission certification, and concurrent inpatient review which may make the pool more cost-effective.

(5) The pool benefit policy may contain benefit limitations, exceptions, and cost shares such as copayments, coinsurance, and deductibles that are consistent with managed care products, except that differential cost shares may be adopted by the board for nonnetwork providers under point of service plans. The pool benefit policy cost shares and limitations must be consistent with those that are generally included in health plans approved by the insurance commissioner; however, no limitation, exception, or reduction may be used that would exclude coverage for any disease, illness, or injury.

(6) The pool may not reject an individual for health plan coverage based upon preexisting conditions of the individual or deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that it shall impose a six-month benefit waiting period for preexisting conditions for which medical advice was given, for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within six months before the effective date of coverage. The preexisting condition waiting period shall not apply to prenatal care services. The pool may not avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. Credit against the waiting period shall be as provided in subsection (7) of this section.

(7)(a) Except as provided in (b) of this subsection, the pool shall credit any preexisting condition waiting period in its plans for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new pool plan ~~((in a group health benefit plan or an individual health benefit plan other than a catastrophic health plan. The pool must credit the period of coverage the person was continuously covered under the immediately preceding health plan)). For the person previously enrolled in a group health benefit plan, the pool must credit the aggregate of all periods of preceding coverage not separated by more than sixty-three days toward the waiting period of the new health plan. For the person previously enrolled in an individual health benefit plan other than a catastrophic health plan, the pool must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan.~~ For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan.

(b) The pool shall waive any preexisting condition waiting period for a person who is an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. 300gg-41(b)).

(8) If an application is made for the pool policy as a result of rejection by a carrier, then the date of application to the carrier, rather than to the pool, should govern for purposes of determining preexisting condition credit.

Sec. 5. RCW 48.43.005 and 2000 c 79 s 18 are each amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(d).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

~~((4))~~ (5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand dollars; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least five thousand five hundred dollars; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

~~((5))~~ (6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

~~((6))~~ (7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

~~((7))~~ (8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

~~((8))~~ (9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

~~((9))~~ (10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

~~((10))~~ (11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

((11)) (12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

((12)) (13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

((13)) (14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

((14)) (15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

((15)) (16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

((16)) (17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

((17)) (18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

((18)) (19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(d) Disability income;

(e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(f) Workers' compensation coverage;

(g) Accident only coverage;

(h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(i) Employer-sponsored self-funded health plans;

(j) Dental only and vision only coverage; and

(k) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

((19)) (20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

((20)) (21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

((21)) (22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

((22)) (23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

((23)) (24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision except school districts, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. The term "small employer" includes a self-employed individual or sole proprietor. The term "small employer" also includes a self-employed individual or sole proprietor who derives at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year.

((24)) (25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

~~((25))~~ (26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

Sec. 6. RCW 48.43.012 and 2000 c 79 s 19 are each amended to read as follows:

(1) No carrier may reject an individual for an individual health benefit plan based upon preexisting conditions of the individual except as provided in RCW 48.43.018.

(2) No carrier may deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions except as provided in this section.

(3) For an individual health benefit plan originally issued on or after March 23, 2000, preexisting condition waiting periods imposed upon a person enrolling in an individual health benefit plan shall be no more than nine months for a preexisting condition for which medical advice was given, for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within six months prior to the effective date of the plan. No carrier may impose a preexisting condition waiting period on an individual health benefit plan issued to an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. 300gg-41(b)).

(4) Individual health benefit plan preexisting condition waiting periods shall not apply to prenatal care services.

(5) No carrier may avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. A new or changed rate classification will be deemed an attempt to avoid the provisions of this section if the new or changed classification would substantially discourage applications for coverage from individuals who are higher than average health risks. These provisions apply only to individuals who are Washington residents.

Sec. 7. RCW 48.43.015 and 2000 c 80 s 3 are each amended to read as follows:

~~(1) ((For a health benefit plan offered to a group other than a small group, every health carrier shall reduce any preexisting condition exclusion or limitation for persons or groups who had similar health coverage under a different health plan at any time during the three-month period immediately preceding the date of application for the new health plan if such person was continuously covered under the immediately preceding health plan. If the person was continuously covered for at least three months under the immediately preceding health plan, the carrier may not impose a waiting period for coverage of preexisting conditions. If the person was continuously covered for less than three months under the immediately preceding health plan, the carrier must credit any waiting period under the immediately preceding health plan toward the new health plan. For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan and plans of the Washington state health insurance pool.~~

~~(2) For a health benefit plan offered to a small group, every health carrier shall reduce any preexisting condition exclusion or limitation for persons or groups who had similar health coverage under a different health plan at any time during the three-month period immediately preceding the date of application for the new health plan if such person was continuously covered under the immediately preceding health plan. If the person was continuously covered for at least nine months under the immediately preceding health plan, the carrier may not impose a waiting period for coverage of preexisting conditions. If the person was continuously covered for less than nine months under the immediately preceding health plan, the carrier must credit any waiting period under the immediately preceding health plan toward the new health plan. For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan and plans of the Washington state health insurance pool.~~

~~(3)) For a health benefit plan offered to a group, every health carrier shall reduce any preexisting condition exclusion, limitation, or waiting period in the group health plan in accordance with the provisions of section 2701 of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg).~~

~~(2) For a health benefit plan offered to a group other than a small group:~~

~~(a) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for at least three months, then the carrier shall not impose a waiting period for coverage of preexisting conditions under the new health plan.~~

~~(b) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for less than three months, then the carrier shall credit the time covered under the immediately preceding health plan toward any preexisting condition waiting period under the new health plan.~~

~~(c) For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan and plans of the Washington state health insurance pool.~~

~~(3) For a health benefit plan offered to a small group:~~

~~(a) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for at least nine months, then the carrier shall not impose a waiting period for coverage of preexisting conditions under the new health plan.~~

~~(b) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for less than nine months, then the carrier shall credit the time covered under the immediately preceding health plan toward any preexisting condition waiting period under the new health plan.~~

~~(c) For the purpose of this subsection, a preceding health plan includes an employer-provided self-funded health plan and plans of the Washington state health insurance pool.~~

(4) For a health benefit plan offered to an individual, other than an individual to whom subsection ~~((4))~~ (5) of this section applies, every health carrier shall credit any preexisting condition waiting period in that plan for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new health plan in a group health benefit plan or an individual health benefit plan, other than a catastrophic health plan, and (a) the benefits under the previous plan provide equivalent or greater overall benefit coverage than that provided in the health benefit plan the individual seeks to purchase; or (b) the person is seeking an individual health benefit plan due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, if application

for coverage is made within ninety days of relocation; or (c) the person is seeking an individual health benefit plan: (i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and (ii) his or her health care provider is part of another carrier's provider network; and (iii) application for a health benefit plan under that carrier's provider network individual coverage is made within ninety days of his or her provider leaving the previous carrier's provider network. The carrier must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection ~~((3))~~ (4), a preceding health plan includes an employer-provided self-funded health plan and plans of the Washington state health insurance pool.

~~((4))~~ (5) Every health carrier shall waive any preexisting condition waiting period in its individual plans for a person who is an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b)).

~~((5))~~ (6) Subject to the provisions of subsections (1) through ~~((4))~~ (5) of this section, nothing contained in this section requires a health carrier to amend a health plan to provide new benefits in its existing health plans. In addition, nothing in this section requires a carrier to waive benefit limitations not related to an individual or group's preexisting conditions or health history.

Sec. 8. RCW 48.43.018 and 2000 c 80 s 4 are each amended to read as follows:

(1) Except as provided in (a) through (c) of this subsection, a health carrier may require any person applying for an individual health benefit plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking an individual health benefit plan due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking an individual health benefit plan due to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. A health carrier shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the individual coverage applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan; and

(b) Within fifteen business days of receipt of a completed application, the carrier shall provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the carrier does not provide or postmark such notice within fifteen business days, the application is deemed approved.

(3) If the person applying for an individual health benefit plan: (a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a) or (b) of this section, the carrier shall accept the person for enrollment if he or she resides within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

Sec. 9. RCW 48.43.025 and 2000 c 79 s 23 are each amended to read as follows:

(1) For group health benefit plans for groups other than small groups, no carrier may reject an individual for health plan coverage based upon preexisting conditions of the individual and no carrier may deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that a carrier may impose a three-month benefit waiting period for preexisting conditions for which medical advice was given, or for which a health care provider recommended or provided treatment ~~((, or for which a prudent layperson would have sought advice or treatment,))~~ within three months before the effective date of coverage. Any preexisting condition waiting period or limitation relating to pregnancy as a preexisting condition shall be imposed only to the extent allowed in the federal health insurance portability and accountability act of 1996.

(2) For group health benefit plans for small groups, no carrier may reject an individual for health plan coverage based upon preexisting conditions of the individual and no carrier may deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions. Except that a carrier may impose a nine-month benefit waiting period for preexisting conditions for which medical advice was given, or for which a health care provider recommended or provided treatment ~~((, or for which a prudent layperson would have sought advice or treatment,))~~ within six months before the effective date of coverage. Any preexisting condition waiting period or limitation relating to pregnancy as a preexisting condition shall be imposed only to the extent allowed in the federal health insurance portability and accountability act of 1996.

(3) No carrier may avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. A new or changed rate classification will be deemed an attempt to avoid the provisions of this section if the new or changed classification would substantially discourage applications for coverage from individuals or groups who are higher than average health risks. These provisions apply only to individuals who are Washington residents.

NEW SECTION. Sec. 10. A new section is added to chapter 48.43 RCW to read as follows:

To the extent required of the federal health insurance portability and accountability act of 1996, the eligibility of an employer or group to purchase a health benefit plan set forth in RCW 48.21.045(1)(b), 48.44.023(1)(b), and 48.46.066(1)(b) must be extended to all small employers and small groups as defined in RCW 48.43.005.

Sec. 11. RCW 48.44.017 and 2000 c 79 s 29 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Claims" means the cost to the health care service contractor of health care services, as defined in RCW 48.43.005, provided to a contract holder or paid to or on behalf of a contract holder in accordance with the terms of a health benefit plan, as defined in RCW 48.43.005. This includes capitation payments or other similar payments made to providers for the purpose of paying for health care services for an enrollee.

(b) "Claims reserves" means: (i) The liability for claims which have been reported but not paid; (ii) the liability for claims which have not been reported but which may reasonably be expected; (iii) active life reserves; and (iv) additional claims reserves whether for a specific liability purpose or not.

(c) "Earned premiums" means premiums, as defined in RCW 48.43.005, plus any rate credits or recoupments less any refunds, for the applicable period, whether received before, during, or after the applicable period.

(d) "Incurred claims expense" means claims paid during the applicable period plus any increase, or less any decrease, in the claims reserves.

(e) "Loss ratio" means incurred claims expense as a percentage of earned premiums.

(f) "Reserves" means: (i) Active life reserves; and (ii) additional reserves whether for a specific liability purpose or not.

(2) A health care service contractor shall file, for informational purposes only, a notice of its schedule of rates for its individual contracts with the commissioner prior to use.

(3) A health care service contractor shall file with the notice required under subsection (2) of this section supporting documentation of its method of determining the rates charged. The commissioner may request only the following supporting documentation:

(a) A description of the health care service contractor's rate-making methodology;

(b) An actuarially determined estimate of incurred claims which includes the experience data, assumptions, and justifications of the health care service contractor's projection;

(c) The percentage of premium attributable in aggregate for nonclaims expenses used to determine the adjusted community rates charged; and

(d) A certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the adjusted community rate charged can be reasonably expected to result in a loss ratio that meets or exceeds the loss ratio standard established in subsection (7) of this section.

(4) The commissioner may not disapprove or otherwise impede the implementation of the filed rates.

(5) By the last day of May each year any health care service contractor (~~(providing)~~) issuing or renewing individual health benefit plans in this state during the preceding calendar year shall file for review by the commissioner supporting documentation of its actual loss ratio for its individual health benefit plans offered or renewed in this state in aggregate for the preceding calendar year. The filing shall include aggregate earned premiums, aggregate incurred claims, and a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual loss ratio has been calculated in accordance with accepted actuarial principles.

(a) At the expiration of a thirty-day period beginning with the date the filing is (~~(delivered to)~~) received by the commissioner, the filing shall be deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the health care service contractor.

(c) Any dispute regarding the calculation of the actual loss ratio shall upon written demand of either the commissioner or the health care service contractor be submitted to hearing under chapters 48.04 and 34.05 RCW.

(6) If the actual loss ratio for the preceding calendar year is less than the loss ratio standard established in subsection (7) of this section, a remittance is due and the following shall apply:

(a) The health care service contractor shall calculate a percentage of premium to be remitted to the Washington state health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection (7) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of this subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest shall be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances shall be aggregated and such amounts shall be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section shall be issued within thirty days after the actual loss ratio is deemed approved under subsection (5)(a) of this section or the determination by an administrative law judge under subsection (5)(c) of this section.

(7) The loss ratio applicable to this section shall be seventy-four percent minus the premium tax rate applicable to the health care service contractor's individual health benefit plans under RCW 48.14.0201.

Sec. 12. RCW 48.46.062 and 2000 c 79 s 32 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Claims" means the cost to the health maintenance organization of health care services, as defined in RCW 48.43.005, provided to an enrollee or paid to or on behalf of the enrollee in accordance with the terms of a health benefit plan, as

defined in RCW 48.43.005. This includes capitation payments or other similar payments made to providers for the purpose of paying for health care services for an enrollee.

(b) "Claims reserves" means: (i) The liability for claims which have been reported but not paid; (ii) the liability for claims which have not been reported but which may reasonably be expected; (iii) active life reserves; and (iv) additional claims reserves whether for a specific liability purpose or not.

(c) "Earned premiums" means premiums, as defined in RCW 48.43.005, plus any rate credits or recoupments less any refunds, for the applicable period, whether received before, during, or after the applicable period.

(d) "Incurred claims expense" means claims paid during the applicable period plus any increase, or less any decrease, in the claims reserves.

(e) "Loss ratio" means incurred claims expense as a percentage of earned premiums.

(f) "Reserves" means: (i) Active life reserves; and (ii) additional reserves whether for a specific liability purpose or not.

(2) A health maintenance organization shall file, for informational purposes only, a notice of its schedule of rates for its individual agreements with the commissioner prior to use.

(3) A health maintenance organization shall file with the notice required under subsection (2) of this section supporting documentation of its method of determining the rates charged. The commissioner may request only the following supporting documentation:

(a) A description of the health maintenance organization's rate-making methodology;

(b) An actuarially determined estimate of incurred claims which includes the experience data, assumptions, and justifications of the health maintenance organization's projection;

(c) The percentage of premium attributable in aggregate for nonclaims expenses used to determine the adjusted community rates charged; and

(d) A certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the adjusted community rate charged can be reasonably expected to result in a loss ratio that meets or exceeds the loss ratio standard established in subsection (7) of this section.

(4) The commissioner may not disapprove or otherwise impede the implementation of the filed rates.

(5) By the last day of May each year any health maintenance organization (~~providing~~) issuing or renewing individual health benefit plans in this state during the preceding calendar year shall file for review by the commissioner supporting documentation of its actual loss ratio for its individual health benefit plans offered or renewed in the state in aggregate for the preceding calendar year. The filing shall include aggregate earned premiums, aggregate incurred claims, and a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual loss ratio has been calculated in accordance with accepted actuarial principles.

(a) At the expiration of a thirty-day period beginning with the date the filing is (~~delivered to~~) received by the commissioner, the filing shall be deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the health maintenance organization.

(c) Any dispute regarding the calculation of the actual loss ratio shall, upon written demand of either the commissioner or the health maintenance organization, be submitted to hearing under chapters 48.04 and 34.05 RCW.

(6) If the actual loss ratio for the preceding calendar year is less than the loss ratio standard established in subsection (7) of this section, a remittance is due and the following shall apply:

(a) The health maintenance organization shall calculate a percentage of premium to be remitted to the Washington state health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection (7) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of this subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest shall be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances shall be aggregated and such amounts shall be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section shall be issued within thirty days after the actual loss ratio is deemed approved under subsection (5)(a) of this section or the determination by an administrative law judge under subsection (5)(c) of this section.

(7) The loss ratio applicable to this section shall be seventy-four percent minus the premium tax rate applicable to the health maintenance organization's individual health benefit plans under RCW 48.14.0201.

Sec. 13. RCW 70.47.060 and 2000 c 79 s 34 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their

dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.47.030, and such other factors as the administrator deems appropriate.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

(c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator.

(d) To develop, as an offering by every health carrier providing coverage identical to the basic health plan, as configured on January 1, 2001, a basic health plan model plan with uniformity in enrollee cost-sharing requirements.

(3) To design and implement a structure of enrollee cost-sharing due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(5) To limit the payment of subsidies from managed health care systems, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan for either subsidized enrollees, or nonsubsidized enrollees, or both. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of this chapter. When an enrollee fails to report income or income changes accurately, the administrator shall have the authority either to bill the enrollee for the amounts overpaid by the state or to impose civil penalties of up to two hundred percent of the amount of subsidy overpaid due to the enrollee incorrectly reporting income. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.

(10) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be

the same or actuarially equivalent for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(15) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

(16) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions.

(17) To administer the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii) pursuant to a contract with the Washington state health insurance pool.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTIONS

On motion of Senator Thibaudeau, the following title amendment was adopted:

On page 1, line 2 of the title, after "2000;" strike the remainder of the title and insert "amending RCW 48.20.025, 48.41.030, 48.41.100, 48.41.110, 48.43.005, 48.43.012, 48.43.015, 48.43.018, 48.43.025, 48.44.017, 48.46.062, and 70.47.060; adding a new section to chapter 48.43 RCW; and declaring an emergency."

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 1633, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1633, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1633, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 47.

Absent: Senator Zarelli - 1.

Excused: Senator Haugen - 1.

HOUSE BILL NO. 1633, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Hewitt, Senator Honeyford was excused.

On motion of Senator Eide, Senator Gardner was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1759, by House Committee on Health Care (originally sponsored by Representatives Darneille, Schual-Berke, McDermott, Santos, Murray, Tokuda and Wood)

Allowing for the sale of hypodermic syringes and needles to reduce the transmission of bloodborne diseases.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 69.50.412 and 1981 c 48 s 2 are each amended to read as follows:

(1) It is unlawful for any person to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Any person who violates this subsection is guilty of a misdemeanor.

(2) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Any person who violates this subsection is guilty of a misdemeanor.

(3) Any person eighteen years of age or over who violates subsection (2) of this section by delivering drug paraphernalia to a person under eighteen years of age who is at least three years his junior is guilty of a gross misdemeanor.

(4) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor.

(5) It is lawful for any person over the age of eighteen to possess up to ten hypodermic syringes and needles for the purpose of reducing bloodborne diseases."

MOTIONS

On motion of Senator Thibaudeau,, the following title amendment was adopted:

On page 1, line 1 of the title, after "syringes;" strike the remainder of the title and insert "and amending RCW 69.50.412."

On motion of Senator Thibaudeau, the rules were suspended, Substitute House Bill No. 1759, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1759, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1759, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 1; Excused, 3.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Snyder, Spanel, Swecker, Thibaudeau and Winsley - 27.

Voting nay: Senators Benton, Hale, Hewitt, Hochstatter, Horn, Johnson, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Shin, Stevens, West and Zarelli - 18.

Absent: Senator Constantine - 1.

Excused: Senators Gardner, Haugen and Honeyford - 3.

SUBSTITUTE HOUSE BILL NO. 1759, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2126, by Representatives Kenney, Cox, McIntire and Edwards (by request of Committee on Advanced College Tuition Payment and State Treasurer Murphy)

Authorizing a college savings plan.

The bill was read the second time.

MOTION

On motion of Senator Kohl-Welles, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.95.020 and 2000 c 14 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

- (1) "Academic year" means the regular nine-month, three-quarter, or two-semester period annually occurring between July 1st and June 30th.
 - (2) "Account" means the Washington advanced college tuition payment program account established for the deposit of all money received by the board from eligible purchasers and interest earnings on investments of funds in the account, as well as for all expenditures on behalf of eligible beneficiaries for the redemption of tuition units.
 - (3) "Board" means the higher education coordinating board as defined in chapter 28B.80 RCW.
 - (4) "Committee on advanced tuition payment" or "committee" means a committee of the following members: The state treasurer, the director of the office of financial management, the executive director of the higher education coordinating board, or their designees, and two members to be appointed by the governor, one representing program participants and one private business representative with marketing, public relations, or financial expertise.
 - (5) "Governing body" means the committee empowered by the legislature to administer the Washington advanced college tuition payment program.
 - (6) "Contractual obligation" means a legally binding contract of the state with the purchaser and the beneficiary establishing that purchases of tuition units will be worth the same number of tuition units at the time of redemption as they were worth at the time of the purchase.
 - (7) "Eligible beneficiary" means the person for whom the tuition unit will be redeemed for attendance at an institution of higher education. The beneficiary is that person named by the purchaser at the time that a tuition unit contract is accepted by the governing body. With the exception of tuition unit contracts purchased by qualified organizations as future scholarships, the beneficiary must reside in the state of Washington or otherwise be a resident of the state of Washington at the time the tuition unit contract is accepted by the governing body.
 - (8) "Eligible purchaser" means an individual or organization that has entered into a tuition unit contract with the governing body for the purchase of tuition units for an eligible beneficiary.
 - (9) "Full-time tuition charges" means resident tuition charges at a state institution of higher education for enrollments between ten credits and eighteen credit hours per academic term.
 - (10) "Institution of higher education" means an institution that offers education beyond the secondary level and is recognized by the internal revenue service under chapter 529 of the internal revenue code.
 - (11) "Investment board" means the state investment board as defined in chapter 43.33A RCW.
 - (12) "State institution of higher education" means institutions of higher education as defined in RCW 28B.10.016.
 - (13) "Tuition and fees" means undergraduate tuition and services and activities fees as defined in RCW 28B.15.020 and 28B.15.041 rounded to the nearest whole dollar. The maximum tuition and fees charges recognized for beneficiaries enrolled in a state technical college shall be equal to the tuition and fees for the community college system.
 - (14) "Tuition unit contract" means a contract between an eligible purchaser and the governing body, or a successor agency appointed for administration of this chapter, for the purchase of tuition units for a specified beneficiary that may be redeemed at a later date for an equal number of tuition units.
 - (15) "Unit purchase price" means the minimum cost to purchase one tuition unit for an eligible beneficiary. Generally, the minimum purchase price is one percent of the undergraduate weighted average tuition and fees for the current year, rounded to the nearest whole dollar, adjusted for the costs of administration and adjusted to ensure the actuarial soundness of the account. The analysis for price setting shall also include, but not be limited to consideration of past and projected patterns of tuition increases, program liability, past and projected investment returns, and the need for a prudent stabilization reserve.
 - (16) "Weighted average tuition" shall be calculated as the sum of the undergraduate tuition and services and activities fees for each four-year state institution of higher education, multiplied by the respective full-time equivalent student enrollment at each institution divided by the sum total of undergraduate full-time equivalent student enrollments of all four-year state institutions of higher education, rounded to the nearest whole dollar.
 - (17) "Weighted average tuition unit" is the value of the weighted average tuition and fees divided by one hundred. The weighted average is the basis upon which tuition benefits ((are)) may be calculated ((for graduate program enrollments and for attendance at nonstate institutions of higher education and is)) as the basis for any refunds provided from the program.
- NEW SECTION. Sec. 2.** A new section is added to chapter 28B.95 RCW to read as follows:
- (1) The committee may establish a college savings program. If such a program is established, the college savings program shall be established, in such form as may be determined by the committee, to be a qualified state tuition program as defined by the internal revenue service under section 529 of the internal revenue code, and shall be administered in a manner consistent with the Washington advanced college tuition payment program. The committee, in planning and devising the program, shall consult with the state investment board, the state treasurer, a qualified actuarial consulting firm with appropriate expertise to evaluate such plans, the legislative fiscal and higher education committees, and the institutions of higher education.
 - (2) If such a college savings program is established, the college savings program account is created in the custody of the state treasurer for the purpose of administering the college savings program. If created, the account shall be a discrete nontreasury account in the custody of the state treasurer. Interest earnings shall be retained in accordance with RCW 43.79A.040. Disbursements from the account, except for program administration, are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. Money used for program administration is subject to the allotment provisions, but without appropriation.
 - (3) The committee, after consultation with the state investment board, shall determine the investment policies for the college savings program. Program contributions may be invested by the state investment board or the committee may contract with an investment company licensed to conduct business in this state to do the investing. The committee shall keep or cause to be kept full and adequate accounts and records of the assets of each individual participant in the college savings program.
 - (4) Neither the state nor any eligible educational institution may be considered or held to be an insurer of the funds or assets of the individual participant accounts in the college savings program created under this section nor may any such entity be held liable for any shortage of funds in the event that balances in the individual participant accounts are insufficient to meet the educational expenses of the institution chosen by the student for which the individual participant account was intended.
 - (5) The committee shall adopt rules to implement this section. Such rules shall include but not be limited to administration, investment management, promotion, and marketing; compliance with internal revenue service standards; application

procedures and fees; start-up costs; phasing in the savings program and withdrawals therefrom; deterrents to early withdrawals and provisions for hardship withdrawals; and reenrollment in the savings program after withdrawal.

(6) The committee may, at its discretion, determine to cease operation of the college savings program if it determines the continuation is not in the best interest of the state. The committee shall adopt rules to implement this section addressing the orderly distribution of assets.

Sec. 3. RCW 28B.95.110 and 2000 c 14 s 8 are each amended to read as follows:

(1) The intent of the Washington advanced college tuition payment program is to redeem tuition units for attendance at an institution of higher education. Refunds shall be issued under specific conditions that may include the following:

(a) Certification that the beneficiary, who is eighteen years of age or older, will not attend an institution of higher education, will result in a refund not to exceed the current weighted average tuition and fees in effect at the time of such certification minus a penalty at the rate established by the internal revenue service under chapter 529 of the internal revenue code. No more than one hundred tuition units may be refunded per year to any individual making this certification. The refund shall be made no sooner than ninety days after such certification, less any administrative processing fees assessed by the governing body;

(b) If there is certification of the death or disability of the beneficiary, the refund shall be equal to one hundred percent of any remaining unused tuition units (~~valued~~) at the current (~~weighted average tuition units~~) value, as determined by the governing body, at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body;

(c) If there is certification by the student of graduation or program completion, the refund shall be as great as one hundred percent of any remaining unused (~~weighted average~~) tuition units at the current value, as determined by the governing body, at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body. The governing body may, at its discretion, impose a penalty if needed to comply with federal tax rules;

(d) If there is certification of other tuition and fee scholarships, which will cover the cost of tuition for the eligible beneficiary. The refund shall be equal to one hundred percent of the current (~~weighted average~~) value of tuition units, as determined by the governing body, in effect at the time of the refund request, (~~plus~~) less any administrative processing fees assessed by the governing body. The refund under this subsection may not exceed the value of the scholarship;

(e) Incorrect or misleading information provided by the purchaser or beneficiaries may result in a refund of the purchaser's investment, less any administrative processing fees assessed by the governing body. The value of the refund will not exceed the actual dollar value of the purchaser's contributions; and

(f) The governing body may determine other circumstances qualifying for refunds of remaining unused tuition units and may determine the value of that refund.

(2) With the exception of subsection (1)(b), (e), and (f) of this section no refunds may be made before the units have been held for two years.

Sec. 4. RCW 43.79A.040 and 2000 c 79 s 45 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility (~~grant~~) account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 5. Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

MOTIONS

On motion of Senator Kohl-Welles, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28B.95.020, 28B.95.110, and 43.79A.040; adding a new section to chapter 28B.95 RCW; providing an effective date; and declaring an emergency."

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 2126, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2126, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2126, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Absent: Senators Deccio and Kline - 2.

Excused: Senators Gardner, Haugen and Honeyford - 3.

HOUSE BILL NO. 2126, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1001, by House Committee on Capital Budget (originally sponsored by Representatives Alexander, Murray, Armstrong, Hatfield, Dickerson, Linville, Kenney, Simpson, McIntire, Edmonds, Keiser, Schual-Berke, Ogden and Fromhold) by request of Public Works Board)

Authorizing projects recommended by the public works board.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Substitute House Bill No. 1001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1001.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1001 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Hale, Hargrove, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Absent: Senators Franklin and Kline - 2.

Excused: Senators Gardner, Haugen and Honeyford - 3.

SUBSTITUTE HOUSE BILL NO. 1001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kline was excused.

SECOND READING

SENATE BILL NO. 5576, by Senator Hargrove (by request of Governor Locke)

Simplifying asset tests.

MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5576 was substituted for Senate Bill No. 5576 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Second Substitute Senate Bill No. 5576 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5576.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5576 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Gardner, Haugen and Kline - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6143, by Senators T. Sheldon, Hargrove, Long, Costa, Roach, Snyder, McCaslin, Spanel, Winsley, Gardner, Eide, Zarelli, Rossi, Benton, Hochstatter, Swecker, Kastama, Shin, Patterson, Kline, Fraser, McAuliffe and Rasmussen

Requiring publication of level III sex and kidnapping offender notifications.

MOTIONS

On motion of Senator Costa, Substitute Senate Bill No. 6143 was substituted for Senate Bill No. 6143 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Costa, the following amendment was adopted:

On page 3, beginning on line 14, after "maintained" strike all material through "site" on line 15, and insert "by the county sheriff on a publicly accessible web site and shall be updated at least once per month"

MOTION

On motion of Senator Costa, the rules were suspended, Engrossed Substitute Senate Bill No. 6143 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6143.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6143 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Haugen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1102, by Representatives Boldt, Woods and Clements

Regarding foster care.

The bill was read the second time.

MOTION

On motion of Senator Costa, the following Committee on Human Services and Corrections striking amendment was adopted:

Beginning on page 2, line 32, strike all of section 4 and insert the following:

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

(1) No child may be placed or remain in a specific out-of-home placement under this chapter or chapter 13.34 RCW when there is a conflict of interest on the part of any adult residing in the home in which the child is to be or has been placed. A conflict of interest exists when:

(a) There is an adult in the home who, as a result of: (i) His or her employment; and (ii) an allegation of abuse or neglect of the child, conducts or has conducted an investigation of the allegation; or

(b) The child has been, is, or is likely to be a witness in any pending cause of action against any adult in the home when the cause includes: (i) An allegation of abuse or neglect against the child or any sibling of the child; or (ii) a claim of damages resulting from wrongful interference with the parent-child relationship of the child and his or her biological or adoptive parent.

(2) For purposes of this section, "investigation" means the exercise of professional judgment in the review of allegations of abuse or neglect by: (a) Law enforcement personnel; (b) persons employed by, or under contract with, the state; (c) persons licensed to practice law and their employees; and (d) mental health professionals as defined in chapter 71.05 RCW.

(3) The prohibition set forth in subsection (1) of this section may not be waived or deferred by the department under any circumstance or at the request of any person, regardless of who has made the request or the length of time of the requested placement.

NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW to read as follows:

(1) When the secretary has reasonable cause to believe that an employee has knowingly violated the conflict of interest provisions in section 4 of this act, notwithstanding any rule adopted under chapter 41.06 RCW, the secretary shall immediately suspend the employee.

(2) The secretary shall immediately institute proceedings to terminate the employment of any person who is found by the department, based upon a preponderance of the evidence, to have knowingly violated the conflict of interest provisions in section 4 of this act.

(3) When the secretary has reasonable cause to believe that the employee of a contractor has knowingly violated the conflict of interest provisions in section 4 of this act, the secretary shall require the employee of a contractor to be immediately removed from any employment position which would permit the employee to make or influence placement decisions.

(4) The secretary shall disqualify for employment with a contractor in any position which would permit the employee to make or influence placement decisions, any person who is found by the department, based upon a preponderance of evidence, to have knowingly violated the conflict of interest provisions of section 4 of this act.

(5) The secretary, when considering the renewal of a contract with a contractor who has taken action under subsection (3) or (4) of this section, shall require the contractor to demonstrate that there has been significant progress made in reducing the likelihood that the contractor's employees would knowingly violate the conflict of interest provisions in section 4 of this act. The secretary shall not renew a contract unless he or she determines that significant progress has been made.

(6) For purposes of RCW 50.20.060, a person terminated under this section shall be considered discharged for misconduct."

MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, at the beginning of line 2 of the title, strike "and 74.13.330"

On motion of Senator Costa, the rules were suspended, House Bill No. 1102, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1102, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1102, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Haugen - 1.

HOUSE BILL NO. 1102, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1498, by House Committee on Natural Resources (originally sponsored by Representatives Jackley and Pearson) (by request of Department of Fish and Wildlife)

Requiring holders of fish and wildlife licenses purchased over the internet or telephone to provide enforcement officers with photo identification.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen the following Committee on Natural Resources, Parks and Shorelines striking amendment was adopted: Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 77.15.080 and 2000 c 107 s 233 are each amended to read as follows:

Based upon articulable facts that a person is engaged in fishing or hunting activities, fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title. For licenses purchased over the internet or telephone, fish and wildlife officers may require the person to exhibit a driver's license or other photo identification.

Sec. 2. RCW 77.32.420 and 2000 c 107 s 272 are each amended to read as follows:

Recreational licenses are not transferable. Upon request of a fish and wildlife officer, ex officio fish and wildlife officer, or authorized fish and wildlife employee, a person hunting for game animals and furbearers, digging for, fishing for, or possessing shellfish, or seaweed or fishing for or possessing food fish or game fish for personal use shall exhibit the required recreational license and write his or her signature for comparison with the signature on the license. A person who has purchased a license over the internet or by telephone may be required to also exhibit a valid driver's license, or other photo identification. Failure to comply with the request is prima facie evidence that the person does not have a license or is not the person named on the license."

MOTIONS

. On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 2 of the title, after "licenses;" strike the remainder of the title and insert "and amending RCW 77.15.080 and 77.32.420."

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1498, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 148, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1498, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Rasmussen - 1.

Excused: Senator Haugen - 1.

SUBSTITUTE HOUSE BILL NO. 1498, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

MOTION

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

SENATE RESOLUTION 2001-8669

WHEREAS, It is the tradition of the Washington State Senate to recognize outstanding achievement in athletic excellence; and

WHEREAS, Mount Rainier High School of Des Moines won the Washington State AAA Boys Swim and Dive Championship at the King County Aquatic Center on February 17; and

WHEREAS, The Mount Rainier Rams managed to take the state championship without winning a single event, because their team has an extensive depth of talent and a strong coaching staff; and

WHEREAS, Mount Rainier High School has won the State AAA Boys Swim and Dive Championship three times in the past ten years; and

WHEREAS, The AAA Boys Swim and Dive Championship hinged on the final event, with Bellevue placing second and Mercer Island placing third; and

WHEREAS, The members, coaches, parents and friends of the Mount Rainier High School swim and dive team helped raise more than \$25,000 in four months, which helped send the team to Hawaii to condition and compete at the University of Hawaii, before their high school swim season began; and

WHEREAS, Parents and swimmers credit the Rams' success with the outstanding dedication of swim coach Rick Wertman and dive coach Todd Wollenweber, who both provided strong, inspirational leadership and emphasized their expectations of good sportsmanship and honorable behavior both in and out of the pool; and

WHEREAS, Team members Ben Austin, Eric Bivoino, Matt Brumfield, Paul Ehreth, Jason Hagen, Daniel Kessey, Brad Lentz, David Lilleness, Matt Midgett, Brad Nelson, Chris Norris, Alden Olmstead, Alex Olsen, Alex Patterson, Bryan Roberts, David Staley, Travis Thompson, Taylor Evans-Race, Matt Hettler, Garrick Hughes, Cy Sack, J.B. Andrews, Greg Austin, Taylor Evans-Race, Matt Hettler, Garrick Hughes, JB Andrews, Greg Austin, Ben Christian, Daniel Crawley, Greg Fleehart, Andrew Keane, AJ Koenig, Dayne Olmstead, Kevin Reilly, Justin Babitsky, Brett Bertucio, Brenton Cook, Jordon Duke, Nick Harrell, Neal Inman, Justin Kraft, Brien Lautman, Dustin Mennella, Jeff Pfeiffer, James Scheider, John Struzenberg, and John Thibodeaux have distinguished themselves as high school athletes; and

WHEREAS, The Mount Rainier Rams were the only team at the Washington State AAA Boys Swim and Dive Championship to have four individual divers place in the top eight;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate applauds the hard work, commitment, dedication, teamwork and athletic excellence of Mount Rainier High School's swim and dive team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted from the Secretary of the Senate to Mount Rainier High School and to coaches Rick Wertman and Todd Wollenweber.

Senators Patterson, Oke, Horn and Jacobsen spoke to Senate Resolution 2001-8669.

President Pro Tempore Franklin assumed the Chair.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the sixth order of business.

MOTION

On motion of Senator Hewitt, Senator Stevens was excused.

SECOND READING

HOUSE BILL NO. 1692, by Representatives Boldt, Carrell and Hurst

Reenacting provisions relating to the crime of perjury.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the following Committee on Labor, Commerce and Financial Institutions amendment was adopted:

On page 1, beginning on line 5, after "Thomas," strike all material through "2000)" on line 6, and insert "103 Wn. App. 800"

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1692, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1692, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1692, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Haugen and Stevens - 2.

HOUSE BILL NO. 1692, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Patterson was excused.

SECOND READING

HOUSE BILL NO. 1578, by Representatives Carrell, Hurst and Lantz

Reenacting provisions relating to criminal profiteering.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the following Committee on Labor, Commerce and Financial Institutions amendment was adopted:

On page 1, beginning on line 10, after "Thomas," strike all material through "2000)" on line 11, and insert "103 Wn. App. 800"

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1578, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Bill No. 1578, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1578, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Haugen, Patterson and Stevens - 3.

HOUSE BILL NO. 1578, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1614, by Representatives Lovick, Carrell and Hurst

Reenacting provisions relating to the crime of commercial bribery.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the following Committee on Labor, Commerce and Financial Institutions amendment was adopted:

On page 1, beginning on line 6, after "*Thomas*," strike all material through "2000)" on line 7, and insert "103 Wn. App. 800"

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1614, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1614, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1614, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Haugen and Stevens - 2.

HOUSE BILL NO. 1614, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

SECOND READING

HOUSE BILL NO. 1694, by Representatives Boldt, Carrell and Hurst

Reenacting provisions relating to the crime of unlicensed practice of a profession or business.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the following Committee on Labor, Commerce and Financial Institutions amendment was adopted:

On page 1, beginning on line 6, after "*Thomas*," strike all material through "2000)" on line 7, and insert "103 Wn. App. 800"

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1694, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1694, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1694, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Haugen and Stevens - 2.

HOUSE BILL NO. 1694, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137, by House Committee on Education (originally sponsored by Representatives Hunt, Armstrong, Talcott, Quall, Wood, Delvin, Rockefeller, Fromhold, Keiser and Jackley)

Prohibiting explosives on school premises.

The bill was read the second time.

MOTION

On motion of Senator Kastama, the following Committee on Education striking amendment was not adopted: Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 9.41.280 and 1999 c 167 s 1 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least ~~((twelve))~~ thirteen years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the ~~((county-designated mental health professional))~~ person or agency designated by the local regional support network unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the ~~((county-designated mental health professional for examination and evaluation under chapter 71.05 or 71.34 RCW))~~ person or agency designated by the local regional support network to conduct a mental health examination and evaluation and inform a parent or guardian of the person of the arrest, detention, and examination. ((The county-designated mental health professional shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW.)) Notification to the parent or guardian shall occur prior to any examination or evaluation by the person or agency designated by the local regional support network. The examination and evaluation shall occur within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation~~((;))~~ bond~~((;))~~ or bail, the examination shall occur wherever is appropriate.

The ~~((county-designated mental health professional))~~ person or agency designated by the local regional support network may, when appropriate, determine whether to refer the person to the county-designated mental health professional or the county-designated chemical dependency specialist for examination and evaluation for commitment proceedings in accordance with chapter 71.05, 71.34, or 70.96A RCW. When a referral is made by the person or agency designated by the local regional support network, the county-designated mental health professional or the county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 71.05, 71.34, or 70.96A RCW within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation~~((;))~~ bond~~((;))~~ or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the person or agency designated by the local regional support network, the county-designated mental health professional, or the county-designated chemical dependency specialist, the results of the

examination shall be sent to the court with jurisdiction, the school, the parents, and to the person if eighteen years of age or older, and the court shall consider those results in making any determination about the person. However, any reference in the examination report or reports to facts or circumstances of the alleged acts which resulted in the arrest of the person shall not be admissible in any criminal or juvenile proceeding if the person was unrepresented by counsel at the time of the examination, or had not been arraigned prior to the examination.

The person or agency designated by the local regional support network, the county-designated mental health professional, and the county-designated chemical dependency specialist shall ~~(, to the extent permitted by law,)~~ notify a parent or guardian of the person, if the person is under the age of eighteen, that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the ~~((county-designated mental health professional))~~ person or agency designated by the local regional support network determines it is appropriate, the ~~((county-designated mental health professional))~~ person or agency designated by the local regional support network may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;
(b) Any person engaged in military, law enforcement, or school district security activities;
(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;
(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(6) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

NEW SECTION. Sec. 2. A new section is added to chapter 9.61 RCW to read as follows:

Upon the arrest of a person at least thirteen years of age and not more than twenty-one years of age for violating RCW 9.61.160 by making a threat to bomb, on public or private elementary or secondary school premises, school provided transportation, or areas of facilities while being used exclusively by public or private schools, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the person or agency designated by the local regional support network unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the person or agency designated by the local regional support network to conduct a mental health examination and evaluation and inform a parent or guardian of the person of the arrest, detention, and examination. Notification to the parent or guardian shall occur prior to any examination or evaluation by the person or agency designated by the local regional support network. The examination and evaluation shall occur within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation bond or bail, the examination shall occur wherever is appropriate.

The person or agency designated by the local regional support network may, when appropriate, determine whether to refer the person to the county-designated mental health professional or the county-designated chemical dependency specialist for examination and evaluation for commitment proceedings in accordance with chapter 71.05, 71.34, or 70.96A RCW. When a referral is made by the person or agency designated by the local regional support network, the county-designated mental health professional or the county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 71.05, 71.34, or 70.96A RCW within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation bond or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the person or agency designated by the local regional support network, the county-designated mental health professional, or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court with jurisdiction, the school, the parents, and to the person if eighteen years of age or older, and the court shall consider those results in making any determination about the person. However, any reference in the examination report or reports to facts or circumstances of the alleged acts which resulted in the arrest of the person shall not be admissible in any criminal or juvenile proceeding if the person was unrepresented by counsel at the time of the examination, or had not been arraigned prior to the examination.

The person or agency designated by the local regional support network, the county-designated mental health professional, and the county-designated chemical dependency specialist shall notify a parent or guardian of the person, if the person is under the age of eighteen, that an examination and evaluation has taken place and the results of the examination. Nothing in this section prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the person or agency designated by the local regional support network determines it is appropriate, the person or agency designated by the local regional support network may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

NEW SECTION. Sec. 3. A new section is added to chapter 9A.48 RCW to read as follows:

Upon the arrest of a person at least thirteen years of age and not more than twenty-one years of age for violating RCW 9A.48.020 relating to arson in the first degree or RCW 9A.48.030 relating to arson in the second degree, on public or private elementary or secondary school premises, school provided transportation, or areas of facilities while being used exclusively by public or private schools, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the person or agency designated by the local regional support network unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the person or agency designated by the local regional support network to conduct a mental health examination and evaluation and inform a parent or guardian of the person of the arrest, detention, and examination. Notification to the parent or guardian shall occur prior to any examination or evaluation by the person or agency designated by the local regional support network. The examination and evaluation shall occur within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation bond or bail, the examination shall occur wherever is appropriate.

The person or agency designated by the local regional support network may, when appropriate, determine whether to refer the person to the county-designated mental health professional or the county-designated chemical dependency specialist for examination and evaluation for commitment proceedings in accordance with chapter 71.05, 71.34, or 70.96A RCW. When a referral is made by the person or agency designated by the local regional support network, the county-designated mental health professional or the county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 71.05, 71.34, or 70.96A RCW within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation bond or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the person or agency designated by the local regional support network, the county-designated mental health professional, or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court with jurisdiction, the school, the parents, and to the person if eighteen years of age or older, and the court shall consider those results in making any determination about the person. However, any reference in the examination report or reports to facts or circumstances of the alleged acts which resulted in the arrest of the person shall not be admissible in any criminal or juvenile proceeding if the person was unrepresented by counsel at the time of the examination, or had not been arraigned prior to the examination.

The person or agency designated by the local regional support network, the county-designated mental health professional, and the county-designated chemical dependency specialist shall notify a parent or guardian of the person, if the person is under the age of eighteen, that an examination and evaluation has taken place and the results of the examination. Nothing in this section prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the person or agency designated by the local regional support network determines it is appropriate, the person or agency designated by the local regional support network may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual."

MOTION

Senator Kastama moved that the following striking amendment by Senators Kastama, Finkbeiner, McAuliffe and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.280 and 1999 c 167 s 1 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

- (a) Any firearm;
- (b) Any other dangerous weapon as defined in RCW 9.41.250;
- (c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;
- (d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or
- (e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least ((~~twelve~~) thirteen) years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two

hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the ~~((county-designated mental health professional))~~ person or agency designated by the local regional support network unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the ~~((county-designated mental health professional for examination and evaluation under chapter 71.05 or 71.34 RCW))~~ person or agency designated by the local regional support network to conduct a mental health examination and evaluation and inform a parent or guardian of the person of the arrest, detention, and examination. ~~((The county-designated mental health professional shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW.))~~ Notification to the parent or guardian shall occur prior to any examination or evaluation by the person or agency designated by the local regional support network. The examination and evaluation shall occur within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation((;)) bond((;)) or bail, the examination shall occur wherever is appropriate.

The ~~((county-designated mental health professional))~~ person or agency designated by the local regional support network may, when appropriate, determine whether to refer the person to the county-designated mental health professional or the county-designated chemical dependency specialist for examination and evaluation for commitment proceedings in accordance with chapter 71.05, 71.34, or 70.96A RCW. When a referral is made by the person or agency designated by the local regional support network, the county-designated mental health professional or the county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 71.05, 71.34, or 70.96A RCW within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation((;)) bond((;)) or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the person or agency designated by the local regional support network, the county-designated mental health professional, or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court with jurisdiction, the school, the parents, and to the person if eighteen years of age or older, and the court shall consider those results in making any determination about the person. However, any reference in the examination report or reports to facts or circumstances of the alleged acts which resulted in the arrest of the person shall not be admissible in any criminal or juvenile proceeding if the person was unrepresented by counsel at the time of the examination, or had not been arraigned prior to the examination.

The person or agency designated by the local regional support network, the county-designated mental health professional, and the county-designated chemical dependency specialist shall ~~((, to the extent permitted by law,))~~ notify a parent or guardian of the person, if the person is under the age of eighteen, that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the ~~((county-designated mental health professional))~~ person or agency designated by the local regional support network determines it is appropriate, the ~~((county-designated mental health professional))~~ person or agency designated by the local regional support network may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

- (a) Any student or employee of a private military academy when on the property of the academy;
 - (b) Any person engaged in military, law enforcement, or school district security activities;
 - (c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;
 - (d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;
 - (e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;
 - (f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;
 - (g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or
 - (h) Any law enforcement officer of the federal, state, or local government agency.
- (4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.
- (5) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.
- (6) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

NEW SECTION. Sec. 2. A new section is added to chapter 9.61 RCW to read as follows:

Upon the arrest of a person at least thirteen years of age and not more than twenty-one years of age for violating RCW 9.61.160 by making a threat to bomb, on public or private elementary or secondary school premises, school provided transportation, or areas of facilities while being used exclusively by public or private schools, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the person or agency designated by the local regional support network unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the person or agency designated by the local regional support network to conduct a mental health examination and evaluation and inform a parent or guardian of the person of the arrest, detention, and examination. Notification to the parent or guardian shall occur prior to any examination or evaluation by the person or agency designated by the local regional support network. The examination and evaluation shall occur within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the

person is detained or confined. If the person has been released on probation bond or bail, the examination shall occur wherever is appropriate.

The person or agency designated by the local regional support network may, when appropriate, determine whether to refer the person to the county-designated mental health professional or the county-designated chemical dependency specialist for examination and evaluation for commitment proceedings in accordance with chapter 71.05, 71.34, or 70.96A RCW. When a referral is made by the person or agency designated by the local regional support network, the county-designated mental health professional or the county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 71.05, 71.34, or 70.96A RCW within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation bond or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the person or agency designated by the local regional support network, the county-designated mental health professional, or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court with jurisdiction, the school, the parents, and to the person if eighteen years of age or older, and the court shall consider those results in making any determination about the person. However, any reference in the examination report or reports to facts or circumstances of the alleged acts which resulted in the arrest of the person shall not be admissible in any criminal or juvenile proceeding if the person was unrepresented by counsel at the time of the examination, or had not been arraigned prior to the examination.

The person or agency designated by the local regional support network, the county-designated mental health professional, and the county-designated chemical dependency specialist shall notify a parent or guardian of the person, if the person is under the age of eighteen, that an examination and evaluation has taken place and the results of the examination. Nothing in this section prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the person or agency designated by the local regional support network determines it is appropriate, the person or agency designated by the local regional support network may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

NEW SECTION. Sec. 3. A new section is added to chapter 9A.48 RCW to read as follows:

Upon the arrest of a person at least thirteen years of age and not more than twenty-one years of age for violating RCW 9A.48.020 relating to arson in the first degree or RCW 9A.48.030 relating to arson in the second degree, on public or private elementary or secondary school premises, school provided transportation, or areas of facilities while being used exclusively by public or private schools, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the person or agency designated by the local regional support network unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the person or agency designated by the local regional support network to conduct a mental health examination and evaluation and inform a parent or guardian of the person of the arrest, detention, and examination. Notification to the parent or guardian shall occur prior to any examination or evaluation by the person or agency designated by the local regional support network. The examination and evaluation shall occur within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation bond or bail, the examination shall occur wherever is appropriate.

The person or agency designated by the local regional support network may, when appropriate, determine whether to refer the person to the county-designated mental health professional or the county-designated chemical dependency specialist for examination and evaluation for commitment proceedings in accordance with chapter 71.05, 71.34, or 70.96A RCW. When a referral is made by the person or agency designated by the local regional support network, the county-designated mental health professional or the county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 71.05, 71.34, or 70.96A RCW within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation bond or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the person or agency designated by the local regional support network, the county-designated mental health professional, or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court with jurisdiction, the school, the parents, and to the person if eighteen years of age or older, and the court shall consider those results in making any determination about the person. However, any reference in the examination report or reports to facts or circumstances of the alleged acts which resulted in the arrest of the person shall not be admissible in any criminal or juvenile proceeding if the person was unrepresented by counsel at the time of the examination, or had not been arraigned prior to the examination.

The person or agency designated by the local regional support network, the county-designated mental health professional, and the county-designated chemical dependency specialist shall notify a parent or guardian of the person, if the person is under the age of eighteen, that an examination and evaluation has taken place and the results of the examination. Nothing in this section prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the person or agency designated by the local regional support network determines it is appropriate, the person or agency designated by the local regional support network may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.300 RCW to read as follows:

(1)(a) This subsection (1) shall be implemented to the extent funds are appropriated for its purposes.

(b) A school safety center shall be established in the office of the superintendent of public instruction to provide school districts with: The assistance necessary to create a consistent, comprehensive approach to school safety for every school and every school district; the means to share safety information among school districts; and a process for schools to effectively integrate safe school planning with emergency preparedness personnel, the criminal justice training commission, and local, county, and state law enforcement officers.

(c) The safety center shall disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(2)(a) This subsection (2) shall be implemented to the extent funds are appropriated for its purposes.

(b) The superintendent of public instruction shall participate in a school safety center advisory committee that includes representatives of educators, classified staff, principals, superintendents, administrators, the American society for industrial security, the state criminal justice training commission, and others deemed appropriate and approved by the school safety center advisory committee. Members of the committee shall be chosen by the groups they represent. In addition, the Washington association of sheriffs and police chiefs shall appoint representatives of law enforcement to participate on the school safety center advisory committee. The advisory committee shall select a chair.

(c) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel. The criminal justice training commission with assistance of the advisory committee shall develop manuals and curricula for a training program for all school safety personnel. The Washington state criminal justice training commission, in collaboration with the advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

Sec. 5. RCW 28A.305.130 and 1997 c 13 s 5 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve or disapprove the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Conduct every five years a review of the program approval standards, including the minimum standards for teachers, administrators, and educational staff associates, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and educational staff associates.

(3) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(4)(a) The state board of education shall adopt rules to allow a teacher certification candidate to fulfill, in part, teacher preparation program requirements through work experience as a classified teacher's aide in a public school or private school meeting the requirements of RCW 28A.195.010. The rules shall include, but are not limited to, limitations based upon the recency of the teacher preparation candidate's teacher aide work experience, and limitations based on the amount of work experience that may apply toward teacher preparation program requirements under this chapter.

(b) The state board of education shall require that at the time of the individual's enrollment in a teacher preparation program, the supervising teacher and the building principal shall jointly provide to the teacher preparation program of the higher education institution at which the teacher candidate is enrolled, a written assessment of the performance of the teacher candidate. The assessment shall contain such information as determined by the state board of education and shall include: Evidence that at least fifty percent of the candidate's work as a classified teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for one school year; the type of work performed by the candidate; and a recommendation of whether the candidate's work experience as a classified teacher's aide should be substituted for teacher preparation program requirements. In compliance with such rules as may be established by the state board of education under this section, the teacher preparation programs of the higher education institution where the candidate is enrolled shall make the final determination as to what teacher preparation program requirements may be fulfilled by teacher aide work experience.

(5) Supervise the issuance of such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary for the several departments of the common schools by rule (~~(or regulation)~~) in accordance with RCW 28A.410.010.

(6) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve: PROVIDED, That no private school may be approved that operates a kindergarten program only: PROVIDED FURTHER, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such preaccreditation examination and evaluation processes as may now or hereafter be established by the board.

(7) Make rules (~~(and regulations)~~) governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(8) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(9) Continuously reevaluate courses and adopt and enforce (~~(regulations)~~) rules within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(10) Carry out board powers and duties relating to the organization and reorganization of school districts under chapters 28A.315, 28A.323, and 28A.343 RCW (~~(28A.315.010 through 28A.315.680 and 28A.315.900)~~).

(11) By rule (~~(or regulation promulgated)~~) adopted upon the advice of the chief of the Washington state patrol, through the director of fire protection, provide for instruction of pupils in the (~~(public and)~~) private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules (~~(and~~

regulations)) shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

(12) By rule, following consultation with at least the emergency management division of the state military department and the superintendent of public instruction, provide for instruction of staff and pupils in the public schools carrying out a K through 12 program, or any part thereof, so that in case of a sudden all-hazard emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular all-hazard emergency demands, without confusion or panic. The rules shall provide guidance on the development and implementation of all-hazard emergency management plans. The rules shall specify when school districts shall complete their plans. The rules shall be published and distributed to school district officials who shall in turn distribute information about the plans to all employed staff in the district.

(13) Hear and decide appeals as otherwise provided by law.

The state board of education is given the authority to promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.320 RCW to read as follows:

To the extent funds are appropriated, school districts shall require that schools develop a comprehensive safe school plan. A comprehensive safe school plan is a school-based plan that includes prevention, intervention, all-hazards and crisis response including the all-hazards emergency plan under RCW 28A.305.130, and postcrisis recovery components developed to ensure the maintenance of a safe learning environment for students and adults. Upon completion of the comprehensive safe school plans, and by December 1st of every year thereafter, school districts shall report to the superintendent of public instruction whether schools in its district have developed comprehensive safe school plans. The superintendent of public instruction shall annually report to the state board of education and the education committees of the house of representatives and senate on school districts' comprehensive safe school planning."

Debate ensued.

POINT OF INQUIRY

Senator Honeyford: "Senator Kastama, I haven't had a chance to read this. I just got it on my desk. My concern is that on the Fourth of July, we often have fireworks demonstrations on our school grounds. Will this, in any way, prevent that from occurring?"

Senator Kastama: "Not to my knowledge, it won't."

Senator Honeyford: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kastama, Finkbeiner, McAuliffe and Zarelli to Engrossed Substitute House Bill No. 2137.

The motion by Senator Kastama carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Kastama, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "school safety; amending RCW 9.41.280 and 28A.305.130; adding a new section to chapter 9.61 RCW; adding a new section to chapter 9A.48 RCW; adding a new section to chapter 28A.300 RCW; and adding a new section to chapter 28A.320 RCW."

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute House Bill No. 2137, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2137, as amended by the Senate..

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2137, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Haugen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2025, by House Committee on Appropriations (originally sponsored by Representatives Santos, Talcott, Quall, Keiser, Ogden, Tokuda, Schual-Berke and Kenney)

Changing transitional bilingual instruction program provisions.

The bill was read the second time.

MOTION

Senator McAuliffe moved that the following Committee on Education striking amendment be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The superintendent of public instruction shall review the criteria used to determine the point at which limited English proficient students are required to take the Washington assessment of student learning. The review shall be used to determine if the criteria are developmentally appropriate and in the best interest of the students. In conducting the review, the superintendent shall consult with parents, teachers, principals, classroom aides, recognized experts in second-language instruction, and statewide ethnic organizations that represent second-language learners. Preliminary results of the review shall be reported to the education and fiscal committees of the legislature by December 1, 2001. Final results of the review shall be reported to the education and fiscal committees of the legislature by December 1, 2002.

Sec. 2. RCW 28A.180.030 and 1990 c 33 s 164 are each amended to read as follows:

As used ((in RCW 28A.180.040 through 28A.180.080)) throughout this chapter, unless the context ((thereof)) clearly indicates ((to the contrary)) otherwise:

(1) "Transitional bilingual instruction" means:

(a) A system of instruction which uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable the pupil to achieve competency in English. Concepts and information are introduced in the primary language and reinforced in the second language: PROVIDED, That the program shall include testing in the subject matter in English; or

(b) In those cases in which the use of two languages is not practicable as established by the superintendent of public instruction and unless otherwise prohibited by law, an alternative system of instruction which may include English as a second language and is designed to enable the pupil to achieve competency in English.

(2) "Primary language" means the language most often used by the student for communication in his/her home.

(3) "Eligible pupil" means any enrollee of the school district whose primary language is other than English and whose English language skills are sufficiently deficient or absent to impair learning.

Sec. 3. RCW 28A.180.040 and 1984 c 124 s 3 are each amended to read as follows:

Every school district board of directors shall:

(1) Make available to each eligible pupil transitional bilingual instruction to achieve competency in English, in accord with rules of the superintendent of public instruction.

(2) Wherever feasible, ensure that communications to parents emanating from the schools shall be appropriately bilingual for those parents of pupils in the bilingual instruction program.

(3) Determine, by administration of an English test approved by the superintendent of public instruction the number of eligible pupils enrolled in the school district at the beginning of a school year and thereafter during the year as necessary in individual cases. ((If, however, a preliminary interview indicates little or no English speaking ability, eligibility testing shall not be necessary.))

(4) Before the conclusion of each school year, measure each eligible pupil's improvement in learning the English language by means of a test approved by the superintendent of public instruction.

(5) Provide in-service training for teachers, counselors, and other staff, who are involved in the district's transitional bilingual program. Such training shall include appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials, and program models."

MOTION

Senator Kohl-Welles moved that the following amendments by Senators Kohl-Welles and McAuliffe to the Committee on Education striking amendment be considered simultaneously and be adopted:

On page 1, line 9 of the amendment, after "review" insert "(1)"

On page 1, line 11 of the amendment, after "learning" insert "and (2) whether the results of the Washington assessment of student learning for students receiving instructional services in the state transitional bilingual instruction program should be included in a school district's and school's assessment results"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Kohl-Wells and McAuliffe on page 1, lines 9 and 11, to the Committee on Education striking amendment to Second Substitute House Bill No. 2025.

The motion by Senator Kohl-Welles carried and the amendments to the striking amendment were adopted.

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment, as amended, to Second Substitute House Bill No. 2025.

The motion by Senator McAuliffe carried and the committee striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 2 of the title, after "English;" strike the remainder of the title and insert "amending RCW 28A.180.030 and 28A.180.040; and creating a new section."

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 2025, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2025, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2025, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 1; Excused, 1.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, and Zarelli - 36.

Voting nay: Senators Benton, Deccio, Hochstatter, Johnson, McDonald, Morton, Oke, Roach, Swecker, West and Zarelli - 11.

Absent: Senator McCaslin - 1.

Excused: Senator Haugen - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 2025, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5266, by Senators Patterson, Constantine, B. Sheldon and Kohl-Welles

Providing a tax exemption for thoroughbred horses.

MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 5266 was substituted for Senate Bill No. 5266 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5266 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5266.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5266 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator Fairley - 1.

Excused: Senator Haugen - 1.

SUBSTITUTE SENATE BILL NO. 5266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1450, by House Committee on Finance (originally sponsored by Representatives Rockefeller and Morris)

Providing property tax relief for certain land transfers.

The bill was read the second time.

MOTION

On motion of Senator Constantine, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.33.120 and 1999 sp.s. c 4 s 702 are each amended to read as follows:

(1) In preparing the assessment rolls as of January 1, 1982, for taxes payable in 1983 and each January 1st thereafter, the assessor shall list each parcel of forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (2) of this section and shall compute the assessed value of the land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. Values for the several grades of bare forest land shall be as follows.

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
1	2 136	1 \$141 3 131 4 95
2	2 114	1 118 3 110 4 80
3	2 90	1 93 3 87 4 66
4	2 68	1 70 3 66 4 52
5	2 48	1 51 3 46 4 31
6	2 25	1 26 3 25 4 23
7	2 12	1 12 3 11 4 11
8	1	

(2) On or before December 31, 1981, the department shall adjust, by rule under chapter 34.05 RCW, the forest land values contained in subsection (1) of this section in accordance with this subsection, and shall certify these adjusted values to the county assessor for his or her use in preparing the assessment rolls as of January 1, 1982. For the adjustment to be made on or before December 31, 1981, for use in the 1982 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1976, and June 30, 1981, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1975, and June 30, 1980, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(c) Adjust the forest land values contained in subsection (1) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

For the adjustments to be made on or before December 31, 1982, and each succeeding year thereafter, the same procedure shall be followed as described in this subsection utilizing harvester excise tax returns filed under RCW 82.04.291 and this chapter except that this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(3) In preparing the assessment roll for 1972 and each year thereafter, the assessor shall enter as the true and fair value of each parcel of forest land the appropriate grade value certified to him or her by the department of revenue, and he or she shall compute the assessed value of such land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. In preparing the assessment roll for 1975 and each year thereafter, the assessor shall assess and value as classified forest land all forest land that is not then designated pursuant to RCW 84.33.120(4) or 84.33.130 and shall make a notation of such classification upon the assessment and tax rolls. On or before January 15 of the first year in which such notation is made, the assessor shall mail notice by certified mail to the owner that such land has been classified as forest land and is subject to the compensating tax imposed by this section. If the owner desires not to have such land assessed and valued as classified forest land, he or she shall give the assessor written notice thereof on or before March 31 of such year and the assessor shall remove from the assessment and tax rolls the classification notation entered pursuant to this subsection, and shall thereafter assess and value such land in the manner provided by law other than this chapter 84.33 RCW.

(4) In any year commencing with 1972, an owner of land which is assessed and valued by the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and shall act upon the application in the manner prescribed in subsection (3) of RCW 84.33.130.

(5) Land that has been assessed and valued as classified forest land as of any year commencing with 1975 assessment year or earlier shall continue to be so assessed and valued until removal of classification by the assessor only upon the occurrence of one of the following events:

(a) Receipt of notice from the owner to remove such land from classification as forest land;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that, because of actions taken by the owner, such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from classification if a governmental agency, organization, or other recipient identified in subsection (9) or (10) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in classified forest land by means of a transaction that qualifies for an exemption under subsection (9) or (10) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the classified land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(d) Determination that a higher and better use exists for such land than growing and harvesting timber after giving the owner written notice and an opportunity to be heard;

(e) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (7) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (7) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals.

The assessor shall remove classification pursuant to (c) or (d) of this subsection prior to September 30 of the year prior to the assessment year for which termination of classification is to be effective. Removal of classification as forest land upon occurrence of (a), (b), (d), or (e) of this subsection shall apply only to the land affected, and upon occurrence of (c) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber: PROVIDED, That any remaining classified forest land meets necessary definitions of forest land pursuant to RCW 84.33.100.

(6) Within thirty days after such removal of classification as forest land, the assessor shall notify the owner in writing setting forth the reasons for such removal. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (4) of this section or RCW 84.33.130. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(7) Unless the owner successfully applies for designation of such land or unless the removal is reversed on appeal, notation of removal from classification shall immediately be made upon the assessment and tax rolls, and commencing on January 1 of the year following the year in which the assessor made such notation, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (5)(e), (9), or (10) of this section and unless the assessor shall not have mailed notice of classification pursuant to subsection (3) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to the difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by a number, in no event greater than ten, equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as forest land.

(8) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from classification as forest land and shall have priority to and shall be fully paid and satisfied before any

recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(9) The compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

- (a) Transfer to a government entity in exchange for other forest land located within the state of Washington;
- (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;
- (c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (7) of this section shall be imposed upon the current owner;
- (d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;
- (e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land;
- (f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; ((or))
- (g) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040; or

(h) The sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993 and the sale or transfer takes place within two years after the effective date of this section and the death of the owner occurred after January 1, 1991. The date of death shown on a death certificate is the date used for the purpose of this subsection.

(10) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

- (a) An action described in subsection (9) of this section; or
- (b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

(11) With respect to any land that has been designated prior to May 6, 1974, pursuant to RCW 84.33.120(4) or 84.33.130, the assessor may, prior to January 1, 1975, on his or her own motion or pursuant to petition by the owner, change, without imposition of the compensating tax provided under RCW 84.33.140, the status of such designated land to classified forest land.

Sec. 2. RCW 84.33.140 and 1999 sp.s. c 4 s 703 are each amended to read as follows:

(1) When land has been designated as forest land pursuant to RCW 84.33.120(4) or 84.33.130, a notation of such designation shall be made each year upon the assessment and tax rolls, a copy of the notice of approval together with the legal description or assessor's tax lot numbers for such land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and such land shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120 until removal of such designation by the assessor upon occurrence of any of the following:

- (a) Receipt of notice from the owner to remove such designation;
- (b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;
- (c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

- (i) Such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (5) or (6) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in designated forest land by means of a transaction that qualifies for an exemption under subsection (5) or (6) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

Removal of designation upon occurrence of any of (a) through (c) of this subsection shall apply only to the land affected, and upon occurrence of (d) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber, without regard to other land that may have been included in the same application and approval for designation: PROVIDED, That any remaining designated forest land meets necessary definitions of forest land pursuant to RCW 84.33.100.

(2) Within thirty days after such removal of designation of forest land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal a copy of the notice of removal with notation of the action, if any, upon appeal, together with the legal description or assessor's tax lot numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and commencing on January 1 of the year following the year in which the assessor mailed such notice, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (1)(c), (5), or (6) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to the difference between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by a number, in no event greater than ten, equal to the number of years for which such land was designated as forest land.

(4) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognition, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The compensating tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (3) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land;

(f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; ((e~~r~~))

(g) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040; or

(h) The sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993 and the sale or transfer takes place within two years after the effective date of this section and the death of the owner occurred after January 1, 1991. The date of death shown on a death certificate is the date used for the purpose of this subsection.

(6) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (3) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (1) of this section resulted solely from:

(a) An action described in subsection (5) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

Sec. 3. RCW 84.34.108 and 1999 sp.s. c 4 s 706 and 1999 c 233 s 22 are each reenacted and amended to read as follows:

(1) When land has once been classified under this chapter, a notation of such classification shall be made each year upon the assessment and tax rolls and such land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of such classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of such classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not, by itself, result in removal of classification. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (4) of this section shall become due and payable by the seller or transferor at time of sale. The county

auditor shall not accept an instrument of conveyance of classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (4) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of such land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in making a determination whether such land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request.

(2) Land may not be removed from classification because of:

(a) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(b) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(3) Within thirty days after such removal of all or a portion of such land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(4) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to full market value on the date of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (6) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of such an additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest shall be equal to the interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(5) Additional tax, applicable interest, and penalty, shall become a lien on such land which shall attach at the time such land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(6) The additional tax, applicable interest, and penalty specified in subsection (4) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land;

(e) Transfer of land to a church when such land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections: PROVIDED, That at such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (4) of this section shall be imposed;

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d);

(h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; ((e#))

(j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040; or

(k) The sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under chapter 84.33 RCW, or classified under this chapter continuously since 1993 and the sale or transfer takes place within two years after the effective date of this section and the death of the owner occurred after January 1, 1991. The date of death shown on a death certificate is the date used for the purpose of this subsection."

MOTIONS

On motion of Senator Constantine, the following title amendment was adopted:

On page 1, line 2 of the title, after "owner;" strike the remainder of the title and insert "amending RCW 84.33.120 and 84.33.140; and reenacting and amending RCW 84.34.108."

On motion of Senator Constantine, the rules were suspended, Substitute House Bill No. 1450, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1450, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1450, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Haugen - 1.

SUBSTITUTE HOUSE BILL NO. 1450, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1467, by House Committee on Finance (originally sponsored by Representatives Reardon, Cairnes and Santos) (by request of Department of Revenue)

Improving property tax administration by correcting terminology and deleting obsolete provisions.

The bill was read the second time.

MOTION

On motion of Senator Constantine, the rules were suspended, Substitute House Bill No. 1467 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1467.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1467 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Zarelli - 37.

Voting nay: Senators Benton, Deccio, Hochstatter, Honeyford, Long, McDonald, Morton, Oke, Parlette, Stevens and Swecker - 11.

Excused: Senator Haugen - 1.

SUBSTITUTE HOUSE BILL NO. 1467, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1211, by Representatives Benson, Simpson, Barlean and Hatfield (by request of Department of Financial Institutions)

Creating the financial services regulation fund.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1211.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1211 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Haugen - 1.

HOUSE BILL NO. 1211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1458, by House Committee on Local Government and Housing (originally sponsored by Representatives Edwards, Mulliken, Hatfield, DeBolt, Mielke, Edmonds and Rockefeller)

Relating to establishing a timeline for final decisions on project permit applications.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the following Committee on State and Local Government striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 36.70B.080 and 1995 c 347 s 410 are each amended to read as follows:

(1) Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods for local government actions on specific project permit applications and provide timely and predictable procedures to determine whether a completed project permit application meets the requirements of those development regulations. The time periods for local government actions on specific complete project permit applications or project types should not exceed one hundred twenty days, unless the local government makes written findings that a specified amount of additional time is needed for processing of specific complete project permit applications or project types.

Such development regulation regulations shall specify the contents of a completed project permit application necessary for the application of such time periods and procedures.

(2)(a) Counties subject to the requirements of RCW 36.70A.215 and the cities within those counties that have populations of at least twenty thousand shall identify the types of project permit applications for which decisions are issued according to the provisions of this chapter. For each type of project permit application identified, these counties and cities shall establish a deadline for issuing a notice of final decision as required by subsection (1) of this section and minimum requirements for applications to be deemed complete under RCW 36.70B.070 as required by subsection (1) of this section. Counties and cities subject to the requirements of this subsection also shall, through September 1, 2003, prepare at least two annual performance reports that include, at a minimum, the following information for each type of project permit application:

(i) Total number of complete applications received during the year;

(ii) Number of complete applications received during the year for which a notice of final decision was issued before the deadline established under this subsection;

(iii) Number of applications received during the year for which a notice of final decision was issued after the deadline established under this subsection;

(iv) Number of applications received during the year for which an extension of time was mutually agreed upon by the applicant and the county or city; and

(v) Variance of actual performance, excluding applications for which mutually agreed time extensions have occurred, to the deadline established under this subsection during the year.

(b) Until July 1, 2003, counties and cities subject to the requirements of this subsection shall provide notice of and access to the annual performance reports required by this subsection through the county's or city's web site. If a county or city subject to the requirements of this subsection does not maintain a web site, notice of the report shall be given by reasonable methods, including but not limited to those methods specified in RCW 36.70B.110(4).

(3) Nothing in this section prohibits a county or city from extending a deadline for issuing a decision for a specific project permit application for any reasonable period of time mutually agreed upon by the applicant and the local government."

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 2 of the title, after "applications;" strike the remainder of the title and insert "and amending RCW 36.70B.080."

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute House Bill No. 1458, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1458, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1458, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator Fraser - 1.

Excused: Senator Haugen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1458, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1286, by House Committee on Natural Resources (originally sponsored by Representatives Lisk, Grant, Sump, Cox, Doumit, G. Chandler, Mulliken, Mielke, Clements, Lambert, Hankins, Pflug, Dunn, B. Chandler, Buck, Cairnes, Pennington, Boldt, Hatfield, Delvin, Armstrong, Skinner, Alexander, Kessler, Pearson, D. Schmidt, Anderson, Rockefeller and Esser)

Providing hatchery origin salmon eggs in order to replenish fish runs.

The bill was read the second time.

MOTION

Senator Jacobsen moved that the following Committee on Natural Resources, Parks and Shoreline striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.95.210 and 2000 c 107 s 11 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department may supply, at a reasonable charge, surplus salmon eggs to a person for use in the cultivation of salmon. The department shall not intentionally create a surplus of salmon to provide eggs for sale. The department shall only sell salmon eggs from stocks that are not suitable for salmon population rehabilitation or enhancement in state waters in Washington after the salmon harvest on surplus salmon has been first maximized by both commercial and recreational fishers.

(2) The department shall not destroy hatchery origin salmon for the purposes of destroying viable eggs that would otherwise be useful for propagation or salmon recovery purposes, as determined by the department and Indian tribes with treaty fishing rights in a collaborative manner, for replenishing fish runs. Eggs deemed surplus by the state must be provided, in the following order of priority, to:

(a) Hatcheries of federally approved tribes in Washington to whom eggs are moved, not sold, under the interlocal cooperation act, chapter 39.34 RCW;

(b) Voluntary cooperative salmon culture programs under the supervision of the department under chapter 77.100 RCW;

(c) Regional fisheries enhancement group salmon culture programs under supervision of the department under this chapter;

(d) Governmental hatcheries in Washington, Oregon, and Idaho;

(e) Salmon culture programs requested by lead entities and approved by the salmon funding recovery board under chapter 77.85 RCW.

The order of priority established in this subsection for distributing surplus eggs does not apply when there is a shortfall in the supply of eggs.

(3) All sales, provisions, distributions, or transfers shall be consistent with the department's egg transfer and aquaculture disease control regulations as now existing or hereafter amended. Prior to department determination that eggs of a salmon stock are surplus and available for sale, the department shall assess the productivity of each watershed that is suitable for receiving eggs.

Sec. 2. RCW 77.95.270 and 1989 c 336 s 6 are each amended to read as follows:

Except as provided in RCW 77.95.210, the department may make available to private contractors salmon eggs in excess of department hatchery needs for the purpose of contract rearing to release the smolts into public waters. However, providing salmon eggs as specified in RCW 77.95.210(2) has the highest priority. The priority of providing eggs surplus after meeting the requirements of RCW 77.95.210(2) to contract rearing ((shall-be)) is a higher priority than providing eggs to aquaculture purposes ((which)) that are not destined for release into Washington public waters.

Sec. 3. RCW 77.100.050 and 1987 c 505 s 73 are each amended to read as follows:

(1) The department shall:

(a) Encourage and support the establishment of cooperative agreements for the development and operation of cooperative food fish, shellfish, game fish, game bird, game animal, and nongame wildlife projects, and projects which provide an opportunity for volunteer groups to become involved in resource and habitat-oriented activities. All cooperative projects shall be fairly considered in the approval of cooperative agreements;

(b) Identify regions and species or activities that would be particularly suitable for cooperative projects providing benefits compatible with department goals;

(c) Determine the availability of rearing space at operating facilities or of net pens, egg boxes, portable rearing containers, incubators, and any other rearing facilities for use in cooperative projects, and allocate them to volunteer groups as fairly as possible;

(d) Make viable eggs available for replenishing fish runs, and salmon carcasses for nutrient enhancement of streams. If a regional fisheries enhancement group, lead entity, volunteer cooperative group, federally approved tribe in Washington, or a governmental hatchery in Washington, Oregon, or Idaho requests the department for viable eggs, the department must include the request within the brood stock document prepared for review by the regional offices. The eggs shall be distributed in accordance with the priority established in RCW 77.95.210 if they are available. A request for viable eggs may only be denied if the eggs would not be useful for propagation or salmon recovery purposes, as determined under RCW 77.95.210.

~~((e))~~ (e) Exempt volunteer groups from payment of fees to the department for activities related to the project;

~~((e))~~ (f) Publicize the cooperative program;

~~((f))~~ (g) Not substitute a new cooperative project for any part of the department's program unless mutually agreeable to the department and volunteer group;

~~((g))~~ (h) Not approve agreements that are incompatible with legally existing land, water, or property rights.

(2) The department may, when requested, provide to volunteer groups its available professional expertise and assist the volunteer group to evaluate its project. The department must conduct annual workshops in each administrative region of the department that has fish stocks listed as threatened or endangered under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq., in order to assist volunteer groups with egg rearing, share information on successful salmon recovery projects accomplished by volunteers within the state, and provide basic training on monitoring efforts that can be accomplished by volunteers in order to help determine if their efforts are successful.

Sec. 4. RCW 77.100.060 and 2000 c 107 s 112 are each amended to read as follows:

The commission shall establish by rule:

(1) The procedure for entering a cooperative agreement and the application forms for a permit to release fish or wildlife required by RCW 77.12.457. The procedure shall indicate the information required from the volunteer group as well as the process of review by the department. The process of review shall include the means to coordinate with other agencies and Indian tribes when appropriate and to coordinate the review of any necessary hydraulic permit approval applications.

(2) The procedure for providing within forty-five days of receipt of a proposal a written response to the volunteer group indicating the date by which an acceptance or rejection of the proposal can be expected, the reason why the date was selected, and a written summary of the process of review. The response should also include any suggested modifications to the proposal which would increase its likelihood of approval and the date by which such modified proposal could be expected to be accepted. If the proposal is rejected, the department must provide in writing the reasons for rejection. The volunteer group may request the director or the director's designee to review information provided in the response.

(3) The priority of the uses to which eggs, seed, juveniles, or brood stock are put. Use by cooperative projects shall be second in priority only to the needs of programs of the department or of other public agencies within the territorial boundaries of the state. Sales of eggs, seed, juveniles, or brood stock have a lower priority than use for cooperative projects. The rules must identify and implement appropriate protocols for brood stock handling, including the outplanting of adult fish, spawning, incubation, rearing, and release and establish a prioritized schedule for implementation of this act, and shall include directives for allowing more hatchery salmon to spawn naturally in areas where progeny of hatchery fish have spawned, in order to increase the number of viable salmon eggs and restore healthy numbers of fish within the state.

(4) The procedure for the director to notify a volunteer group that the agreement for the project is being revoked for cause and the procedure for revocation. Revocation shall be documented in writing to the volunteer group. Cause for revocation may include: (a) The unavailability of adequate biological or financial resources; (b) the development of unacceptable biological or resource management conflicts; or (c) a violation of agreement provisions. Notice of cause to revoke for a violation of agreement provisions may specify a reasonable period of time within which the volunteer group must comply with any violated provisions of the agreement.

(5) An appropriate method of distributing among volunteer groups fish, bird, or animal food or other supplies available for the program.

NEW SECTION. Sec. 5. A new section is added to chapter 77.04 RCW to read as follows:

(1) The department shall prepare an annual surplus salmon report. This report shall include the disposition of adult salmonids that have returned to salmonid hatchery facilities operated under the jurisdiction of the state that:

(a) Have not been harvested; and

(b) Were not allowed to escape for natural spawning.

(2) The report shall include by species, the number and estimated weight of surplus salmon and steelhead and a description of the disposition of the adult carcasses including, but not limited to, the following categories:

(a) Disposed in landfills;

(b) Transferred to another government agency for reproductive purposes;

- (c) Sold to contract buyers in the round;
- (d) Sold to contract buyers after spawning;
- (e) Transferred to Native American tribes;
- (f) Donated to food banks; and
- (g) Used in stream nutrient enrichment programs.

(3) The report shall also include by species, information on the number of requests for viable salmon eggs, the number of these requests that were granted and the number that were denied, the geographic areas for which these requests were granted or denied, and a brief explanation given for each denial of a request for viable salmon eggs.

(4) The report shall also be included in the biennial state of the salmon report required by RCW 77.85.020 and other similar state reports on salmon.

(5) The report shall include an assessment of the infrastructure needs and facility modifications necessary to implement this act.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

On motion of Senator Jacobsen, the following amendment by Senators Jacobsen, Oke and Morton to the Committee on Natural Resources, Parks and Shorelines striking amendment was adopted:

On page 1, after line 22 of the amendment, strike all material through "RCW." on line 32, and insert the following:

"(a) Voluntary cooperative salmon culture programs under the supervision of the department under chapter 77.100 RCW:

(b) Regional fisheries enhancement group salmon culture programs under supervision of the department under this chapter:

(c) Salmon culture programs requested by lead entities and approved by the salmon funding recovery board under chapter 77.85 RCW;

(d) Hatcheries of federally approved tribes in Washington to whom eggs are moved, not sold, under the interlocal cooperation act, chapter 39.34 RCW;

(e) Governmental hatcheries in Washington, Oregon, and Idaho."

The President declared the question before the Senate to be the adoption of the Committee on Natural Resources, Parks and Shorelines striking amendment, as amended, to Engrossed Substitute House Bill No. 1286.

The motion by Senator Jacobsen carried and the committee striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "eggs;" strike the remainder of the title and insert "amending RCW 77.95.210, 77.95.270, 77.100.050, and 77.100.060; adding a new section to chapter 77.04 RCW; and declaring an emergency."

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 1286, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1286, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1286, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Haugen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1286, as amended by the Senate, having received the constitutional majority, was passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Betti Sheldon was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1325, by House Committee on State Government (originally sponsored by Representatives D. Schmidt, Conway, Haigh, Bush, Talcott, Romero, Mielke, Anderson, Rockefeller, Campbell and Wood) (by request of Joint Select Committee on Veterans' and Military Affairs)

Creating a joint committee on veterans' and military affairs.

The bill was read the second time.

MOTION

On motion of Senator Kastama, the following amendment by Senators Kastama, McCaslin, Shin and Patterson was adopted:

On page 2, after line 28, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 1.20 RCW to read as follows:

(1) Each public entity shall display the national league of families' POW/MIA flag along with the flag of the United States and the flag of the state upon or near the principal building of the public entity on the following days: (a) Armed Forces Day on the third Saturday in May; (b) Memorial Day on the last Monday in May; (c) Flag Day on June 14; (d) Independence Day on July 4; (e) National POW/MIA Recognition Day; and (f) Veterans' Day on November 11. If the designated day falls on a Saturday or Sunday, then the POW/MIA flag will be displayed on the preceding Friday.

(2) The governor's veterans affairs advisory committee shall provide information to public entities regarding the purchase and display of the POW/MIA flag upon request.

(3) As used in this section, "public entity" means every state agency, including each institution of higher education, and every county, city, and town."

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 2 of the title, after "RCW;" insert "adding a new section to chapter 1.20 RCW;"

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1325, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1325, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1325, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Haugen and Sheldon, B. - 2.

SUBSTITUTE HOUSE BILL NO. 1325, as amended by the Senate, having received the constitutional majority, was passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1501, by House Committee on Commerce and Labor (originally sponsored by Representatives Conway and Clements) (by request of Secretary of State Reed)

Authorizing the electronic filing of corporation and limited liability company annual reports.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1501.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1501 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Haugen - 1.

SUBSTITUTE HOUSE BILL NO. 1501, having received the constitutional majority, was passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1884, by House Committee on Children and family Services (originally sponsored by Representatives Ogden, Poulsen, Crouse and Kenney) (by request of Department of Social and Health Services)

Changing provisions relating to telecommunications services for hearing or speech impaired.

The bill was read the second time.

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Substitute House Bill No. 1884 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1884.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1884 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Haugen - 1.

SUBSTITUTE HOUSE BILL NO. 1884, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

EDITOR'S NOTE: Substitute Senate Bill No. 5625 (with pending amendments) was referred to the Committee on Education on March 14 and a Committee on Education Standing Committee Report was read in on March 30.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5625, by Senators McAuliffe, Finkbeiner, Carlson and Kohl-Welles (by request of Governor Locke, Academic Achievement and Accountability Commission and State Board of Education)

Adopting recommendations of the academic achievement and accountability commission.

MOTION

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 5625 was substituted for Senate Bill No. 5625 and the second substitute bill was placed on the second reading calendar and read the second time.

MOTION

Senator Hochstatter moved that the following amendment by Senators Hochstatter and Swecker be adopted:

On page 2, after line 36, insert the following:

"Sec. 3. RCW 28A.605.020 and 1979 ex.s. c 250 s 8 are each amended to read as follows:

Every school district board of directors shall, after following established procedure, adopt a policy assuring parents access to their child's classroom and/or school sponsored activities for purposes of observing class procedure, teaching material, and class conduct(~~(= PROVIDED, That such observation shall not disrupt the classroom procedure or learning activity))~~).

It is a misdemeanor for school districts to contract with a third party to separate children from their parents in violation of this section."

Renumber the sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator McAuliffe: "Mr. President, I rise to a point of order. I submit that the amendment proposed by Senators Hochstatter and Swecker changes the scope and object of Second Substitute Senate Bill No. 5625. The underlying bill establishes a process to hold schools and school districts accountable based upon the test scores and other indicators. It is a systems-level process. The bill does not address the role of parents. It is a systems bill. The amendment is outside the scope, because it creates a new crime regarding parental access to the classroom."

Further debate ensued.

MOTION

On motion of Senator Betti Sheldon, further consideration of Second Substitute Senate Bill No. 5625 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2105, by House Committee on Natural Resources (originally sponsored by Representatives Sump, Doumit, Pearson, Rockefeller and Woods)

Modifying provisions related to small forest landowners.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the following Committee on Natural Resources, Parks and Shorelines striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 76.13.110 and 2000 c 11 s 12 are each amended to read as follows:

(1) The department of natural resources shall establish and maintain a small forest landowner office. The small forest landowner office shall be a resource and focal point for small forest landowner concerns and policies, and shall have significant expertise regarding the management of small forest holdings, governmental programs applicable to such holdings, and the forestry riparian easement program.

(2) The small forest landowner office shall administer the provisions of the forestry riparian easement program created under RCW 76.13.120. With respect to that program, the office shall have the authority to contract with private consultants that the office finds qualified to perform timber cruises of forestry riparian easements or to lay out streamside buffers and comply with other forest and fish regulatory requirements related to the forest riparian easement program.

(3) The small forest landowner office shall assist in the development of small landowner options through alternate management plans or alternate harvest restrictions appropriate to small landowners. The small forest landowner office shall develop criteria to be adopted by the forest practices board in rules and a manual for alternate management plans or alternate harvest restrictions. These alternate plans or alternate harvest restrictions shall meet riparian functions while requiring less costly regulatory prescriptions. At the landowner's option, alternate plans or alternate harvest restrictions may be used to further meet riparian functions.

The small forest landowner office shall evaluate the cumulative impact of such alternate management plans or alternate harvest restrictions on essential riparian functions at the subbasin or watershed level. The small forest landowner office shall adjust future alternate management plans or alternate harvest restrictions in a manner that will minimize the negative impacts on essential riparian functions within a subbasin or watershed.

(4) An advisory committee is established to assist the small forest landowner office in developing policy and recommending rules to the forest practices board. The advisory committee shall consist of seven members, including a representative from the department of ecology, the department of fish and wildlife, and a tribal representative. Four additional committee members shall be small forest landowners who shall be appointed by the commissioner of public lands from a list of candidates submitted by the board of directors of the Washington farm forestry association or its successor organization. The association shall submit more than one candidate for each position. Appointees shall serve for a term of four years. The small forest landowner office shall review draft rules or rule concepts with the committee prior to recommending such rules to the forest practices board. The office shall reimburse nongovernmental committee members for reasonable expenses associated with attending committee meetings as provided in RCW 43.03.050 and 43.03.060.

(5) By December 1, ((2000)) 2002, the small forest landowner office shall provide a report to the board and the legislature containing:

(a) Estimates of the amounts of nonindustrial forests and woodlands in holdings of twenty acres or less, twenty-one to one hundred acres, one hundred to one thousand acres, and one thousand to five thousand acres, in western Washington and eastern Washington, and the number of persons having total nonindustrial forest and woodland holdings in those size ranges;

(b) Estimates of the number of parcels of nonindustrial forests and woodlands held in contiguous ownerships of twenty acres or less, and the percentages of those parcels containing improvements used: (i) As primary residences for half or more of most years; (ii) as vacation homes or other temporary residences for less than half of most years; and (iii) for other uses;

(c) The watershed administrative units in which significant portions of the riparian areas or total land area are nonindustrial forests and woodlands;

(d) Estimates of the number of forest practices applications and notifications filed per year for forest road construction, silvicultural activities to enhance timber growth, timber harvest not associated with conversion to nonforest land uses, with estimates of the number of acres of nonindustrial forests and woodlands on which forest practices are conducted under those applications and notifications; and

(e) Recommendations on ways the board and the legislature could provide more effective incentives to encourage continued management of nonindustrial forests and woodlands for forestry uses in ways that better protect salmon, other fish and wildlife, water quality, and other environmental values.

(6) By December 1, (~~2002~~) 2004, and every four years thereafter, the small forest landowner office shall provide to the board and the legislature an update of the report described in subsection (5) of this section, containing more recent information and describing:

(a) Trends in the items estimated under subsection (5)(a) through (d) of this section;

(b) Whether, how, and to what extent the forest practices act and rules contributed to those trends; and

(c) Whether, how, and to what extent: (i) The board and legislature implemented recommendations made in the previous report; and (ii) implementation of or failure to implement those recommendations affected those trends.

Sec. 2. RCW 76.13.120 and 2000 c 11 s 13 are each amended to read as follows:

(1) The legislature finds that the state should acquire easements along riparian and other sensitive aquatic areas from small forest landowners willing to sell or donate such easements to the state provided that the state will not be required to acquire such easements if they are subject to unacceptable liabilities. The legislature therefore establishes a forestry riparian easement program.

(2) The definitions in this subsection apply throughout this section and RCW 76.13.100 and 76.13.110 unless the context clearly requires otherwise.

(a) "Forestry riparian easement" means an easement covering qualifying timber granted voluntarily to the state by a small forest landowner.

(b) "Qualifying timber" means those trees covered by a forest practices application that the small forest landowner is required to leave unharvested under the rules adopted under RCW 76.09.055 and 76.09.370 or that is made uneconomic to harvest by those rules, and for which the small landowner is willing to grant the state a forestry riparian easement. "Qualifying timber" is timber within or bordering a commercially reasonable harvest unit as determined under rules adopted by the forest practices board, or timber for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under the forest practices rules.

(c) "Small forest landowner" means a landowner meeting all of the following characteristics: (i) A forest landowner as defined in RCW 76.09.020 whose interest in the land and timber is in fee or who has rights to the timber to be included in the forestry riparian easement that extend at least fifty years from the date the forest practices application associated with the easement is submitted; (ii) an entity that has harvested from its own lands in this state during the three years prior to the year of application an average timber volume that would qualify the owner as a small timber harvester under RCW 84.33.073(1); and (iii) an entity that certifies at the time of application that it does not expect to harvest from its own lands more than the volume allowed by RCW 84.33.073(1) during the ten years following application. If a landowner's prior three-year average harvest exceeds the limit of RCW 84.33.073(1), or the landowner expects to exceed this limit during the ten years following application, and that landowner establishes to the department of natural resources' reasonable satisfaction that the harvest limits were or will be exceeded to raise funds to pay estate taxes or equally compelling and unexpected obligations such as court-ordered judgments or extraordinary medical expenses, the landowner shall be deemed to be a small forest landowner.

For purposes of determining whether a person qualifies as a small forest landowner, the small forest landowner office, created in RCW 76.13.110, shall evaluate the landowner under this definition as of the date that the forest practices application is submitted or the date the landowner notifies the department that the harvest is to begin with which the forestry riparian easement is associated. A small forest landowner can include an individual, partnership, corporate, or other nongovernmental legal entity. If a landowner grants timber rights to another entity for less than five years, the landowner may still qualify as a small forest landowner under this section. If a landowner is unable to obtain an approved forest practices application for timber harvest for any of his or her land because of restrictions under the forest practices rules, the landowner may still qualify as a small forest landowner under this section.

(d) "Completion of harvest" means that the trees have been harvested from an area and that further entry into that area by mechanized logging or slash treating equipment is not expected.

(3) The department of natural resources is authorized and directed to accept and hold in the name of the state of Washington forestry riparian easements granted by small forest landowners covering qualifying timber and to pay compensation to such landowners in accordance with subsections (6) and (7) of this section. The department of natural resources may not transfer the easements to any entity other than another state agency.

(4) Forestry riparian easements shall be effective for fifty years from the date the forest practices application associated with the qualifying timber is submitted to the department of natural resources, unless the easement is terminated earlier by the department of natural resources voluntarily, based on a determination that termination is in the best interest of the state, or under the terms of a termination clause in the easement.

(5) Forestry riparian easements shall be restrictive only, and shall preserve all lawful uses of the easement premises by the landowner that are consistent with the terms of the easement and the requirement to protect riparian functions during the term of the easement, subject to the restriction that the leave trees required by the rules to be left on the easement premises may not be cut during the term of the easement. No right of public access to or across, or any public use of the easement premises is created by

this statute or by the easement. Forestry riparian easements shall not be deemed to trigger the compensating tax of or otherwise disqualify land from being taxed under chapter 84.33 or 84.34 RCW.

(6) Upon application of a small forest landowner for a riparian easement that is associated with a forest practices application and the landowner's marking of the qualifying timber on the qualifying lands, the small forest landowner office shall determine the compensation to be offered to the small forest landowner as provided for in this section. The small forest landowner office shall also determine the compensation to be offered to a small forest landowner for qualifying timber for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under the forest practices rules. The legislature recognizes that there is not readily available market transaction evidence of value for easements of this nature, and thus establishes the following methodology to ascertain the value for forestry riparian easements. Values so determined shall not be considered competent evidence of value for any other purpose.

The small forest landowner office shall establish the volume of the qualifying timber. Based on that volume and using data obtained or maintained by the department of revenue under RCW 84.33.074 and 84.33.091, the small forest landowner office shall attempt to determine the fair market value of the qualifying timber as of the date the forest practices application associated with the qualifying timber was submitted. If, under the forest practices rules adopted under chapter 4, Laws of 1999 sp. sess., some qualifying timber may be removed prior to the expiration of the fifty-year term of the easement, the small forest landowner office shall apply a reduced compensation factor to ascertain the value of those trees based on the proportional economic value, considering income and growth, lost to the landowner.

(7) Except as provided in subsection (8) of this section, the small forest landowner office shall, subject to available funding, offer compensation to the small forest landowner in the amount of fifty percent of the value determined in subsection (6) of this section, plus the compliance costs as determined in accordance with section 3 of this act. If the landowner accepts the offer for qualifying timber that will be harvested pursuant to an approved forest practices application, the department of natural resources shall pay the compensation promptly upon (a) completion of harvest in the area covered by the forestry riparian easement; (b) verification that there has been compliance with the rules requiring leave trees in the easement area; and (c) execution and delivery of the easement to the department of natural resources. If the landowner accepts the offer for qualifying timber for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under the forest practices rules, the department of natural resources shall pay the compensation promptly upon (i) verification that there has been compliance with the rules requiring leave trees in the easement area; and (ii) execution and delivery of the easement to the department of natural resources. Upon donation or payment of compensation, the department of natural resources may record the easement.

(8) For approved forest practices applications where the regulatory impact is greater than the average percentage impact for all small landowners as determined by the department of natural resources analysis under the regulatory fairness act, chapter 19.85 RCW, the compensation offered will be increased to one hundred percent for that portion of the regulatory impact that is in excess of the average. Regulatory impact includes trees left in buffers, special management zones, and those rendered uneconomic to harvest by these rules. A separate average or high impact regulatory threshold shall be established for western and eastern Washington. Criteria for these measurements and payments shall be established by the small forest landowner office.

(9) The forest practices board shall adopt rules under the administrative procedure act, chapter 34.05 RCW, to implement the forestry riparian easement program, including the following:

(a) A standard version or versions of all documents necessary or advisable to create the forestry riparian easements as provided for in this section;

(b) Standards for descriptions of the easement premises with a degree of precision that is reasonable in relation to the values involved;

(c) Methods and standards for cruises and valuation of forestry riparian easements for purposes of establishing the compensation. The department of natural resources shall perform the timber cruises of forestry riparian easements required under this chapter and chapter 76.09 RCW. Any rules concerning the methods and standards for valuations of forestry riparian easements shall apply only to the department of natural resources, small forest landowners, and the small forest landowner office;

(d) A method to determine that a forest practices application involves a commercially reasonable harvest, and adopt criteria for entering into a forest riparian easement where a commercially reasonable harvest is not possible or a forest practices application that has been submitted cannot be approved because of restrictions under the forest practices rules;

(e) A method to address blowdown of qualified timber falling outside the easement premises;

(f) A formula for sharing of proceeds in relation to the acquisition of qualified timber covered by an easement through the exercise or threats of eminent domain by a federal or state agency with eminent domain authority, based on the present value of the department of natural resources' and the landowner's relative interests in the qualified timber;

(g) High impact regulatory thresholds;

(h) A method to determine timber that is qualifying timber because it is rendered uneconomic to harvest by the rules adopted under RCW 76.09.055 and 76.09.370; and

(i) A method for internal department of natural resources review of small forest landowner office compensation decisions under subsection (7) of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 76.13 RCW to read as follows:

In order to assist small forest landowners to remain economically viable, the legislature intends that the small forest landowners be able to net fifty percent of the value of the trees left in the buffer areas. The amount of compensation offered in RCW 76.13.120 shall also include the compliance costs for participation in the riparian easement program. For purposes of this section, "compliance costs" includes the cost of preparing and recording the easement, and any business and occupation tax and real estate excise tax imposed because of entering into the easement."

MOTION

On motion of Senator Jacobsen, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 76.13.110 and 2000 c 11 s 12 are each amended to read as follows:

(1) The department of natural resources shall establish and maintain a small forest landowner office. The small forest landowner office shall be a resource and focal point for small forest landowner concerns and policies, and shall have significant expertise regarding the management of small forest holdings, governmental programs applicable to such holdings, and the forestry riparian easement program.

(2) The small forest landowner office shall administer the provisions of the forestry riparian easement program created under RCW 76.13.120. With respect to that program, the office shall have the authority to contract with private consultants that the office finds qualified to perform timber cruises of forestry riparian easements or to lay out streamside buffers and comply with other forest and fish regulatory requirements related to the forest riparian easement program.

(3) The small forest landowner office shall assist in the development of small landowner options through alternate management plans or alternate harvest restrictions appropriate to small landowners. The small forest landowner office shall develop criteria to be adopted by the forest practices board in rules and a manual for alternate management plans or alternate harvest restrictions. These alternate plans or alternate harvest restrictions shall meet riparian functions while requiring less costly regulatory prescriptions. At the landowner's option, alternate plans or alternate harvest restrictions may be used to further meet riparian functions.

The small forest landowner office shall evaluate the cumulative impact of such alternate management plans or alternate harvest restrictions on essential riparian functions at the subbasin or watershed level. The small forest landowner office shall adjust future alternate management plans or alternate harvest restrictions in a manner that will minimize the negative impacts on essential riparian functions within a subbasin or watershed.

(4) An advisory committee is established to assist the small forest landowner office in developing policy and recommending rules to the forest practices board. The advisory committee shall consist of seven members, including a representative from the department of ecology, the department of fish and wildlife, and a tribal representative. Four additional committee members shall be small forest landowners who shall be appointed by the commissioner of public lands from a list of candidates submitted by the board of directors of the Washington farm forestry association or its successor organization. The association shall submit more than one candidate for each position. Appointees shall serve for a term of four years. The small forest landowner office shall review draft rules or rule concepts with the committee prior to recommending such rules to the forest practices board. The office shall reimburse nongovernmental committee members for reasonable expenses associated with attending committee meetings as provided in RCW 43.03.050 and 43.03.060.

(5) By December 1, (~~2000~~) 2002, the small forest landowner office shall provide a report to the board and the legislature containing:

(a) Estimates of the amounts of nonindustrial forests and woodlands in holdings of twenty acres or less, twenty-one to one hundred acres, one hundred to one thousand acres, and one thousand to five thousand acres, in western Washington and eastern Washington, and the number of persons having total nonindustrial forest and woodland holdings in those size ranges;

(b) Estimates of the number of parcels of nonindustrial forests and woodlands held in contiguous ownerships of twenty acres or less, and the percentages of those parcels containing improvements used: (i) As primary residences for half or more of most years; (ii) as vacation homes or other temporary residences for less than half of most years; and (iii) for other uses;

(c) The watershed administrative units in which significant portions of the riparian areas or total land area are nonindustrial forests and woodlands;

(d) Estimates of the number of forest practices applications and notifications filed per year for forest road construction, silvicultural activities to enhance timber growth, timber harvest not associated with conversion to nonforest land uses, with estimates of the number of acres of nonindustrial forests and woodlands on which forest practices are conducted under those applications and notifications; and

(e) Recommendations on ways the board and the legislature could provide more effective incentives to encourage continued management of nonindustrial forests and woodlands for forestry uses in ways that better protect salmon, other fish and wildlife, water quality, and other environmental values.

(6) By December 1, (~~2002~~) 2004, and every four years thereafter, the small forest landowner office shall provide to the board and the legislature an update of the report described in subsection (5) of this section, containing more recent information and describing:

(a) Trends in the items estimated under subsection (5)(a) through (d) of this section;

(b) Whether, how, and to what extent the forest practices act and rules contributed to those trends; and

(c) Whether, how, and to what extent: (i) The board and legislature implemented recommendations made in the previous report; and (ii) implementation of or failure to implement those recommendations affected those trends.

Sec. 2. RCW 76.13.120 and 2000 c 11 s 13 are each amended to read as follows:

(1) The legislature finds that the state should acquire easements along riparian and other sensitive aquatic areas from small forest landowners willing to sell or donate such easements to the state provided that the state will not be required to acquire such easements if they are subject to unacceptable liabilities. The legislature therefore establishes a forestry riparian easement program.

(2) The definitions in this subsection apply throughout this section and RCW 76.13.100 and 76.13.110 unless the context clearly requires otherwise.

(a) "Forestry riparian easement" means an easement covering qualifying timber granted voluntarily to the state by a small forest landowner.

(b) "Qualifying timber" means those trees covered by a forest practices application that the small forest landowner is required to leave unharvested under the rules adopted under RCW 76.09.055 and 76.09.370 or that is made uneconomic to harvest by those rules, and for which the small landowner is willing to grant the state a forestry riparian easement. "Qualifying timber" is timber within or bordering a commercially reasonable harvest unit as determined under rules adopted by the forest practices board, or timber for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under the forest practices rules.

(c) "Small forest landowner" means a landowner meeting all of the following characteristics: (i) A forest landowner as defined in RCW 76.09.020 whose interest in the land and timber is in fee or who has rights to the timber to be included in the forestry riparian easement that extend at least fifty years from the date the forest practices application associated with the easement is submitted; (ii) an entity that has harvested from its own lands in this state during the three years prior to the year of application an

average timber volume that would qualify the owner as a small timber harvester under RCW 84.33.073(1); and (iii) an entity that certifies at the time of application that it does not expect to harvest from its own lands more than the volume allowed by RCW 84.33.073(1) during the ten years following application. If a landowner's prior three-year average harvest exceeds the limit of RCW 84.33.073(1), or the landowner expects to exceed this limit during the ten years following application, and that landowner establishes to the department of natural resources' reasonable satisfaction that the harvest limits were or will be exceeded to raise funds to pay estate taxes or equally compelling and unexpected obligations such as court-ordered judgments or extraordinary medical expenses, the landowner shall be deemed to be a small forest landowner.

For purposes of determining whether a person qualifies as a small forest landowner, the small forest landowner office, created in RCW 76.13.110, shall evaluate the landowner under this definition as of the date that the forest practices application is submitted or the date the landowner notifies the department that the harvest is to begin with which the forestry riparian easement is associated. A small forest landowner can include an individual, partnership, corporate, or other nongovernmental legal entity. If a landowner grants timber rights to another entity for less than five years, the landowner may still qualify as a small forest landowner under this section. If a landowner is unable to obtain an approved forest practices application for timber harvest for any of his or her land because of restrictions under the forest practices rules, the landowner may still qualify as a small forest landowner under this section.

(d) "Completion of harvest" means that the trees have been harvested from an area and that further entry into that area by mechanized logging or slash treating equipment is not expected.

(3) The department of natural resources is authorized and directed to accept and hold in the name of the state of Washington forestry riparian easements granted by small forest landowners covering qualifying timber and to pay compensation to such landowners in accordance with subsections (6) and (7) of this section. The department of natural resources may not transfer the easements to any entity other than another state agency.

(4) Forestry riparian easements shall be effective for fifty years from the date the forest practices application associated with the qualifying timber is submitted to the department of natural resources, unless the easement is terminated earlier by the department of natural resources voluntarily, based on a determination that termination is in the best interest of the state, or under the terms of a termination clause in the easement.

(5) Forestry riparian easements shall be restrictive only, and shall preserve all lawful uses of the easement premises by the landowner that are consistent with the terms of the easement and the requirement to protect riparian functions during the term of the easement, subject to the restriction that the leave trees required by the rules to be left on the easement premises may not be cut during the term of the easement. No right of public access to or across, or any public use of the easement premises is created by this statute or by the easement. Forestry riparian easements shall not be deemed to trigger the compensating tax of or otherwise disqualify land from being taxed under chapter 84.33 or 84.34 RCW.

(6) Upon application of a small forest landowner for a riparian easement that is associated with a forest practices application and the landowner's marking of the qualifying timber on the qualifying lands, the small forest landowner office shall determine the compensation to be offered to the small forest landowner as provided for in this section. The small forest landowner office shall also determine the compensation to be offered to a small forest landowner for qualifying timber for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under the forest practices rules. The legislature recognizes that there is not readily available market transaction evidence of value for easements of this nature, and thus establishes the following methodology to ascertain the value for forestry riparian easements. Values so determined shall not be considered competent evidence of value for any other purpose.

The small forest landowner office shall establish the volume of the qualifying timber. Based on that volume and using data obtained or maintained by the department of revenue under RCW 84.33.074 and 84.33.091, the small forest landowner office shall attempt to determine the fair market value of the qualifying timber as of the date the forest practices application associated with the qualifying timber was submitted or the date the landowner notifies the department that the harvest is to begin. If, under the forest practices rules adopted under chapter 4, Laws of 1999 sp. sess., some qualifying timber may be removed prior to the expiration of the fifty-year term of the easement, the small forest landowner office shall apply a reduced compensation factor to ascertain the value of those trees based on the proportional economic value, considering income and growth, lost to the landowner.

(7) Except as provided in subsection (8) of this section, the small forest landowner office shall, subject to available funding, offer compensation to the small forest landowner in the amount of fifty percent of the value determined in subsection (6) of this section, plus the compliance costs as determined in accordance with section 3 of this act. If the landowner accepts the offer for qualifying timber that will be harvested pursuant to an approved forest practices application, the department of natural resources shall pay the compensation promptly upon (a) completion of harvest in the area covered by the forestry riparian easement; (b) verification that there has been compliance with the rules requiring leave trees in the easement area; and (c) execution and delivery of the easement to the department of natural resources. If the landowner accepts the offer for qualifying timber for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under the forest practices rules, the department of natural resources shall pay the compensation promptly upon (i) verification that there has been compliance with the rules requiring leave trees in the easement area; and (ii) execution and delivery of the easement to the department of natural resources. Upon donation or payment of compensation, the department of natural resources may record the easement.

(8) For approved forest practices applications where the regulatory impact is greater than the average percentage impact for all small landowners as determined by the department of natural resources analysis under the regulatory fairness act, chapter 19.85 RCW, the compensation offered will be increased to one hundred percent for that portion of the regulatory impact that is in excess of the average. Regulatory impact includes trees left in buffers, special management zones, and those rendered uneconomic to harvest by these rules. A separate average or high impact regulatory threshold shall be established for western and eastern Washington. Criteria for these measurements and payments shall be established by the small forest landowner office.

(9) The forest practices board shall adopt rules under the administrative procedure act, chapter 34.05 RCW, to implement the forestry riparian easement program, including the following:

(a) A standard version or versions of all documents necessary or advisable to create the forestry riparian easements as provided for in this section;

(b) Standards for descriptions of the easement premises with a degree of precision that is reasonable in relation to the values involved;

(c) Methods and standards for cruises and valuation of forestry riparian easements for purposes of establishing the compensation. The department of natural resources shall perform the timber cruises of forestry riparian easements required under this chapter and chapter 76.09 RCW. Any rules concerning the methods and standards for valuations of forestry riparian easements shall apply only to the department of natural resources, small forest landowners, and the small forest landowner office;

(d) A method to determine that a forest practices application involves a commercially reasonable harvest, and adopt criteria for entering into a forest riparian easement where a commercially reasonable harvest is not possible or a forest practices application that has been submitted cannot be approved because of restrictions under the forest practices rules;

(e) A method to address blowdown of qualified timber falling outside the easement premises;

(f) A formula for sharing of proceeds in relation to the acquisition of qualified timber covered by an easement through the exercise or threats of eminent domain by a federal or state agency with eminent domain authority, based on the present value of the department of natural resources' and the landowner's relative interests in the qualified timber;

(g) High impact regulatory thresholds;

(h) A method to determine timber that is qualifying timber because it is rendered uneconomic to harvest by the rules adopted under RCW 76.09.055 and 76.09.370; and

(i) A method for internal department of natural resources review of small forest landowner office compensation decisions under subsection (7) of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 76.13 RCW to read as follows:

In order to assist small forest landowners to remain economically viable, the legislature intends that the small forest landowners be able to net fifty percent of the value of the trees left in the buffer areas. The amount of compensation offered in RCW 76.13.120 shall also include the compliance costs for participation in the riparian easement program. For purposes of this section, "compliance costs" includes the cost of preparing and recording the easement, and any business and occupation tax and real estate excise tax imposed because of entering into the easement."

MOTION

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "landowners;" strike the remainder of the title and insert "amending RCW 76.13.110 and 76.13.120; and adding a new section to chapter 76.13 RCW."

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2105, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2105, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2105, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Honeyford - 1.

Excused: Senator Haugen - 1.

SUBSTITUTE HOUSE BILL NO. 2105, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1103, by Representatives Lambert, Ruderman, Esser, Miloscia, Buck, Pflug, McDermott, Simpson, D. Schmidt and Armstrong

Regulating mail to constituents.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the following Committee on State and Local Government striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.52.185 and 1997 c 320 s 1 are each amended to read as follows:

(1) During the twelve-month period beginning on December 1st of the year before a general election for a state legislator's election to office and continuing through November 30th immediately after the general election, the legislator may not ((mail, either

by regular mail or electronic mail.) by regular mail send to a constituent at public expense a letter, newsletter, brochure, or other piece of literature, except as follows:

(a) The legislator may mail two mailings of newsletters to constituents. All newsletters within each mailing of newsletters must be identical as to their content but not as to the constituent name or address. One such mailing may be mailed no later than thirty days after the start of a regular legislative session, except that a legislator appointed during a regular legislative session to fill a vacant seat may have up to thirty days from the date of appointment to send out the first mailing. The other mailing may be mailed no later than sixty days after the end of a regular legislative session.

(b) The legislator may mail an individual letter to (i) an individual constituent who has contacted the legislator regarding the subject matter of the letter during the legislator's current term of office; (ii) an individual constituent who holds a governmental office with jurisdiction over the subject matter of the letter; or (iii) an individual constituent who has received an award or honor of extraordinary distinction of a type that is sufficiently infrequent to be noteworthy to a reasonable person, including, but not limited to: (A) An international or national award such as the Nobel prize or the Pulitzer prize; (B) a state award such as Washington scholar; (C) an Eagle Scout award; and (D) a Medal of Honor.

(2) For purposes of subsection (1) of this section, "legislator" means a legislator who is a "candidate," as defined by RCW 42.17.020, for any public office.

(3) A violation of this section constitutes use of the facilities of a public office for the purpose of assisting a campaign under RCW 42.52.180.

(4) The house of representatives and senate shall specifically limit expenditures per member for the total cost of mailings. Those costs include, but are not limited to, production costs, printing costs, and postage costs. The limits imposed under this subsection apply only to the total expenditures on mailings per member and not to any categorical cost within the total.

(5) For purposes of this section, persons residing outside the legislative district represented by the legislator are not considered to be constituents, but students, military personnel, or others temporarily employed outside of the district who normally reside in the district are considered to be constituents.

NEW SECTION. Sec. 2. A new section is added to chapter 42.52 RCW to read as follows:

(1) During the twelve-month period beginning on December 1st of the year before a general election for a state legislator's election to office and continuing through November 30th immediately after the general election, the legislator may not send by electronic mail to a constituent at public expense a letter, newsletter, brochure, or other piece of literature, except as follows:

(a) Before the forty-fifth day after the date of adjournment of a regular session, the legislator may send any such correspondence for which the public expense, including any costs associated with drafting, creating, writing, designing, producing, or reviewing the correspondence by any state officer or state employee, is de minimis as defined by the appropriate ethics board under RCW 42.52.160(3);

(b) The legislator may send an individual letter to (i) an individual constituent who has contacted the legislator regarding the subject matter of the letter during the legislator's current term of office; or (ii) an individual constituent who holds a governmental office with jurisdiction over the subject matter of the letter.

(2) For purposes of subsection (1) of this section, "legislator" means a legislator who is a "candidate," as defined by RCW 42.17.020, for any public office.

(3) A violation of this section constitutes use of the facilities of a public office for the purpose of assisting a campaign under RCW 42.52.180.

(4) For purposes of this section, persons residing outside the legislative district represented by the legislator are not considered to be constituents, but students, military personnel, or others temporarily employed outside of the district who normally reside in the district are considered to be constituents."

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On line 1 of the title, after "legislators;" strike the remainder of the title and insert "amending RCW 42.52.185; and adding a new section to chapter 42.52 RCW."

On motion of Senator Patterson, the rules were suspended, House Bill No. 1103, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Eide: "Senator Patterson, can I send a response to my constituents if they e-mail me--within forty-five days?"

Senator Patterson: "Thank you, Senator Eide. You can always send a response if it is solicited. What we are talking about here is unsolicited e-mail messages."

Senator Eide: "Thank you."

Senator McCaslin asked Senator Benton to yield to a question, but Senator Benton would not yield.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No.1103, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1103, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Winsley and Zarelli - 42.

Voting nay: Senators Benton, Honeyford, Morton, Stevens, Thibaudeau and West - 6.

Excused: Senator Haugen - 1.

HOUSE BILL NO. 1103, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1227, by Representatives Ballasiotes, Lovick and O'Brien

Changing provisions relating to escaping from custody.

The bill was read the second time.

MOTION

On motion of Senator Kline, the following Committee on Judiciary striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 9A.76.110 and 1982 1st ex.s. c 47 s 23 are each amended to read as follows:

(1) A person is guilty of escape in the first degree if ~~((,))~~ he or she knowingly escapes from custody or a detention facility while being detained pursuant to a conviction of a felony or an equivalent juvenile offense~~((, he escapes from custody or a detention facility))~~.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from remaining in custody or in the detention facility or from returning to custody or to the detention facility, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to remain or return, and that the person returned to custody or the detention facility as soon as such circumstances ceased to exist.

(3) Escape in the first degree is a class B felony.

Sec. 2. RCW 9A.76.120 and 1995 c 216 s 15 are each amended to read as follows:

(1) A person is guilty of escape in the second degree if:

(a) He or she knowingly escapes from a detention facility;

(b) Having been charged with a felony or an equivalent juvenile offense, he or she knowingly escapes from custody; ~~((or))~~

(c) Having been found to be a sexually violent predator and being under an order of conditional release, he or she knowingly leaves or remains absent from the state of Washington without prior court authorization; or

(d) Having been committed under chapter 10.77 RCW for a sex, violent, or felony harassment offense and being under an order of conditional release, he or she knowingly leaves or remains absent from the state of Washington without prior court authorization.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from remaining in custody or in the detention facility or from returning to custody or to the detention facility, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to remain or return, and that the person returned to custody or the detention facility as soon as such circumstances ceased to exist.

(3) Escape in the second degree is a class C felony.

Sec. 3. RCW 9A.76.170 and 1983 1st ex.s. c 4 s 3 are each amended to read as follows:

(1) Any person having been released by court order or admitted to bail with knowledge of the requirement of a subsequent personal appearance before any court of this state, or of the requirement to report to a correctional facility for service of sentence, and who ~~((knowingly))~~ fails to appear or who fails to surrender for service of sentence as required is guilty of bail jumping.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

(3) Bail jumping is:

(a) A class A felony if the person was held for, charged with, or convicted of murder in the first degree;

(b) A class B felony if the person was held for, charged with, or convicted of a class A felony other than murder in the first degree;

(c) A class C felony if the person was held for, charged with, or convicted of a class B or class C felony;

(d) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor.

Sec. 4. RCW 9A.76.010 and 1991 c 181 s 6 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Custody" means restraint pursuant to a lawful arrest or an order of a court, or any period of service on a work crew: PROVIDED, That custody pursuant to chapter 13.34 RCW and RCW 74.13.020 and 74.13.031 and chapter 13.32A RCW shall not be deemed custody for purposes of this chapter;

(2) "Detention facility" means any place used for the confinement of a person (a) arrested for, charged with or convicted of an offense, or (b) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020 as now existing or

hereafter amended, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court, except an order under chapter 13.34 RCW or chapter 13.32A RCW, or (e) in any work release, furlough, or other such facility or program;

(3) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court;

(4) "Uncontrollable circumstances" means an act of nature such as a flood, earthquake, or fire, or a medical condition that requires immediate hospitalization or treatment, or an act of man such as an automobile accident or threats of death, forcible sexual attack, or substantial bodily injury in the immediate future for which there is no time for a complaint to the authorities and no time or opportunity to resort to the courts.

Sec. 5. RCW 9.94A.360 and 2000 c 28 s 15 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and ½ point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and ½ point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and ½ point for each juvenile prior conviction.

(12) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for (~~Willful Failure to Return from Furlough, RCW 72.66.060, Willful Failure to Return from Work Release, RCW 72.65.070, or~~) Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as ½ point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as ½ point.

(15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(16) If the present conviction is for a sex offense, count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

NEW SECTION. Sec. 6. A new section is added to chapter 10.88 RCW to read as follows:

A law enforcement agency shall deliver a person in custody to the accredited agent or agents of a demanding state without the governor's warrant provided that:

(1) Such person is alleged to have broken the terms of his or her probation, parole, bail, or any other release of the demanding state; and

(2) The law enforcement agency has received from the demanding state an authenticated copy of a prior waiver of extradition signed by such person as a term of his or her probation, parole, bail, or any other release of the demanding state and photographs or fingerprints or other evidence properly identifying the person as the person who signed the waiver.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) RCW 72.65.070 (Willfully failing to return--Deemed escapee and fugitive--Penalty) and 1967 c 17 s 7; and

(2) RCW 72.66.060 (Willfully failing to return--Deemed escapee and fugitive--Penalty) and 1971 ex.s. c 58 s 7.

NEW SECTION. Sec. 8. The laws repealed by this act are repealed except with respect to rights and duties which matured, penalties which were incurred, proceedings which were begun prior to the effective date of this act, or proceedings which are initiated after this act for violations committed prior to the effective date of this act."

MOTIONS

On motion of Senator Kline, the following title amendment was adopted:

On page 1, line 1 of the title, after "custody;" strike the remainder of the title and insert "amending RCW 9A.76.110, 9A.76.120, 9A.76.170, 9A.76.010, and 9.94A.360; adding a new section to chapter 10.88 RCW; creating a new section; repealing RCW 72.65.070 and 72.66.060; and prescribing penalties."

On motion of Senator Kline, the rules were suspended, House Bill No. 1227, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1227, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1227, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Haugen - 1.

HOUSE BILL NO. 1227, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1658, by Representatives Buck, Doumit, Ericksen, Linville, Haigh, G. Chandler, Cooper and Dunshee

Establishing a pilot project culturing shellfish on nonproductive oyster reserve land.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the following Committee on Natural Resources, Parks and Shoreline striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 77.60 RCW to read as follows:

(1) The department shall initiate a pilot project to evaluate the feasibility and potential of intensively culturing shellfish on currently nonproductive oyster reserve land in Puget Sound. The pilot program shall include no fewer than three long-term lease agreements with commercial shellfish growers. Except as provided in subsection (4) of this section, revenues from the lease of such lands shall be deposited in the oyster reserve land account created in section 2 of this act.

(2) The department shall form one advisory committee each for the Willapa Bay oyster reserve lands and the Puget Sound oyster reserve lands. The advisory committees shall make recommendations on management practices to conserve, protect, and develop oyster reserve lands. The advisory committees may make recommendations regarding the management practices on oyster reserve lands, in particular to ensure that they are managed in a manner that will: (a) increase revenue through production of high-value shellfish; (b) not be detrimental to the market for shellfish grown on nonreserve lands; and (c) avoid negative impacts to existing shellfish populations. The advisory committees may also make recommendation on the distribution of funds in section 2(2)(a) of this act. The department shall attempt to structure each advisory committee to include equal representation between shellfish growers that participate in reserve sales and shellfish growers that do not.

(3) The department shall submit a brief progress report on the status of the pilot programs to the appropriate standing committees of the legislature by January 7, 2003.

(4) The department of natural resources, in consultation with the department of fish and wildlife, shall administer the leases for oyster reserves entered into under this chapter. In administering the leases, the department of natural resources shall exercise its authority under RCW 79.96.090. Vacation of state oyster reserves by the department of fish and wildlife shall not be a requirement for the department of natural resources to lease any oyster reserves under this section. The department of natural resources may recover reasonable costs directly associated with the administration of the leases for oyster reserves entered into under this chapter. All administrative fees collected by the department of natural resources pursuant to this section shall be deposited into the resource management cost account established in RCW 79.64.020. The department of fish and wildlife may not assess charges to recover the costs of consulting with the department of natural resources under this subsection.

(5) The Puget Sound pilot program shall not include the culture of geoduck.

NEW SECTION. Sec. 2. A new section is added to chapter 77.60 RCW to read as follows:

(1) The oyster reserve land account is created in the state treasury. All receipts from revenues from the lease of land or sale of shellfish from oyster reserve lands must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as provided in this section.

(2) Funds in the account shall be used for the purposes provided for in this subsection:

(a) Up to forty percent for the management expenses incurred by the department that are directly attributable to the management of the oyster reserve lands and for the expenses associated with new research and development activities at the Pt. Whitney and Nahcotta shellfish laboratories managed by the department. As used in this subsection, "new research and development activities" includes an emphasis on the control of aquatic nuisance species and burrowing shrimp;

(b) Up to ten percent may be deposited into the state general fund; and

(c) All remaining funds in the account shall be used for the shellfish - on-site sewage grant program established in section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 90.71 RCW to read as follows:

(1) The action team shall establish a shellfish - on-site sewage grant program in Puget Sound and for Pacific and Grays Harbor counties. The action team shall provide funds to local health jurisdictions to be used as grants to individuals for improving their on-site sewage systems. The grants may be provided only in areas that have the potential to adversely affect water quality in commercial and recreational shellfish growing areas. A recipient of a grant shall enter into an agreement with the appropriate local health jurisdiction to maintain the improved on-site sewage system according to specifications required by the local health jurisdiction. The action team shall work closely with local health jurisdictions and shall endeavor to attain geographic equity between Willapa Bay and the Puget Sound when making funds available under this program. For the purposes of this subsection, "geographic equity" means issuing on-site sewage grants at a level that matches the funds generated from the oyster reserve lands in that area.

(2) In the Puget Sound, the action team shall give first priority to areas that are:

(a) Identified as "areas of special concern" under WAC 246-272-01001; or

(b) Included within a shellfish protection district under chapter 90.72 RCW.

(3) In Grays Harbor and Pacific counties, the action team shall give first priority to preventing the deterioration of water quality in areas where commercial or recreational shellfish are grown.

(4) The action team and each participating local health jurisdiction shall enter into a memorandum of understanding that will establish an applicant income eligibility requirement for individual grant applicants from within the jurisdiction and other mutually agreeable terms and conditions of the grant program.

(5) The action team may recover the costs to administer this program not to exceed ten percent of the shellfish - on-site sewage grant program.

(6) For the 2001-2003 biennium, the action team may use up to fifty percent of the shellfish - on-site sewage grant program funds for grants to local health jurisdictions to establish areas of special concern under WAC 246-272-01001, or for operation and maintenance programs therein, where commercial and recreational uses are present.

Sec. 4. RCW 79.96.110 and 2000 c 11 s 30 are each amended to read as follows:

(1) In ~~((said))~~ ~~(the department of natural resources)~~ ~~the event that the fish and wildlife commission~~ approves the vacation of the whole or any part of ~~(the)~~ ~~reserve~~ ~~as~~ ~~deems to be for the best interest of the state, and all moneys received for the lease of such lands shall be paid to the department of natural resources~~ ~~(- PROVIDED, That nothing in RCW 79.96.090 through 79.96.110 shall be construed as authorizing the lease of any tidelands which have heretofore, or which may hereafter, be set aside as)~~.

(2) ~~Notwithstanding RCW 77.60.020, subsection (1) of this section, or any other provision of state law, the state oyster reserves in Eld Inlet, Hammersley Inlet, or Totten Inlet, situated in Mason or Thurston counties~~ ~~(- PROVIDED FURTHER, That any~~

portion of Plat 138, Clifton's Oyster Reserve, which has already been vacated, may be leased by the department)) shall permanently be designated as state oyster reserve lands.

Sec. 5. RCW 43.84.092 and 2000 2nd sp.s. c 4 s 5 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system plan 2 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 6. RCW 43.84.092 and 2000 2nd sp.s. c 4 s 6 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal

government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 7. Section 5 of this act expires March 1, 2002.

NEW SECTION. Sec. 8. Section 6 of this act takes effect March 1, 2002."

MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "lands;" strike the remainder of the title and insert "amending RCW 79.96.110, 43.84.092, and 43.84.092; adding new sections to chapter 77.60 RCW; adding a new section to chapter 90.71 RCW; providing an effective date; and providing an expiration date."

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 1658, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1658, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1658, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Haugen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1658, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1821, by House Committee on Natural Resources (originally sponsored by Representatives Buck, Doumit, Sump, Hatfield and Kessler)

Concerning coastal Dungeness crab resource plan provisions.

MOTION

On motion of Senator Jacobsen, the following striking amendment by Senators Jacobsen and Oke was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 77.70.400 and 1998 c 245 s 154 are each amended to read as follows:

The department, with input from Dungeness crab--coastal fishery licensees and processors, shall prepare a resource plan to achieve even-flow harvesting and long-term stability of the coastal Dungeness crab resource. The plan may include pot limits, further reduction in the number of vessels, individual quotas, trip limits, area quotas, or other measures as determined by the department. The provisions of such a resource plan that are designed to effect a gear reduction or effort reduction based upon historical landing criteria are subject to the provisions of RCW 77.70.390 with respect to the consideration of extenuating circumstances.

NEW SECTION. Sec. 2. For the purposes of determining the number of shellfish pots assigned to a license authorizing commercial harvest of Dungeness crab adjacent to the Washington coast, if the license is held by a person whose vessel designated for use under that license was lost due to sinking in any one of the three qualifying seasons, then the department of fish and wildlife shall use the landings in February 1996 to determine the number of pots granted to the license holder as an exception to WAC 220-52-040(14). A license holder must notify the department of his or her eligibility under this section by September 30, 2001."

MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 3 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 77.70.400; and creating a new section."

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1821, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1821, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1821, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senators Finkbeiner and Gardner - 2.

Excused: Senator Haugen - 1.

SUBSTITUTE HOUSE BILL NO. 1821, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5625, deferred earlier today.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator McAuliffe to the scope and object of the amendment by Senator Hochstatter on page 2, after line 36, to Second Substitute Senate Bill No. 5625, the President finds that Second Substitute Senate Bill No. 5625 is a measure which relates solely to the changes to the academic achievement and accountability system, including permitting changes to performance improvement goals, providing for intervention for failing schools and establishing consequences for continued failure.

"The amendment by Senator Hochstatter would do two things unrelated to the bill: (1) eliminate the requirement that classroom observation by parents must not disrupt the classroom; and (2) make it a crime for school districts to contract with third parties to separate children from their parents.

"Therefore, the President finds that the amendment by Senator Hochstatter does change the scope and object of the bill and that the point of order if well taken."

The President ruled that the amendment by Senator Hochstatter on page 2, after line 36, to Second Substitute Senate Bill No. 5625 to be out of order.

PARLIAMENTARY INQUIRY

Senator Finkbeiner: "A parliamentary inquiry, Mr. President. Did the President just state that the point of order raised by the Senator from the First District, Senator McAuliffe, was not well taken?"

REPLY BY THE PRESIDENT

President Owen: "Was well taken."

Senator Finkbeiner: "Was well taken? I apologize."

MOTION

Senator Johnson moved that the following amendment by Senators Johnson and Finkbeiner be adopted:

On page 7, line 5 of the amendment, after "(3)" and insert:

"Based on the results of the school district's analysis conducted pursuant to subsection (1) of this section, if in three consecutive years the school district identifies a school within the district as a school in need of assistance, then upon the request of a parent the school district must grant the student an opportunity scholarship. The amount of the opportunity scholarship shall be four thousand dollars for tuition at a private school approved under chapter 28A.195 RCW where the student's parent or guardian has chosen to redeem the scholarship. Upon the parent's request, subsequent scholarships shall be granted for consecutive school years. The superintendent of public instruction shall adopt rules under chapter 34.05 RCW to implement this subsection.

(4)"

Renumber the remaining subsections accordingly and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Johnson and Finkbeiner to Second Substitute Senate Bill No. 5625.

The motion by Senator Johnson failed and the amendment was not adopted.

MOTION

Senator Franklin moved that the following amendments by Senators McAuliffe, Franklin, Prentice, Rasmussen and Winsley be considered simultaneously and be adopted:

On page 7, line 34, after "instruction" strike all material through "commission"

On page 8, line 5, after "instruction" strike all material through "commission"

On page 8, beginning on line 12, after "instruction" strike all material through "commission" on line 13

On page 8, line 17, after "learning" strike all material through "assistance." and insert ". The superintendent shall recommend to the commission and the commission shall determine which schools shall be prioritized as having the highest need for assistance."

On page 8, beginning on line 18, after "if the" strike all material through "determine" on line 19, and insert "commission determines"

On page 9, beginning on line 14, after "agreement." strike all material through "commission." on line 21, and insert "Before final adoption of the performance agreement, the agreement shall be submitted to the commission in a time frame that permits the commission to make recommendations for modifications to the agreement."

On page 10, beginning on line 8, after "section" strike all material through "agreement" on line 9

On page 10, beginning on line 10, after "been" strike all material through "commission and" on line 11

On page 10, beginning on line 15, after "thereafter," strike all material through "and" on line 24, and insert "if the superintendent of public instruction conducts the review and analysis under section 5 of this act and determines that a school district was notified the preceding year of its eligibility for assistance but declined the assistance and the current analysis shows that the school still shows no progress in improving student learning under the commission's criteria, then the commission shall determine whether a school district is identified as a school with the highest need for assistance. If the school is identified as one with the highest need, the superintendent of public instruction or the superintendent's designee shall conduct a needs assessment and the commission shall"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators McAuliffe, Franklin, Prentice, Rasmussen and Winsley on page 7, line 34; page 8 lines 12, 17 and 18; page 9, line 14; page 10, lines 8, 10 and 15; to Second Substitute Senate Bill No. 5625.

The motion by Senator Franklin carried and the amendments were adopted.

MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

MOTION

Senator Prentice moved that the following amendments by Senators Prentice, Kohl-Welles, McAuliffe, Regala, Winsley, Fairley, Rasmussen and Eide be considered simultaneously and be adopted:

On page 9, beginning on line 32, after "agreement." strike all material through "individual." on line 35 and insert "The performance agreement may include waivers of state laws or local policies and agreements if waivers are necessary to improve student learning and to implement the performance agreement and the employee bargaining representative organizations show evidence of support of the waivers."

On page 12, after line 28, insert the following:

"(c) Any waiver of state laws or local policies and agreements under an intervention plan shall be considered an educational policy decision. If any such waiver requires a renegotiation of a collective bargaining agreement, then the parties to the collective bargaining agreement shall enter into bargaining subject to the procedures under chapter 41.56 or 41.59 RCW, as applicable, on the effect of school-specific issues for inclusion in an addendum to the collective bargaining agreement. If agreement is not reached within forty-five days, then the public employment relations commission shall mediate."

On page 33, beginning on line 11, strike all material through "act." on line 15 and insert the following:

"Any waiver of state laws or local policies and agreements under an intervention plan under chapter 28A.655 RCW shall be considered an educational policy decision. If any such waiver requires a renegotiation of a collective bargaining agreement, then the parties to the collective bargaining agreement shall enter into bargaining subject to the procedures in this chapter on the effect of school-specific issues for inclusion in an addendum to the collective bargaining agreement. If agreement is not reached within forty-five days, then the public employment relations commission shall mediate."

On page 33, beginning on line 18, strike all material through "act." on line 22 and insert the following:

"Any waiver of state laws or local policies and agreements under an intervention plan under chapter 28A.655 RCW shall be considered an educational policy decision. If any such waiver requires a renegotiation of a collective bargaining agreement, then the parties to the collective bargaining agreement shall enter into bargaining subject to the procedures in this chapter on the effect of school-specific issues for inclusion in an addendum to the collective bargaining agreement. If agreement is not reached within forty-five days, then the public employment relations commission shall mediate."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Prentice, Kohl-Welles, McAuliffe, Regala, Winsley, Fairley, Rasmussen and Eide on page 9, line 32; page 12, line 28; page 33, lines 11 and 18; to Second Substitute Senate Bill No. 5625.

The motion by Senator Prentice carried and the amendments were adopted.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5625 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senators Snyder, Franklin and McCaslin demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5625.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5625 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Winsley - 26.

Voting nay: Senators Benton, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 21.

Excused: Senators Deccio and Haugen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5625, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

There being no objection, the Senate resumed consideration of the Message from the House on Engrossed House Bill No. 1012 and the motion by Senator Gardner to refuse to recede, adhere to its position regarding the Senate amendment(s) and asks the House to concur therein, deferred April 10, 2001.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Gardner that the Senate refuse to recede, adhere to its position on its amendment(s) to Engrossed House Bill No. 1012 and asks the House to concur therein.

The motion by Senator Gardner carried and the Senate refuses to recede, adheres to its position regarding the Senate amendment(s) and asks the House to concur therein.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6176 by Senators Hochstatter, Patterson, Costa, Stevens, Fairley, Parlette, Hargrove, Oke, Regala, Rasmussen, Haugen, Zarelli, Gardner, Finkbeiner, Fraser, Winsley, Honeyford, Snyder, McCaslin, McAuliffe, Eide, Long, Carlson, Roach, Deccio, Hewitt, Thibaudeau, Franklin, T. Sheldon, West, Shin and Kastama

AN ACT Relating to primary elections; reenacting RCW 29.18.200 and 29.30.005; creating a new section; and providing for submission of this act to a vote of the people.
Referred to Committee on State and Local Government.

SB 6177 by Senators Fraser, Morton, Brown, Winsley, Fairley, T. Sheldon, Finkbeiner, Franklin, Jacobsen, Spanel, Regala, Snyder, Prentice, Patterson, Hargrove, Constantine and Kohl-Welles

AN ACT Relating to the management of state energy supply and demand; amending RCW 74.38.070, 19.29A.040, 80.50.020, 80.50.060, 80.50.030, 80.50.040, 80.50.090, 80.50.100, 44.39.010, 44.39.015, 80.52.030, 39.35.010, 39.35.030, 39.35.050, 39.35A.020, 39.35C.010, 39.35C.020, 43.19.668, 43.19.669, 43.19.670, 43.19.675, and 43.19.680; adding new sections to chapter 82.16 RCW; adding a new section to chapter 19.29A RCW; adding a new section to chapter 43.31 RCW; adding a new section to chapter 80.50 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 80.52 RCW; adding a new section to chapter 82.34 RCW; adding a new section to chapter 39.35A RCW; adding a new section to chapter 39.35C RCW; creating new sections; providing an expiration date; and declaring an emergency.
Referred to Committee on Environment, Energy and Water.

SB 6178 by Senators Snyder, Spanel and Constantine

AN ACT Relating to primaries; amending RCW 29.01.090, 29.04.180, 29.24.070, 29.27.020, 29.27.030, 29.30.005, 29.30.095, 29.30.101, 29.42.010, 29.42.050, and 42.17.020; adding new sections to chapter 29.01 RCW; adding a new section to chapter 29.07 RCW; adding new sections to chapter 29.15 RCW; adding a new section to chapter 29.81A RCW; adding a new chapter to Title 29 RCW; repealing RCW 29.18.010, 29.18.120, 29.18.150, 29.18.160, and 29.18.200; and declaring an emergency.
Referred to Committee on State and Local Government.

MOTION

At 6:20 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Thursday, April 12, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-FOURTH DAY, APRIL 11, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

NINETY-FIFTH DAY

MORNING SESSION

SENATE CHAMBER, CHERBERG BUILDING, OLYMPIA, THURSDAY, APRIL 12, 2001

THE SENATE WAS CALLED TO ORDER AT 9:00 A.M. BY PRESIDENT OWEN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS COSTA, DECCIO, FINKBEINER, HAUGEN, MCAULIFFE, PRENTICE, RASMUSSEN, STEVENS AND ZARELLI. ON MOTION OF SENATOR HONEYFORD, SENATORS DECCIO, FINKBEINER, STEVENS AND ZARELLI WERE EXCUSED. ON MOTION OF SENATOR EIDE, SENATORS MCAULIFFE AND RASMUSSEN WERE EXCUSED.

THE SERGEANT AT ARMS COLOR GUARD, CONSISTING OF PAGES KARA CHRISTIANSON AND JASON SCHADLER, PRESENTED THE COLORS. REVEREND BRUCE SPEER, PASTOR OF THE MONROE COMMUNITY CHAPEL, AND A GUEST OF SENATOR VAL STEVENS, OFFERED THE PRAYER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

MESSAGES FROM THE HOUSE

APRIL 11, 2001

MR. PRESIDENT:

THE HOUSE HAS PASSED SENATE BILL NO. 5108, AND THE SAME IS HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK
TIMOTHY A. MARTIN, CO-CHIEF CLERK

APRIL 11, 2001

MR. PRESIDENT:

THE HOUSE HAS PASSED SENATE BILL NO. 5316, AND THE SAME IS HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK
TIMOTHY A. MARTIN, CO-CHIEF CLERK

APRIL 11, 2001

MR. PRESIDENT:

THE CO-SPEAKERS HAVE SIGNED:
HOUSE BILL NO. 1070,
SUBSTITUTE HOUSE BILL NO. 1093,
SUBSTITUTE HOUSE BILL NO. 1119,
HOUSE BILL NO. 1138,
SUBSTITUTE HOUSE BILL NO. 1163,

SUBSTITUTE HOUSE BILL NO. 1174,
SUBSTITUTE HOUSE BILL NO. 1339,
ENGROSSED HOUSE BILL NO. 1530,
SUBSTITUTE HOUSE BILL NO. 1537,
HOUSE BILL NO. 1582,
ENGROSSED HOUSE BILL NO. 1606,
SUBSTITUTE HOUSE BILL NO. 1649,
SUBSTITUTE HOUSE BILL NO. 1793,
HOUSE BILL NO. 1859,
SUBSTITUTE HOUSE BILL NO. 1915,
HOUSE BILL NO. 2037,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191, AND THE SAME ARE HEREWITH TRANSMITTED.

TIMOTHY A. MARTIN, CO-CHIEF CLERK
CYNTHIA ZEHNDER, CO-CHIEF CLERK

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:
SENATE BILL NO. 5108,
SENATE BILL NO. 5316.

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:
HOUSE BILL NO. 1070,
SUBSTITUTE HOUSE BILL NO. 1093,
SUBSTITUTE HOUSE BILL NO. 1119,
HOUSE BILL NO. 1138,
SUBSTITUTE HOUSE BILL NO. 1163,
SUBSTITUTE HOUSE BILL NO. 1174,
SUBSTITUTE HOUSE BILL NO. 1339,
ENGROSSED HOUSE BILL NO. 1530,
SUBSTITUTE HOUSE BILL NO. 1537,
HOUSE BILL NO. 1582,
ENGROSSED HOUSE BILL NO. 1606,
SUBSTITUTE HOUSE BILL NO. 1649,
SUBSTITUTE HOUSE BILL NO. 1793,
HOUSE BILL NO. 1859,
SUBSTITUTE HOUSE BILL NO. 1915,
HOUSE BILL NO. 2037,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

ON MOTION OF SENATOR McDONALD, GUBERNATORIAL APPOINTMENT No. 9096, NEIL McREYNOLDS, AS A MEMBER OF THE BOARD OF TRUSTEES FOR EASTERN WASHINGTON UNIVERSITY, WAS CONFIRMED.

SENATORS McDONALD, HORN AND McCASLIN SPOKE TO THE CONFIRMATION OF NEIL McREYNOLDS AS A MEMBER OF THE BOARD OF TRUSTEES FOR EASTERN WASHINGTON UNIVERSITY.

APPOINTMENT OF NEIL McREYNOLDS

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 40; NAYS, 0; ABSENT, 3; EXCUSED, 6.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, McCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, THIBAudeau, WEST AND WINSLEY - 40.

ABSENT: SENATORS COSTA, HAUGEN AND PRENTICE - 3.

EXCUSED: SENATORS DECCIO, FINKBEINER, MCAULIFFE, RASMUSSEN, STEVENS AND ZARELLI - 6.

MOTION

ON MOTION OF SENATOR EIDE, SENATORS GARDNER AND HAUGEN WERE EXCUSED.

MOTION

ON MOTION OF SENATOR EIDE, GUBERNATORIAL APPOINTMENT No. 9160, MICHAEL ALLAN, AS A MEMBER OF THE BOARD OF TRUSTEES FOR HIGHLINE COMMUNITY COLLEGE DISTRICT No. 9, WAS CONFIRMED.

APPOINTMENT OF MICHAEL ALLAN

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, THIBAudeau, WEST AND WINSLEY - 43.

EXCUSED: SENATORS DECCIO, GARDNER, HAUGEN, RASMUSSEN, STEVENS AND ZARELLI - 6.

SECOND READING

HOUSE BILL NO. 1579, BY REPRESENTATIVES CARRELL, LANTZ, HURST AND ROCKEFELLER

REENACTING PROVISIONS RELATING TO THE WRONGFUL PRACTICE OF LAW.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PRENTICE, THE FOLLOWING COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS AMENDMENT WAS ADOPTED:

ON PAGE 1, BEGINNING ON LINE 6, AFTER "THOMAS," STRIKE ALL MATERIAL THROUGH "2000)" ON LINE 7, AND INSERT "103 WN. APP. 800"

MOTIONS

ON MOTION OF SENATOR PRENTICE, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 1 OF THE TITLE, AFTER "THE" STRIKE "CRIME OF UNLAWFUL" AND INSERT "WRONGFUL"

ON MOTION OF SENATOR PRENTICE, THE RULES WERE SUSPENDED, HOUSE BILL No. 1579, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL No. 1579, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL No. 1579, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 32; NAYS, 13; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HARGROVE, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, OKE, PATTERSON, PRENTICE, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, THIBAudeau AND WEST - 32.

VOTING NAY: SENATORS BENTON, FINKBEINER, HALE, HEWITT, HOCHSTATTER, HONEYFORD, MCCASLIN, McDONALD, MORTON, PARLETTE, STEVENS, SWECKER AND WINSLEY - 13.

EXCUSED: SENATORS DECCIO, HAUGEN, RASMUSSEN AND ZARELLI - 4.

HOUSE BILL No. 1579, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1995, BY HOUSE COMMITTEE ON JUDICIARY (ORIGINALLY SPONSORED BY REPRESENTATIVES DICKERSON, CAIRNES, GRANT, DUNN, CAMPBELL, KAGI, PEARSON AND WOOD)

REVISING PROVISIONS RELATING TO CIVIL FORFEITURES OF PROPERTY AND CONVENING A WORKGROUP TO EVALUATE CIVIL FORFEITURE LAWS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR CONSTANTINE, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1995 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

POINT OF INQUIRY

SENATOR HONEYFORD: "SENATOR McCASLIN, IS THIS BILL IN ITS CURRENT FORM BEEN HEARD BY A POLICY COMMITTEE?"

SENATOR McCASLIN: "YES, AND IT HAS BEEN DISCUSSED IN CAUCUS- FULLY--BY EVERYONE, SENATOR, AND YOU WERE THERE WHEN WE DISCUSSED IT."

SENATOR HONEYFORD: "BUT, THIS HAS NOT BEEN--THIS BILL HAS NOT BEEN HEARD IN A SENATE POLICY COMMITTEE--IN JUDICIARY."

SENATOR McCASLIN: "SENATOR JOHNSON, DO YOU REMEMBER IF WE HEARD THIS BILL IN JUDICIARY? WELL, IF WE DIDN'T HEAR IT, LET ME SAY THIS, 'YOU ARE GOING TO GET ME IN THE OREGON SYSTEM AND THEIR LEGISLATURE.' WE CONSTANTLY HAVE AMENDMENTS ON THIS FLOOR THAT NO ONE HAS SEEN EXCEPT THE PERSON THAT DRAFTS IT AND SOME OF THOSE ARE MANY PAGES LONG, SO BRINGING UP THE FACT THAT YOU DIDN'T HEAR THIS IN COMMITTEE IS REDUNDANT."

FURTHER DEBATE ENSUED.

PARLIAMENTARY INQUIRY

SENATOR McCASLIN: "A PARLIAMENTARY INQUIRY, MR. PRESIDENT. I DIDN'T HEAR ANY REFERENCE TO THE HOUSE THAT WAS DEROGATORY AND MY QUESTION IS WHERE IS THE LINE IN MENTIONING THE OTHER HOUSE OR THE SUN DIAL OR--?"

REPLY BY THE PRESIDENT

PRESIDENT OWEN: "THE LAST COUPLE OF DAYS THE MEMBERS HAVE BEEN TALKING ABOUT THE HOUSE MEMBERS AGREEING ON THIS AND THE HOUSE MEMBER NEGOTIATING THIS, THE HOUSE MEMBERS DOING THIS, THE HOUSE DOING THAT, AND MY UNDERSTANDING OF THE RULES THAT THOSE PROCESSES AND PROCEDURES THAT TAKE PLACE IN THE HOUSE ARE NOT NECESSARILY TO BE DISCUSSED ON THE FLOOR AND DEBATE OF THE SENATE. SO, IT IS A FINE LINE, BUT IT IS A LINE THAT YOU HAVE TO BE CAREFUL NOT TO CROSS ACCORDING TO YOUR RULES."

SENATOR McCASLIN: "AND HAVE WE CROSSED IT, MR. PRESIDENT?"

PRESIDENT OWEN: "WE HAVE CROSSED IT ON OCCASION--JUST A WARNING."

SENATOR McCASLIN: "THANK YOU."

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE HOUSE BILL NO. 1995.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE HOUSE BILL NO. 1995 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 42; NAYS, 4; ABSENT, 0; EXCUSED, 3.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McCASLIN, MORTON, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau AND WINSLEY - 42.

VOTING NAY: SENATORS HONEYFORD, McDONALD, PARLETTE AND WEST - 4.

EXCUSED: SENATORS DECCIO, HAUGEN AND ZARELLI - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1995, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

PRESIDENT CITES REED'S RULE NO. 224

PRESIDENT OWEN: "SENATOR McCASLIN AND MEMBERS, LET ME JUST--FOR YOUR INFORMATION--SINCE IT WAS BROUGHT UP--AND FOR YOUR INFORMATION, ALSO. ON A REGULAR BASIS, THE MEMBERS COME TO ME AND SAY, 'THE RULES ARE THIS--THE RULES ARE THAT; PLEASE ADHERE TO THE RULES.' REED'S RULE 224, WITH REFERENCE TO THE OTHER LEGISLATIVE BRANCH STATES: 'IT IS NOT PERMISSIBLE TO ALLUDE TO THE ACTION OF THE OTHER HOUSE OF A LEGISLATURE OR TO REFER TO THE DEBATE THERE. SUCH CONDUCT MIGHT LEAD TO A MISUNDERSTANDING AND ILL-WILL BETWEEN THE TWO BODIES, WHICH MUST COOPERATE IN ORDER TO PROPERLY SERVE THE PEOPLE. SO, ALSO, THE ACTION OF THE OTHER BODY SHOULD NOT BE REFERRED TO INFLUENCE THE BODY THE MEMBER IS ADDRESSING.' THAT IS THE RULE. I UNDERSTAND THAT WE NEED TO ALLOW SOME DISCRETION IN THAT AREA AND I WILL DO THAT, SO YOU NOW KNOW THAT IS WHAT THE RULE READS."

SPECIAL ORDER OF BUSINESS

ON MOTION OF SENATOR SNYDER, SENATE BILL NO. 6151 WILL BE MADE A SPECIAL ORDER OF BUSINESS AT 4:55 P.M. TODAY.

SECOND READING

HOUSE BILL NO. 1523, BY REPRESENTATIVES MIELKE, MULLIKEN, DUNSHEE AND EDMONDS

RECONCILING CONFLICTING PROVISIONS IN LAWS PERTAINING TO CITIES AND TOWNS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PATTERSON, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1523 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1523.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1523 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 46; NAYS, 0; ABSENT, 0; EXCUSED, 3.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, McAULIFFE, McCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST AND WINSLEY - 46.

EXCUSED: SENATORS DECCIO, HAUGEN AND ZARELLI - 3.

HOUSE BILL NO. 1523, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR HONEYFORD, SENATOR McDONALD WAS EXCUSED

SECOND READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4410, BY REPRESENTATIVES SUMP, DOUMIT, SEHLIN, H. SOMMERS, MULLIKEN, LINVILLE, ARMSTRONG, MURRAY, ALEXANDER AND HATFIELD

CREATING A JOINT SELECT LEGISLATIVE TASK FORCE TO EVALUATE THE STATE'S AUTHORITY UNDER THE FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF ACT.

THE CONCURRENT RESOLUTION WAS READ THE SECOND TIME.

MOTION

SENATOR JACOBSEN MOVED THAT THE FOLLOWING COMMITTEE ON NATURAL RESOURCES, PARKS, AND SHORELINES AMENDMENT BE ADOPTED:

BEGINNING ON PAGE 1, LINE 1, STRIKE ALL MATERIAL THROUGH "2002." ON PAGE 3, LINE 18, AND INSERT THE FOLLOWING:

"WHEREAS, CONGRESS ENACTED THE FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF ACT IN 1990 TO PREVENT THE EXPORT OF UNPROCESSED LOGS FROM FEDERAL LANDS AND THE "SUBSTITUTION" OF FEDERAL TIMBER FOR PRIVATE TIMBER THAT IS EXPORTED BY A COMPANY THAT ALSO BUYS TIMBER FROM FEDERAL LANDS FOR DOMESTIC PROCESSING; AND

WHEREAS, WHEN CONGRESS ENACTED THIS LEGISLATION, IT GRANTED THE STATE AND ITS POLITICAL SUBDIVISIONS THE AUTHORITY TO PROHIBIT SUBSTITUTION OF STATE TIMBER FOR PRIVATE TIMBER THAT IS EXPORTED; AND

WHEREAS, IN 1991, THE STATE ADOPTED CHAPTER 240-15 WAC TO IMPLEMENT THE FEDERAL BAN ON THE EXPORT OF RESTRICTED UNPROCESSED TIMBER THAT PROHIBITS FIRMS THAT EXPORT UNPROCESSED LOGS FROM BIDDING ON STATE TIMBER; AND

WHEREAS, SOME CONCERNS HAVE BEEN RAISED THAT THESE RULES MAY CONTRIBUTE TO THE LACK OF BIDDERS ON STATE AND LOCAL GOVERNMENT TIMBER SALES;

NOW, THEREFORE, BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, THE SENATE CONCURRING, THAT A JOINT SELECT LEGISLATIVE TASK FORCE, ASSISTED BY AN ADVISORY COMMITTEE, BE ESTABLISHED TO EVALUATE AND MAKE RECOMMENDATIONS REGARDING THE STATE EXERCISE OF AUTHORITY UNDER THE FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF ACT, AND TO IDENTIFY AND EVALUATE FACTORS THAT CONTRIBUTE TO THE AMOUNT OF COMPETITION FOR STATE AND LOCAL GOVERNMENT TIMBER SALES; AND

BE IT FURTHER RESOLVED, THAT THE JOINT SELECT LEGISLATIVE TASK FORCE BE COMPOSED OF EIGHT MEMBERS; FOUR FROM THE HOUSE OF REPRESENTATIVES, TWO EACH FROM THE MAJOR POLITICAL CAUCUSES, APPOINTED BY THE CO-SPEAKERS OF THE HOUSE OF REPRESENTATIVES; AND FOUR FROM THE SENATE, TWO EACH FROM THE MAJOR POLITICAL CAUCUSES, APPOINTED BY THE PRESIDENT OF THE SENATE; AND

BE IT FURTHER RESOLVED, THAT THE TASK FORCE GATHER INFORMATION REGARDING CHANGES IN THE FOREST PRODUCTS INDUSTRY IN WASHINGTON STATE SINCE THE RULES WERE ADOPTED; THE CURRENT MARKET FOR STATE AND LOCAL TIMBER; FACTORS THAT CONTRIBUTE TO THE SALE OF, AND COMPETITION FOR, STATE AND LOCAL GOVERNMENT TIMBER, INCLUDING BUT NOT LIMITED TO APPRAISAL PRACTICES AND THE PROCESSES USED BY STATE AND LOCAL GOVERNMENTS FOR OFFERING TIMBER SALES; AND OTHER FACTORS THAT THE TASK FORCE CONSIDERS APPROPRIATE; AND

BE IT FURTHER RESOLVED, THAT THE TASK FORCE MAY RECOMMEND WHICH AGENCY OR OFFICIAL OF STATE GOVERNMENT SHOULD HAVE THE AUTHORITY TO REVIEW AND AMEND THE SUBSTITUTION OF TIMBER RULES CONTAINED IN CHAPTER 240-15 WAC; ANY CHANGES TO SUCH RULES; CHANGES TO STATE AND LOCAL GOVERNMENT TIMBER APPRAISAL AND BIDDING PRACTICES; AND RELATED LEGISLATION THAT THE LEGISLATURE SHOULD CONSIDER DURING THE 2002 SESSION; AND

BE IT FURTHER RESOLVED, THAT AN ADVISORY COMMITTEE BE ESTABLISHED TO PROVIDE ASSISTANCE UPON REQUEST OF THE JOINT SELECT LEGISLATIVE TASK FORCE; AND

BE IT FURTHER RESOLVED, THAT THE ADVISORY COMMITTEE SHALL BE COMPOSED OF THE FOLLOWING MEMBERS OR THEIR DESIGNEES: THE COMMISSIONER OF PUBLIC LANDS; THE SUPERINTENDENT OF PUBLIC INSTRUCTION; THE PRESIDENT OF WASHINGTON STATE UNIVERSITY; THE PRESIDENT OF THE UNIVERSITY OF WASHINGTON; A REPRESENTATIVE OF A COUNTY, SELECTED BY THE WASHINGTON STATE ASSOCIATION OF COUNTIES; THE DIRECTOR OF THE OFFICE OF FINANCIAL MANAGEMENT; THE DIRECTOR OF THE DEPARTMENT OF REVENUE; A REPRESENTATIVE OF COMPANIES THAT PURCHASE TIMBER SALES UNDER CURRENT RULES FROM THE DEPARTMENT OF NATURAL RESOURCES, SELECTED BY REPRESENTATIVES OF THOSE COMPANIES; A REPRESENTATIVE OF COMPANIES THAT OPERATE FOREST PRODUCT MANUFACTURING FACILITIES IN THIS STATE THAT ARE CURRENTLY INELIGIBLE UNDER CURRENT RULES TO PURCHASE DEPARTMENT OF NATURAL RESOURCES TIMBER SALES, SELECTED BY REPRESENTATIVES OF THOSE COMPANIES; A FOREST PRODUCTS REPRESENTATIVE FROM A SMALL BUSINESS THAT PURCHASES OR PROCESSES WOOD PRODUCTS, CHOSEN BY REPRESENTATIVES OF SMALL FOREST PRODUCT BUSINESSES; AND A REPRESENTATIVE OF A LABOR UNION REPRESENTING WORKERS IN FOREST PRODUCT MANUFACTURING FACILITIES IN THIS STATE UNDER A COLLECTIVE BARGAINING AGREEMENT, CHOSEN BY THE STATE LABOR COUNCIL; AND

BE IT FURTHER RESOLVED, THAT THE ADVISORY COMMITTEE SHALL SELECT A CHAIR OR COCHAIRS FROM AMONG ITS MEMBERS FOR THE PURPOSE OF CONDUCTING MEETINGS AND TRANSMITTING INFORMATION FROM THE ADVISORY COMMITTEE AS A GROUP TO THE JOINT SELECT LEGISLATIVE TASK FORCE; AND

BE IT FURTHER RESOLVED, THAT IN DEVELOPING ITS RECOMMENDATIONS, THE JOINT SELECT LEGISLATIVE TASK FORCE SHALL CONSULT WITH THE ADVISORY COMMITTEE; AND

BE IT FURTHER RESOLVED, THAT STAFF SUPPORT FOR THE JOINT SELECT LEGISLATIVE TASK FORCE AND THE ADVISORY COMMITTEE SHALL BE PROVIDED BY SENATE COMMITTEE SERVICES AND THE HOUSE OF REPRESENTATIVES OFFICE OF PROGRAM RESEARCH; AND

BE IT FURTHER RESOLVED, THAT THE TASK FORCE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE APPROPRIATE LEGISLATIVE COMMITTEES BY JANUARY 1, 2002."

MOTION

ON MOTION OF SENATOR JACOBSEN, THE FOLLOWING AMENDMENTS TO THE COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES AMENDMENT WERE CONSIDERED SIMULTANEOUSLY AND WERE ADOPTED:

ON PAGE 2, LINE 32, AFTER "BUSINESS;" STRIKE "AND"

ON PAGE 2, LINE 35, AFTER "COUNCIL;" INSERT "AND A REPRESENTATIVE OF AN INDEPENDENT PULP AND PAPER UNION, CHOSEN BY THE PRESIDENT OF THE UNION"

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES AMENDMENT ON PAGE 1, LINE 1, AS AMENDED, TO ENGROSSED HOUSE CONCURRENT RESOLUTION No. 4410.

THE MOTION BY SENATOR JACOBSEN CARRIED AND THE COMMITTEE AMENDMENT, AS AMENDED, WAS ADOPTED.

MOTION

ON MOTION OF SENATOR JACOBSEN, THE RULES WERE SUSPENDED, ENGROSSED HOUSE CONCURRENT RESOLUTION No. 4410, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE CONCURRENT RESOLUTION WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED HOUSE CONCURRENT RESOLUTION No. 4410, AS AMENDED BY THE SENATE..

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED HOUSE CONCURRENT RESOLUTION No. 4410, AS AMENDED BY THE SENATE, AND THE CONCURRENT RESOLUTION PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 45; NAYS, 0; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McCASLIN, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST AND WINSLEY - 45.

EXCUSED: SENATORS DECCIO, HAUGEN, McDONALD AND ZARELLI - 4.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4410, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1899, BY HOUSE COMMITTEE ON STATE GOVERNMENT (ORIGINALLY SPONSORED BY REPRESENTATIVES BUSH, McINTIRE, CAIRNES, KEISER, DeBOLT, HATFIELD, BENSON, SANTOS, ROACH, MILOSCIA, BARLEAN, LOVICK, CASADA, O'BRIEN, MORELL, SIMPSON, MIELKE, JACKLEY, PEARSON, ROMERO, EICKMEYER, RUDERMAN, SUMP, LINVILLE, D. SCHMIDT, CAMPBELL, ESSER, HUNT, HURST AND SCHUAL-BERKE)

PROHIBITING THE USE OF SOCIAL SECURITY NUMBERS AND DRIVERS' LICENSE NUMBERS IN PROFESSIONAL LICENSES.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR COSTA, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL No. 1899 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL No. 1899.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL No. 1899 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 45; NAYS, 0; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McCASLIN, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST AND WINSLEY - 45.

EXCUSED: SENATORS DECCIO, HAUGEN, McDONALD AND ZARELLI - 4.

SUBSTITUTE HOUSE BILL NO. 1899, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1126, BY REPRESENTATIVES O'BRIEN, BENSON, HATFIELD, OGDEN, ESSER, MURRAY, McINTIRE, MILOSCIA, BARLEAN AND ROACH

MODIFYING COLLECTION OF BUSINESS TO BUSINESS DEBTS BY COLLECTION AGENCIES.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR KLINE, THE RULES WERE SUSPENDED, HOUSE BILL No. 1126 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1126.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1126 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 45; NAYS, 0; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAUDEAU, WEST AND WINSLEY - 45.

EXCUSED: SENATORS DECCIO, HAUGEN, McDONALD AND ZARELLI - 4.

HOUSE BILL NO. 1126, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1613, BY REPRESENTATIVES ROMERO AND SCHINDLER (BY REQUEST OF WASHINGTON STATE PATROL)

PROVIDING A TIME LIMIT FOR THE TRANSMITTAL OF UNIDENTIFIED PERSONS INFORMATION.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR KLINE, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1613 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1613.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1613 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 45; NAYS, 0; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAUDEAU, WEST AND WINSLEY - 45.

EXCUSED: SENATORS DECCIO, HAUGEN, McDONALD AND ZARELLI - 4.

HOUSE BILL NO. 1613, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1120, BY HOUSE COMMITTEE ON EDUCATION (ORIGINALLY SPONSORED BY REPRESENTATIVES ROCKEFELLER, COX, TALCOTT, QUALL, SANTOS, HAIGH, ANDERSON, McDERMOTT, SCHINDLER, D. SCHMIDT, PEARSON, KEISER AND JACKLEY)

ESTABLISHING REQUIREMENTS FOR EMPLOYING HOLDERS OF LAPSED TEACHING CERTIFICATES.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR MCAULIFFE, THE FOLLOWING COMMITTEE ON EDUCATION STRIKING AMENDMENT WAS ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"Sec. 1. RCW 28A.410.010 AND 1992 C 159 S 3 AND 1992 C 60 S 2 ARE EACH REENACTED AND AMENDED TO READ AS FOLLOWS:

THE STATE BOARD OF EDUCATION SHALL ESTABLISH, PUBLISH, AND ENFORCE RULES AND REGULATIONS DETERMINING ELIGIBILITY FOR AND CERTIFICATION OF PERSONNEL EMPLOYED IN THE COMMON SCHOOLS OF THIS STATE, INCLUDING CERTIFICATION FOR EMERGENCY OR TEMPORARY, SUBSTITUTE OR PROVISIONAL DUTY AND UNDER SUCH CERTIFICATES OR PERMITS AS THE BOARD SHALL DEEM PROPER OR AS OTHERWISE PRESCRIBED BY LAW. THE RULES SHALL REQUIRE THAT THE INITIAL APPLICATION FOR CERTIFICATION SHALL REQUIRE A RECORD CHECK OF THE APPLICANT THROUGH THE WASHINGTON STATE PATROL CRIMINAL IDENTIFICATION SYSTEM AND THROUGH THE FEDERAL BUREAU OF INVESTIGATION AT THE APPLICANT'S EXPENSE. THE RECORD CHECK SHALL INCLUDE A FINGERPRINT CHECK USING A COMPLETE WASHINGTON STATE CRIMINAL IDENTIFICATION FINGERPRINT CARD. THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAY WAIVE THE RECORD CHECK FOR ANY APPLICANT WHO HAS HAD A RECORD CHECK WITHIN THE TWO YEARS BEFORE APPLICATION. THE RULES SHALL PERMIT A HOLDER OF A LAPSED CERTIFICATE BUT NOT A REVOKED OR SUSPENDED CERTIFICATE TO BE EMPLOYED ON A CONDITIONAL BASIS BY A SCHOOL DISTRICT WITH THE REQUIREMENT THAT THE HOLDER MUST COMPLETE ANY CERTIFICATE RENEWAL REQUIREMENTS ESTABLISHED BY THE STATE BOARD OF EDUCATION WITHIN TWO YEARS OF INITIAL REEMPLOYMENT.

IN ESTABLISHING RULES PERTAINING TO THE QUALIFICATIONS OF INSTRUCTORS OF AMERICAN SIGN LANGUAGE THE STATE BOARD SHALL CONSULT WITH THE NATIONAL ASSOCIATION OF THE DEAF, "SIGN INSTRUCTORS GUIDANCE NETWORK" (S.I.G.N.), AND THE WASHINGTON STATE ASSOCIATION OF THE DEAF FOR EVALUATION AND CERTIFICATION OF SIGN LANGUAGE INSTRUCTORS.

THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ACT AS THE ADMINISTRATOR OF ANY SUCH RULES AND REGULATIONS AND HAVE THE POWER TO ISSUE ANY CERTIFICATES OR PERMITS AND REVOKE THE SAME IN ACCORDANCE WITH BOARD RULES AND REGULATIONS."

MOTIONS

ON MOTION OF SENATOR McAULIFFE, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 2 OF THE TITLE, AFTER "CERTIFICATIONS;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AND REENACTING AND AMENDING RCW 28A.410.010."

ON MOTION OF SENATOR McAULIFFE, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1120, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1120, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1120, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 45; NAYS, 0; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, McAULIFFE, McCASLIN, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST AND WINSLEY - 45.

EXCUSED: SENATORS DECCIO, HAUGEN, McDONALD AND ZARELLI - 4.

SUBSTITUTE HOUSE BILL NO. 1120, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1036, BY REPRESENTATIVES BENSON AND HATFIELD (BY REQUEST OF DEPARTMENT OF FINANCIAL INSTITUTIONS)

INVESTIGATING ALIEN BANKS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PRENTICE, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1036 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

POINT OF INQUIRY

SENATOR HARGROVE: "SENATOR PRENTICE, I HEARD THAT ALIENS HAD ARRIVED, BUT I DIDN'T KNOW THEY HAD STARTED ANY BANKS YET. CAN YOU TELL ME WHERE I CAN GO SEE ONE OF THESE BANK AND SOME OF THESE ALIENS?"

SENATOR PRENTICE: "YOU MIGHT FIND ONE IN HOQUIAM AND YOU MIGHT LOOK IN THE MIRROR."

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1036.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1036 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 46; NAYS, 0; ABSENT, 0; EXCUSED, 3.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 46.

EXCUSED: SENATORS DECCIO, HAUGEN AND McDONALD - 3.

HOUSE BILL NO. 1036, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1341, BY HOUSE COMMITTEE ON APPROPRIATIONS (ORIGINALLY SPONSORED BY REPRESENTATIVES CAMPBELL, CONWAY, BOLDT, RUDERMAN AND VAN LUVEN) (BY REQUEST OF DEPARTMENT OF SOCIAL AND HEALTH SERVICES)

DEVELOPING A HOME AND COMMUNITY-BASED WAIVER FOR PERSONS IN COMMUNITY RESIDENTIAL SETTINGS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR THIBAudeau, THE FOLLOWING COMMITTEE ON HEALTH AND LONG-TERM CARE AMENDMENTS WERE CONSIDERED SIMULTANEOUSLY AND WERE ADOPTED:

ON PAGE 2, AT THE BEGINNING OF LINE 35, INSERT "(1)"

ON PAGE 3, AFTER LINE 12, INSERT THE FOLLOWING:

"(2) IF A NURSING FACILITY RESIDENT BECOMES ELIGIBLE FOR HOME AND COMMUNITY-BASED WAIVER SERVICE ALTERNATIVES TO NURSING FACILITY CARE, BUT CHOOSES TO CONTINUE TO RESIDE IN A NURSING FACILITY, THE DEPARTMENT MUST ALLOW THAT CHOICE. HOWEVER, IF THE RESIDENT IS A MEDICAID RECIPIENT, THE RESIDENT MUST REQUIRE A NURSING FACILITY LEVEL OF CARE.

(3) IF A RECIPIENT OF HOME AND COMMUNITY-BASED WAIVER SERVICES MAY CONTINUE TO RECEIVE HOME AND COMMUNITY-BASED WAIVER SERVICES, DESPITE AN OTHERWISE DISQUALIFYING LEVEL OF INCOME, BUT CHOOSES TO SEEK ADMISSION TO A NURSING FACILITY, THE DEPARTMENT MUST ALLOW THAT CHOICE. HOWEVER, IF THE RESIDENT IS A MEDICAID RECIPIENT, THE RESIDENT MUST REQUIRE A NURSING FACILITY LEVEL OF CARE.

(4) THE DEPARTMENT WILL FULLY DISCLOSE TO ALL INDIVIDUALS ELIGIBLE FOR WAIVER SERVICES UNDER THIS SECTION THE SERVICES AVAILABLE IN DIFFERENT LONG-TERM CARE SETTINGS."

MOTION

ON MOTION OF SENATOR THIBAudeau, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1341, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1341, AS AMENDED BY THE SENATE.

MOTION

ON MOTION OF SENATOR EIDE, SENATOR FAIRLEY WAS EXCUSED.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1341, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 45; NAYS, 0; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 45.

EXCUSED: SENATORS DECCIO, FAIRLEY, HAUGEN AND McDONALD - 4.

SUBSTITUTE HOUSE BILL NO. 1341, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1750, BY REPRESENTATIVES FISHER, MITCHELL, SIMPSON, SCHINDLER, WOOD, HURST AND
OGDEN

AUTHORIZING CITIES AND TOWNS TO REQUIRE FULL COMPENSATION FROM ABUTTING PROPERTY OWNERS FOR STREET
VACATIONS.

THE BILL WAS READ THE SECOND TIME.

MOTION

SENATOR GARDNER MOVED THAT THE FOLLOWING COMMITTEE ON TRANSPORTATION STRIKING AMENDMENT BE
ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"**Sec. 1.** RCW 35.79.030 AND 1987 C 228 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

THE HEARING ON SUCH PETITION MAY BE HELD BEFORE THE LEGISLATIVE AUTHORITY, OR BEFORE A COMMITTEE THEREOF UPON
THE DATE FIXED BY RESOLUTION OR AT THE TIME SAID HEARING MAY BE ADJOURNED TO. IF THE HEARING IS BEFORE SUCH A COMMITTEE THE
SAME SHALL, FOLLOWING THE HEARING, REPORT ITS RECOMMENDATION ON THE PETITION TO THE LEGISLATIVE AUTHORITY WHICH MAY
ADOPT OR REJECT THE RECOMMENDATION. IF SUCH HEARING BE HELD BEFORE SUCH A COMMITTEE IT SHALL NOT BE NECESSARY TO HOLD A
HEARING ON THE PETITION BEFORE SUCH LEGISLATIVE AUTHORITY. IF THE LEGISLATIVE AUTHORITY DETERMINES TO GRANT SAID PETITION
OR ANY PART THEREOF, SUCH CITY OR TOWN SHALL BE AUTHORIZED AND HAVE AUTHORITY BY ORDINANCE TO VACATE SUCH STREET, OR
ALLEY, OR ANY PART THEREOF, AND THE ORDINANCE MAY PROVIDE THAT IT SHALL NOT BECOME EFFECTIVE UNTIL THE OWNERS OF
PROPERTY ABUTTING UPON THE STREET OR ALLEY, OR PART THEREOF SO VACATED, SHALL COMPENSATE SUCH CITY OR TOWN IN AN AMOUNT
WHICH DOES NOT EXCEED ONE-HALF THE APPRAISED VALUE OF THE AREA SO VACATED (~~(; EXCEPT IN THE EVENT THE SUBJECT PROPERTY OR
PORTIONS THEREOF WERE ACQUIRED AT PUBLIC EXPENSE, COMPENSATION MAY BE REQUIRED IN AN AMOUNT EQUAL TO THE FULL APPRAISED
VALUE OF THE VACATION: PROVIDED, THAT SUCH))~~). IF THE STREET OR ALLEY HAS BEEN PART OF A DEDICATED PUBLIC RIGHT-OF-WAY FOR
TWENTY-FIVE YEARS OR MORE, THE CITY OR TOWN MAY REQUIRE THE OWNERS OF THE PROPERTY ABUTTING THE STREET OR ALLEY TO
COMPENSATE THE CITY OR TOWN IN AN AMOUNT THAT DOES NOT EXCEED THE FULL APPRAISED VALUE OF THE AREA VACATED. THE
ORDINANCE MAY PROVIDE THAT THE CITY RETAIN AN EASEMENT OR THE RIGHT TO EXERCISE AND GRANT EASEMENTS IN RESPECT TO THE
VACATED LAND FOR THE CONSTRUCTION, REPAIR, AND MAINTENANCE OF PUBLIC UTILITIES AND SERVICES. A CERTIFIED COPY OF SUCH
ORDINANCE SHALL BE RECORDED BY THE CLERK OF THE LEGISLATIVE AUTHORITY AND IN THE OFFICE OF THE AUDITOR OF THE COUNTY IN
WHICH THE VACATED LAND IS LOCATED. ONE-HALF OF THE REVENUE RECEIVED BY THE CITY OR TOWN AS COMPENSATION FOR THE AREA
VACATED, MUST BE DEDICATED TO THE ACQUISITION, IMPROVEMENT, DEVELOPMENT, AND MAINTENANCE OF PUBLIC OPEN SPACE OR
TRANSPORTATION CAPITAL PROJECTS WITHIN THE CITY OR TOWN."

MOTION

ON MOTION OF SENATOR GARDNER, THE FOLLOWING AMENDMENT BY SENATORS GARDNER, HORN AND HAUGEN TO
THE COMMITTEE ON TRANSPORTATION AMENDMENT WAS ADOPTED:

ON PAGE 2, LINE 3 OF THE AMENDMENT, AFTER "AND" INSERT "RELATED"

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE COMMITTEE ON
TRANSPORTATION STRIKING AMENDMENT, AS AMENDED, TO HOUSE BILL NO. 1750.

THE MOTION BY SENATOR GARDNER CARRIED AND THE COMMITTEE STRIKING AMENDMENT, AS AMENDED, WAS
ADOPTED.

MOTIONS

ON MOTION OF SENATOR GARDNER, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON LINE 1 OF THE TITLE, AFTER "VACATIONS;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AND AMENDING RCW
35.79.030."

ON MOTION OF SENATOR GARDNER, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1750, AS AMENDED BY THE
SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL
PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF
HOUSE BILL NO. 1750, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1750, AS AMENDED BY THE SENATE,
AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 40; NAYS, 6; ABSENT, 0; EXCUSED, 3.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE,
HEWITT, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, MORTON, OKE, PARLETTE,
PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, SHEDDON, B., SHEDDON, T., SHIN, SNYDER, SPANEL, STEVENS,
SWECKER, THIBAudeau, WEST AND WINSLEY - 40.

VOTING NAY: SENATORS BENTON, FINKBEINER, HOCHSTATTER, HONEYFORD, ROACH AND ZARELLI - 6
EXCUSED: SENATORS DECCIO, HAUGEN AND McDONALD - 3.

HOUSE BILL NO. 1750, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1560, BY HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS
(ORIGINALLY SPONSORED BY REPRESENTATIVES LAMBERT, LOVICK, BALLASIOTES, O'BRIEN, MULLIKEN, SUMP AND SCHINDLER)

RESTRICTING THE USE OF THE TERMS SHERIFF AND SHERIFF'S POSSE.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR KLINE, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1560 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

POINT OF INQUIRY

SENATOR TIM SHELDON: "SENATOR KLINE, I UNDERSTAND A LITTLE BIT ABOUT THIS BILL, BUT THE MARINERS HAVE A PITCHER WIDELY KNOWN--NORM CHARLTON--KNOWN AS 'THE SHERIFF.' I JUST WONDER, UNDER THIS BILL, IS HIS NICKNAME GOING TO BE IN JEOPARDY?"

SENATOR KLINE: "WELL, I JUST WANT YOU TO KNOW THAT I CALL MY DOG 'DEPUTY DOG,' AND I DON'T THINK I AM GOING TO GET ARRESTED FOR THAT AND I DON'T THINK 'THE SHERIFF' IS GOING TO GET BUSTED FOR IT ON THE MOUND EITHER. THANKS."

FURTHER DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1560.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1560 AND THE BILL FAILED TO PASS THE SENATE BY THE FOLLOWING VOTE: YEAS, 23; NAYS, 24; ABSENT, 0; EXCUSED, 2.

VOTING YEA: SENATORS CONSTANTINE, COSTA, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, JACOBSEN, KLINE, LONG, McAULIFFE, MCCASLIN, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, SHELDON, B., SNYDER, SPANEL, THIBAUDEAU, WINSLEY AND ZARELLI - 23.

VOTING NAY: SENATORS BENTON, BROWN, CARLSON, FINKBEINER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JOHNSON, KASTAMA, KOHL-WELLES, McDONALD, MORTON, PARLETTE, ROACH, ROSSI, SHEAHAN, SHELDON, T., SHIN, STEVENS, SWECKER AND WEST - 24.

EXCUSED: SENATORS DECCIO AND HAUGEN - 2.

SUBSTITUTE HOUSE BILL NO. 1560, HAVING FAILED TO RECEIVE THE CONSTITUTIONAL MAJORITY, WAS DECLARED LOST.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785, BY HOUSE COMMITTEE ON NATURAL RESOURCES
(ORIGINALLY SPONSORED BY REPRESENTATIVES MURRAY, ALEXANDER, DOUMIT, ROCKEFELLER, ESSER, SUMP, KENNEY AND McINTIRE)

IMPLEMENTING THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE REPORT REGARDING CAPITAL BUDGET PROGRAMS INVESTING IN THE ENVIRONMENT.

THE BILL WAS READ THE SECOND TIME.

MOTION

SENATOR FRASER MOVED THAT THE FOLLOWING COMMITTEE ON WAYS AND MEANS STRIKING AMENDMENT BE ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"NEW SECTION. Sec. 1. THE LEGISLATURE FINDS THAT THE AMOUNT OF OVERALL REQUESTS FOR FUNDING FOR NATURAL RESOURCE-RELATED PROGRAMS IN THE CAPITAL BUDGET HAS BEEN STEADILY GROWING. THE LEGISLATURE ALSO FINDS THAT THERE IS AN INCREASING INTEREST BY THE PUBLIC IN EXAMINING THE PERFORMANCE OF THE PROJECTS AND PROGRAMS TO DETERMINE THE RETURN ON THEIR INVESTMENTS AND THAT A COORDINATED AND INTEGRATED RESPONSE BY STATE AGENCIES WILL ALLOW FOR BETTER TARGETING OF RESOURCES. THE LEGISLATURE FURTHER FINDS THAT THERE IS A NEED TO IMPROVE THE DATA AND THE INTEGRATION OF DATA THAT IS COLLECTED BY STATE AGENCIES AND GRANT AND LOAN RECIPIENTS IN ORDER TO BETTER MEASURE THE OUTCOMES OF PROJECTS AND PROGRAMS. THE LEGISLATURE INTENDS TO BEGIN IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE'S REPORT NUMBER 01-1 ON INVESTING IN THE ENVIRONMENT IN ORDER TO IMPROVE THE EFFICIENCY, EFFECTIVENESS, AND ACCOUNTABILITY OF THESE NATURAL RESOURCE-RELATED PROGRAMS FUNDED IN THE STATE CAPITAL BUDGET.

NEW SECTION. Sec. 2. A NEW SECTION IS ADDED TO CHAPTER 43.41 RCW TO READ AS FOLLOWS:

(1) THE OFFICE OF FINANCIAL MANAGEMENT SHALL ASSIST NATURAL RESOURCE-RELATED AGENCIES IN DEVELOPING OUTCOME FOCUSED PERFORMANCE MEASURES FOR ADMINISTERING NATURAL RESOURCE-RELATED AND ENVIRONMENTALLY BASED GRANT AND LOAN PROGRAMS. THESE PERFORMANCE MEASURES ARE TO BE USED IN DETERMINING GRANT ELIGIBILITY, FOR PROGRAM MANAGEMENT AND PERFORMANCE ASSESSMENT.

(2) THE OFFICE OF FINANCIAL MANAGEMENT AND THE GOVERNOR'S SALMON RECOVERY OFFICE SHALL ASSIST NATURAL RESOURCE-RELATED AGENCIES IN DEVELOPING RECOMMENDATIONS FOR A MONITORING PROGRAM TO MEASURE OUTCOME FOCUSED PERFORMANCE MEASURES REQUIRED BY THIS SECTION. THE RECOMMENDATIONS MUST BE CONSISTENT WITH THE FRAMEWORK AND COORDINATED MONITORING STRATEGY DEVELOPED BY THE MONITORING OVERSIGHT COMMITTEE ESTABLISHED IN RCW 77.85.--- (SECTION 3, SUBSTITUTE SENATE BILL No. 5637, LAWS OF 2001).

(3) NATURAL RESOURCE AGENCIES SHALL CONSULT WITH GRANT OR LOAN RECIPIENTS INCLUDING LOCAL GOVERNMENTS, TRIBES, NONGOVERNMENTAL ORGANIZATIONS, AND OTHER INTERESTED PARTIES, AND REPORT TO THE OFFICE OF FINANCIAL MANAGEMENT ON THE IMPLEMENTATION OF THIS SECTION. THE OFFICE OF FINANCIAL MANAGEMENT SHALL REPORT TO THE APPROPRIATE LEGISLATIVE COMMITTEES OF THE LEGISLATURE ON THE AGENCIES' IMPLEMENTATION OF THIS SECTION, INCLUDING ANY NECESSARY CHANGES IN CURRENT LAW, AND FUNDING REQUIREMENTS BY JULY 31, 2002. NATURAL RESOURCE AGENCIES SHALL ASSIST THE OFFICE OF FINANCIAL MANAGEMENT IN PREPARING THE REPORT, INCLUDING COMPLYING WITH TIME FRAMES FOR SUBMITTING INFORMATION ESTABLISHED BY THE OFFICE OF FINANCIAL MANAGEMENT.

(4) FOR PURPOSES OF THIS SECTION, "NATURAL RESOURCE-RELATED AGENCIES" INCLUDE THE DEPARTMENT OF ECOLOGY, THE DEPARTMENT OF NATURAL RESOURCES, THE DEPARTMENT OF FISH AND WILDLIFE, THE STATE CONSERVATION COMMISSION, THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION, THE SALMON RECOVERY FUNDING BOARD, AND THE PUBLIC WORKS BOARD WITHIN THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT.

(5) FOR PURPOSES OF THIS SECTION, "NATURAL RESOURCE-RELATED ENVIRONMENTALLY BASED GRANT AND LOAN PROGRAMS" INCLUDES THE CONSERVATION RESERVE ENHANCEMENT PROGRAM; DAIRY NUTRIENT MANAGEMENT GRANTS UNDER CHAPTER 90.64 RCW; STATE CONSERVATION COMMISSION WATER QUALITY GRANTS UNDER CHAPTER 89.08 RCW; COORDINATED PREVENTION GRANTS, PUBLIC PARTICIPATION GRANTS, AND REMEDIAL ACTION GRANTS UNDER RCW 70.105D.070; WATER POLLUTION CONTROL FACILITIES FINANCING UNDER CHAPTER 70.146 RCW; AQUATIC LANDS ENHANCEMENT GRANTS UNDER RCW 79.24.580; HABITAT GRANTS UNDER THE WASHINGTON WILDLIFE AND RECREATION PROGRAM UNDER RCW 79A.15.040; SALMON RECOVERY GRANTS UNDER CHAPTER 77.85 RCW; AND THE PUBLIC WORK TRUST FUND PROGRAM UNDER CHAPTER 43.155 RCW. THE TERM ALSO INCLUDES PROGRAMS ADMINISTERED BY THE DEPARTMENT OF FISH AND WILDLIFE RELATED TO PROTECTION OR RECOVERY OF FISH STOCKS WHICH ARE FUNDED WITH MONEYS FROM THE CAPITAL BUDGET.

NEW SECTION. Sec. 3. A NEW SECTION IS ADDED TO CHAPTER 89.08 RCW TO READ AS FOLLOWS:

IN ADMINISTERING GRANT PROGRAMS TO IMPROVE WATER QUALITY AND PROTECT HABITAT, THE COMMISSION SHALL REQUIRE GRANT RECIPIENTS TO INCORPORATE THE ENVIRONMENTAL BENEFITS OF THE PROJECT INTO THEIR GRANT APPLICATIONS, AND THE COMMISSION SHALL UTILIZE THE STATEMENT OF ENVIRONMENTAL BENEFIT IN ITS GRANT PRIORITIZATION AND SELECTION PROCESS. THE COMMISSION SHALL ALSO DEVELOP APPROPRIATE OUTCOME FOCUSED PERFORMANCE MEASURES TO BE USED BOTH FOR MANAGEMENT AND PERFORMANCE ASSESSMENT OF THE GRANT PROGRAM. THE COMMISSION SHALL WORK WITH THE DISTRICTS TO DEVELOP UNIFORM PERFORMANCE MEASURES ACROSS PARTICIPATING DISTRICTS. TO THE EXTENT POSSIBLE, THE COMMISSION SHOULD COORDINATE ITS PERFORMANCE MEASURE SYSTEM WITH OTHER NATURAL RESOURCE-RELATED AGENCIES AS DEFINED IN SECTION 2 OF THIS ACT. THE COMMISSION SHALL CONSULT WITH AFFECTED INTEREST GROUPS IN IMPLEMENTING THIS SECTION.

NEW SECTION. Sec. 4. A NEW SECTION IS ADDED TO CHAPTER 90.64 RCW TO READ AS FOLLOWS:

IN PROVIDING GRANTS TO DAIRY PRODUCERS, DISTRICTS SHALL REQUIRE GRANT APPLICANTS TO INCORPORATE THE ENVIRONMENTAL BENEFITS OF THE PROJECT INTO THEIR APPLICATIONS, AND THE DISTRICTS SHALL UTILIZE THE STATEMENT OF ENVIRONMENTAL BENEFIT IN THEIR PRIORITIZATION AND SELECTION PROCESS. THE DISTRICTS SHALL ALSO DEVELOP APPROPRIATE OUTCOME FOCUSED PERFORMANCE MEASURES TO BE USED BOTH FOR MANAGEMENT AND PERFORMANCE ASSESSMENT OF THE PROGRAM. THE COMMISSION SHALL WORK WITH THE DISTRICTS TO DEVELOP UNIFORM PERFORMANCE MEASURES ACROSS PARTICIPATING DISTRICTS. TO THE EXTENT POSSIBLE, THE COMMISSION SHOULD COORDINATE ITS PERFORMANCE MEASURE SYSTEM WITH OTHER NATURAL RESOURCE-RELATED AGENCIES AS DEFINED IN SECTION 2 OF THIS ACT. THE COMMISSION SHALL CONSULT WITH AFFECTED INTEREST GROUPS IN IMPLEMENTING THIS SECTION.

NEW SECTION. Sec. 5. A NEW SECTION IS ADDED TO CHAPTER 70.105D RCW TO READ AS FOLLOWS:

IN PROVIDING GRANTS TO LOCAL GOVERNMENTS, THE DEPARTMENT SHALL REQUIRE GRANT RECIPIENTS TO INCORPORATE THE ENVIRONMENTAL BENEFITS OF THE PROJECT INTO THEIR GRANT APPLICATIONS, AND THE DEPARTMENT SHALL UTILIZE THE STATEMENT OF ENVIRONMENTAL BENEFIT IN ITS PRIORITIZATION AND SELECTION PROCESS. THE DEPARTMENT SHALL ALSO DEVELOP APPROPRIATE OUTCOME FOCUSED PERFORMANCE MEASURES TO BE USED BOTH FOR MANAGEMENT AND PERFORMANCE ASSESSMENT OF THE GRANT PROGRAM. TO THE EXTENT POSSIBLE, THE DEPARTMENT SHOULD COORDINATE ITS PERFORMANCE MEASURE SYSTEM WITH OTHER NATURAL RESOURCE-RELATED AGENCIES AS DEFINED IN SECTION 2 OF THIS ACT. THE DEPARTMENT SHALL CONSULT WITH AFFECTED INTEREST GROUPS IN IMPLEMENTING THIS SECTION.

NEW SECTION. Sec. 6. A NEW SECTION IS ADDED TO CHAPTER 70.146 RCW TO READ AS FOLLOWS:

IN PROVIDING GRANTS AND LOANS TO LOCAL GOVERNMENTS, THE DEPARTMENT SHALL REQUIRE RECIPIENTS TO INCORPORATE THE ENVIRONMENTAL BENEFITS OF THE PROJECT INTO THEIR APPLICATIONS, AND THE DEPARTMENT SHALL UTILIZE THE STATEMENT OF ENVIRONMENTAL BENEFITS IN ITS GRANT AND LOAN PRIORITIZATION AND SELECTION PROCESS. THE DEPARTMENT SHALL ALSO DEVELOP APPROPRIATE OUTCOME FOCUSED PERFORMANCE MEASURES TO BE USED BOTH FOR MANAGEMENT AND PERFORMANCE ASSESSMENT OF

THE GRANT AND LOAN PROGRAM. TO THE EXTENT POSSIBLE, THE DEPARTMENT SHOULD COORDINATE ITS PERFORMANCE MEASURE SYSTEM WITH OTHER NATURAL RESOURCE-RELATED AGENCIES AS DEFINED IN SECTION 2 OF THIS ACT. THE DEPARTMENT SHALL CONSULT WITH AFFECTED INTEREST GROUPS IN IMPLEMENTING THIS SECTION.

Sec. 7. RCW 79.24.580 AND 1999 C 309 S 919 ARE EACH AMENDED TO READ AS FOLLOWS:

AFTER DEDUCTION FOR MANAGEMENT COSTS AS PROVIDED IN RCW 79.64.040 AND PAYMENTS TO TOWNS UNDER RCW 79.92.110(2), ALL MONEYS RECEIVED BY THE STATE FROM THE SALE OR LEASE OF STATE-OWNED AQUATIC LANDS AND FROM THE SALE OF VALUABLE MATERIAL FROM STATE-OWNED AQUATIC LANDS SHALL BE DEPOSITED IN THE AQUATIC LANDS ENHANCEMENT ACCOUNT WHICH IS HEREBY CREATED IN THE STATE TREASURY. AFTER APPROPRIATION, THESE FUNDS SHALL BE USED SOLELY FOR AQUATIC LANDS ENHANCEMENT PROJECTS; FOR THE PURCHASE, IMPROVEMENT, OR PROTECTION OF AQUATIC LANDS FOR PUBLIC PURPOSES; FOR PROVIDING AND IMPROVING ACCESS TO SUCH LANDS; AND FOR VOLUNTEER COOPERATIVE FISH AND GAME PROJECTS.

IN PROVIDING GRANTS FOR AQUATIC LANDS ENHANCEMENT PROJECTS, THE DEPARTMENT SHALL REQUIRE GRANT RECIPIENTS TO INCORPORATE THE ENVIRONMENTAL BENEFITS OF THE PROJECT INTO THEIR GRANT APPLICATIONS, AND THE DEPARTMENT SHALL UTILIZE THE STATEMENT OF ENVIRONMENTAL BENEFITS IN ITS PRIORITIZATION AND SELECTION PROCESS. THE DEPARTMENT SHALL ALSO DEVELOP APPROPRIATE OUTCOME FOCUSED PERFORMANCE MEASURES TO BE USED BOTH FOR MANAGEMENT AND PERFORMANCE ASSESSMENT OF THE GRANTS. TO THE EXTENT POSSIBLE, THE DEPARTMENT SHOULD COORDINATE ITS PERFORMANCE MEASURE SYSTEM WITH OTHER NATURAL RESOURCE-RELATED AGENCIES AS DEFINED IN SECTION 2 OF THIS ACT. THE DEPARTMENT SHALL CONSULT WITH AFFECTED INTEREST GROUPS IN IMPLEMENTING THIS SECTION.

DURING THE FISCAL BIENNIUM ENDING JUNE 30, 2001, THE FUNDS MAY BE APPROPRIATED FOR BOATING SAFETY, SHELLFISH MANAGEMENT, ENFORCEMENT, AND ENHANCEMENT AND FOR DEVELOPING AND IMPLEMENTING PLANS FOR POPULATION MONITORING AND RESTORATION OF NATIVE WILD SALMON STOCK.

NEW SECTION. Sec. 8. A NEW SECTION IS ADDED TO CHAPTER 79A.15 RCW TO READ AS FOLLOWS:

IN PROVIDING GRANTS THROUGH THE HABITAT CONSERVATION ACCOUNT, THE COMMITTEE SHALL REQUIRE GRANT APPLICANTS TO INCORPORATE THE ENVIRONMENTAL BENEFITS OF THE PROJECT INTO THEIR GRANT APPLICATIONS, AND THE COMMITTEE SHALL UTILIZE THE STATEMENT OF ENVIRONMENTAL BENEFITS IN THE GRANT APPLICATION AND REVIEW PROCESS. THE COMMITTEE SHALL ALSO DEVELOP APPROPRIATE OUTCOME FOCUSED PERFORMANCE MEASURES TO BE USED BOTH FOR MANAGEMENT AND PERFORMANCE ASSESSMENT OF THE GRANT PROGRAM. TO THE EXTENT POSSIBLE, THE COMMITTEE SHOULD COORDINATE ITS PERFORMANCE MEASURE SYSTEM WITH OTHER NATURAL RESOURCE-RELATED AGENCIES AS DEFINED IN SECTION 2 OF THIS ACT. THE COMMITTEE SHALL CONSULT WITH AFFECTED INTEREST GROUPS IN IMPLEMENTING THIS SECTION.

NEW SECTION. Sec. 9. A NEW SECTION IS ADDED TO CHAPTER 77.85 RCW TO READ AS FOLLOWS:

IN PROVIDING FUNDING FOR HABITAT PROJECTS, THE SALMON RECOVERY FUNDING BOARD SHALL REQUIRE RECIPIENTS TO INCORPORATE THE ENVIRONMENTAL BENEFITS OF THE PROJECT INTO THEIR GRANT APPLICATIONS, AND THE BOARD SHALL UTILIZE THE STATEMENT OF ENVIRONMENTAL BENEFITS IN ITS PRIORITIZATION AND SELECTION PROCESS. THE BOARD SHALL ALSO DEVELOP APPROPRIATE OUTCOME FOCUSED PERFORMANCE MEASURES TO BE USED BOTH FOR MANAGEMENT AND PERFORMANCE ASSESSMENT OF THE GRANT PROGRAM. TO THE EXTENT POSSIBLE, THE

BOARD SHOULD COORDINATE ITS PERFORMANCE MEASURE SYSTEM WITH OTHER NATURAL RESOURCE-RELATED AGENCIES AS DEFINED IN SECTION 2 OF THIS ACT. THE BOARD SHALL CONSULT WITH AFFECTED INTEREST GROUPS IN IMPLEMENTING THIS SECTION.

NEW SECTION. Sec. 10. A NEW SECTION IS ADDED TO CHAPTER 43.155 RCW TO READ AS FOLLOWS:

IN PROVIDING LOANS FOR PUBLIC WORKS PROJECTS, THE BOARD SHALL REQUIRE RECIPIENTS TO INCORPORATE THE ENVIRONMENTAL BENEFITS OF THE PROJECT INTO THEIR APPLICATIONS, AND THE BOARD SHALL UTILIZE THE STATEMENT OF ENVIRONMENTAL BENEFITS IN ITS PRIORITIZATION AND SELECTION PROCESS. THE BOARD SHALL ALSO DEVELOP APPROPRIATE OUTCOME FOCUSED PERFORMANCE MEASURES TO BE USED BOTH FOR MANAGEMENT AND PERFORMANCE ASSESSMENT OF THE LOAN PROGRAM. TO THE EXTENT POSSIBLE, THE DEPARTMENT SHOULD COORDINATE ITS PERFORMANCE MEASURE SYSTEM WITH OTHER NATURAL RESOURCE-RELATED AGENCIES AS DEFINED IN SECTION 2 OF THIS ACT. THE BOARD SHALL CONSULT WITH AFFECTED INTEREST GROUPS IN IMPLEMENTING THIS SECTION.

NEW SECTION. Sec. 11. A NEW SECTION IS ADDED TO CHAPTER 77.04 RCW TO READ AS FOLLOWS:

IN ADMINISTERING PROGRAMS FUNDED WITH MONEYS FROM THE CAPITAL BUDGET RELATED TO PROTECTION OR RECOVERY OF FISH STOCKS, THE DEPARTMENT SHALL INCORPORATE THE ENVIRONMENTAL BENEFITS OF A PROJECT INTO ITS PRIORITIZATION AND SELECTION PROCESS. THE DEPARTMENT SHALL ALSO DEVELOP APPROPRIATE OUTCOME FOCUSED PERFORMANCE MEASURES TO BE USED BOTH FOR MANAGEMENT AND PERFORMANCE ASSESSMENT OF THE PROGRAM. TO THE EXTENT POSSIBLE, THE DEPARTMENT SHOULD COORDINATE ITS PERFORMANCE MEASURE SYSTEM WITH OTHER NATURAL RESOURCE-RELATED AGENCIES AS DEFINED IN SECTION 2 OF THIS ACT. THE DEPARTMENT SHALL CONSULT WITH AFFECTED INTEREST GROUPS IN IMPLEMENTING THIS SECTION."

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE COMMITTEE ON WAYS AND MEANS STRIKING AMENDMENT TO ENGROSSED SUBSTITUTE HOUSE BILL No. 1785.

THE MOTION BY SENATOR FRASER CARRIED AND THE COMMITTEE STRIKING AMENDMENT WAS ADOPTED.

MOTIONS

ON MOTION OF SENATOR FRASER, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 3 OF THE TITLE, AFTER "ENVIRONMENT;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 79.24.580; ADDING A NEW SECTION TO CHAPTER 43.41 RCW; ADDING A NEW SECTION TO CHAPTER 89.08 RCW; ADDING A NEW SECTION TO CHAPTER 90.64 RCW; ADDING A NEW SECTION TO CHAPTER 70.105D RCW; ADDING A NEW SECTION TO CHAPTER 70.146 RCW; ADDING A NEW SECTION TO CHAPTER 79A.15 RCW; ADDING A NEW SECTION TO CHAPTER 77.85 RCW; ADDING A NEW SECTION TO CHAPTER 43.155 RCW; ADDING A NEW SECTION TO CHAPTER 77.04 RCW; AND CREATING A NEW SECTION."

ON MOTION OF SENATOR FRASER, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 47; NAYS, 0; ABSENT, 0; EXCUSED, 2.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 47.

EXCUSED: SENATORS DECCIO AND HAUGEN - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1568, BY REPRESENTATIVES LOVICK, DELVIN, FISHER, HANKINS, MITCHELL, O'BRIEN AND HURST (BY REQUEST OF DEPARTMENT OF LICENSING)

UPDATING PROCEDURES FOR ACTIONS AGAINST DRIVING SCHOOL LICENSEES.

THE BILL WAS READ THE SECOND TIME.

MOTION

SENATOR FINKBEINER MOVED THAT THE FOLLOWING AMENDMENT BE ADOPTED:

ON PAGE 2, AFTER LINE 16, INSERT THE FOLLOWING:

"Sec. 2. RCW 28A.220.020 AND 1990 C 33 S 218 ARE EACH AMENDED TO READ AS FOLLOWS:

THE FOLLOWING WORDS AND PHRASES WHENEVER USED IN CHAPTER 28A.220 RCW SHALL HAVE THE FOLLOWING MEANING:

(1) "SUPERINTENDENT" OR "STATE SUPERINTENDENT" SHALL MEAN THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

(2) "TRAFFIC SAFETY EDUCATION COURSE" SHALL MEAN AN ACCREDITED COURSE OF INSTRUCTION IN TRAFFIC SAFETY EDUCATION WHICH SHALL CONSIST OF TWO PHASES, CLASSROOM INSTRUCTION, AND LABORATORY EXPERIENCE. "LABORATORY EXPERIENCE" SHALL INCLUDE ON-STREET, DRIVING RANGE, OR SIMULATOR EXPERIENCE OR SOME COMBINATION THEREOF. EACH PHASE SHALL MEET BASIC COURSE REQUIREMENTS WHICH SHALL BE ESTABLISHED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND EACH PART OF SAID COURSE SHALL BE TAUGHT BY A QUALIFIED TEACHER OF TRAFFIC SAFETY EDUCATION. IN LIEU OF THE CLASSROOM INSTRUCTION PHASE ONLY, LOCAL SCHOOL DISTRICTS, AND DRIVER TRAINING SCHOOLS LICENSED UNDER CHAPTER 46.82 RCW, MAY OFFER A QUALIFIED TRAFFIC SAFETY EDUCATION COURSE AVAILABLE ONLINE OR THROUGH OTHER ELECTRONIC MEDIA. ANY PORTIONS OF THE COURSE MAY BE TAUGHT AFTER REGULAR SCHOOL HOURS OR ON SATURDAYS AS WELL AS ON REGULAR SCHOOL DAYS OR AS A SUMMER SCHOOL COURSE, AT THE OPTION OF THE LOCAL SCHOOL DISTRICTS.

(3) "QUALIFIED TEACHER OF TRAFFIC SAFETY EDUCATION" SHALL MEAN AN INSTRUCTOR CERTIFICATED UNDER THE PROVISIONS OF CHAPTER 28A.410 RCW AND CERTIFICATED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO TEACH EITHER THE CLASSROOM PHASE OR THE LABORATORY PHASE OF THE TRAFFIC SAFETY EDUCATION COURSE, OR BOTH, UNDER REGULATIONS PROMULGATED BY THE SUPERINTENDENT: PROVIDED, THAT THE LABORATORY EXPERIENCE PHASE OF THE TRAFFIC SAFETY EDUCATION COURSE MAY BE TAUGHT BY INSTRUCTORS CERTIFICATED UNDER RULES PROMULGATED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION, EXCLUSIVE OF ANY REQUIREMENT THAT THE INSTRUCTOR BE CERTIFICATED UNDER THE PROVISIONS OF CHAPTER 28A.410 RCW. PROFESSIONAL INSTRUCTORS CERTIFICATED UNDER THE PROVISIONS OF CHAPTER 46.82 RCW, AND PARTICIPATING IN THIS PROGRAM, SHALL BE SUBJECT TO REASONABLE QUALIFICATION REQUIREMENTS JOINTLY ADOPTED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE DIRECTOR OF LICENSING.

(4) "REALISTIC LEVEL OF EFFORT" MEANS THE CLASSROOM AND LABORATORY STUDENT LEARNING EXPERIENCES CONSIDERED ACCEPTABLE TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION THAT MUST BE SATISFACTORILY ACCOMPLISHED BY THE STUDENT IN ORDER TO SUCCESSFULLY COMPLETE THE TRAFFIC SAFETY EDUCATION COURSE."

POINT OF ORDER

SENATOR EIDE: "I RISE TO A POINT OF ORDER, MR. PRESIDENT. I BELIEVE THAT THIS AMENDMENT, AS INTERESTING AS IT IS, IS BEYOND THE SCOPE AND OBJECT OF THE BILL. THE SENATOR'S AMENDMENT DEALS WITH A DIFFERENT TYPE OF INSTRUCTION AND SPECIFICALLY TRAFFIC SAFETY AND EDUCATION. THIS BILL THAT WE ARE TALKING ABOUT TODAY MAKES

TECHNICAL CORRECTIONS IN STATUTE GOVERNING WHEN LICENSES CAN BE SUSPENDED, REVOKED OR DENIED AND HAS NOTHING TO DO WITH EDUCATION.”

DEBATE ENSUED.

RULING BY THE PRESIDENT

PRESIDENT OWEN: “IN RULING UPON THE POINT OF ORDER BY SENATOR EIDE TO THE SCOPE AND OBJECT OF THE AMENDMENT BY SENATOR FINKBEINER ON PAGE 2, AFTER LINE 16, TO HOUSE BILL NO. 1568, THE PRESIDENT FINDS THAT HOUSE BILL NO. 1568 IS A NARROW MEASURE THAT PERMITS THE DIRECTOR OF THE DEPARTMENT OF LICENSING TO SUSPEND, REVOKE OR DENY A DRIVING SCHOOL INSTRUCTOR’S LICENSE IF THE INSTRUCTOR NO LONGER MEETS THE REQUIREMENT FOR BEING A ISSUED A LICENSE.

“THE AMENDMENT BY SENATOR FINKBEINER WOULD PERMIT SCHOOL DISTRICTS TO OFFER TRAFFIC SAFETY EDUCATION COURSES ON LINE OR THROUGH OTHER ELECTRONIC MEDIA.

“THE PRESIDENT, THEREFORE, FINDS THAT THE AMENDMENT DOES CHANGE THE SCOPE AND OBJECT OF THE BILL AND THE POINT OF ORDER IS WELL TAKEN.”

THE PRESIDENT RULED THAT THE AMENDMENT BY SENATOR FINKBEINER ON PAGE 2, AFTER LINE 16, TO HOUSE BILL NO. 1568 TO BE OUT OF ORDER.

MOTION

ON MOTION OF SENATOR GARDNER, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1568 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1568.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1568 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 47; NAYS, 0; ABSENT, 0; EXCUSED, 2.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 47.

EXCUSED: SENATORS DECCIO AND HAUGEN - 2.

HOUSE BILL NO. 1568, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR JACOBSEN, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8661

BY SENATORS JACOBSEN, OKE, SNYDER, MORTON, McDONALD, SPANEL, HARGROVE, STEVENS, CONSTANTINE, MCAULIFFE AND RASMUSSEN

WHEREAS, TIMOTHY K. BROWN IS LARGELY RESPONSIBLE FOR MAKING WASHINGTON'S WILDWATCH PROGRAM THROUGH HIS EXPERTISE AND UNSELFISH DONATION OF EQUIPMENT AND TIME; AND

WHEREAS, THE ABILITY FOR THE PUBLIC TO SEE LIVE VIEWS OF WILDLIFE OVER THE DEPARTMENT OF FISH AND WILDLIFE'S INTERNET PAGE HAS PROVEN TO BE ONE OF THE MOST SUCCESSFUL VENTURES IN REACHING OUT TO CHILDREN AND ADULTS TO UNDERSTAND AND APPRECIATE NATURE; AND

WHEREAS, THE CAMERA FOCUSED ON A BALD EAGLE NEST IN KENT THAT WAS POPULAR WITH OVER 400,000 VISITORS BETWEEN MAY AND SEPTEMBER LAST YEAR; AND

WHEREAS, THE KENT EAGLECAM WAS DECLARED "THE BEST WILDLIFE VIEWING CAMERA ON THE NET" BY THE DISCOVERY CHANNEL; AND

WHEREAS, THE KENT EAGLECAM HAS GENERATED ENTHUSIASTIC REQUESTS FOR MORE CAMERA SITES TO BE ESTABLISHED, AND THAT MANY OF THESE REQUESTS HAVE COME FROM PEOPLE WHO WATCH THE WILDLIFE WITH THEIR GRANDCHILDREN; AND

WHEREAS, TIM BROWN, HOPING TO PROVIDE EVEN GREATER OPPORTUNITIES FOR THE PUBLIC CLIMBED 125 FEET UP A DOUGLAS FIR TREE ON THE CAPITOL CAMPUS TO INSTALL CAMERAS BY AN EAGLE NEST NEAR THE GOVERNOR'S MANSION; AND

WHEREAS, TIM'S MOST RECENT EFFORTS WILL NOT ONLY ALLOW LIVE PICTURES OF EAGLES RAISING EAGLETS TO BE REFRESHED OVER THE INTERNET EVERY FIVE TO TEN SECONDS, BUT HIS INSTALLATION OF AN INFRARED CAMERA WILL ALLOW FOR NIGHT PHOTOGRAPHY AS WELL; AND

WHEREAS, TIM HAS BEEN A DEDICATED PUBLIC SERVANT BY WORKING IN THE FIELD OF SUSTAINABLE ECOSYSTEM FORESTRY APPROXIMATELY THIRTY YEARS, INCLUDING AS A FIRE OFFICER AND FIRE FIGHTER WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE UNITED STATES DEPARTMENT OF THE INTERIOR; AND

WHEREAS, TIM IS INTERNATIONALLY KNOWN FOR HIS EFFORTS TO PROTECT AND ENHANCE TREES FOR WILDLIFE WHILE MANAGING FOREST FOR OTHER PURPOSES; AND

WHEREAS, TIM IS RECOGNIZED AS BEING ONE OF THE MOST SKILLED TREE CLIMBERS IN NORTH AMERICA, AND CERTIFIES CLIMBERS FOR BOTH THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF THE INTERIOR; AND

WHEREAS, THE WORK TIM HAS DONE WITH ENGINEERS AND SPECIALISTS ON THE DEVELOPMENT AND USE OF LOW-LIGHT SURVEILLANCE AND MONITORING EQUIPMENT FOR WILDLIFE APPLICATIONS HAS PRODUCED DRAMATIC RESULTS; AND

WHEREAS, TIM STILL FINDS TIME TO DONATE HUNDREDS OF HOURS ANNUALLY TO RESCUE INJURED WILDLIFE, SUCH AS YOUNG EAGLES FALLING OUT OF NESTS;

NOW, THEREFORE, BE IT RESOLVED, THAT THE SENATE RECOGNIZE THAT TIMOTHY K. BROWN HAS PROVIDED A LEGACY FOR ALL OF US THROUGH HIS TIRELESS DEVOTION TO PROTECTING WILDLIFE AND BY PROVIDING EVERYBODY WITH THE OPPORTUNITY TO BETTER UNDERSTAND AND LOVE NATURE; AND

BE IT FURTHER RESOLVED, THAT COPIES OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO EACH MEMBER OF CONGRESS FROM THE STATE OF WASHINGTON, THE SECRETARY OF THE UNITED STATES DEPARTMENT OF AGRICULTURE, THE SECRETARY OF THE UNITED STATES DEPARTMENT OF THE INTERIOR, AND THE DIRECTOR OF THE STATE DEPARTMENT OF FISH AND WILDLIFE.

SENATORS JACOBSEN, OKE, AND HARGROVE SPOKE TO SENATE RESOLUTION 2001-8661.

INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT WELCOMED AND INTRODUCED TIMOTHY K. BROWN WHO WAS SEATED ON THE ROSTRUM. WITH PERMISSION OF THE SENATE, BUSINESS WAS SUSPENDED TO PERMIT MR. BROWN TO ADDRESS THE SENATE.

INTRODUCTION OF SPECIAL GUEST

THE PRESIDENT WELCOMED AND INTRODUCED FAMILY AND SUPPORTERS OF MR. BROWN'S WORK, WHO WERE SEATED IN THE BACK OF THE CHAMBER.

MOTION

ON MOTION OF SENATOR JOHNSON, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8665

By SENATORS JOHNSON, ROACH AND PATTERSON

WHEREAS, THE KENTLAKE HIGH SCHOOL JAZZ BAND RECENTLY COMPETED WITH OVER FIVE HUNDRED OTHER BANDS AROUND THE COUNTRY FOR THE TITLE OF BEST HIGH SCHOOL JAZZ BAND IN THE NATION AND AN OPPORTUNITY TO PERFORM LOCALLY WITH MODERN SWING AND JAZZ RECORDING ARTISTS *BIG BAD VOODOO DADDY*; AND,

WHEREAS, *BIG BAD VOODOO DADDY* NAMED KENTLAKE JAZZ BAND THE BEST IN THE NATION AND PERFORMED WITH TWENTY-TWO MEMBERS OF THE KENTLAKE BAND IN THEIR HIGH SCHOOL AUDITORIUM ON MARCH 21, 2001; AND,

WHEREAS, THE KENTLAKE JAZZ BAND HAS ALSO BEEN INVITED TO PERFORM AT THE ESSENTIALLY ELLINGTON HIGH SCHOOL JAZZ COMPETITION AND FESTIVAL IN NEW YORK, ONE OF THE MOST PRESTIGIOUS HIGH SCHOOL JAZZ COMPETITIONS IN THE COUNTRY; AND,

WHEREAS, THESE DEDICATED STUDENTS HAVE ALSO BEEN SELECTED TO PERFORM IN THE MONTEREY JAZZ FESTIVAL'S HIGH SCHOOL COMPETITION IN CALIFORNIA; AND,

WHEREAS, THE KENTLAKE JAZZ BAND HAS PREVIOUSLY WON FIRST PLACE IN THE NEW ORLEANS JAZZ FESTIVAL AND FIRST PLACE IN ITS CLASS AT THE UNIVERSITY OF RENO'S JAZZ FESTIVAL; AND,

WHEREAS, THE OPPORTUNITY TO COMPETE IN THESE FESTIVALS COMES FROM A GENUINE COMMITMENT TO THEIR ART, REQUIRING HOURS OF PRACTICE EACH AND EVERY WEEK; AND,

WHEREAS, THESE TALENTED, DEDICATED STUDENTS FOREGO OTHER AFTER SCHOOL ACTIVITIES, LESS DEMANDING ELECTIVES, SUMMER ACTIVITIES, AND FAMILY TIME TO PERFECT THEIR CRAFT; AND,

WHEREAS, JAZZ-BAND DIRECTOR CHUCK STOWELL IS VERY PROUD OF HIS STUDENTS AND SAYS HIS BAND IS MUSICALLY VERY DISCIPLINED AND STATES THAT THEY REALLY SWING; AND,

WHEREAS, RECENT STUDIES INDICATE THAT MUSIC EDUCATION CAN SIGNIFICANTLY INCREASE STUDENTS ACADEMIC SUCCESS IN MATH AND SCIENCE, MAKING THE ACCOMPLISHMENTS OF THE KENTLAKE JAZZ BAND ALL THE MORE PROMISING; NOW, THEREFORE BE IT RESOLVED, THAT THE SENATE RECOGNIZE AND HONOR THE OUTSTANDING ACCOMPLISHMENTS OF CHUCK STOWELL AND HIS STUDENTS IN THE KENTLAKE JAZZ BAND AND WISH THEM WELL AS THEY PROCEED TO THE COMING FESTIVALS; AND,

BE IT FURTHER RESOLVED, THAT IMMEDIATELY UPON PASSAGE OF THIS RESOLUTION COPIES BE TRANSMITTED TO THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION, THE KENT SCHOOL DISTRICT, THE KENT SCHOOL BOARD, KENTLAKE HIGH SCHOOL, AND THE KENTLAKE JAZZ BAND.

INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT WELCOMED AND INTRODUCED MEMBERS OF THE KENTWOOD HIGH SCHOOL BAND, WHO WERE SEATED IN THE BACK OF THE CHAMBER.

MOTION

AT 11:15 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE RECESSED UNTIL 1:30 P.M..

THE SENATE WAS CALLED TO ORDER AT 1:30 P.M. BY PRESIDENT OWEN.

MOTIONS

ON MOTION OF SENATOR EIDE, SENATOR FAIRLEY WAS EXCUSED.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE REVERTED TO THE SIXTH ORDER OF BUSINESS

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

ON MOTION OF SENATOR EIDE, GUBERNATORIAL APPOINTMENT No. 9020, ARLISTA HOLMAN, AS A MEMBER OF THE BOARD OF TRUSTEES FOR GREEN RIVER COMMUNITY COLLEGE DISTRICT No. 10, WAS CONFIRMED.

APPOINTMENT OF ARLISTA HOLMAN

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 41; NAYS, 0; ABSENT, 5; EXCUSED, 3.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FINKBEINER, FRANKLIN, FRASER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MORTON, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST AND ZARELLI - 41.

ABSENT: SENATORS GARDNER, MCCASLIN, McDONALD, PARLETTE AND WINSLEY - 5.

EXCUSED: SENATORS DECCIO, FAIRLEY AND HAUGEN - 3.

MOTION

ON MOTION OF SENATOR HONEYFORD, SENATOR MCCASLIN WAS EXCUSED.

SECOND READING

HOUSE BILL NO. 1066, BY REPRESENTATIVES O'BRIEN, BALLASIOTES, DELVIN, LOVICK, KEISER AND HAIGH (BY REQUEST OF CRIMINAL JUSTICE TRAINING COMMISSION)

REVISING THE AUTHORITY OF THE CRIMINAL JUSTICE TRAINING COMMISSION TO OWN AND OPERATE TRAINING FACILITIES.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR KLINE, THE FOLLOWING COMMITTEE ON JUDICIARY STRIKING AMENDMENT WAS NOT ADOPTED: STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

***Sec. 1.** RCW 43.101.080 AND 1982 C 124 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

THE COMMISSION SHALL HAVE ALL OF THE FOLLOWING POWERS:

- (1) TO MEET AT SUCH TIMES AND PLACES AS IT MAY DEEM PROPER;
 - (2) TO ADOPT ANY RULES AND REGULATIONS AS IT MAY DEEM NECESSARY;
 - (3) TO CONTRACT FOR SERVICES AS IT DEEMS NECESSARY IN ORDER TO CARRY OUT ITS DUTIES AND RESPONSIBILITIES;
 - (4) TO COOPERATE WITH AND SECURE THE COOPERATION OF ANY DEPARTMENT, AGENCY, OR INSTRUMENTALITY IN STATE, COUNTY, AND CITY GOVERNMENT, AND OTHER COMMISSIONS AFFECTED BY OR CONCERNED WITH THE BUSINESS OF THE COMMISSION;
 - (5) TO DO ANY AND ALL THINGS NECESSARY OR CONVENIENT TO ENABLE IT FULLY AND ADEQUATELY TO PERFORM ITS DUTIES AND TO EXERCISE THE POWER GRANTED TO IT;
 - (6) TO SELECT AND EMPLOY AN EXECUTIVE DIRECTOR, AND TO EMPOWER HIM TO PERFORM SUCH DUTIES AND RESPONSIBILITIES AS IT MAY DEEM NECESSARY;
 - (7) TO ASSUME LEGAL, FISCAL, AND PROGRAM RESPONSIBILITY FOR ALL TRAINING CONDUCTED BY THE COMMISSION;
 - (8) TO ESTABLISH, BY RULE AND REGULATION, STANDARDS FOR THE TRAINING OF CRIMINAL JUSTICE PERSONNEL WHERE SUCH STANDARDS ARE NOT PRESCRIBED BY STATUTE;
 - (9) TO OWN, ESTABLISH, AND OPERATE, OR TO CONTRACT WITH OTHER QUALIFIED INSTITUTIONS OR ORGANIZATIONS FOR THE OPERATION OF, TRAINING AND EDUCATION PROGRAMS FOR CRIMINAL JUSTICE PERSONNEL AND TO PURCHASE, LEASE, OR OTHERWISE ACQUIRE, SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF GENERAL ADMINISTRATION, A TRAINING FACILITY OR FACILITIES NECESSARY TO THE CONDUCTING OF SUCH PROGRAMS(~~(: - PROVIDED, THAT THE COMMISSION SHALL NOT HAVE THE POWER TO INVEST ANY MONEYS RECEIVED BY IT FROM ANY SOURCE FOR THE PURCHASE OF A TRAINING FACILITY WITHOUT PRIOR APPROVAL OF THE LEGISLATURE))~~). THE COMMISSION SHALL MAKE AVAILABLE TO THE GENERAL PUBLIC AT NO CHARGE, EXCEPT FOR REIMBURSEMENT OF THE COSTS OF CUSTODIAL SERVICES, AREAS WITHIN THE TRAINING FACILITY OR FACILITIES THAT MAY ACCOMMODATE LARGE AUDIENCES OR CROWDS WHEN THE USE OF SUCH AREAS IS NOT REQUIRED FOR TRAINING PURPOSES;
 - (10) TO ESTABLISH, BY RULE AND REGULATION, MINIMUM CURRICULUM STANDARDS FOR ALL TRAINING PROGRAMS CONDUCTED FOR EMPLOYED CRIMINAL JUSTICE PERSONNEL;
 - (11) TO REVIEW AND APPROVE OR REJECT STANDARDS FOR INSTRUCTORS OF TRAINING PROGRAMS FOR CRIMINAL JUSTICE PERSONNEL, AND TO EMPLOY PERSONNEL ON A TEMPORARY BASIS AS INSTRUCTORS WITHOUT ANY LOSS OF EMPLOYEE BENEFITS TO THOSE INSTRUCTORS;
 - (12) TO DIRECT THE DEVELOPMENT OF ALTERNATIVE, INNOVATE, AND INTERDISCIPLINARY TRAINING TECHNIQUES;
 - (13) TO REVIEW AND APPROVE OR REJECT TRAINING PROGRAMS CONDUCTED FOR CRIMINAL JUSTICE PERSONNEL AND RULES ESTABLISHING AND PRESCRIBING MINIMUM TRAINING AND EDUCATION STANDARDS RECOMMENDED BY THE TRAINING STANDARDS AND EDUCATION BOARDS;
 - (14) TO ALLOCATE FINANCIAL RESOURCES AMONG TRAINING AND EDUCATION PROGRAMS CONDUCTED BY THE COMMISSION;
 - (15) TO ALLOCATE TRAINING FACILITY SPACE AMONG TRAINING AND EDUCATION PROGRAMS CONDUCTED BY THE COMMISSION;
 - (16) TO ISSUE DIPLOMAS CERTIFYING SATISFACTORY COMPLETION OF ANY TRAINING OR EDUCATION PROGRAM CONDUCTED OR APPROVED BY THE COMMISSION TO ANY PERSON SO COMPLETING SUCH A PROGRAM;
 - (17) TO PROVIDE FOR THE EMPLOYMENT OF SUCH PERSONNEL AS MAY BE PRACTICAL TO SERVE AS TEMPORARY REPLACEMENTS FOR ANY PERSON ENGAGED IN A BASIC TRAINING PROGRAM AS DEFINED BY THE COMMISSION;
 - (18) TO ESTABLISH RULES AND REGULATIONS RECOMMENDED BY THE TRAINING STANDARDS AND EDUCATION BOARDS PRESCRIBING MINIMUM STANDARDS RELATING TO PHYSICAL, MENTAL AND MORAL FITNESS WHICH SHALL GOVERN THE RECRUITMENT OF CRIMINAL JUSTICE PERSONNEL WHERE SUCH STANDARDS ARE NOT PRESCRIBED BY STATUTE OR CONSTITUTIONAL PROVISION.
- ALL RULES AND REGULATIONS ADOPTED BY THE COMMISSION SHALL BE ADOPTED AND ADMINISTERED PURSUANT TO THE ADMINISTRATIVE PROCEDURE ACT, CHAPTER 34.05 RCW, AND THE OPEN PUBLIC MEETINGS ACT, CHAPTER 42.30 RCW.
- NEW SECTION. Sec. 2.** THE LEGISLATURE AUTHORIZES THE DEPARTMENT OF GENERAL ADMINISTRATION TO TRANSFER THE WASHINGTON STATE TRAINING AND CONFERENCE CENTER LOCATED AT 19010 FIRST AVENUE, BURIEN, WASHINGTON, 98148, TO THE CRIMINAL JUSTICE TRAINING COMMISSION."

MOTION

ON MOTION OF SENATOR KLINE, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1066 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1066.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1066 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 44; NAYS, 0; ABSENT, 1; EXCUSED, 4.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST AND ZARELLI - 44.

ABSENT: SENATOR JOHNSON - 1.

EXCUSED: SENATORS DECCIO, HAUGEN, McCASLIN AND WINSLEY - 4.

HOUSE BILL NO. 1066, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR HEWITT, SENATOR JOHNSON WAS EXCUSED.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655, BY HOUSE COMMITTEE ON NATURAL RESOURCES (ORIGINALLY SPONSORED BY REPRESENTATIVES SUMP, DOUMIT, PEARSON, ROCKEFELLER AND CLEMENTS)

APPOINTING A FISH AND WILDLIFE ADVISORY COMMITTEE COMPOSED OF DISABLED PERSONS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR JACOBSEN, THE FOLLOWING COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES AMENDMENT WAS ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"NEW SECTION. Sec. 1. A NEW SECTION IS ADDED TO CHAPTER 77.04 RCW TO READ AS FOLLOWS:

(1) THE COMMISSION MUST APPOINT AN ADVISORY COMMITTEE TO GENERALLY REPRESENT THE INTERESTS OF DISABLED HUNTERS AND FISHERS ON MATTERS INCLUDING, BUT NOT LIMITED TO, SPECIAL HUNTS, MODIFIED SPORTING EQUIPMENT, ACCESS TO PUBLIC LAND, AND HUNTING AND FISHING OPPORTUNITIES. THE ADVISORY COMMITTEE IS COMPOSED OF SEVEN MEMBERS, EACH BEING A PERSON WITH A DISABILITY. THE ADVISORY COMMITTEE MEMBERS MUST REPRESENT THE ENTIRE STATE. THE MEMBERS MUST BE APPOINTED SO THAT EACH OF THE SIX DEPARTMENT ADMINISTRATIVE REGIONS, AS THEY EXISTED ON JANUARY 1, 2001, ARE REPRESENTED WITH ONE RESIDENT ON THE ADVISORY COMMITTEE. ONE ADDITIONAL MEMBER MUST BE APPOINTED AT LARGE. THE CHAIR OF THE ADVISORY COMMITTEE MUST BE A MEMBER OF THE ADVISORY COMMITTEE AND SHALL BE SELECTED BY THE MEMBERS OF THE ADVISORY COMMITTEE.

(2) FOR THE PURPOSES OF THIS SECTION, A PERSON WITH A DISABILITY INCLUDES BUT IS NOT LIMITED TO:

(A) A PERMANENTLY DISABLED PERSON WHO IS NOT AMBULATORY OVER NATURAL TERRAIN WITHOUT A PROSTHESIS OR ASSISTIVE DEVICE;

(B) A PERMANENTLY DISABLED PERSON WHO IS UNABLE TO WALK WITHOUT THE USE OF ASSISTANCE FROM A BRACE, CANE, CRUTCH, WHEELCHAIR, SCOOTER, WALKER, OR OTHER ASSISTIVE DEVICE;

(C) A PERSON WHO HAS A CARDIAC CONDITION TO THE EXTENT THAT THE PERSON'S FUNCTIONAL LIMITATIONS ARE SEVERE;

(D) A PERSON WHO IS RESTRICTED BY LUNG DISEASE TO THE EXTENT THAT THE PERSON'S FUNCTIONAL LIMITATIONS ARE SEVERE;

(E) A PERSON WHO IS TOTALLY BLIND OR VISUALLY IMPAIRED; OR

(F) A PERMANENTLY DISABLED PERSON WITH UPPER OR LOWER EXTREMITY IMPAIRMENTS WHO DOES NOT HAVE THE USE OF ONE OR BOTH UPPER OR LOWER EXTREMITIES.

(3) THE MEMBERS OF THE ADVISORY COMMITTEE ARE APPOINTED FOR A FOUR-YEAR TERM. IF A VACANCY OCCURS ON THE ADVISORY COMMITTEE PRIOR TO THE EXPIRATION OF A TERM, THE COMMISSION MUST APPOINT A REPLACEMENT WITHIN SIXTY DAYS TO COMPLETE THE TERM.

(4) THE ADVISORY COMMITTEE MUST MEET AT LEAST SEMI-ANNUALLY, AND MAY MEET AT OTHER TIMES AS REQUESTED BY A MAJORITY OF THE ADVISORY COMMITTEE MEMBERS FOR ANY EXPRESS PURPOSE THAT DIRECTLY RELATES TO THE DUTIES SET FORTH IN SUBSECTION (1) OF THIS SECTION. A MAJORITY OF MEMBERS CURRENTLY SERVING ON THE ADVISORY COMMITTEE CONSTITUTES A QUORUM. THE DEPARTMENT MUST PROVIDE STAFF SUPPORT FOR ALL OFFICIAL ADVISORY COMMITTEE MEETINGS.

(5) EACH MEMBER OF THE ADVISORY COMMITTEE SHALL SERVE WITHOUT COMPENSATION BUT MAY BE REIMBURSED FOR TRAVEL EXPENSES AS AUTHORIZED IN RCW 43.03.050 AND 43.03.060.

(6) THE MEMBERS OF THE ADVISORY COMMITTEE, OR INDIVIDUALS ACTING ON THEIR BEHALF, ARE IMMUNE FROM CIVIL LIABILITY FOR OFFICIAL ACTS PERFORMED IN THE COURSE OF THEIR DUTIES.

(7) THE PROVISIONS OF THIS SECTION CONSTITUTE A PILOT PROGRAM THAT EXPIRES JULY 1, 2005. ON DECEMBER 1, 2004, THE COMMISSION SHALL PRESENT A REPORT TO THE APPROPRIATE LEGISLATIVE COMMITTEES DETAILING THE EFFECTIVENESS OF THE ADVISORY COMMITTEE, INCLUDING BUT NOT LIMITED TO, THE PARTICIPATION LEVELS, GENERAL INTEREST, QUALITY OF ADVICE, AND RECOMMENDATIONS AS TO THE ADVISORY COMMITTEE'S CONTINUANCE OR MODIFICATION."

MOTIONS

ON MOTION OF SENATOR JACOBSEN, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 2 OF THE TITLE, AFTER "INDIVIDUALS;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AND ADDING A NEW SECTION TO CHAPTER 77.04 RCW."

ON MOTION OF SENATOR JACOBSEN, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 45; NAYS, 0; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 45.

EXCUSED: SENATORS DECCIO, HAUGEN, JOHNSON AND McCASLIN - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1584, BY REPRESENTATIVES HAIGH, COOPER, ERICKSEN AND MORELL (BY REQUEST OF DEPARTMENT OF LICENSING)

REVISING REQUIREMENTS FOR VEHICLE LICENSE RENEWAL.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR GARDNER, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1584 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1584.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1584 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 47; NAYS, 0; ABSENT, 0; EXCUSED, 2.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 47.

EXCUSED: SENATORS DECCIO AND HAUGEN - 2.

HOUSE BILL NO. 1584, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR HEWITT, SENATOR ROSSI WAS EXCUSED

SECOND READING

HOUSE BILL NO. 1846, BY REPRESENTATIVES ALEXANDER, HUNT, ROMERO AND DeBOLT (BY REQUEST OF DEPARTMENT OF NATURAL RESOURCES)

ALLOWING THE DEPARTMENT OF NATURAL RESOURCES TO SELL OR EXCHANGE ITS LIGHT INDUSTRIAL PROPERTY IN THURSTON COUNTY.

THE BILL WAS READ THE SECOND TIME.

MOTIONS

ON MOTION OF SENATOR JACOBSEN, THE FOLLOWING COMMITTEE ON WAYS AND MEANS STRIKING AMENDMENT WAS ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"NEW SECTION. Sec. 1. A NEW SECTION IS ADDED TO CHAPTER 76.01 RCW TO READ AS FOLLOWS:

EXCEPT AS PROVIDED IN SECTION 2 OF THIS ACT, THE DEPARTMENT OF NATURAL RESOURCES MAY SELL OR EXCHANGE THE LIGHT INDUSTRIAL FACILITIES AND LAND IN THURSTON COUNTY, KNOWN AS THE LACEY COMPOUND, WHICH WAS ACQUIRED AS AN ADMINISTRATIVE SITE. THIS LAND AND THE FACILITIES MAY BE SOLD OR EXCHANGED FOR OTHER LANDS AND FACILITIES IN THURSTON COUNTY, OR COUNTIES ADJACENT TO THURSTON COUNTY, FOR USE AS AN ADMINISTRATIVE SITE. THE PROPERTY MAY BE EXCHANGED FOR PUBLIC OR PRIVATE PROPERTY. THE DEPARTMENT IS AUTHORIZED TO ACCEPT CASH OR EXPEND CASH FROM APPROPRIATED FUNDS IN ORDER TO BALANCE A PROPOSED EXCHANGE. ALTERNATIVELY, THE DEPARTMENT MAY SELL THE LACEY COMPOUND AT PUBLIC AUCTION OR UNDER RCW 79.01.009. THE SALE OR EXCHANGE MUST BE FOR AT LEAST MARKET VALUE. TRANSACTIONS INVOLVING THE CONSTRUCTION OF IMPROVEMENTS MUST BE CONDUCTED PURSUANT TO TITLE 39 RCW, AS APPLICABLE, AND MUST COMPLY WITH ALL OTHER APPLICABLE LAWS AND RULES. PROCEEDS RECEIVED FROM THE SALE OR EXCHANGE OF THE LACEY COMPOUND MUST BE DEPOSITED INTO THE PARK LAND TRUST REVOLVING FUND TO BE USED TO ACQUIRE A REPLACEMENT ADMINISTRATIVE SITE. FUNDS RECEIVED FROM THE EXCHANGE OR SALE THAT ARE NOT USED TO EITHER REPLACE OR CONSTRUCT, OR BOTH, THE ADMINISTRATIVE SITE MUST BE DEPOSITED PURSUANT TO RCW 76.01.030 OR INTO THE APPROPRIATE TRUST ACCOUNT AS DETERMINED BY THE DEPARTMENT.

NEW SECTION. Sec. 2. A NEW SECTION IS ADDED TO CHAPTER 76.01 RCW TO READ AS FOLLOWS:

BEFORE PROCEEDING WITH AN EXCHANGE OR SALE OF THE LACEY COMPOUND SITE, THE DEPARTMENT OF NATURAL RESOURCES SHALL SUBMIT A PROPOSAL FOR AN EXCHANGE OR SALE TO THE OFFICE OF FINANCIAL MANAGEMENT FOR REVIEW AND APPROVAL. THE PROPOSAL SHALL INCLUDE:

- (1) A DETERMINATION OF THE OWNERSHIP BY TRUST OF THE LACEY COMPOUND SITE;
- (2) A DETERMINATION OF THE MARKET VALUE OF THE LACEY COMPOUND SITE;
- (3) A DETERMINATION OF PROSPECTIVE PROPORTIONAL USE OF THE FUTURE SITE BASED ON FUNCTION AND AN ASSESSMENT OF THE FINANCIAL RESPONSIBILITY FOR THE NEW SITE BASED ON THE FUNCTIONAL ANALYSIS; AND
- (4) A FINANCING PLAN FOR THE FUTURE SITE BASED ON PROSPECTIVE USE.

THE LOCATION OF A FUTURE SITE IS SUBJECT TO THE APPROVAL OF THE BOARD OF NATURAL RESOURCES AND THE STATE CAPITOL COMMITTEE.

ANY ADDITIONAL FUNDING REQUIREMENTS SHALL BE SUBMITTED FOR APPROVAL BY THE LEGISLATURE BY JANUARY 1, 2002."

MOTIONS

ON MOTION OF SENATOR JACOBSEN, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 2 OF THE TITLE, AFTER "RESOURCES;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AND ADDING NEW SECTIONS TO CHAPTER 76.01 RCW."

ON MOTION OF SENATOR JACOBSEN, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1846, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1846, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1846, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 46; NAYS, 0; ABSENT, 0; EXCUSED, 3.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 46.

EXCUSED: SENATORS DECCIO, HAUGEN AND ROSSI - 3.

HOUSE BILL NO. 1846, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION TO RECONSIDER SUBSTITUTE HOUSE BILL NO. 1560

HAVING VOTED ON THE PREVAILING SIDE, SENATOR SWECKER MOVED THAT THE SENATE IMMEDIATELY RECONSIDER THE VOTE BY WHICH SUBSTITUTE HOUSE BILL NO. 1560 FAILED TO PASS THE SENATE EARLIER TODAY.

MOTION

SENATOR HARGROVE MOVED THAT THE MOTION TO IMMEDIATELY RECONSIDER SUBSTITUTE HOUSE BILL NO. 1560 BE LAID ON THE TABLE.

PARLIAMENTARY INQUIRY

SENATOR SHEAHAN: "A PARLIAMENTARY INQUIRING, MR. PRESIDENT. WHAT WILL HAPPEN IF THIS VOTE PASSES--THE MOTION TO LAY ON THE TABLE PASSES? WHAT WILL BE THE STATUS OF THE BILL UNDER RECONSIDERATION?"

PARLIAMENTARY INQUIRY

SENATOR JOHNSON: "A PARLIAMENTARY INQUIRY, MR. PRESIDENT. THE MOTION FOR IMMEDIATE RECONSIDERATION, DOESN'T THAT REQUIRE THAT THE CHAMBER BE ON THE NINTH ORDER OF BUSINESS?"

REPLY BY THE PRESIDENT

PRESIDENT OWEN: "SENATOR JOHNSON, ON YOUR INQUIRY, THE APPROPRIATE TIME TO BRING THAT POINT WAS AT THE TIME THE MOTION WAS MADE AND PRIOR TO THE VOTE BEING TAKEN AND IT WAS NOT AND SO THE INQUIRY--HAD IT BEEN MADE TIMELY--THE QUESTION WOULD BE CORRECT THAT WE WOULD HAVE HAD TO BE IN THE NINTH ORDER. YOUR QUESTION WAS NOT MADE TIMELY."

PRESIDENT REPLIES TO SENATOR SHEAHAN INQUIRY

PRESIDENT OWEN: "IN RESPONDING TO THE PARLIAMENTARY INQUIRY BY SENATOR SHEAHAN, THE ACTION OF LAYING THE MOTION ON THE TABLE IS THAT THE BILL WILL BE OUT OF ORDER UNTIL A MOTION IS MADE AND PASSED TO TAKE IT IF OFF THE TABLE. SO, IF THE MOTION PASSES TO LAY THE BILL ON THE TABLE, IT IS OUT OF ORDER UNTIL ANOTHER MOTION IS MADE TO CONSIDER IT."

SENATOR SHEAHAN: "MAY I CONTINUE, MR. PRESIDENT? IF THE MOTION FAILS, THEN WE WOULD BE ON THIRD READING--"

PRESIDENT OWEN: "WE WOULD BE ON THIRD READING AND FINAL PASSAGE. THAT IS CORRECT."

SENATOR SHEAHAN: "THANK YOU, MR. PRESIDENT."

SENATOR SWECKER DEMANDED A ROLL CALL AND THE DEMAND WAS SUSTAINED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE MOTION BY SENATOR HARGROVE TO LAY ON THE TABLE THE MOTION TO IMMEDIATELY RECONSIDER SUBSTITUTE HOUSE BILL NO. 1560.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE MOTION BY SENATOR HARGROVE TO LAY SUBSTITUTE HOUSE BILL NO. 1560 ON THE TABLE CARRIED BY THE FOLLOWING VOTE: YEAS, 25; NAYS, 21; ABSENT, 0; EXCUSED, 3.

VOTING YEA: SENATORS BENTON, CARLSON, FAIRLEY, FINKBEINER, FRANKLIN, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JOHNSON, KASTAMA, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, ROACH, SHEAHAN, SHIN, STEVENS, WEST AND WINSLEY - 25.

VOTING NAY: SENATORS BROWN, CONSTANTINE, COSTA, EIDE, FRASER, GARDNER, JACOBSEN, KLINE, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, SHELDON, B., SHELDON, T., SNYDER, SPANEL, SWECKER, THIBAudeau AND ZARELLI - 21.

EXCUSED: SENATORS DECCIO, HAUGEN AND ROSSI - 3.

SECOND READING

HOUSE BILL NO. 1567, BY REPRESENTATIVES FISHER, HANKINS, LOVICK AND MITCHELL (BY REQUEST OF DEPARTMENT OF LICENSING)

INCREASING THE PENALTY FOR INTENTIONAL MISUSE OF ABSTRACTS OF DRIVING RECORDS.

THE BILL WAS READ THE SECOND TIME.

MOTIONS

ON MOTION OF SENATOR GARDNER, THE FOLLOWING STRIKING AMENDMENT BY SENATOR HAUGEN WAS ADOPTED:
STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"Sec. 1. RCW 46.52.130 AND 1998 c 165 s 11 ARE EACH AMENDED TO READ AS FOLLOWS:

A CERTIFIED ABSTRACT OF THE DRIVING RECORD SHALL BE FURNISHED ONLY TO THE INDIVIDUAL NAMED IN THE ABSTRACT, AN EMPLOYER OR PROSPECTIVE EMPLOYER OR AN AGENT ACTING ON BEHALF OF AN EMPLOYER OR PROSPECTIVE EMPLOYER, THE INSURANCE CARRIER THAT HAS INSURANCE IN EFFECT COVERING THE EMPLOYER OR A PROSPECTIVE EMPLOYER, THE INSURANCE CARRIER THAT HAS INSURANCE IN EFFECT COVERING THE NAMED INDIVIDUAL, THE INSURANCE CARRIER TO WHICH THE NAMED INDIVIDUAL HAS APPLIED, AN ALCOHOL/DRUG ASSESSMENT OR TREATMENT AGENCY APPROVED BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, TO WHICH THE NAMED INDIVIDUAL HAS APPLIED OR BEEN ASSIGNED FOR EVALUATION OR TREATMENT, OR CITY AND COUNTY PROSECUTING ATTORNEYS. CITY ATTORNEYS AND COUNTY PROSECUTING ATTORNEYS MAY PROVIDE THE DRIVING RECORD TO ALCOHOL/DRUG ASSESSMENT OR TREATMENT AGENCIES APPROVED BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES TO WHICH THE NAMED INDIVIDUAL HAS APPLIED OR BEEN ASSIGNED FOR EVALUATION OR TREATMENT. THE DIRECTOR, UPON PROPER REQUEST, SHALL FURNISH A CERTIFIED ABSTRACT

COVERING THE PERIOD OF NOT MORE THAN THE LAST THREE YEARS TO INSURANCE COMPANIES. UPON PROPER REQUEST, THE DIRECTOR SHALL FURNISH A CERTIFIED ABSTRACT COVERING A PERIOD OF NOT MORE THAN THE LAST FIVE YEARS TO STATE APPROVED ALCOHOL/DRUG ASSESSMENT OR TREATMENT AGENCIES, EXCEPT THAT THE CERTIFIED ABSTRACT SHALL ALSO INCLUDE RECORDS OF ALCOHOL-RELATED OFFENSES AS DEFINED IN RCW 46.01.260(2) COVERING A PERIOD OF NOT MORE THAN THE LAST TEN YEARS. UPON PROPER REQUEST, A CERTIFIED ABSTRACT OF THE FULL DRIVING RECORD MAINTAINED BY THE DEPARTMENT SHALL BE FURNISHED TO A CITY OR COUNTY PROSECUTING ATTORNEY, TO THE INDIVIDUAL NAMED IN THE ABSTRACT OR TO AN EMPLOYER OR PROSPECTIVE EMPLOYER OR AN AGENT ACTING ON BEHALF OF AN EMPLOYER OR PROSPECTIVE EMPLOYER OF THE NAMED INDIVIDUAL. THE ABSTRACT, WHENEVER POSSIBLE, SHALL INCLUDE AN ENUMERATION OF MOTOR VEHICLE ACCIDENTS IN WHICH THE PERSON WAS DRIVING; THE TOTAL NUMBER OF VEHICLES INVOLVED; WHETHER THE VEHICLES WERE LEGALLY PARKED OR MOVING; WHETHER THE VEHICLES WERE OCCUPIED AT THE TIME OF THE ACCIDENT; WHETHER THE ACCIDENT RESULTED IN ANY FATALITY; ANY REPORTED CONVICTIONS, FORFEITURES OF BAIL, OR FINDINGS THAT AN INFRACTION WAS COMMITTED BASED UPON A VIOLATION OF ANY MOTOR VEHICLE LAW; AND THE STATUS OF THE PERSON'S DRIVING PRIVILEGE IN THIS STATE. THE ENUMERATION SHALL INCLUDE ANY REPORTS OF FAILURE TO APPEAR IN RESPONSE TO A TRAFFIC CITATION OR FAILURE TO RESPOND TO A NOTICE OF INFRACTION SERVED UPON THE NAMED INDIVIDUAL BY AN ARRESTING OFFICER. CERTIFIED ABSTRACTS FURNISHED TO PROSECUTORS AND ALCOHOL/DRUG ASSESSMENT OR TREATMENT AGENCIES SHALL ALSO INDICATE WHETHER A RECORDED VIOLATION IS AN ALCOHOL-RELATED OFFENSE AS DEFINED IN RCW 46.01.260(2) THAT WAS ORIGINALLY CHARGED AS ONE OF THE ALCOHOL-RELATED OFFENSES DESIGNATED IN RCW 46.01.260(2)(b)(i).

THE ABSTRACT PROVIDED TO THE INSURANCE COMPANY SHALL EXCLUDE ANY INFORMATION, EXCEPT THAT RELATED TO THE COMMISSION OF MISDEMEANORS OR FELONIES BY THE INDIVIDUAL, PERTAINING TO LAW ENFORCEMENT OFFICERS OR FIRE FIGHTERS AS DEFINED IN RCW 41.26.030, OR ANY OFFICER OF THE WASHINGTON STATE PATROL, WHILE DRIVING OFFICIAL VEHICLES IN THE PERFORMANCE OF OCCUPATIONAL DUTY. THE ABSTRACT PROVIDED TO THE INSURANCE COMPANY SHALL INCLUDE CONVICTIONS FOR RCW 46.61.5249 AND 46.61.525 EXCEPT THAT THE ABSTRACT SHALL REPORT THEM ONLY AS NEGLIGENT DRIVING WITHOUT REFERENCE TO WHETHER THEY ARE FOR FIRST OR SECOND DEGREE NEGLIGENT DRIVING. THE ABSTRACT PROVIDED TO THE INSURANCE COMPANY SHALL EXCLUDE ANY DEFERRED PROSECUTION UNDER RCW 10.05.060, EXCEPT THAT IF A PERSON IS REMOVED FROM A DEFERRED PROSECUTION UNDER RCW 10.05.090, THE ABSTRACT SHALL SHOW THE DEFERRED PROSECUTION AS WELL AS THE REMOVAL.

THE DIRECTOR SHALL COLLECT FOR EACH ABSTRACT THE SUM OF FOUR DOLLARS AND FIFTY CENTS WHICH SHALL BE DEPOSITED IN THE HIGHWAY SAFETY FUND.

ANY INSURANCE COMPANY OR ITS AGENT RECEIVING THE CERTIFIED ABSTRACT SHALL USE IT EXCLUSIVELY FOR ITS OWN UNDERWRITING PURPOSES AND SHALL NOT DIVULGE ANY OF THE INFORMATION CONTAINED IN IT TO A THIRD PARTY. NO POLICY OF INSURANCE MAY BE CANCELED, NONRENEWED, DENIED, OR HAVE THE RATE INCREASED ON THE BASIS OF SUCH INFORMATION UNLESS THE POLICYHOLDER WAS DETERMINED TO BE AT FAULT. NO INSURANCE COMPANY OR ITS AGENT FOR UNDERWRITING PURPOSES RELATING TO THE OPERATION OF COMMERCIAL MOTOR VEHICLES MAY USE ANY INFORMATION CONTAINED IN THE ABSTRACT RELATIVE TO ANY PERSON'S OPERATION OF MOTOR VEHICLES WHILE NOT ENGAGED IN SUCH EMPLOYMENT, NOR MAY ANY INSURANCE COMPANY OR ITS AGENT FOR UNDERWRITING PURPOSES RELATING TO THE OPERATION OF NONCOMMERCIAL MOTOR VEHICLES USE ANY INFORMATION CONTAINED IN THE ABSTRACT RELATIVE TO ANY PERSON'S OPERATION OF COMMERCIAL MOTOR VEHICLES.

ANY EMPLOYER OR PROSPECTIVE EMPLOYER OR AN AGENT ACTING ON BEHALF OF AN EMPLOYER OR PROSPECTIVE EMPLOYER RECEIVING THE CERTIFIED ABSTRACT SHALL USE IT EXCLUSIVELY FOR HIS OR HER OWN PURPOSE TO DETERMINE WHETHER THE LICENSEE SHOULD BE PERMITTED TO OPERATE A COMMERCIAL VEHICLE OR SCHOOL BUS UPON THE PUBLIC HIGHWAYS OF THIS STATE AND SHALL NOT DIVULGE ANY INFORMATION CONTAINED IN IT TO A THIRD PARTY.

ANY ALCOHOL/DRUG ASSESSMENT OR TREATMENT AGENCY APPROVED BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES RECEIVING THE CERTIFIED ABSTRACT SHALL USE IT EXCLUSIVELY FOR THE PURPOSE OF ASSISTING ITS EMPLOYEES IN MAKING A DETERMINATION AS TO WHAT LEVEL OF TREATMENT, IF ANY, IS APPROPRIATE. THE AGENCY, OR ANY OF ITS EMPLOYEES, SHALL NOT DIVULGE ANY INFORMATION CONTAINED IN THE ABSTRACT TO A THIRD PARTY.

RELEASE OF A CERTIFIED ABSTRACT OF THE DRIVING RECORD OF AN EMPLOYEE OR PROSPECTIVE EMPLOYEE REQUIRES A STATEMENT SIGNED BY: (1) THE EMPLOYEE OR PROSPECTIVE EMPLOYEE THAT AUTHORIZES THE RELEASE OF THE RECORD, AND (2) THE EMPLOYER ATTESTING THAT THE INFORMATION IS NECESSARY TO DETERMINE WHETHER THE LICENSEE SHOULD BE EMPLOYED TO OPERATE A COMMERCIAL VEHICLE OR SCHOOL BUS UPON THE PUBLIC HIGHWAYS OF THIS STATE. IF THE EMPLOYER OR PROSPECTIVE EMPLOYER AUTHORIZES AN AGENT TO OBTAIN THIS INFORMATION ON THEIR BEHALF, THIS MUST BE NOTED IN THE STATEMENT.

ANY NEGLIGENT VIOLATION OF THIS SECTION IS A GROSS MISDEMEANOR.

ANY INTENTIONAL VIOLATION OF THIS SECTION IS A CLASS C FELONY."

MOTIONS

ON MOTION OF SENATOR GARDNER, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON LINE 2 OF THE TITLE, AFTER "RECORDS;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 46.52.130; AND PRESCRIBING PENALTIES."

ON MOTION OF SENATOR GARDNER, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1567, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1567, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1567, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 45; NAYS, 1; ABSENT, 0; EXCUSED, 3.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG,

McAULIFFE, McCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST AND WINSLEY - 45.

VOTING NAY: SENATOR ZARELLI - 1.

EXCUSED: SENATORS DECCIO, HAUGEN AND ROSSI - 3.

HOUSE BILL NO. 1567, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1369, BY REPRESENTATIVES ESSER, McDERMOTT AND LOVICK (BY REQUEST OF OFFICE OF THE CODE REVISER)

MAKING TECHNICAL CORRECTIONS TO CHAPTER 19.28 RCW, ELECTRICIANS AND ELECTRICAL INSTALLATIONS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR PRENTICE, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1369 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1369.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1369 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 46; NAYS, 0; ABSENT, 0; EXCUSED, 3.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, McAULIFFE, McCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 46.

EXCUSED: SENATORS DECCIO, HAUGEN AND ROSSI - 3.

HOUSE BILL NO. 1369, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1045, BY REPRESENTATIVES CONWAY, DELVIN, DOUMIT, BARLEAN, H. SOMMERS, LAMBERT, ALEXANDER, KAGI, O'BRIEN, McINTIRE, HURST, HATFIELD, HAIGH, KENNEY, EDMONDS, KEISER AND VAN LUVEN (BY REQUEST OF JOINT COMMITTEE ON PENSION POLICY)

REDUCING THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2 DISABILITY ACTUARIAL REDUCTION AGE FROM FIFTY-FIVE TO FIFTY-THREE.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR CONSTANTINE, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1045 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1045.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1045 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 45; NAYS, 0; ABSENT, 1; EXCUSED, 3.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 45.

ABSENT: SENATOR McAULIFFE - 1.

EXCUSED: SENATORS DECCIO, HAUGEN AND ROSSI - 3.

HOUSE BILL NO. 1045, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5613, BY SENATORS RASMUSSEN AND SPANEL

CREATING THE SMALL FARM DIRECT MARKETING ASSISTANCE PROGRAM.

THE BILL WAS READ THE SECOND TIME.

MOTION

SENATOR RASMUSSEN MOVED THAT THE FOLLOWING AMENDMENTS BY SENATORS RASMUSSEN, GARDNER, SWECKER, SPANEL, KASTAMA AND ZARELLI BE ADOPTED:

ON PAGE 3, AFTER LINE 3, INSERT THE FOLLOWING:

"NEW SECTION. Sec. 4. THE PURPOSE OF THIS CHAPTER IS TO PROVIDE FOR THE FAIR AND ORDERLY MARKETING OF RED RASPBERRIES IN THE STATE OF WASHINGTON BY ESTABLISHING UNIFORM GRADES AND STANDARDS FOR RED RASPBERRIES DESTINED FOR FREEZING, PUREE, JUICE STOCK, AND OTHER PROCESSING USES. THIS CHAPTER IS VITAL TO PROTECTING THE NATIONAL AND INTERNATIONAL REPUTATION OF RED RASPBERRY PRODUCTS GROWN AND PROCESSED IN THIS STATE, PROTECTING CONSUMERS FROM THE SALE OF INFERIOR AND MISREPRESENTED RED RASPBERRY PRODUCTS, AND INCREASING THE ECONOMIC VIABILITY AND PROFITABILITY OF FARMS THAT PRODUCE RED RASPBERRIES. THIS CHAPTER IS ENACTED IN THE EXERCISE OF THE POLICE POWER OF THIS STATE FOR THE PURPOSE OF PROTECTING THE IMMEDIATE AND FUTURE HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITIZENS OF THIS STATE.

NEW SECTION. Sec. 5. THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS CHAPTER UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE.

(1) "CONTAINERS" INCLUDES PAILS, TRAYS, BARRELS, DRUMS, TANKS, TRANSPORT VESSELS, OR OTHER BULK CONTAINERS USED TO STORE OR CONTAIN RED RASPBERRIES INTENDED FOR FURTHER PROCESSING.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE OF THE STATE OF WASHINGTON.

(3) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR THE DIRECTOR'S DULY AUTHORIZED REPRESENTATIVE.

(4) "EQUIVALENT" MEANS THAT RED RASPBERRIES GROWN OUTSIDE OF THE STATE OF WASHINGTON OR IMPORTED FROM OTHER COUNTRIES MEET OR EXCEED THE HANDLING AND GRADE STANDARDS OF THE STATE OR COUNTRY WHERE THEY WERE GROWN AND THAT THOSE STANDARDS SATISFY THE REQUIREMENTS SET FORTH IN SECTION 6 OF THIS ACT, OR THAT THE RED RASPBERRIES HAVE BEEN DETERMINED TO MEET THE REQUIREMENTS OF SECTION 6 OF THIS ACT USING ONE OF THE METHODS SET FORTH IN SECTION 9 OF THIS ACT. "EQUIVALENT" DOES NOT MEAN THAT THE HANDLING AND GRADE STANDARDS BE IDENTICAL, ONLY THAT THE SAME OR A SIMILAR MEASURE OF QUALITY BE ACHIEVED USING EITHER SET OF STANDARDS.

(5) "FACILITY" MEANS, BUT IS NOT LIMITED TO, THE PREMISES WHERE RED RASPBERRIES ARE GROWN, STORED, HANDLED, DELIVERED, OR PROCESSED FOR SALE OR TRANSPORTATION, OR WHERE RECORDS REQUIRED BY RULE UNDER THIS CHAPTER ARE STORED OR KEPT, AND ALL VEHICLES AND EQUIPMENT USED TO TRANSPORT RED RASPBERRIES.

(6) "GRADED" MEANS RED RASPBERRIES THAT HAVE BEEN VISUALLY INSPECTED AND DETERMINED TO MEET THE STANDARDS SET FORTH IN SECTION 6 OF THIS ACT.

(7) "JUICE STOCK RED RASPBERRIES" MEANS ANY RED RASPBERRIES DESTINED FOR THE PRODUCTION OF RED RASPBERRY JUICE, RED RASPBERRY JUICE CONCENTRATE, OR ANY OTHER PRODUCT LISTED IN SECTION 11 OF THIS ACT. WASHINGTON NO. 1 PROCESSING GRADE RED RASPBERRIES AS DEFINED IN THIS CHAPTER OR UNCLASSIFIED RED RASPBERRIES MAY BE USED FOR JUICE STOCK.

(8) "PASTEURIZED" MEANS THE PRODUCT HAS BEEN SUBJECTED TO HEAT OR OTHER APPROVED TREATMENT SUFFICIENT TO KILL HARMFUL MICROORGANISMS.

(9) "PERSON" MEANS ANY INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION, COMPANY, OR ASSOCIATION, AND EVERY OFFICER, AGENT, OR EMPLOYEE THEREOF.

(10) "SERIOUS DAMAGE" MEANS ANY DEFECT, OR ANY COMBINATION OF DEFECTS, THAT SERIOUSLY DETRACT FROM THE APPEARANCE OR THE EDIBLE OR MARKETING QUALITY OF THE RED RASPBERRY. RED RASPBERRIES THAT ARE BADLY DEFORMED, LEAKY, MOLDY, DECAYED, OR FROM WHICH THE CORE HAS NOT BEEN REMOVED ARE CONSIDERED SERIOUSLY DAMAGED.

(11) "ULTRAFILTRATION" MEANS FILTERING TO A VERY HIGH LEVEL SUFFICIENT TO REMOVE FOREIGN MATERIAL INCLUDING MICROORGANISMS AND MOLD FROM THE PRODUCT.

(12) "WASHINGTON NO. 1 PROCESSING GRADE RED RASPBERRIES" MEANS THOSE RASPBERRIES THAT MEET THE REQUIREMENTS OF SECTION 6 OF THIS ACT.

(13) "WELL-COLORED" MEANS THAT THE WHOLE SURFACE OF THE RED RASPBERRY SHOWS A COLOR CHARACTERISTIC OF A MATURE RED RASPBERRY.

(14) "WELL-DEVELOPED" MEANS THAT THE RED RASPBERRY IS NOT MISSHAPEN BECAUSE OF ANTHRACNOSE INJURY, FROST INJURY, LACK OF POLLINATION, INSECT INJURY, OR OTHER CAUSES.

NEW SECTION. Sec. 6. (1) TO QUALIFY FOR THE WASHINGTON NO. 1 PROCESSING GRADE, RED RASPBERRIES MUST BE WASHED, OR CLEANED AS NECESSARY, SORTED, AND GRADED AT A LICENSED FOOD PROCESSING FACILITY AND MUST MEET THE FOLLOWING STANDARDS:

- (A) THE RED RASPBERRIES MUST BE WELL-COLORED AND WELL-DEVELOPED;
- (B) THE RED RASPBERRIES MUST BE FREE FROM CORES, MOLD, DECAY, DIRT, LEAVES, OR OTHER FOREIGN MATERIAL;
- (C) THE RED RASPBERRIES MUST NOT BE SERIOUSLY DAMAGED BY SHRIVELING, MOISTURE, DISEASE, OR INSECTS; AND
- (D) THE RED RASPBERRIES MUST NOT HAVE MORE THAN EIGHT OF TWENTY-FIVE FIELDS WITH MOLD HYPHAE AS DETERMINED BY

THE HOWARD MOLD COUNT, OR EQUIVALENT ANALYSIS.

(2) NOT MORE THAN TEN PERCENT BY VOLUME OF THE RED RASPBERRIES IN ANY LOT MAY FAIL TO MEET THE REQUIREMENTS FOR WASHINGTON No. 1 PROCESSING GRADE, AS REQUIRED BY SUBSECTION (1) OF THIS SECTION, BECAUSE OF SERIOUS DAMAGE BY ANY CAUSE, AND NOT MORE THAN TWO PERCENT MAY BE AFFECTED BY MOLD OR DECAY. INDIVIDUAL SAMPLES MAY CONTAIN NOT MORE THAN ONE AND ONE-HALF TIMES THIS TOLERANCE, EVEN IF THE AVERAGE OF ALL THE SAMPLES FROM THE LOT ARE WITHIN THIS SPECIFIED TOLERANCE.

NEW SECTION. Sec. 7. UNCLASSIFIED RED RASPBERRIES ARE THOSE THAT:

- (1) FAIL TO MEET THE WASHINGTON No. 1 PROCESSING GRADE STANDARDS;
- (2) ARE NOT GRADED; OR
- (3) ARE IN UNMARKED CONTAINERS.

THE TERM "UNCLASSIFIED" MEANS NO GRADE HAS BEEN APPLIED TO THE LOT.

NEW SECTION. Sec. 8. MARKING REQUIREMENTS FOR RED RASPBERRY CONTAINERS ARE AS FOLLOWS:

(1) WASHINGTON No. 1 PROCESSING GRADE RED RASPBERRY CONTAINERS MAY BE MARKED WITH THE NAME AND ADDRESS OF THE GROWER, PACKER, OR SHIPPER, AND MUST BE PROMINENTLY MARKED WITH THE GRADE "WASHINGTON No. 1 PROCESSING GRADE RED RASPBERRIES."

(2) ANY COMBINATION OF WASHINGTON No. 1 PROCESSING GRADE RED RASPBERRIES AND UNCLASSIFIED RED RASPBERRIES MUST BE IN CONTAINERS PROMINENTLY MARKED "JUICE STOCK RED RASPBERRIES."

(3) UNCLASSIFIED RED RASPBERRIES MUST BE IN CONTAINERS THAT ARE PROMINENTLY MARKED "JUICE STOCK RED RASPBERRIES."

NEW SECTION. Sec. 9. WASHINGTON No. 1 PROCESSING GRADE RED RASPBERRIES MAY BE USED OR SOLD FOR STRAIGHT PACK, INDIVIDUALLY QUICK FROZEN, PUREE STOCK, PUREE CONCENTRATE, JUICE, JUICE CONCENTRATE, OR FOR ANY OTHER TYPE OF USE.

NEW SECTION. Sec. 10. RED RASPBERRY PUREE STOCK MUST BE RED RASPBERRIES THAT MEET WASHINGTON No. 1 PROCESSING GRADE STANDARDS AND HAVE BEEN GRADED AND CLEANED, WASHED, AND SORTED IN A LICENSED FOOD PROCESSING FACILITY TO REMOVE HARMFUL OR FOREIGN MATERIAL.

NEW SECTION. Sec. 11. PRODUCT DESIGNATED OR MARKED AS "JUICE STOCK RED RASPBERRIES" MUST BE USED AND SOLD ONLY FOR PROCESSING INTO WINE, ULTRAFILTERED, OR PASTEURIZED JUICE PRODUCTS OR JUICE CONCENTRATE FILTERED SUFFICIENTLY TO REMOVE FOREIGN MATERIAL INCLUDING MOLD FROM THE PRODUCT, OR FOR DISTILLING.

NEW SECTION. Sec. 12. RED RASPBERRIES DESIGNATED OR MARKED AS "JUICE STOCK RED RASPBERRIES" MAY NOT BE SOLD OR USED TO PRODUCE PUREE, PUREE CONCENTRATE, OR ANY RED RASPBERRY PRODUCTS OTHER THAN THOSE DESIGNATED IN SECTION 11 OF THIS ACT.

NEW SECTION. Sec. 13. (1) RED RASPBERRIES GROWN OUTSIDE OF THE STATE OF WASHINGTON OR IMPORTED FROM OTHER COUNTRIES ARE DEEMED EQUIVALENT TO WASHINGTON No. 1 PROCESSING GRADE RED RASPBERRIES WHEN:

(A) THE OTHER STATE OR COUNTRY HAS GRADING STANDARDS OR REQUIREMENTS FOR RED RASPBERRIES, THOSE GRADING STANDARDS OR REQUIREMENTS HAVE BEEN REVIEWED BY THE DEPARTMENT AND A WRITTEN DETERMINATION HAS BEEN MADE BY THE DEPARTMENT THAT THOSE GRADING STANDARDS OR REQUIREMENTS MEET OR EXCEED THE STANDARDS SET FORTH IN SECTION 6 OF THIS ACT, AND THE RED RASPBERRIES GROWN OUT OF STATE OR IMPORTED ARE ACCOMPANIED BY DOCUMENTS THAT CERTIFY THAT THE RED RASPBERRIES HAVE BEEN DETERMINED BY A GOVERNMENT INSPECTION AUTHORITY OR COMPETENT THIRD PARTY TO MEET OR EXCEED THOSE STANDARDS;

(B) THE RED RASPBERRIES ARE OBTAINED FROM A STATE OR COUNTRY THAT HAS AN ACTIVE MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT THAT COVERS THE INSPECTION AND GRADING OF RED RASPBERRIES, AND THE RED RASPBERRIES GROWN OUT OF STATE OR BEING IMPORTED ARE ACCOMPANIED BY DOCUMENTS FROM A GOVERNMENT INSPECTION AUTHORITY OR COMPETENT THIRD PARTY THAT STATE THAT THE RED RASPBERRIES MEET OR EXCEED THE GRADING STANDARDS SET FORTH IN SECTION 6 OF THIS ACT;

(C) THE RED RASPBERRIES ARE OBTAINED FROM A GROWER, PROCESSOR, SUPPLIER, OR EXPORTER WHO PROVIDES CONTINUING OR LOT SPECIFIC INSPECTIONS AND DOCUMENTATION, AND VERIFICATION FROM A COMPETENT THIRD PARTY THAT THE RED RASPBERRIES MEET OR EXCEED THE GRADE STANDARDS SET FORTH IN SECTION 6 OF THIS ACT; OR

(D) THE DIRECTOR, AT THE REQUEST OF A THIRD PARTY OR ON THE DIRECTOR'S OWN INITIATIVE, HAS DETERMINED IN WRITING THAT THE RED RASPBERRIES OBTAINED FROM A PARTICULAR SOURCE, ON A LOT SPECIFIC OR A CONTINUING BASIS, MEET OR EXCEED THE GRADE STANDARDS SET FORTH IN SECTION 6 OF THIS ACT.

(2) THE DOCUMENTATION ACCOMPANYING RED RASPBERRIES GROWN OUTSIDE OF THE STATE OR IMPORTED FROM ANOTHER COUNTRY MUST SHOW THAT THE RED RASPBERRIES HAVE UNDERGONE INSPECTION, MEET ONE OF THE CRITERIA SPECIFIED IN SUBSECTION (1)(A) THROUGH (D) OF THIS SECTION, AND MUST BE IN ENGLISH.

NEW SECTION. Sec. 14. ANY RED RASPBERRIES OR RED RASPBERRY PRODUCTS THAT ARE ADULTERATED, AS PROVIDED UNDER RCW 69.04.210, INCLUDING THROUGH THE DELIBERATE ADDITION OF MOLDY PRODUCT, OR ANY RED RASPBERRIES OR RED RASPBERRY PRODUCTS CONTAINING UNACCEPTABLE LEVELS OF FILTH OR MOLD, MAY NOT BE SOLD OR PROCESSED FOR ANY PURPOSE.

NEW SECTION. Sec. 15. THIS CHAPTER DOES NOT APPLY TO:

- (1) RED RASPBERRIES HARVESTED BEFORE JUNE 2001; OR
- (2) RED RASPBERRIES DESTINED FOR FRESH MARKET.

NEW SECTION. Sec. 16. THE DIRECTOR SHALL ENFORCE AND CARRY OUT THE PROVISIONS OF THIS CHAPTER AND MAY ADOPT THE NECESSARY RULES TO CARRY OUT ITS PURPOSE. CHAPTER 34.05 RCW GOVERNS THE RIGHTS, REMEDIES, AND PROCEDURES RESPECTING THE ADMINISTRATION OF THIS CHAPTER.

NEW SECTION. Sec. 17. IN ADDITION TO THE POWERS CONFERRED ON THE DIRECTOR UNDER THIS CHAPTER, THE DIRECTOR HAS THE POWER TO ADOPT:

- (1) RULES ESTABLISHING RECORDKEEPING REQUIREMENTS; AND
- (2) ANY OTHER RULE NECESSARY TO IMPLEMENT THIS CHAPTER.

NEW SECTION. Sec. 18. THE DIRECTOR MAY ADOPT RULES ESTABLISHING FEES TO RECOVER THE COSTS OF ADMINISTERING THIS CHAPTER. ALL MONEYS COLLECTED UNDER THIS CHAPTER SHALL BE PAID TO THE DIRECTOR, DEPOSITED IN AN ACCOUNT WITHIN THE

AGRICULTURAL LOCAL FUND CREATED IN RCW 43.23.230, AND USED SOLELY FOR CARRYING OUT THE PURPOSES OF THIS CHAPTER AND RULES ADOPTED UNDER THIS CHAPTER.

NEW SECTION. Sec. 19. THE DIRECTOR MAY ENTER AT REASONABLE TIMES AS DETERMINED BY THE DIRECTOR AND INSPECT ANY FACILITY AND ANY RECORDS REQUIRED UNDER THIS CHAPTER. THE DIRECTOR MAY TAKE FOR INSPECTION THOSE REPRESENTATIVE SAMPLES OF RED RASPBERRIES NECESSARY TO DETERMINE WHETHER OR NOT THIS CHAPTER OR RULES ADOPTED UNDER THIS CHAPTER HAVE BEEN VIOLATED. IF THE DIRECTOR IS DENIED ACCESS TO ANY FACILITY OR RECORDS, THE DIRECTOR MAY APPLY TO A COURT OF COMPETENT JURISDICTION FOR A SEARCH WARRANT AUTHORIZING ACCESS TO THE FACILITY OR RECORDS. THE COURT MAY UPON SUCH AN APPLICATION ISSUE A SEARCH WARRANT FOR THE PURPOSE REQUESTED.

NEW SECTION. Sec. 20. THE DIRECTOR MAY BRING AN ACTION TO ENJOIN ANY VIOLATION OF THIS CHAPTER OR RULE ADOPTED UNDER THIS CHAPTER IN THE SUPERIOR COURT OF THURSTON COUNTY OR OF ANY COUNTY IN WHICH A VIOLATION OCCURS, NOTWITHSTANDING THE EXISTENCE OF OTHER REMEDIES AT LAW.

NEW SECTION. Sec. 21. THE DIRECTOR MAY COOPERATE WITH AND ENTER INTO AGREEMENTS WITH GOVERNMENTAL AGENCIES OF THIS STATE, OTHER STATES, AND AGENCIES OF THE FEDERAL GOVERNMENT IN ORDER TO CARRY OUT THE PURPOSE AND PROVISIONS OF THIS CHAPTER.

NEW SECTION. Sec. 22. IT IS UNLAWFUL FOR A PERSON TO SELL, OFFER FOR SALE, HOLD FOR SALE, OR SHIP OR TRANSPORT RED RASPBERRIES IN VIOLATION OF THIS CHAPTER OR RULES ADOPTED UNDER THIS CHAPTER.

NEW SECTION. Sec. 23. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS CHAPTER OR RULES ADOPTED UNDER THIS CHAPTER MAY BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH VIOLATION.

NEW SECTION. Sec. 24. THE PROVISIONS OF THIS CHAPTER ARE CUMULATIVE AND NONEXCLUSIVE AND DO NOT AFFECT ANY OTHER REMEDY.

NEW SECTION. Sec. 25. SECTIONS 4 THROUGH 24 OF THIS ACT CONSTITUTE A NEW CHAPTER IN TITLE 15 RCW.

NEW SECTION. Sec. 26. IF ANY PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE REMAINDER OF THE ACT OR THE APPLICATION OF THE PROVISION TO OTHER PERSONS OR CIRCUMSTANCES IS NOT AFFECTED.

NEW SECTION. Sec. 27. THIS ACT IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY, OR SUPPORT OF THE STATE GOVERNMENT AND ITS EXISTING PUBLIC INSTITUTIONS, AND TAKES EFFECT JUNE 1, 2001."

POINT OF ORDER

SENATOR HONEYFORD: "A POINT OF ORDER, MR. PRESIDENT. THE STRIKING AMENDMENT BY SENATORS RASMUSSEN, GARDNER, SWECKER, SPANEL, KASTAMA AND ZARELLI CHANGES THE SCOPE AND OBJECT OF THE UNDERLYING BILL, SENATE BILL No. 5613, AND THEREFORE I REQUEST A RULING ON THE SCOPE AND OBJECT. THE UNDERLYING BILL IS REALLY A SIMPLE BILL WITH THREE SECTIONS THAT ESTABLISH A FARM DIRECT MARKETING PROGRAM WITHIN THE DEPARTMENT OF AGRICULTURE. IN CONTRAST, YOU LOOK AT THE STRIKING AMENDMENT AND IT DEALS EXCLUSIVELY WITH REGULATORY PROVISIONS FOR RED RASPBERRIES. THE UNDERLYING BILL MAKES NO MENTION OF RED RASPBERRIES. THIS AMENDMENT ATTEMPTS TO ADD ON TWENTY-FOURS SECTIONS, WHICH SPECIFICALLY ADDRESS REGULATORY REQUIREMENTS FOR RED RASPBERRIES. IN ADDITION, THE AMENDMENT MAKES NO MENTION OF THE DIRECT MARKETING ASSISTANCE PROGRAM, THE SUBJECT OF THE BILL. GIVEN THE AMENDMENT AND THE EXPANSION OF THE BILL, I BELIEVE THE STRIKING AMENDMENT CHANGES THE SCOPE AND OBJECT OF THE UNDERLYING BILL IN VIOLATION OF SENATE RULE 66."

DEBATE ENSUED.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, FURTHER CONSIDERATION OF SENATE BILL No. 5613 WAS DEFERRED.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1445, BY HOUSE COMMITTEE ON FINANCE (ORIGINALLY SPONSORED BY REPRESENTATIVES KESSLER, LAMBERT, OGDEN, EDMONDS, KAGI, DICKERSON, JACKLEY, FROMHOLD, KEISER, VELORIA, MILOSCIA, CODY AND McDERMOTT) (BY REQUEST OF STATE TREASURER MURPHY)

RETAINING THE LINKED DEPOSIT PROGRAM.

THE BILL WAS READ THE SECOND TIME.

MOTION

SENATOR BENTON MOVED THAT THE FOLLOWING AMENDMENTS BY SENATOR ZARELLI BE CONSIDERED SIMULTANEOUSLY BE ADOPTED:

ON PAGE 2, LINE 33, STRIKE "OR CULTURAL BIAS"

ON PAGE 2, LINE 34, AFTER "MEMBER OF A", INSERT "PARTICULAR RACIAL OR ETHNIC"

ON PAGE 2, LINE 37, STRIKE "THAT ARE UNDER THE AGE OF TWENTY-FIVE"

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENTS BY SENATOR ZARELLI ON PAGE 2, LINES 33, 34, AND 37, TO SECOND SUBSTITUTE HOUSE BILL No. 1445.

THE MOTION BY SENATOR BENTON FAILED AND THE AMENDMENTS WERE NOT ADOPTED.

MOTION

ON MOTION OF SENATOR PRENTICE, THE RULES WERE SUSPENDED, SECOND SUBSTITUTE HOUSE BILL NO. 1445 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE. DEBATE ENSUED.

SENATORS SNYDER, PRENTICE AND BETTI SHELDON DEMANDED THE PREVIOUS QUESTION AND THE DEMAND WAS SUSTAINED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE SHALL THE MAIN QUESTION BE NOT PUT.

THE DEMAND FOR THE PREVIOUS QUESTION CARRIED ON A RISING VOTE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SECOND SUBSTITUTE HOUSE BILL NO. 1445.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SECOND SUBSTITUTE HOUSE BILL NO. 1445 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 26; NAYS, 21; ABSENT, 0; EXCUSED, 2.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HARGROVE, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, MCAULIFFE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, THIBAudeau AND WINSLEY - 26.

VOTING NAY: SENATORS BENTON, FINKBEINER, HALE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JOHNSON, LONG, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, ROACH, ROSSI, SHEAHAN, STEVENS, SWECKER, WEST AND ZARELLI - 21.

EXCUSED: SENATORS DECCIO AND HAUGEN - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1445, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SENATE BILL NO. 5419, BY SENATORS PATTERSON, LONG, HARGROVE, KLINE, WINSLEY AND KOHL-WELLES

PROVIDING CHEMICAL DEPENDENCY TREATMENT FOR CERTAIN OFFENDERS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR KLINE, SECOND SUBSTITUTE SENATE BILL NO. 5419 WAS SUBSTITUTED FOR SENATE BILL NO. 5419 AND THE SECOND SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

SENATOR HARGROVE MOVED THAT, THE FOLLOWING STRIKING AMENDMENT BY SENATORS HARGROVE, LONG, PATTERSON, KLINE AND BROWN BE ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"NEW SECTION. Sec. 1. THE LEGISLATURE FINDS THAT COMMUNITY SAFETY AND HEALTH ARE PROMOTED AND TAX DOLLARS ARE SAVED WHEN OFFENDERS WHO ABUSE DRUGS ARE PROVIDED WITH EFFECTIVE TREATMENT PROGRAMS. THE LEGISLATURE FURTHER FINDS THAT APPROPRIATE SUBSTANCE ABUSE TREATMENT IS EFFECTIVE, BUT THAT ADULT OFFENDERS WITH SUBSTANCE ABUSE PROBLEMS OFTEN DO NOT HAVE ACCESS TO THE TREATMENT NEEDED TO HELP THEM LIVE HEALTHIER, MORE STABLE, AND PRODUCTIVE LIVES.

THE LEGISLATURE INTENDS TO INCREASE THE CAPACITY OF THE CRIMINAL JUSTICE SYSTEM TO PROVIDE ACCESS TO APPROPRIATE SUBSTANCE ABUSE TREATMENT, AT THE LOCAL LEVEL, FOR ALL TYPES OF OFFENDERS WHO ARE DIAGNOSED WITH AN ADDICTION OR A SUBSTANCE ABUSE PROBLEM THAT IF NOT TREATED WOULD RESULT IN ADDICTION. THE LEGISLATURE INTENDS TO FUND THE INCREASED ACCESS BY SENTENCING DRUG OFFENDERS COMMENSURATE TO THE SERIOUSNESS OF THEIR OFFENSES WHILE CONTINUING TO PUNISH OFFENDERS WHO MANUFACTURE METHAMPHETAMINE OR SELL DRUGS FOR PROFIT AT CURRENT LEVELS.

IT IS THE INTENT OF THE LEGISLATURE TO ENSURE, AS MUCH AS POSSIBLE, THAT THE TREATMENT IS EFFECTIVE BY REQUIRING THE USE OF RESEARCH PROVEN AND APPROVED TREATMENT PROGRAMS UNDER CHAPTER 70.96A RCW. AT THE SAME TIME, THROUGH A DISTRIBUTION FORMULA AND GRANTS, THE LEGISLATURE INTENDS TO PROVIDE COUNTIES WITH THE FLEXIBILITY TO TAILOR THEIR APPROACH AND SEEK LOCAL SOLUTIONS TO TREATMENT ISSUES WHILE PROVIDING ADEQUATE OVERSIGHT TO MAKE SURE THAT FUNDS ARE EFFECTIVELY USED.

Sec. 2. RCW 9.94A.320 AND 2000 C 225 S 5, 2000 C 119 S 17, AND 2000 C 66 S 2 ARE EACH REENACTED AND AMENDED TO READ AS FOLLOWS:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI AGGRAVATED MURDER 1 (RCW 10.95.020)

XV HOMICIDE BY ABUSE (RCW 9A.32.055)

- MALICIOUS EXPLOSION 1 (RCW 70.74.280(1))
- MURDER 1 (RCW 9A.32.030)
- XIV MURDER 2 (RCW 9A.32.050)
- XIII MALICIOUS EXPLOSION 2 (RCW 70.74.280(2))
 - MALICIOUS PLACEMENT OF AN EXPLOSIVE 1 (RCW 70.74.270(1))
- XII ASSAULT 1 (RCW 9A.36.011)
 - ASSAULT OF A CHILD 1 (RCW 9A.36.120)
 - MALICIOUS PLACEMENT OF AN IMITATION DEVICE 1 (RCW 70.74.272(1)(A))
 - RAPE 1 (RCW 9A.44.040)
 - RAPE OF A CHILD 1 (RCW 9A.44.073)
- XI MANSLAUGHTER 1 (RCW 9A.32.060)
 - RAPE 2 (RCW 9A.44.050)
 - RAPE OF A CHILD 2 (RCW 9A.44.076)
- X CHILD MOLESTATION 1 (RCW 9A.44.083)
 - INDECENT LIBERTIES (WITH FORCIBLE COMPULSION) (RCW 9A.44.100(1)(A))
 - KIDNAPPING 1 (RCW 9A.40.020)
 - LEADING ORGANIZED CRIME (RCW 9A.82.060(1)(A))
 - MALICIOUS EXPLOSION 3 (RCW 70.74.280(3))
 - MANUFACTURE OF METHAMPHETAMINE (RCW 69.50.401(A)(1)(III))
 - OVER 18 AND DELIVER HEROIN, METHAMPHETAMINE, A NARCOTIC FROM SCHEDULE I OR II, OR FLUNITRAZEPAM FROM SCHEDULE IV TO SOMEONE UNDER 18 (RCW 69.50.406)
- IX ASSAULT OF A CHILD 2 (RCW 9A.36.130)
 - CONTROLLED SUBSTANCE HOMICIDE (RCW 69.50.415)
 - EXPLOSIVE DEVICES PROHIBITED (RCW 70.74.180)
 - HOMICIDE BY WATERCRAFT, BY BEING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG (RCW 79A.60.050)
 - INCITING CRIMINAL PROFITEERING (RCW 9A.82.060(1)(B))
 - MALICIOUS PLACEMENT OF AN EXPLOSIVE 2 (RCW 70.74.270(2))
 - OVER 18 AND DELIVER NARCOTIC FROM SCHEDULE III, IV, OR V OR A NONNARCOTIC, EXCEPT FLUNITRAZEPAM OR METHAMPHETAMINE, FROM SCHEDULE I-V TO SOMEONE UNDER 18 AND 3 YEARS JUNIOR (RCW 69.50.406)
 - ROBBERY 1 (RCW 9A.56.200)
 - SEXUAL EXPLOITATION (RCW 9.68A.040)
 - VEHICULAR HOMICIDE, BY BEING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG (RCW 46.61.520)
- VIII ARSON 1 (RCW 9A.48.020)
 - DELIVER OR POSSESS WITH INTENT TO DELIVER METHAMPHETAMINE (RCW 69.50.401(A)(1)(II))
 - HIT AND RUN--DEATH (RCW 46.52.020(4)(A))
 - HOMICIDE BY WATERCRAFT, BY THE OPERATION OF ANY VESSEL IN A RECKLESS MANNER (RCW 79A.60.050)
 - MANSLAUGHTER 2 (RCW 9A.32.070)
 - MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER AMPHETAMINE (RCW 69.50.401(A)(1)(II))
 - ~~((MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER HEROIN OR COCAINE (RCW 69.50.401(A)(1)(III)))~~
 - POSSESSION OF EPHEDRINE, PSEUDOEPHEDRINE, OR ANHYDROUS AMMONIA WITH INTENT TO MANUFACTURE METHAMPHETAMINE (RCW 69.50.440)
 - PROMOTING PROSTITUTION 1 (RCW 9A.88.070)
 - SELLING FOR PROFIT (CONTROLLED OR COUNTERFEIT) ANY CONTROLLED SUBSTANCE (RCW 69.50.410)
 - THEFT OF ANHYDROUS AMMONIA (RCW 69.55.010)
 - VEHICULAR HOMICIDE, BY THE OPERATION OF ANY VEHICLE IN A RECKLESS MANNER (RCW 46.61.520)
- VII BURGLARY 1 (RCW 9A.52.020)
 - CHILD MOLESTATION 2 (RCW 9A.44.086)
 - DEALING IN DEPICTIONS OF MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT (RCW 9.68A.050)
 - DRIVE-BY SHOOTING (RCW 9A.36.045)
 - HOMICIDE BY WATERCRAFT, BY DISREGARD FOR THE SAFETY OF OTHERS (RCW 79A.60.050)
 - INDECENT LIBERTIES (WITHOUT FORCIBLE COMPULSION) (RCW 9A.44.100(1) (B) AND (C))
 - INTRODUCING CONTRABAND 1 (RCW 9A.76.140)
 - INVOLVING A MINOR IN DRUG DEALING (RCW 69.50.401(F))
 - MALICIOUS PLACEMENT OF AN EXPLOSIVE 3 (RCW 70.74.270(3))

MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER HEROIN
OR COCAINE (RCW 69.50.401(A)(1)(I))

SENDING, BRINGING INTO STATE DEPICTIONS OF MINOR ENGAGED IN
SEXUALLY EXPLICIT CONDUCT (RCW 9.68A.060)

UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE (RCW
9.41.040(1)(A))

USE OF A MACHINE GUN IN COMMISSION OF A FELONY (RCW 9.41.225)

VEHICULAR HOMICIDE, BY DISREGARD FOR THE SAFETY OF OTHERS (RCW
46.61.520)

VI BAIL JUMPING WITH MURDER 1 (RCW 9A.76.170(2)(A))

BRIBERY (RCW 9A.68.010)

INCEST 1 (RCW 9A.64.020(1))

INTIMIDATING A JUDGE (RCW 9A.72.160)

INTIMIDATING A JUROR/WITNESS (RCW 9A.72.110, 9A.72.130)

MALICIOUS PLACEMENT OF AN IMITATION DEVICE 2 (RCW 70.74.272(1)(B))

MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER
NARCOTICS FROM SCHEDULE I OR II (EXCEPT HEROIN OR COCAINE) OR

FLUNITRAZEPAM FROM SCHEDULE IV (RCW 69.50.401(A)(1)(I))

RAPE OF A CHILD 3 (RCW 9A.44.079)

THEFT OF A FIREARM (RCW 9A.56.300)

UNLAWFUL STORAGE OF ANHYDROUS AMMONIA (RCW 69.55.020)

V ABANDONMENT OF DEPENDENT PERSON 1 (RCW 9A.42.060)

ADVANCING MONEY OR PROPERTY FOR EXTORTIONATE EXTENSION OF
CREDIT (RCW 9A.82.030)

BAIL JUMPING WITH CLASS A FELONY (RCW 9A.76.170(2)(B))

CHILD MOLESTATION 3 (RCW 9A.44.089)

CRIMINAL MISTREATMENT 1 (RCW 9A.42.020)

CUSTODIAL SEXUAL MISCONDUCT 1 (RCW 9A.44.160)

DELIVERY OF IMITATION CONTROLLED SUBSTANCE BY PERSON EIGHTEEN
OR OVER TO PERSON UNDER EIGHTEEN (RCW 69.52.030(2))

DOMESTIC VIOLENCE COURT ORDER VIOLATION (RCW 10.99.040,

10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, OR
74.34.145)

EXTORTION 1 (RCW 9A.56.120)

EXTORTIONATE EXTENSION OF CREDIT (RCW 9A.82.020)

EXTORTIONATE MEANS TO COLLECT EXTENSIONS OF CREDIT (RCW
9A.82.040)

INCEST 2 (RCW 9A.64.020(2))

KIDNAPPING 2 (RCW 9A.40.030)

PERJURY 1 (RCW 9A.72.020)

PERSISTENT PRISON MISBEHAVIOR (RCW 9.94.070)

POSSESSION OF A STOLEN FIREARM (RCW 9A.56.310)

RAPE 3 (RCW 9A.44.060)

RENDERING CRIMINAL ASSISTANCE 1 (RCW 9A.76.070)

SEXUAL MISCONDUCT WITH A MINOR 1 (RCW 9A.44.093)

SEXUALLY VIOLATING HUMAN REMAINS (RCW 9A.44.105)

STALKING (RCW 9A.46.110)

IV ARSON 2 (RCW 9A.48.030)

ASSAULT 2 (RCW 9A.36.021)

ASSAULT BY WATERCRAFT (RCW 79A.60.060)

BRIBING A WITNESS/BRIBE RECEIVED BY WITNESS (RCW 9A.72.090,
9A.72.100)

COMMERCIAL BRIBERY (RCW 9A.68.060)

COUNTERFEITING (RCW 9.16.035(4))

ESCAPE 1 (RCW 9A.76.110)

HIT AND RUN--INJURY (RCW 46.52.020(4)(B))

HIT AND RUN WITH VESSEL--INJURY ACCIDENT (RCW 79A.60.200(3))

INDECENT EXPOSURE TO PERSON UNDER AGE FOURTEEN (SUBSEQUENT
SEX OFFENSE) (RCW 9A.88.010)

INFLUENCING OUTCOME OF SPORTING EVENT (RCW 9A.82.070)

KNOWINGLY TRAFFICKING IN STOLEN PROPERTY (RCW 9A.82.050(2))

MALICIOUS HARASSMENT (RCW 9A.36.080)

MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER
NARCOTICS FROM SCHEDULE III, IV, OR V OR NONNARCOTICS FROM
SCHEDULE I-V (EXCEPT MARIJUANA, AMPHETAMINE, METHAMPHETAMINES,
OR FLUNITRAZEPAM) (RCW 69.50.401(A)(1) (III) THROUGH (V))

RESIDENTIAL BURGLARY (RCW 9A.52.025)

ROBBERY 2 (RCW 9A.56.210)

THEFT OF LIVESTOCK 1 (RCW 9A.56.080)

THREATS TO BOMB (RCW 9.61.160)

USE OF PROCEEDS OF CRIMINAL PROFITEERING (RCW 9A.82.080 (1) AND (2))
 VEHICULAR ASSAULT (RCW 46.61.522)
 WILLFUL FAILURE TO RETURN FROM FURLOUGH (RCW 72.66.060)
 III ABANDONMENT OF DEPENDENT PERSON 2 (RCW 9A.42.070)
 ASSAULT 3 (RCW 9A.36.031)
 ASSAULT OF A CHILD 3 (RCW 9A.36.140)
 BAIL JUMPING WITH CLASS B OR C FELONY (RCW 9A.76.170(2)(c))
 BURGLARY 2 (RCW 9A.52.030)
 COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES (RCW 9.68A.090)
 CRIMINAL GANG INTIMIDATION (RCW 9A.46.120)
 CRIMINAL MISTREATMENT 2 (RCW 9A.42.030)
 CUSTODIAL ASSAULT (RCW 9A.36.100)
 DELIVERY OF A MATERIAL IN LIEU OF A CONTROLLED SUBSTANCE (RCW 69.50.401(c))
 ESCAPE 2 (RCW 9A.76.120)
 EXTORTION 2 (RCW 9A.56.130)
 HARASSMENT (RCW 9A.46.020)
 INTIMIDATING A PUBLIC SERVANT (RCW 9A.76.180)
 INTRODUCING CONTRABAND 2 (RCW 9A.76.150)
 MAINTAINING A DWELLING OR PLACE FOR CONTROLLED SUBSTANCES (RCW 69.50.402(a)(6))
 MALICIOUS INJURY TO RAILROAD PROPERTY (RCW 81.60.070)
 MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER MARIJUANA (RCW 69.50.401(A)(1)(iii))
 MANUFACTURE, DISTRIBUTE, OR POSSESS WITH INTENT TO DISTRIBUTE AN IMITATION CONTROLLED SUBSTANCE (RCW 69.52.030(1))
 PATRONIZING A JUVENILE PROSTITUTE (RCW 9.68A.100)
 PERJURY 2 (RCW 9A.72.030)
 POSSESSION OF INCENDIARY DEVICE (RCW 9.40.120)
 POSSESSION OF MACHINE GUN OR SHORT-BARRELED SHOTGUN OR RIFLE (RCW 9.41.190)
 PROMOTING PROSTITUTION 2 (RCW 9A.88.080)
 RECKLESSLY TRAFFICKING IN STOLEN PROPERTY (RCW 9A.82.050(1))
 SECURITIES ACT VIOLATION (RCW 21.20.400)
 TAMPERING WITH A WITNESS (RCW 9A.72.120)
 TELEPHONE HARASSMENT (SUBSEQUENT CONVICTION OR THREAT OF DEATH) (RCW 9.61.230)
 THEFT OF LIVESTOCK 2 (RCW 9A.56.080)
 UNLAWFUL IMPRISONMENT (RCW 9A.40.040)
 UNLAWFUL POSSESSION OF FIREARM IN THE SECOND DEGREE (RCW 9.41.040(1)(b))
 UNLAWFUL USE OF BUILDING FOR DRUG PURPOSES (RCW 69.53.010)
 WILLFUL FAILURE TO RETURN FROM WORK RELEASE (RCW 72.65.070)
 II COMPUTER TRESPASS 1 (RCW 9A.52.110)
 COUNTERFEITING (RCW 9.16.035(3))
 CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED SUBSTANCE (RCW 69.50.401(b))
 ESCAPE FROM COMMUNITY CUSTODY (RCW 72.09.310)
 HEALTH CARE FALSE CLAIMS (RCW 48.80.030)
 MALICIOUS MISCHIEF 1 (RCW 9A.48.070)
 POSSESSION OF CONTROLLED SUBSTANCE THAT IS EITHER HEROIN OR NARCOTICS FROM SCHEDULE I OR II OR FLUNITRAZEPAM FROM SCHEDULE IV (RCW 69.50.401(d))
 POSSESSION OF PHENCYCLIDINE (PCP) (RCW 69.50.401(d))
 POSSESSION OF STOLEN PROPERTY 1 (RCW 9A.56.150)
 THEFT 1 (RCW 9A.56.030)
 THEFT OF RENTAL, LEASED, OR LEASE-PURCHASED PROPERTY (VALUED AT ONE THOUSAND FIVE HUNDRED DOLLARS OR MORE) (RCW 9A.56.096(4))
 TRAFFICKING IN INSURANCE CLAIMS (RCW 48.30A.015)
 UNLAWFUL PRACTICE OF LAW (RCW 2.48.180)
 UNLICENSED PRACTICE OF A PROFESSION OR BUSINESS (RCW 18.130.190(7))
 I ATTEMPTING TO ELUDE A PURSUING POLICE VEHICLE (RCW 46.61.024)
 FALSE VERIFICATION FOR WELFARE (RCW 74.08.055)
 FORGED PRESCRIPTION (RCW 69.41.020)
 FORGED PRESCRIPTION FOR A CONTROLLED SUBSTANCE (RCW 69.50.403)
 FORGERY (RCW 9A.60.020)

MALICIOUS MISCHIEF 2 (RCW 9A.48.080)
POSSESS CONTROLLED SUBSTANCE THAT IS A NARCOTIC FROM SCHEDULE III, IV, OR V OR NON-NARCOTIC FROM SCHEDULE I-V (EXCEPT PHENCYCLIDINE OR FLUNITRAZEPAM) (RCW 69.50.401(D))
POSSESSION OF STOLEN PROPERTY 2 (RCW 9A.56.160)
RECKLESS BURNING 1 (RCW 9A.48.040)
TAKING MOTOR VEHICLE WITHOUT PERMISSION (RCW 9A.56.070)
THEFT 2 (RCW 9A.56.040)
THEFT OF RENTAL, LEASED, OR LEASE-PURCHASED PROPERTY (VALUED AT TWO HUNDRED FIFTY DOLLARS OR MORE BUT LESS THAN ONE THOUSAND FIVE HUNDRED DOLLARS) (RCW 9A.56.096(4))
UNLAWFUL ISSUANCE OF CHECKS OR DRAFTS (RCW 9A.56.060)
UNLAWFUL USE OF FOOD STAMPS (RCW 9.91.140 (2) AND (3))
VEHICLE PROWL 1 (RCW 9A.52.095)

SEC. 3. RCW 9.94A.360 AND 2000 C 28 S 15 ARE EACH AMENDED TO READ AS FOLLOWS:

THE OFFENDER SCORE IS MEASURED ON THE HORIZONTAL AXIS OF THE SENTENCING GRID. THE OFFENDER SCORE RULES ARE AS FOLLOWS:

THE OFFENDER SCORE IS THE SUM OF POINTS ACCRUED UNDER THIS SECTION ROUNDED DOWN TO THE NEAREST WHOLE NUMBER.

(1) A PRIOR CONVICTION IS A CONVICTION WHICH EXISTS BEFORE THE DATE OF SENTENCING FOR THE OFFENSE FOR WHICH THE OFFENDER SCORE IS BEING COMPUTED. CONVICTIONS ENTERED OR SENTENCED ON THE SAME DATE AS THE CONVICTION FOR WHICH THE OFFENDER SCORE IS BEING COMPUTED SHALL BE DEEMED "OTHER CURRENT OFFENSES" WITHIN THE MEANING OF RCW 9.94A.400.

(2) CLASS A AND SEX PRIOR FELONY CONVICTIONS SHALL ALWAYS BE INCLUDED IN THE OFFENDER SCORE. CLASS B PRIOR FELONY CONVICTIONS OTHER THAN SEX OFFENSES SHALL NOT BE INCLUDED IN THE OFFENDER SCORE, IF SINCE THE LAST DATE OF RELEASE FROM CONFINEMENT (INCLUDING FULL-TIME RESIDENTIAL TREATMENT) PURSUANT TO A FELONY CONVICTION, IF ANY, OR ENTRY OF JUDGMENT AND SENTENCE, THE OFFENDER HAD SPENT TEN CONSECUTIVE YEARS IN THE COMMUNITY WITHOUT COMMITTING ANY CRIME THAT SUBSEQUENTLY RESULTS IN A CONVICTION. CLASS C PRIOR FELONY CONVICTIONS OTHER THAN SEX OFFENSES SHALL NOT BE INCLUDED IN THE OFFENDER SCORE IF, SINCE THE LAST DATE OF RELEASE FROM CONFINEMENT (INCLUDING FULL-TIME RESIDENTIAL TREATMENT) PURSUANT TO A FELONY CONVICTION, IF ANY, OR ENTRY OF JUDGMENT AND SENTENCE, THE OFFENDER HAD SPENT FIVE CONSECUTIVE YEARS IN THE COMMUNITY WITHOUT COMMITTING ANY CRIME THAT SUBSEQUENTLY RESULTS IN A CONVICTION. SERIOUS TRAFFIC CONVICTIONS SHALL NOT BE INCLUDED IN THE OFFENDER SCORE IF, SINCE THE LAST DATE OF RELEASE FROM CONFINEMENT (INCLUDING FULL-TIME RESIDENTIAL TREATMENT) PURSUANT TO A FELONY CONVICTION, IF ANY, OR ENTRY OF JUDGMENT AND SENTENCE, THE OFFENDER SPENT FIVE YEARS IN THE COMMUNITY WITHOUT COMMITTING ANY CRIME THAT SUBSEQUENTLY RESULTS IN A CONVICTION. THIS SUBSECTION APPLIES TO BOTH ADULT AND JUVENILE PRIOR CONVICTIONS.

(3) OUT-OF-STATE CONVICTIONS FOR OFFENSES SHALL BE CLASSIFIED ACCORDING TO THE COMPARABLE OFFENSE DEFINITIONS AND SENTENCES PROVIDED BY WASHINGTON LAW. FEDERAL CONVICTIONS FOR OFFENSES SHALL BE CLASSIFIED ACCORDING TO THE COMPARABLE OFFENSE DEFINITIONS AND SENTENCES PROVIDED BY WASHINGTON LAW. IF THERE IS NO CLEARLY COMPARABLE OFFENSE UNDER WASHINGTON LAW OR THE OFFENSE IS ONE THAT IS USUALLY CONSIDERED SUBJECT TO EXCLUSIVE FEDERAL JURISDICTION, THE OFFENSE SHALL BE SCORED AS A CLASS C FELONY EQUIVALENT IF IT WAS A FELONY UNDER THE RELEVANT FEDERAL STATUTE.

(4) SCORE PRIOR CONVICTIONS FOR FELONY ANTICIPATORY OFFENSES (ATTEMPTS, CRIMINAL SOLICITATIONS, AND CRIMINAL CONSPIRACIES) THE SAME AS IF THEY WERE CONVICTIONS FOR COMPLETED OFFENSES.

(5)(A) IN THE CASE OF MULTIPLE PRIOR CONVICTIONS, FOR THE PURPOSE OF COMPUTING THE OFFENDER SCORE, COUNT ALL CONVICTIONS SEPARATELY, EXCEPT:

(i) PRIOR OFFENSES WHICH WERE FOUND, UNDER RCW 9.94A.400(1)(A), TO ENCOMPASS THE SAME CRIMINAL CONDUCT, SHALL BE COUNTED AS ONE OFFENSE, THE OFFENSE THAT YIELDS THE HIGHEST OFFENDER SCORE. THE CURRENT SENTENCING COURT SHALL DETERMINE WITH RESPECT TO OTHER PRIOR ADULT OFFENSES FOR WHICH SENTENCES WERE SERVED CONCURRENTLY OR PRIOR JUVENILE OFFENSES FOR WHICH SENTENCES WERE SERVED CONSECUTIVELY, WHETHER THOSE OFFENSES SHALL BE COUNTED AS ONE OFFENSE OR AS SEPARATE OFFENSES USING THE "SAME CRIMINAL CONDUCT" ANALYSIS FOUND IN RCW 9.94A.400(1)(A), AND IF THE COURT FINDS THAT THEY SHALL BE COUNTED AS ONE OFFENSE, THEN THE OFFENSE THAT YIELDS THE HIGHEST OFFENDER SCORE SHALL BE USED. THE CURRENT SENTENCING COURT MAY PRESUME THAT SUCH OTHER PRIOR OFFENSES WERE NOT THE SAME CRIMINAL CONDUCT FROM SENTENCES IMPOSED ON SEPARATE DATES, OR IN SEPARATE COUNTIES OR JURISDICTIONS, OR IN SEPARATE COMPLAINTS, INDICTMENTS, OR INFORMATIONS;

(ii) IN THE CASE OF MULTIPLE PRIOR CONVICTIONS FOR OFFENSES COMMITTED BEFORE JULY 1, 1986, FOR THE PURPOSE OF COMPUTING THE OFFENDER SCORE, COUNT ALL ADULT CONVICTIONS SERVED CONCURRENTLY AS ONE OFFENSE, AND COUNT ALL JUVENILE CONVICTIONS ENTERED ON THE SAME DATE AS ONE OFFENSE. USE THE CONVICTION FOR THE OFFENSE THAT YIELDS THE HIGHEST OFFENDER SCORE.

(B) AS USED IN THIS SUBSECTION (5), "SERVED CONCURRENTLY" MEANS THAT: (i) THE LATTER SENTENCE WAS IMPOSED WITH SPECIFIC REFERENCE TO THE FORMER; (ii) THE CONCURRENT RELATIONSHIP OF THE SENTENCES WAS JUDICIALLY IMPOSED; AND (iii) THE CONCURRENT TIMING OF THE SENTENCES WAS NOT THE RESULT OF A PROBATION OR PAROLE REVOCATION ON THE FORMER OFFENSE.

(6) IF THE PRESENT CONVICTION IS ONE OF THE ANTICIPATORY OFFENSES OF CRIMINAL ATTEMPT, SOLICITATION, OR CONSPIRACY, COUNT EACH PRIOR CONVICTION AS IF THE PRESENT CONVICTION WERE FOR A COMPLETED OFFENSE. WHEN THESE CONVICTIONS ARE USED AS CRIMINAL HISTORY, SCORE THEM THE SAME AS A COMPLETED CRIME.

(7) IF THE PRESENT CONVICTION IS FOR A NONVIOLENT OFFENSE AND NOT COVERED BY SUBSECTION (11) OR (12) OF THIS SECTION, COUNT ONE POINT FOR EACH ADULT PRIOR FELONY CONVICTION AND ONE POINT FOR EACH JUVENILE PRIOR VIOLENT FELONY CONVICTION AND ½ POINT FOR EACH JUVENILE PRIOR NONVIOLENT FELONY CONVICTION.

(8) IF THE PRESENT CONVICTION IS FOR A VIOLENT OFFENSE AND NOT COVERED IN SUBSECTION (9), (10), (11), OR (12) OF THIS SECTION, COUNT TWO POINTS FOR EACH PRIOR ADULT AND JUVENILE VIOLENT FELONY CONVICTION, ONE POINT FOR EACH PRIOR ADULT NONVIOLENT FELONY CONVICTION, AND ½ POINT FOR EACH PRIOR JUVENILE NONVIOLENT FELONY CONVICTION.

(9) IF THE PRESENT CONVICTION IS FOR A SERIOUS VIOLENT OFFENSE, COUNT THREE POINTS FOR PRIOR ADULT AND JUVENILE CONVICTIONS FOR CRIMES IN THIS CATEGORY, TWO POINTS FOR EACH PRIOR ADULT AND JUVENILE VIOLENT CONVICTION (NOT ALREADY

COUNTED), ONE POINT FOR EACH PRIOR ADULT NONVIOLENT FELONY CONVICTION, AND ½ POINT FOR EACH PRIOR JUVENILE NONVIOLENT FELONY CONVICTION.

(10) IF THE PRESENT CONVICTION IS FOR BURGLARY 1, COUNT PRIOR CONVICTIONS AS IN SUBSECTION (8) OF THIS SECTION; HOWEVER COUNT TWO POINTS FOR EACH PRIOR ADULT BURGLARY 2 OR RESIDENTIAL BURGLARY CONVICTION, AND ONE POINT FOR EACH PRIOR JUVENILE BURGLARY 2 OR RESIDENTIAL BURGLARY CONVICTION.

(11) IF THE PRESENT CONVICTION IS FOR A FELONY TRAFFIC OFFENSE COUNT TWO POINTS FOR EACH ADULT OR JUVENILE PRIOR CONVICTION FOR VEHICULAR HOMICIDE OR VEHICULAR ASSAULT; FOR EACH FELONY OFFENSE COUNT ONE POINT FOR EACH ADULT AND ½ POINT FOR EACH JUVENILE PRIOR CONVICTION; FOR EACH SERIOUS TRAFFIC OFFENSE, OTHER THAN THOSE USED FOR AN ENHANCEMENT PURSUANT TO RCW 46.61.520(2), COUNT ONE POINT FOR EACH ADULT AND ½ POINT FOR EACH JUVENILE PRIOR CONVICTION.

(12) IF THE PRESENT CONVICTION IS FOR ((A DRUG OFFENSE)) MANUFACTURE OF METHAMPHETAMINE COUNT THREE POINTS FOR EACH ADULT PRIOR ((FELONY DRUG OFFENSE)) MANUFACTURE OF METHAMPHETAMINE CONVICTION AND TWO POINTS FOR EACH JUVENILE ((DRUG)) MANUFACTURE OF METHAMPHETAMINE OFFENSE. ALL OTHER ADULT AND JUVENILE FELONIES ARE SCORED AS IN SUBSECTION (8) OF THIS SECTION IF THE CURRENT DRUG OFFENSE IS VIOLENT, OR AS IN SUBSECTION (7) OF THIS SECTION IF THE CURRENT DRUG OFFENSE IS NONVIOLENT.

(13) IF THE PRESENT CONVICTION IS FOR WILLFUL FAILURE TO RETURN FROM FURLOUGH, RCW 72.66.060, WILLFUL FAILURE TO RETURN FROM WORK RELEASE, RCW 72.65.070, OR ESCAPE FROM COMMUNITY CUSTODY, RCW 72.09.310, COUNT ONLY PRIOR ESCAPE CONVICTIONS IN THE OFFENDER SCORE. COUNT ADULT PRIOR ESCAPE CONVICTIONS AS ONE POINT AND JUVENILE PRIOR ESCAPE CONVICTIONS AS ½ POINT.

(14) IF THE PRESENT CONVICTION IS FOR ESCAPE 1, RCW 9A.76.110, OR ESCAPE 2, RCW 9A.76.120, COUNT ADULT PRIOR CONVICTIONS AS ONE POINT AND JUVENILE PRIOR CONVICTIONS AS ½ POINT.

(15) IF THE PRESENT CONVICTION IS FOR BURGLARY 2 OR RESIDENTIAL BURGLARY, COUNT PRIORS AS IN SUBSECTION (7) OF THIS SECTION; HOWEVER, COUNT TWO POINTS FOR EACH ADULT AND JUVENILE PRIOR BURGLARY 1 CONVICTION, TWO POINTS FOR EACH ADULT PRIOR BURGLARY 2 OR RESIDENTIAL BURGLARY CONVICTION, AND ONE POINT FOR EACH JUVENILE PRIOR BURGLARY 2 OR RESIDENTIAL BURGLARY CONVICTION.

(16) IF THE PRESENT CONVICTION IS FOR A SEX OFFENSE, COUNT PRIORS AS IN SUBSECTIONS (7) THROUGH (15) OF THIS SECTION; HOWEVER COUNT THREE POINTS FOR EACH ADULT AND JUVENILE PRIOR SEX OFFENSE CONVICTION.

(17) IF THE PRESENT CONVICTION IS FOR AN OFFENSE COMMITTED WHILE THE OFFENDER WAS UNDER COMMUNITY PLACEMENT, ADD ONE POINT.

NEW SECTION. Sec. 4. A NEW SECTION IS ADDED TO CHAPTER 70.96A RCW TO READ AS FOLLOWS:

(1) THE CRIMINAL JUSTICE TREATMENT ACCOUNT IS CREATED IN THE STATE TREASURY. MONEYS IN THE ACCOUNT MAY BE EXPENDED SOLELY FOR SUBSTANCE ABUSE TREATMENT FOR OFFENDERS WITH AN ADDICTION OR A SUBSTANCE ABUSE PROBLEM THAT IF NOT TREATED WOULD RESULT IN ADDICTION, AGAINST WHOM CHARGES ARE FILED BY A PROSECUTING ATTORNEY IN WASHINGTON STATE AS WELL AS FOR THE PROVISION OF DRUG AND ALCOHOL SERVICES FOR NONVIOLENT OFFENDERS WITHIN A DRUG COURT PROGRAM. MONEYS IN THE ACCOUNT MAY BE SPENT ONLY AFTER APPROPRIATION.

(2) REVENUES TO THE CRIMINAL JUSTICE TREATMENT ACCOUNT CONSIST OF: (A) SAVINGS TO THE STATE GENERAL FUND RESULTING FROM REDUCTIONS IN DRUG OFFENDER SENTENCING AS A RESULT OF SECTIONS 2 AND 3, CHAPTER . . . , LAWS OF 2001 (SECTIONS 2 AND 3 OF THIS ACT), AS CALCULATED PURSUANT TO THIS SECTION; AND (B) ANY OTHER REVENUES APPROPRIATED TO OR DEPOSITED IN THE ACCOUNT.

(3)(A) THE DEPARTMENT OF CORRECTIONS, THE SENTENCING GUIDELINES COMMISSION, THE OFFICE OF FINANCIAL MANAGEMENT, AND THE CASELOAD FORECAST COUNCIL SHALL DEVELOP A METHODOLOGY FOR CALCULATING THE PROJECTED BIENNIAL SAVINGS UNDER THIS SECTION. SAVINGS SHALL BE PROJECTED FOR THE FISCAL BIENNIUM BEGINNING ON JULY 1, 2003, AND FOR EACH BIENNIUM THEREAFTER. BY DECEMBER 1, 2001, THE PROPOSED METHODOLOGY SHALL BE SUBMITTED TO THE GOVERNOR AND THE APPROPRIATE COMMITTEES OF THE LEGISLATURE. THE METHODOLOGY IS DEEMED APPROVED UNLESS THE LEGISLATURE ENACTS LEGISLATION DURING THE 2002 SESSION TO MODIFY OR REJECT THE METHODOLOGY.

(B) WHEN THE DEPARTMENT OF CORRECTIONS SUBMITS ITS BIENNIAL BUDGET REQUEST TO THE GOVERNOR IN 2002, THE DEPARTMENT OF CORRECTIONS SHALL USE THE METHODOLOGY APPROVED IN (A) OF THIS SUBSECTION TO CALCULATE SAVINGS TO THE STATE GENERAL FUND FOR THE ENSUING FISCAL BIENNIUM RESULTING FROM REDUCTIONS IN DRUG OFFENDER SENTENCING AS A RESULT OF SECTIONS 2 AND 3, CHAPTER . . . , LAWS OF 2001 (SECTIONS 2 AND 3 THIS ACT). THE DEPARTMENT SHALL REPORT THE DOLLAR AMOUNT OF THE SAVINGS TO THE STATE TREASURER, THE OFFICE OF FINANCIAL MANAGEMENT, AND THE FISCAL COMMITTEES OF THE LEGISLATURE.

(C) FOR THE FISCAL BIENNIUM BEGINNING JULY 1, 2003, AND EACH FISCAL BIENNIUM THEREAFTER, THE STATE TREASURER SHALL TRANSFER SEVENTY-FIVE PERCENT OF THE AMOUNT REPORTED IN (B) OF THIS SUBSECTION FROM THE GENERAL FUND INTO THE CRIMINAL JUSTICE TREATMENT ACCOUNT, DIVIDED INTO EIGHT EQUAL QUARTERLY PAYMENTS.

(D) FOR THE FISCAL BIENNIUM BEGINNING JULY 1, 2003, AND EACH BIENNIUM THEREAFTER, THE STATE TREASURER SHALL TRANSFER TWENTY-FIVE PERCENT OF THE AMOUNT REPORTED IN (B) OF THIS SUBSECTION FROM THE GENERAL FUND INTO THE VIOLENCE REDUCTION AND DRUG ENFORCEMENT ACCOUNT, DIVIDED INTO EIGHT QUARTERLY PAYMENTS. THE AMOUNTS TRANSFERRED PURSUANT TO THIS SECTION SHALL BE USED SOLELY FOR PROVIDING DRUG AND ALCOHOL TREATMENT SERVICES TO OFFENDERS RECEIVING A REDUCED SENTENCE AS A RESULT OF SECTIONS 2 AND 3, CHAPTER . . . , LAWS OF 2001 (SECTIONS 2 AND 3 OF THIS ACT) AND WHO ARE ASSESSED WITH AN ADDICTION OR A SUBSTANCE ABUSE PROBLEM THAT IF NOT TREATED WOULD RESULT IN ADDICTION. ANY EXCESS FUNDS REMAINING AFTER PROVIDING DRUG AND ALCOHOL TREATMENT SERVICES TO OFFENDERS RECEIVING A REDUCED SENTENCE AS A RESULT OF SECTIONS 2 AND 3, CHAPTER . . . , LAWS OF 2001 (SECTIONS 2 AND 3 OF THIS ACT), MAY BE EXPENDED TO PROVIDE TREATMENT FOR SEX OR VIOLENT OFFENDERS ASSESSED WITH AN ADDICTION OR A SUBSTANCE ABUSE PROBLEM THAT CONTRIBUTED TO THE CRIME.

(E) IN EACH ODD-NUMBERED YEAR, THE LEGISLATURE SHALL APPROPRIATE THE AMOUNT TRANSFERRED TO THE CRIMINAL JUSTICE TREATMENT ACCOUNT IN (C) OF THIS SUBSECTION TO THE DIVISION OF ALCOHOL AND SUBSTANCE ABUSE FOR THE PURPOSES OF SUBSECTION (4) OF THIS SECTION.

(4) MONEYS APPROPRIATED TO THE DIVISION OF ALCOHOL AND SUBSTANCE ABUSE FROM THE CRIMINAL JUSTICE TREATMENT ACCOUNT SHALL BE DISTRIBUTED AS SPECIFIED IN THIS SUBSECTION. THE DEPARTMENT SHALL SERVE AS THE FISCAL AGENT FOR PURPOSES OF DISTRIBUTION.

(A) SEVENTY PERCENT OF AMOUNTS APPROPRIATED TO THE DIVISION FROM THE ACCOUNT SHALL BE DISTRIBUTED TO COUNTIES PURSUANT TO THE DISTRIBUTION FORMULA ADOPTED UNDER THIS SECTION. THE DIVISION OF ALCOHOL AND SUBSTANCE ABUSE, IN CONSULTATION WITH THE DEPARTMENT OF CORRECTIONS, THE SENTENCING GUIDELINES COMMISSION, THE WASHINGTON STATE

ASSOCIATION OF COUNTIES, THE WASHINGTON STATE ASSOCIATION OF DRUG COURT PROFESSIONALS, THE SUPERIOR COURT JUDGES' ASSOCIATION, THE WASHINGTON ASSOCIATION OF PROSECUTING ATTORNEYS, REPRESENTATIVES OF THE CRIMINAL DEFENSE BAR, AND ANY OTHER PERSON DEEMED BY THE DIVISION TO BE NECESSARY, SHALL ESTABLISH A FAIR AND REASONABLE METHODOLOGY FOR DISTRIBUTION TO COUNTIES OF MONEYS IN THE CRIMINAL JUSTICE TREATMENT ACCOUNT. COUNTY PLANS SUBMITTED FOR THE EXPENDITURE OF FORMULA FUNDS MUST BE APPROVED BY THE PANEL ESTABLISHED IN (B) OF THIS SUBSECTION.

(B) THIRTY PERCENT OF THE AMOUNTS APPROPRIATED TO THE DIVISION FROM THE ACCOUNT SHALL BE DISTRIBUTED AS GRANTS FOR PURPOSES OF TREATING OFFENDERS AGAINST WHOM CHARGES ARE FILED BY A COUNTY PROSECUTING ATTORNEY. THE DIVISION SHALL APPOINT A PANEL OF REPRESENTATIVES FROM THE WASHINGTON ASSOCIATION OF PROSECUTING ATTORNEYS, THE WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS, THE SUPERIOR COURT JUDGES' ASSOCIATION, THE WASHINGTON STATE ASSOCIATION OF COUNTIES, THE WASHINGTON DEFENDER'S ASSOCIATION OR THE WASHINGTON ASSOCIATION OF CRIMINAL DEFENSE LAWYERS, THE DEPARTMENT OF CORRECTIONS, AND THE DIVISION. THE PANEL SHALL AWARD THE GRANTS TO ELIGIBLE COUNTIES THAT HAVE SUBMITTED PLANS PURSUANT TO (A) OF THIS SUBSECTION AND SHALL APPROVE EXPENDITURE PLANS FOR GRANT FUNDS. THE PANEL SHALL ATTEMPT TO ENSURE THAT TREATMENT AS FUNDED BY THE GRANTS IS AVAILABLE TO OFFENDERS STATEWIDE.

(5) THE COUNTY CHEMICAL DEPENDENCY SPECIALIST, COUNTY PROSECUTOR, COUNTY SHERIFF, COUNTY SUPERIOR COURT, AND A MEMBER OF THE CRIMINAL DEFENSE BAR SHALL JOINTLY SUBMIT A PLAN FOR DISPOSITION OF ALL THE FUNDS PROVIDED FROM THE CRIMINAL JUSTICE TREATMENT ACCOUNT WITHIN THAT COUNTY. THE FUNDS SHALL BE USED SOLELY TO PROVIDE APPROVED ALCOHOL AND SUBSTANCE ABUSE TREATMENT PURSUANT TO RCW 70.96A.090.

(6) COUNTIES ARE ENCOURAGED TO CONSIDER REGIONAL AGREEMENTS FOR THE EFFICIENT DELIVERY OF TREATMENT UNDER THIS SECTION.

(7) MONEYS ALLOCATED UNDER THIS SECTION SHALL BE USED TO SUPPLEMENT, NOT SUPPLANT, OTHER FEDERAL, STATE, AND LOCAL FUNDS USED FOR SUBSTANCE ABUSE TREATMENT.

NEW SECTION. Sec. 5. A NEW SECTION IS ADDED TO CHAPTER 9.94A RCW TO READ AS FOLLOWS:

THE SENTENCING GUIDELINES COMMISSION, AS PART OF THE COMPREHENSIVE REVIEW AND EVALUATION OF STATE SENTENCING POLICY, SHALL ADDRESS THE APPROPRIATE SENTENCING AND TREATMENT OF DRUG OFFENDERS AND OTHER OFFENDERS WITH SUBSTANCE ABUSE PROBLEMS, WITH SPECIFIC REFERENCE TO THE LENGTH OF SENTENCES, THE NEEDS AND PROVISION FOR INPATIENT AND OUTPATIENT TREATMENT THAT IS PROVEN AND ECONOMICALLY FEASIBLE, AND THE APPROPRIATE DEGREE OF OFFENDER SUPERVISION DURING SUBSTANCE ABUSE TREATMENT.

NEW SECTION. Sec. 6. THE WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY SHALL EVALUATE THE EFFECTIVENESS AND FINANCIAL IMPACT OF THIS ACT IN MEETING ITS STATED PURPOSE AND INTENT. THE EVALUATION SHALL INCLUDE, BUT IS NOT LIMITED TO: (1) A COMPARISON OF THE REOFFENSE RATE OF PERSONS RECEIVING A REDUCED SENTENCE AS A RESULT OF THE SENTENCING CHANGES INCLUDED IN THIS ACT WITH THAT OF PERSONS SENTENCED UNDER PRIOR LAW; AND (2) A REVIEW OF THE EFFECT ON OTHER OUTCOME MEASURES BESIDES RECIDIVISM, SUCH AS TREATMENT COMPLETION, EMPLOYMENT, AND HOUSING.

NEW SECTION. Sec. 7. A NEW SECTION IS ADDED TO CHAPTER 43.135 RCW TO READ AS FOLLOWS:

RCW 43.135.035(4) DOES NOT APPLY TO THE TRANSFERS ESTABLISHED IN SECTION 4 OF THIS ACT.

NEW SECTION. Sec. 8. A NEW SECTION IS ADDED TO CHAPTER 43.20A RCW TO READ AS FOLLOWS:

THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES SHALL ANNUALLY REVIEW AND MONITOR THE EXPENDITURES MADE BY ANY COUNTY WHICH IS FUNDED, IN WHOLE OR IN PART, WITH FUNDS PROVIDED BY THIS ACT. COUNTIES SHALL REPAY ANY FUNDS THAT ARE NOT SPENT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ACT.

NEW SECTION. Sec. 9. IF ANY PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE REMAINDER OF THE ACT OR THE APPLICATION OF THE PROVISION TO OTHER PERSONS OR CIRCUMSTANCES IS NOT AFFECTED.

NEW SECTION. Sec. 10. THIS ACT APPLIES TO CRIMES COMMITTED ON OR AFTER JULY 1, 2001.

NEW SECTION. Sec. 11. THIS ACT IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY, OR SUPPORT OF THE STATE GOVERNMENT AND ITS EXISTING PUBLIC INSTITUTIONS, AND TAKES EFFECT JULY 1, 2001."

MOTION

ON MOTION OF SENATOR KASTAMA, SENATOR EIDE WAS EXCUSED.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, FURTHER CONSIDERATION OF SECOND SUBSTITUTE SENATE BILL NO. 5419 WAS DEFERRED.

SECOND READING

ENGROSSED HOUSE BILL NO. 1407, BY REPRESENTATIVES FISHER AND MITCHELL (BY REQUEST OF DEPARTMENT OF LICENSING)

MODIFYING THE TAXATION OF FUEL.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR GARDNER, THE RULES WERE SUSPENDED, ENGROSSED HOUSE BILL NO. 1407 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE. THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED HOUSE BILL NO. 1407.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED HOUSE BILL NO. 1407 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 46; NAYS, 0; ABSENT, 0; EXCUSED, 3.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 46.

EXCUSED: SENATORS DECCIO, EIDE AND HAUGEN - 3.

ENGROSSED HOUSE BILL NO. 1407, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1911, BY REPRESENTATIVES REARDON, CODY, SANTOS AND BALLASIOTES

REQUIRING COVERAGE FOR NEURODEVELOPMENTAL THERAPIES.

THE BILL WAS READ THE SECOND TIME.

MOTIONS

ON MOTION OF SENATOR THIBAudeau, THE FOLLOWING COMMITTEE ON HEALTH AND LONG-TERM CARE AMENDMENT WAS ADOPTED:

ON PAGE 5, AFTER LINE 25, INSERT THE FOLLOWING:

"**NEW SECTION. Sec. 5.** THIS ACT APPLIES TO CONTRACTS ISSUED OR RENEWED ON OR AFTER JANUARY 1, 2002."

RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

ON MOTION OF SENATOR HARGROVE, THE FOLLOWING AMENDMENTS WERE CONSIDERED SIMULTANEOUSLY AND WERE ADOPTED:

ON PAGE 1, LINE 11, AFTER "INDIVIDUALS" INSERT ", INCLUDING COVERAGE FOR THE CONDITION REFERENCED IN RCW 48.21.320".

ON PAGE 2, LINE 29, AFTER "INDIVIDUALS" INSERT ", INCLUDING COVERAGE FOR THE CONDITION REFERENCED IN RCW 48.21.320".

ON PAGE 3, LINE 28, AFTER "INDIVIDUALS" INSERT ", INCLUDING COVERAGE FOR THE CONDITION REFERENCED IN RCW 48.44.460".

ON PAGE 4, LINE 31, AFTER "INDIVIDUALS" INSERT ", INCLUDING COVERAGE FOR THE CONDITION REFERENCED IN RCW 48.46.530".

MOTION

ON MOTION OF SENATOR THIBAudeau, THE FOLLOWING AMENDMENT BY SENATORS THIBAudeau AND ROSSI WAS ADOPTED:

ON PAGE 5, AFTER LINE 25, INSERT THE FOLLOWING:

"**NEW SECTION. Sec. 5.** IF SPECIFIC FUNDING FOR THE PURPOSES OF THIS ACT, REFERENCING THIS ACT BY BILL NUMBER, IS NOT PROVIDED BY JUNE 30, 2001, IN THE OMNIBUS APPROPRIATIONS ACT, THIS ACT IS NULL AND VOID."

RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

MOTIONS

ON MOTION OF SENATOR THIBAudeau, THE FOLLOWING TITLE AMENDMENTS WERE CONSIDERED SIMULTANEOUSLY AND WERE ADOPTED.

ON PAGE 1, LINE 2 OF THE TITLE, AFTER "THERAPIES;" STRIKE "AND".

ON PAGE 1, ON LINE 2 OF THE TITLE, STRIKE "AND"

ON PAGE 1, LINE 3 OF THE TITLE, AFTER "48.46.520" INSERT ", AND CREATING A NEW SECTION".

ON MOTION OF SENATOR THIBAudeau, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1911, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1911, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1911, AS AMENDED BY THE SENATE, AND THE BILL FAILED TO PASS THE SENATE BY THE FOLLOWING VOTE: YEAS, 21; NAYS, 26; ABSENT, 0; EXCUSED, 2.

VOTING YEA: SENATORS BROWN, CONSTANTINE, COSTA, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HARGROVE, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, McAULIFFE, PATTERSON, PRENTICE, REGALA, SHELDON, B., SHIN, SNYDER, SPANEL, - 21.

VOTING NAY: SENATORS BENTON, CARLSON, FINKBEINER, HALE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JOHNSON, LONG, McCASLIN, McDONALD, MORTON, OKE, PARLETTE,

RASMUSSEN, ROACH, ROSSI, SHEAHAN, SHELDON, T., STEVENS, SWECKER, THIBAUDEAU, WEST, WINSLEY AND ZARELLI - 26.

EXCUSED: SENATORS DECCIO AND HAUGEN - 2.

HOUSE BILL NO. 1911, AS AMENDED BY THE SENATE, HAVING FAILED TO RECEIVE THE CONSTITUTIONAL MAJORITY, WAS DECLARED LOST.

MOTION FOR RECONSIDERATION

HAVING VOTED ON THE PREVAILING SIDE, SENATOR THIBAUDEAU MOVED TO RECONSIDER THE VOTE BY WHICH HOUSE BILL NO. 1911, AS AMENDED BY THE SENATE, FAILED TO PASS THE SENATE.

POINT OF ORDER

SENATOR SHEAHAN: "ON THE DAY OF THE CUT-OFF, SHE CAN'T GIVE NOTICE FOR RECONSIDERATION."

REPLY BY THE PRESIDENT

PRESIDENT OWEN: "WHAT IS YOUR QUESTION? IS IT A POINT OF ORDER?"

SENATOR SHEAHAN: "A POINT OF ORDER."

PRESIDENT OWEN: "A POINT OF ORDER AND WHAT IS YOUR POINT OF ORDER?"

SENATOR SHEAHAN: "MR. PRESIDENT, ON THE DAY OF A CUT-OFF, IT IS NOT IN ORDER TO GIVE NOTICE OF RECONSIDERATION AND YOU HAVE TO ASK FOR IMMEDIATE RECONSIDERATION AND TO IMMEDIATELY RECONSIDER A BILL, YOU HAVE TO GO TO THE NINTH ORDER OF BUSINESS."

PRESIDENT OWEN: "SENATOR SHEAHAN, I RECEIVED A NEWS FLASH JUST MOMENTS AGO THAT THE HOUSE DID NOT PASS THE CUTOFF AMENDMENT, SO THE CUTOFF IS NOT TECHNICALLY UNTIL TOMORROW."

SENATOR SHEAHAN: "DO YOU STILL HAVE TO GO TO THE NINTH ORDER TO RECONSIDER THE BILL?"

PRESIDENT OWEN: "BASED ON THE WAY, SENATOR THIBAUDEAU PLACED THE MOTION, WE WOULD NEED TO BE IN THE NINTH ORDER OF BUSINESS."

SENATOR SHEAHAN: "THANK YOU, MR. PRESIDENT."

NOTICE FOR RECONSIDERATION

HAVING VOTED ON THE PREVAILING SIDE, SENATOR THIBAUDEAU GAVE NOTICE THAT SHE WOULD MOVE TO RECONSIDER THE VOTE BY WHICH HOUSE BILL NO. 1911, AS AMENDED BY THE SENATE, FAILED TO PASS THE SENATE.

SECOND READING

HOUSE BILL NO. 1394, BY REPRESENTATIVES EICKMEYER, SCHOESLER, ROCKEFELLER, SUMP, JACKLEY, KESSLER, COX AND DUNSHEE

CLARIFYING THE USE OF COUNTY ROAD FUNDS IN SALMON RECOVERY PROJECTS.

MOTION

SENATOR GARDNER MOVED THAT THE FOLLOWING COMMITTEE ON TRANSPORTATION STRIKING AMENDMENT BE ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"NEW SECTION. Sec. 1. THE LEGISLATURE RECOGNIZES THAT PROJECTS THAT REMOVE IMPEDIMENTS TO FISH PASSAGE CAN GREATLY INCREASE ACCESS TO SPAWNING AND REARING HABITAT FOR DEPRESSED, THREATENED, AND ENDANGERED FISH STOCKS. ALTHOUGH COUNTIES ARE AUTHORIZED TO USE COUNTY ROAD FUNDS TO REPLACE CULVERTS AND OTHER BARRIERS TO FISH PASSAGE, AND MAY CONDUCT STREAMBED AND STREAM BANK RESTORATION AND STABILIZATION WORK IN CONJUNCTION WITH REMOVAL OF THESE FISH

BARRIERS, COUNTIES ARE RELUCTANT TO SPEND COUNTY ROAD FUNDS BEYOND THE COUNTY RIGHT-OF-WAY BECAUSE IT IS UNCLEAR WHETHER THE USE OF ROAD FUNDS FOR THIS PURPOSE IS AUTHORIZED. THE PURPOSE OF THIS ACT IS TO CLARIFY THAT STREAMBED AND STREAM BANK RESTORATION AND STABILIZATION ACTIVITIES CONDUCTED IN CONJUNCTION WITH REMOVAL OF EXISTING BARRIERS TO FISH PASSAGE WITHIN COUNTY RIGHTS-OF-WAY CONSTITUTE A COUNTY ROAD PURPOSE EVEN IF THIS WORK EXTENDS BEYOND THE COUNTY RIGHT-OF-WAY. THE LEGISLATURE INTENDS THIS ACT TO BE PERMISSIVE LEGISLATION. NOTHING IN THIS ACT IS INTENDED TO CREATE OR IMPOSE A LEGAL DUTY UPON COUNTIES FOR SALMON RECOVERY WORK BEYOND THE COUNTY RIGHT-OF-WAY.

Sec. 2. RCW 36.79.140 AND 1997 C 81 S 6 ARE EACH AMENDED TO READ AS FOLLOWS:

AT THE TIME THE BOARD REVIEWS THE SIX-YEAR PROGRAM OF EACH COUNTY EACH EVEN-NUMBERED YEAR, IT SHALL CONSIDER AND SHALL APPROVE FOR INCLUSION IN ITS RECOMMENDED BUDGET, AS REQUIRED BY RCW 36.79.130, THE PORTION OF THE RURAL ARTERIAL CONSTRUCTION PROGRAM SCHEDULED TO BE PERFORMED DURING THE BIENNIAL PERIOD BEGINNING THE FOLLOWING JULY 1ST. SUBJECT TO THE APPROPRIATIONS ACTUALLY APPROVED BY THE LEGISLATURE, THE BOARD SHALL AS SOON AS FEASIBLE APPROVE RURAL ARTERIAL TRUST ACCOUNT FUNDS TO BE SPENT DURING THE ENSUING BIENNIUM FOR PRELIMINARY PROPOSALS IN PRIORITY SEQUENCE AS ESTABLISHED PURSUANT TO RCW 36.79.090. ONLY THOSE COUNTIES THAT DURING THE PRECEDING TWELVE MONTHS HAVE SPENT ALL REVENUES COLLECTED FOR ROAD PURPOSES ONLY FOR SUCH PURPOSES, INCLUDING REMOVAL OF BARRIERS TO FISH PASSAGE AND ACCOMPANYING STREAMBED AND STREAM BANK REPAIR AS SPECIFIED IN RCW 36.82.070, AND INCLUDING TRAFFIC LAW ENFORCEMENT, AS ARE ALLOWED TO THE STATE BY ARTICLE II, SECTION 40 OF THE STATE CONSTITUTION ARE ELIGIBLE TO RECEIVE FUNDS FROM THE RURAL ARTERIAL TRUST ACCOUNT: PROVIDED HOWEVER, THAT COUNTIES WITH A POPULATION OF LESS THAN EIGHT THOUSAND ARE EXEMPT FROM THIS ELIGIBILITY RESTRICTION: AND PROVIDED FURTHER, THAT COUNTIES EXPENDING REVENUES COLLECTED FOR ROAD PURPOSES ONLY ON OTHER GOVERNMENTAL SERVICES AFTER AUTHORIZATION FROM THE VOTERS OF THAT COUNTY UNDER RCW 84.55.050 ARE ALSO EXEMPT FROM THIS ELIGIBILITY RESTRICTION. THE BOARD SHALL AUTHORIZE RURAL ARTERIAL TRUST ACCOUNT FUNDS FOR THE CONSTRUCTION PROJECT PORTION OF A PROJECT PREVIOUSLY AUTHORIZED FOR A PRELIMINARY PROPOSAL IN THE SEQUENCE IN WHICH THE PRELIMINARY PROPOSAL HAS BEEN COMPLETED AND THE CONSTRUCTION PROJECT IS TO BE PLACED UNDER CONTRACT. AT SUCH TIME THE BOARD MAY RESERVE RURAL ARTERIAL TRUST ACCOUNT FUNDS FOR EXPENDITURE IN FUTURE YEARS AS MAY BE NECESSARY FOR COMPLETION OF PRELIMINARY PROPOSALS AND CONSTRUCTION PROJECTS TO BE COMMENCED IN THE ENSUING BIENNIUM.

THE BOARD MAY, WITHIN THE CONSTRAINTS OF AVAILABLE RURAL ARTERIAL TRUST FUNDS, CONSIDER ADDITIONAL PROJECTS FOR AUTHORIZATION UPON A CLEAR AND CONCLUSIVE SHOWING BY THE SUBMITTING COUNTY THAT THE PROPOSED PROJECT IS OF AN EMERGENT NATURE AND THAT ITS NEED WAS UNABLE TO BE ANTICIPATED AT THE TIME THE SIX-YEAR PROGRAM OF THE COUNTY WAS DEVELOPED. THE PROPOSED PROJECTS SHALL BE EVALUATED ON THE BASIS OF THE PRIORITY RATING FACTORS SPECIFIED IN RCW 36.79.080.

Sec. 3. RCW 36.82.070 AND 1997 C 189 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

ANY MONEY PAID TO ANY COUNTY ROAD FUND MAY BE USED FOR THE CONSTRUCTION, ALTERATION, REPAIR, IMPROVEMENT, OR MAINTENANCE OF COUNTY ROADS AND BRIDGES THEREON AND FOR WHARVES NECESSARY FOR FERRIAGE OF MOTOR VEHICLE TRAFFIC, AND FOR FERRIES, AND FOR THE ACQUIRING, OPERATING, AND MAINTAINING OF MACHINERY, EQUIPMENT, QUARRIES, OR PITS FOR THE EXTRACTION OF MATERIALS, AND FOR THE COST OF ESTABLISHING COUNTY ROADS, ACQUIRING RIGHTS-OF-WAY THEREFOR, AND EXPENSES FOR THE OPERATION OF THE COUNTY ENGINEERING OFFICE, AND FOR ANY OF THE FOLLOWING PROGRAMS WHEN DIRECTLY RELATED TO COUNTY ROAD PURPOSES: (1) INSURANCE; (2) SELF-INSURANCE PROGRAMS; AND (3) RISK MANAGEMENT PROGRAMS; AND FOR ANY OTHER PROPER COUNTY ROAD PURPOSE. SUCH EXPENDITURE MAY BE MADE EITHER INDEPENDENTLY OR IN CONJUNCTION WITH THE STATE OR ANY CITY, TOWN, OR TAX DISTRICT WITHIN THE COUNTY. COUNTY ROAD PURPOSES ALSO INCLUDE THE REMOVAL OF BARRIERS TO FISH PASSAGE RELATED TO COUNTY ROADS, AND INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING ACTIVITIES ASSOCIATED WITH THE REMOVAL OF THESE BARRIERS: ENGINEERING AND TECHNICAL SERVICES; STREAM BANK STABILIZATION; STREAMBED RESTORATION; THE PLACEMENT OF WEIRS, ROCK, OR WOODY DEBRIS; PLANTING; AND CHANNEL MODIFICATION. COUNTY ROAD FUNDS MAY BE USED BEYOND THE COUNTY RIGHT-OF-WAY FOR ACTIVITIES CLEARLY ASSOCIATED WITH REMOVAL OF FISH PASSAGE BARRIERS THAT ARE THE RESPONSIBILITY OF THE COUNTY. ACTIVITIES RELATED TO THE REMOVAL OF BARRIERS TO FISH PASSAGE PERFORMED BEYOND THE COUNTY RIGHT-OF-WAY MUST NOT EXCEED TWENTY-FIVE PERCENT OF THE TOTAL COST OF ACTIVITIES RELATED TO FISH BARRIER REMOVAL ON ANY ONE PROJECT, AND THE TOTAL ANNUAL COST OF ACTIVITIES RELATED TO THE REMOVAL OF BARRIERS TO FISH PASSAGE PERFORMED BEYOND THE COUNTY RIGHTS-OF-WAY MUST NOT EXCEED ONE-HALF OF ONE PERCENT OF A COUNTY'S ANNUAL ROAD CONSTRUCTION BUDGET. THE USE OF COUNTY ROAD FUNDS BEYOND THE COUNTY RIGHT-OF-WAY FOR ACTIVITIES ASSOCIATED WITH THE REMOVAL OF FISH BARRIERS IS PERMISSIVE, AND WHOLLY WITHIN THE DISCRETION OF THE COUNTY LEGISLATIVE AUTHORITY. THE USE OF COUNTY ROAD FUNDS BEYOND THE COUNTY RIGHT-OF-WAY FOR SUCH ACTIVITIES DOES NOT CREATE OR IMPOSE A LEGAL DUTY UPON A COUNTY FOR SALMON RECOVERY WORK BEYOND THE COUNTY RIGHT-OF-WAY."

MOTION

ON MOTION OF SENATOR WEST, FURTHER CONSIDERATION OF HOUSE BILL NO. 1394 WAS DEFERRED.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1752, BY HOUSE COMMITTEE ON AGRICULTURE AND ECOLOGY (ORIGINALLY SPONSORED BY REPRESENTATIVES CLEMENTS, GRANT, G. CHANDLER, B. CHANDLER, LINVILLE, LISK, McMORRIS, ARMSTRONG, SCHOESLER AND MULLIKEN)

ALLOWING FOR CLAIMS FOR WILDLIFE DAMAGE ON RANGELAND SUITABLE FOR GRAZING OR BROWSING OF DOMESTIC LIVESTOCK.

THE BILL WAS READ THE SECOND TIME.

MOTION

SENATOR RASMUSSEN MOVED THAT THE FOLLOWING COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE STRIKING AMENDMENT NOT BE ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

Sec. 1. RCW 77.36.005 AND 1996 C 54 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

THE LEGISLATURE FINDS THAT:

(1) AS THE NUMBER OF PEOPLE IN THE STATE GROWS AND WILDLIFE HABITAT IS ALTERED, PEOPLE WILL ENCOUNTER WILDLIFE MORE FREQUENTLY. AS A RESULT, CONFLICTS BETWEEN HUMANS AND WILDLIFE WILL ALSO INCREASE. WILDLIFE IS A PUBLIC RESOURCE OF SIGNIFICANT VALUE TO THE PEOPLE OF THE STATE AND THE RESPONSIBILITY TO MINIMIZE AND RESOLVE THESE CONFLICTS IS SHARED BY ALL CITIZENS OF THE STATE.

(2) IN PARTICULAR, THE STATE RECOGNIZES THE IMPORTANCE OF COMMERCIAL AGRICULTURAL AND HORTICULTURAL CROP PRODUCTION, RANGELAND SUITABLE FOR GRAZING OR BROWSING OF DOMESTIC LIVESTOCK, AND THE VALUE OF HEALTHY DEER AND ELK POPULATIONS, WHICH CAN DAMAGE SUCH CROPS. THE LEGISLATURE FURTHER FINDS THAT DAMAGE PREVENTION IS KEY TO MAINTAINING HEALTHY DEER AND ELK POPULATIONS, WILDLIFE-RELATED RECREATIONAL OPPORTUNITIES, ~~((AND))~~ COMMERCIALLY PRODUCTIVE AGRICULTURAL AND HORTICULTURAL CROPS, AND RANGELAND SUITABLE FOR GRAZING OR BROWSING OF DOMESTIC LIVESTOCK, AND THAT THE STATE, PARTICIPANTS IN WILDLIFE RECREATION, AND PRIVATE LANDOWNERS AND TENANTS SHARE THE RESPONSIBILITY FOR DAMAGE PREVENTION. TOWARD THIS END, THE LEGISLATURE ENCOURAGES LANDOWNERS AND TENANTS TO CONTRIBUTE THROUGH THEIR LAND MANAGEMENT PRACTICES TO HEALTHY WILDLIFE POPULATIONS AND TO PROVIDE ACCESS FOR RELATED RECREATION. IT IS IN THE BEST INTERESTS OF THE STATE FOR THE DEPARTMENT OF FISH AND WILDLIFE TO RESPOND QUICKLY TO WILDLIFE DAMAGE COMPLAINTS AND TO WORK WITH THESE LANDOWNERS AND TENANTS TO MINIMIZE AND/OR PREVENT DAMAGES AND CONFLICTS WHILE MAINTAINING DEER AND ELK POPULATIONS FOR ENJOYMENT BY ALL CITIZENS OF THE STATE.

(3) A TIMELY AND SIMPLIFIED PROCESS FOR RESOLVING CLAIMS FOR DAMAGES CAUSED BY DEER AND ELK FOR COMMERCIAL AGRICULTURAL OR HORTICULTURAL PRODUCTS, AND RANGELAND USED FOR GRAZING OR BROWSING OF DOMESTIC LIVESTOCK IS BENEFICIAL TO THE CLAIMANT AND THE STATE.

Sec. 2. RCW 77.36.010 AND 1996 C 54 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

~~((UNLESS OTHERWISE SPECIFIED,))~~ THE ~~((FOLLOWING))~~ DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS CHAPTER ~~((:))~~ UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE.

(1) "CROP" MEANS ~~((A COMMERCIALLY RAISED HORTICULTURAL AND/OR AGRICULTURAL PRODUCT AND INCLUDES GROWING OR HARVESTED PRODUCT BUT DOES NOT INCLUDE LIVESTOCK))~~ ((A) A GROWING OR HARVESTED HORTICULTURAL AND/OR AGRICULTURAL PRODUCT FOR COMMERCIAL PURPOSES; OR ((B) RANGELAND FORAGE ON PRIVATELY OWNED LAND USED FOR GRAZING OR BROWSING OF DOMESTIC LIVESTOCK FOR AT LEAST A PORTION OF THE YEAR FOR COMMERCIAL PURPOSES. FOR THE PURPOSES OF THIS CHAPTER ALL PARTS OF HORTICULTURAL TREES SHALL BE CONSIDERED A CROP AND SHALL BE ELIGIBLE FOR CLAIMS.

(2) "EMERGENCY" MEANS AN UNFORESEEN CIRCUMSTANCE BEYOND THE CONTROL OF THE LANDOWNER OR TENANT THAT PRESENTS A REAL AND IMMEDIATE THREAT TO CROPS, DOMESTIC ANIMALS, OR FOWL.

(3) "IMMEDIATE FAMILY MEMBER" MEANS SPOUSE, BROTHER, SISTER, GRANDPARENT, PARENT, CHILD, OR GRANDCHILD.

Sec. 3. RCW 77.36.080 AND 1996 C 54 S 9 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE DEPARTMENT MAY PAY NO MORE THAN THIRTY THOUSAND DOLLARS PER FISCAL YEAR FROM THE GENERAL FUND FOR CLAIMS UNDER RCW 77.36.040 AND FOR ASSESSMENT COSTS AND COMPROMISE OF CLAIMS UNLESS THE LEGISLATURE DECLARES AN EMERGENCY. SUCH MONEY SHALL BE USED TO PAY ANIMAL DAMAGE CLAIMS ONLY IF THE CLAIM MEETS THE CONDITIONS OF RCW 77.36.040 AND THE DAMAGE OCCURRED IN A PLACE WHERE THE OPPORTUNITY TO HUNT WAS RESTRICTED OR PROHIBITED BY A COUNTY, MUNICIPALITY, OR OTHER PUBLIC ENTITY DURING THE SEASON PRIOR TO THE OCCURRENCE OF THE DAMAGE.

(2) THE LEGISLATURE MAY DECLARE AN EMERGENCY, DEFINED FOR THE PURPOSES OF THIS SECTION AS ANY HAPPENING ARISING FROM WEATHER, OTHER NATURAL CONDITIONS, OR FIRE THAT CAUSES UNUSUALLY GREAT DAMAGE BY DEER OR ELK TO COMMERCIALLY RAISED AGRICULTURAL OR HORTICULTURAL CROPS ~~((BY DEER OR ELK))~~, OR RANGELAND FORAGE ON PRIVATELY OWNED LAND USED FOR GRAZING OR BROWSING OF DOMESTIC LIVESTOCK FOR AT LEAST A PORTION OF THE YEAR. IN AN EMERGENCY, THE DEPARTMENT MAY PAY AS MUCH AS MAY BE SUBSEQUENTLY APPROPRIATED, IN ADDITION TO THE FUNDS AUTHORIZED UNDER SUBSECTION (1) OF THIS SECTION, FOR CLAIMS UNDER RCW 77.36.040 AND FOR ASSESSMENT AND COMPROMISE OF CLAIMS. SUCH MONEY SHALL BE USED TO PAY ANIMAL DAMAGE CLAIMS ONLY IF THE CLAIM MEETS THE CONDITIONS OF RCW 77.36.040 AND THE DEPARTMENT HAS EXPENDED ALL FUNDS AUTHORIZED UNDER RCW 77.36.070 OR SUBSECTION (1) OF THIS SECTION.

NEW SECTION. Sec. 4. THIS ACT IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY, OR SUPPORT OF THE STATE GOVERNMENT AND ITS EXISTING PUBLIC INSTITUTIONS, AND TAKES EFFECT JULY 1, 2001."

MOTION

ON MOTION OF SENATOR RASMUSSEN, FURTHER CONSIDERATION OF SECOND SUBSTITUTE HOUSE BILL NO. 1752 WAS DEFERRED.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1091, BY HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS (ORIGINALLY SPONSORED BY REPRESENTATIVES LAMBERT, H. SOMMERS, MILOSCIA, CAIRNES, SCHINDLER, TALCOTT AND MIELKE)

CHANGING SEXUAL MISCONDUCT LAWS WITH REGARD TO SCHOOL EMPLOYEES.

THE BILL WAS READ THE SECOND TIME.

MOTION

SENATOR KLINE MOVED THAT THE FOLLOWING AMENDMENTS BE CONSIDERED SIMULTANEOUSLY AND BE ADOPTED: ON PAGE 1, LINE 18, AFTER "EMPLOYEE" INSERT "AND THE EMPLOYEE IS AT LEAST SIXTY MONTHS OLDER THAN THE STUDENT" ON PAGE 2, LINE 21, AFTER "EMPLOYEE" INSERT "AND THE EMPLOYEE IS AT LEAST SIXTY MONTHS OLDER THAN THE STUDENT" DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENTS BY SENATOR KLINE ON PAGE 1, LINE 18, AND PAGE 2, LINE 21, TO SUBSTITUTE HOUSE BILL NO. 1091.

FURTHER DEBATE ENSUED.

THE MOTION BY SENATOR KLINE FAILED AND THE AMENDMENTS WERE NOT ADOPTED.

MOTION

ON MOTION OF SENATOR KLINE, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 1091 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1091.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1091 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 40; NAYS, 4; ABSENT, 3; EXCUSED, 2.

VOTING YEA: SENATORS BENTON, CARLSON, COSTA, EIDE, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, LONG, MCAULIFFE, MCCASLIN, McDONALD, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, WEST, WINSLEY AND ZARELLI - 40.

VOTING NAY: SENATORS FAIRLEY, KOHL-WELLES, MORTON AND THIBAudeau - 4.

ABSENT: SENATORS BROWN, CONSTANTINE AND ROSSI - 3.

EXCUSED: SENATORS DECCIO AND HAUGEN - 2.

SUBSTITUTE HOUSE BILL NO. 1091, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 1361, BY REPRESENTATIVES JACKLEY, CAIRNES AND DUNSHEE (BY REQUEST OF DEPARTMENT OF REVENUE)

SIMPLIFYING EXCISE TAX APPLICATION AND ADMINISTRATION.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR BROWN, THE FOLLOWING COMMITTEE ON WAYS AND MEANS AMENDMENT WAS ADOPTED: ON PAGE 10, LINE 6, STRIKE "82.04.280(2)" AND INSERT "82.04.290(2)"

MOTION

SENATOR BROWN MOVED THAT THE FOLLOWING AMENDMENT BY SENATORS BROWN, TIM SHELDON AND ROSSI BE ADOPTED:

ON PAGE 17, AFTER LINE 18, INSERT THE FOLLOWING:

"NEW SECTION. Sec. 18. THE LEGISLATURE FINDS THAT THE APPLICATION OF THE BUSINESS AND OCCUPATION TAX DEDUCTION PROVIDED IN RCW 82.04.4281 FOR INVESTMENT INCOME OF PERSONS OTHER THAN THOSE ENGAGING IN "BANKING, LOAN, SECURITY, OR OTHER FINANCIAL BUSINESSES" HAS BEEN THE SUBJECT OF DISAGREEMENT BETWEEN TAXPAYERS AND THE STATE. DECISIONS OF THE SUPREME COURT HAVE PROVIDED SOME BROAD GUIDELINES AND PRINCIPLES FOR INTERPRETATION OF THE DEDUCTION PROVIDED IN RCW 82.04.4281, BUT THESE DECISIONS HAVE NOT PROVIDED THE CERTAINTY AND CLARITY THAT IS DESIRED BY TAXPAYERS AND THE STATE. THEREFORE, IT IS THE INTENT OF THE LEGISLATURE TO DELAY CHANGE IN THE MANNER OR EXTENT OF TAXATION OF THE INVESTMENT INCOME UNTIL DEFINITIONS OR STANDARDS CAN BE DEVELOPED AND ENACTED BY THE LEGISLATURE.

NEW SECTION. Sec. 19. A NEW SECTION IS ADDED TO CHAPTER 82.04 RCW TO READ AS FOLLOWS:

(1) THE DEPARTMENT OF REVENUE SHALL NOT ASSESS NOR IMPOSE BUSINESS AND OCCUPATION TAX ON INVESTMENT INCOME OF PERSONS ENGAGING IN BUSINESS ACTIVITIES OF A CHARACTER THAT HAVE NOT PREVIOUSLY BEEN DETERMINED BY THE DEPARTMENT TO BE AN "OTHER FINANCIAL BUSINESS" UNDER RCW 82.04.4281 THROUGH:

(A) A FINAL DECISION OF A COURT OF RECORD. HOWEVER, THIS SUBSECTION SHALL NOT BE CONSTRUED TO DENY THE DEDUCTION TO ANY PERSON OTHER THAN THE SPECIFIC TAXPAYER COVERED IN THE COURT'S DECISION;

(B) EXCISE TAX ADVISORIES PUBLISHED PRIOR TO JANUARY 1, 2001; OR

(C) RULINGS OR DETERMINATIONS ISSUED BY THE DEPARTMENT OF REVENUE TO A SPECIFIC TAXPAYER PRIOR TO JANUARY 1, 2001. HOWEVER, THIS SUBSECTION SHALL NOT BE CONSTRUED TO DENY THE DEDUCTION TO ANY PERSON OTHER THAN THE SPECIFIC TAXPAYER COVERED IN THE RULING OR DETERMINATION.

(2) NOTHING IN THIS ACT SHALL BE CONSTRUED TO PROHIBIT THE DEPARTMENT OF REVENUE FROM GRANTING THE DEDUCTION BY MEANS OF REVOCATION OF PREVIOUS DETERMINATIONS SET FORTH IN SUBSECTIONS (1)(A),(B), OR (C) OF THIS SECTION.

(3) THIS SECTION EXPIRES JULY 1, 2002.

NEW SECTION. Sec. 20 THE DEPARTMENT OF REVENUE SHALL REPORT TO THE FISCAL COMMITTEES OF THE LEGISLATURE BY NOVEMBER 30, 2001, ON THE PROGRESS MADE IN WORKING WITH AFFECTED BUSINESSES ON POTENTIAL AMENDMENTS TO RCW 82.04.4281 WHICH WOULD CLARIFY THE APPLICATION OF RCW 82.04.4281 TO OTHER FINANCIAL BUSINESSES."

RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATORS BROWN, TIM SHELDON AND ROSSI ON PAGE 17, AFTER LINE 18, TO HOUSE BILL NO. 1361.

THE MOTION BY SENATOR BROWN CARRIED AND THE AMENDMENT WAS ADOPTED.

MOTIONS

ON MOTION OF SENATOR BROWN, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, ON LINE 5 OF THE TITLE, AFTER "82.16 RCW;" INSERT "ADDING A NEW SECTION TO CHAPTER 82.04 RCW;" AND ON LINE 6, STRIKE "CREATING A NEW SECTION;" AND INSERT "CREATING NEW SECTIONS;"

ON MOTION OF SENATOR BROWN, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1361, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1361, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1361, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 47; NAYS, 0; ABSENT, 0; EXCUSED, 2.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 47.

EXCUSED: SENATORS DECCIO AND HAUGEN - 2.

HOUSE BILL NO. 1361, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

THERE BEING NO OBJECTION, THE SENATE RESUMED CONSIDERATION OF SECOND SUBSTITUTE SENATE BILL NO. 5419, DEFERRED EARLIER TODAY AFTER SENATOR HARGROVE MOVED THAT THE STRIKING AMENDMENT BY SENATORS HARGROVE, LONG, PATTERSON, KLINE AND BROWN BE ADOPTED.

MOTION

SENATOR BENTON MOVED THAT THE FOLLOWING AMENDMENT TO THE STRIKING AMENDMENT BY SENATORS HARGROVE, LONG, PATTERSON, KLINE AND BROWN BE ADOPTED:

ON PAGE 10, AFTER LINE 10, INSERT THE FOLLOWING:

"NEW SECTION. Sec. 3. RCW 9.94A.030 AND 2000 C. 28 S. 2 ARE AMENDED TO READ AS FOLLOWS:

UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS CHAPTER.

(1) "COLLECT," OR ANY DERIVATIVE THEREOF, "COLLECT AND REMIT," OR "COLLECT AND DELIVER," WHEN USED WITH REFERENCE TO THE DEPARTMENT, MEANS THAT THE DEPARTMENT, EITHER DIRECTLY OR THROUGH A COLLECTION AGREEMENT AUTHORIZED BY RCW 9.94A.145, IS RESPONSIBLE FOR MONITORING AND ENFORCING THE OFFENDER'S SENTENCE WITH REGARD TO THE LEGAL FINANCIAL OBLIGATION, RECEIVING PAYMENT THEREOF FROM THE OFFENDER, AND, CONSISTENT WITH CURRENT LAW, DELIVERING DAILY THE ENTIRE PAYMENT TO THE SUPERIOR COURT CLERK WITHOUT DEPOSITING IT IN A DEPARTMENTAL ACCOUNT.

(2) "COMMISSION" MEANS THE SENTENCING GUIDELINES COMMISSION.

(3) "COMMUNITY CORRECTIONS OFFICER" MEANS AN EMPLOYEE OF THE DEPARTMENT WHO IS RESPONSIBLE FOR CARRYING OUT SPECIFIC DUTIES IN SUPERVISION OF SENTENCED OFFENDERS AND MONITORING OF SENTENCE CONDITIONS.

(4) "COMMUNITY CUSTODY" MEANS THAT PORTION OF AN OFFENDER'S SENTENCE OF CONFINEMENT IN LIEU OF EARNED RELEASE TIME OR IMPOSED PURSUANT TO RCW 9.94A.120(2)(B), 9.94A.650 THROUGH 9.94A.670, 9.94A.137, 9.94A.700 THROUGH 9.94A.715, OR 9.94A.383, SERVED IN THE COMMUNITY SUBJECT TO CONTROLS PLACED ON THE OFFENDER'S MOVEMENT AND ACTIVITIES BY THE DEPARTMENT. FOR OFFENDERS PLACED ON COMMUNITY CUSTODY FOR CRIMES COMMITTED ON OR AFTER JULY 1, 2000, THE DEPARTMENT SHALL ASSESS THE OFFENDER'S RISK OF REOFFENSE AND MAY ESTABLISH AND MODIFY CONDITIONS OF COMMUNITY CUSTODY, IN ADDITION TO THOSE IMPOSED BY THE COURT, BASED UPON THE RISK TO COMMUNITY SAFETY.

(5) "COMMUNITY CUSTODY RANGE" MEANS THE MINIMUM AND MAXIMUM PERIOD OF COMMUNITY CUSTODY INCLUDED AS PART OF A SENTENCE UNDER RCW 9.94A.715, AS ESTABLISHED BY THE COMMISSION OR THE LEGISLATURE UNDER RCW 9.94A.040, FOR CRIMES COMMITTED ON OR AFTER JULY 1, 2000.

(6) "COMMUNITY PLACEMENT" MEANS THAT PERIOD DURING WHICH THE OFFENDER IS SUBJECT TO THE CONDITIONS OF COMMUNITY CUSTODY AND/OR POSTRELEASE SUPERVISION, WHICH BEGINS EITHER UPON COMPLETION OF THE TERM OF CONFINEMENT (POSTRELEASE SUPERVISION) OR AT SUCH TIME AS THE OFFENDER IS TRANSFERRED TO COMMUNITY CUSTODY IN LIEU OF EARNED RELEASE. COMMUNITY PLACEMENT MAY CONSIST OF ENTIRELY COMMUNITY CUSTODY, ENTIRELY POSTRELEASE SUPERVISION, OR A COMBINATION OF THE TWO.

(7) "COMMUNITY SERVICE" MEANS COMPULSORY SERVICE, WITHOUT COMPENSATION, PERFORMED FOR THE BENEFIT OF THE COMMUNITY BY THE OFFENDER.

(8) "COMMUNITY SUPERVISION" MEANS A PERIOD OF TIME DURING WHICH A CONVICTED OFFENDER IS SUBJECT TO CRIME-RELATED PROHIBITIONS AND OTHER SENTENCE CONDITIONS IMPOSED BY A COURT PURSUANT TO THIS CHAPTER OR RCW 16.52.200(6) OR 46.61.524. WHERE THE COURT FINDS THAT ANY OFFENDER HAS A CHEMICAL DEPENDENCY THAT HAS CONTRIBUTED TO HIS OR HER OFFENSE, THE CONDITIONS OF SUPERVISION MAY, SUBJECT TO AVAILABLE RESOURCES, INCLUDE TREATMENT. FOR PURPOSES OF THE INTERSTATE COMPACT FOR OUT-OF-STATE SUPERVISION OF PAROLEES AND PROBATIONERS, RCW 9.95.270, COMMUNITY SUPERVISION IS THE FUNCTIONAL EQUIVALENT OF PROBATION AND SHOULD BE CONSIDERED THE SAME AS PROBATION BY OTHER STATES.

(9) "CONFINEMENT" MEANS TOTAL OR PARTIAL CONFINEMENT.

(10) "CONVICTION" MEANS AN ADJUDICATION OF GUILT PURSUANT TO TITLES 10 OR 13 RCW AND INCLUDES A VERDICT OF GUILTY, A FINDING OF GUILTY, AND ACCEPTANCE OF A PLEA OF GUILTY.

(11) "CRIME-RELATED PROHIBITION" MEANS AN ORDER OF A COURT PROHIBITING CONDUCT THAT DIRECTLY RELATES TO THE CIRCUMSTANCES OF THE CRIME FOR WHICH THE OFFENDER HAS BEEN CONVICTED, AND SHALL NOT BE CONSTRUED TO MEAN ORDERS DIRECTING AN OFFENDER AFFIRMATIVELY TO PARTICIPATE IN REHABILITATIVE PROGRAMS OR TO OTHERWISE PERFORM AFFIRMATIVE CONDUCT. HOWEVER, AFFIRMATIVE ACTS NECESSARY TO MONITOR COMPLIANCE WITH THE ORDER OF A COURT MAY BE REQUIRED BY THE DEPARTMENT.

(12) "CRIMINAL HISTORY" MEANS THE LIST OF A DEFENDANT'S PRIOR CONVICTIONS AND JUVENILE ADJUDICATIONS, WHETHER IN THIS STATE, IN FEDERAL COURT, OR ELSEWHERE. THE HISTORY SHALL INCLUDE, WHERE KNOWN, FOR EACH CONVICTION (A) WHETHER THE DEFENDANT HAS BEEN PLACED ON PROBATION AND THE LENGTH AND TERMS THEREOF; AND (B) WHETHER THE DEFENDANT HAS BEEN INCARCERATED AND THE LENGTH OF INCARCERATION.

(13) "DAY FINE" MEANS A FINE IMPOSED BY THE SENTENCING COURT THAT EQUALS THE DIFFERENCE BETWEEN THE OFFENDER'S NET DAILY INCOME AND THE REASONABLE OBLIGATIONS THAT THE OFFENDER HAS FOR THE SUPPORT OF THE OFFENDER AND ANY DEPENDENTS.

(14) "DAY REPORTING" MEANS A PROGRAM OF ENHANCED SUPERVISION DESIGNED TO MONITOR THE OFFENDER'S DAILY ACTIVITIES AND COMPLIANCE WITH SENTENCE CONDITIONS, AND IN WHICH THE OFFENDER IS REQUIRED TO REPORT DAILY TO A SPECIFIC LOCATION DESIGNATED BY THE DEPARTMENT OR THE SENTENCING COURT.

(15) "DEPARTMENT" MEANS THE DEPARTMENT OF CORRECTIONS.

(16) "DETERMINATE SENTENCE" MEANS A SENTENCE THAT STATES WITH EXACTITUDE THE NUMBER OF ACTUAL YEARS, MONTHS, OR DAYS OF TOTAL CONFINEMENT, OF PARTIAL CONFINEMENT, OF COMMUNITY SUPERVISION, THE NUMBER OF ACTUAL HOURS OR DAYS OF COMMUNITY SERVICE WORK, OR DOLLARS OR TERMS OF A LEGAL FINANCIAL OBLIGATION. THE FACT THAT AN OFFENDER THROUGH EARNED RELEASE CAN REDUCE THE ACTUAL PERIOD OF CONFINEMENT SHALL NOT AFFECT THE CLASSIFICATION OF THE SENTENCE AS A DETERMINATE SENTENCE.

(17) "DISPOSABLE EARNINGS" MEANS THAT PART OF THE EARNINGS OF AN OFFENDER REMAINING AFTER THE DEDUCTION FROM THOSE EARNINGS OF ANY AMOUNT REQUIRED BY LAW TO BE WITHHELD. FOR THE PURPOSES OF THIS DEFINITION, "EARNINGS" MEANS COMPENSATION PAID OR PAYABLE FOR PERSONAL SERVICES, WHETHER DENOMINATED AS WAGES, SALARY, COMMISSION, BONUSES, OR OTHERWISE, AND, NOTWITHSTANDING ANY OTHER PROVISION OF LAW MAKING THE PAYMENTS EXEMPT FROM GARNISHMENT, ATTACHMENT, OR OTHER PROCESS TO SATISFY A COURT-ORDERED LEGAL FINANCIAL OBLIGATION, SPECIFICALLY INCLUDES PERIODIC PAYMENTS PURSUANT TO PENSION OR RETIREMENT PROGRAMS, OR INSURANCE POLICIES OF ANY TYPE, BUT DOES NOT INCLUDE PAYMENTS MADE UNDER TITLE 50 RCW, EXCEPT AS PROVIDED IN RCW 50.40.020 AND 50.40.050, OR TITLE 74 RCW.

(18) "DRUG OFFENDER SENTENCING ALTERNATIVE" IS A SENTENCING OPTION AVAILABLE TO PERSONS CONVICTED OF A FELONY OFFENSE OTHER THAN A VIOLENT OFFENSE OR A SEX OFFENSE AND WHO ARE ELIGIBLE FOR THE OPTION UNDER RCW 9.94A.660.

(19) "DRUG OFFENSE" MEANS:

(A) ANY FELONY VIOLATION OF CHAPTER 69.50 RCW EXCEPT POSSESSION OF A CONTROLLED SUBSTANCE (RCW 69.50.401(d)) OR FORGED PRESCRIPTION FOR A CONTROLLED SUBSTANCE (RCW 69.50.403);

(B) ANY OFFENSE DEFINED AS A FELONY UNDER FEDERAL LAW THAT RELATES TO THE POSSESSION, MANUFACTURE, DISTRIBUTION, OR TRANSPORTATION OF A CONTROLLED SUBSTANCE; OR

(C) ANY OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS A DRUG OFFENSE UNDER (A) OF THIS SUBSECTION.

(20) "EARNED RELEASE" MEANS EARNED RELEASE FROM CONFINEMENT AS PROVIDED IN RCW 9.94A.150.

(21) "ESCAPE" MEANS:

(A) ESCAPE IN THE FIRST DEGREE (RCW 9A.76.110), ESCAPE IN THE SECOND DEGREE (RCW 9A.76.120), WILLFUL FAILURE TO RETURN FROM FURLOUGH (RCW 72.66.060), WILLFUL FAILURE TO RETURN FROM WORK RELEASE (RCW 72.65.070), OR WILLFUL FAILURE TO BE AVAILABLE FOR SUPERVISION BY THE DEPARTMENT WHILE IN COMMUNITY CUSTODY (RCW 72.09.310); OR

(B) ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS AN ESCAPE UNDER (A) OF THIS SUBSECTION.

(22) "FELONY TRAFFIC OFFENSE" MEANS:

(A) VEHICULAR HOMICIDE (RCW 46.61.520), VEHICULAR ASSAULT (RCW 46.61.522), ELUDING A POLICE OFFICER (RCW 46.61.024), OR FELONY HIT-AND-RUN INJURY-ACCIDENT (RCW 46.52.020(4)); OR

(B) ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS A FELONY TRAFFIC OFFENSE UNDER (A) OF THIS SUBSECTION.

(23) "FINE" MEANS A SPECIFIC SUM OF MONEY ORDERED BY THE SENTENCING COURT TO BE PAID BY THE OFFENDER TO THE COURT OVER A SPECIFIC PERIOD OF TIME.

(24) "FIRST-TIME OFFENDER" MEANS ANY PERSON WHO HAS NO PRIOR CONVICTIONS FOR A FELONY AND IS ELIGIBLE FOR THE FIRST-TIME OFFENDER WAIVER UNDER RCW 9.94A.650.

(25) "HOME DETENTION" MEANS A PROGRAM OF PARTIAL CONFINEMENT AVAILABLE TO OFFENDERS WHEREIN THE OFFENDER IS CONFINED IN A PRIVATE RESIDENCE SUBJECT TO ELECTRONIC SURVEILLANCE.

(26) "LEGAL FINANCIAL OBLIGATION" MEANS A SUM OF MONEY THAT IS ORDERED BY A SUPERIOR COURT OF THE STATE OF WASHINGTON FOR LEGAL FINANCIAL OBLIGATIONS WHICH MAY INCLUDE RESTITUTION TO THE VICTIM, STATUTORILY IMPOSED CRIME VICTIMS' COMPENSATION FEES AS ASSESSED PURSUANT TO RCW 7.68.035, COURT COSTS, COUNTY OR INTERLOCAL DRUG FUNDS, COURT-APPOINTED ATTORNEYS' FEES, AND COSTS OF DEFENSE, FINES, AND ANY OTHER FINANCIAL OBLIGATION THAT IS ASSESSED TO THE OFFENDER AS A RESULT OF A FELONY CONVICTION. UPON CONVICTION FOR VEHICULAR ASSAULT WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG, RCW 46.61.522(1)(B), OR VEHICULAR HOMICIDE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG, RCW 46.61.520(1)(A), LEGAL FINANCIAL OBLIGATIONS MAY ALSO INCLUDE PAYMENT TO A PUBLIC AGENCY OF THE EXPENSE OF AN EMERGENCY RESPONSE TO THE INCIDENT RESULTING IN THE CONVICTION, SUBJECT TO RCW 38.52.430.

(27) "MOST SERIOUS OFFENSE" MEANS ANY OF THE FOLLOWING FELONIES OR A FELONY ATTEMPT TO COMMIT ANY OF THE FOLLOWING FELONIES:

(A) ANY FELONY DEFINED UNDER ANY LAW AS A CLASS A FELONY OR CRIMINAL SOLICITATION OF OR CRIMINAL CONSPIRACY TO COMMIT A CLASS A FELONY;

(B) ASSAULT IN THE SECOND DEGREE;

(C) ASSAULT OF A CHILD IN THE SECOND DEGREE;

(D) CHILD MOLESTATION IN THE SECOND DEGREE;

(E) CONTROLLED SUBSTANCE HOMICIDE;

(F) EXTORTION IN THE FIRST DEGREE;

(G) INCEST WHEN COMMITTED AGAINST A CHILD UNDER AGE FOURTEEN;

(H) INDECENT LIBERTIES;

(I) KIDNAPPING IN THE SECOND DEGREE;

(J) LEADING ORGANIZED CRIME;

(K) MANSLAUGHTER IN THE FIRST DEGREE;

(L) MANSLAUGHTER IN THE SECOND DEGREE;

(M) MANUFACTURE, DELIVERY, OR POSSESSION WITH INTENT TO DELIVER HEROIN, COCAINE, OR METHAMPHETAMINE;

~~((M))~~(N) PROMOTING PROSTITUTION IN THE FIRST DEGREE;

~~((N))~~(O) RAPE IN THE THIRD DEGREE;

~~((O))~~(P) ROBBERY IN THE SECOND DEGREE;

~~((P))~~(Q) SEXUAL EXPLOITATION;

~~((Q))~~(R) VEHICULAR ASSAULT;

~~((R))~~(S) VEHICULAR HOMICIDE, WHEN PROXIMATELY CAUSED BY THE DRIVING OF ANY VEHICLE BY ANY PERSON WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG AS DEFINED BY RCW 46.61.502, OR BY THE OPERATION OF ANY VEHICLE IN A RECKLESS MANNER;

~~((S))~~(T) ANY OTHER CLASS B FELONY OFFENSE WITH A FINDING OF SEXUAL MOTIVATION;

~~((T))~~(U) ANY OTHER FELONY WITH A DEADLY WEAPON VERDICT UNDER RCW 9.94A.125;

~~((U))~~(V) ANY FELONY OFFENSE IN EFFECT AT ANY TIME PRIOR TO DECEMBER 2, 1993, THAT IS COMPARABLE TO A MOST SERIOUS OFFENSE UNDER THIS SUBSECTION, OR ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS A MOST SERIOUS OFFENSE UNDER THIS SUBSECTION;

~~((V))~~(W)(i) A PRIOR CONVICTION FOR INDECENT LIBERTIES UNDER *RCW 9A.88.100(1) (A), (B), AND (C), CHAPTER 260, LAWS OF 1975 1ST EX. SESS. AS IT EXISTED UNTIL JULY 1, 1979, RCW 9A.44.100(1) (A), (B), AND (C) AS IT EXISTED FROM JULY 1, 1979, UNTIL JUNE 11, 1986, AND RCW 9A.44.100(1) (A), (B), AND (D) AS IT EXISTED FROM JUNE 11, 1986, UNTIL JULY 1, 1988;

(ii) A PRIOR CONVICTION FOR INDECENT LIBERTIES UNDER RCW 9A.44.100(1)(C) AS IT EXISTED FROM JUNE 11, 1986, UNTIL JULY 1, 1988, IF: (A) THE CRIME WAS COMMITTED AGAINST A CHILD UNDER THE AGE OF FOURTEEN; OR (B) THE RELATIONSHIP BETWEEN THE VICTIM AND PERPETRATOR IS INCLUDED IN THE DEFINITION OF INDECENT LIBERTIES UNDER RCW 9A.44.100(1)(C) AS IT EXISTED FROM JULY 1, 1988, THROUGH JULY 27, 1997, OR RCW 9A.44.100(1) (D) OR (E) AS IT EXISTED FROM JULY 25, 1993, THROUGH JULY 27, 1997.

(28) "NONVIOLENT OFFENSE" MEANS AN OFFENSE WHICH IS NOT A VIOLENT OFFENSE.

(29) "OFFENDER" MEANS A PERSON WHO HAS COMMITTED A FELONY ESTABLISHED BY STATE LAW AND IS EIGHTEEN YEARS OF AGE OR OLDER OR IS LESS THAN EIGHTEEN YEARS OF AGE BUT WHOSE CASE IS UNDER SUPERIOR COURT JURISDICTION UNDER RCW 13.04.030 OR HAS BEEN TRANSFERRED BY THE APPROPRIATE JUVENILE COURT TO A CRIMINAL COURT PURSUANT TO RCW 13.40.110. THROUGHOUT THIS CHAPTER, THE TERMS "OFFENDER" AND "DEFENDANT" ARE USED INTERCHANGEABLY.

(30) "PARTIAL CONFINEMENT" MEANS CONFINEMENT FOR NO MORE THAN ONE YEAR IN A FACILITY OR INSTITUTION OPERATED OR UTILIZED UNDER CONTRACT BY THE STATE OR ANY OTHER UNIT OF GOVERNMENT, OR, IF HOME DETENTION OR WORK CREW HAS BEEN ORDERED BY THE COURT, IN AN APPROVED RESIDENCE, FOR A SUBSTANTIAL PORTION OF EACH DAY WITH THE BALANCE OF THE DAY SPENT IN THE COMMUNITY. PARTIAL CONFINEMENT INCLUDES WORK RELEASE, HOME DETENTION, WORK CREW, AND A COMBINATION OF WORK CREW AND HOME DETENTION.

(31) "PERSISTENT OFFENDER" IS AN OFFENDER WHO:

(A)(i) HAS BEEN CONVICTED IN THIS STATE OF ANY FELONY CONSIDERED A MOST SERIOUS OFFENSE; AND

(ii) HAS, BEFORE THE COMMISSION OF THE OFFENSE UNDER (A) OF THIS SUBSECTION, BEEN CONVICTED AS AN OFFENDER ON AT LEAST TWO SEPARATE OCCASIONS, WHETHER IN THIS STATE OR ELSEWHERE, OF FELONIES THAT UNDER THE LAWS OF THIS STATE WOULD BE CONSIDERED MOST SERIOUS OFFENSES AND WOULD BE INCLUDED IN THE OFFENDER SCORE UNDER RCW 9.94A.360; PROVIDED THAT OF THE TWO OR MORE PREVIOUS CONVICTIONS, AT LEAST ONE CONVICTION MUST HAVE OCCURRED BEFORE THE COMMISSION OF ANY OF THE OTHER MOST SERIOUS OFFENSES FOR WHICH THE OFFENDER WAS PREVIOUSLY CONVICTED; OR

(B)(i) HAS BEEN CONVICTED OF: (A) RAPE IN THE FIRST DEGREE, RAPE OF A CHILD IN THE FIRST DEGREE, CHILD MOLESTATION IN THE FIRST DEGREE, RAPE IN THE SECOND DEGREE, RAPE OF A CHILD IN THE SECOND DEGREE, OR INDECENT LIBERTIES BY FORCIBLE COMPULSION; (B) MURDER IN THE FIRST DEGREE, MURDER IN THE SECOND DEGREE, HOMICIDE BY ABUSE, KIDNAPPING IN THE FIRST DEGREE, KIDNAPPING IN THE SECOND DEGREE, ASSAULT IN THE FIRST DEGREE, ASSAULT IN THE SECOND DEGREE, ASSAULT OF A CHILD IN THE FIRST

DEGREE, OR BURGLARY IN THE FIRST DEGREE, WITH A FINDING OF SEXUAL MOTIVATION; OR (C) AN ATTEMPT TO COMMIT ANY CRIME LISTED IN THIS SUBSECTION (31)(B)(I); AND

(II) HAS, BEFORE THE COMMISSION OF THE OFFENSE UNDER (B)(I) OF THIS SUBSECTION, BEEN CONVICTED AS AN OFFENDER ON AT LEAST ONE OCCASION, WHETHER IN THIS STATE OR ELSEWHERE, OF AN OFFENSE LISTED IN (B)(I) OF THIS SUBSECTION. A CONVICTION FOR RAPE OF A CHILD IN THE FIRST DEGREE CONSTITUTES A CONVICTION UNDER (B)(I) OF THIS SUBSECTION ONLY WHEN THE OFFENDER WAS SIXTEEN YEARS OF AGE OR OLDER WHEN THE OFFENDER COMMITTED THE OFFENSE. A CONVICTION FOR RAPE OF A CHILD IN THE SECOND DEGREE CONSTITUTES A CONVICTION UNDER (B)(I) OF THIS SUBSECTION ONLY WHEN THE OFFENDER WAS EIGHTEEN YEARS OF AGE OR OLDER WHEN THE OFFENDER COMMITTED THE OFFENSE.

(32) "POSTRELEASE SUPERVISION" IS THAT PORTION OF AN OFFENDER'S COMMUNITY PLACEMENT THAT IS NOT COMMUNITY CUSTODY.

(33) "RESTITUTION" MEANS A SPECIFIC SUM OF MONEY ORDERED BY THE SENTENCING COURT TO BE PAID BY THE OFFENDER TO THE COURT OVER A SPECIFIED PERIOD OF TIME AS PAYMENT OF DAMAGES. THE SUM MAY INCLUDE BOTH PUBLIC AND PRIVATE COSTS.

(34) "RISK ASSESSMENT" MEANS THE APPLICATION OF AN OBJECTIVE INSTRUMENT SUPPORTED BY RESEARCH AND ADOPTED BY THE DEPARTMENT FOR THE PURPOSE OF ASSESSING AN OFFENDER'S RISK OF REOFFENSE, TAKING INTO CONSIDERATION THE NATURE OF THE HARM DONE BY THE OFFENDER, PLACE AND CIRCUMSTANCES OF THE OFFENDER RELATED TO RISK, THE OFFENDER'S RELATIONSHIP TO ANY VICTIM, AND ANY INFORMATION PROVIDED TO THE DEPARTMENT BY VICTIMS. THE RESULTS OF A RISK ASSESSMENT SHALL NOT BE BASED ON UNCONFIRMED OR UNCONFIRMABLE ALLEGATIONS.

(35) "SERIOUS TRAFFIC OFFENSE" MEANS:

(A) DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG (RCW 46.61.502), ACTUAL PHYSICAL CONTROL WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG (RCW 46.61.504), RECKLESS DRIVING (RCW 46.61.500), OR HIT-AND-RUN AN ATTENDED VEHICLE (RCW 46.52.020(5)); OR

(B) ANY FEDERAL, OUT-OF-STATE, COUNTY, OR MUNICIPAL CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE CLASSIFIED AS A SERIOUS TRAFFIC OFFENSE UNDER (A) OF THIS SUBSECTION.

(36) "SERIOUS VIOLENT OFFENSE" IS A SUBCATEGORY OF VIOLENT OFFENSE AND MEANS:

(A)(I) MURDER IN THE FIRST DEGREE;

(II) HOMICIDE BY ABUSE;

(III) MURDER IN THE SECOND DEGREE;

(IV) MANSLAUGHTER IN THE FIRST DEGREE;

(V) ASSAULT IN THE FIRST DEGREE;

(VI) KIDNAPPING IN THE FIRST DEGREE;

(VII) RAPE IN THE FIRST DEGREE;

(VIII) ASSAULT OF A CHILD IN THE FIRST DEGREE; OR

(IX) AN ATTEMPT, CRIMINAL SOLICITATION, OR CRIMINAL CONSPIRACY TO COMMIT ONE OF THESE FELONIES; OR

(B) ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS A SERIOUS VIOLENT OFFENSE UNDER (A) OF THIS SUBSECTION.

(37) "SEX OFFENSE" MEANS:

(A) A FELONY THAT IS A VIOLATION OF:

(I) CHAPTER 9A.44 RCW OTHER THAN RCW 9A.44.130(11);

(II) RCW 9A.64.020;

(III) RCW 9.68A.090; OR

(IV) A FELONY THAT IS, UNDER CHAPTER 9A.28 RCW, A CRIMINAL ATTEMPT, CRIMINAL SOLICITATION, OR CRIMINAL CONSPIRACY TO COMMIT SUCH CRIMES;

(B) ANY CONVICTION FOR A FELONY OFFENSE IN EFFECT AT ANY TIME PRIOR TO JULY 1, 1976, THAT IS COMPARABLE TO A FELONY CLASSIFIED AS A SEX OFFENSE IN (A) OF THIS SUBSECTION;

(C) A FELONY WITH A FINDING OF SEXUAL MOTIVATION UNDER RCW 9.94A.127 OR 13.40.135; OR

(D) ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS A SEX OFFENSE UNDER (A) OF THIS SUBSECTION.

(38) "SEXUAL MOTIVATION" MEANS THAT ONE OF THE PURPOSES FOR WHICH THE DEFENDANT COMMITTED THE CRIME WAS FOR THE PURPOSE OF HIS OR HER SEXUAL GRATIFICATION.

(39) "STANDARD SENTENCE RANGE" MEANS THE SENTENCING COURT'S DISCRETIONARY RANGE IN IMPOSING A NONAPPEALABLE SENTENCE.

(40) "STATUTORY MAXIMUM SENTENCE" MEANS THE MAXIMUM LENGTH OF TIME FOR WHICH AN OFFENDER MAY BE CONFINED AS PUNISHMENT FOR A CRIME AS PRESCRIBED IN CHAPTER 9A.20 RCW, RCW 9.92.010, THE STATUTE DEFINING THE CRIME, OR OTHER STATUTE DEFINING THE MAXIMUM PENALTY FOR A CRIME.

(41) "TOTAL CONFINEMENT" MEANS CONFINEMENT INSIDE THE PHYSICAL BOUNDARIES OF A FACILITY OR INSTITUTION OPERATED OR UTILIZED UNDER CONTRACT BY THE STATE OR ANY OTHER UNIT OF GOVERNMENT FOR TWENTY-FOUR HOURS A DAY, OR PURSUANT TO RCW 72.64.050 AND 72.64.060.

(42) "TRANSITION TRAINING" MEANS WRITTEN AND VERBAL INSTRUCTIONS AND ASSISTANCE PROVIDED BY THE DEPARTMENT TO THE OFFENDER DURING THE TWO WEEKS PRIOR TO THE OFFENDER'S SUCCESSFUL COMPLETION OF THE WORK ETHIC CAMP PROGRAM. THE TRANSITION TRAINING SHALL INCLUDE INSTRUCTIONS IN THE OFFENDER'S REQUIREMENTS AND OBLIGATIONS DURING THE OFFENDER'S PERIOD OF COMMUNITY CUSTODY.

(43) "VICTIM" MEANS ANY PERSON WHO HAS SUSTAINED EMOTIONAL, PSYCHOLOGICAL, PHYSICAL, OR FINANCIAL INJURY TO PERSON OR PROPERTY AS A DIRECT RESULT OF THE CRIME CHARGED.

(44) "VIOLENT OFFENSE" MEANS:

(A) ANY OF THE FOLLOWING FELONIES:

(I) ANY FELONY DEFINED UNDER ANY LAW AS A CLASS A FELONY OR AN ATTEMPT TO COMMIT A CLASS A FELONY;

(II) CRIMINAL SOLICITATION OF OR CRIMINAL CONSPIRACY TO COMMIT A CLASS A FELONY;

(III) MANSLAUGHTER IN THE FIRST DEGREE;

(IV) MANSLAUGHTER IN THE SECOND DEGREE;

(V) INDECENT LIBERTIES IF COMMITTED BY FORCIBLE COMPULSION;

(vi) KIDNAPPING IN THE SECOND DEGREE;
(vii) ARSON IN THE SECOND DEGREE;
(viii) ASSAULT IN THE SECOND DEGREE;
(ix) ASSAULT OF A CHILD IN THE SECOND DEGREE;
(x) EXTORTION IN THE FIRST DEGREE;
(xi) ROBBERY IN THE SECOND DEGREE;
(xii) DRIVE-BY SHOOTING;
(xiii) VEHICULAR ASSAULT; AND
(xiv) VEHICULAR HOMICIDE, WHEN PROXIMATELY CAUSED BY THE DRIVING OF ANY VEHICLE BY ANY PERSON WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG AS DEFINED BY RCW 46.61.502, OR BY THE OPERATION OF ANY VEHICLE IN A RECKLESS MANNER;

(b) ANY CONVICTION FOR A FELONY OFFENSE IN EFFECT AT ANY TIME PRIOR TO JULY 1, 1976, THAT IS COMPARABLE TO A FELONY CLASSIFIED AS A VIOLENT OFFENSE IN (A) OF THIS SUBSECTION; AND

(c) ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS A VIOLENT OFFENSE UNDER (A) OR (B) OF THIS SUBSECTION.

(45) "WORK CREW" MEANS A PROGRAM OF PARTIAL CONFINEMENT CONSISTING OF CIVIC IMPROVEMENT TASKS FOR THE BENEFIT OF THE COMMUNITY THAT COMPLIES WITH RCW 9.94A.135.

(46) "WORK ETHIC CAMP" MEANS AN ALTERNATIVE INCARCERATION PROGRAM AS PROVIDED IN RCW 9.94A.137 DESIGNED TO REDUCE RECIDIVISM AND LOWER THE COST OF CORRECTIONS BY REQUIRING OFFENDERS TO COMPLETE A COMPREHENSIVE ARRAY OF REAL-WORLD JOB AND VOCATIONAL EXPERIENCES, CHARACTER-BUILDING WORK ETHICS TRAINING, LIFE MANAGEMENT SKILLS DEVELOPMENT, SUBSTANCE ABUSE REHABILITATION, COUNSELING, LITERACY TRAINING, AND BASIC ADULT EDUCATION.

(47) "WORK RELEASE" MEANS A PROGRAM OF PARTIAL CONFINEMENT AVAILABLE TO OFFENDERS WHO ARE EMPLOYED OR ENGAGED AS A STUDENT IN A REGULAR COURSE OF STUDY AT SCHOOL."

DEBATE ENSUED.

SENATOR SHEAHAN DEMANDED A ROLL CALL AND THE DEMAND WAS SUSTAINED.

FURTHER DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE ADOPTION OF THE AMENDMENT BY SENATOR BENTON ON PAGE 10, AFTER LINE 10, TO THE STRIKING AMENDMENT BY SENATORS HARGROVE, LONG, PATTERSON, KLINE AND BROWN TO SECOND SUBSTITUTE SENATE BILL NO. 5419.

ROLL CALL

THE SECRETARY CALLED THE ROLL AND THE AMENDMENT TO THE STRIKING AMENDMENT WAS NOT ADOPTED BY THE FOLLOWING VOTE: YEAS, 18; NAYS, 29; ABSENT, 0; EXCUSED, 2.

VOTING YEA: SENATORS BENTON, HALE, HEWITT, HONEYFORD, HORN, JOHNSON, MCCASLIN, McDONALD, OKE, PARLETTE, ROACH, ROSSI, SHEAHAN, SHELDON, T., STEVENS, SWECKER, WEST AND ZARELLI - 18.

VOTING NAY: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HARGROVE, HOCHSTATTER, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, LONG, McAULIFFE, MORTON, PATTERSON, PRENTICE, RASMUSSEN, REGALA, SHELDON, B., SHIN, SNYDER, SPANEL, THIBAudeau AND WINSLEY - 29.

EXCUSED: SENATORS DECCIO AND HAUGEN - 2.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE STRIKING AMENDMENT BY SENATORS HARGROVE, LONG, PATTERSON, KLINE AND BROWN TO SECOND SUBSTITUTE SENATE BILL NO. 5419.

THE MOTION BY SENATOR HARGROVE CARRIED AND THE STRIKING AMENDMENT WAS ADOPTED.

MOTIONS

ON MOTION OF SENATOR KLINE, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 1 OF THE TITLE, AFTER "OFFENDERS;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 9.94A.360; REENACTING AND AMENDING RCW 9.94A.320; ADDING A NEW SECTION TO CHAPTER 70.96A RCW; ADDING A NEW SECTION TO CHAPTER 9.94A RCW; ADDING A NEW SECTION TO CHAPTER 43.135 RCW; ADDING A NEW SECTION TO CHAPTER 43.20A RCW; CREATING NEW SECTIONS; PRESCRIBING PENALTIES; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY."

ON MOTION OF SENATOR KLINE, THE RULES WERE SUSPENDED, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5419 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

FURTHER DEBATE ENSUED.

POINT OF ORDER

SENATOR WEST: "A POINT OF ORDER, MR. PRESIDENT. I RESEARCHED THE BUDGET AND I'VE LOOKED TO SEE IF THIS BILL IS REFERENCED. I DIDN'T FIND IT. MAYBE IT IS THERE, BUT I DON'T BELIEVE IT IS THERE. THIS BILL WAS NOT ANTICIPATED IN THE BUDGET THAT THIS BODY PASSED. IN THE CUTOFF RESOLUTION THAT THIS BODY PASSED MONTHS AGO, IT STIPULATED THAT NO SENATE BILLS WOULD BE CONSIDERED AFTER THE CUTOFF DATE THAT WERE NOT RELEVANT TO THE BUDGET OR, I BELIEVE, TRANSPORTATION ISSUES. THEREFORE, MR. PRESIDENT, I DO NOT BELIEVE THAT THIS BILL IS CURRENTLY PROPERLY BEFORE US AND WOULD ASK THE PRESIDENT TO SO RULE."

MOTION

ON MOTION OF SENATOR BETTI SHELDON, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5419 WAS DEFERRED ON THIRD READING.

THERE BEING NO OBJECTION, THE SENATE RESUMED CONSIDERATION OF HOUSE BILL NO. 1394 AND THE PENDING COMMITTEE ON TRANSPORTATION AMENDMENT DEFERRED EARLIER TODAY.

MOTION

SENATOR BENTON MOVED THAT THE FOLLOWING AMENDMENT BY SENATORS BENTON AND HOCHSTATTER TO THE COMMITTEE ON TRANSPORTATION STRIKING AMENDMENT BE ADOPTED:

ON PAGE 3, LINE 24, AFTER "RIGHT-OF-WAY." INSERT "UNDER NO CIRCUMSTANCES MAY FUNDS BE ALLOCATED UNDER THE PROVISIONS OF THIS SECTION WHILE COMMERCIAL NET FISHING IS ALLOWED ON THE COLUMBIA RIVER OR ITS TRIBUTARIES."

RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

POINT OF ORDER

SENATOR JACOBSEN: "A POINT OF ORDER, MR. PRESIDENT. I AM ON THE TRANSPORTATION COMMITTEE AND I ASK IF THIS AMENDMENT IS WITHIN THE SCOPE AND OBJECT OF THE ORIGINAL BILL, WHICH DEALS WITH CULVERTS AND ALLOWS THE COUNTY TO SPEND PART OF IT ON HABITAT RESTORATION. THIS SOUNDS LIKE IT DEALS WITH FISHING SEASON."

REPLY BY THE PRESIDENT

PRESIDENT OWEN: "SENATOR JACOBSEN, ARE YOU RAISING THE POINT OF ORDER THAT THE AMENDMENT TO THE COMMITTEE AMENDMENT RAISES THE SCOPE AND OBJECT OF THE BILL?"

SENATOR JACOBSEN: "I AM."

DEBATE ENSUED.

MOTION

ON MOTION OF SENATOR BETTI SHELDON FURTHER CONSIDERATION OF HOUSE BILL NO. 1394 WAS DEFERRED.

THERE BEING NO OBJECTION, THE SENATE RESUMED CONSIDERATION OF SENATE BILL NO. 5613 AND THE PENDING AMENDMENT BY SENATOR RASMUSSEN, GARDNER, SWECKER AND ZARELLI ON PAGE 3, AFTER LINE 3, DEFERRED EARLIER TODAY.

RULING BY THE PRESIDENT

PRESIDENT OWEN: "IN RULING UPON THE POINT OF ORDER RAISED BY SENATOR HONEYFORD TO THE SCOPE AND OBJECT OF THE AMENDMENT BY SENATORS RASMUSSEN, GARDNER, SWECKER, SPANEL, KASTAMA AND ZARELLI ON PAGE 3, AFTER LINE 3, TO SENATE BILL NO. 5613, THE PRESIDENT FINDS THAT SENATE BILL NO. 5613 IS A MEASURE WHICH CREATES A PROGRAM TO ASSIST SMALL FARMS IN THEIR DIRECT MARKETING EFFORTS.

"THE AMENDMENT ON PAGE 3, AFTER LINE 3, WOULD REGULATE THE PROCESSING OF RED RASPBERRIES. WHILE THE AMENDMENT MAY MAKE RASPBERRIES MORE MARKETABLE ULTIMATELY, AS SENATOR RASMUSSEN ARGUES, THE AMENDMENT DOES NOT RELATE IN ANY WAY TO THE ESTABLISHMENT OF THE SMALL FARM DIRECT MARKETING ASSISTANCE PROGRAM.

"THE PRESIDENT, THEREFORE, FINDS THAT THE AMENDMENT IS BEYOND THE SCOPE AND OBJECT OF THE BILL AND THE POINT OF ORDER IF WELL TAKEN."

THE PRESIDENT RULED THAT THE AMENDMENT BY SENATORS RASMUSSEN, GARDNER, SWECKER, SPANEL, KASTAMA AND ZARELLI ON PAGE 3, AFTER LINE 3, TO SENATE BILL NO. 5613 TO BE OUT OF ORDER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, FURTHER CONSIDERATION OF SENATE BILL NO. 5613 WAS DEFERRED.

SECOND READING

ENGROSSED HOUSE BILL NO. 1015, BY REPRESENTATIVES PENNINGTON, MIELKE, SCHINDLER, OGDEN, ESSER, RUDERMAN, LINVILLE, PEARSON, ERICKSEN, MORELL AND TALCOTT

PROHIBITING METHYL TERTIARY-BUTYL ETHER AS A GASOLINE ADDITIVE.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR EIDE, THE FOLLOWING AMENDMENT BY SENATORS EIDE AND MORTON WAS ADOPTED:
ON PAGE 1, LINE 9, AFTER "BE" STRIKE "PRESENT" AND INSERT "KNOWINGLY MIXED"
DEBATE ENSUED.

MOTION

ON MOTION OF SENATOR FRASER, THE RULES WERE SUSPENDED, ENGROSSED HOUSE BILL NO. 1015, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED HOUSE BILL NO. 1015, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED HOUSE BILL NO. 1015, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 47; NAYS, 0; ABSENT, 0; EXCUSED, 2.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 47.

EXCUSED: SENATORS DECCIO AND HAUGEN - 2.

ENGROSSED HOUSE BILL NO. 1015, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1041, BY HOUSE COMMITTEE ON APPROPRIATIONS (ORIGINALLY SPONSORED BY REPRESENTATIVES BALLASIOTES, O'BRIEN, LAMBERT, RUDERMAN, WOODS AND HURST)

ALLOWING PROTECTION ORDERS FOR UNLAWFUL HARASSMENT TO RESTRAIN PERSONS UNDER THE AGE OF EIGHTEEN.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR COSTA, THE FOLLOWING COMMITTEE ON JUDICIARY STRIKING AMENDMENT WAS NOT ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

NEW SECTION. Sec. 1. THE LEGISLATURE FINDS THAT UNLAWFUL HARASSMENT DIRECTED AT A CHILD BY A PERSON UNDER THE AGE OF EIGHTEEN IS NOT ACCEPTABLE AND CAN HAVE SERIOUS CONSEQUENCES. THE LEGISLATURE FURTHER FINDS THAT SOME INTERACTIONS BETWEEN MINORS, SUCH AS "SCHOOLYARD SCUFFLES," THOUGH NOT TO BE CONDONED, MAY NOT RISE TO THE LEVEL OF UNLAWFUL HARASSMENT. IT IS THE INTENT OF THE LEGISLATURE THAT A PROTECTION ORDER SOUGHT BY THE PARENT OR GUARDIAN OF A CHILD AS PROVIDED FOR IN THIS CHAPTER BE AVAILABLE ONLY WHEN THE ALLEGED BEHAVIOR OF THE PERSON UNDER THE AGE OF EIGHTEEN TO BE RESTRAINED RISES TO THE LEVEL SET FORTH IN CHAPTER 10.14 RCW.

Sec. 2. RCW 10.14.020 AND 1999 C 27 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS CHAPTER.

(1) "UNLAWFUL HARASSMENT" MEANS A KNOWING AND WILLFUL COURSE OF CONDUCT DIRECTED AT A SPECIFIC PERSON WHICH SERIOUSLY ALARMS, ANNOYS, HARASSES, OR IS DETRIMENTAL TO SUCH PERSON, AND WHICH SERVES NO LEGITIMATE OR LAWFUL PURPOSE. THE COURSE OF CONDUCT SHALL BE SUCH AS WOULD CAUSE A REASONABLE PERSON TO SUFFER SUBSTANTIAL EMOTIONAL DISTRESS, AND SHALL ACTUALLY CAUSE SUBSTANTIAL EMOTIONAL DISTRESS TO THE PETITIONER, OR, WHEN THE COURSE OF CONDUCT ((IS CONTACT BY A PERSON OVER AGE EIGHTEEN THAT)) WOULD CAUSE A REASONABLE PARENT TO FEAR FOR THE WELL-BEING OF THEIR CHILD.

(2) "COURSE OF CONDUCT" MEANS A PATTERN OF CONDUCT COMPOSED OF A SERIES OF ACTS OVER A PERIOD OF TIME, HOWEVER SHORT, EVIDENCING A CONTINUITY OF PURPOSE. "COURSE OF CONDUCT" INCLUDES, IN ADDITION TO ANY OTHER FORM OF COMMUNICATION, CONTACT, OR CONDUCT, THE SENDING OF AN ELECTRONIC COMMUNICATION. CONSTITUTIONALLY PROTECTED ACTIVITY IS NOT INCLUDED WITHIN THE MEANING OF "COURSE OF CONDUCT."

Sec. 3. RCW 10.14.040 AND 1995 C 292 S 2 AND 1995 C 127 S 2 ARE EACH REENACTED AND AMENDED TO READ AS FOLLOWS:
THERE SHALL EXIST AN ACTION KNOWN AS A PETITION FOR AN ORDER FOR PROTECTION IN CASES OF UNLAWFUL HARASSMENT.

(1) A PETITION FOR RELIEF SHALL ALLEGE THE EXISTENCE OF HARASSMENT AND SHALL BE ACCOMPANIED BY AN AFFIDAVIT MADE UNDER OATH STATING THE SPECIFIC FACTS AND CIRCUMSTANCES FROM WHICH RELIEF IS SOUGHT.

(2) A PETITION FOR RELIEF MAY BE MADE REGARDLESS OF WHETHER OR NOT THERE IS A PENDING LAWSUIT, COMPLAINT, PETITION, OR OTHER ACTION BETWEEN THE PARTIES.

(3) ALL COURT CLERKS' OFFICES SHALL MAKE AVAILABLE SIMPLIFIED FORMS AND INSTRUCTIONAL BROCHURES. ANY ASSISTANCE OR INFORMATION PROVIDED BY CLERKS UNDER THIS SECTION DOES NOT CONSTITUTE THE PRACTICE OF LAW AND CLERKS ARE NOT RESPONSIBLE FOR INCORRECT INFORMATION CONTAINED IN A PETITION.

(4) FILING FEES ARE SET IN RCW 36.18.020, BUT NO FILING FEE MAY BE CHARGED FOR A PETITION FILED IN AN EXISTING ACTION OR UNDER AN EXISTING CAUSE NUMBER BROUGHT UNDER THIS CHAPTER IN THE JURISDICTION WHERE THE RELIEF IS SOUGHT. FORMS AND INSTRUCTIONAL BROCHURES SHALL BE PROVIDED FREE OF CHARGE.

(5) A PERSON IS NOT REQUIRED TO POST A BOND TO OBTAIN RELIEF IN ANY PROCEEDING UNDER THIS SECTION.

(6) THE PARENT OR GUARDIAN OF A CHILD UNDER AGE EIGHTEEN MAY PETITION FOR AN ORDER OF PROTECTION TO RESTRAIN A PERSON ((OVER)) AGE EIGHTEEN YEARS OR OVER FROM CONTACT WITH THAT CHILD UPON A SHOWING THAT CONTACT WITH THE PERSON TO BE ENJOINED IS DETRIMENTAL TO THE WELFARE OF THE CHILD.

(7) THE PARENT OR GUARDIAN OF A CHILD UNDER THE AGE OF EIGHTEEN MAY PETITION FOR AN ORDER OF PROTECTION TO RESTRAIN A PERSON UNDER THE AGE OF EIGHTEEN YEARS FROM CONTACT WITH THAT CHILD ONLY IN CASES WHERE THE PERSON TO BE RESTRAINED HAS BEEN CONVICTED OF AN OFFENSE AGAINST THE CHILD PROTECTED BY THE ORDER OR IS UNDER INVESTIGATION FOR SUCH AN OFFENSE.

SEC. 4. RCW 10.14.120 AND 1989 C 373 S 14 ARE EACH AMENDED TO READ AS FOLLOWS:

ANY WILLFUL DISOBEDIENCE BY ((THE RESPONDENT)) A RESPONDENT AGE EIGHTEEN YEARS OR OVER OF ANY TEMPORARY ANTIHARASSMENT PROTECTION ORDER OR CIVIL ANTIHARASSMENT PROTECTION ORDER ISSUED UNDER THIS CHAPTER SUBJECTS THE RESPONDENT TO CRIMINAL PENALTIES UNDER THIS CHAPTER. ANY RESPONDENT AGE EIGHTEEN YEARS OR OVER WHO WILLFULLY DISOBEYS THE TERMS OF ANY ORDER ISSUED UNDER THIS CHAPTER MAY ALSO, IN THE COURT'S DISCRETION, BE FOUND IN CONTEMPT OF COURT AND SUBJECT TO PENALTIES UNDER CHAPTER 7.21 RCW. ANY RESPONDENT UNDER THE AGE OF EIGHTEEN YEARS WHO WILLFULLY DISOBEYS THE TERMS OF AN ORDER ISSUED UNDER THIS CHAPTER MAY, IN THE COURT'S DISCRETION, BE FOUND IN CONTEMPT OF COURT AND SUBJECT TO THE SANCTION SPECIFIED IN RCW 7.21.030(4).

SEC. 5. RCW 10.14.170 AND 1987 C 280 S 17 ARE EACH AMENDED TO READ AS FOLLOWS:

ANY RESPONDENT AGE EIGHTEEN YEARS OR OVER WHO WILLFULLY DISOBEYS ANY CIVIL ANTIHARASSMENT PROTECTION ORDER ISSUED PURSUANT TO THIS CHAPTER SHALL BE GUILTY OF A GROSS MISDEMEANOR.

SEC. 6. RCW 7.21.030 AND 1998 C 296 S 36 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE COURT MAY INITIATE A PROCEEDING TO IMPOSE A REMEDIAL SANCTION ON ITS OWN MOTION OR ON THE MOTION OF A PERSON AGGRIEVED BY A CONTEMPT OF COURT IN THE PROCEEDING TO WHICH THE CONTEMPT IS RELATED. EXCEPT AS PROVIDED IN RCW 7.21.050, THE COURT, AFTER NOTICE AND HEARING, MAY IMPOSE A REMEDIAL SANCTION AUTHORIZED BY THIS CHAPTER.

(2) IF THE COURT FINDS THAT THE PERSON HAS FAILED OR REFUSED TO PERFORM AN ACT THAT IS YET WITHIN THE PERSON'S POWER TO PERFORM, THE COURT MAY FIND THE PERSON IN CONTEMPT OF COURT AND IMPOSE ONE OR MORE OF THE FOLLOWING REMEDIAL SANCTIONS:

(A) IMPRISONMENT IF THE CONTEMPT OF COURT IS OF A TYPE DEFINED IN RCW 7.21.010(1) (B) THROUGH (D). THE IMPRISONMENT MAY EXTEND ONLY SO LONG AS IT SERVES A COERCIVE PURPOSE.

(B) A FORFEITURE NOT TO EXCEED TWO THOUSAND DOLLARS FOR EACH DAY THE CONTEMPT OF COURT CONTINUES.

(C) AN ORDER DESIGNED TO ENSURE COMPLIANCE WITH A PRIOR ORDER OF THE COURT.

(D) ANY OTHER REMEDIAL SANCTION OTHER THAN THE SANCTIONS SPECIFIED IN (A) THROUGH (C) OF THIS SUBSECTION IF THE COURT EXPRESSLY FINDS THAT THOSE SANCTIONS WOULD BE INEFFECTUAL TO TERMINATE A CONTINUING CONTEMPT OF COURT.

(E) IN CASES UNDER CHAPTERS 13.32A, 13.34, AND 28A.225 RCW, COMMITMENT TO JUVENILE DETENTION FOR A PERIOD OF TIME NOT TO EXCEED SEVEN DAYS. THIS SANCTION MAY BE IMPOSED IN ADDITION TO, OR AS AN ALTERNATIVE TO, ANY OTHER REMEDIAL SANCTION AUTHORIZED BY THIS CHAPTER. THIS REMEDY IS SPECIFICALLY DETERMINED TO BE A REMEDIAL SANCTION.

(3) THE COURT MAY, IN ADDITION TO THE REMEDIAL SANCTIONS SET FORTH IN SUBSECTION (2) OF THIS SECTION, ORDER A PERSON FOUND IN CONTEMPT OF COURT TO PAY A PARTY FOR ANY LOSSES SUFFERED BY THE PARTY AS A RESULT OF THE CONTEMPT AND ANY COSTS INCURRED IN CONNECTION WITH THE CONTEMPT PROCEEDING, INCLUDING REASONABLE ATTORNEY'S FEES.

(4) IF THE COURT FINDS THAT A PERSON UNDER THE AGE OF EIGHTEEN YEARS HAS WILLFULLY DISOBEYED THE TERMS OF AN ORDER ISSUED UNDER CHAPTER 10.14 RCW, THE COURT MAY FIND THE PERSON IN CONTEMPT OF COURT AND MAY, AS A SOLE SANCTION FOR SUCH CONTEMPT, COMMIT THE PERSON TO JUVENILE DETENTION FOR A PERIOD OF TIME NOT TO EXCEED SEVEN DAYS.

NEW SECTION. Sec. 7. IF SPECIFIC FUNDING FOR THE PURPOSES OF THIS ACT, REFERENCING THIS ACT BY BILL OR CHAPTER NUMBER, IS NOT PROVIDED BY JUNE 30, 2001, IN THE OMNIBUS APPROPRIATIONS ACT, THIS ACT IS NULL AND VOID."

MOTION

SENATOR COSTA MOVED THAT THE FOLLOWING STRIKING AMENDMENT BY SENATORS COSTA, KLINE, LONG AND MCAULIFFE BE ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"NEW SECTION. Sec. 1. THE LEGISLATURE FINDS THAT UNLAWFUL HARASSMENT DIRECTED AT A CHILD BY A PERSON UNDER THE AGE OF EIGHTEEN IS NOT ACCEPTABLE AND CAN HAVE SERIOUS CONSEQUENCES. THE LEGISLATURE FURTHER FINDS THAT SOME INTERACTIONS BETWEEN MINORS, SUCH AS "SCHOOLYARD SCUFFLES," THOUGH NOT TO BE CONDONED, MAY NOT RISE TO THE LEVEL OF UNLAWFUL HARASSMENT. IT IS THE INTENT OF THE LEGISLATURE THAT A PROTECTION ORDER SOUGHT BY THE PARENT OR GUARDIAN OF A CHILD AS PROVIDED FOR IN THIS CHAPTER BE AVAILABLE ONLY WHEN THE ALLEGED BEHAVIOR OF THE PERSON UNDER THE AGE OF EIGHTEEN TO BE RESTRAINED RISES TO THE LEVEL SET FORTH IN CHAPTER 10.14 RCW.

Sec. 2. RCW 10.14.020 AND 1999 C 27 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS CHAPTER.

(1) "UNLAWFUL HARASSMENT" MEANS A KNOWING AND WILLFUL COURSE OF CONDUCT DIRECTED AT A SPECIFIC PERSON WHICH SERIOUSLY ALARMS, ANNOYS, HARASSES, OR IS DETRIMENTAL TO SUCH PERSON, AND WHICH SERVES NO LEGITIMATE OR LAWFUL PURPOSE.

THE COURSE OF CONDUCT SHALL BE SUCH AS WOULD CAUSE A REASONABLE PERSON TO SUFFER SUBSTANTIAL EMOTIONAL DISTRESS, AND SHALL ACTUALLY CAUSE SUBSTANTIAL EMOTIONAL DISTRESS TO THE PETITIONER, OR, WHEN THE COURSE OF CONDUCT ((IS CONTACT BY A PERSON OVER AGE EIGHTEEN THAT)) WOULD CAUSE A REASONABLE PARENT TO FEAR FOR THE WELL-BEING OF THEIR CHILD.

(2) "COURSE OF CONDUCT" MEANS A PATTERN OF CONDUCT COMPOSED OF A SERIES OF ACTS OVER A PERIOD OF TIME, HOWEVER SHORT, EVIDENCING A CONTINUITY OF PURPOSE. "COURSE OF CONDUCT" INCLUDES, IN ADDITION TO ANY OTHER FORM OF COMMUNICATION, CONTACT, OR CONDUCT, THE SENDING OF AN ELECTRONIC COMMUNICATION. CONSTITUTIONALLY PROTECTED ACTIVITY IS NOT INCLUDED WITHIN THE MEANING OF "COURSE OF CONDUCT."

SEC. 3. RCW 10.14.040 AND 1995 C 292 S 2 AND 1995 C 127 S 2 ARE EACH REENACTED AND AMENDED TO READ AS FOLLOWS:

THERE SHALL EXIST AN ACTION KNOWN AS A PETITION FOR AN ORDER FOR PROTECTION IN CASES OF UNLAWFUL HARASSMENT.

(1) A PETITION FOR RELIEF SHALL ALLEGE THE EXISTENCE OF HARASSMENT AND SHALL BE ACCOMPANIED BY AN AFFIDAVIT MADE UNDER OATH STATING THE SPECIFIC FACTS AND CIRCUMSTANCES FROM WHICH RELIEF IS SOUGHT.

(2) A PETITION FOR RELIEF MAY BE MADE REGARDLESS OF WHETHER OR NOT THERE IS A PENDING LAWSUIT, COMPLAINT, PETITION, OR OTHER ACTION BETWEEN THE PARTIES.

(3) ALL COURT CLERKS' OFFICES SHALL MAKE AVAILABLE SIMPLIFIED FORMS AND INSTRUCTIONAL BROCHURES. ANY ASSISTANCE OR INFORMATION PROVIDED BY CLERKS UNDER THIS SECTION DOES NOT CONSTITUTE THE PRACTICE OF LAW AND CLERKS ARE NOT RESPONSIBLE FOR INCORRECT INFORMATION CONTAINED IN A PETITION.

(4) FILING FEES ARE SET IN RCW 36.18.020, BUT NO FILING FEE MAY BE CHARGED FOR A PETITION FILED IN AN EXISTING ACTION OR UNDER AN EXISTING CAUSE NUMBER BROUGHT UNDER THIS CHAPTER IN THE JURISDICTION WHERE THE RELIEF IS SOUGHT. FORMS AND INSTRUCTIONAL BROCHURES SHALL BE PROVIDED FREE OF CHARGE.

(5) A PERSON IS NOT REQUIRED TO POST A BOND TO OBTAIN RELIEF IN ANY PROCEEDING UNDER THIS SECTION.

(6) THE PARENT OR GUARDIAN OF A CHILD UNDER AGE EIGHTEEN MAY PETITION FOR AN ORDER OF PROTECTION TO RESTRAIN A PERSON ((OVER)) AGE EIGHTEEN YEARS OR OVER FROM CONTACT WITH THAT CHILD UPON A SHOWING THAT CONTACT WITH THE PERSON TO BE ENJOINED IS DETRIMENTAL TO THE WELFARE OF THE CHILD.

(7) THE PARENT OR GUARDIAN OF A CHILD UNDER THE AGE OF EIGHTEEN MAY PETITION IN SUPERIOR COURT FOR AN ORDER OF PROTECTION TO RESTRAIN A PERSON UNDER THE AGE OF EIGHTEEN YEARS FROM CONTACT WITH THAT CHILD ONLY IN CASES WHERE THE PERSON TO BE RESTRAINED HAS BEEN ADJUDICATED OF AN OFFENSE AGAINST THE CHILD PROTECTED BY THE ORDER, OR IS UNDER INVESTIGATION OR HAS BEEN INVESTIGATED FOR SUCH AN OFFENSE. IN ISSUING A PROTECTION ORDER UNDER THIS SUBSECTION, THE COURT SHALL ORDER THAT THE PERSON RESTRAINED IN THE ORDER MAY NOT ATTEND THE PUBLIC OR APPROVED PRIVATE ELEMENTARY, MIDDLE, OR HIGH SCHOOL ATTENDED BY THE PERSON UNDER THE AGE OF EIGHTEEN YEARS PROTECTED BY THE ORDER. THE PARENTS OR LEGAL GUARDIANS OF THE PERSON RESTRAINED IN THE ORDER ARE RESPONSIBLE FOR TRANSPORTATION AND OTHER COSTS ASSOCIATED WITH THE CHANGE OF SCHOOL BY THE PERSON RESTRAINED IN THE ORDER. THE COURT SHALL SEND NOTICE OF THE RESTRICTION ON ATTENDING THE SAME SCHOOL AS THE PERSON PROTECTED BY THE ORDER TO THE PUBLIC OR APPROVED PRIVATE SCHOOL THE PERSON RESTRAINED BY THE ORDER WILL ATTEND AND TO THE SCHOOL THE PERSON PROTECTED BY THE ORDER ATTENDS.

SEC. 4. RCW 10.14.120 AND 1989 C 373 S 14 ARE EACH AMENDED TO READ AS FOLLOWS:

ANY WILLFUL DISOBEDIENCE BY ((THE RESPONDENT)) A RESPONDENT AGE EIGHTEEN YEARS OR OVER OF ANY TEMPORARY ANTIHARASSMENT PROTECTION ORDER OR CIVIL ANTIHARASSMENT PROTECTION ORDER ISSUED UNDER THIS CHAPTER SUBJECTS THE RESPONDENT TO CRIMINAL PENALTIES UNDER THIS CHAPTER. ANY RESPONDENT AGE EIGHTEEN YEARS OR OVER WHO WILLFULLY DISOBEYS THE TERMS OF ANY ORDER ISSUED UNDER THIS CHAPTER MAY ALSO, IN THE COURT'S DISCRETION, BE FOUND IN CONTEMPT OF COURT AND SUBJECT TO PENALTIES UNDER CHAPTER 7.21 RCW. ANY RESPONDENT UNDER THE AGE OF EIGHTEEN YEARS WHO WILLFULLY DISOBEYS THE TERMS OF AN ORDER ISSUED UNDER THIS CHAPTER MAY, IN THE COURT'S DISCRETION, BE FOUND IN CONTEMPT OF COURT AND SUBJECT TO THE SANCTION SPECIFIED IN RCW 7.21.030(4).

SEC. 5. RCW 10.14.170 AND 1987 C 280 S 17 ARE EACH AMENDED TO READ AS FOLLOWS:

ANY RESPONDENT AGE EIGHTEEN YEARS OR OVER WHO WILLFULLY DISOBEYS ANY CIVIL ANTIHARASSMENT PROTECTION ORDER ISSUED PURSUANT TO THIS CHAPTER SHALL BE GUILTY OF A GROSS MISDEMEANOR.

SEC. 6. RCW 7.21.030 AND 1998 C 296 S 36 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE COURT MAY INITIATE A PROCEEDING TO IMPOSE A REMEDIAL SANCTION ON ITS OWN MOTION OR ON THE MOTION OF A PERSON AGGRIEVED BY A CONTEMPT OF COURT IN THE PROCEEDING TO WHICH THE CONTEMPT IS RELATED. EXCEPT AS PROVIDED IN RCW 7.21.050, THE COURT, AFTER NOTICE AND HEARING, MAY IMPOSE A REMEDIAL SANCTION AUTHORIZED BY THIS CHAPTER.

(2) IF THE COURT FINDS THAT THE PERSON HAS FAILED OR REFUSED TO PERFORM AN ACT THAT IS YET WITHIN THE PERSON'S POWER TO PERFORM, THE COURT MAY FIND THE PERSON IN CONTEMPT OF COURT AND IMPOSE ONE OR MORE OF THE FOLLOWING REMEDIAL SANCTIONS:

(A) IMPRISONMENT IF THE CONTEMPT OF COURT IS OF A TYPE DEFINED IN RCW 7.21.010(1) (B) THROUGH (D). THE IMPRISONMENT MAY EXTEND ONLY SO LONG AS IT SERVES A COERCIVE PURPOSE.

(B) A FORFEITURE NOT TO EXCEED TWO THOUSAND DOLLARS FOR EACH DAY THE CONTEMPT OF COURT CONTINUES.

(C) AN ORDER DESIGNED TO ENSURE COMPLIANCE WITH A PRIOR ORDER OF THE COURT.

(D) ANY OTHER REMEDIAL SANCTION OTHER THAN THE SANCTIONS SPECIFIED IN (A) THROUGH (C) OF THIS SUBSECTION IF THE COURT EXPRESSLY FINDS THAT THOSE SANCTIONS WOULD BE INEFFECTUAL TO TERMINATE A CONTINUING CONTEMPT OF COURT.

(E) IN CASES UNDER CHAPTERS 13.32A, 13.34, AND 28A.225 RCW, COMMITMENT TO JUVENILE DETENTION FOR A PERIOD OF TIME NOT TO EXCEED SEVEN DAYS. THIS SANCTION MAY BE IMPOSED IN ADDITION TO, OR AS AN ALTERNATIVE TO, ANY OTHER REMEDIAL SANCTION AUTHORIZED BY THIS CHAPTER. THIS REMEDY IS SPECIFICALLY DETERMINED TO BE A REMEDIAL SANCTION.

(3) THE COURT MAY, IN ADDITION TO THE REMEDIAL SANCTIONS SET FORTH IN SUBSECTION (2) OF THIS SECTION, ORDER A PERSON FOUND IN CONTEMPT OF COURT TO PAY A PARTY FOR ANY LOSSES SUFFERED BY THE PARTY AS A RESULT OF THE CONTEMPT AND ANY COSTS INCURRED IN CONNECTION WITH THE CONTEMPT PROCEEDING, INCLUDING REASONABLE ATTORNEY'S FEES.

(4) IF THE COURT FINDS THAT A PERSON UNDER THE AGE OF EIGHTEEN YEARS HAS WILLFULLY DISOBEYED THE TERMS OF AN ORDER ISSUED UNDER CHAPTER 10.14 RCW, THE COURT MAY FIND THE PERSON IN CONTEMPT OF COURT AND MAY, AS A SOLE SANCTION FOR SUCH CONTEMPT, COMMIT THE PERSON TO JUVENILE DETENTION FOR A PERIOD OF TIME NOT TO EXCEED SEVEN DAYS."

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE STRIKING AMENDMENT BY SENATORS COSTA, KLINE, LONG AND McAULIFFE TO SECOND SUBSTITUTE HOUSE BILL NO. 1041.

THE MOTION BY SENATOR COSTA CARRIED AND THE STRIKING AMENDMENT WAS ADOPTED.

MOTIONS

ON MOTION OF SENATOR COSTA, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 1 OF THE TITLE, AFTER "HARASSMENT;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 10.14.020, 10.14.120, 10.14.170, AND 7.21.030; REENACTING AND AMENDING RCW 10.14.040; AND CREATING A NEW SECTION."

ON MOTION OF SENATOR COSTA, THE RULES WERE SUSPENDED, SECOND SUBSTITUTE HOUSE BILL NO. 1041, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SECOND SUBSTITUTE HOUSE BILL NO. 1041, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SECOND SUBSTITUTE HOUSE BILL NO. 1041, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 47; NAYS, 0; ABSENT, 0; EXCUSED, 2.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 47.

EXCUSED: SENATORS DECCIO AND HAUGEN - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1041, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

THERE BEING NO OBJECTION, THE SENATE RESUMED CONSIDERATION OF SECOND SUBSTITUTE HOUSE BILL NO. 1752, DEFERRED ON SECOND READING EARLIER TODAY AFTER SENATOR RASMUSSEN MOVED THAT THE COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE STRIKING AMENDMENT NOT BE ADOPTED.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE MOTION BY SENATOR RASMUSSEN THAT THE COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE STRIKING AMENDMENT NOT BE ADOPTED.

THE MOTION BY SENATOR RASMUSSEN CARRIED AND THE COMMITTEE STRIKING AMENDMENT WAS NOT ADOPTED.

SPECIAL ORDER OF BUSINESS

PRESIDENT OWEN: "IT IS NOW 4:55 P.M. AND WE HAVE A SPECIAL ORDER OF BUSINESS ON SENATE BILL NO. 6151."

SECOND READING

SENATE BILL NO. 6151, BY SENATORS LONG AND HARGROVE

REVISING PROVISIONS RELATING TO HIGH-RISK SEX OFFENDERS.

MOTIONS

ON MOTION OF SENATOR HARGROVE, SUBSTITUTE SENATE BILL NO. 6151 WAS SUBSTITUTED FOR SENATE BILL NO. 6151 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

SENATOR HARGROVE MOVED THAT THE FOLLOWING STRIKING AMENDMENT SENATORS HARGROVE, LONG, COSTA, BROWN, STEVENS AND HEWITT BE ADOPTED: STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"PART I GENERAL PROVISIONS

NEW SECTION. Sec. 101. (1) THE LEGISLATURE MAKES THE FOLLOWING FINDINGS:

(A) THE EFFECTIVE MANAGEMENT OF HIGH-RISK SEX OFFENDERS REQUIRES A COMPREHENSIVE APPROACH THAT INCLUDES APPROPRIATE SENTENCING FOR SEX OFFENSES AND A PLAN TO ADDRESS BOTH THE IMMEDIATE AND LONG-TERM NEED TO ESTABLISH SECURE COMMUNITY TRANSITION FACILITIES THROUGHOUT THE STATE.

(B) THE INDIVIDUALIZED TREATMENT REQUIRED FOR CONSTITUTIONAL CIVIL COMMITMENT INCLUDES THE REALISTIC POSSIBILITY OF RELEASE TO A LESS RESTRICTIVE ALTERNATIVE IN APPROPRIATE CASES. MOST PERSONS CIVILLY COMMITTED UNDER CHAPTER 71.09 RCW WHO BECOME ELIGIBLE FOR RELEASE TO A LESS RESTRICTIVE ALTERNATIVE DO NOT HAVE HOUSING. BECAUSE A LACK OF HOUSING MAY UNDULY RESTRICT A PERSON'S ABILITY TO OBTAIN AN ORDER TO A LESS RESTRICTIVE ALTERNATIVE, THE LEGISLATURE RECOGNIZES

THAT THE STATE MUST PROVIDE SOME HOUSING FACILITIES. FACILITIES TO HOUSE PERSONS CONDITIONALLY RELEASED TO A LESS RESTRICTIVE ALTERNATIVE UNDER CHAPTER 71.09 RCW ARE ESSENTIAL PUBLIC FACILITIES. PUBLIC PROTESTS AND LOCAL GOVERNMENT MORATORIUMS ON ZONING AND PERMITTING PROCESSES HAVE HAMPERED THE STATE'S ABILITY TO COMPLY WITH CONSTITUTIONAL AND STATUTORY REQUIREMENTS AND WITH COURT ORDERS TO CREATE HOUSING FOR LESS RESTRICTIVE ALTERNATIVE PLACEMENTS. THE LEGISLATURE, THEREFORE, INTENDS TO PROVIDE STATEWIDE GUIDANCE AND ASSISTANCE IN THE SITING OF SECURE COMMUNITY TRANSITION FACILITIES FOR PERSONS CONDITIONALLY RELEASED TO LESS RESTRICTIVE ALTERNATIVES UNDER CHAPTER 71.09 RCW.

(C) SOME HIGH-RISK SEX OFFENDERS ARE MOST APPROPRIATELY MANAGED THROUGH AN INDETERMINATE SENTENCING STRUCTURE IN WHICH THEY WILL BE SUPERVISED AND CAN BE RETAINED IN OR RETURNED TO A STATE CORRECTIONAL INSTITUTION UNTIL THE STATUTORY MAXIMUM SENTENCE HAS EXPIRED. THE STATE DOES NOT CURRENTLY HAVE AN INDETERMINATE SENTENCING STRUCTURE. CONSEQUENTLY, THE STATE MUST MAKE CHANGES TO ITS SENTENCING STRUCTURE TO EFFECTIVELY MANAGE THESE HIGH-RISK SEX OFFENDERS.

(2) THEREFORE, THE LEGISLATURE INTENDS TO:

(A) MANAGE HIGH-RISK SEX OFFENDERS TO THE GREATEST EXTENT POSSIBLE THROUGH THE CRIMINAL JUSTICE SYSTEM BY ESTABLISHING AN INDETERMINATE SENTENCING STRUCTURE FOR THOSE OFFENDERS WHO PRESENT A HIGH RISK TO THE COMMUNITY, BASED ON THEIR SEX OFFENSE HISTORY;

(B) ENSURE THE PROMPT SITING AND TIMELY OPERATION OF A SECURE COMMUNITY TRANSITION FACILITY ON McNEIL ISLAND, ENSURE THE CONTINUED PROGRESS TOWARD THE CONSTRUCTION AND OPERATION OF THE TOTAL CONFINEMENT FACILITY ALREADY PLANNED FOR McNEIL ISLAND, TO FURTHER THE TREATMENT AND MANAGEMENT OF PERSONS CIVILLY COMMITTED UNDER CHAPTER 71.09 RCW, AND ESTABLISH A FRAMEWORK FOR THE ESTABLISHMENT OF ADDITIONAL SECURE COMMUNITY TRANSITION FACILITIES;

(C) MAXIMIZE PUBLIC SAFETY AND ENHANCE THE POTENTIAL FOR SUCCESSFUL TREATMENT OF SEXUALLY VIOLENT PREDATORS THROUGH THE TIGHTLY MANAGED USE OF LESS RESTRICTIVE ALTERNATIVES IN SECURE COMMUNITY TRANSITION FACILITIES;

(D) MAXIMIZE THE SAFETY OF COMMUNITIES IN WHICH SECURE COMMUNITY TRANSITION FACILITIES ARE LOCATED AND ENSURE PUBLIC INPUT INTO DECISIONS INVOLVING THE SITING AND ONGOING OPERATION OF THESE ESSENTIAL PUBLIC FACILITIES; STRENGTHENING THE SAFEGUARDS IN PLACEMENT, OVERSIGHT, AND MONITORING OF CONDITIONALLY RELEASED PERSONS; AND ESTABLISHING MINIMUM STANDARDS FOR THE SITING AND OPERATION OF SECURE COMMUNITY TRANSITION FACILITIES; AND

(E) COMPLY WITH FEDERAL COURT ORDERS AND REQUIRE THE SITING OF SECURE COMMUNITY TRANSITION FACILITIES AND THEREBY PRECLUDE THE POSSIBILITY THAT THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES WOULD BE UNABLE TO SITE A FACILITY DUE TO LOCAL MORATORIUMS AND REQUIREMENTS.

SEC. 102. RCW 71.09.020 AND 1995 C 216 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS CHAPTER.

(1) (~~"SEXUALLY VIOLENT PREDATOR" MEANS ANY PERSON WHO HAS BEEN CONVICTED OF OR CHARGED WITH A CRIME OF SEXUAL VIOLENCE AND WHO SUFFERS FROM A MENTAL ABNORMALITY OR PERSONALITY DISORDER WHICH MAKES THE PERSON LIKELY TO ENGAGE IN PREDATORY ACTS OF SEXUAL VIOLENCE IF NOT CONFINED IN A SECURE FACILITY.~~

~~(2) "MENTAL ABNORMALITY" MEANS A CONGENITAL OR ACQUIRED CONDITION AFFECTING THE EMOTIONAL OR VOLITIONAL CAPACITY WHICH PREDISPOSES THE PERSON TO THE COMMISSION OF CRIMINAL SEXUAL ACTS IN A DEGREE CONSTITUTING SUCH PERSON A MENACE TO THE HEALTH AND SAFETY OF OTHERS.)) "DEPARTMENT" MEANS THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.~~

~~(2) "LESS RESTRICTIVE ALTERNATIVE" MEANS COURT-ORDERED TREATMENT IN A SETTING LESS RESTRICTIVE THAN TOTAL CONFINEMENT WHICH SATISFIES THE CONDITIONS SET FORTH IN RCW 71.09.092.~~

~~(3) "LIKELY TO ENGAGE IN PREDATORY ACTS OF SEXUAL VIOLENCE IF NOT CONFINED IN A SECURE FACILITY" MEANS THAT THE PERSON MORE PROBABLY THAN NOT WILL ENGAGE IN SUCH ACTS IF RELEASED UNCONDITIONALLY FROM DETENTION ON THE SEXUALLY VIOLENT PREDATOR PETITION. SUCH LIKELIHOOD MUST BE EVIDENCED BY A RECENT OVERT ACT IF THE PERSON IS NOT TOTALLY CONFINED AT THE TIME THE PETITION IS FILED UNDER RCW 71.09.030.~~

~~(4) "MENTAL ABNORMALITY" MEANS A CONGENITAL OR ACQUIRED CONDITION AFFECTING THE EMOTIONAL OR VOLITIONAL CAPACITY WHICH PREDISPOSES THE PERSON TO THE COMMISSION OF CRIMINAL SEXUAL ACTS IN A DEGREE CONSTITUTING SUCH PERSON A MENACE TO THE HEALTH AND SAFETY OF OTHERS.~~

~~(5) "PREDATORY" MEANS ACTS DIRECTED TOWARDS: (A) STRANGERS ((OR)); (B) INDIVIDUALS WITH WHOM A RELATIONSHIP HAS BEEN ESTABLISHED OR PROMOTED FOR THE PRIMARY PURPOSE OF VICTIMIZATION; OR (C) PERSONS OF CASUAL ACQUAINTANCE WITH WHOM NO SUBSTANTIAL PERSONAL RELATIONSHIP EXISTS.~~

~~((5)) (6) "RECENT OVERT ACT" MEANS ANY ACT OR THREAT THAT HAS EITHER CAUSED HARM OF A SEXUALLY VIOLENT NATURE OR CREATES A REASONABLE APPREHENSION OF SUCH HARM IN THE MIND OF AN OBJECTIVE PERSON WHO KNOWS OF THE HISTORY AND MENTAL CONDITION OF THE PERSON ENGAGING IN THE ACT.~~

~~((6)) (7) "RISK POTENTIAL ACTIVITY" OR "RISK POTENTIAL FACILITY" MEANS AN ACTIVITY OR FACILITY THAT PROVIDES A HIGHER INCIDENCE OF RISK TO THE PUBLIC FROM PERSONS CONDITIONALLY RELEASED FROM THE SPECIAL COMMITMENT CENTER. RISK POTENTIAL ACTIVITIES AND FACILITIES INCLUDE: PUBLIC AND PRIVATE SCHOOLS, SCHOOL BUS STOPS, LICENSED DAY CARE AND LICENSED PRESCHOOL FACILITIES, PUBLIC PARKS, PUBLICLY DEDICATED TRAILS, SPORTS FIELDS, PLAYGROUNDS, RECREATIONAL AND COMMUNITY CENTERS, CHURCHES, SYNAGOGUES, TEMPLES, MOSQUES, AND PUBLIC LIBRARIES.~~

~~(8) "SECRETARY" MEANS THE SECRETARY OF SOCIAL AND HEALTH SERVICES OR THE SECRETARY'S DESIGNEE.~~

~~(9) "SECURE FACILITY" MEANS A RESIDENTIAL FACILITY FOR PERSONS CIVILLY CONFINED UNDER THE PROVISIONS OF THIS CHAPTER THAT INCLUDES SECURITY MEASURES SUFFICIENT TO PROTECT THE COMMUNITY. SUCH FACILITIES INCLUDE TOTAL CONFINEMENT FACILITIES, SECURE COMMUNITY TRANSITION FACILITIES, AND ANY RESIDENCE USED AS A COURT-ORDERED PLACEMENT UNDER RCW 71.09.096.~~

~~(10) "SECURE COMMUNITY TRANSITION FACILITY" MEANS A RESIDENTIAL FACILITY FOR PERSONS CIVILLY COMMITTED AND CONDITIONALLY RELEASED TO A LESS RESTRICTIVE ALTERNATIVE UNDER THIS CHAPTER. A SECURE COMMUNITY TRANSITION FACILITY HAS SUPERVISION AND SECURITY, AND EITHER PROVIDES OR ENSURES THE PROVISION OF SEX OFFENDER TREATMENT SERVICES. SECURE COMMUNITY TRANSITION FACILITIES INCLUDE BUT ARE NOT LIMITED TO THE STEP-DOWN FACILITY ESTABLISHED UNDER SECTION 201 OF THIS ACT AND ANY COMMUNITY-BASED FACILITIES ESTABLISHED UNDER THIS CHAPTER AND OPERATED BY THE SECRETARY OR UNDER CONTRACT WITH THE SECRETARY.~~

~~(11) "SEXUALLY VIOLENT OFFENSE" MEANS AN ACT COMMITTED ON, BEFORE, OR AFTER JULY 1, 1990, THAT IS: (A) AN ACT DEFINED IN TITLE 9A RCW AS RAPE IN THE FIRST DEGREE, RAPE IN THE SECOND DEGREE BY FORCIBLE COMPULSION, RAPE OF A CHILD IN THE FIRST OR SECOND DEGREE, STATUTORY RAPE IN THE FIRST OR SECOND DEGREE, INDECENT LIBERTIES BY FORCIBLE COMPULSION,~~

INDECENT LIBERTIES AGAINST A CHILD UNDER AGE FOURTEEN, INCEST AGAINST A CHILD UNDER AGE FOURTEEN, OR CHILD MOLESTATION IN THE FIRST OR SECOND DEGREE; (B) A FELONY OFFENSE IN EFFECT AT ANY TIME PRIOR TO JULY 1, 1990, THAT IS COMPARABLE TO A SEXUALLY VIOLENT OFFENSE AS DEFINED IN (A) OF THIS SUBSECTION, OR ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR A FELONY OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A SEXUALLY VIOLENT OFFENSE AS DEFINED IN THIS SUBSECTION; (C) AN ACT OF MURDER IN THE FIRST OR SECOND DEGREE, ASSAULT IN THE FIRST OR SECOND DEGREE, ASSAULT OF A CHILD IN THE FIRST OR SECOND DEGREE, KIDNAPPING IN THE FIRST OR SECOND DEGREE, BURGLARY IN THE FIRST DEGREE, RESIDENTIAL BURGLARY, OR UNLAWFUL IMPRISONMENT, WHICH ACT, EITHER AT THE TIME OF SENTENCING FOR THE OFFENSE OR SUBSEQUENTLY DURING CIVIL COMMITMENT PROCEEDINGS PURSUANT TO CHAPTER 71.09 RCW, HAS BEEN DETERMINED BEYOND A REASONABLE DOUBT TO HAVE BEEN SEXUALLY MOTIVATED, AS THAT TERM IS DEFINED IN RCW 9.94A.030; OR (D) AN ACT AS DESCRIBED IN CHAPTER 9A.28 RCW, THAT IS AN ATTEMPT, CRIMINAL SOLICITATION, OR CRIMINAL CONSPIRACY TO COMMIT ONE OF THE FELONIES DESIGNATED IN (A), (B), OR (C) OF THIS SUBSECTION.

~~((7) "LESS RESTRICTIVE ALTERNATIVE" MEANS COURT-ORDERED TREATMENT IN A SETTING LESS RESTRICTIVE THAN TOTAL CONFINEMENT.~~

~~(8) "SECRETARY" MEANS THE SECRETARY OF SOCIAL AND HEALTH SERVICES OR HIS OR HER DESIGNEE.)~~

~~(12) "SEXUALLY VIOLENT PREDATOR" MEANS ANY PERSON WHO HAS BEEN CONVICTED OF OR CHARGED WITH A CRIME OF SEXUAL VIOLENCE AND WHO SUFFERS FROM A MENTAL ABNORMALITY OR PERSONALITY DISORDER WHICH MAKES THE PERSON LIKELY TO ENGAGE IN PREDATORY ACTS OF SEXUAL VIOLENCE IF NOT CONFINED IN A SECURE FACILITY.~~

~~(13) "STEP-DOWN FACILITY" MEANS ANY SECURE COMMUNITY TRANSITION FACILITY INTENDED TO PROVIDE RESIDENCE FOR MORE THAN FIVE PERSONS.~~

~~(14) "TOTAL CONFINEMENT FACILITY" MEANS A FACILITY THAT PROVIDES SUPERVISION AND SEX OFFENDER TREATMENT SERVICES IN A TOTAL CONFINEMENT SETTING. TOTAL CONFINEMENT FACILITIES INCLUDE THE SPECIAL COMMITMENT CENTER AND ANY SIMILAR FACILITY DESIGNATED AS A SECURE FACILITY BY THE SECRETARY.~~

PART II SITING

NEW SECTION. Sec. 201. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

(1) THE SECRETARY IS AUTHORIZED TO SITE AND OPERATE A THIRTY-SIX BED SECURE COMMUNITY TRANSITION FACILITY AS A STEP-DOWN FACILITY FOR SEXUALLY VIOLENT PREDATORS ON COURT-ORDERED CONDITIONAL RELEASE FROM THE SPECIAL COMMITMENT CENTER AS PROVIDED UNDER RCW 71.09.090 AND A SPECIAL COMMITMENT CENTER WITH UP TO FOUR HUNDRED BEDS AS A TOTAL CONFINEMENT FACILITY UNDER THIS CHAPTER, ON McNEIL ISLAND SUBJECT TO APPROPRIATED FUNDING FOR THOSE PURPOSES.

(2) NOTWITHSTANDING RCW 36.70A.103 OR ANY OTHER LAW, UNTIL DECEMBER 31, 2003, TO THE EXTENT SITING A SECURE COMMUNITY TRANSITION FACILITY OR A TOTAL CONFINEMENT FACILITY ON McNEIL ISLAND IS INCONSISTENT WITH LOCAL COMPREHENSIVE PLANS AND/OR DEVELOPMENT REGULATIONS, THIS STATUTE PREEMPTS AND SUPERSEDES THOSE LOCAL PLANS, DEVELOPMENT REGULATIONS, AND OTHER LAWS.

(3) THE PROVISIONS OF THIS ACT DO NOT LIMIT THE STATE'S AUTHORITY TO SITE ANY OTHER ESSENTIAL PUBLIC FACILITY UNDER RCW 36.70A.200 IN CONFORMANCE WITH LOCAL COMPREHENSIVE PLANS AND DEVELOPMENT REGULATIONS ADOPTED PURSUANT TO CHAPTER 36.70A RCW.

(4) THE NUMBER OF RESIDENTS AT THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED BY THIS SECTION SHALL NOT EXCEED THIRTY-SIX PERSONS.

(5) NO ADDITIONAL SECURE COMMUNITY TRANSITION FACILITIES FOR MORE THAN THREE PERSONS MAY BE SITED IN A COUNTY WHERE THE SPECIAL COMMITMENT CENTER AND THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO THIS SECTION ARE LOCATED.

NEW SECTION. Sec. 202. BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, THE STATE SHALL IMMEDIATELY ENTER INTO NEGOTIATIONS FOR A MITIGATION AGREEMENT WITH THE COUNTY IN WHICH THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SECTION 201 OF THIS ACT IS LOCATED, AND WITH EACH COMMUNITY IN WHICH THE PERSONS WILL RESIDE OR REGULARLY SPEND TIME IN THE COMMUNITY PURSUANT TO COURT ORDERS FOR REGULAR WORK OR EDUCATION, OR TO RECEIVE SOCIAL SERVICES, OR WILL REGULARLY BE TRANSPORTED THROUGH TO REACH THOSE COMMUNITIES. THE NEGOTIATIONS MUST BE TOWARD AN AGREEMENT THAT WILL PROVIDE STATE FUNDING, AS APPROPRIATED FOR THIS PURPOSE, IN AN AMOUNT ADEQUATE TO MITIGATE ANTICIPATED OR REALIZED INCREASED COSTS IN LAW ENFORCEMENT RESULTING FROM ANY INCREASED RISKS TO PUBLIC SAFETY BROUGHT ABOUT BY THE PRESENCE OF SEXUALLY VIOLENT PREDATORS IN THOSE COMMUNITIES DUE TO THE SITING OF THE STEP-DOWN FACILITY ESTABLISHED PURSUANT TO SECTION 201 OF THIS ACT.

NEW SECTION. Sec. 203. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

WHEN A PERSON CIVILLY COMMITTED UNDER THIS CHAPTER IS CONDITIONALLY RELEASED TO A LESS RESTRICTIVE ALTERNATIVE PLACEMENT AT A FACILITY OWNED OR OPERATED UNDER CONTRACT WITH THE STATE, ANY EMPLOYER WHO HIRES THE PERSON FOR A POSITION OR ANY EDUCATIONAL INSTITUTION THAT ENROLLS THE PERSON FOR A PROGRAM IS ELIGIBLE FOR AN INCENTIVE GRANT FROM THE STATE UP TO FIVE THOUSAND DOLLARS PER YEAR THAT THE PERSON REMAINS EMPLOYED OR ENROLLED ON AT LEAST A HALF-TIME BASIS IN A JOB OR PROGRAM THAT MEETS REQUIREMENTS APPROVED BY THE COURT. THE PROVISIONS OF THIS SECTION MAY NOT ESTABLISH EMPLOYER OR EDUCATIONAL INSTITUTION LIABILITY FOR THE SUBSEQUENT CRIMINAL ACTS OF A CONDITIONALLY RELEASED PERSON FOR THE DECISION TO HIRE OR ENROLL THAT PERSON. AN EMPLOYER OR EDUCATIONAL INSTITUTION THAT ACCEPTS AN INCENTIVE GRANT UNDER THIS SECTION SHALL NOT BE CIVILLY LIABLE FOR THE SUBSEQUENT CRIMINAL ACTS OF A CONDITIONALLY RELEASED PERSON UNLESS THE EMPLOYER'S OR EDUCATIONAL INSTITUTION'S CONDUCT CONSTITUTES GROSS NEGLIGENCE OR INTENTIONAL MISCONDUCT. AN EMPLOYER THAT HIRES A CONDITIONALLY RELEASED PERSON MUST NOTIFY ALL OTHER EMPLOYEES OF THE CONDITIONALLY RELEASED PERSON'S STATUS. NOTIFICATION FOR CONDITIONALLY RELEASED PERSONS WHO ENROLL IN AN INSTITUTION OF HIGHER EDUCATION SHALL BE MADE PURSUANT TO THE PROVISIONS OF RCW 9A.44.130 RELATED TO SEX OFFENDERS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION AND RCW 4.24.550. THIS PROVISION APPLIES ONLY TO CONDITIONALLY RELEASED PERSONS WHOSE COURT APPROVED TREATMENT PLAN INCLUDES PERMISSION OR A REQUIREMENT FOR THE PERSON TO OBTAIN EDUCATION OR EMPLOYMENT AND TO EMPLOYMENT POSITIONS OR EDUCATIONAL PROGRAMS THAT MEET THE REQUIREMENTS OF THE COURT-APPROVED TREATMENT PLAN.

NEW SECTION. Sec. 204. ON OR BEFORE DECEMBER 1, 2002, THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES SHALL SUBMIT A REPORT TO THE APPROPRIATE COMMITTEES OF THE LEGISLATURE REGARDING POLICIES FOR THE SUBSEQUENT PLACEMENT OF

SEXUALLY VIOLENT PREDATORS ON COURT-ORDERED CONDITIONAL RELEASE RESIDING IN THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SECTION 201 OF THIS ACT. THE REPORT SHALL ADDRESS THE FOLLOWING:

(1) THE ANTICIPATED NUMBER OF PERSONS WHO MAY BE ELIGIBLE FOR CONDITIONAL RELEASE TO A SETTING LESS RESTRICTIVE THAN THE FACILITY ESTABLISHED PURSUANT TO SECTION 201 OF THIS ACT DURING THE 2003-2005 AND 2005-2007 BIENNIA;

(2) THE ANTICIPATED NEED, IF ANY, FOR SECURE COMMUNITY TRANSITION FACILITIES SMALLER THAN THE FACILITY ESTABLISHED PURSUANT TO SECTION 201 OF THIS ACT;

(3) POLICIES THAT WILL BE IMPLEMENTED TO ENSURE THAT PLACEMENT OF PERSONS ELIGIBLE IN THE FUTURE FOR CONDITIONAL RELEASE TO A SETTING LESS RESTRICTIVE THAN THE FACILITY ESTABLISHED PURSUANT TO SECTION 201 OF THIS ACT WILL BE EQUITABLY DISTRIBUTED AMONG THE COUNTIES, AND WITHIN EACH COUNTY, AMONG JURISDICTIONS IN THE COUNTY.

NEW SECTION. Sec. 205. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

THE DEPARTMENT SHALL MAKE REASONABLE EFFORTS TO DISTRIBUTE THE IMPACT OF THE EMPLOYMENT, EDUCATION, AND SOCIAL SERVICES NEEDS OF THE RESIDENTS OF A STEP-DOWN FACILITY AMONG THE ADJOINING COUNTIES AND NOT TO CONCENTRATE THE RESIDENTS' USE OF RESOURCES IN ANY ONE COMMUNITY.

NEW SECTION. Sec. 206. THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES SHALL, BY AUGUST 1, 2001, AND PRIOR TO OPERATING THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SECTION 201 OF THIS ACT, HOLD AT LEAST THREE PUBLIC HEARINGS IN THE AFFECTED COMMUNITIES WITHIN THE COUNTY WHERE THE FACILITY IS LOCATED.

THE PURPOSE OF THE PUBLIC HEARINGS IS TO SEEK INPUT FROM COUNTY AND CITY OFFICIALS, LOCAL LAW ENFORCEMENT OFFICIALS, AND THE PUBLIC REGARDING OPERATIONS AND SECURITY MEASURES NEEDED TO ADEQUATELY PROTECT THE COMMUNITY FROM ANY INCREASED RISK TO PUBLIC SAFETY BROUGHT ABOUT BY THE PRESENCE OF PERSONS CONDITIONALLY RELEASED FROM THE SPECIAL COMMITMENT CENTER IN THESE COMMUNITIES DUE TO THE SITING OF THE FACILITY.

Sec. 207. RCW 36.70A.103 AND 1991 SP.S. C 32 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

STATE AGENCIES SHALL COMPLY WITH THE LOCAL COMPREHENSIVE PLANS AND DEVELOPMENT REGULATIONS AND AMENDMENTS THERETO ADOPTED PURSUANT TO THIS CHAPTER EXCEPT AS OTHERWISE PROVIDED IN SECTION 201 OF THIS ACT.

NEW SECTION. Sec. 208. THE SECRETARY OF SOCIAL AND HEALTH SERVICES SHALL COORDINATE WITH THE SECRETARY OF CORRECTIONS AND THE APPROPRIATE LOCAL OR STATE LAW ENFORCEMENT AGENCY OR AGENCIES TO ESTABLISH A TWENTY-FOUR-HOUR LAW ENFORCEMENT PRESENCE ON McNEIL ISLAND BEFORE ANY PERSON IS ADMITTED TO THE STEP-DOWN FACILITY ESTABLISHED UNDER SECTION 201 OF THIS ACT. LAW ENFORCEMENT SHALL COORDINATE WITH THE EMERGENCY RESPONSE TEAM FOR McNEIL ISLAND TO PROVIDE PLANNING AND COORDINATION IN THE EVENT OF AN ESCAPE FROM THE SPECIAL COMMITMENT CENTER OR THE STEP-DOWN FACILITY.

IN ADDITION, OR IF NO LAW ENFORCEMENT AGENCY WILL PROVIDE A LAW ENFORCEMENT PRESENCE ON THE ISLAND, NOT MORE THAN TEN CORRECTIONAL EMPLOYEES, AS SELECTED BY THE SECRETARY OF CORRECTIONS, WHO ARE MEMBERS OF THE EMERGENCY RESPONSE TEAM FOR THE McNEIL ISLAND CORRECTIONAL FACILITY, SHALL HAVE THE POWERS AND DUTIES OF A GENERAL AUTHORITY PEACE OFFICER WHILE ACTING IN A LAW ENFORCEMENT CAPACITY. IF THERE IS NO LAW ENFORCEMENT AGENCY TO PROVIDE THE LAW ENFORCEMENT PRESENCE, THOSE CORRECTIONAL EMPLOYEES SELECTED AS PEACE OFFICERS SHALL PROVIDE A TWENTY-FOUR-HOUR PRESENCE AND SHALL NOT HAVE CORRECTIONAL DUTIES AT THE CORRECTIONAL FACILITY IN ADDITION TO THE EMERGENCY RESPONSE TEAM WHILE ACTING IN A LAW ENFORCEMENT CAPACITY.

NEW SECTION. Sec. 209. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

SECURITY SYSTEMS FOR A STEP-DOWN FACILITY SHALL INCLUDE A FENCE AND PROVIDE THE MAXIMUM PROTECTION APPROPRIATE IN A CIVIL FACILITY FOR PERSONS IN LESS THAN TOTAL CONFINEMENT.

NEW SECTION. Sec. 210. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

A STEP-DOWN FACILITY SHALL MEET THE FOLLOWING MINIMUM STAFFING REQUIREMENTS:

(1) AT ANY TIME THE FACILITY HAS SIX OR FEWER RESIDENTS, A MINIMUM STAFFING RATIO OF ONE STAFF PER RESIDENT DURING NORMAL WAKING HOURS AND TWO AWAKE STAFF PER THREE RESIDENTS DURING NORMAL SLEEPING HOURS.

(2) BY DECEMBER 1, 2001, THE DEPARTMENT WILL PROVIDE A STAFFING PLAN TO THE APPROPRIATE COMMITTEES OF THE LEGISLATURE THAT WILL COVER THE GROWTH OF THE STEP-DOWN FACILITY ESTABLISHED PURSUANT TO SECTION 201 OF THIS ACT TO ITS FULL CAPACITY.

(3) AT ANY TIME ANY SECURE COMMUNITY TRANSITION FACILITY HAS SIX OR FEWER RESIDENTS, ALL STAFF SHALL BE CLASSIFIED AS RESIDENTIAL REHABILITATION COUNSELOR II OR HAVE A CLASSIFICATION THAT INDICATES A HIGHER LEVEL OF SKILL, EXPERIENCE, AND TRAINING. BEFORE BEING ASSIGNED TO A SECURE COMMUNITY TRANSITION FACILITY ALL STAFF SHALL HAVE TRAINING IN SEX OFFENDER ISSUES, SELF-DEFENSE, AND CRISIS DE-ESCALATION SKILLS IN ADDITION TO DEPARTMENTAL ORIENTATION AND, AS APPROPRIATE MANAGEMENT TRAINING. ALL STAFF WITH RESIDENT TREATMENT OR CARE DUTIES MUST PARTICIPATE IN ONGOING IN-SERVICE TRAINING.

(4) ALL STAFF MUST PASS A DEPARTMENTAL BACKGROUND CHECK AND THE CHECK IS NOT SUBJECT TO THE LIMITATIONS IN CHAPTER 9.96A RCW.

NEW SECTION. Sec. 211. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

RESIDENTS OF THE STEP-DOWN FACILITY ESTABLISHED IN SECTION 201 OF THIS ACT MUST BE SEPARATED FROM MINORS AND VULNERABLE ADULTS EXCEPT MINORS OR VULNERABLE ADULTS WHO HAVE BEEN FOUND TO BE SEXUALLY VIOLENT PREDATORS WHEN BEING TRANSPORTED BETWEEN THE MAINLAND AND McNEIL ISLAND.

BY JULY 1, 2001, THE DEPARTMENT MUST PROVIDE THE APPROPRIATE COMMITTEES OF THE LEGISLATURE WITH A TRANSPORTATION PLAN TO ADDRESS THE ISSUES OF COORDINATING THE MOVEMENT OF RESIDENTS OF THE STEP-DOWN FACILITY ESTABLISHED PURSUANT TO SECTION 201 OF THIS ACT BETWEEN McNEIL ISLAND AND THE MAINLAND WITH THE MOVEMENT OF OTHERS WHO MUST USE THE SAME DOCKS OR EQUIPMENT WITHIN THE FUNDS APPROPRIATED FOR THIS PURPOSE.

NEW SECTION. Sec. 212. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

(1) THE SECRETARY SHALL DEVELOP A PROCESS WITH LOCAL GOVERNMENTS THAT ALLOWS EACH COMMUNITY IN WHICH A SECURE COMMUNITY TRANSITION FACILITY IS LOCATED TO ESTABLISH OPERATIONAL ADVISORY BOARDS OF AT LEAST SEVEN PERSONS FOR THE SECURE COMMUNITY TRANSITION FACILITIES. THE DEPARTMENT MAY CONDUCT COMMUNITY AWARENESS ACTIVITIES TO PUBLICIZE THIS OPPORTUNITY. THE OPERATIONAL ADVISORY BOARDS DEVELOPED UNDER THIS SECTION SHALL BE IMPLEMENTED FOLLOWING THE DECISION TO LOCATE A SECURE COMMUNITY TRANSITION FACILITY IN A PARTICULAR COMMUNITY.

(2) THE OPERATIONAL ADVISORY BOARDS MAY REVIEW AND MAKE RECOMMENDATIONS REGARDING THE SECURITY AND OPERATIONS OF THE SECURE COMMUNITY TRANSITION FACILITY AND CONDITIONS OR MODIFICATIONS NECESSARY WITH RELATION TO ANY PERSON WHO THE SECRETARY PROPOSES TO PLACE IN THE SECURE COMMUNITY TRANSITION FACILITY.

(3) THE FACILITY MANAGEMENT MUST CONSIDER THE RECOMMENDATIONS OF THE COMMUNITY ADVISORY BOARDS. WHERE THE FACILITY MANAGEMENT DOES NOT IMPLEMENT AN OPERATIONAL ADVISORY BOARD RECOMMENDATION, THE MANAGEMENT MUST PROVIDE A WRITTEN RESPONSE TO THE OPERATIONAL ADVISORY BOARD STATING ITS REASONS FOR ITS DECISION NOT TO IMPLEMENT THE RECOMMENDATION.

(4) THE OPERATIONAL ADVISORY BOARDS, THEIR MEMBERS, AND ANY AGENCY REPRESENTED BY A MEMBER SHALL NOT BE LIABLE IN ANY CAUSE OF ACTION AS A RESULT OF ITS RECOMMENDATIONS UNLESS THE ADVISORY BOARD ACTS WITH GROSS NEGLIGENCE OR BAD FAITH IN MAKING A RECOMMENDATION.

(5) MEMBERS OF A BOARD SHALL BE REIMBURSED FOR TRAVEL EXPENSES AS PROVIDED IN RCW 43.03.050 AND 43.03.060.

NEW SECTION. Sec. 213. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

(1) THE SECRETARY SHALL ADOPT A VIOLATION REPORTING POLICY FOR PERSONS CONDITIONALLY RELEASED TO LESS RESTRICTIVE ALTERNATIVE PLACEMENTS IN SECURE COMMUNITY TRANSITION FACILITIES. THE POLICY SHALL REQUIRE WRITTEN DOCUMENTATION BY THE DEPARTMENT AND SERVICE PROVIDERS OF ALL VIOLATIONS OF CONDITIONS SET BY THE DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, OR THE COURT AND ESTABLISH CRITERIA FOR RETURNING A VIOLATOR TO THE SPECIAL COMMITMENT CENTER OR A STEP-DOWN FACILITY. ANY CONDITIONALLY RELEASED PERSON WHO COMMITS A SERIOUS VIOLATION OF CONDITIONS SHALL BE RETURNED TO THE SPECIAL COMMITMENT CENTER, UNLESS ARRESTED BY A LAW ENFORCEMENT OFFICER, AND THE COURT SHALL BE NOTIFIED IMMEDIATELY AND SHALL INITIATE PROCEEDINGS UNDER RCW 71.09.098 TO REVOKE OR MODIFY THE LESS RESTRICTIVE ALTERNATIVE PLACEMENT. NOTHING IN THIS SECTION LIMITS THE AUTHORITY OF THE DEPARTMENT TO RETURN A PERSON TO THE SPECIAL COMMITMENT CENTER BASED ON A VIOLATION THAT IS NOT A SERIOUS VIOLATION AS DEFINED IN THIS SECTION. FOR THE PURPOSES OF THIS SECTION, "SERIOUS VIOLATION" INCLUDES BUT IS NOT LIMITED TO:

(A) THE COMMISSION OF ANY CRIMINAL OFFENSE;

(B) ANY UNLAWFUL USE OR POSSESSION OF A CONTROLLED SUBSTANCE; AND

(C) ANY VIOLATION OF CONDITIONS TARGETED TO ADDRESS THE PERSON'S DOCUMENTED PATTERN OF OFFENSE THAT INCREASES THE RISK TO PUBLIC SAFETY.

WHEN A PERSON IS RELEASED TO A LESS RESTRICTIVE ALTERNATIVE IN A SECURE COMMUNITY TRANSITION FACILITY UNDER THIS CHAPTER AND IS UNDER THE SUPERVISION OF THE DEPARTMENT OF CORRECTIONS, NOTICE OF ANY VIOLATION OF THE PERSON'S CONDITIONS OF RELEASE MUST ALSO BE MADE TO THE DEPARTMENT OF CORRECTIONS.

(2) WHENEVER THE SECRETARY CONTRACTS WITH A SERVICE PROVIDER TO OPERATE A SECURE COMMUNITY TRANSITION FACILITY, THE CONTRACT SHALL INCLUDE A REQUIREMENT THAT THE SERVICE PROVIDER MUST REPORT TO THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES ANY KNOWN VIOLATION OF CONDITIONS COMMITTED BY ANY RESIDENT OF THE SECURE COMMUNITY TRANSITION FACILITY.

(3) THE SECRETARY SHALL DOCUMENT IN WRITING ALL VIOLATIONS, PENALTIES, ACTIONS BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES TO REMOVE PERSONS FROM A SECURE COMMUNITY TRANSITION FACILITY, AND CONTRACT TERMINATIONS. THE SECRETARY SHALL GIVE GREAT WEIGHT TO A SERVICE PROVIDER'S RECORD OF VIOLATIONS, PENALTIES, ACTIONS BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES OR THE DEPARTMENT OF CORRECTIONS TO REMOVE PERSONS FROM A SECURE COMMUNITY TRANSITION FACILITY, AND CONTRACT TERMINATIONS IN DETERMINING TO EXECUTE, RENEW, OR RENEGOTIATE A CONTRACT WITH A SERVICE PROVIDER.

NEW SECTION. Sec. 214. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

THE SECRETARY SHALL ADOPT RULES THAT CONTAIN A SCHEDULE OF MONETARY PENALTIES FOR CONTRACTORS OPERATING SECURE COMMUNITY TRANSITION FACILITIES, NOT TO EXCEED THE TOTAL COMPENSATION SET FORTH IN THE CONTRACT, AND INCLUDE PROVISIONS FOR TERMINATION OF ALL CONTRACTS WITH A SERVICE PROVIDER THAT HAS REPEATED OR SERIOUS VIOLATIONS OF SECTION 213 OF THIS ACT.

NEW SECTION. Sec. 215. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

(1) UNLESS OTHERWISE ORDERED BY THE COURT:

(A) RESIDENTS OF A SECURE COMMUNITY TRANSITION FACILITY MUST WEAR ELECTRONIC MONITORING DEVICES AT ALL TIMES; AND
(B) AT LEAST ONE STAFF MEMBER, OR OTHER COURT-AUTHORIZED AND DEPARTMENT-APPROVED PERSON MUST ESCORT EACH RESIDENT WHEN THE RESIDENT LEAVES THE SECURE COMMUNITY TRANSITION FACILITY FOR APPOINTMENTS, EMPLOYMENT, OR OTHER APPROVED ACTIVITIES. ESCORTING PERSONS MUST SUPERVISE THE RESIDENT CLOSELY AND MAINTAIN CLOSE PROXIMITY TO THE RESIDENT.

(2) STAFF MEMBERS OF THE SPECIAL COMMITMENT CENTER AND ANY OTHER SECURE FACILITY AND ANY SECURE COMMUNITY TRANSITION FACILITY MUST BE TRAINED IN SELF-DEFENSE AND APPROPRIATE CRISIS RESPONSES INCLUDING INCIDENT DE-ESCALATION. PRIOR TO ESCORTING A PERSON OUTSIDE OF A FACILITY, STAFF MEMBERS MUST ALSO HAVE TRAINING IN THE OFFENSE PATTERN OF THE OFFENDER THEY ARE ESCORTING.

(3) ANY ESCORT MUST CARRY A CELLULAR TELEPHONE OR A SIMILAR DEVICE AT ALL TIMES WHEN ESCORTING A RESIDENT OF THE STEP-DOWN FACILITY.

(4) THE DEPARTMENT SHALL REQUIRE TRAINING IN OFFENDER PATTERN, SELF-DEFENSE, AND INCIDENT RESPONSE FOR ALL COURT-AUTHORIZED ESCORTS WHO ARE NOT EMPLOYED BY THE DEPARTMENT OR THE DEPARTMENT OF CORRECTIONS.

NEW SECTION. Sec. 216. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

(1) EXCEPT WITH RESPECT TO THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SECTION 201 OF THIS ACT, THE SECRETARY SHALL ADOPT RULES THAT BALANCE THE AVERAGE RESPONSE TIME OF EMERGENCY SERVICES TO THE GENERAL AREA OF A PROPOSED SECURE COMMUNITY TRANSITION FACILITY AGAINST THE PROXIMITY OF THE PROPOSED SITE TO RISK POTENTIAL ACTIVITIES AND FACILITIES IN EXISTENCE AT THE TIME THE SITE IS LISTED FOR CONSIDERATION.

(2) IN BALANCING THE COMPETING CRITERIA OF PROXIMITY AND RESPONSE TIME THE RULE SHALL ENDEAVOR TO ACHIEVE AN AVERAGE LAW ENFORCEMENT RESPONSE TIME NOT GREATER THAN FIVE MINUTES AND IN NO CASE SHALL THE RULE PERMIT LOCATION OF A FACILITY ADJACENT TO, IMMEDIATELY ACROSS A STREET OR PARKING LOT FROM, OR WITHIN THE LINE OF SIGHT OF A RISK POTENTIAL ACTIVITY OR FACILITY IN EXISTENCE AT THE TIME A SITE IS LISTED FOR CONSIDERATION. "WITHIN THE LINE OF SIGHT" MEANS THAT IT IS POSSIBLE TO REASONABLY VISUALLY DISTINGUISH AND RECOGNIZE INDIVIDUALS.

(3) THE RULE SHALL REQUIRE THAT GREAT WEIGHT BE GIVEN TO SITES THAT ARE THE FARTHEST REMOVED FROM ANY RISK POTENTIAL ACTIVITY.

(4) THE RULE SHALL SPECIFY HOW DISTANCE FROM THE LOCATION IS MEASURED AND ANY VARIATIONS IN THE MEASUREMENT BASED ON THE SIZE OF THE PROPERTY WITHIN WHICH A PROPOSED FACILITY IS TO BE LOCATED.

(5) THE RULE SHALL ESTABLISH A METHOD TO ANALYZE AND COMPARE THE CRITERIA FOR EACH SITE IN TERMS OF PUBLIC SAFETY AND SECURITY, SITE CHARACTERISTICS, AND PROGRAM COMPONENTS. IN MAKING A DECISION REGARDING A SITE FOLLOWING THE ANALYSIS AND COMPARISON, THE SECRETARY SHALL GIVE PRIORITY TO PUBLIC SAFETY AND SECURITY CONSIDERATIONS. THE ANALYSIS AND

COMPARISON OF THE CRITERIA ARE TO BE DOCUMENTED AND MADE AVAILABLE AT THE PUBLIC HEARINGS PRESCRIBED IN SECTION 220 OF THIS ACT.

NEW SECTION. Sec. 217. BY DECEMBER 1, 2001, THE SECRETARY OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES SHALL DETERMINE AND REPORT TO THE LEGISLATURE WHETHER THERE IS A SIGNIFICANT GROUP OF POTENTIAL LOCATIONS THAT ARE OUTSIDE OF A FIVE-MINUTE LAW ENFORCEMENT RESPONSE TIME ZONE THAT ARE MORE THAN TWO MILES FROM ANY RISK POTENTIAL ACTIVITIES AND WHETHER, IN THE SECRETARY'S JUDGMENT, THE LEGISLATURE SHOULD REQUIRE THE RULE TO BE REVISED TO PERMIT CONSIDERATION OF THESE PROPERTIES.

NEW SECTION. Sec. 218. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

THE SECRETARY SHALL ESTABLISH CRITERIA FOR THE SITING OF SECURE COMMUNITY TRANSITION FACILITIES, OTHER THAN THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SECTION 201 OF THIS ACT, WHICH SHALL INCLUDE AT LEAST THE FOLLOWING MINIMUM REQUIREMENTS:

(1) ANY REAL PROPERTY LISTED FOR CONSIDERATION FOR THE LOCATION OF OR USE AS A SECURE COMMUNITY TRANSITION FACILITY MUST MEET ALL OF THE FOLLOWING CRITERIA:

(A) THE PROXIMITY AND RESPONSE TIME CRITERIA ESTABLISHED UNDER SECTION 216 OF THIS ACT;

(B) THE SITE OR BUILDING IS AVAILABLE FOR LEASE FOR THE ANTICIPATED USE PERIOD OR FOR PURCHASE;

(C) SECURITY MONITORING SERVICES AND APPROPRIATE BACK-UP SYSTEMS ARE AVAILABLE AND RELIABLE;

(D) APPROPRIATE MENTAL HEALTH AND SEX OFFENDER TREATMENT PROVIDERS MUST BE AVAILABLE WITHIN A REASONABLE COMMUTE; AND

(E) APPROPRIATE PERMITTING FOR A SECURE COMMUNITY TRANSITION FACILITY MUST BE POSSIBLE UNDER THE ZONING CODE OF THE LOCAL JURISDICTION.

(2) FOR SITES WHICH MEET THE CRITERIA OF SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT SHALL ANALYZE AND COMPARE THE CRITERIA IN SUBSECTIONS (3) THROUGH (5) OF THIS SECTION USING THE METHOD ESTABLISHED IN SECTION 216 OF THIS ACT.

(3) PUBLIC SAFETY AND SECURITY CRITERIA SHALL INCLUDE AT LEAST THE FOLLOWING:

(A) WHETHER LIMITED VISIBILITY BETWEEN THE FACILITY AND ADJACENT PROPERTIES CAN BE ACHIEVED PRIOR TO PLACEMENT OF ANY PERSON;

(B) THE DISTANCE FROM, AND NUMBER OF, RISK POTENTIAL ACTIVITIES AND FACILITIES, AS MEASURED USING THE RULES ADOPTED UNDER SECTION 216 OF THIS ACT;

(C) THE EXISTENCE OF OR ABILITY TO ESTABLISH BARRIERS BETWEEN THE SITE AND THE RISK POTENTIAL FACILITIES AND ACTIVITIES;

(D) SUITABILITY OF THE BUILDINGS TO BE USED FOR THE SECURE COMMUNITY TRANSITION FACILITY WITH REGARD TO EXISTING OR FEASIBLY MODIFIED FEATURES; AND

(E) THE AVAILABILITY OF ELECTRONIC MONITORING THAT ALLOWS A RESIDENT'S LOCATION TO BE DETERMINED WITH SPECIFICITY.

(4) SITE CHARACTERISTICS CRITERIA SHALL INCLUDE AT LEAST THE FOLLOWING:

(A) REASONABLENESS OF RENTAL, LEASE, OR SALE TERMS INCLUDING LENGTH AND RENEWABILITY OF A LEASE OR RENTAL AGREEMENT;

(B) TRAFFIC AND ACCESS PATTERNS ASSOCIATED WITH THE REAL PROPERTY;

(C) FEASIBILITY OF COMPLYING WITH ZONING REQUIREMENTS WITHIN THE NECESSARY TIME FRAME; AND

(D) A CONTRACTOR OR CONTRACTORS ARE AVAILABLE TO INSTALL, MONITOR, AND REPAIR THE NECESSARY SECURITY AND ALARM SYSTEMS.

(5) PROGRAM CHARACTERISTICS CRITERIA SHALL INCLUDE AT LEAST THE FOLLOWING:

(A) REASONABLE PROXIMITY TO AVAILABLE MEDICAL, MENTAL HEALTH, SEX OFFENDER, AND CHEMICAL DEPENDENCY TREATMENT PROVIDERS AND FACILITIES;

(B) SUITABILITY OF THE LOCATION FOR PROGRAMMING, STAFFING, AND SUPPORT CONSIDERATIONS;

(C) PROXIMITY TO EMPLOYMENT, EDUCATIONAL, VOCATIONAL, AND OTHER TREATMENT PLAN COMPONENTS; AND

(6) FOR PURPOSES OF THIS SECTION "AVAILABLE" OR "AVAILABILITY" OF QUALIFIED TREATMENT PROVIDERS INCLUDES PROVIDER QUALIFICATIONS AND WILLINGNESS TO PROVIDE SERVICES, AVERAGE COMMUTE TIME, AND COST OF SERVICES.

NEW SECTION. Sec. 219. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

SECURITY SYSTEMS FOR SECURE COMMUNITY TRANSITION FACILITIES DESIGNED TO HOUSE FIVE OR FEWER RESIDENTS SHALL MEET THE FOLLOWING MINIMUM QUALIFICATIONS:

(1)(A) THE SECURITY PANEL MUST BE A COMMERCIAL GRADE PANEL WITH TAMPER-PROOF SWITCHES AND A KEY-LOCK TO PREVENT UNAUTHORIZED ACCESS.

(B) THERE MUST BE AN EMERGENCY ELECTRICAL SUPPLY SYSTEM WHICH SHALL INCLUDE A BATTERY BACK-UP SYSTEM AND A GENERATOR.

(2) THE SYSTEM MUST INCLUDE PERSONAL PANIC DEVICES FOR ALL STAFF.

(3) THE SECURITY SYSTEM MUST BE CAPABLE OF BEING MONITORED AND SIGNED EITHER BY TELEPHONE THROUGH EITHER A LAND OR CELLULAR TELEPHONE SYSTEM OR BY PRIVATE RADIO NETWORK IN THE EVENT OF A TOTAL DIAL-TONE FAILURE OR THROUGH EQUIVALENT TECHNOLOGIES.

(4) THE DEPARTMENT SHALL ISSUE PHOTO-IDENTIFICATION BADGES TO ALL STAFF WHICH MUST BE WORN AT ALL TIMES.

NEW SECTION. Sec. 220. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

(1) WHENEVER THE DEPARTMENT OPERATES, OR THE SECRETARY ENTERS INTO A CONTRACT TO OPERATE, A SECURE COMMUNITY TRANSITION FACILITY EXCEPT THE STEP-DOWN FACILITY ESTABLISHED PURSUANT TO SECTION 201 OF THIS ACT, THE SECURE COMMUNITY TRANSITION FACILITY MAY BE OPERATED ONLY AFTER THE PUBLIC NOTIFICATION AND OPPORTUNITIES FOR REVIEW AND COMMENT AS REQUIRED BY THIS SECTION.

(2) THE SECRETARY SHALL ESTABLISH A PROCESS FOR EARLY AND CONTINUOUS PUBLIC PARTICIPATION IN ESTABLISHING OR RELOCATING SECURE COMMUNITY TRANSITION FACILITIES. THE PROCESS SHALL INCLUDE, AT A MINIMUM, PUBLIC MEETINGS IN THE LOCAL COMMUNITIES AFFECTED, AS WELL AS OPPORTUNITIES FOR WRITTEN AND ORAL COMMENTS, IN THE FOLLOWING MANNER:

(A) IF THERE ARE MORE THAN THREE SITES INITIALLY SELECTED AS POTENTIAL LOCATIONS AND THE SELECTION PROCESS BY THE SECRETARY OR A SERVICE PROVIDER REDUCES THE NUMBER OF POSSIBLE SITES FOR A SECURE COMMUNITY TRANSITION FACILITY TO NO FEWER THAN THREE, THE SECRETARY OR THE CHIEF OPERATING OFFICER OF THE SERVICE PROVIDER SHALL NOTIFY THE PUBLIC OF THE

POSSIBLE SITING AND HOLD AT LEAST TWO PUBLIC HEARINGS IN EACH COMMUNITY WHERE A SECURE COMMUNITY TRANSITION FACILITY MAY BE SITED.

(B) WHEN THE SECRETARY OR SERVICE PROVIDER HAS DETERMINED THE SECURE COMMUNITY TRANSITION FACILITY'S LOCATION, THE SECRETARY OR THE CHIEF OPERATING OFFICER OF THE SERVICE PROVIDER SHALL HOLD AT LEAST ONE ADDITIONAL PUBLIC HEARING IN THE COMMUNITY WHERE THE SECURE COMMUNITY TRANSITION FACILITY WILL BE SITED.

(C) WHEN THE SECRETARY HAS ENTERED NEGOTIATIONS WITH A SERVICE PROVIDER AND ONLY ONE SITE IS UNDER CONSIDERATION, THEN AT LEAST TWO PUBLIC HEARINGS SHALL BE HELD.

(D) TO PROVIDE ADEQUATE NOTICE OF, AND OPPORTUNITY FOR INTERESTED PERSONS TO COMMENT ON, A PROPOSED LOCATION, THE SECRETARY OR THE CHIEF OPERATING OFFICER OF THE SERVICE PROVIDER SHALL PROVIDE AT LEAST FOURTEEN DAYS' ADVANCE NOTICE OF THE MEETING TO ALL NEWSPAPERS OF GENERAL CIRCULATION IN THE COMMUNITY, ALL RADIO AND TELEVISION STATIONS GENERALLY AVAILABLE TO PERSONS IN THE COMMUNITY, ANY SCHOOL DISTRICT IN WHICH THE SECURE COMMUNITY TRANSITION FACILITY WOULD BE SITED OR WHOSE BOUNDARY IS WITHIN TWO MILES OF A PROPOSED SECURE COMMUNITY TRANSITION FACILITY, ANY LIBRARY DISTRICT IN WHICH THE SECURE COMMUNITY TRANSITION FACILITY WOULD BE SITED, LOCAL BUSINESS OR FRATERNAL ORGANIZATIONS THAT REQUEST NOTIFICATION FROM THE SECRETARY OR AGENCY, AND ANY PERSON OR PROPERTY OWNER WITHIN A ONE-HALF MILE RADIUS OF THE PROPOSED SECURE COMMUNITY TRANSITION FACILITY. BEFORE INITIATING THIS PROCESS, THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES SHALL CONTACT LOCAL GOVERNMENT PLANNING AGENCIES IN THE COMMUNITIES CONTAINING THE PROPOSED SECURE COMMUNITY TRANSITION FACILITY. THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES SHALL COORDINATE WITH LOCAL GOVERNMENT AGENCIES TO ENSURE THAT OPPORTUNITIES ARE PROVIDED FOR EFFECTIVE CITIZEN INPUT AND TO REDUCE THE DUPLICATION OF NOTICE AND MEETINGS.

(3) THIS SECTION APPLIES ONLY TO SECURE COMMUNITY TRANSITION FACILITIES SITED AFTER THE EFFECTIVE DATE OF THIS SECTION.

NEW SECTION. Sec. 221. A NEW SECTION IS ADDED TO CHAPTER 36.70A RCW TO READ AS FOLLOWS:

(1) THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES SHALL PREPARE A PROJECTED LIST OF COUNTIES IN WHICH SECURE COMMUNITY TRANSITION FACILITIES WILL NEED TO BE SITED OVER THE NEXT SIX YEARS AND TRANSMIT THAT TO THE OFFICE OF FINANCIAL MANAGEMENT FOR INCLUSION ON THE LIST OF PROJECTED ESSENTIAL PUBLIC FACILITIES KEPT UNDER RCW 36.70A.200.

(2) WHEN A COUNTY IS NOTIFIED BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES OF THE PROJECTED NEED TO SITE SECURE COMMUNITY TRANSITION FACILITIES, THE COUNTY SHALL REVIEW AND SHALL, IF NECESSARY, TAKE ACTION TO REVISE THE COUNTYWIDE PLANNING POLICIES ADOPTED UNDER RCW 36.70A.210 TO ADDRESS THE SITING OF SUCH FACILITIES. THE COUNTY MUST INCLUDE ALL CITIES IN SUCH REVIEW AND MUST SOLICIT THE PARTICIPATION OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES REGARDING POLICIES, STATUTES, AND RULES APPLICABLE TO THE SITING OF SECURE COMMUNITY TRANSITION FACILITIES.

(3) EACH COUNTY AND CITY IDENTIFIED IN THE COUNTYWIDE PLANNING POLICIES DEVELOPED UNDER SUBSECTION (2) OF THIS SECTION FOR PROJECTED SITING OF SECURE COMMUNITY TRANSITION FACILITIES WITHIN SUCH COUNTY OR CITY SHALL MAKE ANY NECESSARY REVISIONS TO ITS COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS. THE PROVISIONS OF THE COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS SHALL BE CONSISTENT WITH THE POLICIES, STATUTES, AND RULES APPLICABLE TO THE SITING OF SECURE COMMUNITY TRANSITION FACILITIES. ANY AMENDMENTS MAY BE COMBINED WITH THE NEXT SCHEDULED ADOPTION OF REVISIONS, BUT IN ANY EVENT NOT LATER THAN THE DATE PROVIDED FOR COMPREHENSIVE REVIEW AND REVISION OF PLANS PURSUANT TO RCW 36.70A.130(1).

(4) NOTHING IN THIS SECTION PRECLUDES A LOCAL GOVERNMENT FROM REQUIRING THAT A SPECIAL USE OR A CONDITIONAL USE PERMIT BE OBTAINED TO SITE A SECURE COMMUNITY TRANSITION FACILITY THAT DOES NOT COMPLY WITH ITS COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS, PROVIDED THAT THE COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS ARE CONSISTENT WITH THIS SECTION. THE LOCAL GOVERNMENT SHALL ESTABLISH TIMELINES FOR PROCESSING ANY REQUIRED PERMITS THAT ARE NO LONGER THAN THOSE ESTABLISHED FOR OTHER COMPARABLE PROJECT PERMITS UNDER RCW 36.70B.080.

NEW SECTION. Sec. 222. A NEW SECTION IS ADDED TO CHAPTER 36.70 RCW TO READ AS FOLLOWS:

COUNTIES PLANNING UNDER THIS CHAPTER MUST ADOPT A COUNTYWIDE PLANNING POLICY FOR THE SITING OF SECURE COMMUNITY TRANSITION FACILITIES THAT COMPLIES WITH THE TIMELINES AND REQUIREMENTS OF SECTION 221 OF THIS ACT.

Sec. 223. RCW 36.70A.200 AND 1998 C 171 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE COMPREHENSIVE PLAN OF EACH COUNTY AND CITY THAT IS PLANNING UNDER THIS CHAPTER SHALL INCLUDE A PROCESS FOR IDENTIFYING AND SITING ESSENTIAL PUBLIC FACILITIES. ESSENTIAL PUBLIC FACILITIES INCLUDE THOSE FACILITIES THAT ARE TYPICALLY DIFFICULT TO SITE, SUCH AS AIRPORTS, STATE EDUCATION FACILITIES AND STATE OR REGIONAL TRANSPORTATION FACILITIES AS DEFINED IN RCW 47.06.140, STATE AND LOCAL CORRECTIONAL FACILITIES, SOLID WASTE HANDLING FACILITIES, AND IN-PATIENT FACILITIES INCLUDING SUBSTANCE ABUSE FACILITIES, MENTAL HEALTH FACILITIES, ~~((AND))~~ GROUP HOMES, AND SECURE COMMUNITY TRANSITION FACILITIES AS DEFINED IN RCW 71.09.020.

(2) THE OFFICE OF FINANCIAL MANAGEMENT SHALL MAINTAIN A LIST OF THOSE ESSENTIAL STATE PUBLIC FACILITIES THAT ARE REQUIRED OR LIKELY TO BE BUILT WITHIN THE NEXT SIX YEARS. THE OFFICE OF FINANCIAL MANAGEMENT MAY AT ANY TIME ADD FACILITIES TO THE LIST. NO LOCAL COMPREHENSIVE PLAN OR DEVELOPMENT REGULATION MAY PRECLUDE THE SITING OF ESSENTIAL PUBLIC FACILITIES.

NEW SECTION. Sec. 224. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

NOTHING IN THIS ACT SHALL OPERATE TO RESTRICT A COURT'S AUTHORITY TO MAKE LESS RESTRICTIVE ALTERNATIVE PLACEMENTS TO A COMMITTED PERSON'S INDIVIDUAL RESIDENCE. A COURT-ORDERED LESS RESTRICTIVE ALTERNATIVE PLACEMENT TO A COMMITTED PERSON'S INDIVIDUAL RESIDENCE IS NOT A LESS RESTRICTIVE PLACEMENT TO A SECURE COMMUNITY TRANSITION FACILITY.

PART III SENTENCING STRUCTURE

Sec. 301. RCW 9.94A.030 AND 2000 C 28 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS CHAPTER.

(1) "BOARD" MEANS THE INDETERMINATE SENTENCE REVIEW BOARD CREATED UNDER CHAPTER 9.95 RCW.

(2) "COLLECT," OR ANY DERIVATIVE THEREOF, "COLLECT AND REMIT," OR "COLLECT AND DELIVER," WHEN USED WITH REFERENCE TO THE DEPARTMENT, MEANS THAT THE DEPARTMENT, EITHER DIRECTLY OR THROUGH A COLLECTION AGREEMENT AUTHORIZED BY RCW 9.94A.145, IS RESPONSIBLE FOR MONITORING AND ENFORCING THE OFFENDER'S SENTENCE WITH REGARD TO THE LEGAL FINANCIAL

OBLIGATION, RECEIVING PAYMENT THEREOF FROM THE OFFENDER, AND, CONSISTENT WITH CURRENT LAW, DELIVERING DAILY THE ENTIRE PAYMENT TO THE SUPERIOR COURT CLERK WITHOUT DEPOSITING IT IN A DEPARTMENTAL ACCOUNT.

~~((2))~~ (3) "COMMISSION" MEANS THE SENTENCING GUIDELINES COMMISSION.

~~((3))~~ (4) "COMMUNITY CORRECTIONS OFFICER" MEANS AN EMPLOYEE OF THE DEPARTMENT WHO IS RESPONSIBLE FOR CARRYING OUT SPECIFIC DUTIES IN SUPERVISION OF SENTENCED OFFENDERS AND MONITORING OF SENTENCE CONDITIONS.

~~((4))~~ (5) "COMMUNITY CUSTODY" MEANS THAT PORTION OF AN OFFENDER'S SENTENCE OF CONFINEMENT IN LIEU OF EARNED RELEASE TIME OR IMPOSED PURSUANT TO RCW 9.94A.120(2)(b), 9.94A.650 THROUGH 9.94A.670, 9.94A.137, 9.94A.700 THROUGH 9.94A.715, OR 9.94A.383, SERVED IN THE COMMUNITY SUBJECT TO CONTROLS PLACED ON THE OFFENDER'S MOVEMENT AND ACTIVITIES BY THE DEPARTMENT. FOR OFFENDERS PLACED ON COMMUNITY CUSTODY FOR CRIMES COMMITTED ON OR AFTER JULY 1, 2000, THE DEPARTMENT SHALL ASSESS THE OFFENDER'S RISK OF REOFFENSE AND MAY ESTABLISH AND MODIFY CONDITIONS OF COMMUNITY CUSTODY, IN ADDITION TO THOSE IMPOSED BY THE COURT, BASED UPON THE RISK TO COMMUNITY SAFETY.

~~((5))~~ (6) "COMMUNITY CUSTODY RANGE" MEANS THE MINIMUM AND MAXIMUM PERIOD OF COMMUNITY CUSTODY INCLUDED AS PART OF A SENTENCE UNDER RCW 9.94A.715, AS ESTABLISHED BY THE COMMISSION OR THE LEGISLATURE UNDER RCW 9.94A.040, FOR CRIMES COMMITTED ON OR AFTER JULY 1, 2000.

~~((6))~~ (7) "COMMUNITY PLACEMENT" MEANS THAT PERIOD DURING WHICH THE OFFENDER IS SUBJECT TO THE CONDITIONS OF COMMUNITY CUSTODY AND/OR POSTRELEASE SUPERVISION, WHICH BEGINS EITHER UPON COMPLETION OF THE TERM OF CONFINEMENT (POSTRELEASE SUPERVISION) OR AT SUCH TIME AS THE OFFENDER IS TRANSFERRED TO COMMUNITY CUSTODY IN LIEU OF EARNED RELEASE. COMMUNITY PLACEMENT MAY CONSIST OF ENTIRELY COMMUNITY CUSTODY, ENTIRELY POSTRELEASE SUPERVISION, OR A COMBINATION OF THE TWO.

~~((7))~~ (8) "COMMUNITY SERVICE" MEANS COMPULSORY SERVICE, WITHOUT COMPENSATION, PERFORMED FOR THE BENEFIT OF THE COMMUNITY BY THE OFFENDER.

~~((8))~~ (9) "COMMUNITY SUPERVISION" MEANS A PERIOD OF TIME DURING WHICH A CONVICTED OFFENDER IS SUBJECT TO CRIME-RELATED PROHIBITIONS AND OTHER SENTENCE CONDITIONS IMPOSED BY A COURT PURSUANT TO THIS CHAPTER OR RCW 16.52.200(6) OR 46.61.524. WHERE THE COURT FINDS THAT ANY OFFENDER HAS A CHEMICAL DEPENDENCY THAT HAS CONTRIBUTED TO HIS OR HER OFFENSE, THE CONDITIONS OF SUPERVISION MAY, SUBJECT TO AVAILABLE RESOURCES, INCLUDE TREATMENT. FOR PURPOSES OF THE INTERSTATE COMPACT FOR OUT-OF-STATE SUPERVISION OF PAROLEES AND PROBATIONERS, RCW 9.95.270, COMMUNITY SUPERVISION IS THE FUNCTIONAL EQUIVALENT OF PROBATION AND SHOULD BE CONSIDERED THE SAME AS PROBATION BY OTHER STATES.

~~((9))~~ (10) "CONFINEMENT" MEANS TOTAL OR PARTIAL CONFINEMENT.

~~((10))~~ (11) "CONVICTION" MEANS AN ADJUDICATION OF GUILT PURSUANT TO TITLES 10 OR 13 RCW AND INCLUDES A VERDICT OF GUILTY, A FINDING OF GUILTY, AND ACCEPTANCE OF A PLEA OF GUILTY.

~~((11))~~ (12) "CRIME-RELATED PROHIBITION" MEANS AN ORDER OF A COURT PROHIBITING CONDUCT THAT DIRECTLY RELATES TO THE CIRCUMSTANCES OF THE CRIME FOR WHICH THE OFFENDER HAS BEEN CONVICTED, AND SHALL NOT BE CONSTRUED TO MEAN ORDERS DIRECTING AN OFFENDER AFFIRMATIVELY TO PARTICIPATE IN REHABILITATIVE PROGRAMS OR TO OTHERWISE PERFORM AFFIRMATIVE CONDUCT. HOWEVER, AFFIRMATIVE ACTS NECESSARY TO MONITOR COMPLIANCE WITH THE ORDER OF A COURT MAY BE REQUIRED BY THE DEPARTMENT.

~~((12))~~ (13) "CRIMINAL HISTORY" MEANS THE LIST OF A DEFENDANT'S PRIOR CONVICTIONS AND JUVENILE ADJUDICATIONS, WHETHER IN THIS STATE, IN FEDERAL COURT, OR ELSEWHERE. THE HISTORY SHALL INCLUDE, WHERE KNOWN, FOR EACH CONVICTION (A) WHETHER THE DEFENDANT HAS BEEN PLACED ON PROBATION AND THE LENGTH AND TERMS THEREOF; AND (B) WHETHER THE DEFENDANT HAS BEEN INCARCERATED AND THE LENGTH OF INCARCERATION.

~~((13))~~ (14) "DAY FINE" MEANS A FINE IMPOSED BY THE SENTENCING COURT THAT EQUALS THE DIFFERENCE BETWEEN THE OFFENDER'S NET DAILY INCOME AND THE REASONABLE OBLIGATIONS THAT THE OFFENDER HAS FOR THE SUPPORT OF THE OFFENDER AND ANY DEPENDENTS.

~~((14))~~ (15) "DAY REPORTING" MEANS A PROGRAM OF ENHANCED SUPERVISION DESIGNED TO MONITOR THE OFFENDER'S DAILY ACTIVITIES AND COMPLIANCE WITH SENTENCE CONDITIONS, AND IN WHICH THE OFFENDER IS REQUIRED TO REPORT DAILY TO A SPECIFIC LOCATION DESIGNATED BY THE DEPARTMENT OR THE SENTENCING COURT.

~~((15))~~ (16) "DEPARTMENT" MEANS THE DEPARTMENT OF CORRECTIONS.

~~((16))~~ (17) "DETERMINATE SENTENCE" MEANS A SENTENCE THAT STATES WITH EXACTITUDE THE NUMBER OF ACTUAL YEARS, MONTHS, OR DAYS OF TOTAL CONFINEMENT, OF PARTIAL CONFINEMENT, OF COMMUNITY SUPERVISION, THE NUMBER OF ACTUAL HOURS OR DAYS OF COMMUNITY SERVICE WORK, OR DOLLARS OR TERMS OF A LEGAL FINANCIAL OBLIGATION. THE FACT THAT AN OFFENDER THROUGH EARNED RELEASE CAN REDUCE THE ACTUAL PERIOD OF CONFINEMENT SHALL NOT AFFECT THE CLASSIFICATION OF THE SENTENCE AS A DETERMINATE SENTENCE.

~~((17))~~ (18) "DISPOSABLE EARNINGS" MEANS THAT PART OF THE EARNINGS OF AN OFFENDER REMAINING AFTER THE DEDUCTION FROM THOSE EARNINGS OF ANY AMOUNT REQUIRED BY LAW TO BE WITHHELD. FOR THE PURPOSES OF THIS DEFINITION, "EARNINGS" MEANS COMPENSATION PAID OR PAYABLE FOR PERSONAL SERVICES, WHETHER DENOMINATED AS WAGES, SALARY, COMMISSION, BONUSES, OR OTHERWISE, AND, NOTWITHSTANDING ANY OTHER PROVISION OF LAW MAKING THE PAYMENTS EXEMPT FROM GARNISHMENT, ATTACHMENT, OR OTHER PROCESS TO SATISFY A COURT-ORDERED LEGAL FINANCIAL OBLIGATION, SPECIFICALLY INCLUDES PERIODIC PAYMENTS PURSUANT TO PENSION OR RETIREMENT PROGRAMS, OR INSURANCE POLICIES OF ANY TYPE, BUT DOES NOT INCLUDE PAYMENTS MADE UNDER TITLE 50 RCW, EXCEPT AS PROVIDED IN RCW 50.40.020 AND 50.40.050, OR TITLE 74 RCW.

~~((18))~~ (19) "DRUG OFFENDER SENTENCING ALTERNATIVE" IS A SENTENCING OPTION AVAILABLE TO PERSONS CONVICTED OF A FELONY OFFENSE OTHER THAN A VIOLENT OFFENSE OR A SEX OFFENSE AND WHO ARE ELIGIBLE FOR THE OPTION UNDER RCW 9.94A.660.

~~((19))~~ (20) "DRUG OFFENSE" MEANS:

(A) ANY FELONY VIOLATION OF CHAPTER 69.50 RCW EXCEPT POSSESSION OF A CONTROLLED SUBSTANCE (RCW 69.50.401(d)) OR FORGED PRESCRIPTION FOR A CONTROLLED SUBSTANCE (RCW 69.50.403);

(B) ANY OFFENSE DEFINED AS A FELONY UNDER FEDERAL LAW THAT RELATES TO THE POSSESSION, MANUFACTURE, DISTRIBUTION, OR TRANSPORTATION OF A CONTROLLED SUBSTANCE; OR

(C) ANY OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS A DRUG OFFENSE UNDER (A) OF THIS SUBSECTION.

~~((20))~~ (21) "EARNED RELEASE" MEANS EARNED RELEASE FROM CONFINEMENT AS PROVIDED IN RCW 9.94A.150.

~~((21))~~ (22) "ESCAPE" MEANS:

(A) SEXUALLY VIOLENT PREDATOR ESCAPE (SECTION 357 OF THIS ACT), ESCAPE IN THE FIRST DEGREE (RCW 9A.76.110), ESCAPE IN THE SECOND DEGREE (RCW 9A.76.120), WILLFUL FAILURE TO RETURN FROM FURLOUGH (RCW 72.66.060), WILLFUL FAILURE TO RETURN FROM WORK RELEASE (RCW 72.65.070), OR WILLFUL FAILURE TO BE AVAILABLE FOR SUPERVISION BY THE DEPARTMENT WHILE IN COMMUNITY CUSTODY (RCW 72.09.310); OR

(B) ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS AN ESCAPE UNDER (A) OF THIS SUBSECTION.

~~((22))~~ (23) "FELONY TRAFFIC OFFENSE" MEANS:

(A) VEHICULAR HOMICIDE (RCW 46.61.520), VEHICULAR ASSAULT (RCW 46.61.522), ELUDING A POLICE OFFICER (RCW 46.61.024), OR FELONY HIT-AND-RUN INJURY-ACCIDENT (RCW 46.52.020(4)); OR

(B) ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS A FELONY TRAFFIC OFFENSE UNDER (A) OF THIS SUBSECTION.

~~((23))~~ (24) "FINE" MEANS A SPECIFIC SUM OF MONEY ORDERED BY THE SENTENCING COURT TO BE PAID BY THE OFFENDER TO THE COURT OVER A SPECIFIC PERIOD OF TIME.

~~((24))~~ (25) "FIRST-TIME OFFENDER" MEANS ANY PERSON WHO HAS NO PRIOR CONVICTIONS FOR A FELONY AND IS ELIGIBLE FOR THE FIRST-TIME OFFENDER WAIVER UNDER RCW 9.94A.650.

~~((25))~~ (26) "HOME DETENTION" MEANS A PROGRAM OF PARTIAL CONFINEMENT AVAILABLE TO OFFENDERS WHEREIN THE OFFENDER IS CONFINED IN A PRIVATE RESIDENCE SUBJECT TO ELECTRONIC SURVEILLANCE.

~~((26))~~ (27) "LEGAL FINANCIAL OBLIGATION" MEANS A SUM OF MONEY THAT IS ORDERED BY A SUPERIOR COURT OF THE STATE OF WASHINGTON FOR LEGAL FINANCIAL OBLIGATIONS WHICH MAY INCLUDE RESTITUTION TO THE VICTIM, STATUTORILY IMPOSED CRIME VICTIMS' COMPENSATION FEES AS ASSESSED PURSUANT TO RCW 7.68.035, COURT COSTS, COUNTY OR INTERLOCAL DRUG FUNDS, COURT-APPOINTED ATTORNEYS' FEES, AND COSTS OF DEFENSE, FINES, AND ANY OTHER FINANCIAL OBLIGATION THAT IS ASSESSED TO THE OFFENDER AS A RESULT OF A FELONY CONVICTION. UPON CONVICTION FOR VEHICULAR ASSAULT WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG, RCW 46.61.522(1)(B), OR VEHICULAR HOMICIDE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG, RCW 46.61.520(1)(A), LEGAL FINANCIAL OBLIGATIONS MAY ALSO INCLUDE PAYMENT TO A PUBLIC AGENCY OF THE EXPENSE OF AN EMERGENCY RESPONSE TO THE INCIDENT RESULTING IN THE CONVICTION, SUBJECT TO RCW 38.52.430.

~~((27))~~ (28) "MOST SERIOUS OFFENSE" MEANS ANY OF THE FOLLOWING FELONIES OR A FELONY ATTEMPT TO COMMIT ANY OF THE FOLLOWING FELONIES:

(A) ANY FELONY DEFINED UNDER ANY LAW AS A CLASS A FELONY OR CRIMINAL SOLICITATION OF OR CRIMINAL CONSPIRACY TO COMMIT A CLASS A FELONY;

(B) ASSAULT IN THE SECOND DEGREE;

(C) ASSAULT OF A CHILD IN THE SECOND DEGREE;

(D) CHILD MOLESTATION IN THE SECOND DEGREE;

(E) CONTROLLED SUBSTANCE HOMICIDE;

(F) EXTORTION IN THE FIRST DEGREE;

(G) INCEST WHEN COMMITTED AGAINST A CHILD UNDER AGE FOURTEEN;

(H) INDECENT LIBERTIES;

(I) KIDNAPPING IN THE SECOND DEGREE;

(J) LEADING ORGANIZED CRIME;

(K) MANSLAUGHTER IN THE FIRST DEGREE;

(L) MANSLAUGHTER IN THE SECOND DEGREE;

(M) PROMOTING PROSTITUTION IN THE FIRST DEGREE;

(N) RAPE IN THE THIRD DEGREE;

(O) ROBBERY IN THE SECOND DEGREE;

(P) SEXUAL EXPLOITATION;

(Q) VEHICULAR ASSAULT;

(R) VEHICULAR HOMICIDE, WHEN PROXIMATELY CAUSED BY THE DRIVING OF ANY VEHICLE BY ANY PERSON WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG AS DEFINED BY RCW 46.61.502, OR BY THE OPERATION OF ANY VEHICLE IN A RECKLESS MANNER;

(S) ANY OTHER CLASS B FELONY OFFENSE WITH A FINDING OF SEXUAL MOTIVATION;

(T) ANY OTHER FELONY WITH A DEADLY WEAPON VERDICT UNDER RCW 9.94A.125;

(U) ANY FELONY OFFENSE IN EFFECT AT ANY TIME PRIOR TO DECEMBER 2, 1993, THAT IS COMPARABLE TO A MOST SERIOUS OFFENSE UNDER THIS SUBSECTION, OR ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS A MOST SERIOUS OFFENSE UNDER THIS SUBSECTION;

(v)(i) A PRIOR CONVICTION FOR INDECENT LIBERTIES UNDER RCW 9A.88.100(1) (A), (B), AND (C), CHAPTER 260, LAWS OF 1975 1ST EX. SESS. AS IT EXISTED UNTIL JULY 1, 1979, RCW 9A.44.100(1) (A), (B), AND (C) AS IT EXISTED FROM JULY 1, 1979, UNTIL JUNE 11, 1986, AND RCW 9A.44.100(1) (A), (B), AND (D) AS IT EXISTED FROM JUNE 11, 1986, UNTIL JULY 1, 1988;

(ii) A PRIOR CONVICTION FOR INDECENT LIBERTIES UNDER RCW 9A.44.100(1)(C) AS IT EXISTED FROM JUNE 11, 1986, UNTIL JULY 1, 1988, IF: (A) THE CRIME WAS COMMITTED AGAINST A CHILD UNDER THE AGE OF FOURTEEN; OR (B) THE RELATIONSHIP BETWEEN THE VICTIM AND PERPETRATOR IS INCLUDED IN THE DEFINITION OF INDECENT LIBERTIES UNDER RCW 9A.44.100(1)(C) AS IT EXISTED FROM JULY 1, 1988, THROUGH JULY 27, 1997, OR RCW 9A.44.100(1) (D) OR (E) AS IT EXISTED FROM JULY 25, 1993, THROUGH JULY 27, 1997.

~~((28))~~ (29) "NONVIOLENT OFFENSE" MEANS AN OFFENSE WHICH IS NOT A VIOLENT OFFENSE.

~~((29))~~ (30) "OFFENDER" MEANS A PERSON WHO HAS COMMITTED A FELONY ESTABLISHED BY STATE LAW AND IS EIGHTEEN YEARS OF AGE OR OLDER OR IS LESS THAN EIGHTEEN YEARS OF AGE BUT WHOSE CASE IS UNDER SUPERIOR COURT JURISDICTION UNDER RCW 13.04.030 OR HAS BEEN TRANSFERRED BY THE APPROPRIATE JUVENILE COURT TO A CRIMINAL COURT PURSUANT TO RCW 13.40.110. THROUGHOUT THIS CHAPTER, THE TERMS "OFFENDER" AND "DEFENDANT" ARE USED INTERCHANGEABLY.

~~((30))~~ (31) "PARTIAL CONFINEMENT" MEANS CONFINEMENT FOR NO MORE THAN ONE YEAR IN A FACILITY OR INSTITUTION OPERATED OR UTILIZED UNDER CONTRACT BY THE STATE OR ANY OTHER UNIT OF GOVERNMENT, OR, IF HOME DETENTION OR WORK CREW HAS BEEN ORDERED BY THE COURT, IN AN APPROVED RESIDENCE, FOR A SUBSTANTIAL PORTION OF EACH DAY WITH THE BALANCE OF THE DAY SPENT IN THE COMMUNITY. PARTIAL CONFINEMENT INCLUDES WORK RELEASE, HOME DETENTION, WORK CREW, AND A COMBINATION OF WORK CREW AND HOME DETENTION.

~~((34))~~ (32) "PERSISTENT OFFENDER" IS AN OFFENDER WHO:

(A)(I) HAS BEEN CONVICTED IN THIS STATE OF ANY FELONY CONSIDERED A MOST SERIOUS OFFENSE; AND

(II) HAS, BEFORE THE COMMISSION OF THE OFFENSE UNDER (A) OF THIS SUBSECTION, BEEN CONVICTED AS AN OFFENDER ON AT LEAST TWO SEPARATE OCCASIONS, WHETHER IN THIS STATE OR ELSEWHERE, OF FELONIES THAT UNDER THE LAWS OF THIS STATE WOULD BE CONSIDERED MOST SERIOUS OFFENSES AND WOULD BE INCLUDED IN THE OFFENDER SCORE UNDER RCW 9.94A.360; PROVIDED THAT OF THE TWO OR MORE PREVIOUS CONVICTIONS, AT LEAST ONE CONVICTION MUST HAVE OCCURRED BEFORE THE COMMISSION OF ANY OF THE OTHER MOST SERIOUS OFFENSES FOR WHICH THE OFFENDER WAS PREVIOUSLY CONVICTED; OR

(B)(I) HAS BEEN CONVICTED OF: (A) RAPE IN THE FIRST DEGREE, RAPE OF A CHILD IN THE FIRST DEGREE, CHILD MOLESTATION IN THE FIRST DEGREE, RAPE IN THE SECOND DEGREE, RAPE OF A CHILD IN THE SECOND DEGREE, OR INDECENT LIBERTIES BY FORCIBLE COMPULSION; (B) ANY OF THE FOLLOWING OFFENSES WITH A FINDING OF SEXUAL MOTIVATION: MURDER IN THE FIRST DEGREE, MURDER IN THE SECOND DEGREE, HOMICIDE BY ABUSE, KIDNAPPING IN THE FIRST DEGREE, KIDNAPPING IN THE SECOND DEGREE, ASSAULT IN THE FIRST DEGREE, ASSAULT IN THE SECOND DEGREE, ASSAULT OF A CHILD IN THE FIRST DEGREE, OR BURGLARY IN THE FIRST DEGREE~~((WITH A FINDING OF SEXUAL MOTIVATION))~~; OR (C) AN ATTEMPT TO COMMIT ANY CRIME LISTED IN THIS SUBSECTION ~~((34))~~ (32)(B)(I); AND

(II) HAS, BEFORE THE COMMISSION OF THE OFFENSE UNDER (B)(I) OF THIS SUBSECTION, BEEN CONVICTED AS AN OFFENDER ON AT LEAST ONE OCCASION, WHETHER IN THIS STATE OR ELSEWHERE, OF AN OFFENSE LISTED IN (B)(I) OF THIS SUBSECTION. A CONVICTION FOR RAPE OF A CHILD IN THE FIRST DEGREE CONSTITUTES A CONVICTION UNDER (B)(I) OF THIS SUBSECTION ONLY WHEN THE OFFENDER WAS SIXTEEN YEARS OF AGE OR OLDER WHEN THE OFFENDER COMMITTED THE OFFENSE. A CONVICTION FOR RAPE OF A CHILD IN THE SECOND DEGREE CONSTITUTES A CONVICTION UNDER (B)(I) OF THIS SUBSECTION ONLY WHEN THE OFFENDER WAS EIGHTEEN YEARS OF AGE OR OLDER WHEN THE OFFENDER COMMITTED THE OFFENSE.

~~((32))~~ (33) "POSTRELEASE SUPERVISION" IS THAT PORTION OF AN OFFENDER'S COMMUNITY PLACEMENT THAT IS NOT COMMUNITY CUSTODY.

~~((33))~~ (34) "PREDATORY" MEANS ACTS DIRECTED TOWARDS:

(A) STRANGERS;

(B) INDIVIDUALS WITH WHOM A RELATIONSHIP HAS BEEN ESTABLISHED OR PROMOTED FOR THE PRIMARY PURPOSE OF VICTIMIZATION; OR

(C) PERSONS OF CASUAL ACQUAINTANCE WITH WHOM NO SUBSTANTIAL RELATIONSHIP EXISTS.

(35) "RESTITUTION" MEANS A SPECIFIC SUM OF MONEY ORDERED BY THE SENTENCING COURT TO BE PAID BY THE OFFENDER TO THE COURT OVER A SPECIFIED PERIOD OF TIME AS PAYMENT OF DAMAGES. THE SUM MAY INCLUDE BOTH PUBLIC AND PRIVATE COSTS.

~~((34))~~ (36) "RISK ASSESSMENT" MEANS THE APPLICATION OF AN OBJECTIVE INSTRUMENT SUPPORTED BY RESEARCH AND ADOPTED BY THE DEPARTMENT FOR THE PURPOSE OF ASSESSING AN OFFENDER'S RISK OF REOFFENSE, TAKING INTO CONSIDERATION THE NATURE OF THE HARM DONE BY THE OFFENDER, PLACE AND CIRCUMSTANCES OF THE OFFENDER RELATED TO RISK, THE OFFENDER'S RELATIONSHIP TO ANY VICTIM, AND ANY INFORMATION PROVIDED TO THE DEPARTMENT BY VICTIMS. THE RESULTS OF A RISK ASSESSMENT SHALL NOT BE BASED ON UNCONFIRMED OR UNCONFIRMABLE ALLEGATIONS.

~~((35))~~ (37) "SERIOUS TRAFFIC OFFENSE" MEANS:

(A) DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG (RCW 46.61.502), ACTUAL PHYSICAL CONTROL WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG (RCW 46.61.504), RECKLESS DRIVING (RCW 46.61.500), OR HIT-AND-RUN AN ATTENDED VEHICLE (RCW 46.52.020(5)); OR

(B) ANY FEDERAL, OUT-OF-STATE, COUNTY, OR MUNICIPAL CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE CLASSIFIED AS A SERIOUS TRAFFIC OFFENSE UNDER (A) OF THIS SUBSECTION.

~~((36))~~ (38) "SERIOUS VIOLENT OFFENSE" IS A SUBCATEGORY OF VIOLENT OFFENSE AND MEANS:

(A)(I) MURDER IN THE FIRST DEGREE;

(II) HOMICIDE BY ABUSE;

(III) MURDER IN THE SECOND DEGREE;

(IV) MANSLAUGHTER IN THE FIRST DEGREE;

(V) ASSAULT IN THE FIRST DEGREE;

(VI) KIDNAPPING IN THE FIRST DEGREE;

(VII) RAPE IN THE FIRST DEGREE;

(VIII) ASSAULT OF A CHILD IN THE FIRST DEGREE; OR

(IX) AN ATTEMPT, CRIMINAL SOLICITATION, OR CRIMINAL CONSPIRACY TO COMMIT ONE OF THESE FELONIES; OR

(B) ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS A SERIOUS VIOLENT OFFENSE UNDER (A) OF THIS SUBSECTION.

~~((37))~~ (39) "SEX OFFENSE" MEANS:

(A) A FELONY THAT IS A VIOLATION OF:

(I) CHAPTER 9A.44 RCW OTHER THAN RCW 9A.44.130(11);

(II) RCW 9A.64.020;

(III) RCW 9.68A.090; OR

(IV) A FELONY THAT IS, UNDER CHAPTER 9A.28 RCW, A CRIMINAL ATTEMPT, CRIMINAL SOLICITATION, OR CRIMINAL CONSPIRACY TO COMMIT SUCH CRIMES;

(B) ANY CONVICTION FOR A FELONY OFFENSE IN EFFECT AT ANY TIME PRIOR TO JULY 1, 1976, THAT IS COMPARABLE TO A FELONY CLASSIFIED AS A SEX OFFENSE IN (A) OF THIS SUBSECTION;

(C) A FELONY WITH A FINDING OF SEXUAL MOTIVATION UNDER RCW 9.94A.127 OR 13.40.135; OR

(D) ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS A SEX OFFENSE UNDER (A) OF THIS SUBSECTION.

~~((38))~~ (40) "SEXUAL MOTIVATION" MEANS THAT ONE OF THE PURPOSES FOR WHICH THE DEFENDANT COMMITTED THE CRIME WAS FOR THE PURPOSE OF HIS OR HER SEXUAL GRATIFICATION.

~~((39))~~ (41) "STANDARD SENTENCE RANGE" MEANS THE SENTENCING COURT'S DISCRETIONARY RANGE IN IMPOSING A NONAPPEALABLE SENTENCE.

~~((40))~~ (42) "STATUTORY MAXIMUM SENTENCE" MEANS THE MAXIMUM LENGTH OF TIME FOR WHICH AN OFFENDER MAY BE CONFINED AS PUNISHMENT FOR A CRIME AS PRESCRIBED IN CHAPTER 9A.20 RCW, RCW 9.92.010, THE STATUTE DEFINING THE CRIME, OR OTHER STATUTE DEFINING THE MAXIMUM PENALTY FOR A CRIME.

((44)) (43) "TOTAL CONFINEMENT" MEANS CONFINEMENT INSIDE THE PHYSICAL BOUNDARIES OF A FACILITY OR INSTITUTION OPERATED OR UTILIZED UNDER CONTRACT BY THE STATE OR ANY OTHER UNIT OF GOVERNMENT FOR TWENTY-FOUR HOURS A DAY, OR PURSUANT TO RCW 72.64.050 AND 72.64.060.

((42)) (44) "TRANSITION TRAINING" MEANS WRITTEN AND VERBAL INSTRUCTIONS AND ASSISTANCE PROVIDED BY THE DEPARTMENT TO THE OFFENDER DURING THE TWO WEEKS PRIOR TO THE OFFENDER'S SUCCESSFUL COMPLETION OF THE WORK ETHIC CAMP PROGRAM. THE TRANSITION TRAINING SHALL INCLUDE INSTRUCTIONS IN THE OFFENDER'S REQUIREMENTS AND OBLIGATIONS DURING THE OFFENDER'S PERIOD OF COMMUNITY CUSTODY.

((43)) (45) "VICTIM" MEANS ANY PERSON WHO HAS SUSTAINED EMOTIONAL, PSYCHOLOGICAL, PHYSICAL, OR FINANCIAL INJURY TO PERSON OR PROPERTY AS A DIRECT RESULT OF THE CRIME CHARGED.

((44)) (46) "VIOLENT OFFENSE" MEANS:

(A) ANY OF THE FOLLOWING FELONIES:

(I) ANY FELONY DEFINED UNDER ANY LAW AS A CLASS A FELONY OR AN ATTEMPT TO COMMIT A CLASS A FELONY;

(II) CRIMINAL SOLICITATION OF OR CRIMINAL CONSPIRACY TO COMMIT A CLASS A FELONY;

(III) MANSLAUGHTER IN THE FIRST DEGREE;

(IV) MANSLAUGHTER IN THE SECOND DEGREE;

(V) INDECENT LIBERTIES IF COMMITTED BY FORCIBLE COMPULSION;

(VI) KIDNAPPING IN THE SECOND DEGREE;

(VII) ARSON IN THE SECOND DEGREE;

(VIII) ASSAULT IN THE SECOND DEGREE;

(IX) ASSAULT OF A CHILD IN THE SECOND DEGREE;

(X) EXTORTION IN THE FIRST DEGREE;

(XI) ROBBERY IN THE SECOND DEGREE;

(XII) DRIVE-BY SHOOTING;

(XIII) VEHICULAR ASSAULT; AND

(XIV) VEHICULAR HOMICIDE, WHEN PROXIMATELY CAUSED BY THE DRIVING OF ANY VEHICLE BY ANY PERSON WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG AS DEFINED BY RCW 46.61.502, OR BY THE OPERATION OF ANY VEHICLE IN A RECKLESS MANNER;

(B) ANY CONVICTION FOR A FELONY OFFENSE IN EFFECT AT ANY TIME PRIOR TO JULY 1, 1976, THAT IS COMPARABLE TO A FELONY CLASSIFIED AS A VIOLENT OFFENSE IN (A) OF THIS SUBSECTION; AND

(C) ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS A VIOLENT OFFENSE UNDER (A) OR (B) OF THIS SUBSECTION.

((45)) (47) "WORK CREW" MEANS A PROGRAM OF PARTIAL CONFINEMENT CONSISTING OF CIVIC IMPROVEMENT TASKS FOR THE BENEFIT OF THE COMMUNITY THAT COMPLIES WITH RCW 9.94A.135.

((46)) (48) "WORK ETHIC CAMP" MEANS AN ALTERNATIVE INCARCERATION PROGRAM AS PROVIDED IN RCW 9.94A.137 DESIGNED TO REDUCE RECIDIVISM AND LOWER THE COST OF CORRECTIONS BY REQUIRING OFFENDERS TO COMPLETE A COMPREHENSIVE ARRAY OF REAL-WORLD JOB AND VOCATIONAL EXPERIENCES, CHARACTER-BUILDING WORK ETHICS TRAINING, LIFE MANAGEMENT SKILLS DEVELOPMENT, SUBSTANCE ABUSE REHABILITATION, COUNSELING, LITERACY TRAINING, AND BASIC ADULT EDUCATION.

((47)) (49) "WORK RELEASE" MEANS A PROGRAM OF PARTIAL CONFINEMENT AVAILABLE TO OFFENDERS WHO ARE EMPLOYED OR ENGAGED AS A STUDENT IN A REGULAR COURSE OF STUDY AT SCHOOL.

Sec. 302. RCW 9.94A.715 AND 2000 C 28 S 25 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) WHEN A COURT SENTENCES A PERSON TO THE CUSTODY OF THE DEPARTMENT FOR A SEX OFFENSE NOT SENTENCED UNDER SECTION 303 OF THIS ACT, A VIOLENT OFFENSE, ANY CRIME AGAINST PERSONS UNDER RCW 9.94A.440(2), OR A FELONY OFFENSE UNDER CHAPTER 69.50 OR 69.52 RCW NOT SENTENCED UNDER RCW 9.94A.660, COMMITTED ON OR AFTER JULY 1, 2000, THE COURT SHALL IN ADDITION TO THE OTHER TERMS OF THE SENTENCE, SENTENCE THE OFFENDER TO COMMUNITY CUSTODY FOR THE COMMUNITY CUSTODY RANGE ESTABLISHED UNDER RCW 9.94A.040 OR UP TO THE PERIOD OF EARNED RELEASE AWARDED PURSUANT TO RCW 9.94A.150 (1) AND (2), WHICHEVER IS LONGER. THE COMMUNITY CUSTODY SHALL BEGIN EITHER UPON COMPLETION OF THE TERM OF CONFINEMENT OR AT SUCH TIME AS THE OFFENDER IS TRANSFERRED TO COMMUNITY CUSTODY IN LIEU OF EARNED RELEASE IN ACCORDANCE WITH RCW 9.94A.150 (1) AND (2).

(2)(A) UNLESS A CONDITION IS WAIVED BY THE COURT, THE CONDITIONS OF COMMUNITY CUSTODY SHALL INCLUDE THOSE PROVIDED FOR IN RCW 9.94A.700(4). THE CONDITIONS MAY ALSO INCLUDE THOSE PROVIDED FOR IN RCW 9.94A.700(5). THE COURT MAY ALSO ORDER THE OFFENDER TO PARTICIPATE IN REHABILITATIVE PROGRAMS OR OTHERWISE PERFORM AFFIRMATIVE CONDUCT REASONABLY RELATED TO THE CIRCUMSTANCES OF THE OFFENSE, THE OFFENDER'S RISK OF REOFFENDING, OR THE SAFETY OF THE COMMUNITY, AND THE DEPARTMENT SHALL ENFORCE SUCH CONDITIONS PURSUANT TO SUBSECTION (6) OF THIS SECTION.

(B) AS PART OF ANY SENTENCE THAT INCLUDES A TERM OF COMMUNITY CUSTODY IMPOSED UNDER THIS SUBSECTION, THE COURT SHALL ALSO REQUIRE THE OFFENDER TO COMPLY WITH ANY CONDITIONS IMPOSED BY THE DEPARTMENT UNDER RCW 9.94A.720. THE DEPARTMENT SHALL ASSESS THE OFFENDER'S RISK OF REOFFENSE AND MAY ESTABLISH AND MODIFY ADDITIONAL CONDITIONS OF THE OFFENDER'S COMMUNITY CUSTODY BASED UPON THE RISK TO COMMUNITY SAFETY. IN ADDITION, THE DEPARTMENT MAY REQUIRE THE OFFENDER TO PARTICIPATE IN REHABILITATIVE PROGRAMS, OR OTHERWISE PERFORM AFFIRMATIVE CONDUCT, AND TO OBEY ALL LAWS.

(C) THE DEPARTMENT MAY NOT IMPOSE CONDITIONS THAT ARE CONTRARY TO THOSE ORDERED BY THE COURT AND MAY NOT CONTRAVENE OR DECREASE COURT-IMPOSED CONDITIONS. THE DEPARTMENT SHALL NOTIFY THE OFFENDER IN WRITING OF ANY SUCH CONDITIONS OR MODIFICATIONS. IN SETTING, MODIFYING, AND ENFORCING CONDITIONS OF COMMUNITY CUSTODY, THE DEPARTMENT SHALL BE DEEMED TO BE PERFORMING A QUASI-JUDICIAL FUNCTION.

(3) IF AN OFFENDER VIOLATES CONDITIONS IMPOSED BY THE COURT OR THE DEPARTMENT PURSUANT TO THIS SECTION DURING COMMUNITY CUSTODY, THE DEPARTMENT MAY TRANSFER THE OFFENDER TO A MORE RESTRICTIVE CONFINEMENT STATUS AND IMPOSE OTHER AVAILABLE SANCTIONS AS PROVIDED IN RCW 9.94A.205 AND 9.94A.207.

(4) EXCEPT FOR TERMS OF COMMUNITY CUSTODY UNDER RCW 9.94A.670, THE DEPARTMENT SHALL DISCHARGE THE OFFENDER FROM COMMUNITY CUSTODY ON A DATE DETERMINED BY THE DEPARTMENT, WHICH THE DEPARTMENT MAY MODIFY, BASED ON RISK AND PERFORMANCE OF THE OFFENDER, WITHIN THE RANGE OR AT THE END OF THE PERIOD OF EARNED RELEASE, WHICHEVER IS LATER.

(5) AT ANY TIME PRIOR TO THE COMPLETION OR TERMINATION OF A SEX OFFENDER'S TERM OF COMMUNITY CUSTODY, IF THE COURT FINDS THAT PUBLIC SAFETY WOULD BE ENHANCED, THE COURT MAY IMPOSE AND ENFORCE AN ORDER EXTENDING ANY OR ALL OF THE

CONDITIONS IMPOSED PURSUANT TO THIS SECTION FOR A PERIOD UP TO THE MAXIMUM ALLOWABLE SENTENCE FOR THE CRIME AS IT IS CLASSIFIED IN CHAPTER 9A.20 RCW, REGARDLESS OF THE EXPIRATION OF THE OFFENDER'S TERM OF COMMUNITY CUSTODY. IF A VIOLATION OF A CONDITION EXTENDED UNDER THIS SUBSECTION OCCURS AFTER THE EXPIRATION OF THE OFFENDER'S TERM OF COMMUNITY CUSTODY, IT SHALL BE DEEMED A VIOLATION OF THE SENTENCE FOR THE PURPOSES OF RCW 9.94A.195 AND MAY BE PUNISHABLE AS CONTEMPT OF COURT AS PROVIDED FOR IN RCW 7.21.040. IF THE COURT EXTENDS A CONDITION BEYOND THE EXPIRATION OF THE TERM OF COMMUNITY CUSTODY, THE DEPARTMENT IS NOT RESPONSIBLE FOR SUPERVISION OF THE OFFENDER'S COMPLIANCE WITH THE CONDITION.

(6) WITHIN THE FUNDS AVAILABLE FOR COMMUNITY CUSTODY, THE DEPARTMENT SHALL DETERMINE CONDITIONS AND DURATION OF COMMUNITY CUSTODY ON THE BASIS OF RISK TO COMMUNITY SAFETY, AND SHALL SUPERVISE OFFENDERS DURING COMMUNITY CUSTODY ON THE BASIS OF RISK TO COMMUNITY SAFETY AND CONDITIONS IMPOSED BY THE COURT. THE SECRETARY SHALL ADOPT RULES TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.

(7) BY THE CLOSE OF THE NEXT BUSINESS DAY AFTER RECEIVING NOTICE OF A CONDITION IMPOSED OR MODIFIED BY THE DEPARTMENT, AN OFFENDER MAY REQUEST AN ADMINISTRATIVE REVIEW UNDER RULES ADOPTED BY THE DEPARTMENT. THE CONDITION SHALL REMAIN IN EFFECT UNLESS THE REVIEWING OFFICER FINDS THAT IT IS NOT REASONABLY RELATED TO ANY OF THE FOLLOWING: (A) THE CRIME OF CONVICTION; (B) THE OFFENDER'S RISK OF REOFFENDING; OR (C) THE SAFETY OF THE COMMUNITY.

NEW SECTION. Sec. 303. A NEW SECTION IS ADDED TO CHAPTER 9.94A RCW TO READ AS FOLLOWS:

(1)(A) EXCEPT WHEN (B) OF THIS SUBSECTION APPLIES, AN OFFENDER WHO IS NOT A PERSISTENT OFFENDER SHALL BE SENTENCED UNDER THIS SECTION IF THE OFFENDER HAS:

(I) BEEN CONVICTED OF:

(A) RAPE IN THE FIRST DEGREE OR RAPE IN THE SECOND DEGREE;

(B) RAPE OF A CHILD IN THE FIRST DEGREE, CHILD MOLESTATION IN THE FIRST DEGREE, OR RAPE OF A CHILD IN THE SECOND DEGREE, WITH A FINDING THAT THE OFFENSE WAS PREDATORY OR WHERE THE OFFENDER USED FORCIBLE COMPULSION TO COMMIT THE CRIME;

(C) INDECENT LIBERTIES BY FORCIBLE COMPULSION;

(D) ANY OF THE FOLLOWING OFFENSES WITH A FINDING OF SEXUAL MOTIVATION: MURDER IN THE FIRST DEGREE, MURDER IN THE SECOND DEGREE, HOMICIDE BY ABUSE, KIDNAPPING IN THE FIRST DEGREE, KIDNAPPING IN THE SECOND DEGREE, ASSAULT IN THE FIRST DEGREE, ASSAULT IN THE SECOND DEGREE, ASSAULT OF A CHILD IN THE FIRST DEGREE, OR BURGLARY IN THE FIRST DEGREE; OR

(E) AN ATTEMPT TO COMMIT ANY CRIME LISTED IN THIS SUBSECTION (1)(A)(I);

COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION; OR

(II) A PRIOR CONVICTION FOR AN OFFENSE LISTED IN RCW 9.94A.030(32)(B), AND IS CONVICTED OF ANY SEX OFFENSE, WHICH THE TRIER OF FACT FINDS WAS PREDATORY AND WHICH WAS COMMITTED AFTER THE EFFECTIVE DATE OF THIS SECTION.

(B) AN OFFENDER CONVICTED OF RAPE OF A CHILD IN THE FIRST OR SECOND DEGREE WHO WAS SEVENTEEN YEARS OF AGE OR YOUNGER AT THE TIME OF THE OFFENSE SHALL NOT BE SENTENCED UNDER THIS SECTION UNLESS THE TRIER OF FACT FINDS THAT THE OFFENSE WAS PREDATORY OR COMMITTED USING FORCIBLE COMPULSION.

FOR PURPOSES OF (A)(II) OF THIS SUBSECTION, FAILURE TO REGISTER IS NOT A SEX OFFENSE.

(2) UPON A FINDING THAT THE OFFENDER IS SUBJECT TO SENTENCING UNDER THIS SECTION, THE COURT SHALL IMPOSE A SENTENCE TO A MAXIMUM TERM CONSISTING OF THE STATUTORY MAXIMUM SENTENCE FOR THE OFFENSE AND A MINIMUM TERM EITHER WITHIN THE STANDARD SENTENCE RANGE FOR THE OFFENSE, OR OUTSIDE THE STANDARD SENTENCE RANGE PURSUANT TO RCW 9.94A.390, IF THE OFFENDER IS OTHERWISE ELIGIBLE FOR SUCH A SENTENCE.

(3) A PERSON SENTENCED UNDER SUBSECTION (2) OF THIS SECTION SHALL SERVE THE SENTENCE IN A FACILITY OR INSTITUTION OPERATED, OR UTILIZED UNDER CONTRACT, BY THE STATE.

(4) WHEN A COURT SENTENCES A PERSON TO THE CUSTODY OF THE DEPARTMENT UNDER THIS SECTION, THE COURT SHALL, IN ADDITION TO THE OTHER TERMS OF THE SENTENCE, SENTENCE THE OFFENDER TO COMMUNITY CUSTODY UNDER THE SUPERVISION OF THE DEPARTMENT AND THE AUTHORITY OF THE BOARD FOR ANY PERIOD OF TIME THE PERSON IS RELEASED FROM TOTAL CONFINEMENT BEFORE THE EXPIRATION OF THE MAXIMUM SENTENCE.

(5)(A) UNLESS A CONDITION IS WAIVED BY THE COURT, THE CONDITIONS OF COMMUNITY CUSTODY SHALL INCLUDE THOSE PROVIDED FOR IN RCW 9.94A.700(4). THE CONDITIONS MAY ALSO INCLUDE THOSE PROVIDED FOR IN RCW 9.94A.700(5). THE COURT MAY ALSO ORDER THE OFFENDER TO PARTICIPATE IN REHABILITATIVE PROGRAMS OR OTHERWISE PERFORM AFFIRMATIVE CONDUCT REASONABLY RELATED TO THE CIRCUMSTANCES OF THE OFFENSE, THE OFFENDER'S RISK OF REOFFENDING, OR THE SAFETY OF THE COMMUNITY, AND THE DEPARTMENT AND THE BOARD SHALL ENFORCE SUCH CONDITIONS PURSUANT TO SECTIONS 305, 308, AND 309 OF THIS ACT.

(B) AS PART OF ANY SENTENCE UNDER THIS SECTION, THE COURT SHALL ALSO REQUIRE THE OFFENDER TO COMPLY WITH ANY CONDITIONS IMPOSED BY THE BOARD UNDER SECTIONS 305 AND 307 THROUGH 310 OF THIS ACT.

NEW SECTION. Sec. 304. A NEW SECTION IS ADDED TO CHAPTER 9.94A RCW TO READ AS FOLLOWS:

(1) THE PROSECUTING ATTORNEY SHALL FILE A SPECIAL ALLEGATION THAT THE OFFENSE WAS PREDATORY AND MAY FILE A SPECIAL ALLEGATION THAT THE OFFENSE WAS COMMITTED BY FORCIBLE COMPULSION IN EVERY CRIMINAL CASE IN WHICH THE DEFENDANT IS CHARGED WITH RAPE OF A CHILD IN THE FIRST OR SECOND DEGREE, CHILD MOLESTATION IN THE FIRST DEGREE, OR IN ANY SEX OFFENSE WHEN THE OFFENDER HAS A PRIOR CONVICTION FOR AN OFFENSE LISTED IN RCW 9.94A.030(32)(B), WHEN SUFFICIENT ADMISSIBLE EVIDENCE EXISTS, WHICH, WHEN CONSIDERED WITH THE MOST PLAUSIBLE, REASONABLY FORESEEABLE DEFENSE THAT COULD BE RAISED UNDER THE EVIDENCE, WOULD JUSTIFY A FINDING THAT THE OFFENSE WAS PREDATORY OR WAS COMMITTED BY FORCIBLE COMPULSION BY A REASONABLE AND OBJECTIVE FACT-FINDER.

(2) IN A CRIMINAL CASE WHEREIN THERE HAS BEEN A SPECIAL ALLEGATION THE STATE SHALL PROVE BEYOND A REASONABLE DOUBT THAT THE OFFENSE WAS PREDATORY. THE COURT SHALL MAKE A FINDING OF FACT OF WHETHER OR NOT AN OFFENSE WAS PREDATORY OR WAS COMMITTED BY FORCIBLE COMPULSION, OR IF A JURY TRIAL IS HAD, THE JURY SHALL, IF IT FINDS THE DEFENDANT GUILTY, ALSO FIND A SPECIAL VERDICT AS TO WHETHER OR NOT THE OFFENSE WAS PREDATORY OR WAS COMMITTED BY FORCIBLE COMPULSION.

(3) THE PROSECUTING ATTORNEY SHALL NOT WITHDRAW THE SPECIAL ALLEGATION THAT AN OFFENSE WAS PREDATORY OR WAS COMMITTED BY FORCIBLE COMPULSION WITHOUT APPROVAL OF THE COURT THROUGH AN ORDER OF DISMISSAL OF THE SPECIAL ALLEGATION. THE COURT SHALL NOT DISMISS THIS SPECIAL ALLEGATION UNLESS IT FINDS THAT SUCH AN ORDER IS NECESSARY TO CORRECT AN ERROR IN THE INITIAL CHARGING DECISION OR UNLESS THERE ARE EVIDENTIARY PROBLEMS WHICH MAKE PROVING THE SPECIAL ALLEGATION DOUBTFUL.

NEW SECTION. Sec. 305. A NEW SECTION IS ADDED TO CHAPTER 9.94A RCW TO READ AS FOLLOWS:

(1) WHEN AN OFFENDER IS SENTENCED UNDER SECTION 303 OF THIS ACT, THE DEPARTMENT SHALL ASSESS THE OFFENDER'S RISK OF RECIDIVISM AND SHALL RECOMMEND TO THE BOARD ANY ADDITIONAL OR MODIFIED CONDITIONS OF THE OFFENDER'S COMMUNITY CUSTODY BASED UPON THE RISK TO COMMUNITY SAFETY. IN ADDITION, THE DEPARTMENT SHALL MAKE A RECOMMENDATION WITH REGARD TO, AND THE BOARD MAY REQUIRE THE OFFENDER TO PARTICIPATE IN, REHABILITATIVE PROGRAMS, OR OTHERWISE PERFORM AFFIRMATIVE CONDUCT, AND OBEY ALL LAWS. THE BOARD MUST CONSIDER AND MAY IMPOSE DEPARTMENT-RECOMMENDED CONDITIONS.

(2) THE DEPARTMENT MAY NOT RECOMMEND AND THE BOARD MAY NOT IMPOSE CONDITIONS THAT ARE CONTRARY TO THOSE ORDERED BY THE COURT AND MAY NOT CONTRAVENE OR DECREASE COURT-IMPOSED CONDITIONS. THE BOARD SHALL NOTIFY THE OFFENDER IN WRITING OF ANY SUCH CONDITIONS OR MODIFICATIONS.

(3) IN SETTING, MODIFYING, AND ENFORCING CONDITIONS OF COMMUNITY CUSTODY, THE DEPARTMENT SHALL BE DEEMED TO BE PERFORMING A QUASI-JUDICIAL FUNCTION.

(4) IF AN OFFENDER VIOLATES CONDITIONS IMPOSED BY THE COURT, THE DEPARTMENT, OR THE BOARD DURING COMMUNITY CUSTODY, THE BOARD OR THE DEPARTMENT MAY TRANSFER THE OFFENDER TO A MORE RESTRICTIVE CONFINEMENT STATUS AND IMPOSE OTHER AVAILABLE SANCTIONS AS PROVIDED IN SECTION 310 OF THIS ACT.

(5) BY THE CLOSE OF THE NEXT BUSINESS DAY, AFTER RECEIVING NOTICE OF A CONDITION IMPOSED BY THE BOARD OR THE DEPARTMENT, AN OFFENDER MAY REQUEST AN ADMINISTRATIVE HEARING UNDER RULES ADOPTED BY THE BOARD. THE CONDITION SHALL REMAIN IN EFFECT UNLESS THE HEARING EXAMINER FINDS THAT IT IS NOT REASONABLY RELATED TO ANY OF THE FOLLOWING:

(A) THE CRIME OF CONVICTION;

(B) THE OFFENDER'S RISK OF REOFFENDING; OR

(C) THE SAFETY OF THE COMMUNITY.

(6) AN OFFENDER RELEASED BY THE BOARD UNDER SECTION 307 OF THIS ACT SHALL BE SUBJECT TO THE SUPERVISION OF THE DEPARTMENT UNTIL THE EXPIRATION OF THE MAXIMUM TERM OF THE SENTENCE. THE DEPARTMENT SHALL MONITOR THE OFFENDER'S COMPLIANCE WITH CONDITIONS OF COMMUNITY CUSTODY IMPOSED BY THE COURT, DEPARTMENT, OR BOARD, AND PROMPTLY REPORT ANY VIOLATIONS TO THE BOARD. ANY VIOLATION OF CONDITIONS OF COMMUNITY CUSTODY ESTABLISHED OR MODIFIED BY THE BOARD SHALL BE SUBJECT TO THE PROVISIONS OF SECTIONS 308 THROUGH 311 OF THIS ACT.

(7) IF THE DEPARTMENT FINDS THAT AN EMERGENCY EXISTS REQUIRING THE IMMEDIATE IMPOSITION OF CONDITIONS OF RELEASE IN ADDITION TO THOSE SET BY THE BOARD UNDER SECTION 307 OF THIS ACT AND SUBSECTION (1) OF THIS SECTION IN ORDER TO PREVENT THE OFFENDER FROM COMMITTING A CRIME, THE DEPARTMENT MAY IMPOSE ADDITIONAL CONDITIONS. THE DEPARTMENT MAY NOT IMPOSE CONDITIONS THAT ARE CONTRARY TO THOSE SET BY THE BOARD OR THE COURT AND MAY NOT CONTRAVENE OR DECREASE COURT-IMPOSED OR BOARD-IMPOSED CONDITIONS. CONDITIONS IMPOSED UNDER THIS SUBSECTION SHALL TAKE EFFECT IMMEDIATELY AFTER NOTICE TO THE OFFENDER BY PERSONAL SERVICE, BUT SHALL NOT REMAIN IN EFFECT LONGER THAN SEVEN WORKING DAYS UNLESS APPROVED BY THE BOARD UNDER SUBSECTION (6) OF THIS SECTION WITHIN SEVEN WORKING DAYS.

NEW SECTION. Sec. 306. A NEW SECTION IS ADDED TO CHAPTER 72.09 RCW TO READ AS FOLLOWS:

THE DEPARTMENT SHALL PROVIDE OFFENDERS SENTENCED UNDER SECTION 303 OF THIS ACT WITH THE OPPORTUNITY FOR SEX OFFENDER TREATMENT DURING INCARCERATION.

NEW SECTION. Sec. 307. A NEW SECTION IS ADDED TO CHAPTER 9.95 RCW TO READ AS FOLLOWS:

(1)(A) BEFORE THE EXPIRATION OF THE MINIMUM TERM, AS PART OF THE END OF SENTENCE REVIEW PROCESS UNDER RCW 72.09.340, 72.09.345, AND WHERE APPROPRIATE, 72.09.370, THE DEPARTMENT SHALL CONDUCT, AND THE OFFENDER SHALL PARTICIPATE IN, AN EXAMINATION OF THE OFFENDER, INCORPORATING METHODOLOGIES THAT ARE RECOGNIZED BY EXPERTS IN THE PREDICTION OF SEXUAL DANGEROUSNESS, AND INCLUDING A PREDICTION OF THE PROBABILITY THAT THE OFFENDER WILL ENGAGE IN SEX OFFENSES IF RELEASED.

(B) THE BOARD MAY CONTRACT FOR AN ADDITIONAL, INDEPENDENT EXAMINATION, SUBJECT TO THE STANDARDS IN THIS SECTION.

(2) THE BOARD SHALL IMPOSE THE CONDITIONS AND INSTRUCTIONS PROVIDED FOR IN RCW 9.94A.720. THE BOARD SHALL CONSIDER THE DEPARTMENT'S RECOMMENDATIONS AND MAY IMPOSE CONDITIONS IN ADDITION TO THOSE RECOMMENDED BY THE DEPARTMENT. THE BOARD MAY IMPOSE OR MODIFY CONDITIONS OF COMMUNITY CUSTODY FOLLOWING NOTICE TO THE OFFENDER.

(3) NO LATER THAN NINETY DAYS BEFORE EXPIRATION OF THE MINIMUM TERM, BUT AFTER THE BOARD RECEIVES THE RESULTS FROM THE END OF SENTENCE REVIEW PROCESS AND THE RECOMMENDATIONS FOR ADDITIONAL OR MODIFIED CONDITIONS OF COMMUNITY CUSTODY FROM THE DEPARTMENT, THE BOARD SHALL CONDUCT A HEARING TO DETERMINE WHETHER IT IS MORE LIKELY THAN NOT THAT THE OFFENDER WILL ENGAGE IN SEX OFFENSES IF RELEASED ON CONDITIONS TO BE SET BY THE BOARD. THE BOARD MAY CONSIDER AN OFFENDER'S FAILURE TO PARTICIPATE IN AN EVALUATION UNDER SUBSECTION (1) OF THIS SECTION IN DETERMINING WHETHER TO RELEASE THE OFFENDER. THE BOARD SHALL ORDER THE OFFENDER RELEASED, UNDER SUCH AFFIRMATIVE AND OTHER CONDITIONS AS THE BOARD DETERMINES APPROPRIATE, UNLESS THE BOARD DETERMINES BY A PREPONDERANCE OF THE EVIDENCE THAT, DESPITE SUCH CONDITIONS, IT IS MORE LIKELY THAN NOT THAT THE OFFENDER WILL COMMIT SEX OFFENSES IF RELEASED. IF THE BOARD DOES NOT ORDER THE OFFENDER RELEASED, THE BOARD SHALL ESTABLISH A NEW MINIMUM TERM, NOT TO EXCEED AN ADDITIONAL TWO YEARS.

NEW SECTION. Sec. 308. A NEW SECTION IS ADDED TO CHAPTER 9.95 RCW TO READ AS FOLLOWS:

(1) WHENEVER THE BOARD OR A COMMUNITY CORRECTIONS OFFICER OF THIS STATE HAS REASON TO BELIEVE AN OFFENDER RELEASED UNDER SECTION 307 OF THIS ACT HAS VIOLATED A CONDITION OF COMMUNITY CUSTODY OR THE LAWS OF THIS STATE, ANY COMMUNITY CORRECTIONS OFFICER MAY ARREST OR CAUSE THE ARREST AND DETENTION OF THE OFFENDER PENDING A DETERMINATION BY THE BOARD WHETHER SANCTIONS SHOULD BE IMPOSED OR THE OFFENDER'S COMMUNITY CUSTODY SHOULD BE REVOKED. THE COMMUNITY CORRECTIONS OFFICER SHALL REPORT ALL FACTS AND CIRCUMSTANCES SURROUNDING THE ALLEGED VIOLATION TO THE BOARD, WITH RECOMMENDATIONS.

(2) IF THE BOARD OR THE DEPARTMENT CAUSES THE ARREST OR DETENTION OF AN OFFENDER FOR A VIOLATION THAT DOES NOT AMOUNT TO A NEW CRIME AND THE OFFENDER IS ARRESTED OR DETAINED BY LOCAL LAW ENFORCEMENT OR IN A LOCAL JAIL, THE BOARD OR DEPARTMENT, WHICHEVER CAUSED THE ARREST OR DETENTION, SHALL BE FINANCIALLY RESPONSIBLE FOR LOCAL COSTS. JAIL BED COSTS SHALL BE ALLOCATED AT THE RATE ESTABLISHED UNDER RCW 9.94A.207(3).

NEW SECTION. Sec. 309. A NEW SECTION IS ADDED TO CHAPTER 9.95 RCW TO READ AS FOLLOWS:

ANY OFFENDER RELEASED UNDER SECTION 307 OF THIS ACT WHO IS ARRESTED AND DETAINED IN PHYSICAL CUSTODY BY THE AUTHORITY OF A COMMUNITY CORRECTIONS OFFICER, OR UPON THE WRITTEN ORDER OF THE BOARD, SHALL NOT BE RELEASED FROM CUSTODY ON BAIL OR PERSONAL RECOGNIZANCE, EXCEPT UPON APPROVAL OF THE BOARD AND THE ISSUANCE BY THE BOARD OF AN ORDER REINSTATING THE OFFENDER'S RELEASE ON THE SAME OR MODIFIED CONDITIONS. ALL CHIEFS OF POLICE, MARSHALS OF CITIES AND TOWNS,

SHERIFFS OF COUNTIES, AND ALL POLICE, PRISON, AND PEACE OFFICERS AND CONSTABLES SHALL EXECUTE ANY SUCH ORDER IN THE SAME MANNER AS ANY ORDINARY CRIMINAL PROCESS.

NEW SECTION. Sec. 310. A NEW SECTION IS ADDED TO CHAPTER 9.95 RCW TO READ AS FOLLOWS:

(1) IF AN OFFENDER RELEASED BY THE BOARD UNDER SECTION 307 OF THIS ACT VIOLATES ANY CONDITION OR REQUIREMENT OF COMMUNITY CUSTODY, THE BOARD MAY TRANSFER THE OFFENDER TO A MORE RESTRICTIVE CONFINEMENT STATUS TO SERVE UP TO THE REMAINING PORTION OF THE SENTENCE, LESS CREDIT FOR ANY PERIOD ACTUALLY SPENT IN COMMUNITY CUSTODY OR IN DETENTION AWAITING DISPOSITION OF AN ALLEGED VIOLATION AND SUBJECT TO THE LIMITATIONS OF SUBSECTION (2) OF THIS SECTION.

(2) FOLLOWING THE HEARING SPECIFIED IN SUBSECTION (3) OF THIS SECTION, THE BOARD MAY IMPOSE SANCTIONS SUCH AS WORK RELEASE, HOME DETENTION WITH ELECTRONIC MONITORING, WORK CREW, COMMUNITY SERVICE, INPATIENT TREATMENT, DAILY REPORTING, CURFEW, EDUCATIONAL OR COUNSELING SESSIONS, SUPERVISION ENHANCED THROUGH ELECTRONIC MONITORING, OR ANY OTHER SANCTIONS AVAILABLE IN THE COMMUNITY, OR MAY SUSPEND OR REVOKE THE RELEASE TO COMMUNITY CUSTODY WHENEVER AN OFFENDER RELEASED BY THE BOARD UNDER SECTION 307 OF THIS ACT VIOLATES ANY CONDITION OR REQUIREMENT OF COMMUNITY CUSTODY.

(3) IF AN OFFENDER RELEASED BY THE BOARD UNDER SECTION 307 OF THIS ACT IS ACCUSED OF VIOLATING ANY CONDITION OR REQUIREMENT OF COMMUNITY CUSTODY, HE OR SHE IS ENTITLED TO A HEARING BEFORE THE BOARD PRIOR TO THE IMPOSITION OF SANCTIONS. THE HEARING SHALL BE CONSIDERED AS OFFENDER DISCIPLINARY PROCEEDINGS AND SHALL NOT BE SUBJECT TO CHAPTER 34.05 RCW. THE BOARD SHALL DEVELOP HEARING PROCEDURES AND A STRUCTURE OF GRADUATED SANCTIONS CONSISTENT WITH THE HEARING PROCEDURES AND GRADUATED SANCTIONS DEVELOPED PURSUANT TO RCW 9.94A.205. THE BOARD MAY SUSPEND THE OFFENDER'S RELEASE TO COMMUNITY CUSTODY AND CONFINE THE OFFENDER IN A CORRECTIONAL INSTITUTION OWNED, OPERATED BY, OR OPERATED UNDER CONTRACT WITH THE STATE PRIOR TO THE HEARING UNLESS THE OFFENDER HAS BEEN ARRESTED AND CONFINED FOR A NEW CRIMINAL OFFENSE.

(4) THE HEARING PROCEDURES REQUIRED UNDER SUBSECTION (3) OF THIS SECTION SHALL BE DEVELOPED BY RULE AND INCLUDE THE FOLLOWING:

(A) HEARINGS SHALL BE CONDUCTED BY MEMBERS OF THE BOARD UNLESS THE BOARD ENTERS INTO AN AGREEMENT WITH THE DEPARTMENT TO USE THE HEARING OFFICERS ESTABLISHED UNDER RCW 9.94A.205;

(B) THE BOARD SHALL PROVIDE THE OFFENDER WITH WRITTEN NOTICE OF THE VIOLATION, THE EVIDENCE RELIED UPON, AND THE REASONS THE PARTICULAR SANCTION WAS IMPOSED. THE NOTICE SHALL INCLUDE A STATEMENT OF THE RIGHTS SPECIFIED IN THIS SUBSECTION, AND THE OFFENDER'S RIGHT TO FILE A PERSONAL RESTRAINT PETITION UNDER COURT RULES AFTER THE FINAL DECISION OF THE BOARD;

(C) THE HEARING SHALL BE HELD UNLESS WAIVED BY THE OFFENDER, AND SHALL BE ELECTRONICALLY RECORDED. FOR OFFENDERS NOT IN TOTAL CONFINEMENT, THE HEARING SHALL BE HELD WITHIN FIFTEEN WORKING DAYS, BUT NOT LESS THAN TWENTY-FOUR HOURS AFTER NOTICE OF THE VIOLATION. FOR OFFENDERS IN TOTAL CONFINEMENT, THE HEARING SHALL BE HELD WITHIN FIVE WORKING DAYS, BUT NOT LESS THAN TWENTY-FOUR HOURS AFTER NOTICE OF THE VIOLATION;

(D) THE OFFENDER SHALL HAVE THE RIGHT TO: (I) BE PRESENT AT THE HEARING; (II) HAVE THE ASSISTANCE OF A PERSON QUALIFIED TO ASSIST THE OFFENDER IN THE HEARING, APPOINTED BY THE HEARING EXAMINER IF THE OFFENDER HAS A LANGUAGE OR COMMUNICATIONS BARRIER; (III) TESTIFY OR REMAIN SILENT; (IV) CALL WITNESSES AND PRESENT DOCUMENTARY EVIDENCE; (V) QUESTION WITNESSES WHO APPEAR AND TESTIFY; AND (VI) BE REPRESENTED BY COUNSEL IF REVOCATION OF THE RELEASE TO COMMUNITY CUSTODY IS A POSSIBLE SANCTION FOR THE VIOLATION; AND

(E) THE SANCTION SHALL TAKE EFFECT IF AFFIRMED BY THE HEARING EXAMINER. WITHIN SEVEN DAYS AFTER THE HEARING EXAMINER'S DECISION, THE OFFENDER MAY APPEAL THE DECISION TO A PANEL OF THREE REVIEWING EXAMINERS DESIGNATED BY THE CHAIR OF THE BOARD OR BY THE CHAIR'S DESIGNEE. THE SANCTION SHALL BE REVERSED OR MODIFIED IF A MAJORITY OF THE PANEL FINDS THAT THE SANCTION WAS NOT REASONABLY RELATED TO ANY OF THE FOLLOWING: (I) THE CRIME OF CONVICTION; (II) THE VIOLATION COMMITTED; (III) THE OFFENDER'S RISK OF REOFFENDING; OR (IV) THE SAFETY OF THE COMMUNITY.

(5) FOR PURPOSES OF THIS SECTION, NO FINDING OF A VIOLATION OF CONDITIONS MAY BE BASED ON UNCONFIRMED OR UNCONFIRMABLE ALLEGATIONS.

NEW SECTION. Sec. 311. A NEW SECTION IS ADDED TO CHAPTER 9.95 RCW TO READ AS FOLLOWS:

IN THE EVENT THE BOARD SUSPENDS RELEASE STATUS OF AN OFFENDER RELEASED UNDER SECTION 307 OF THIS ACT BY REASON OF AN ALLEGED VIOLATION OF A CONDITION OF RELEASE, OR PENDING DISPOSITION OF A NEW CRIMINAL CHARGE, THE BOARD MAY NULLIFY THE SUSPENSION ORDER AND REINSTATE RELEASE UNDER PREVIOUS CONDITIONS OR ANY NEW CONDITIONS THE BOARD DETERMINES ADVISABLE. BEFORE THE BOARD MAY NULLIFY A SUSPENSION ORDER AND REINSTATE RELEASE, IT SHALL DETERMINE THAT THE BEST INTERESTS OF SOCIETY AND THE OFFENDER SHALL BE SERVED BY SUCH REINSTATEMENT RATHER THAN RETURN TO CONFINEMENT.

Sec. 312. RCW 9.94A.060 AND 1996 C 232 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE COMMISSION CONSISTS OF TWENTY VOTING MEMBERS, ONE OF WHOM THE GOVERNOR SHALL DESIGNATE AS CHAIRPERSON. WITH THE EXCEPTION OF EX OFFICIO VOTING MEMBERS, THE VOTING MEMBERS OF THE COMMISSION SHALL BE APPOINTED BY THE GOVERNOR, SUBJECT TO CONFIRMATION BY THE SENATE.

(2) THE VOTING MEMBERSHIP CONSISTS OF THE FOLLOWING:

(A) THE HEAD OF THE STATE AGENCY HAVING GENERAL RESPONSIBILITY FOR ADULT CORRECTION PROGRAMS, AS AN EX OFFICIO MEMBER;

(B) THE DIRECTOR OF FINANCIAL MANAGEMENT OR DESIGNEE, AS AN EX OFFICIO MEMBER;

(C) ~~((UNTIL THE INDETERMINATE SENTENCE REVIEW BOARD CEASES TO EXIST PURSUANT TO RCW 9.95.0014,))~~ THE CHAIR OF THE INDETERMINATE SENTENCE REVIEW BOARD, AS AN EX OFFICIO MEMBER;

(D) THE HEAD OF THE STATE AGENCY, OR THE AGENCY HEAD'S DESIGNEE, HAVING RESPONSIBILITY FOR JUVENILE CORRECTIONS PROGRAMS, AS AN EX OFFICIO MEMBER;

(E) TWO PROSECUTING ATTORNEYS;

(F) TWO ATTORNEYS WITH PARTICULAR EXPERTISE IN DEFENSE WORK;

(G) FOUR PERSONS WHO ARE SUPERIOR COURT JUDGES;

(H) ONE PERSON WHO IS THE CHIEF LAW ENFORCEMENT OFFICER OF A COUNTY OR CITY;

(I) FOUR MEMBERS OF THE PUBLIC WHO ARE NOT PROSECUTORS, DEFENSE ATTORNEYS, JUDGES, OR LAW ENFORCEMENT OFFICERS, ONE OF WHOM IS A VICTIM OF CRIME OR A CRIME VICTIMS' ADVOCATE;

(J) ONE PERSON WHO IS AN ELECTED OFFICIAL OF A COUNTY GOVERNMENT, OTHER THAN A PROSECUTING ATTORNEY OR SHERIFF;

(K) ONE PERSON WHO IS AN ELECTED OFFICIAL OF A CITY GOVERNMENT;

(L) ONE PERSON WHO IS AN ADMINISTRATOR OF JUVENILE COURT SERVICES.

IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL ENDEAVOR TO ASSURE THAT THE COMMISSION MEMBERSHIP INCLUDES ADEQUATE REPRESENTATION AND EXPERTISE RELATING TO BOTH THE ADULT CRIMINAL JUSTICE SYSTEM AND THE JUVENILE JUSTICE SYSTEM. IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL SEEK THE RECOMMENDATIONS OF WASHINGTON PROSECUTORS IN RESPECT TO THE PROSECUTING ATTORNEY MEMBERS, OF THE WASHINGTON STATE BAR ASSOCIATION IN RESPECT TO THE DEFENSE ATTORNEY MEMBERS, OF THE ASSOCIATION OF SUPERIOR COURT JUDGES IN RESPECT TO THE MEMBERS WHO ARE JUDGES, OF THE WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS IN RESPECT TO THE MEMBER WHO IS A LAW ENFORCEMENT OFFICER, OF THE WASHINGTON STATE ASSOCIATION OF COUNTIES IN RESPECT TO THE MEMBER WHO IS A COUNTY OFFICIAL, OF THE ASSOCIATION OF WASHINGTON CITIES IN RESPECT TO THE MEMBER WHO IS A CITY OFFICIAL, OF THE OFFICE OF CRIME VICTIMS ADVOCACY AND OTHER ORGANIZATIONS OF CRIME VICTIMS IN RESPECT TO THE MEMBER WHO IS A VICTIM OF CRIME OR A CRIME VICTIMS' ADVOCATE, AND OF THE WASHINGTON ASSOCIATION OF JUVENILE COURT ADMINISTRATORS IN RESPECT TO THE MEMBER WHO IS AN ADMINISTRATOR OF JUVENILE COURT SERVICES.

(3)(A) ALL VOTING MEMBERS OF THE COMMISSION, EXCEPT EX OFFICIO VOTING MEMBERS, SHALL SERVE TERMS OF THREE YEARS AND UNTIL THEIR SUCCESSORS ARE APPOINTED AND CONFIRMED.

(B) THE GOVERNOR SHALL STAGGER THE TERMS OF THE MEMBERS APPOINTED UNDER SUBSECTION (2)(J), (K), AND (L) OF THIS SECTION BY APPOINTING ONE OF THEM FOR A TERM OF ONE YEAR, ONE FOR A TERM OF TWO YEARS, AND ONE FOR A TERM OF THREE YEARS.

(4) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE MAY EACH APPOINT TWO NONVOTING MEMBERS TO THE COMMISSION, ONE FROM EACH OF THE TWO LARGEST CAUCUSES IN EACH HOUSE. THE MEMBERS SO APPOINTED SHALL SERVE TWO-YEAR TERMS, OR UNTIL THEY CEASE TO BE MEMBERS OF THE HOUSE FROM WHICH THEY WERE APPOINTED, WHICHEVER OCCURS FIRST.

(5) THE MEMBERS OF THE COMMISSION SHALL BE REIMBURSED FOR TRAVEL EXPENSES AS PROVIDED IN RCW 43.03.050 AND 43.03.060. LEGISLATIVE MEMBERS SHALL BE REIMBURSED BY THEIR RESPECTIVE HOUSES AS PROVIDED UNDER RCW 44.04.120(~~(, AS NOW EXISTING OR HEREAFTER AMENDED)~~). MEMBERS SHALL BE COMPENSATED IN ACCORDANCE WITH RCW 43.03.250.

SEC. 313. RCW 9.94A.120 AND 2000 C 226 S 2, 2000 C 43 S 1, AND 2000 C 28 S 5 ARE EACH REENACTED AND AMENDED TO READ AS FOLLOWS:

(1) WHEN A PERSON IS CONVICTED OF A FELONY, THE COURT SHALL IMPOSE PUNISHMENT AS PROVIDED IN THIS CHAPTER.

(2)(A) THE COURT SHALL IMPOSE A SENTENCE AS PROVIDED IN THE FOLLOWING SECTIONS AND AS APPLICABLE IN THE CASE:

(I) UNLESS ANOTHER TERM OF CONFINEMENT APPLIES, THE COURT SHALL IMPOSE A SENTENCE WITHIN THE STANDARD SENTENCE RANGE ESTABLISHED IN RCW 9.94A.310;

(II) RCW 9.94A.700 AND 9.94A.705, RELATING TO COMMUNITY PLACEMENT;

(III) RCW 9.94A.710 AND 9.94A.715, RELATING TO COMMUNITY CUSTODY;

(IV) RCW 9.94A.383, RELATING TO COMMUNITY CUSTODY FOR OFFENDERS WHOSE TERM OF CONFINEMENT IS ONE YEAR OR LESS;

(V) RCW 9.94A.560, RELATING TO PERSISTENT OFFENDERS;

(VI) RCW 9.94A.590, RELATING TO MANDATORY MINIMUM TERMS;

(VII) RCW 9.94A.650, RELATING TO THE FIRST-TIME OFFENDER WAIVER;

(VIII) RCW 9.94A.660, RELATING TO THE DRUG OFFENDER SENTENCING ALTERNATIVE;

(IX) RCW 9.94A.670, RELATING TO THE SPECIAL SEX OFFENDER SENTENCING ALTERNATIVE;

(X) SECTION 303 OF THIS ACT, RELATING TO CERTAIN SEX OFFENSES;

(XI) RCW 9.94A.390, RELATING TO EXCEPTIONAL SENTENCES;

(~~(xii)~~) (XII) RCW 9.94A.400, RELATING TO CONSECUTIVE AND CONCURRENT SENTENCES.

(B) IF A STANDARD SENTENCE RANGE HAS NOT BEEN ESTABLISHED FOR THE OFFENDER'S CRIME, THE COURT SHALL IMPOSE A DETERMINATE SENTENCE WHICH MAY INCLUDE NOT MORE THAN ONE YEAR OF CONFINEMENT; COMMUNITY SERVICE WORK; UNTIL JULY 1, 2000, A TERM OF COMMUNITY SUPERVISION NOT TO EXCEED ONE YEAR AND ON AND AFTER JULY 1, 2000, A TERM OF COMMUNITY CUSTODY NOT TO EXCEED ONE YEAR, SUBJECT TO CONDITIONS AND SANCTIONS AS AUTHORIZED IN RCW 9.94A.710 (2) AND (3); AND/OR OTHER LEGAL FINANCIAL OBLIGATIONS. THE COURT MAY IMPOSE A SENTENCE WHICH PROVIDES MORE THAN ONE YEAR OF CONFINEMENT IF THE COURT FINDS REASONS JUSTIFYING AN EXCEPTIONAL SENTENCE AS PROVIDED IN RCW 9.94A.390.

(3) IF THE COURT IMPOSES A SENTENCE REQUIRING CONFINEMENT OF THIRTY DAYS OR LESS, THE COURT MAY, IN ITS DISCRETION, SPECIFY THAT THE SENTENCE BE SERVED ON CONSECUTIVE OR INTERMITTENT DAYS. A SENTENCE REQUIRING MORE THAN THIRTY DAYS OF CONFINEMENT SHALL BE SERVED ON CONSECUTIVE DAYS. LOCAL JAIL ADMINISTRATORS MAY SCHEDULE COURT-ORDERED INTERMITTENT SENTENCES AS SPACE PERMITS.

(4) IF A SENTENCE IMPOSED INCLUDES PAYMENT OF A LEGAL FINANCIAL OBLIGATION, IT SHALL BE IMPOSED AS PROVIDED IN RCW 9.94A.140, 9.94A.142, AND 9.94A.145.

(5) EXCEPT AS PROVIDED UNDER RCW 9.94A.140(4) AND 9.94A.142(4), A COURT MAY NOT IMPOSE A SENTENCE PROVIDING FOR A TERM OF CONFINEMENT OR COMMUNITY SUPERVISION, COMMUNITY PLACEMENT, OR COMMUNITY CUSTODY WHICH EXCEEDS THE STATUTORY MAXIMUM FOR THE CRIME AS PROVIDED IN CHAPTER 9A.20 RCW.

(6) THE SENTENCING COURT SHALL GIVE THE OFFENDER CREDIT FOR ALL CONFINEMENT TIME SERVED BEFORE THE SENTENCING IF THAT CONFINEMENT WAS SOLELY IN REGARD TO THE OFFENSE FOR WHICH THE OFFENDER IS BEING SENTENCED.

(7) THE COURT SHALL ORDER RESTITUTION AS PROVIDED IN RCW 9.94A.140 AND 9.94A.142.

(8) AS A PART OF ANY SENTENCE, THE COURT MAY IMPOSE AND ENFORCE CRIME-RELATED PROHIBITIONS AND AFFIRMATIVE CONDITIONS AS PROVIDED IN THIS CHAPTER.

(9) THE COURT MAY ORDER AN OFFENDER WHOSE SENTENCE INCLUDES COMMUNITY PLACEMENT OR COMMUNITY SUPERVISION TO UNDERGO A MENTAL STATUS EVALUATION AND TO PARTICIPATE IN AVAILABLE OUTPATIENT MENTAL HEALTH TREATMENT, IF THE COURT FINDS THAT REASONABLE GROUNDS EXIST TO BELIEVE THAT THE OFFENDER IS A MENTALLY ILL PERSON AS DEFINED IN RCW 71.24.025, AND THAT THIS CONDITION IS LIKELY TO HAVE INFLUENCED THE OFFENSE. AN ORDER REQUIRING MENTAL STATUS EVALUATION OR TREATMENT MUST BE BASED ON A PRESENTENCE REPORT AND, IF APPLICABLE, MENTAL STATUS EVALUATIONS THAT HAVE BEEN FILED WITH THE COURT TO DETERMINE THE OFFENDER'S COMPETENCY OR ELIGIBILITY FOR A DEFENSE OF INSANITY. THE COURT MAY ORDER ADDITIONAL EVALUATIONS AT A LATER DATE IF DEEMED APPROPRIATE.

(10) IN ANY SENTENCE OF PARTIAL CONFINEMENT, THE COURT MAY REQUIRE THE OFFENDER TO SERVE THE PARTIAL CONFINEMENT IN WORK RELEASE, IN A PROGRAM OF HOME DETENTION, ON WORK CREW, OR IN A COMBINED PROGRAM OF WORK CREW AND HOME DETENTION.

(11) IN SENTENCING AN OFFENDER CONVICTED OF A CRIME OF DOMESTIC VIOLENCE, AS DEFINED IN RCW 10.99.020, IF THE OFFENDER HAS A MINOR CHILD, OR IF THE VICTIM OF THE OFFENSE FOR WHICH THE OFFENDER WAS CONVICTED HAS A MINOR CHILD, THE COURT MAY, AS PART OF ANY TERM OF COMMUNITY SUPERVISION, COMMUNITY PLACEMENT, OR COMMUNITY CUSTODY, ORDER THE OFFENDER TO PARTICIPATE IN A DOMESTIC VIOLENCE PERPETRATOR PROGRAM APPROVED UNDER RCW 26.50.150.

Sec. 314. RCW 9.94A.190 AND 2000 C 28 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) A SENTENCE THAT INCLUDES A TERM OR TERMS OF CONFINEMENT TOTALING MORE THAN ONE YEAR SHALL BE SERVED IN A FACILITY OR INSTITUTION OPERATED, OR UTILIZED UNDER CONTRACT, BY THE STATE. EXCEPT AS PROVIDED IN SUBSECTION (3) OR (5) OF THIS SECTION, A SENTENCE OF NOT MORE THAN ONE YEAR OF CONFINEMENT SHALL BE SERVED IN A FACILITY OPERATED, LICENSED, OR UTILIZED UNDER CONTRACT, BY THE COUNTY, OR IF HOME DETENTION OR WORK CREW HAS BEEN ORDERED BY THE COURT, IN THE RESIDENCE OF EITHER THE OFFENDER OR A MEMBER OF THE OFFENDER'S IMMEDIATE FAMILY.

(2) IF A COUNTY USES A STATE PARTIAL CONFINEMENT FACILITY FOR THE PARTIAL CONFINEMENT OF A PERSON SENTENCED TO CONFINEMENT FOR NOT MORE THAN ONE YEAR, THE COUNTY SHALL REIMBURSE THE STATE FOR THE USE OF THE FACILITY AS PROVIDED IN THIS SUBSECTION. THE OFFICE OF FINANCIAL MANAGEMENT SHALL SET THE RATE OF REIMBURSEMENT BASED UPON THE AVERAGE PER DIEM COST PER OFFENDER IN THE FACILITY. THE OFFICE OF FINANCIAL MANAGEMENT SHALL DETERMINE TO WHAT EXTENT, IF ANY, REIMBURSEMENT SHALL BE REDUCED OR ELIMINATED BECAUSE OF FUNDS PROVIDED BY THE LEGISLATURE TO THE DEPARTMENT FOR THE PURPOSE OF COVERING THE COST OF COUNTY USE OF STATE PARTIAL CONFINEMENT FACILITIES. THE OFFICE OF FINANCIAL MANAGEMENT SHALL REESTABLISH REIMBURSEMENT RATES EACH EVEN-NUMBERED YEAR.

(3) A PERSON WHO IS SENTENCED FOR A FELONY TO A TERM OF NOT MORE THAN ONE YEAR, AND WHO IS COMMITTED OR RETURNED TO INCARCERATION IN A STATE FACILITY ON ANOTHER FELONY CONVICTION, EITHER UNDER THE INDETERMINATE SENTENCING LAWS, CHAPTER 9.95 RCW, OR UNDER THIS CHAPTER SHALL SERVE ALL TERMS OF CONFINEMENT, INCLUDING A SENTENCE OF NOT MORE THAN ONE YEAR, IN A FACILITY OR INSTITUTION OPERATED, OR UTILIZED UNDER CONTRACT, BY THE STATE, CONSISTENT WITH THE PROVISIONS OF RCW 9.94A.400.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A SENTENCE IMPOSED PURSUANT TO RCW 9.94A.660 WHICH HAS A STANDARD SENTENCE RANGE OF OVER ONE YEAR, REGARDLESS OF LENGTH, SHALL BE SERVED IN A FACILITY OR INSTITUTION OPERATED, OR UTILIZED UNDER CONTRACT, BY THE STATE.

(5) SENTENCES IMPOSED PURSUANT TO SECTION 303 OF THIS ACT SHALL BE SERVED IN A FACILITY OR INSTITUTION OPERATED, OR UTILIZED UNDER CONTRACT, BY THE STATE.

Sec. 315. RCW 9.94A.390 AND 2000 C 28 S 8 ARE EACH AMENDED TO READ AS FOLLOWS:

THE COURT MAY IMPOSE A SENTENCE OUTSIDE THE STANDARD SENTENCE RANGE FOR AN OFFENSE IF IT FINDS, CONSIDERING THE PURPOSE OF THIS CHAPTER, THAT THERE ARE SUBSTANTIAL AND COMPELLING REASONS JUSTIFYING AN EXCEPTIONAL SENTENCE. WHENEVER A SENTENCE OUTSIDE THE STANDARD SENTENCE RANGE IS IMPOSED, THE COURT SHALL SET FORTH THE REASONS FOR ITS DECISION IN WRITTEN FINDINGS OF FACT AND CONCLUSIONS OF LAW. A SENTENCE OUTSIDE THE STANDARD SENTENCE RANGE SHALL BE A DETERMINATE SENTENCE UNLESS IT IS IMPOSED ON AN OFFENDER SENTENCED UNDER SECTION 303 OF THIS ACT. AN EXCEPTIONAL SENTENCE IMPOSED ON AN OFFENDER SENTENCED UNDER SECTION 303 OF THIS ACT SHALL BE TO A MINIMUM TERM SET BY THE COURT AND A MAXIMUM TERM EQUAL TO THE STATUTORY MAXIMUM SENTENCE FOR THE OFFENSE OF CONVICTION UNDER CHAPTER 9A.20 RCW.

IF THE SENTENCING COURT FINDS THAT AN EXCEPTIONAL SENTENCE OUTSIDE THE STANDARD SENTENCE RANGE SHOULD BE IMPOSED, THE SENTENCE IS SUBJECT TO REVIEW ONLY AS PROVIDED FOR IN RCW 9.94A.210(4).

A DEPARTURE FROM THE STANDARDS IN RCW 9.94A.400 (1) AND (2) GOVERNING WHETHER SENTENCES ARE TO BE SERVED CONSECUTIVELY OR CONCURRENTLY IS AN EXCEPTIONAL SENTENCE SUBJECT TO THE LIMITATIONS IN THIS SECTION, AND MAY BE APPEALED BY THE OFFENDER OR THE STATE AS SET FORTH IN RCW 9.94A.210 (2) THROUGH (6).

THE FOLLOWING ARE ILLUSTRATIVE FACTORS WHICH THE COURT MAY CONSIDER IN THE EXERCISE OF ITS DISCRETION TO IMPOSE AN EXCEPTIONAL SENTENCE. THE FOLLOWING ARE ILLUSTRATIVE ONLY AND ARE NOT INTENDED TO BE EXCLUSIVE REASONS FOR EXCEPTIONAL SENTENCES.

(1) MITIGATING CIRCUMSTANCES

(A) TO A SIGNIFICANT DEGREE, THE VICTIM WAS AN INITIATOR, WILLING PARTICIPANT, AGGRESSOR, OR PROVOKER OF THE INCIDENT.

(B) BEFORE DETECTION, THE DEFENDANT COMPENSATED, OR MADE A GOOD FAITH EFFORT TO COMPENSATE, THE VICTIM OF THE CRIMINAL CONDUCT FOR ANY DAMAGE OR INJURY SUSTAINED.

(C) THE DEFENDANT COMMITTED THE CRIME UNDER DURESS, COERCION, THREAT, OR COMPULSION INSUFFICIENT TO CONSTITUTE A COMPLETE DEFENSE BUT WHICH SIGNIFICANTLY AFFECTED HIS OR HER CONDUCT.

(D) THE DEFENDANT, WITH NO APPARENT PREDISPOSITION TO DO SO, WAS INDUCED BY OTHERS TO PARTICIPATE IN THE CRIME.

(E) THE DEFENDANT'S CAPACITY TO APPRECIATE THE WRONGFULNESS OF HIS OR HER CONDUCT, OR TO CONFORM HIS OR HER CONDUCT TO THE REQUIREMENTS OF THE LAW, WAS SIGNIFICANTLY IMPAIRED. VOLUNTARY USE OF DRUGS OR ALCOHOL IS EXCLUDED.

(F) THE OFFENSE WAS PRINCIPALLY ACCOMPLISHED BY ANOTHER PERSON AND THE DEFENDANT MANIFESTED EXTREME CAUTION OR SINCERE CONCERN FOR THE SAFETY OR WELL-BEING OF THE VICTIM.

(G) THE OPERATION OF THE MULTIPLE OFFENSE POLICY OF RCW 9.94A.400 RESULTS IN A PRESUMPTIVE SENTENCE THAT IS CLEARLY EXCESSIVE IN LIGHT OF THE PURPOSE OF THIS CHAPTER, AS EXPRESSED IN RCW 9.94A.010.

(H) THE DEFENDANT OR THE DEFENDANT'S CHILDREN SUFFERED A CONTINUING PATTERN OF PHYSICAL OR SEXUAL ABUSE BY THE VICTIM OF THE OFFENSE AND THE OFFENSE IS A RESPONSE TO THAT ABUSE.

(2) AGGRAVATING CIRCUMSTANCES

(A) THE DEFENDANT'S CONDUCT DURING THE COMMISSION OF THE CURRENT OFFENSE MANIFESTED DELIBERATE CRUELTY TO THE VICTIM.

(B) THE DEFENDANT KNEW OR SHOULD HAVE KNOWN THAT THE VICTIM OF THE CURRENT OFFENSE WAS PARTICULARLY VULNERABLE OR INCAPABLE OF RESISTANCE DUE TO EXTREME YOUTH, ADVANCED AGE, DISABILITY, OR ILL HEALTH.

(C) THE CURRENT OFFENSE WAS A VIOLENT OFFENSE, AND THE DEFENDANT KNEW THAT THE VICTIM OF THE CURRENT OFFENSE WAS PREGNANT.

(D) THE CURRENT OFFENSE WAS A MAJOR ECONOMIC OFFENSE OR SERIES OF OFFENSES, SO IDENTIFIED BY A CONSIDERATION OF ANY OF THE FOLLOWING FACTORS:

- (I) THE CURRENT OFFENSE INVOLVED MULTIPLE VICTIMS OR MULTIPLE INCIDENTS PER VICTIM;
- (II) THE CURRENT OFFENSE INVOLVED ATTEMPTED OR ACTUAL MONETARY LOSS SUBSTANTIALLY GREATER THAN TYPICAL FOR THE OFFENSE;
- (III) THE CURRENT OFFENSE INVOLVED A HIGH DEGREE OF SOPHISTICATION OR PLANNING OR OCCURRED OVER A LENGTHY PERIOD OF TIME; OR
- (IV) THE DEFENDANT USED HIS OR HER POSITION OF TRUST, CONFIDENCE, OR FIDUCIARY RESPONSIBILITY TO FACILITATE THE COMMISSION OF THE CURRENT OFFENSE.

(E) THE CURRENT OFFENSE WAS A MAJOR VIOLATION OF THE UNIFORM CONTROLLED SUBSTANCES ACT, CHAPTER 69.50 RCW (VUCSA), RELATED TO TRAFFICKING IN CONTROLLED SUBSTANCES, WHICH WAS MORE ONEROUS THAN THE TYPICAL OFFENSE OF ITS STATUTORY DEFINITION: THE PRESENCE OF ANY OF THE FOLLOWING MAY IDENTIFY A CURRENT OFFENSE AS A MAJOR VUCSA:

- (I) THE CURRENT OFFENSE INVOLVED AT LEAST THREE SEPARATE TRANSACTIONS IN WHICH CONTROLLED SUBSTANCES WERE SOLD, TRANSFERRED, OR POSSESSED WITH INTENT TO DO SO;
- (II) THE CURRENT OFFENSE INVOLVED AN ATTEMPTED OR ACTUAL SALE OR TRANSFER OF CONTROLLED SUBSTANCES IN QUANTITIES SUBSTANTIALLY LARGER THAN FOR PERSONAL USE;
- (III) THE CURRENT OFFENSE INVOLVED THE MANUFACTURE OF CONTROLLED SUBSTANCES FOR USE BY OTHER PARTIES;
- (IV) THE CIRCUMSTANCES OF THE CURRENT OFFENSE REVEAL THE OFFENDER TO HAVE OCCUPIED A HIGH POSITION IN THE DRUG DISTRIBUTION HIERARCHY;
- (V) THE CURRENT OFFENSE INVOLVED A HIGH DEGREE OF SOPHISTICATION OR PLANNING, OCCURRED OVER A LENGTHY PERIOD OF TIME, OR INVOLVED A BROAD GEOGRAPHIC AREA OF DISBURSEMENT; OR
- (VI) THE OFFENDER USED HIS OR HER POSITION OR STATUS TO FACILITATE THE COMMISSION OF THE CURRENT OFFENSE, INCLUDING POSITIONS OF TRUST, CONFIDENCE OR FIDUCIARY RESPONSIBILITY (E.G., PHARMACIST, PHYSICIAN, OR OTHER MEDICAL PROFESSIONAL).

(F) THE CURRENT OFFENSE INCLUDED A FINDING OF SEXUAL MOTIVATION PURSUANT TO RCW 9.94A.127.

(G) THE OFFENSE WAS PART OF AN ONGOING PATTERN OF SEXUAL ABUSE OF THE SAME VICTIM UNDER THE AGE OF EIGHTEEN YEARS MANIFESTED BY MULTIPLE INCIDENTS OVER A PROLONGED PERIOD OF TIME.

(H) THE CURRENT OFFENSE INVOLVED DOMESTIC VIOLENCE, AS DEFINED IN RCW 10.99.020, AND ONE OR MORE OF THE FOLLOWING WAS PRESENT:

- (I) THE OFFENSE WAS PART OF AN ONGOING PATTERN OF PSYCHOLOGICAL, PHYSICAL, OR SEXUAL ABUSE OF THE VICTIM MANIFESTED BY MULTIPLE INCIDENTS OVER A PROLONGED PERIOD OF TIME;
- (II) THE OFFENSE OCCURRED WITHIN SIGHT OR SOUND OF THE VICTIM'S OR THE OFFENDER'S MINOR CHILDREN UNDER THE AGE OF EIGHTEEN YEARS; OR
- (III) THE OFFENDER'S CONDUCT DURING THE COMMISSION OF THE CURRENT OFFENSE MANIFESTED DELIBERATE CRUELTY OR INTIMIDATION OF THE VICTIM.

(I) THE OPERATION OF THE MULTIPLE OFFENSE POLICY OF RCW 9.94A.400 RESULTS IN A PRESUMPTIVE SENTENCE THAT IS CLEARLY TOO LENIENT IN LIGHT OF THE PURPOSE OF THIS CHAPTER, AS EXPRESSED IN RCW 9.94A.010.

(J) THE DEFENDANT'S PRIOR UNSCORED MISDEMEANOR OR PRIOR UNSCORED FOREIGN CRIMINAL HISTORY RESULTS IN A PRESUMPTIVE SENTENCE THAT IS CLEARLY TOO LENIENT IN LIGHT OF THE PURPOSE OF THIS CHAPTER, AS EXPRESSED IN RCW 9.94A.010.

(K) THE OFFENSE RESULTED IN THE PREGNANCY OF A CHILD VICTIM OF RAPE.

(L) THE DEFENDANT KNEW THAT THE VICTIM OF THE CURRENT OFFENSE WAS A YOUTH WHO WAS NOT RESIDING WITH A LEGAL CUSTODIAN AND THE DEFENDANT ESTABLISHED OR PROMOTED THE RELATIONSHIP FOR THE PRIMARY PURPOSE OF VICTIMIZATION.

NEW SECTION. Sec. 316. A NEW SECTION IS ADDED TO CHAPTER 9.95 RCW TO READ AS FOLLOWS:

(1) "BOARD" MEANS THE INDETERMINATE SENTENCE REVIEW BOARD.

(2) "COMMUNITY CUSTODY" MEANS THAT PORTION OF AN OFFENDER'S SENTENCE SUBJECT TO CONTROLS INCLUDING CRIME-RELATED PROHIBITIONS AND AFFIRMATIVE CONDITIONS FROM THE COURT, THE BOARD, OR THE DEPARTMENT OF CORRECTIONS BASED ON RISK TO COMMUNITY SAFETY, THAT IS SERVED UNDER SUPERVISION IN THE COMMUNITY, AND WHICH MAY BE MODIFIED OR REVOKED FOR VIOLATIONS OF RELEASE CONDITIONS.

(3) "CRIME-RELATED PROHIBITION" HAS THE MEANING DEFINED IN RCW 9.94A.030.

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF CORRECTIONS.

(5) "PAROLE" MEANS THAT PORTION OF A PERSON'S SENTENCE FOR A CRIME COMMITTED BEFORE JULY 1, 1984, SERVED ON CONDITIONAL RELEASE IN THE COMMUNITY SUBJECT TO BOARD CONTROLS AND REVOCATION AND UNDER SUPERVISION OF THE DEPARTMENT.

(6) "SECRETARY" MEANS THE SECRETARY OF THE DEPARTMENT OF CORRECTIONS OR HIS OR HER DESIGNEE.

Sec. 317. RCW 9.95.005 AND 1986 C 224 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

THE BOARD SHALL MEET AT ~~((THE PENITENTIARY AND THE REFORMATORY))~~ MAJOR STATE CORRECTIONAL INSTITUTIONS AT SUCH TIMES AS MAY BE NECESSARY FOR A FULL AND COMPLETE STUDY OF THE CASES OF ALL CONVICTED PERSONS WHOSE DURATIONS OF CONFINEMENT ARE TO BE DETERMINED BY IT ~~((OR))~~; WHOSE COMMUNITY CUSTODY SUPERVISION IS UNDER THE BOARD'S AUTHORITY; OR WHOSE APPLICATIONS FOR PAROLE COME BEFORE IT. OTHER TIMES AND PLACES OF MEETINGS MAY ALSO BE FIXED BY THE BOARD.

THE SUPERINTENDENTS OF THE DIFFERENT INSTITUTIONS SHALL PROVIDE SUITABLE QUARTERS FOR THE BOARD AND ASSISTANTS WHILE IN THE DISCHARGE OF THEIR DUTIES.

Sec. 318. RCW 9.95.010 AND 1955 C 133 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

WHEN A PERSON, WHOSE CRIME WAS COMMITTED BEFORE JULY 1, 1984, IS CONVICTED OF ANY FELONY, EXCEPT TREASON, MURDER IN THE FIRST DEGREE, OR CARNAL KNOWLEDGE OF A CHILD UNDER TEN YEARS, AND A NEW TRIAL IS NOT GRANTED, THE COURT SHALL SENTENCE SUCH PERSON TO THE PENITENTIARY, OR, IF THE LAW ALLOWS AND THE COURT SEES FIT TO EXERCISE SUCH DISCRETION, TO THE REFORMATORY, AND SHALL FIX THE MAXIMUM TERM OF SUCH PERSON'S SENTENCE ONLY.

THE MAXIMUM TERM TO BE FIXED BY THE COURT SHALL BE THE MAXIMUM PROVIDED BY LAW FOR THE CRIME OF WHICH SUCH PERSON WAS CONVICTED, IF THE LAW PROVIDES FOR A MAXIMUM TERM. IF THE LAW DOES NOT PROVIDE A MAXIMUM TERM FOR THE CRIME OF WHICH SUCH PERSON WAS CONVICTED THE COURT SHALL FIX SUCH MAXIMUM TERM, WHICH MAY BE FOR ANY NUMBER OF YEARS UP TO AND INCLUDING LIFE IMPRISONMENT BUT IN ANY CASE WHERE THE MAXIMUM TERM IS FIXED BY THE COURT IT SHALL BE FIXED AT NOT LESS THAN TWENTY YEARS.

Sec. 319. RCW 9.95.011 AND 1993 C 144 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) WHEN THE COURT COMMITS A CONVICTED PERSON TO THE DEPARTMENT OF CORRECTIONS ON OR AFTER JULY 1, 1986, FOR AN OFFENSE COMMITTED BEFORE JULY 1, 1984, THE COURT SHALL, AT THE TIME OF SENTENCING OR REVOCATION OF PROBATION, FIX THE MINIMUM TERM. THE TERM SO FIXED SHALL NOT EXCEED THE MAXIMUM SENTENCE PROVIDED BY LAW FOR THE OFFENSE OF WHICH THE PERSON IS CONVICTED.

THE COURT SHALL ATTEMPT TO SET THE MINIMUM TERM REASONABLY CONSISTENT WITH THE PURPOSES, STANDARDS, AND SENTENCING RANGES ADOPTED UNDER RCW 9.94A.040, BUT THE COURT IS SUBJECT TO THE SAME LIMITATIONS AS THOSE PLACED ON THE BOARD UNDER RCW 9.92.090, 9.95.040 (1) THROUGH (4), 9.95.115, 9A.32.040, 9A.44.045, AND CHAPTER 69.50 RCW. THE COURT'S MINIMUM TERM DECISION IS SUBJECT TO REVIEW TO THE SAME EXTENT AS A MINIMUM TERM DECISION BY THE PAROLE BOARD BEFORE JULY 1, 1986.

THEREAFTER, THE EXPIRATION OF THE MINIMUM TERM SET BY THE COURT MINUS ANY TIME CREDITS EARNED UNDER RCW 9.95.070 AND 9.95.110 CONSTITUTES THE PAROLE ELIGIBILITY REVIEW DATE, AT WHICH TIME THE BOARD MAY CONSIDER THE CONVICTED PERSON FOR PAROLE UNDER RCW 9.95.100 AND 9.95.110 AND CHAPTER 72.04A RCW. NOTHING IN THIS SECTION AFFECTS THE BOARD'S AUTHORITY TO REDUCE OR INCREASE THE MINIMUM TERM, ONCE SET BY THE COURT, UNDER RCW 9.95.040, 9.95.052, 9.95.055, 9.95.070, 9.95.080, 9.95.100, 9.95.115, 9.95.125, OR 9.95.047.

(2) NOT LESS THAN NINETY DAYS PRIOR TO THE EXPIRATION OF THE MINIMUM TERM OF A PERSON SENTENCED UNDER SECTION 303 OF THIS ACT, FOR A SEX OFFENSE COMMITTED ON OR AFTER JULY 1, 2001, LESS ANY TIME CREDITS PERMITTED BY STATUTE, THE BOARD SHALL REVIEW THE PERSON FOR CONDITIONAL RELEASE TO COMMUNITY CUSTODY AS PROVIDED IN SECTION 307 OF THIS ACT. IF THE BOARD DOES NOT RELEASE THE PERSON, IT SHALL SET A NEW MINIMUM TERM NOT TO EXCEED TWO YEARS. THE BOARD SHALL REVIEW THE PERSON AGAIN NOT LESS THAN NINETY DAYS PRIOR TO THE EXPIRATION OF THE NEW MINIMUM TERM.

Sec. 320. RCW 9.95.017 AND 1986 C 224 S 11 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE BOARD SHALL CAUSE TO BE PREPARED CRITERIA FOR DURATION OF CONFINEMENT, RELEASE ON PAROLE, AND LENGTH OF PAROLE FOR PERSONS COMMITTED TO PRISON FOR CRIMES COMMITTED BEFORE JULY 1, 1984.

THE PROPOSED CRITERIA SHOULD TAKE INTO CONSIDERATION RCW 9.95.009(2). BEFORE SUBMISSION TO THE GOVERNOR, THE BOARD SHALL SOLICIT COMMENTS AND REVIEW ON THEIR PROPOSED CRITERIA FOR PAROLE RELEASE. THESE PROPOSED CRITERIA SHALL BE SUBMITTED FOR CONSIDERATION BY THE 1987 LEGISLATURE.

(2) PERSONS COMMITTED TO THE DEPARTMENT OF CORRECTIONS AND WHO ARE UNDER THE AUTHORITY OF THE BOARD FOR CRIMES COMMITTED ON OR AFTER JULY 1, 2001, ARE SUBJECT TO THE PROVISIONS FOR DURATION OF CONFINEMENT, RELEASE TO COMMUNITY CUSTODY, AND LENGTH OF COMMUNITY CUSTODY ESTABLISHED IN SECTIONS 303 THROUGH 311 OF THIS ACT.

Sec. 321. RCW 9.95.020 AND 1955 C 133 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

IF THE SENTENCE OF A PERSON SO CONVICTED IS NOT SUSPENDED BY THE COURT, THE SUPERINTENDENT OF ~~((THE PENITENTIARY OR THE SUPERINTENDENT OF THE REFORMATORY))~~ A MAJOR STATE CORRECTIONAL INSTITUTION SHALL RECEIVE SUCH PERSON, IF COMMITTED TO HIS OR HER INSTITUTION, AND IMPRISON ~~((HIM))~~ THE PERSON UNTIL RELEASED UNDER THE PROVISIONS OF THIS CHAPTER, UNDER SECTION 307 OF THIS ACT, UPON THE COMPLETION OF THE STATUTORY MAXIMUM SENTENCE, OR THROUGH THE ACTION OF THE GOVERNOR.

Sec. 322. RCW 9.95.032 AND 1984 C 114 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

SUCH STATEMENT SHALL BE SIGNED BY THE PROSECUTING ATTORNEY AND APPROVED BY THE JUDGE BY WHOM THE JUDGMENT WAS RENDERED AND SHALL BE DELIVERED TO THE SHERIFF, TRAVELING GUARD, DEPARTMENT OF CORRECTIONS PERSONNEL, OR OTHER OFFICER EXECUTING THE SENTENCE, AND A COPY OF SUCH STATEMENT SHALL BE FURNISHED TO THE DEFENDANT OR HIS OR HER ATTORNEY. SUCH OFFICER SHALL DELIVER THE STATEMENT, AT THE TIME OF THE PRISONER'S COMMITMENT, TO THE SUPERINTENDENT OF THE INSTITUTION TO WHICH SUCH PRISONER HAS BEEN ~~((SENTENCED AND))~~ COMMITTED. THE SUPERINTENDENT SHALL MAKE SUCH STATEMENT AVAILABLE FOR USE BY THE BOARD ~~((OF PRISON TERMS AND PAROLES))~~.

Sec. 323. RCW 9.95.052 AND 1986 C 224 S 10 ARE EACH AMENDED TO READ AS FOLLOWS:

AT ANY TIME AFTER THE BOARD (OR THE COURT AFTER JULY 1, 1986) HAS DETERMINED THE MINIMUM TERM OF CONFINEMENT OF ANY PERSON SUBJECT TO CONFINEMENT IN A STATE CORRECTIONAL INSTITUTION FOR A CRIME COMMITTED BEFORE JULY 1, 1984, THE BOARD MAY REQUEST THE SUPERINTENDENT OF SUCH CORRECTIONAL INSTITUTION TO CONDUCT A FULL REVIEW OF SUCH PERSON'S PROSPECTS FOR REHABILITATION AND REPORT TO THE BOARD THE FACTS OF SUCH REVIEW AND THE RESULTING FINDINGS. UPON THE BASIS OF SUCH REPORT AND SUCH OTHER INFORMATION AND INVESTIGATION THAT THE BOARD DEEMS APPROPRIATE, THE BOARD MAY REDETERMINE AND REFIX SUCH CONVICTED PERSON'S MINIMUM TERM OF CONFINEMENT WHETHER THE TERM WAS SET BY THE BOARD OR THE COURT.

THE BOARD SHALL NOT REDUCE A PERSON'S MINIMUM TERM OF CONFINEMENT UNLESS THE BOARD HAS RECEIVED FROM THE DEPARTMENT OF CORRECTIONS ALL INSTITUTIONAL CONDUCT REPORTS RELATING TO THE PERSON.

Sec. 324. RCW 9.95.055 AND 1992 C 7 S 25 ARE EACH AMENDED TO READ AS FOLLOWS:

THE INDETERMINATE SENTENCE REVIEW BOARD IS HEREBY GRANTED AUTHORITY, IN THE EVENT OF A DECLARATION BY THE GOVERNOR THAT A WAR EMERGENCY EXISTS, INCLUDING A GENERAL MOBILIZATION, AND FOR THE DURATION THEREOF ONLY, TO REDUCE DOWNWARD THE MINIMUM TERM, AS SET BY THE BOARD, OF ANY INMATE UNDER THE JURISDICTION OF THE BOARD CONFINED IN A STATE CORRECTIONAL FACILITY, WHO WILL BE ACCEPTED BY AND INDUCTED INTO THE ARMED SERVICES: **PROVIDED**, THAT A REDUCTION DOWNWARD SHALL NOT BE MADE UNDER THIS SECTION FOR THOSE INMATES WHO ARE CONFINED FOR TREASON, MURDER IN THE FIRST DEGREE OR CARNAL KNOWLEDGE OF A FEMALE CHILD UNDER TEN YEARS: **AND PROVIDED FURTHER**, THAT NO SUCH INMATE SHALL BE RELEASED UNDER THIS SECTION WHO IS ~~((FOUND TO BE A SEXUAL PSYCHOPATH UNDER THE PROVISIONS OF AND AS DEFINED BY CHAPTER 74.42 RCW))~~ BEING CONSIDERED FOR CIVIL COMMITMENT AS A SEXUALLY VIOLENT PREDATOR UNDER CHAPTER 71.09 RCW OR WAS SENTENCED UNDER SECTION 303 OF THIS ACT FOR A CRIME COMMITTED ON OR AFTER JULY 1, 2001.

Sec. 325. RCW 9.95.064 AND 1989 C 276 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) IN ORDER TO MINIMIZE THE TRAUMA TO THE VICTIM, THE COURT MAY ATTACH CONDITIONS ON RELEASE OF ~~((A DEFENDANT))~~ AN OFFENDER UNDER RCW 9.95.062, CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, REGARDING THE WHEREABOUTS OF THE DEFENDANT, CONTACT WITH THE VICTIM, OR OTHER CONDITIONS.

(2) OFFENDERS RELEASED UNDER SECTION 307 OF THIS ACT ARE SUBJECT TO CRIME-RELATED PROHIBITIONS AND AFFIRMATIVE CONDITIONS ESTABLISHED BY THE COURT, THE DEPARTMENT OF CORRECTIONS, OR THE BOARD PURSUANT TO RCW 9.94A.715 AND SECTIONS 303 THROUGH 311 OF THIS ACT.

Sec. 326. RCW 9.95.070 AND 1999 C 143 S 19 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EVERY PRISONER, CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, WHO HAS A FAVORABLE RECORD OF CONDUCT AT THE PENITENTIARY OR THE REFORMATORY, AND WHO PERFORMS IN A FAITHFUL, DILIGENT, INDUSTRIOUS, ORDERLY AND PEACEABLE MANNER THE WORK, DUTIES, AND TASKS ASSIGNED TO HIM OR HER TO THE SATISFACTION OF THE SUPERINTENDENT OF THE PENITENTIARY OR REFORMATORY, AND IN WHOSE BEHALF THE SUPERINTENDENT OF THE PENITENTIARY OR REFORMATORY FILES A REPORT CERTIFYING THAT HIS OR HER CONDUCT AND WORK HAVE BEEN MERITORIOUS AND RECOMMENDING ALLOWANCE OF TIME CREDITS TO HIM OR HER, SHALL UPON, BUT NOT UNTIL, THE ADOPTION OF SUCH RECOMMENDATION BY THE INDETERMINATE SENTENCE REVIEW BOARD, BE ALLOWED TIME CREDIT REDUCTIONS FROM THE TERM OF IMPRISONMENT FIXED BY THE BOARD.

(2) OFFENDERS SENTENCED UNDER SECTION 303 OF THIS ACT FOR A CRIME COMMITTED ON OR AFTER JULY 1, 2001, ARE SUBJECT TO THE EARNED RELEASE PROVISIONS FOR SEX OFFENDERS ESTABLISHED IN RCW 9.94A.150.

Sec. 327. RCW 9.95.080 AND 1992 C 7 S 26 ARE EACH AMENDED TO READ AS FOLLOWS:

IN CASE ANY ~~((CONVICTED))~~ PERSON CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, AND UNDER THE JURISDICTION OF THE INDETERMINATE SENTENCE REVIEW BOARD UNDERGOING SENTENCE IN A STATE CORRECTIONAL ~~((FACILITY))~~ INSTITUTION COMMITS ANY INFRACTIONS OF THE RULES AND REGULATIONS OF THE INSTITUTION, THE BOARD MAY REVOKE ANY ORDER THERETOFORE MADE DETERMINING THE LENGTH OF TIME SUCH CONVICTED PERSON SHALL BE IMPRISONED, INCLUDING THE FORFEITURE OF ALL OR A PORTION OF CREDITS EARNED OR TO BE EARNED, PURSUANT TO THE PROVISIONS OF RCW 9.95.110, AND MAKE A NEW ORDER DETERMINING THE LENGTH OF TIME THE PERSON SHALL SERVE, NOT EXCEEDING THE MAXIMUM PENALTY PROVIDED BY LAW FOR THE CRIME FOR WHICH THE PERSON WAS CONVICTED, OR THE MAXIMUM FIXED BY THE COURT. SUCH REVOCATION AND REDETERMINATION SHALL NOT BE HAD EXCEPT UPON A HEARING BEFORE THE INDETERMINATE SENTENCE REVIEW BOARD. AT SUCH HEARING THE CONVICTED PERSON SHALL BE PRESENT AND ENTITLED TO BE HEARD AND MAY PRESENT EVIDENCE AND WITNESSES IN HIS OR HER BEHALF.

Sec. 328. RCW 9.95.090 AND 1999 C 143 S 20 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE BOARD SHALL REQUIRE OF EVERY ABLE BODIED ~~((CONVICTED PERSON IMPRISONED IN THE PENITENTIARY OR THE REFORMATORY))~~ OFFENDER CONFINED IN A STATE CORRECTIONAL INSTITUTION FOR A CRIME COMMITTED BEFORE JULY 1, 1984, AS MANY HOURS OF FAITHFUL LABOR IN EACH AND EVERY DAY DURING HIS OR HER TERM OF IMPRISONMENT AS SHALL BE PRESCRIBED BY THE RULES AND REGULATIONS OF THE INSTITUTION IN WHICH HE OR SHE IS CONFINED.

(2) OFFENDERS SENTENCED UNDER SECTION 303 OF THIS ACT FOR CRIMES COMMITTED ON OR AFTER JULY 1, 2001, SHALL PERFORM WORK OR OTHER PROGRAMMING AS REQUIRED BY THE DEPARTMENT OF CORRECTIONS DURING THEIR TERM OF CONFINEMENT.

Sec. 329. RCW 9.95.100 AND 1955 C 133 S 11 ARE EACH AMENDED TO READ AS FOLLOWS:

ANY ~~((CONVICTED))~~ PERSON CONVICTED OF A FELONY COMMITTED BEFORE JULY 1, 1984, AND UNDERGOING SENTENCE IN ~~((THE PENITENTIARY OR THE REFORMATORY))~~ A STATE CORRECTIONAL INSTITUTION, NOT SOONER RELEASED UNDER THE PROVISIONS OF THIS CHAPTER, SHALL, IN ACCORDANCE WITH THE PROVISIONS OF LAW, BE DISCHARGED FROM CUSTODY ON SERVING THE MAXIMUM PUNISHMENT PROVIDED BY LAW FOR THE OFFENSE OF WHICH SUCH PERSON WAS CONVICTED, OR THE MAXIMUM TERM FIXED BY THE COURT WHERE THE LAW DOES NOT PROVIDE FOR A MAXIMUM TERM. THE BOARD SHALL NOT, HOWEVER, UNTIL HIS OR HER MAXIMUM TERM EXPIRES, RELEASE A PRISONER, UNLESS IN ITS OPINION HIS OR HER REHABILITATION HAS BEEN COMPLETE AND HE OR SHE IS A FIT SUBJECT FOR RELEASE.

Sec. 330. RCW 9.95.110 AND 1999 C 143 S 21 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE BOARD MAY PERMIT ~~((A CONVICTED PERSON))~~ AN OFFENDER CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, TO LEAVE THE BUILDINGS AND ENCLOSURES OF ~~((THE PENITENTIARY OR THE REFORMATORY))~~ A STATE CORRECTIONAL INSTITUTION ON PAROLE, AFTER SUCH CONVICTED PERSON HAS SERVED THE PERIOD OF CONFINEMENT FIXED FOR HIM OR HER BY THE BOARD, LESS TIME CREDITS FOR GOOD BEHAVIOR AND DILIGENCE IN WORK: PROVIDED, THAT IN NO CASE SHALL AN INMATE BE CREDITED WITH MORE THAN ONE-THIRD OF HIS OR HER SENTENCE AS FIXED BY THE BOARD.

THE BOARD MAY ESTABLISH RULES AND REGULATIONS UNDER WHICH ~~((A CONVICTED PERSON))~~ AN OFFENDER MAY BE ALLOWED TO LEAVE THE CONFINES OF ~~((THE PENITENTIARY OR THE REFORMATORY))~~ A STATE CORRECTIONAL INSTITUTION ON PAROLE, AND MAY RETURN SUCH PERSON TO THE CONFINES OF THE INSTITUTION FROM WHICH HE OR SHE WAS PAROLED, AT ITS DISCRETION.

(2) THE BOARD MAY PERMIT AN OFFENDER CONVICTED OF A CRIME COMMITTED ON OR AFTER JULY 1, 2001, AND SENTENCED UNDER SECTION 303 OF THIS ACT, TO LEAVE A STATE CORRECTIONAL INSTITUTION ON COMMUNITY CUSTODY ACCORDING TO THE PROVISIONS OF SECTIONS 303 THROUGH 311 OF THIS ACT. THE PERSON MAY BE RETURNED TO THE INSTITUTION FOLLOWING A VIOLATION OF HIS OR HER CONDITIONS OF RELEASE TO COMMUNITY CUSTODY PURSUANT TO THE HEARING PROVISIONS OF SECTION 310 OF THIS ACT.

Sec. 331. RCW 9.95.115 AND 1989 C 259 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

THE INDETERMINATE SENTENCE REVIEW BOARD IS HEREBY GRANTED AUTHORITY TO PAROLE ANY PERSON SENTENCED TO THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS, UNDER A MANDATORY LIFE SENTENCE FOR A CRIME COMMITTED ~~((PRIOR TO))~~ BEFORE JULY 1, 1984, EXCEPT THOSE PERSONS SENTENCED TO LIFE WITHOUT THE POSSIBILITY OF PAROLE. NO SUCH PERSON SHALL BE GRANTED PAROLE UNLESS THE PERSON HAS BEEN CONTINUOUSLY CONFINED THEREIN FOR A PERIOD OF TWENTY CONSECUTIVE YEARS LESS EARNED GOOD TIME: PROVIDED, THAT NO SUCH PERSON SHALL BE RELEASED UNDER PAROLE WHO IS ~~((FOUND TO BE A SEXUAL PSYCHOPATH UNDER THE PROVISIONS OF AND AS DEFINED BY CHAPTER 71.06 RCW))~~ SUBJECT TO CIVIL COMMITMENT AS A SEXUALLY VIOLENT PREDATOR UNDER CHAPTER 71.09 RCW.

Sec. 332. RCW 9.95.120 AND 1999 C 143 S 22 ARE EACH AMENDED TO READ AS FOLLOWS:

WHENEVER THE BOARD OR A ~~((PROBATION AND PAROLE))~~ COMMUNITY CORRECTIONS OFFICER OF THIS STATE HAS REASON TO BELIEVE A ~~((CONVICTED))~~ PERSON CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, HAS BREACHED A CONDITION OF HIS OR HER PAROLE OR VIOLATED THE LAW OF ANY STATE WHERE HE OR SHE MAY THEN BE OR THE RULES AND REGULATIONS OF THE BOARD, ANY ~~((PROBATION AND PAROLE))~~ COMMUNITY CORRECTIONS OFFICER OF THIS STATE MAY ARREST OR CAUSE THE ARREST AND DETENTION AND SUSPENSION OF PAROLE OF SUCH CONVICTED PERSON PENDING A DETERMINATION BY THE BOARD WHETHER THE PAROLE OF SUCH CONVICTED PERSON SHALL BE REVOKED. ALL FACTS AND CIRCUMSTANCES SURROUNDING THE VIOLATION BY SUCH CONVICTED PERSON SHALL BE REPORTED TO THE BOARD BY THE ~~((PROBATION AND PAROLE))~~ COMMUNITY CORRECTIONS OFFICER, WITH RECOMMENDATIONS. THE BOARD, AFTER CONSULTATION WITH THE SECRETARY OF CORRECTIONS, SHALL MAKE ALL RULES AND REGULATIONS CONCERNING PROCEDURAL MATTERS, WHICH SHALL INCLUDE THE TIME WHEN STATE ~~((PROBATION AND PAROLE))~~ COMMUNITY CORRECTIONS OFFICERS SHALL FILE WITH THE BOARD REPORTS REQUIRED BY THIS SECTION, PROCEDURES PERTAINING THERETO AND THE FILING OF SUCH INFORMATION AS MAY BE NECESSARY TO ENABLE THE BOARD TO PERFORM ITS FUNCTIONS UNDER THIS SECTION. ON THE BASIS OF THE REPORT BY THE ~~((PROBATION AND PAROLE))~~ COMMUNITY CORRECTIONS OFFICER, OR AT ANY TIME UPON ITS OWN DISCRETION, THE BOARD MAY REVISE OR MODIFY THE CONDITIONS OF PAROLE OR ORDER THE SUSPENSION OF PAROLE BY THE ISSUANCE OF A WRITTEN ORDER BEARING ITS SEAL, WHICH ORDER SHALL BE SUFFICIENT WARRANT FOR ALL PEACE OFFICERS TO TAKE INTO CUSTODY ANY CONVICTED PERSON WHO MAY BE ON PAROLE AND RETAIN SUCH PERSON IN THEIR CUSTODY UNTIL ARRANGEMENTS CAN BE MADE BY THE BOARD FOR HIS

OR HER RETURN TO A STATE CORRECTIONAL INSTITUTION FOR CONVICTED FELONS. ANY SUCH REVISION OR MODIFICATION OF THE CONDITIONS OF PAROLE OR THE ORDER SUSPENDING PAROLE SHALL BE PERSONALLY SERVED UPON THE PAROLEE.

ANY PAROLEE ARRESTED AND DETAINED IN PHYSICAL CUSTODY BY THE AUTHORITY OF A STATE (~~(PROBATION AND PAROLE)~~) COMMUNITY CORRECTIONS OFFICER, OR UPON THE WRITTEN ORDER OF THE BOARD, SHALL NOT BE RELEASED FROM CUSTODY ON BAIL OR PERSONAL RECOGNIZANCE, EXCEPT UPON APPROVAL OF THE BOARD AND THE ISSUANCE BY THE BOARD OF AN ORDER OF REINSTATEMENT ON PAROLE ON THE SAME OR MODIFIED CONDITIONS OF PAROLE.

ALL CHIEFS OF POLICE, MARSHALS OF CITIES AND TOWNS, SHERIFFS OF COUNTIES, AND ALL POLICE, PRISON, AND PEACE OFFICERS AND CONSTABLES SHALL EXECUTE ANY SUCH ORDER IN THE SAME MANNER AS ANY ORDINARY CRIMINAL PROCESS.

WHENEVER A PAROLED PRISONER IS ACCUSED OF A VIOLATION OF HIS OR HER PAROLE, OTHER THAN THE COMMISSION OF, AND CONVICTION FOR, A FELONY OR MISDEMEANOR UNDER THE LAWS OF THIS STATE OR THE LAWS OF ANY STATE WHERE HE OR SHE MAY THEN BE, HE OR SHE SHALL BE ENTITLED TO A FAIR AND IMPARTIAL HEARING OF SUCH CHARGES WITHIN THIRTY DAYS FROM THE TIME THAT HE OR SHE IS SERVED WITH CHARGES OF THE VIOLATION OF CONDITIONS OF (~~(HIS)~~) PAROLE AFTER HIS OR HER ARREST AND DETENTION. THE HEARING SHALL BE HELD BEFORE ONE OR MORE MEMBERS OF THE BOARD AT A PLACE OR PLACES, WITHIN THIS STATE, REASONABLY NEAR THE SITE OF THE ALLEGED VIOLATION OR VIOLATIONS OF PAROLE.

IN THE EVENT THAT THE BOARD SUSPENDS A PAROLE BY REASON OF AN ALLEGED PAROLE VIOLATION OR IN THE EVENT THAT A PAROLE IS SUSPENDED PENDING THE DISPOSITION OF A NEW CRIMINAL CHARGE, THE BOARD SHALL HAVE THE POWER TO NULLIFY THE ORDER OF SUSPENSION AND REINSTATE THE INDIVIDUAL TO PAROLE UNDER PREVIOUS CONDITIONS OR ANY NEW CONDITIONS THAT THE BOARD MAY DETERMINE ADVISABLE. BEFORE THE BOARD SHALL NULLIFY AN ORDER OF SUSPENSION AND REINSTATE A PAROLE THEY SHALL HAVE DETERMINED THAT THE BEST INTERESTS OF SOCIETY AND THE INDIVIDUAL SHALL BEST BE SERVED BY SUCH REINSTATEMENT RATHER THAN A RETURN TO A PENAL INSTITUTION.

SEC. 333. RCW 9.95.121 AND 1981 C 136 S 38 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) FOR OFFENDERS CONVICTED OF CRIMES COMMITTED BEFORE JULY 1, 1984, WITHIN FIFTEEN DAYS FROM THE DATE OF NOTICE TO THE DEPARTMENT OF CORRECTIONS OF THE ARREST AND DETENTION OF THE ALLEGED PAROLE VIOLATOR, HE OR SHE SHALL BE PERSONALLY SERVED BY A STATE (~~(PROBATION AND PAROLE)~~) COMMUNITY CORRECTIONS OFFICER WITH A COPY OF THE FACTUAL ALLEGATIONS OF THE VIOLATION OF THE CONDITIONS OF PAROLE, AND, AT THE SAME TIME SHALL BE ADVISED OF HIS OR HER RIGHT TO AN ON-SITE PAROLE REVOCATION HEARING AND OF HIS OR HER RIGHTS AND PRIVILEGES AS PROVIDED IN RCW 9.95.120 THROUGH 9.95.126. THE ALLEGED PAROLE VIOLATOR, AFTER SERVICE OF THE ALLEGATIONS OF VIOLATIONS OF THE CONDITIONS OF PAROLE AND THE ADVICE OF RIGHTS MAY WAIVE THE ON-SITE PAROLE REVOCATION HEARING AS PROVIDED IN RCW 9.95.120, AND ADMIT ONE OR MORE OF THE ALLEGED VIOLATIONS OF THE CONDITIONS OF PAROLE. IF THE BOARD ACCEPTS THE WAIVER IT SHALL EITHER, (1) REINSTATE THE PAROLEE ON PAROLE UNDER THE SAME OR MODIFIED CONDITIONS, OR (2) REVOKE THE PAROLE OF THE PAROLEE AND ENTER AN ORDER OF PAROLE REVOCATION AND RETURN TO STATE CUSTODY. A DETERMINATION OF A NEW MINIMUM SENTENCE SHALL BE MADE WITHIN THIRTY DAYS OF RETURN TO STATE CUSTODY WHICH SHALL NOT EXCEED THE MAXIMUM SENTENCE AS PROVIDED BY LAW FOR THE CRIME OF WHICH THE PAROLEE WAS ORIGINALLY CONVICTED OR THE MAXIMUM FIXED BY THE COURT.

IF THE WAIVER MADE BY THE PAROLEE IS REJECTED BY THE BOARD IT SHALL HOLD AN ON-SITE PAROLE REVOCATION HEARING UNDER THE PROVISIONS OF RCW 9.95.120 THROUGH 9.95.126.

(2) OFFENDERS SENTENCED UNDER SECTION 303 OF THIS ACT ARE SUBJECT TO THE VIOLATION HEARING PROCESS ESTABLISHED IN SECTION 310 OF THIS ACT.

SEC. 334. RCW 9.95.122 AND 1999 C 143 S 23 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) AT ANY ON-SITE PAROLE REVOCATION HEARING FOR A PERSON CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, THE ALLEGED PAROLE VIOLATOR SHALL BE ENTITLED TO BE REPRESENTED BY AN ATTORNEY OF HIS OR HER OWN CHOOSING AND AT HIS OR HER OWN EXPENSE, EXCEPT, UPON THE PRESENTATION OF SATISFACTORY EVIDENCE OF INDIGENCY AND THE REQUEST FOR THE APPOINTMENT OF AN ATTORNEY BY THE ALLEGED PAROLE VIOLATOR, THE BOARD MAY CAUSE THE APPOINTMENT OF AN ATTORNEY TO REPRESENT THE ALLEGED PAROLE VIOLATOR TO BE PAID FOR AT STATE EXPENSE, AND, IN ADDITION, THE BOARD MAY ASSUME ALL OR SUCH OTHER EXPENSES IN THE PRESENTATION OF EVIDENCE ON BEHALF OF THE ALLEGED PAROLE VIOLATOR AS IT MAY HAVE AUTHORIZED: PROVIDED, THAT FUNDS ARE AVAILABLE FOR THE PAYMENT OF ATTORNEYS' FEES AND EXPENSES. ATTORNEYS FOR THE REPRESENTATION OF ALLEGED PAROLE VIOLATORS IN ON-SITE HEARINGS SHALL BE APPOINTED BY THE SUPERIOR COURTS FOR THE COUNTIES WHEREIN THE ON-SITE PAROLE REVOCATION HEARING IS TO BE HELD AND SUCH ATTORNEYS SHALL BE COMPENSATED IN SUCH MANNER AND IN SUCH AMOUNT AS SHALL BE FIXED IN A SCHEDULE OF FEES ADOPTED BY RULE OF THE BOARD.

(2) THE RIGHTS OF OFFENDERS SENTENCED UNDER SECTION 303 OF THIS ACT ARE DEFINED IN SECTION 310 OF THIS ACT.

SEC. 335. RCW 9.95.123 AND 1999 C 143 S 24 ARE EACH AMENDED TO READ AS FOLLOWS:

IN CONDUCTING ON-SITE PAROLE OR COMMUNITY CUSTODY REVOCATION HEARINGS OR COMMUNITY CUSTODY VIOLATIONS HEARINGS, THE BOARD SHALL HAVE THE AUTHORITY TO ADMINISTER OATHS AND AFFIRMATIONS, EXAMINE WITNESSES, RECEIVE EVIDENCE, AND ISSUE SUBPOENAS FOR THE COMPULSORY ATTENDANCE OF WITNESSES AND THE PRODUCTION OF EVIDENCE FOR PRESENTATION AT SUCH HEARINGS. SUBPOENAS ISSUED BY THE BOARD SHALL BE EFFECTIVE THROUGHOUT THE STATE. WITNESSES IN ATTENDANCE AT ANY ON-SITE PAROLE OR COMMUNITY CUSTODY REVOCATION HEARING SHALL BE PAID THE SAME FEES AND ALLOWANCES, IN THE SAME MANNER AND UNDER THE SAME CONDITIONS AS PROVIDED FOR WITNESSES IN THE COURTS OF THE STATE IN ACCORDANCE WITH CHAPTER 2.40 RCW (~~(AS NOW OR HEREAFTER AMENDED)~~). IF ANY PERSON FAILS OR REFUSES TO OBEY A SUBPOENA ISSUED BY THE BOARD, OR OBEYS THE SUBPOENA BUT REFUSES TO TESTIFY CONCERNING ANY MATTER UNDER EXAMINATION AT THE HEARING, THE BOARD MAY PETITION THE SUPERIOR COURT OF THE COUNTY WHERE THE HEARING IS BEING CONDUCTED FOR ENFORCEMENT OF THE SUBPOENA: PROVIDED, THAT AN OFFER TO PAY STATUTORY FEES AND MILEAGE HAS BEEN MADE TO THE WITNESS AT THE TIME OF THE SERVICE OF THE SUBPOENA. THE PETITION SHALL BE ACCOMPANIED BY A COPY OF THE SUBPOENA AND PROOF OF SERVICE, AND SHALL SET FORTH IN WHAT SPECIFIC MANNER THE SUBPOENA HAS NOT BEEN COMPLIED WITH, AND SHALL ASK AN ORDER OF THE COURT TO COMPEL THE WITNESS TO APPEAR AND TESTIFY BEFORE THE BOARD. THE COURT, UPON SUCH PETITION, SHALL ENTER AN ORDER DIRECTING THE WITNESS TO APPEAR BEFORE THE COURT AT A TIME AND PLACE TO BE FIXED IN SUCH ORDER AND THEN AND THERE TO SHOW CAUSE WHY HE OR SHE HAS NOT RESPONDED TO THE SUBPOENA OR HAS REFUSED TO TESTIFY. A COPY OF THE ORDER SHALL BE SERVED UPON THE WITNESS. IF IT APPEARS TO THE COURT THAT THE SUBPOENA WAS PROPERLY ISSUED AND THAT THE PARTICULAR QUESTIONS WHICH THE WITNESS REFUSES TO ANSWER ARE REASONABLE AND RELEVANT, THE COURT SHALL ENTER AN ORDER THAT THE WITNESS APPEAR AT THE TIME AND PLACE FIXED IN THE ORDER AND TESTIFY OR PRODUCE THE REQUIRED PAPERS, AND ON FAILING TO OBEY (~~(SAID)~~) THE ORDER, THE WITNESS SHALL BE DEALT WITH AS FOR CONTEMPT OF COURT.

SEC. 336. RCW 9.95.124 AND 1999 C 143 S 25 ARE EACH AMENDED TO READ AS FOLLOWS:

AT ALL ON-SITE PAROLE REVOCATION HEARINGS FOR OFFENDERS CONVICTED OF CRIMES COMMITTED BEFORE JULY 1, 1984, THE ~~((PROBATION AND PAROLE))~~ COMMUNITY CORRECTIONS OFFICERS OF THE DEPARTMENT OF CORRECTIONS, HAVING MADE THE ALLEGATIONS OF THE VIOLATIONS OF THE CONDITIONS OF PAROLE, MAY BE REPRESENTED BY THE ATTORNEY GENERAL. THE ATTORNEY GENERAL MAY MAKE INDEPENDENT RECOMMENDATIONS TO THE BOARD ABOUT WHETHER THE VIOLATIONS CONSTITUTE SUFFICIENT CAUSE FOR THE REVOCATION OF THE PAROLE AND THE RETURN OF THE PAROLEE TO A STATE CORRECTIONAL INSTITUTION FOR CONVICTED FELONS. THE HEARINGS SHALL BE OPEN TO THE PUBLIC UNLESS THE BOARD FOR SPECIFICALLY STATED REASONS CLOSES THE HEARING IN WHOLE OR IN PART. THE HEARINGS SHALL BE RECORDED EITHER MANUALLY OR BY A MECHANICAL RECORDING DEVICE. AN ALLEGED PAROLE VIOLATOR MAY BE REQUESTED TO TESTIFY AND ANY SUCH TESTIMONY SHALL NOT BE USED AGAINST HIM OR HER IN ANY CRIMINAL PROSECUTION. THE BOARD SHALL ADOPT RULES GOVERNING THE FORMAL AND INFORMAL PROCEDURES AUTHORIZED BY THIS CHAPTER AND MAKE RULES OF PRACTICE BEFORE THE BOARD IN ON-SITE PAROLE REVOCATION HEARINGS, TOGETHER WITH FORMS AND INSTRUCTIONS.

Sec. 337. RCW 9.95.125 AND 1993 C 140 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

AFTER THE ON-SITE PAROLE REVOCATION HEARING FOR A PERSON CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, HAS BEEN CONCLUDED, THE MEMBERS OF THE BOARD HAVING HEARD THE MATTER SHALL ENTER THEIR DECISION OF RECORD WITHIN TEN DAYS, AND MAKE FINDINGS AND CONCLUSIONS UPON THE ALLEGATIONS OF THE VIOLATIONS OF THE CONDITIONS OF PAROLE. IF THE MEMBER, OR MEMBERS HAVING HEARD THE MATTER, SHOULD CONCLUDE THAT THE ALLEGATIONS OF VIOLATION OF THE CONDITIONS OF PAROLE HAVE NOT BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE, OR, THOSE WHICH HAVE BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE ARE NOT SUFFICIENT CAUSE FOR THE REVOCATION OF PAROLE, THEN THE PAROLEE SHALL BE REINSTATED ON PAROLE ON THE SAME OR MODIFIED CONDITIONS OF PAROLE. FOR PAROLE VIOLATIONS NOT RESULTING IN NEW CONVICTIONS, MODIFIED CONDITIONS OF PAROLE MAY INCLUDE SANCTIONS ACCORDING TO AN ADMINISTRATIVE SANCTION GRID. IF THE MEMBER OR MEMBERS HAVING HEARD THE MATTER SHOULD CONCLUDE THAT THE ALLEGATIONS OF VIOLATION OF THE CONDITIONS OF PAROLE HAVE BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE AND CONSTITUTE SUFFICIENT CAUSE FOR THE REVOCATION OF PAROLE, THEN SUCH MEMBER OR MEMBERS SHALL ENTER AN ORDER OF PAROLE REVOCATION AND RETURN THE PAROLE VIOLATOR TO STATE CUSTODY. WITHIN THIRTY DAYS OF THE RETURN OF SUCH PAROLE VIOLATOR TO A STATE CORRECTIONAL INSTITUTION ~~((FOR CONVICTED FELONS))~~ THE BOARD SHALL ENTER AN ORDER DETERMINING A NEW MINIMUM TERM NOT EXCEEDING THE MAXIMUM PENALTY PROVIDED BY LAW FOR THE CRIME FOR WHICH THE PAROLE VIOLATOR WAS ORIGINALLY CONVICTED OR THE MAXIMUM FIXED BY THE COURT.

Sec. 338. RCW 9.95.126 AND 1969 C 98 S 8 ARE EACH AMENDED TO READ AS FOLLOWS:

ALL OFFICERS AND EMPLOYEES OF THE STATE, COUNTIES, CITIES AND POLITICAL SUBDIVISIONS OF THIS STATE SHALL COOPERATE WITH THE BOARD ~~((OF PRISON TERMS AND PAROLES))~~ IN MAKING AVAILABLE SUITABLE FACILITIES FOR CONDUCTING PAROLE OR COMMUNITY CUSTODY REVOCATION HEARINGS.

Sec. 339. RCW 9.95.130 AND 1993 C 140 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

FROM AND AFTER THE SUSPENSION, CANCELLATION, OR REVOCATION OF THE PAROLE OF ANY ~~((CONVICTED PERSON))~~ OFFENDER CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, AND UNTIL HIS OR HER RETURN TO CUSTODY THE ~~((CONVICTED PERSON))~~ OFFENDER SHALL BE DEEMED AN ESCAPEE AND A FUGITIVE FROM JUSTICE. THE INDETERMINATE SENTENCE REVIEW BOARD MAY DENY CREDIT AGAINST THE MAXIMUM SENTENCE ANY TIME DURING WHICH HE OR SHE IS AN ESCAPEE AND FUGITIVE FROM JUSTICE.

Sec. 340. RCW 9.95.140 AND 1992 C 7 S 27 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE ~~((INDETERMINATE SENTENCE REVIEW))~~ BOARD SHALL CAUSE A COMPLETE RECORD TO BE KEPT OF EVERY PRISONER UNDER THE JURISDICTION OF THE BOARD RELEASED ON PAROLE OR COMMUNITY CUSTODY. SUCH RECORDS SHALL BE ORGANIZED IN ACCORDANCE WITH THE MOST MODERN METHODS OF FILING AND INDEXING SO THAT THERE WILL BE ALWAYS IMMEDIATELY AVAILABLE COMPLETE INFORMATION ABOUT EACH SUCH PRISONER. SUBJECT TO INFORMATION SHARING PROVISIONS RELATED TO MENTALLY ILL OFFENDERS, THE END OF SENTENCE REVIEW COMMITTEE, AND THE DEPARTMENT OF CORRECTIONS, THE BOARD MAY MAKE RULES AS TO THE PRIVACY OF SUCH RECORDS AND THEIR USE BY OTHERS THAN THE BOARD AND ITS STAFF. ~~((IN DETERMINING THE RULES REGARDING DISSEMINATION OF INFORMATION REGARDING CONVICTED))~~ SEX OFFENDERS CONVICTED OF CRIMES COMMITTED BEFORE JULY 1, 1984, WHO ARE UNDER THE BOARD'S JURISDICTION~~((,))~~ SHALL BE SUBJECT TO THE DETERMINATIONS OF THE END OF SENTENCE REVIEW COMMITTEE REGARDING RISK LEVEL AND SUBJECT TO SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION. THE BOARD ~~((SHALL CONSIDER THE PROVISIONS OF SECTION 116, CHAPTER 3, LAWS OF 1990 AND RCW 4.24.550 AND))~~ SHALL BE IMMUNE FROM LIABILITY FOR THE RELEASE OF INFORMATION CONCERNING SEX OFFENDERS AS PROVIDED IN RCW 4.24.550.

THE SUPERINTENDENTS OF STATE CORRECTIONAL FACILITIES AND ALL OFFICERS AND EMPLOYEES THEREOF AND ALL OTHER PUBLIC OFFICIALS SHALL AT ALL TIMES COOPERATE WITH THE BOARD AND FURNISH TO THE BOARD, ITS OFFICERS, AND EMPLOYEES SUCH INFORMATION AS MAY BE NECESSARY TO ENABLE IT TO PERFORM ITS FUNCTIONS, AND SUCH SUPERINTENDENTS AND OTHER EMPLOYEES SHALL AT ALL TIMES GIVE THE MEMBERS OF THE BOARD, ITS OFFICERS, AND EMPLOYEES FREE ACCESS TO ALL PRISONERS CONFINED IN THE STATE CORRECTIONAL FACILITIES.

(2) OFFENDERS SENTENCED UNDER SECTION 303 OF THIS ACT SHALL BE SUBJECT TO THE DETERMINATIONS OF THE END OF SENTENCE REVIEW COMMITTEE REGARDING RISK LEVEL AND SUBJECT TO SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION.

(3) THE END OF SENTENCE REVIEW COMMITTEE SHALL MAKE LAW ENFORCEMENT NOTIFICATIONS FOR OFFENDERS UNDER BOARD JURISDICTION ON THE SAME BASIS THAT IT NOTIFIES LAW ENFORCEMENT REGARDING OFFENDERS SENTENCED UNDER CHAPTER 9.94A RCW FOR CRIMES COMMITTED AFTER JULY 1, 1984.

Sec. 341. RCW 9.95.190 AND 1992 C 7 S 28 ARE EACH AMENDED TO READ AS FOLLOWS:

THE PROVISIONS OF RCW 9.95.010 THROUGH 9.95.170, INCLUSIVE, SHALL APPLY TO ALL CONVICTED PERSONS SERVING TIME IN A STATE CORRECTIONAL FACILITY FOR CRIMES COMMITTED BEFORE JULY 1, 1984, TO THE END THAT AT ALL TIMES THE SAME PROVISIONS RELATING TO SENTENCES, IMPRISONMENTS, AND PAROLES OF PRISONERS SHALL APPLY TO ALL INMATES THEREOF.

Sec. 342. RCW 9.95.250 AND 1981 C 136 S 43 ARE EACH AMENDED TO READ AS FOLLOWS:

IN ORDER TO CARRY OUT THE PROVISIONS OF THIS CHAPTER 9.95 RCW THE PAROLE OFFICERS WORKING UNDER THE SUPERVISION OF THE SECRETARY OF CORRECTIONS SHALL BE KNOWN AS ~~((PROBATION AND PAROLE))~~ COMMUNITY CORRECTIONS OFFICERS.

Sec. 343. RCW 9.95.280 AND 1999 C 143 S 31 ARE EACH AMENDED TO READ AS FOLLOWS:

THE BOARD MAY DEPUTIZE ANY PERSON (REGULARLY EMPLOYED BY ANOTHER STATE) TO ACT AS AN OFFICER AND AGENT OF THIS STATE IN EFFECTING THE RETURN OF ANY PERSON CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, WHO HAS VIOLATED THE TERMS AND CONDITIONS OF PAROLE OR PROBATION AS GRANTED BY THIS STATE. IN ANY MATTER RELATING TO THE RETURN OF SUCH A PERSON, ANY AGENT SO DEPUTIZED SHALL HAVE ALL THE POWERS OF A POLICE OFFICER OF THIS STATE.

Sec. 344. RCW 9.95.290 AND 1955 C 183 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

ANY DEPUTIZATION PURSUANT TO THIS STATUTE WITH REGARD TO AN OFFENDER CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, SHALL BE IN WRITING AND ANY PERSON AUTHORIZED TO ACT AS AN AGENT OF THIS STATE PURSUANT HERETO SHALL CARRY FORMAL EVIDENCE OF HIS OR HER DEPUTIZATION AND SHALL PRODUCE THE SAME UPON DEMAND.

SEC. 345. RCW 9.95.300 AND 1999 C 143 S 32 ARE EACH AMENDED TO READ AS FOLLOWS:

THE BOARD MAY ENTER INTO CONTRACTS WITH SIMILAR OFFICIALS OF ANY OTHER STATE OR STATES FOR THE PURPOSE OF SHARING AN EQUITABLE PORTION OF THE COST OF EFFECTING THE RETURN OF ANY PERSON WHO HAS VIOLATED THE TERMS AND CONDITIONS OF PAROLE ~~((OR)), PROBATION, OR COMMUNITY CUSTODY~~ AS GRANTED BY THIS STATE.

SEC. 346. RCW 9.95.310 AND 1986 C 125 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

THE PURPOSE OF RCW 9.95.310 THROUGH 9.95.370 IS TO PROVIDE NECESSARY ASSISTANCE, OTHER THAN ASSISTANCE WHICH IS AUTHORIZED TO BE PROVIDED UNDER THE VOCATIONAL REHABILITATION LAWS, TITLE 28A RCW, UNDER THE PUBLIC ASSISTANCE LAWS, TITLE 74 RCW OR THE ~~((DEPARTMENT OF))~~ EMPLOYMENT SECURITY DEPARTMENT OR OTHER STATE AGENCY, FOR PAROLEES, INMATES ASSIGNED TO WORK/TRAINING RELEASE FACILITIES, DISCHARGED PRISONERS AND PERSONS CONVICTED OF A FELONY COMMITTED BEFORE JULY 1, 1984, AND GRANTED PROBATION IN NEED AND WHOSE CAPACITY TO EARN A LIVING UNDER THESE CIRCUMSTANCES IS IMPAIRED; AND TO HELP SUCH PERSONS ATTAIN SELF-CARE AND/OR SELF-SUPPORT FOR REHABILITATION AND RESTORATION TO INDEPENDENCE AS USEFUL CITIZENS AS RAPIDLY AS POSSIBLE THEREBY REDUCING THE NUMBER OF RETURNEES TO THE INSTITUTIONS OF THIS STATE TO THE BENEFIT OF SUCH PERSON AND SOCIETY AS A WHOLE.

SEC. 347. RCW 9.95.320 AND 1986 C 125 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

THE SECRETARY OF CORRECTIONS OR HIS OR HER DESIGNEE MAY PROVIDE TO ANY PAROLEE, INMATE ASSIGNED TO A WORK/TRAINING RELEASE FACILITY, DISCHARGED PRISONER AND PERSONS CONVICTED OF A FELONY COMMITTED BEFORE JULY 1, 1984, AND GRANTED PROBATION IN NEED AND WITHOUT NECESSARY MEANS, FROM ANY FUNDS LEGALLY AVAILABLE THEREFOR, SUCH REASONABLE SUMS AS HE OR SHE DEEMS NECESSARY FOR THE SUBSISTENCE OF SUCH PERSON AND HIS OR HER FAMILY UNTIL SUCH PERSON HAS BECOME GAINFULLY EMPLOYED. SUCH AID MAY BE MADE UNDER SUCH TERMS AND CONDITIONS, AND THROUGH LOCAL PAROLE OR PROBATION OFFICERS IF NECESSARY, AS THE SECRETARY OF CORRECTIONS OR HIS OR HER DESIGNEE MAY REQUIRE AND SHALL BE SUPPLEMENTARY TO ANY MONEYS WHICH MAY BE PROVIDED UNDER PUBLIC ASSISTANCE OR FROM ANY OTHER SOURCE.

SEC. 348. RCW 9.95.340 AND 1986 C 125 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

ANY FUNDS IN THE HANDS OF THE DEPARTMENT OF CORRECTIONS, OR WHICH MAY COME INTO ITS HANDS, WHICH BELONG TO DISCHARGED PRISONERS, INMATES ASSIGNED TO WORK/TRAINING RELEASE FACILITIES, PAROLEES OR PERSONS CONVICTED OF A FELONY AND GRANTED PROBATION WHO ABSCONDED, OR WHOSE WHEREABOUTS ARE UNKNOWN, SHALL BE DEPOSITED IN THE COMMUNITY SERVICES REVOLVING FUND. SAID FUNDS SHALL BE USED TO DEFRAY THE EXPENSES OF CLOTHING AND OTHER NECESSITIES AND FOR TRANSPORTING DISCHARGED PRISONERS, INMATES ASSIGNED TO WORK/TRAINING RELEASE FACILITIES, PAROLEES AND PERSONS CONVICTED OF A FELONY AND GRANTED PROBATION WHO ARE WITHOUT MEANS TO SECURE THE SAME. ALL PAYMENTS DISBURSED FROM THESE FUNDS SHALL BE REPAYED, WHENEVER POSSIBLE, BY DISCHARGED PRISONERS, INMATES ASSIGNED TO WORK/TRAINING RELEASE FACILITIES, PAROLEES AND PERSONS CONVICTED OF A FELONY AND GRANTED PROBATION FOR WHOSE BENEFIT THEY ARE MADE. WHENEVER ANY MONEY BELONGING TO SUCH PERSONS IS SO PAID INTO THE REVOLVING FUND, IT SHALL BE REPAYED TO THEM IN ACCORDANCE WITH LAW IF A CLAIM THEREFOR IS FILED WITH THE DEPARTMENT OF CORRECTIONS WITHIN FIVE YEARS OF DEPOSIT INTO SAID FUND AND UPON A CLEAR SHOWING OF A LEGAL RIGHT OF SUCH CLAIMANT TO SUCH MONEY. THIS SECTION APPLIES TO PERSONS CONVICTED OF A FELONY COMMITTED BEFORE JULY 1, 1984.

SEC. 349. RCW 9.95.350 AND 1986 C 125 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

ALL MONEY OR OTHER PROPERTY PAID OR DELIVERED TO A ~~((PROBATION OR PAROLE))~~ COMMUNITY CORRECTIONS OFFICER OR EMPLOYEE OF THE DEPARTMENT OF CORRECTIONS BY OR FOR THE BENEFIT OF ANY DISCHARGED PRISONER, INMATE ASSIGNED TO A WORK/TRAINING RELEASE FACILITY, PAROLEE OR PERSONS CONVICTED OF A FELONY AND GRANTED PROBATION SHALL BE IMMEDIATELY TRANSMITTED TO THE DEPARTMENT OF CORRECTIONS AND IT SHALL ENTER THE SAME UPON ITS BOOKS TO HIS OR HER CREDIT. SUCH MONEY OR OTHER PROPERTY SHALL BE USED ONLY UNDER THE DIRECTION OF THE DEPARTMENT OF CORRECTIONS.

IF SUCH PERSON ABSCOND, THE MONEY SHALL BE DEPOSITED IN THE REVOLVING FUND CREATED BY RCW 9.95.360, AND ANY OTHER PROPERTY, IF NOT CALLED FOR WITHIN ONE YEAR, SHALL BE SOLD BY THE DEPARTMENT OF CORRECTIONS AND THE PROCEEDS CREDITED TO THE REVOLVING FUND.

IF ANY PERSON, FILES A CLAIM WITHIN FIVE YEARS AFTER THE DEPOSIT OR CREDITING OF SUCH FUNDS, AND SATISFIES THE DEPARTMENT OF CORRECTIONS THAT HE OR SHE IS ENTITLED THERETO, THE DEPARTMENT MAY MAKE A FINDING TO THAT EFFECT AND MAY MAKE PAYMENT TO THE CLAIMANT IN THE AMOUNT TO WHICH HE OR SHE IS ENTITLED.

THIS SECTION APPLIES TO PERSONS CONVICTED OF A FELONY COMMITTED BEFORE JULY 1, 1984.

SEC. 350. RCW 9.95.360 AND 1986 C 125 S 5 ARE EACH AMENDED TO READ AS FOLLOWS:

THE DEPARTMENT OF CORRECTIONS SHALL CREATE, MAINTAIN, AND ADMINISTER OUTSIDE THE STATE TREASURY A PERMANENT REVOLVING FUND TO BE KNOWN AS THE "COMMUNITY SERVICES REVOLVING FUND" INTO WHICH SHALL BE DEPOSITED ALL MONEYS RECEIVED BY IT UNDER RCW 9.95.310 THROUGH 9.95.370 AND ANY APPROPRIATION MADE FOR THE PURPOSES OF RCW 9.95.310 THROUGH 9.95.370. ALL EXPENDITURES FROM THIS REVOLVING FUND SHALL BE MADE BY CHECK OR VOUCHER SIGNED BY THE SECRETARY OF CORRECTIONS OR HIS OR HER DESIGNEE. THE COMMUNITY SERVICES REVOLVING FUND SHALL BE DEPOSITED BY THE DEPARTMENT OF CORRECTIONS IN SUCH BANKS OR FINANCIAL INSTITUTIONS AS IT MAY SELECT WHICH SHALL GIVE TO THE DEPARTMENT A SURETY BOND EXECUTED BY A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THIS STATE, OR COLLATERAL ELIGIBLE AS SECURITY FOR DEPOSIT OF STATE FUNDS IN AT LEAST THE FULL AMOUNT OF DEPOSIT.

THIS SECTION APPLIES TO PERSONS CONVICTED OF A FELONY COMMITTED BEFORE JULY 1, 1984.

SEC. 351. RCW 9.95.370 AND 1981 C 136 S 50 ARE EACH AMENDED TO READ AS FOLLOWS:

THE SECRETARY OF CORRECTIONS OR HIS OR HER DESIGNEE SHALL ENTER INTO A WRITTEN AGREEMENT WITH EVERY PERSON RECEIVING FUNDS UNDER RCW 9.95.310 THROUGH 9.95.370 THAT SUCH PERSON WILL REPAY SUCH FUNDS UNDER THE TERMS AND CONDITIONS IN SAID AGREEMENT. NO PERSON SHALL RECEIVE FUNDS UNTIL SUCH AN AGREEMENT IS VALIDLY MADE. THIS SECTION APPLIES TO PERSONS CONVICTED OF A FELONY COMMITTED BEFORE JULY 1, 1984.

SEC. 352. RCW 9.95.900 AND 1981 C 137 S 32 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, THE FOLLOWING SECTIONS OF LAW DO NOT APPLY TO ANY FELONY OFFENSE COMMITTED ON OR AFTER JULY 1, 1984: RCW ((9.95.003, 9.95.005, 9.95.007,)) 9.95.010, 9.95.011, 9.95.013, 9.95.015, 9.95.017, ((9.95.020, 9.95.030, 9.95.031, 9.95.032,)) 9.95.040, 9.95.045, 9.95.047, 9.95.052, ((9.95.070,)) 9.95.080, ((9.95.090,)) 9.95.100, ((9.95.110,)) 9.95.115, 9.95.116, 9.95.120, ((9.95.121, 9.95.122, 9.95.123,)) 9.95.124, 9.95.125, ((9.95.126,)) 9.95.130,

((9.95.140, 9.95.150, 9.95.160, 9.95.170,)) 9.95.190, 9.95.200, 9.95.204, 9.95.206, 9.95.210, 9.95.212, 9.95.214, 9.95.220, 9.95.230, 9.95.240, 9.95.250, 9.95.260, 9.95.265, 9.95.280, 9.95.290, 9.95.310, 9.95.320, 9.95.330, 9.95.340, 9.95.350, ((AND)) 9.95.360, 9.95.370, 72.04A.070, AND 72.04A.080.

(2) THE FOLLOWING SECTIONS APPLY TO ANY FELONY OFFENSE COMMITTED BEFORE JULY 1, 1984, AND TO ANY OFFENSE COMMITTED AFTER JULY 1, 2001, AND SENTENCED UNDER SECTION 303 OF THIS ACT: RCW 9.95.003, 9.95.005, 9.95.007, 9.95.020, 9.95.030, 9.95.031, 9.95.032, 9.95.055, 9.95.060, 9.95.062, 9.95.063, 9.95.064, 9.95.070, 9.95.090, 9.95.110, 9.95.121, 9.95.122, 9.95.123, 9.95.126, 9.95.140, 9.95.150, 9.95.160, 9.95.170, 9.95.300, AND 9.96.050.

Sec. 353. RCW 9A.28.020 AND 1994 C 271 S 101 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) A PERSON IS GUILTY OF AN ATTEMPT TO COMMIT A CRIME IF, WITH INTENT TO COMMIT A SPECIFIC CRIME, HE OR SHE DOES ANY ACT WHICH IS A SUBSTANTIAL STEP TOWARD THE COMMISSION OF THAT CRIME.

(2) IF THE CONDUCT IN WHICH A PERSON ENGAGES OTHERWISE CONSTITUTES AN ATTEMPT TO COMMIT A CRIME, IT IS NO DEFENSE TO A PROSECUTION OF SUCH ATTEMPT THAT THE CRIME CHARGED TO HAVE BEEN ATTEMPTED WAS, UNDER THE ATTENDANT CIRCUMSTANCES, FACTUALLY OR LEGALLY IMPOSSIBLE OF COMMISSION.

(3) AN ATTEMPT TO COMMIT A CRIME IS A:

(A) CLASS A FELONY WHEN THE CRIME ATTEMPTED IS MURDER IN THE FIRST DEGREE, MURDER IN THE SECOND DEGREE, ~~((OR))~~ ARSON IN THE FIRST DEGREE, CHILD MOLESTATION IN THE FIRST DEGREE, INDECENT LIBERTIES BY FORCIBLE COMPULSION, RAPE IN THE FIRST DEGREE, RAPE IN THE SECOND DEGREE, RAPE OF A CHILD IN THE FIRST DEGREE, OR RAPE OF A CHILD IN THE SECOND DEGREE;

(B) CLASS B FELONY WHEN THE CRIME ATTEMPTED IS A CLASS A FELONY OTHER THAN ~~((MURDER IN THE FIRST DEGREE, MURDER IN THE SECOND DEGREE, OR ARSON IN THE FIRST DEGREE))~~ AN OFFENSE LISTED IN (A) OF THIS SUBSECTION;

(C) CLASS C FELONY WHEN THE CRIME ATTEMPTED IS A CLASS B FELONY;

(D) GROSS MISDEMEANOR WHEN THE CRIME ATTEMPTED IS A GROSS MISDEMEANOR;

(E) MISDEMEANOR WHEN THE CRIME ATTEMPTED IS A GROSS MISDEMEANOR OR MISDEMEANOR.

Sec. 354. RCW 9A.36.021 AND 1997 C 196 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) A PERSON IS GUILTY OF ASSAULT IN THE SECOND DEGREE IF HE OR SHE, UNDER CIRCUMSTANCES NOT AMOUNTING TO ASSAULT IN THE FIRST DEGREE:

(A) INTENTIONALLY ASSAULTS ANOTHER AND THEREBY RECKLESSLY INFLECTS SUBSTANTIAL BODILY HARM; OR

(B) INTENTIONALLY AND UNLAWFULLY CAUSES SUBSTANTIAL BODILY HARM TO AN UNBORN QUICK CHILD BY INTENTIONALLY AND UNLAWFULLY INFLECTING ANY INJURY UPON THE MOTHER OF SUCH CHILD; OR

(C) ASSAULTS ANOTHER WITH A DEADLY WEAPON; OR

(D) WITH INTENT TO INFLECT BODILY HARM, ADMINISTERS TO OR CAUSES TO BE TAKEN BY ANOTHER, POISON OR ANY OTHER DESTRUCTIVE OR NOXIOUS SUBSTANCE; OR

(E) WITH INTENT TO COMMIT A FELONY, ASSAULTS ANOTHER; OR

(F) KNOWINGLY INFLECTS BODILY HARM WHICH BY DESIGN CAUSES SUCH PAIN OR AGONY AS TO BE THE EQUIVALENT OF THAT PRODUCED BY TORTURE.

(2) ASSAULT IN THE SECOND DEGREE IS A CLASS B FELONY, EXCEPT THAT ASSAULT IN THE SECOND DEGREE WITH A FINDING OF SEXUAL MOTIVATION UNDER RCW 9.94A.127 OR 13.40.135 IS A CLASS A FELONY.

Sec. 355. RCW 9A.40.030 AND 1975 1ST EX.S. C 260 S 9A.40.030 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) A PERSON IS GUILTY OF KIDNAPPING IN THE SECOND DEGREE IF HE OR SHE INTENTIONALLY ABDUCTS ANOTHER PERSON UNDER CIRCUMSTANCES NOT AMOUNTING TO KIDNAPPING IN THE FIRST DEGREE.

(2) IN ANY PROSECUTION FOR KIDNAPPING IN THE SECOND DEGREE, IT IS A DEFENSE IF ESTABLISHED BY THE DEFENDANT BY A PREPONDERANCE OF THE EVIDENCE THAT (A) THE ABDUCTION DOES NOT INCLUDE THE USE OF OR INTENT TO USE OR THREAT TO USE DEADLY FORCE, AND (B) THE ACTOR IS A RELATIVE OF THE PERSON ABDUCTED, AND (C) THE ACTOR'S SOLE INTENT IS TO ASSUME CUSTODY OF THAT PERSON. NOTHING CONTAINED IN THIS PARAGRAPH SHALL CONSTITUTE A DEFENSE TO A PROSECUTION FOR, OR PRECLUDE A CONVICTION OF, ANY OTHER CRIME.

(3) KIDNAPPING IN THE SECOND DEGREE IS A CLASS B FELONY, EXCEPT THAT KIDNAPPING IN THE SECOND DEGREE WITH A FINDING OF SEXUAL MOTIVATION UNDER RCW 9.94A.127 OR 13.40.135 IS A CLASS A FELONY.

Sec. 356. RCW 9A.44.100 AND 1997 C 392 S 515 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) A PERSON IS GUILTY OF INDECENT LIBERTIES WHEN HE OR SHE KNOWINGLY CAUSES ANOTHER PERSON WHO IS NOT HIS OR HER SPOUSE TO HAVE SEXUAL CONTACT WITH HIM OR HER OR ANOTHER:

(A) BY FORCIBLE COMPULSION;

(B) WHEN THE OTHER PERSON IS INCAPABLE OF CONSENT BY REASON OF BEING MENTALLY DEFECTIVE, MENTALLY INCAPACITATED, OR PHYSICALLY HELPLESS;

(C) WHEN THE VICTIM IS DEVELOPMENTALLY DISABLED AND THE PERPETRATOR IS A PERSON WHO IS NOT MARRIED TO THE VICTIM AND WHO HAS SUPERVISORY AUTHORITY OVER THE VICTIM;

(D) WHEN THE PERPETRATOR IS A HEALTH CARE PROVIDER, THE VICTIM IS A CLIENT OR PATIENT, AND THE SEXUAL CONTACT OCCURS DURING A TREATMENT SESSION, CONSULTATION, INTERVIEW, OR EXAMINATION. IT IS AN AFFIRMATIVE DEFENSE THAT THE DEFENDANT MUST PROVE BY A PREPONDERANCE OF THE EVIDENCE THAT THE CLIENT OR PATIENT CONSENTED TO THE SEXUAL CONTACT WITH THE KNOWLEDGE THAT THE SEXUAL CONTACT WAS NOT FOR THE PURPOSE OF TREATMENT;

(E) WHEN THE VICTIM IS A RESIDENT OF A FACILITY FOR MENTALLY DISORDERED OR CHEMICALLY DEPENDENT PERSONS AND THE PERPETRATOR IS A PERSON WHO IS NOT MARRIED TO THE VICTIM AND HAS SUPERVISORY AUTHORITY OVER THE VICTIM; OR

(F) WHEN THE VICTIM IS A FRAIL ELDER OR VULNERABLE ADULT AND THE PERPETRATOR IS A PERSON WHO IS NOT MARRIED TO THE VICTIM AND WHO HAS A SIGNIFICANT RELATIONSHIP WITH THE VICTIM.

(2) INDECENT LIBERTIES IS A CLASS B FELONY, EXCEPT THAT INDECENT LIBERTIES BY FORCIBLE COMPULSION IS A CLASS A FELONY.

NEW SECTION. Sec. 357. A NEW SECTION IS ADDED TO CHAPTER 9A.76 RCW TO READ AS FOLLOWS:

(1) A PERSON IS GUILTY OF SEXUALLY VIOLENT PREDATOR ESCAPE IF:

(A) HAVING BEEN FOUND TO BE A SEXUALLY VIOLENT PREDATOR AND CONFINED TO THE SPECIAL COMMITMENT CENTER OR ANOTHER SECURE FACILITY UNDER COURT ORDER, THE PERSON ESCAPES FROM THE SECURE FACILITY;

(B) HAVING BEEN FOUND TO BE A SEXUALLY VIOLENT PREDATOR AND BEING UNDER AN ORDER OF CONDITIONAL RELEASE, THE PERSON LEAVES OR REMAINS ABSENT FROM THE STATE OF WASHINGTON WITHOUT PRIOR COURT AUTHORIZATION; OR

(C) HAVING BEEN FOUND TO BE A SEXUALLY VIOLENT PREDATOR AND BEING UNDER AN ORDER OF CONDITIONAL RELEASE, THE PERSON: (I) WITHOUT AUTHORIZATION, LEAVES OR REMAINS ABSENT FROM HIS OR HER RESIDENCE, PLACE OF EMPLOYMENT, EDUCATIONAL INSTITUTION, OR AUTHORIZED OUTING; (II) TAMPERS WITH HIS OR HER ELECTRONIC MONITORING DEVICE OR REMOVES IT WITHOUT AUTHORIZATION; OR (III) ESCAPES FROM HIS OR HER ESCORT.

(2) SEXUALLY VIOLENT PREDATOR ESCAPE IS A CLASS A FELONY WITH A MINIMUM SENTENCE OF SIXTY MONTHS, AND SHALL BE SENTENCED UNDER SECTION 303 OF THIS ACT.

Sec. 358. RCW 9.94A.320 AND 2000 C 225 S 5, 2000 C 119 S 17, AND 2000 C 66 S 2 ARE EACH REENACTED AND AMENDED TO READ AS FOLLOWS:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI AGGRAVATED MURDER 1 (RCW 10.95.020)
- XV HOMICIDE BY ABUSE (RCW 9A.32.055)
 - MALICIOUS EXPLOSION 1 (RCW 70.74.280(1))
 - MURDER 1 (RCW 9A.32.030)
- XIV MURDER 2 (RCW 9A.32.050)
- XIII MALICIOUS EXPLOSION 2 (RCW 70.74.280(2))
 - MALICIOUS PLACEMENT OF AN EXPLOSIVE 1 (RCW 70.74.270(1))
- XII ASSAULT 1 (RCW 9A.36.011)
 - ASSAULT OF A CHILD 1 (RCW 9A.36.120)
 - MALICIOUS PLACEMENT OF AN IMITATION DEVICE 1 (RCW 70.74.272(1)(A))
 - RAPE 1 (RCW 9A.44.040)
 - RAPE OF A CHILD 1 (RCW 9A.44.073)
- XI MANSLAUGHTER 1 (RCW 9A.32.060)
 - RAPE 2 (RCW 9A.44.050)
 - RAPE OF A CHILD 2 (RCW 9A.44.076)
- X CHILD MOLESTATION 1 (RCW 9A.44.083)
 - INDECENT LIBERTIES (WITH FORCIBLE COMPULSION) (RCW 9A.44.100(1)(A))
 - KIDNAPPING 1 (RCW 9A.40.020)
 - LEADING ORGANIZED CRIME (RCW 9A.82.060(1)(A))
 - MALICIOUS EXPLOSION 3 (RCW 70.74.280(3))
 - MANUFACTURE OF METHAMPHETAMINE (RCW 69.50.401(A)(1)(II))
 - OVER 18 AND DELIVER HEROIN, METHAMPHETAMINE, A NARCOTIC FROM SCHEDULE I OR II, OR FLUNITRAZEPAM FROM SCHEDULE IV TO SOMEONE UNDER 18 (RCW 69.50.406)
 - SEXUALLY VIOLENT PREDATOR ESCAPE (SECTION 357 OF THIS ACT)
- IX ASSAULT OF A CHILD 2 (RCW 9A.36.130)
 - CONTROLLED SUBSTANCE HOMICIDE (RCW 69.50.415)
 - EXPLOSIVE DEVICES PROHIBITED (RCW 70.74.180)
 - HOMICIDE BY WATERCRAFT, BY BEING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG (RCW 79A.60.050)
 - INCITING CRIMINAL PROFITEERING (RCW 9A.82.060(1)(B))
 - MALICIOUS PLACEMENT OF AN EXPLOSIVE 2 (RCW 70.74.270(2))
 - OVER 18 AND DELIVER NARCOTIC FROM SCHEDULE III, IV, OR V OR A NONNARCOTIC, EXCEPT FLUNITRAZEPAM OR METHAMPHETAMINE, FROM SCHEDULE I-V TO SOMEONE UNDER 18 AND 3 YEARS JUNIOR (RCW 69.50.406)
 - ROBBERY 1 (RCW 9A.56.200)
 - SEXUAL EXPLOITATION (RCW 9.68A.040)
 - VEHICULAR HOMICIDE, BY BEING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG (RCW 46.61.520)
- VIII ARSON 1 (RCW 9A.48.020)
 - DELIVER OR POSSESS WITH INTENT TO DELIVER METHAMPHETAMINE (RCW 69.50.401(A)(1)(II))
 - HIT AND RUN--DEATH (RCW 46.52.020(4)(A))
 - HOMICIDE BY WATERCRAFT, BY THE OPERATION OF ANY VESSEL IN A RECKLESS MANNER (RCW 79A.60.050)
 - MANSLAUGHTER 2 (RCW 9A.32.070)
 - MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER AMPHETAMINE (RCW 69.50.401(A)(1)(II))
 - MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER HEROIN OR COCAINE (RCW 69.50.401(A)(1)(I))
 - POSSESSION OF EPHEDRINE, PSEUDOEPHEDRINE, OR ANHYDROUS AMMONIA WITH INTENT TO MANUFACTURE METHAMPHETAMINE (RCW 69.50.440)
 - PROMOTING PROSTITUTION 1 (RCW 9A.88.070)

- SELLING FOR PROFIT (CONTROLLED OR COUNTERFEIT) ANY CONTROLLED SUBSTANCE (RCW 69.50.410)
- THEFT OF ANHYDROUS AMMONIA (RCW 69.55.010)
- VEHICULAR HOMICIDE, BY THE OPERATION OF ANY VEHICLE IN A RECKLESS MANNER (RCW 46.61.520)
- VII BURGLARY 1 (RCW 9A.52.020)
 - CHILD MOLESTATION 2 (RCW 9A.44.086)
 - DEALING IN DEPICTIONS OF MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT (RCW 9.68A.050)
 - DRIVE-BY SHOOTING (RCW 9A.36.045)
 - HOMICIDE BY WATERCRAFT, BY DISREGARD FOR THE SAFETY OF OTHERS (RCW 79A.60.050)
 - INDECENT LIBERTIES (WITHOUT FORCIBLE COMPULSION) (RCW 9A.44.100(1) (B) AND (C))
 - INTRODUCING CONTRABAND 1 (RCW 9A.76.140)
 - INVOLVING A MINOR IN DRUG DEALING (RCW 69.50.401(F))
 - MALICIOUS PLACEMENT OF AN EXPLOSIVE 3 (RCW 70.74.270(3))
 - SENDING, BRINGING INTO STATE DEPICTIONS OF MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT (RCW 9.68A.060)
 - UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE (RCW 9.41.040(1)(A))
 - USE OF A MACHINE GUN IN COMMISSION OF A FELONY (RCW 9.41.225)
 - VEHICULAR HOMICIDE, BY DISREGARD FOR THE SAFETY OF OTHERS (RCW 46.61.520)
- VI BAIL JUMPING WITH MURDER 1 (RCW 9A.76.170(2)(A))
 - BRIBERY (RCW 9A.68.010)
 - INCEST 1 (RCW 9A.64.020(1))
 - INTIMIDATING A JUDGE (RCW 9A.72.160)
 - INTIMIDATING A JUROR/WITNESS (RCW 9A.72.110, 9A.72.130)
 - MALICIOUS PLACEMENT OF AN IMITATION DEVICE 2 (RCW 70.74.272(1)(B))
 - MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER NARCOTICS FROM SCHEDULE I OR II (EXCEPT HEROIN OR COCAINE) OR FLUNITRAZEPAM FROM SCHEDULE IV (RCW 69.50.401(A)(1)(I))
 - RAPE OF A CHILD 3 (RCW 9A.44.079)
 - THEFT OF A FIREARM (RCW 9A.56.300)
 - UNLAWFUL STORAGE OF ANHYDROUS AMMONIA (RCW 69.55.020)
- V ABANDONMENT OF DEPENDENT PERSON 1 (RCW 9A.42.060)
 - ADVANCING MONEY OR PROPERTY FOR EXTORTIONATE EXTENSION OF CREDIT (RCW 9A.82.030)
 - BAIL JUMPING WITH CLASS A FELONY (RCW 9A.76.170(2)(B))
 - CHILD MOLESTATION 3 (RCW 9A.44.089)
 - CRIMINAL MISTREATMENT 1 (RCW 9A.42.020)
 - CUSTODIAL SEXUAL MISCONDUCT 1 (RCW 9A.44.160)
 - DELIVERY OF IMITATION CONTROLLED SUBSTANCE BY PERSON EIGHTEEN OR OVER TO PERSON UNDER EIGHTEEN (RCW 69.52.030(2))
 - DOMESTIC VIOLENCE COURT ORDER VIOLATION (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, OR 74.34.145)
 - EXTORTION 1 (RCW 9A.56.120)
 - EXTORTIONATE EXTENSION OF CREDIT (RCW 9A.82.020)
 - EXTORTIONATE MEANS TO COLLECT EXTENSIONS OF CREDIT (RCW 9A.82.040)
 - INCEST 2 (RCW 9A.64.020(2))
 - KIDNAPPING 2 (RCW 9A.40.030)
 - PERJURY 1 (RCW 9A.72.020)
 - PERSISTENT PRISON MISBEHAVIOR (RCW 9.94.070)
 - POSSESSION OF A STOLEN FIREARM (RCW 9A.56.310)
 - RAPE 3 (RCW 9A.44.060)
 - RENDERING CRIMINAL ASSISTANCE 1 (RCW 9A.76.070)
 - SEXUAL MISCONDUCT WITH A MINOR 1 (RCW 9A.44.093)
 - SEXUALLY VIOLATING HUMAN REMAINS (RCW 9A.44.105)
 - STALKING (RCW 9A.46.110)
- IV ARSON 2 (RCW 9A.48.030)
 - ASSAULT 2 (RCW 9A.36.021)
 - ASSAULT BY WATERCRAFT (RCW 79A.60.060)
 - BRIBING A WITNESS/BRIBE RECEIVED BY WITNESS (RCW 9A.72.090, 9A.72.100)
 - COMMERCIAL BRIBERY (RCW 9A.68.060)
 - COUNTERFEITING (RCW 9.16.035(4))
 - ESCAPE 1 (RCW 9A.76.110)

HIT AND RUN--INJURY (RCW 46.52.020(4)(b))
 HIT AND RUN WITH VESSEL--INJURY ACCIDENT (RCW 79A.60.200(3))
 INDECENT EXPOSURE TO PERSON UNDER AGE FOURTEEN (SUBSEQUENT SEX OFFENSE) (RCW 9A.88.010)
 INFLUENCING OUTCOME OF SPORTING EVENT (RCW 9A.82.070)
 KNOWINGLY TRAFFICKING IN STOLEN PROPERTY (RCW 9A.82.050(2))
 MALICIOUS HARASSMENT (RCW 9A.36.080)
 MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER NARCOTICS FROM SCHEDULE III, IV, OR V OR NONNARCOTICS FROM SCHEDULE I-V (EXCEPT MARIJUANA, AMPHETAMINE, METHAMPHETAMINES, OR FLUNITRAZEPAM) (RCW 69.50.401(A)(1) (iii) THROUGH (v))
 RESIDENTIAL BURGLARY (RCW 9A.52.025)
 ROBBERY 2 (RCW 9A.56.210)
 THEFT OF LIVESTOCK 1 (RCW 9A.56.080)
 THREATS TO BOMB (RCW 9.61.160)
 USE OF PROCEEDS OF CRIMINAL PROFITEERING (RCW 9A.82.080 (1) AND (2))
 VEHICULAR ASSAULT (RCW 46.61.522)
 WILLFUL FAILURE TO RETURN FROM FURLOUGH (RCW 72.66.060)

III ABANDONMENT OF DEPENDENT PERSON 2 (RCW 9A.42.070)
 ASSAULT 3 (RCW 9A.36.031)
 ASSAULT OF A CHILD 3 (RCW 9A.36.140)
 BAIL JUMPING WITH CLASS B OR C FELONY (RCW 9A.76.170(2)(c))
 BURGLARY 2 (RCW 9A.52.030)
 COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES (RCW 9.68A.090)
 CRIMINAL GANG INTIMIDATION (RCW 9A.46.120)
 CRIMINAL MISTREATMENT 2 (RCW 9A.42.030)
 CUSTODIAL ASSAULT (RCW 9A.36.100)
 DELIVERY OF A MATERIAL IN LIEU OF A CONTROLLED SUBSTANCE (RCW 69.50.401(C))
 ESCAPE 2 (RCW 9A.76.120)
 EXTORTION 2 (RCW 9A.56.130)
 HARASSMENT (RCW 9A.46.020)
 INTIMIDATING A PUBLIC SERVANT (RCW 9A.76.180)
 INTRODUCING CONTRABAND 2 (RCW 9A.76.150)
 MAINTAINING A DWELLING OR PLACE FOR CONTROLLED SUBSTANCES (RCW 69.50.402(A)(6))
 MALICIOUS INJURY TO RAILROAD PROPERTY (RCW 81.60.070)
 MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER MARIJUANA (RCW 69.50.401(A)(1)(iii))
 MANUFACTURE, DISTRIBUTE, OR POSSESS WITH INTENT TO DISTRIBUTE AN IMITATION CONTROLLED SUBSTANCE (RCW 69.52.030(1))
 PATRONIZING A JUVENILE PROSTITUTE (RCW 9.68A.100)
 PERJURY 2 (RCW 9A.72.030)
 POSSESSION OF INCENDIARY DEVICE (RCW 9.40.120)
 POSSESSION OF MACHINE GUN OR SHORT-BARRELED SHOTGUN OR RIFLE (RCW 9.41.190)
 PROMOTING PROSTITUTION 2 (RCW 9A.88.080)
 RECKLESSLY TRAFFICKING IN STOLEN PROPERTY (RCW 9A.82.050(1))
 SECURITIES ACT VIOLATION (RCW 21.20.400)
 TAMPERING WITH A WITNESS (RCW 9A.72.120)
 TELEPHONE HARASSMENT (SUBSEQUENT CONVICTION OR THREAT OF DEATH) (RCW 9.61.230)
 THEFT OF LIVESTOCK 2 (RCW 9A.56.080)
 UNLAWFUL IMPRISONMENT (RCW 9A.40.040)
 UNLAWFUL POSSESSION OF FIREARM IN THE SECOND DEGREE (RCW 9.41.040(1)(B))
 UNLAWFUL USE OF BUILDING FOR DRUG PURPOSES (RCW 69.53.010)
 WILLFUL FAILURE TO RETURN FROM WORK RELEASE (RCW 72.65.070)

II COMPUTER TRESPASS 1 (RCW 9A.52.110)
 COUNTERFEITING (RCW 9.16.035(3))
 CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED SUBSTANCE (RCW 69.50.401(B))
 ESCAPE FROM COMMUNITY CUSTODY (RCW 72.09.310)
 HEALTH CARE FALSE CLAIMS (RCW 48.80.030)
 MALICIOUS MISCHIEF 1 (RCW 9A.48.070)
 POSSESSION OF CONTROLLED SUBSTANCE THAT IS EITHER HEROIN OR NARCOTICS FROM SCHEDULE I OR II OR FLUNITRAZEPAM FROM SCHEDULE IV (RCW 69.50.401(D))

POSSESSION OF PHENCYCLIDINE (PCP) (RCW 69.50.401(d))
POSSESSION OF STOLEN PROPERTY 1 (RCW 9A.56.150)
THEFT 1 (RCW 9A.56.030)
THEFT OF RENTAL, LEASED, OR LEASE-PURCHASED PROPERTY (VALUED AT ONE THOUSAND FIVE HUNDRED DOLLARS OR MORE) (RCW 9A.56.096(4))
TRAFFICKING IN INSURANCE CLAIMS (RCW 48.30A.015)
UNLAWFUL PRACTICE OF LAW (RCW 2.48.180)
UNLICENSED PRACTICE OF A PROFESSION OR BUSINESS (RCW 18.130.190(7))

I ATTEMPTING TO ELUDE A PURSUING POLICE VEHICLE (RCW 46.61.024)
FALSE VERIFICATION FOR WELFARE (RCW 74.08.055)
FORGED PRESCRIPTION (RCW 69.41.020)
FORGED PRESCRIPTION FOR A CONTROLLED SUBSTANCE (RCW 69.50.403)
FORGERY (RCW 9A.60.020)
MALICIOUS MISCHIEF 2 (RCW 9A.48.080)
POSSESS CONTROLLED SUBSTANCE THAT IS A NARCOTIC FROM SCHEDULE III, IV, OR V OR NON-NARCOTIC FROM SCHEDULE I-V (EXCEPT PHENCYCLIDINE OR FLUNITRAZEPAM) (RCW 69.50.401(d))
POSSESSION OF STOLEN PROPERTY 2 (RCW 9A.56.160)
RECKLESS BURNING 1 (RCW 9A.48.040)
TAKING MOTOR VEHICLE WITHOUT PERMISSION (RCW 9A.56.070)
THEFT 2 (RCW 9A.56.040)
THEFT OF RENTAL, LEASED, OR LEASE-PURCHASED PROPERTY (VALUED AT TWO HUNDRED FIFTY DOLLARS OR MORE BUT LESS THAN ONE THOUSAND FIVE HUNDRED DOLLARS) (RCW 9A.56.096(4))
UNLAWFUL ISSUANCE OF CHECKS OR DRAFTS (RCW 9A.56.060)
UNLAWFUL USE OF FOOD STAMPS (RCW 9.91.140 (2) AND (3))
VEHICLE PROWL 1 (RCW 9A.52.095)

Sec. 359. RCW 72.09.370 AND 1999 c 214 s 2 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE SECRETARY SHALL IDENTIFY OFFENDERS IN CONFINEMENT OR PARTIAL CONFINEMENT WHO: (A) ARE REASONABLY BELIEVED TO BE DANGEROUS TO THEMSELVES OR OTHERS; AND (B) HAVE A MENTAL DISORDER. IN DETERMINING AN OFFENDER'S DANGEROUSNESS, THE SECRETARY SHALL CONSIDER BEHAVIOR KNOWN TO THE DEPARTMENT AND FACTORS, BASED ON RESEARCH, THAT ARE LINKED TO AN INCREASED RISK FOR DANGEROUSNESS OF MENTALLY ILL OFFENDERS AND SHALL INCLUDE CONSIDERATION OF AN OFFENDER'S CHEMICAL DEPENDENCY OR ABUSE.

(2) PRIOR TO RELEASE OF AN OFFENDER IDENTIFIED UNDER THIS SECTION, A TEAM CONSISTING OF REPRESENTATIVES OF THE DEPARTMENT OF CORRECTIONS, THE DIVISION OF MENTAL HEALTH, AND, AS NECESSARY, THE INDETERMINATE SENTENCE REVIEW BOARD, OTHER DIVISIONS OR ADMINISTRATIONS WITHIN THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, SPECIFICALLY INCLUDING THE DIVISION OF ALCOHOL AND SUBSTANCE ABUSE AND THE DIVISION OF DEVELOPMENTAL DISABILITIES, THE APPROPRIATE REGIONAL SUPPORT NETWORK, AND THE PROVIDERS, AS APPROPRIATE, SHALL DEVELOP A PLAN, AS DETERMINED NECESSARY BY THE TEAM, FOR DELIVERY OF TREATMENT AND SUPPORT SERVICES TO THE OFFENDER UPON RELEASE. THE TEAM MAY INCLUDE A SCHOOL DISTRICT REPRESENTATIVE FOR OFFENDERS UNDER THE AGE OF TWENTY-ONE. THE TEAM SHALL CONSULT WITH THE OFFENDER'S COUNSEL, IF ANY, AND, AS APPROPRIATE, THE OFFENDER'S FAMILY AND COMMUNITY. THE TEAM SHALL NOTIFY THE CRIME VICTIM/WITNESS PROGRAM, WHICH SHALL PROVIDE NOTICE TO ALL PEOPLE REGISTERED TO RECEIVE NOTICE UNDER RCW 9.94A.155 OF THE PROPOSED RELEASE PLAN DEVELOPED BY THE TEAM. VICTIMS, WITNESSES, AND OTHER INTERESTED PEOPLE NOTIFIED BY THE DEPARTMENT MAY PROVIDE INFORMATION AND COMMENTS TO THE DEPARTMENT ON POTENTIAL SAFETY RISK TO SPECIFIC INDIVIDUALS OR CLASSES OF INDIVIDUALS POSED BY THE SPECIFIC OFFENDER. THE TEAM MAY RECOMMEND: (A) THAT THE OFFENDER BE EVALUATED BY THE COUNTY DESIGNATED MENTAL HEALTH PROFESSIONAL, AS DEFINED IN CHAPTER 71.05 RCW; (B) DEPARTMENT-SUPERVISED COMMUNITY TREATMENT; OR (C) VOLUNTARY COMMUNITY MENTAL HEALTH OR CHEMICAL DEPENDENCY OR ABUSE TREATMENT.

(3) PRIOR TO RELEASE OF AN OFFENDER IDENTIFIED UNDER THIS SECTION, THE TEAM SHALL DETERMINE WHETHER OR NOT AN EVALUATION BY A COUNTY DESIGNATED MENTAL HEALTH PROFESSIONAL IS NEEDED. IF AN EVALUATION IS RECOMMENDED, THE SUPPORTING DOCUMENTATION SHALL BE IMMEDIATELY FORWARDED TO THE APPROPRIATE COUNTY DESIGNATED MENTAL HEALTH PROFESSIONAL. THE SUPPORTING DOCUMENTATION SHALL INCLUDE THE OFFENDER'S CRIMINAL HISTORY, HISTORY OF JUDICIALLY REQUIRED OR ADMINISTRATIVELY ORDERED INVOLUNTARY ANTIPSYCHOTIC MEDICATION WHILE IN CONFINEMENT, AND ANY KNOWN HISTORY OF INVOLUNTARY CIVIL COMMITMENT.

(4) IF AN EVALUATION BY A COUNTY DESIGNATED MENTAL HEALTH PROFESSIONAL IS RECOMMENDED BY THE TEAM, SUCH EVALUATION SHALL OCCUR NOT MORE THAN TEN DAYS, NOR LESS THAN FIVE DAYS, PRIOR TO RELEASE.

(5) A SECOND EVALUATION BY A COUNTY DESIGNATED MENTAL HEALTH PROFESSIONAL SHALL OCCUR ON THE DAY OF RELEASE IF REQUESTED BY THE TEAM, BASED UPON NEW INFORMATION OR A CHANGE IN THE OFFENDER'S MENTAL CONDITION, AND THE INITIAL EVALUATION DID NOT RESULT IN AN EMERGENCY DETENTION OR A SUMMONS UNDER CHAPTER 71.05 RCW.

(6) IF THE COUNTY DESIGNATED MENTAL HEALTH PROFESSIONAL DETERMINES AN EMERGENCY DETENTION UNDER CHAPTER 71.05 RCW IS NECESSARY, THE DEPARTMENT SHALL RELEASE THE OFFENDER ONLY TO A STATE HOSPITAL OR TO A CONSENTING EVALUATION AND TREATMENT FACILITY. THE DEPARTMENT SHALL ARRANGE TRANSPORTATION OF THE OFFENDER TO THE HOSPITAL OR FACILITY.

(7) IF THE COUNTY DESIGNATED MENTAL HEALTH PROFESSIONAL BELIEVES THAT A LESS RESTRICTIVE ALTERNATIVE TREATMENT IS APPROPRIATE, HE OR SHE SHALL SEEK A SUMMONS, PURSUANT TO THE PROVISIONS OF CHAPTER 71.05 RCW, TO REQUIRE THE OFFENDER TO APPEAR AT AN EVALUATION AND TREATMENT FACILITY. IF A SUMMONS IS ISSUED, THE OFFENDER SHALL REMAIN WITHIN THE CORRECTIONS FACILITY UNTIL COMPLETION OF HIS OR HER TERM OF CONFINEMENT AND BE TRANSPORTED, BY CORRECTIONS PERSONNEL ON THE DAY OF COMPLETION, DIRECTLY TO THE IDENTIFIED EVALUATION AND TREATMENT FACILITY.

(8) THE SECRETARY SHALL ADOPT RULES TO IMPLEMENT THIS SECTION.

NEW SECTION. Sec. 360. A NEW SECTION IS ADDED TO CHAPTER 9.95 RCW TO READ AS FOLLOWS:

THE INDETERMINATE SENTENCE REVIEW BOARD, IN FULFILLING ITS DUTIES UNDER THE PROVISIONS OF THIS ACT, SHALL BE CONSIDERED A PAROLE BOARD AS THAT CONCEPT WAS TREATED IN LAW UNDER THE STATE'S INDETERMINATE SENTENCING STATUTES.

PART IV TECHNICAL PROVISIONS

NEW SECTION. Sec. 401. THE FOLLOWING ACTS OR PARTS OF ACTS ARE EACH REPEALED:

(1) RCW 9.95.0011 (INDETERMINATE SENTENCE REVIEW BOARD--REPORT--RECOMMENDATION OF GOVERNOR) AND 1997 C 350 S 1, 1989 C 259 S 4, & 1986 C 224 S 12; AND

(2) RCW 9.95.145 (SEX OFFENDERS--RELEASE OF INFORMATION--CLASSIFICATION OF OFFENDERS) AND 1997 C 364 S 5 & 1990 C 3 S 127.

NEW SECTION. Sec. 402. THE SECRETARY OF CORRECTIONS, THE SECRETARY OF SOCIAL AND HEALTH SERVICES, AND THE INDETERMINATE SENTENCE REVIEW BOARD MAY ADOPT RULES TO IMPLEMENT THIS ACT.

NEW SECTION. Sec. 403. (1) SECTIONS 301 THROUGH 360 OF THIS ACT SHALL NOT AFFECT THE VALIDITY OF ANY SENTENCE IMPOSED UNDER ANY OTHER LAW FOR ANY OFFENSE COMMITTED BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

(2) SECTIONS 301 THROUGH 360 OF THIS ACT SHALL APPLY TO OFFENSES COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

NEW SECTION. Sec. 404. IF ANY PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE REMAINDER OF THE ACT OR THE APPLICATION OF THE PROVISION TO OTHER PERSONS OR CIRCUMSTANCES IS NOT AFFECTED.

NEW SECTION. Sec. 405. THIS ACT IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY, OR SUPPORT OF THE STATE GOVERNMENT AND ITS EXISTING PUBLIC INSTITUTIONS, AND TAKES EFFECT JULY 1, 2001, EXCEPT FOR SECTIONS 101 THROUGH 224 OF THIS ACT WHICH TAKE EFFECT IMMEDIATELY."

MOTION

ON MOTION OF SENATOR HARGROVE, THE FOLLOWING AMENDMENT BY SENATORS HARGROVE, LONG AND COSTA TO THE STRIKING AMENDMENT BY SENATORS HARGROVE, LONG, COSTA, BROWN, STEVENS AND HEWITT WAS ADOPTED:

ON PAGE 5, AFTER LINE 16, INSERT THE FOLLOWING:

"NEW SECTION. Sec. 103. THE FOLLOWING ACTS OR PARTS OF ACTS ARE EACH REPEALED.

(1)(A) 2001 C . . . S 1 (SUBSTITUTE SENATE BILL NO. 5123, AS AMENDED BY THE HOUSE OF REPRESENTATIVES);

(B) 2001 C . . . S 3 (SUBSTITUTE SENATE BILL NO. 5123, AS AMENDED BY THE HOUSE OF REPRESENTATIVES); AND

(C) 2001 C . . . S 4 (SUBSTITUTE SENATE BILL NO. 5123, AS AMENDED BY THE HOUSE OF REPRESENTATIVES).

(2) THIS SECTION IS NULL AND VOID IF SECTIONS 357 AND 358 OF THIS ACT ARE NOT ENACTED INTO LAW OR IF AMENDMENT 5123-S AMH H2521.1 IS NOT CONCURRED WITH BY THE SENATE."

MOTION

SENATOR FRANKLIN MOVED THAT THE FOLLOWING AMENDMENT TO THE STRIKING AMENDMENT BY SENATORS HARGROVE, LONG, COSTA, BROWN, STEVENS AND HEWITT BE ADOPTED:

ON PAGE 5, LINE 24, AFTER "RCW 71.09.090" STRIKE EVERYTHING THROUGH "PURPOSES" ON LINE 27.

RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATOR FRANKLIN ON PAGE 5, LINE 24 TO THE STRIKING AMENDMENT BY SENATORS HARGROVE, LONG, COSTA, BROWN, STEVENS AND HEWITT TO SUBSTITUTE SENATE BILL NO. 6151.

THE MOTION BY SENATOR FRANKLIN FAILED AND THE AMENDMENT TO THE STRIKING AMENDMENT WAS NOT ADOPTED.

MOTION

SENATOR FRANKLIN MOVED THAT THE FOLLOWING AMENDMENT TO THE STRIKING AMENDMENT BY SENATORS HARGROVE, LONG, COSTA, BROWN, STEVENS AND HEWITT BE ADOPTED:

ON PAGE 5, LINE 28, AFTER "(2)" STRIKE EVERYTHING THROUGH "(3)" ON LINE 34.

RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATOR FRANKLIN ON PAGE 5, LINE 28, TO THE STRIKING AMENDMENT BY SENATORS HARGROVE, LONG, COSTA, BROWN, STEVENS AND HEWITT TO SUBSTITUTE SENATE BILL NO. 6151.

THE MOTION BY SENATOR FRANKLIN FAILED AND THE AMENDMENT TO THE STRIKING AMENDMENT WAS NOT ADOPTED.

MOTION

SENATOR KASTAMA MOVED THAT THE FOLLOWING AMENDMENT BY SENATORS KASTAMA, REGALA AND FRANKLIN TO THE STRIKING AMENDMENT BY SENATORS HARGROVE, LONG, COSTA, BROWN, STEVENS AND HEWITT BE ADOPTED:

ON PAGE 6, AFTER LINE 7, INSERT THE FOLLOWING:

NEW SECTION. Sec. 202. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

NOTWITHSTANDING THE TOTAL CAPACITY OF THE STEP-DOWN FACILITY ESTABLISHED IN SECTION 201 OF THIS ACT, THE STEP-DOWN FACILITY MAY HOUSE NO MORE THAN 3 PERSONS, OR THAT NUMBER NECESSARY FOR THE STATE TO MEET ITS CONSTITUTIONAL DUTY, UNTIL JULY 1, 2003. AFTER JULY 1, 2003, THE STEP-DOWN FACILITY LOCATED ON McNEIL ISLAND IS ELIGIBLE TO ACCEPT ADDITIONAL RESIDENTS ONLY IF OTHER COUNTIES HAVE SITED FACILITIES OR ACCEPTED PERSONS CONDITIONALLY RELEASED UNDER THIS CHAPTER TO THE EXTENT THAT THE PROPORTION OF CONDITIONALLY RELEASED PERSONS WOULD NOT BE DISPROPORTIONALLY HIGH IN THE COUNTY THAT HOUSES BOTH THE SPECIAL COMMITMENT CENTER AND THE STEP-DOWN FACILITY ESTABLISHED UNDER SECTION 201 OF THIS ACT.

RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATORS KASTAMA, REGALA AND FRANKLIN ON PAGE 6, AFTER LINE 7, TO THE STRIKING AMENDMENT BY SENATORS HARGROVE, LONG, COSTA, BROWN, STEVENS AND HEWITT TO SUBSTITUTE SENATE BILL NO. 6151.

THE MOTION BY SENATOR KASTAMA FAILED AND THE AMENDMENT TO THE STRIKING AMENDMENT WAS NOT ADOPTED.

MOTION

SENATOR KASTAMA MOVED THAT THE FOLLOWING AMENDMENT BY SENATORS KASTAMA, REGALA, EIDE AND FRANKLIN TO THE STRIKING AMENDMENT BY SENATORS HARGROVE, LONG, COSTA, BROWN, STEVENS AND HEWITT BE ADOPTED:

ON PAGE 8, AFTER LINE 14, INSERT THE FOLLOWING:

NEW SECTION. Sec. 207. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

TO THE GREATEST EXTENT POSSIBLE, PERSONS WHO WERE NOT RESIDENTS OF THE COUNTY IN WHICH BOTH THE SPECIAL COMMITMENT CENTER AND A STEP-DOWN FACILITY ARE LOCATED PRIOR TO THE CONVICTION FOR WHICH THEY WERE INCARCERATED AT THE TIME OF THE PETITION FOR CIVIL COMMITMENT WAS FILED MAY NOT BE RELEASED TO THAT COUNTY.

RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATORS KASTAMA, REGALA, EIDE AND FRANKLIN ON PAGE 8, LINE 14 TO THE STRIKING AMENDMENT BY SENATORS HARGROVE, LONG, COSTA, BROWN, STEVENS AND HEWITT TO SUBSTITUTE SENATE BILL NO. 6151.

THE MOTION BY SENATOR KASTAMA CARRIED AND THE AMENDMENT TO THE STRIKING AMENDMENT WAS ADOPTED.

MOTION

ON MOTION OF SENATOR HARGROVE, THE FOLLOWING AMENDMENTS BY SENATORS HARGROVE, LONG AND COSTA TO THE STRIKING AMENDMENT BY SENATORS HARGROVE, LONG, COSTA, BROWN, STEVENS AND HEWITT WERE CONSIDERED SIMULTANEOUSLY AND WERE ADOPTED:

ON PAGE 8, AFTER LINE 14 OF THE AMENDMENT, INSERT THE FOLLOWING:

"NEW SECTION. Sec. 207. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

WHEN CONSIDERING WHETHER A PERSON CIVILLY COMMITTED UNDER THIS CHAPTER AND CONDITIONALLY RELEASED TO A STEP-DOWN FACILITY IS APPROPRIATE FOR RELEASE TO A LESS RESTRICTIVE ALTERNATIVE PLACEMENT THAT IS LESS RESTRICTIVE THAN A STEP-DOWN FACILITY, THE COURT SHALL CONSIDER WHETHER THE PERSON HAS PROGRESSED IN TREATMENT TO THE POINT THAT A SIGNIFICANT CHANGE IN THE PERSON'S ROUTINE, INCLUDING BUT NOT LIMITED TO A CHANGE OF EMPLOYMENT, EDUCATION, RESIDENCE, OR SEX OFFENDER TREATMENT PROVIDER WILL NOT CAUSE THE PERSON TO REGRESS TO THE POINT THAT THE PERSON PRESENTS A GREATER RISK TO THE COMMUNITY THAN CAN REASONABLY BE ADDRESSED IN THE PROPOSED PLACEMENT."

RENUMBER THE REMAINING SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

ON PAGE 77, LINE 26 OF THE AMENDMENT, AFTER "THROUGH" STRIKE "224" AND INSERT "225"

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE STRIKING AMENDMENT BY SENATORS HARGROVE, LONG, COSTA, BROWN, STEVENS AND HEWITT, AS AMENDED, TO SUBSTITUTE SENATE BILL NO. 6151.

THE MOTION BY SENATOR HARGROVE CARRIED AND THE STRIKING AMENDMENT, AS AMENDED, WAS ADOPTED.

MOTIONS

ON MOTION OF SENATOR HARGROVE, THE FOLLOWING TITLE AMENDMENTS WERE CONSIDERED SIMULTANEOUSLY AND WERE ADOPTED:

ON PAGE 1, LINE 2 OF THE TITLE, AFTER "SYSTEMS;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 71.09.020, 36.70A.103, 36.70A.200, 9.94A.030, 9.94A.715, 9.94A.060, 9.94A.190, 9.94A.390, 9.95.005, 9.95.010, 9.95.011, 9.95.017, 9.95.020, 9.95.032, 9.95.052, 9.95.055, 9.95.064, 9.95.070, 9.95.080, 9.95.090, 9.95.100, 9.95.110, 9.95.115, 9.95.120, 9.95.121, 9.95.122, 9.95.123, 9.95.124, 9.95.125, 9.95.126, 9.95.130, 9.95.140, 9.95.190, 9.95.250, 9.95.280, 9.95.290, 9.95.300, 9.95.310, 9.95.320, 9.95.340, 9.95.350, 9.95.360, 9.95.370, 9.95.900, 9A.28.020, 9A.36.021, 9A.40.030, 9A.44.100, AND 72.09.370; REENACTING AND AMENDING RCW 9.94A.120 AND 9.94A.320; ADDING NEW SECTIONS TO CHAPTER 71.09 RCW; ADDING A NEW SECTION TO CHAPTER 36.70A RCW; ADDING A NEW SECTION TO CHAPTER 36.70 RCW; ADDING NEW SECTIONS TO CHAPTER 9.94A RCW; ADDING A NEW SECTION TO CHAPTER 72.09 RCW; ADDING NEW SECTIONS TO CHAPTER 9.95 RCW; ADDING A NEW SECTION TO CHAPTER 9A.76 RCW; CREATING NEW SECTIONS; REPEALING RCW 9.95.0011 AND 9.95.145; PRESCRIBING PENALTIES; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY."

ON PAGE 78, LINE 13 OF THE TITLE AMENDMENT, AFTER "9.95.145;" INSERT "REPEALING 2001 C . . . SS 1, 3, AND 4 (SUBSTITUTE SENATE BILL NO. 5123);"

ON MOTION OF SENATOR HARGROVE, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE SENATE BILL NO. 6151 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE. DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 6151.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 6151 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 35; NAYS, 11; ABSENT, 1; EXCUSED, 2.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, FAIRLEY, FINKBEINER, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HONEYFORD, HORN, JACOBSEN, JOHNSON, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, PARLETTE, PATTERSON, PRENTICE, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST AND ZARELLI - 35.

VOTING NAY: SENATORS EIDE, FRANKLIN, HOCHSTATTER, KASTAMA, MORTON, OKE, RASMUSSEN, REGALA, ROACH, SWECKER AND WINSLEY - 11.

ABSENT: SENATOR BENTON - 1.

EXCUSED: SENATORS DECCIO AND HAUGEN - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

THERE BEING NO OBJECTION, THE SENATE RESUMED CONSIDERATION OF HOUSE BILL NO. 1394 AND THE PENDING AMENDMENT BY SENATOR BENTON ON PAGE 3, LINE 24, TO THE COMMITTEE ON TRANSPORTATION AMENDMENT, DEFERRED EARLIER TODAY.

RULING BY THE PRESIDENT

PRESIDENT OWEN: "IN RULING ON THE POINT OF ORDER BY SENATOR JACOBSEN TO THE SCOPE AND OBJECT OF THE AMENDMENT BY SENATORS BENTON AND HOCHSTATTER ON PAGE 3, LINE 24, TO THE COMMITTEE ON TRANSPORTATION STRIKING AMENDMENT, THE PRESIDENT FINDS THAT HOUSE BILL NO. 1394 IS A MEASURE WHICH RELATES TO THE USE OF COUNTY ROAD FUNDS IN SALMON RECOVERY PROJECTS.

"THE AMENDMENT ON PAGE 3, LINE 24, TO THE COMMITTEE AMENDMENT, WOULD PROHIBIT THE USE OF FUNDS FOR FISH PASSAGE BARRIER REMOVAL UNLESS COMMERCIAL NET FISHING IS BANNED ON THE COLUMBIA RIVER. THE FUNDING CONDITION IS NOT RELATED TO THE BUILDING OF FISH PASSAGES.

"THE PRESIDENT, THEREFORE, FINDS THAT THE AMENDMENT TO THE COMMITTEE AMENDMENT, IS BEYOND THE SCOPE AND OBJECT OF THE BILL, AND THE POINT OF ORDER IS WELL TAKEN."

THE PRESIDENT RULED THAT THE AMENDMENT BY SENATORS BENTON AND HOCHSTATTER ON PAGE 3, LINE 24, TO THE COMMITTEE ON TRANSPORTATION STRIKING AMENDMENT TO HOUSE BILL NO. 1394 TO BE OUT OF ORDER.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE COMMITTEE ON TRANSPORTATION STRIKING AMENDMENT TO HOUSE BILL NO. 1394.

THE MOTION BY SENATOR GARDNER CARRIED AND THE COMMITTEE STRIKING AMENDMENT WAS ADOPTED.

PRESIDENT PRO TEMPORE FRANKLIN ASSUMED THE CHAIR.

MOTION

ON MOTION OF SENATOR HEWITT, SENATOR BENTON WAS EXCUSED.

MOTIONS

ON MOTION OF SENATOR GARDNER, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 2 OF THE TITLE, AFTER "PROJECTS;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 36.79.140 AND 36.82.070; AND CREATING A NEW SECTION."

ON MOTION OF SENATOR GARDNER, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1394, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1394, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1394, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 46; NAYS, 0; ABSENT, 0; EXCUSED, 3.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 46.

EXCUSED: SENATORS BENTON, DECCIO AND HAUGEN - 3.

HOUSE BILL NO. 1394, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE REVERTED TO THE FOURTH ORDER OF BUSINESS.

MESSAGE FROM THE HOUSE

APRIL 11, 2001

MR. PRESIDENT:

THE HOUSE HAS PASSED ENGROSSED SUBSTITUTE HOUSE BILL NO. 1832, AND THE SAME IS HERewith TRANSMITTED.

CYNTHIA ZEHNDER, Co-CHIEF CLERK
TIMOTHY A. MARTIN, Co-CHIEF CLERK

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADVANCED TO THE FIFTH ORDER OF BUSINESS.

INTRODUCTION AND FIRST READING

SB 6179 BY SENATORS JACOBSEN AND KOHL-WELLES

AN ACT RELATING TO AN INTERCOLLEGIATE AND COMMUNITY SWIM FACILITY; CREATING A NEW SECTION; AND MAKING AN APPROPRIATION.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1832 BY HOUSE COMMITTEE ON APPROPRIATIONS (ORIGINALLY SPONSORED BY REPRESENTATIVES LINVILLE AND G. CHANDLER) (BY REQUEST OF GOVERNOR LOCKE)

MODIFYING PROVISIONS CONCERNING WATER MANAGEMENT.

REFERRED TO COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADVANCED TO THE SIXTH ORDER OF BUSINESS.

MOTION

ON MOTION OF SENATOR EIDE, SENATOR COSTA WAS EXCUSED.

THERE BEING NO OBJECTION, THE SENATE RESUMED CONSIDERATION OF SECOND SUBSTITUTE HOUSE BILL NO. 1752, UNDER CONSIDERATION BEFORE THE SPECIAL ORDER OF BUSINESS EARLIER TODAY, AFTER THE COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE STRIKING AMENDMENT WAS NOT ADOPTED.

MOTION

SENATOR RASMUSSEN MOVED THAT THE FOLLOWING STRIKING AMENDMENT BY SENATORS SWECKER, RASMUSSEN, SPANEL AND JACOBSEN BE ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

SEC. 1. RCW 77.36.005 AND 1996 C 54 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

THE LEGISLATURE FINDS THAT:

(1) AS THE NUMBER OF PEOPLE IN THE STATE GROWS AND WILDLIFE HABITAT IS ALTERED, PEOPLE WILL ENCOUNTER WILDLIFE MORE FREQUENTLY. AS A RESULT, CONFLICTS BETWEEN HUMANS AND WILDLIFE WILL ALSO INCREASE. WILDLIFE IS A PUBLIC RESOURCE OF SIGNIFICANT VALUE TO THE PEOPLE OF THE STATE AND THE RESPONSIBILITY TO MINIMIZE AND RESOLVE THESE CONFLICTS IS SHARED BY ALL CITIZENS OF THE STATE.

(2) IN PARTICULAR, THE STATE RECOGNIZES THE IMPORTANCE OF COMMERCIAL AGRICULTURAL AND HORTICULTURAL CROP PRODUCTION, RANGELAND SUITABLE FOR GRAZING OR BROWSING OF DOMESTIC LIVESTOCK, AND THE VALUE OF HEALTHY DEER AND ELK POPULATIONS, WHICH CAN DAMAGE SUCH CROPS. THE LEGISLATURE FURTHER FINDS THAT DAMAGE PREVENTION IS KEY TO MAINTAINING HEALTHY DEER AND ELK POPULATIONS, WILDLIFE-RELATED RECREATIONAL OPPORTUNITIES, ~~((AND))~~ COMMERCIALY PRODUCTIVE AGRICULTURAL AND HORTICULTURAL CROPS, AND RANGELAND SUITABLE FOR GRAZING OR BROWSING OF DOMESTIC LIVESTOCK, AND THAT THE STATE, PARTICIPANTS IN WILDLIFE RECREATION, AND PRIVATE LANDOWNERS AND TENANTS SHARE THE RESPONSIBILITY FOR DAMAGE PREVENTION. TOWARD THIS END, THE LEGISLATURE ENCOURAGES LANDOWNERS AND TENANTS TO CONTRIBUTE THROUGH THEIR LAND MANAGEMENT PRACTICES TO HEALTHY WILDLIFE POPULATIONS AND TO PROVIDE ACCESS FOR RELATED RECREATION. IT IS IN THE BEST INTERESTS OF THE STATE FOR THE DEPARTMENT OF FISH AND WILDLIFE TO RESPOND QUICKLY TO WILDLIFE DAMAGE COMPLAINTS AND TO WORK WITH THESE LANDOWNERS AND TENANTS TO MINIMIZE AND/OR PREVENT DAMAGES AND CONFLICTS WHILE MAINTAINING DEER AND ELK POPULATIONS FOR ENJOYMENT BY ALL CITIZENS OF THE STATE.

(3) A TIMELY AND SIMPLIFIED PROCESS FOR RESOLVING CLAIMS FOR DAMAGES CAUSED BY DEER AND ELK FOR COMMERCIAL AGRICULTURAL OR HORTICULTURAL PRODUCTS, AND RANGELAND USED FOR GRAZING OR BROWSING OF DOMESTIC LIVESTOCK IS BENEFICIAL TO THE CLAIMANT AND THE STATE.

SEC. 2. RCW 77.36.010 AND 1996 C 54 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

~~((UNLESS OTHERWISE SPECIFIED,))~~ THE ~~((FOLLOWING))~~ DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS CHAPTER ~~((:))~~ UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE.

(1) "CROP" MEANS ~~((A COMMERCIALY RAISED HORTICULTURAL AND/OR AGRICULTURAL PRODUCT AND INCLUDES GROWING OR HARVESTED PRODUCT BUT DOES NOT INCLUDE LIVESTOCK))~~ (A) A GROWING OR HARVESTED HORTICULTURAL AND/OR AGRICULTURAL PRODUCT FOR COMMERCIAL PURPOSES; OR (B) RANGELAND FORAGE ON PRIVATELY OWNED LAND USED FOR GRAZING OR BROWSING OF DOMESTIC LIVESTOCK FOR AT LEAST A PORTION OF THE YEAR FOR COMMERCIAL PURPOSES. FOR THE PURPOSES OF THIS CHAPTER ALL PARTS OF HORTICULTURAL TREES SHALL BE CONSIDERED A CROP AND SHALL BE ELIGIBLE FOR CLAIMS.

(2) "EMERGENCY" MEANS AN UNFORESEEN CIRCUMSTANCE BEYOND THE CONTROL OF THE LANDOWNER OR TENANT THAT PRESENTS A REAL AND IMMEDIATE THREAT TO CROPS, DOMESTIC ANIMALS, OR FOWL.

(3) "IMMEDIATE FAMILY MEMBER" MEANS SPOUSE, BROTHER, SISTER, GRANDPARENT, PARENT, CHILD, OR GRANDCHILD.

SEC. 3. RCW 77.36.080 AND 1996 C 54 S 9 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE DEPARTMENT MAY PAY NO MORE THAN THIRTY THOUSAND DOLLARS PER FISCAL YEAR FROM THE GENERAL FUND FOR CLAIMS UNDER RCW 77.36.040 AND FOR ASSESSMENT COSTS AND COMPROMISE OF CLAIMS UNLESS THE LEGISLATURE DECLARES AN EMERGENCY. SUCH MONEY SHALL BE USED TO PAY ANIMAL DAMAGE CLAIMS ONLY IF THE CLAIM MEETS THE CONDITIONS OF RCW 77.36.040 AND THE DAMAGE OCCURRED IN A PLACE WHERE THE OPPORTUNITY TO HUNT WAS RESTRICTED OR PROHIBITED BY A COUNTY, MUNICIPALITY, OR OTHER PUBLIC ENTITY DURING THE SEASON PRIOR TO THE OCCURRENCE OF THE DAMAGE.

(2) THE LEGISLATURE MAY DECLARE AN EMERGENCY, DEFINED FOR THE PURPOSES OF THIS SECTION AS ANY HAPPENING ARISING FROM WEATHER, OTHER NATURAL CONDITIONS, OR FIRE THAT CAUSES UNUSUALLY GREAT DAMAGE BY DEER OR ELK TO COMMERCIALY RAISED AGRICULTURAL OR HORTICULTURAL CROPS ~~((BY DEER OR ELK)),~~ OR RANGELAND FORAGE ON PRIVATELY OWNED LAND USED FOR GRAZING OR BROWSING OF DOMESTIC LIVESTOCK FOR AT LEAST A PORTION OF THE YEAR. IN AN EMERGENCY, THE DEPARTMENT MAY PAY AS MUCH AS MAY BE SUBSEQUENTLY APPROPRIATED, IN ADDITION TO THE FUNDS AUTHORIZED UNDER SUBSECTION (1) OF THIS SECTION, FOR CLAIMS UNDER RCW 77.36.040 AND FOR ASSESSMENT AND COMPROMISE OF CLAIMS. SUCH MONEY SHALL BE USED TO PAY ANIMAL DAMAGE CLAIMS ONLY IF THE CLAIM MEETS THE CONDITIONS OF RCW 77.36.040 AND THE DEPARTMENT HAS EXPENDED ALL FUNDS AUTHORIZED UNDER RCW 77.36.070 OR SUBSECTION (1) OF THIS SECTION.

(3) OF THE TOTAL FUNDS AVAILABLE EACH FISCAL YEAR UNDER SUBSECTION (1) OF THIS SECTION AND RCW 77.36.070, NO MORE THAN ONE-THIRD OF THIS TOTAL MAY BE USED TO PAY ANIMAL DAMAGE CLAIMS FOR RANGELAND FORAGE ON PRIVATELY OWNED LAND.

(4) OF THE TOTAL FUNDS AVAILABLE EACH FISCAL YEAR UNDER SUBSECTION (1) OF THIS SECTION AND RCW 77.36.070 THAT REMAIN UNSPENT AT THE END OF THE FISCAL YEAR, FIFTY PERCENT SHALL BE UTILIZED AS MATCHING GRANTS TO ENHANCE HABITAT FOR DEER AND ELK ON PUBLIC LANDS.

NEW SECTION. SEC. 4. A NEW SECTION IS ADDED TO CHAPTER 43.131 RCW TO READ AS FOLLOWS:

THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE MUST CONDUCT A PROGRAM REVIEW, AS PROVIDED IN THIS CHAPTER, OF THE PROGRAM TO REIMBURSE LANDOWNERS FOR DAMAGE TO RANGELAND USED FOR GRAZING OR BROWSING OF DOMESTIC LIVESTOCK CAUSED BY DEER AND ELK, ESTABLISHED IN SECTIONS 1 THROUGH 3, CHAPTER . . . , LAWS OF 2001 (SECTIONS 1 THROUGH 3 OF THIS ACT). THE REVIEW MUST BE COMPLETED BY JANUARY 1, 2004.

NEW SECTION. SEC. 5. THE FOLLOWING EXPIRE JUNE 30, 2004:

(1) SECTION 1, CHAPTER . . . , LAWS OF 2001 (SECTION 1 OF THIS ACT);

(2) SECTION 2, CHAPTER . . . , LAWS OF 2001 (SECTION 2 OF THIS ACT); AND

(3) SECTION 3, CHAPTER . . . , LAWS OF 2001 (SECTION 3 OF THIS ACT).

NEW SECTION. Sec. 6. THIS ACT IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY, OR SUPPORT OF THE STATE GOVERNMENT AND ITS EXISTING PUBLIC INSTITUTIONS, AND TAKES EFFECT JULY 1, 2001."

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE STRIKING AMENDMENT BY SENATORS SWECKER, RASMUSSEN, SPANEL AND JACOBSEN TO SECOND SUBSTITUTE HOUSE BILL NO. 1752.

THE MOTION BY SENATOR RASMUSSEN CARRIED AND THE STRIKING AMENDMENT WAS ADOPTED.

MOTIONS

ON MOTION OF SENATOR SWECKER, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 2 OF THE TITLE, AFTER "LIVESTOCK;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 77.36.005, 77.36.010, AND 77.36.080; ADDING A NEW SECTION TO CHAPTER 43.131 RCW; PROVIDING AN EFFECTIVE DATE; PROVIDING AN EXPIRATION DATE; AND DECLARING AN EMERGENCY."

ON MOTION OF SENATOR SWECKER, THE RULES WERE SUSPENDED, SECOND SUBSTITUTE HOUSE BILL NO. 1752, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SECOND SUBSTITUTE HOUSE BILL NO. 1752, AS AMENDED BY THE SENATE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SECOND SUBSTITUTE HOUSE BILL NO. 1752, AS AMENDED BY THE SENATE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 32; NAYS, 13; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS BROWN, CARLSON, FINKBEINER, FRANKLIN, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, LONG, McCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, RASMUSSEN, ROACH, ROSSI, SHEAHAN, SHELDON, T., SHIN, SNYDER, STEVENS, SWECKER, WEST, WINSLEY AND ZARELLI - 32.

VOTING NAY: SENATORS CONSTANTINE, EIDE, FAIRLEY, FRASER, GARDNER, KLINE, KOHL-WELLES, McAULIFFE, PRENTICE, REGALA, SHELDON, B., SPANEL AND THIBAudeau - 13.

EXCUSED: SENATORS BENTON, COSTA, DECCIO AND HAUGEN - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 1752, AS AMENDED BY THE SENATE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

AT 6:30 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE WAS DECLARED TO BE AT EASE.

THE SENATE WAS CALLED TO ORDER AT 6:35 P.M. BY PRESIDENT OWEN.

MOTION

ON MOTION OF SENATOR WEST, AND THERE BEING NO OBJECTION, HE WITHDREW THE MOTION ON APRIL 4, 2001, TO RECONSIDER THE VOTE BY WHICH HOUSE BILL NO. 1836 PASSED THE SENATE.

MOTIONS

ON MOTION OF SENATOR HEWITT, SENATOR HONEYFORD WAS EXCUSED.

ON MOTION OF SENATOR EIDE, SENATOR REGALA WAS EXCUSED.

SECOND READING

SENATE BILL NO. 5144, BY SENATORS WINSLEY, LONG, HONEYFORD, FRANKLIN, CARLSON, FRASER AND RASMUSSEN (BY REQUEST OF JOINT COMMITTEE ON PENSION POLICY)

CREATING A SUPPLEMENTAL ACTUARIALLY REDUCED SURVIVOR BENEFIT FOR QUALIFIED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 1 MEMBERS WHO CHOOSE TO ACTUARIALLY REDUCE THEIR BENEFITS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR WINSLEY, THE RULES WERE SUSPENDED, SENATE BILL NO. 5144 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SENATE BILL NO. 5144.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SENATE BILL NO. 5144 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 44; NAYS, 0; ABSENT, 0; EXCUSED, 5.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 44.

EXCUSED: SENATORS BENTON, DECCIO, HAUGEN, HONEYFORD AND REGALA - 5.

SENATE BILL NO. 5144, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

THERE BEING NO OBJECTION, THE PRESIDENT ADVANCED THE SENATE TO THE SEVENTH ORDER OF BUSINESS.

THERE BEING NO OBJECTION, THE SENATE RESUMED CONSIDERATION OF SECOND SUBSTITUTE SENATE BILL NO. 5419, DEFERRED ON THIRD READING EARLIER TODAY.

RULING BY THE PRESIDENT

PRESIDENT OWEN: "IN RULING UPON THE POINT OF ORDER RAISED BY SENATOR WEST THAT SECOND SUBSTITUTE SENATE BILL NO. 5419 IS BEYOND THE CUTOFF TO CONSIDER SENATE BILLS, THE PRESIDENT FINDS AS FOLLOWS: (1) IN THE DEVELOPMENT OF THE BUDGET, CERTAIN SAVINGS WERE ASSUMED, INCLUDING SAVINGS THAT WOULD TAKE PLACE BY REDUCING SENTENCES FOR DRUG OFFENDERS UNDER SECOND SUBSTITUTE SENATE BILL NO. 5419; (2) THE SAVINGS ASSUMED UNDER SECOND SUBSTITUTE SENATE BILL NO. 5419 WERE USED TO BALANCE THE SENATE BUDGET BY REDIRECTING THE SAVINGS TO OTHER PROGRAMS.

"FOR THESE REASONS, THE PRESIDENT FINDS THAT THE MEASURE IS 'NECESSARY TO IMPLEMENT THE BUDGET,' AND NOT SUBJECT TO THE CUTOFF DATE SET FORTH IN SENATE CONCURRENT RESOLUTION NO. 8401."

THE PRESIDENT RULED THAT SECOND SUBSTITUTE SENATE BILL NO. 5419 WAS PROPERLY BEFORE THE SENATE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SECOND SUBSTITUTE SENATE BILL NO. 5419.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SECOND SUBSTITUTE SENATE BILL NO. 5419 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 31; NAYS, 14; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HARGROVE, HEWITT, HOCHSTATTER, HORN, JACOBSEN, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, PATTERSON, PRENTICE, RASMUSSEN, REGALA, SHELDON, B., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau AND WINSLEY - 31.

VOTING NAY: SENATORS EIDE, HALE, JOHNSON, KASTAMA, McDONALD, MORTON, OKE, PARLETTE, ROACH, ROSSI, SHEAHAN, SHELDON, T., WEST AND ZARELLI - 14.

EXCUSED: SENATORS BENTON, DECCIO, HAUGEN AND HONEYFORD - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5419, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE RETURNED TO THE FOURTH ORDER OF BUSINESS.

MESSAGES FROM THE HOUSE

APRIL 12, 2001

MR. PRESIDENT:

THE CO-SPEAKERS HAVE SIGNED:

**SUBSTITUTE HOUSE BILL NO. 1000,
SUBSTITUTE HOUSE BILL NO. 1004,
HOUSE BILL NO. 1018,
HOUSE BILL NO. 1040,
HOUSE BILL NO. 1048,
ENGROSSED HOUSE BILL NO. 1076,
SUBSTITUTE HOUSE BILL NO. 1117,
SUBSTITUTE HOUSE BILL NO. 1133,
HOUSE BILL NO. 1198,
SUBSTITUTE HOUSE BILL NO. 1203,
HOUSE BILL NO. 1213,
SUBSTITUTE HOUSE BILL NO. 1214,
SUBSTITUTE HOUSE BILL NO. 1234,
HOUSE BILL NO. 1243,
HOUSE BILL NO. 1255,
HOUSE BILL NO. 1257,
SUBSTITUTE HOUSE BILL NO. 1282,
HOUSE BILL NO. 1346,
HOUSE BILL NO. 1385,
SUBSTITUTE HOUSE BILL NO. 1643,
SUBSTITUTE HOUSE BILL NO. 1644,
SUBSTITUTE HOUSE BILL NO. 1661,
HOUSE BILL NO. 1706,
ENGROSSED HOUSE BILL NO. 1745,
SUBSTITUTE HOUSE BILL NO. 1781,
HOUSE BILL NO. 1851,
HOUSE BILL NO. 1855,
SUBSTITUTE HOUSE BILL NO. 1920,
HOUSE BILL NO. 2095, AND THE SAME ARE HEREWITH TRANSMITTED.**

TIMOTHY A. MARTIN, Co-CHIEF CLERK
CYNTHIA ZEHNDER, Co-CHIEF CLERK

APRIL 12, 2001

MR. PRESIDENT:

THE CO-SPEAKERS HAVE SIGNED:

**SUBSTITUTE SENATE BILL NO. 5014,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5017,
SENATE BILL NO. 5108,
SUBSTITUTE SENATE BILL NO. 5255,
SENATE BILL NO. 5316,
SENATE BILL NO. 5317,
SENATE BILL NO. 5359,
SUBSTITUTE SENATE BILL NO. 5509,
SENATE BILL NO. 5518,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5566,
SENATE BILL NO. 5903,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5970,
SUBSTITUTE SENATE BILL NO. 6020,
SUBSTITUTE SENATE BILL NO. 6035, AND THE SAME ARE HEREWITH TRANSMITTED.**

TIMOTHY A. MARTIN, Co-CHIEF CLERK
CYNTHIA ZEHNDER, Co-CHIEF CLERK

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:

SUBSTITUTE HOUSE BILL NO. 1000,

**SUBSTITUTE HOUSE BILL NO. 1004,
HOUSE BILL NO. 1018,
HOUSE BILL NO. 1040,
HOUSE BILL NO. 1048,
ENGROSSED HOUSE BILL NO. 1076,
SUBSTITUTE HOUSE BILL NO. 1117,
SUBSTITUTE HOUSE BILL NO. 1133,
HOUSE BILL NO. 1198,
SUBSTITUTE HOUSE BILL NO. 1203,
HOUSE BILL NO. 1213,
SUBSTITUTE HOUSE BILL NO. 1214,
SUBSTITUTE HOUSE BILL NO. 1234,
HOUSE BILL NO. 1243,
HOUSE BILL NO. 1255,
HOUSE BILL NO. 1257,
SUBSTITUTE HOUSE BILL NO. 1282,
HOUSE BILL NO. 1346,
HOUSE BILL NO. 1385,
SUBSTITUTE HOUSE BILL NO. 1643,
SUBSTITUTE HOUSE BILL NO. 1644,
SUBSTITUTE HOUSE BILL NO. 1661,
HOUSE BILL NO. 1706,
ENGROSSED HOUSE BILL NO. 1745,
SUBSTITUTE HOUSE BILL NO. 1781,
HOUSE BILL NO. 1851,
HOUSE BILL NO. 1855,
SUBSTITUTE HOUSE BILL NO. 1920,
HOUSE BILL NO. 2095.**

PERSONAL PRIVILEGE

SENATOR BROWN: "A POINT OF PERSONAL PRIVILEGE, MR. PRESIDENT. IN THE FLOOR DEBATE ON SECOND SUBSTITUTE SENATE BILL NO. 5419, THE PRIME SPONSOR, SENATOR PATTERSON, REFERRED TO SOME PERSONAL CIRCUMSTANCES TO SOME OF THE MEMBERS OF THE SENATE IN TERMS OF THE EFFECTS ON THEM AND THEIR FAMILIES OF DRUG AND ALCOHOL USE AND ABUSE. I JUST WANTED TO SAY THAT I WAS ONE OF THE INDIVIDUALS THAT SHE REFERENCED AND I FEEL LIKE I WANT TO GIVE HER A DEBT OF GRATITUDE FOR BRINGING SOME OF THOSE THINGS FORWARD. OFTEN WE FAIL TO, MAYBE, MENTION THOSE THINGS OURSELVES, BUT IT IS PART OF THE PASSION THAT BRINGS US HERE AND IT IS PART OF THE THINGS THAT ARE BEHIND THE POLICIES THAT WE PASS. EVEN THOUGH WE HAVE VERY STRONG DIFFERENCES OF OPINION, I REALLY RESPECT THE VIEWS OF THE PEOPLE AND THE WAYS THEIR PERSONAL EXPERIENCES HAVE SHAPED THEIR VIEWS AND HAVE CAUSED THEM TO VOTE THEIR CONSCIENCE ON THIS ISSUE. THANK YOU, MR. PRESIDENT."

PERSONAL PRIVILEGE

SENATOR GARDNER: "A POINT OF PERSONAL PRIVILEGE, MR. PRESIDENT. I WANTED TO EXPRESS MY APPRECIATION TO MY COLLEAGUES AND MY FRIENDS. AS YOU KNOW, I HAVE BEEN THROUGH THE LENGTHY ILLNESS AND DEATH OF MY SIGNIFICANT OTHER, GEORGE MEADOR. AFTER SIXTEEN LONG YEARS OF THINKING IT OVER, WE FINALLY DECIDED TO MARRY THIS SPRING. THAT ISN'T TO BE. I AM SORRY THAT MORE OF YOU DIDN'T GET TO KNOW GEORGE, BECAUSE HE WAS A WONDERFUL MAN. YOUR KINDNESS AND YOUR CONSIDERATION HELPED ME THROUGH THIS TIME. IT IS SOMETHING THAT I DID WANT TO ACKNOWLEDGE, SO I DO APPRECIATE THAT VERY MUCH. THANK YOU."

MOTION

AT 6:50 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 9:00 A.M., FRIDAY, APRIL 13, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

NINETY-FIFTH DAY, APRIL 12, 2001

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

NINETY-SIXTH DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Friday, April 13, 2001

The Senate was called to order at 9:00 a.m. by President Owen. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Ashly Miller and Micah Lugg, presented the Colors. Eido Frances Carney of the Buddhist Zen Center in Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5270,
SENATE BILL NO. 5440, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5270,
SENATE BILL NO. 5440.

MOTION

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

SENATE RESOLUTION 2001-8670

By Senator Finkbeiner

WHEREAS, Of all muscular dystrophies, Duchenne Muscular Dystrophy is the world's most common and lethal form of genetic childhood disease, affecting, according to one study, one in every 3,500 newborn males worldwide, and is characterized by a rapidly progressive form of genetic weakness that results in death, usually by late teens or early twenties; and

WHEREAS, If a female is a carrier of the dystrophin gene with a mutation, there is a fifty percent chance per birth that her male offspring will have Duchenne Muscular Dystrophy, and a fifty percent chance per birth that her female offspring will be a carrier; and

WHEREAS, Other forms of muscular dystrophy affecting children include Becker, limb-girdle, congenital, facioscapulohumeral, mytonic, oculopharyngeal, distal, and Emery-Dreifuss muscular dystrophies and spinal muscular atrophy; and

WHEREAS, Each of these muscular dystrophies, though distinct in progressivity and severity of symptoms, has a devastating impact on thousands of children throughout the United States and worldwide; and

WHEREAS, Children with muscular dystrophy exhibit extreme symptoms of weakness, delay in walking, waddling gait, difficulty in climbing stairs, and progressive mobility problems often in combination with muscle hypertrophy; and

WHEREAS, Because of limited medical research specific to the muscular dystrophies, current treatment options are minimal in efficacy and palliation, and with respect to Duchenne Muscular Dystrophy, are aimed at simply managing the symptoms in an effort to optimize the quality of life; and

WHEREAS, Many family physicians and health care professionals lack the knowledge and resources to detect and properly diagnosis the disease as early as possible, thus exacerbating the progression of symptoms in cases that go undetected or misdiagnosed; and

WHEREAS, This disease has a significant impact on quality of life -- not only for the individual who experiences its painful symptoms and resulting disability, but also for the family members and caregivers; and

WHEREAS, Currently there exists only a small quantity of public information about the various forms of muscular dystrophy, and what little information does exist remains inadequately disseminated and insufficient in addressing the needs of specific diverse populations and other underserved groups; and

WHEREAS, Educating the public and health care community throughout the state and country about this devastating disease is of paramount importance and is in every respect in the public interest and to the benefit of all communities;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize, honor and express appreciation for the courage and efforts of parents of children with muscular dystrophies and other people in our state who work tirelessly to raise public awareness of the needs of children and their families with this disease so that they can survive, thrive and fully participate into adult age; and

BE IT FURTHER RESOLVED, That the Senate of the state of Washington also recognize the collaborative efforts of families and others to disseminate information about muscular dystrophies and marshal private and public resources focused on learning more about causes, treatments and a cure for the various forms of muscular dystrophy; and

BE IT FURTHER RESOLVED, That the Senate of the state of Washington also recognize the plight of all people afflicted with Duchenne Muscular Dystrophy, Becker Muscular Dystrophy and other muscular dystrophies.

MOTION

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

SENATE RESOLUTION 2001-8662

By Senator Hewitt

WHEREAS, Walla Walla has earned a 2001 Great American Main Street Award presented by the National Trust for Historic Preservation; and

WHEREAS, only five such awards are presented annually across the nation; and

WHEREAS, Walla Walla turned around its downtown and reduced empty storefronts from thirty percent in 1985 to only four percent today by undertaking a major streetscape project; and

WHEREAS, Walla Walla's revitalization project proves that Main Street can not only compete with big box retail, it can also change an entire community; and

WHEREAS, by attacking its economic problems head-on, the people of Walla Walla honored their city's past and gave it a future; and

WHEREAS, historic and landmark buildings have been renovated, redeveloped, and expanded to attract high-tech office space, restaurants; and retail businesses;

WHEREAS, downtown Walla Walla provides tourists and residents a place to enjoy festivals, concerts, farmer's markets, celebrations, and parades;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the citizens, community leaders, and business owners of Walla Walla be recognized for investing in their city's heart and soul and for achieving recognition as a Great American Main Street;

BE IT FURTHER RESOLVED, that a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Mayor and City Council of Walla Walla, to the Walla Walla Chamber of Commerce, to the Walla Walla County Commissioners, to the Washington State Tourism Council and to the Director of Walla Walla Downtown Foundation, Timothy Bishop.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 5, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5413 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 13.34 RCW to read as follows:

(1) Following shelter care and no later than twenty-five days prior to fact-finding, the department, upon the parent's request, shall facilitate a conference to develop and specify in a written service agreement the expectations of both the department and the parent regarding the care and placement of the child.

The department shall invite to the conference the parent, the foster parent or other out-of-home care provider, caseworker, counselor, or other relevant health care provider, and any other person connected to the development and well-being of the child.

The initial written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement must set forth specific criteria that enables the court to measure the performance of both the department and the parent, and must be updated throughout the dependency process to reflect changes in expectations. The service agreement must serve as the unifying document for all expectations established in the department's various case planning and case management documents and the findings and orders of the court during dependency proceedings.

The court shall review the written service agreement at each stage of the dependency proceedings and evaluate the performance of both the department and the parent for consistent, measurable progress in complying with the expectations identified in the agreement.

(2) At any other stage in a dependency proceeding, the department, upon the parent's request, shall facilitate a case conference.

Sec. 2. RCW 13.34.062 and 2000 c 122 s 5 are each amended to read as follows:

(1) The written notice of custody and rights required by RCW 13.34.060 shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number).

5. You may request that the department facilitate a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may participate in the case conference.

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(2) If child protective services is not required to give notice under RCW 13.34.060(2) and subsection (1) of this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(3) Reasonable efforts to advise and to give notice, as required in RCW 13.34.060(2) and subsections (1) and (2) of this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian;
and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

(4) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(5) A shelter care order issued pursuant to RCW 13.34.065 may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(6) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

Sec. 3. RCW 13.34.065 and 2000 c 122 s 7 are each amended to read as follows:

(1) The juvenile court probation counselor shall submit a recommendation to the court as to the further need for shelter care unless the petition has been filed by the department, in which case the recommendation shall be submitted by the department.

(2) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(a) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(b)(i) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(ii) The release of such child would present a serious threat of substantial harm to such child; or

(iii) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to RCW 13.34.060(1), the court shall order continued placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized. If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1). If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. The court shall enter a finding as to whether RCW 13.34.060(2) and subsections (1) and (2) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.

(3) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent and give weight to that fact before ordering return of the child to shelter care.

(4) If a child is returned home from shelter care a second time, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(5) If a child is returned home from shelter care a second time, a law enforcement officer must be present and file a report.

Sec. 4. RCW 13.34.180 and 2000 c 122 s 25 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (2) or (3) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within

the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

(2) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(3) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number)."

Sec. 5. RCW 13.34.138 and 2000 c 122 s 19 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The initial review hearing shall be set six months from the beginning date of the placement episode or no more than sixty to ninety days from the entry of the disposition order, whichever comes first. The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(2) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

NEW SECTION. Sec. 6. A new section is added to chapter 13.34 RCW to read as follows:

The department shall inform parents who request a case conference about the process prior to the process being undertaken.

Sec.7. RCW 13.34.110 and 2000 c 122 s 11 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor. The rules of evidence shall apply at the fact-finding hearing and the parent, guardian, or legal custodian of the child shall have all of the rights provided in RCW 13.34.090(1). The petitioner shall have the burden of establishing by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030.

(2)(a) The parent, guardian, or legal custodian of the child may waive his or her right to a fact-finding hearing by stipulating or agreeing to the entry of an order of dependency establishing that the child is dependent within the meaning of RCW 13.34.030. The parent, guardian, or legal custodian may also stipulate or agree to an order of disposition pursuant to RCW 13.34.130 at the same time. Any stipulated or agreed order of dependency or disposition must be signed by the parent, guardian, or legal custodian and his or her attorney, unless the parent, guardian, or legal custodian has waived his or her right to an attorney in open court, and by the petitioner and the attorney, guardian ad litem, or court-appointed special advocate for the child, if any. If the department of social and health services is not the petitioner and is required by the order to supervise the placement of the child or provide services to any party, the department must also agree to and sign the order.

(b) Entry of any stipulated or agreed order of dependency or disposition is subject to approval by the court. The court shall receive and review a social study before entering a stipulated or agreed order and shall consider whether the order is consistent with the allegations of the dependency petition and the problems that necessitated the child's placement in out-of-home care. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.

(c) Prior to the entry of any stipulated or agreed order of dependency, the parent, guardian, or legal custodian of the child and his or her attorney must complete a Stipulated/Agreed Dependency Fact-Finding/Disposition Statement. The form of this statement shall be determined by the Washington state supreme court pursuant to General Rule GR 9 and shall include the following:

(i) The parent, guardian, or legal custodian understands the terms of the order or orders he or she has signed, including his or her responsibility to participate in remedial services as provided in any disposition order;

(ii) The parent, guardian, or legal custodian understands that entry of the order starts a process that could result in the filing of a petition to terminate his or her relationship with the child within the time frames required by state and federal law if he or she fails to comply with the terms of the dependency or disposition orders or fails to substantially remedy the problems that necessitated the child's placement in out-of-home care;

(iii) The parent, guardian, or legal custodian understands that the entry of the stipulated or agreed order of dependency is an admission that the child is dependent within the meaning of RCW 13.34.030 and shall have the same legal effect as a finding by the court that the child is dependent by at least a preponderance of the evidence, and that the parent, guardian, or legal custodian shall not have the right in any subsequent proceeding for termination of parental rights or dependency guardianship pursuant to this chapter or nonparental custody pursuant to chapter 26.10 RCW to challenge or dispute the fact that the child was found to be dependent; and

(iv) The parent, guardian, or legal custodian knowingly and willingly stipulated and agreed to and signed the order or orders, without duress, and without misrepresentation or fraud by any other party.

(3) Immediately after the entry of the findings of fact, the court shall hold a disposition hearing, unless there is good cause for continuing the matter for up to fourteen days. If good cause is shown, the case may be continued for longer than fourteen days. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by certified mail of the time and place of any continued hearing. Unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who: ((4)) (a) Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt; ((2)) (b) are known to the department as having been in contact with the family or child within the past twelve months; and ((3)) (c) would be an appropriate placement for the child. Reasonable cause to dispense with notification to a parent under this section must be proved by clear, cogent, and convincing evidence.

The parties need not appear at the fact-finding or dispositional hearing if the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement. ((The court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in

connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.))"

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Gardner, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 5413 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 4, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5443 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.65.160 and 2000 c 107 s 37 are each amended to read as follows:

(1) The following commercial salmon fishery licenses are required for the license holder to use the specified gear to fish for salmon in state waters. Only a person who meets the qualifications of RCW 77.70.090 may hold a license listed in this subsection. The licenses and their annual fees and surcharges under RCW 77.95.090 are:

Fishery Resident Nonresident Surcharge License Fee Fee

***(a) Salmon Gill Net--Grays \$380 \$685 plus \$100
Harbor-Columbia river***

***(b) Salmon Gill Net--Puget \$380 \$685 plus \$100
Sound***

***(c) Salmon Gill Net--Willapa \$380 \$685 plus \$100
Bay-Columbia river***

(d) Salmon purse seine \$530 \$985 plus \$100

(e) Salmon reef net \$380 \$685 plus \$100

(f) Salmon troll \$380 \$685 plus \$100

(2) A license issued under this section authorizes no taking or delivery of salmon or other food fish unless a vessel is designated under RCW 77.65.100.

(3) Holders of commercial salmon fishery licenses may retain incidentally caught food fish other than salmon, subject to rules of the department.

(4) A salmon troll license includes a salmon delivery license.

(5) A salmon gill net license authorizes the taking of salmon only in the geographical area for which the license is issued. The geographical designations in subsection (1) of this section have the following meanings:

(a) "Puget Sound" includes waters of the Strait of Juan de Fuca, Georgia Strait, Puget Sound and all bays, inlets, canals, coves, sounds, and estuaries lying easterly and southerly of the international boundary line and a line at the entrance to the Strait of Juan de Fuca projected northerly from Cape Flattery to the lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver Island.

(b) "Grays Harbor-Columbia river" includes waters of Grays Harbor and tributary estuaries lying easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and tributary sloughs and estuaries easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and tributary estuaries and easterly of a line projected northerly from Leadbetter Point to the Cape Shoalwater tower and those waters of the Columbia river and tributary sloughs described in (b) of this subsection.

(6) A commercial salmon troll fishery license may be renewed under this section if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. A commercial salmon gill net, reef net, or seine fishery license may be renewed under this section if the license holder notifies the department ~~((by August 1st))~~ before the third Monday in September of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred-dollar enhancement surcharge, plus a fifteen-dollar handling charge before the third Monday in September, in order to be considered a valid renewal and eligible to renew the license the following year.

(7) Notwithstanding the annual license fees and surcharges established in subsection (1) of this section, a person who holds a resident commercial salmon fishery license shall pay an annual license fee of one hundred dollars without a surcharge if all of the following conditions are met:

(a) The license holder is at least seventy-five years of age;

(b) The license holder owns a fishing vessel and has fished with a resident commercial salmon fishery license for at least twenty years;

and

(c) The commercial salmon fishery license is for a geographical area other than the Puget Sound.

An alternate operator may not be designated for a license renewed at the one hundred dollar annual fee under this subsection (7).

Sec. 2. RCW 77.65.030 and 1993 c 340 s 3 are each amended to read as follows:

The application deadline for a commercial license or permit established in this chapter is December 31st of the calendar year for which the license or permit is sought. The department shall accept no license or permit applications after December 31st of the calendar year for which the license or permit is sought. The application deadline in this section does not apply to a license or permit that has not been renewed because of the death of the license or permit holder. The license or permit holder's surviving spouse, estate, or estate beneficiary must be given a reasonable opportunity to renew the license or permit.

Sec. 3. RCW 77.65.070 and 1996 c 267 s 27 are each amended to read as follows:

(1) A commercial license issued under this chapter permits the license holder to engage in the activity for which the license is issued in accordance with this title and the rules of the department.

(2) No security interest or lien of any kind, including tax liens, may be created or enforced in a license issued under this chapter.

(3) Unless otherwise provided in this title or rules of the department, commercial licenses and permits issued under this chapter expire at midnight on December 31st of the calendar year for which they are issued. In accordance with this title, licenses may be renewed annually upon application and payment of the prescribed license fees. In accordance with RCW 77.65.030, the department must provide a license or permit holder's surviving spouse, estate, or estate beneficiary a reasonable opportunity to renew the license or permit.

Correct the title, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Gardner, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5443 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 6, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5583 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 71.24.015 and 1999 c 214 s 7 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs which provide for:

(1) Access to mental health services for adults of the state who are acutely mentally ill, chronically mentally ill, or seriously disturbed and children of the state who are acutely mentally ill, severely emotionally disturbed, or seriously disturbed, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. Access to mental health services shall not be limited by a person's history of confinement in a state, federal, or local correctional facility. It is also the purpose of this chapter to promote the early identification of mentally ill children and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and should enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) Accountability of efficient and effective services through state of the art outcome and performance measures and statewide standards for monitoring client and system outcomes, performance, and reporting of information. These processes shall be designed so as to maximize the use of available resources for direct care of people with a mental illness;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill consistent with the priorities defined in the statute;

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of the mentally ill, and other service providers; and

(6) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders. The legislature intends to encourage the development of county-based and county-managed mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties are encouraged to enter into joint operating agreements with other counties to form regional systems of care which integrate planning, administration, and service delivery duties assigned to counties under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

NEW SECTION. Sec. 2. A new section is added to chapter 71.24 RCW to read as follows:

The department shall operate the community mental health service delivery system authorized under this chapter within the following constraints:

(1) The full amount of federal funds for mental health services, plus qualifying state expenditures as appropriated in the biennial operating budget, shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the community mental health service delivery system authorized in this chapter.

(2) The department may expend funds defined in subsection (1) of this section in any manner that will effectively accomplish the outcome measures defined in section 4 of this act. No more than twenty percent of the amount provided in subsection (1) of this section may be spent cumulatively for administrative purposes by the department, regional support networks, and providers. For the purpose of this subsection, "administrative purposes" does not include expenditures for information technology and computerization needed for tracking and monitoring required under RCW 71.24.035.

(3) The department shall implement strategies that accomplish the outcome measures identified in section 4 of this act that are within the funding constraints in this section. The department may transfer appropriation authority between funding categories within the health and rehabilitation services administration, the children and family services administration, the aging and adult services administration, and the medical assistance administration in order to carry out the requirements of this subsection.

(4) The department shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 71.24 RCW to read as follows:

It is the intent of the legislature that the community mental health service delivery system focus on maintaining mentally ill individuals in the community. The program shall be evaluated and managed through a limited number of performance measures designed to hold each regional support network accountable for program success.

NEW SECTION. Sec. 4. A new section is added to chapter 71.24 RCW to read as follows:

(1) The department, in collaboration with a work group made up of consumers, service providers, and representatives of regional support networks shall develop performance measures for use in evaluating and managing the community mental health service delivery system authorized under this chapter. The performance measures shall be reviewed, and updated as needed, by January 15th of each odd-numbered year. The performance measures shall be consistent with the provisions of RCW 71.24.405(3) which may include but are not limited to:

- (a) Access to services;
- (b) Quality and appropriateness of care;
- (c) Outcome measures; including, but not limited to:
 - (i) Consumer change over time;
 - (ii) Consumer perception of hope for the future;
 - (iii) Percent of consumers who have safe and stable housing;
 - (iv) Percent of adults employed for one or more days in the last thirty days;
 - (v) Percent of consumers without a jail or detention stay;
 - (vi) Percent of available school days attended in the past thirty days;
 - (vii) Percent of consumers without a psychiatric hospitalization; and
- (d) Structure and plan management.

(2) The department shall require that service providers and regional support networks collect uniform performance measure information and report it to the department regularly. The department shall develop benchmarks that compare performance measure information from all regional support networks and providers to provide a clear indication of the most effective regional support networks and providers. Benchmark information shall be published quarterly and provided to the legislature, the governor, regional support networks, and all providers of mental health services.

NEW SECTION. Sec. 5. A new section is added to chapter 71.24 RCW to read as follows:

Every regional support network and mental health services provider shall be evaluated using the criteria in section 4 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 71.24 RCW to read as follows:

The department shall provide a report to the appropriate committees of the legislature on the development, implementation, and achievement of the performance measures by regional support networks and service providers on an annual basis, no later than June 30th of each year, beginning in 2002. The report shall include how the department is using the outcome measure information obtained under section 4 of this act to manage the community mental health service delivery system.

Sec. 7. RCW 71.24.025 and 1999 c 10 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

- (a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;
- (b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or
- (c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs under RCW 71.24.045, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to RCW 71.24.300(1)((d)) (e).

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" means an adult who has a mental disorder and meets at least one of the following criteria:

- (a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or
- (b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or
- (c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Community mental health program" means all mental health services, activities, or programs using available resources.

(6) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(7) "Community support services" means services authorized, planned, and coordinated through resource management services including, at (least) a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of

relevant patient information between service providers, and other services determined by regional support networks (and maintenance of a patient tracking system for chronically mentally ill adults and severely emotionally disturbed children)).

(8) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(9) "Department" means the department of social and health services.

(10) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body that meets state minimum standards or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(11) "Mental health services" means all services provided by regional support networks and other services provided by the state for the mentally ill.

(12) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (4), (17), and (18) of this section.

(13) "Regional support network" means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary pursuant to this chapter.

(14) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill adults, severely emotionally disturbed children, or seriously disturbed adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(15) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Acutely mentally ill adults and children; (b) chronically mentally ill adults; (c) severely emotionally disturbed children; or (d) seriously disturbed adults determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

(16) "Secretary" means the secretary of social and health services.

(17) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(18) "Severely emotionally disturbed child" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(19) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

(20) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

Sec. 8. RCW 71.24.030 and 1999 c 10 s 3 are each amended to read as follows:

The secretary is authorized to make grants to and/or purchase services from counties or combinations of counties in the establishment and operation of community mental health programs.

Sec. 9. RCW 71.24.035 and 1999 c 10 s 4 are each amended to read as follows:

- (1) The department is designated as the state mental health authority.
- (2) The secretary ~~((may))~~ shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.
- (3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.
- (4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.
- (5) The secretary shall:
 - (a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;
 - (b) Assure that any regional or county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:
 - (A) Outpatient services;
 - (B) Emergency care services for twenty-four hours per day;
 - (C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;
 - (D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;
 - (E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;
 - (F) Consultation and education services; and
 - (G) Community support services;
 - (c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:
 - (i) Licensed service providers. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies;
 - (ii) Regional support networks; and
 - (iii) ~~((Residential and))~~ Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;
 - (d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;
 - (e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used ~~((by the))~~ in contracting with regional support networks or counties. The standard contract shall include a maximum fund balance, which shall not exceed ten percent;
 - (f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;
 - (g) Develop and maintain an information system to be used by the state, counties, and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440. The design of the system and the data elements to be collected shall be reviewed each biennium by a committee appointed by the secretary and representing the department, regional support networks, service providers, consumers, and advocates. The data elements shall be designed to provide information that is needed to measure performance and achieve the service outcomes identified in section 4 of this act;
 - (h) License service providers who meet state minimum standards;
 - (i) Certify regional support networks that meet state minimum standards;
 - (j) Periodically ~~((inspect))~~ monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department and the regional support network at reasonable times and in a reasonable manner;
 - (k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;
 - (l) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter; and
 - (m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter. The secretary may not adopt rules that divert resources from the direct care of people with a mental illness unless they are directly required for the health and safety of consumers, the implementation of this chapter, or other state or federal requirements.
- (6) The secretary shall use available resources only for regional support networks.
- (7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as set forth in subsection (5)(b) of this section. These factors shall include the population concentrations resulting from commitments under chapters 71.05 and 71.34 RCW to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(14) The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Allocate one hundred percent of available resources to the regional support networks in accordance with subsection (13) of this section.

(d) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(e) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

~~((f) Identify in its departmental biennial operating and capital budget requests the funds requested by regional support networks to implement their responsibilities under this chapter.))~~

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. It is the intent of the legislature that the department take great care to avoid, in the processing of a waiver request, creating requirements that divert available resources from direct care. The department shall periodically report its efforts to the ~~((health care and corrections))~~ appropriate committees of the senate and the ~~((human services committee of the))~~ house of representatives.

~~((17) The secretary shall establish a task force to examine the recruitment, training, and compensation of qualified mental health professionals in the community, which shall include the advantages and disadvantages of establishing a training academy, loan forgiveness program, or educational stipends offered in exchange for commitments of employment in mental health.))~~

Sec. 10. RCW 71.24.037 and 1999 c 10 s 5 are each amended to read as follows:

(1) The secretary shall by rule establish state minimum standards for licensed service providers and services.

(2) Minimum standards for licensed service providers shall, at a minimum, establish: Qualifications for staff providing services directly to mentally ill persons, the intended result of each service, and the rights and responsibilities of persons receiving mental health services pursuant to this chapter. The secretary shall provide for deeming of licensed service providers as meeting state minimum standards as a result of accreditation by a recognized behavioral health accrediting body.

(3) ~~((Minimum standards for residential services shall be based on clients' functional abilities and not solely on their diagnoses, limited to health and safety, staff qualifications, and program outcomes. Minimum standards for residential services shall be developed in collaboration with consumers, families, counties, regulators, and residential providers serving the mentally ill. The minimum standards shall encourage the development of broad-range residential programs, including integrated housing and cross-systems programs where appropriate, and shall not unnecessarily restrict programming flexibility.))~~

(4)) Minimum standards for community support services and resource management services shall include at least qualifications for resource management services, client tracking systems, and the transfer of patient information between service providers.

Sec. 11. RCW 71.24.045 and 1992 c 230 s 5 are each amended to read as follows:

The county authority shall:

(1) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective;

(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts(~~(, including the minimum standards of service delivery as established by the department)~~);

(4) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(5) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

(6) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is one hundred twenty-five thousand or more may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(7) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

Sec. 12. RCW 71.24.049 and 1999 c 10 s 6 are each amended to read as follows:

By January 1st of each odd-numbered year, the (~~county authority~~) regional support network shall identify: (1) The number of children in each priority group, as defined by this chapter, who are receiving mental health services funded in part or in whole under this chapter, (2) the amount of funds under this chapter used for children's mental health services, (3) an estimate of the number of unserved children in each priority group, and (4) the estimated cost of serving these additional children and their families.

Sec. 13. RCW 71.24.155 and 1987 c 505 s 65 are each amended to read as follows:

Grants shall be made by the department to (~~counties~~) regional support networks for community mental health programs totaling not less than ninety-five percent of available resources. The department may use up to forty percent of the remaining five percent to provide community demonstration projects, including early intervention or primary prevention programs for children, and the remainder shall be for emergency needs and technical assistance under this chapter.

Sec. 14. RCW 71.24.160 and 1989 c 205 s 7 are each amended to read as follows:

The (~~county authority~~) regional support networks shall make satisfactory showing to the secretary that state funds shall in no case be used to replace local funds from any source being used to finance mental health services prior to January 1, 1990.

Sec. 15. RCW 71.24.250 and 1982 c 204 s 14 are each amended to read as follows:

The (~~county authority~~) regional support network may accept and expend gifts and grants received from private, county, state, and federal sources.

Sec. 16. RCW 71.24.300 and 1999 c 214 s 8 and 1999 c 10 s 9 are each reenacted and amended to read as follows:

A county authority or a group of county authorities whose combined population is no less than forty thousand may enter into a joint operating agreement to form a regional support network. Upon the request of a tribal authority or authorities within a regional support network the joint operating agreement or the county authority shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network. The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served. The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that counties and the regional support network do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary.

(1) Regional support networks shall submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Assume the powers and duties of county authorities within its area as described in RCW 71.24.045 (1) through (7).

(c) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(~~(e)~~) (d) Provide within the boundaries of each regional support network evaluation and treatment services for at least eighty-five percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks with populations of less than one hundred fifty thousand may contract to purchase evaluation and treatment services from other networks. Insofar as the original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each regional support network. Such exceptions are limited to contracts with neighboring or contiguous regions.

(~~(d)~~) (e) Administer a portion of funds appropriated by the legislature to house mentally ill persons in state institutions from counties within the boundaries of any regional support network, with the exception of persons currently confined at, or under

the supervision of, a state mental hospital pursuant to chapter 10.77 RCW, and provide for the care of all persons needing evaluation and treatment services for periods up to seventeen days according to chapter 71.05 RCW in appropriate residential services, which may include state institutions. The regional support networks shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium when reimbursement occurs. The secretary shall submit a report to the appropriate committees of the senate and house of representatives on the efforts to implement this section by October 1, 2002. The duty of a state hospital to accept persons for evaluation and treatment under chapter 71.05 RCW is limited by the responsibilities assigned to regional support networks under this section.

~~((e))~~ (f) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as defined in RCW 71.24.035, and mental health services to children as provided in this chapter designed to achieve the outcomes specified in section 4 of this act.

~~((f))~~ (g) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(2) Regional support networks shall assume all duties assigned to county authorities by this chapter and chapter 71.05 RCW.

(3) A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the mentally ill and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(4) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter. The composition of the board shall be broadly representative of the demographic character of the region and the mentally ill persons served therein. Length of terms of board members shall be determined by the regional support network.

(5) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary. ~~((Such contracts may include agreements to provide periods of stable community living and work or other day activities for specific chronically mentally ill persons who have completed commitments at state hospitals on ninety-day or one hundred eighty-day civil commitments or who have been residents at state hospitals for no less than one hundred eighty days within the previous year. Periods of stable community living may involve acute care in local evaluation and treatment facilities but may not involve use of state hospitals.))~~

(6) Counties or groups of counties participating in a regional support network are not subject to RCW 71.24.045(6).

~~(7) ((As part of each biennial plan, each regional support network shall establish and submit to the state, procedures and agreements to assure access to sufficient additional local evaluation and treatment facilities to meet the requirements of this chapter while reducing short-term admissions to state hospitals. These shall be commitments to construct and operate, or contract for the operation of, freestanding evaluation and treatment facilities or agreements with local evaluation and treatment facilities which shall include (a) required admission and treatment for short-term inpatient care for any person enrolled in community support or residential services, (b) discharge planning procedures, (c) limitations on admissions or transfers to state hospitals, (d) adequate psychiatric supervision, (e) prospective payment methods, and (f) contractual assurances regarding referrals to local evaluation and treatment facilities from regional support networks.~~

~~(8))~~ Regional support networks may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the regional support network six-year operating and capital plan, timeline, and budget required by subsection (1) of this section.

Sec. 17. RCW 71.24.310 and 1989 c 205 s 6 are each amended to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the regional support network defined in RCW 71.24.025. For this reason, the legislature intends that any enhanced program funding for implementation of chapter 71.05 RCW or this chapter, except for funds allocated for implementation of mandatory statewide programs as required by federal statute, be made available ~~((primarily))~~ only to those counties participating in regional support networks.

Sec. 18. RCW 71.24.400 and 1999 c 10 s 10 are each amended to read as follows:

The legislature finds that the current complex set of federal, state, and local rules and regulations, audited and administered at multiple levels, which affect the community mental health service delivery system, focus primarily on the process of providing mental health services and do not sufficiently address consumer and system outcomes. The legislature finds that the department and the community mental health service delivery system must make ongoing efforts to achieve the purposes set forth in RCW 71.24.015 related to reduced administrative layering, duplication, elimination of process measures, and reduced administrative costs.

Sec. 19. RCW 71.24.405 and 1999 c 10 s 11 are each amended to read as follows:

The department shall establish a ~~((single))~~ comprehensive and collaborative ~~((project))~~ effort within regional support networks and with local mental health service providers aimed at creating innovative and streamlined community mental health service delivery systems, in order to carry out the purposes set forth in RCW 71.24.400 and to capture the diversity of the community mental health service delivery system.

The ~~((project))~~ department must accomplish the following:

(1) Identification, review, and cataloging of all rules, regulations, duplicative administrative and monitoring functions, and other requirements that currently lead to inefficiencies in the community mental health service delivery system and, if possible, eliminate the requirements;

(2) The systematic and incremental development of a single system of accountability for all federal, state, and local funds provided to the community mental health service delivery system. Systematic efforts should be made to include federal and local funds into the single system of accountability;

(3) The elimination of process regulations and related contract and reporting requirements. In place of the regulations and requirements, a set of outcomes for mental health adult and children clients according to chapter 71.24 RCW must be used to measure the performance of mental health service providers and regional support networks. Such outcomes shall focus on

stabilizing out-of-home and hospital care, increasing stable community living, increasing age-appropriate activities, achieving family and consumer satisfaction with services, and system efficiencies;

(4) Evaluation of the feasibility of contractual agreements between the department of social and health services and regional support networks and mental health service providers that link financial incentives to the success or failure of mental health service providers and regional support networks to meet outcomes established for mental health service clients;

(5) The involvement of mental health consumers and their representatives (~~(in the pilot projects)~~). Mental health consumers and their representatives will be involved in the development of outcome standards for mental health clients (~~and other related aspects of the pilot projects~~) under section 4 of this act; and

(6) An independent evaluation component to measure the success of the (~~projects~~) department in fully implementing the provisions of RCW 71.24.400 and this section."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Gardner, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 5583 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 5, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5695 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares:

- (1) Teacher qualifications and effectiveness are the most important influences on student learning in schools.
- (2) Preparation of individuals to become well-qualified, effective teachers must be high quality.
- (3) Teachers who complete high-quality alternative route programs with intensive field-based experience, adequate coursework, and strong mentorship do as well or better than teachers who complete traditional preparation programs.
- (4) High-quality alternative route programs can provide more flexibility and expedience for individuals to transition from their current career to teaching.
- (5) High-quality alternative route programs can help school districts fill subject matter shortage areas and areas with shortages due to geographic location.
- (6) Regardless of route, all candidates for residency teacher certification must meet the high standards required by the state.

The legislature recognizes widespread concerns about the potential for teacher shortages and finds that classified instructional staff in public schools represent a great untapped resource for recruiting the teachers of the future.

NEW SECTION. Sec. 2. There is hereby created a statewide partnership grant program to provide new high-quality alternative routes to residency teacher certification. To the extent funds are appropriated for this specific purpose, funds provided under this partnership grant program shall be used solely for school districts, or consortia of school districts, to partner with state-approved higher education teacher preparation programs to provide one or more of three alternative route programs in section 5 of this act, aimed at recruiting candidates to teaching in subject matter shortage areas and areas with shortages due to geographic location. Districts, or consortia of districts, may also include their educational service districts in their partnership grant program. Partnership programs receiving grants may enroll candidates as early as January 2002.

NEW SECTION. Sec. 3. (1) Each district or consortia of school districts applying for state funds through this program shall submit a proposal to the Washington professional educator standards board specifying:

- (a) The route or routes the partnership program intends to offer and a detailed description of how the routes will be structured and operated by the partnership;
- (b) The number of candidates that will be enrolled per route;
- (c) An identification, indication of commitment, and description of the role of approved teacher preparation programs that are partnering with the district or consortia of districts;
- (d) An assurance of district provision of adequate training for mentor teachers either through participation in a state mentor training academy or district-provided training that meets state-established mentor-training standards specific to the mentoring of alternative route candidates;
- (e) An assurance that significant time will be provided for mentor teachers to spend with the alternative route teacher candidates throughout the internship. Partnerships must provide each candidate with intensive classroom mentoring until such time as the candidate demonstrates the competency necessary to manage the classroom with less intensive supervision and guidance from a mentor;
- (f) A description of the rigorous screening process for applicants to alternative route programs, including entry requirements specific to each route, as provided in section 5 of this act; and
- (g) The design and use of a teacher development plan for each candidate. The plan shall specify the alternative route coursework and training required of each candidate and shall be developed by comparing the candidate's prior experience and coursework with the state's new performance-based standards for residency certification and adjusting any requirements accordingly. The plan shall include the following components:
 - (i) A minimum of one-half of a school year, and an additional significant amount of time if necessary, of intensive mentorship, starting with full-time mentoring and progressing to increasingly less intensive monitoring and assistance as the intern demonstrates the skills necessary to take over the classroom with less intensive support. For route one and two candidates, before

the supervision is diminished, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the higher education teacher preparation program must both agree that the teacher candidate is ready to manage the classroom with less intensive supervision. For route three candidates, the mentor of the teacher candidate shall make the decision;

(ii) Identification of performance indicators based on the knowledge and skills standards required for residency certification by the state board of education;

(iii) Identification of benchmarks that will indicate when the standard is met for all performance indicators;

(iv) A description of strategies for assessing candidate performance on the benchmarks;

(v) Identification of one or more tools to be used to assess a candidate's performance once the candidate has been in the classroom for about one-half of a school year; and

(vi) A description of the criteria that would result in residency certification after about one-half of a school year but before the end of the program.

(2) Districts may apply for program funds to pay stipends to both mentor teachers and interns during their mentored internship. For both intern stipends and accompanying mentor stipends, the per intern district request for funds may not exceed the amount designated by the BA+0 cell on the statewide teacher salary allocation schedule. This amount shall be prorated for internships and mentorships that last less than a full school year. Interns in the program for a full year shall be provided a stipend of at least eighty percent of the amount generated by the BA+0 cell on the statewide teacher salary allocation schedule. This amount shall be prorated for internships that last less than a full school year.

NEW SECTION. Sec. 4. (1) The professional educator standards board, with support from the office of the superintendent of public instruction, shall select school districts and consortia of school districts to receive partnership grants from funds appropriated by the legislature for this purpose. Factors to be considered in selecting proposals include:

(a) The degree to which the district, or consortia of districts in partnership, are currently experiencing teacher shortages;

(b) The degree to which the proposal addresses criteria specified in section 3 of this act and is in keeping with specifications of program routes in section 5 of this act;

(c) The cost-effectiveness of the proposed program; and

(d) Any demonstrated district and in-kind contributions to the program.

(2) Selection of proposals shall also take into consideration the need to ensure an adequate number of candidates for each type of route in order to evaluate their success.

(3) Funds appropriated for the partnership grant program in this chapter shall be administered by the office of the superintendent of public instruction.

NEW SECTION. Sec. 5. Partnership grants funded under this chapter shall operate one to three specific route programs. Successful completion of the program shall make a candidate eligible for residency teacher certification. For route one and two candidates, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the higher education teacher preparation program must both agree that the teacher candidate has successfully completed the program. For route three candidates, the mentor of the teacher candidate shall make the determination that the candidate has successfully completed the program.

(1) Partnership grant programs seeking funds to operate route one programs shall enroll currently employed classified instructional employees with transferable associate degrees seeking residency teacher certification with endorsements in special education, bilingual education, or English as a second language. It is anticipated that candidates enrolled in this route will complete both their baccalaureate degree and requirements for residency certification in two years or less, including a mentored internship to be completed in the final year. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including three years of successful student interaction and leadership as a classified instructional employee;

(b) Successful passage of the statewide basic skills exam, when available; and

(c) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers.

(2) Partnership grant programs seeking funds to operate route two programs shall enroll currently employed classified staff with baccalaureate degrees seeking residency teacher certification in subject matter shortage areas and areas with shortages due to geographic location. Candidates enrolled in this route must complete a mentored internship complemented by flexibly scheduled training and coursework offered at a local site, such as a school or educational service district, or online or via video-conference over the K-20 network, in collaboration with the partnership program's higher education partner. In addition, partnership grant programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including three years of successful student interaction and leadership as classified staff;

(b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's college or university grade point average may be considered as a selection factor;

(c) Successful completion of the content test, once the state content test is available;

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of the statewide basic skills exam, when available.

(3) Partnership grant programs seeking funds to operate route three programs shall enroll individuals with baccalaureate degrees, who are not employed in the district at the time of application, or who hold emergency substitute certificates. When selecting candidates for certification through route three, districts shall give priority to individuals who are seeking residency teacher certification in subject matter shortage areas or shortages due to geographic locations. For route three only, the districts may include additional candidates in nonshortage subject areas if the candidates are seeking endorsements with a secondary grade level designation as defined by rule by the state board of education. The districts shall disclose to candidates in nonshortage subject areas available information on the demand in those subject areas. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship, followed, if necessary, by a second summer teaching academy. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) Five years' experience in the work force;

(b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;

- (c) Successful completion of the content test, once the state content test is available;
- (d) External validation of qualifications, including demonstrated successful experience with students or children, such as references letters and letters of support from previous employers;
- (e) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and
- (f) Successful passage of statewide basic skills exams, when available.

NEW SECTION. Sec. 6. The alternative route conditional scholarship program is created under the following guidelines:

(1) The program shall be administered by the higher education coordinating board. In administering the program, the higher education coordinating board has the following powers and duties:

- (a) To adopt necessary rules and develop guidelines to administer the program;
- (b) To collect and manage repayments from participants who do not meet their service obligations; and
- (c) To accept grants and donations from public and private sources for the program.

(2) The Washington professional educator standards board shall select participants who are eligible to receive conditional scholarships.

(3) In order to receive conditional scholarship awards, recipients shall be accepted and maintain enrollment in alternative certification routes through the partnership grant program, as provided in section 5 of this act. Recipients must continue to make satisfactory progress towards completion of the alternative route certification program and receipt of a residency teaching certificate.

(4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients that fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The higher education coordinating board shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) To the extent funds are appropriated for this specific purpose, the annual amount of the scholarship is the annual cost of tuition for the alternative route certification program in which the recipient is enrolled, not to exceed four thousand dollars. The board may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(7) The higher education coordinating board may deposit all appropriations, collections, and any other funds received for the program in this chapter in the student loan account authorized in RCW 28B.102.060.

NEW SECTION. Sec. 7. This chapter expires June 30, 2005.

NEW SECTION. Sec. 8. The Washington state institute for public policy shall submit to the education and fiscal committees of the legislature, the governor, the state board of education, and the Washington professional educator standards board, an interim evaluation of partnership grant programs funded under this chapter by December 1, 2002, and a final evaluation by December 1, 2004. If specific funding for the purposes of this section, referencing this section and this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this section is null and void.

NEW SECTION. Sec. 9. Sections 1 through 8 and 10 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 10. School districts or approved private schools' ability to employ personnel under certification for emergency or temporary, substitute, or provisional duty as authorized by chapter 28A.410 RCW are not affected by the provisions of this act."

On page 1, line 2 of the title, after "certification;" strike the remainder of the title and insert "adding a new chapter to Title 28A RCW; creating a new section; and providing an expiration date.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Gardner, the Senate refuses to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5695 and asks the House to recede therefrom.

MOTION

At 9:15 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 9:25 a.m. by President Owen.

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

MOTION

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

SENATE RESOLUTION 2001-8674

By Senators Haugen, Snyder, Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Zarelli

WHEREAS, It is the tradition of the Washington State Senate to honor those who serve in our armed forces, risking their lives to protect our own; and

WHEREAS, On April 1, a Navy plane based out of Whidbey Island Naval Air Station collided with a Chinese fighter jet and, after spinning into a sharp leftward roll and falling 8,000 feet, made an emergency landing at the Chinese military airfield on Hainan Island; and

WHEREAS, The twenty-four crew members of the Fleet Air Reconnaissance Squadron 1 were detained on the island during what has been deemed a "diplomatic showdown"; and

WHEREAS, Of the twenty-four crew members, fourteen are from Oak Harbor and one is from Leavenworth; and

WHEREAS, To show their support of and deep appreciation toward the captured crew, the city of Oak Harbor commenced a "Bring Back VQ-1" campaign, wrapping every other light pole and tree in the city with yellow ribbons; and

WHEREAS, After eleven days, the crew members were released on humanitarian grounds; and

WHEREAS, The crew members, who arrived safely in Hawaii on April 12, will return to Whidbey Island on Saturday, April 14, for what promises to be an emotional "Welcome Home VQ-1" celebration at the Ault Field Hanger; and

WHEREAS, Friends and family of the crew will be able to breathe a collective sigh of relief when the crew members walk off the plane at 4:30 p.m. to an anticipated crowd of 10,000 people; and

WHEREAS, The city of Oak Harbor will formally celebrate the crew's return on April 28 during the Holland Happenings Parade;

NOW, THEREFORE, BE IT RESOLVED, That Washington State Senate does hereby recognize the selfless service of the Fleet Air Reconnaissance Squadron 1 and welcome the crew home; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of the Fleet Air Reconnaissance Squadron 1.

Senators Snyder, Swecker, Gardner, West, Franklin, Haugen, Shin, Betti Sheldon and Costa spoke to Senate Resolution 2001-8674.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5637 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a comprehensive program of monitoring is fundamental to making sound public policy and programmatic decisions regarding salmon recovery and watershed health. Monitoring provides accountability for results of management actions and provides the data upon which an adaptive management framework can lead to improvement of strategies and programs. Monitoring is also a required element of any salmon recovery plan submitted to the federal government for approval. While numerous agencies and citizen organizations are engaged in monitoring a wide range of salmon recovery and watershed health parameters, there is a greater need for coordination of monitoring efforts, for using limited monitoring resources to obtain information most useful for achieving relevant local, state, and federal requirements regarding watershed health and salmon recovery, and for making the information more accessible to those agencies and organizations implementing watershed health programs and projects. Regarding salmon recovery monitoring, the state independent science panel has concluded that many programs already monitor indicators relevant to salmonids, but the efforts are largely uncoordinated or unlinked among programs, have different objectives, use different indicators, lack support for sharing data, and lack shared statistical designs to address specific issues raised by listing of salmonid species under the federal endangered species act.

Therefore, it is the intent of the legislature to encourage the refocusing of existing agency monitoring activities necessary to implement a comprehensive watershed health monitoring program, with a focus on salmon recovery. The program should: Be based on a framework of greater coordination of existing monitoring activities; require monitoring activities most relevant to adopted local, state, and federal watershed health objectives; and facilitate the exchange of monitoring information with agencies and organizations carrying out watershed health, salmon recovery, and water resources management planning and programs.

NEW SECTION. Sec. 2. A new section is added to chapter 90.82 RCW to read as follows:

In conducting assessments and other studies that include monitoring components or recommendations, the department and planning units shall implement the monitoring recommendations developed under section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 77.85 RCW to read as follows:

(1) The monitoring oversight committee is hereby established. The committee shall be comprised of the directors or their designated representatives of:

- (a) The salmon recovery office;
- (b) The department of ecology;
- (c) The department of fish and wildlife;
- (d) The conservation commission;
- (e) The Puget Sound action team;
- (f) The department of natural resources;
- (g) The department of transportation;
- (h) The interagency committee for outdoor recreation; and

(i) Eight legislators designated as follows: The cochair of the natural resources committee of the house of representatives; the chair and the ranking minority member of the senate natural resources, parks, and shorelines committee; the cochair of the agriculture and ecology committee of the house of representatives; and the chair and the ranking minority member of the senate environment, energy, and water committee. A legislator designated as a member of the monitoring oversight committee pursuant to this subsection may designate an alternate legislator to serve on the oversight committee in his or her place. The alternate legislator must be a member of the same standing committee listed in this subsection as the legislator who is designating the alternate.

(2) The director of the salmon recovery office and the chair of the salmon recovery funding board, or their designees, shall cochair the committee. The cochair shall convene the committee as necessary to develop, for the consideration of the governor and legislature, a comprehensive and coordinated monitoring strategy and action plan on watershed health with a focus on salmon recovery. The committee shall invite representation from the treaty tribes to participate in the committee's efforts. In addition, the committee shall invite participation by other state, local, and federal agencies and other entities as appropriate. The committee shall address the monitoring recommendations of the independent science panel provided under RCW 77.85.040(7) and of the joint legislative audit and review committee in its report number 01-1 on investing in the environment.

(3) The independent science panel shall act as an advisor to the monitoring oversight committee and shall review all work products developed by the committee and make recommendations to the committee cochair.

(4) The committee shall make recommendations to individual agencies to improve coordination of monitoring activities.

(5) The committee shall:

(a) Define the monitoring goals, objectives, and questions that must be addressed as part of a comprehensive statewide salmon recovery monitoring and adaptive management framework;

(b) Identify and evaluate existing monitoring activities for inclusion in the framework, while ensuring data consistency and coordination and the filling of monitoring gaps;

(c) Recommend statistical designs appropriate to the objectives;

(d) Recommend performance measures appropriate to the objectives and targeted to the appropriate geographical, temporal, and biological scales;

(e) Recommend standardized monitoring protocols for salmon recovery and watershed health;

(f) Recommend procedures to ensure quality assurance and quality control of all relevant data;

(g) Recommend data transfer protocols to support easy access, sharing, and coordination among different collectors and users;

(h) Recommend ways to integrate monitoring information into decision making;

(i) Recommend organizational and governance structures for oversight and implementation of the coordinated monitoring framework;

(j) Recommend stable sources of funding that will ensure the continued operation and maintenance of the state's salmon recovery and watershed health monitoring programs, once established; and

(k) Identify administrative actions that will be undertaken by state agencies to implement elements of the coordinated monitoring program.

(6) In developing the coordinated monitoring strategy, the committee shall coordinate with other appropriate state, federal, local, and tribal monitoring efforts, including but not limited to the Northwest power planning council, the Northwest Indian fisheries commission, the national marine fisheries service, and the United States fish and wildlife service. The committee shall also consult with watershed planning units under chapter 90.82 RCW, lead entities under this chapter, professional organizations, and other appropriate groups.

(7) The cochair shall provide an interim report to the governor and the members of the appropriate legislative committees by March 1, 2002, on the progress made in implementing this section. By December 1, 2002, the committee shall provide a monitoring strategy and action plan to the governor, and the members of the appropriate legislative committees for achieving a comprehensive watershed health monitoring program with a focus on salmon recovery. The strategy and action plan shall document the results of the committee's actions in addressing the responsibilities described in subsection (5) of this section. In addition, the monitoring strategy and action plan shall include an assessment of existing state agency operations related to monitoring, evaluation, and adaptive management of watershed health and salmon recovery, and shall recommend any operational or statutory changes and funding necessary to fully implement the enhanced coordination program developed under this section. The plan shall make recommendations based upon the goal of fully realizing an enhanced and coordinated monitoring program by June 30, 2007.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Gardner, the Senate refuses to concur in the House amendment to Senate Bill No. 5637 and asks the House to recede therefrom.

MOTION

At 9:50 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Monday, April 16, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-SIXTH DAY, APRIL 13, 2001

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

NINETY-NINTH DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Monday, April 16, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Morton and Snyder. On motion of Senator Eide, Senator Snyder was excused. On motion of Senator Hewitt, Senators Deccio and Morton were excused.

The Sergeant at Arms Color Guard, consisting of Pages Christel Neal and Skylar Agnew, presented the Colors. Reverend Vern Fenton, pastor of the Westside Community Church in Olympia, and a guest of Senator Swecker, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

April 13, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 13, 2001, Governor Locke approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5013

Relating to sentencing persistent sex offenders.

Substitute Senate Bill No. 5015

Relating to the definition of border area.

Senate Bill No. 5022

Relating to the salmon recovery funding board's reporting of financial affairs.

Senate Bill No. 5038

Relating to reorganization of, and technical, clarifying, nonsubstantive amendments to, community supervision and sentencing provisions.

Senate Bill No. 5047

Relating to the authority of the department of corrections to detain, search, or remove persons who enter correctional facilities or institutional grounds.

Senate Bill No. 5048

Relating to less restrictive alternative mental health commitments.

Engrossed Senate Bill No. 5051

Relating to chemical dependency.

Engrossed Substitute Senate Bill No. 5052

Relating to technical corrections to trust and estate dispute resolution.

Senate Bill No. 5252

Relating to venue for courts of limited jurisdiction.

Engrossed Senate Bill No. 5258

Relating to disclosure of health care information.

Sincerely,
EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE GOVERNOR

October 1, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Grace T. Yuan, reappointed October 1, 2000, for a term ending September 30, 2006, as a member of the Board of Trustees for Western Washington University.

Referred to Committee on Higher Education.

MOTION

At 10:08 a.m., on motion of Senator Gardner, the Senate was declared to be at ease.

The Senate was called to order at 11:33 a.m. by President Pro Tempore Franklin.

MOTION

At 11:33 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Pro Tempore Franklin

MESSAGE FROM THE GOVERNOR

April 16, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 16, 2001, Governor Locke approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5053

Relating to technical amendments and corrections to Article 9A of the Uniform Commercial Code and related statutes.

Senate Bill No. 5057

Relating to cities and towns changing plans of government.

Senate Bill No. 5061

Relating to awarding contracts for building engineering systems.

Substitute Senate Bill No. 5118

Relating to the interstate compact for adult offender supervision.

Senate Bill No. 5121

Relating to correcting references to the former office of marine safety.

Senate Bill No. 5145

Relating to exempting trainers and trainees in housing authority resident training programs from membership in the public employees' retirement system.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGES FROM THE HOUSE

April 13, 2001

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 1071,

HOUSE BILL NO. 1095,

SUBSTITUTE HOUSE BILL NO. 1202,

SUBSTITUTE HOUSE BILL NO. 1212,

ENGROSSED HOUSE BILL NO. 1347,

HOUSE BILL NO. 1422,

SUBSTITUTE HOUSE BILL NO. 1471,

SUBSTITUTE HOUSE BILL NO. 1678,

HOUSE BILL NO. 1770,

SECOND SUBSTITUTE HOUSE BILL NO. 1835,

HOUSE BILL NO. 1865,

SUBSTITUTE HOUSE BILL NO. 1892,

SUBSTITUTE HOUSE BILL NO. 1950,

HOUSE BILL NO. 1951,

HOUSE BILL NO. 1952,

SUBSTITUTE HOUSE BILL NO. 1971,
HOUSE BILL NO. 2086,
SUBSTITUTE HOUSE BILL NO. 2184, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

April 16, 2001

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1042,
HOUSE BILL NO. 1102,
SUBSTITUTE HOUSE BILL NO. 1135,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1371,
SUBSTITUTE HOUSE BILL NO. 1545,
HOUSE BILL NO. 1564,
HOUSE BILL NO. 1578,
HOUSE BILL NO. 1614,
HOUSE BILL NO. 1633,
HOUSE BILL NO. 1692,
HOUSE BILL NO. 1694,
SUBSTITUTE HOUSE BILL NO. 1821,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1996,
SUBSTITUTE HOUSE BILL NO. 2041,
SUBSTITUTE HOUSE BILL NO. 2049,
SUBSTITUTE HOUSE BILL NO. 2105,
HOUSE JOINT RESOLUTION NO. 4202, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

April 16, 2001

MR. PRESIDENT:

The Co-Speakers have signed:

HOUSE BILL NO. 1036,
HOUSE BILL NO. 1045,
HOUSE BILL NO. 1126,
HOUSE BILL NO. 1369,
SECOND SUBSTITUTE HOUSE BILL NO. 1445,
HOUSE BILL NO. 1523,
HOUSE BILL NO. 1568,
HOUSE BILL NO. 1584,
HOUSE BILL NO. 1613,
SUBSTITUTE HOUSE BILL NO. 1899,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1995, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

April 16, 2001

MR. PRESIDENT:

The Co-Speakers have signed:

SENATE BILL NO. 5270,
SENATE BILL NO. 5440, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1036,
HOUSE BILL NO. 1045,

HOUSE BILL NO. 1126,
HOUSE BILL NO. 1369,
SECOND SUBSTITUTE HOUSE BILL NO. 1445,
HOUSE BILL NO. 1523,
HOUSE BILL NO. 1568,
HOUSE BILL NO. 1584,
HOUSE BILL NO. 1613,
SUBSTITUTE HOUSE BILL NO. 1899,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1995.

MOTION

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

SENATE RESOLUTION 2001-8673

By Senators Hargrove, Costa, McCaslin, Johnson, Hale, Oke, Parlette, Roach, Eide, Kohl-Welles, Benton, Brown, Carlson, Constantine, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Long, McAuliffe, McDonald, Morton, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, and Zarelli

WHEREAS, The Washington State Legislative Intern Program has been serving the state of Washington with excellence since 1955; and

WHEREAS, The Legislature is energized on an annual basis by the enthusiasm of a fine group of students, eager to learn and contribute; and

WHEREAS, The experiences gained from this program have motivated these students to continue in service, and many former interns have continued into lifelong careers of dedicated public service to the state of Washington; and

WHEREAS, Education is the top priority for our state, and this program exemplifies our dedication to educating for the future of our state; and

WHEREAS, It behooves us to invest in the students who have demonstrated a special interest in government and the political system as a means of training tomorrow's leaders; and

WHEREAS, The tremendous success of the intern program not only is a testament to the success of our colleges and universities, but it also contributes to the future success of these institutions by returning students to their campuses who have been motivated to participate in government and public discourse; and

WHEREAS, Washington State has once again shown its ingenuity and leadership in developing a program that has motivated other states to develop similar programs, using Washington State's Legislative Intern Program as a model; and

WHEREAS, The outstanding commitment and leadership of Judi Best and Joan Elgee, in combination with previous directors, have helped to develop the outstanding reputation this program has earned; and

WHEREAS, It is important to acknowledge the contributions of everyone involved in the intern program and encourage these students in the pursuit of service;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby recognize and honor the contributions of the students involved in the Washington State Legislative Intern Program by designating Monday, April 16, 2001, and the second Monday in March in subsequent years as Intern Day, when we will have the opportunity to thank our interns; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Senate Intern Coordinator Judi Best and the colleges and universities participating in the intern program.

Senators Hargrove, Costa, Winsley, Carlson, Betti Sheldon, Hewitt, Oke, Parlette, Eide, Hochstatter, Swecker, Rasmussen and Fraser spoke to Senate Resolution 2001-8673.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Legislative Interns who were seated in the back of the Chamber.

MOTION

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

SENATE RESOLUTION 2001-8630

By Senators Gardner, McCaslin, Johnson, Hale, Spanel, Winsley and Kohl-Welles

WHEREAS, an increase in support for women's health can make a significant difference in improving the status of women's health; and

WHEREAS, Women are different, metabolically, hormonally, and physiologically from men and have different patterns of health and disease and some diseases are more common in women than in men; and

WHEREAS, Women are more likely to suffer from chronic diseases – more than one in five women have some form of cardiovascular disease and one in two women will have an osteoporosis-related fracture in her lifetime; and

WHEREAS, Women are three times more likely to develop rheumatoid arthritis and two to three times more likely to suffer from depression; and

WHEREAS, Women are less often referred for diagnostic tests and less often treated for heart disease as compared to men; and

WHEREAS, Women, if they are smokers, are 20-70 percent more likely to develop lung cancer and ten times more likely than men to contract HIV during unprotected sex; and

WHEREAS, Women outnumber men three to one in long-term care facilities; and

WHEREAS, Women are much more likely to provide health care to family members and make health care decisions and spend two of every three health care dollars;

NOW THEREFORE BE IT RESOLVED, that the Washington State Senate recognize and commend the efforts of those in the healthcare profession, private sector, and in public service who are striving to achieve an equality in the services, care, and benefits for women, including:

- Providing women equal access to quality health care, including state-of-the-art medical advances and technology;
- Increasing the number of women covered by comprehensive health care insurance including primary and preventative health care, for all women;
- Preventing serious health problems by timely diagnosis and treatment programs;
- Promoting strategies to increase patient access to recommended diagnostic and screening tests, preventive health regimens, and recommended treatments;
- Encouraging unimpeded access to women's specialty health providers;
- Creating and promoting public/private partnerships to create programs designed to improve the scope and quality of women's health care;
- Improving communications between providers and patients;
- Continuing to expand participation of women in clinical trials;
- Increasing government and private research on women's health issues and the differences between men and women and how they impact quality health care;
- Conducting more health outcome-research to demonstrate the value of women's health care interventions and preventive health measures in both the long and short-term;
- Expanding medical and nursing school curricula in the area of women's health; educating about gender biology;
- Supporting public education campaigns to increase women's awareness about their unique health risks, how to negotiate the complexities of today's health care system and demand/obtain the best care available;
- Conducting public health campaigns to raise awareness of women's special health care needs and advocating initiatives to address them;
- Fostering development and dissemination of publicly available information on the quality of health care and health outcomes that improve women's ability to choose the best women's health care plan;
- Expanding screening programs targeted at lower-income women to include a full range of known risk factors;

BE IT FURTHER RESOLVED, That the Washington State Senate recognize and commend the organization, Women In Government, for its leadership in such issues as creating public awareness, seeking to improve access for women to quality health care, technologies and treatments, educating researchers about gender differences, and working to achieve unimpeded access to women's health providers.

Senators Gardner, Long and Kohl-Welles spoke to Senate Resolution 2001-8630.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5060 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.10.020 and 2000 c 209 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build and the general contractor/construction manager contracting procedures authorized in ~~((RCW 39.10.050 and 39.10.060))~~ sections 2 and 3 of this act, respectively.

(2) "Public body" means the state department of general administration; the University of Washington; Washington State University; every city with a population greater than ~~((one hundred fifty))~~ seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); ~~((every city authorized to use the design-build procedure for a water system demonstration project under RCW 39.10.065(3);))~~ every county with a population greater than four hundred fifty thousand; every port district with ~~((a population))~~ total revenues greater than ~~((five hundred thousand))~~ fifteen million dollars per year; every public utility district with revenues from energy sales greater than twenty-three million dollars per year; and those school districts proposing projects that are considered and approved by the school district project review board under RCW 39.10.115.

(3) "Public works project" means any work for a public body within the definition of the term public work in RCW 39.04.010.

NEW SECTION. Sec. 2. A new section is added to chapter 39.10 RCW to read as follows:

(1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, the following public bodies may utilize the design-build procedure of public works contracting for public works projects authorized under this section: The state department of general administration; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); every county with a population greater than four hundred fifty thousand; every public utility district with revenues from energy sales greater than twenty-three million dollars per year; and every port district with total revenues greater than fifteen million dollars per year. The authority granted to port districts in this section is in addition to and does not affect existing contracting authority under RCW 53.08.120 and 53.08.130. For the purposes of this section, "design-build procedure" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract.

(2) Public bodies authorized under this section may utilize the design-build procedure for public works projects valued over twelve million dollars where:

(a) The construction activities or technologies to be used are highly specialized and a design-build approach is critical in developing the construction methodology or implementing the proposed technology; or

(b) The project design is repetitive in nature and is an incidental part of the installation or construction; or

(c) Regular interaction with and feedback from facilities users and operators during design is not critical to an effective facility design.

(3) Public bodies authorized under this section may also use the design-build procedure for the following projects that meet the criteria in subsection (2)(b) and (c) of this section:

(a) The construction or erection of preengineered metal buildings or prefabricated modular buildings, regardless of cost; or

(b) The construction of new student housing projects valued over five million dollars.

(4) Contracts for design-build services shall be awarded through a competitive process utilizing public solicitation of proposals for design-build services. The public body shall publish at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done, a notice of its request for proposals for design-build services and the availability and location of the request for proposal documents. The request for proposal documents shall include:

(a) A detailed description of the project including programmatic, performance, and technical requirements and specifications, functional and operational elements, minimum and maximum net and gross areas of any building, and, at the discretion of the public body, preliminary engineering and architectural drawings;

(b) The reasons for using the design-build procedure;

(c) A description of the qualifications to be required of the proposer including, but not limited to, submission of the proposer's accident prevention program;

(d) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. Evaluation factors shall include, but not be limited to: Proposal price; ability of professional personnel; past performance on similar projects; ability to meet time and budget requirements; ability to provide a performance and payment bond for the project; recent, current, and projected work loads of the firm; location; and the concept of the proposal;

(e) The form of the contract to be awarded;

(f) The amount to be paid to finalists submitting best and final proposals who are not awarded a design-build contract; and

(g) Other information relevant to the project.

(5) The public body shall establish a committee to evaluate the proposals based on the factors, weighting, and process identified in the request for proposals. Based on its evaluation, the public body shall select not fewer than three nor more than five finalists to submit best and final proposals. The public body may, in its sole discretion, reject all proposals. Design-build contracts shall be awarded using the procedures in (a) or (b) of this subsection.

(a) Best and final proposals shall be evaluated and scored based on the factors, weighting, and process identified in the initial request for proposals. The public body may score the proposals using a system that measures the quality and technical merits of the proposal on a unit price basis. Final proposals may not be considered if the proposal cost is greater than the maximum allowable construction cost identified in the initial request for proposals. The public body shall initiate negotiations with the firm

submitting the highest scored best and final proposal. If the public body is unable to execute a contract with the firm submitting the highest scored best and final proposal, negotiations with that firm may be suspended or terminated and the public body may proceed to negotiate with the next highest scored firm. Public bodies shall continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated.

(b) If the public body determines that all finalists are capable of producing plans and specifications that adequately meet project requirements, the public body may award the contract to the firm that submits the responsive best and final proposal with the lowest price.

(6) The firm awarded the contract shall provide a performance and payment bond for the contracted amount. The public body shall provide appropriate honorarium payments to finalists submitting best and final proposals who are not awarded a design-build contract. Honorarium payments shall be sufficient to generate meaningful competition among potential proposers on design-build projects.

NEW SECTION. Sec. 3. A new section is added to chapter 39.10 RCW to read as follows:

(1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, a public body may utilize the general contractor/construction manager procedure of public works contracting for public works projects authorized under subsection (2) of this section. For the purposes of this section, "general contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to be guaranteed by the firm, after competitive selection through formal advertisement and competitive bids, to provide services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work, and to act as the construction manager and general contractor during the construction phase.

(2) Except those school districts proposing projects that are considered and approved by the school district project review board, public bodies authorized under this section may utilize the general contractor/construction manager procedure for public works projects valued over twelve million dollars where:

(a) Implementation of the project involves complex scheduling requirements; or

(b) The project involves construction at an existing facility which must continue to operate during construction; or

(c) The involvement of the general contractor/construction manager during the design stage is critical to the success of the project.

(3) Public bodies should select general contractor/construction managers early in the life of public works projects, and in most situations no later than the completion of schematic design.

(4) Contracts for the services of a general contractor/construction manager under this section shall be awarded through a competitive process requiring the public solicitation of proposals for general contractor/construction manager services. The public solicitation of proposals shall include: A description of the project, including programmatic, performance, and technical requirements and specifications when available; the reasons for using the general contractor/construction manager procedure; a description of the qualifications to be required of the proposer, including submission of the proposer's accident prevention program; a description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors; the form of the contract to be awarded; the estimated maximum allowable construction cost; and the bid instructions to be used by the general contractor/construction manager finalists. Evaluation factors shall include, but not be limited to: Ability of professional personnel, past performance in negotiated and complex projects, and ability to meet time and budget requirements; the scope of work the general contractor/construction manager proposes to self-perform and its ability to perform it; location; recent, current, and projected work loads of the firm; and the concept of their proposal. A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, these finalists shall submit final proposals, including sealed bids for the percent fee, which is the percentage amount to be earned by the general contractor/construction manager as overhead and profit, on the estimated maximum allowable construction cost and the fixed amount for the detailed specified general conditions work. The public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public solicitation of proposals.

(5) The maximum allowable construction cost may be negotiated between the public body and the selected firm after the scope of the project is adequately determined to establish a guaranteed contract cost for which the general contractor/construction manager will provide a performance and payment bond. The guaranteed contract cost includes the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, the percent fee on the negotiated maximum allowable construction cost, and sales tax. If the public body is unable to negotiate a satisfactory maximum allowable construction cost with the firm selected that the public body determines to be fair, reasonable, and within the available funds, negotiations with that firm shall be formally terminated and the public body shall negotiate with the next highest scored firm and continue until an agreement is reached or the process is terminated. If the maximum allowable construction cost varies more than fifteen percent from the bid estimated maximum allowable construction cost due to requested and approved changes in the scope by the public body, the percent fee shall be renegotiated.

(6) All subcontract work shall be competitively bid with public bid openings. When critical to the successful completion of a subcontractor bid package and after publication of notice of intent to determine bidder eligibility in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done at least twenty days before requesting qualifications from interested subcontract bidders, the owner and general contractor/construction manager may determine subcontractor bidding eligibility using the following evaluation criteria:

(a) Adequate financial resources or the ability to secure such resources;

(b) History of successful completion of a contract of similar type and scope;

(c) Project management and project supervision personnel with experience on similar projects and the availability of such personnel for the project;

(d) Current and projected workload and the impact the project will have on the subcontractor's current and projected workload;

(e) Ability to accurately estimate the subcontract bid package scope of work;

(f) Ability to meet subcontract bid package shop drawing and other coordination procedures;

(g) Eligibility to receive an award under applicable laws and regulations; and

(h) Ability to meet subcontract bid package scheduling requirements.

The owner and general contractor/construction manager shall weigh the evaluation criteria and determine a minimum acceptable score to be considered an eligible subcontract bidder.

After publication of notice of intent to determine bidder eligibility, subcontractors requesting eligibility shall be provided the evaluation criteria and weighting to be used by the owner and general contractor/construction manager to determine eligible subcontract bidders. After the owner and general contractor/construction manager determine eligible subcontract bidders, subcontractors requesting eligibility shall be provided the results and scoring of the subcontract bidder eligibility determination.

Subcontract bid packages shall be awarded to the responsible bidder submitting the low responsive bid. The requirements of RCW 39.30.060 apply to each subcontract bid package. All subcontractors who bid work over three hundred thousand dollars shall post a bid bond and all subcontractors who are awarded a contract over three hundred thousand dollars shall provide a performance and payment bond for their contract amount. All other subcontractors shall provide a performance and payment bond if required by the general contractor/construction manager. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. Except as provided for under subsection (7) of this section, bidding on subcontract work by the general contractor/construction manager or its subsidiaries is prohibited. The general contractor/construction manager may negotiate with the low-responsive bidder in accordance with RCW 39.10.080 or, if unsuccessful in such negotiations, rebid.

(7) The general contractor/construction manager, or its subsidiaries, may bid on subcontract work if:

(a) The work within the subcontract bid package is customarily performed by the general contractor/construction manager;

(b) The bid opening is managed by the public body; and

(c) Notification of the general contractor/construction manager's intention to bid is included in the public solicitation of bids for the bid package.

In no event may the value of subcontract work performed by the general contractor/construction manager exceed thirty percent of the negotiated maximum allowable construction cost.

(8) A public body may include an incentive clause in any contract awarded under this section for savings of either time or cost or both from that originally negotiated. No incentives granted may exceed five percent of the maximum allowable construction cost. If the project is completed for less than the agreed upon maximum allowable construction cost, any savings not otherwise negotiated as part of an incentive clause shall accrue to the public body. If the project is completed for more than the agreed upon maximum allowable construction cost, excepting increases due to any contract change orders approved by the public body, the additional cost shall be the responsibility of the general contractor/construction manager.

Sec. 4. RCW 39.10.115 and 2000 c 209 s 4 are each amended to read as follows:

(1) The school district project review board is established to review school district proposals submitted by school districts to use alternative public works contracting procedures. The board shall select and approve qualified projects based upon an evaluation of the information submitted by the school district under subsection (2) of this section. ~~((The membership of the board shall be selected by the independent oversight committee as established under RCW 39.10.110))~~ After July 1, 2001, any appointments for full terms or to fill a vacancy shall be made by the governor and shall include the following representatives, each having experience with public works or commercial construction: One representative from the office of the superintendent of public instruction; one representative from the office of financial management; two representatives from the construction industry, one of whom works for a construction company with gross annual revenues of twenty million dollars or less; one representative from the specialty contracting industry; one representative from organized labor; one representative from the design industry; one representative from a public body previously authorized under this chapter to use an alternative public works contracting procedure who has experience using such alternative contracting procedures; one representative from school districts with ten thousand or more annual average full-time equivalent pupils; and one representative from school districts with fewer than ten thousand average full-time equivalent pupils. Each member shall be appointed for a term of three years, with the first three-year term commencing after June 8, 2000. Any member of the school district project review board who is directly affiliated with any applicant before the board must recuse him or herself from consideration of the application.

(2) A school district seeking to use alternative contracting procedures authorized under this chapter shall file an application with the school district project review board. The application form shall require the district to submit a detailed statement of the proposed project, including the school district's name; student population based upon October full-time equivalents; the current projected total budget for the project, including the estimated construction costs, costs for professional services, equipment and furnishing costs, off-site costs, contract administration costs, and other related project costs; the anticipated project design and construction schedule; a summary of the school district's construction activity for the preceding six years; and an explanation of why the school district believes the use of an alternative contracting procedure is in the public interest and why the school district is qualified to use an alternative contracting procedure, including a summary of the relevant experience of the school district's management team. The applicant shall also provide in a timely manner any other information concerning implementation of projects under this chapter requested by the school district project review board to assist in its consideration.

(3) Any school district whose application is approved by the school district project review board shall comply with the public notification and review requirements in RCW 39.10.030.

(4) Any school district whose application is approved by the school district project review board shall not use as an evaluation factor whether a contractor submitting a bid for the approved project has had prior general contractor/construction manager procedure experience.

~~((5) The school district project review board shall prepare and issue a report reviewing the use of the alternative public works contracting procedures by school districts. The board shall report to the independent oversight committee at least sixty days before the oversight committee is required to report to the legislature under RCW 39.10.110(4).))~~

Sec. 5. RCW 39.10.120 and 1997 c 376 s 7 and 1997 c 220 s 404 are each reenacted and amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the alternative public works contracting procedures authorized under this chapter are limited to public works contracts signed before July 1, ~~((2004))~~ 2007. Methods of public works contracting authorized by RCW 39.10.050 and 39.10.060 or sections 2 and 3 of this act shall remain in full force and effect until completion of contracts signed before July 1, ~~((2004))~~ 2007.

(2) For the purposes of a baseball stadium as defined in RCW 82.14.0485, the design-build contracting procedures under RCW 39.10.050 shall remain in full force and effect until completion of contracts signed before December 31, 1997.

(3) For the purposes of a stadium and exhibition center, as defined in RCW 36.102.010, the design-build contracting procedures under RCW 39.10.050 or section 2 of this act shall remain in full force and effect until completion of contracts signed before December 31, 2002.

(4) A public authority chartered by a city that is a public body may utilize an alternative public works contracting procedure under this chapter only after receiving specific authorization on a project-by-project basis from the governing body of the city. For purposes of public authorities authorized to use alternative public works contracting procedures under this chapter, the city chartering any such public authority shall itself comply with RCW 39.10.030 on behalf of the public authority.

Sec. 6. RCW 39.10.902 and 1997 c 376 s 8 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, ((2004))

2007:

- (1) RCW 39.10.010 and 1994 c 132 s 1;
- (2) RCW 39.10.020 and section 1 of this act, 2000 c 209 s 1, 1997 c 376 s 1, & 1994 c 132 s 2;
- (3) RCW 39.10.030 and 1997 c 376 s 2 & 1994 c 132 s 3;
- (4) RCW 39.10.040 and 1994 c 132 s 4;
- (5) ((RCW 39.10.050 and 1994 c 132 s 5)) Section 2 of this act;
- (6) ((RCW 39.10.060 and 1994 c 132 s 6)) Section 3 of this act;
- (7) RCW 39.10.065 and 1997 c 376 s 5;
- (8) RCW 39.10.067 and 2000 c 209 s 3;
- (9) RCW 39.10.070 and 1994 c 132 s 7;
- ((9)) (10) RCW 39.10.080 and 1994 c 132 s 8;
- ((10)) (11) RCW 39.10.090 and 1994 c 132 s 9;
- ((11)) (12) RCW 39.10.100 and 1994 c 132 s 10;
- ((12) RCW 39.10.110 and 1994 c 132 s 11;))
- (13) RCW 39.10.115 and section 4 of this act & 2000 c 209 s 4;
- (14) RCW 39.10.900 and 1994 c 132 s 13; and
- ((14)) (15) RCW 39.10.901 and 1994 c 132 s 14((; and
- (15) RCW 39.10.902 and 1994 c 132 s 15)).

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

- (1) RCW 39.10.050 (Design-build procedure--Which public bodies may use) and 1997 c 376 s 3 & 1994 c 132 s 5;
- (2) RCW 39.10.060 (General contractor/construction manager procedure--Which public bodies may use--Limitations) and 2000 c 209 s 2, 2000 c 194 s 1, 1997 c 376 s 4, 1996 c 18 s 6, & 1994 c 132 s 6; and
- (3) RCW 39.10.110 (Temporary independent oversight committee) and 1997 c 376 s 6 & 1994 c 132 s 11.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Patterson moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5060.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Patterson that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5060.

The motion by Senator Patterson carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5060. The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5060, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5060, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel, Swecker, Thibaudeau and Winsley - 30.

Voting nay: Senators Benton, Carlson, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Johnson, McDonald, Roach, Rossi, Sheahan, Sheldon, T., Stevens, West and Zarelli - 16.

Excused: Senators Deccio, Morton and Snyder - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5060, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2001

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5063 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

*Sec. 1. RCW 39.04.155 and 2000 c 138 s 101 are each amended to read as follows:

(1) This section provides uniform small works roster provisions to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property that may be used by state agencies and by any local government that is expressly authorized to use these provisions. These provisions may be used in lieu of other procedures to award contracts for such work with an estimated cost of two hundred thousand dollars or less. The small works roster process includes the limited public works process authorized under subsection (3) of this section and any local government authorized to award contracts using the small works roster process under this section may award contracts using the limited public works process under subsection (3) of this section.

(2)(a) A state agency or authorized local government may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. Where applicable, small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list, and where required by law are properly licensed or registered to perform such work in this state. A state agency or local government establishing a small works roster or rosters may require eligible contractors desiring to be placed on a roster or rosters to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the state agency or local government as a condition of being placed on a roster or rosters. At least once a year, the state agency or local government shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. In addition, responsible contractors shall be added to an appropriate roster or rosters at any time they submit a written request and necessary records. Master contracts may be required to be signed that become effective when a specific award is made using a small works roster.

~~((3))~~ (b) A state agency establishing a small works roster or rosters shall adopt rules implementing this ~~((section))~~ subsection. A local government establishing a small works roster or rosters shall adopt an ordinance or resolution implementing this ~~((section))~~ subsection. Procedures included in rules adopted by the department of general administration in implementing this ~~((section))~~ subsection must be included in any rules providing for a small works roster or rosters that is adopted by another state agency, if the authority for that state agency to engage in these activities has been delegated to it by the department of general administration under chapter 43.19 RCW. An interlocal contract or agreement between two or more state agencies or local governments establishing a small works roster or rosters to be used by the parties to the agreement or contract must clearly identify the lead entity that is responsible for implementing the provisions of this ~~((section))~~ subsection.

~~((4))~~ (c) Procedures shall be established for securing telephone, written, or electronic quotations from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 43.19.1911. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This ~~((section))~~ subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. However, if the estimated cost of the work is from one hundred thousand dollars to two hundred thousand dollars, a state agency or local government, other than a port district, that chooses to solicit bids from less than all the appropriate contractors on the appropriate small works roster must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The government has the sole option of determining whether this notice to the remaining contractors is made by: ~~((a))~~ (i) Publishing notice in a legal newspaper in general circulation in the area where the work is to be done; ~~((b))~~ (ii) mailing a notice to these contractors; or ~~((c))~~ (iii) sending a notice to these contractors by facsimile or other electronic means. For purposes of this subsection ~~(2)(c)~~, "equitably distribute" means that a state agency or local government soliciting bids may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

~~((5))~~ (d) A contract awarded from a small works roster under this section need not be advertised.

~~((6))~~ (e) Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

~~((7))~~ (3) In lieu of awarding contracts under subsection (2) of this section, a state agency or authorized local government may award a contract for work, construction, alteration, repair, or improvement project estimated to cost less than thirty-five thousand dollars using the limited public works process provided under this subsection. Public works projects awarded under this subsection are exempt from the other requirements of the small works roster process provided under subsection (2) of this section and are exempt from the requirement that contracts be awarded after advertisement as provided under RCW 39.04.010.

For limited public works projects, a state agency or authorized local government shall solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 43.19.1911. After an award is made, the quotations shall be open to public inspection and available by electronic request. A state agency or authorized local government shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the geographic area of the work. A state agency or authorized local government shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded. For limited public works projects, a state agency or authorized local government may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project, however the state agency or authorized local government shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

(4) The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process or limited public works process.

~~((8))~~ (5) As used in this section, "state agency" means the department of general administration, the state parks and recreation commission, the department of natural resources, the department of fish and wildlife, the department of transportation, any institution of higher education as defined under RCW 28B.10.016, and any other state agency delegated authority by the department of general administration to engage in construction, building, renovation, remodeling, alteration, improvement, or repair activities."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Patterson, the Senate concurred in the House amendment to Senate Bill No. 5063.
The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5063, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5063, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Shin, Spanel, Swecker, Thibaudeau and Winsley - 32.

Voting nay: Senators Benton, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Johnson, McCaslin, Morton, Roach, Rossi, Sheldon, T., Stevens, West and Zarelli - 15.

Excused: Senators Deccio and Snyder - 2.

SENATE BILL NO. 5063, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5101 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.27.010 and 1997 c 314 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Contractor" means any person, firm, or corporation who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish, for another, any building, highway, road, railroad, excavation or other structure, project, development, or improvement attached to real estate or to do any part thereof including the installation of carpeting or other floor covering, the erection of scaffolding or other structures or works in connection therewith or who installs or repairs roofing or siding; or, who, to do similar work upon his or her own property, employs members of more than one trade upon a single job or project or under a single building permit except as otherwise provided herein. "Contractor" includes any person, firm, ~~((or))~~ corporation, or other entity covered by this subsection, whether or not registered as required under this chapter.

(2) "Department" means the department of labor and industries.

(3) "Director" means the director of the department of labor and industries or designated representative employed by the department.

(4) "General contractor" means a contractor whose business operations require the use of more than two unrelated building trades or crafts whose work the contractor shall superintend or do in whole or in part. "General contractor" shall not include an individual who does all work personally without employees or other "specialty contractors" as defined in this section. The terms "general contractor" and "builder" are synonymous.

~~((3))~~ (5) "Partnership" means a business formed under Title 25 RCW.

(6) "Registration cancellation" means a written notice from the department that a contractor's action is in violation of this chapter and that the contractor's registration has been revoked.

(7) "Registration suspension" means a written notice from the department that a contractor's action is a violation of this chapter and that the contractor's registration has been suspended for a specified time, or until the contractor shows evidence of compliance with this chapter.

(8) "Residential homeowner" means an individual person or persons owning or leasing real property:

(a) Upon which one single-family residence is to be built and in which the owner or lessee intends to reside upon completion of any construction; or

(b) Upon which there is a single-family residence to which improvements are to be made and in which the owner or lessee intends to reside upon completion of any construction.

(9) "Specialty contractor" means a contractor whose operations do not fall within the ~~((foregoing))~~ definition of "general contractor".

~~((4))~~ (10) "Unregistered contractor" means a person, firm, ~~((or))~~ corporation, or other entity doing work as a contractor without being registered in compliance with this chapter. "Unregistered contractor" includes contractors whose registration is expired ~~((for more than thirty days beyond the renewal date or has been)), revoked, or suspended.~~ "Unregistered contractor" does not include a contractor who has maintained a valid bond and the insurance or assigned account required by RCW 18.27.050, and whose registration has lapsed for thirty or fewer days.

~~((5))~~ "Department" means the department of labor and industries.

~~(6)~~ "Director" means the director of the department of labor and industries.

~~(7))~~ (11) "Unsatisfied final judgment" means a judgment that has not been satisfied either through payment, court approved settlement, discharge in bankruptcy, or assignment under RCW 19.72.070.

(12) "Verification" means the receipt and duplication by the city, town, or county of a contractor registration card that is current on its face, checking the department's contractor registration data base, or calling the department to confirm that the contractor is registered.

Sec. 2. RCW 18.27.030 and 1998 c 279 s 3 are each amended to read as follows:

(1) An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant:

(a) Employer social security number.

(b) Unified business identifier number, if required by the department of revenue.

(c) Evidence of workers' compensation coverage for the applicant's employees working in Washington, as follows:

(i) The applicant's industrial insurance account number issued by the department;

(ii) The applicant's self-insurer number issued by the department; or

(iii) For applicants domiciled in a state or province of Canada subject to an agreement entered into under RCW 51.12.120(7), as permitted by the agreement, filing a certificate of coverage issued by the agency that administers the workers' compensation law in the applicant's state or province of domicile certifying that the applicant has secured the payment of compensation under the other state's or province's workers' compensation law.

~~((e))~~ (d) Employment security department number.

~~((d))~~ (e) State excise tax registration number.

~~((e))~~ (f) Unified business identifier (UBI) account number may be substituted for the information required by ~~((b))~~ (c) of this subsection if the applicant will not employ employees in Washington, and by ~~((e))~~ (d) and ~~((d))~~ (e) of this subsection.

~~((f))~~ (g) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty.

~~((g))~~ (h) The name and address of each partner if the applicant is a firm or partnership, or the name and address of the owner if the applicant is an individual proprietorship, or the name and address of the corporate officers and statutory agent, if any, if the applicant is a corporation or the name and address of all members of other business entities. The information contained in such application is a matter of public record and open to public inspection.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)~~((b))~~ (c) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3)~~(a)~~ The department shall deny an application for registration if: (i) The applicant has been previously ~~((registered))~~ performing work subject to this chapter as a sole proprietor, partnership, ~~((or))~~ corporation, or other entity and the department has notice that the applicant has an unsatisfied final judgment against him or her in an action based on this chapter ~~((that was incurred during a previous registration under this chapter))~~ or the applicant owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; (ii) the applicant was a principal or officer of a partnership, corporation, or other entity that either has an unsatisfied final judgment against it in an action that was incurred for work performed subject to this chapter or owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; or (iii) the applicant does not have a valid unified business identifier number, if required by the department of revenue.

(b) The department shall suspend an active registration if (i) the department has notice that the registrant is a sole proprietor or a principal or officer of a registered contractor that has an unsatisfied final judgment against it for work within the scope of this chapter; or (ii) the applicant does not maintain a valid unified business identifier number, if required by the department of revenue.

(4) The department shall not deny an application or suspend a registration because of an unsatisfied final judgment if the applicant's or registrant's unsatisfied final judgment was determined by the director to be the result of the fraud or negligence of another party.

Sec. 3. RCW 18.27.040 and 1997 c 314 s 5 are each amended to read as follows:

(1) Each applicant shall file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in the sum of ~~((six))~~ twelve thousand dollars if the applicant is a general contractor and ~~((four))~~ six thousand dollars if the applicant is a specialty contractor. If no valid bond is already on file with the department at the time the application is filed, a bond must accompany the registration application. The bond shall have the state of Washington named as obligee with good and sufficient surety in a form to be approved by the department. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director ~~((of its intent to cancel the bond))~~. A cancellation or revocation of the bond or withdrawal of the surety from the bond automatically suspends the registration issued to the registrant until a new bond or reinstatement notice has been filed and approved as provided in this section. The bond shall be conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of breach of contract including negligent or improper work in the conduct of the contracting business. A change in the name of a business or a change in the type of business entity shall not impair a bond for the purposes of this section so long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond.

(2) ~~((Any contractor registered as of July 1, 1997, who maintains such registration in accordance with this chapter shall be in compliance with this chapter until the next annual renewal of the contractor's certificate of registration. At that time))~~ At the time of initial registration or renewal, the contractor shall provide a bond~~((, cash deposit,))~~ or other security deposit as required by this

chapter and comply with all of the other provisions of this chapter before the department shall issue or renew the contractor's certificate of registration. Any contractor registered as of July 1, 2001, who maintains that registration in accordance with this chapter is in compliance with this chapter until the next renewal of the contractor's certificate of registration.

(3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to in this section may bring suit upon the bond or deposit in the superior court of the county in which the work was done or of any county in which jurisdiction of the contractor may be had. The surety issuing the bond shall be named as a party to any suit upon the bond. Action upon the bond or deposit ~~((shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within one year from the date of expiration of the certificate of registration in force at the time))~~ brought by a residential homeowner for breach of contract by a party to the construction contract shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within two years from the date the claimed contract work was substantially completed or abandoned. Action upon the bond or deposit brought by any other authorized party shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within one year from the date the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was substantially completed or abandoned. Service of process in an action against the contractor, the contractor's bond, or the deposit shall be exclusively by service upon the department. Three copies of the summons and complaint and a fee ~~((of ten))~~ adopted by rule of not less than twenty dollars to cover the ((handling)) costs shall be served by registered or certified mail, or other delivery service requiring notice of receipt, upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the ~~((ten-dollar))~~ fee and three copies of the summons and complaint. The service shall constitute service on the registrant and the surety for suit upon the bond or deposit and the department shall transmit the summons and complaint or a copy thereof to the registrant at the address listed in the registrant's application and to the surety within ~~((forty-eight hours))~~ two days after it shall have been received.

(4) The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction. The liability of the surety shall not cumulate where the bond has been renewed, continued, reinstated, reissued or otherwise extended. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

- (a) Employee labor and claims of laborers, including employee benefits;
- (b) Claims for breach of contract by a party to the construction contract;
- (c) Registered or licensed subcontractors, material, and equipment;
- (d) Taxes and contributions due the state of Washington;
- (e) Any court costs, interest, and attorney's fees plaintiff may be entitled to recover. The surety is not liable for any

amount in excess of the penal limit of its bond.

A payment made by the surety in good faith exonerates the bond to the extent of any payment made by the surety.

(5) The total amount paid from a bond or deposit required of a general contractor by this section to claimants other than residential homeowners must not exceed one-half of the bond amount. The total amount paid from a bond or deposit required of a specialty contractor by this section to claimants other than residential homeowners must not exceed one-half of the bond amount or four thousand dollars, whichever is greater.

(6) The prevailing party in an action filed under this section against the contractor and contractor's bond or deposit, for breach of contract by a party to a construction contract, is entitled to costs, interest, and reasonable attorneys' fees. The surety upon the bond is not liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction.

(7) If a final judgment impairs the liability of the surety upon the bond so furnished that there ~~((shall not be))~~ is not in effect a bond ~~((undertaking))~~ in the full amount prescribed in this section, ~~((the department shall suspend))~~ the registration of the contractor is automatically suspended until the bond liability in the required amount unimpaired by unsatisfied judgment claims is furnished. ~~((If the bond becomes fully impaired, a new bond must be furnished at the rates prescribed by this section.~~

~~((6))~~ (8) In lieu of the surety bond required by this section the contractor may file with the department a deposit consisting of cash or other security acceptable to the department.

~~((7))~~ (9) Any person having filed and served a summons and complaint as required by this section having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

~~((8))~~ (10) The director may require an applicant applying to renew or reinstate a registration or applying for a new registration to file a bond of up to three times the normally required amount, if the director determines that an applicant, or a previous registration of a corporate officer, owner, or partner of a current applicant, has had in the past five years a total of six final judgments in actions under this chapter involving a residential single-family dwelling on two or more different structures.

(11) The director may adopt rules necessary for the proper administration of the security.

Sec. 4. RCW 18.27.050 and 1987 c 303 s 1 are each amended to read as follows:

(1) At the time of registration and subsequent reregistration, the applicant shall furnish insurance or financial responsibility in the form of an assigned account in the amount of ~~((twenty))~~ fifty thousand dollars for injury or damages to property, and ~~((fifty))~~ one hundred thousand dollars for injury or damage including death to any one person, and ~~((one))~~ two hundred thousand dollars for injury or damage including death to more than one person ~~((or financial responsibility to satisfy these amounts)).~~

(2) ~~((Failure to maintain insurance or financial responsibility relative to the contractor's activities shall be cause to suspend or deny the contractor his or her or their registration.))~~ An expiration, cancellation, or revocation of the insurance policy or withdrawal

of the insurer from the insurance policy automatically suspends the registration issued to the registrant until a new insurance policy or reinstatement notice has been filed and approved as provided in this section.

(3)(a) Proof of financial responsibility authorized in this section may be given by providing, in the amount required by subsection (1) of this section, an assigned account acceptable to the department. The assigned account shall be held by the department to satisfy any execution on a judgment issued against the contractor for damage to property or injury or death to any person occurring in the contractor's contracting operations, according to the provisions of the assigned account agreement. The department shall have no liability for payment in excess of the amount of the assigned account.

(b) The assigned account filed with the director as proof of financial responsibility shall be canceled at the expiration of three years after:

(i) The contractor's registration has expired or been revoked; or

(ii) The contractor has furnished proof of insurance as required by subsection (1) of this section;

if, in either case, no legal action has been instituted against the contractor or on the account at the expiration of the three-year period.

(c) If a contractor chooses to file an assigned account as authorized in this section, the contractor shall, on any contracting project, notify each person with whom the contractor enters into a contract or to whom the contractor submits a bid that the contractor has filed an assigned account in lieu of insurance and that recovery from the account for any claim against the contractor for property damage or personal injury or death occurring in the project requires the claimant to obtain a court judgment.

Sec. 5. RCW 18.27.060 and 1997 c 314 s 6 and 1997 c 58 s 817 are each reenacted and amended to read as follows:

(1) A certificate of registration shall be valid for ~~((one))~~ two years and shall be renewed on or before the expiration date. The department shall issue to the applicant a certificate of registration upon compliance with the registration requirements of this chapter.

(2) If the department approves an application, it shall issue a certificate of registration to the applicant. ~~((The certificate shall be valid for:~~

~~(a) One year;~~

~~(b) Until the bond expires; or~~

~~(c) Until the insurance expires, whichever comes first. The department shall place the expiration date on the certificate.~~

~~(3) A contractor may supply a short-term bond or insurance policy to bring its registration period to the full one year.~~

~~(4))~~ (3) If a contractor's surety bond or other security has an unsatisfied judgment against it or is canceled, or if the contractor's insurance policy is canceled, the contractor's registration shall be automatically suspended on the effective date of the impairment or cancellation. The department shall mail notice of the suspension to the contractor's address on the certificate of registration by certified and by first class mail within ~~((forty-eight hours))~~ two days after suspension.

~~((5))~~ (4) Renewal of registration is valid on the date the department receives the required fee and proof of bond and liability insurance, if sent by certified mail or other means requiring proof of delivery. The receipt or proof of delivery shall serve as the contractor's proof of renewed registration until he or she receives verification from the department.

~~((6))~~ (5) The department shall immediately suspend the certificate of registration of a contractor who has been certified by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order as provided in RCW 74.20A.320. The certificate of registration shall not be reissued or renewed unless the person provides to the department a release from the department of social and health services stating that he or she is in compliance with the order and the person has continued to meet all other requirements for certification during the suspension.

NEW SECTION. Sec. 6. A new section is added to chapter 18.27 RCW to read as follows:

(1) If an unregistered contractor defaults in a payment, penalty, or fine due to the department, the director or the director's designee may issue a notice of assessment certifying the amount due. The notice must be served upon the unregistered contractor by mailing the notice to the unregistered contractor by certified mail to the unregistered contractor's last known address or served in the manner prescribed for the service of a summons in a civil action.

(2) A notice of assessment becomes final thirty days from the date the notice was served upon the unregistered contractor unless a written request for reconsideration is filed with the department or an appeal is filed in a court of competent jurisdiction in the manner specified in RCW 34.05.510 through 34.05.598. The request for reconsideration must set forth with particularity the reason for the unregistered contractor's request. The department, within thirty days after receiving a written request for reconsideration, may modify or reverse a notice of assessment, or may hold a notice of assessment in abeyance pending further investigation. If a final decision of a court in favor of the department is not appealed within the time allowed by law, then the amount of the unappealed assessment, or such amount of the assessment as is found due by the final decision of the court, is final.

(3) The director or the director's designee may file with the clerk of any county within the state, a warrant in the amount of the notice of assessment, plus interest, penalties, and a filing fee of twenty dollars. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the unregistered contractor mentioned in the warrant, the amount of payment, penalty, fine due on it, or filing fee, and the date when the warrant was filed. The aggregate amount of the warrant as docketed shall become a lien upon the title to, and interest in, all real and personal property of the unregistered contractor against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of the clerk. The sheriff shall proceed upon the warrant in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in a court of competent jurisdiction. The warrant so docketed is sufficient to support the issuance of writs of garnishment in favor of the state in a manner provided by law in case of judgment, wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee which will be added to the amount of the warrant. A copy of the warrant shall be mailed to the unregistered contractor within three days of filing with the clerk.

(4) The director or the director's designee may issue to any person, firm, corporation, other entity, municipal corporation, political subdivision of the state, a public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind whatsoever when he or she has reason to believe that there is in the possession of the person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is or will become due, owing, or belonging to an unregistered contractor upon whom a notice of assessment has been served by the department for payments, penalties, or fines due to the department. The effect of a notice and order is continuous from the date the notice and order is first made until the liability out of which the notice and order arose is satisfied or becomes unenforceable.

because of lapse of time. The department shall release the notice and order when the liability out of which the notice and order arose is satisfied or becomes unenforceable by reason of lapse of time and shall notify the person against whom the notice and order was made that the notice and order has been released.

The notice and order to withhold and deliver must be served by the sheriff of the county or by the sheriff's deputy, by certified mail, return receipt requested, or by an authorized representative of the director. A person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order. Upon service of the notice and order, if the party served possesses any property that may be subject to the claim of the department, the party shall promptly deliver the property to the director or the director's authorized representative. The director shall hold the property in trust for application on the unregistered contractor's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review. In the alternative, the party shall furnish a good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. If a party served and named in the notice fails to answer the notice within the time prescribed in this section, the court may render judgment by default against the party for the full amount claimed by the director in the notice, together with costs. If a notice is served upon an unregistered contractor and the property subject to it is wages, the unregistered contractor may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the wage earner is entitled.

(5) In addition to the procedure for collection of a payment, penalty, or fine due to the department as set forth in this section, the department may recover civil penalties imposed under this chapter in a civil action in the name of the department brought in a court of competent jurisdiction of the county where the violation is alleged to have occurred.

Sec. 7. RCW 18.27.090 and 1997 c 314 s 8 are each amended to read as follows:

The registration provisions of this chapter ((does)) do not apply to:

(1) An authorized representative of the United States government, the state of Washington, or any incorporated city, town, county, township, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state;

(2) Officers of a court when they are acting within the scope of their office;

(3) Public utilities operating under the regulations of the utilities and transportation commission in construction, maintenance, or development work incidental to their own business;

(4) Any construction, repair, or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well or any surface or underground mine or mineral deposit when performed by an owner or lessee;

(5) The sale or installation of any finished products, materials, or articles of merchandise ((which)) that are not actually fabricated into and do not become a permanent fixed part of a structure;

(6) Any construction, alteration, improvement, or repair of personal property((, except this chapter shall apply to all mobile/manufactured housing.—A mobile/manufactured home may be installed, set up, or repaired by the registered or legal owner, by a contractor registered under this chapter)) performed by the registered or legal owner, or by a mobile/manufactured home retail dealer or manufacturer licensed under chapter 46.70 RCW who shall warranty service and repairs under chapter 46.70 RCW;

(7) Any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation under the legal jurisdiction of the federal government;

(8) Any person who only furnished materials, supplies, or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor;

(9) Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor and materials and all other items is less than five hundred dollars, such work or operations being considered as of a casual, minor, or inconsequential nature. The exemption prescribed in this subsection does not apply in any instance wherein the work or construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made into contracts of amounts less than five hundred dollars for the purpose of evasion of this chapter or otherwise. The exemption prescribed in this subsection does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he or she is a contractor, or that he or she is qualified to engage in the business of contractor;

(10) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts; or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising; or to clearing or other work upon land in rural districts for fire prevention purposes; except when any of the above work is performed by a registered contractor;

(11) An owner who contracts for a project with a registered contractor, except that this exemption shall not deprive the owner of the protections of this chapter against registered and unregistered contractors;

(12) Any person working on his or her own property, whether occupied by him or her or not, and any person working on his or her personal residence, whether owned by him or her or not but this exemption shall not apply to any person otherwise covered by this chapter who constructs an improvement on his or her own property with the intention and for the purpose of selling the improved property;

(13) Owners of commercial properties who use their own employees to do maintenance, repair, and alteration work in or upon their own properties;

(14) A licensed architect or civil or professional engineer acting solely in his or her professional capacity, an electrician licensed under the laws of the state of Washington, or a plumber licensed under the laws of the state of Washington or licensed by a political subdivision of the state of Washington while operating within the boundaries of such political subdivision. The exemption provided in this subsection is applicable only when the licensee is operating within the scope of his or her license;

(15) Any person who engages in the activities herein regulated as an employee of a registered contractor with wages as his or her sole compensation or as an employee with wages as his or her sole compensation;

(16) Contractors on highway projects who have been prequalified as required by RCW 47.28.070, with the department of transportation to perform highway construction, reconstruction, or maintenance work;

(17) A mobile/manufactured home dealer or manufacturer who subcontracts the installation, set-up, or repair work to actively registered contractors. This exemption only applies to the installation, set-up, or repair of the mobile/manufactured homes that were manufactured or sold by the mobile/manufactured home dealer or manufacturer.

Sec. 8. RCW 18.27.100 and 1997 c 314 s 9 are each amended to read as follows:

(1) Except as provided in RCW 18.27.065 for partnerships and joint ventures, no person who has registered under one name as provided in this chapter shall engage in the business, or act in the capacity, of a contractor under any other name unless such name also is registered under this chapter.

(2) All advertising and all contracts, correspondence, cards, signs, posters, papers, and documents which show a contractor's name or address shall show the contractor's name or address as registered under this chapter.

(3)(a) All advertising that shows the contractor's name or address shall show the contractor's current registration number. The registration number may be omitted in an alphabetized listing of registered contractors stating only the name, address, and telephone number: PROVIDED, That signs on motor vehicles subject to RCW 46.16.010 and on-premise signs shall not constitute advertising as provided in this section. All materials used to directly solicit business from retail customers who are not businesses shall show the contractor's current registration number. A contractor shall not use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required. Advertising by airwave transmission shall not be subject to this subsection (3)(a).

(b) The director may issue a subpoena to any person or entity selling any advertising subject to this section for the name, address, and telephone number provided to the seller of the advertising by the purchaser of the advertising. The subpoena must have enclosed a stamped, self-addressed envelope and blank form to be filled out by the seller of the advertising. If the seller of the advertising has the information on file, the seller shall, within a reasonable time, return the completed form to the department. The subpoena must be issued (~~before forty-eight hours~~) no more than two days after the expiration of the issue or publication containing the advertising or after the broadcast of the advertising. The good-faith compliance by a seller of advertising with a written request of the department for information concerning the purchaser of advertising shall constitute a complete defense to any civil or criminal action brought against the seller of advertising arising from such compliance. Advertising by airwave or electronic transmission is subject to this subsection (3)(b).

(4) No contractor shall advertise that he or she is bonded and insured because of the bond required to be filed and sufficiency of insurance as provided in this chapter.

(5) A contractor shall not falsify a registration number and use it, or use an expired registration number, in connection with any solicitation or identification as a contractor. All individual contractors and all partners, associates, agents, salesmen, solicitors, officers, and employees of contractors shall use their true names and addresses at all times while engaged in the business or capacity of a contractor or activities related thereto.

(6) Any advertising by a person, firm, or corporation soliciting work as a contractor when that person, firm, or corporation is not registered pursuant to this chapter is a violation of this chapter.

(7)(a) The finding of a violation of this section by the director at a hearing held in accordance with the Administrative Procedure Act, chapter 34.05 RCW, shall subject the person committing the violation to a penalty of not more than ~~((five))~~ ten thousand dollars as determined by the director.

(b) Penalties under this section shall not apply to a violation determined to be an inadvertent error.

Sec. 9. RCW 18.27.114 and 1997 c 314 s 12 are each amended to read as follows:

(1) Any contractor agreeing to perform any contracting project: (a) For the repair, alteration, or construction of four or fewer residential units or accessory structures on such residential property when the bid or contract price totals one thousand dollars or more; or (b) for the repair, alteration, or construction of a commercial building when the bid or contract price totals one thousand dollars or more but less than sixty thousand dollars, must provide the customer with the following disclosure statement in substantially the following form using lower case and upper case twelve-point and bold type where appropriate, prior to starting work on the project:

"NOTICE TO CUSTOMER

~~((This contractor is registered with the state of Washington, registration no., as a general/specialty contractor and has posted with the state a bond or cash deposit of \$6,000/\$4,000 for the purpose of satisfying claims against the contractor for negligent or improper work or breach of contract in the conduct of the contractor's business. The expiration date of this contractor's registration is This bond or cash deposit may not be sufficient to cover a claim which might arise from the work done under your contract. If any supplier of materials used in your construction project or any employee of the contractor or subcontractor is not paid by the contractor or subcontractor on your job, your property may be liened to force payment. If you wish additional protection, you may request the contractor to provide you with original "lien release" documents from each supplier or subcontractor on your project. The contractor is required to provide you with further information about lien release documents if you request it. General information is also available from the department of labor and industries.))~~

This contractor is registered with the state of Washington, registration no. and has posted with the state a bond or deposit of for the purpose of satisfying claims against the contractor for breach of contract including negligent or improper work in the conduct of the contractor's business. The expiration date of this contractor's registration is

THIS BOND OR DEPOSIT MIGHT NOT BE SUFFICIENT TO COVER A CLAIM THAT MIGHT ARISE FROM THE WORK DONE UNDER YOUR CONTRACT.

This bond or deposit is not for your exclusive use because it covers all work performed by this contractor. The bond or deposit is intended to pay valid claims up to that you and other customers, suppliers, subcontractors, or taxing authorities may have.

FOR GREATER PROTECTION YOU MAY WITHHOLD A PERCENTAGE OF YOUR CONTRACT.

You may withhold a contractually defined percentage of your construction contract as retainage for a stated period of time to provide protection to you and help insure that your project will be completed as required by your contract.

YOUR PROPERTY MAY BE LIENED.

If a supplier of materials used in your construction project or an employee or subcontractor of your contractor or subcontractors is not paid, your property may be liened to force payment and you could pay twice for the same work.

FOR ADDITIONAL PROTECTION, YOU MAY REQUEST THE CONTRACTOR TO PROVIDE YOU WITH ORIGINAL "LIEN RELEASE" DOCUMENTS FROM EACH SUPPLIER OR SUBCONTRACTOR ON YOUR PROJECT.

The contractor is required to provide you with further information about lien release documents if you request it. General information is also available from the state Department of Labor and Industries."

(2) A contractor subject to this section shall notify any consumer to whom notice is required under subsection (1) of this section if the contractor's registration has expired or is revoked or suspended by the department prior to completion or other termination of the contract with the consumer.

(3) No contractor subject to this section may bring or maintain any lien claim under chapter 60.04 RCW based on any contract to which this section applies without alleging and proving that the contractor has provided the customer with a copy of the disclosure statement as required in subsection (1) of this section.

(4) This section does not apply to contracts authorized under chapter 39.04 RCW or to contractors contracting with other contractors.

(5) Failure to comply with this section shall constitute an infraction under the provisions of this chapter.

(6) The department shall produce model disclosure statements, and public service announcements detailing the information needed to assist contractors and contractors' customers to comply under this section. As necessary, the department shall periodically update these education materials.

Sec. 10. RCW 18.27.310 and 1993 c 454 s 10 are each amended to read as follows:

(1) The administrative law judge shall conduct contractors' notice of infraction cases pursuant to chapter 34.05 RCW.

(2) The burden of proof is on the department to establish the commission of the infraction by a preponderance of the evidence. The notice of infraction shall be dismissed if the defendant establishes that, at the time the ~~((notice was issued))~~ work was performed, the defendant was registered by the department, without suspension, or was exempt from registration.

(3) After consideration of the evidence and argument, the administrative law judge shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the record of the proceedings. If it has been established that the infraction was committed, the administrative law judge shall issue findings of fact and conclusions of law in its decision and order determining whether the infraction was committed.

(4) An appeal from the administrative law judge's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure.

Sec. 11. RCW 18.27.320 and 1993 c 454 s 11 are each amended to read as follows:

The administrative law judge shall dismiss the notice of infraction at any time upon written notification from the department that the contractor named in the notice of infraction was registered, without suspension, at the time the ~~((notice of infraction was issued))~~ work was performed.

NEW SECTION. Sec. 12. A new section is added to chapter 18.27 RCW to read as follows:

(1) The department shall use reasonable means, including working cooperatively with construction industry, financial institution, local government, consumer, media, and other interested organizations and individuals, to increase:

(a) Consumer awareness of the requirements of this chapter and the methods available to consumers to protect themselves against loss; and

(b) Contractor awareness of the obligations imposed on contractors by this chapter.

(2) The department shall accomplish the tasks listed in this section within existing resources, including but not limited to fees charged under RCW 18.27.075.

NEW SECTION. Sec. 13. A new section is added to chapter 18.27 RCW to read as follows:

(1) The legislature finds that it is contrary to public policy to allow unregistered contractors to continue doing business illegally.

(2) The department of labor and industries, the employment security department, and the department of revenue shall establish an unregistered contractors enforcement team. The team shall develop a written plan to coordinate the activities of the participating agencies to enforce the state's contractor registration laws and rules and other state laws and rules deemed appropriate by the team. In developing the plan, the team shall seek the input and advice of interested stakeholders who support the work of the team.

(3) The director or the director's designee shall call the initial meeting of the unregistered contractors enforcement team by September 1, 2001. The team shall complete the plan and forward it to the appropriate standing committees of the legislature and to the departments that contribute members to the team by December 1, 2001.

(4) The department of labor and industries, the employment security department, and the department of revenue shall accomplish the tasks listed in this section within existing resources, including but not limited to fees charged under RCW 18.27.075.

Sec. 14. RCW 18.27.075 and 1983 c 74 s 2 are each amended to read as follows:

The department ~~((may not set))~~ shall charge a fee ~~((higher than fifty))~~ of one hundred dollars for issuing or renewing a certificate of registration during the 2001-2003 biennium. The department shall revise this amount at least once every two years for the purpose of recognizing economic changes as reflected by the fiscal growth factor under chapter 43.135 RCW."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Prentice, the Senate concurred in the House amendment to Substitute Senate Bill No. 5101.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5101, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5101, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Snyder - 2.

SUBSTITUTE SENATE BILL NO. 5101, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5123 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9A.76 RCW to read as follows:

(1) A person is guilty of escape by a sexually violent predator if, having been committed to the department of social and health services as a sexually violent predator under chapter 71.09 RCW, he or she:

(a) Escapes from custody;

(b) Escapes from a commitment facility;

(c) Escapes from a less restrictive alternative facility; or

(d) While on conditional release and residing in a location other than at a commitment center or less restrictive alternative facility, leaves or remains absent from the state of Washington without prior court authorization.

(2) Escape by a sexually violent predator is a class B felony.

Sec. 2. RCW 9A.76.120 and 1995 c 216 s 15 are each amended to read as follows:

(1) A person is guilty of escape in the second degree if:

(a) He or she escapes from a detention facility; or

(b) Having been charged with a felony or an equivalent juvenile offense, he or she escapes from custody(~~(or~~

~~(c) Having been found to be a sexually violent predator and being under an order of conditional release, he or she leaves the state of Washington without prior court authorization)),~~

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

Sec. 3. RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and 2000 c 66 s 2 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

XV Homicide by abuse (RCW 9A.32.055)

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

XIV Murder 2 (RCW 9A.32.050)

XIII Malicious explosion 2 (RCW 70.74.280(2))

Malicious placement of an explosive 1 (RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)

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

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

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

XI Manslaughter 1 (RCW 9A.32.060)

Rape 2 (RCW 9A.44.050)

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

X Child Molestation 1 (RCW 9A.44.083)

Escape by a Sexually Violent Predator (section 1 of this act)

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

Kidnapping 1 (RCW 9A.40.020)

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

Malicious explosion 3 (RCW 70.74.280(3))

Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

- Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
- IX Assault of a Child 2 (RCW 9A.36.130)
 - Controlled Substance Homicide (RCW 69.50.415)
 - Explosive devices prohibited (RCW 70.74.180)
 - Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
 - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
 - Malicious placement of an explosive 2 (RCW 70.74.270(2))
 - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
 - Robbery 1 (RCW 9A.56.200)
 - Sexual Exploitation (RCW 9.68A.040)
 - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
 - Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Hit and Run--Death (RCW 46.52.020(4)(a))
 - Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
 - Manslaughter 2 (RCW 9A.32.070)
 - Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))
 - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
 - Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440)
 - Promoting Prostitution 1 (RCW 9A.88.070)
 - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
 - Theft of Anhydrous Ammonia (RCW 69.55.010)
 - Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
 - Child Molestation 2 (RCW 9A.44.086)
 - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 - Drive-by Shooting (RCW 9A.36.045)
 - Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
 - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
 - Introducing Contraband 1 (RCW 9A.76.140)
 - Involving a minor in drug dealing (RCW 69.50.401(f))
 - Malicious placement of an explosive 3 (RCW 70.74.270(3))
 - Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
 - Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
 - Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
 - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
 - Bribery (RCW 9A.68.010)
 - Incest 1 (RCW 9A.64.020(1))
 - Intimidating a Judge (RCW 9A.72.160)
 - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 - Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
 - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
 - Rape of a Child 3 (RCW 9A.44.079)
 - Theft of a Firearm (RCW 9A.56.300)
 - Unlawful Storage of Anhydrous Ammonia (RCW 69.55.020)
- V Abandonment of dependent person 1 (RCW 9A.42.060)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
 Child Molestation 3 (RCW 9A.44.089)
 Criminal Mistreatment 1 (RCW 9A.42.020)
 Custodial Sexual Misconduct 1 (RCW 9A.44.160)
 Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
 Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
 Extortion 1 (RCW 9A.56.120)
 Extortionate Extension of Credit (RCW 9A.82.020)
 Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 Incest 2 (RCW 9A.64.020(2))
 Kidnapping 2 (RCW 9A.40.030)
 Perjury 1 (RCW 9A.72.020)
 Persistent prison misbehavior (RCW 9.94.070)
 Possession of a Stolen Firearm (RCW 9A.56.310)
 Rape 3 (RCW 9A.44.060)
 Rendering Criminal Assistance 1 (RCW 9A.76.070)
 Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 Sexually Violating Human Remains (RCW 9A.44.105)
 Stalking (RCW 9A.46.110)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)
 Assault by Watercraft (RCW 79A.60.060)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Commercial Bribery (RCW 9A.68.060)
 Counterfeiting (RCW 9.16.035(4))
 Escape 1 (RCW 9A.76.110)
 Hit and Run--Injury (RCW 46.52.020(4)(b))
 Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
 Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
 Influencing Outcome of Sporting Event (RCW 9A.82.070)
 Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
 Malicious Harassment (RCW 9A.36.080)
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
 Residential Burglary (RCW 9A.52.025)
 Robbery 2 (RCW 9A.56.210)
 Theft of Livestock 1 (RCW 9A.56.080)
 Threats to Bomb (RCW 9.61.160)
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 Vehicular Assault (RCW 46.61.522)
 Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)

Assault 3 (RCW 9A.36.031)
 Assault of a Child 3 (RCW 9A.36.140)
 Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
 Burglary 2 (RCW 9A.52.030)
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 Criminal Gang Intimidation (RCW 9A.46.120)
 Criminal Mistreatment 2 (RCW 9A.42.030)
 Custodial Assault (RCW 9A.36.100)
 Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
 Escape 2 (RCW 9A.76.120)
 Extortion 2 (RCW 9A.56.130)
 Harassment (RCW 9A.46.020)
 Intimidating a Public Servant (RCW 9A.76.180)
 Introducing Contraband 2 (RCW 9A.76.150)
 Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
 Malicious Injury to Railroad Property (RCW 81.60.070)
 Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))

- Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
- Theft of Livestock 2 (RCW 9A.56.080)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
- Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
 - Counterfeiting (RCW 9.16.035(3))
 - Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
 - Escape from Community Custody (RCW 72.09.310)
 - Health Care False Claims (RCW 48.80.030)
 - Malicious Mischief 1 (RCW 9A.48.070)
 - Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
 - Possession of phencyclidine (PCP) (RCW 69.50.401(d))
 - Possession of Stolen Property 1 (RCW 9A.56.150)
 - Theft 1 (RCW 9A.56.030)
 - Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
 - Trafficking in Insurance Claims (RCW 48.30A.015)
 - Unlawful Practice of Law (RCW 2.48.180)
 - Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 - False Verification for Welfare (RCW 74.08.055)
 - Forged Prescription (RCW 69.41.020)
 - Forged Prescription for a Controlled Substance (RCW 69.50.403)
 - Forgery (RCW 9A.60.020)
 - Malicious Mischief 2 (RCW 9A.48.080)
 - Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
 - Possession of Stolen Property 2 (RCW 9A.56.160)
 - Reckless Burning 1 (RCW 9A.48.040)
 - Taking Motor Vehicle Without Permission (RCW 9A.56.070)
 - Theft 2 (RCW 9A.56.040)
 - Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
 - Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 - Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
 - Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 4. RCW 9.94A.030 and 2000 c 28 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.145, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.120(2)(b), 9.94A.650 through 9.94A.670, 9.94A.137, 9.94A.700 through 9.94A.715, or 9.94A.383, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of

reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(5) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.040, for crimes committed on or after July 1, 2000.

(6) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(7) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(9) "Confinement" means total or partial confinement.

(10) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(12) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

(13) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(14) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(15) "Department" means the department of corrections.

(16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(17) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(18) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(19) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(20) "Earned release" means earned release from confinement as provided in RCW 9.94A.150.

(21) "Escape" means:

(a) Escape by a sexually violent predator (section 1 of this act), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(22) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(23) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(24) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(25) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(26) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(27) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

- (b) Assault in the second degree;
- (c) Assault of a child in the second degree;
- (d) Child molestation in the second degree;
- (e) Controlled substance homicide;
- (f) Extortion in the first degree;
- (g) Incest when committed against a child under age fourteen;
- (h) Indecent liberties;
- (i) Kidnapping in the second degree;
- (j) Leading organized crime;
- (k) Manslaughter in the first degree;
- (l) Manslaughter in the second degree;
- (m) Promoting prostitution in the first degree;
- (n) Rape in the third degree;
- (o) Robbery in the second degree;
- (p) Sexual exploitation;
- (q) Vehicular assault;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(28) "Nonviolent offense" means an offense which is not a violent offense.

(29) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(30) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(31) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (31)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(32) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(33) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(34) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(35) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(36) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(37) "Sex offense" means:

(a) A felony that is a violation of:

(i) Chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) RCW 9A.64.020;

(iii) RCW 9.68A.090; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(38) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(39) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(40) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(41) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(42) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(43) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(44) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(45) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.135.

(46) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.137 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(47) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately except for section 4 of this act, which takes effect July 1, 2001."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Costa, the Senate concurred in the House amendment to Substitute Senate Bill No. 5123.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5123, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5123, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Snyder - 2.

SUBSTITUTE SENATE BILL NO. 5123, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5143 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.43.040 and 1998 c 194 s 1 are each amended to read as follows:

(1) The chief of the Washington state patrol shall relieve from active duty Washington state patrol officers who, while in the performance of their official duties, or while on standby or available for duty, have been or hereafter may be injured or incapacitated to such an extent as to be mentally or physically incapable of active service: PROVIDED, That:

(a) Any officer disabled while performing line duty who is found by the chief to be physically incapacitated shall be placed on disability leave for a period not to exceed six months from the date of injury or the date incapacitated. During this period, the officer shall be entitled to all pay, benefits, insurance, leave, and retirement contributions awarded to an officer on active status, less any compensation received through the department of labor and industries. No such disability leave shall be approved until an officer has been unavailable for duty for more than forty consecutive work hours. Prior to the end of the six-month period, the chief shall either place the officer on disability status or return the officer to active status.

For the purposes of this section, "line duty" is active service which encompasses the traffic law enforcement duties and/or other law enforcement responsibilities of the state patrol. These activities encompass all enforcement practices of the laws, accident and criminal investigations, or actions requiring physical exertion or exposure to hazardous elements.

The chief shall define by rule the situations where a disability has occurred during line duty;

(b) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the officer receives or is entitled to receive from workers' compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability;

(c) An officer injured while engaged in willfully tortious or criminal conduct shall not be entitled to disability benefits under this section; and

(d) For members commissioned prior to January 1, 2003, should a disability beneficiary whose disability was not incurred in line of duty, prior to attaining age fifty, engage in a gainful occupation, the chief shall reduce the amount of his retirement allowance to an amount which when added to the compensation earned by him in such occupation shall not exceed the basic salary currently being paid for the rank the retired officer held at the time he was disabled. All such disability beneficiaries under age fifty shall file with the chief every six months a signed and sworn statement of earnings and any person who shall knowingly swear falsely on such statement shall be subject to prosecution for perjury. Should the earning capacity of such beneficiary be further

altered, the chief may further alter his disability retirement allowance as indicated above. The failure of any officer to file the required statement of earnings shall be cause for cancellation of retirement benefits.

(2) ((Officers)) (a) Members commissioned prior to January 1, 2003, on disability status shall receive one-half of their compensation at the existing wage, during the time the disability continues in effect, less any compensation received through the department of labor and industries. They shall be subject to mental or physical examination at any state institution or otherwise under the direction of the chief of the patrol at any time during such relief from duty to ascertain whether or not they are able to resume active duty.

(b) Members commissioned on or after January 1, 2003, on disability status as a result of a line duty disability shall receive a line duty disability allowance of one-half of their compensation at the existing wage, during the time the disability continues in effect, less any compensation received through the department of labor and industries, and any retirement allowance under section 2 of this act. They shall be subject to such comprehensive medical examinations as required by the chief of the patrol at any time during such relief from duty. If these medical examinations reveal that a member has recovered from the incapacitating disability and the member is offered reemployment by the chief at a comparable compensation, the member shall cease to be eligible for this line duty disability allowance.

NEW SECTION. Sec. 2. (1) A member of the retirement system commissioned on or after January 1, 2003, who becomes totally incapacitated for continued employment by an employer as determined by the department upon recommendation of the department shall be eligible to receive an allowance under RCW 43.43.260. The member shall receive a monthly disability allowance computed as provided for in RCW 43.43.260 and shall have this allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age fifty-five or from when the member could have attained twenty-five years of service, whichever is less.

Any member who receives an allowance under the provisions of this section shall be subject to comprehensive medical examinations as required by the department. If these medical examinations reveal that a member has recovered from the incapacitating disability and the member is offered reemployment by the chief at a comparable compensation, the member shall cease to be eligible for the allowance.

(2) If the recipient of a monthly retirement allowance under this section dies before the total of the retirement allowance paid to the recipient equals the amount of the accumulated contributions at the date of retirement, then the balance shall be paid to the member's estate, or the person or persons, trust, or organization as the recipient has nominated by written designation duly executed and filed with the director, or if there is no designated person or persons still living at the time of the recipient's death, then to the surviving spouse, or if there is no designated person or persons still living at the time of his or her death nor a surviving spouse, then to his or her legal representative.

Sec. 3. RCW 43.43.120 and 1999 c 74 s 1 are each amended to read as follows:

As used in the following sections, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the Washington state patrol retirement system.

(2) "Retirement fund" means the Washington state patrol retirement fund.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Member" means any person included in the membership of the retirement fund.

(5) "Employee" means any commissioned employee of the Washington state patrol.

(6)(a) "Cadet," for a person who became a member of the retirement system after June 12, 1980, is a person who has passed the Washington state patrol's entry-level oral, written, physical performance, and background examinations and is, thereby, appointed by the chief as a candidate to be a commissioned officer of the Washington state patrol.

(b) "Cadet," for a person who became a member of the retirement system before June 12, 1980, is a trooper cadet, patrol cadet, or employee of like classification, employed for the express purpose of receiving the on-the-job training required for attendance at the state patrol academy and for becoming a commissioned trooper. "Like classification" includes: Radio operators or dispatchers; persons providing security for the governor or legislature; patrolmen; drivers' license examiners; weighmasters; vehicle safety inspectors; central wireless operators; and warehousemen.

(7) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter.

(8) "Regular interest" means interest compounded annually at such rates as may be determined by the director.

(9) "Retirement board" means the board provided for in this chapter.

(10) "Insurance commissioner" means the insurance commissioner of the state of Washington.

(11) "Lieutenant governor" means the lieutenant governor of the state of Washington.

(12) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for seventy or more hours in any given calendar month shall constitute one month of service. An employee who is reinstated in accordance with RCW 43.43.110 shall suffer no loss of service for the period reinstated subject to the contribution requirements of this chapter. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for herein. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit.

(13) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington.

(14) "Current service" shall mean all service as a member rendered on or after August 1, 1947.

(15)(a) "Average final salary," for members commissioned prior to January 1, 2003, shall mean the average monthly salary received by a member during the member's last two years of service or any consecutive two-year period of service, whichever is the greater, as an employee of the Washington state patrol; or if the member has less than two years of service, then the average monthly salary received by the member during the member's total years of service.

(b) "Average final salary," for members commissioned on or after January 1, 2003, shall mean the average monthly salary received by a member for the highest consecutive sixty service credit months; or if the member has less than sixty months of service, then the average monthly salary received by the member during the member's total months of service.

(16) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality table as may be adopted and such interest rate as may be determined by the director.

(17) Unless the context expressly indicates otherwise, words importing the masculine gender shall be extended to include the feminine gender and words importing the feminine gender shall be extended to include the masculine gender.

(18) "Director" means the director of the department of retirement systems.

(19) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(20) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(21) "Contributions" means the deduction from the compensation of each member in accordance with the contribution rates established under ~~((RCW 43.43.300))~~ chapter 41.45 RCW.

(22) "Annual increase" means as of July 1, 1999, seventy-seven cents per month per year of service which amount shall be increased each subsequent July 1st by three percent, rounded to the nearest cent.

(23)(a) "Salary," for members commissioned prior to July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040, or any voluntary overtime, earned on or after July 1, 2001.

(b) "Salary," for members commissioned on or after July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040 or any voluntary overtime, lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, holiday pay, or any form of severance pay.

(24) "Plan 2" means the Washington state patrol retirement system plan 2, providing the benefits and funding provisions covering commissioned employees who first become members of the system on or after January 1, 2003.

Sec. 4. RCW 43.43.260 and 1994 c 197 s 34 are each amended to read as follows:

Upon retirement from service as provided in RCW 43.43.250, a member shall be granted a retirement allowance which shall consist of:

(1) A prior service allowance which shall be equal to two percent of the member's average final salary multiplied by the number of years of prior service rendered by the member.

(2) A current service allowance which shall be equal to two percent of the member's average final salary multiplied by the number of years of service rendered while a member of the retirement system.

(3)(a) Any member commissioned prior to January 1, 2003, with twenty-five years service in the Washington state patrol may have the member's service in the armed forces credited as a member whether or not the individual left the employ of the Washington state patrol to enter such armed forces: PROVIDED, That in no instance shall military service in excess of five years be credited: AND PROVIDED FURTHER, That in each instance, a member must restore all withdrawn accumulated contributions, which restoration must be completed on the date of the member's retirement, or as provided under RCW 43.43.130, whichever occurs first: AND PROVIDED FURTHER, That this section shall not apply to any individual, not a veteran within the meaning of RCW 41.06.150, as now or hereafter amended: AND PROVIDED FURTHER, That in no instance shall military service be credited to any member who is receiving full military retirement benefits pursuant to Title 10 United States Code, as now or hereafter amended.

(b) A member who leaves the Washington state patrol to enter the armed forces of the United States shall be entitled to retirement system service credit for up to five years of military service. This subsection shall be administered in a manner consistent with the requirements of the federal uniformed services employment and reemployment rights act.

(i) The member qualifies for service credit under this subsection if:

(A) Within ninety days of the member's honorable discharge from the United States armed forces, the member applies for reemployment with the employer who employed the member immediately prior to the member entering the United States armed forces; and

(B) The member makes the employee contributions required under section 11 of this act and RCW 41.45.067 within five years of resumption of service or prior to retirement, whichever comes sooner; or

(C) Prior to retirement and not within ninety days of the member's honorable discharge or five years of resumption of service the member pays the amount required under RCW 41.50.165(2).

(ii) Upon receipt of member contributions under (b)(i)(B) of this subsection, the department shall establish the member's service credit and shall bill the employer for its contribution required under RCW 41.45.060 for the period of military service, plus interest as determined by the department.

(iii) The contributions required under (b)(i)(B) of this subsection shall be based on the compensation the member would have earned if not on leave, or if that cannot be estimated with reasonable certainty, the compensation reported for the member in the year prior to when the member went on military leave.

(4) In no event shall the total retirement benefits from subsections (1), (2), and (3) of this section, of any member exceed seventy-five percent of the member's average final salary.

~~(5) ((A yearly increase in retirement allowance which shall amount to two percent of the retirement allowance computed at the time of retirement. This yearly increase shall be added to the retirement allowance on July 1st of each calendar year.))~~

Beginning July 1, 2001, and every year thereafter, the department shall determine the following information for each retired member or beneficiary whose retirement allowance has been in effect for at least one year:

(a) The original dollar amount of the retirement allowance;

(b) The index for the calendar year prior to the effective date of the retirement allowance, to be known as "index A";

(c) The index for the calendar year prior to the date of determination, to be known as "index B"; and

(d) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the original retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

(i) Produce a retirement allowance which is lower than the original retirement allowance;

(ii) Exceed three percent in the initial annual adjustment; or

(iii) Differ from the previous year's annual adjustment by more than three percent.

For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index for the Seattle-Tacoma-Bremerton Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

The provisions of this section shall apply to all members presently retired and to all members who shall retire in the future.

NEW SECTION. Sec. 5. (1) A member commissioned on or after January 1, 2003, upon retirement for service as prescribed in RCW 43.43.250 or disability retirement under RCW 43.43.040, shall elect to have the retirement allowance paid pursuant to the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout the member's life. However, if the retiree dies before the total of the retirement allowance paid to the retiree equals the amount of the retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a designated person. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married and both the member and member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. This benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and
(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) No later than January 1, 2003, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

Sec. 6. RCW 43.43.270 and 1989 c 108 s 1 are each amended to read as follows:

For members commissioned prior to January 1, 2003:

(1) The normal form of retirement allowance shall be an allowance which shall continue as long as the member lives.

(2) If a member should die while in service the member's lawful spouse shall be paid an allowance which shall be equal to fifty percent of the average final salary of the member. If the member should die after retirement the member's lawful spouse shall be paid an allowance which shall be equal to the retirement allowance then payable to the member or fifty percent of the final average salary used in computing the member's retirement allowance, whichever is less. The allowance paid to the lawful spouse shall continue as long as the spouse lives: PROVIDED, That if a surviving spouse who is receiving benefits under this subsection marries another member of this retirement system who subsequently predeceases such spouse, the spouse shall then be entitled to receive the higher of the two survivors' allowances for which eligibility requirements were met, but a surviving spouse shall not receive more than one survivor's allowance from this system at the same time under this subsection. To be eligible for an allowance the lawful surviving spouse of a retired member shall have been married to the member prior to the member's retirement and continuously thereafter until the date of the member's death or shall have been married to the retired member at least two years prior to the member's death.

(3) If a member should die, either while in service or after retirement, the member's surviving unmarried children under the age of eighteen years shall be provided for in the following manner:

(a) If there is a surviving spouse, each child shall be entitled to a benefit equal to five percent of the final average salary of the member or retired member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member or retired member; and

(b) If there is no surviving spouse or the spouse should die, the child or children shall be entitled to a benefit equal to thirty percent of the final average salary of the member or retired member for one child and an additional ten percent for each additional child. The combined benefits to the children under this subsection shall not exceed sixty percent of the final average salary of the member or retired member. Payments under this subsection shall be prorated equally among the children, if more than one.

(4) If a member should die in the line of duty while employed by the Washington state patrol, the member's surviving children under the age of twenty years and eleven months if attending any high school, college, university, or vocational or other educational institution accredited or approved by the state of Washington shall be provided for in the following manner:

(a) If there is a surviving spouse, each child shall be entitled to a benefit equal to five percent of the final average salary of the member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member;

(b) If there is no surviving spouse or the spouse should die, the unmarried child or children shall be entitled to receive a benefit equal to thirty percent of the final average salary of the member or retired member for one child and an additional ten percent

for each additional child. The combined benefits to the children under this subsection shall not exceed sixty percent of the final average salary. Payments under this subsection shall be prorated equally among the children, if more than one; and

(c) If a beneficiary under this subsection reaches the age of twenty-one years during the middle of a term of enrollment the benefit shall continue until the end of that term.

(5) The provisions of this section shall apply to members who have been retired on disability as provided in RCW 43.43.040 if the officer was a member of the Washington state patrol retirement system at the time of such disability retirement.

NEW SECTION. Sec. 7. (1) For members commissioned on or after January 1, 2003, except as provided in RCW 11.07.010, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon

withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 43.43.260, actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 43.43.278 and if the member was not eligible for normal retirement at the date of death a further reduction from age fifty-five or when the member could have attained twenty-five years of service, whichever is less; if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated under this section making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b)(i) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670; or

(ii) If the member dies, one hundred fifty percent of the member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670. Any accumulated contributions attributable to restorations made under RCW 41.50.165(2) shall be refunded at one hundred percent.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To an estate, a person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

Sec. 8. RCW 43.43.274 and 1999 c 74 s 3 are each amended to read as follows:

Effective ~~((July 1, 1997))~~ January 1, 2003, the minimum retirement allowance under RCW 43.43.260 and 43.43.270(2) in effect on January 1, 2002, shall ~~((not be less than twenty dollars per month for each year of service. Effective July 1, 1999, and annually thereafter, the retirement allowance provided under this section shall be adjusted by the annual increase amount. If the member has elected to receive a reduced retirement allowance under RCW 43.43.280(2), the minimum retirement allowance under this section shall be reduced accordingly))~~ be increased by three percent. Each January 1st thereafter, the minimum retirement allowance of the preceding year shall be increased by three percent.

Sec. 9. RCW 43.43.278 and 2000 c 186 s 9 are each amended to read as follows:

By July 1, 2000, the department of retirement systems shall adopt rules that allow a member to select an actuarially equivalent retirement option that pays the member a reduced retirement allowance and upon death shall be continued throughout the life of a lawful surviving spouse. The continuing allowance to the lawful surviving spouse shall be subject to the yearly increase provided by RCW 43.43.260(5) ~~((in lieu of the annual increase provided in RCW 43.43.272))~~. The allowance to the lawful surviving spouse under this section, and the allowance for an eligible child or children under RCW 43.43.270, shall not be subject to the limit for combined benefits under RCW 43.43.270.

Sec. 10. RCW 41.45.060 and 2000 2nd sp.s. c 1 s 905 are each amended to read as follows:

(1) The state actuary shall provide actuarial valuation results based on the assumptions adopted under RCW 41.45.030.

(2) Not later than September 30, 1998, and every two years thereafter, consistent with the assumptions adopted under RCW 41.45.030, the council shall adopt and may make changes to:

(a) A basic state contribution rate for the law enforcement officers' and fire fighters' retirement system;

(b) Basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system to be used in the ensuing biennial period; and

(c) A basic employer contribution rate for the school employees' retirement system for funding the public employees' retirement system plan 1.

For the 1999-2001 fiscal biennium, the rates adopted by the council shall be effective for the period designated in section 902, chapter 1, Laws of 2000 2nd sp. sess. and RCW 41.45.0602.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the public employees' retirement system plan 1, the teachers' retirement system plan 1, ~~and the law enforcement officers' and fire fighters' retirement system plan 1~~ (~~(, and the unfunded liability of the Washington state patrol retirement system))~~) not later than June 30, 2024, except as provided in subsection (5) of this section;

(b) To also continue to fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the school employees' retirement system plans 2 and 3, and the law enforcement officers' and fire fighters' retirement system plan 2 in accordance with RCW 41.45.061, 41.45.067, and this section; and

(c) For the law enforcement officers' and fire fighters' system plan 2 the rate charged to employers, except as provided in RCW 41.26.450, shall be thirty percent of the cost of the retirement system and the rate charged to the state shall be twenty percent of the cost of the retirement system.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 employer contribution rate ~~and a Washington state patrol retirement system contribution rate.~~

(5) An amount equal to the amount of extraordinary investment gains as defined in RCW 41.31.020 shall be used to shorten the amortization period for the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

(6) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted.

(7) The director of the department of retirement systems shall collect those rates adopted by the council.

NEW SECTION. Sec. 11. Beginning July 1, 2001, the required contribution rate for members of the Washington state patrol retirement system shall be two percent or equal to the employer rate adopted under RCW 41.45.060 and 41.45.070 for the Washington state patrol retirement system, whichever is greater.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) RCW 43.43.272 (Surviving spouse allowance--Annual adjustment) and 1999 c 74 s 2;

(2) RCW 43.43.276 (Retirement and beneficiary allowances--Post-retirement adjustment--Minimum adjustment) and 1983 1st ex.s. c 56 s 5; and

(3) RCW 43.43.300 (Contributions by members--State contributions remain in fund if member leaves patrol) and 2000 c 17 s 1 & 1965 c 8 s 43.300.

NEW SECTION. Sec. 13. (1) Sections 2, 5, and 7 of this act are each added to chapter 43.43 RCW.

(2) Section 11 of this act is added to chapter 41.45 RCW.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

On page 1, line 2 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 43.43.040, 43.43.120, 43.43.260, 43.43.270, 43.43.274, 43.43.278, and 41.45.060; adding new sections to chapter 43.43 RCW; adding a new section to chapter 41.45 RCW; repealing RCW 43.43.272, 43.43.276, and 43.43.300; providing an effective date; and declaring an emergency.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Constantine, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5143.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5143, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5143, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2. Voting yeas: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Snyder - 2.

ENGROSSED SENATE BILL NO. 5143, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5182 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The intent of this act is to ensure a sustainable, comprehensive, pipeline safety program, to protect the health and safety of the citizens of the state of Washington, and maintain the quality of the state's environment. The legislature finds that public safety and the environment are best protected by securing permanent funding for this program through establishment of a regulatory fee imposed on hazardous liquids and gas pipelines.

NEW SECTION. Sec. 2. A new section is added to chapter 80.24 RCW to read as follows:

(1)(a) Every gas company and every interstate gas pipeline company subject to inspection or enforcement by the commission shall pay an annual pipeline safety fee to the commission. The pipeline safety fees received by the commission shall be deposited in the pipeline safety account created in RCW 81.88.050.

(b) The aggregate amount of fees set shall be sufficient to recover the reasonable costs of administering the pipeline safety program, taking into account federal funds used to offset the costs. The fees established under this section shall be designed to generate revenue not exceeding appropriated levels of funding for the current fiscal year. At a minimum, the fees established under this section shall be sufficient to adequately fund pipeline inspection personnel, the timely review of pipeline safety and integrity plans, the timely development of spill response plans, the timely development of accurate maps of pipeline locations, participation in federal pipeline safety efforts to the extent allowed by law, and the staffing of the citizens committee on pipeline safety.

(c) Increases in the aggregate amount of fees over the immediately preceding fiscal year are subject to the requirements of RCW 43.135.055.

(2) The commission shall by rule establish the methodology it will use to set the appropriate fee for each entity subject to this section. The methodology shall provide for an equitable distribution of program costs among all entities subject to the fee. The fee methodology shall provide for:

(a) Direct assignment of average costs associated with annual standard inspections, including the average number of inspection days per year. In establishing these directly assignable costs, the commission shall consider the requirements and guidelines of the federal government, state safety standards, and good engineering practice; and

(b) A uniform and equitable means of estimating and allocating costs of other duties relating to inspecting pipelines for safety that are not directly assignable, including but not limited to design review and construction inspections, specialized inspections, incident investigations, geographic mapping system design and maintenance, and administrative support.

(3) The commission shall require reports from those entities subject to this section in the form and at such time as necessary to set the fees. After considering the reports supplied by the entities, the commission shall set the amount of the fee payable by each entity by general order entered before July 1st of each year.

(4) For companies subject to RCW 80.24.010, the commission shall collect the pipeline safety fee as part of the fee specified in RCW 80.24.010. The commission shall allocate the moneys collected under RCW 80.24.010 between the pipeline safety program and for other regulatory purposes. The commission shall adopt rules that assure that fee moneys related to the pipeline safety program are maintained separately from other moneys collected by the commission under this chapter.

(5) Any payment of the fee imposed by this section made after its due date must include a late fee of two percent of the amount due. Delinquent fees accrue interest at the rate of one percent per month.

(6) The commission shall keep accurate records of the costs incurred in administering its gas pipeline safety program, and the records are open to inspection by interested parties. The records and data upon which the commission's determination is made shall be prima facie correct in any proceeding to challenge the reasonableness or correctness of any order of the commission fixing fees and distributing regulatory expenses.

(7) If any entity seeks to contest the imposition of a fee imposed under this section, that entity shall pay the fee and request a refund within six months of the due date for the payment by filing a petition for a refund with the commission. The commission shall establish by rule procedures for handling refund petitions and may delegate the decisions on refund petitions to the secretary of the commission.

(8) After establishing the fee methodology by rule as required in subsection (2) of this section, the commission shall create a regulatory incentive program for pipeline safety programs in collaboration with the citizens committee on pipeline safety. The regulatory incentive program created by the commission shall not shift costs among companies paying pipeline safety fees and shall not decrease revenue to pipeline safety programs. The regulatory incentive program shall not be implemented until after the review conducted according to section 4 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 81.24 RCW to read as follows:

(1)(a) Every hazardous liquid pipeline company as defined in RCW 81.88.010 shall pay an annual pipeline safety fee to the commission. The pipeline safety fees received by the commission shall be deposited in the pipeline safety account created in RCW 81.88.050.

(b) The aggregate amount of fees set shall be sufficient to recover the reasonable costs of administering the pipeline safety program, taking into account federal funds used to offset the costs. The fees established under this section shall be designed to generate revenue not exceeding appropriated levels of funding for the current fiscal year. At a minimum, the fees established under this section shall be sufficient to adequately fund pipeline inspection personnel, the timely review of pipeline safety and integrity plans, the timely development of spill response plans, the timely development of accurate maps of pipeline locations, participation in federal pipeline safety efforts to the extent allowed by law, and the staffing of the citizens committee on pipeline safety.

(c) Increases in the aggregate amount of fees over the immediately preceding fiscal year are subject to the requirements of RCW 43.135.055.

(2) The commission shall by rule establish the methodology it will use to set the appropriate fee for each entity subject to this section. The methodology shall provide for an equitable distribution of program costs among all entities subject to the fee. The fee methodology shall provide for:

(a) Direct assignment of average costs associated with annual standard inspections, including the average number of inspection days per year. In establishing these directly assignable costs, the commission shall consider the requirements and guidelines of the federal government, state safety standards, and good engineering practice; and

(b) A uniform and equitable means of estimating and allocating costs of other duties relating to inspecting pipelines for safety that are not directly assignable, including but not limited to design review and construction inspections, specialized inspections, incident investigations, geographic mapping system design and maintenance, and administrative support.

(3) The commission shall require reports from those entities subject to this section in the form and at such time as necessary to set the fees. After considering the reports supplied by the entities, the commission shall set the amount of the fee payable by each entity by general order entered before July 1st of each year.

(4) For companies subject to RCW 81.24.010, the commission shall collect the pipeline safety fee as part of the fee specified in RCW 81.24.010. The commission shall allocate the moneys collected under RCW 81.24.010 between the pipeline safety program and for other regulatory purposes. The commission shall adopt rules that assure that fee moneys related to the pipeline safety program are maintained separately from other moneys collected by the commission under this chapter.

(5) Any payment of the fee imposed by this section made after its due date must include a late fee of two percent of the amount due. Delinquent fees accrue interest at the rate of one percent per month.

(6) The commission shall keep accurate records of the costs incurred in administering its hazardous liquid pipeline safety program, and the records are open to inspection by interested parties. The records and data upon which the commission's determination is made shall be prima facie correct in any proceeding to challenge the reasonableness or correctness of any order of the commission fixing fees and distributing regulatory expenses.

(7) If any entity seeks to contest the imposition of a fee imposed under this section, that entity shall pay the fee and request a refund within six months of the due date for the payment by filing a petition for a refund with the commission. The commission shall establish by rule procedures for handling refund petitions and may delegate the decisions on refund petitions to the secretary of the commission.

(8) After establishing the fee methodology by rule as required in subsection (2) of this section, the commission shall create a regulatory incentive program for pipeline safety programs in collaboration with the citizens committee on pipeline safety. The regulatory incentive program created by the commission shall not shift costs among companies paying pipeline safety fees and shall not decrease revenue to pipeline safety programs. The regulatory incentive program shall not be implemented until after the review conducted according to section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 81.88 RCW to read as follows:

The joint legislative audit and review committee shall review staff use, inspection activity, fee methodology, and costs of the hazardous liquid and gas pipeline safety programs and report to the appropriate legislative committees by July 1, 2003. The report shall include a comparison of interstate and intrastate programs, including but not limited to the number and complexity of regular and specialized inspections, mapping requirements for each program, and allocation of administrative costs to each program.

Sec. 5. RCW 19.122.055 and 2000 c 191 s 24 are each amended to read as follows:

(1) Any person who fails to notify the one-number locator service and causes damage to a hazardous liquid or gas pipeline is subject to a civil penalty of not more than ten thousand dollars for each violation.

(2) All civil penalties recovered under this section ~~((relating to hazardous liquid pipelines))~~ shall be deposited into the ~~((hazardous liquid))~~ pipeline safety account created in RCW 81.88.050. ~~((All civil penalties recovered under this section relating to gas pipelines shall be deposited in the general fund and expended for the purpose of enforcement of gas pipeline safety laws.))~~

Sec. 6. RCW 81.88.010 and 2000 c 191 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) ~~((("Department" means the department of ecology-~~

~~(3)))~~ "Failsafe" means a design feature that will maintain or result in a safe condition in the event of malfunction or failure of a power supply, component, or control device.

~~((4)))~~ (3) "Gas" means natural gas, flammable gas, or toxic or corrosive gas.

~~((5)))~~ (4) "Gas pipeline" means all parts of a pipeline facility through which gas moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Gas pipeline" does not include process or transfer pipelines.

~~((6)))~~ (5) "Gas pipeline company" means a person or entity constructing, owning, or operating a gas pipeline for transporting gas. A "gas pipeline company" does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a gas pipeline company.

~~((7)))~~ (6) "Hazardous liquid" means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (b) carbon dioxide.

~~((8)))~~ (7) "Local government" means a political subdivision of the state or a city or town.

~~((9)))~~ (8) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any political subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

~~((10)))~~ (9) "Pipeline," "pipeline system," or "hazardous liquid pipeline" means all parts of a pipeline facility through which a hazardous liquid moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Pipeline" or "pipeline system" does not include process or transfer pipelines.

~~((11)))~~ (10) "Pipeline company" or "hazardous liquid pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid. A "pipeline company" does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a pipeline company.

~~((12)))~~ (11) "Reportable release" means a spilling, leaking, pouring, emitting, discharging, or any other uncontrolled escape of a hazardous liquid in excess of one barrel, or forty-two gallons.

~~((13))~~ (12) "Safety management systems" means management systems that include coordinated and interdisciplinary evaluations of the effect of significant changes to a pipeline system before such changes are implemented.

~~((14))~~ (13) "Transfer pipeline" means a buried or aboveground pipeline used to carry oil between a tank vessel or transmission pipeline and the first valve inside secondary containment at the facility provided that any discharge on the facility side of that first valve will not directly impact waters of the state. A transfer pipeline includes valves, and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. A transfer pipeline does not include process pipelines, pipelines carrying ballast or bilge water, transmission pipelines, or tank vessel or storage tanks.

~~((15))~~ (14) "Transmission pipeline" means a gas pipeline that transports gas within a storage field, or transports gas from an interstate pipeline or storage facility to a distribution main or a large volume gas user, or operates at a hoop stress of twenty percent or more of the specified minimum yield strength.

Sec. 7. RCW 81.88.050 and 2000 c 191 s 4 are each amended to read as follows:

(1) The ~~((hazardous liquid))~~ pipeline safety account is created in the custody of the state treasurer. All fees received by the commission for the pipeline safety program according to sections 2 and 3 of this act and all receipts from the federal office of pipeline safety and any other state or federal funds provided for ~~((hazardous liquid))~~ pipeline safety ~~((must))~~ shall be deposited in the account, except as provided in subsection (2) of this section. Any fines collected under this chapter, or otherwise designated to this account must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for funding pipeline safety.

(2) Federal funds received before June 30, 2001, shall be treated as receipt of unanticipated funds and expended, without appropriation, for the designated purposes.

Sec. 8. RCW 80.01.080 and 1961 c 14 s 80.01.080 are each amended to read as follows:

The transportation revolving fund and the public utilities revolving fund are abolished as of April 1, 1949, and as of such date there is created in the state treasury a "Public Service Revolving Fund" to which shall be transferred all moneys which then remain on hand to the credit of the transportation revolving fund and the public utilities revolving fund, subject, however, to outstanding warrants and other obligations chargeable to appropriations made from such funds. From and after April 1, 1949, regulatory fees payable by all types of public service companies shall be deposited to the credit of the public service revolving fund. Except for expenses payable out of the pipeline safety account, all expense of operation of the Washington utilities and transportation commission shall be payable out of the public service revolving fund.

Sec. 9. RCW 81.88.060 and 2000 c 191 s 5 are each amended to read as follows:

(1) A comprehensive program of hazardous liquid pipeline safety is authorized by RCW 81.88.010, 81.88.040, 81.88.050, 81.88.090, 81.88.100, ~~((81.88.130,))~~ 48.48.160, and this section to be developed and implemented consistent with federal law. ~~((Except as provided in subsection (6) of this section,))~~ The commission shall administer and enforce all laws related to hazardous liquid pipeline safety.

(2) The commission shall adopt rules for pipeline safety standards for hazardous liquid pipeline transportation that:

(a) Require pipeline companies to design, construct, operate, and maintain their pipeline facilities so they are safe and efficient;

(b) Require pipeline companies to rapidly locate and isolate all reportable releases from pipelines, that may include:

(i) Installation of remote control shut-off valves; and

(ii) Installation of remotely monitored pressure gauges and meters;

(c) Require the training and certification of personnel who operate pipelines and the associated systems;

(d) Require reporting of emergency situations, including emergency shutdowns and material defects or physical damage that impair the serviceability of a pipeline; and

(e) Require pipeline companies to submit operations safety plans to the commission once every five years, as well as any amendments to the plan made necessary by changes to the pipeline system or its operation. The safety plan shall include emergency response procedures.

(3) The commission shall approve operations safety plans if they have been deemed fit for service. A plan shall be deemed fit for service when it provides for pipelines that are designed, developed, constructed, operated, and periodically modified to provide for protection of public safety and the environment. Pipeline operations safety plans shall, at a minimum, include:

(a) A schedule of inspection and testing within the pipeline distribution system of:

(i) All mechanical components;

(ii) All electronic components; and

(iii) The structural integrity of all pipelines as determined through pressure testing, internal inspection tool surveys, or another appropriate technique;

(b) Failsafe systems;

(c) Safety management systems; and

(d) Emergency management training for pipeline operators.

(4) The commission shall coordinate information related to pipeline safety by providing technical assistance to local planning and siting authorities.

(5) The commission shall evaluate, and consider adopting, proposals developed by the federal office of pipeline safety, the national transportation safety board, and other agencies and organizations related to methods and technologies for testing the integrity of pipeline structure, leak detection, and other elements of pipeline operation.

~~((6))~~ The authorities of RCW 81.88.010, 81.88.040, 81.88.050, 81.88.090, 81.88.100, 81.88.130, 48.48.160, and this section relating to hazardous liquid pipeline safety shall be transferred from the commission to the department pursuant to RCW 81.88.130 upon the occurrence of either:

(a) Amendments to federal pipeline safety laws to eliminate preemption of state authority to regulate safety requirements for such pipelines; or

(b) The granting of federal authority to the state to enforce or adopt any safety requirements for interstate hazardous liquid pipelines.)

Sec. 10. RCW 81.88.090 and 2000 c 191 s 9 are each amended to read as follows:

(1) The commission (~~and the department~~) shall apply for federal delegation for the state's program for the purposes of enforcement of federal hazardous liquid pipeline safety requirements. If the secretary of transportation delegates inspection authority to the state as provided in this subsection, the (~~department~~) commission, at a minimum, shall do the following:

- (a) Inspect hazardous liquid pipelines periodically as specified in the inspection program;
- (b) Collect fees;
- (c) Order and oversee the testing of hazardous liquid pipelines as authorized by federal law and regulation; and
- (d) File reports with the United States secretary of transportation as required to maintain the delegated authority.

(2) The commission (~~and the department~~) shall also seek federal authority to adopt safety standards related to the monitoring and testing of interstate hazardous liquid pipelines.

(3) Upon delegation under subsection (1) of this section or under a grant of authority under subsection (2) of this section, to the extent authorized by federal law, the (~~department~~) commission shall adopt rules for interstate pipelines that are no less stringent than the state's laws and rules for intrastate hazardous liquid pipelines.

Sec. 11. RCW 81.88.140 and 2000 c 191 s 14 are each amended to read as follows:

(1) The citizens committee on pipeline safety is established to advise the state agencies and other appropriate federal and local government agencies and officials on matters relating to hazardous liquid and gas pipeline safety, routing, construction, operation, and maintenance. The committee shall serve as an advisory committee for the commission on matters relating to the commission's pipeline safety programs and activities. The commission shall consult with and provide periodic reports to the committee on matters related to the commission's pipeline safety programs and activities, including but not limited to the development and regular review of funding elements for pipeline safety programs and activities.

(2) The committee shall have thirteen total members who shall be appointed by the governor to staggered three-year terms and shall consist of: (a) Nine members representing local government, including elected officials and the public; and (b) four nonvoting members, representing owners and operators of hazardous liquid and gas pipelines. All members of the committee, voting and nonvoting, may participate fully in the committee's meetings, activities, and deliberations and shall timely receive all notices and information related to committee business and decisions.

(3) The committee shall review and comment on proposed rules and the operation of the state pipeline safety programs.

~~((2))~~ (4) The committee may create one or more technical advisory committees comprised of gas and hazardous liquid pipeline owners or operators, agency representatives, natural resource and environmental interests, or other interested parties.

~~((3))~~ (5) The committee established in (~~subsection (4) of~~) this section constitutes a class one group under RCW 43.03.220. Expenses for this group, as well as staff support, shall be provided by the utilities and transportation commission (~~and, if additional pipeline authority is transferred to it, the department of ecology~~).

NEW SECTION. Sec. 12. RCW 81.88.130 (Transfer of powers, duties, and functions of commission to department--Delegation of federal authority--Determination by office of financial management) and 2000 c 191 s 13 are each repealed.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Spanel moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5182. Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Spanel that the Senate do concur in the House amendment to Substitute Senate Bill No. 5182.

The motion by Senator Spanel carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5182.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5182, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5182, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Snyder - 2.

SUBSTITUTE SENATE BILL NO. 5182, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 4, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5184 with the following amendment(s):

On page 2, line 13, after "program," insert "regional support networks authorized under chapter 71.24 RCW," and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Thibaudeau, the Senate concurred in the House amendment to Substitute Senate Bill No. 5184.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5184, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5184, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Snyder - 2.

SUBSTITUTE SENATE BILL NO. 5184, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 4, 2001

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5197 with the following amendment(s):

On page 1, line 15, after "and in" strike "2003" and insert "2002", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Prentice, the Senate concurred in the House amendment to Senate Bill No. 5197.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5197, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5197, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Snyder - 2.

SENATE BILL NO. 5197, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Winsley was excused.

MESSAGE FROM THE HOUSE

April 5, 2001

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5256 with the following amendment(s):

On page 7, line 34, after "authorization" insert "be", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Patterson, the Senate concurred in the House amendment to Senate Bill No. 5256. The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5256, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5256, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3. Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 46.

Excused: Senators Deccio, Snyder and Winsley - 3.

SENATE BILL NO. 5256, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Patterson and Regala were excused.

MESSAGE FROM THE HOUSE

April 5, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5263 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 73.16 RCW to read as follows:

(1) It is the intent of the legislature to guarantee employment rights of members of the reserve and national guard forces who are called to active duty. The federal uniformed services employment and reemployment rights act of 1994 protects all such federal personnel. The legislature intends that similar provisions should apply to all such state personnel. Therefore, the legislature intends for this act to ensure protections for state-activated personnel similar to those provided by federal law for federal-activated personnel.

(2) The purposes of this chapter are to:

(a) Encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment that can result from such service;

(b) Minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service; and

(c) Prohibit discrimination against persons because of their service in the uniformed services.

(3) Therefore, the legislature intends that the governmental agencies of the state of Washington, and all the political subdivisions thereof, should be model employers in carrying out the provisions of this chapter.

Sec. 2. RCW 73.16.015 and 1951 c 29 s 2 are each amended to read as follows:

Any veteran entitled to the benefits of RCW 73.16.010 may enforce his or her rights hereunder by civil action in ~~((the))~~ superior court((s)).

Sec. 3. RCW 73.16.031 and 1953 c 212 s 1 are each amended to read as follows:

~~((As used in RCW 73.16.031 through 73.16.061, the term:~~

"Resident" means any person residing in the state.)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the attorney general of the state of Washington or any person designated by the attorney general to carry out a responsibility of the attorney general under this chapter.

(2) "Benefit," "benefit of employment," or "rights and benefits" means any advantage, profit, privilege, gain, status, account, or interest (other than wages or salary for work performed) that accrues by reason of an employment contract or agreement or an employer policy, plan, or practice and includes rights and benefits under a pension plan, a health plan, an employee stock ownership plan, insurance coverage and awards, bonuses, severance pay, supplemental unemployment benefits, vacations, and the opportunity to select work hours or location of employment.

(3) "Employee" means a person in a position of employment.

(4) "Employer" means the person, firm, or corporation, the state, or any elected or appointed public official currently having control over the position that has been vacated.

(5) "Health plan" means an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or other arrangement under which health services for individuals are provided or the expenses of such services are paid.

(6) "Notice" means any written or verbal notification of an obligation or intention to perform service in the uniformed services provided to an employer by the employee who will perform such service or by the uniformed service in which such service is to be performed.

(7) "Position of employment" means any position (other than temporary) wherein a person is engaged for a private employer, company, corporation, or the state (~~(, municipality, or political subdivision thereof)~~).

(8) "Qualified," with respect to an employment position, means having the ability to perform the essential tasks of the position.

(9) "Rejectee" means a person rejected because he or she is not, physically or otherwise, qualified to enter the uniformed service.

(10) "Resident" means any person residing in the state with the intent to remain other than on a temporary or transient basis.

(11) "Seniority" means longevity in employment together with any benefits of employment which accrue with, or are determined by, longevity in employment.

(12) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty (including state-ordered active duty), and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(13) "State" means the state of Washington, including the agencies and political subdivisions thereof.

(14) "Temporary position" means a position of short duration which, after being vacated, ceases to exist and wherein the employee has been advised as to its temporary nature prior to his or her engagement.

(~~"Employer" means the person, firm, corporation, state and any political subdivision thereof, or public official currently having control over the position which has been vacated.~~

~~"Rejectee" means a person rejected because he is not, physically or otherwise, qualified to enter the service.)~~

(15) "Undue hardship," in the case of actions taken by an employer, means actions requiring significant difficulty or expense when considered in light of:

(a) The nature and cost of the action needed under this chapter;

(b) The overall financial resources of the facility or facilities involved in the provision of the action; the number of persons employed at such facility; the effect on expenses and resources; or the impact otherwise of such action upon the operation of the facility; and

(c) The type of operation or operations of the employer, including the composition, structure, and functions of the work force of such employer, the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the employer.

(16) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the president of the United States in time of war or national emergency.

NEW SECTION. Sec. 4. A new section is added to chapter 73.16 RCW to read as follows:

(1) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service, application for service, or obligation.

(2) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (a) has taken an action to enforce a protection afforded any person under this chapter, (b) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (c) has assisted or otherwise participated in an investigation under this chapter, or (d) has exercised a right provided for in this chapter. The prohibition in this subsection (2) applies with respect to a person regardless of whether that person has performed service in the uniformed services.

(3) An employer shall be considered to have engaged in actions prohibited:

(a) Under subsection (1) of this section, if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service; or

(b) Under subsection (2) of this section if the person's (i) action to enforce a protection afforded any person under this chapter, (ii) testimony or making of a statement in or in connection with any proceeding under this chapter, (iii) assistance or other participation in an investigation under this chapter, or (iv) exercise of a right provided for in this chapter, is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

Sec. 5. RCW 73.16.033 and 1953 c 212 s 2 are each amended to read as follows:

Any person who is a resident of this state or is employed within this state, and who voluntarily or upon (~~(demand)~~) order from competent authority, vacates a position of employment (~~(to determine his physical fitness to enter, or, who actually does enter upon active duty or training in the Washington National Guard, the armed forces of the United States, or the United States public health service)~~) for service in the uniformed services, shall, provided he or she meets the requirements of RCW 73.16.035, be reemployed forthwith: PROVIDED, That the employer need not reemploy such person if circumstances have so changed (~~(as to make it impossible, unreasonable, or against the public interest for him to do so)~~) such that reemployment would be impossible or unreasonable due to a change in the employer's circumstances, or would impose an undue hardship on the employer: PROVIDED FURTHER, That this section shall not apply to a temporary position.

If such person is still qualified to perform the duties of his or her former position, he or she shall be restored to that position or to a position of like seniority, status and pay. If he or she is not so qualified as a result of disability sustained during his or her service (~~(, or during the determination of his fitness for service)~~) in the uniformed services, but is nevertheless qualified to perform the duties of another position, under the control of the same employer, he or she shall be reemployed in such other position: PROVIDED, That such position shall provide him or her with like seniority, status, and pay, or the nearest approximation thereto consistent with the circumstances of the case.

Sec. 6. RCW 73.16.035 and 1969 c 16 s 1 are each amended to read as follows:

(1) In order to be eligible for the benefits of ((RCW 73.16.031 through 73.16.064)) this chapter, an applicant must comply with the following requirements:

((4-He)) (a) The applicant must notify his or her employer as to his or her membership in the uniformed services within a reasonable time of accepting employment or becoming a member of the uniformed services. An employer may not take any action prohibited in section 4 of this act against a person because the person provided notice of membership in the uniformed services to the employer.

(b) The applicant must furnish a receipt of an honorable, or under honorable conditions discharge, report of separation, certificate of satisfactory service, or other proof of having satisfactorily completed his or her service. Rejectees must furnish proof of orders for examination and rejection.

((2-He)) (c) The applicant must make written application to the employer or his or her representative ((within ninety days of the date of his separation or release from training and service. Rejectees must apply within thirty days from date of rejection)) as follows:

(i) In the case of an applicant whose period of service in the uniformed services was less than thirty-one days, by reporting to the employer:

(A) Not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for the safe transportation of the applicant from the place of that service to the applicant's residence; or

(B) As soon as possible after the expiration of the eight-hour period in (c)(i)(A) of this subsection, if reporting within that period is impossible or unreasonable through no fault of the applicant;

(ii) In the case of an applicant who is absent from a position of employment for a period of any length for the purposes of an examination to determine the applicant's fitness to perform service in the uniformed services, by reporting in the manner and time referred to in (c)(i) of this subsection;

(iii) In the case of an applicant whose period of service in the uniformed services was for more than thirty days but less than one hundred eighty-one days, by submitting an application for reemployment with the employer not later than fourteen days after the completion of the period of service or if submitting such application within such period is impossible or unreasonable through no fault of the applicant, the next first full calendar day when submission of such application becomes possible;

(iv) In the case of an applicant whose period of service in the uniformed services was for more than one hundred eighty days, by submitting an application for reemployment with the employer not later than ninety days after the completion of the period of service;

(v) In the case of an applicant who is hospitalized for, or convalescing from, an illness or injury incurred or aggravated during the performance of service in the uniformed services, at the end of the period that is necessary for the applicant to recover from such illness or injury, the applicant shall submit an application for reemployment with such employer. The period of recovery may not exceed two years. This two-year period shall be extended by the minimum time required to accommodate the circumstances beyond the applicant's control that make reporting within the two-year period impossible or unreasonable;

(vi) In the case of an applicant who fails to report or apply for employment or reemployment within the appropriate period specified in this subsection (1)(c), the applicant does not automatically forfeit his or her entitlement to the rights and benefits conferred by this chapter, but is subject to the conduct rules, established policy, and general practices of the employer pertaining to explanations and discipline with respect to absence from scheduled work.

(d) An applicant who submits an application for reemployment shall provide to the applicant's employer, upon the request of that employer, documentation to establish that:

(i) The application is timely;

(ii) The applicant has not exceeded the service limitations set forth in this section, except as permitted under (c)(v) of this subsection; and

(iii) The applicant's entitlement to the benefits under this chapter has not been terminated pursuant to (e) of this subsection.

((3) If, due to the necessity of hospitalization, while on active duty, he is released or placed on inactive duty and remains hospitalized, he is eligible for the benefits of RCW 73.16.031 through 73.16.064: PROVIDED, That such hospitalization does not continue for more than one year from date of such release or inactive status: PROVIDED FURTHER, That he applies for his former position within ninety days after discharge from such hospitalization.

(4-He) (e) The applicant must return and reenter the office or position within ((three months)) the appropriate period specified in (c) of this subsection after serving four years or less in the uniformed services other than state-ordered active duty: PROVIDED, That any period of additional service imposed by law, from which one is unable to obtain orders relieving him or her from active duty, will not affect ((his)) reemployment rights.

(f) The applicant must return and reenter the office or position within the appropriate period specified in (c) of this subsection after serving twelve weeks or less in a calendar year in state-ordered active duty: PROVIDED, That the governor, when declaring an emergency that necessitates a longer period of service, may extend the period of service in state-ordered active duty to up to twelve months after which the applicant is eligible for the benefits of this chapter.

(2) The failure of an applicant to provide documentation that satisfies rules adopted pursuant to subsection (1)(c) of this section shall not be a basis for denying reemployment in accordance with the provisions of this chapter if the failure occurs because such documentation does not exist or is not readily available at the time of the request of the employer. If, after such reemployment, documentation becomes available that establishes that the applicant does not meet one or more of the requirements referred to in subsection (1)(d) of this section, that applicant's employer may terminate the employment of the person and the provision of any rights or benefits afforded the person under this chapter.

(3) An employer may not delay or attempt to defeat a reemployment obligation by demanding documentation that does not then exist or is not then readily available.

(4) The application in subsection (1) of this section is not required if the giving of such application is precluded by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity for the purposes of this subsection shall be made by the adjutant general of the state of Washington military department and is not subject to judicial review.

(5) In any proceeding involving an issue of whether (a) reemployment is impossible or unreasonable because of a change in an employer's circumstances, (b) reemployment would impose an undue hardship on the employer, or (c) the employment is for a temporary position, the employer has the burden of proving the impossibility or unreasonableness, undue hardship, or the brief or nonrecurrent nature of the employment without a reasonable expectation of continuing indefinitely or for a significant period.

Sec. 7. RCW 73.16.051 and 1953 c 212 s 5 are each amended to read as follows:

Any person who is entitled to be restored to a position in accordance with ~~((the provisions of RCW 73.16.031, 73.16.033, 73.16.035, and 73.16.041))~~ this chapter shall be considered as having been on furlough or leave of absence, from his or her position of employment, during his or her period of active military duty or service, and he or she shall be so restored without loss of seniority. He or she shall further be entitled to participate in insurance, vacations, retirement pay, and other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was ordered into the service; and he or she shall not be discharged from such position without cause within one year after restoration ~~((: PROVIDED, That no employer shall be required to make any payment to keep insurance or retirement rights current during such period of military service))~~.

NEW SECTION. Sec. 8. A new section is added to chapter 73.16 RCW to read as follows:

(1) If a person, or the person's dependents, have coverage under a health plan in connection with the person's position of state employment, and the person is absent from his or her position of state employment by reason of service in the uniformed services, the plan shall provide that the person may elect to continue the coverage as provided in this section. The maximum period of coverage of a person and person's dependents under such an election shall be the lesser of:

(a) The eighteen-month period beginning on the date on which the person's absence begins; or

(b) The day after the date on which the person fails to apply for or return to a position of state employment, as determined under RCW 73.16.035.

(2) A person who elects to continue health plan coverage under this section may be required to pay not more than one hundred two percent of the full premium under the plan associated with the coverage for the state employer's other employees, except that in the case of a person who performs service in the uniformed services for less than thirty-one days, the person may not be required to pay more than the employee share, if any, for the coverage.

(3) Except as provided in subsection (2) of this section, if a person's coverage under a health plan was terminated because of service in the uniformed services, an exclusion or waiting period may not be imposed in connection with the reinstatement of the coverage upon reemployment under this chapter if an exclusion or waiting period would not have been imposed under a health plan had coverage of the person by the plan not been terminated as a result of his or her service. This subsection applies to the person who is reemployed and to any dependent who is covered by the plan because of the reinstatement of the coverage of the person.

NEW SECTION. Sec. 9. A new section is added to chapter 73.16 RCW to read as follows:

(1)(a) In the case of a right provided under any state law governing pension benefits for state employees, the right to pension benefits of a person reemployed under this chapter shall be determined under this section.

(b) A person reemployed under this chapter shall be treated as not having incurred a break in service with the state because of the person's period of service in the uniformed services.

(c) Each period served by a person in the uniformed services shall, upon reemployment under this chapter, be deemed to constitute service with the state for the purpose of determining the nonforfeitable of the person's accrued benefits and for the purpose of determining the accrual of benefits under the plan.

(2) When the state is reemploying a person under this chapter, the state is liable to an employee pension benefit plan for funding any obligation of the plan to provide the pension benefits described in this section and shall allocate the amounts of any employer contribution for the person in the same manner and to the same extent the allocation occurs for other employees during the period of service. For purposes of determining the amount of such liability and any obligation of the plan, earnings and forfeitures shall not be included. For purposes of determining the amount of such liability and purposes of a state law governing pension benefits for state employees, service in the uniformed services that is deemed under subsection (1) of this section to be service with the state shall be deemed to be service with the state under the terms of the plan or any applicable collective bargaining agreement.

(3) A person reemployed by the state under this chapter is entitled to accrued benefits pursuant to subsection (1)(a) of this section that are contingent on the making of, or derived from, employee contributions or elective deferrals (as defined in section 402(g)(3) of the internal revenue code of 1986) only to the extent the person makes payment to the plan with respect to such contributions or deferrals. No such payment may exceed the amount the person would have been permitted or required to contribute had the person remained continuously employed by the state throughout the period of uniformed service. Any payment to the plan described in this subsection shall be made during the period beginning with the date of reemployment and whose duration is three times the period of the person's services, such payment period in the uniformed services, not to exceed five years.

(4) For purposes of computing an employer's liability of the employee's contributions under subsection (2) of this section, the employee's compensation during the period of service shall be computed:

(a) At the rate the employee would have received but for the period of service in subsection (1)(b) of this section; or

(b) In the case that the determination of such rate is not reasonably certain, on the basis of the employee's average rate of compensation during the twelve-month period immediately preceding such period or if shorter, the period of employment immediately preceding such period.

Sec. 10. RCW 73.16.061 and 1953 c 212 s 6 are each amended to read as follows:

(1) In case any employer, his or her successor or successors fails or refuses to comply with the provisions of RCW 73.16.031 through 73.16.061 and sections 4, 8, 9, and 13 of this act, the ~~((prosecuting attorney of the county in which the employer is located))~~ attorney general shall bring action in the superior court in the county in which the employer is located or does business to obtain an order to specifically require such employer to comply with the provisions ~~((hereof))~~ of this chapter, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful act if:

(a) The service in question was state duty not covered by the uniformed services employment and reemployment rights act of 1994, P.L. 103-353 (38 U.S.C. Sec. 4301 et seq.); and

(b) The employer support for guard and reserve ombudsman, or his or her designee, has inquired in the matter and has been unable to resolve it.

(2) If the conditions in subsection (1)(a) and (b) of this section are met, any such person who does not desire the services of the ((prosecuting) attorney general may, by private counsel, bring such action.

Sec. 11. RCW 73.16.070 and 1941 c 201 s 5 are each amended to read as follows:

The federal soldiers' and sailors' civil relief act of 1940, Public Act No. 861((, 76th congress)), is hereby specifically declared to apply in proper cases in all the courts of this state.

NEW SECTION. Sec. 12. A new section is added to chapter 73.16 RCW to read as follows:

An offset of any military pay for temporary service in the uniformed services in a particular week against the salary of a bona fide executive, administrative, or professional employee in a particular week shall not be a factor in determining whether the employee is exempt under RCW 49.46.010(5)(c).

NEW SECTION. Sec. 13. A new section is added to chapter 73.16 RCW to read as follows:

This chapter shall not supersede, nullify, or diminish any federal or state law, ordinance, rule, regulation, contract, agreement, policy, plan, practice, or other matter that establishes a right or benefit that is more beneficial to, or is in addition to, a right or benefit provided for such person in this chapter.

NEW SECTION. Sec. 14. A new section is added to chapter 73.16 RCW to read as follows:

The legislature declares that the public policies articulated in chapter ..., Laws of 2001 (this act) depend on the procedures established in chapter ..., Laws of 2001 (this act). No civil or criminal action may be maintained relying on the public policies articulated in chapter ..., Laws of 2001 (this act) without complying with the procedures in this chapter. To that end, all civil actions and civil causes of action for such injuries and all jurisdiction of the courts of this state over such causes are hereby abolished, except as provided in this chapter.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Prentice, the Senate concurred in the House amendment to Substitute Senate Bill No. 5263.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5263, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5263, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 44.

Excused: Senators Deccio, Patterson, Regala, Snyder and Winsley - 5.

SUBSTITUTE SENATE BILL NO. 5263, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Johnson was excused.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5289 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 82.14.370 and 1999 c 311 s 101 are each amended to read as follows:

(1) The legislative authority of a rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed 0.08 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax(~~, except that for rural counties with population densities between sixty and one hundred persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000~~). No tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3) Moneys collected under this section shall only be used for the purpose of private sector job creation or retention by financing the acquisition, construction, rehabilitation, alteration, expansion, or improvements and related costs of public facilities in rural counties. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county. In implementing this section, the county shall consult with cities, towns, and port districts located within the county. ~~((For the purposes of))~~

(4) The definitions in this subsection apply throughout this section((:)).

(a) "Public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington.

~~((4) No tax may be collected under this section before July 1, 1998. No tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.~~

~~(5) For purposes of this section,))~~

(b) "Related costs" may include development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility and marketing studies and plans, project design, site planning and analysis, and project debt and revenue impact analysis.

(c) "Rural county" means a county with a population density of less than one hundred persons per square mile as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

(5) Notwithstanding the provisions of this section, moneys collected under this section may not be used for financing (a) electrical distribution or transmission facilities on property or premises that currently take electric service from an electric utility as defined in RCW 19.29A.010; (b) electric distribution or transmission facilities beyond the legal boundary of an undeveloped site; or (c) electric generation facilities that provide electricity for use beyond the legal boundary of a development site.

(6) No moneys collected under this section may be provided to an electric utility as defined in RCW 19.29A.010."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Tim Sheldon, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5289.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5289, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5289, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Deccio, Johnson, Regala and Snyder - 4.

ENGROSSED SENATE BILL NO. 5289, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5309 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 3.62.090 and 1997 c 331 s 4 are each amended to read as follows:

(1) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to sixty percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

(2) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions and for fines levied under RCW 46.61.5055, and in addition to the public safety and education assessment required under subsection (1) of this section, by all courts organized under Title 3 or 35 RCW, an additional public safety and education assessment equal to fifty percent of the public safety and education assessment required under subsection (1) of this section, which shall be remitted to the state treasurer and deposited as provided in RCW 43.08.250. The additional assessment required by this subsection shall not be suspended or waived by the court.

(3) This section does not apply to the fee imposed under RCW ~~((43.63.110(6)))~~ 46.63.110(6) or the penalty imposed under RCW 46.63.110(7).

Sec. 2. RCW 46.63.110 and 1997 c 331 s 3 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid.

(6) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed a fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040.

(7)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 shall be assessed an additional penalty of ten dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a community service program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (7) by participation in the community service program.

(b) Revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

NEW SECTION. Sec. 3. A new section is added to chapter 46.64 RCW to read as follows:

(1) In addition to any other penalties imposed for conviction of a violation of this title that is a misdemeanor, gross misdemeanor, or felony, the court shall impose an additional penalty of fifty dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a community service program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this section by participation in the community service program.

(2) Revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this section to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this section must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

Sec. 4. RCW 43.08.250 and 2000 2nd sp.s. c 1 s 911 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, drug court operations, and state game programs. During the fiscal biennium ending June 30, 2001, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, department of ecology methamphetamine-related activities, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, and the replacement of the department of corrections' offender-based tracking system."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Constantine, the Senate concurred in the House amendment to Substitute Senate Bill No. 5309.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5309, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5309, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Oke, Parlette, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau and Zarelli - 36.

Voting nay: Senators Hale, Honeyford, Johnson, McCaslin, McDonald, Morton, Roach, Stevens, West and Winsley - 10.

Excused: Senators Deccio, Regala and Snyder - 3.

SUBSTITUTE SENATE BILL NO. 5309, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kastama was excused.

MESSAGE FROM THE HOUSE

April 5, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5372 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to further the government-to-government relationship between the state of Washington and Indians in the state of Washington by authorizing the governor to enter into contracts concerning the sale of cigarettes. The legislature finds that these cigarette tax contracts will provide a means to promote economic development, provide needed revenues for tribal governments and Indian persons, and enhance enforcement of the state's cigarette tax law, ultimately saving the state money and reducing conflict. In addition, it is the intent of the legislature that the negotiations and the ensuing contracts shall have no impact on the state's share of the proceeds under the master settlement agreement entered into on November 23, 1998, by the state. This act does not constitute a grant of taxing authority to any Indian tribe nor does it provide precedent for the taxation of non-Indians on fee land.

NEW SECTION. Sec. 2. A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor may enter into cigarette tax contracts concerning the sale of cigarettes. All cigarette tax contracts shall meet the requirements for cigarette tax contracts under this section. Except for cigarette tax contracts under section 3 of this act, the rates, revenue sharing, and exemption terms of a cigarette tax contract are not effective unless authorized in a bill enacted by the legislature.

(2) Cigarette tax contracts shall be in regard to retail sales in which Indian retailers make delivery and physical transfer of possession of the cigarettes from the seller to the buyer within Indian Country, and are not in regard to transactions by non-Indian retailers. In addition, contracts shall provide that retailers shall not sell or give, or permit to be sold or given, cigarettes to any person under the age of eighteen years.

(3) A cigarette tax contract with a tribe shall provide for a tribal cigarette tax in lieu of all state cigarette taxes and state and local sales and use taxes on sales of cigarettes in Indian Country by Indian retailers. The tribe may allow an exemption for sales to tribal members.

(4) Cigarette tax contracts shall provide that all cigarettes possessed or sold by a retailer shall bear a cigarette stamp obtained by wholesalers from a bank or other suitable stamp vendor and applied to the cigarettes. The procedures to be used by the tribe in obtaining tax stamps must include a means to assure that the tribal tax will be paid by the wholesaler obtaining such cigarettes. Tribal stamps must have serial numbers or some other discrete identification so that each stamp can be traced to its source.

(5) Cigarette tax contracts shall provide that retailers shall purchase cigarettes only from:

(a) Wholesalers or manufacturers licensed to do business in the state of Washington;

(b) Out-of-state wholesalers or manufacturers who, although not licensed to do business in the state of Washington, agree to comply with the terms of the cigarette tax contract, are certified to the state as having so agreed, and who do in fact so comply. However, the state may in its sole discretion exercise its administrative and enforcement powers over such wholesalers or manufacturers to the extent permitted by law;

(c) A tribal wholesaler that purchases only from a wholesaler or manufacturer described in (a), (b), or (d) of this subsection; and

(d) A tribal manufacturer.

(6) Cigarette tax contracts shall be for renewable periods of no more than eight years. A renewal may not include a renewal of the phase-in period.

(7) Cigarette tax contracts shall include provisions for compliance, such as transport and notice requirements, inspection procedures, stamping requirements, recordkeeping, and audit requirements.

(8) Tax revenue retained by a tribe must be used for essential government services. Use of tax revenue for subsidization of cigarette and food retailers is prohibited.

(9) The cigarette tax contract may include provisions to resolve disputes using a nonjudicial process, such as mediation.

(10) The governor may delegate the power to negotiate cigarette tax contracts to the department of revenue. The department of revenue shall consult with the liquor control board during the negotiations.

(11) Information received by the state or open to state review under the terms of a contract is subject to the provisions of RCW 82.32.330.

(12) It is the intent of the legislature that the liquor control board and the department of revenue continue the division of duties and shared authority under chapter 82.24 RCW and therefore the liquor control board is responsible for enforcement activities that come under the terms of chapter 82.24 RCW.

(13) Each cigarette tax contract shall include a procedure for notifying the other party that a violation has occurred, a procedure for establishing whether a violation has in fact occurred, an opportunity to correct such violation, and a provision providing for termination of the contract should the violation fail to be resolved through this process, such termination subject to mediation should the terms of the contract so allow. A contract shall provide for termination of the contract if resolution of a dispute does not occur within twenty-four months from the time notification of a violation has occurred. Intervening violations do not extend this time period. In addition, the contract shall include provisions delineating the respective roles and responsibilities of the tribe, the department of revenue, and the liquor control board.

(14) For purposes of this section and sections 3 through 6 of this act:

(a) "Essential government services" means services such as tribal administration, public facilities, fire, police, public health, education, job services, sewer, water, environmental and land use, transportation, utility services, and economic development;

(b) "Indian retailer" or "retailer" means (i) a retailer wholly owned and operated by an Indian tribe, (ii) a business wholly owned and operated by a tribal member and licensed by the tribe, or (iii) a business owned and operated by the Indian person or persons in whose name the land is held in trust; and

(c) "Indian tribe" or "tribe" means a federally recognized Indian tribe located within the geographical boundaries of the state of Washington.

NEW SECTION. Sec. 3. A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor is authorized to enter into cigarette tax contracts with the Squaxin Island Tribe, the Nisqually Tribe, Tulalip Tribes, the Muckleshoot Indian Tribe, the Quinault Nation, the Jamestown S'Klallam Indian Tribe, the Port Gamble S'Klallam Tribe, the Stillaguamish Tribe, the Sauk-Suiattle Tribe, the Skokomish Indian Tribe, the Nooksack Indian Tribe, the Lummi Nation, the Chehalis Confederated Tribes, and the Upper Skagit Tribe. Each contract adopted under this section shall provide that the tribal cigarette tax rate be one hundred percent of the state cigarette and state and local sales and use taxes within three years of enacting the tribal tax and shall be set no lower than eighty percent of the state cigarette and state and local sales and use taxes during the three-year phase-in period. The three-year phase-in period shall be shortened by three months each quarter the number of cartons of nontribal manufactured cigarettes is at least ten percent or more than the quarterly average number of cartons of nontribal manufactured cigarettes from the six-month period preceding the imposition of the tribal tax under the contract. Sales at a retailer operation not in existence as of the date a tribal tax under this section is imposed are subject to the full rate of the tribal tax under the contract. The tribal cigarette tax is in lieu of the state cigarette and state and local sales and use taxes, as provided in section 2(3) of this act.

(2) A cigarette tax contract under this section is subject to section 2 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 does not apply to sales of cigarettes by an Indian retailer during the effective period of a cigarette tax contract subject to section 2 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply in respect to the use of cigarettes sold by an Indian retailer during the effective period of a cigarette tax contract subject to section 2 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 82.24 RCW to read as follows:

(1) The taxes imposed by this chapter do not apply to the sale, use, consumption, handling, possession, or distribution of cigarettes by an Indian retailer during the effective period of a cigarette tax contract subject to section 2 of this act.

(2) Effective July 1, 2002, wholesalers and retailers subject to the provisions of this chapter shall be allowed compensation for their services in affixing the stamps required under this chapter a sum computed at the rate of six dollars per one thousand stamps purchased or affixed by them.

NEW SECTION. Sec. 7. RCW 82.24.070 (Compensation of dealers), as now or hereafter amended, and 1987 c 496 s 5, 1987 c 80 s 2, 1971 ex.s. c 299 s 14, 1965 ex.s. c 173 s 24, 1961 ex.s. c 24 s 4, & 1961 c 15 s 82.24.070 are each repealed.

Sec. 8. RCW 82.24.510 and 1986 c 321 s 5 are each amended to read as follows:

(1) The licenses issuable under this chapter are as follows:

(a) A wholesaler's license.

(b) A retailer's license.

(2) Application for the licenses shall be made through the master license system under chapter 19.02 RCW. The department of revenue shall adopt rules regarding the regulation of the licenses. The department of revenue may refrain from the issuance of any license under this chapter if the department has reasonable cause to believe that the applicant has wilfully withheld information requested for the purpose of determining the eligibility of the applicant to receive a license, or if the department has reasonable cause to believe that information submitted in the application is false or misleading or is not made in good faith. In addition, for the purpose of reviewing an application for a wholesaler's license and for considering the denial, suspension, or revocation of any such license, the department may consider criminal convictions of the applicant related to the selling of cigarettes within the previous five years in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions, and the provisions of RCW 9.95.240 and chapter 9.96A RCW shall not apply to such cases. The department may, in its discretion, grant or refuse the wholesaler's license, subject to the provisions of RCW 82.24.550.

(3) No person may qualify for a wholesaler's license under this section without first undergoing a criminal background check. The background check shall be performed by the liquor control board and must disclose any criminal convictions related to the selling of cigarettes within the previous five years in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions. A person who possesses a valid license on the effective date of this section is subject to this subsection and subsection (2) of this section beginning on the date of the person's master license expiration, and thereafter. If the applicant or

licensee also has a license issued under chapter 66.24 RCW, the background check done under the authority of chapter 66.24 RCW satisfies the requirements of this section.

(4) Each such license shall expire on the master license expiration date, and each such license shall be continued annually if the licensee has paid the required fee and complied with all the provisions of this chapter and the rules of the department of revenue made pursuant thereto.

NEW SECTION. Sec. 9. Section 7 of this act takes effect July 1, 2002."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Brown, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5372.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5372, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5372, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Deccio, Kastama, Regala and Snyder - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5372, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 4, 2001

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5392 with the following amendment(s):

On page 1, at the beginning of line 6, insert "(1)"

On page 1, line 8, after "whether:" strike "(1)" and insert "(((4))) (a)"

On page 1, line 10, after "responsibilities:" strike "(2)" and insert "(((2))) (b)"

On page 1, after line 12, insert the following:

"(2) For the purposes of this section, the term "judicial officer" means: (a) a judge; (b) a superior court commissioner of a unified family court if the county operates a unified family court; or (c) any superior court commissioner if the county does not operate a unified family court. The term does not include a judge pro tempore.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Kline, the Senate concurred in the House amendments to Senate Bill No. 5392.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5392, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5392, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2. Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Snyder - 2.

SENATE BILL NO. 5392, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 4, 2001

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5393 with the following amendment(s):

On page 1, line 16, after "address," strike "sex" and insert "gender", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Costa, the Senate concurred in the House amendment to Senate Bill No. 5393.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5393, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5393, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2. Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Snyder - 2.

SENATE BILL NO. 5393, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kline was excused.

MESSAGE FROM THE HOUSE

April 4, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5401 with the following amendment(s):

On page 2, beginning on line 20 strike all of subsection (3)

On page 6, beginning on line 37, strike all of section 402

Renumber the following sections consecutively, correct internal references accordingly, and correct the title.

On page 8, after line 5, insert:

"**NEW SECTION. Sec. 1001.** It is the intent of the legislature that the department of social and health services and the department of ecology, in consultation with affected constituent groups, continue appropriate public involvement and outreach mechanisms designed to provide cost-effective public input on their programs and policies."

Renumber the following sections consecutively and correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Patterson moved that the Senate concur in the House amendments to Substitute Senate Bill No. 5401.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Patterson to concur in the House amendments to Substitute Senate Bill No. 5401.

The motion by Senator Patterson carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5401.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5401, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5401, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2. Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt,

Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator Benton - 1.

Excused: Senators Deccio and Kline - 2.

SUBSTITUTE SENATE BILL NO. 5401, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, Senator Snyder was excused.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5417 with the following amendment(s):

On page 1, line 14 after "opioids." insert the following:

"Opiate substitution treatment should only be used for participants who are deemed appropriate to need this level of intervention and should not be the first treatment intervention for all opiate addicts."

On page 3, line 22, after "ordinances" insert ". Counties and cities may require conditional or special use permits with reasonable conditions for the siting of programs. Pursuant to RCW 36.70A.200, no local comprehensive plan or development regulation may preclude the siting of essential public facilities"

On page 3, line 27 after "population:" insert the following:

"(e) Demonstrate a need in the community for opiate substitution treatment and not certify more program slots than justified by the need in that community. No program shall exceed 350 participants unless specifically authorized by the county in which the program is certified."

Renumber the remaining subsections consecutively and correct any internal references accordingly., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Costa, the Senate concurred in the House amendments to Substitute Senate Bill No. 5417.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5417, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5417, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Snyder - 2.

SUBSTITUTE SENATE BILL NO. 5417, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kline was excused.

MESSAGE FROM THE HOUSE

April 5, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5442 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 77.50 RCW to read as follows:

It is the intent of the legislature to ensure that a sustainable level of salmon is made available for harvest for commercial fishers in the state. Maintaining consistent harvest levels has become increasingly difficult with the listing of salmonid species under the federal endangered species act. Without a stable level of harvest, fishers cannot develop niche markets that maximize the

economic value of the harvest. New tools and approaches are needed by fish managers to bring increased stability to the fishing industry.

In the short term, it is the legislature's intent to provide managers with tools to assure that commercial harvest of targeted stocks can continue and expand under the constraints of the federal endangered species act. There are experimental types of commercial fishing gear that could allow fishers to stabilize harvest levels by selectively targeting healthy salmon stocks.

For the longer term, the department of fish and wildlife shall proceed with changes to the operation of certain hatcheries in order to stabilize harvest levels by allowing naturally spawning and hatchery origin fish to be managed as a single run. Scientific information from such hatcheries would guide the department's approach to reducing the need to mass mark hatchery origin salmon where appropriate.

Sec. 2. RCW 77.50.030 and 1998 c 190 s 77 are each amended to read as follows:

(1) A person shall not use, operate, or maintain a gill net which exceeds (~~1500~~) one thousand five hundred feet in length or a drag seine in the waters of the Columbia river for catching salmon.

(2) A person shall not construct, install, use, operate, or maintain within state waters a pound net, round haul net, lampara net, fish trap, fish wheel, scow fish wheel, set net, weir, or fixed appliance for catching salmon or steelhead except under the authority of a trial or experimental fishery permit, when an emerging commercial fishery has been designated allowing use of one or more of these gear types. The director must consult with the commercial fishing interests that would be affected by the trial or experimental fishery permit. The director may authorize the use of this gear for scientific investigations.

(3) The department, in coordination with the Oregon department of fish and wildlife, shall adopt rules to regulate the use of monofilament in gill net webbing on the Columbia river.

Sec. 3. RCW 77.70.180 and 1993 c 340 s 43 are each amended to read as follows:

(1) Within five years after adopting rules to govern the number and qualifications of participants in an emerging commercial fishery, the director shall provide to the appropriate senate and house of representatives committees a report which outlines the status of the fishery and a recommendation as to whether a separate commercial fishery license, license fee, or limited harvest program should be established for that fishery.

(2) For any emerging commercial fishery designated under RCW 77.50.030, the report must also include:

(a) Information on the extent of the program, including to what degree mass marking and supplementation programs have been utilized in areas where emerging commercial fisheries using selective fishing gear have been authorized;

(b) Information on the benefit provided to commercial fishers including information on the effectiveness of emerging commercial fisheries using selective fishing gear in providing expanded fishing opportunity within mixed stocks of salmon;

(c) Information on the effectiveness of selective fishing gear in minimizing postrelease mortality for nontarget stocks, harvesting fish so that they are not damaged by the gear, and aiding the creation of niche markets; and

(d) Information on the department's efforts at operating hatcheries in an experimental fashion by managing wild and hatchery origin fish as a single run as an alternative to mass marking and the utilization of selective fishing gear. The department shall consult with commercial fishers, recreational fishers, federally recognized treaty tribes with a fishing right, regional fisheries enhancement groups, and other affected parties to obtain their input in preparing the report under this subsection (2)."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Costa, the Senate concurred in the House amendment to Substitute Senate Bill No. 5442.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5442, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5442, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Kline - 2.

SUBSTITUTE SENATE BILL NO. 5442, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Parlette was excused.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5449 with the following amendment(s):

On page 3, line 4, strike "government issued" and insert "government-issued"

On page 3, line 5, strike "government issued" and insert "government-issued"

On page 3, line 9, after "(c)" strike "The" and insert "A"

On page 3, line 28, after "judgment" insert ",,"

On page 11, line 9, after "identification" insert "1"

On page 17, line 9, after "identification" insert "1"

On page 18, beginning on line 34, strike all of section 7 and insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 9.35 RCW to read as follows:

The legislature finds that the practices covered by RCW 9.35.010 and 9.35.020 are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Violations of RCW 9.35.010 or 9.35.020 are not reasonable in relation to the development and preservation of business. A violation of RCW 9.35.010 or 9.35.020 is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

Nothing in RCW 9.35.010 or 9.35.020 limits a victim's ability to receive treble damages under RCW 19.86.090."

On page 11, line 26, after the word "batching" insert ",recording"

On page 12, line 2, after "instruments:" strike "or"

On page 12, line 4, after "or similar proceeding" insert ";or (v) the oral contact is made for the purpose of investigating, confirming, or authenticating the information received from the debtor, to provide additional information to the debtor, or to request additional information from the debtor needed by the licensee to accurately record the debtor's information in the licensee's records"

On page 17, line 22, after the word "batching" insert ",recording"

On page 17, line 37, after "instruments:" strike "or"

On page 17, line 39, after "or similar proceeding" insert ";or (v) the oral contact is made for the purpose of investigating, confirming, or authenticating the information received from the debtor, to provide additional information to the debtor, or to request additional information from the debtor needed by the licensee to accurately record the debtor's information in the licensee's records", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Costa, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5449.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5449, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5449, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Deccio, Kline and Parlette - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5449, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5438 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.32.380 and 2000 c 107 s 271 are each amended to read as follows:

(1) Persons who enter upon or use clearly identified department improved access facilities with a motor vehicle may be required to display a current annual fish and wildlife lands vehicle use permit on the motor vehicle while within or while using an improved access facility. An "improved access facility" is a clearly identified area specifically created for motor vehicle parking, and

includes any boat launch or boat ramp associated with the parking area, but does not include the department parking facilities at the Gorge Concert Center near George, Washington. ~~((The vehicle use permit is issued in the form of a decal.))~~ One ~~((decal))~~ vehicle use permit shall be issued at no charge with ~~((each))~~ an initial purchase of either an annual saltwater, freshwater, combination, small game hunting, big game hunting, ~~((and))~~ or trapping license issued by the department. The annual fee for a fish and wildlife lands vehicle use permit, if purchased separately, is ten dollars. A person to whom the department has issued a ~~((decal))~~ vehicle use permit or who has purchased a vehicle use permit separately may purchase ~~((a decal))~~ additional vehicle use permits from the department ~~((for each additional vehicle owned by the person))~~ at a cost of five dollars per ~~((decal upon a showing of proof to the department that the person owns the additional vehicle or vehicles))~~ vehicle use permit. Revenue derived from the sale of fish and wildlife lands vehicle use permits shall be used solely for the stewardship and maintenance of department improved access facilities.

Youth groups may use department improved access facilities without possessing a vehicle use permit when accompanied by a vehicle use permit holder.

The department may accept contributions into the state wildlife fund for the sound stewardship of fish and wildlife. Contributors shall be known as "conservation patrons" and, for contributions of twenty dollars or more, shall receive a fish and wildlife lands vehicle use permit free of charge.

(2) The ~~((decal))~~ vehicle use permit must be ~~((affixed in a permanent manner to))~~ displayed from the interior of the motor vehicle so that it is clearly visible from outside of the motor vehicle before entering upon or using the motor vehicle on a department improved access facility~~((, and must be displayed on the rear window of the motor vehicle, or, if the motor vehicle does not have a rear window, on the rear of the motor vehicle)).~~ The vehicle use permit can be transferred between two vehicles and must contain space for the vehicle license numbers of each vehicle.

(3) Failure to display the fish and wildlife lands vehicle use permit if required by this section is an infraction under chapter 7.84 RCW, and department employees are authorized to issue a notice of infraction to the registered owner of any motor vehicle entering upon or using a department improved access facility without such a ~~((decal))~~ vehicle use permit. The penalty for failure to clearly display ((or improper display of)) the ((decal)) vehicle use permit is sixty-six dollars. This penalty is reduced to thirty dollars if the registered owner provides proof to the court that he or she purchased a decal within fifteen days after the issuance of the notice of violation.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Jacobsen moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5438 and asks the House to recede therefrom.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Jacobsen that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5438 and asks the House to recede therefrom.

The motion by Senator Jacobsen carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5438 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5896 with the following amendment(s):

On page 1, line 8, after "of a" strike "felony" and insert "class B felony that is a crime against a person as defined in RCW 9.94A.440", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Kline moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5896 and asks the House to recede therefrom.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Kline that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5896 and asks the House to recede therefrom.

The motion by Senator Kline carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5896 and asks the House to recede therefrom.

MOTION

On motion of Senator Hewitt, Senator Honeyford was excused.

MESSAGE FROM THE HOUSE

April 6, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5077 with the following amendment(s):

On page 3, line 25, after "period" strike all material through "testing" on line 26 and insert "up to one year if the commission continues to advertise and test", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Patterson, the Senate concurred in the House amendment to Substitute Senate Bill No. 5077.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5077, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5077, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Honeyford - 2.

SUBSTITUTE SENATE BILL NO. 5077, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5494 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.37.390 and 1977 ex.s. c 355 s 33 are each amended to read as follows:

(1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway.

(2)(a) No motor vehicle first sold and registered as a new motor vehicle on or after January 1, 1971, shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 1 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a)(i) above.

(b) No motor vehicle first sold and registered prior to January 1, 1971, shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 2 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (b)(i) above.

(c) For the purposes of this subsection the following definitions shall apply:

(i) "Opacity" means the degree to which an emission reduces the transmission of light and obscures the view of an object in the background;

(ii) "Ringelmann chart" means the Ringelmann smoke chart with instructions for use as published by the United States bureau of mines in May 1967 and as thereafter amended, information circular 7718.

(3) No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motor vehicle not equipped as required by this subsection, or which has been amplified as prohibited by this subsection so that the vehicle's exhaust noise exceeds ninety-five decibels as measured by the Society of Automotive Engineers (SAE) test procedure J1169 (May, 1998). It is not a violation of this subsection unless proven by proper authorities that the exhaust system modification results in noise amplification in excess of ninety-five decibels under the prescribed SAE test standard. A court may dismiss an infraction notice for a violation of this subsection if there is reasonable grounds to believe that the vehicle was not operated in violation of this subsection.

This subsection (3) does not apply to vehicles twenty-five or more years old or to passenger vehicles being operated off the highways in an organized racing or competitive event conducted by a recognized sanctioning body.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Gardner, the Senate concurred in the House amendment to Substitute Senate Bill No. 5494.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5494, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5494, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Honeyford - 2.

SUBSTITUTE SENATE BILL NO. 5494, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 3:46 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Tuesday, April 17, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-NINTH DAY, APRIL 16, 2001

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

ONE HUNDRETH DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Tuesday, April 17, 2001

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Haugen.

The Sergeant at Arms Color Guard, consisting of Pages Anna Sperling and Devin Foster, presented the Colors. Senator Bob Oke offered the prayer.

MOTION

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

MOTION

Pursuant to Rule 46, on motion of Senator Betti Sheldon, the Committee on Environment, Energy and Water was granted permission to meet during session.

EDITOR'S NOTE: Senate Rule 46 states: 'No committee shall sit during the daily session of the senate unless by special leave.'

MOTION

At 9:06 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 10:00 a.m.

The Senate was called to order at 10:00 a.m. by President Owen.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Regala, Gubernatorial Appointment No. 9021, Judith D. Hosea, as a member of the Board of Trustees for Clover Park Technical College District No. 29, was confirmed.

APPOINTMENT OF JUDITH D. HOSEA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Haugen - 1.

MOTION

On motion of Senator Eide, Senator Haugen was excused.

MOTION

On motion of Senator Regala, Gubernatorial Appointment No. 9066, David R. Edwards, as a member of the Board of Trustees for Tacoma Community College District No. 22, was confirmed.

APPOINTMENT OF DAVID R. EDWARDS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Haugen - 1.

MOTION

Senator Sheahan moved that the Senate advance to the ninth order of business.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Sheahan to advance to the ninth order of business.

The motion by Senator Sheahan carried and the Senate advanced to ninth order of business.

MOTION

Senator Sheahan moved, under Senate Rule 48, that the Committee on the Environment, Energy and Water be relieved of further consideration of Engrossed Substitute House Bill No. 1832 and the bill be placed on the second reading calendar.

The President declared the question before the Senate to be the motion by Senator Sheahan that the Committee on Environment, Energy and Water be relieved of further consideration of Engrossed Substitute House Bill No. 1832 and the bill be placed on the second reading calendar.

The motion by Senator Sheahan carried and the Committee on Environment, Energy and Water was relieved of further consideration of Engrossed Substitute House Bill No. 1832.

EDITOR'S NOTE: Rule 48 states: 'Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.'

MOTION

Senator Sheahan moved that the Senate revert to the sixth order of business and the Senate immediately consider Engrossed Substitute House Bill No. 1832.

The President declared the question before the Senate to be the motion by Senator Sheahan to revert to the sixth order of business.

MOTION

Senator Snyder moved that Engrossed Substitute House Bill No. 1832 be referred to the Committee on Ways and Means.

REPLY BY THE PRESIDENT

President Owen: "A very interesting question. Senator Sheahan's motion to return to the sixth order of business is a privileged motion and would have a higher rank. His motion to immediately consider the bill, as well as Senator's Snyder's motion to refer the bill to Ways and Means are of equal rank. The privileged motion, obviously, is the one we have to deal with first--the motion to revert to the sixth order of business, which carries with it also the motion, unless divided, to immediately consider Engrossed Substitute House Bill No. 1832."

The President declared the question before the Senate to be the motion by Senator Sheahan to revert to the sixth order of business and to immediately consider Engrossed Substitute House Bill No. 1832.

MOTION

Senator Snyder moved that the motion be divided and we vote separately on the privileged motion--the one to revert to the sixth order of business and then vote separately on the motion to immediately consider the bill. Debate ensued.

PARLIAMENTARY INQUIRY

Senator West: "A point of parliamentary inquiry. Just so that people understand, once we revert to the sixth order of business, then Senator's Snyder's motion would not be in order. A motion to relieve a committee in the sixth order would not, I don't believe, be in order, Sir."

REPLY BY THE PRESIDENT

President Owen: "Senator West, he moved to--"

Senator West: "Or to move the bill. I am sorry. Excuse me."

President Owen: "He moved to--"

Senator West: "That is correct. I am sorry."

The President declared the question before the Senate to be the motion by Senator Sheahan that the Senate revert to the sixth order of business.

The motion by Senator Sheahan carried on a rising vote and the Senate reverted to the sixth order of business.

MOTION

Senator West: "Mr. President, I move that Engrossed Substitute House Bill No. 1832 be made a special order of business for 11:15 this morning to allow people to prepare amendments."

MOTION

Senator Snyder: "I would like to speak against the motion. I was going to make a motion myself to make it a special order of business at 1:30 this afternoon."

REPLY BY SENATOR WEST

Senator West: "I would agree to that."

The President declared the question before the Senate to be the motion by Senator Snyder to make Engrossed Substitute House Bill No. 1832 a special order of business at 1:30 p.m. this afternoon.

The motion by Senator Snyder carried and Engrossed Substitute House Bill No. 1832 will be a special order of business at 1:30 this afternoon.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 4, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5495 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79A.25.810 and 1998 c 264 s 2 are each amended to read as follows:

(1) A community outdoor athletic fields advisory council is established within the interagency committee for outdoor recreation. The advisory council shall consist of nine members, from the public at large, appointed as follows: (a) Four members appointed by the chairperson of the interagency committee for outdoor recreation; (b) two members appointed by the house of representatives, one each appointed by the speaker of the house of representatives and the minority leader of the house of representatives; (c) two members appointed by the senate, one each appointed by the majority leader of the senate and the minority leader of the senate; and (d) one member appointed by the governor, who shall serve as chairperson of the advisory council. If a position on the advisory council which is supposed to be filled by an appointment by either the house of representatives or the senate is vacant for more than ninety days because of a failure to make the appointment, the chairperson of the interagency committee may appoint a person to fill the vacancy. The appointments must reflect an effort to achieve a balance among the appointed members based upon factors of geographic, population density, racial, ethnic, and gender diversity, and with a sense and awareness of community outdoor athletic fields needs, including the complete variety of outdoor athletic activities.

(2) The community outdoor athletic fields advisory council shall annually advise, provide information to, and make recommendations to the interagency committee for outdoor recreation on how to allocate all of the funds deposited in the youth athletic facility account created in RCW 43.99N.060(4). These recommendations must include, at a minimum, recommendations concerning the distribution of funds deposited in the youth athletic facility account between the maintenance of existing athletic facilities, the development of new athletic facilities, the improvement of existing athletic facilities, and the award of funds from the youth athletic facility ((grant)) account ((created in RCW 43.99N.060(4),)) to cities, counties, and qualified nonprofit organizations for acquiring, developing, equipping, maintaining, and improving youth or community athletic facilities, including but not limited to community outdoor athletic fields.

(3) The members shall serve three-year terms. Of the initial members, two shall be appointed for a one-year term, three shall be appointed for a two-year term, and the remainder shall be appointed for three-year terms. Thereafter, members shall be appointed for three-year terms. The member appointed by the governor shall serve as chairperson of the advisory council for the duration of the member's term.

(4) Members of the advisory council shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Jacobsen, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5495.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5495, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5495, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Morton - 1.

ENGROSSED SENATE BILL NO. 5495, as amended by the House, having received the constitutional majority was declared passed. There being no objection. the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5558 with the following amendment(s):

On page 2, beginning on line 32, strike section 2

Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Kline, the Senate concurred in the House amendment to Substitute Senate Bill No. 5558.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5558, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5558, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5558, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 4, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5565 with the following amendment(s):

On page 2, line 1, after "hospice" strike "care", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Thibaudeau, the Senate concurred in the House amendment to Substitute Senate Bill No. 5565.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5565, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5565, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe,

McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senators Hargrove and Horn - 2.

SUBSTITUTE SENATE BILL NO. 5565, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5621 with the following amendment(s):

On page 2, line 27, after "techniques." strike all material through "section."

On page 2, line 28, after "(2)" insert "An applicant who applies for an endorsement within the first year following the effective date of this act may submit documentation of a minimum of fifty hours of training with up to fifty hours of practical experience or continuing education, or a combination thereof, to fulfill the requirements of this section.

(3)"

On page 2, line 34, insert the following:

"(5) The board may adopt rules to implement this section upon consultation with the Washington state veterinary board of governors and licensed massage practitioners with training in animal massage", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5621.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5621, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5621, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senators Benton, Hochstatter and McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 5621, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5638 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.02.140 and 1986 c 234 s 20 are each amended to read as follows:

Whenever in any territory forming a part of an incorporated city or town which is part of a road district, and road district regular property taxes are collectable on any property within such territory, the same shall, when collected by the county treasurer, be paid to such city or town and placed in the city or town street fund by the city or town(~~PROVIDED, That~~); except that road district taxes that are delinquent before the date of incorporation shall be paid to the county and placed in the county road fund. This section shall not apply to excess property tax levies securing general indebtedness or any special assessments due in behalf of such property.

Sec. 2. RCW 35.13.270 and 1998 c 106 s 1 are each amended to read as follows:

Whenever any territory is annexed to a city or town which is part of a road district of the county and road district taxes have been levied but not collected on any property within the annexed territory, the same shall when collected by the county treasurer be paid to the city or town and by the city or town placed in the city or town street fund(~~PROVIDED, That~~); except that road district taxes that are delinquent before the date of annexation shall be paid to the county and placed in the county road fund. This section shall not apply to any special assessments due in behalf of such property. The city or town is required to provide notification, by certified mail, that includes a list of annexed parcel numbers, to the county treasurer and assessor at least thirty days before the effective date of the annexation. The county treasurer is only required to remit to the city or town those road taxes collected thirty days or more after receipt of the notification.

Sec. 3. RCW 35A.14.801 and 1998 c 106 s 2 are each amended to read as follows:

Whenever any territory is annexed to a code city which is part of a road district of the county and road district taxes have been levied but not collected on any property within the annexed territory, the same shall when collected by the county

treasurer be paid to the code city and by the city placed in the city street fund(~~(= PROVIDED, That)~~); except that road district taxes that are delinquent before the date of annexation shall be paid to the county and placed in the county road fund. This section shall not apply to any special assessments due in behalf of such property. The code city is required to provide notification, by certified mail, that includes a list of annexed parcel numbers, to the county treasurer and assessor at least thirty days before the effective date of the annexation. The county treasurer is only required to remit to the code city those road taxes collected thirty or more days after receipt of the notification.

Sec. 4. RCW 36.29.010 and 1998 c 106 s 3 are each amended to read as follows:

The county treasurer:

- (1) Shall receive all money due the county and disburse it on warrants issued and attested by the county auditor and electronic funds transfer under RCW 39.58.750 as attested by the county auditor;
- (2) Shall issue a receipt in duplicate for all money received other than taxes; the treasurer shall deliver immediately to the person making the payment the original receipt and the duplicate shall be retained by the treasurer;
- (3) Shall affix on the face of all paid warrants the date of redemption or, in the case of proper contract between the treasurer and a qualified public depository, the treasurer may consider the date affixed by the financial institution as the date of redemption;
- (4) Shall (~~(indorse)~~) endorse, before the date of issue by the county or by any taxing district for whom the county treasurer acts as treasurer, on the face of all warrants for which there are not sufficient funds for payment, "interest bearing warrant." When there are funds to redeem outstanding warrants, the county treasurer shall give notice:
 - (a) By publication in a legal newspaper published or circulated in the county; or
 - (b) By posting at three public places in the county if there is no such newspaper; or
 - (c) By notification to the financial institution holding the warrant;
- (5) Shall pay interest on all interest-bearing warrants from the date of issue to the date of notification;
- (6) Shall maintain financial records reflecting receipts and disbursement by fund in accordance with generally accepted accounting principles;
- (7) Shall account for and pay all bonded indebtedness for the county and all special districts for which the county treasurer acts as treasurer;
- (8) Shall invest all funds of the county or any special district in the treasurer's custody, not needed for immediate expenditure, in a manner consistent with appropriate statutes. If cash is needed to redeem warrants issued from any fund in the custody of the treasurer, the treasurer shall liquidate investments in an amount sufficient to cover such warrant redemptions; and
- (9) May provide certain collection services for county departments.

The treasurer, at the expiration of the term of office, shall make a complete settlement with the county legislative authority, and shall deliver to the successor all public money, books, and papers in the treasurer's possession.

Sec. 5. RCW 36.29.050 and 1969 ex.s. c 48 s 1 are each amended to read as follows:

When the county treasurer redeems any warrant on which interest is due, (~~(he)~~) the treasurer shall enter on (~~(his)~~) the warrant register account the amount of interest paid, distinct from the principal.

Sec. 6. RCW 36.29.090 and 1963 c 4 s 36.29.090 are each amended to read as follows:

Whenever an action based upon official misconduct is commenced against any county treasurer the county commissioners may suspend (~~(him)~~) the treasurer from office until such suit is determined, and may appoint some person to fill the vacancy.

Sec. 7. RCW 36.29.100 and 1963 c 4 s 36.29.100 are each amended to read as follows:

The county treasurer of each county in which there is a city of the first class is ex officio collector of city taxes of such city, and before entering upon the duties of (~~(his)~~) office (~~(he)~~) the treasurer shall execute in favor of the city and file with the clerk thereof a good and sufficient bond, the penal sum to be fixed by the city council, such bond to be approved by the mayor of such city or other authority thereof by whom the bond of the city treasurer is required to be approved. All special assessments and special taxation for local improvements assessed on property benefited shall be collected by the city treasurer.

Sec. 8. RCW 36.29.160 and 1998 c 106 s 4 are each amended to read as follows:

The county treasurer shall make segregation, collect, and receive from any owner or owners of any subdivision or portion of any lot, tract or parcel of land upon which assessments or charges have been made or may be made by public utility districts, water-sewer districts, or the county, under the terms of Title 54 RCW, Title 57 RCW, or chapter 36.88, 36.89, or 36.94 RCW, such portion of the assessments or charges levied or to be levied against such lot, tract or parcel of land in payment of such assessment or charges as the board of commissioners of the public utility district, the water-sewer district commissioners or the board of county commissioners, respectively, shall certify to be chargeable to such subdivision, which certificate shall state that such property as segregated is sufficient security for the assessment or charges. Upon making collection upon any such subdivision the county treasurer shall note such payment upon (~~(his)~~) the records of the office of the treasurer and give receipt therefor. When a segregation is required, a certified copy of the resolution shall be delivered to the treasurer of the county in which the real property is located who shall proceed to make the segregation ordered upon being tendered a fee of three dollars for each tract of land for which a segregation is to be made.

Sec. 9. RCW 36.29.170 and 1963 c 4 s 36.29.170 are each amended to read as follows:

The county treasurer shall keep (~~(his)~~) the office of the treasurer at the (~~(seat of justice of his)~~) county seat, and shall keep the same open for transaction of business during business hours; and (~~(he and his)~~) the treasurer and the treasurer's deputy are authorized to administer all oaths necessary in the discharge of the duties of (~~(his)~~) the office.

Sec. 10. RCW 36.35.120 and 1993 c 310 s 1 are each amended to read as follows:

Real property acquired by any county of this state by foreclosure of delinquent taxes may be sold by order of the county legislative authority of the county when in the judgment of the county legislative authority it is deemed in the best interests of the county to sell the real property.

When the legislative authority desires to sell any such property it may, if deemed advantageous to the county, combine any or all of the several lots and tracts of such property in one or more units, and may reserve from sale coal, oil, gas, gravel, minerals, ores, fossils, timber, or other resources on or in the lands, and the right to mine for and remove the same, and it shall then enter an order on its records fixing the unit or units in which the property shall be sold and the minimum price for each of such units, and whether the sale will be for cash or whether a contract will be offered, and reserving from sale such of the

resources as it may determine and from which units such reservations shall apply, and directing the county treasurer to sell such property in the unit or units and at not less than the price or prices and subject to such reservations so fixed by the county legislative authority. The order shall be subject to the approval of the county treasurer if several lots or tracts of land are combined in one unit.

Except in cases where the sale is to be by direct negotiation as provided in ~~((this chapter))~~ RCW 36.35.150, it shall be the duty of the county treasurer upon receipt of such order to publish once a week for three consecutive weeks a notice of the sale of such property in a newspaper of general circulation in the county where the land is situated. The notice shall describe the property to be sold, the unit or units, the reservations, and the minimum price fixed in the order, together with the time and place and terms of sale, in the same manner as foreclosure sales as provided by RCW 84.64.080.

The person making the bid shall state whether he or she will pay cash for the amount of his or her bid or accept a real estate contract of purchase in accordance with the provisions hereinafter contained. The person making the highest bid shall become the purchaser of the property. If the highest bidder is a contract bidder the purchaser shall be required to pay thirty percent of the total purchase price at the time of the sale and shall enter into a contract with the county as vendor and the purchaser as vendee which shall obligate and require the purchaser to pay the balance of the purchase price in ten equal annual installments commencing November 1st and each year following the date of the sale, and shall require the purchaser to pay twelve percent interest on all deferred payments, interest to be paid at the time the annual installment is due; and may contain a provision authorizing the purchaser to make payment in full at any time of any balance due on the total purchase price plus accrued interest on such balance. The contract shall contain a provision requiring the purchaser to pay before delinquency all subsequent taxes and assessments that may be levied or assessed against the property subsequent to the date of the contract, and shall contain a provision that time is of the essence of the contract and that in event of a failure of the vendee to make payments at the time and in the manner required and to keep and perform the covenants and conditions therein required of him or her that the contract may be forfeited and terminated at the election of the vendor, and that in event of the election all sums theretofore paid by the vendee shall be forfeited as liquidated damages for failure to comply with the provisions of the contract; and shall require the vendor to execute and deliver to the vendee a deed of conveyance covering the property upon the payment in full of the purchase price, plus accrued interest.

The county legislative authority may, by order entered in its records, direct the coal, oil, gas, gravel, minerals, ores, timber, or other resources sold apart from the land, such sale to be conducted in the manner hereinabove prescribed for the sale of the land. Any such reserved minerals or resources not exceeding two hundred dollars in value may be sold, when the county legislative authority deems it advisable, either with or without such publication of the notice of sale, and in such manner as the county legislative authority may determine will be most beneficial to the county.

Sec. 11. RCW 36.35.150 and 1997 c 244 s 2 are each amended to read as follows:

The county legislative authority may dispose of tax foreclosed property by private negotiation, without a call for bids, for not less than the principal amount of the unpaid taxes in any of the following cases: (1) When the sale is to any governmental agency and for public purposes; (2) when the county legislative authority determines that it is not practical to build on the property due to the physical characteristics of the property or legal restrictions on construction activities on the property; (3) when the property has an assessed value of less than five hundred dollars and the property is sold to an adjoining landowner; or (4) when no acceptable bids were received at the attempted public auction of the property, if the sale is made within ~~((six))~~ twelve months from the date of the attempted public auction.

Sec. 12. RCW 36.96.040 and 1979 ex.s. c 5 s 4 are each amended to read as follows:

After such hearings, the county legislative authority shall make written findings whether each of the special purpose districts that was a subject of the hearings meets each of the criteria of being "inactive." Whenever a special purpose district other than a public utility district has been found to meet a criterion of being inactive, or a public utility district has been found to meet both criteria of being inactive, the county legislative authority shall adopt an ordinance dissolving the special purpose district if it also makes additional written findings detailing why it is in the public interest that the special purpose district be dissolved, and shall provide a copy of the ordinance to the county treasurer. Except for the purpose of winding up its affairs as provided by this chapter, a special purpose district that is so dissolved shall cease to exist and the authority and obligation to carry out the purposes for which it was created shall cease thirty-one days after adoption of the dissolution ordinance.

Sec. 13. RCW 36.96.070 and 1979 ex.s. c 5 s 7 are each amended to read as follows:

Any moneys or funds of the dissolved special purpose district and any moneys or funds received by the board of trustees from the sale or other disposition of any property of the dissolved special purpose district shall be used, to the extent necessary, for the payment or settlement of any outstanding obligations of the dissolved special purpose district. Any remaining moneys or funds shall be used to pay the county legislative authority for all costs and expenses incurred in the dissolution and liquidation of the dissolved special purpose district. Thereafter, any remaining moneys, funds, or property shall become that of the county in which the dissolved special purpose district was located ~~((--PROVIDED, That))~~. However, if the territory of the dissolved special purpose district was located within more than one county, the remaining moneys, funds, and personal property shall be apportioned and distributed to each county in the proportion that the geographical area of the dissolved special purpose district within the county bears to the total geographical area of the dissolved special purpose district, and any remaining real property or improvements to real property shall be transferred to the county within whose boundaries it lies. A county to which real property or improvements to real property are transferred under this section does not have an obligation to use the property or improvements for the purposes for which the dissolved special purpose district used the property or improvements and the county does not assume the obligations or liabilities of the dissolved special purpose district as a result of the transfer.

Sec. 14. RCW 39.44.200 and 1990 c 220 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 39.44.200 through 39.44.240.

(1) "Bond" means "bond" as defined in RCW 39.46.020, but also includes any other indebtedness that may be issued by any local government to fund private activities or purposes where the indebtedness is of a nonrecourse nature payable from private sources, including debt issued under chapter 39.50 RCW.

(2) "Local government" means "local government" as defined in RCW 39.46.020.

(3) "Type of bond" includes: (a) General obligation bonds, including councilmanic and voter-approved bonds; (b) revenue bonds; (c) local improvement district bonds; (d) special assessment bonds such as those issued by irrigation districts and diking districts; and (e) other classes of bonds.

(4) "State" means "state" as defined in RCW 39.46.020 but also includes any commissions or other entities of the state.

Sec. 15. RCW 39.46.020 and 1995 c 38 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Bond" means any agreement which may or may not be represented by a physical instrument, including notes, warrants, or certificates of indebtedness, that evidences an indebtedness of the state or a local government or a fund thereof, where the state or local government agrees to pay a specified amount of money, with or without interest, at a designated time or times to either registered owners or bearers, including debt issued under chapter 39.50 RCW.

(2) "Local government" means any county, city, town, special purpose district, political subdivision, municipal corporation, or quasi municipal corporation, including any public corporation created by such an entity.

(3) "Obligation" means an agreement that evidences an indebtedness of the state or a local government, other than a bond, and includes, but is not limited to, conditional sales contracts, lease obligations, and promissory notes.

(4) "State" includes the state, agencies of the state, and public corporations created by the state or agencies of the state.

(5) "Treasurer" means the state treasurer, county treasurer, city treasurer, or treasurer of any other municipal corporation.

Sec. 16. RCW 39.50.010 and 1999 c 153 s 54 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Governing body" means the legislative authority of a municipal corporation by whatever name designated;

(2) "Local improvement district" includes local improvement districts, utility local improvement districts, road improvement districts, and other improvement districts that a municipal corporation is authorized by law to establish;

(3) "Municipal corporation" means any city, town, county, water-sewer district, school district, port district, public utility district, metropolitan municipal corporation, public transportation benefit area, park and recreation district, irrigation district, fire protection district or any other municipal or quasi municipal corporation described as such by statute, or regional transit authority, except joint operating agencies under chapter 43.52 RCW;

(4) "Ordinance" means an ordinance of a city or town or resolution or other instrument by which the governing body of the municipal corporation exercising any power under this chapter takes formal action and adopts legislative provisions and matters of some permanency; and

(5) "Short-term obligations" are warrants, notes, capital leases, or other evidences of indebtedness, except bonds.

Sec. 17. RCW 39.50.030 and 1995 c 38 s 9 are each amended to read as follows:

(1) The issuance of short-term obligations shall be authorized by ordinance of the governing body which ordinance shall fix the maximum amount of the obligations to be issued or, if applicable, the maximum amount which may be outstanding at any time, the maximum term and interest rate or rates to be borne thereby, the manner of sale, maximum price, form including bearer or registered as provided in RCW 39.46.030, terms, conditions, and the covenants thereof. For those municipalities and taxing and assessment districts for which the county treasurer is not the designated treasurer by law, the ordinance may provide for designation and employment of a paying agent for the short-term obligations and may authorize a designated representative of the municipal corporation, ((or if the county, the county treasurer to act on its behalf and)) subject to the terms of the ordinance in selling and delivering short-term obligations authorized and fixing the dates, price, interest rates, and other details as may be specified in the ordinance. For the county and those taxing and assessment districts for which the county treasurer is the designated treasurer by law or other appointment, the county treasurer shall be notified thirty days in advance of borrowing under this chapter and will be the designated paying agent to act on its behalf for all payments of principal, interest, and penalties for that obligation, subject to the terms of the ordinance in selling and delivering short-term obligations authorized and fixing the dates, price, interest rates, and other details as may be specified in the ordinance. Short-term obligations issued under this section shall bear such fixed or variable rate or rates of interest as the governing body considers to be in the best interests of the municipal corporation. Variable rates of interest may be fixed in relationship to such standard or index as the governing body designates.

The governing body may make contracts for the future sale of short-term obligations pursuant to which the purchasers are committed to purchase the short-term obligations from time to time on the terms and conditions stated in the contract, and may pay such consideration as it considers proper for the commitments. Short-term obligations issued in anticipation of the receipt of taxes shall be paid within six months from the end of the fiscal year in which they are issued. For the purpose of this subsection, short-term obligations issued in anticipation of the sale of general obligation bonds shall not be considered to be obligations issued in anticipation of the receipt of taxes.

(2) Notwithstanding subsection (1) of this section, such short-term obligations may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 18. RCW 84.38.140 and 1984 c 220 s 27 are each amended to read as follows:

(1) The ~~((county treasurer))~~ department shall collect all the amounts deferred together with interest under this chapter ~~((;)).~~ However, in the event that the department is unable to collect an amount deferred together with interest, that amount deferred together with interest shall be collected by the county treasurer in the manner provided for in chapter 84.56 RCW. For purposes of collection of deferred taxes, the provisions of chapters 84.56, 84.60, and 84.64 RCW shall be applicable.

(2) When any deferred special assessment and/or real property taxes together with interest are collected the moneys shall be ~~((credited to a special account in the county treasury. The county treasurer shall remit the amount of deferred special assessment and/or real property taxes together with interest to the department within thirty days from the date of collection.~~

~~((3) The department shall deposit the deferred taxes))~~ deposited in the state general fund.

Sec. 19. RCW 84.56.250 and 1961 c 15 s 84.56.250 are each amended to read as follows:

If any county treasurer ~~((shall willfully))~~ willfully refuses or neglects to collect any taxes assessed upon personal property, where the same is collectible, or to file the delinquent list and affidavit, as herein provided, ~~((he))~~ the treasurer shall be held, in his or her next settlement with the ~~((auditor))~~ county legislative authority, liable for the whole amount of such taxes uncollected, and the same shall be deducted from his or her salary and applied to the several funds for which they were levied.

Sec. 20. RCW 85.38.220 and 1986 c 278 s 10 are each amended to read as follows:

Any special district may have its operations suspended as provided in this section. The process of suspending a special district's operations may be initiated by: (1) The adoption of a resolution proposing such action by the governing body of the special district; (2) the filing of a petition proposing such action with the county legislative authority of the county in which all or the largest portion of the special district is located, which petition is signed by voters of the special district who own at least ten percent of the acreage in the special district or is signed by ten or more voters of the special district; or (3) the adoption of a resolution proposing such action by the county legislative authority of the county in which all or the largest portion of the special district is located.

A public hearing on the proposed action shall be held by the county legislative authority at which it shall inquire into whether such action is in the public interest. Notice of the public hearing shall be published in a newspaper of general circulation in the special district, posted in at least four locations in the special district to attract the attention of the public, and mailed to the members of the governing body of the special district, if there are any. After the public hearing, the county legislative authority may adopt a resolution suspending the operations of the special district if it finds such suspension to be in the public interest, and shall provide a copy of the resolution to the county treasurer. When a special district is located in more than one county, the legislative authority of each of such counties must so act before the operations of the special district are suspended.

After holding a public hearing on the proposed reactivation of a special district that has had its operations suspended, the legislative authority or authorities of the county or counties in which the special district is located may reactivate the special district by adopting a resolution finding such action to be in the public interest. Notice of the public hearing shall be posted and published as provided for the public hearing on a proposed suspension of a special district's operations. The governing body of a reactivated special district shall be appointed as in a newly created special district.

No special district that owns drainage or flood control improvements may be ~~((dissolved))~~ suspended unless the legislative authority of a county accepts responsibility for operation and maintenance of the improvements during the suspension period.

Sec. 21. RCW 85.38.225 and 1991 c 28 s 2 are each amended to read as follows:

As an alternative to this chapter a drainage district or drainage improvement district located within the boundaries of a county storm drainage and surface water management utility, and which is not currently imposing assessments, may be dissolved by ordinance of the county legislative authority. If the alternative dissolution procedure in this section is used the following shall apply:

(1) The county storm drainage and surface water management utility shall assume responsibility for payment or settlement of outstanding debts of the dissolved drainage district or drainage improvement district, and shall notify the county treasurer at such time of the assumption of responsibility.

(2) All assets, including money, funds, improvements, or property, real or personal, shall become assets of the county in which the dissolved drainage district or drainage improvement district was located.

(3) Notwithstanding RCW 85.38.220, the county storm drainage and surface water management utility may determine how to best manage, operate, maintain, improve, exchange, sell, or otherwise dispose of all property, real and personal, of the dissolved drainage district or drainage improvement district, and may determine to modify, cease the operation of, and/or remove any or all facilities or improvements to real property of the dissolved drainage district or drainage improvement district."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Patterson, the Senate concurred in the House amendment to Substitute Senate Bill No. 5638.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5638, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5638, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5638, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5275 with the following amendment(s):

On page 4, beginning on line 33, strike "the secretary of state shall adopt rules prescribing the circumstances under which"

On page 10, beginning on line 4, strike all of subsection (4)

On page 11, beginning on line 1, strike all of section 14

Renumber the following sections consecutively, correct references accordingly, and correct the title.
On page 3, line 31, strike "of" and insert "before", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Patterson, the Senate refuses to concur in the House amendments to Senate Bill No. 5275 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5862 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79.01.084 and 1982 1st ex.s. c 21 s 150 are each amended to read as follows:

The commissioner of public lands shall cause to be prepared, and furnish to applicants, blank forms of applications for the appraisal, transfer, and purchase of any state lands and the purchase of ~~((timber, fallen timber, stone, gravel, or other))~~ valuable materials situated thereon, and for the lease of state lands~~((, which))~~. These forms shall contain ~~((such))~~ instructions ~~((as will))~~ to inform and aid ~~((intending))~~ applicants ~~((in making applications))~~.

Sec. 2. RCW 79.01.116 and 1982 1st ex.s. c 21 s 152 are each amended to read as follows:

(1) In no case shall any lands granted to the state be offered for sale unless the same shall have been appraised by the board of natural resources within ninety days prior to the date fixed for the sale~~((, and in no case shall any other state lands, or any materials on any state lands, be offered for sale unless the same shall have been appraised by the commissioner of public lands within ninety days prior to the date fixed for the sale))~~.

(2) For the sale of valuable materials from state land under this title, if the board of natural resources is required by law to appraise the sale, the board must establish a minimum appraisal value that is valid for a period of one hundred eighty days, or a longer period as may be established by resolution. The board may reestablish the minimum appraisal value at any time. For any valuable materials sales that the board is required by law to appraise, the board may by resolution transfer this authority to the commissioner of public lands.

(3) Where the board of natural resources has set a minimum appraisal value for a valuable materials sale, the commissioner of public lands may set the final appraisal value of valuable materials for auction, which must be equal to or greater than the board of natural resources' minimum appraisal value. The commissioner may also appraise any valuable materials sale not required by law to be approved by the board of natural resources.

Sec. 3. RCW 79.01.124 and 1982 1st ex.s. c 21 s 154 are each amended to read as follows:

((Timber, fallen timber, stone, gravel, or other)) Valuable material situated upon state lands may be sold separate from the land, when in the judgment of the commissioner of public lands, it is for the best interest of the state so to sell the same~~((, and in case the estimated amount of timber on any tract of state lands, shall exceed one million feet to the quarter section, the timber shall be sold separate from the land))~~. When application is made for the purchase of any valuable materials (situated upon state lands, the same inspection and report shall be had as upon an application for the appraisal and sale of such lands, and), the commissioner of public lands shall appraise the value of the valuable materials ~~((applied for))~~ if the commissioner determines it is in the best interest of the state to sell. No ~~((timber, fallen timber, stone, gravel, or other))~~ valuable materials~~((;))~~ shall be sold for less than the appraised value thereof.

Sec. 4. RCW 79.01.132 and 1999 c 51 s 1 are each amended to read as follows:

(1) When ~~((any timber, fallen timber, stone, gravel, or other))~~ valuable materials on state lands ~~((is))~~ are sold separate from the land, ~~((it))~~ they may be sold as a lump sum sale or as a scale sale. Lump sum sales under five thousand dollars appraised value shall be paid for in cash on the day of sale. The initial deposit shall be maintained until all contract obligations of the purchaser are satisfied. However, all or a portion of the initial deposit may be applied as the final payment for the valuable materials in the event the department of natural resources determines that adequate security exists for the performance or fulfillment of any remaining obligations of the purchaser under the sale contract.

(2) The initial deposits required in RCW 79.01.204~~((;))~~ may not ~~((te))~~ exceed twenty-five percent of the actual or projected purchase price, but in the case of lump sum sales appraised at over five thousand dollars the initial deposit may not be less than five thousand dollars, and shall be made on the day of the sale~~((, and in the case of))~~. For those sales appraised below the amount specified in RCW 79.01.200, the department of natural resources may require full cash payment on the day of sale.

(3) The purchaser shall notify the department of natural resources before any ~~((timber is cut and before removal or processing of any valuable materials on the sale area, at which time))~~ operation takes place on the sale site. Upon notification, the department of natural resources ~~((may))~~ shall determine and require~~((, in the amount determined by the department,))~~ advance payment for the cutting, removal, or processing~~((, and/or cutting))~~ of ~~((timber or other))~~ the valuable materials, ~~((or))~~ or may allow purchasers to guarantee payment by submitting as adequate security bank letters of credit, payment bonds, ~~((or))~~ assignments of savings accounts, assignments of certificates of deposit, or other methods acceptable to the department as adequate security. The amount of such advance payments and/or security shall be determined by the department and at all times equal or exceed the value of timber cut and other valuable materials processed or removed until paid for. ~~((The initial deposit shall be maintained until all contract obligations of the purchaser are satisfied. PROVIDED HOWEVER, That all or a portion of said initial deposit may be applied as the final payment for said materials in the event the department of natural resources determines that adequate security exists for the performance or fulfillment of any remaining obligations of the purchaser under the sale contract.))~~

(4) In all cases where ~~((timber, fallen timber, stone, gravel, or other))~~ valuable materials (is)) are sold separate from the land, the same shall revert to the state if not removed from the land within the period specified in the sale contract. ~~((Said))~~ The

specified period shall not exceed five years from the date of the purchase thereof: PROVIDED, That the specified periods in the sale contract for stone, sand, fill material, or building stone shall not exceed ~~((twenty))~~ thirty years ~~((: PROVIDED FURTHER, That))~~.

(5) In all cases where, in the judgment of the department of natural resources, the purchaser is acting in good faith and endeavoring to remove such materials, the department of natural resources may extend the time for the removal thereof for any period not exceeding ~~((twenty))~~ forty years from the date of purchase for the stone, sand, fill material, or building stone or for a total of ten years beyond the normal termination date specified in the original sale contract for all other material ~~((;))~~. Extension of a contract is contingent upon payment to the state of a sum to be fixed by the department of natural resources, based on the estimated loss of income per acre to the state resulting from the granting of the extension ~~((but))~~. In no event may the extension payment be less than fifty dollars per extension, plus interest on the unpaid portion of the contract. The interest rate shall be fixed, from time to time, by rule adopted by the board of natural resources and shall not be less than six percent per annum. The applicable rate of interest as fixed at the date of sale ~~((and))~~, the maximum extension payment ~~((shall be set forth in the contract))~~, and the method for calculating the unpaid portion of the contract upon which such interest shall be paid by the purchaser shall be set forth in the contract. The department of natural resources shall pay into the state treasury all sums received for such extension and the same shall be credited to the fund to which was credited the original purchase price of the material so sold.

~~((However,))~~ (6) A direct sale of valuable materials may be sold to the applicant for cash at full appraised value without notice or advertising. The board of natural resources shall, by resolution, establish the value amount of a direct sale not to exceed twenty thousand dollars in appraised sale value, and establish procedures to assure that competitive market prices and accountability will be guaranteed.

(7) The department may, in addition to any other securities, require a performance security to guarantee compliance with all contract requirements. The security is limited to those types listed in subsection (3) of this section. The value of the performance security will, at all times, equal or exceed the value of work performed or to be performed by the purchaser.

(8) Any time that the department of natural resources sells timber by contract that includes a performance bond, the department shall require the purchaser to present proof of any and all taxes paid prior to the release of the performance bond. Within thirty days of payment of taxes due by the timber purchaser, the county treasurer shall provide certified evidence of taxes paid, clearly disclosing the sale contract number.

(9) The provisions of this section apply unless otherwise provided by statute. The board of natural resources shall establish procedures to protect against cedar theft and to ensure adequate notice is given for persons interested in purchasing cedar.

Sec. 5. RCW 79.01.160 and 1959 c 257 s 15 are each amended to read as follows:

All sales of ~~((timber))~~ valuable materials upon state lands shall be made subject to the right, power, and authority of the commissioner of public lands to prescribe rules ~~((and regulations))~~ or procedures governing the manner of the sale and removal of the ~~((timber with a view to the protection of the nonmerchandise timber against destruction or injury by fire or from other causes, and))~~ valuable materials. Such ~~((rules or regulations))~~ procedures shall be binding ~~((upon the))~~ when contained within a purchaser's ~~((of the timber))~~ contract for valuable materials and ~~((his))~~ apply to the purchaser's successors in interest and shall be enforced by the commissioner of public lands.

Sec. 6. RCW 79.01.184 and 1997 c 116 s 2 are each amended to read as follows:

When the department of natural resources shall have decided to sell any state lands or valuable materials thereon, or with the consent of the board of regents of the University of Washington, or by legislative directive, shall have decided to sell any lot, block, tract, or tracts of university lands, or the ~~((timber, fallen timber, stone, gravel, or other))~~ valuable materials thereon, it shall be the duty of the department to ~~((forthwith))~~ fix the date, place, and time of sale, and no sale shall be had on any day which is a legal holiday.

The department shall give notice of the sale by advertisement published not less than two times during a four week period prior to the time of sale in at least one newspaper of general circulation in the county in which the whole, or any part of any lot, block, or tract of land to be sold, or the material upon which is to be sold is situated, and by ~~((causing))~~ posting a copy of ~~((said))~~ the notice ~~((to be posted))~~ in a conspicuous place in the department's Olympia office ~~((and))~~, the region headquarters administering such sale, and in the office of the county auditor of such county ~~((, which))~~. The notice shall specify the place, date, and time of sale, the appraised value thereof, and describe with particularity each parcel of land to be sold, or from which valuable materials are to be sold ~~((, and))~~. In the case of valuable materials sales, the estimated volume ~~((thereof,))~~ will be identified and ~~((specify that))~~ available in the region headquarters and the department's Olympia office.

~~((However,))~~ The advertisement is for informational purposes only, and under no circumstances does the information in the notice of sale constitute a warranty that the purchaser will receive the stated values, volumes, or acreage. All purchasers are expected to make their own measurements, evaluations, and appraisals.

A direct sale of valuable materials may be sold to the applicant for cash at full appraised value without notice or advertising. The board of natural resources shall, by resolution, establish the value amount of a direct sale not to exceed twenty thousand dollars in appraised sale value, and establish procedures to ~~((assure))~~ ensure that competitive market prices and accountability will be guaranteed.

Sec. 7. RCW 79.01.188 and 1982 1st ex.s. c 21 s 157 are each amended to read as follows:

The commissioner of public lands shall cause to be printed a list of all public lands, or valuable materials thereon, and the appraised value thereof, that are to be sold ~~((in the several counties of the state, said lists))~~. This list should be published in a pamphlet form to be issued at least four weeks prior to the date of any sale of the lands or valuable materials ~~((enumerated))~~ thereon ~~((, such lands and materials to be listed under the name of the county wherein located, in alphabetical order giving the appraised values, the character of the same, and such other information as may be of interest to prospective buyers. Said commissioner of public lands shall cause to be distributed to the auditor of each county in the state a sufficient number of such lists to supply the demands made upon them respectively as reported by such auditors. And said county auditors shall keep the list so furnished in a conspicuous place or receptacle on the counter of the public office of their respective departments, and, when requested so to do, shall mail copies of such lists to residents of their counties))~~. The list should be organized by county and by alphabetical order, and provide sale information to prospective buyers. The commissioner of public lands shall retain for free distribution in his or her office and the ~~((district))~~ region offices sufficient copies of ~~((said lists))~~ the pamphlet, to be kept in a

conspicuous place ((or receptacle on the counter of the general office of the commissioner of public lands, and the districts)), and, when requested so to do, shall mail copies of ((said lists)) the pamphlet as issued to any requesting applicant ((therefor)). ((Proof of publication of the notice of sale shall be made by affidavit of the publisher, or person in charge, of the newspaper publishing the same and proof of posting the notice of sale and the receipt of the lists shall be made by certificate of the county auditor which shall forthwith be sent to and filed with the commissioner of public lands.)) The commissioner of public lands may seek additional means of publishing the information in the pamphlet, such as on the internet, to increase the number of prospective buyers.

Sec. 8. RCW 79.01.204 and 1982 c 27 s 2 are each amended to read as follows:

Sales by public auction under this chapter shall be conducted under the direction of the department of natural resources((,-by)) or its authorized representative ((or by the county auditor of the county in which the sale is held)). The department or department's representative ((and the county auditor)) are hereinafter referred to as auctioneers. On or before the time specified in the notice of sale each bidder shall deposit with the auctioneer, in cash or by certified check, cashier's check, ((or postal)) money order payable to the order of the department of natural resources, or by bid guarantee in the form of bid bond acceptable to the department, an amount equal to the deposit specified in the notice of sale. The deposit shall include a specified amount of the appraised price for the land or valuable materials offered for sale, together with any fee required by law for the issuance of contracts, deeds, or bills of sale. Said deposit may, when prescribed in notice of sale, be considered an opening bid of an amount not less than the minimum appraised price established in the notice of sale. The successful bidder's deposit will be retained by the auctioneer and the difference, if any, between the deposit and the total amount due shall on the day of the sale be paid in cash, certified check, cashier's check, bank draft, ((postal)) or money order, ((or by personal check)) made payable to the department. If a bid bond is used, the share of the total deposit due guaranteed by the bid bond shall, within ten days of the day of sale, be paid in cash, certified check, cashier's check, ((or postal)) money order, or other acceptable payment method payable to the department. Other deposits, if any, shall be returned to the respective bidders at the conclusion of each sale. The auctioneer shall deliver to the purchaser a memorandum of his or her purchase containing a description of the land or materials purchased, the price bid, and the terms of the sale. The auctioneer shall at once send to the department the cash, certified check, cashier's check, bank draft, ((postal)) money order, ((or)) bid guarantee, or other acceptable payment method received from the purchaser, and a copy of the memorandum delivered to the purchaser, together with such additional report of his or her proceedings with reference to such sales as may be required by the department.

Sec. 9. RCW 79.01.232 and 1927 c 255 s 58 are each amended to read as follows:

When ((timber, fallen timber, stone, gravel, or other)) valuable materials((,- shall have been)) are sold separate from the land and the purchase price is paid in full, the commissioner of public lands shall cause a bill of sale, signed by the commissioner and attested by the seal of his or her office, setting forth the time within which such material shall be removed, to be issued to the purchaser and to be recorded in the office of the commissioner of public lands, upon the payment of the fee provided for in this chapter.

NEW SECTION. Sec. 10. A new section is added to chapter 79.01 RCW to read as follows:

For the purposes of this title, "appraisal" means an estimate of the market value of land or valuable materials. The estimate must reflect the value based on market conditions at the time of the sale or transfer offering. The appraisal must reflect the department of natural resources' best effort to establish a reasonable market value for the purpose of setting a minimum bid at auction or transfer. A purchaser of state lands or valuable materials may not rely upon the appraisal prepared by the department of natural resources for purposes of deciding whether to make a purchase from the department. All purchasers are required to make their own independent appraisals.

Sec. 11. RCW 79.01.240 and 1982 1st ex.s. c 21 s 164 are each amended to read as follows:

Any sale, transfer, or lease of state lands ((made by mistake, or not in accordance with law, or obtained)) in which the purchaser, transfer recipient, or lessee obtains the sale or lease by fraud or misrepresentation((- shall be)) is void, and the contract of purchase((-)) or lease((- issued thereon,)) shall be of no effect((- and the holder of such contract, or lease, shall be required to surrender the same to the department of natural resources, which, except in the case of fraud on the part of the purchaser, or lessee, shall cause the money paid on account of such surrendered contract, or lease, to be refunded to the holder thereof, provided the same has

not been paid into the state treasury)). In the event of fraud, the contract, transferred property, or lease must be surrendered to the department of natural resources, but the purchaser, transfer recipient, or lessee may not be refunded any money paid on account of the surrendered contract, transfer, or lease. In the event that a mistake is discovered in the sale or lease of state lands, or in the sale of valuable materials on state lands, the department may take action to correct the mistake in accordance with RCW 79.01.740 if maintaining the corrected contract, transfer, or lease is in the best interests of the affected trust or trusts.

Sec. 12. RCW 79.01.340 and 1982 1st ex.s. c 21 s 171 are each amended to read as follows:

Any county or city or the United States of America or state agency desiring to locate, establish, and construct a road or street over and across any state lands of the state of Washington shall by resolution of the board of county commissioners of such county, or city council or other governing body of such city, or proper agency of the United States of America, or state agency, cause to be filed in the office of the department of natural resources a petition for a right of way for such road or street, setting forth the reasons for the establishment thereof, accompanied by a duly attested copy of a plat made by the county or city engineer or proper agency of the United States of America, or state agency, showing the location of the proposed road or street with reference to the legal subdivisions, or lots and blocks of the official plat, or the lands, over and across which such right of way is desired, the amount of land to be taken and the amount of land remaining in each portion of each legal subdivision or lot or block bisected by such proposed road or street.

Upon the filing of such petition and plat the department of natural resources, if deemed for the best interest of the state to grant the petition, shall cause the land proposed to be taken to be inspected and shall appraise the value of ((any timber)) the land and valuable materials thereon and notify the petitioner of such appraised value.

If there ((be)) are no ((timber)) valuable materials on the proposed right of way, or upon the payment of the appraised value of ((any timber)) the land and valuable materials thereon, to the department of natural resources in cash, or by certified check drawn upon any bank in this state, or ((postal)) money order, except for all rights of way granted to the department of

natural resources on which the ~~((timber))~~ valuable materials, if any, shall be sold at public auction or by sealed bid, the department may approve the plat filed with the petition and file and enter the same in the records of his or her office, and such approval and record shall constitute a grant of such right of way from the state.

Sec. 13. RCW 79.01.392 and 1961 c 73 s 8 are each amended to read as follows:

Upon the filing of the plat and field notes, as provided in RCW 79.01.388, the land applied for and the ~~((standing timber and/or reproduction))~~ valuable materials on the right of way applied for, and the marked danger trees to be felled off the right of way, if any, and the improvements included in the right of way applied for, if any, shall be appraised as in the case of an application to purchase state lands. Upon full payment of the appraised value of the land applied for, or upon payment of an annual rental when the department of natural resources deems a rental to be in the best interests of the state, and upon full payment of the appraised value of the ~~((standing timber, reproduction,))~~ valuable materials and improvements, if any, the commissioner of public lands shall issue to the applicant a certificate of the grant of such right of way stating the terms and conditions thereof and shall enter the same in the abstracts and records in his or her office, and thereafter any sale or lease of the lands affected by such right of way shall be subject to the easement of such right of way. Should the corporation, company, association, individual, state agency, political subdivision of the state, or the United States of America, securing such right of way ever abandon the use of the same for a period of sixty months or longer for the purposes for which it was granted, the right of way shall revert to the state, or the state's grantee.

Sec. 14. RCW 79.01.795 and 1987 c 126 s 2 are each amended to read as follows:

When the department finds ~~((timber))~~ valuable materials on state land that ~~((is))~~ are damaged by fire, wind, flood, or from any other cause, it shall determine if the ~~((sale))~~ salvage of the damaged ~~((timber))~~ valuable materials is in the best interest of the trust for which the land is held. If ~~((selling))~~ salvaging the ~~((timber))~~ valuable materials is in the best interest of the trust, the department shall proceed to offer the ~~((timber))~~ valuable materials for sale ~~((within a period not to exceed seven months from the date of first identifying the damaged timber)).~~ The valuable materials, when offered for sale, must be sold in the most expeditious and efficient manner as determined by the department. In determining if the sale is in the best interest of the trust the department shall consider the net value of the ~~((timber))~~ valuable materials and relevant elements of the physical and social environment. ~~((If selling the timber is not in the best interest of the trust, the department shall not offer it for sale until such time as in the department's determination it is in the trust's best interest.~~

~~If elements of the physical or social environment extend the time required to prepare the timber for sale beyond seven months from the date of first identifying the damaged timber, the department shall prepare the timber for sale at the earliest time practicable.))~~

Sec. 15. RCW 79.64.030 and 1999 c 279 s 1 are each amended to read as follows:

Funds in the account ~~((derived))~~ from the ~~((gross proceeds of))~~ moneys received from leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting school lands, university lands, scientific school lands, normal school lands, capitol building lands, or institutional lands shall be pooled and expended by the department solely for the purpose of defraying the costs and expenses necessarily incurred in managing and administering all of the trust lands enumerated in this section. Such funds may be used for similar costs and expenses in managing and administering other lands managed by the department provided that such expenditures that have been or may be made on such other lands shall be repaid to the resource management cost account together with interest at a rate determined by the board of natural resources.

Costs and expenses necessarily incurred in managing and administering agricultural college lands shall not be deducted from proceeds ~~((derived))~~ received from the sale of such lands or from the sale of resources that are part of the lands. Costs and expenses incurred in managing and administering agricultural college trust lands shall be funded by appropriation under RCW 79.64.090.

An accounting shall be made annually of the accrued expenditures from the pooled trust funds in the account. In the event the accounting determines that expenditures have been made from moneys ~~((derived))~~ received from trust lands for the benefit of other lands, such expenditure shall be considered a debt and an encumbrance against the property benefitted, including property held under chapter 76.12 RCW. The results of the accounting shall be reported to the legislature at the next regular session. The state treasurer is authorized, upon request of the department, to transfer funds between the forest development account and the resource management cost account solely for purpose of repaying loans pursuant to this section.

Sec. 16. RCW 79.64.040 and 1999 c 279 s 2 are each amended to read as follows:

The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the ~~((gross proceeds of))~~ moneys received from all leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting public lands, provided that no deduction shall be made from the proceeds from agricultural college lands. Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.01.132 and 79.01.204 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section. The deductions authorized under this section shall in no event exceed twenty-five percent of the ~~((total sum))~~ moneys received by the department in connection with any one transaction pertaining to public lands other than second class tide and shore lands and the beds of navigable waters, and fifty percent of the ~~((total gross proceeds))~~ moneys received by the department pertaining to second class tide and shore lands and the beds of navigable waters.

Sec. 17. RCW 79.64.050 and 1961 c 178 s 5 are each amended to read as follows:

All deductions from ~~((gross proceeds))~~ moneys received made in accordance with RCW 79.64.040 shall be paid into the account and the balance shall be paid into the state treasury to the credit of the fund otherwise entitled to the proceeds.

NEW SECTION. Sec. 18. A new section is added to chapter 79.01 RCW to read as follows:

(1) In the event that the department of natural resources determines that regulatory requirements or some other circumstance beyond the control of both the department and the purchaser has made a valuable materials contract wholly or partially impracticable to perform, the department may cancel any portion of the contract which could not be performed. In the event of such a cancellation, the purchaser shall not be liable for the purchase price of any portions of the contract so canceled. Market price fluctuations shall not constitute an impracticable situation for valuable materials contracts.

(2) Alternatively, and notwithstanding any other provision in this title, the department of natural resources may substitute valuable materials from another site in exchange for any valuable materials which the department determines have become impracticable to remove under the original contract. Any substituted valuable materials must belong to the identical trust involved

in the original contract, and the substitute materials shall be determined by the department of natural resources to have an appraised value that is not greater than the valuable materials remaining under the original contract. The substitute valuable materials and site shall remain subject to all applicable permitting requirements and the state environmental policy act, chapter 43.21C RCW, for the activities proposed at that site. In any such substitution, the value of the materials substituted shall be fixed at the purchase price of the original contract regardless of subsequent market changes. Consent of the purchaser shall be required for any substitution under this section."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Jacobsen, the Senate concurred in the House amendment to Substitute Senate Bill No. 5862.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5862, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5862, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 5862, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5940 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that Washington requires strong career and technical education programs to meet the academic and career preparation needs of secondary students. The legislature further finds that career and technical education programs, including the vocational skills centers, provide:

(a) Support for achievement of the certificate of mastery, particularly by students requiring applied learning opportunities for academic success;

(b) Support for special needs students to fulfill the occupational preparation required for self-sufficiency in adult life;

(c) Increases in the number of students who complete high school; and

(d) Assistance with students' transitions from secondary schools to postsecondary education, training, and employment.

(2) In order to provide students with a variety of learning experiences that will assist them in achieving the higher standards of education reform, school districts currently offering career and technical education programs shall continue to provide career and technical education programs and school districts not offering career and technical education programs are encouraged to begin providing such programs.

NEW SECTION. Sec. 2. A new section is added to chapter 28C.04 RCW to read as follows:

(1) To ensure high quality career and technical programs, the office of the superintendent of public instruction shall review and approve the plans of local districts for the delivery of career and technical education. Standards for career and technical programs shall be established by the office of the superintendent of public instruction. These standards should:

(a) Demonstrate how career and technical education programs will ensure academic rigor; align with the state's education reform requirements; help address the skills gap of Washington's economy; and maintain strong relationships with local career and technical education advisory councils for the design and delivery of career and technical education; and

(b) Demonstrate a strategy to align the five-year planning requirement under the federal Carl Perkins act with the state and district vocational program planning requirements that include:

(i) An assessment of equipment and technology needs to support the skills training of technical students;

(ii) An assessment of industry internships required for teachers to ensure the ability to prepare students for industry-defined standards or certifications, or both;

(iii) An assessment of the costs of supporting job shadows, mentors, community service and industry internships, and other activities for student learning in the community; and

(iv) A description of the leadership activities to be provided for technical education students.

(2) To ensure high quality career education programs and services in secondary schools, the office of the superintendent of public instruction may provide technical assistance to local districts and develop state guidelines for the delivery of career guidance in secondary schools.

(3) To ensure leadership development, the staff of the office of the superintendent of public instruction may serve as the state advisors to Washington state FFA, Washington future business leaders of America, Washington DECA, Washington SkillsUSA-VICA, Washington family, career and community leaders, and Washington technology students association, and any additional career or technical student organizations that are formed. Working with the directors or executive secretaries of these organizations, the office of the superintendent of public instruction may develop tools for the coordination of leadership activities with the curriculum of technical education programs.

(4) As used in this section, "career and technical education" means a planned program of courses and learning experiences that begins with exploration of career options; supports basic academic and life skills; and enables achievement of high academic standards, leadership, options for high skill, high wage employment preparation, and advanced and continuing education."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator McAuliffe, the Senate concurred in the House amendment to Substitute Senate Bill No. 5940.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5940, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5940, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Winsley - 37.

Voting nay: Senators Benton, Deccio, Hale, Hewitt, Hochstatter, Johnson, McCaslin, McDonald, Morton, Roach, Stevens and Zarelli - 12.

SUBSTITUTE SENATE BILL NO. 5940, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:05 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:15 p.m.

The Senate was called to order at 1:15 p.m. by President Owen.

MESSAGES FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The Co-Speakers have signed:

SUBSTITUTE HOUSE BILL NO. 1001,

HOUSE BILL NO. 1035,

HOUSE BILL NO. 1211,

SUBSTITUTE HOUSE BILL NO. 1256,

SUBSTITUTE HOUSE BILL NO. 1467,

SUBSTITUTE HOUSE BILL NO. 1501,

SUBSTITUTE HOUSE BILL NO. 1884, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

April 16, 2001

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1259,

SUBSTITUTE HOUSE BILL NO. 1320,

SUBSTITUTE HOUSE BILL NO. 1384,

SUBSTITUTE HOUSE BILL NO. 1591,
HOUSE BILL NO. 1895,
HOUSE BILL NO. 2029, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

April 17, 2001

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

SECOND SUBSTITUTE HOUSE BILL NO. 1752,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785,
HOUSE BILL NO. 1846,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4410, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

April 17, 2001

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 1287,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1458,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1658,
SUBSTITUTE HOUSE BILL NO. 1891, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

April 17, 2001

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1295,
HOUSE BILL NO. 1361, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

April 17, 2001

MR. PRESIDENT:

The Co-Speakers have signed:

HOUSE BILL NO. 1066,
HOUSE BILL NO. 1071,
SUBSTITUTE HOUSE BILL NO. 1091,
ENGROSSED HOUSE BILL NO. 1099,
HOUSE BILL NO. 1102,
SUBSTITUTE HOUSE BILL NO. 1135,
SUBSTITUTE HOUSE BILL NO. 1202,
SUBSTITUTE HOUSE BILL NO. 1212,
ENGROSSED HOUSE BILL NO. 1347,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1371,
ENGROSSED HOUSE BILL NO. 1407,
HOUSE BILL NO. 1422,
SUBSTITUTE HOUSE BILL NO. 1471,
SUBSTITUTE HOUSE BILL NO. 1545,
HOUSE BILL NO. 1564,
HOUSE BILL NO. 1578,
HOUSE BILL NO. 1611,
HOUSE BILL NO. 1614,
HOUSE BILL NO. 1633,

**SUBSTITUTE HOUSE BILL NO. 1678,
HOUSE BILL NO. 1692,
HOUSE BILL NO. 1694,
HOUSE BILL NO. 1770,
SUBSTITUTE HOUSE BILL NO. 1821,
SECOND SUBSTITUTE HOUSE BILL NO. 1835,
SUBSTITUTE HOUSE BILL NO. 1836,
HOUSE BILL NO. 1865,
SUBSTITUTE HOUSE BILL NO. 1892,
ENGROSSED HOUSE BILL NO. 1936,
HOUSE BILL NO. 1951,
HOUSE BILL NO. 1952,
SUBSTITUTE HOUSE BILL NO. 1971,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1996,
SUBSTITUTE HOUSE BILL NO. 2049,
HOUSE BILL NO. 2086,
SUBSTITUTE HOUSE BILL NO. 2105,
SUBSTITUTE HOUSE BILL NO. 2184,
HOUSE JOINT RESOLUTION NO. 4202,** and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1001,
HOUSE BILL NO. 1035,
HOUSE BILL NO. 1211,
SUBSTITUTE HOUSE BILL NO. 1256,
SUBSTITUTE HOUSE BILL NO. 1467,
SUBSTITUTE HOUSE BILL NO. 1501,
SUBSTITUTE HOUSE BILL NO. 1884.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1066,
**HOUSE BILL NO. 1071,
SUBSTITUTE HOUSE BILL NO. 1091,
ENGROSSED HOUSE BILL NO. 1099,
HOUSE BILL NO. 1102,
SUBSTITUTE HOUSE BILL NO. 1135,
SUBSTITUTE HOUSE BILL NO. 1202,
SUBSTITUTE HOUSE BILL NO. 1212,
ENGROSSED HOUSE BILL NO. 1347,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1371,
ENGROSSED HOUSE BILL NO. 1407,
HOUSE BILL NO. 1422,
SUBSTITUTE HOUSE BILL NO. 1471,
SUBSTITUTE HOUSE BILL NO. 1545,
HOUSE BILL NO. 1564,
HOUSE BILL NO. 1578,
HOUSE BILL NO. 1611,
HOUSE BILL NO. 1614,
HOUSE BILL NO. 1633,
SUBSTITUTE HOUSE BILL NO. 1678,
HOUSE BILL NO. 1692,
HOUSE BILL NO. 1694,
HOUSE BILL NO. 1770,
SUBSTITUTE HOUSE BILL NO. 1821,**

**SECOND SUBSTITUTE HOUSE BILL NO. 1835,
SUBSTITUTE HOUSE BILL NO. 1836,
HOUSE BILL NO. 1865,
SUBSTITUTE HOUSE BILL NO. 1892,
ENGROSSED HOUSE BILL NO. 1936,
HOUSE BILL NO. 1951,
HOUSE BILL NO. 1952,
SUBSTITUTE HOUSE BILL NO. 1971,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1996,
SUBSTITUTE HOUSE BILL NO. 2049,
HOUSE BILL NO. 2086,
SUBSTITUTE HOUSE BILL NO. 2105,
SUBSTITUTE HOUSE BILL NO. 2184,
HOUSE JOINT RESOLUTION NO. 4202.**

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Hewitt, Gubernatorial Appointment No. 9054, Kayleen Bye, as a member of the Board of Trustees for Walla Walla Community College District No. 20, was confirmed.

APPOINTMENT OF KAYLEEN BYE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 10; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Johnson, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 39.

Absent: Senators Deccio, Fairley, Hargrove, Horn, Jacobsen, Kastama, Kline, McCaslin, Rasmussen and Rossi - 10.

MOTION

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

MOTION

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

SENATE RESOLUTION 2001-8671

By Senators Prentice, Johnson, Patterson and Kohl-Welles

WHEREAS, The Tukwila Wildlife Habitat Project is a volunteer program that teaches people how to certify their back yards as wildlife sanctuaries; and

WHEREAS, Certified habitats include landscaping for wildlife-friendly environments that offer food, water, cover and places to raise offspring; and

WHEREAS, The program is helping to make Tukwila a better place for songbirds, butterflies and other wildlife species, and is encouraging volunteerism and community pride; and

WHEREAS, Engaging in the project is an easy way for individuals to improve the quality of the environment and enjoy nature and wildlife; and

WHEREAS, the city of Tukwila is working to become the first city in Washington – and the fourth in the nation – certified through the National Wildlife Federation’s Community Wildlife Habitat Program;

WHEREAS, Participation includes Tukwila residents, departments, and businesses, as well as the state Department of Fish and Wildlife, the Woodland Park Zoo, the University of Washington, National Wildlife Federation and various conservation agencies and nonprofit organizations; and

WHEREAS, All of Tukwila's public schools also are participating in the program; and

WHEREAS, The city of Tukwila has provided support for this project above and beyond expectations through financial and administrative support, use of public spaces for meetings, and sponsoring the Backyard Wildlife Fair and public demonstration gardens; and

WHEREAS, the Tukwila's Mayor, City Council and City Administrator are the first city officials to provide such outstanding support of its citizens working towards certification by the National Wildlife Federation offering a tremendous incentive for citizen participation. NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby recognize the outstanding efforts of the Tukwila Wildlife Habitat Project and the city of Tukwila for the support and organization of wildlife conservation; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately by the Secretary of the Senate to the coordinator of Tukwila Wildlife Habitat Project Michelle Roedell and Steve Mullet, the Mayor of Tukwila.

Senators Prentice, Patterson and Jacobsen spoke to Senate Resolution 2001-8671.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced, the Mayor of Tukwila Steve Mullet, the Tukwila Wildlife Habitat Project Coordinator Michelle Redell and the National Wildlife Federation's Community Wildlife Habitat Program Coordinator Gretchen Muller, who were seated in the back of the Chamber.

PERSONAL PRIVILEGE

Senator Carlson: "A point of personal privilege, Mr. President. I would like the Senate to be aware that the flower that is in front of my desk and my colleagues desk is in honor of my new grandson, who was born on Friday, the thirteenth. His name is Ezekiel David Marvin Carlson and the flower is in his honor. Thank you very much."

SPECIAL ORDER OF BUSINESS

The President announced that it was 1:30 p.m. and time for the Special Order of Business on Engrossed Substitute House Bill No. 1832.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

STATEMENT FOR THE JOURNAL

EXPLANATION WHY SENATE REPUBLICANS OPPOSED FLOOR AMENDMENTS TO ENGROSSED SUBSTITUTE HOUSE BILL NO. 1832

Senate Republicans opposed the amendments to Engrossed Substitute House Bill No. 1832 because if the measure was amended by the Senate, several House members warned that the House likely would fail to approve an altered version of the bill. Over the past few years, the House and Senate have had lengthy negotiations to find compromises on a handful of important water policy bills.

However, nearly all these compromise bills failed to be approved by both chambers because time ran out due to the end of session. Engrossed Substitute House Bill No. 1832 represents our best opportunity in years for the Legislature to pass a meaningful water policy bill. In addition, Governor Locke has said he supports this measure in its current form and that he intends to sign it into law. Any technical amendments to improve this measure can be made in a subsequent bill. This issue is very important to residents in rural Washington, especially Eastern Washington. We can't afford to wait another year to pass a meaningful bill that strengthens water policy. People have waited years for their water rights applications to be processed. This measure will help make this happen.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1832, by House Committee on Appropriations (originally sponsored by Representatives Linville and G. Chandler (by request of Governor Locke)

Modifying provisions concerning water management.

The bill was read the second time.

MOTION

Senator Regala moved that the following amendment be adopted:

On page 1, line 18, strike "clarifying" and insert "changing".

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Regala on page 1, line 18, to Engrossed Substitute House Bill No. 1832.

The motion by Senator Regala failed and the amendment was not adopted.

MOTION

Senator Fraser moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 24, strike all material beginning with "provides" and ending with "planning" on page 3, line 25, and insert "and submit a proposal within the time established in RCW 90.82.130"

On page 5, after line 11, strike all of Section 3.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Fraser on page 3, line 24, and page 5, after line 11, to Engrossed Substitute House Bill No. 1832.

The motion by Senator Fraser failed and the amendments were not adopted.

MOTION

Senator Regala moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 31, strike all material beginning with "By" and ending with "unit" on page 4, line 6, and "insert the following:

"If, by December 1, 2001, or within twelve months of receiving an initial organizing grant under this section, whichever occurs later, a planning unit has not chosen to address instream flow in accordance with RCW 90.82.080, the department shall retain one hundred thousand dollars, or as much thereof as is required, of funds appropriated for supplemental funding for optional plan components under this section to carry out an assessment to support establishment of instream flow in accordance with RCW 90.54.020(3)(a) and chapter 90.22 RCW."

On page 4, beginning on line 9, strike all material beginning with "in" and ending with "amending" and insert "to".

On page 5, beginning on line 14, strike all material beginning with "By" and ending with "laws" on line 24 and insert the following:

"By October 1, 2001 the department of ecology shall complete a final nonproject environmental impact statement evaluating alternative instream flow setting goals and methodologies. Planning units addressing instream flows in accordance with RCW 90.82.080 must consider the environmental impact statement. If different goals and methodologies are selected, planning units shall have financial responsibility for the additional environmental review required."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Regala on page 3, line 31; page 4, beginning on line 9; and page 5, beginning on line 14, to Engrossed Substitute House Bill No. 1832.

The motion by Senator Regala failed and the amendments were not adopted.

MOTION

Senator Fraser moved that the following amendment be adopted:

On page 4, line 4, delete everything from "The department" through "planning unit." on page 4, line 6

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 4, line 4, to Engrossed Substitute House Bill No. 1832.

The motion by Senator Fraser failed and the amendment was not adopted.

MOTION

Senator Fraser moved that the following amendment be adopted:

On page 9, line 8, after "condition of" insert "receiving priority for"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 9, line 8, to Engrossed Substitute House Bill No. 1832.

The motion by Senator Fraser failed and the amendment was not adopted.

MOTION

Senator Fraser moved that the following amendments be considered simultaneously and be adopted:

On page 14, line 2 after "(2)" insert "Except as provided in subsection (b)"

On page 14, beginning on line 20 delete "If an application" through "application." on line 22 and insert:

"(b) If an application proposes to transfer water from another basin located in a water resource inventory area outside the jurisdiction of the board, and the maximum quantity of water to be transferred exceeds one thousand acre feet annually, the application shall not be filed with the board but shall be filed directly with the department."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Fraser on page 14, lines 2 and beginning on line 20, to Engrossed Substitute House Bill No. 1832.

The motion by Senator Fraser failed and the amendments were not adopted.

MOTION

Senator Fraser moved that the following amendments be considered simultaneously and be adopted:

On page 17, line 32 delete "or"

On page 17, line 35 after "application" insert the following:

"(d) Has an immediate family member with an ownership or financial interest in the application submitted to the board"

Debate ensued.

POINT OF ORDER

Senator Tim Sheldon: "A point of order, Mr. President. I hate to interrupt the good Senator, but just as a point of order and to follow the Senate Rules, aren't we debating the amendments on page 17?"

REPLY BY THE PRESIDENT

President Owen: "That is correct."

Senator Tim Sheldon: "Could we stick to the subject of the amendments?"

Senator Franklin: "And that is what I am sticking to, Senator."

REPLY BY THE PRESIDENT

President Owen: "Senator Sheldon, while the President would appreciate that you do that, I believe the door has been opened a little bit on both sides on this particular amendment. Senator Franklin--"

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Fraser on page 17, lines 32 and 35, to Engrossed Substitute House Bill No. 1832.

The motion by Senator Fraser failed and the amendments were not adopted.

MOTION

Senator Fraser moved that the following amendment be adopted:

On page 18, line 1 delete "~~(A commissioner of a water conservancy board who also serves as an employee or upon the governing body of a municipally owned water system, shall not participate in the board's review or decision upon an application for the transfer or change of a water right in which that water system has or is proposed to have an ownership interest.))~~" and insert the following:

"A commissioner of a water conservancy board who also serves as an employee or upon the governing body of a municipally owned water system, shall not participate in the board's review or decision upon an application for the transfer or change of a water right in which that water system has or is proposed to have an ownership interest."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 18, line 1, to Engrossed Substitute House Bill No. 1832.

The motion by Senator Fraser failed and the amendment was not adopted.

MOTION

Senator Fraser moved that the following amendment be adopted:

On page 20, line 7 after "boards" insert "including in-kind, pro-bono and other financial assistance and services provided to such boards"

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Fraser on page 20, line 7, to Engrossed Substitute House Bill No. 1832.

Further debate ensued.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Fraser on page 20, line 7, to Engrossed Substitute House Bill No. 1832 and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau -23.

Voting nay: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 26

MOTION

Senator Fraser moved that the following amendment be adopted:

On page 20, line 32 after "(2) A" insert "water right established as a"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 20, line 32, to Engrossed Substitute House Bill No. 1832.

The motion by Senator Fraser failed and the amendment was not adopted.

MOTION

Senator Kline moved that the following amendment be adopted:

On page 20, line 35, strike all material beginning with "To" and ending with (c) on page 21, line 3

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 20, line 35, to Engrossed Substitute House Bill No. 1832.

The motion by Senator Kline failed and the amendment was not adopted.

MOTION

Senator Regala moved that the following amendment be adopted:

On page 22, on line 1, after "(6)" insert the following:

"Any proposed transfer of an entire water right under this section shall be conditioned to require retention of a water right sufficient for domestic uses on the land to which the right is appurtenant."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Regala on page 22, line 1, to Engrossed Substitute House Bill No. 1832.

The motion by Senator Regala failed and the amendment was not adopted.

MOTION

Senator Kline moved that the following amendment be adopted:

On page 22, line 11, deleted "~~((two)) six "~~ and insert "two"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 22, line 11, to Engrossed Substitute House Bill No. 1832.

The motion by Senator Kline failed and the amendment was not adopted.

MOTION

Senator Brown moved that the following amendment be adopted:

On page 24, beginning on line 1, strike all of section 26 and insert the following:

"NEW SECTION. Sec.26. A new section is added to chapter 82.16 RCW to read as follows:

(1) *The legislature intends to provide an incentive for water distribution businesses to help reduce their customers' use of water through measures such as: Water conservation and outreach programs, distributing shower flow restrictors, toilet tank water displacement devices, and leak detection dye tablets; providing water-efficient fixtures at no cost, giving a rebate for customer-purchased fixtures, or arranging for suppliers to provide fixtures at a reduced price; providing plants for low-water demand landscaping, moisture sensors, flow timers, low-volume sprinklers, and drip irrigation systems; and using conservation pricing and billings that show percentage increase/decrease in water use over the same period from the previous year.*

(2) *There is allowed a credit against the tax imposed under RCW 82.16.020 equal to two and five-tenths percent of those amounts expended to improve consumers' efficiency of water use or to otherwise reduce the use of water by the consumer when the expenditures are implementing elements of the conservation plan within a state approved water system plan or a small water system management program.*

(3) *There is allowed a credit against the tax imposed under RCW 82.16.020 equal to two and five-tenths percent of the amounts received for water services supplied by an entity that holds a permit under RCW 90.46.030 when the water supplied is reclaimed water as defined in RCW 90.46.010.*

(4) *No credit may be taken under subsections (1) or (2) of this section unless the credit is first approved by the department. Application for tax credits under subsections (1) and (2) of this section may only be made in the form and manner prescribed by the department. The department shall keep a running total of all credits authorized under subsections (1) and (2) of this section during each fiscal year. The department shall not allow any credits which would cause the total to exceed two hundred fifty thousand dollars in any fiscal year. Credits allowed under this subsection may be carried over until used.*

(5) *No credits may be authorized under this section after June 30, 2003."*

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Brown on page 24, beginning on line 1, to Engrossed Substitute House Bill No. 1832.

Further debate ensued.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Brown on page 24, beginning on line 1, to Engrossed Substitute House Bill No. 1832 and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau -24.

Voting nay: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

MOTION

Senator Brown moved that the following amendment be adopted:

On page 34, after line 12, insert the following:

"NEW SECTION. Sec. 33. *The legislature declares an emergency caused by a natural disaster of drought as proclaimed by the governor.*

NEW SECTION. Sec. 34. *The sum of eight million dollars is appropriated from the emergency reserve fund to the state conservation commission for fiscal year 2001. The appropriation in this section is provided solely to provide grants to conservation districts to assist the agricultural community to implement water conservation measures and irrigation*

efficiencies in the 16 water resource inventory areas identified by the governor's salmon recovery office where more water has been allocated that is naturally available for at least part of the year and in which one or more fish stocks are listed under the federal Endangered Species Act. In consultation with the department of ecology, a conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed in the trust water rights program under chapter 90.38 RCW and chapter 90.42 RCW to enhance instream flows. The proportion of saved water placed in the trust water rights program shall be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed 85% of the total cost of the conservation measure or irrigation efficiency. In awarding grants, a conservation district shall give first priority to family farms as defined under RCW 90.66.040.

By February 1, 2003, the commission shall submit a progress report to the appropriate standing committees of the legislature on: (1) the amount of public funds expended from this section; (2) the location and amount of water placed in the trust water rights program pursuant to this section; and (3) the methods used by conservation districts to ensure a portion of the water saved by the water conservation measure or irrigation efficiency actually enhanced stream flows.

Any monies remaining unexpended from the appropriation in this section on June 30, 2001, are reappropriated for expenditure in fiscal years 2002 and 2003.

NEW SECTION. Sec. 35. The sum of seven million dollars is appropriated from the emergency reserve fund to the department of ecology. The appropriation in this section is provided solely to purchase water rights to be placed in the trust water rights program under chapter 90.38 RCW and chapter 90.42 RCW and to purchase water use metering equipment and stream flow monitoring equipment. The department shall allocate eighty percent of the appropriation for the purchase of trust water rights. Any monies remaining unexpended from the appropriation in this section on June 30, 2001, are reappropriated for expenditure in fiscal years 2002 and 2003."

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Brown on page 34, line 12, to Engrossed Substitute House Bill No. 1832.

Further debate ensued.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Brown on page 34, line 12, to Engrossed Substitute House Bill No. 1832 and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau -24.

Voting nay: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

MOTION

Senator Brown moved that the following amendment be adopted:

On page 34, after line 23, insert the following:

NEW SECTION. Sec. 36. Six million dollars from the water quality account is appropriated to the department of ecology and is provided solely to eliminate, by June 30, 2006, the backlog of applications for changes and transfers of existing water rights as the backlog exists on June 30, 2001, including additional applications filed, as authorized by section 5 of this act.

NEW SECTION. Sec. 37. \$3,114,000 from the water quality account is appropriated to the department of ecology and is provided solely to support local watershed planning efforts. Of this amount: (1) \$2,100,000 is provided solely to make grants to local governments for targeted watershed assessments as authorized by section 2 of this act; and (2) the remainder of the funding is provided for development of a state environmental policy act template to streamline environmental review, creation of a blue ribbon panel to develop long-term watershed planning implementation funding options, and technical assistance."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Brown on page 34, after line 23, to Engrossed Substitute House Bill No. 1832.

Further debate ensued.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Brown on page 34, after line 23, to Engrossed Substitute House Bill No. 1832 and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau -23.

Voting nay: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hargrove Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 26

MOTION

On motion of Senator Sheahan, the rules were suspended, Engrossed Substitute House Bill No. 1832 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1832.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1832 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Carlson, Deccio, Eide, Finkbeiner, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Long, McCaslin, McDonald, Morton, Oke, Parlette, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, West, Winsley and Zarelli - 33.

Voting nay: Senators Brown, Constantine, Costa, Fairley, Franklin, Fraser, Jacobsen, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 16.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1832, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Honeyford: "A point of personal privilege, Mr. President. You were faster than we were. We had planned on a colloquy here and I just wanted to mention one of the problems that we have. The conservancy boards, through the court decisions, had applications in the process. When the judge ruled on that process, those applications stopped. Some of them had newspaper notification and everything else in order to go forward, so we wanted to insure that they could start from the point that they stopped and go forward from there. I just wanted to mention that is a problem that we need to be looking at. Thank you, Mr. President."

PERSONAL PRIVILEGE

Senator Fraser: "A point of personal privilege, Mr. President. Just a point of information responding to the prior comment on what about applications that got halted as the result of a court decision. I would just like to say that I don't know of any language--verbal discussion on this floor--that would affect the legal status of those and it would have been nice to have an amendment dealing with that."

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business

MESSAGE FROM THE HOUSE

April 4, 2001

MR. PRESIDENT:

The House has passed **SUBSTITUTE SENATE BILL NO. 6055** with the following amendment(s):

On page 2, line 34 after "(5)" insert: "Use the assessment tool developed pursuant to subsection (4) in making out-of-home placement decisions for children:

(6)"

Renumber the remaining sections consecutively and correct any internal references accordingly., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Costa, the Senate concurred in the House amendment to Substitute Senate Bill No. 6055.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6055, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6055, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6055 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Kline and Prentice were excused.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5122 with the following amendment(s):

On page 13, line 23, after "also have" insert "the right to a jury trial and"

On page 14, after line 6, strike all of section 10 and insert the following:

"NEW SECTION. Sec. 10. The department shall, in consultation with interested stakeholders, develop recommendations for improving the procedures used to notify victims when a sexually violent predator is conditionally released to a less restrictive alternative under chapter 71.09 RCW, while at the same time maintaining the confidentiality of victim information."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Costa, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5122. The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5122, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5122, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator Hargrove - 1.

Excused: Senators Kline and Prentice - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5122, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Hargrove was excused.

MESSAGE FROM THE HOUSE

April 6, 2001

MR. PRESIDENT:

The House has passed **SUBSTITUTE SENATE BILL NO. 5961** with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 4.24.350 and 1997 c 206 s 1 are each amended to read as follows:

(1) In any action for damages, whether based on tort or contract or otherwise, a claim or counterclaim for damages may be litigated in the principal action for malicious prosecution on the ground that the action was instituted with knowledge that the same was false, and unfounded, malicious and without probable cause in the filing of such action, or that the same was filed as a part of a conspiracy to misuse judicial process by filing an action known to be false and unfounded.

(2) In any action, claim, or counterclaim brought by a judicial officer, prosecuting authority, or law enforcement officer for malicious prosecution arising out of the performance or purported performance of the public duty of such officer, an arrest or seizure of property need not be an element of the claim, nor do special damages need to be proved. A judicial officer, prosecuting authority, or law enforcement officer prevailing in such an action may be allowed an amount up to one thousand dollars as liquidated damages, together with a reasonable attorneys' fee, and other costs of suit. A government entity which has provided legal services to the prevailing judicial officer, prosecuting authority, or law enforcement officer has reimbursement rights to any award for reasonable attorneys' fees and other costs, but shall have no such rights to any liquidated damages allowed.

(3) No action may be brought against an attorney under this section solely because of that attorney's representation of a party in a lawsuit.

(4) As used in this section:

(a) "Judicial officer" means a justice, judge, magistrate, or other judicial officer of the state or a city, town, or county.

(b) "Prosecuting authority" means any officer or employee of the state or a city, town, or county who is authorized by law to initiate a criminal or civil proceeding on behalf of the public.

(c) "Law enforcement officer" means a member of the state patrol, a sheriff or deputy sheriff, or a member of the police force of a city, town, university, state college, or port district, or a (~~"wildlife agent" or "ex-officio wildlife agent"~~) fish and wildlife officer or ex officio fish and wildlife officer as defined in RCW 77.08.010.

Sec. 2. RCW 43.70.185 and 1995 c 147 s 7 are each amended to read as follows:

(1) The department may enter and inspect any property, lands, or waters, of this state in or on which any marine species are located or from which such species are harvested, whether recreationally or for sale or barter, and any land or water of this state which may cause or contribute to the pollution of areas in or on which such species are harvested or processed. The department may take any reasonably necessary samples to determine whether such species or any lot, batch, or quantity of such species is safe for human consumption.

(2) If the department determines that any species or any lot, batch, or other quantity of such species is unsafe for human consumption because consumption is likely to cause actual harm or because consumption presents a potential risk of substantial harm, the department may, by order under chapter 34.05 RCW, prohibit or restrict the commercial or recreational harvest or landing of any marine species except the recreational harvest of shellfish as defined in chapter 69.30 RCW if taken from privately owned tidelands.

(3) It is unlawful to harvest any marine species in violation of a departmental order prohibiting or restricting such harvest under this section or to possess or sell any marine species so harvested.

(4) Any person who sells any marine species taken in violation of this section is subject to the penalties provided in RCW 69.30.140 and 69.30.150. Any person who harvests or possesses marine species taken in violation of this section is guilty of a civil infraction and is subject to the penalties provided in RCW 69.30.150. Notwithstanding this section, any person who harvests, possesses, sells, offers to sell, culls, shucks, or packs shellfish is subject to the penalty provisions of chapter 69.30 RCW. Charges shall not be brought against a person under both chapter 69.30 RCW and this section in connection with this same action, incident, or event.

(5) The criminal provisions of this section are subject to enforcement by fish and wildlife (~~enforcement~~) officers or ex officio fish and wildlife (~~enforcement patrol~~) officers as defined in RCW (~~75.08.044~~) 77.08.010.

(6) As used in this section, marine species include all fish, invertebrate or plant species which are found during any portion of the life cycle of those species in the marine environment.

Sec. 3. RCW 46.09.200 and 1986 c 100 s 52 are each amended to read as follows:

The provisions of this chapter shall be enforced by all persons having the authority to enforce any of the laws of this state, including, without limitation, officers of the state patrol, county sheriffs and their deputies, all municipal law enforcement officers within their respective jurisdictions, (~~state wildlife agents and deputy wildlife agents~~) fish and wildlife officers, state park rangers, (~~state fisheries patrolmen~~) and those employees of the department of natural resources designated by the commissioner of public lands under RCW 43.30.310, 76.04.035, and 76.04.045.

Sec. 4. RCW 46.10.200 and 1980 c 78 s 131 are each amended to read as follows:

The provisions of this chapter shall be enforced by all persons having the authority to enforce any of the laws of this state, including, without limitation, officers of the state patrol, county sheriffs and their deputies, all municipal law enforcement officers within their respective jurisdictions, fish and wildlife (~~agents~~) officers, state park rangers, (~~state fisheries patrol officers~~) and those employees of the department of natural resources designated by the commissioner of public lands under RCW 43.30.310, as having police powers to enforce the laws of this state.

Sec. 5. RCW 69.30.010 and 1995 c 147 s 1 are each amended to read as follows:

When used in this chapter, the following terms shall have the following meanings:

(1) "Shellfish" means all varieties of fresh and frozen oysters, mussels, clams, and scallops, either shucked or in the shell, and any fresh or frozen edible products thereof.

(2) "Sale" means to sell, offer for sale, barter, trade, deliver, consign, hold for sale, consignment, barter, trade, or delivery, and/or possess with intent to sell or dispose of in any commercial manner.

(3) "Shellfish growing areas" means the lands and waters in and upon which shellfish are grown for harvesting in commercial quantity or for sale for human consumption.

(4) "Establishment" means the buildings, together with the necessary equipment and appurtenances, used for the storage, culling, shucking, packing and/or shipping of shellfish in commercial quantity or for sale for human consumption.

(5) "Person" means any individual, partnership, firm, company, corporation, association, or the authorized agents of any such entities.

(6) "Department" means the state department of health.

(7) "Secretary" means the secretary of health or his or her authorized representatives.

(8) "Commercial quantity" means any quantity exceeding: (a) Forty pounds of mussels; (b) one hundred oysters; (c) fourteen horse clams; (d) six geoducks; (e) fifty pounds of hard or soft shell clams; or (f) fifty pounds of scallops. The poundage in this subsection (8) constitutes weight with the shell.

(9) "Fish and wildlife ((enforcement)) officer" means a ~~((fisheries patrol officer or an ex officio fisheries patrol)) fish and wildlife officer as defined in RCW ((75.08.011-(4) and (5) or a wildlife agent or an ex officio wildlife agent as defined in RCW 77.08.010 (5) and (6)))~~ 77.08.010.

(10) "Ex officio fish and wildlife officer" means an ex officio fish and wildlife officer as defined in RCW 77.08.010.

Sec. 6. RCW 69.30.110 and 1995 c 147 s 4 are each amended to read as follows:

It is unlawful for any person to possess a commercial quantity of shellfish or to sell or offer to sell shellfish in the state which have not been grown, shucked, packed, or shipped in accordance with the provisions of this chapter. Failure of a shellfish grower to display immediately a certificate of approval issued under RCW 69.30.050 to an authorized representative of the department, a fish and wildlife ((enforcement)) officer, or an ex officio fish and wildlife ((enforcement)) officer subjects the grower to the penalty provisions of this chapter, as well as immediate seizure of the shellfish by the representative or officer.

Failure of a shellfish processor to display a certificate of approval issued under RCW 69.30.060 to an authorized representative of the department, a fish and wildlife ((enforcement)) officer, or an ex officio fish and wildlife ((enforcement)) officer subjects the processor to the penalty provisions of this chapter, as well as immediate seizure of the shellfish by the representative or officer.

Shellfish seized under this section shall be subject to prompt disposal by the representative or officer and may not be used for human consumption. The state board of health shall develop by rule procedures for the disposal of the seized shellfish.

Sec. 7. RCW 69.30.140 and 1995 c 147 s 6 are each amended to read as follows:

Any person convicted of violating any of the provisions of this chapter shall be guilty of a gross misdemeanor. A conviction is an unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a violation of this chapter, regardless of whether imposition of sentence is deferred or the penalty is suspended, and shall be treated as a ((violation)) conviction for purposes of license ((forfeiture)) revocation and suspension of privileges under RCW ((75.10.120)) 77.15.700(5).

Sec. 8. RCW 70.93.050 and 1980 c 78 s 132 are each amended to read as follows:

The director shall designate trained employees of the department to be vested with police powers to enforce and administer the provisions of this chapter and all rules ((and regulations)) adopted thereunder. The director shall also have authority to contract with other state and local governmental agencies having law enforcement capabilities for services and personnel reasonably necessary to carry out the enforcement provisions of this chapter. In addition, state patrol officers, ~~fish and wildlife ((agents)) officers~~, fire wardens, deputy fire wardens and forest rangers, sheriffs and marshals and their deputies, and police officers, and those employees of the department of ecology and the parks and recreation commission vested with police powers all shall enforce the provisions of this chapter and all rules ((and regulations)) adopted thereunder and are hereby empowered to issue citations to and/or arrest without warrant, persons violating any provision of this chapter or any of the rules ((and regulations)) adopted hereunder. All of the foregoing enforcement officers may serve and execute all warrants, citations, and other process issued by the courts in enforcing the provisions of this chapter and rules ((and regulations)) adopted hereunder. In addition, mailing by registered mail of such warrant, citation, or other process to his or her last known place of residence shall be deemed as personal service upon the person charged.

Sec. 9. RCW 76.04.045 and 1986 c 100 s 5 are each amended to read as follows:

(1) All Washington state patrol officers, ~~((wildlife agents, fisheries patrol))~~ fish and wildlife officers, deputy state fire marshals, and state park rangers, while in their respective jurisdictions, shall be ex officio rangers.

(2) Employees of the United States forest service, when recommended by their forest supervisor, and citizens of the state advantageously located may, at the discretion of the department, be commissioned as rangers and vested with the certain powers and duties of wardens as specified in this chapter and as directed by the department.

(3) Rangers shall receive no compensation for their services except when employed in cooperation with the state and under the provisions of this chapter and shall not create any indebtedness or incur any liability on behalf of the state: **PROVIDED**, That rangers actually engaged in extinguishing or preventing the spread of fire on forest land or elsewhere that may endanger forest land shall, when their accounts for such service have been approved by the department, be entitled to receive compensation for such services at a rate to be fixed by the department.

(4) The department may cancel the commission of any ranger or authority granted to any ex officio ranger who may be incompetent or unwilling to discharge properly the duties of the office.

Sec. 10. RCW 77.08.010 and 2000 c 107 s 207 are each amended to read as follows:

As used in this title or rules adopted under this title, unless the context clearly requires otherwise:

(1) "Director" means the director of fish and wildlife.

(2) "Department" means the department of fish and wildlife.

(3) "Commission" means the state fish and wildlife commission.

(4) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(5) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(6) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, (~~or~~) game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(12) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing (~~for game fish~~) or harvesting is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

(28) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(29) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(30) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(31) "Senior" means a person seventy years old or older.

(32) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(33) "Saltwater" means those marine waters seaward of river mouths.

(34) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(35) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(36) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(37) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(38) "Resident" means a person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state.

(39) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(40) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(41) "Commercial" means related to or connected with buying, selling, or bartering. ~~((Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.))~~

(42) "To process" and its derivatives mean preparing or preserving ((food)) fish, wildlife, or shellfish.

(43) "Personal use" means for the private use of the individual taking the ((food)) fish or shellfish and not for sale or barter.

(44) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(45) "Fishery" means the taking of one or more particular species of ((food)) fish or shellfish with particular gear in a particular geographical area.

(46) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(47) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(48) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

Sec. 11. RCW 77.12.039 and 2000 c 107 s 5 are each amended to read as follows:

The director may accept money or real property from persons under conditions requiring the use of the property or money for the protection, rehabilitation, preservation, or conservation of the state wildlife, ((food)) fish, and shellfish resources, or in settlement of claims for damages to wildlife, ((food)) fish, and shellfish resources. The director shall only accept real property useful for the protection, rehabilitation, preservation, or conservation of ~~((these fisheries))~~ fish, shellfish, and wildlife resources.

Sec. 12. RCW 77.12.043 and 1985 c 458 s 7 are each amended to read as follows:

(1) The director may enter into contracts and agreements with a person to secure ((food)) fish or shellfish or for the construction, operation, and maintenance of facilities for the propagation of ((food)) fish or shellfish.

(2) The director may enter into contracts and agreements to procure from private aquaculturists ((food)) fish or shellfish with which to stock state waters.

Sec. 13. RCW 77.12.045 and 1995 1st sp.s. c 2 s 10 are each amended to read as follows:

Consistent with federal law, the commission's authority extends to all areas and waters within the territorial boundaries of the state, to the offshore waters, and to the concurrent waters of the Columbia river.

Consistent with federal law, the commission's authority extends to fishing in offshore waters by residents of this state.

The commission may adopt rules consistent with the regulations adopted by the United States department of commerce for the offshore waters. The commission may adopt rules consistent with the recommendations or regulations of the Pacific marine fisheries commission, Columbia river compact, the Pacific salmon commission as provided in chapter ~~((75.40))~~ 77.75 RCW, or the international Pacific halibut commission.

Sec. 14. RCW 77.12.047 and 2000 c 107 s 7 are each amended to read as follows:

(1) The commission may adopt, amend, or repeal rules as follows:

(a) Specifying the times when the taking of wildlife, ((food)) fish, or shellfish is lawful or unlawful.

(b) Specifying the areas and waters in which the taking and possession of wildlife, ((food)) fish, or shellfish is lawful or unlawful.

(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take wildlife, ((food)) fish, or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the importation, transportation, possession, disposal, landing, and sale of wildlife, ((food)) fish, ((or)) shellfish, or seaweed within the state, whether acquired within or without the state.

(e) Regulating the prevention and suppression of diseases and pests affecting wildlife, ((food)) fish, or shellfish.

(f) Regulating the size, sex, species, and quantities of wildlife, ((food)) fish, or shellfish that may be taken, possessed, sold, or disposed of.

(g) Specifying the statistical and biological reports required from ((fishermen)) fishers, dealers, boathouses, or processors of wildlife, ((food)) fish, or shellfish.

(h) Classifying species of marine and freshwater life as food fish or shellfish.

(i) Classifying the species of wildlife, ((food)) fish, and shellfish that may be used for purposes other than human consumption.

(j) Regulating the taking, sale, possession, and distribution of wildlife, fish, shellfish, or deleterious exotic wildlife.

(k) Establishing game reserves and closed areas where hunting for wild animals or wild birds may be prohibited.

(l) Regulating the harvesting of fish, shellfish, and wildlife in the federal exclusive economic zone by vessels or individuals registered or licensed under the laws of this state.

(m) Authorizing issuance of permits to release, plant, or place fish or shellfish in state waters.

(n) Governing the possession of fish, shellfish, or wildlife so that the size, species, or sex can be determined visually in the field or while being transported.

(o) Other rules necessary to carry out this title and the purposes and duties of the department.

(2) Subsections (1)(a), (b), (c), (d), and (f) of this section do not apply to private tideland owners and lessees and the immediate family members of the owners or lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.

"Immediate family member" for the purposes of this section means a spouse, brother, sister, grandparent, parent, child, or grandchild.

(3) Except for subsection (1)(g) of this section, this section does not apply to private sector cultured aquatic products as defined in RCW 15.85.020. Subsection (1)(g) of this section does apply to such products.

Sec. 15. RCW 77.12.170 and 2000 c 107 s 216 are each amended to read as follows:

(1) There is established in the state treasury the state wildlife fund which consists of moneys received from:

(a) Rentals or concessions of the department;

(b) The sale of real or personal property held for department purposes;

(c) The sale of licenses, permits, tags, and stamps~~(and punchcards)~~ required by ~~((this title))~~ chapter 77.32 RCW and section 56 of this act, except annual resident adult saltwater and all shellfish licenses, which shall be deposited into the state general fund;

(d) Fees for informational materials published by the department;

(e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;

(f) Articles or wildlife sold by the director under this title;

(g) Compensation for damage to department property or wildlife losses or contributions, gifts, or grants received under RCW 77.12.320 or 77.32.380;

(h) Excise tax on anadromous game fish collected under chapter 82.27 RCW;

(i) The sale of personal property seized by the department for ~~((food))~~ fish, shellfish, or wildlife violations; and

(j) The department's share of revenues from auctions and raffles authorized by the commission.

(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state wildlife fund.

Sec. 16. RCW 77.12.177 and 2000 c 107 s 10 are each amended to read as follows:

(1) Except as provided in this title, state and county officers receiving the following moneys shall deposit them in the state general fund:

(a) The sale of commercial licenses required under this title, except for licenses issued under ~~((chapter 77.32 RCW))~~ section 56 of this act; and

(b) Moneys received for damages to food fish or shellfish.

(2) The director shall make weekly remittances to the state treasurer of moneys collected by the department.

(3) All fines and forfeitures collected or assessed by a district court for a violation of this title or rule of the department shall be remitted as provided in chapter 3.62 RCW.

(4) Proceeds from the sale of food fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds exceed the estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270 to reimburse the department for unanticipated costs for test fishing operations in excess of the allowance in the budget approved by the legislature.

(5) Proceeds from the sale of salmon carcasses and salmon eggs from state general funded hatcheries by the department of general administration shall be deposited in the regional fisheries enhancement group account established in RCW 77.95.090.

(6) Moneys received by the commission under RCW 77.12.039, to the extent these moneys exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for the specific purpose for which the moneys were received, unless the moneys were received in settlement of a claim for damages to food fish or shellfish, in which case the moneys may be expended for the conservation of these resources.

(7) Proceeds from the sale of herring spawn on kelp fishery licenses by the department, to the extent those proceeds exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for herring management, enhancement, and enforcement.

Sec. 17. RCW 77.12.204 and 2000 c 107 s 217 are each amended to read as follows:

The department of fish and wildlife shall implement practices necessary to meet the standards developed under RCW 79.01.295 on agency-owned and managed agricultural and grazing lands. The standards may be modified on a site-specific basis as necessary and as determined by the department of fish and wildlife~~((for species that these agencies respectively manage,))~~ to achieve the goals established under RCW 79.01.295(1). Existing lessees shall be provided an opportunity to participate in any site-specific field review. Department agricultural and grazing leases issued after December 31, 1994, shall be subject to practices to achieve the standards that meet those developed pursuant to RCW 79.01.295.

This section shall in no way prevent the department of fish and wildlife from managing its lands according to the provisions of RCW ~~((75.08.042))~~ 77.04.012, 77.12.210, or rules adopted pursuant to this chapter.

Sec. 18. RCW 77.12.264 and 2000 c 107 s 9 are each amended to read as follows:

The director shall relieve from active duty fish and wildlife officers who are injured in the performance of their official duties to such an extent as to be incapable of active service. While relieved from active duty, the employees shall

receive one-half of their salary less any compensation received through the provisions of RCW 41.40.200, 41.40.220, and ((75.08.206)) 77.12.262.

Sec. 19. RCW 77.12.320 and 1987 c 506 s 41 are each amended to read as follows:

(1) The commission may make agreements with persons, political subdivisions of this state, or the United States or its agencies or instrumentalities, regarding fish, shellfish, and wildlife-oriented recreation and the propagation, protection, conservation, and control of fish, shellfish, and wildlife.

(2) The director may make written agreements with the owners or lessees of real or personal property to provide for the use of the property for fish, shellfish, and wildlife-oriented recreation. The director may adopt rules governing the conduct of persons in or on the real property.

(3) The director may accept compensation for fish, shellfish, and wildlife losses or gifts or grants of personal property for use by the department.

Sec. 20. RCW 77.12.325 and 1980 c 78 s 52 are each amended to read as follows:

The commission may cooperate with the Oregon fish and wildlife commission in the adoption of rules to ((assure)) ensure an annual yield of fish, shellfish, and wildlife on the Columbia river and to prevent the taking of fish, shellfish, and wildlife at places or times that might endanger fish, shellfish, and wildlife.

Sec. 21. RCW 77.12.425 and 1980 c 78 s 90 are each amended to read as follows:

The director may authorize removal, relocation, reconstruction, or other modification of an inadequate fishway or fish protective device required by RCW ((77.16.240 and)) 77.16.220 (as recodified by this act) which device was in existence on September 1, 1963, without cost to the owner for materials and labor. The modification may not materially alter the amount of water flowing through the fishway or fish protective device. Following modification, the fishway or fish protective device shall be maintained at the expense of the person or governmental agency owning the obstruction or water diversion device.

Sec. 22. RCW 77.12.455 and 1995 1st sp.s. c 2 s 16 are each amended to read as follows:

The commission may prohibit the introduction, transportation or transplanting of ((føøð)) fish, shellfish, organisms, material, or other equipment which in the commission's judgment may transmit any disease or pests affecting ((føøð)) fish or shellfish.

Sec. 23. RCW 77.15.080 and 2000 c 107 s 233 are each amended to read as follows:

Based upon articulable facts that a person is engaged in fishing, harvesting, or hunting activities, fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish, shellfish, seaweed, and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title, and may request the person to write his or her signature for comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person is not the person named on the license.

Sec. 24. RCW 77.15.090 and 2000 c 107 s 234 are each amended to read as follows:

On a showing of probable cause that there has been a violation of any fish, seaweed, shellfish, or wildlife law of the state of Washington, or upon a showing of probable cause to believe that evidence of such violation may be found at a place, a court shall issue a search warrant or arrest warrant. Fish and wildlife officers may execute any such arrest or search warrant reasonably necessary to their duties under this title and may seize fish, seaweed, shellfish, and wildlife or any evidence of a crime and the fruits or instrumentalities of a crime as provided by warrant. The court may have a building, enclosure, vehicle, vessel, container, or receptacle opened or entered and the contents examined.

Sec. 25. RCW 77.15.094 and 2000 c 107 s 214 are each amended to read as follows:

Fish and wildlife officers and ex officio fish and wildlife officers may make a reasonable search without warrant of a vessel, conveyances, vehicles, containers, packages, or other receptacles for fish, seaweed, shellfish, and wildlife which they have reason to believe contain evidence of a violation of law or rules adopted pursuant to this title and seize evidence as needed for law enforcement. This authority does not extend to quarters in a boat, building, or other property used exclusively as a private domicile, does not extend to transitory residences in which a person has a reasonable expectation of privacy, and does not allow search and seizure without a warrant if the thing or place is protected from search without warrant within the meaning of Article I, section 7 of the state Constitution. Seizure of property as evidence of a crime does not preclude seizure of the property for forfeiture as authorized by law.

Sec. 26. RCW 77.15.096 and 1998 c 190 s 116 are each amended to read as follows:

Fish and wildlife officers may inspect without warrant at reasonable times and in a reasonable manner the premises, containers, fishing equipment, fish, seaweed, shellfish, and wildlife, and records required by the department of any commercial fisher or wholesale dealer or fish buyer. Fish and wildlife officers may similarly inspect without warrant the premises, containers, fishing equipment, fish, shellfish, and wildlife, and records required by the department of any shipping agent or other person placing or attempting to place fish, shellfish, or wildlife into interstate commerce, any cold storage plant that the department has probable cause to believe contains fish, shellfish, or wildlife, or of any taxidermist or fur buyer. Fish and wildlife officers may inspect without warrant the records required by the department of any retail outlet selling fish, shellfish, or wildlife ((or both)), and, if the officers have probable cause to believe a violation of this title or rules of the commission has occurred, they may inspect without warrant the premises, containers, and fish, shellfish, and wildlife of any retail outlet selling fish, shellfish, or wildlife ((or both)).

Sec. 27. RCW 77.15.110 and 1998 c 190 s 8 are each amended to read as follows:

(1) For purposes of this chapter, a person acts for commercial purposes if the person:

(a) Acts with intent to sell, attempted to sell, sold, bartered, attempted to purchase, or purchased fish, seaweed, shellfish, or wildlife;

(b) Uses gear typical of that used in commercial fisheries;

(c) Exceeds the bag or possession limits for personal use by taking or possessing more than three times the amount of fish, seaweed, shellfish, or wildlife allowed;

(d) Delivers or attempts to deliver fish, seaweed, shellfish, or wildlife to a person who sells or resells fish, seaweed, shellfish, or wildlife including any licensed or unlicensed wholesaler; ((or))

(e) Takes fish or shellfish using a vessel designated on a commercial fishery license and gear not authorized in a personal use fishery;

(f) Sells or deals in raw furs; or

(g) Performs taxidermy service on fish, shellfish, or wildlife belonging to another person for a fee or receipt of goods or services.

(2) For purposes of this chapter, the value of any fish, shellfish, or wildlife may be proved based on evidence of legal or illegal sales involving the person charged or any other person, of offers to sell or solicitation of offers to sell by the person charged or by any other person, or of any market price for the fish, shellfish, or wildlife including market price for farm-raised game animals. The value assigned to specific fish, shellfish, or wildlife by RCW ((77.21.070)) 77.15.420 may be presumed to be the value of such fish, shellfish, or wildlife. It is not relevant to proof of value that the person charged misrepresented that the fish, shellfish, or wildlife was taken in compliance with law if the fish, shellfish, or wildlife was unlawfully taken and had no lawful market value.

Sec. 28. RCW 77.15.150 and 1998 c 190 s 16 are each amended to read as follows:

(1) A person is guilty of unlawful use of poison or explosives if:

(a) The person lays out, sets out, or uses a drug, poison, or other deleterious substance that kills, injures, harms, or endangers fish, shellfish, or wildlife, except if the person is using the substance in compliance with federal and state laws and label instructions; or

(b) The person lays out, sets out, or uses an explosive that kills, injures, harms, or endangers fish, shellfish, or wildlife, except if authorized by law or permit of the director.

(2) Unlawful use of poison or explosives is a gross misdemeanor.

Sec. 29. RCW 77.15.180 and 1998 c 190 s 22 are each amended to read as follows:

(1) A person is guilty of unlawful interference with fishing or hunting gear in the second degree if the person:

(a) Takes or releases a wild animal from another person's trap without permission;

(b) Springs, pulls up, damages, possesses, or destroys another person's trap without the owner's permission; or

(c) Interferes with recreational gear used to take fish or shellfish.

(2) Unlawful interference with fishing or hunting gear in the second degree is a misdemeanor.

(3) A person is guilty of unlawful interference with fishing or hunting gear in the first degree if the person:

(a) Takes or releases ((føøð)) fish or shellfish from commercial fishing gear without the owner's permission; or

(b) Intentionally destroys or interferes with commercial fishing gear.

(4) Unlawful interference with fishing or hunting gear in the first degree is a gross misdemeanor.

(5) A person is not in violation of unlawful interference with fishing or hunting gear if the person removes a trap placed on property owned, leased, or rented by the person.

Sec. 30. RCW 77.15.210 and 1998 c 190 s 24 are each amended to read as follows:

(1) A person is guilty of obstructing the taking of fish or wildlife if the person:

(a) Harasses, drives, or disturbs fish, shellfish, or wildlife with the intent of disrupting lawful pursuit or taking thereof; or

(b) Harasses, intimidates, or interferes with an individual engaged in the lawful taking of fish, shellfish, or wildlife or lawful predator control with the intent of disrupting lawful pursuit or taking thereof.

(2) Obstructing the taking of fish, shellfish, or wildlife is a gross misdemeanor.

(3) It is an affirmative defense to a prosecution for obstructing the taking of fish, shellfish, or wildlife that the person charged was:

(a) Interfering with a person engaged in hunting outside the legally established hunting season; or

(b) Preventing or attempting to prevent unauthorized trespass on private property.

(4) The person raising a defense under subsection (3) of this section has the burden of proof by a preponderance of the evidence.

Sec. 31. RCW 77.15.245 and 2000 c 248 s 1 and 2000 c 107 s 260 are each reenacted and amended to read as follows:

(1) Notwithstanding the provisions of RCW 77.12.240, 77.36.020, 77.36.030, or any other provisions of law, it is unlawful to take, hunt, or attract black bear with the aid of bait.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear with the aid of bait by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety.

(b) Nothing in this subsection shall be construed to prevent the establishment and operation of feeding stations for black bear in order to prevent damage to commercial timberland.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of bait to attract black bear for scientific purposes.

(d) As used in this subsection, "bait" means a substance placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting black bears to an area where one or more persons hunt or intend to hunt them.

(2) Notwithstanding RCW 77.12.240, 77.36.020, 77.36.030, or any other provisions of law, it is unlawful to hunt or pursue black bear, cougar, bobcat, or lynx with the aid of a dog or dogs.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear, cougar, bobcat, or lynx with the aid of a dog or dogs by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety. A dog or dogs may be used by the owner or tenant of real property consistent with a permit issued and conditioned by the director.

(b) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the pursuit, capture and relocation, of black bear, cougar, bobcat, or lynx for scientific purposes.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the killing of black bear, cougar, or bobcat, for the protection of a state and/or federally listed threatened or endangered species.

(3) Notwithstanding subsection (2) of this section, the commission shall authorize the use of dogs only in selected areas within a game management unit to address a public safety need presented by one or more cougar. This authority may only be exercised after the commission has determined that no other practical alternative to the use of dogs exists, and after the commission has adopted rules describing the conditions in which dogs may be used. Conditions that may warrant the use of dogs within a game management unit include, but are not limited to, confirmed cougar/human safety incidents, confirmed cougar/livestock and cougar/pet depredations, and the number of cougar capture attempts and relocations.

(4) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor. In addition to appropriate criminal penalties, the ~~((director))~~ department shall revoke the hunting license of a person who violates subsection (1) or (2) of this section and ~~((a hunting license shall not be issued))~~ order the suspension of wildlife hunting privileges for a period of five years following the revocation. Following a subsequent violation of subsection (1) or (2) of this section by the same person, a hunting license shall not be issued to the person at any time.

Sec. 32. RCW 77.15.250 and 1998 c 190 s 31 are each amended to read as follows:

(1)(a) A person is guilty of unlawfully releasing, planting, or placing fish, shellfish, or wildlife if the person knowingly releases, plants, or places live fish, shellfish, wildlife, or aquatic plants within the state, ~~((except for))~~ and the fish, shellfish, or wildlife have not been classified as deleterious wildlife. This subsection does not apply to a release of game fish into private waters for which a game fish stocking permit has been obtained, or the planting of ~~((food))~~ fish or shellfish by permit of the commission.

(b) A violation of this subsection is a gross misdemeanor. In addition, the department shall order the person to pay all costs the department incurred in capturing, killing, or controlling the fish, shellfish, aquatic plants, or wildlife released or its progeny. This does not affect the existing authority of the department to bring a separate civil action to recover costs of capturing, killing, controlling the fish, shellfish, aquatic plants, or wildlife released or their progeny, or restoration of habitat necessitated by the unlawful release.

(2)(a) A person is guilty of unlawful release of deleterious exotic wildlife if the person knowingly releases, plants, or places live fish, shellfish, or wildlife within the state and such fish, shellfish, or wildlife has been classified as deleterious exotic wildlife by rule of the commission.

(b) A violation of this subsection is a class C felony. In addition, the department shall also order the person to pay all costs the department incurred in capturing, killing, or controlling the fish, shellfish, or wildlife released or its progeny. This does not affect the existing authority of the department to bring a separate civil action to recover costs of capturing, killing, controlling the fish, shellfish, or wildlife released or their progeny, or restoration of habitat necessitated by the unlawful release.

Sec. 33. RCW 77.15.260 and 1998 c 190 s 42 are each amended to read as follows:

(1) A person is guilty of unlawful trafficking in fish, shellfish, or wildlife in the second degree if the person traffics in fish, shellfish, or wildlife with a wholesale value of less than two hundred fifty dollars and:

(a) The fish or wildlife is classified as game, food fish, shellfish, game fish, or protected wildlife and the trafficking is not authorized by statute or rule of the department; or

(b) The fish, shellfish, or wildlife is unclassified and the trafficking violates any rule of the department.

(2) A person is guilty of unlawful trafficking in fish, shellfish, or wildlife in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The fish, shellfish, or wildlife has a value of two hundred fifty dollars or more; or

(b) The fish, shellfish, or wildlife is designated as an endangered species or deleterious exotic wildlife and such trafficking is not authorized by any statute or rule of the department.

(3)(a) Unlawful trafficking in fish, shellfish, or wildlife in the second degree is a gross misdemeanor.

(b) Unlawful trafficking in fish, shellfish, or wildlife in the first degree is a class C felony.

Sec. 34. RCW 77.15.270 and 1998 c 190 s 46 are each amended to read as follows:

(1) A person is guilty of providing false information regarding fish, shellfish, or wildlife if the person knowingly provides false or misleading information required by any statute or rule to be provided to the department regarding the taking, delivery, possession, transportation, sale, transfer, or any other use of fish, shellfish, or wildlife.

(2) Providing false information regarding fish, shellfish, or wildlife is a gross misdemeanor.

Sec. 35. RCW 77.15.290 and 1998 c 190 s 48 are each amended to read as follows:

(1) A person is guilty of unlawful transportation of fish or wildlife in the second degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any rule of the commission or the director governing the transportation or movement of fish, shellfish, or wildlife and the transportation does not involve big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife having a value greater than two hundred fifty dollars; or

(b) Possesses but fails to affix or notch a big game transport tag as required by rule of the commission or director.

(2) A person is guilty of unlawful transportation of fish or wildlife in the first degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any rule of the commission or the director governing the transportation or movement of fish, shellfish, or wildlife and the transportation involves big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife with a value of two hundred fifty dollars or more; or

(b) Knowingly transports shellfish, shellstock, or equipment used in commercial culturing, taking, handling, or processing shellfish without a permit required by authority of this title.

(3)(a) Unlawful transportation of fish or wildlife in the second degree is a misdemeanor.

(b) Unlawful transportation of fish or wildlife in the first degree is a gross misdemeanor.

Sec. 36. RCW 77.15.330 and 1998 c 190 s 56 are each amended to read as follows:

(1) A person is guilty of unlawfully holding a hunting or fishing contest if the person:

- (a) Conducts, holds, or sponsors a hunting contest, a fishing contest involving game fish, or a competitive field trial using live wildlife without the permit required by RCW ((77.32.214)) 77.65.480; or
- (b) Violates any rule of the commission or the director applicable to a hunting contest, fishing contest involving game fish, or a competitive field trial using live wildlife.

(2) Unlawfully holding a hunting or fishing contest is a misdemeanor.

Sec. 37. RCW 77.15.340 and 1998 c 190 s 57 are each amended to read as follows:

(1) A person is guilty of unlawful operation of a game farm if the person (a) operates a game farm without the license required by RCW ((77.32.214)) 77.65.480; or (b) violates any rule of the commission or the director applicable to game farms under RCW 77.12.570, 77.12.580, and 77.12.590.

(2) Unlawful operation of a game farm is a gross misdemeanor.

Sec. 38. RCW 77.15.370 and 1998 c 190 s 19 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the first degree if:

(a) The person takes, possesses, or retains two times or more than the bag limit or possession limit of fish or shellfish allowed by any rule of the director or commission setting the amount of food fish, game fish, or shellfish that can be taken, possessed, or retained for noncommercial use;

(b) The person fishes in a fishway; or

(c) The person shoots, gaffs, snags, snares, spears, dipnets, or stones fish or shellfish in state waters, or possesses fish or shellfish taken by such means, unless such means are authorized by express rule of the commission or director.

(2) Unlawful recreational fishing in the first degree is a gross misdemeanor.

Sec. 39. RCW 77.15.380 and 2000 c 107 s 244 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the second degree if the person fishes for, takes, possesses, or harvests fish or shellfish and:

(a) The person does not have and possess the license or the catch record card required by chapter ((75.25-08)) 77.32 RCW for such activity; or

(b) The action violates any rule of the commission or the director regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas, closed times, or any other rule addressing the manner or method of fishing or possession of fish, except for use of a net to take fish as provided for in RCW 77.15.580.

(2) Unlawful recreational fishing in the second degree is a misdemeanor.

Sec. 40. RCW 77.15.390 and 2000 c 107 s 245 are each amended to read as follows:

(1) A person is guilty of unlawful taking of seaweed if the person takes, possesses, or harvests seaweed and:

(a) The person does not have and possess the license required by chapter ((75.25)) 77.32 RCW for taking seaweed; or

(b) The action violates any rule of the department or the department of natural resources regarding seasons, possession limits, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.

(2) Unlawful taking of seaweed is a misdemeanor. This does not affect rights of the state to recover civilly for trespass, conversion, or theft of state-owned valuable materials.

Sec. 41. RCW 77.15.400 and 1999 c 258 s 2 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of wild birds in the second degree if the person:

(a) Hunts for, takes, or possesses a wild bird and the person does not have and possess all licenses, tags, stamps, and permits required under this title;

(b) Maliciously destroys, takes, or harms the eggs or nests of a ((game-[wild])) wild bird except when authorized by permit;

(c) Violates any rule of the commission or director regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas, closed times, or other rule addressing the manner or method of hunting or possession of wild birds; or

(d) Possesses a wild bird taken during a closed season for that wild bird or taken from a closed area for that wild bird.

(2) A person is guilty of unlawful hunting of wild birds in the first degree if the person takes or possesses two times or more than the possession or bag limit for ((game-[wild])) wild birds allowed by rule of the commission or director.

(3)(a) Unlawful hunting of wild birds in the second degree is a misdemeanor.

(b) Unlawful hunting of wild birds in the first degree is a gross misdemeanor.

Sec. 42. RCW 77.15.480 and 2000 c 107 s 247 are each amended to read as follows:

Articles or devices unlawfully used, possessed, or maintained for catching, taking, killing, attracting, or decoying wildlife, fish, and shellfish are public nuisances. If necessary, fish and wildlife officers and ex officio fish and wildlife officers may seize, abate, or destroy these public nuisances without warrant or process.

Sec. 43. RCW 77.15.510 and 1998 c 190 s 36 are each amended to read as follows:

(1) A person is guilty of commercial fish guiding or chartering without a license if:

(a) The person operates a charter boat and does not hold the charter boat license required for the food fish taken;

(b) The person acts as a professional salmon guide and does not hold a professional salmon guide license; or

(c) The person acts as a game fish guide and does not hold a ((professional)) game fish guide license.

(2) Commercial fish guiding or chartering without a license is a gross misdemeanor.

Sec. 44. RCW 77.15.550 and 1999 c 258 s 10 are each amended to read as follows:

(1) A person is guilty of violating commercial fishing area or time in the second degree if the person acts for commercial purposes and takes, fishes for, possesses, delivers, or receives ((food)) fish or shellfish:

(a) At a time not authorized by statute or rule;

(b) From an area that was closed to the taking of such ~~((fœd))~~ fish or shellfish for commercial purposes by statute or rule; or

(c) If such fish or shellfish do not conform to the special restrictions or physical descriptions established by rule of the department.

(2) A person is guilty of violating commercial fishing area or time in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The person acted with knowledge that the area or time was not open to the taking or fishing of ~~((fœd))~~ fish or shellfish for commercial purposes; and

(b) The violation involved two hundred fifty dollars or more worth of ~~((fœd))~~ fish or shellfish.

(3)(a) Violating commercial fishing area or time in the second degree is a gross misdemeanor.

(b) Violating commercial fishing area or time in the first degree is a class C felony.

Sec. 45. RCW 77.15.600 and 1999 c 258 s 8 are each amended to read as follows:

(1) A person is guilty of engaging in commercial wildlife activity without a license if the person:

(a) Deals in raw furs for commercial purposes and does not hold a fur dealer license required by chapter ~~((77.32))~~ 77.65 RCW; or

(b) Practices taxidermy for commercial purposes and does not hold a taxidermy license required by chapter ~~((77.32))~~ 77.65 RCW.

(2) Engaging in commercial wildlife activities without a license is a gross misdemeanor.

Sec. 46. RCW 77.15.700 and 1998 c 190 s 66 are each amended to read as follows:

The department shall impose revocation and suspension of privileges upon conviction in the following circumstances:

(1) If directed by statute for an offense;

(2) If the department finds that actions of the defendant demonstrated a willful or wanton disregard for conservation of fish or wildlife. Such suspension of privileges may be permanent;

(3) If a person is convicted twice within ten years for a violation involving unlawful hunting, killing, or possessing big game, the department shall order revocation and suspension of all hunting privileges for two years. RCW ~~((77.16.020))~~ 77.12.722 or 77.16.050 as it existed before June 11, 1998, may comprise one of the convictions constituting the basis for revocation and suspension under this subsection;

(4) If a person is convicted three times in ten years of any violation of recreational hunting or fishing laws or rules, the department shall order a revocation and suspension of all recreational hunting and fishing privileges for two years;

(5) If a person is convicted twice within five years of a gross misdemeanor or felony involving unlawful commercial fish or shellfish harvesting, buying, or selling, the department shall impose a revocation and suspension of the person's commercial fishing privileges for one year. A commercial fishery license ~~((suspended))~~ revoked under this subsection may not be used by an alternate operator or transferred during the period of suspension.

Sec. 47. RCW 77.15.730 and 1994 c 264 s 45 are each amended to read as follows:

(1) Upon receipt of a report of failure to comply with the terms of a citation issued for a recreational violation from the licensing authority of a state that is a party to the wildlife violator compact under RCW ~~((77.47.040))~~ 77.75.070, the department shall suspend the violator's recreational license privileges under this title until ~~((there is))~~ there is satisfactory evidence of compliance with the terms of the wildlife citation. The department shall adopt by rule procedures for the timely notification and administrative review of such suspension of recreational licensing privileges.

(2) Upon receipt of a report of a conviction for a recreational offense from the licensing authority of a state that is a party to the wildlife violator compact under RCW ~~((77.47.040))~~ 77.75.070, the department shall enter such conviction in its records and shall treat such conviction as if it occurred in the state of Washington for the purposes of suspension, revocation, or forfeiture of recreational license privileges.

Sec. 48. RCW 77.16.220 and 1998 c 190 s 122 are each amended to read as follows:

A person shall not divert water from a lake, river, or stream containing game fish unless the water diversion device is equipped at or near its intake with a fish guard or screen to prevent the passage of game fish into the device and, if necessary, with a means of returning game fish from immediately in front of the fish guard or screen to the waters of origin. A person who ~~((is now))~~ was, on June 11, 1947, otherwise lawfully diverting water from a lake, river, or stream shall not be deemed guilty of a violation of this section.

Plans for the fish guard, screen, and bypass shall be approved by the director prior to construction. The installation shall be approved by the director prior to the diversion of water.

The director may close a water diversion device operated in violation of this section and keep it closed until it is properly equipped with a fish guard, screen, or bypass.

Sec. 49. RCW 77.32.010 and 2000 c 107 s 264 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a recreational license issued by the director is required to ~~((:~~ (a)) hunt for or take wild animals ~~((, except bullfrogs,))~~ or wild birds, fish for, take, or harvest fish, shellfish, and seaweed ~~((, except smelt, albacore, carp, and crawfish;~~

~~((b) Practice taxidermy for profit;~~

~~((c) Deal in raw furs for profit;~~

~~((d) Act as a fishing guide;~~

~~((e) Operate a game farm;~~

~~((f) Purchase or sell anadromous game fish; or~~

~~((g) Use department-managed lands or facilities as provided by rules adopted pursuant to this title)). A recreational fishing or shellfish license is not required for carp, smelt, albacore, and crawfish, and a hunting license is not required for bullfrogs.~~

(2) A permit issued by the ~~((director))~~ department is required to ~~((:~~

~~((a) Conduct, hold, or sponsor hunting or game fish fishing contests or competitive field trials using live wildlife;~~

~~((b) Collect wild animals, wild birds, game fish, food fish, shellfish, or protected wildlife for research or display; or~~

(c) Stock game fish.

~~(3) Aquaculture as defined in RCW 15.85.020 is exempt from the requirements of this section, except when being stocked in public waters under contract with the department)) park a motor vehicle upon improved department access facilities.~~

Sec. 50. RCW 77.32.014 and 2000 c 107 s 265 are each amended to read as follows:

~~((1)) Licenses, tags, and stamps issued pursuant to this chapter shall be ((invalid))~~ **revoked and the privileges suspended** for any period in which a person is certified by the department of social and health services or a court of competent jurisdiction as a person in noncompliance with a support order. Fish and wildlife officers and ex officio fish and wildlife officers shall enforce this section through checks of the department of licensing's computer data base. A listing on the department of licensing's data base that an individual's license is currently suspended pursuant to RCW 46.20.291(8) shall be prima facie evidence that the individual is in noncompliance with a support order. Presentation of a written release issued by the department of social and health services stating that the person is in compliance with an order shall serve as prima facie proof of compliance with a support order.

~~((2) It is unlawful to purchase, obtain, or possess a license required by this chapter during any period in which a license is suspended.)~~

Sec. 51. RCW 77.32.250 and 2000 c 107 s 269 are each amended to read as follows:

Licenses, permits, tags, and stamps required by this chapter and raffle tickets authorized under this chapter shall not be transferred.

~~((Upon request of a fish and wildlife officer or ex officio fish and wildlife officer, persons licensed, operating under a permit, or possessing wildlife under the authority of this chapter shall produce required licenses, permits, tags, stamps, raffle tickets, or catch record cards for inspection and write their signatures for comparison and in addition display their wildlife. Failure to comply with the request is prima facie evidence that the person has no license or is not the person named.))~~

Sec. 52. RCW 77.32.535 and 1996 c 101 s 6 are each amended to read as follows:

If a private entity has a private lands wildlife management area agreement in effect with the department, the commission may authorize the private entity to conduct raffles for access to hunt for big game animals and wild turkeys to meet the conditions of the agreement. The private entity shall comply with all applicable rules adopted under RCW ~~((77.42.770))~~ **77.32.530** for the implementation of raffles; however, raffle hunts conducted pursuant to this section shall not be counted toward the number of raffle hunts the commission may authorize under RCW ~~((77.42.770))~~ **77.32.530**. The director shall establish the procedures for the hunts, which shall require any participants to obtain any required license, permit, or tag. Representatives of the department may participate in the hunt upon the request of the commission to ensure that the animals to be killed are properly identified.

Sec. 53. RCW 77.44.070 and 1991 c 253 s 4 are each amended to read as follows:

Any agency of state or federal government, political subdivision of the state, private or public utility company, corporation, or sports group, or any purchaser of fish under RCW ~~((77.48.020))~~ **77.44.060** may purchase resident game fish from an aquatic farmer for stocking purposes if permit requirements of this title and the department have been met.

Sec. 54. RCW 77.55.280 and 1997 c 425 s 4 are each amended to read as follows:

When a private landowner is applying for hydraulic project approval under this chapter and that landowner has entered into a habitat incentives agreement with the department and the department of natural resources as provided in RCW ~~((77.42.830))~~ **77.55.300**, the department shall comply with the terms of that agreement when evaluating the request for hydraulic project approval.

Sec. 55. RCW 77.55.290 and 1998 c 249 s 3 are each amended to read as follows:

(1) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under (a) and (b) of this subsection:

(a) A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:

(i) Elimination of human-made fish passage barriers, including culvert repair and replacement;

(ii) Restoration of an eroded or unstable stream bank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(iii) Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

The department shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety; and

(b) A fish habitat enhancement project must be approved in one of the following ways:

(i) By the department pursuant to chapter ~~((75.50 or 75.52))~~ **77.95 or 77.100** RCW;

(ii) By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;

(iii) By the department as a department-sponsored fish habitat enhancement or restoration project;

(iv) Through the review and approval process for the jobs for the environment program;

(v) Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States fish and wildlife service and the natural resource conservation service;

(vi) Through a formal grant program established by the legislature or the department for fish habitat enhancement or restoration; and

(vii) Through other formal review and approval processes established by the legislature.

(2) Fish habitat enhancement projects meeting the criteria of subsection (1) of this section are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of subsection (1) of this section and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030(2)(c).

(3) Hydraulic project approval is required for projects that meet the criteria of subsection (1) of this section and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the department of ecology permit assistance center to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department and to each appropriate local government. Local governments shall accept the application as notice of the proposed project. The department shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts. In no more than forty-five days, the department shall either issue hydraulic project approval, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by hydraulic project approval. If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

Any person aggrieved by the approval, denial, conditioning, or modification of hydraulic project approval under this section may formally appeal the decision to the hydraulic appeals board pursuant to the provisions of this chapter.

(4) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of subsection (1) of this section and that are reviewed and approved according to the provisions of this section.

NEW SECTION. Sec. 56. A new section is added to chapter 77.65 RCW to read as follows:

(1) A license issued by the director is required to:

- (a) Practice taxidermy for commercial purposes;
- (b) Deal in raw furs for commercial purposes;
- (c) Act as a fishing guide;
- (d) Operate a game farm; or
- (e) Purchase or sell anadromous game fish.

(2) A permit issued by the director is required to:

- (a) Conduct, hold, or sponsor hunting or fishing contests or competitive field trials using live wildlife;
- (b) Collect wild animals, wild birds, game fish, food fish, shellfish, or protected wildlife for research or display;
- (c) Stock game fish; or
- (d) Conduct commercial activities on department-owned or controlled lands.

(3) Aquaculture as defined in RCW 15.85.020 is exempt from the requirements of this section, except when being stocked in public waters under contract with the department.

Sec. 57. RCW 77.70.010 and 1997 c 58 s 884 are each amended to read as follows:

(1) A license renewed under the provisions of this chapter that has been suspended under RCW ((75.28.042)) 77.65.080 shall be subject to the following provisions:

(a) A license renewal fee shall be paid as a condition of maintaining a current license; and

(b) The department shall waive any other license requirements, unless the department determines that the license holder has had sufficient opportunity to meet these requirements.

(2) The provisions of subsection (1) of this section shall apply only to a license that has been suspended under RCW ((75.28.042)) 77.65.080 for a period of twelve months or less. A license holder shall forfeit a license subject to this chapter and may not recover any license renewal fees previously paid if the license holder does not meet the requirements of RCW 74.20A.320(9) within twelve months of license suspension.

Sec. 58. RCW 77.70.150 and 1999 c 126 s 1 are each amended to read as follows:

(1) A sea urchin dive fishery license is required to take sea urchins for commercial purposes. A sea urchin dive fishery license authorizes the use of only one diver in the water at any time during sea urchin harvest operations. If the same vessel has been designated on two sea urchin dive fishery licenses, two divers may be in the water. A natural person may not hold more than two sea urchin dive fishery licenses.

(2) Except as provided in subsection (6) of this section, the director shall issue no new sea urchin dive fishery licenses. For licenses issued for the year 2000 and thereafter, the director shall renew existing licenses only to a natural person who held the license at the end of the previous year. If a sea urchin dive fishery license is not held by a natural person as of December 31, 1999, it is not renewable. However, if the license is not held because of revocation or suspension of licensing privileges, the director shall renew the license in the name of a natural person at the end of the revocation or suspension if the license holder applies for renewal of the license before the end of the year in which the revocation or suspension ends.

(3) Where a licensee failed to obtain the license during the previous year because of a license suspension or revocation by the ((department)) director or the court, the licensee may qualify for a license by establishing that the person held such a license during the last year in which the person was eligible.

(4) Surcharges as provided for in this section shall be collected and deposited into the sea urchin dive fishery account hereby created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. The sea urchin dive fishery account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. Expenditures from the account shall only be used to retire sea urchin licenses until the number of licenses is reduced to twenty-five, and thereafter shall only be used for sea urchin management and enforcement.

(a) A surcharge of one hundred dollars shall be charged with each sea urchin dive fishery license renewal for licenses issued in 2000 through 2005.

(b) For licenses issued for the year 2000 and thereafter, a surcharge shall be charged on the sea urchin dive fishery license for designating an alternate operator. The surcharge shall be as follows: Five hundred dollars for the first year or each of the first two consecutive years after 1999 that any alternate operator is designated and two thousand five hundred dollars each year thereafter that any alternate operator is designated.

(5) Sea urchin dive fishery licenses are transferable. After December 31, 1999, there is a surcharge to transfer a sea urchin dive fishery license. The surcharge is five hundred dollars for the first transfer of a license valid for calendar

year 2000, and two thousand five hundred dollars for any subsequent transfer, whether occurring in the year 2000 or thereafter. Notwithstanding this subsection, a one-time transfer exempt from surcharge applies for a transfer from the natural person licensed on January 1, 2000, to that person's spouse or child.

(6) If fewer than twenty-five natural persons are eligible for sea urchin dive fishery licenses, the director may accept applications for new licenses. The additional licenses may not cause more than twenty-five natural persons to be eligible for a sea urchin dive fishery license. New licenses issued under this section shall be distributed according to rules of the department that recover the value of such licensed privilege.

Sec. 59. RCW 77.70.190 and 1999 c 126 s 2 are each amended to read as follows:

(1) A sea cucumber dive fishery license is required to take sea cucumbers for commercial purposes. A sea cucumber dive fishery license authorizes the use of only one diver in the water at any time during sea cucumber harvest operations. If the same vessel has been designated on two sea cucumber dive fishery licenses, two divers may be in the water. A natural person may not hold more than two sea cucumber dive fishery licenses.

(2) Except as provided in subsection (6) of this section, the director shall issue no new sea cucumber dive fishery licenses. For licenses issued for the year 2000 and thereafter, the director shall renew existing licenses only to a natural person who held the license at the end of the previous year. If a sea cucumber dive fishery license is not held by a natural person as of December 31, 1999, it is not renewable. However, if the license is not held because of revocation or suspension of licensing privileges, the director shall renew the license in the name of a natural person at the end of the revocation or suspension if the license holder applies for renewal of the license before the end of the year in which the revocation or suspension ends.

(3) Where a licensee failed to obtain the license during either of the previous two years because of a license suspension by the ~~((department))~~ director or the court, the licensee may qualify for a license by establishing that the person held such a license during the last year in which the person was eligible.

(4) Surcharges as provided for in this section shall be collected and deposited into the sea cucumber dive fishery account hereby created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. The sea cucumber dive fishery account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. Expenditures from the account shall only be used to retire sea cucumber licenses until the number of licenses is reduced to twenty-five, and thereafter shall only be used for sea cucumber management and enforcement.

(a) A surcharge of one hundred dollars shall be charged with each sea cucumber dive fishery license renewal for licenses issued in 2000 through 2005.

(b) For licenses issued for the year 2000 and thereafter, a surcharge shall be charged on the sea cucumber dive fishery ~~((license))~~ license for designating an alternate operator. The surcharge shall be as follows: Five hundred dollars for the first year or each of the first two consecutive years after 1999 that any alternate operator is designated and two thousand five hundred dollars each year thereafter that any alternate operator is designated.

(5) Sea cucumber dive fishery licenses are transferable. After December 31, 1999, there is a surcharge to transfer a sea cucumber dive fishery license. The surcharge is five hundred dollars for the first transfer of a license valid for calendar year 2000 and two thousand five hundred dollars for any subsequent transfer whether occurring in the year 2000 or thereafter. Notwithstanding this subsection, a one-time transfer exempt from surcharge applies for a transfer from the natural person licensed on January 1, 2000, to that person's spouse or child.

(6) If fewer than twenty-five persons are eligible for sea cucumber dive fishery licenses, the director may accept applications for new licenses. The additional licenses may not cause more than twenty-five natural persons to be eligible for a sea cucumber dive fishery license. New licenses issued under this section shall be distributed according to rules of the department that recover the value of such licensed privilege.

Sec. 60. RCW 79A.60.100 and 1994 c 264 s 80 are each amended to read as follows:

(1) Every law enforcement officer of this state and its political subdivisions has the authority to enforce this chapter. Law enforcement officers may enforce recreational boating rules adopted by the commission. Such law enforcement officers include, but are not limited to, county sheriffs, officers of other local law enforcement entities, ~~((wildlife agents and fisheries patrol))~~ fish and wildlife officers ~~((of the department of fish and wildlife))~~, through the director, the state patrol, ~~((through its chief,))~~ and state park rangers. In the exercise of this responsibility, all such officers may stop and board any vessel and direct it to a suitable pier or anchorage to enforce this chapter.

(2) This chapter shall be construed to supplement federal laws and regulations. To the extent this chapter is inconsistent with federal laws and regulations, the federal laws and regulations shall control.

NEW SECTION. Sec. 61. (1) RCW 77.12.055 and 77.65.470 are each recodified as sections in chapter 77.15 RCW.

(2) RCW 77.12.425 and 77.16.220 are each recodified as sections in chapter 77.55 RCW.

(3) RCW 77.32.220 is recodified as a section in chapter 77.65 RCW.

NEW SECTION. Sec. 62. The following acts or parts of acts are each repealed:

(1) RCW 77.12.030 (Authority to regulate wildlife) and 1987 c 506 s 14, 1984 c 240 s 2, 1980 c 78 s 14, 1969 ex.s. c 18 s 2, & 1955 c 36 s 77.12.030;

(2) RCW 77.12.040 (Regulating the taking or possessing of game--Emergency rules--Game reserves, closed areas and waters) and 1987 c 506 s 15, 1984 c 240 s 3, 1980 c 78 s 15, 1969 ex.s. c 18 s 3, & 1955 c 36 s 77.12.040;

(3) RCW 77.12.105 (Authority to retain or transfer wildlife) and 1987 c 506 s 22, 1980 c 78 s 71, 1977 c 44 s 2, & 1955 c 36 s 77.16.030;

(4) RCW 77.12.250 (Entry upon property in course of duty) and 2000 c 107 s 220, 1980 c 78 s 42, & 1955 c 36 s 77.12.250;

(5) RCW 77.12.295 (Fish and wildlife harvest in federal exclusive economic zone--Rules) and 1995 1st sp.s. c 2 s 9 & 1993 sp.s. c 2 s 99;

(6) RCW 77.12.457 (Planting food fish or shellfish--Permit authorized by rule) and 1998 c 190 s 73, 1995 1st sp.s. c 2 s 17, 1983 1st ex.s. c 46 s 30, & 1955 c 12 s 75.16.020;

(7) RCW 77.12.724 (Possession of fish and wildlife--Rules) and 1998 c 190 s 120, 1987 c 506 s 63, & 1980 c 78 s 78; and

(8) RCW 77.32.420 (Recreational licenses--Nontransferable--Enforcement provisions) and 2000 c 107 s 272, 1998 c 191 s 4, 1993 sp.s. c 17 s 8, 1989 c 305 s 12, 1987 c 87 s 7, 1984 c 80 s 8, 1983 1st ex.s. c 46 s 98, 1980 c 78 s 135, & 1977 ex.s. c 327 s 15."

On page 1, line 2 of the title, after "statutes;" strike the remainder of the title and insert "amending RCW 4.24.350, 43.70.185, 46.09.200, 46.10.200, 69.30.010, 69.30.110, 69.30.140, 70.93.050, 76.04.045, 77.08.010, 77.12.039, 77.12.043, 77.12.045, 77.12.047, 77.12.170, 77.12.177, 77.12.204, 77.12.264, 77.12.320, 77.12.325, 77.12.425, 77.12.455, 77.15.080, 77.15.090, 77.15.094, 77.15.096, 77.15.110, 77.15.150, 77.15.180, 77.15.210, 77.15.250, 77.15.260, 77.15.270, 77.15.290, 77.15.330, 77.15.340, 77.15.370, 77.15.380, 77.15.390, 77.15.400, 77.15.480, 77.15.510, 77.15.550, 77.15.600, 77.15.700, 77.15.730, 77.16.220, 77.32.010, 77.32.014, 77.32.250, 77.32.535, 77.44.070, 77.55.280, 77.55.290, 77.70.010, 77.70.150, 77.70.190, and 79A.60.100; reenacting and amending RCW 77.15.245; adding new sections to chapter 77.65 RCW; adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.55 RCW; recodifying RCW 77.12.055, 77.65.470, 77.12.425, 77.16.220, and 77.32.220; and repealing RCW 77.12.030, 77.12.040, 77.12.105, 77.12.250, 77.12.295, 77.12.457, 77.12.724, and 77.32.420.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Jacobsen, the Senate concurred in the House amendments to Substitute Senate Bill No. 5961.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5961, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5961, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Hargrove and Kline - 2.

SUBSTITUTE SENATE BILL NO. 5961, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Regala was excused.

MESSAGE FROM THE HOUSE

April 5, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6110 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 77.70 RCW to read as follows:

In order to administer a Puget Sound crab pot buoy tag program, the department may charge a fee to holders of a Dungeness crab--Puget Sound fishery license to reimburse the department for the production of Puget Sound crab pot buoy tags and the administration of a Puget Sound crab pot buoy tag program.

NEW SECTION. Sec. 2. A new section is added to chapter 77.70 RCW to read as follows:

The Puget Sound crab pot buoy tag account is created in the custody of the state treasurer. All revenues from fees from section 1 of this act must be deposited into the account. Expenditures from this account may be used for the production of crab pot buoy tags and the administration of a Puget Sound crab pot buoy tag program. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW but no appropriation is required for expenditures.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Jacobsen, the Senate concurred in the House amendment to Substitute Senate Bill No. 6110.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6110, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6110, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Hargrove and Regala - 2.

SUBSTITUTE SENATE BILL NO. 6110, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6056 with the following amendment(s):

On page 2, line 11, strike all of section 3

Correct the title., and the same are herewith transmitted.

**TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk**

MOTION

On motion of Senator Costa, the Senate concurred in the House amendment to Substitute Senate Bill No. 6056.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6056, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6056, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Regala - 1.

SUBSTITUTE SENATE BILL NO. 6056, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Kastama, Senator Kline was excused.

MESSAGE FROM THE HOUSE

April 9, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SENATE JOINT MEMORIAL NO. 8016 with the following amendment(s):

Beginning on page 1, line 1, strike all material through "Washington." on page 2, line 12, and insert the following:

"TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, The upland aquaculture industry in Washington state produces high-quality, pathogen-free, nonanadromous upland products for sale to public agencies and private companies throughout the world; and

WHEREAS, Washington state's upland aquaculture industry employs hundreds of people in well-paying, technical positions located in many rural communities throughout the state, generating forty million dollars worth of products; and

WHEREAS, Canadian customers have expressed the desire to purchase high-quality aquacultural products from Washington state producers; and

WHEREAS, Many customers in the United States currently purchase aquacultural products from Canada; and

WHEREAS, Increased freedom to engage in the commercial trade of upland aquacultural products between the United States and Canada will only help our two nations grow more prosperous;

NOW, THEREFORE, Your Memorialists respectfully pray that the government of the United States emphasize the importance of the free and fair trade of upland aquacultural products in its relations with the government of Canada.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Shin, the Senate concurred in the House amendment to Engrossed Senate Joint Memorial No. 8016. The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Joint Memorial No. 8016, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 8016, as amended by the House, and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Kline and Regala - 2.

ENGROSSED SENATE JOINT MEMORIAL NO. 8016, as amended by the House, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Hewitt, Senator Parlette was excused.

MESSAGE FROM THE HOUSE

April 9, 2001

MR. PRESIDENT:

The House has passed **SUBSTITUTE SENATE BILL NO. 5905** with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.46 RCW to read as follows:

Until July 30, 2007, the state consents to the jurisdiction of the federal courts in actions brought by a tribe pursuant to the Indian gaming regulatory act of 1988 or seeking enforcement of a state/tribal compact adopted under the Indian gaming regulatory act, conditioned upon the tribe entering into such a compact and providing similar consent. This limited waiver of sovereign immunity shall not extend to actions other than those expressly set forth herein and properly filed on or before July 29, 2007.

This section expires July 30, 2007."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Prentice, the Senate concurred in the House amendment to Substitute Senate Bill No. 5905. The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5905, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5905, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Fairley, Franklin, Fraser, Gardner, Hargrove, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, B., Sheldon, T., Snyder, Spanel, Swecker, West and Winsley - 28.

Voting nay: Senators Benton, Deccio, Eide, Finkbeiner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Sheahan, Shin, Stevens, Thibaudeau and Zarelli - 19.

Excused: Senators Parlette and Regala - 2.

SUBSTITUTE SENATE BILL NO. 5905, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5593 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.04.015 and 1992 c 103 s 1 are each amended to read as follows:

(1) It is the policy of this state and the purpose of this chapter:

(a) To promote the dependability of information which is used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private or governmental; and

(b) To protect the public interest by requiring that:

(i) ~~Persons who hold themselves out ((to the public)) as ((certified public accountants who offer to perform, or perform for clients, professional services, including but not limited to one or more kinds of services involving the use of accounting or auditing skills, including the issuance of "audit reports," "review reports," or "compilation reports" on financial statements, or one or more kinds of management advisory, or consulting services, the preparation of tax returns, or the furnishing of advice on tax matters, perform such services))~~ licensees or certificate holders conduct themselves in a competent, ethical, and professional manner;

(ii) A public authority be established that is competent to prescribe and assess the qualifications of certified public accountants, including certificate holders who are not licensed for the practice of public accounting;

(iii) Persons other than ((certified public accountants)) licensees refrain from using the words "audit," "review," and "compilation" when designating a report customarily prepared by someone knowledgeable in accounting; ((and))

(iv) A public authority be established to provide for consumer alerts and public protection information to be published regarding persons or firms who violate the provisions of this act or board rule and to provide general consumer protection information to the public; and

(v) The use of accounting titles likely to confuse the public be prohibited.

(2) The purpose of this act is to make revisions to chapter 234, Laws of 1983 and chapter 103, Laws of 1992 to: Fortify the public protection provisions of this act; establish one set of qualifications to be a licensee; revise the regulations of certified public accountants; make revisions in the ownership of certified public accounting firms; assure to the greatest extent possible that certified public accountants from Washington state are substantially equivalent with certified public accountants in other states and can therefore perform the duties of certified public accountants in as many states and countries as possible; assure certified public accountants from other states and countries have met qualifications that are substantially equivalent to the certified public accountant qualifications of this state; and clarify the authority of the board of accountancy with respect to the activities of persons holding licenses and certificates under this chapter. It is not the intent of this act to in any way restrict or limit the activities of persons not holding licenses or certificates under this chapter except as otherwise specifically restricted or limited by chapter 234, Laws of 1983 and chapter 103, Laws of 1992.

(3) A purpose of chapter 103, Laws of 1992, revising provisions of chapter 234, Laws of 1983, is to clarify the authority of the board of accountancy with respect to the activities of persons holding certificates under this chapter. Furthermore, it is not the intent of chapter 103, Laws of 1992 to in any way restrict or limit the activities of persons not holding certificates under this chapter except as otherwise specifically restricted or limited by chapter 234, Laws of 1983.

Sec. 2. RCW 18.04.025 and 1999 c 378 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the board of accountancy created by RCW 18.04.035.

(2) "Certificate holder" means the holder of a certificate as a certified public accountant who has not become a licensee, has maintained CPE requirements, and who does not practice public accounting.

(3) "Certified public accountant" or "CPA" means a person holding a certified public accountant license or certificate.

~~((3))~~ (4) "State" includes the states of the United States, the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands.

~~((4))~~ (5) "Reports on financial statements" means any reports or opinions prepared by ((certified public accountants)) licensees, based on services performed in accordance with generally accepted auditing standards, standards for attestation engagements, or standards for accounting and review services as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting. "Reports on financial statements" does not include services referenced in RCW 18.04.350(6) provided by persons not holding a license under this chapter.

~~((5))~~ (6) The "practice of public accounting" means performing or offering to perform by a person or firm holding itself out to the public as a licensee, for a client or potential client, one or more kinds of services involving the use of accounting or auditing skills, including the issuance of "audit reports," "review reports," or "compilation reports" on financial statements, or one or more kinds of management advisory, or consulting services, or the preparation of tax returns, or the furnishing of advice on tax matters. The "practice of public accounting" shall not include practices that are permitted under the provisions of RCW 18.04.350(6) by persons or firms not required to be licensed under this chapter.

~~((6))~~ (7) "Firm" means a sole proprietorship, a corporation, or a partnership. "Firm" also means a limited liability company formed under chapter 25.15 RCW.

~~((7))~~ (8) "CPE" means continuing professional education.

~~((8))~~ (9) "Certificate" means a certificate as a certified public accountant issued prior to July 1, 2001, as authorized under the provisions of this chapter~~(, or a corresponding certificate issued by another state or foreign jurisdiction that is recognized in accordance with the reciprocity provisions of RCW 18.04.180 and 18.04.183)~~.

~~((9))~~ (10) "Licensee" means the holder of a ~~(valid)~~ license to practice public accountancy issued under this chapter.

~~((10))~~ (11) "License" means a license to practice public accountancy issued to an individual under this chapter, or a license issued to a firm under this chapter.

~~((11))~~ (12) "Manager" means a manager of a limited liability company licensed as a firm under this chapter.

(13) "NASBA" means the national association of state boards of accountancy.

(14) "Quality assurance review" means a process established by and conducted at the direction of the board of study, appraisal, or review of one or more aspects of the ~~(professional)~~ attest work of a ~~(person)~~ licensee or licensed firm in the practice of public accountancy, by a person or persons who hold ~~(certificates)~~ licenses and who are not affiliated with the person or firm being reviewed.

~~((12) "Quality review")~~ (15) "Peer review" means a study, appraisal, or review of one or more aspects of the ~~(professional)~~ attest work of a ~~(person)~~ licensee or licensed firm in the practice of public accountancy, by a person or persons who hold ~~(certificates)~~ licenses and who are not affiliated with the person or firm being reviewed, including a peer review, or any internal review or inspection intended to comply with quality control policies and procedures, but not including the "quality assurance review" under subsection ~~((14))~~ (14) of this section.

~~((13))~~ (16) "Review committee" means any person carrying out, administering or overseeing a ~~(quality)~~ peer review authorized by the reviewee.

~~((14))~~ (17) "Rule" means any rule adopted by the board under authority of this chapter.

~~((15))~~ (18) "Holding out" means any representation to the public by the use of restricted titles as set forth in RCW 18.04.345 by a person or firm that the person or firm ~~(is a certified public accountant)~~ holds a license under this chapter and that the person or firm offers to perform any professional services to the public as a ~~(certified public accountant)~~ licensee. "Holding out" shall not affect or limit ~~(a person not required to hold a certificate under this chapter or)~~ a person or firm not required to hold a license under this chapter from engaging in practices identified in RCW 18.04.350~~((6))~~.

(19) "Natural person" means a living, human being.

(20) "Inactive" means the certificate is in an inactive status because a person who held a valid certificate before July 1, 2001, has not met the current requirements of licensure and has been granted inactive certificate holder status through an approval process established by the board.

Sec. 3. RCW 18.04.035 and 1992 c 103 s 3 are each amended to read as follows:

(1) There is created a board of accountancy for the state of Washington to be known as the Washington state board of accountancy. Effective June 30, 2001, the board shall consist of ((seven)) nine members appointed by the governor. Members of the board shall include ((four)) six persons who ((hold valid certified public accountant certificates and have been in public practice as certified public accountants)) have been licensed in this state continuously for the previous ten years ((and two persons who have held a valid certified public accountant's certificate in this state for at least ten years)). ((The seventh)) Three members shall be ((the)) public members ((and shall be a person who is)) qualified to judge whether the qualifications, activities, and professional practice of those regulated under this chapter conform with standards to protect the public interest, including one public member qualified to represent the interests of clients of individuals and firms licensed under this chapter.

(2) The members of the board ~~((of accountancy))~~ shall be appointed by the governor to a term of three years. Vacancies occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of a member's term of office, the member shall continue to serve until a successor has been appointed and has assumed office. The governor shall remove from the board any member whose ~~((certificate or))~~ license to practice has been revoked or suspended and may, after hearing, remove any member of the board for neglect of duty or other just cause. No person who has served two successive complete terms is eligible for reappointment. Appointment to fill an unexpired term is not considered a complete term. In order to stagger their terms, of the two new appointments made to the board upon June 11, 1992, the first appointed member shall serve a term of two years initially.

Sec. 4. RCW 18.04.045 and 1992 c 103 s 4 are each amended to read as follows:

(1) The board shall annually elect a chair, a vice-chair, and a secretary from its members.

(2) A majority of the board constitutes a quorum for the transaction of business.

(3) The board shall have a seal which shall be judicially noticed.

(4) The board shall keep records of its proceedings, and of any proceeding in court arising from or founded upon this chapter. Copies of these records certified as correct under the seal of the board are admissible in evidence as tending to prove the content of the records.

(5) The governor shall appoint an executive director of the board, who shall serve at the pleasure of the governor. The executive director may employ such personnel as is appropriate for carrying out the purposes of this chapter. The executive director shall hold a valid Washington ~~((CPA certificate))~~ license. The board may arrange for such volunteer assistance as it requires to perform its duties. Individuals or committees assisting the board constitute volunteers for purposes of chapter 4.92 RCW.

(6) The board shall file an annual report of its activities with the governor. The report shall include, but not be limited to, a statement of all receipts and disbursements. Upon request, the board shall mail a copy of each annual report to any member of the public.

(7) In making investigations concerning alleged violations of the provisions of this chapter and in all proceedings under RCW 18.04.295 or chapter 34.05 RCW, the board chair, or a member of the board, or a board designee acting in the chair's place, may administer oaths or affirmations to witnesses appearing before the board, subpoena witnesses and compel their attendance, take testimony, and require that documentary evidence be submitted.

(8) The board may review the publicly available professional work of licensees on a general and random basis, without any requirement of a formal complaint or suspicion of impropriety on the part of any particular licensee. If as a result of such review the board discovers reasonable grounds for a more specific investigation, the board may proceed under its investigative and disciplinary rules.

(9) The board may provide for consumer alerts and public protection information to be published regarding persons or firms who violate the provisions of this chapter or board rule and may provide general consumer protection information to the public.

(10) As provided in RCW 18.04.370, the board may enter into stipulated agreements and orders of assurance with persons who have violated the provisions of RCW 18.04.345 or certify the facts to the prosecuting attorney of the county in which such person resides for criminal prosecution.

Sec. 5. RCW 18.04.055 and 1992 c 103 s 5 are each amended to read as follows:

The board may adopt and amend rules under chapter 34.05 RCW for the orderly conduct of its affairs. The board shall prescribe rules consistent with this chapter as necessary to implement this chapter. Included may be:

(1) Rules of procedure to govern the conduct of matters before the board;

(2) Rules of professional conduct for all ~~((certificate and license holders))~~ licensees, certificate holders, and nonlicensee owners of licensed firms, in order to establish and maintain high standards of competence and ethics ~~((of certified public accountants))~~ including rules dealing with independence, integrity, objectivity, and freedom from conflicts of interest;

(3) Rules specifying actions and circumstances deemed to constitute holding oneself out as a licensee in connection with the practice of public accountancy;

(4) Rules specifying the manner and circumstances of the use of the titles "certified public accountant" and "CPA," by holders of certificates who do not also hold licenses under this chapter;

(5) Rules specifying the educational requirements to take the certified public accountant examination ~~((or for the issuance of the certificate or license of certified public accountant))~~;

(6) Rules designed to ensure that ~~((certified public accountants'))~~ licensees' "reports on financial statements" meet the definitional requirements for that term as specified in RCW 18.04.025;

(7) Requirements for ~~((continuing professional education))~~ CPE to maintain or improve the professional competence of ~~((certificate and license holders))~~ licensees as a condition to maintaining their ~~((certificate or))~~ license ~~((to practice))~~ and certificate holders as a condition to maintaining their certificate under RCW 18.04.215;

(8) Rules governing ~~((sole proprietors, partnerships, and corporations practicing public accounting))~~ firms issuing or offering to issue reports on financial statements or using the title "certified public accountant" or "CPA" including, but not limited to, rules concerning their style, name, title, and affiliation with any other organization, and establishing reasonable practice and ethical standards to protect the public interest;

(9) The board may by rule implement a quality assurance review program as a means to monitor licensees' quality of practice and compliance with professional standards. The board may exempt from such program, licensees who undergo periodic ~~((quality))~~ peer reviews in programs of the American Institute of Certified Public Accountants, ~~((National Association of State Boards of Accountancy))~~ NASBA, or other programs recognized and approved by the board;

(10) The board may by rule require licensed firms to obtain professional liability insurance if in the board's discretion such insurance provides additional and necessary protection for the public; ~~((and))~~

(11) Rules specifying the experience requirements in order to qualify for a license;

(12) Rules specifying the requirements for certificate holders to qualify for a license under this chapter which must include provisions for meeting CPE and experience requirements prior to application for licensure;

(13) Rules specifying the registration requirements, including ethics examination and fee requirements, for resident nonlicensee partners, shareholders, and managers of licensed firms;

(14) Rules specifying the ethics CPE requirements for certificate holders and owners of licensed firms, including the process for reporting compliance with those requirements;

(15) Rules specifying the experience and CPE requirements for licensees offering or issuing reports on financial statements; and

(16) Any other rule which the board finds necessary or appropriate to implement this chapter.

Sec. 6. RCW 18.04.065 and 1992 c 103 s 6 are each amended to read as follows:

The board shall set its fees at a level adequate to pay the costs of administering this chapter. ~~((Beginning in the 1993-95 biennium,))~~ All fees for ~~((certified public accountants'))~~ licenses, ~~((certificates,))~~ registrations of nonlicensee partners, shareholders, and managers of licensed firms, renewals of licenses, renewals of registrations of nonlicensee partners, shareholders, and managers of licensed firms, renewals of certificates, reinstatements of lapsed licenses, reinstatements of lapsed certificates, reinstatements of lapsed registrations of nonlicensee partners, shareholders, and managers of licensed firms, practice privileges under RCW 18.04.350, and delinquent filings received under the authority of this chapter shall be deposited in the certified public accountants' account created by RCW 18.04.105. Appropriation from such account shall be made only for the cost of administering the provisions of this chapter.

Sec. 7. RCW 18.04.105 and 2000 c 171 s 2 are each amended to read as follows:

(1) ~~((The certificate of "certified public accountant"))~~ A license to practice public accounting shall be granted by the board to any person:

(a) Who is of good character. Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The board may refuse to grant a ~~((certificate))~~ license on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional and ethical responsibilities of a ~~((certified public accountant))~~ licensee and if the finding by the board of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a ~~((certificate))~~ license because of a lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a notice of the applicant's right of appeal;

(b) Who has met the educational standards established by rule as the board determines to be appropriate;
~~((The board may, in its discretion, waive the educational requirements for any person if it is satisfied through review of documentation of successful completion of an equivalency examination that the person's educational qualifications are an acceptable substitute for the requirements of (b) of this subsection; and))~~

(c) Who has passed ~~((a written))~~ an examination;

(d) Who has had one year of experience which is gained:

(i) Through the use of accounting, issuing reports on financial statements, management advisory, financial advisory, tax, tax advisory, or consulting skills;

(ii) While employed in government, industry, academia, or public practice; and

(iii) Meeting the competency requirements in a manner as determined by the board to be appropriate and established by board rule; and

(e) Who has paid appropriate fees as established by rule by the board.

~~(2) The examination described in subsection (1)(c) of this section ((shall be in writing, shall be held twice a year, and)) shall test the applicant's knowledge of the subjects of accounting and auditing, and other related fields the board may specify by rule. The time for holding the examination is fixed by the board and may be changed from time to time. The board shall prescribe by rule the methods of applying for and taking the examination, including methods for grading ~~((papers))~~ examinations and determining a passing grade required of an applicant for a ~~((certificate))~~ license. The board shall to the extent possible see to it that the grading of the examination, and the passing grades, are uniform with those applicable to all other states. The board may make use of all or a part of the uniform certified public accountant examination and advisory grading service of the American Institute of Certified Public Accountants and may contract with third parties to perform administrative services with respect to the examination as the board deems appropriate to assist it in performing its duties under this chapter. The board shall establish by rule provisions for transitioning to a new examination structure or to a new media for administering the examination.~~

~~(3) ((An applicant is required to pass all sections of the examination provided for in subsection (2) of this section in order to qualify for a certificate. If at a given sitting of the examination an applicant passes two or more but not all sections, then the applicant shall be given credit for those sections that he or she passed, and need not take those sections again: PROVIDED, That:~~

~~(a) The applicant took all sections of the examination at that sitting;~~

~~(b) The applicant attained a minimum grade of fifty on each section not passed at that sitting;~~

~~(c) The applicant passes the remaining sections of the examination within six consecutive examinations given after the one at which the first sections were passed;~~

~~(d) At each subsequent sitting at which the applicant seeks to pass additional sections, the applicant takes all sections not yet passed; and~~

~~(e) In order to receive credit for passing additional sections in a subsequent sitting, the applicant attains a minimum grade of fifty on sections written but not passed on the sitting.~~

~~(4) The board may waive or defer any of the requirements of subsection (3) of this section for candidates transferring conditional CPA exam credits from other states or for qualifying reciprocity certification applicants who met the conditioning requirements of the state or foreign jurisdiction issuing their original certificate.~~

~~(5)) The board shall charge each applicant an examination fee for the initial examination ((under subsection (4) of this section,)) or for reexamination ((under subsection (3) of this section for each subject in which the applicant is reexamined)). The applicable fee shall be paid by the person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the board under chapter 18.04 RCW. There is established in the state treasury an account to be known as the certified public accountants' account. All fees received from candidates to take any or all sections of the certified public accountant examination shall be used only for costs related to the examination.~~

~~((6) Persons who on June 30, 1986, held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.~~

~~(7) A certificate of a "certified public accountant" under this chapter is issued every three years with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board.~~

~~(8) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:~~

~~(a) Provide that a certified public accountant shall verify to the board that he or she has completed at least an accumulation of one hundred twenty hours of continuing professional education during the last three-year period to maintain the certificate;~~

~~(b) Establish continuing professional education requirements;~~

~~(c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education;~~

~~(d) Provide that failure to furnish verification of the completion of the continuing professional education requirement shall make the certificate invalid and subject to reinstatement, unless the board determines that the failure was due to retirement, reasonable cause, or excusable neglect; and~~

~~(e) Provide for transition from existing to new continuing professional education requirements.~~

(9) The board may adopt by rule new CPE standards that differ from those in subsection (8) of this section or RCW 18.04.215 if: (a) The new standards are consistent with the continuing professional education standards of other states so as to provide to the greatest extent possible, consistent national standards; and (b) the new standards are at least as strict as the standards set forth in subsection (8) of this section or RCW 18.04.215.)

(4) Persons who on June 30, 2001, held valid certificates previously issued under this chapter shall be deemed to be certificate holders, subject to the following:

(a) Certificate holders may, prior to June 30, 2004, petition the board to become licensees by documenting to the board that they have gained one year of experience through the use of accounting, issuing reports on financial statements, management advisory, financial advisory, tax, tax advisory, or consulting skills, without regard to the eight-year limitation set forth in (b) of this subsection, while employed in government, industry, academia, or public practice.

(b) Certificate holders who do not petition to become licensees prior to June 30, 2004, may after that date petition the board to become licensees by documenting to the board that they have one year of experience acquired within eight years prior to applying for a license through the use of accounting, issuing reports on financial statements, management advisory, financial advisory, tax, tax advisory, or consulting skills in government, industry, academia, or public practice.

(c) Certificate holders who petition the board pursuant to (a) or (b) of this subsection must also meet competency requirements in a manner as determined by the board to be appropriate and established by board rule.

(d) Any certificate holder petitioning the board pursuant to (a) or (b) of this subsection to become a licensee must submit to the board satisfactory proof of having completed an accumulation of one hundred twenty hours of CPE during the thirty-six months preceding the date of filing the petition.

(e) Any certificate holder petitioning the board pursuant to (a) or (b) of this subsection to become a licensee must pay the appropriate fees established by rule by the board.

(5) Certificate holders shall comply with the prohibition against the practice of public accounting in RCW 18.04.345.

(6) Persons who on June 30, 2001, held valid certificates previously issued under this chapter are deemed to hold inactive certificates, subject to renewal as inactive certificates, until they have petitioned the board to become licensees and have met the requirements of subsection (4) of this section. No individual who did not hold a valid certificate before July 1, 2001, is eligible to obtain an inactive certificate.

(7) Persons deemed to hold inactive certificates under subsection (6) of this section shall comply with the prohibition against the practice of public accounting in subsection (8)(b) of this section and RCW 18.04.345, but are not required to display the term inactive as part of their title, as required by subsection (8)(a) of this section until renewal. Certificates renewed to any persons after June 30, 2001, are inactive certificates and the inactive certificate holders are subject to the requirements of subsection (8) of this section.

(8) Persons holding an inactive certificate:

(a) Must use or attach the term "inactive" whenever using the title CPA or certified public accountant or referring to the certificate, and print the word "inactive" immediately following the title, whenever the title is printed on a business card, letterhead, or any other document, including documents published or transmitted through electronic media, in the same font and font size as the title; and

(b) Are prohibited from practicing public accounting.

Sec. 8. RCW 18.04.180 and 1992 c 103 s 8 are each amended to read as follows:

(1) The board shall issue a ((certificate to a holder of a certificate issued by another state, or shall issue a certificate and)) license to a holder of a certificate/valid license issued by another state that entitles the holder to practice public accountancy, provided that:

((1)) (a) Such state makes similar provision to grant reciprocity to a holder of a ((certificate or)) valid certificate ((and valid)) or license in this state; ((and

(2)) (b) The applicant meets the ((continuing professional education)) CPE requirements of RCW ((18.04.105(8))) 18.04.215(5); ((and

(3) If the application is for a certificate only:

(a) The applicant passed the examination required for issuance of his or her certificate with grades that would have been passing grades at that time in this state; and

(b) The applicant: Meets all current requirements in this state for issuance of a certificate at the time application is made; or at the time of the issuance of the applicant's certificate in the other state, met all the requirements then applicable in this state; or

(4) If the application is for a certificate and license:

(a)) (c) The applicant meets the good character requirements of RCW 18.04.105(1)(a); and

(d) The applicant passed the examination required for issuance of his or her certificate or license with grades that would have been passing grades at that time in this state((;)) and

((b) The applicant:)) meets all current requirements in this state for issuance of a license at the time application is made; or at the time of the issuance of the applicant's license in the other state, met all the requirements then applicable in this state; or has had five years of experience within the ten years immediately preceding application in the practice of public accountancy that meets the requirements prescribed by the board.

(2) The board may accept NASBA's designation of the applicant as substantially equivalent to national standards as meeting the requirement of subsection (1)(d) of this section.

(3) A licensee who has been granted a license under the reciprocity provisions of this section shall notify the board within thirty days if the license or certificate issued in the other jurisdiction has lapsed or if the status of the license or certificate issued in the other jurisdiction becomes otherwise invalid.

Sec. 9. RCW 18.04.183 and 1999 c 378 s 3 are each amended to read as follows:

The board shall grant a ((certificate or)) license as a certified public accountant to a holder of a permit, license, or certificate issued by a foreign country's board, agency, or institute, provided that:

(1) The foreign country where the foreign permit, license, or certificate was issued is a party to an agreement on trade with the United States that encourages the mutual recognition of licensing and certification requirements for the provision of covered services by the parties under the trade agreement; ~~((and))~~

(2) Such foreign country's board, agency, or institute makes similar provision to allow a person who holds a valid ~~((certificate))~~ license issued by this state to obtain such foreign country's comparable permit, license, or certificate; ~~((and))~~

(3) The foreign permit, license, or certificate:

(a) Was duly issued by such foreign country's board, agency, or institute that regulates the practice of public accountancy; and

(b) Is in good standing at the time of the application; and

(c) Was issued upon the basis of educational, examination, experience, and ethical requirements substantially equivalent currently or at the time of issuance of the foreign permit, license, or certificate to those in this state; ~~((and))~~

(4) The applicant has within the thirty-six months prior to application completed an accumulation of one hundred twenty hours of ~~((continuing professional education))~~ CPE as required under RCW ~~((18.04.105(8)))~~ 18.04.215(5). The board shall provide for transition from existing to new ~~((continuing professional education))~~ CPE requirements; ~~((and))~~

(5) ~~((If the application is for a certificate:~~

~~((a)))~~ The applicant's foreign permit, license, or certificate was the type of permit, license, or certificate requiring the most stringent qualifications if, in the foreign country, more than one type of permit, license, or certificate is issued. This state's board shall decide which are the most stringent qualifications; ~~((and~~

~~((b)))~~ (6) The applicant has passed a written examination or its equivalent, approved by the board, that tests knowledge in the areas of United States accounting principles, auditing standards, commercial law, income tax law, and Washington state rules of professional ethics; ~~((or~~

~~((6) If the application is for a certificate and license:~~

~~((a) The requirements of subsections (1) through (5) of this section are satisfied;)) and~~

~~((b)))~~ (7) The applicant has within the ~~((five))~~ eight years prior to applying for ~~((the certificate and))~~ a license under this section, demonstrated, in accordance with the rules issued by the board, one year of public accounting experience, within the foreign country where the foreign permit, license, or certificate was issued, equivalent to the experience required under RCW ~~((18.04.215(1)(a)))~~ 18.04.105(1)(d) or such other experience or employment which the board in its discretion regards as substantially equivalent.

The board may adopt by rule new CPE standards that differ from those in subsection (4) of this section or RCW 18.04.215 if the new standards are consistent with the ~~((continuing professional education))~~ CPE standards of other states so as to provide to the greatest extent possible, consistent national standards.

A licensee who has been granted a license under the reciprocity provisions of this section shall notify the board within thirty days if the permit, license, or certificate issued in the other jurisdiction has lapsed or if the status of the permit, license, or certificate issued in the other jurisdiction becomes otherwise invalid.

Sec. 10. RCW 18.04.185 and 1999 c 378 s 4 are each amended to read as follows:

~~((1) Application for certification as certified public accountants by persons who are not residents of this state constitutes appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicants arising from any transaction, activity, or operation connected with or incidental to the practice of public accounting in this state by nonresident holders of certified public accountant certificates.~~

~~((2))~~ Application for a license to practice public accounting in this state by a certified public accountant or CPA firm who holds a license or permit to practice issued by another state constitutes the appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicant arising from any transaction or operation connected with or incidental to the practice of public accounting in this state by the holder of the license to practice.

Sec. 11. RCW 18.04.195 and 1999 c 378 s 5 are each amended to read as follows:

(1) A sole proprietorship engaged in business in this state ~~((in the practice of public accounting))~~ and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license, as a firm, every three years with the board ~~((as a firm)).~~

(a) ~~((The principal purpose and business of the firm shall be to furnish services to the public which are consistent with this chapter and the rules of the board.~~

~~((b)))~~ The ~~((person))~~ sole proprietor shall ~~((be a certified public accountant holding))~~ hold a license to practice under RCW 18.04.215~~((,))~~;

~~((c)))~~ (b) Each resident ~~((licensee))~~ person in charge of an office ~~((of the sole proprietorship engaged in this state in the practice of public accounting))~~ located in this state shall ~~((be a certified public accountant holding))~~ hold a license to practice under RCW 18.04.215; and

(c) The licensed firm must meet competency requirements established by rule by the board.

(2) A partnership engaged in business in this state ~~((in the practice of public accounting))~~ and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license as a firm every three years with the board ~~((as a partnership of certified public accountants)), and shall meet the following requirements:~~

(a) ~~((The principal purpose and business of the partnership shall be to furnish services to the public which are consistent with this chapter and the rules of the board;~~

~~((b)))~~ At least one general partner of the partnership shall ~~((be a certified public accountant holding))~~ hold a license to practice under RCW 18.04.215;

~~((c)))~~ (b) Each resident ~~((licensee))~~ person in charge of an office ~~((of the partnership))~~ in this state ~~((and each resident partner personally engaged within this state in the practice of public accounting))~~ shall ~~((be a certified public accountant holding))~~ hold a license to practice under RCW 18.04.215;

(c) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all partners or owners shall be held by natural persons who are licensees or holders of a valid license issued under this chapter or by another state that entitles the holder to practice public accounting in this state. The principal partner of the

partnership and any partner having authority over issuing reports on financial statements shall hold a license under this chapter or issued by another state that entitles the holder to practice public accounting in this state; and

(d) The licensed firm must meet competency requirements established by rule by the board.

~~(3) A corporation ((organized for the practice of public accounting and)) engaged in business in this state ((in the practice of public accounting)) and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license as a firm every three years with the board ((as a corporation of certified public accountants)) and shall meet the following requirements:~~

~~(a) ((The principal purpose and business of the corporation shall be to furnish services to the public which are consistent with this chapter and the rules of the board; and~~

~~(b) Each shareholder of the corporation shall be a certified public accountant of some state holding a license to practice and shall be) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all shareholders or owners shall be held by natural persons who are licensees or holders of a valid license issued under this chapter or by another state that entitles the holder to practice public accounting in this state and is principally employed by the corporation or actively engaged in its business. ((No other person may have any interest in the stock of the corporation.)) The principal officer of the corporation and any officer or director having authority over ((the practice of public accounting by the corporation)) issuing reports on financial statements shall ((be a certified public accountant of some state holding)) hold a license ((to practice)) under this chapter or issued by another state that entitles the holder to practice public accounting in this state;~~

~~((e)) (b) At least one shareholder of the corporation shall ((be a certified public accountant holding)) hold a license ((to practice)) under RCW 18.04.215;~~

~~((d)) (c) Each resident ((licensee)) person in charge of an office ((of the corporation)) located in this state ((and each shareholder or director personally engaged within this state in the practice of public accounting)) shall ((be a certified public accountant holding)) hold a license ((to practice)) under RCW 18.04.215;~~

~~((e)) (d) A written agreement shall bind the corporation or its shareholders to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder, and bind any holder not a qualified shareholder to sell the shares to the corporation or its qualified shareholders. The agreement shall be noted on each certificate of corporate stock. The corporation may purchase any amount of its stock for this purpose, notwithstanding any impairment of capital, as long as one share remains outstanding; ((and~~

~~(f)) (e) The corporation shall comply with any other rules pertaining to corporations practicing public accounting in this state as the board may prescribe; and~~

(f) The licensed firm must meet competency requirements established by rule by the board.

~~(4) A limited liability company engaged in business in this state ((in the practice of public accounting)) and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license as a firm every three years with the board ((as a limited liability company of certified public accountants)), and shall meet the following requirements:~~

~~(a) ((The principal purpose and business of the limited liability company shall be to furnish services to the public which are consistent with this chapter and the rules of the board;~~

~~(b)) At least one ((manager)) member of the limited liability company shall ((be a certified public accountant holding)) hold a license ((to practice)) under RCW 18.04.215;~~

~~((e)) (b) Each resident manager or member in charge of an office ((of the limited liability company)) located in this state ((and each resident manager or member personally engaged within this state in the practice of public accounting)) shall ((be a certified public accountant holding)) hold a license ((to practice)) under RCW 18.04.215;~~

(c) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all owners shall be held by natural persons who are licensees or holders of a valid license issued under this chapter or by another state that entitles the holder to practice public accounting in this state. The principal member or manager of the limited liability company and any member having authority over issuing reports on financial statements shall hold a license under this chapter or issued by another state that entitles the holder to practice public accounting in this state; and

(d) The licensed firm must meet competency requirements established by rule by the board.

~~(5) Application for a license as a firm shall be made upon the affidavit of the proprietor or person designated as managing partner, member, or shareholder for Washington. This person shall ((be a certified public accountant holding)) hold a license ((to practice)) under RCW 18.04.215. The board shall determine in each case whether the applicant is eligible for a license. A partnership ((or)), corporation, or limited liability company which is licensed to practice under RCW 18.04.215 may use the designation "certified public accountants" or "CPAs" in connection with its partnership, limited liability company, or corporate name. The board shall be given notification within ninety days after the admission or withdrawal of a partner ((or)), shareholder, or member engaged in this state in the practice of public accounting from any partnership ((or)), corporation, or limited liability company so licensed.~~

(6) Licensed firms which fall out of compliance with the provisions of this section due to changes in firm ownership or personnel, after receiving or renewing a license, shall notify the board in writing within thirty days of its falling out of compliance and propose a time period in which they will come back into compliance. The board may grant a reasonable period of time for a firm to be in compliance with the provisions of this section. Failure to bring the firm into compliance within a reasonable period of time, as determined by the board, may result in suspension, revocation, or imposition of conditions on the firm's license.

(7) Fees for the license as a firm and for notification of the board of the admission or withdrawal of a partner ((or)), shareholder, or member shall be determined by the board. Fees shall be paid by the firm at the time the license application form or notice of admission or withdrawal of a partner ((or)), shareholder, or member is filed with the board.

(8) Nonlicensee owners of licensed firms are:

(a) Required to fully comply with the provisions of this chapter and board rules;

(b) Required to be a natural person;

(c) Required to be an active individual participant in the licensed firm or affiliated entities as these terms are defined by board rule; and

(d) Subject to discipline by the board for violation of this chapter.

(9) Resident nonlicensee owners of licensed firms are required to meet:

(a) The ethics examination, registration, and fee requirements as established by the board rules; and

(b) The ethics CPE requirements established by the board rules.

Sec. 12. RCW 18.04.205 and 1999 c 378 s 6 are each amended to read as follows:

(1) Each office established or maintained in this state for the ((practice of public accounting)) purpose of offering to issue or issuing reports on financial statements in this state ((by a certified public accountant, or a partnership or corporation of certified public accountants)) or that uses the title "certified public accountant" or "CPA," shall register with the board under this chapter every three years.

(2) Each office shall be under the direct supervision of a resident licensee holding a license under RCW 18.04.215 ((who may be a sole proprietor, partner, principal shareholder, or a staff employee)).

(3) The board shall by rule prescribe the procedure to be followed to register and maintain offices established in this state for the ((practice of public accounting)) purpose of offering to issue or issuing reports on financial statements or that use the title "certified public accountant" or "CPA."

(4) Fees for the registration of offices shall be determined by the board. Fees shall be paid by the applicant at the time the registration form is filed with the board.

Sec. 13. RCW 18.04.215 and 1999 c 378 s 7 are each amended to read as follows:

(1) Three-year licenses shall be issued by the board:

(a) To ((holders of certificates as certified public accountants who have demonstrated, in accordance with rules issued by the board, one year of public accounting experience, or such other experience or employment which the board in its discretion regards as substantially equivalent and who, if their certificate was issued more than forty-eight months prior to application under this section, submit to the board satisfactory proof of having completed an accumulation of one hundred twenty hours of continuing professional education during the thirty-six months preceding the application;)) persons meeting the requirements of RCW 18.04.105(1), 18.04.180, or 18.04.183.

(b) To certificate holders meeting the requirements of RCW 18.04.105(4).

(c) To firms under RCW 18.04.195, ((if all offices of the firm in this state are maintained and registered as required under)) meeting the requirements of RCW 18.04.205.

(2) The board shall, by rule, provide for a system of certificate and license renewal and reinstatement. Applicants for ((issuance or)) renewal ((of certificates or licenses)) or reinstatement shall, at the time of filing their applications, list with the board all states and foreign jurisdictions in which they hold or have applied for certificates, permits or licenses to practice.

(3) An inactive certificate is renewed every three years with renewal subject to the requirements of ethics CPE and the payment of fees, prescribed by the board. Failure to renew the inactive certificate shall cause the inactive certificate to lapse and be subject to reinstatement. The board shall adopt rules providing for fees and procedures for renewal and reinstatement of inactive certificates.

(4) A license is issued every three years with renewal subject to requirements of CPE and payment of fees, prescribed by the board. Failure to renew the license shall cause the license to lapse and become subject to reinstatement. Persons holding a lapsed license are prohibited from using the title "CPA" or "certified public accountant." Persons holding a lapsed license are prohibited from practicing public accountancy. The board shall adopt rules providing for fees and procedures for issuance, renewal, and reinstatement of licenses.

(5) The board shall adopt rules providing for CPE for licensees and certificate holders. The rules shall:

(a) Provide that a licensee shall verify to the board that he or she has completed at least an accumulation of one hundred twenty hours of CPE during the last three-year period to maintain the license;

(b) Establish CPE requirements; and

(c) Establish when new licensees shall verify that they have completed the required CPE.

(6) A certified public accountant who holds a ((permit or)) license issued by another state, and applies for a license in this state, may practice in this state from the date of filing a completed application with the board, until the board has acted upon the application provided the application is made prior to holding out as a certified public accountant in this state and no sanctions or investigations, deemed by the board to be pertinent to public accountancy, by other jurisdictions or agencies are in process.

((4)) (7) A ((certified public accountant)) licensee shall submit to the board satisfactory proof of having completed an accumulation of one hundred twenty hours of ((continuing education)) CPE recognized and approved by the board during the preceding three years. Failure to furnish this evidence as required shall make the ((certificate invalid)) license lapse and subject to reinstatement procedures, unless the board determines the failure to have been due to retirement((,)) or reasonable cause((, or excusable neglect)).

The board in its discretion may renew a certificate or license despite failure to furnish evidence of compliance with requirements of ((continuing professional education)) CPE upon condition that the applicant follow a particular program of ((continuing professional education)) CPE. In issuing rules and individual orders with respect to ((continuing professional education)) CPE requirements, the board, among other considerations, may rely upon guidelines and pronouncements of recognized educational and professional associations, may prescribe course content, duration, and organization, and may take into account the accessibility of ((continuing education)) CPE to ((applicants)) licensees and certificate holders and instances of individual hardship.

((5)) (8) Fees for ((issuance or)) renewal or reinstatement of certificates and licenses in this state shall be determined by the board under this chapter ((18.04 RCW)). Fees shall be paid by the applicant at the time the application form is filed with the board. The board, by rule, may provide for proration of fees for ((certificates and)) licenses or certificates issued between normal renewal dates.

Sec. 14. RCW 18.04.295 and 2000 c 171 s 1 are each amended to read as follows:

The board (~~of accountancy~~) shall have the power to: Revoke, suspend, ((or) refuse to renew ((a)), or reinstate a license or certificate ((or license, and may)); impose a fine in an amount not to exceed ((one)) ten thousand dollars plus the board's investigative and legal costs in bringing charges against a certified public accountant, ((or) a certificate holder, a licensee, a licensed firm, or a nonlicensee holding an ownership interest in a licensed firm; may impose full restitution to injured parties; may impose conditions precedent to renewal of ((the)) a certificate or a license ((of any certified public accountant)); or may prohibit a nonlicensee from holding an ownership interest in a licensed firm, for any of the following causes:

(1) Fraud or deceit in obtaining a ((certificate as a certified public accountant, or in obtaining a)) license, or in any filings with the board;

(2) Dishonesty, fraud, or negligence while representing oneself as a ((CPA)) nonlicensee owner holding an ownership interest in a licensed firm, a licensee, or a certificate holder;

(3) A violation of any provision of this chapter;

(4) A violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter;

(5) Conviction of a crime or an act constituting a crime under:

(a) The laws of this state;

(b) The laws of another state, and which, if committed within this state, would have constituted a crime under the laws of this state; or

(c) Federal law;

(6) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant by any other state for any cause other than failure to pay a fee or to meet the requirements of ((continuing education)) CPE in the other state;

(7) Suspension or revocation of the right to practice matters relating to public accounting before any state or federal agency;

For purposes of subsections (6) and (7) of this section, a certified copy of such revocation, suspension, or refusal to renew shall be prima facie evidence;

(8) Failure to maintain compliance with the requirements for issuance, renewal, or reinstatement of ((the)) a certificate or license, or to report changes to the board;

(9) Failure to cooperate with the board by:

(a) Failure to furnish any papers or documents requested or ordered by the board;

(b) Failure to furnish in writing a full and complete explanation covering the matter contained in the complaint filed with the board or the inquiry of the board;

(c) Failure to respond to subpoenas issued by the board, whether or not the recipient of the subpoena is the accused in the proceeding;

(10) Failure by a nonlicensee owner of a licensed firm to comply with the requirements of this chapter or board rule; and

(11) Failure to comply with an order of the board.

Sec. 15. RCW 18.04.305 and 1992 c 103 s 12 are each amended to read as follows:

The board (~~of accountancy~~) may revoke, suspend, or refuse to renew the license issued to a firm if at any time the firm does not meet the requirements of this chapter for licensing, or for any of the causes enumerated in RCW 18.04.295, or for any of the following additional causes:

(1) The revocation or suspension of the ((certificate as a certified public accountant)) sole-practitioner's license or the revocation or suspension or refusal to renew the ((certificate or)) license of any partner, manager, member, or shareholder; ((or))

(2) The revocation, suspension, or refusal to renew the license ((or permit)) of the firm, or any partner, manager, member, or shareholder thereof, to practice public accounting in any other state or foreign jurisdiction for any cause other than failure to pay a fee or to meet the CPE requirements of ((continuing professional education-in)) the other state or foreign jurisdiction;

(3) Failure by a nonlicensee owner of a licensed firm to comply with the requirements of this chapter or board rule; or

(4) Failure of the firm to comply with the requirements of this chapter or board rule.

Sec. 16. RCW 18.04.335 and 1997 c 58 s 812 are each amended to read as follows:

(1) Upon application in writing and after hearing pursuant to notice, the board may:

(a) Modify the suspension of, or reissue a certificate or a license to, an individual whose certificate or license has been revoked or suspended; or

(b) Modify the suspension of, or reissue a license to a firm whose license has been revoked, suspended, or which the board has refused to renew.

(2) In the case of suspension for failure to comply with a support order under chapter 74.20A RCW ((or a residential or visitation order under chapter 26.09 RCW)), if the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of a certificate or a license shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the individual is in compliance with the order.

Sec. 17. RCW 18.04.345 and 1999 c 378 s 8 are each amended to read as follows:

(1) No person may assume or use the designation "certified public accountant-inactive" or "CPA-inactive" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant-inactive or CPA-inactive unless the person holds a ((valid)) certificate ((as a certified public accountant)). Persons holding only a certificate may not practice public accounting.

(2) No person may hold himself or herself out to the public ((and)) or assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to

indicate that the person is a certified public accountant or CPA unless the person holds a (~~valid certificate as a certified public accountant and holds a valid~~) license (~~to practice~~) under RCW 18.04.215.

(3) No firm may hold itself out to the public as offering to issue or issuing reports on financial statements, or assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the firm is composed of certified public accountants or CPAs, unless the firm is licensed under RCW 18.04.195 (~~holds a valid license to practice under RCW 18.04.215,~~) and all offices of the firm in this state (~~for the practice of public accounting~~) are maintained and registered under RCW 18.04.205.

(4) No person, partnership, limited liability company, or corporation offering accounting services to the public may hold himself, herself, or itself out to the public, or assume or use along, or in connection with his, hers, or its name, or any other name the title or designation "certified accountant," "chartered accountant," "licensed accountant," "licensed public accountant," "public accountant," or any other title or designation likely to be confused with "certified public accountant" or any of the abbreviations "CA," "LA," "LPA," or "PA," or similar abbreviations likely to be confused with "CPA." (~~However, nothing in this chapter prohibits use of the title "accountant" by any person regardless of whether the person has been granted a certificate or holds a license under this chapter.~~)

(5) No licensed firm may operate under an alias, a firm name, title, or "DBA" that differs from the firm name that is registered with the board.

(6) No person may sign, affix, or associate his or her name or any trade or assumed name used by the person in his or her business to any report designated as an "audit," "review," or "compilation," unless the person holds a license to practice under RCW 18.04.215 and a firm license under RCW 18.04.195, and all of the person's offices in this state (~~for the practice of public accounting are maintained and~~) are licensed under RCW 18.04.205.

~~((6))~~ (7) No person may sign, affix, or associate a firm name to any report designated as an "audit," "review," or "compilation," unless the firm is licensed under RCW 18.04.195 and 18.04.215, and all of its offices in this state (~~for the practice of public accounting~~) are maintained and registered under RCW 18.04.205.

~~((7))~~ (8) No person, partnership, limited liability company, or corporation not holding a license to practice under RCW 18.04.215 may hold himself, herself, or itself out to the public as an "auditor" with or without any other description or designation by use of such word on any sign, card, letterhead, or in any advertisement or directory.

~~((8) No person may assume or use the designation "certified public accountant" or "CPA" in conjunction with names indicating or implying that there is a partnership or corporation, if there is in fact no bona fide partnership or corporation registered under RCW 18.04.195.~~

~~(9) No person, partnership, or corporation holding a license under RCW 18.04.215 may hold himself, herself, or itself out to the public in conjunction with the designation "and Associates" or "and Assoc." unless he or she has in fact a partner or employee who holds a license under RCW 18.04.215.)~~

Sec. 18. RCW 18.04.350 and 1992 c 103 s 15 are each amended to read as follows:

(1) Nothing in this chapter prohibits any person not (~~a certified public accountant~~) holding a license from serving as an employee of a firm licensed (~~or as assistant to, a certified public accountant or partnership composed of certified public accountants or corporation of certified public accountants holding a valid license~~) under RCW 18.04.215. However, the employee or assistant shall not issue any accounting or financial statement over his or her name.

(2) (~~Nothing in this chapter prohibits a certified public accountant registered in another state, or any accountant of a foreign country holding a certificate, degree or license which permits him to practice therein from temporarily practicing in this state on professional business incident to his regular practice~~) (a) An individual, whose principal place of business is not in this state, who has a valid certificate or license as a certified public accountant from another state, and (i) whose state of licensure has education, examination, and experience requirements that are deemed by the board to be substantially equivalent to this state's requirements or (ii) who, as an individual, has education, examination, and experience that are deemed by the board to be substantially equivalent to this state's requirement shall have all the privileges of license holders of this state without the need to obtain a license under RCW 18.04.105 or 18.04.195. However, such individuals shall notify the board, under such circumstances and in such manner as the board determines by rule, of their intent to enter the state under this section. The board shall have the authority to establish a fee for the practice privilege granted under this section by rule.

(b) An individual that enters the state under this section and is granted this practice privilege shall abide by this chapter and the rules adopted under this chapter and shall be subject to discipline for violation of this chapter. However, such individual is exempt from the continuing education requirements of this chapter provided the individual has met the continuing education requirements of the state in which the individual holds a valid certificate or license. The board may accept NASBA's designation of the individual's state as substantially equivalent to national standards, or NASBA's designation of the applicant as substantially equivalent to national standards, as meeting the requirement for a certified public accountant to be substantially equivalent to this state's requirements.

(c) Any certificate or license holder of another state exercising the privilege afforded under this section consents, as a condition of the grant of this privilege:

(i) To the personal and subject matter jurisdiction of the board;

(ii) To the appointment of the state board which issued the certificate or license as their agent upon whom process may be served in any action or proceeding by this state's board against the certificate holder or licensee.

(d) A licensee of this state offering or rendering services or using their certified public accountant title in another state shall be subject to disciplinary action in this state for an act committed in another state for which the certificate or permit holder would be subject to discipline for an act committed in the other state provided the board receives timely notification of the act. Notwithstanding RCW 18.04.295, the board may investigate any complaint made by the board of accountancy of another state.

(3) Nothing in this chapter prohibits a (~~certified public accountant, a partnership, or corporation of certified public accountants~~) licensee, a licensed firm, or any of their employees from disclosing any data in confidence to other certified public accountants, quality assurance or peer review teams, partnerships, limited liability companies, or corporations of public accountants or to the board or any of its employees engaged in conducting (~~quality,~~) quality

assurance(,) or peer reviews, or any one of their employees in connection with quality or peer reviews of that accountant's accounting and auditing practice conducted under the auspices of recognized professional associations.

(4) Nothing in this chapter prohibits a ~~((certified public accountant, a partnership, or corporation of certified public accountants))~~ licensee, a licensed firm, or any of their employees from disclosing any data in confidence to any employee, representative, officer, or committee member of a recognized professional association, or to the board ((of accountancy)), or any of its employees or committees in connection with a professional investigation held under the auspices of recognized professional associations or the board ((of accountancy)).

(5) Nothing in this chapter prohibits any officer, employee, partner, or principal of any organization:

(a) From affixing his or her signature to any statement or report in reference to the affairs of the organization with any wording designating the position, title, or office which he or she holds in the organization; or

(b) From describing himself or herself by the position, title, or office he or she holds in such organization.

(6) Nothing in this chapter prohibits any person(,) or ~~((partnership or corporation))~~ firm composed of persons not holding a license under RCW 18.04.215 from offering or rendering to the public bookkeeping, accounting, tax services, the devising and installing of financial information systems, management advisory, or consulting services, the preparation of tax returns, or the furnishing of advice on tax matters, the preparation of financial statements, written statements describing how such financial statements were prepared, or similar services, provided that persons, partnerships, limited liability companies, or corporations not holding a license under RCW 18.04.215 who offer or render these services do not designate any written statement as an "audit report," "review report," or "compilation report," do not issue any written statement which purports to express or disclaim an opinion on financial statements which have been audited, and do not issue any written statement which expresses assurance on financial statements which have been reviewed.

(7) Nothing in this chapter prohibits any act of or the use of any words by a public official or a public employee in the performance of his or her duties.

(8) Nothing contained in this chapter prohibits any person who holds only a valid ~~((certified public accountant))~~ certificate from assuming or using the designation "certified public accountant-inactive" or "CPA-inactive" or any other title, designation, words, letters, sign, card, or device tending to indicate the person is a ~~((certified public accountant))~~ certificate holder, provided, that such person ((shall)) does not ((hold himself or herself out to the public as engaged in the practice of public accounting unless that person holds a valid license in addition to the certificate under RCW 18.04.215)) perform or offer to perform for the public one or more kinds of services involving the use of accounting or auditing skills, including issuance of reports on financial statements or of one or more kinds of management advisory, financial advisory, consulting services, the preparation of tax returns, or the furnishing of advice on tax matters.

(9) Nothing in this chapter prohibits the use of the title "accountant" by any person regardless of whether the person has been granted a certificate or holds a license under this chapter. Nothing in this chapter prohibits the use of the title "enrolled agent" or the designation "EA" by any person regardless of whether the person has been granted a certificate or holds a license under this chapter if the person is properly authorized at the time of use to use the title or designation by the United States department of the treasury. The board shall by rule allow the use of other titles by any person regardless of whether the person has been granted a certificate or holds a license under this chapter if the person using the titles or designations is authorized at the time of use by a nationally recognized entity sanctioning the use of board authorized titles.

Sec. 19. RCW 18.04.370 and 1983 c 234 s 19 are each amended to read as follows:

(1) Any person who violates any provision of this chapter, shall be guilty of a crime, as follows:

(a) Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than ((one)) ten thousand dollars, or to imprisonment for not more than six months, or to both such fine and imprisonment.

(b) Notwithstanding (a) of this subsection, any person who uses a professional title intended to deceive the public, in violation of RCW 18.04.345, having previously entered into a stipulated agreement and order of assurance with the board, is guilty of a felony, and upon conviction thereof, is subject to a fine of not more than ten thousand dollars, or to imprisonment for not more than two years, or to both such fine and imprisonment.

(2) With the exception of first time violations of RCW 18.04.345, subject to subsection (3) of this section whenever the board has reason to believe that any person is violating the provisions of this chapter it shall certify the facts to the prosecuting attorney of the county in which such person resides or may be apprehended and the prosecuting attorney shall cause appropriate proceedings to be brought against such person.

(3) The board may elect to enter into a stipulated agreement and orders of assurance with persons in violation of RCW 18.04.345 who have not previously been found to have violated the provisions of this chapter. The board may order full restitution to injured parties as a condition of a stipulated agreement and order of assurance.

(4) Nothing herein contained shall be held to in any way affect the power of the courts to grant injunctive or other relief as above provided.

Sec. 20. RCW 18.04.380 and 1986 c 295 s 17 are each amended to read as follows:

(1) The display or presentation by a person of a card, sign, advertisement, or other printed, engraved, or written instrument or device, bearing a person's name in conjunction with the words "certified public accountant" or any abbreviation thereof((, or "licensed public accountant" or any abbreviation thereof, or "public accountant" or any abbreviation thereof,)) shall be prima facie evidence in any action brought under this chapter that the person whose name is so displayed, caused or procured the display or presentation of the card, sign, advertisement, or other printed, engraved, or written instrument or device, and that the person is holding himself or herself out to be a licensee, a certified public accountant, or a ((public accountant holding a license to practice)) person holding a certificate under this chapter.

(2) The display or presentation by a person of a card, sign, advertisement, or other printed, engraved, or written instrument or device, bearing a person's name in conjunction with the words certified public accountant-inactive or any abbreviation thereof is prima facie evidence in any action brought under this chapter that the person whose name is so displayed caused or procured the display or presentation of the card, sign, advertisement, or other printed, engraved, or

written instrument or device, and that the person is holding himself or herself out to be a certified public accountant-inactive under this chapter.

(3) In any ((such)) action under subsection (1) or (2) of this section, evidence of the commission of a single act prohibited by this chapter is sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

Sec. 21. RCW 18.04.390 and 1992 c 103 s 16 are each amended to read as follows:

(1) In the absence of an express agreement between the ((certified public accountant)) licensee or licensed firm and the client to the contrary, all statements, records, schedules, working papers, and memoranda made by a ((certified public accountant)) licensee or licensed firm incident to or in the course of professional service to clients, except reports submitted by a ((certified public accountant to a client)) licensee or licensed firm, are the property of the ((certified public accountant)) licensee or licensed firm.

(2) No statement, record, schedule, working paper, or memorandum may be sold, transferred, or bequeathed without the consent of the client or his or her personal representative or assignee, to anyone other than one or more surviving partners, shareholders, or new partners or new shareholders of the ((accountant)) licensee, partnership, limited liability company, or corporation, or any combined or merged partnership, limited liability company, or corporation, or successor in interest.

(3) A licensee shall furnish to the board or to his or her client or former client, upon request and reasonable notice:

(a) A copy of the licensee's working papers or electronic documents, to the extent that such working papers or electronic documents include records that would ordinarily constitute part of the client's records and are not otherwise available to the client; and

(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client that the licensee removed from the client's premises or received for the client's account; the licensee may make and retain copies of such documents of the client when they form the basis for work done by him or her.

(4) Nothing in this section shall require a licensee to keep any work paper or electronic document beyond the period prescribed in any other applicable statute.

(5) Nothing in this section should be construed as prohibiting any temporary transfer of workpapers or other material necessary in the course of carrying out peer reviews or as otherwise interfering with the disclosure of information pursuant to RCW 18.04.405.

Sec. 22. RCW 18.04.405 and 1992 c 103 s 17 are each amended to read as follows:

(1) A ((certified public accountant, a partnership or corporation of certified public accountants)) licensee, certificate holder, or licensed firm, or any of their employees shall not disclose any confidential information obtained in the course of a professional transaction except with the consent of the client or former client or as disclosure may be required by law, legal process, the standards of the profession, or as disclosure of confidential information is permitted by RCW 18.04.350 (3) and (4), 18.04.295(8), 18.04.390, and this section in connection with ((quality,)) quality assurance, or peer reviews, investigations, and any proceeding under chapter 34.05 RCW.

(2) This section shall not be construed as limiting the authority of this state or of the United States or an agency of this state, the board, or of the United States to subpoena and use such confidential information obtained by a licensee, or any of their employees in the course of a professional transaction in connection with any investigation, public hearing, or other proceeding, nor shall this section be construed as prohibiting a licensee or certified public accountant whose professional competence has been challenged in a court of law or before an administrative agency from disclosing confidential information as a part of a defense to the court action or administrative proceeding.

(3) The proceedings, records, and work papers of a review committee shall be privileged and shall not be subject to discovery, subpoena, or other means of legal process or introduction into evidence in any civil action, arbitration, administrative proceeding, or ((state accountancy)) board proceeding and no member of the review committee or person who was involved in the ((quality)) peer review process shall be permitted or required to testify in any such civil action, arbitration, administrative proceeding, or ((state accountancy)) board proceeding as to any matter produced, presented, disclosed, or discussed during or in connection with the ((quality)) peer review process, or as to any findings, recommendations, evaluations, opinions, or other actions of such committees, or any members thereof. Information, documents, or records that are publicly available are not to be construed as immune from discovery or use in any civil action, arbitration, administrative proceeding, or ((state accountancy)) board proceeding merely because they were presented or considered in connection with the quality assurance or peer review process.

NEW SECTION. Sec. 23. (1) By December 1, 2002, the board of accountancy shall report to the senate committee on labor, commerce, and financial institutions and the house committee on commerce and labor, or successor committees, on the implementation of this act, including but not limited to the provisions governing nonlicensee owners of CPA firms and the fiscal impacts.

(2) This section does not affect the board's authority to proceed with implementation of this act.

(3) This section expires January 1, 2003.

NEW SECTION. Sec. 24. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

Senator Gardner moved that the Senate concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5593.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Gardner that the Senate concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5593.

The motion by Senator Gardner carried and the Senate concurred in the House amendment to Engrossed Second Substitute Senate Bill No. 5593.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5593, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5593, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 1; Excused, 1.

Voting yea: Senators Brown, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Parlette, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Winsley - 37.

Voting nay: Senators Benton, Carlson, Hochstatter, Honeyford, Long, Morton, Oke, Roach, Stevens and Zarelli - 10.

Absent: Senator Deccio - 1.

Excused: Senator Regala - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5593, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5604 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.44.290 and 1965 c 49 s 1 are each amended to read as follows:

(1) Every person under the age of twenty-one years who purchases or attempts to purchase liquor shall be guilty of a violation of this title. This section does not apply to persons between the ages of eighteen and twenty-one years who are participating in a controlled purchase program authorized by the liquor control board under rules adopted by the board. Violations occurring under a private, controlled purchase program authorized by the liquor control board may not be used for criminal or administrative prosecution.

(2) An employer who conducts an in-house controlled purchase program authorized under this section shall provide his or her employees a written description of the employer's in-house controlled purchase program. The written description must include notice of actions an employer may take as a consequence of an employee's failure to comply with company policies regarding the sale of alcohol during an in-house controlled purchase.

(3) An in-house controlled purchase program authorized under this section shall be for the purposes of employee training and employer self-compliance checks. An employer may not terminate an employee solely for a first-time failure to comply with company policies regarding the sale of alcohol during an in-house controlled purchase program authorized under this section.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk

CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Prentice, the Senate concurred in the House amendment to Senate Bill No. 5604.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5604, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5604, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator McCaslin - 1.

Excused: Senator Regala - 1.

SENATE BILL NO. 5604, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5988 with the following amendment(s):

On page 2, line 2, after "the" strike all material through "investment" and insert "Washington personnel resources"

On page 2, line 3, after "board." strike "The" and insert the following:

"The investment board is authorized to maintain a retention pool to consist of no more than ten percent of the total salary amount of those investment officers as established by the personnel resources board to be used exclusively for recruitment and retention purposes for such employees.

The", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Snyder, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5988 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 4, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5702 with the following amendment(s):

On page 10, beginning on line 9, after "(3)" strike all material through "recent." on line 34, and insert the following: On or before December 31, 2001, the department shall adjust by rule under chapter 34.05 RCW, the forest land values contained in subsection (2) of this section in accordance with this subsection, and shall certify the adjusted values to the assessor who will use these values in preparing the assessment roll as of January 1, 2002. For the adjustment to be made on or before December 31, 2001, for use in the 2002 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1996, and June 30, 2001, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and (b) Divide the aggregate value of all timber harvested within the state between July 1, 1995, and June 30, 2000, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(c) Adjust the forest land values contained in subsection (2) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection (3).

(4) For the adjustments to be made on or before December 31, 2002, and each succeeding year thereafter, the same procedure described in subsection (3) of this section shall be followed using harvester excise tax returns filed under RCW 84.33.074. However, this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Brown, the Senate concurred in the House amendment to Substitute Senate Bill No. 5702.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5702, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5702, as amended by the House, and the bill passed the Senate by the following vote: **Yeas, 47; Nays, 0; Absent, 1; Excused, 1.**

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator McCaslin - 1.

Excused: Senator Regala - 1.

SUBSTITUTE SENATE BILL NO. 5702, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator McCaslin was excused.

MESSAGE FROM THE HOUSE

April 6, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5877 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advanced social work" means the application of social work theory and methods including emotional and biopsychosocial assessment, psychotherapy under the supervision of a licensed independent clinical social worker, case management, consultation, advocacy, counseling, and community organization.

(2) "Applicant" means a person who completes the required application, pays the required fee, is at least eighteen years of age, and meets any background check requirements and uniform disciplinary act requirements.

(3) "Committee" means the Washington state mental health counselors, marriage and family therapists, and social workers advisory committee.

(4) "Department" means the department of health.

(5) "Disciplining authority" means the department.

(6) "Independent clinical social work" means the diagnosis and treatment of emotional and mental disorders based on knowledge of human development, the causation and treatment of psychopathology, psychotherapeutic treatment practices, and social work practice as defined in advanced social work. Treatment modalities include but are not limited to diagnosis and treatment of individuals, couples, families, groups, or organizations.

(7) "Marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders, whether cognitive, affective, or behavioral, within the context of relationships, including marriage and family systems. Marriage and family therapy involves the professional application of psychotherapeutic and family systems theories and techniques in the delivery of services to individuals, couples, and families for the purpose of treating such diagnosed nervous and mental disorders. The practice of marriage and family therapy means the rendering of professional marriage and family therapy services to individuals, couples, and families, singly or in groups, whether such services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise.

(8) "Mental health counseling" means the application of principles of human development, learning theory, psychotherapy, group dynamics, and etiology of mental illness and dysfunctional behavior to individuals, couples, families, groups, and organizations, for the purpose of treatment of mental disorders and promoting optimal mental health and functionality. Mental health counseling also includes, but is not limited to, the assessment, diagnosis, and treatment of mental and emotional disorders, as well as the application of a wellness model of mental health.

(9) "Secretary" means the secretary of health or the secretary's designee.

NEW SECTION. Sec. 2. A person must not represent himself or herself as a licensed advanced social worker, licensed independent clinical social worker, licensed mental health counselor, or licensed marriage and family therapist, without being licensed by the department.

NEW SECTION. Sec. 3. Nothing in this chapter shall be construed to prohibit or restrict:

(1) The practice of marriage and family therapy, mental health counseling, or social work by an individual otherwise regulated under this title and performing services within the authorized scope of practice;

(2) The practice of marriage and family therapy, mental health counseling, or social work by an individual employed by the government of the United States or state of Washington while engaged in the performance of duties prescribed by the laws of the United States or state of Washington;

(3) The practice of marriage and family therapy, mental health counseling, or social work by a person who is a regular student in an educational program based on recognized national standards and approved by the secretary, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor;

(4) The practice of marriage and family therapy, mental health counseling, or social work under the auspices of a religious denomination, church, or religious organization.

NEW SECTION. Sec. 4. In addition to any other authority provided by law, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter. Any rules adopted shall be in consultation with the committee;

(2) Establish all licensing, examination, and renewal fees in accordance with RCW 43.70.250;

(3) Establish forms and procedures necessary to administer this chapter;

(4) Issue licenses to applicants who have met the education, training, and examination requirements for licensure and to deny a license to applicants who do not meet the requirements;

(5) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter, and hire individuals licensed under this chapter to serve as examiners for any practical examinations;

(6) Administer and supervise the grading and taking of examinations for applicants for licensure;

(7) Determine which states have credentialing requirements substantially equivalent to those of this state, and issue licenses to individuals credentialed in those states without examinations;

(8) Implement and administer a program for consumer education in consultation with the committee;

(9) Adopt rules implementing a continuing education program in consultation with the committee;

(10) Maintain the official record of all applicants and licensees; and

(11) Establish by rule the procedures for an appeal of an examination failure.

NEW SECTION. Sec. 5. The secretary shall keep an official record of all proceedings. A part of the record shall consist of a register of all applicants for licensing under this chapter and the results of each application.

NEW SECTION. Sec. 6. The Washington state mental health counselors, marriage and family therapists, and social workers advisory committee is established.

(1) The committee shall be comprised of nine members. Two members shall be licensed mental health counselors. Two members shall be licensed marriage and family therapists. One member shall be a licensed independent clinical social worker, and one member shall be a licensed advanced social worker. Three members must be consumers and represent the public at large and may not be licensed mental health care providers.

(2) Three members shall be appointed for a term of one year, three members shall be appointed for a term of two years, and three members shall be appointed for a term of three years. Subsequent members shall be appointed for terms of three years. A person must not serve as a member for more than two consecutive terms.

(3)(a) Each member must be a resident of the state of Washington.

(b) Each member must not hold an office in a professional association for mental health, social work, or marriage and family therapy and must not be employed by the state of Washington.

(c) Each professional member must have been actively engaged as a mental health counselor, marriage and family therapist, or social worker for five years immediately preceding appointment.

(d) The consumer members must represent the general public and be unaffiliated directly or indirectly with the professions licensed under this chapter.

(4) The secretary shall appoint the committee members.

(5) Committee members are immune from suit in an action, civil or criminal, based on the department's disciplinary proceedings or other official acts performed in good faith.

(6) Committee members shall be compensated in accordance with RCW 43.03.240, including travel expenses in carrying out his or her authorized duties in accordance with RCW 43.03.050 and 43.03.060.

(7) The committee shall elect a chair and vice-chair.

NEW SECTION. Sec. 7. The department of health may seek the advice and assistance of the advisory committee in administering this chapter, including, but not limited to:

(1) Advice and recommendations regarding the establishment or implementation of rules related to the administration of this chapter;

(2) Advice, recommendations, and consultation regarding case disposition guidelines and priorities related to unprofessional conduct cases regarding licensed mental health counselors, licensed clinical social workers, licensed advanced social workers, and licensed marriage and family therapists;

(3) Assistance and consultation of individual committee members as needed in the review, analysis, and disposition of reports of unprofessional conduct and consumer complaints;

(4) Assistance and recommendations to enhance consumer education; and

(5) Assistance and recommendations regarding any continuing education and continuing competency programs administered under the provisions of the chapter.

NEW SECTION. Sec. 8. The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of licensure, and the discipline of persons licensed under this chapter. The secretary shall be the disciplinary authority under this chapter.

NEW SECTION. Sec. 9. (1) The secretary shall issue a license to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following education and experience requirements for the applicant's practice area.

(a) Licensed social work classifications:

(i) Licensed advanced social worker:

(A) Graduation from a master's or doctorate social work educational program accredited by the council on social work education and approved by the secretary based upon nationally recognized standards;

(B) Successful completion of an approved examination;

(C) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of three thousand two hundred hours with ninety hours of supervision by a licensed independent clinical social worker or a licensed advanced social worker who has been licensed or certified for at least two years. Of those hours, fifty hours must include direct supervision by a licensed advanced social worker or licensed independent clinical social worker; the other forty hours may be with an equally qualified licensed mental health practitioner. Forty hours must be in one-to-one supervision and fifty hours may be in one-to-one supervision or group supervision. Distance supervision is limited to forty supervision hours. Eight hundred hours must be in direct client contact; and

(D) Successful completion of continuing education requirements of thirty-six hours, with six in professional ethics.

(ii) Licensed independent clinical social worker:

(A) Graduation from a master's or doctorate level social work educational program accredited by the council on social work education and approved by the secretary based upon nationally recognized standards;

(B) Successful completion of an approved examination;

(C) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of four thousand hours of experience, of which one thousand hours must be direct client contact, over a three-year period supervised by a licensed independent clinical social worker, with supervision of at least one hundred thirty hours by a licensed mental health practitioner. Of the total supervision, seventy hours must be with an independent clinical social worker; the other sixty hours may be with an equally qualified licensed mental health practitioner. Sixty hours must be in one-to-one supervision and seventy hours may be in one-to-one supervision or group supervision. Distance supervision is limited to sixty supervision hours; and

(D) Successful completion of continuing education requirements of thirty-six hours, with six in professional ethics.

(b) Licensed mental health counselor:

(i) Graduation from a master's or doctoral level educational program in mental health counseling or a related discipline from a college or university approved by the secretary based upon nationally recognized standards;

(ii) Successful completion of an approved examination;
(iii) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of thirty-six months full-time counseling or three thousand hours of postgraduate mental health counseling under the supervision of a qualified licensed mental health counselor in an approved setting. The three thousand hours of required experience includes a minimum of one hundred hours spent in immediate supervision with the qualified licensed mental health counselor, and includes a minimum of one thousand two hundred hours of direct counseling with individuals, couples, families, or groups; and

(iv) Successful completion of continuing education requirements of thirty-six hours, with six in professional ethics.

(c) Licensed marriage and family therapist:

(i) Graduation from a master's degree or doctoral degree educational program in marriage and family therapy or graduation from an educational program in an allied field equivalent to a master's degree or doctoral degree in marriage and family therapy approved by the secretary based upon nationally recognized standards;

(ii) Successful passage of an approved examination;

(iii) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of two calendar years of full-time marriage and family therapy. Of the total supervision, one hundred hours must be with a licensed marriage and family therapist with at least five years' clinical experience; the other one hundred hours may be with an equally qualified licensed mental health practitioner. Total experience requirements include:

(A) A minimum of three thousand hours of experience, one thousand hours of which must be direct client contact; at least five hundred hours must be gained in diagnosing and treating couples and families; plus

(B) At least two hundred hours of qualified supervision with a supervisor. At least one hundred of the two hundred hours must be one-on-one supervision, and the remaining hours may be in one-on-one or group supervision.

Applicants who have completed a master's program accredited by the commission on accreditation for marriage and family therapy education of the American association for marriage and family therapy may be credited with five hundred hours of direct client contact and one hundred hours of formal meetings with an approved supervisor; and

(iv) Successful completion of continuing education requirements of thirty-six hours, with six in professional ethics.

(2) The department shall establish by rule what constitutes adequate proof of meeting the criteria.

(3) In addition, applicants shall be subject to the grounds for denial of a license or issuance of a conditional license under chapter 18.130 RCW.

NEW SECTION. Sec. 10. A person licensed under this chapter must provide clients at the commencement of any program of treatment with accurate disclosure information concerning the practice, in accordance with rules adopted by the department, including the right of clients to refuse treatment, the responsibility of clients to choose the provider and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter. The disclosure information must also include the license holder's professional education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, financial requirements, and such other information as required by rule. The disclosure must be acknowledged in writing by the client and license holder.

NEW SECTION. Sec. 11. (1) The date and location of examinations shall be established by the secretary. Applicants who have been found by the secretary to meet the other requirements for licensure shall be scheduled for the next examination following the filing of the application. The secretary shall establish by rule the examination application deadline.

(2) The secretary or the secretary's designees shall examine each applicant, by means determined most effective, on subjects appropriate to the scope of practice, as applicable. Such examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading of the papers, and the grading of any practical work shall be preserved for a period of not less than one year after the secretary has made and published the decisions. All examinations shall be conducted under fair and wholly impartial methods.

(4) The secretary may approve an examination prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the licensing requirements.

NEW SECTION. Sec. 12. Applications for licensing shall be submitted on forms provided by the secretary. The secretary may require any information and documentation which reasonably relates to the need to determine whether the applicant meets the criteria for licensing provided for in this chapter and chapter 18.130 RCW. Each applicant shall pay a fee determined by the secretary under RCW 43.70.250. The fee shall accompany the application.

NEW SECTION. Sec. 13. Any person certified under chapter 18.19 RCW who has met the applicable experience and education requirements under chapter 18.19 RCW prior to the effective date of this act is eligible for a license as an advanced social worker, an independent clinical social worker, a marriage and family therapist, or a mental health counselor under this chapter without taking the examination.

NEW SECTION. Sec. 14. An applicant holding a credential in another state may be licensed to practice in this state without examination if the secretary determines that the other state's credentialing standards are substantially equivalent to the licensing standards in this state.

NEW SECTION. Sec. 15. The secretary shall establish by rule the procedural requirements and fees for renewal of a license. Failure to renew shall invalidate the license and all privileges granted by the license. If a license has lapsed for a period longer than three years, the person shall demonstrate competence to the satisfaction of the secretary by taking continuing education courses, or meeting other standards determined by the secretary.

NEW SECTION. Sec. 16. This chapter shall not be construed as permitting the administration or prescription of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 or 18.57 RCW, or in any way infringing upon the practice of psychology as defined in chapter 18.83 RCW, or restricting the scope of the practice of counseling for those registered under chapter 18.19 RCW, or restricting the scope of practice of persons licensed under this chapter.

Sec. 17. RCW 18.19.010 and 1987 c 512 s 1 are each amended to read as follows:

The qualifications and practices of counselors in this state are virtually unknown to potential clients. Beyond the regulated practices of psychiatry and psychology, there are a considerable variety of disciplines, theories, and techniques employed by other counselors under a number of differing titles. The legislature recognizes the right of all counselors to practice their skills freely, consistent with the requirements of the public health and safety, as well as the right of individuals to choose which counselors best suit their needs and purposes. This chapter shall not be construed to require or prohibit that individual or group

policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person registered (~~or certified~~) under this chapter.

Sec. 18. RCW 18.19.020 and 1991 c 3 s 19 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) (~~"Certified marriage and family therapist" means a person certified to practice marriage and family therapy pursuant to RCW 18.19.130.~~

~~(2) "Certified mental health counselor" means a person certified to practice mental health counseling pursuant to RCW 18.19.120.~~

~~(3) "Certified social worker" means a person certified to practice social work pursuant to RCW 18.19.110.~~

~~(4)) "Client" means an individual who receives or participates in counseling or group counseling.~~

~~((5)) (2) "Counseling" means employing any therapeutic techniques, including but not limited to social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee that offer, assist or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential. For the purposes of this chapter, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.~~

~~((6)) (3) "Counselor" means an individual, practitioner, therapist, or analyst who engages in the practice of counseling to the public for a fee, including for the purposes of this chapter, hypnotherapists.~~

~~((7)) (4) "Department" means the department of health.~~

~~((8)) (5) "Secretary" means the secretary of the department or the secretary's designee.~~

Sec. 19. RCW 18.19.030 and 1991 c 3 s 20 are each amended to read as follows:

No person may, for a fee or as a part of his or her position as an employee of a state agency, practice counseling without being registered to practice by the department under this chapter unless exempt under RCW 18.19.040. (~~No person may represent himself or herself as a certified social worker, certified mental health counselor, or certified marriage and family therapist without being so certified by the department under this chapter.~~)

Sec. 20. RCW 18.19.040 and 1987 c 512 s 4 are each amended to read as follows:

Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of a profession by a person who is either registered, certified, licensed, or similarly regulated under the laws of this state and who is performing services within the person's authorized scope of practice, including any attorney admitted to practice law in this state when providing counseling incidental to and in the course of providing legal counsel;

(2) The practice of counseling by an employee or trainee of any federal agency, or the practice of counseling by a student of a college or university, if the employee, trainee, or student is practicing solely under the supervision of and accountable to the agency, college, or university, through which he or she performs such functions as part of his or her position for no additional fee other than ordinary compensation;

(3) The practice of counseling by a person without a mandatory charge;

(4) The practice of counseling by persons offering services for public and private nonprofit organizations or charities not primarily engaged in counseling for a fee when approved by the organizations or agencies for whom they render their services;

(5) Evaluation, consultation, planning, policy-making, research, or related services conducted by social scientists for private corporations or public agencies;

(6) The practice of counseling by a person under the auspices of a religious denomination, church, or organization, or the practice of religion itself;

(7) Counselors whose residency is not Washington state from providing up to ten days per quarter of training or workshops in the state, as long as they don't hold themselves out to be registered (~~or certified~~) in Washington state.

Sec. 21. RCW 18.19.050 and 1991 c 3 s 21 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary has the following authority:

(a) To adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) To set all (~~certification~~) registration(~~;~~) and renewal fees in accordance with RCW 43.70.250 and to collect and deposit all such fees in the health professions account established under RCW 43.70.320;

(c) To establish forms and procedures necessary to administer this chapter;

(d) To hire clerical, administrative, and investigative staff as needed to implement this chapter;

(e) To issue a registration to any applicant who has met the requirements for registration; and

(f) (~~To set educational, ethical, and professional standards of practice for certification;~~

~~(g) To prepare and administer or cause to be prepared and administered an examination for all qualified applicants for certification;~~

~~(h) To establish criteria for evaluating the ability and qualifications of persons applying for a certificate, including standards for passing the examination and standards of qualification for certification to practice;~~

~~(i) To evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate and to establish standards and procedures for accepting alternative training in lieu of such graduation;~~

~~(j) To issue a certificate to any applicant who has met the education, training, and conduct requirements for certification;~~

~~(k) To set competence requirements for maintaining certification; and~~

~~(l)) To develop a dictionary of recognized professions and occupations providing counseling services to the public included under this chapter.~~

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of (~~certifications and~~) registrations and the discipline of (~~certified practitioners and~~) registrants under this chapter. The secretary shall be the disciplining authority under this chapter. The absence of educational or training requirements for counselors registered under this chapter or the counselor's use of nontraditional nonabusive therapeutic techniques shall not, in and of itself, give the secretary authority to unilaterally determine the training and competence or to define or restrict the scope of practice of such individuals.

(3) The department shall publish and disseminate information in order to educate the public about the responsibilities of counselors and the rights and responsibilities of clients established under this chapter. Solely for the purposes of administering this education requirement, the secretary shall assess an additional fee for each (~~registration and certification~~) application and renewal, equal to five percent of the fee. The revenue collected from the assessment fee may be appropriated by the legislature for

the department's use in educating consumers pursuant to this section. The authority to charge the assessment fee shall terminate on June 30, 1994.

Sec. 22. RCW 18.19.060 and 1987 c 512 s 6 are each amended to read as follows:

Persons registered (~~(or-certified)~~) under this chapter shall provide clients at the commencement of any program of treatment with accurate disclosure information concerning their practice, in accordance with guidelines developed by the department, that will inform clients of the purposes of and resources available under this chapter, including the right of clients to refuse treatment, the responsibility of clients for choosing the provider and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter. The disclosure information provided by the counselor, the receipt of which shall be acknowledged in writing by the counselor and client, shall include any relevant education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, any financial requirements, and such other information as the department may require by rule. The disclosure information shall also include a statement that registration of an individual under this chapter does not include a recognition of any practice standards, nor necessarily imply the effectiveness of any treatment.

Sec. 23. RCW 18.19.080 and 1991 c 3 s 23 are each amended to read as follows:

The secretary shall keep an official record of all proceedings, a part of which record shall consist of a register of all applicants for registration (~~(or-certification)~~) under this chapter, with the result of each application.

Sec. 24. RCW 18.19.180 and 1991 c 3 s 33 are each amended to read as follows:

An individual registered (~~(or-certified)~~) under this chapter shall not disclose the written acknowledgment of the disclosure statement pursuant to RCW 18.19.060 nor any information acquired from persons consulting the individual in a professional capacity when that information was necessary to enable the individual to render professional services to those persons except:

(1) With the written consent of that person or, in the case of death or disability, the person's personal representative, other person authorized to sue, or the beneficiary of an insurance policy on the person's life, health, or physical condition;

(2) That a person registered (~~(or-certified)~~) under this chapter is not required to treat as confidential a communication that reveals the contemplation or commission of a crime or harmful act;

(3) If the person is a minor, and the information acquired by the person registered (~~(or-certified)~~) under this chapter indicates that the minor was the victim or subject of a crime, the person registered (~~(or-certified)~~) may testify fully upon any examination, trial, or other proceeding in which the commission of the crime is the subject of the inquiry;

(4) If the person waives the privilege by bringing charges against the person registered (~~(or-certified)~~) under this chapter;

(5) In response to a subpoena from a court of law or the secretary. The secretary may subpoena only records related to a complaint or report under chapter 18.130 RCW; or

(6) As required under chapter 26.44 RCW.

Sec. 25. RCW 18.19.190 and 1987 c 512 s 18 are each amended to read as follows:

This chapter shall not be construed as permitting the administration or prescription of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 RCW, or in any way infringing upon the practice of psychology as defined in chapter 18.83 RCW, or restricting the scope of the practice of counseling for those registered (~~(or-certified)~~) under this chapter.

Sec. 26. RCW 18.120.020 and 2000 c 93 s 15 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW; dispensing opticians under chapter 18.34 RCW; hearing instruments under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW; respiratory care practitioners licensed under chapter 18.89 RCW; veterinarians and veterinary technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; acupuncturists licensed under chapter 18.06 RCW; persons registered (~~(or-certified)~~) under chapter 18.19 RCW; persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.-- RCW (sections 1 through 16 of this act); dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; and nursing assistants registered or certified under chapter 18.88A RCW.

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

Sec. 27. RCW 18.130.040 and 1999 c 335 s 10 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW;

(vii) Acupuncturists licensed under chapter 18.06 RCW;

(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;

(x) Persons registered (~~or certified~~) under chapter 18.19 RCW;

(xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.--

RCW (sections 1 through 16 of this act);

~~(xii)~~ Persons registered as nursing pool operators under chapter 18.52C RCW;

~~((xiii))~~ ~~(xiii)~~ Nursing assistants registered or certified under chapter 18.88A RCW;

~~((xiiii))~~ ~~(xiv)~~ Health care assistants certified under chapter 18.135 RCW;

~~((xv))~~ ~~(xv)~~ Dietitians and nutritionists certified under chapter 18.138 RCW;

~~((xvi))~~ ~~(xvi)~~ Chemical dependency professionals certified under chapter 18.205 RCW;

~~((xvii))~~ ~~(xvii)~~ Sex offender treatment providers certified under chapter 18.155 RCW;

~~((xviii))~~ ~~(xviii)~~ Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

~~((xix))~~ ~~(xix)~~ Persons registered as adult family home providers and resident managers under RCW 18.48.020;

~~((xx))~~ ~~(xx)~~ Denturists licensed under chapter 18.30 RCW;

~~((xxi))~~ ~~(xxi)~~ Orthotists and prosthetists licensed under chapter 18.200 RCW; and

~~((xxii))~~ ~~(xxii)~~ Surgical technologists registered under chapter 18.215 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

Sec. 28. RCW 9A.44.010 and 1997 c 392 s 513 and 1997 c 112 s 37 are each reenacted and amended to read as follows:

As used in this chapter:

- (1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and
(b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and
(c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.
- (2) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.
- (3) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.
- (4) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause.
- (5) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
- (6) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped.
- (7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.
- (8) "Significant relationship" means a situation in which the perpetrator is:
 - (a) A person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors;
 - (b) A person who in the course of his or her employment supervises minors; or
 - (c) A person who provides welfare, health or residential assistance, personal care, or organized recreational activities to frail elders or vulnerable adults, including a provider, employee, temporary employee, volunteer, or independent contractor who supplies services to long-term care facilities licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW, but not including a consensual sexual partner.
- (9) "Abuse of a supervisory position" means a direct or indirect threat or promise to use authority to the detriment or benefit of a minor.
- (10) "Developmentally disabled," for purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person with a developmental disability as defined in RCW 71A.10.020.
- (11) "Person with supervisory authority," for purposes of RCW 9A.44.050(1) (c) or (e) and 9A.44.100(1) (c) or (e), means any proprietor or employee of any public or private care or treatment facility who directly supervises developmentally disabled, mentally disordered, or chemically dependent persons at the facility.
- (12) "Mentally disordered person" for the purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental disorder" as defined in RCW 71.05.020.
- (13) "Chemically dependent person" for purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person who is "chemically dependent" as defined in RCW 70.96A.020(4).
- (14) "Health care provider" for purposes of RCW 9A.44.050 and 9A.44.100 means a person who is, holds himself or herself out to be, or provides services as if he or she were: (a) A member of a health care profession under chapter 18.130 RCW; or (b) registered (~~or certified~~) under chapter 18.19 RCW or licensed under chapter 18.-- RCW (sections 1 through 16 of this act), regardless of whether the health care provider is licensed, certified, or registered by the state.
- (15) "Treatment" for purposes of RCW 9A.44.050 and 9A.44.100 means the active delivery of professional services by a health care provider which the health care provider holds himself or herself out to be qualified to provide.
- (16) "Frail elder or vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself. "Frail elder or vulnerable adult" also includes a person found incapacitated under chapter 11.88 RCW, a person over eighteen years of age who has a developmental disability under chapter 71A.10 RCW, a person admitted to a long-term care facility that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and a person receiving services from a home health, hospice, or home care agency licensed or required to be licensed under chapter 70.127 RCW.

Sec. 29. RCW 18.100.050 and 1999 c 128 s 1 are each amended to read as follows:

- (1) An individual or group of individuals duly licensed or otherwise legally authorized to render the same professional services within this state may organize and become a shareholder or shareholders of a professional corporation for pecuniary profit under the provisions of Title 23B RCW for the purpose of rendering professional service. One or more of the legally authorized individuals shall be the incorporators of the professional corporation.
- (2) Notwithstanding any other provision of this chapter, registered architects and registered engineers may own stock in and render their individual professional services through one professional service corporation.
- (3) Licensed health care professionals, providing services to enrolled participants either directly or through arrangements with a health maintenance organization registered under chapter 48.46 RCW or federally qualified health maintenance organization, may own stock in and render their individual professional services through one professional service corporation.
- (4) Professionals may organize a nonprofit nonstock corporation under this chapter and chapter 24.03 RCW to provide professional services, and the provisions of this chapter relating to stock and referring to Title 23B RCW shall not apply to any such corporation.
- (5)(a) Notwithstanding any other provision of this chapter, health care professionals who are licensed or certified pursuant to chapters 18.06, ~~((18.19;))~~ 18.-- (sections 1 through 16 of this act), 18.22, 18.25, 18.29, 18.34, 18.35, 18.36A, 18.50, 18.53, 18.55, 18.57, 18.57A, 18.64, 18.71, 18.71A, 18.79, 18.83, 18.89, 18.108, and 18.138 RCW may own stock in and render their individual professional services through one professional service corporation and are to be considered, for the purpose of forming a

professional service corporation, as rendering the "same specific professional services" or "same professional services" or similar terms.

(b) Notwithstanding any other provision of this chapter, health care professionals who are regulated under chapters 18.59 and 18.74 RCW may own stock in and render their individual professional services through one professional service corporation formed for the sole purpose of providing professional services within their respective scope of practice.

(c) Formation of a professional service corporation under this subsection does not restrict the application of the uniform disciplinary act under chapter 18.130 RCW, or applicable health care professional statutes under Title 18 RCW, including but not limited to restrictions on persons practicing a health profession without being appropriately credentialed and persons practicing beyond the scope of their credential.

Sec. 30. RCW 18.205.090 and 1998 c 243 s 9 are each amended to read as follows:

(1) The secretary shall issue a certificate to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Completion of an educational program approved by the secretary or successful completion of alternate training that meets established criteria;

(b) Successful completion of an approved examination, based on core competencies of chemical dependency counseling; and

(c) Successful completion of an experience requirement that establishes fewer hours of experience for applicants with higher levels of relevant education. In meeting any experience requirement established under this subsection, the secretary may not require more than one thousand five hundred hours of experience in chemical dependency counseling for applicants who are licensed under chapter 18.83 RCW or under chapter 18.79 RCW as advanced registered nurse practitioners.

(2) The secretary shall establish by rule what constitutes adequate proof of meeting the criteria.

(3) Applicants are subject to the grounds for denial of a certificate or issuance of a conditional certificate under chapter 18.130 RCW.

(4) Certified chemical dependency professionals shall not be required to be registered under chapter 18.19 RCW or licensed under chapter 18.-- RCW (sections 1 through 16 of this act).

Sec. 31. RCW 25.05.510 and 1998 c 103 s 1103 are each amended to read as follows:

(1) A person or group of persons licensed or otherwise legally authorized to render professional services, as defined in RCW 18.100.030, within this state may organize and become a member or members of a limited liability partnership under the provisions of this chapter for the purposes of rendering professional service. Nothing in this section prohibits a person duly licensed or otherwise legally authorized to render professional services in any jurisdiction other than this state from becoming a member of a limited liability partnership organized for the purpose of rendering the same professional services. Nothing in this section prohibits a limited liability partnership from rendering professional services outside this state through individuals who are not duly licensed or otherwise legally authorized to render such professional services within this state.

(2)(a) Notwithstanding any other provision of this chapter, health care professionals who are licensed or certified pursuant to chapters 18.06, ~~((18.19,))~~ 18.-- (sections 1 through 16 of this act), 18.22, 18.25, 18.29, 18.34, 18.35, 18.36A, 18.50, 18.53, 18.55, 18.64, 18.79, 18.83, 18.89, 18.108, and 18.138 RCW may join and render their individual professional services through one limited liability partnership and are to be considered, for the purpose of forming a limited liability partnership, as rendering the "same specific professional services" or "same professional services" or similar terms.

(b) Notwithstanding any other provision of this chapter, health care professionals who are licensed pursuant to chapters 18.57 and 18.71 RCW may join and render their individual professional services through one limited liability partnership and are to be considered, for the purpose of forming a limited liability partnership, as rendering the "same specific professional services" or "same professional services" or similar terms.

(c) Formation of a limited liability partnership under this subsection does not restrict the application of the uniform disciplinary act under chapter 18.130 RCW, or any applicable health care professional statutes under Title 18 RCW, including but not limited to restrictions on persons practicing a health profession without being appropriately credentialed and persons practicing beyond the scope of their credential.

Sec. 32. RCW 25.15.045 and 1999 c 128 s 2 are each amended to read as follows:

(1) A person or group of persons licensed or otherwise legally authorized to render professional services within this or any other state may organize and become a member or members of a professional limited liability company under the provisions of this chapter for the purposes of rendering professional service. A "professional limited liability company" is subject to all the provisions of chapter 18.100 RCW that apply to a professional corporation, and its managers, members, agents, and employees shall be subject to all the provisions of chapter 18.100 RCW that apply to the directors, officers, shareholders, agents, or employees of a professional corporation, except as provided otherwise in this section. Nothing in this section prohibits a person duly licensed or otherwise legally authorized to render professional services in any jurisdiction other than this state from becoming a member of a professional limited liability company organized for the purpose of rendering the same professional services. Nothing in this section prohibits a professional limited liability company from rendering professional services outside this state through individuals who are not duly licensed or otherwise legally authorized to render such professional services within this state. Persons engaged in a profession and otherwise meeting the requirements of this chapter may operate under this chapter as a professional limited liability company so long as each member personally engaged in the practice of the profession in this state is duly licensed or otherwise legally authorized to practice the profession in this state and:

(a) At least one manager of the company is duly licensed or otherwise legally authorized to practice the profession in this state; or

(b) Each member in charge of an office of the company in this state is duly licensed or otherwise legally authorized to practice the profession in this state.

(2) If the company's members are required to be licensed to practice such profession, and the company fails to maintain for itself and for its members practicing in this state a policy of professional liability insurance, bond, or other evidence of financial responsibility of a kind designated by rule by the state insurance commissioner and in the amount of at least one million dollars or a greater amount as the state insurance commissioner may establish by rule for a licensed profession or for any specialty within a profession, taking into account the nature and size of the business, then the company's members are personally liable to the extent that, had the insurance, bond, or other evidence of responsibility been maintained, it would have covered the liability in question.

(3) For purposes of applying the provisions of chapter 18.100 RCW to a professional limited liability company, the terms "director" or "officer" means manager, "shareholder" means member, "corporation" means professional limited liability company, "articles of incorporation" means certificate of formation, "shares" or "capital stock" means a limited liability company interest, "incorporator" means the person who executes the certificate of formation, and "bylaws" means the limited liability company agreement.

(4) The name of a professional limited liability company must contain either the words "Professional Limited Liability Company," or the words "Professional Limited Liability" and the abbreviation "Co.," or the abbreviation "P.L.L.C." or "PLLC" provided that the name of a professional limited liability company organized to render dental services shall contain the full names or surnames of all members and no other word than "chartered" or the words "professional services" or the abbreviation "P.L.L.C." or "PLLC."

(5) Subject to the provisions in article VII of this chapter, the following may be a member of a professional limited liability company and may be the transferee of the interest of an ineligible person or deceased member of the professional limited liability company:

(a) A professional corporation, if its shareholders, directors, and its officers other than the secretary and the treasurer, are licensed or otherwise legally authorized to render the same specific professional services as the professional limited liability company; and

(b) Another professional limited liability company, if the managers and members of both professional limited liability companies are licensed or otherwise legally authorized to render the same specific professional services.

(6)(a) Notwithstanding any other provision of this chapter, health care professionals who are licensed or certified pursuant to chapters 18.06, ~~((18.19,))~~ 18.-- (sections 1 through 16 of this act), 18.22, 18.25, 18.29, 18.34, 18.35, 18.36A, 18.50, 18.53, 18.55, 18.57, 18.57A, 18.64, 18.71, 18.71A, 18.79, 18.83, 18.89, 18.108, and 18.138 RCW may own membership interests in and render their individual professional services through one limited liability company and are to be considered, for the purpose of forming a limited liability company, as rendering the "same specific professional services" or "same professional services" or similar terms.

(b) Notwithstanding any other provision of this chapter, health care professionals who are regulated under chapters 18.59 and 18.74 RCW may own membership interests in and render their individual professional services through one limited liability company formed for the sole purpose of providing professional services within their respective scope of practice.

(c) Formation of a limited liability company under this subsection does not restrict the application of the uniform disciplinary act under chapter 18.130 RCW, or any applicable health care professional statutes under Title 18 RCW, including but not limited to restrictions on persons practicing a health profession without being appropriately credentialed and persons practicing beyond the scope of their credential.

Sec. 33. RCW 48.43.087 and 1996 c 304 s 1 are each amended to read as follows:

(1) For purposes of this section:

(a) "Health carrier" includes disability insurers regulated under chapter 48.20 or 48.21 RCW, health care services contractors regulated under chapter 48.44 RCW, plans operating under the health care authority under chapter 41.05 RCW, the basic health plan operating under chapter 70.47 RCW, the state health insurance pool operating under chapter 48.41 RCW, insuring entities regulated under this chapter, and health maintenance organizations regulated under chapter 48.46 RCW.

(b) "Intermediary" means a person duly authorized to negotiate and execute provider contracts with health carriers on behalf of mental health care practitioners.

(c) Consistent with their lawful scopes of practice, "mental health care practitioners" includes only the following: Any generally recognized medical specialty of practitioners licensed under chapter 18.57 or 18.71 RCW who provide mental health services, advanced practice psychiatric nurses as authorized by the nursing care quality assurance commission under chapter 18.79 RCW, psychologists licensed under chapter 18.83 RCW, ~~((social workers, marriage and family therapists, and mental health counselors certified under chapter 18.19 RCW))~~ and mental health counselors, marriage and family therapists, and social workers licensed under chapter 18.-- RCW (sections 1 through 16 of this act).

(d) "Mental health services" means outpatient services.

(2) Consistent with federal and state law and rule, no contract between a mental health care practitioner and an intermediary or between a mental health care practitioner and a health carrier that is written, amended, or renewed after June 6, 1996, may contain a provision prohibiting a practitioner and an enrollee from agreeing to contract for services solely at the expense of the enrollee as follows:

(a) On the exhaustion of the enrollee's mental health care coverage;

(b) During an appeal or an adverse certification process;

(c) When an enrollee's condition is excluded from coverage; or

(d) For any other clinically appropriate reason at any time.

(3) If a mental health care practitioner provides services to an enrollee during an appeal or adverse certification process, the practitioner must provide to the enrollee written notification that the enrollee is responsible for payment of these services, unless the health carrier elects to pay for services provided.

(4) This section does not apply to a mental health care practitioner who is employed full time on the staff of a health carrier.

NEW SECTION. Sec. 34. A new section is added to chapter 70.02 RCW to read as follows:

Mental health counselors, marriage and family therapists, and social workers licensed under chapter 18.-- RCW (sections 1 through 16 of this act) are subject to this chapter.

NEW SECTION. Sec. 35. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 36. Sections 1 through 16 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 37. The following acts or parts of acts are each repealed:

(1) RCW 18.19.070 (Council established--Membership--Qualifications--Removal--Vacancy--Duties and powers--Compensation) and 1996 c 191 s 4, 1994 sp.s. c 9 s 501, 1991 c 3 s 22, & 1987 c 512 s 7;

(2) RCW 18.19.110 (Certification of social workers) and 1991 c 3 s 26 & 1987 c 512 s 12;

- (3) RCW 18.19.120 (Certification of mental health counselors--Practice defined--Continuing education) and 1995 c 183 s 1, 1991 c 3 s 27, & 1987 c 512 s 13;
- (4) RCW 18.19.130 (Certification of marriage and family therapists--Practice defined) and 1993 c 259 s 1, 1991 c 3 s 28, & 1987 c 512 s 14;
- (5) RCW 18.19.140 (Applications for certification) and 1991 c 3 s 29 & 1987 c 512 s 17;
- (6) RCW 18.19.150 (Examination of applicants for certification) and 1991 c 3 s 30 & 1987 c 512 s 16;
- (7) RCW 18.19.160 (Certification of persons credentialed out-of-state--Temporary retirement of certified persons) and 1991 c 3 s 31 & 1987 c 512 s 19; and
- (8) RCW 18.19.170 (Renewal of certificates--Continuing education) and 1998 c 32 s 1, 1996 c 191 s 6, 1991 c 3 s 32, & 1987 c 512 s 15."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

Senator Thibaudeau moved that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 5877.

Debate ensued.

POINT OF INQUIRY

Senator Zarelli: "Senator Thibaudeau, I just wanted to clarify--my original concern over the bill was the privilege and confidentiality between a parent and the child that that bill will allow. Are we saying now, with this House amendment, that that confidentiality and privilege no longer is in the bill and, therefore, the issue that Senator Hargrove has brought up is no longer a matter within this bill?"

Senator Thibaudeau: "Yes, that is true. It is not in this bill. It is true, as Senator Costa said, it is simply not relevant. It simply sets the standards for the educational and professional requirements."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Thibaudeau that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 5877.

The motion by Senator Thibaudeau carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5877.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5877, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5877, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Parlette, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and West - 33.

Voting nay: Senators Hargrove, Hochstatter, Honeyford, Johnson, Long, McDonald, Morton, Oke, Roach, Rossi, Sheahan, Stevens, Swecker, Winsley and Zarelli - 15.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5877, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5114 with the following amendment(s):

Beginning on page 2, after line 3, strike all material through "46.20.520." on line 9., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Horn, the Senate concurred in the House amendment to Substitute Senate Bill No. 5114.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5114, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5114, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 5114, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Zarelli, the Senate receded from its amendment(s) to Engrossed Substitute Senate Bill No. 1625.

MOTIONS

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute House Bill No. 1625 was returned to second reading and read the second time.

On motion of Senator Zarelli, the following striking amendment by Senators Fairley and Zarelli was adopted: Strike everything after the enacting clause and insert the following:

"Sec. 1. 1999 c 379 s 112 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Development Loan Fund (88-2-006) (00-2-004)

Reappropriation:

State Building Construction Account--State \$ 558,716

Washington State Development Loan

Account--((State)) Federal \$ 2,439,932

Subtotal Reappropriation \$ 2,998,648

Appropriation:

Washington State Development Loan

Account--((State)) Federal \$ 3,500,000

Prior Biennia (Expenditures) \$ 805,237

Future Biennia (Projected Costs) \$ 18,000,000

TOTAL \$ 25,303,885

Sec. 2. 1999 c 379 s 758 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works: Program (00-1-130)

The appropriation in this section are subject to the following conditions and limitations:

(1) \$350,000 is provided for technical engineering analysis and financial planning regarding the conversion to digital transmission for Washington public broadcast stations. The financial plan shall assess state, federal, nonprofit foundations, viewer donations, and other sources of revenue to implement the conversion from analog to digital transmission. The provision of these study funds do not imply a further commitment of funding by the state of Washington.

(2) Funding is provided ((from the state building construction account)) as capital project matching funds to the following colleges: Wenatchee Valley, \$250,000; Clark, \$250,000; Lake Washington, \$300,000; Bellevue, \$500,000; Walla Walla, \$500,000; Grays Harbor, \$400,000. State funds shall be matched by an equal or greater amount of nonstate moneys.

(3) Following the allocation of funds for the projects in subsections (1) and (2) of this section, the appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account--State \$ 15,050,000
Community and Technical Colleges Capital Projects
Account--State \$ 1,800,000

Subtotal Appropriation \$ 16,850,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,850,000

Sec. 3. 2000 2nd sp.s. c 1 s 1008 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building Renovation

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903, chapter 379, Laws of 1999.

(2) ~~(\$2,000,000)~~ \$4,500,000 of the appropriation in this section is provided for design of the interior rehabilitation and exterior preservation ~~((of))~~ and earthquake-related costs associated with the state legislative building ~~((consistent with the recommendations of the commission on legislative building preservation and renovation))~~. Funds in this subsection are also provided for planning ~~((and development of))~~, developing, and securing relocation space for current and future construction projects related to the capitol historic district ~~((as well as access))~~ and site improvements ~~((to the south portico area))~~.

(3) The department, in consultation with the legislature, the governor, and the state capitol committee, shall immediately begin planning and initiate an accelerated design/construction schedule for the renovation of the state legislative building as follows:

(a) No new permanent buildings shall be constructed, and the department shall follow standards for historic preservation;

(b) The goal shall be to reoccupy the building in time for the 2004 legislative session;

(c) The department shall make temporary accommodations for the displacement of legislators and legislative staff in the John L. O'Brien building, the Pilchard building, the Cherberg building, and the Newhouse building;

(d) The department shall temporarily move the state library to the Sunset Life building by June 30, 2001, and, if needed, the department shall lease storage facilities in Thurston county for books and other library assets;

(e) The department shall make temporary accommodations for other tenants of the state legislative building as follows:

(i) The office of the insurance commissioner shall be moved to leased space in Thurston county;

(ii) The office of the governor shall be moved to the Insurance building;

(iii) The office of the code reviser and the lieutenant governor shall be moved to a location on the west capitol campus;

and

(iv) The other tenants, including the office of the state treasurer, the office of the state auditor, and the office of the secretary of state shall be moved to leased space in Thurston county;

(f) The state legislative building shall be completely vacated by September 15, 2001, to make it available for renovation by the contractor; and

(g) State contracts for the legislative building renovation, Nisqually earthquake repair, and future earthquake mitigation shall conform to all rules, regulations, and requirements of the federal emergency management agency.

(4) \$1,000,000 of the appropriation in this section is provided for associated studies including:

(a) A private financing feasibility study;

(b) An investigation of exterior sandstone attachment; and

(c) A space use programming study to include:

(i) A prioritization of uses within the legislative building based on functional affiliation with the legislative process and the ceremonial functions of state-wide office holders that takes into consideration emerging telecommunication capabilities;

(ii) An analysis of space efficiency and space use related to legislative and state-wide ceremonial functions in the following buildings: Cherberg, O'Brien, Pilchard, Newhouse, the governor's mansion, and insurance;

(iii) A review of alternative uses and expansion capabilities for buildings on the capitol campus; and

(iv) By November 30, 2000, the department shall submit a report to the appropriate committees of the legislature on the recommendations of the space use programming study. These recommendations shall be the basis for the planning and development of relocation space for the capitol historic district ~~((as specified in subsection (2) of this section))~~.

~~((4))~~ (5) The state capitol committee, in conjunction with a legislative building renovation oversight committee consisting of two members from both the house of representatives and senate, each appointed by legislative leadership, shall:

(a) Develop criteria and guidelines for the space programming study; and

(b) Periodically advise the department regarding the renovation under subsection (3) of this section, the receipt and use of private funds, and other issues that may arise.

~~((5))~~ (6) From the appropriation in this section, up to \$10,000 or an amount based on an appraised value may be expended to acquire a photo and document collection of historic significance that depicts legislative activities and facilities.

(7) The department shall report on the progress of accelerated planning, design, and relocations related to the renovation of the state legislative building to the legislature and the governor by July 15, 2001, and September 15, 2001, and shall consult with the legislature and governor on major decisions.

Appropriation:

Capitol Building Construction Account \$ 3,000,000
Thurston County Facilities Account \$ 2,500,000

Subtotal Appropriation \$ 5,500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 102,500,000

TOTAL \$ ((105,500,000))

108,000,000

Sec. 4. 2000 2nd sp.s. c 1 s 1013 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center: Phase I (00-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903, chapter 379, Laws of 1999.

(2) The appropriation in this section is provided for design, sitework, and construction costs associated with building the first ((48-bed)) housing unit for the special commitment center located at McNeil Island. The department of social and health services shall notify the office of financial management and the legislative fiscal committees if there are changes to the scheduled March 2002 occupancy date.

(3) Within the funds provided in this section, the department of social and health services shall evaluate options and site locations for less restrictive alternative placements. The department of social and health services shall provide a report to the office of financial management and the legislative fiscal committees detailing the results of this evaluation, including statutory changes necessary to implement preferred options, by November 15, 2000.

Appropriation:

State Building Construction Account--State \$ 14,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 50,000,000

TOTAL \$ 64,000,000

NEW SECTION. Sec. 5. A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Land Acquisition (01-2-029)

Appropriation:

Education Construction Account--State \$ 2,500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 6,500,000

Sec. 6. 1999 c 379 s 937 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College - Classroom/Laboratory Building: Construction (98-2-660)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 310,000

Appropriation:

State Building Construction Account--State \$ 5,900,000
Education Construction Account--State \$ 1,315,000

Subtotal Appropriation \$ 7,215,000

Prior Biennia (Expenditures) \$ 79,717
Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((6,289,717))

7,604,717

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTIONS

On motion of Senator Zarelli, the following title amendment was adopted:

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending 1999 c 379 ss 112, 758, and 937 (uncodified); amending 2000 2nd sp.s. c 1 ss 1008 and 1013 (uncodified); adding a new section to 1999 c 379 (uncodified); making appropriations; authorizing expenditures for capital improvements; and declaring an emergency."

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute House Bill No. 1625, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1625, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1625, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5374 with the following amendment(s):

On page 1, beginning on line 9, strike all of subsection (i) and insert the following:

"(i) At which two or more persons offer personal property for sale or exchange and at which (A) these persons are charged a fee for sale or exchange of personal property or (B) prospective buyers are charged a fee for admission to the area at which personal property is offered or displayed for sale or exchange; or"

On page 2, line 25, after "or" strike "less" and insert "fewer"

On page 2, line 31, after "(4)" strike all material through "means" and insert "'Nonprescription drug," which may also be referred to as an over-the-counter drug, means"

On page 2, line 34, after "and" strike "should" and insert "required to", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Prentice, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5374.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5374, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5374, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Finkbeiner, Fraser, Gardner, Hale, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Long, McAuliffe, Oke, Parlette, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Shin, Stevens, Swecker and Zarelli - 30.

Voting nay: Senators Eide, Fairley, Franklin, Haugen, Hewitt, Johnson, Kline, Kohl-Welles, McDonald, Morton, Patterson, Roach, Sheldon, T., Snyder, Spanel, Thibaudeau, West and Winsley - 18.

Excused: Senator McCaslin - 1.

ENGROSSED SENATE BILL NO. 5374, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the first order of business.

REPORT OF STANDING COMMITTEE

April 17, 2001

SB 6177 Prime Sponsor, Senator Fraser: Managing energy supply and demand. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 6177 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald, Morton and Patterson.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6177 was referred to the Committee on Ways and Means.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

April 17, 2001

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

I have the honor to advise you that on April 17, 2001, Governor Locke approved the following Senate Bills entitled:

Substitute Senate Bill No. 5219

Relating to sellers of travel-related benefits.

Substitute Senate Bill No. 5241

Relating to venue.

Senate Bill No. 5273

Relating to election filing dates.

Senate Bill No. 5331

Relating to collection of business to business debts.

Senate Bill No. 5367

Relating to removal of competitive grant requirements for community mobilization.

Senate Bill No. 5691

Relating to limitations on sealing of juvenile offender records.

Substitute Senate Bill No. 5958

Relating to the Washington life and disability insurance guaranty association act.

Senate Bill No. 5972

Relating to clarifying the department of social and health services' parole program placement authority for all juvenile offenders under the age of twenty-one and committed to the department of social and health service.

Engrossed Substitute Senate Bill No. 5995

Relating to information sharing among the courts, providers, divisions, and agencies serving dependent children and their families.

Senate Bill No. 6022

Relating to changing from five years to fifteen years the time that certain amounts are awarded to owners and breeders.

Senate Bill No. 6109

Relating to special reporting of independent expenditures and contributions occurring in close proximity to elections.

Sincerely,
EVERETT H. BILLINGSLEA, General Counsel

MOTION

At 4:30 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:30 a.m., Wednesday, April 18, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

ONE HUNDREDTH DAY, APRIL 17, 2001

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

ONE HUNDRED-FIRST DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Olympia, Wednesday, April 18, 2001

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Constantine, Haugen and Patterson. On motion of Senator Honeyford, Senator Benton was excused. On motion of Senator Eide, Senators Constantine, Haugen and Patterson were excused.

The Sergeant at Arms Color Guard consisting of Pages David Kramer and Emily Miller, presented the Colors. Reverend Robby Robertson, assistant pastor of the Evergreen Christian Center in Olympia, and a guest of Senator Swecker, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1886, and the same is herewith transmitted.

April 17, 2001
CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 1906, and the same is herewith transmitted.

April 17, 2001
TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

April 17, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5060,
SENATE BILL NO. 5063,
SUBSTITUTE SENATE BILL NO. 5077,
SUBSTITUTE SENATE BILL NO. 5101,
SUBSTITUTE SENATE BILL NO. 5123,
ENGROSSED SENATE BILL NO. 5143,
SUBSTITUTE SENATE BILL NO. 5182,
SUBSTITUTE SENATE BILL NO. 5184,
SENATE BILL NO. 5197,
SENATE BILL NO. 5256,
SUBSTITUTE SENATE BILL NO. 5263,
ENGROSSED SENATE BILL NO. 5289,
SUBSTITUTE SENATE BILL NO. 5309,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5372,
SENATE BILL NO. 5392,
SENATE BILL NO. 5393,
SUBSTITUTE SENATE BILL NO. 5401,
SUBSTITUTE SENATE BILL NO. 5417,
SUBSTITUTE SENATE BILL NO. 5442,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5449,
SUBSTITUTE SENATE BILL NO. 5494.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5114,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5122,
ENGROSSED SENATE BILL NO. 5374,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5593,
SENATE BILL NO. 5604,
SUBSTITUTE SENATE BILL NO. 5702,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5877,
SUBSTITUTE SENATE BILL NO. 5905,
SUBSTITUTE SENATE BILL NO. 5961,
SUBSTITUTE SENATE BILL NO. 6055,
SUBSTITUTE SENATE BILL NO. 6056,
SUBSTITUTE SENATE BILL NO. 6110,
ENGROSSED SENATE JOINT MEMORIAL NO. 8016.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5495,
SUBSTITUTE SENATE BILL NO. 5558,
SUBSTITUTE SENATE BILL NO. 5565,
SUBSTITUTE SENATE BILL NO. 5621,
SUBSTITUTE SENATE BILL NO. 5638,
SUBSTITUTE SENATE BILL NO. 5862,
SUBSTITUTE SENATE BILL NO. 5940.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1886 by Representatives Linville, G. Chandler, Grant, Doumit, B.Chander and Hatfield
Reducing the tax on health products for animals.

Referred to Committee on Ways and Means.

SHB 1906 by House Committee on Finance (originally sponsored by Representatives Linville, G. Chandler, Schoesler, Haigh, B. Chandler, Hunt, Morris, Kirby, Grant, Jackley, Cox, Hatfield, Mielke, Armstrong, Delvin, Mulliken, Sump, McMorris, Barlean, Pflug, Kessler, Pearson and Conway)

Exempting farming machinery and equipment from the state property tax.

Referred to Committee on Ways and Means.

ESHB 2138 by House Committee on Finance (originally sponsored by Representatives G. Chandler, Linville, Mulliken, Clements, Ericksen, Hatfield, Sump, Doumit, Morell, Grant, Pearson, Schoesler, Barlean, Buck, B. Chandler, Edwards and Jackley)

Promoting rural economic development.

Referred to Committee on Ways and Means.

MOTION

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

SENATE RESOLUTION 2001-8677

By Senators Honeyford, Rasmussen and Johnson

***WHEREAS, April 15-21 is National Grange Week; and
WHEREAS, Granges have played a key role in many national movements, including a Texas Grange in the 1930s recommending that school buses be painted yellow and an Indiana Grange starting the 4-H program; and
WHEREAS, the first Grange was started in 1867 by Oliver Kelley in Minnesota; and
WHEREAS, the Grange movement has grown significantly since then, with 275,000 members and 4,000 Grange "communities" existing in thirty-seven states across America; and
WHEREAS, fifty-six thousand Grange members are found in Washington State, including one hundred in the Troutlake Grange, located in west Klickitat County; and
WHEREAS, the Troutlake Grange 210 was formed in 1908 and is celebrating its Ninety-third Anniversary this week; and
WHEREAS, Troutlake Grange continues to play a prominent role in the communities of Troutlake and Glenwood by offering \$6,000 in college scholarships to local students graduating from Troutlake and Glenwood High Schools each year, holding an annual children's fishing derby and maintaining the Pioneer Cemetery; and
WHEREAS, the Troutlake Grange Hall serves as a community center, a meeting place for the Troutlake Community Council and a location for political forums; and
WHEREAS, the Troutlake Grange will hold an Open House on Thursday, April 19, 2001, to celebrate the Ninety-third Anniversary of its founding;
NOW, THEREFORE, BE IT RESOLVED, that the Washington State Senate hereby recognize and honor the Troutlake Grange on its anniversary and recognize and honor Granges across Washington and America during National Grange Week.***

MOTION

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

SENATE RESOLUTION 2001-8635

By Senators Hale, Roach, Rossi, Long, Morton, Kohl-Welles, Spanel, Rasmussen, Carlson, Deccio and Haugen

***WHEREAS, Babies are miracles with endless promise and hope; and
WHEREAS, The beginning of life is the most wondrous of all; and
WHEREAS, Each child brings purpose to the world and simplicity to our complex existence; and
WHEREAS, Kassity Kay Hale was born to the son of Senator Pat Hale on August 12, 2000; and***

WHEREAS, Madisyn LaVon Hill was born to the son of Senator Jeanne Kohl-Welles on July 18, 2000;
and
WHEREAS, Alayna Jeanine Christensen was born to the son of Senator Jeanine Long on October 18, 2000; and
WHEREAS, Nicholas Robert Morton and Colton Peter Eslick were born to the children of Senator Bob Morton on August 24 and November 5 of 2000, respectively; and
WHEREAS, Caleb Miller, Alyssa Rasmussen and Jacob Tyler were born to the children of Senator Marilyn Rasmussen on June 5, June 23, and April 5 of 2000, respectively; and
WHEREAS, Matthew Robert Arras was born to the daughter of Senator Pam Roach on January 31, 2001; and
WHEREAS, Jillian Maciel Rossi was born to Senator Dino Rossi and his wife Terry on October 23, 2000; and
WHEREAS, Mitchell Rhodes Spanel was born to the son of Senator Harriet Spanel on July 27, 2000;
WHEREAS, Ezekiel David Marvin Carlson was born to the son of Senator Don Carlson on April 13, 2001; and
WHEREAS, Ketty Stephanie Hannah Akselsen was born to the granddaughter of Senator Alex Deccio on March 15, 2001; and
WHEREAS, Martha Lunde, Josie Badley, Joseph Badley and Alan Badley were born to the children of Senator Mary Margaret Haugen in the year 2000;
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby welcome the 2001 Session Babies born to members of the Senate or to the children of members of the Senate; and
BE IT FURTHER RESOLVED, That the Washington State Senate wish all the blessings of life for Kassity, Madisyn, Alayna, Nicholas, Colton, Caleb, Alyssa, Jacob, Matthew, Jillian, Mitchell, Ezekiel, Ketty, Martha, Josie, Joseph and Alan; and
BE IT FURTHER RESOLVED, That Senators Hale, Kohl-Welles, Long, Morton, Rasmussen, Roach, Rossi, Spanel, Carlson, Deccio and Haugen each be given an official copy of this resolution to be placed in the baby book of his or her 2001 Session Baby.

Senators Hale, Kohl-Welles, Long, Deccio, Rossi, Carlson, Rasmussen and Roach spoke to Senate Resolution 2001-8635.

MOTION

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

SENATE RESOLUTION 2001-8678

By Senators Haugen, Spanel and Rasmussen

WHEREAS, It is the practice of the Senate to recognize excellence in all fields of endeavor; and
WHEREAS, The Mount Vernon High School Bulldog Boys' Basketball Team, from Mount Vernon, won the 2001 Class AAA State Basketball Championship; and
WHEREAS, The Mount Vernon basketball coaches, players, and managers demonstrated sportsmanship, citizenship, skill, and dedication while accomplishing their goal of winning the State AAA Basketball Championship with a perfect 27-0 record; and
WHEREAS, The senior class student athletes of Mount Vernon's Championship Boys' Basketball Team have a collective 3.28 grade point average, showing a commitment to academic excellence as well as athletic excellence; and
WHEREAS, Head Coach Mac Fraser has led the Mount Vernon Bulldog Boys' Basketball Teams to state championships in both the twentieth century (1991, 1992) and the twenty-first century (2001);
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the Mount Vernon High School Boys' Basketball Team and Coach Mac Fraser and his assistants for their accomplishments; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Coach Mac Fraser; Assistant Coaches Jim Koetje, Jeff Scott, Torey Swanson and Chad Weyers; Principal Dave Anderson; Athletic Director Eric Monson; the faculty of Mount Vernon High School; and to the student-athletes of Mount Vernon High School who won the AAA State Boys' Basketball Championship for 2001: Seniors Tyler Amaya, Troy DeVries, John Lee, Eric Powell, Josh Reisman; Aaron Roetcisoender, Scott Skjel and Chris Thompson; Juniors Stanley Johnson, Ben Martin and Travis Storrer; and Sophomore Kyle Kendrick.

Senators Haugen and Spanel spoke to Senate Resolution 2001-8678

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 11, 2001

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5921 with the following amendment(s)
On page 1, line 7 after "offer" insert "applied, but not research," and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment to Senate Bill No. 5921.
Debate ensued.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles to concur in the House amendment to Senate Bill No. 5921.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment to Senate Bill No. 5921.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5921, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5921, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 43.

Voting nay: Senators Jacobsen, McDonald and Thibaudeau - 3.

Excused: Senators Constantine, Haugen and Patterson - 3.

SENATE BILL NO. 5921, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5606 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to authorize the department of social and health services to investigate the background of current and future department employees to the same extent and with the same effect as it has authorized the state to investigate the background and exclude from the provision of service current and future care providers, contractors, volunteers, and others. The department of social and health services must coordinate with the department of personnel to develop rules that address the procedures for undertaking background checks, and specifically what action would be taken against a current employee who is disqualified from his or her current position because of a background check not previously performed.

Sec. 2. RCW 9.96A.020 and 1999 c 16 s 1 are each amended to read as follows:

(1) Subject to the exceptions in subsections (3) and (4) of this section, and unless there is another provision of law to the contrary, a person is not disqualified from employment by the state of Washington or any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations, nor is a person disqualified to practice, pursue or engage in any occupation, trade, vocation, or business for which a license, permit, certificate or registration is required to be issued by the state of Washington or any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations solely because of a prior conviction of a felony. However, this section does not preclude the fact of any prior conviction of a crime from being considered.

(2) A person may be denied employment by the state of Washington or any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations, or a person may be denied a license, permit, certificate or registration to pursue, practice or engage in an occupation, trade, vocation, or business by reason of the prior conviction of a felony if the felony for which he or she was convicted directly relates to the position of employment sought or to the specific occupation, trade, vocation, or business for which the license, permit, certificate or registration is sought, and the time elapsed since the conviction is less than ten years. However, for positions in the county treasurer's office, a person may be disqualified from employment because of a prior guilty plea or conviction of a felony involving embezzlement or theft, even if the time elapsed since the guilty plea or conviction is ten years or more.

(3) A person is disqualified for any certificate required or authorized under chapters 28A.405 or 28A.410 RCW, because of a prior guilty plea or the conviction of a felony involving sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, or a violation of similar laws of another jurisdiction, even if the time elapsed since the guilty plea or conviction is ten years or more.

(4) A person is disqualified from employment by school districts, educational service districts, and their contractors hiring employees who will have regularly scheduled unsupervised access to children, because of a prior guilty plea or conviction of a felony involving sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, or a violation of similar laws of another jurisdiction, even if the time elapsed since the guilty plea or conviction is ten years or more.

(5) A person is disqualified from employment by the department of social and health services because of a prior felony guilty plea or conviction if the felony relates to the position of employment sought and the position involves or may involve unsupervised access to children, a person who is under the age of twenty-one and has been sentenced to a term of confinement under the supervision of the department of social and health services under chapter 13.40 RCW, a person who is a vulnerable adult under chapter 74.34 RCW or a person who is a vulnerable person, even if the time elapsed since the guilty plea or conviction is ten years or more. For the purposes of this section, "vulnerable person" means an adult of any age who lacks the functional, mental, or physical ability to care for himself or herself.

(6) Subsections (3) and (4) of this section only apply to a person applying for a certificate or for employment on or after July 25, 1993.

Sec. 3. RCW 28A.400.303 and 1992 c 159 s 2 are each amended to read as follows:

School districts, educational service districts, the state school for the deaf, the state school for the blind, and their contractors hiring employees who will have regularly scheduled unsupervised access to children shall require a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation before hiring an employee. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The requesting entity shall provide a copy of the record report to the applicant. When necessary, applicants may be employed on a conditional basis pending completion of the investigation. If the applicant has had a record check within the previous two years, the district, the state school for the deaf, the state school for the blind, or contractor may waive the requirement. The district, pursuant to chapter 41.59 or 41.56 RCW, the state school for the deaf, the state school for the blind, or contractor hiring the employee shall determine who shall pay costs associated with the record check.

Sec. 4. RCW 28A.400.305 and 1996 c 126 s 5 are each amended to read as follows:

The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW on record check information. The rules shall include, but not be limited to the following:

(1) Written procedures providing a school district, state school for the deaf, or state school for the blind employee or applicant for certification or employment access to and review of information obtained based on the record check required under RCW 28A.400.303 (~~and 28A.400.304~~); and

(2) Written procedures limiting access to the superintendent of public instruction record check data base to only those individuals processing record check information at the office of the superintendent of public instruction, the appropriate school district or districts, the state school for the deaf, the state school for the blind, and the appropriate educational service district or districts.

Sec. 5. RCW 43.20A.710 and 2000 c 87 s 2 are each amended to read as follows:

(1) The secretary shall investigate the conviction records, pending charges (~~(e)~~) and disciplinary board final decisions of:

(a) (~~Persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of~~) Any current employee or applicant seeking or being considered for any position with the department who will or may have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities(;

(b) ~~Persons being considered for state employment in positions involving unsupervised access to vulnerable adults to conduct~~). This includes, but is not limited to, positions conducting comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(~~(e)~~) (b) Individual providers who are paid by the state and providers who are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW; and

(~~(d)~~) (c) Individuals or businesses or organizations for the care, supervision, case management, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW.

(2) The investigation may include an examination of state and national criminal identification data. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants.

(3) An individual provider or home care agency provider who has resided in the state less than three years before applying for employment involving unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must be fingerprinted for the purpose of investigating conviction records both through the Washington state patrol and the federal bureau of investigation. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110. However, this subsection does not supersede RCW 74.15.030(2)(b).

(4) An individual provider or home care agency provider hired to provide in-home care for and having unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must have no conviction for a disqualifying crime under RCW 43.43.830 and 43.43.842. An individual or home care agency provider must also have no conviction for a crime relating to drugs as defined in RCW 43.43.830. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110.

(5) The secretary shall provide the results of the background check on individual providers to the persons hiring them or to their legal guardians, if any, for their determination of the character, suitability, and competence of the applicants. If the person elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense that would disqualify the applicant from having unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, then the secretary shall deny payment for any subsequent services rendered by the disqualified individual provider.

(6) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

NEW SECTION. Sec. 6. A new section is added to chapter 41.06 RCW to read as follows:

(1) The board shall amend any existing rules established under RCW 41.06.475 and adopt rules developed in cooperation and agreement with the department of social and health services to implement the provisions of this act.

(2) The legislature's delegation of authority to the agency under this act is strictly limited to:

(a) The minimum delegation necessary to administer the act's clear and unambiguous directives; and

(b) The administration of circumstances and behaviors foreseeable at the time of enactment.

NEW SECTION. Sec. 7. A new section is added to chapter 41.06 RCW to read as follows:

The personnel resources board must develop policy recommendations addressing the action that will be taken if a background check result disqualifies an employee from his or her current position. A report of the recommendations developed must be delivered to the legislature by December 1, 2001.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Costa, the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 5606, and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 5, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5468 with the following amendment(s)

On page 3, line 2, strike "pursuant to the provisions of RCW 13.40.200"

On page 3, line 22, after "may" insert "impose sanctions pursuant to RCW 13.40.200 or", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Costa, the Senate concurred in the House amendments to Substitute Senate Bill No. 5468.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5468, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5468, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator Deccio - 1.

Excused: Senators Constantine and Patterson -2.

SUBSTITUTE SENATE BILL NO. 5468, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act

MOTION

On motion of Senator Honeyford, Senator Zarelli was excused.

MESSAGE FROM THE HOUSE

April 5, 2001

MR. PRESIDENT:

The House has passed SENATE JOINT MEMORIAL NO. 8019 with the following amendment(s)
On page 2, line 5, after "review" strike "its policies that would" and insert "the department's policies regarding the conservation reserve enhancement program and alter those policies to", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Rasmussen the Senate concurred in the House amendment to Senate Joint Memorial No. 8019.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8019, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8019, as amended by the House, and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 46.

Excused: Senators Constantine, Patterson and Zarelli -3.

SENATE JOINT MEMORIAL NO. 8019, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

April 9, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SENATE JOINT RESOLUTION NO. 8208 with the following amendment(s):

On page 1, beginning on line 11, after "to do so." strike all material through "tempore." on line 17 and insert "A case in the superior court may be tried by a judge((:)) pro tempore(~~(, who must be)~~) either with the agreement of the parties if the judge pro tempore is a member of the bar, is agreed upon in writing by the parties litigant((:)) or their attorneys of record, and is approved by the court and sworn to try the case; or without the agreement of the parties if the judge pro tempore is a sitting elected judge and is acting as a judge pro tempore pursuant to supreme court rule. The supreme court rule must require assignments of judges pro tempore based on the judges' experience and must provide for the right, exercisable once during a case, to a change of judge pro tempore. Such right shall be in addition to any other right provided by law.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment to Engrossed Senate Joint Resolution No. 8208.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment to Engrossed Senate Joint Resolution No. 8208.

The motion by Senator Kline carried and the Senate concurred in the House amendment to Engrossed Senate Joint Resolution No. 8208. The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Joint Resolution No. 8208, as amended by the House.

POINT OF INQUIRY

Senator Benton: "Senator Kline, this measure has been before the Senate before and I am just looking for some clarification. Judges Pro Tempore--the authorization of Judges Pro Tempore in Superior Courts would mean the authorization of someone sitting on a case that had not been elected. Is that correct?"

Senator Kline: "No, that is not correct."

Senator Benton: "Could you explain it to me, please?"

Senator Kline: "It would be a District Court Judge, elected. I believe the term used in the Constitutional amendments text is 'Elected Judge.' It could be an elected judge that would be called up as a practical matter by the Superior Court presiding judge--not to handle the three week long medical malpractice case--but rather to take over

the arraignment calendar, the divorce calendar, the civil motions calendar, while the presiding judge of the Superior Court take the three week-long medical malpractice case. I can assure you the judges are prima donna just like we are. They don't call up junior members to take up the big glorious stuff. They do that themselves. Thank you."

Senator Benton: "In no case, would we have a situation where a judge has not been elected sitting as a pro tempore in a Superior Court?"

Senator Kline: "That is correct. I believe District Court and Municipal Court Judges--but they are elected and I believe that word appears in the text."

Senator Benton: "Okay, thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 8208, as amended by the House, and the joint resolution passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, and Winsley - 39.

Voting nay: Senators Benton, Finkbeiner, Hochstatter, McDonald, Roach, Rossi, Stevens and West - 8

Excused: Senators Constantine and Zarelli -2.

ENGROSSED SENATE JOINT RESOLUTION NO. 8208, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

April 16, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1162 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Thibaudeau, the Senate refuses to recede from its amendment(s) to House Bill No. 1162, insists on its position and asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 13, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Prentice, the Senate receded from its amendment(s) to Engrossed Substitute House Bill No. 1420.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1420, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1420, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 44

Voting nay: Senators Carlson, Hewitt and Honeyford - 3.

Excused: Senators Constantine and Zarelli - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Hargrove was excused.

MESSAGE FROM THE HOUSE

April 11, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1314 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Brown, the Senate receded from its amendment(s) to Substitute House Bill No. 1314.

MOTIONS

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 1314 was returned to second reading and read the second time.

Senator Brown moved that the following striking amendment be adopted:
Strike everything after the enacting clause and insert the following:

**"PART I
GENERAL GOVERNMENT**

Sec. 101. 1999 c 309 s 106 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE
General Fund--State Appropriation (FY 2000) \$ 5,847,000
General Fund--State Appropriation (FY 2001) \$ 5,847,000
TOTAL APPROPRIATION \$ 11,694,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be transferred to the legislative systems revolving fund. Transfer authority shall not be granted for the 2001-03 fiscal biennium.

Sec. 102. 1999 c 309 s 111 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT
General Fund--State Appropriation (FY 2000) \$ 904,000
General Fund--State Appropriation (FY 2001) \$ ((852,000))

TOTAL APPROPRIATION \$ ((1,756,000))

944,000

1,848,000

Sec. 103. 2000 2nd sp.s. c 1 s 107 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS
General Fund--State Appropriation (FY 2000) \$ 13,144,000
General Fund--State Appropriation (FY 2001) \$ ((14,569,000))

14,204,000

Public Safety and Education Account--State
Appropriation \$ ((25,085,000))

25,135,000

Judicial Information Systems Account--State
Appropriation \$ 19,016,000
TOTAL APPROPRIATION \$ ((71,814,000))

71,499,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve. The administrator for the courts shall continue to implement procedures for the collection and disbursement of these employer contributions.

(3) \$223,000 of the public safety and education account appropriation is provided solely for the gender and justice commission.

(4) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(5) \$278,000 of the general fund--state appropriation for fiscal year 2000, \$285,000 of the general fund--state appropriation for fiscal year 2001, and \$263,000 of the public safety and education account appropriation are provided solely for the workload associated with tax warrants and other state cases filed in Thurston county.

(6) \$200,000 of the public safety and education account appropriation is provided solely for a unified family court pilot program. Of this amount, \$150,000 is provided for the costs of establishing the program and \$50,000 is provided for costs associated with evaluating the efficacy of the program. The pilot program grant is limited to the 1999-01 biennium. After this time, it is assumed that funding for continuation of the unified family court or expansion to other counties would be provided by local jurisdictions based on the results of the evaluation of the program.

(7) \$130,000 of the general fund--state appropriation for fiscal year 2000 and \$130,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the new judicial positions authorized by Engrossed Senate Bill No. 5036 (superior court judges).

(8) \$132,000 of the general fund--state appropriation for fiscal year 2000 and \$136,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state's portion of increased costs in the superior court mandatory arbitration program.

(9) \$750,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to increase the number of children served by court-appointed special advocates in dependency matters. The office of the administrator for the courts, after consulting with the Washington association of juvenile court administrators and the Washington association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(10) \$30,000 of the public safety and education account--state appropriation is provided solely for the office of the administrator for the courts to convene a task force to review whether there are revisions to existing statutes and court rules which, if implemented, would decrease the likelihood of an inappropriate imposition of the death penalty.

Sec. 104. 2000 2nd sp.s. c 1 s 108 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2001) \$ 500,000

Public Safety and Education Account--State

Appropriation \$ ((12,490,000))

12,080,000

TOTAL APPROPRIATION \$ ((12,990,000))

12,580,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$558,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.

(2) \$51,000 of the public safety and education account appropriation is provided solely for the implementation of House Bill No. 1599 (court funding). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(4) The entire general fund--state appropriation is provided solely for a dependency and termination legal representation funding pilot program.

(a) The goal of the pilot program shall be to enhance the quality of legal representation in dependency and termination hearings, thereby reducing the number of continuances requested by contract attorneys, including those based on the unavailability of defense counsel. To meet the goal, the pilot shall include the following components:

(i) A maximum caseload requirement of 90 dependency and termination cases per full-time attorney;

(ii) Implementation of enhanced defense attorney practice standards, including but not limited to those related to reasonable case preparation and the delivery of adequate client advice, as developed by Washington state public defense attorneys and included in the office of public defense December 1999 report *Costs of Defense and Children's Representation in Dependency and Termination Hearings*;

(iii) Use of investigative and expert services in appropriate cases; and

(iv) Effective implementation of indigency screening of all dependency and termination parents, guardians, and legal custodians represented by appointed counsel.

(b) The pilot program shall be established in one eastern and one western Washington juvenile court.

(c) The director shall contract for an independent evaluation of the pilot program benefits and costs. An interim evaluation shall be submitted to the governor and fiscal committees of the legislature no later than January 1, 2001. A final evaluation shall be submitted to the governor and the fiscal committees of the legislature no later than ninety days following the close of the 1999-01 fiscal biennium.

(5) \$50,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2491 (DNA testing of offenders). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 105. 2000 2nd sp.s. c 1 s 109 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2000) \$ 5,762,000

General Fund--State Appropriation (FY 2001) \$ 5,720,000

General Fund--Federal Appropriation \$ 209,000

Water Quality Account--State Appropriation \$ 700,000

TOTAL APPROPRIATION \$ ((12,315,000))

12,391,600

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,612,000 of the general fund--state appropriation for fiscal year 2000, \$1,588,000 of the general fund--state appropriation for fiscal year 2001, \$700,000 of the water quality account appropriation, and \$209,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the salmon recovery office to support the efforts of the independent science panel.

(3) \$62,000 of the fiscal year 2000 general fund--state appropriation and \$63,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079, establishing the salmon recovery funding board in the office of the governor. If legislation establishing the board is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(4) \$3,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement Senate Bill No. 5408 (state medal of valor).

Sec. 106. 2000 2nd sp.s. c 1 s 111 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2000) \$ 1,751,000

General Fund--State Appropriation (FY 2001) \$ ((2,470,000))

2,307,000

TOTAL APPROPRIATION \$ ((3,921,000))

4,058,000

The appropriations in this section are subject to the following conditions and limitations: \$328,000 of the general fund--state appropriation for fiscal year 2000 and \$760,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5931 (electronic filing and public access). If the bill is not enacted by June 30, 1999, the amounts provided shall lapse.

Sec. 107. 2000 2nd sp.s. c 1 s 112 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2000) \$ 14,043,000

General Fund--State Appropriation (FY 2001) \$ ((8,399,000))

9,770,000

General Fund--Private/Local Appropriation \$ 120,000

Archives and Records Management Account--State
Appropriation \$ ((5,489,000))

5,876,000

Archives and Records Management Account--Private/
Local Appropriation \$ ((4,123,000))

4,132,000

Department of Personnel Service Account--State
Appropriation \$ 681,000

TOTAL APPROPRIATION \$ ((32,855,000))

34,622,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,355,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$3,780,000 of the general fund--state appropriation for fiscal year 2000 ((is)) and \$1,621,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to reimburse counties for the state's share of presidential preference primary election costs. For expenses payable in fiscal year 2001, counties shall be reimbursed only for those actual presidential preference primary election costs that the secretary of state validates as eligible for reimbursement.

(3) \$2,106,000 of the general fund--state appropriation for fiscal year 2000 and ((2,663,000)) \$2,413,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2000 and \$125,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for legal advertising of state measures under RCW 29.27.072.

(5)(a) \$1,870,350 of the general fund--state appropriation for fiscal year 2000 and \$1,907,757 of the general fund--state appropriation for fiscal year 2001 are provided solely for continuing the contract with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of state-wide significance during the 1999-2001 biennium.

(b) The funding level for each year of the contract shall be based on the amount provided in this subsection and adjusted to reflect the implicit price deflator for the previous year. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(6) (~~(\$867,000)~~) \$1,252,000 of the archives and records management account--state appropriation is provided solely for operation of the central microfilming bureau under RCW 40.14.020(8).

(7) \$120,000 of the general fund--private/local appropriation is provided solely for the Washington quality awards council.

(8) \$20,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the operations of the task force on archaeology and historic preservation. The task force shall develop a single recommendation for consideration by the legislature and the governor on the issue of the location of the office of archaeology and historic preservation within state government. The recommended location shall maximize the office of archaeology and historic preservation's stature, visibility, accessibility, and delivery of service state-wide in the context of its critical role as an important link among downtown and neighborhood revitalization efforts, the cultural tourism movement, rural economic development initiatives, and the preservation of the structures and sites that still remain as the legacy of Washington's rich and diverse heritage. The task force shall consider and include in its recommendation how best both to realize the potential of the office of archaeology and historic preservation to generate revenue from services it could provide in international, national, state, local, and private venues and also how best to achieve adequate funding from all funding sources to assure that the office of archaeology and historic preservation can provide the best possible service to the citizens of the state. There shall be eleven members of the task force as follows: One member shall be the state historic preservation officer or his or her designee; two members shall be representatives of state agencies; two members shall be representatives of local governments; there shall be one representative each from the Washington state historical society, the eastern Washington state historical society, the Washington trust for historic preservation, and Indian tribes; and two members shall be representatives of the private sector who have experience in preservation of historic buildings or archaeological sites or who have particular interest in the issue of preservation of historic buildings and archaeological sites. The state historic preservation officer shall be the chair of the task force. The task force shall report to appropriate committees of the legislature and the governor by January 1, 2001.

(9) \$8,000 of the fiscal year 2001 general fund--state appropriation is provided solely to implement Senate Bill No. 5408 (state medal of valor).

Sec. 108. 1999 c 309 s 119 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2000) \$ 215,000

General Fund--State Appropriation (FY 2001) \$ (~~(215,000)~~)

TOTAL APPROPRIATION \$ (~~(430,000)~~)

221,000

436,000

Sec. 109. 2000 2nd sp.s. c 1 s 114 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2000) \$ 67,000

General Fund--State Appropriation (FY 2001) \$ (~~(128,000)~~)

TOTAL APPROPRIATION \$ (~~(195,000)~~)

133,000

200,000

The appropriations in this section are subject to the following conditions and limitations and are sufficient for the commission to: (1) Carry out statutorily required public hearings; (2) enter into an agreement with the department of personnel to provide data sharing, research support, and training for commission members and staff; (3) employ part-time staff in fiscal year 2000 to respond to requests for information; and (4) begin full-time staffing in September 2000 to allow for orientation and training for commission members prior to the next salary setting cycle. \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$10,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for office rent for the remainder of the biennium, increased AFRS and consolidated mail costs, general administration consulting services, and unexpected commission meeting costs related to litigation. Future funding for lease costs beyond the current biennium shall be contingent upon the agency's colocation with another agency.

Sec. 110. 2000 2nd sp.s. c 1 s 115 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2000) \$ 4,079,000

General Fund--State Appropriation (FY 2001) \$ (~~(4,557,000)~~)

4,527,000

General Fund--Federal Appropriation \$ 2,526,000

Public Safety and Education Account--State

Appropriation \$ 1,338,000

New Motor Vehicle Arbitration Account--State

Appropriation \$ 1,109,000

Legal Services Revolving Account--State

Appropriation \$ 118,390,000

TOTAL APPROPRIATION \$ (~~(131,999,000)~~)

131,969,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general and the office of financial management shall modify the attorney general billing system to meet the needs of user agencies for greater predictability, timeliness, and explanation of how legal services are being used by the agency. The attorney general shall provide the following information each month to agencies receiving legal services: (a) The full-time equivalent attorney services provided for the month; (b) the full-time equivalent investigator services provided for the month; (c) the full-time equivalent paralegal services provided for the month; and (d) direct legal costs, such as filing and docket fees, charged to the agency for the month.

(3) \$154,000 of the fiscal year 2000 general fund--state appropriation and \$308,000 of the fiscal year 2001 general fund--state appropriation are provided solely for the costs associated with the legal defense and implementation of initiative measures ((No. 695)) approved by the voters in fiscal years 2000 and 2001.

(4) \$486,000 of the legal services revolving account appropriation is provided solely to support activities related to vulnerable adults. Such activities include providing technical assistance for guardianships, financial exploitation cases, protection orders, and providing assistance to police and prosecutors addressing vulnerable adults.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for costs associated with enforcing state authority on taxation of liquor with respect to Resolution T-022-00, or any other tax or regulatory ordinances regarding liquor, adopted by the Confederated Tribes and Bands of the Yakama Nation.

Sec. 111. 2000 2nd sp.s. c 1 s 117 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2000) \$ 12,600,000

General Fund--State Appropriation (FY 2001) \$ ((13,208,000))

13,350,000

General Fund--Federal Appropriation \$ ((23,340,000))

23,628,000

General Fund--Private/Local Appropriation \$ 500,000

TOTAL APPROPRIATION \$ ((49,648,000))

50,078,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to evaluate and promote the use by state and local agencies of the training facilities at the Hanford reservation.

(2) Funding in this section provides for a feasibility study to collect Washington enrollment data on distance learning programs sponsored by in-state and out-of-state private institutions in cooperation with the higher education coordinating board and the state board for community and technical colleges. Findings shall be submitted to the appropriate committees of the legislature by January 2000.

(3) \$75,000 of the fiscal year 2000 general fund--state appropriation and \$75,000 of the fiscal year 2001 general fund--state appropriation are provided solely to track and administer state and federal funding for salmon recovery allocated by the salmon recovery funding board established under Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079.

(4) The office of financial management, in collaboration with the institutions of higher education, the higher education coordinating board, and the state board for community and technical colleges, shall modify state information systems in order to provide consistent data on students engaged in distance learning. Higher education institutions shall provide enrollment information in support of this effort. Reporting on the numbers and categories of students enrolled in distance learning by class level and institutions shall begin by fall term, 2000. Washington independent institutions of higher education are encouraged to participate in this process and to provide distance learner enrollment data.

(5) \$1,000,000 of the general fund--state appropriation and \$500,000 of the general fund--private/local appropriation are provided solely for the commission on early learning. One-half of the amount provided from the general fund--state shall not be expended unless matched by an equal amount from private sources.

(6) \$329,000 of the general fund--state appropriation for fiscal 2001 is provided solely to develop a centralized database of social service contract information as recommended by the task force on agency contracting services.

(7) \$689,000 of the general fund--state appropriation is provided solely for information systems improvements at the department of fish and wildlife, including a network upgrade, purchase of personal computers, and support for agency information systems.

(8) \$795,000 of the general fund--state appropriation is provided solely for improvements in the basic business practices at the department of fish and wildlife, including budget monitoring, cost accounting, time accounting and payroll systems, and license revenue forecasting.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the task force on health care reinsurance established by Second Substitute Senate Bill No. 6067 (health insurance coverage). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(10) \$285,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the office of financial management to adopt and publish uniform guidelines for the effective and efficient management of personal service contracts and client service contracts by all state agencies, conduct training on these guidelines for agency personnel, and conduct risk-based audits of personal service and client service contracts, as generally described in Second Substitute House Bill No. 2738 (state agency personal service contract practices).

(a) The guidelines shall, at a minimum, include: (i) Accounting methods, systems, measures, and principles to be used by agencies and contractors; (ii) precontract procedures for selecting potential contractors based on their qualifications and ability to perform; (iii) incorporation of performance measures and measurable benchmarks in contracts, and the use of performance audits; (iv) uniform contract terms to ensure contract performance and compliance with state and federal standards; (v) proper payment and reimbursement methods to ensure that the state receives full value for taxpayer moneys, including cost settlements and cost allowance; (vi) post-contract procedures, including methods for recovering improperly spent or overspent moneys for disallowance and adjustment; (vii) adequate contract remedies and sanctions to ensure compliance; (viii) monitoring, fund tracking, risk assessment, and auditing procedures and requirements; (ix) financial reporting, record retention, and record access procedures and requirements; (x) procedures and criteria for terminating contracts for cause or otherwise; and (xi) other subjects related to effective and efficient contract management.

(b) The office of financial management shall provide a training course for agency personnel responsible for executing and managing personal service contracts and client service contracts. The course must contain training on effective and efficient contract management under the guidelines established under this subsection.

(c) The office of financial management shall conduct risk-based audits of the contracting practices associated with individual personal service and client service contracts from multiple state agencies to ensure compliance with the guidelines established in this subsection. The office of financial management shall forward the results of the audits conducted under this

subsection to the governor, the appropriate standing committees of the legislature, and the joint legislative audit and review committee.

(11) \$30,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a review of K-12 regional cost differences. The office of financial management shall conduct research, including a review of existing methods of determining regional cost differences. Regional cost differences shall include, but not be limited to, the cost of renting, leasing, or purchasing housing. The office of financial management shall report findings on cost differences on a regional basis and make recommendations on options for mitigating these differences to the appropriate committees of the house of representatives and senate by December 15, 2000.

(12) \$243,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for an audit of the state ferry capital program. The audit of ferry capital operations shall determine the following: Whether the ferry system is acquiring, protecting, and using its resources economically and efficiently; the causes of inefficiencies or uneconomical practices; and whether the ferry system has complied with laws and regulations governing economy and efficiency. This audit shall build on audits performed by, or under the direction of, the joint legislative audit and review committee on ferry capital operations. In establishing the scope of this audit, the director of financial management shall solicit public comments from interested parties and benchmark the state ferry capital operations to other public and private ferry capital operations. To address the intent of this subsection, the director may contract for specialized expertise. The audit report shall be delivered on or before January 1, 2001, to the governor and to the fiscal committees of the state legislature.

Sec. 112. 1999 c 309 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State

Appropriation \$ ~~((20,749,000))~~

20,880,000

Sec. 113. 2000 2nd sp.s. c 1 s 118 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State

Appropriation \$ 16,999,000

Higher Education Personnel Services Account--State

Appropriation \$ 1,640,000

TOTAL APPROPRIATION \$ 18,639,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall reduce its charge for personnel services to the lowest rate possible.

(2) The department of personnel service account appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.

(3) \$515,000 of the department of personnel service account appropriation is provided solely for the development and implementation of a new employment application processing system to: Provide for electronic applications via the internet, provide continuous application acceptance, provide increased public access to job openings, allow for single applications for multiple jobs, and provide for scanning of larger applicant databases as job openings arise.

(4) \$190,000 of the department of personnel service account appropriation is provided solely for the expansion of the executive fellowship program.

(5) \$108,000 of the department of personnel service account appropriation is provided solely for increased funding of the administrative expenses of the combined fund drive.

(6) \$52,000 of the department of personnel service account appropriation is provided solely to implement House Bill No. 5432 (retiree charitable deductions). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(7) The department of personnel has the authority to charge agencies for expenses associated with converting its payroll/personnel computer system to accommodate the year 2000 date change and to implement plan 3 of the public employees' retirement system. Funding to cover these expenses shall be realized from the agency FICA savings associated with the pretax benefits contributions plan.

Sec. 114. 1999 c 309 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2000) \$ 216,000

General Fund--State Appropriation (FY 2001) \$ ~~((225,000))~~

TOTAL APPROPRIATION \$ ~~((441,000))~~

234,000

450,000

Sec. 115. 1999 c 309 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2000) \$ 190,000

General Fund--State Appropriation (FY 2001) \$ ~~((188,000))~~

TOTAL APPROPRIATION \$ ~~((378,000))~~

197,000

387,000

Sec. 116. 2000 2nd sp.s. c 1 s 119 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Dependent Care Administrative Account--State

Appropriation \$ 361,000

Department of Retirement Systems Expense Account--

State Appropriation \$ ~~((44,608,000))~~

TOTAL APPROPRIATION \$ ~~((44,969,000))~~

44,662,000

45,023,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$92,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 5030 (Washington state patrol surviving spouse retirement). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.
- (2) \$259,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1024 (retirement system option). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.
- (3) \$55,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 6012 (investment board fund values). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.
- (4) \$22,000 of the department of retirement systems expense account appropriation is provided solely to implement Senate Bill No. 5432 (PERS retiree charitable deductions). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.
- (5) \$50,000 of the department of retirement systems expense account appropriation is provided solely for the department to prepare and distribute to state employees information about options under the federal tax code for tax-advantaged retirement savings.
- (6) \$3,731,000 of the department of retirement systems expense account appropriation is provided solely for the information systems project known as the electronic document image management system. Authority to expend this amount is conditioned on compliance with section 902 of this act.
- (7) The department shall adjust the retirement systems administrative rate during the 1999-2001 biennium as necessary to provide for law enforcement officers' and fire fighters' retirement system employer funding for a study of LEOFF plan 1 medical liabilities by the office of the state actuary.
- (8) \$293,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 2604 (survivor options). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.
- (9) \$2,879,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6530 (pension enhancements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.
- (10) \$480,000 of the department of retirement systems expense account appropriation is provided solely for increased charges for services provided by the department of information systems. The two departments shall submit a report on the causes of the increased charges to the office of financial management no later than September 1, 2000.

Sec. 117. 1999 c 309 s 138 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2000) \$ 69,998,000
General Fund--State Appropriation (FY 2001) \$ ((68,171,000))

67,156,000

Timber Tax Distribution Account--State
Appropriation \$ 4,893,000

Waste Education/Recycling/Litter Control--State
Appropriation \$ 101,000

State Toxics Control Account--State
Appropriation \$ 67,000

Oil Spill Administration Account--State
Appropriation \$ 14,000

TOTAL APPROPRIATION \$ ((143,244,000))

142,229,000

The appropriations in this section are subject to the following conditions and limitations: The department of revenue shall conduct a study and prepare a report of current state and local taxation of the electricity industry and options for changes to avoid revenue loss, promote competitive neutrality, and encourage economic development within the electricity industry. The study shall include an analysis of the following: (1) Current state and local taxation of the wholesale and retail electricity industry, including tax incidence, rate, base, collection, and allocation of taxes; (2) trends in the wholesale and retail electricity markets affecting current and future revenue streams, including power imports and exports by in-state and out-of-state suppliers; (3) The extent to which existing state and local tax laws may be insufficient to protect revenue streams in light of identifiable wholesale and retail market changes; and (4) whether the tax code is adequate to fairly tax new participants in the market such as brokers, marketers, aggregators, and traders. The department shall conduct the study with support from the utilities and transportation commission, the energy division of the department of community, trade, and economic development, and the state auditor. The department shall consult with energy utilities, retail electric customers, local governments, independent power producers, brokers, marketers, traders, other interested parties, and the chairs and ranking minority members of the committees of the senate and the house of representatives with jurisdiction over electricity issues periodically throughout the course of the study, and shall submit its report to the legislature and the governor by December 1, 1999.

Sec. 118. 2000 2nd sp.s. c 1 s 124 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2000) \$ 1,293,000
General Fund--State Appropriation (FY 2001) \$ ((1,284,000))

1,526,000

Liquor Control Board Construction and Maintenance
Account--State Appropriation \$ ((9,998,000))

12,883,000

Liquor Revolving Account--State Appropriation \$ ((129,422,000))

TOTAL APPROPRIATION \$ ((141,997,000)) 130,664,000
146,366,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,804,000 of the liquor revolving account appropriation is provided solely for the agency information technology upgrade. This amount provided in this subsection is conditioned upon satisfying the requirements of section 902 of this act.
- (2) \$105,000 of the liquor revolving account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5712 (motel liquor licenses). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.
- (3) \$300,000 of the liquor revolving account appropriation is provided solely for the board to develop a business plan. The board shall provide copies of the plan to the office of financial management and the fiscal committees of the legislature by September 30, 1999.
- (4) \$1,985,000 of the liquor control board construction and maintenance account appropriation is provided solely for the operation of the temporary distribution center.
- (5) \$53,000 of the liquor revolving account appropriation is provided solely to train new enforcement agents. In cooperation with the board, the criminal justice training commission shall establish a training curriculum that is appropriate for liquor enforcement officers. Nothing in this subsection makes liquor officers eligible for membership in the law enforcement and fire fighters' pension systems.
- (6) \$2,885,000 of the liquor control board construction and maintenance account appropriation is provided solely for mandatory redemption of certificates of participation used to finance the distribution center and material handling system.
- (7) \$242,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for legal services related to the cigarette tobacco tax enforcement program.
- (8) \$925,000 of the liquor revolving account appropriation is provided solely for unanticipated expenditures in contract agency vendor commissions caused by increased sales volume.

Sec. 119. 2000 2nd sp.s. c 1 s 126 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2000) \$ 10,889,000	
General Fund--State Appropriation (FY 2001) \$ ((8,344,000))	<u>11,648,000</u>
General Fund--Federal Appropriation \$ ((22,148,000))	<u>22,192,000</u>
General Fund--Private/Local Appropriation \$ 238,000	
Enhanced 911 Account--State Appropriation \$ ((49,507,000))	<u>16,607,000</u>
Disaster Response Account--State Appropriation \$ ((40,157,000))	<u>12,226,000</u>
Disaster Response Account--Federal Appropriation \$ ((46,699,000))	<u>42,566,000</u>
Worker and Community Right to Know Fund--State Appropriation \$ 285,000	
TOTAL APPROPRIATION \$ ((148,267,000))	<u>116,651,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,470,000 of the general fund--state appropriation for fiscal year 2000 ((is)) and \$3,227,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for deposit in the disaster response account to cover costs pursuant to section 402(9) of this act and subsection (2) of this section.
- (2) ((9,855,000)) \$8,787,000 of the disaster response account--state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disaster 1079 (November/December 1995 storms), FEMA disaster 1100 (February 1996 floods), FEMA disaster 1152 (November 1996 ice storm), FEMA disaster 1159 (December 1996 holiday storm), FEMA disaster 1172 (March 1997 floods), FEMA disaster 1252 (1998 northeast counties floods), and FEMA disaster 1255 (Kelso landslide). The military department may, upon approval of the director of the office of financial management, use portions of the disaster response account--state appropriation to offset costs of new disasters occurring before June 30, 2001. The military department is to submit a report quarterly to the office of financial management and the fiscal committees of the house of representatives and senate detailing disaster costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (d) estimates of future payments by biennium. This information is to be displayed by individual disaster, by fund, and by type of assistance.
- (3) \$100,000 of the general fund--state fiscal year 2000 appropriation and \$100,000 of the general fund--state fiscal year 2001 appropriation are provided solely for implementation of the conditional scholarship program pursuant to chapter 28B.103 RCW.
- (4) \$35,000 of the general fund--state fiscal year 2000 appropriation and \$35,000 of the general fund--state fiscal year 2001 appropriation are provided solely for the north county emergency medical service.
- (5) \$302,000 of the disaster response account--state appropriation is provided solely for the costs of activating the national guard during the world trade organization conference in Seattle.
- (6) \$4,003,000 of the disaster response account--state appropriation is provided solely for fire mobilization costs.

**PART II
HUMAN SERVICES**

Sec. 201. 2000 2nd sp.s. c 1 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose, except as expressly provided in subsection (3) of this section.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2000, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2000 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in subsection (3)(b) of this section.

(b) After May 1, 2001, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer moneys among programs, including federal moneys that are provided solely for a specified purpose. However, the department shall not transfer state moneys that are provided for a specified purpose except as expressly provided in subsection (3)(d) of this section.

(c) To the extent that transfers under subsection (3)(a) of this section are insufficient to fund actual expenditures in excess of fiscal year 2000 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, voluntary placement, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

((e)) (d) To the extent that transfers under subsection (3)(b) of this section are insufficient to fund actual expenditures in excess of fiscal year 2001 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

(e) The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications.

Sec. 202. 2000 2nd sp.s. c 1 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) \$ 196,694,000

General Fund--State Appropriation (FY 2001) \$ ((214,000,000))

210,463,000

General Fund--Federal Appropriation \$ ((355,146,000))

354,027,000

General Fund--Private/Local Appropriation \$ 400,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$ 4,194,000

Public Safety and Education Account--

State Appropriation \$ 457,000

TOTAL APPROPRIATION \$ ((770,894,000))

766,235,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$594,000 of the general fund--state appropriation for fiscal year 2000, \$1,964,000 of the general fund--state appropriation for fiscal year 2001, and \$195,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 5557 (the HOPE act) or sections 10 through 29 of Engrossed Second Substitute House Bill No. 1493. If neither bill is enacted by June 30, 1999, the funds shall be provided for:

(a) The department to contract for 10 temporary residential placements, for up to 30 days, for street youth by June 30, 2000, and for 29 temporary residential placements for street youth by June 30, 2001. These street youth ~~((shall be sixteen to eighteen years old who are dependents of the state, and))~~ are persons under the age of eighteen who live outdoors or in other unsafe locations not intended for occupancy by a minor ~~((, and whose permanency plan of care does not include return to home or family reunification. The department shall contact the missing children's clearinghouse regarding these youth. The department may approve placements for fourteen and fifteen-year olds who also meet these criteria. Youth who receive these placements may receive one or more of the following services: Educational services, vocational training, job readiness assistance, job search assistance, chemical dependency treatment, and counseling))~~ and who are not residing with a parent or at their legally authorized residence; and

(b) For the department to contract for 10 residential placements for dependent youth by June 30, 2000, and for 29 residential placements for youth by June 30, 2001. These youth shall be aged sixteen through eighteen who live outdoors or in unsafe locations not intended for occupancy by a minor, and whose permanency plan does not include return to home or family reunification. These placements may be available to youth up to eighteen years of age. Youth who receive these placements shall receive training related to one or more of the following: Basic education, employment, money management and other skills that will assist the youth in developing independent living skills.

(2) \$2,191,000 of the fiscal year 2000 general fund--state appropriation, \$2,191,000 of the fiscal year 2001 general fund--state appropriation, and \$1,540,000 of the general fund--federal appropriation are provided solely for the category of services titled

"intensive family preservation services." The reduction in funds assumed in this section is intended to realign the appropriation with actual service levels and expenditures and is not intended to reduce the current level of intensive family preservation services across the state.

(3) \$670,925 of the general fund--state fiscal year 2000 appropriation and \$670,925 of the general fund--state fiscal year 2001 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(4) \$513,000 of the general fund--state fiscal year 2000 appropriation and \$513,000 of the general fund--state fiscal year 2001 appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(5) \$140,000 of the fiscal year 2001 state general fund appropriation is provided solely for the department to establish and maintain a toll-free telephone number and an electronic on-line system for communication of information regarding child day-care centers and family day-care providers. This number shall be available during standard business hours, and during nonbusiness hours callers shall be able to leave messages. The number shall be published in reasonably available printed and electronic media. The number shall be easily identifiable as a method that callers may use to determine whether a day-care provider is licensed, determine whether a day-care provider is in good standing regarding licensing requirements, determine the general nature of enforcement actions against the provider, obtain information on how to report suspected or observed noncompliance with licensing requirements, obtain information on how to report health, safety, and welfare concerns, receive follow-up assistance including information on the office of the family and children's ombudsman, and receive referral information on other agencies or entities that may be of further assistance to the caller. Upon request, the department shall disclose the receipt, general nature, current status and resolution of all complaints on record with the department after the effective date of this section against a child day-care center or family day-care provider that result in an enforcement action. The department shall make available to the public during business hours all inspection reports and notices of enforcement actions involving child day-care centers and family day-care providers consistent with chapter 42.17 RCW. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

(6) \$2,311,000 of the fiscal year 2000 general fund--state appropriation, \$2,370,000 of the fiscal year 2001 general fund--state appropriation, and \$4,182,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks.

(7) \$90,000 of the general fund--state appropriation for fiscal year 2000, \$91,000 of the general fund--state appropriation for fiscal year 2001, and \$64,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 1619 (foster parent reimbursements). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(8) \$121,000 of the general fund--state appropriation for fiscal year 2000, \$101,000 of the general fund--state appropriation for fiscal year 2001, and \$80,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1668 (foster parent training). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(9) \$213,000 of the general fund--state appropriation for fiscal year 2000, \$93,000 of the general fund--state appropriation for fiscal year 2001, and \$78,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills is enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(10) \$348,000 of the general fund--federal appropriation is provided solely for the department to determine the character of persons who have unsupervised access to children in care, including exempt child care providers defined in RCW 74.15.020, through a conviction record and pending charges check at the Washington state patrol, in order to authorize payment for care. If a check through the Washington state patrol or the federal bureau of investigation has been completed within the preceding year of the department's request, the department may rely upon the previous check for persons who confirm no offenses have been committed within the last year. Further, the appropriation is provided to the department to implement a waiver process and administrative hearing review process for exempt child care providers whose background check may otherwise disqualify them. This subsection does not establish any obligation, duty, or cause of action.

(11) \$457,000 of the public safety and education account is provided to train service providers in serving and advocating for domestic violence victims with disabilities, monitor batterer treatment programs for compliance with certification standards, fund domestic violence services to underserved populations, and support the fatality review process.

(12) \$2,214,000 of the general fund--state appropriation for fiscal year 2001 and \$686,000 of the general fund--federal appropriation are provided solely for an increase in the combined adoption support and foster care caseloads. Of the amounts provided in this subsection, \$1,107,000 shall not be expended if the total expenditures for these programs or per capita expenditures for fiscal year 2000 or for the first quarter of fiscal year 2001 for any portion of these caseloads exceed the November 1999 expenditure forecast and the department does not provide a detailed report comparing the forecasted and actual expenditures per case by rate payment category and the reasons for each overexpenditure by December 1, 2000, to the appropriate policy and fiscal committees of the legislature.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for allocation, without deduction for administrative costs by the department, to the educational institute for rural families to ensure continued seasonal child care in region two of the department. These funds are not intended to supplant the contracted rate of reimbursement or the total reimbursement for the provision of seasonal child care by this provider.

(14) \$174,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a foster parent retention pilot program. This program will be directed at foster parents caring for children who act out sexually, as described in House Bill No. 2709 (foster parent retention program).

(15) The amounts provided in this section are sufficient to implement Engrossed Second Substitute Senate Bill No. 6400 (domestic violence).

Sec. 203. 2000 2nd sp.s. c 1 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2000) \$ 35,379,000

General Fund--State Appropriation (FY 2001) \$ ((38,283,000))

35,408,000

General Fund--Federal Appropriation \$ ((9,732,000))

9,884,000

General Fund--Private/Local Appropriation \$ 380,000

Juvenile Accountability Incentive Account--Federal

Appropriation \$ 6,548,000

Public Safety and Education Account--State

Appropriation \$ 10,700,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$ ((20,977,000))

19,871,000

TOTAL APPROPRIATION \$ ((121,999,000))

118,170,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$666,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) \$5,742,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(c) \$1,161,000 of the general fund--state appropriation for fiscal year 2000, \$1,162,000 of the general fund--state appropriation for fiscal year 2001, \$5,000,000 of the violence reduction and drug enforcement account appropriation, and \$177,000 of the juvenile accountability incentive account--federal appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(d) \$2,419,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(e) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for juvenile rehabilitation administration to contract with the institute for public policy for responsibilities assigned in chapter 338, Laws of 1997 (juvenile code revisions).

(f) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative.

(g) \$75,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a contract for expanded services of the teamchild project.

(h) \$75,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the Skagit county delinquency prevention project.

(i) \$350,000 of the general fund--state appropriation for fiscal year 2000, \$735,000 of the general fund--state appropriation for fiscal year 2001, \$229,000 of the general fund--federal appropriation, and \$673,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates for contracted service providers. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(j) No later than January 1, 2001, the Washington state institute for public policy shall report to the legislature on the outcomes of low and moderate risk juvenile rehabilitation administration offenders who were released without supervision compared to those who were released with supervision. The study shall compare both the recidivism rates as well as the nature of any new criminal offenses each group commits. The legislature shall consider the results of this study in making any decision to continue or revise parole services for this group of offenders.

(k) \$16,000 of the general fund--state appropriation for fiscal year 2000 and \$16,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5214 (firearms on school property). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse. The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of Substitute Senate Bill No. 5214 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(l) \$3,440,000 of the general fund--state appropriation for fiscal year 2000 and \$3,441,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(m) \$6,000,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. To the extent that distributions made under (l) and (m) of this subsection and pursuant to section 801 of this act exceed actual costs of processing truancy, children in need of services, and at-risk youth petitions, the department, in consultation with the respective juvenile court administrator and the county, may approve expenditure of funds provided in this subsection on other costs of the civil or criminal justice system. When this occurs, the department shall notify the office of financial management and the legislative fiscal committees. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per petition processing costs nor shall it penalize counties with lower than average per petition processing costs.

(n) \$4,700,000 of the public safety and education account appropriation is provided solely for distribution to counties pursuant to stipulation and agreed-to order of dismissal in Thurston county superior court case number 98-2-02458. The department shall not retain any portion of these funds to cover administrative or any other departmental costs.

(o) The distributions made under (l), (m), and (n) of this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(p) Each quarter during the 1999-01 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing the petitions in each of the following categories: Truancy, children in need of services, and at-risk youth. Counties shall submit the reports to the department no later than 45 days after the end of the quarter. The department shall forward this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a quarter ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(q) \$31,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program implemented pursuant to section 204 of this 2000 act.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000)	\$ 46,815,000	
General Fund--State Appropriation (FY 2001)	\$ ((48,064,000))	
		<u>44,022,000</u>
General Fund--Private/Local Appropriation	\$ 740,000	
Violence Reduction and Drug Enforcement Account--		
State Appropriation	\$ ((15,282,000))	
		<u>14,645,000</u>
TOTAL APPROPRIATION	\$ ((140,898,000))	<u>106,222,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$37,000 of the general fund--state appropriation for fiscal year 2000 and \$74,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase payment rates for contracted service providers. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2000)	\$ 1,419,000
General Fund--State Appropriation (FY 2001)	\$ 1,421,000
General Fund--Federal Appropriation	\$ 317,000
Juvenile Accountability Incentive Account--Federal	
Appropriation	\$ 1,100,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation	\$ 421,000
TOTAL APPROPRIATION	\$ 4,678,000

Sec. 204. 2000 2nd sp.s. c 1 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2000)	\$ 165,723,000	
General Fund--State Appropriation (FY 2001)	\$ ((179,190,000))	
		<u>184,775,000</u>
General Fund--Federal Appropriation	\$ ((395,644,000))	
		<u>311,421,000</u>
General Fund--Local Appropriation	\$ 1,827,000	
Health Services Account Appropriation	\$ 1,225,000	
TOTAL APPROPRIATION	\$ ((653,609,000))	<u>664,971,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$711,000 of the general fund--state appropriation for fiscal year 2000 and \$757,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to directly reimburse eligible providers for the medicaid share of mental health services provided to persons eligible for both medicaid and medicare.

(d) \$64,000 of the general fund--state appropriation for fiscal year 2000 and \$150,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for regional support networks to participate in prerelease treatment planning and to conduct involuntary commitment evaluations, as required by Substitute Senate Bill No. 5011 (mentally ill offenders). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(e) \$5,000 of the general fund--state appropriation for fiscal year 2000 and \$466,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for case management and other community support services, as authorized by Substitute Senate Bill No. 5011 (mentally ill offenders). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a pilot project demonstrating new and collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of WAC 275-57. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; (ii) protocols, guidelines, and handbooks suitable for use by other school districts and regional support networks seeking to replicate the pilot project's approach; and (iii) intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) \$47,000 of the general fund--state appropriation for fiscal year 2000 and \$47,000 of the general fund--state appropriation for fiscal year 2001 are provided for implementation of Substitute Senate Bill No. 5214 (firearms on school premises). If the bill is not enacted by June 30, 1999, the amounts provided shall lapse.

(h) The general fund--state appropriation for fiscal year 2001 includes \$1,891,000 to replace federal funding for outpatient services which is no longer available due to the reduction in the federal medical assistance percentage. The department shall distribute these additional state funds among the regional support networks according to each regional support network's capitation rate by eligibility category.

(i) The appropriations in this subsection include an increase in funding for medicaid outpatient services as a result of the forecasted increase in the number of persons eligible for medicaid over the number previously budgeted. The department shall distribute these additional appropriations among the regional support networks according to each regional support network's capitation rate by eligibility category.

(j) The health services account appropriation is provided solely for implementation of strategies which the department and the affected regional support networks conclude will best assure continued availability of community-based inpatient psychiatric services in all areas of the state. Such strategies may include, but are not limited to, emergency contracts for continued operation of inpatient facilities otherwise at risk of closure because of demonstrated, disproportionate uncompensated care; start-up grants for development of evaluation and treatment facilities; and increases in the rate paid for inpatient psychiatric services for medically indigent and/or general assistance for the unemployed patients. The funds provided in this subsection must be: (i)(A) Prioritized for use in those areas of the state which are at greatest risk of lacking sufficient inpatient psychiatric treatment capacity; (B) prioritized for use by those hospitals which do not receive low-income disproportionate share hospital payments as of the date of application for funding; (C) matched on a one-quarter local, three-quarters state basis by funding from the regional support network or networks in the area in which the funds are expended; and (D) used to support strategies which can be sustained during the 2001-03 biennium at a state cost no more than 100 percent greater than the amount provided in this subsection. Payments from the amount provided in this subsection shall not be made to any provider that has not agreed ~~((; and (B) that the provider will maintain or enhance its inpatient psychiatric treatment capacity throughout the period ending June 30, 2001, or for the duration of the funding, whichever is later))~~ that, except for prospective rate increases, the payment shall offset, on a dollar-for-dollar basis, any liability that may be established against the state for the rate of state reimbursement for inpatient psychiatric care ~~((; and (B) that the provider will maintain or enhance its inpatient psychiatric treatment capacity throughout the period ending June 30, 2001, or for the duration of the funding, whichever is later))~~. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(k) \$1,000,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of Substitute House Bill No. 2663 (atypical antipsychotic medications). If Substitute House Bill No. 2663 is not enacted by June 30, 2000, the amount provided in this subsection shall lapse. Prior to implementing the projects established in the bill, the department shall report to the appropriate policy and fiscal committees of the legislature on proposed medication delivery and monitoring systems and arrangements for obtaining manufacturer discounts or rebates. No more than \$175,000 of the funds provided in this subsection may be used for state and contractor start-up, evaluation, and administration of the projects, and no more than \$100,000 of that amount may be for ongoing costs which continue beyond fiscal year 2001. The department may transfer and allot the state component of such administrative costs to its mental health program support subprogram. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) \$ 69,797,000
General Fund--State Appropriation (FY 2001) \$ ~~((72,279,000))~~

General Fund--Federal Appropriation \$ ~~((141,129,000))~~

71,919,000

General Fund--Private/Local Appropriation \$ 29,809,000
TOTAL APPROPRIATION \$ ((313,044,000))

140,780,000

312,305,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(c) The department shall use general fund--local appropriations in this subsection to establish a third-party revenue incentive pool, which shall be used for staff-initiated projects which will increase the quality of care at the state hospitals. For fiscal year 2000, the incentive pool shall be (i) the first \$200,000 by which revenues from third-party payers exceed \$28,000,000; and (ii) fifty percent of any amounts beyond \$28,200,000, up to a maximum of \$500,000. For fiscal year 2001, the incentive pool shall be (iii) the first \$350,000 by which third-party revenues exceed \$28,480,000; and (iv) fifty percent of any amounts beyond \$28,830,000, up to a maximum of \$700,000. For purposes of this subsection, "third-party revenues" does not include disproportionate share hospital payments or the federal share of salaries and benefit allocations. The department may establish separate incentive pools for each hospital. The department may also divide the annual revenue target into quarterly goals, and make funds available from the incentive pool on a quarterly basis.

(d) \$444,000 of the general fund--state appropriation for fiscal year 2000, \$1,866,000 of the general fund--state appropriation for fiscal year 2001, \$196,000 of the general fund--private/local appropriation, and \$157,000 of the general fund--federal appropriation are provided for improved, more specialized care for persons with developmental disabilities during their treatment for a psychiatric illness at the state hospitals.

(e) By March 1, 2001, the department shall modify the treatment approach on at least two state hospital wards to more cost-effective models of care. The models shall place greater emphasis upon community transition, or upon long-term support, than upon intensive psychiatric rehabilitation for residents for whom such an alternative model of care is determined appropriate by their treatment team. The alternative treatment approaches may include closure of a ward and use of hospital staff to provide transitional community services, in coordination with the regional support networks.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2000) \$ 10,895,000
General Fund--State Appropriation (FY 2001) \$ ((11,940,000))

13,275,000

Violence Reduction and Drug Enforcement

Account--State Appropriation \$ 14,000,000
TOTAL APPROPRIATION \$ ((36,835,000))

38,170,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the fiscal committees of the legislature by October 1, 1999, on plans for increasing the efficiency of staffing patterns at the civil commitment center sufficiently to operate within authorized staffing and expenditure levels.

(b) The violence reduction and drug enforcement account appropriation is provided solely for deposit into the state building and construction account for design and construction of a new special commitment center facility (capital project 00-2-001). These funds shall not be transferred for other purposes as otherwise provided in section 201(3)(b) of this act. The amount provided in this subsection is subject to the review and allotment procedures under sections 902 and 903 of chapter 379, Laws of 1999. In accordance with section 909 of chapter 379, Laws of 1999, the department of corrections is responsible for project management.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2000) \$ 444,000
General Fund--State Appropriation (FY 2001) \$ 443,000
General Fund--Federal Appropriation \$ 3,282,000
TOTAL APPROPRIATION \$ 4,169,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2000) \$ 2,612,000
General Fund--State Appropriation (FY 2001) \$ ((2,706,000))

2,688,000

General Fund--Federal Appropriation \$ ((3,227,000))

3,220,000

TOTAL APPROPRIATION \$ ((8,545,000))

8,520,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) By December 1, 1999, the department shall provide the fiscal committees of the legislature with an independent assessment of options for increasing the efficiency and effectiveness of current systems and organizational structures for billing third-party payers for hospital services.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2000, \$100,000 of the general fund--state appropriation for fiscal year 2001, and \$120,000 of the general fund federal appropriation are provided solely for the institute for public policy to evaluate the impacts of Substitute Senate Bill No. 5011 (mentally ill offenders), and of chapter 297, Laws of 1998 (commitment of mentally ill persons). If Substitute Senate Bill No. 5011 is not enacted by June 30, 1999, one-half of each of these amounts shall lapse.

Sec. 205. 2000 2nd sp.s. c 1 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES	
General Fund--State Appropriation (FY 2000) \$ 185,473,000	
General Fund--State Appropriation (FY 2001) \$ ((205,593,000))	
	<u>212,352,000</u>
General Fund--Federal Appropriation \$ ((325,535,000))	
	<u>326,295,000</u>
Health Services Account--State Appropriation \$ 262,000	
TOTAL APPROPRIATION \$ ((716,863,000))	
	<u>724,382,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health services account appropriation and \$127,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(b) \$3,100,000 of the general fund--state appropriation for fiscal year 2000, \$4,650,000 of the general fund--state appropriation for fiscal year 2001, and \$8,250,000 of the general fund--federal appropriation are provided solely to increase services and supports for people with developmental disabilities. These funds shall be expended in accordance with priorities established by the stakeholder advisory group established in accordance with chapter 216, Laws of 1998 (developmental disabilities), except that (i) at least 50 percent of these amounts must be used to increase the number of people receiving residential, employment, family support, or other direct services; (ii) the services and supports must be designed and implemented such that the cost of continuing them in the 2001-03 biennium does not exceed \$19.2 million, of which no more than \$9.3 million is from state funds; and (iii) strong consideration shall be given to the need for increased wages for direct care workers in contracted residential programs.

(c) \$413,000 of the general fund--state appropriation for fiscal year 2000, \$1,172,000 of the general fund--state appropriation for fiscal year 2001, and \$694,000 of the general fund--federal appropriation are provided solely for employment, or other day activities and training programs, for young people who complete their high school curriculum in 1999 or 2000.

(d) \$1,919,000 of the general fund--state appropriation for fiscal year 2000, \$6,673,000 of the general fund--state appropriation for fiscal year 2001, and \$7,361,000 of the general fund--federal appropriation are provided solely to improve services for persons with developmental disabilities who would otherwise be at risk of needing involuntary commitment to or prolonged treatment at state psychiatric hospitals. The department shall use these funds to enhance the community crisis response system managed by regional support networks, improve crisis prevention and stabilization services through the developmental disabilities community services system, and expand community residential capacity for persons with developmental disabilities who are ready for discharge from state psychiatric hospitals. Funding for community residential capacity is sufficient to move a biennium total of 48 patients out of the state hospitals at a reasonable pace by June 30, 2001. The department shall manage the intensity of services provided so that the average cost per day does not exceed \$300 per person placed in this expanded community residential capacity. The department shall report to the appropriate committees of the legislature progress towards implementing this subsection after each calendar quarter. The legislature finds that, in addition to the appropriations in this subsection for improvements in services to persons with developmental disabilities who are committed to the custody of the secretary under chapter 71.05 RCW, it is necessary to study long-term treatment alternatives and their legal, fiscal, and policy implications. Therefore, the department shall provide a report to the ways and means committee of the senate and the appropriations committee of the house of representatives by December 1, 2000, containing options and recommendations for secure treatment programs. The report shall identify various treatment models that could be implemented and various types and locations of secure facilities, both state-owned and leased, in which programs could be sited, together with the department's recommendations. The report shall evaluate the potential for siting such programs on the grounds of existing state residential habilitation centers. The report shall also include analysis of advantages and disadvantages associated with contracting for some or all of the new program options identified. The report shall evaluate the options based on short-term and long-term costs, client and community security, efficiency of coordination with other service delivery systems, and how they address specific legal issues. In developing this report, the department shall invite participation by representatives of the Washington protection and advocacy system (WPAS), and shall include in the report WPAS' position on options and recommendations submitted by the department and any additional recommendations made by WPAS. The legislature recognizes a need to improve long-term services provided to individuals with developmental disabilities who are undergoing involuntary treatment under chapter 71.05 RCW. The legislature is committed to providing resources necessary to address issues in the U.S. District Court case of *Allen v. Western State Hospital*.

(e) \$513,000 of the general fund--state appropriation for fiscal year 2000, \$1,421,000 of the general fund--state appropriation for fiscal year 2001, and \$2,033,000 of the general fund--federal appropriation are provided to develop and operate secure residential and day program placements for persons who seem likely to pose a significant risk to the public safety if their current residential arrangement were to continue.

(f) \$209,000 of the general fund--state appropriation for fiscal year 2000, \$664,000 of the general fund--state appropriation for fiscal year 2001, and \$939,000 of the general fund--federal appropriation are provided to increase wages as required by Initiative No. 688 (state minimum wage) for contracted adult family homes, adult residential care facilities, hourly and daily family support providers, and hourly attendant care providers.

(g) \$1,978,000 of the general fund--state appropriation for fiscal year 2000, \$4,475,000 of the general fund--state appropriation for fiscal year 2001, and \$6,989,000 of the general fund--federal appropriation are provided solely to increase compensation for individual and agency home care workers. Payments to individual providers are to be increased from \$6.18 per hour to \$6.68 per hour on July 1, 1999, and to \$7.18 per hour on July 1, 2000. Payments to agency providers are to be increased to \$11.97 per hour on July 1, 1999, and to \$12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(h) Within amounts appropriated in this subsection, the developmental disabilities program shall contract for a pilot program to test an alternative service delivery model for persons with autism. The department must use a competitive process to determine the site of the pilot. The pilot program must be time-limited and subject to an evaluation of client outcomes to determine the effectiveness and efficiency of the pilot program compared to the standard service model for persons with autism.

(i) \$500,000 of the general fund--state appropriation for fiscal year 2001 and \$160,000 of the general fund--federal appropriation are provided solely for increased family support services and related case management support.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) \$ 66,076,000

General Fund--State Appropriation (FY 2001) \$ ~~((67,478,000))~~

66,904,000

General Fund--Federal Appropriation \$ ~~((146,482,000))~~

145,834,000

General Fund--Private/Local Appropriation \$ 10,227,000

TOTAL APPROPRIATION \$ ~~((290,263,000))~~

289,041,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2000) \$ 2,431,000

General Fund--State Appropriation (FY 2001) \$ 2,435,000

General Fund--Federal Appropriation \$ 2,080,000

TOTAL APPROPRIATION \$ 6,946,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 12,007,000

Sec. 206. 2000 2nd sp.s. c 1 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) \$ 446,025,000

General Fund--State Appropriation (FY 2001) \$ ~~((475,043,000))~~

477,355,000

General Fund--Federal Appropriation \$ ~~((979,301,000))~~

977,522,000

General Fund--Private/Local Appropriation \$ 3,910,000

Health Services Account--State Appropriation \$ ~~((2,104,000))~~

3,167,000

TOTAL APPROPRIATION \$ ~~((1,906,383,000))~~

1,907,979,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, ~~((\$2,148,000))~~ \$4,756,000 of the general fund--federal appropriation, \$923,000 of the general fund--state appropriation for fiscal year 2000, and ~~((\$958,000))~~ \$1,019,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,640,000 of the general fund--state appropriation for fiscal year 2000 and \$1,640,000 of the general fund--state appropriation for fiscal year 2001, plus the associated vendor rate increase for each year, are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing Engrossed Second Substitute House Bill No. 1484 (nursing home payment rates), the weighted average nursing facility payment rate for fiscal year 2000 shall be no more than \$10.85 for the capital portion of the rate and no more than \$108.20 for the noncapital portion of the rate. For fiscal year 2001, the weighted average nursing facility payment rate shall be no more than \$11.44 for the capital portion of the rate and no more than ~~((\$111.21))~~ \$111.84 for the noncapital portion of the rate. These rates include vendor rate increases, but exclude nurse's aide training.

(4) In addition to the rates set forth in subsection (3), \$286,000 of the general fund--state appropriation for fiscal year 2000 and \$310,000 of the general fund--federal appropriation are provided solely for supplemental rate adjustments for certain nursing facilities. In accordance with RCW 74.46.431, the department shall use these funds to apply an additional economic trends and conditions adjustment factor to the rate of any facility whose total rate allocation would otherwise be less than its April 1, 1999, total rate, adjusted for case-mix changes. This supplemental adjustment factor shall be the percentage by which the facility's April 1, 1999, rate would otherwise exceed the rate calculated in accordance with chapter 74.46 RCW and subsection (3) of this section, except that (a) no adjustment shall be provided for any amounts by which a facility's rate is lower due to a reduction in its facility-average medicaid case-mix score; and (b) the adjustment factor shall be reduced proportionately for all facilities by the percentage by which total supplemental payments would otherwise exceed the funds provided for such payments in this subsection. This subsection applies only to rates paid for services provided between July 1, 1999, and March 31, 2000.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(6) Funds are appropriated in this section to increase compensation for individual and for agency home care providers. Payments to individual home care providers are to be increased from \$6.18 per hour to \$6.68 per hour on July 1, 1999, and to \$7.18 per hour on July 1, 2000. Payments to agency providers are to increase to \$11.97 per hour on July 1, 1999, and to \$12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$200,000 of the general fund--state appropriation for fiscal year 2000, \$80,000 of the general fund--state appropriation for fiscal year 2001, and \$280,000 of the general fund--federal appropriation are provided solely for enhancement and integration of existing management information systems to (a) provide data at the local office level on service utilization, costs, and recipient characteristics; and (b) reduce the staff time devoted to data entry.

(8) The department of social and health services shall provide access and choice to consumers of adult day health services for the purposes of nursing services, physical therapy, occupational therapy, and psychosocial therapy. Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(9) \$1,452,000 of the general fund--state appropriation for fiscal year 2000, \$1,528,000 of the general fund--state appropriation for fiscal year 2001, and \$2,980,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1546 (in-home care services). If Second Substitute House Bill No. 1546 is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(10) \$610,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of Substitute House Bill No. 2454 (caregiver support). If Substitute House Bill No. 2454 is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(11) \$8,000 of the general fund--state appropriation for fiscal year 2000, \$131,000 of the general fund--state appropriation for fiscal year 2001, and \$139,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 2637 (background checks). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

Sec. 207. 2000 2nd sp.s. c 1 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) \$ 427,742,000

General Fund--State Appropriation (FY 2001) \$ ((410,913,000))

421,371,000

General Fund--Federal Appropriation \$ ((1,229,774,000))

1,226,044,000

General Fund--Private/Local Appropriation \$ 30,807,000

TOTAL APPROPRIATION \$ ((2,099,236,000))

2,105,964,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$284,083,000 of the general fund--state appropriation for fiscal year 2000, \$268,114,000 of the general fund--state appropriation for fiscal year 2001, \$1,140,342,000 of the general fund--federal appropriation, and \$28,371,000 of the general fund--local appropriation are provided solely for the WorkFirst program and child support operations. WorkFirst expenditures include TANF grants, diversion services, subsidized child care, employment and training, other WorkFirst related services, allocated field services operating costs, and allocated economic services program administrative costs. Within the amounts provided in this subsection, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. An increased attention to job retention and wage progression is necessary to emphasize the legislature's goal that the WorkFirst program succeed in helping recipients gain long-term economic independence and not cycle on and off public assistance. The wage progression measure shall report the median percentage increase in quarterly earnings and hourly wage after 12 months, 24 months, and 36 months. The wage progression report shall also report the percent with earnings above one hundred percent and two hundred percent of the federal poverty level. The report shall compare former WorkFirst participants with similar workers who did not participate in WorkFirst. The department shall also report percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months.

(b) Develop informational materials that educate families about the difference between cash assistance and work support benefits. These materials must explain, among other facts, that the benefits are designed to support their employment, that there are no time limits on the receipts of work support benefits, and that immigration or residency status will not be affected by the receipt of benefits. These materials shall be posted in all community service offices and distributed to families. Materials must be available in multiple languages. When a family leaves the temporary assistance for needy families program, receives cash diversion assistance, or withdraws a temporary assistance for needy families application, the department of social and health services shall educate them about the difference between cash assistance and work support benefits and offering them the opportunity to begin or to continue receiving work support benefits, so long as they are eligible. The department shall provide this information through in-person interviews, over the telephone, and/or through the mail. Work support benefits include food stamps, medicaid for all family members, medicaid or state children's health insurance program for children, and child care assistance. The department shall report annually to the legislature the number of families who have had exit interviews, been reached successfully by phone, and sent mail. The report shall also include the percentage of families who elect to continue each of the benefits and the percentage found ineligible by each substantive reason code. A substantive reason code shall not be "other." The report shall identify barriers to informing families about work support benefits and describe existing and future actions to overcome such barriers.

(c) Provide \$500,000 from the general fund--state appropriation for fiscal year 2000 and \$500,000 from the general fund--state appropriation for fiscal year 2001 for continuation of the WorkFirst evaluation conducted by the joint legislative audit and review committee.

(d) Report to the appropriate committees of the legislature, by December 1, 2000, how the new federal child support incentive system can be used to maximize federal incentive payments and to support the greatest achievement of WorkFirst program goals. In the event that the department earns federal child support incentive payments in excess of amounts budgeted, the department shall use one-half of those additional funds to offset general fund--state allotments and one-half of those additional funds to improve child support services. The department shall also work with the Washington state association of county clerks to identify ways to protect the confidentiality of social security numbers on court documents needed by the child support enforcement system while ensuring the reliability of this information without significantly increasing the cost to administer the child support system. The department shall report its recommendations for protecting the confidentiality of social security numbers to appropriate committees of the legislature by December 1, 2000.

(e) Provide up to \$500,000 of the general fund--federal appropriation to the office of financial management for a study of rate setting methods and policy for subsidized child care, the best method for coordinating and consolidating child care and early education programs currently funded by state government, and for a review of the various state programs for low-income families with children. The child care rate study shall analyze the effects of rate setting policy on the affordability and quality of the overall child care market. The child care and early education program study shall evaluate how current programs may be coordinated and consolidated to provide the most efficient level of administration, grant funding, and increased accessibility by families who are served by these programs. The study of state programs for low-income families shall compare and contrast eligibility and access to these programs and identify ways to coordinate or consolidate these programs to reduce administrative costs and improve access. The office shall submit a report to the department of social and health services and the appropriate committees of the legislature by December 1, 2000.

(f) Convene a working group that includes stakeholders and recipients of public assistance to establish basic customer service performance measures and goals. The customer service measures and goals will seek to make support for working families a priority. Customer service measures and goals may include, but are not limited to: Hours of operation that allow working families to get services without missing work, reduced wait times, systems for answering and returning phone calls in a timely manner, access to benefits that support work, access to job training and education, and, access to services for families with limited literacy or English skills, and families with special needs. The department shall report to the legislature by January 2001 the establishment of customer service measures and goals, and the departmental actions to assure the goals are being met.

(g) Use existing flexibility in federal and state welfare laws and regulations to support, on a limited basis, longer education and training plans that have a strong likelihood to lead to long-term economic independence for recipient.

(h) Provide up to \$1,400,000 of the general fund--federal appropriation for after-school care for middle school youth through programs such as those described in House Bill No. 2530 (after-school care).

(i) Provide up to \$2,710,000 of the general fund--federal appropriation for training and technical assistance for child care providers seeking training to enable them to competently serve children with special needs as described in House Bill No. 2869 (child care provider training).

(j) Provide \$230,000, or as much thereof as may be necessary, to the department of health to expand the vasectomy project to temporary assistance for needy families clients and their partners until such time as a federal family planning waiver is granted that will cover these services.

(k) Ensure that funds provided in this subsection to implement policies that disregard or exempt a portion of recipients' income are designed to achieve stated WorkFirst program goals and outcomes. Income disregards are effective incentives to help WorkFirst families move towards economic independence. Income disregard policy shall not discriminate based on who the specific employer is.

(2) \$43,408,000 of the general fund--state appropriation for fiscal year 2000 and ~~((43,386,000))~~ \$46,420,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed funds provided. The department shall, by July 1, 2000, begin using federal funds provided in subsection (1) of this section, as allowed by federal rules, for the costs of providing income assistance to children with court-appointed guardians or court-appointed custodians.

(3) \$5,444,000 of the general fund--state appropriation for fiscal year 2000 and \$5,632,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(4) RCW 74.08A.280 permits the department to develop contracts for state-wide welfare-to-work services. Within amounts available in this section, the department shall provide progress reports on the use of such contracting to the fiscal committees of the legislature by January 1, 2001. Each of these reports shall describe the number of current contracts for temporary assistance for needy families (TANF) or WorkFirst services that the department has with community social service providers and a description of the services being provided through each of those contracts.

(5) The legislature finds that, since the passage of the federal personal responsibility and work opportunity act in 1997, Washington's public assistance population has declined dramatically, and that the currently appropriated level for the temporary assistance for needy families program is sufficient for the 1999-01 biennium. The legislature further finds that federal funding for the temporary assistance for needy families program may decrease after the current five-year block grant has expired. The legislature declares that at least \$60,000,000 of the year-end balance in the federal TANF grant shall be held in reserve by the office of financial management at the close of the 1999-01 biennium.

Sec. 208. 2000 2nd sp.s. c 1 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2000) \$ 21,338,000

General Fund--State Appropriation (FY 2001) \$ ~~((22,404,000))~~

22,066,000

General Fund--Federal Appropriation \$ ~~((90,373,000))~~

90,364,000

General Fund--Private/Local Appropriation \$ 1,204,000

Public Safety and Education Account--State

Appropriation \$ 7,102,000
 Violence Reduction and Drug Enforcement Account--
 State Appropriation \$ 77,150,000
 TOTAL APPROPRIATION \$ ((219,268,000))

219,224,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,960,000 of the general fund--state appropriation for fiscal year 2000 and \$1,960,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for expansion of 50 drug and alcohol treatment beds for persons committed under RCW 70.96A.140. Patients meeting the commitment criteria of RCW 70.96A.140 but who voluntarily agree to treatment in lieu of commitment shall also be eligible for treatment in these additional treatment beds. The department shall develop specific placement criteria for these expanded treatment beds to ensure that this new treatment capacity is prioritized for persons incapacitated as a result of chemical dependency and who are also high utilizers of hospital services.

(2) \$18,000 of the general fund--state appropriation for fiscal year 2000, \$88,000 of the general fund--state appropriation for fiscal year 2001, and \$116,000 of the general fund--federal appropriation are provided solely for activities related to chemical dependency services under subsection 202(1) of this act. If that subsection is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(3) \$1,444,000 of the general fund--state appropriation for fiscal year 2000, \$1,484,000 of the general fund--state appropriation for fiscal year 2001, and \$330,000 of the general fund--federal appropriation are provided for implementation of Engrossed Substitute Senate Bill No. 5480 (drug-affected infants) or sections 1 through 17 of Second Substitute House Bill No. 1574. If legislation expanding services to prevent drug-affected infants is not enacted by June 30, 1999, the amounts provided in this subsection shall be provided solely for the development and implementation of comprehensive programs for alcohol and drug abusing mothers and their young children. The pilot programs shall be implemented in several locations, including at least one rural location. The pilot programs shall also be supported with TANF funds provided in section 208 of this act as a way to reduce prolonged dependency on public assistance for program participants.

(4) \$442,000 of the public safety and education account--state appropriation is provided solely for drug courts that have a net loss of federal grant funding from fiscal year 2000 to fiscal year 2001. The legislature finds that drug courts reduce criminal justice costs for both state and local governments. This appropriation is intended to cover approximately one-half of the lost federal funding. It is the intent of the legislature to provide state assistance to counties to cover a part of lost federal funding for drug courts for a maximum of three years.

Sec. 209. 2000 2nd sp.s. c 1 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2000) \$ 744,327,000

General Fund--State Appropriation (FY 2001) \$ ((834,864,000))

976,059,000

General Fund--Federal Appropriation \$ ((2,542,652,000))

2,701,092,000

General Fund--Private/Local Appropriation \$ ((258,646,000))

256,704,000

Emergency Medical Services and Trauma Care Systems

Trust Account--State Appropriation \$ 9,200,000

Health Services Account--State Appropriation \$ ((487,040,000))

527,852,000

TOTAL APPROPRIATION \$ ((4,876,699,000))

5,215,234,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994.

(2) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(3) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(4) \$1,647,000 of the general fund--state appropriation for fiscal year 2000 and \$1,672,000 of the general fund--state appropriation for fiscal year 2001 are provided for treatment of low-income kidney dialysis patients.

(5) \$80,000 of the general fund--state appropriation for fiscal year 2000, \$80,000 of the general fund--state appropriation for fiscal year 2001, and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(6) The department shall report to the fiscal committees of the legislature by September 15, 1999, and again by December 15, 1999, on (a) actions it has taken and proposes to take to increase the share of medicare part B premium payments upon which it is collecting medicaid matching funds; (b) the percentage of such premium payments for each month of service subsequent to June 1998 which have been paid with unmatched, state-only funds; and (c) why matching funds could not be collected on those payments.

(7) The department shall report to the fiscal committees of the legislature by December 1, 1999, and again by October 1, 2000, on the amount which has been recovered from third-party payers as a result of its efforts to improve coordination of benefits on behalf of "basic health plan-plus" enrollees.

(8) The department shall report to the health care and fiscal committees of the legislature by December 1, 1999, on options for controlling the growth in medicaid prescription drug expenditures through strategies such as but not limited to volume purchasing, selective contracting, supplemental drug discounts, and improved care coordination for high utilizers.

(9) \$3,992,000 of the health services account appropriation and \$7,651,000 of the general fund--federal appropriation are provided solely for health insurance coverage for children with family incomes between 200 percent and 250 percent of the federal

poverty level, as provided in Substitute Senate Bill No. 5416 (children's health insurance program). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(10) Upon approval from the federal health care financing administration, the department shall implement the section 1115 family planning waiver to provide family planning services to persons with family incomes at or below two hundred percent of the federal poverty level.

(11) In accordance with Substitute Senate Bill No. 5968, \$70,821,000 of the health services account appropriation for fiscal year 2000, (~~(\$42,041,000)~~) \$67,331,000 of the health services account appropriation for fiscal year 2001, and (~~(\$120,278,000)~~) \$146,579,000 of the general fund--federal appropriation, or so much thereof as may be expended without exceeding the medicare upper payment limit, are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. Such payments shall be distributed among the participating rural public hospital districts proportional to the number of days of medicaid-funded nursing home care provided by each district during the preceding calendar year, relative to the total number of such days of care provided by all participating rural public hospital districts. Prior to making any supplemental payments, the department shall first obtain federal approval for such payments under the medicaid state plan. The payments shall further be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least (~~(87)~~) 89 percent of the total supplemental payment amounts received during the 1999-01 fiscal biennium; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than a total of \$30,000,000 for the 1999-01 biennium.

(12) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(13) \$1,529,000 of the general fund--state appropriation for fiscal year 2000, \$4,077,000 of the general fund--state appropriation for fiscal year 2001, and \$5,394,000 of the general fund--federal appropriation are provided solely for implementation of the settlement negotiated by the department and the attorney general in the case of *Allenmore et al. vs. DSHS*.

(14) From funds provided in this section, the department shall develop disease state management and therapeutic substitution programs which will substantially maintain or enhance the quality of the drug benefit for medical assistance recipients, while controlling overall health care costs. In designing the disease state management programs, the department shall research programs which have proven effective with similar populations in other states, and shall then work with concerned provider and consumer groups to adapt those strategies to Washington's service delivery system. The department shall work with its drug utilization and education council to develop a therapeutic substitution program for at least two classes of drugs. Under the therapeutic substitution program, the council shall analyze pharmacoeconomic research on the costs and benefits of all drugs within the class, and identify the most cost-effective drug or drugs within the class for placement on the formulary. Other drugs within the class shall be preauthorized when clinically indicated under criteria established by the council. The department shall report to appropriate committees of the legislature by December 1, 2000, prior to implementing its proposed strategies.

(15) (~~(\$14,848,000)~~) \$27,100,000 of the health services account appropriation for fiscal year 2001 and (~~(\$15,269,000)~~) \$27,800,000 of the general fund--federal appropriation are provided solely for additional disproportionate share hospital payments to public hospital districts. Such additional payments shall not be made prior to federal approval of a revision in the medicaid payment methodology for state teaching hospitals, and shall not exceed the increase in medicaid payments which results from that change. The payments shall further be conditioned upon a contractual commitment by the participating public hospital districts to make an intergovernmental transfer to the health services account equal to at least (~~(77)~~) 85 percent of the additional disproportionate share payment. The participating districts shall retain no more than (~~(\$7,000,000)~~) \$7,800,000 of the additional disproportionate share payment. At least 28 percent of the amounts retained by the participating hospital districts shall be allocated to the state teaching hospitals.

(16)(a) \$49,000 of the general fund--state appropriation for fiscal year 2001 and \$49,000 of the general fund--federal appropriation for fiscal year 2001 are provided solely for the medical assistance administration and the health care authority to jointly conduct a state-wide study to:

(i) Determine payment sources and rates paid for primary health care providers performing outpatient primary care services and primary care in hospital emergency rooms for the state's medical assistance programs, including healthy options, and the basic health plan. To determine payment sources and rates paid, the agencies may seek information in relation to such factors as:

(A) The rates paid to primary care providers for their medical assistance programs, including healthy options, and basic health plan contracts; and

(B) How these rates compare with nonpublic pay clients for the same services.

The agencies are authorized to attain this information from health plans or providers. The agencies shall maintain the confidentiality of data collected for the purpose of the study;

(ii) Determine which primary care providers serve a relatively high number of low-income clients, and how that affects their medical practice. For purposes of the study, "primary care providers" includes pediatricians, family practitioners, general practitioners, internists, physician assistants, and advanced registered nurse practitioners; and

(iii) Develop proposals to support these providers' medical practices. The agencies must determine what constitutes a relatively high percentage of low-income clients for individual primary care providers who contract for medical assistance administration programs, including healthy options, and the basic health plan, and recommend whether and at what point this disproportionately high percentage should result in additional compensation to the primary care provider. The agencies shall recommend a method to calculate a payment adjustment designed to help support medical practices, according to the study's findings.

(b) In conducting the study, the agencies shall determine which regions of the state to include in the study, based on factors the agencies determine will provide the most representative data state-wide. The agencies shall also consult with interested parties, including any organization or agency affected by this subsection, throughout the course of the study.

(c) The agencies shall report to the legislature by December 1, 2000, with the results of the primary health care provider study. The report shall include recommendations on: (i) What constitutes a disproportionately high percentage of low-income

clients; (ii) possible payment adjustments for these providers; (iii) methods to implement such a rate adjustment; and (iv) what such a payment adjusted program will cost.

(17) From funds appropriated in this section, the medical assistance program shall assist the Washington state institute for public policy with the assessment of options for expanding medicaid eligibility required in section 607 of this 2000 act. Such assistance shall include analysis of medicaid enrollment and expenditure data needed for enrollment and cost projections; information and advice on state and federal medicaid requirements; and liaison with state and federal officials in other states undertaking similar expansions.

(18) \$290,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of the asset exemption provisions of House Bill No. 2686. If these provisions are not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 210. 2000 2nd sp.s. c 1 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2000) \$ 8,770,000

General Fund--State Appropriation (FY 2001) \$ ((8,635,000))

8,600,000

General Fund--Federal Appropriation \$ ((81,906,000))

81,797,000

General Fund--Private/Local Appropriation \$ 1,865,000

TOTAL APPROPRIATION \$ ((101,176,000))

101,032,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with state and local organizations to improve and expand employment opportunities for people with severe disabilities served by those organizations.

(2) \$190,000 of the general fund--state appropriation for fiscal year 2000, \$240,000 of the general fund--state appropriation for fiscal year 2001, and \$1,590,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals enrolled for services with the developmental disabilities program who complete their high school curriculum in 1999 or 2000.

Sec. 211. 2000 2nd sp.s. c 1 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) \$ 26,004,000

General Fund--State Appropriation (FY 2001) \$ ((20,149,000))

26,135,000

General Fund--Federal Appropriation \$ ((43,227,000))

47,157,000

General Fund--Private/Local Appropriation \$ 720,000

TOTAL APPROPRIATION \$ ((90,070,000))

100,016,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding is provided for the incremental cost of lease renewals and for the temporary increased costs for relocating staff out of state office building no. 2 (OB2) during the renovation of that building. Of this increase, \$2,400,000 is provided for relocating staff. This amount is recognized as one-time-only funding for the 1999-01 biennium. As part of the 2001-2003 budget request, the department shall update the estimate of increased cost for relocating staff, including specifying what portion of that increase is due to providing more square footage per FTE in the new leased space compared to the space occupied previously.

(2) The department may transfer up to \$528,000 of the general fund--state appropriation for fiscal year 2000, \$1,057,000 of the general fund--state appropriation for fiscal year 2001, and \$812,000 of the general fund--federal appropriation to the administration and supporting services program from various other programs to implement administrative reductions.

(3) The department may transfer and allot up to \$5,560,000 of the general fund--state appropriation for fiscal year 2001 and \$3,518,000 of the general fund--federal appropriation to the administration and supporting services program from various other programs in the department to achieve fiscal reductions assumed in this section. In selecting reductions in the various other programs, the department shall place a higher priority on reductions in administrative support functions as opposed to direct client services. Reductions in positions providing direct client services shall be implemented only if those reductions can be justified by reduced workload or through reorganization or other efficiencies that do not result in a risk of failing to meet federal or state certification or licensing standards. In achieving the level of savings assumed in this subsection, the department shall not eliminate or reduce funding and/or staff that would shift or transfer filing or appeal workload to superior courts. By September 1, 2000, the department shall report its plan to implement the savings in this section to the fiscal committees of the legislature.

(4) \$187,000 of the general fund--state appropriation for fiscal year 2000, \$746,000 of the general fund--state appropriation for fiscal year 2001, and ((2,251,000)) \$2,500,000 of the general fund--federal appropriation are provided to implement a new fraud and abuse detection system. By December 1, 2000, the department shall provide a report to the fiscal committees of the legislature that will include: The actual cost recovery in fiscal year 1999 and fiscal year 2000, prior to implementation of the new fraud and abuse detection system; actual cost avoidance in fiscal year 1999 and fiscal year 2000, prior to implementation of the new fraud and abuse detection system; actual cost recovery and actual cost avoidance achieved to date after implementation in fiscal year 2000 and 2001, compared to the savings included in sections 202, 205, 206, and 209 of this 2000 act; and the criteria and methodology used for determining cost recovery and cost avoidance.

Sec. 212. 2000 2nd sp.s. c 1 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2000) \$ 31,190,000

General Fund--State Appropriation (FY 2001) \$ 31,225,000

General Fund--Federal Appropriation \$ ((21,932,000))

21,984,000

TOTAL APPROPRIATION \$ ((84,347,000))

84,399,000

Sec. 213. 2000 2nd sp.s. c 1 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund--Federal Appropriation \$ 100,000

Death Investigations Account--State

Appropriation \$ 148,000

Public Safety and Education Account--State

Appropriation \$ ((17,632,000))

16,492,000

Municipal Criminal Justice Assistance Account--

Local Appropriation \$ 412,000

TOTAL APPROPRIATION \$ ((17,880,000))

17,152,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$125,000 of the public safety and education account appropriation is provided solely for information technology upgrades and improvements for the criminal justice training commission.

(2) \$481,000 of the public safety and education account appropriation is provided solely for the implementation of provisions of chapter 351, Laws of 1997 (criminal justice training) dealing with supervisory and management training of law enforcement personnel. Within the funds provided in this subsection, the criminal justice training commission shall provide the required training in the least disruptive manner to local law enforcement agencies and may include, but is not limited to, regional on-site training, interactive training, and credit for training given by the home department.

(3) \$1,990,000 of the public safety and education account appropriation is provided solely for expanding the basic law enforcement academy (BLEA) from 469 hours to 720 hours. The funds provided in this subsection are assumed sufficient for the criminal justice training commission to provide expanded BLEA training to 330 attendees in fiscal year 2000 and 660 attendees in fiscal year 2001.

(4) \$180,000 of the public safety and education account appropriation is provided solely for the implementation of Second Substitute House Bill No. 1176 (sexually violent offender records). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(5) \$276,000 of the public safety and education account appropriation is provided solely for the implementation of Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills is enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(6) \$50,000 of the public safety and education account appropriation is provided solely for additional domestic violence training courses for 911 operators.

(7) \$215,000 of the public safety and education account appropriation is provided solely for the Washington association of sheriffs and police chiefs to conduct a study of law enforcement services and expenditures for both counties and cities within the county for counties with populations over one hundred fifty thousand. The study shall begin no later than July 1, 2000, and shall be completed by ~~((June 30))~~ October 31, 2001. The final report shall be distributed by the Washington association of sheriffs and police chiefs to the appropriate standing committees of the legislature. The study shall:

(a) Make recommendations to improve the efficiency of delivering law enforcement services. The recommendations may be made to law enforcement jurisdictions, Washington association of sheriffs and police chiefs, units of local government, and the legislature;

(b) Research, compile, and analyze data sufficient to provide a comprehensive analysis of the costs and total expenditures for law enforcement. These costs include but are not limited to special services, defined as but not limited to: SWAT teams, bomb disposal units, air support, marine units, hostage negotiation teams, homicide investigation units, drug units, canine units, arson investigation teams, computer fraud and forensics units, domestic violence and special assault units, and gang and youth violence units. The study shall identify duplications and inefficiencies in current service delivery;

(c) Obtain data from all local governments on the types of costs identified in (b) of this subsection. This data will be compiled and analyzed by the agency or organization that conducts the study for each county; and

(d) Obtain data from those counties and law enforcement agencies where master interlocal agreements, joint specialty service units, and other cooperative arrangements have been developed between law enforcement agencies to improve the effectiveness, efficiency, and ensured quality of specialty law enforcement services.

Sec. 214. 2000 2nd sp.s. c 1 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2000) \$ 7,268,000

General Fund--State Appropriation (FY 2001) \$ 7,240,000

Public Safety and Education Account--State

Appropriation \$ ((18,756,000))

20,156,000

Public Safety and Education Account--Federal

Appropriation \$ 5,950,000

Public Safety and Education Account--Private/Local

Appropriation \$ 3,057,000

Electrical License Account--State

Appropriation \$ 24,402,000

Farm Labor Revolving Account--Private/Local

Appropriation \$ 28,000

Worker and Community Right-to-Know Account--State

Appropriation \$ 2,211,000

Public Works Administration Account--State

Appropriation \$ 2,996,000
 Accident Account--State Appropriation \$ 167,092,000
 Accident Account--Federal Appropriation \$ 9,112,000
 Medical Aid Account--State Appropriation \$ 169,172,000
 Medical Aid Account--Federal Appropriation \$ 1,592,000
 Plumbing Certificate Account--State
 Appropriation \$ 971,000
 Pressure Systems Safety Account--State
 Appropriation \$ 2,167,000
 TOTAL APPROPRIATION \$ ((422,014,000))

423,414,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider and managed care contracts; (c) coordinate with the department of social and health services to use the public safety and education account as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods.

(2) \$2,665,000 of the public safety and education account--state appropriation is provided solely for additional costs for client benefits in the crime victims compensation program, provided that no more than \$5,095,000 of the appropriations provided in subsection (1) of this section is expended for department administration of the crime victims compensation program.

(3) From within funds provided, the department shall improve customer service and satisfaction for injured workers by speeding up the process for reporting injuries, and shall enhance vocational rehabilitation services for injured workers.

Sec. 215. 2000 2nd sp.s. c 1 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2000) \$ 1,640,000
 General Fund--State Appropriation (FY 2001) \$ 1,628,000
 General Fund--Federal Appropriation \$ 134,000
 General Fund--Private/Local Appropriation \$ 78,000
 Industrial Insurance Premium Refund Account--State
 Appropriation \$ 78,000
 Charitable, Educational, Penal, and Reformatory
 Institutions Account--State
 Appropriation \$ 2,000
 TOTAL APPROPRIATION \$ 3,560,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$39,000 of the general fund--state appropriation is provided solely as an additional state contribution toward the cost of constructing a memorial on the state capitol grounds to the men and women who served in the nation's armed forces during the second world war.

(b) \$231,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for disbursement to the national World War II memorial fund for construction and maintenance of the national monument honoring the men and women from Washington and the other states who served in the nation's armed forces during the second world war.

(c) \$200,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to conduct a predesign study for replacement of aging skilled nursing facilities. The predesign study shall comply with the requirements of sections 902 and 903, chapter 379, Laws of 1999.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2000) \$ 2,466,000
 General Fund--State Appropriation (FY 2001) \$ 2,494,000
 General Fund--Federal Appropriation \$ ((26,000))

78,000

General Fund--Private/Local Appropriation \$ 1,495,000
 TOTAL APPROPRIATION \$ ((6,484,000))

6,533,000

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) \$ 5,346,000
 General Fund--State Appropriation (FY 2001) \$ 4,790,000
 General Fund--Federal Appropriation \$ 23,002,000
 General Fund--Private/Local Appropriation \$ 16,527,000
 TOTAL APPROPRIATION \$ 49,665,000

Sec. 216. 2000 2nd sp.s. c 1 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2000) \$ 62,840,000
 General Fund--State Appropriation (FY 2001) \$ 64,284,000
 General Fund--Federal Appropriation \$ ((268,032,000))

General Fund--Private/Local Appropriation	\$ ((68,648,000))	<u>268,081,000</u>
Hospital Commission Account--State		<u>74,989,000</u>
Appropriation	\$ 2,378,000	
Health Professions Account--State		
Appropriation	\$ 37,529,000	
Emergency Medical Services and Trauma Care Systems		
Trust Account--State Appropriation	\$ 14,856,000	
State Drinking Water Account--State		
Appropriation	\$ 2,531,000	
Drinking Water Assistance Account--Federal		
Appropriation	\$ 5,456,000	
Waterworks Operator Certification--State		
Appropriation	\$ 593,000	
Water Quality Account--State Appropriation	\$ 3,124,000	
Accident Account--State Appropriation	\$ 258,000	
Medical Aid Account--State Appropriation	\$ 45,000	
State Toxics Control Account--State		
Appropriation	\$ 2,614,000	
Health Services Account Appropriation	\$ 12,992,000	
Medical Test Site Licensure Account--State		
Appropriation	\$ 1,651,000	
Youth Tobacco Prevention Account--State		
Appropriation	\$ 1,804,000	
Tobacco Prevention and Control Account--State		
Appropriation	\$ 15,620,000	
TOTAL APPROPRIATION	\$ ((565,255,000))	<u>571,645,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,434,000 of the health professions account appropriation is provided solely for the development and implementation of a licensing and disciplinary management system. Expenditures are conditioned upon compliance with section 902 of this act. These funds shall not be expended without appropriate project approval by the department of information systems.

(2) The department or any successor agency is authorized to raise existing fees charged to the nursing assistants, podiatrists, and osteopaths; for certificate of need; for temporary worker housing; for state institution inspection; for residential care facilities and for transient accommodations, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(3) \$339,000 of the general fund--state appropriation for fiscal year 2000, \$339,000 of the general fund--state appropriation for fiscal year 2001, and \$678,000 of the general fund--federal appropriation are provided solely for technical assistance to local governments and special districts on water conservation and reuse. \$339,000 of the general fund--federal amount may be expended in each fiscal year of the biennium, only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(4) \$1,685,000 of the general fund--state fiscal year 2000 appropriation and \$1,686,000 of the general fund--state fiscal year 2001 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(5) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(6) \$620,000 of the tobacco prevention and control account appropriation and \$209,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5516 or, if the bill is not enacted, for the development of a sustainable, long-term, comprehensive tobacco control program. The plan shall identify a specific set of outcome measures that shall be used to track long range progress in reducing the use of tobacco. Nationally accepted measures that can be used to compare progress with other states shall be included. The plan shall emphasize programs that have demonstrated effectiveness in achieving progress towards the specified outcome measures. Components of the plan that do not have a record of success may be included, provided that the plan also includes the means of evaluating those components. The plan shall also include an inventory of existing publically funded programs that seek to prevent the use of tobacco, alcohol, or other drugs by children and youth and recommendations to coordinate and consolidate these programs in order to achieve greatest positive outcomes within total available resources. A preliminary plan shall be submitted to the appropriate committees of the legislature by December 1, 1999.

(7) \$2,075,000 of fiscal year 2000 general fund--state appropriation and \$2,075,000 of fiscal year 2001 general fund--state appropriation are provided for the Washington poison center. The department shall require the center to develop a long range financing plan that identifies options for diversifying funding for center operations, including, but not limited to, federal grants, private

sector grants and sponsorships, and multistate or regional operating agreements. The plan shall be submitted to the appropriate committees of the legislature by December 1, 2000.

(8) \$50,000 of fiscal year 2000 general fund--state appropriation and \$50,000 of fiscal year 2001 general fund--state appropriation are provided solely for fund raising and other activities for the development of early hearing loss clinics. The development plan for these clinics shall not assume ongoing general fund--state appropriations.

(9) \$15,000,000 of the tobacco prevention and control account appropriation is provided solely for the implementation of a sustainable, long-term tobacco control program. The integrated components of the program may include: Community-based programs, cessation, public awareness and education, youth access, and assessment and evaluation. A final plan will define the sustainable implementation of the long-term program given the remaining available balance in the tobacco prevention and control account. This plan shall be submitted to the appropriate committees of the legislature by September 1, 2000.

(10) \$24,000 of the fiscal year 2000 general fund--state appropriation and \$117,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 6199 (patient bill of rights). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

Sec. 217. 2000 2nd sp.s. c 1 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in chapter 309, Laws of 1999, as amended, shall be expended for the programs and in the amounts specified therein. However, after April 1, ~~((2000))~~ 2001, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ~~((2000))~~ 2001 between the correctional operations and community supervision programs after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2000) \$ 26,064,000
General Fund--State Appropriation (FY 2001) \$ 28,022,000
Public Safety and Education Account--State
Appropriation \$ 2,962,000
Violence Reduction and Drug Enforcement
Account Appropriation \$ 2,000,000
Cost of Supervision Fund Appropriation \$ 2,254,000
TOTAL APPROPRIATION \$ 61,302,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$72,000 of the general fund--state appropriation for fiscal year 2000, \$212,000 of the general fund--state appropriation for fiscal year 2001, \$2,962,000 of the public safety and education account appropriation, \$2,000,000 of the violence reduction drug enforcement account appropriation, and \$2,254,000 of the cost of supervision fund appropriation are provided solely for replacement of the department's offender-based tracking system. These amounts are subject to section 902 of this act.

(b) \$462,000 of the general fund--state appropriation for fiscal year 2000 and \$538,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2000) \$ 360,685,000
General Fund--State Appropriation (FY 2001) \$ ~~((364,386,000))~~ 371,428,000

General Fund--Federal Appropriation \$ ~~((35,577,000))~~ 25,830,000

Violence Reduction and Drug Enforcement Account--
State Appropriation \$ ~~((1,614,000))~~ 2,684,000

Public Health Services Account Appropriation \$ ~~((1,884,000))~~ 1,117,000

Institutional Welfare Betterment Account
Appropriation \$ 2,570,000
TOTAL APPROPRIATION \$ ~~((766,716,000))~~ 764,314,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Not more than \$3,000,000 may be expended to provide financial assistance to counties for monitoring and treatment services provided to felony offenders involved in drug court programs pursuant to sections 7 through 12 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing). The secretary may negotiate terms, conditions, and amounts of assistance with counties or groups of counties operating drug courts, and may review charging and other documents to verify eligibility for payment. The secretary may contract with the division of alcohol and substance abuse, department of social and health services, for monitoring and treatment services provided pursuant to this subsection.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(d) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(e) \$583,000 of the general fund--state appropriation for fiscal year 2000 and \$1,178,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase payment rates for contracted education providers and contracted work release facilities. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(f) \$151,000 of the general fund--state appropriation for fiscal year 2000 and \$57,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(g) \$18,000 of the general fund--state appropriation for fiscal year 2000 and \$334,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Senate Bill No. 5538 (sentencing) or section 3 of House Bill No. 1544 (sentencing corrections). If neither bill is enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(h) \$171,000 of the general fund--state appropriation for fiscal year 2000 and \$1,094,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(i) The department of corrections shall submit to the appropriate policy and fiscal committees of the senate and house of representatives, by December 15, 1999, a report on how the department plans to manage hepatitis C in the inmate population. In developing the plan, the department shall work with recognized experts in the field and shall take notice of the current national institutes of health hepatitis C guidelines and hepatitis C protocols observed in other correctional settings. Included in the plan shall be offender education about the disease, how and when offenders would be tested, how the disease would be managed if an inmate is determined to have hepatitis C, and an estimate of the number of inmates in the Washington prison system with hepatitis C. The proposed plan must also include recommendations to the legislature on ways to improve hepatitis C disease management and what level of funding would be necessary to appropriately test for and treat the disease.

(j) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following:

(A) Enter into a long-term ground lease or a long-term lease with purchase option for development of a Tacoma prerelease facility for approximately \$360,000 per year. Prior to entering into any lease, the department of corrections shall obtain written confirmation from the city of Tacoma and Pierce county that the prerelease facility planned for the site meets all land use, environmental protection, and community notification requirements.

(B) Enter into a financing contract in the amount of \$21,350,000 to acquire, construct, or remodel a 400-bed, expandable to 600-bed, Tacoma prerelease facility.

(C) Lease-develop with the option to purchase or lease-purchase approximately 100 work release beds in facilities throughout the state for \$7,000,000.

(k) (~~(\$1,884,000)~~) \$1,117,000 of the public health services account appropriation is provided solely for costs associated with the testing, treatment, and other activities related to managing hepatitis C in the inmate population.

(l) \$117,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Second Substitute Senate Bill No. 6255 (anhydrous ammonia). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(m) \$2,570,000 of the institutional welfare betterment account appropriation is provided solely for deposit in the public health services account.

(n) During the 1999-01 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account as of January 1, 2000.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2000) \$ 48,451,000

General Fund--State Appropriation (FY 2001) \$ (~~53,787,000~~)

53,311,000

Public Safety and Education

Account--State Appropriation \$ 9,861,000

TOTAL APPROPRIATION \$ (~~112,099,000~~)

111,623,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) Amounts provided in this subsection are sufficient for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability).

(c) \$109,000 of the general fund--state appropriation for fiscal year 2000 and \$126,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5011 (dangerous mentally ill offenders). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(d) \$219,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department of corrections to contract with the institute for public policy

for responsibilities assigned in Engrossed Second Substitute Senate Bill No. 5421 (offender accountability act) and sections 7 through 12 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing).

(4) CORRECTIONAL INDUSTRIES
General Fund--State Appropriation (FY 2000) \$ 817,000
General Fund--State Appropriation (FY 2001) \$ ((3,523,000))

Institutional Welfare Betterment Account
Appropriation \$ 3,509,000
TOTAL APPROPRIATION \$ ((7,849,000))

150,000

4,476,000

The appropriations in this subsection are subject to the following conditions and limitations:
(a) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.
(b) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the correctional industries board of directors to hire one staff person, responsible directly to the board, to assist the board in fulfilling its duties.

(5) INTERAGENCY PAYMENTS
General Fund--State Appropriation (FY 2000) \$ 12,898,000
General Fund--State Appropriation (FY 2001) \$ ((11,983,000))

TOTAL APPROPRIATION \$ ((24,881,000))

12,255,000

25,153,000

Sec. 218. 1999 c 309 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND
General Fund--State Appropriation (FY 2000) \$ 1,481,000
General Fund--State Appropriation (FY 2001) \$ 1,513,000
General Fund--Federal Appropriation \$ ((11,062,000))

General Fund--Private/Local Appropriation \$ 80,000
TOTAL APPROPRIATION \$ ((14,136,000))

11,612,000

14,686,000

Sec. 219. 2000 2nd sp.s. c 1 s 222 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT
General Fund--State Appropriation (FY 2000) \$ 1,263,000
General Fund--State Appropriation (FY 2001) \$ 1,259,000
General Fund--Federal Appropriation \$ 209,498,000
General Fund--Private/Local Appropriation \$ 29,135,000
Unemployment Compensation Administration Account--
Federal Appropriation \$ ((169,985,000))

Administrative Contingency Account--State
Appropriation \$ 9,443,000
Employment Service Administrative Account--State
Appropriation \$ 19,457,000
TOTAL APPROPRIATION \$ ((440,040,000))

177,799,000

447,854,000

The appropriations in this section are subject to the following conditions and limitations:
(1) Expenditures of funds appropriated in this section for the information systems project to improve the agency's labor exchange system are conditioned upon compliance with section 902 of this act.
(2) \$327,000 of the unemployment compensation administration account--federal appropriation is provided consistent with section 903(c)(2) of the federal social security act to address deficiencies in the tax and wage information system (TAXIS) and to improve the quality and timeliness of employer tax information and employee wage records.
(3) \$2,567,000 of the employment service administrative account--state appropriation is provided solely for implementation of Substitute House Bill No. 3077 (unemployment insurance). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse

. PART III

NATURAL RESOURCES

Sec. 301. 2000 2nd sp.s. c 1 s 301 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY
General Fund--State Appropriation (FY 2000) \$ 36,462,000
General Fund--State Appropriation (FY 2001) \$ 42,225,000
General Fund--Federal Appropriation \$ 55,141,000
General Fund--Private/Local Appropriation \$ 4,234,000

Special Grass Seed Burning Research Account-- State Appropriation \$ 14,000	
Reclamation Revolving Account--State Appropriation \$ 1,735,000	
Flood Control Assistance Account-- State Appropriation \$ ((3,989,000))	
	<u>3,957,000</u>
Public Safety and Education Account-- State Appropriation \$ 749,000	
State Emergency Water Projects Revolving Account-- State Appropriation \$ 317,000	
Waste Reduction/Recycling/Litter Control Account-- State Appropriation \$ 13,193,000	
State Drought Preparedness Account--State Appropriation \$ ((675,000))	
	<u>350,000</u>
Salmon Recovery Account--State Appropriation \$ 1,120,000	
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation \$ 557,000	
Water Quality Account--State Appropriation \$ 3,881,000	
Wood Stove Education and Enforcement Account-- State Appropriation \$ 551,000	
Worker and Community Right-to-Know Account-- State Appropriation \$ 3,155,000	
State Toxics Control Account--State Appropriation \$ ((48,369,000))	
	<u>48,608,000</u>
State Toxics Control Account--Private/Local Appropriation \$ 377,000	
Local Toxics Control Account--State Appropriation \$ 4,587,000	
Water Quality Permit Account--State Appropriation \$ 21,763,000	
Underground Storage Tank Account--State Appropriation \$ 2,475,000	
Environmental Excellence Account--State Appropriation \$ 20,000	
Biosolids Permit Account--State Appropriation \$ 572,000	
Hazardous Waste Assistance Account--State Appropriation \$ 3,943,000	
Air Pollution Control Account--State Appropriation \$ 4,576,000	
Oil Spill Administration Account--State Appropriation \$ 9,172,000	
Air Operating Permit Account--State Appropriation \$ 3,549,000	
Freshwater Aquatic Weeds Account--State Appropriation \$ 1,430,000	
Oil Spill Response Account--State Appropriation \$ 7,078,000	
Metals Mining Account--State Appropriation \$ 43,000	
Water Pollution Control Revolving Account-- State Appropriation \$ 439,000	
Water Pollution Control Revolving Account-- Federal Appropriation \$ 2,200,000	
TOTAL APPROPRIATION \$ ((278,591,000))	
	<u>278,473,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,432,000 of the general fund--state appropriation for fiscal year 2000, \$3,438,000 of the general fund--state appropriation for fiscal year 2001, \$394,000 of the general fund--federal appropriation, \$2,070,000 of the oil spill administration account--state appropriation, \$819,000 of the state toxics control account--state appropriation, and \$3,686,000 of the water quality permit account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$170,000 of the oil spill administration account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(3) \$374,000 of the general fund--state appropriation for fiscal year 2000 and \$283,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department to digitize water rights documents and to provide this information to watershed planning groups.

(4) \$1,566,000 of the general fund--federal appropriation, \$1,033,000 of the general fund--private/local appropriation, and \$919,000 of the water quality account appropriation are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for study of the impacts of gravel removal on the hydrology of Maury Island. The study shall consider impacts to the nearshore environment and aquifer recharge, and assess the potential for groundwater or marine sediment contamination. The department shall contract for the study, which shall be completed by June 30, 2000.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for a study of the impacts of gravel deposit on the Highline aquifer. The study shall consider impacts to instream flow and sedimentation of Des Moines, Miller, and Walker creeks. The department shall contract for the study, which shall be completed by June 30, 2000.

(7) The entire freshwater aquatic weeds account appropriation shall be distributed according to the provisions of RCW 43.21A.660. Funding may be provided for chemical control of Eurasian watermilfoil.

(8) \$15,000 of the general fund--state appropriation for fiscal year 2000 and \$15,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to monitor and address, in coordination with the marine operations division of the department of transportation, odor problems in Fauntleroy Cove.

(9) \$144,000 of the general fund--state appropriation for fiscal year 2000 and \$133,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for water quality activities related to forest practices.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the department to form an advisory committee for the purpose of updating the department's storm water management plan and the Puget Sound storm water management manual. The advisory committee shall be appointed no later than September 1, 1999, and it shall provide its recommendations on storm water management to the legislature by December 31, 2000.

(11) \$383,000 of the general fund--state appropriation for fiscal year 2000 and \$384,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for an agency permit assistance center, including four regional permit assistance offices.

(12) \$438,000 of the general fund--state appropriation for fiscal year 2000, \$1,025,000 of the general fund--state appropriation for fiscal year 2001, and \$1,870,000 of the general fund--federal appropriation are provided solely for the establishment of total maximum daily loads for water bodies across the state, and for pilot projects to evaluate the ability of existing voluntary and regulatory programs to improve water quality in water quality limited segments listed pursuant to section 303(d) of the federal clean water act. In areas with a ground water management area, total maximum daily loads that include a ground water element will be done in cooperation with the ground water management area process. Pilot projects shall include the following allocations from the general fund--state amounts provided in this subsection: \$100,000 shall be provided to a conservation district in the Palouse region; \$100,000 shall be provided to the Lake Whatcom management committee through the city of Bellingham; and \$250,000 shall be provided to the Roza-Sunnyside irrigation district joint board of control. Each pilot project sponsor shall provide a report to the legislature by January 1, 2001, describing the water quality goals of the project, how the goals relate to meeting state water quality standards, the strategies to accomplish those goals, and the method of evaluating project effectiveness. The pilot project sponsors shall also submit final reports to the legislature at project completion.

(13) \$591,000 of the general fund--state appropriation for fiscal year 2000 and \$1,131,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to process water rights applications.

(14) \$414,000 of the general fund--state appropriation for fiscal year 2000 and \$383,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for technical assistance and project review for water conservation and reuse projects.

(15) The entire salmon recovery account appropriation is provided to increase compliance with existing water quality and water resources laws.

(16) \$4,250,000 of the general fund--state appropriation for fiscal year 2000 and \$4,750,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to local governments to conduct watershed planning. Of the general fund--state amounts provided in this subsection: (a) \$500,000 is provided solely for a grant to the Methow river planning unit to develop baseline hydrological data for the Methow river; and (b) \$85,000 is provided for the lower Yakima/Naches/upper Yakima planning unit contingent upon recommendations of the governor's fact finder that a dual watershed assessment process is necessary. If such a recommendation is not provided, this amount is available for the purposes of this subsection.

(17) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$82,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department, in cooperation with the department of fish and wildlife, to establish fish and habitat index monitoring sites to measure the effectiveness of salmon recovery activities.

(18) \$276,000 of the general fund--state appropriation for fiscal year 2000 and \$207,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Senate Bill No. 5424 (aquatic plant management). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(19) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the continuation of the southwest Washington coastal erosion study.

(20) \$638,000 of the oil spill administration account appropriation is provided solely to implement Substitute House Bill No. 2247 (oil spill response tax). Of this amount: (a) \$120,000 is provided solely for spill response equipment; (b) \$307,000 is provided solely to develop an oil spill risk management plan; and (c) \$211,000 is provided solely for spills information management improvements. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(21) \$145,000 of the general fund--state fiscal year 2000 appropriation and \$145,000 of the general fund--state fiscal year 2001 appropriation are provided solely for training and technical assistance to support the activities of county water conservancy boards.

(22) \$3,154,000 of the general fund--state appropriation for fiscal year 2000 and \$6,649,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to maintain the state's air quality program. Within the funds provided in this

subsection, the department shall maintain funding for local air pollution control authorities at no less than ninety percent of the level of grants provided prior to January 1, 2000.

(23) \$749,000 of the public safety and education account appropriation for fiscal year 2001 is provided solely for methamphetamine lab clean up activities.

(24) \$300,000 of the state drought preparedness account--state appropriation for fiscal year 2001 is provided solely for a preconstruction and feasibility analysis of the Roza irrigation district off-stream storage project at Washout canyon. Moneys may be expended from the amount provided in this subsection only to the extent that matching funds in cash and in-kind contributions are provided by the Roza irrigation district. If this match is not provided by the district, the amount provided in this subsection shall lapse.

(25) \$1,500,000 of the state toxics control account appropriation is provided solely for cleanup actions related to the Everett smelter site in the city of Everett. The department shall seek recovery of the funds expended for this purpose from the liable parties by way of a settlement agreement or court action under the authority of chapter 70.105D RCW, the model toxics control act. Moneys collected as a result of a cost recovery action at the Everett smelter site shall be used first to reimburse the local toxics control account for the total amount of this appropriation. This appropriation is the result of a one-time loan from the local toxics control account and does not imply that the legislature will use this loan source or the state toxics control account for future cleanup of the Everett smelter site.

(26) (~~(\$375,000)~~) \$50,000 of the state drought preparedness account--state appropriation is provided solely for an environmental impact statement of the Pine Hollow reservoir project to be conducted in conjunction with the local irrigation district.

(27) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for creating the task force on water storage. The purpose of the task force is to examine the role of increased water storage in providing water supplies to meet the needs of fish, population growth, and economic development, and to enhance the protection of people's lives and their property and the protection of aquatic habitat through flood control facilities. For this purpose, increased storage may be in the form of surface storage including off-stream storage, underground storage, or the enlargement or enhancement of existing structures. The task force shall also examine means of providing funding for increased water storage.

The department of ecology shall provide staff support for the task force and the director of the department of ecology shall convene the first meeting of the task force not less than thirty days after the effective date of this section.

No member of the task force shall receive compensation, per diem, or reimbursement of expenses from the task force or the department of ecology for his or her activities as a member of the task force. However, each may receive such compensation, per diem, and/or reimbursement as is authorized by the entity he or she is employed by, is appointed from, or represents on the task force.

Following its examination, the task force shall report its recommendations to the appropriate committees of the legislature by December 31, 2000.

(28) Within the funds appropriated in this section, the department shall develop for review by the legislature a proposed long-term strategy to address persistent, bio-accumulative and toxic chemicals in the environment. The department shall submit its proposal to the appropriate legislative committees by December 30, 2000.

(29) \$1,650,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to the oil spill administration account to be used for a rescue tug. By December 1, 2000, the department shall report to the appropriate fiscal committees of the legislature on the activities of the dedicated rescue tug. The report shall include information on rescues, assists, or responses performed by the tug. The report shall also indicate the class of vessels involved and the nature of the rescue, assist, or response.

Sec. 302. 2000 2nd sp.s. c 1 s 302 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2000) \$ 27,522,000

General Fund--State Appropriation (FY 2001) \$ (~~28,227,000~~)

28,259,000

General Fund--Federal Appropriation \$ 2,113,000

General Fund--Private/Local Appropriation \$ (~~59,000~~)

167,000

Winter Recreation Program Account--State

Appropriation \$ 763,000

Off Road Vehicle Account--State Appropriation \$ 264,000

Snowmobile Account--State Appropriation \$ 3,653,000

Aquatic Lands Enhancement Account--State

Appropriation \$ 325,000

Public Safety and Education Account--State

Appropriation \$ 48,000

Water Trail Program Account--State

Appropriation \$ 14,000

Parks Renewal and Stewardship Account--

State Appropriation \$ 25,907,000

TOTAL APPROPRIATION \$ (~~88,895,000~~)

89,035,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan agency action items P&RC-01 and P&RC-03.

(2) \$65,000 of the general fund--state appropriation for fiscal year 2000 and \$71,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state parks and recreation commission to meet its responsibilities under the Native American graves protection and repatriation act (P.L. 101-601).

(3) \$2,000,000 of the parks renewal and stewardship account appropriation is dependent upon the parks and recreation commission generating revenue to the account in excess of \$26,000,000 for the biennium. These funds shall be used for deferred maintenance and visitor and ranger safety activities.

(4) \$772,000 of the general fund--state appropriation for fiscal year 2000 and \$849,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(5) Fees approved by the state parks and recreation commission in 1998 for camping, group camping, extra vehicles, and the sno-park daily permit are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) \$79,000 of the general fund--state appropriation for fiscal year 2000 and \$79,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a grant for the operation of the Northwest avalanche center.

(7) The state parks and recreation commission may increase fees adopted prior to January 1, 2000, for implementation on or after July 1, 2000, in excess of the fiscal growth factor under RCW 43.135.055.

(8) \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a study on existing and future recreational needs and opportunities on the west slope of the Cascade foothills. The study shall include an inventory of existing land and facilities, an assessment of projected demand, and recommendations for regional coordination among public and private outdoor recreation providers to promote expanded recreation opportunities within the Cascade foothills. The study shall be submitted to the governor and the appropriate committees of the legislature by June 30, 2001.

Sec. 303. 2000 2nd sp.s. c 1 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2000) \$ 42,616,000

General Fund--State Appropriation (FY 2001) \$ ((44,567,000))

45,212,000

General Fund--Federal Appropriation \$ ((37,380,000))

55,005,000

General Fund--Private/Local Appropriation \$ ((16,800,000))

23,850,000

Off Road Vehicle Account--State

Appropriation \$ 490,000

Aquatic Lands Enhancement Account--State

Appropriation \$ 5,992,000

Public Safety and Education Account--State

Appropriation \$ 586,000

Recreational Fisheries Enhancement Account--

State Appropriation \$ 3,596,000

Salmon Recovery Account--State

Appropriation \$ 10,105,000

Warm Water Game Fish Account--State

Appropriation \$ ((2,499,000))

2,899,000

Eastern Washington Pheasant Enhancement Account--

State Appropriation \$ 851,000

Wildlife Account--State Appropriation \$ ((41,133,000))

42,223,000

Wildlife Account--Federal Appropriation \$ 38,040,000

Wildlife Account--Private/Local

Appropriation \$ 15,072,000

Game Special Wildlife Account--State

Appropriation \$ 1,939,000

Game Special Wildlife Account--Federal

Appropriation \$ 9,603,000

Game Special Wildlife Account--Private/Local

Appropriation \$ 350,000

Environmental Excellence Account--State

Appropriation \$ 15,000

Regional Fisheries Salmonid Recovery Account--

Federal Appropriation \$ 1,750,000

Oil Spill Administration Account--State

Appropriation \$ 969,000

TOTAL APPROPRIATION \$ ((274,353,000))

301,163,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,252,000 of the general fund--state appropriation for fiscal year 2000 and \$1,244,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan agency action items DFW-01, DFW-02, DFW-03, DFW-04, and DFW-05.

(2) \$776,000 of the salmon recovery account appropriation is provided solely for the department's review of forest practices applications and related hydraulic permit applications.

(3) \$1,500,000 of the salmon recovery account appropriation is provided solely for the department to update the salmon and steelhead stock inventory and, in cooperation with the department of ecology, to establish fish and habitat index monitoring sites to measure the effectiveness of salmon recovery activities.

(4) \$232,000 of the general fund--state appropriation for fiscal year 2000 and \$232,000 of the general fund--state appropriation for fiscal year 2001 are provided for the control of European green crab (*Carcinus maenas*). The department shall submit a report to the governor and the appropriate legislative committees by September 1, 2000, evaluating the effectiveness of

various control strategies and providing recommendations on long-term control strategies. \$248,000 of this amount is for implementation of Puget Sound work plan and agency action item DFW-23.

(5) \$191,000 of the general fund--state appropriation for fiscal year 2000 and \$191,000 of the general fund--state appropriation for fiscal year 2001 are provided for noxious weed control and survey activities on department lands. Of this amount, \$48,000 is provided for the biological control of yellowstar thistle.

(6) All salmon habitat restoration and protection projects proposed for funding by regional fisheries enhancement groups shall be submitted by January 1st or July 1st of each year for review to the salmon recovery funding board.

(7) \$2,340,000 of the salmon recovery account appropriation and \$7,000,000 of the general fund--federal appropriation are provided solely to implement a license buy-back program for commercial fishing licenses.

(8) \$511,000 of the general fund--state appropriation for fiscal year 2000 and \$488,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(9) Any indirect cost reimbursement received by the department from federal grants must be spent on agency administrative activities and cannot be redirected to direct program activities.

(10) \$43,000 of the general fund--state appropriation for fiscal year 2000 and \$42,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for staffing and operation of the Tennant Lake interpretive center.

(11) \$32,000 of the general fund--state appropriation for fiscal year 2000 and \$33,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(12) \$100,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement Senate Bill No. 5508 (crab catch record cards). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(13) \$6,440,000 of the general fund--state appropriation for fiscal year 2000, \$5,796,000 of the general fund--state appropriation for fiscal year 2001, \$12,260,000 of the wildlife account--state appropriation, \$710,000 of the aquatic lands enhancement account appropriation, and \$500,000 of the public safety and education appropriation are provided solely for operation of the enforcement division. Within these funds, the department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within these funds, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(14) \$500,000 of the salmon recovery account, \$624,000 of the general fund--state appropriation for fiscal year 2000, and \$624,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department to implement a hatchery endangered species act response. The strategy shall include emergency hatchery responses and retrofitting of hatcheries for salmon recovery.

(15) \$45,000 of the general fund--state appropriation for fiscal year 2000 and \$46,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for operation of the Rod Meseberg (ringold) warm water fish hatchery to implement House Bill No. 1716 (warm water fish culture). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(16) \$2,500,000 of the salmon recovery account appropriation is provided solely for grants to lead entities established in accordance with RCW 75.46.060.

(17) \$200,000 of the salmon recovery account appropriation is provided solely for salmon and steelhead predation control and bycatch monitoring strategies.

(18) \$50,000 of the general fund--state appropriation for fiscal year 2000, \$50,000 of the general fund--state appropriation for fiscal year 2001, and \$200,000 of the wildlife account--state appropriation are provided solely for field surveys and harvest management for Washington elk herds.

(19) \$155,000 of the general fund--state appropriation for fiscal year 2000 and \$345,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to purchase and implement the automated recreational license data base system.

(20) \$1,400,000 of the general fund--state appropriation for fiscal year 2000 and \$1,400,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for fish passage barrier and screening technical assistance, engineering services, and construction assistance for local governments, state agencies, volunteer groups, and regional fisheries enhancement groups.

(21) \$1,500,000 of the salmon recovery account appropriation is provided solely for local salmon recovery technical assistance. Technical assistance shall be coordinated among all state agencies including the conservation commission, department of fish and wildlife, department of ecology, department of health, department of agriculture, department of transportation, state parks and recreation, interagency committee for outdoor recreation, governor's salmon recovery office, Puget Sound water quality action team, department of community, trade, and economic development, and department of natural resources.

(22) \$400,000 of the wildlife account appropriation is provided solely to implement House Bill No. 1681 (trout purchase by state). The fish and wildlife commission may authorize expenditure of these funds only if the costs of the program will be recovered by the increase in license sales directly attributable to the planting of privately grown trout. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(23) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.

(24) \$245,000 of the state wildlife account appropriation is provided solely for winter feeding of deer and winter range rehabilitation on the Chilliwist wildlife area.

(25) Within the appropriation from the wildlife account the department shall, at a minimum, operate Reiter Pond at fiscal year 2000 production levels.

(26) Within the appropriations in this section the department shall, at a minimum, operate the Colville hatchery at fiscal year 2000 production levels.

(27) \$384,000 of the general fund--private/local appropriation is provided solely to implement Senate Bill No. 6277 (authorizing cost reimbursement agreements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(28) \$400,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of the Puget Sound work plan agency action items DFW-10 and DFW-18, implementing a comprehensive Puget Sound ground fish and forage fish recovery plan.

(29) \$203,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for data collection and analysis related to Lake Washington sockeye.

(30) \$800,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for additional enforcement staff to respond and take appropriate action in response to public complaints regarding bear and cougar.

(31) \$500,000 of the general fund--state appropriation for fiscal year 2001 and \$200,000 of the wildlife account--state appropriation are provided solely to implement an endangered species act strategy for state hatchery operations, including fish passage improvements, screen compliance, rearing strategies, and restoration of production.

(32) \$789,000 of the salmon recovery account appropriation is provided solely for screening of irrigation diversions and projects to improve instream flows in the Methow river basin.

(33) \$645,000 of the general fund--state appropriation is provided solely for fire suppression costs during the 2000 fire season and to feed elk and deer.

Sec. 304. 2000 2nd sp.s. c 1 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2000) \$ 25,784,000

General Fund--State Appropriation (FY 2001) \$ ((28,576,000))

33,674,000

General Fund--Federal Appropriation \$ ((2,865,000))

6,511,000

General Fund--Private/Local Appropriation \$ 1,604,000

Forest Development Account--State

Appropriation \$ ((48,086,000))

48,056,000

Off Road Vehicle Account--State

Appropriation \$ 3,668,000

Surveys and Maps Account--State

Appropriation \$ 2,221,000

Aquatic Lands Enhancement Account--State

Appropriation \$ 2,656,000

Resources Management Cost Account--State

Appropriation \$ ((79,097,000))

79,032,000

Surface Mining Reclamation Account--State

Appropriation \$ 1,435,000

Disaster Response Account--State

Appropriation \$ 2,651,000

Salmon Recovery Account--State

Appropriation \$ 3,483,000

Aquatic Land Dredged Material Disposal Site

Account--State Appropriation \$ 1,014,000

Natural Resource Conservation Areas Stewardship

Account Appropriation \$ 1,100,000

Air Pollution Control Account--State

Appropriation \$ 687,000

Metals Mining Account--State Appropriation \$ 63,000

Agricultural College Trust Management Account

Appropriation \$ ((1,736,000))

1,913,000

TOTAL APPROPRIATION \$ ((206,426,000))

215,552,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2000, \$18,000 of the general fund--state appropriation for fiscal year 2001, and \$1,058,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2) \$7,304,000 of the general fund--state appropriation for fiscal year 2000, \$7,304,000 of the general fund--state appropriation for fiscal year 2001, and \$2,651,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression.

(3) \$331,000 of the general fund--state appropriation for fiscal year 2000 and \$339,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for geologic studies to evaluate ground stability in high growth areas and to provide geologic expertise to small communities.

(4) \$663,000 of the general fund--state appropriation for fiscal year 2000 and \$689,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(5) \$3,483,000 of the salmon recovery account appropriation and \$3,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for implementation of chapter 4, Laws of 1999 sp. sess.

- (a) Of the salmon recovery account appropriation in this subsection:
- (i) \$2,580,000 is provided solely for costs associated with adopting and implementing new forest rules for protection of riparian habitat and water quality; road maintenance and abandonment planning; fish and water quality compliance staff; geographic information systems improvements for forest roads and hydrography; and updating the forest practices permit application system; and
- (ii) \$903,000 is provided solely to implement sections 501 through 505 of chapter 4, Laws of 1999 sp. sess., including:
- (A) The establishment of a small landowner office;
- (B) Administration of the forestry riparian easement program;
- (C) Contracting with private consultants to perform timber cruises;
- (D) Development of small landowner options through alternate management plans;
- (E) Evaluation of cumulative impacts of alternate plans;
- (F) Establishment of a small landowners advisory committee;
- (G) Development of criteria for determining compensation for qualifying timber; and
- (H) Collection and reporting of the statistical information on small landowners as directed in section 503 of chapter 4, Laws of 1999 sp. sess.
- (b) Of the general fund--state appropriation in this subsection:
- (i) \$2,128,000 is provided solely for cooperative monitoring, evaluation, and research projects; hazard zonation; adopting and implementing new forest rules to protect riparian habitat and water quality; and geographic information systems improvements for forest roads and hydrography; and
- (ii) \$872,000 is provided solely for the department to implement sections 501 through 505 of chapter 4, laws of 1999 sp. sess., including providing technical assistance for small forest landowners for the following:
- (A) Determining streamside buffers;
- (B) Preparation of road management plans;
- (C) Participation in watershed analysis and adaptive management;
- (D) Determining culvert replacement needs; and
- (E) Developing alternative plans to comply with forest and fish rules.
- (6) \$44,000 of the resource management cost account appropriation is provided solely for maintenance and safety improvements at the Gull Harbor marine station. The department shall develop a plan for use or disposal of the marine station by December 1, 1999.
- (7) \$582,000 of the resource management cost account appropriation is provided solely to expand geoduck resource management activities.
- (8) \$172,000 of the resource management cost account appropriation is provided solely to convert aquatic land maps and records to an electronic format.
- (9) \$100,000 of the general fund--state appropriation for fiscal year 2000, \$100,000 of the general fund--state appropriation for fiscal year 2001, and \$400,000 of the aquatic lands enhancement account appropriation are provided solely for spartina control. Within these amounts, the department shall continue support for a field study of biological control methods.
- (10) \$2,000,000 of the general fund--state appropriation for fiscal year 2000 and \$2,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for fire protection activities.
- (11) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands.
- (12) \$1,100,000 of the natural resources conservation areas stewardship account is provided solely to the department for planning, management, and stewardship of natural area preserves and natural resources conservation areas.
- (13) \$384,000 of the general fund--private/local appropriation is provided solely to implement Senate Bill No. 6277 (authorizing cost reimbursement agreements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.
- ~~((14))~~ (14) \$2,000,000 of the forest development account appropriation is provided solely for immediate road decommissioning, maintenance, and repair in the Lake Whatcom watershed.
- ~~((16))~~ (15) The department shall submit a report of the uses of the access road revolving fund to the legislature and the office of financial management no later than December 1, 2000. The report shall include the following:
- (a) Distribution of funds from fiscal year 1996 through fiscal year 2000;
- (b) Types of activities funded;
- (c) Method for prioritizing road projects, state-wide and by region; and
- (d) Proposed plan for road maintenance and repair in the 2001-2003 biennium.
- (16) \$5,143,000 of the general fund--state appropriation and \$3,646,000 of the general fund--federal appropriation are provided solely for the costs of fighting wildfires on state and federal lands during the 2000 fire season.

PART IV TRANSPORTATION

Sec. 401. 2000 2nd sp.s. c 1 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2000) \$ 5,630,000
 General Fund--State Appropriation (FY 2001) \$ ~~((4,871,000))~~

5,023,000

Architects' License Account--State
 Appropriation \$ ~~((678,000))~~

668,000

Cemetery Account--State Appropriation \$ 205,000
 Profession Engineers' Account--State
 Appropriation \$ 2,703,000

Real Estate Commission--State Appropriation \$ ~~((6,824,000))~~

Master License Account--State Appropriation	\$ 7,317,000	<u>6,784,000</u>
Uniform Commercial Code Account--State		
Appropriation	\$ 3,448,000	
Real Estate Education Account--State		
Appropriation	\$ 630,000	
Funeral Directors and Embalmers Account--State		
Appropriation	\$ 472,000	
Washington Real Estate Research Account		
Appropriation	\$ 313,000	
TOTAL APPROPRIATION	\$ ((33,091,000))	<u>33,193,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2000, \$25,000 of the general fund--state appropriation for fiscal year 2001, and \$100,000 of the professional engineers' account appropriation are provided solely for Second Substitute Senate Bill No. 5821 (on-site wastewater treatment). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) \$313,000 of the Washington real estate research account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5720 (real estate research). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

Sec. 402. 2000 2nd sp.s. c 1 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2000)	\$ 21,496,000	
General Fund--State Appropriation (FY 2001)	\$ ((20,826,000))	<u>20,939,000</u>

General Fund--Federal Appropriation	\$ 3,999,000	
General Fund--Private/Local Appropriation	\$ 344,000	
Death Investigations Account--State		
Appropriation	\$ 3,689,000	
Public Safety and Education Account--State		
Appropriation	\$ 9,611,000	
County Criminal Justice Assistance Account--State		
Appropriation	\$ 2,887,000	
Municipal Criminal Justice Assistance Account--		
State Appropriation	\$ 1,118,000	
Fire Service Trust Account--State		
Appropriation	\$ 125,000	
Disaster Response Account--State		
Appropriation	\$ 1,386,000	
Fire Service Training Account--State		
Appropriation	\$ 6,730,000	
State Toxics Control Account--State		
Appropriation	\$ 442,000	
Violence Reduction and Drug Enforcement Account--		
State Appropriation	\$ 260,000	
Fingerprint Identification Account--State		
Appropriation	\$ 2,958,000	
TOTAL APPROPRIATION	\$ ((75,871,000))	<u>75,984,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$255,000 of the general fund--state appropriation for fiscal year 2000 and \$95,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for replacement of fire training equipment at the fire service training academy.

(2) \$604,000 of the public safety and education account appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5108 (missing/exploited children). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) \$2,816,000 of the death investigation account appropriation is provided solely for the implementation of Substitute House Bill No. 1560 (forensic lab services). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$2,900,000 of the fire service training account appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5102 (fire fighter training). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse. In providing the fire fighter one training program required by the bill, the state patrol shall, to the extent possible, utilize existing public and private fire fighting training facilities in southeastern Washington.

(5) \$354,000 of the public safety and education account appropriation is provided solely for additional law enforcement and security coverage on the west capitol campus.

(6) \$66,000 of the general fund--state appropriation for fiscal year 2000 and \$58,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for activities of the missing children's clearinghouse as related to services performed under subsection 202(1) of this act. If that subsection is not enacted, the amount provided in this subsection shall lapse.

(7) When a program within the agency is supported by more than one fund and one of the funds is the state general fund, the agency shall charge its expenditures in such a manner as to ensure that each fund is charged in proportion to its support of the

program. The agency may adopt guidelines for the implementation of this subsection. The guidelines may account for federal matching requirements, budget provisos, or other requirements to spend other moneys in a particular manner.

(8) \$300,000 of the death investigations account--state appropriation is provided solely for the operation of the state toxicology laboratory. If House Bill No. 2330 (liquor disbursements) is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(9) \$1,386,000 of the disaster response account--state appropriation is provided solely for costs associated with the state patrol's participation in support of the world trade organization conference.

(10) \$125,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 2420 (oil/gas pipeline safety). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

PART V EDUCATION

Sec. 501. 2000 2nd sp.s. c 1 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund--State Appropriation (FY 2000) \$ 34,844,000

General Fund--State Appropriation (FY 2001) \$ 42,315,000

General Fund--Federal Appropriation \$ ~~((83,099,000))~~

93,143,000

TOTAL APPROPRIATION \$ ~~((160,258,000))~~

170,302,000

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$404,000 of the general fund--state appropriation for fiscal year 2000 and \$403,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$348,000 of the general fund--state appropriation is provided for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(c) \$128,000 of the general fund--state appropriation is provided solely for increased costs of providing a norm-referenced test to all third grade students and retests of certain third grade students and other costs in accordance with chapter 319, Laws of 1998 (student achievement).

(d) \$145,000 of the general fund--state appropriation is provided for an institutional education program director.

(2) STATE-WIDE PROGRAMS

(a) \$2,524,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center. Of this amount, \$350,000 is provided to add a math van.

(b) \$63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(c) \$2,754,000 of the general fund--state appropriation is provided for educational centers, including state support activities. \$100,000 of this amount is provided to help stabilize funding through distribution among existing education centers that are currently funded by the state at an amount less than \$100,000 a biennium.

(d) \$100,000 of the general fund--state appropriation is provided for an organization in southwest Washington that received funding from the Spokane educational center in the 1995-97 biennium and provides educational services to students who have dropped out of school.

(e) \$5,923,000 of the general fund--state appropriation is provided solely for matching grants to enhance security in schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(f) \$5,649,000 of the general fund--state appropriation for FY 2001 is provided for school safety allocations to school districts. The amount provided in this subsection (2)(f) is subject to the following conditions and limitations:

(i) School districts may use funds allocated under this subsection (2)(f) for school safety purposes for the 2000-01 school year, including but not limited to the following: Planning; training; equipment; before, during, and after-school safety; and minor building renovations.

(ii) Allocations to school districts shall be made beginning on July 1, 2000, at a maximum rate of \$10.00 multiplied by the full-time equivalent enrollment of the district. A district's allocation shall be reduced by any amount awarded to that district for security and safety grants under section 501 (2)(e) of this act and under sections 1 (2) and 2 of chapter 12, Laws of 1999 sp. sess. For purposes of this subsection "full-time equivalent enrollment" means the average K-12 full-time equivalent enrollment from September 1, 1999, to May 31, 2000, or 150 full-time equivalent students, whichever is greater.

(g) \$200,000 of the general fund--state appropriation for fiscal year 2000, \$200,000 of the general fund--state appropriation for fiscal year 2001, and \$400,000 of the general fund--federal appropriation transferred from the department of health are provided solely for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(h) \$1,500,000 of the general fund--state appropriation for fiscal year 2000 and \$1,500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed.

(i) A maximum of \$300,000 of the general fund--state appropriation is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(j) \$5,702,000 of the general fund--state appropriation is provided solely for shared infrastructure costs, data equipment maintenance, and depreciation costs for operation of the K-20 telecommunications network.

(k) \$4,000,000 of the general fund--state appropriation is provided solely for a K-20 telecommunications network technical support system in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network. A maximum of \$650,000 may be expended for state-level administration and staff training on the K-20 network.

(l) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for allocation to the primary coordinators of the state geographic alliance to improve the teaching of geography in schools.

(m) \$2,000,000 of the general fund--state appropriation is provided for start-up grants for alternative programs and services that improve instruction and learning for at-risk students. Grants shall be awarded to applicants showing the greatest potential for improved student learning for at-risk students including:

(i) Students who are disruptive or have been suspended, expelled, or subject to other disciplinary actions;

(ii) Students with unexcused absences who need intervention;

(iii) Students who have left school; and

(iv) Students involved with the court system.

(n) \$1,600,000 of the general fund--state appropriation is provided for grants for magnet schools.

(o) \$4,300,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to amounts shown in LEAP Document 30C as developed on April 27, 1997, at 03:00 hours.

(p) \$431,000 of the general fund--state appropriation is provided solely to implement Engrossed House Bill No. 2760 (educator quality). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(q) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to schools and school districts to establish school safety plans.

(r) \$5,242,000 of the general fund--state is provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(s) \$50,000 of the general fund--state appropriation is provided as matching funds for district contributions to provide analysis of the efficiency of school district business practices.

(t) \$750,000 of the general fund--state appropriation is provided solely for computer system programming and upgrades to benefit the office of the superintendent of public instruction, schools, and school districts.

(u) \$21,000 of the general fund--state appropriation for fiscal year 2000 appropriation and \$21,000 of the general fund--state appropriation for fiscal year 2001 appropriation are provided solely for the increased costs resulting from Engrossed Second Substitute House Bill No. 1477 (school district organization). If the bill is not enacted by June 30, 1999, the amounts in this subsection shall lapse.

(v) \$1,500,000 of the general fund--state appropriation is provided solely for the excellence in mathematics training program as specified in Substitute House Bill No. 1569 (excellence in mathematics). If the bill is not enacted by June 30, 1999, the amount in this subsection shall lapse.

(w) \$2,000,000 of the general fund--state appropriation is provided solely for teacher institutes during the summer of 2000, programs, and administration costs, as provided for in Engrossed Second Substitute House Bill No. 2085 (disruptive students). If the bill is not enacted by June 30, 1999, the amount in this subsection shall lapse.

(x) \$200,000 of the general fund--state appropriation is provided solely for support for vocational student leadership organizations.

(y) \$1,100,000 of the general fund--state appropriation is provided for an equal matching grant to the Northeast vocational area cooperative to establish high-technology learning centers to provide college-level technology curriculum for high school students leading to an information technology certificate or degree. Only the following sources may be used as matching for the state funds: Private sector contributions; operating levy revenues; capital levy revenues; technology levy revenues; or other local funds not from federal or state sources.

(z) \$75,000 of the general fund--state appropriation is provided for speech pathology grants to charitable organizations as qualified under the internal revenue code and incorporated under the laws of the state of Washington. These grants shall be used for the purpose of providing childhood speech pathology by nationally certified speech pathologists to children who have demonstrated a lack of verbal communication skills and who would benefit from such a program. Speech pathology services shall be provided at no cost to the child receiving the benefits or to the parents or guardians of the child.

(aa) \$500,000 of the general fund--state appropriation is provided solely for competitive grants to school districts to obtain curriculum or programs that allow high school students to have access to internet-based curriculum that leads directly to higher education credits or provides preparation for tests that lead to higher education credit in subjects including but not limited to mathematics, languages, and science.

(bb) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,800,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for grants to school districts for programs to prepare high school students to achieve information technology industry skills certifications. The funds may be expended to provide or improve internet access; purchase and install networking or computer equipment; train faculty; or acquire curriculum materials. A match of cash or in-kind contributions from nonstate sources equal to at least half of the cash amount of the grant is required. To assure continuity of the curriculum with higher education institutions, the grant program will be designed and implemented by an interagency team comprised of representatives from the office of the superintendent of public instruction, the state board for community and technical colleges, the higher education coordinating board, and the office of financial management. School districts may apply for grants in cooperation with other school districts or community or technical colleges and must demonstrate in the grant application a

cooperative relationship with a community or technical college in information technology programs. Preference for grants shall be made to districts with sound technology plans, which offer student access to computers outside of school hours, which demonstrate involvement of the private sector in information technology programs, and which serve the needs of low-income communities.

(cc) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the Washington civil liberties education program pursuant to Engrossed Second Substitute House Bill No. 1572 (civil liberties education). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(dd) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the World War II oral history project pursuant to Substitute House Bill No. 2418 (WWII oral history project). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(ee) \$431,000 of the general fund--state appropriation is provided solely for the purchase of filtering servers necessary for districts to implement a computer technology filtering system for schools. Priority shall be given to districts that do not have any filtering systems in place. Funding shall be provided only at the request of that district's school board.

(ff) \$297,000 of the general fund--state appropriation is provided solely for training in oral medications administration. If Substitute Senate Bill No. 6328 (oral medications training) is enacted, the funds are provided to implement the provisions of the bill. If the bill is not enacted by June 30, 2000, the superintendent shall provide training in administration of oral medications using the model program developed by the office of the superintendent of public instruction.

Sec. 502. 2000 2nd sp.s. c 1 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2000) \$ 3,507,296,000

General Fund--State Appropriation (FY 2001) \$ ((3,480,704,000))

3,489,806,000

TOTAL APPROPRIATION \$ ((6,987,997,000))

6,997,102,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 1999-00 and 2000-01 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students in grades K-4. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students in grades K-4 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students for the 1999-00 school year and the 2000-01 school year. Districts documenting staffing ratios of less than 1 certificated staff per 19.5 students shall be allocated the greater of the total ratio in subsections (2)(a)(i) and (iv) of this section or the actual documented ratio; and

(B) Skills center programs meeting the standards for skill center funding recommended by the superintendent of public instruction, January 1999, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Indirect cost charges, as defined by the superintendent of public instruction, to vocational-secondary programs shall not exceed 10 percent; and

(iii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1999-00 and 2000-01 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 16.49 percent in the 1999-00 school year and 15.62 percent in the 2000-01 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 15.56 percent in the 1999-00 school year and 15.82 percent in the 2000-01 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,117 per certificated staff unit in the 1999-00 school year and a maximum of \$8,239 per certificated staff unit in the 2000-01 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$19,933 per certificated staff unit in the 1999-00 school year and a maximum of \$20,232 per certificated staff unit in the 2000-01 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$15,467 per certificated staff unit in the 1999-00 school year and a maximum of \$15,699 per certificated staff unit in the 2000-01 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$365.28 for the 1999-00 school year and \$479.94 for the 2000-01 school year per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal

to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1998-99 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of ~~((\\$10,598,000))~~ \$10,423,000 outside the basic education formula during fiscal years 2000 and 2001 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$457,000 may be expended in fiscal year 2000 and a maximum of \$464,000 may be expended in fiscal year 2001;

(b) For summer vocational programs at skills centers, a maximum of \$2,098,000 may be expended each fiscal year;

(c) A maximum of \$585,000 may be expended for school district emergencies provided that up to \$260,000 shall be for the Toutle Lake school district emergency;

(d) A maximum of \$500,000 per fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) A maximum of \$3,117,000 of the general fund--state appropriation for fiscal year 2000 and ~~((\\$779,000))~~ \$604,000 of the general fund--state appropriation for fiscal year 2001 are provided for the 1999-00 school year for districts which experience an enrollment decline in the 1999-00 school year from the 1998-99 school year of more than 4.5 percent in full-time equivalent enrollment or more than 300 full-time equivalent students. The superintendent shall allocate funds to eligible school districts for up to one-half of the enrollment loss at the basic education unenhanced rate for the district. School districts receiving small school factor bonus funds shall not be eligible for enrollment decline funds to the extent that the district has no state apportionment loss as a result of the enrollment decline.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under chapter 309, Laws of 1999, including appropriations for salary and benefits increases, is 4.0 percent from the 1998-99 school to the 1999-00 school year, and 3.0 percent from the 1999-00 school year to the 2000-01 school year. This subsection supersedes section 1, chapter 10, Laws of 1999 sp. sess.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

Sec. 503. 2000 2nd sp.s. c 1 s 504 (unmodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2000) \$ 186,314,000

General Fund--State Appropriation (FY 2001) \$ ~~((344,013,000))~~

345,596,000

TOTAL APPROPRIATION \$ ~~((530,327,000))~~

531,910,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((\\$406,511,000))~~ \$407,693,000 is provided for a cost of living adjustment of 3.0 percent effective September 1, 1999, and another 3.0 percent effective September 1, 2000, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of 15.85 percent for school year 1999-00 and 14.98 percent for school year 2000-01 for certificated staff and 12.06 percent for school year 1999-00 and 12.32 percent for school year 2000-01 for classified staff. The appropriation also includes 1.67 percent effective September 1, 1999, for three learning improvement days pursuant to section 503(7) of this act and the salary allocation schedule adjustments for beginning and senior certificated instructional staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide cost-of-living, learning improvement days for certificated instructional staff, and incremental fringe benefit allocations based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.60 per weighted pupil-mile for the 1999-00 school year and \$1.23 per weighted pupil-mile for the 2000-01 school year;

(ii) For education of highly capable students, an increase of \$14.04 per formula student for the 1999-00 school year and \$21.09 per formula student for the 2000-01 school year; and

(iii) For transitional bilingual education, an increase of \$36.19 per eligible bilingual student for the 1999-00 school year and \$54.51 per eligible student for the 2000-01 school year; and

(iv) For learning assistance, an increase of \$13.97 per entitlement unit for the 1999-00 school year and \$23.04 per entitlement unit for the 2000-01 school year.

(c) The appropriations in this section include \$417,000 for fiscal year 2000 and ~~((\\$1,214,000))~~ \$1,227,000 for fiscal year 2001 for salary increase adjustments for substitute teachers.

(2) (~~(\$123,816,000)~~) \$124,217,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$335.75 per month for the 1999-00 and 2000-01 school years. The appropriations in this section provide for a rate increase to \$388.02 per month for the 1999-00 school year and \$425.89 per month for the 2000-01 school year at the following rates:

(a) For pupil transportation, an increase of \$0.48 per weighted pupil-mile for the 1999-00 school year and \$0.82 for the 2000-01 school year;

(b) For education of highly capable students, an increase of \$3.32 per formula student for the 1999-00 school year and \$5.72 for the 2000-01 school year;

(c) For transitional bilingual education, an increase of \$8.46 per eligible bilingual student for the 1999-00 school year and \$14.59 for the 2000-01 school year; and

(d) For learning assistance, an increase of \$6.65 per funded unit for the 1999-00 school year and \$11.47 for the 2000-01 school year.

(3) The rates specified in this section are subject to revision each year by the legislature.

Sec. 504. 2000 2nd sp.s. c 1 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2000) \$ 181,204,000

General Fund--State Appropriation (FY 2001) \$ (~~181,204,000~~)

183,660,000

TOTAL APPROPRIATION \$ (~~362,265,000~~)

364,864,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$1,473,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$10,000 of the fiscal year 2000 appropriation and \$10,000 of the fiscal year 2001 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$34.96 per weighted mile in the 1999-00 school year and \$35.17 per weighted mile in the 2000-01 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

Sec. 505. 2000 2nd sp.s. c 1 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2000) \$ 387,011,000

General Fund--State Appropriation (FY 2001) \$ (~~385,482,000~~)

391,076,000

General Fund--Federal Appropriation \$ (~~174,667,000~~)

176,111,000

TOTAL APPROPRIATION \$ (~~944,160,000~~)

954,198,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure, to the greatest extent possible, that special education students receive their appropriate share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education allocation funded in this section.

(2) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(3) The superintendent of public instruction shall distribute state funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(4) For the 1999-00 and 2000-01 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (5)(c) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" means the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1999-00 and the 2000-01 school years, each district's funded enrollment percent shall be the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be 12.7, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) A maximum of \$12,000,000 of the general fund--state appropriation for fiscal year 2000 and a maximum of \$12,000,000 of the general fund--state appropriation for fiscal year 2001 are provided as safety net funding for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (4) of this section. Safety net funding shall be awarded by the state safety net oversight committee.

(a) The safety net oversight committee shall first consider the needs of districts adversely affected by the 1995 change in the special education funding formula. Awards shall be based on the amount required to maintain the 1994-95 state special education excess cost allocation to the school district in aggregate or on a dollar per funded student basis.

(b) The committee shall then consider unusual needs of districts due to a special education population which differs significantly from the assumptions of the state funding formula. Awards shall be made to districts that convincingly demonstrate need due to the concentration and/or severity of disabilities in the district. Differences in program costs attributable to district philosophy or service delivery style are not a basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with Substitute Senate Bill No. 5626 (medicaid payments to schools).

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) The superintendent may expend up to \$100,000 per year of the amounts provided in this subsection to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

(8) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(9) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) Staff of the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff of the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(10) To the extent necessary, \$5,500,000 of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of one or more individual special education students. If safety net awards to meet the extraordinary needs of one or more individual special education students exceed \$5,500,000 of the general fund--federal appropriation, the superintendent shall expend all available federal discretionary funds necessary to meet this need. General fund--state funds shall not be expended for this purpose.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

(14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(15) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

Sec. 506. 2000 2nd sp.s. c 1 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2000) \$ 7,738,000

General Fund--State Appropriation (FY 2001) \$ (~~7,771,000~~)

7,276,000

TOTAL APPROPRIATION \$ (~~15,509,000~~)

15,014,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations include such funds as are necessary to complete the school year ending in each fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$507,000 may be expended for regional traffic safety education coordinators.
(3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1999-00 and 2000-01 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1999-00 and 2000-01 school years.

Sec. 507. 2000 2nd sp.s. c 1 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2000) \$ 102,563,000

General Fund--State Appropriation (FY 2001) \$ ((422,144,000))

124,107,000

TOTAL APPROPRIATION \$ ((224,677,000))

226,670,000

Sec. 508. 2000 2nd sp.s. c 1 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2000) \$ 19,296,000

General Fund--State Appropriation (FY 2001) \$ ((49,469,000))

18,249,000

General Fund--Federal Appropriation \$ 8,548,000

TOTAL APPROPRIATION \$ ((47,343,000))

46,093,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$92,000 of the general fund--state appropriation for fiscal year 2000 and ((143,000)) \$139,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 509. 2000 2nd sp.s. c 1 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2000) \$ 6,164,000

General Fund--State Appropriation (FY 2001) \$ ((6,405,000))

6,090,000

TOTAL APPROPRIATION \$ ((12,269,000))

12,254,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$312.19 per funded student for the 1999-00 school year and ((340.43)) \$310.40 per funded student for the 2000-01 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$350,000 of the appropriation is for the centrum program at Fort Worden state park.

(4) \$186,000 of the appropriation is for the Washington imagination network and future problem-solving programs.

Sec. 510. 2000 2nd sp.s. c 1 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2000) \$ 33,234,000

General Fund--State Appropriation (FY 2001) \$ ((36,300,000))

35,413,000

TOTAL APPROPRIATION \$ ((69,534,000))

68,647,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$268,000 of the general fund--state appropriation for fiscal year 2000 and \$322,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the commission established under PART I of Substitute Senate Bill No. 5418 or Second Substitute House Bill No. 1462. If neither bill is enacted by June 30, 1999, the amount provided in this subsection shall be used for implementation of education reform and an accountability system by the office of the superintendent of public instruction.

(2) \$9,307,000 of the general fund--state appropriation for fiscal year 2000 and ((14,329,000)) \$10,442,000 of the general fund--state appropriation for fiscal year 2001 are provided for development and implementation of the Washington

assessments of student learning. Up to \$689,000 of the appropriation may be expended for data analysis and data management of test results.

(3) \$2,190,000 is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$6,818,000 is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers. The 1999 teacher preparation and development report from the Washington institute for public policy found that (a) there are no state-wide standards for what teacher assistance programs are intended to accomplish and (b) the program has not been changed to reflect increased expectations for improved student learning under education reform. By November 15, 2001, the office of the superintendent of public instruction shall submit a report to the education and fiscal committees of the house of representatives and the senate documenting the outcomes of program changes implemented in response to the study.

(5) \$4,050,000 is provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(6) \$7,200,000 is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$5,000,000 is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$1,260,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning or its successor, as specified in RCW 28A.300.130 (center for the improvement of student learning).

(9) \$2,208,000 is provided solely for the leadership internship program for superintendents, principals, and program administrators.

(10) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to establish a mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance state-wide, the superintendent of public instruction, shall employ regional school improvement coordinators and mathematics school improvement specialists to provide assistance to schools and districts. The regional coordinators and specialists shall be hired by and work under the direction of a state-wide school improvement coordinator. The mathematics improvement specialists shall serve on a rotating basis from one to three years and shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement coordinators and specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics;

and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(11) A maximum of \$1,000,000 of the general fund--state appropriation is provided to expand the number of summer accountability institutes offered by the superintendent of public instruction and the commission on student learning or its successor. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling but placing an emphasis on mathematics.

(12) \$8,000,000 of the general fund--state appropriation for fiscal year 2000 and \$8,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets one of the following conditions:

(i) The program is recommended either by the education commission of the states or the Northwest regional educational laboratory; or

(ii) The program is developed by schools or school districts and is approved by the office of the superintendent of public instruction based on the following criteria:

(A) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(B) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(C) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(D) It has measurable goals for student reading aligned with the essential academic learning requirements; and
(E) It contains an evaluation component to determine the effectiveness of the program.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning, interim, and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from July 1, 1999, through August 31, 2001.

(13) \$120,000 of the general fund--state appropriation for fiscal year 2000 and \$272,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards.

(a) During the 1999-00 school year, teachers who have attained certification by the national board will receive a one-time 15 percent salary bonus. The bonus is provided in recognition of their outstanding performance. The bonuses shall be provided subject to the following conditions and limitations:

(i) For teachers achieving certification prior to September 1, 1999, the bonus shall begin on September 1, 1999.

(ii) Teachers enrolled in the program prior to September 1, 1999, achieving certification during the 1999-2000 school year shall be eligible for the bonus for the number of months during the school year that the individual has achieved certification.

(b) During the 2000-01 school year, teachers who have attained certification by the national board during the 2000-01 school year or in prior school years will receive an annual bonus of \$3,500. The annual bonus will be paid in a lump sum amount. The annual bonus provided under this subsection shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) It is the intent of the legislature that teachers achieving certification by the national board of professional teaching standards will receive no more than two bonus payments under this subsection.

(14) \$125,000 of the general fund--state appropriation for fiscal year 2001 is provided for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(15) \$35,000 of the general fund--state appropriation for fiscal year 2000 and \$71,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the second grade reading test. The funds shall be expended for assessment training for new second grade teachers and replacement of assessment materials.

Sec. 511. 2000 2nd sp.s. c 1 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2000) \$ 35,876,000

General Fund--State Appropriation (FY 2001) \$ ((37,605,000))

37,776,000

TOTAL APPROPRIATION \$ ((73,481,000))

73,652,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$646.06 per eligible bilingual student in the 1999-00 school year and \$641.64 in the 2000-01 school year, exclusive of salary and benefit adjustments provided in section ((503 of this act)) 504, chapter 1, Laws of 2000 2nd sp. sess.

Sec. 512. 2000 2nd sp.s. c 1 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2000) \$ 68,936,000

General Fund--State Appropriation (FY 2001) \$ ((69,470,000))

68,392,000

TOTAL APPROPRIATION \$ ((138,406,000))

137,328,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funding for school district learning assistance programs shall be allocated at maximum rates of \$382.08 per funded unit for the 1999-00 school year and \$381.90 per funded unit for the 2000-01 school year.

(3) A school district's funded units for the 1999-2000 and 2000-01 school years shall be the sum of the following:

(a) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag; and

(b) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(c) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.92. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(d) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and

reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

(4) School districts may carry over from one year to the next up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

Sec. 513. 2000 2nd sp.s. c 1 s 517 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS

General Fund--State Appropriation (FY 2000) \$ 32,981,000

General Fund--State Appropriation (FY 2001) \$ ((27,315,000))

27,389,000

TOTAL APPROPRIATION \$ ((60,296,000))

60,370,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funds are provided for local education program enhancements to meet educational needs as identified by the school district, including alternative education programs.

(3) Allocations for the 1999-00 school year shall be at a maximum annual rate of \$28.81 per full-time equivalent student and \$28.81 per full-time equivalent student for the 2000-01 school year. Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250 and shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve: PROVIDED, That for school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than sixty average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than twenty average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than sixty average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(5) The superintendent shall not allocate up to one-fourth of a district's funds under this section if:

(a) The district is not maximizing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); or

(b) The district is not in compliance in filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030.

Sec. 514. 2000 2nd sp.s. c 1 s 518 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BETTER SCHOOLS PROGRAM

General Fund--State Appropriation (FY 2001) \$ ((57,500,000))

56,096,000

Better schools program funds are appropriated to provide additional school improvement resources to help students meet the essential academic learning requirements and student assessment performance standards. ~~((It is the intent of the legislature that these funds will be appropriated on an ongoing basis in future biennia.))~~ Allocations received under this section shall be used for the following new and expanded educational enhancements as follows:

(1) ~~((37,389,000))~~ \$35,985,000 of the appropriation shall be allocated for class size reduction and expanded learning opportunities as follows:

(a) For the 2000-01 school year, an additional 2.2 certificated instructional staff units for grades K-4 per thousand full-time equivalent students are provided to supplement the certificated staffing allocations under section 502 (2)(a) of this act. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used (i) for reducing class sizes in grades K-4 or (ii) to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(b) Any district maintaining a ratio equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students in grades K-4 may use allocations generated under this subsection to employ additional certificated instructional staff or classified instructional assistants in grades K-12 or to provide additional classroom opportunities under (a) of this subsection in grades K-12.

(c) Salary calculations, nonemployee related costs, and substitute teacher allocations shall be calculated in the same manner as provided under section 502 of this act. The allocation includes salary and benefit increases equivalent to those provided under section 503 of this act.

(2) \$20,111,000 of the appropriation shall be allocated for professional development and training as follows:

(a) For fiscal year 2001, the funds shall be used for additional professional development for certificated and classified staff, including additional paid time for curriculum and lesson redesign and development work and training to ensure that instruction is aligned with state standards and student needs.

(b) For fiscal year 2001, the superintendent shall allocate the funds to school districts at a rate of \$20.04 per student based on the October 1999 P-105 unduplicated headcount.

(c) School districts shall allocate the funds to schools and the expenditure of the funds shall be determined by the staff at each school site.

Sec. 515. 2000 2nd sp.s. c 1 s 519 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Education Savings Account--State Appropriation \$ ((78,612,000))

28,077,000

Education Construction Account--State

Appropriation \$ 35,000,000

TOTAL APPROPRIATION \$ ((113,612,000))

63,077,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ((~~\$42,612,000 in fiscal year 2000 and \$36,000,000 in fiscal year 2001 are~~)) \$28,077,000 of the education savings account is appropriated to the common school construction account.

(2) The education construction account appropriation shall be deposited in the common school construction account.

**PART VI
HIGHER EDUCATION**

Sec. 601. 2000 2nd sp.s. c 1 s 602 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2000) \$ 456,291,000

General Fund--State Appropriation (FY 2001) \$ ((489,677,000))

490,377,000

General Fund--Federal Appropriation \$ 11,404,000

Education Construction Account--State

Appropriation \$ 1,000,000

Employment and Training Trust Account--

State Appropriation \$ 888,000

TOTAL APPROPRIATION \$ ((959,260,000))

959,960,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2)(a) \$5,000,000 of the general fund--state appropriation for fiscal year 2000 and \$5,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase salaries and related benefits for part-time faculty. The state board for community and technical colleges shall allocate these funds to college districts based on the headcount of part-time faculty under contract for the 1998-99 academic year. To earn these funds, a college district must match the state funds with local revenue, the amounts for which shall be determined by the state board. State fund allocations that go unclaimed by a college district shall lapse. The board may provide salary increases to part-time faculty in a total amount not to exceed \$10,000,000 from tuition revenues. The board shall report to the office of financial management and legislative fiscal committees on the distribution of state funds, match requirements of each district, and the wage adjustments for part-time faculty by October 1 of each fiscal year.

(b) Each college district shall examine its current ratio of part-time to full-time faculty by discipline and report to the board a plan to reduce wage disparity and reliance on part-time faculty through salary improvements, conversion of positions to full-time status, and other remedies deemed appropriate given labor market conditions and educational programs offered in each community. The board shall set long-term performance targets for each district with respect to use of part-time faculty and monitor progress annually. The board shall report to the fiscal and higher education committees of the legislature on implementation of this subsection by no later than December 1, 1999, with recommendations for the ensuing biennium provided no later than December 1, 2000.

(3) \$1,155,000 of the general fund--state appropriation for fiscal year 2000 and \$2,345,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments and associated benefits. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.

(4) \$950,000 of the general fund--state appropriation for fiscal year 2000 and \$950,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to lower the part-time faculty retirement eligibility threshold to fifty percent of the full-time workload.

(5) \$332,000 of the general fund--state appropriation for fiscal year 2000 and \$3,153,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for Cascadia Community College start-up and enrollment costs.

(6) \$1,441,000 of the general fund--state appropriation for fiscal year 2000 and \$1,441,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for 500 FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(7) \$27,775,000 of the general fund--state appropriation for fiscal year 2000, \$28,761,000 of the general fund--state appropriation for fiscal year 2001, and the entire employment and training trust account appropriation are provided solely as special funds for training and related support services, including financial aid, child care, and transportation, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers).

(a) Funding is provided to support up to 7,200 full-time equivalent students in each fiscal year.

(b) The state board for community and technical colleges shall submit a plan for allocation of the full-time equivalent students provided in this subsection to the workforce training and education coordinating board for review and approval.

(8) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for tuition support for students enrolled in work-based learning programs.

(9) \$567,000 of the general fund--state appropriation for fiscal year 2000 and \$568,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for administration and customized training contracts through the job skills program.

(10) \$750,000 of the general fund--state appropriation for fiscal year 2000 and \$750,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to expand information technology and computer science programs. Successful grant applications from a college, partnerships of colleges, or partnerships of colleges and K-12 school districts must include a match of cash, in-kind, or donations equivalent to the grant amount. Grant applications shall receive priority that prepare students to meet industry standards, achieve industry skill certificates, or continue to upper division computer science or computer engineering studies. No college may receive more than \$300,000 from appropriations in this section. The state board for community and technical colleges shall report the implementation of this section to the governor and legislative fiscal committees by June 30, 2001, including plans of successful grant recipients for the continuation of programs funded by this section.

(11) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Pierce College branch at Puyallup.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are solely for implementation of Substitute Senate Bill No. 5277 (higher education student child care matching grants). In no case shall funds provided in this subsection be used to construct or remodel facilities. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(13) Funding in this section provides for the collection and reporting of Washington enrollment data, and related activities, for the distance learning information project described in section 129 of this act.

(14) \$425,000 of the general fund--state appropriation is provided solely for allocation to Olympic college. Olympic college shall contract with accredited baccalaureate institution(s) to bring a program of upper-division courses, concentrating on but not limited to business, education, and human relations, to Bremerton. Moneys may be used by Olympic college during either fiscal year to equip and support a state-owned or state-leased facility in Bremerton where contracted courses are delivered.

(15) \$1,000,000 of the education construction account--state appropriation for fiscal year 2001 is provided to replace failing roofs at Columbia basin college.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2001 is provided for assistance to students with disabilities.

(17) \$750,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a student centered online delivery system to broaden access and increase use of college catalogs, schedules, and registration systems.

(18) \$658,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for maintenance and operations of Cascadia college phase 2, and for facilities previously authorized for construction with certificates of participation:

- (a) Workforce training facility at Columbia basin college;
- (b) Student services auditorium at Columbia basin college;
- (c) Music building at Edmonds community college;
- (d) Student center at South Puget Sound community college;
- (e) Addition to the Lair student center at Spokane community college;
- (f) Addition to the student union building at Yakima Valley community college; and
- (g) Classroom and child care facility at Whatcom community college.

(19) \$700,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for lawsuit settlement costs at Green River community college.

Sec. 602. 2000 2nd sp.s. c 1 s 606 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2000) \$ 42,060,000
General Fund--State Appropriation (FY 2001) \$ 44,726,000
TOTAL APPROPRIATION \$ 86,786,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$312,000 of the general fund--state appropriation for fiscal year 2000 and \$312,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment, retention, and equity salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2) The office of financial management shall hold and release funds to the university at the rate of \$4,756 per enrolled state FTE student in excess of fiscal year 2000 actual annualized enrollment as determined in the budget driver tracking report prepared by the office of financial management. Of the amounts held pursuant to this subsection, \$300,000 shall be released to the university for the sole purpose of implementing enrollment improvement initiatives, and any remaining moneys not earned by the university for enrolling additional state students during the 2000-2001 academic year shall lapse to the education savings account at the close of the biennium.

PART VII SPECIAL APPROPRIATIONS

Sec. 701. 2000 2nd sp.s. c 1 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2000) \$ 634,792,000
General Fund--State Appropriation (FY 2001) \$ ((435,288,900))

436.354.000

State Building Construction Account--State
Appropriation \$ 6,797,000

Debt-Limit Reimbursable Bond Retirement Account--
State Appropriation \$ 2,565,000
TOTAL APPROPRIATION \$ ((1,079,442,000))

1,080,508,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2000 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2000.

Sec. 702. 2000 2nd sp.s. c 1 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2000) \$ 23,678,000
General Fund--State Appropriation (FY 2001) \$ 23,283,000
Higher Education Construction Account--State
Appropriation \$ ((695,000))

545,000

State Higher Education Construction Account--
State Appropriation \$ 150,000

Nondebt-Limit Reimbursable Bond Retirement
Account--State Appropriation \$ ((149,977,000))

117,077,000

Stadium and Exhibition Center Construction--State
Appropriation \$ 1,970,000
TOTAL APPROPRIATION \$ ((169,603,000))

166,703,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

Sec. 703. 2000 2nd sp.s. c 1 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2000) \$ 567,000
General Fund--State Appropriation (FY 2001) \$ 568,000
Higher Education Construction Account--State
Appropriation \$ ((83,000))

63,000

State Building Construction Account--State
Appropriation \$ 1,237,000

State Higher Education Construction Account--
State Appropriation \$ 20,000

Public Safety Reimbursable Bond Account--State
Appropriation \$ 0

Stadium/Exhibition Center Construction
Account--State Appropriation \$ 250,000
TOTAL APPROPRIATION \$ 2,705,000

Total Bond Retirement and Interest Appropriations
contained in sections 701 through 704
of this act and section 704, chapter 309,
Laws of 1999 \$ ((1,295,863,000))

1,292,963,000

Sec. 704. 1999 c 309 s 708 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL

General Fund--State Appropriation (FY 2001) \$ 1,000,000

Disaster Response Account--State
Appropriation \$ 4,000,000

((The sum of three million dollars or so much thereof as may be available on June 30, 1999, from the total amount of unspent fiscal year 1999 fire contingency funding in)) The appropriations in this section are subject to the following conditions and limitations: The general fund--state appropriation is provided solely for deposit into the disaster response account. The disaster response account((--is appropriated)) appropriation is provided for the purpose of making allocations to the military department for fire mobilizations costs or to the department of natural resources for fire suppression costs.

NEW SECTION. Sec. 705. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

- (1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:
 - (a) Gregory Sykes, claim number SCJ 2001-01 \$ 6,647
 - (b) Daniel Anker, claim number SCJ 2001-02 \$ 17,584
 - (c) Joshua Swaney, claim number SCJ 2001-03 \$ 32,000

- (d) Yanis Nadzins, claim number SCJ 2001-04 \$ 5,000
- (e) Shawn Kostelec, claim number SCJ 2001-05 \$ 2,800
- (f) Terry Hanson, claim number SCJ 2001-07 \$ 6,742
- (g) Allen West, claim number SCJ 2001-08 \$ 9,001
- (h) Kim McLemore, claim number SCJ 2001-09 \$ 920
- (i) Norma Vasquez, claim number SCJ 2001-11 \$ 1,110
- (j) Clifford Stewart, claim number SCJ 2001-12 \$ 2,948
- (k) Lee Sumerlin, claim number SCJ 2001-14 \$ 135
- (l) Maxwell Jones, claim number SCJ 2001-16 \$ 6,840
- (2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.36.050:
- (a) Carl Anderson, claim number SCG 2001-02 \$ 30,357
- (b) Marshall Anderson, claim number SCG 2001-03 \$ 20,439
- (c) Richard Anderson, claim number SCG 2001-04 \$ 34,196
- (d) Bud Hamilton, claim number SCG 2001-05 \$ 97,761
- (e) Ice Brothers, claim number SCG 2001-06 \$ 23,922
- (f) Dick Rubenser, claim number SCG 2001-07 \$ 14,100

NEW SECTION. Sec. 706. A new section is added to 1999 c 309 (uncodified) to read as follows:

Any program costs or money in this act that is shifted to the general fund from another fund or account requires an adjustment to the state expenditure limit under RCW 43.135.035(5).

NEW SECTION. Sec. 707. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR WASHINGTON STATE UNIVERSITY--AGRICULTURAL COLLEGE TRUST LANDS. The sum of sixteen million dollars is appropriated from the education construction account to the agricultural permanent account as full and final payment of the agricultural college trust land settlement effective May 24, 1999, between the office of financial management and Washington State University, and shall be used to support financing of the health sciences building in Spokane.

Sec. 708. 2000 2nd sp.s. c 1 s 730 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY PUBLIC HEALTH ASSISTANCE

The sum of \$33,183,801 is appropriated from the health services account to the department of community, trade, and economic development for distribution for the purposes of public health. Of the amounts provided, \$11,061,266 is to be distributed for ((calendar)) fiscal year 2000 for the period from ((July)) January 1 through ((December 31)) June 30, and \$22,122,535 is to be distributed for ((calendar)) fiscal year 2001, to the following counties and health districts in the amounts designated:

1999-2001

County or Health District FY 2000 FY 2001 Biennium

Adams County Health District 15,165 30,330 45,495
Asotin County Health District 30,008 60,015 90,023
Benton-Franklin Health District 551,371 1,102,742 1,654,113
Chelan-Douglas Health District 79,726 159,451 239,177
Clallam County Health and Human Services Department 68,512 137,024 205,536
Southwest Washington Health District 512,816 1,025,631 1,538,447
Columbia County Health District 19,857 39,715 59,572
Cowlitz County Health Department 129,921 259,842 389,763
Garfield County Health District 7,363 14,726 22,089
Grant County Health District 48,355 96,710 145,065
Grays Harbor Health Department 90,088 180,176 270,264
Island County Health Department 37,465 74,930 112,395
Jefferson County Health and Human Services 38,072 76,145 114,217
Seattle-King County Department of Public Health 4,153,122 8,306,245 12,459,367
Bremerton-Kitsap County Health District 271,037 542,074 813,111
Kittitas County Health Department 38,712 77,425 116,137
Klickitat County Health Department 24,002 48,004 72,006
Lewis County Health Department 49,704 99,409 149,113
Lincoln County Health Department 10,306 20,613 30,919
Mason County Department of Health Services 40,946 81,893 122,839
Okanogan County Health District 30,549 61,099 91,648
Pacific County Health Department 37,935 75,871 113,806
Tacoma-Pierce County Health Department 1,372,177 2,744,353 4,116,530
San Juan County Health and Community Services 15,058 30,116 45,174
Skagit County Health Department 98,115 196,230 294,345
Snohomish Health District 1,090,447 2,180,893 3,271,340
Spokane County Health District 1,027,015 2,054,031 3,081,046
Northeast Tri-County Health District 47,995 95,991 143,986
Thurston County Health Department 287,121 574,242 861,363
Wahkiakum County Health Department 6,748 13,495 20,243
Walla Walla County-City Health Department 83,532 167,063 250,595
Whatcom County Health Department 409,608 819,215 1,228,823
Whitman County Health Department 38,071 76,142 114,213
Yakima Health District 300,347 600,694 901,041

TOTAL APPROPRIATIONS \$11,061,266 \$22,122,535 \$33,183,801

NEW SECTION. Sec. 709. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR NISQUALLY EARTHQUAKE RELIEF

Emergency Reserve Fund--State Appropriation \$ 56,336,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The emergency reserve fund appropriation is in response to the emergency caused by a natural disaster known as the Nisqually earthquake, declared by chapter 5, Laws of 2001, the governor, and the president of the United States.

(2) The emergency reserve fund appropriation is provided solely for deposit in the Nisqually earthquake account--state.

(3) \$728,000 is appropriated from the Nisqually earthquake account--state and \$558,000 is appropriated from the Nisqually earthquake account--federal to the military department solely for costs associated with coordinating the state's response to the February 28, 2001, earthquake with the federal emergency management agency.

(4) \$1,986,000 is appropriated from the Nisqually earthquake account--state and \$6,878,000 is appropriated from the Nisqually earthquake account--federal to the military department solely for public assistance costs associated with the earthquake for state and local agencies. Of the appropriation from the Nisqually earthquake account--state in this subsection, \$1,680,000 is provided for the state matching share for state agencies and \$306,000 is provided for one-half of the local matching share for local entities. The amount provided for the local matching share constitutes a revenue distribution for purposes of RCW 43.135.060(1).

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 801. 2000 2nd sp.s. c 1 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Local Toxics Control Account: For transfer to the state toxics control account on or before June 1, 2000, an amount equal to \$1,500,000. This transfer shall be repaid to the local toxics control account from moneys in the state toxics control account by June 30, 2005. The transfer shall be repaid prior to June 30, 2005, to the extent that moneys are received from the cost recovery action at the Everett smelter site \$ 1,500,000

Park Land Trust Revolving Fund: For transfer to the common school construction fund, \$13,350,000 of the amount deposited into the park land trust revolving fund on January 6, 2000, plus all interest attributed to that amount that has accrued since deposit, up to (~~(\$43,550,000)~~) \$13,650,400. Nothing in this section constitutes an authorization or ratification of the transaction that resulted in this deposit \$ (~~43,550,000~~)

13,650,400

Park Land Trust Revolving Fund: For transfer to the natural resources real property replacement account, \$3,200,000 of the amount deposited into the park land trust revolving fund on January 6, 2000, plus all interest attributed to that amount that has accrued since deposit, up to \$3,300,000. Nothing in this section constitutes an authorization or ratification of the transaction that resulted in this deposit \$ 3,300,000

Sec. 802. 1999 c 309 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

General Fund: For transfer to the Water Quality Account \$ 83,423,000

General Fund: For transfer to the Flood Control Assistance Account \$ 4,000,000

State Convention and Trade Center Account: For transfer to the State Convention and Trade Center Operations Account \$ 3,800,000

Water Quality Account: For transfer to the Water Pollution Control Account. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the account. The amounts transferred shall not exceed the match required for each federal deposit \$ 16,350,000

State Treasurer's Service Account: For transfer to the general fund on or before June 30, 2001, an amount up to \$10,000,000 in excess of the cash requirements of the State Treasurer's Service Account \$ 10,000,000

Public Works Assistance Account: For transfer to the Drinking Water Assistance Account \$ 7,700,000

County Sales and Use Tax Equalization Account:

For transfer to the County Public Health Account \$ 2,577,664
Public Health Services Account: For transfer to the County Public Health Account \$ 1,056,000
State Emergency Water Projects Revolving Account: For transfer to the State Drought Preparedness Account \$ 6,800,000
Tobacco Settlement Account: For transfer to the Health Services Account in an amount not to exceed the actual balance of the tobacco settlement account \$ 223,087,000
State Toxics Control Account: For transfer to the local toxics control account on or before June 30, 2001, up to \$2,500,000, but not greater than the loan enacted in the 1999 supplemental budget. The exact amount and timing of the transfer shall be determined by the office of financial management, based on state toxics control account fund balances \$ 2,500,000
Health Services Account: For transfer to the state general fund by June 30, 2001, for health services purposes consistent with RCW 43.72.900. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2001 to reflect this transfer \$ 121,000,000

PART IX MISCELLANEOUS

Sec. 901. 2000 c 241 s 4 (uncodified) is amended to read as follows:

JOINT TASK FORCE ON LOCAL GOVERNMENTS

This act expires March 30, ((2002)) 2001.

NEW SECTION. Sec. 902. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 903. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Brown to Substitute House Bill No. 1314.

The motion by Senator Brown carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Brown, the following title amendment was adopted:

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending 1999 c 309 ss 106, 111, 119, 130, 133, 134, 138, 223, 708, and 803 (uncodified); amending 2000 c 241 s 4 (uncodified); amending 2000 2nd sp.s. c 1 ss 107, 108, 109, 111, 112, 114, 115, 117, 118, 119, 124, 126, 201, 202, 203, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 217, 218, 219, 220, 222, 301, 302, 305, 306, 401, 402, 501, 502, 504, 505, 507, 508, 510, 511, 512, 514, 515, 516, 517, 518, 519, 602, 606, 701, 703, 704, 730, and 802 (uncodified); adding new sections to 1999 c 309 (uncodified); creating new sections; making appropriations; and declaring an emergency."

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 1314, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1314, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1314, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Winsley - 41

Voting nay: Senators Benton, McDonald, Morton, Sheldon, T. and Stevens - 5.

Excused: Senators Constantine, Hargrove and Zarelli - 3.

SUBSTITUTE HOUSE BILL NO. 1314, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1062 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDR, Co-Chief Clerk

MOTION

On motion of Senator Kline, the Senate receded from its amendment(s) to House Bill No. 1062.

MOTIONS

On motion of Senator Kline, the rules were suspended, House Bill No. 1062 was returned to second reading and read the second time.

Senator Kline moved that the following striking amendment by Senators Kline, Zarelli and Long be adopted: Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.101.010 and 1981 c 132 s 2 are each amended to read as follows:

When used in this chapter:

(1) The term "commission" means the Washington state criminal justice training commission.

(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.

(3) The term "criminal justice personnel" means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.

(4) The term "law enforcement personnel" means any public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made.

(5) The term "correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

(6) A peace officer is "convicted" at the time a plea of guilty has been accepted, or a verdict of guilty or finding of guilt has been filed, notwithstanding the pendency of any future proceedings, including but not limited to sentencing, posttrial or postfact-finding motions and appeals. "Conviction" includes a deferral of sentence and also includes the equivalent disposition by a court in a jurisdiction other than the state of Washington.

(7) "Discharged for disqualifying misconduct" means terminated from employment for: (a) Conviction of (i) any crime committed under color of authority as a peace officer, (ii) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), (iii) the unlawful use or possession of a controlled substance, or (iv) any other crime the conviction of which disqualifies a Washington citizen from the legal right to possess a firearm under state or federal law; (b) conduct that would constitute any of the crimes addressed in (a) of this subsection; or (c) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination.

(8) A peace officer is "discharged for disqualifying misconduct" within the meaning of subsection (7) of this section under the ordinary meaning of the term and when the totality of the circumstances support a finding that the officer resigned in anticipation of discipline, whether or not the misconduct was discovered at the time of resignation, and when such discipline, if carried forward, would more likely than not have led to discharge for disqualifying misconduct within the meaning of subsection (7) of this section.

(9) When used in context of proceedings referred to in this chapter, "final" means that the peace officer has exhausted all available civil service appeals, collective bargaining remedies, and all other such direct administrative appeals, and the officer has not been reinstated as the result of the action. Finality is not affected by the pendency or availability of state or federal administrative or court actions for discrimination, or by the pendency or availability of any remedies other than direct civil service and collective bargaining remedies.

(10) "Peace officer" means any law enforcement personnel subject to the basic law enforcement training requirement of RCW 43.101.200 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.200. Commissioned officers of the Washington state patrol, whether they have been or may be exempted by rule of the commission from the basic training requirement of RCW 43.101.200, are included as peace officers for purposes of this chapter. Fish and wildlife officers with enforcement powers for all criminal laws under RCW 77.12.055 are peace officers for purposes of this chapter.

NEW SECTION. Sec. 2. (1) As a condition of continuing employment as peace officers, all Washington peace officers: (a) Shall timely obtain certification as peace officers, or timely obtain certification or exemption therefrom, by meeting all requirements of RCW 43.101.200, as that section is administered under the rules of the commission, as well by meeting any additional requirements under this chapter; and (b) shall maintain the basic certification as peace officers under this chapter. The commission shall certify peace officers who have satisfied, or have been exempted by statute or by rule from, the basic training requirements of RCW 43.101.200 on or before the effective date of this section. Thereafter, the commission may revoke certification pursuant to this chapter.

(2) The commission shall allow a peace officer to retain status as a certified peace officer as long as the officer: (a) Timely meets the basic law enforcement training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.200 or under rule of the commission; (b) meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (c) is not denied certification by the commission under this chapter; and (d) has not had certification revoked by the commission.

(3) As a prerequisite to certification, as well as a prerequisite to pursuit of a hearing under section 9 of this act, a peace officer must, on a form devised or adopted by the commission, authorize the release to the commission of his or her personnel files, termination papers, criminal investigation files, or other files, papers, or information that are directly related to a certification matter or decertification matter before the commission.

NEW SECTION. Sec. 3. Upon request by a peace officer's employer or on its own initiative, the commission may deny or revoke certification of any peace officer, after written notice and hearing, if a hearing is timely requested by the peace officer under section 9 of this act, based upon a finding of one or more of the following conditions:

(1) The peace officer has failed to timely meet all requirements for obtaining a certificate of basic law enforcement training, a certificate of basic law enforcement training equivalency, or a certificate of exemption from the training;

(2) The peace officer has knowingly falsified or omitted material information on an application for training or certification to the commission;

(3) The peace officer has been convicted at any time of a felony offense under the laws of this state or has been convicted of a federal or out-of-state offense comparable to a felony under the laws of this state; except that if a certified peace officer was convicted of a felony before being employed as a peace officer, and the circumstances of the prior felony conviction were fully disclosed to his or her employer before being hired, the commission may revoke certification only with the agreement of the employing law enforcement agency;

(4) The peace officer has been discharged for disqualifying misconduct, the discharge is final, and some or all of the acts or omissions forming the basis for the discharge proceedings occurred on or after the effective date of this section;

(5) The peace officer's certificate was previously issued by administrative error on the part of the commission; or

(6) The peace officer has interfered with an investigation or action for denial or revocation of certificate by: (a) Knowingly making a materially false statement to the commission; or (b) in any matter under investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness.

NEW SECTION. Sec. 4. (1) A person denied a certification based upon dismissal or withdrawal from a basic law enforcement academy for any reason not also involving discharge for disqualifying misconduct is eligible for readmission and certification upon meeting standards established in rules of the commission, which rules may provide for probationary terms on readmission.

(2) A person whose certification is denied or revoked based upon prior administrative error of issuance, failure to cooperate, or interference with an investigation is eligible for certification upon meeting standards established in rules of the commission, rules which may provide for a probationary period of certification in the event of reinstatement of eligibility.

(3) A person whose certification is denied or revoked based upon a felony criminal conviction is not eligible for certification at any time.

(4) A peace officer whose certification is denied or revoked based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction, may, five years after the revocation or denial, petition the commission for reinstatement of the certificate or for eligibility for reinstatement. The commission shall hold a hearing on the petition to consider reinstatement, and the commission may allow reinstatement based upon standards established in rules of the commission. If the certificate is reinstated or eligibility for certification is determined, the commission may establish a probationary period of certification.

(5) A peace officer whose certification is revoked based solely upon a criminal conviction may petition the commission for reinstatement immediately upon a final judicial reversal of the conviction. The commission shall hold a hearing on request to consider reinstatement, and the commission may allow reinstatement based on standards established in rules of the commission. If the certificate is reinstated or if eligibility for certification is determined, the commission may establish a probationary period of certification.

NEW SECTION. Sec. 5. A peace officer's certification lapses automatically when there is a break of more than twenty-four consecutive months in the officer's service as a full-time law enforcement officer. A break in full-time law enforcement service which is due solely to the pendency of direct review or appeal from a disciplinary discharge, or to the pendency of a work-related injury, does not cause a lapse in certification. The officer may petition the commission for reinstatement of certification. Upon receipt of a petition for reinstatement of a lapsed certificate, the commission shall determine under this chapter and any applicable rules of the commission if the peace officer's certification status is to be reinstated, and the commission shall also determine any requirements which the officer must meet for reinstatement. The commission may adopt rules establishing requirements for reinstatement.

NEW SECTION. Sec. 6. Upon termination of a peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify the commission on a personnel action report form provided by the commission. The agency of termination shall, upon request of the commission, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation under section 3 of this act. The commission shall maintain these notices in a permanent file, subject to section 12 of this act.

NEW SECTION. Sec. 7. In addition to its other powers granted under this chapter, the commission has authority and power to:

(1) Adopt, amend, or repeal rules as necessary to carry out this chapter;

(2) Issue subpoenas and administer oaths in connection with investigations, hearings, or other proceedings held under this chapter;

(3) Take or cause to be taken depositions and other discovery procedures as needed in investigations, hearings, and other proceedings held under this chapter;

(4) Appoint members of a hearings board as provided under section 10 of this act;

(5) Enter into contracts for professional services determined by the commission to be necessary for adequate enforcement of this chapter;

- (6) Grant, deny, or revoke certification of peace officers under the provisions of this chapter;
- (7) Designate individuals authorized to sign subpoenas and statements of charges under the provisions of this chapter;

and

- (8) Employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter.

NEW SECTION. Sec. 8. A law enforcement officer or duly authorized representative of a law enforcement agency may submit a written complaint to the commission charging that a peace officer's certificate should be denied or revoked, and specifying the grounds for the charge. Filing a complaint does not make a complainant a party to the commission's action. The commission has sole discretion whether to investigate a complaint, and the commission has sole discretion whether to investigate matters relating to certification, denial of certification, or revocation of certification on any other basis, without restriction as to the source or the existence of a complaint. A person who files a complaint in good faith under this section is immune from suit or any civil action related to the filing or the contents of the complaint.

NEW SECTION. Sec. 9. (1) If the commission determines, upon investigation, that there is probable cause to believe that a peace officer's certification should be denied or revoked under section 3 of this act, the commission must prepare and serve upon the officer a statement of charges. Service on the officer must be by mail or by personal service on the officer. Notice of the charges must also be mailed to or otherwise served upon the officer's agency of termination and any current law enforcement agency employer. The statement of charges must be accompanied by a notice that to receive a hearing on the denial or revocation, the officer must, within sixty days of communication of the statement of charges, request a hearing before the hearings board appointed under section 10 of this act. Failure of the officer to request a hearing within the sixty-day period constitutes a default, whereupon the commission may enter an order under RCW 34.05.440.

(2) If a hearing is requested, the date of the hearing must be scheduled not earlier than ninety days nor later than one hundred eighty days after communication of the statement of charges to the officer; the one hundred eighty day period may be extended on mutual agreement of the parties or for good cause. The commission shall give written notice of hearing at least twenty days prior to the hearing, specifying the time, date, and place of hearing.

NEW SECTION. Sec. 10. (1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is clear, cogent, and convincing evidence.

(2) On all appeals brought under section 9 of this act, a five-member hearings panel shall both hear the case and make the commission's final administrative decision. Members of the commission or the board on law enforcement training standards and education may but need not be appointed to the hearings panels. The commission shall appoint as follows two or more panels to hear appeals from decertification actions:

(a) When an appeal is filed in relation to decertification of a Washington peace officer who is not a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) One police chief; (ii) one sheriff; (iii) two peace officers who are at or below the level of first line supervisor, who are from city or county law enforcement agencies, and who have at least ten years' experience as peace officers; and (iv) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(b) When an appeal is filed in relation to decertification of a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) Either one police chief or one sheriff; (ii) one administrator of the state patrol; (iii) one peace officer who is at or below the level of first line supervisor, who is from a city or county law enforcement agency, and who has at least ten years' experience as a peace officer; (iv) one state patrol officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(c) Persons appointed to hearings panels by the commission shall, in relation to any decertification matter on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

(3) Where the charge upon which revocation or denial is based is that a peace officer was "discharged for disqualifying misconduct," and the discharge is "final," within the meaning of section 3(4) of this act, and the officer received a civil service hearing or arbitration hearing culminating in an affirming decision following separation from service by the employer, the hearings panel may revoke or deny certification if the hearings panel determines that the discharge occurred and was based on disqualifying misconduct; the hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the employment separation proceeding. However, the hearings panel may, in its discretion, consider additional evidence to determine whether such a discharge occurred and was based on such disqualifying misconduct. The hearings panel shall, upon written request by the subject peace officer, allow the peace officer to present additional evidence of extenuating circumstances.

Where the charge upon which revocation or denial of certification is based is that a peace officer "has been convicted at any time of a felony offense" within the meaning of section 3(3) of this act, the hearings panel shall revoke or deny certification if it determines that the peace officer was convicted of a felony. The hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the criminal proceeding. However, the hearings panel shall, upon the panel's determination of relevancy, consider additional evidence to determine whether the peace officer was convicted of a felony.

Where the charge upon which revocation or denial is based is under section 3(1), (2), (5), or (6) of this act, the hearings panel shall determine the underlying facts relating to the charge upon which revocation or denial of certification is based.

- (4) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.

NEW SECTION. Sec. 11. The commission, its boards, and individuals acting on behalf of the commission and its boards are immune from suit in any civil or criminal action contesting or based upon proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

NEW SECTION. Sec. 12. (1) Except as provided under subsection (2) of this section, the following records of the commission are confidential and exempt from public disclosure: (a) The contents of personnel action reports filed under section 6 of this act; (b) all files, papers, and other information obtained by the commission pursuant to section 2(3) of this act; and (c) all

investigative files of the commission compiled in carrying out the responsibilities of the commission under this chapter. Such records are not subject to public disclosure, subpoena, or discovery proceedings in any civil action, except as provided in subsection (5) of this section.

(2) Records which are otherwise confidential and exempt under subsection (1) of this section may be reviewed and copied: (a) By the officer involved or the officer's counsel or authorized representative, who may review the officer's file and may submit any additional exculpatory or explanatory evidence, statements, or other information, any of which must be included in the file; (b) by a duly authorized representative of (i) the agency of termination, or (ii) a current employing law enforcement agency, which may review and copy its employee-officer's file; or (c) by a representative of or investigator for the commission.

(3) Records which are otherwise confidential and exempt under subsection (1) of this section may also be inspected at the offices of the commission by a duly authorized representative of a law enforcement agency considering an application for employment by a person who is the subject of a record. A copy of records which are otherwise confidential and exempt under subsection (1) of this section may later be obtained by an agency after it hires the applicant. In all other cases under this subsection, the agency may not obtain a copy of the record.

(4) Upon a determination that a complaint is without merit, that a personnel action report filed under section 6 of this act does not merit action by the commission, or that a matter otherwise investigated by the commission does not merit action, the commission shall purge records addressed in subsection (1) of this section.

(5) The hearings, but not the deliberations, of the hearings board are open to the public. The transcripts, admitted evidence, and written decisions of the hearings board on behalf of the commission are not confidential or exempt from public disclosure, and are subject to subpoena and discovery proceedings in civil actions.

(6) Every individual, legal entity, and agency of federal, state, or local government is immune from civil liability, whether direct or derivative, for providing information to the commission in good faith.

NEW SECTION. Sec. 13. Sections 2 through 12 and 14 of this act are each added to chapter 43.101 RCW.

NEW SECTION. Sec. 14. This act takes effect January 1, 2002."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline, Zarelli and Long to House Bill No. 1062.

The motion by Senator Kline carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Kline, the following title amendment was adopted:

On page 1, line 1 of the title, after "officers;" strike the remainder of the title and insert "amending RCW 43.101.010; adding new sections to chapter 43.101 RCW; and providing an effective date."

On motion of Senator Kline, the rules were suspended, House Bill No. 1062, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1062, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1062, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 46

Excused: Senators Constantine, Hargrove and Zarelli - 3.

HOUSE BILL NO. 1062, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5319 with the following amendment(s):

On page 2, beginning on line 26, strike all of section 2

Renumber the remaining section consecutively and correct the title and any internal references accordingly, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Patterson, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5319 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5986 with the following amendment(s):

On page 1, line 7, after "hospital," insert "including public hospital districts."

On page 1, line 12, after, "municipality." insert "public hospital district.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTIONS

On motion of Senator Thibaudeau, the Senate concurred in the House amendments to Substitute Senate Bill No. 5986.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5986, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5986, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 45

Absent: Senator Brown - 1.

Excused: Senators Constantine, Hargrove and Zarelli - 3.

SUBSTITUTE SENATE BILL NO. 5986, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2001

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1997, and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

MOTIONS

Senator Patterson moved that the Senate recede from its amendment(s) to Engrossed Substitute House Bill No. 1997.

Debate ensued

The President declared the question before the Senate to be the motion by Senator Patterson that the Senate recede from its amendment(s) to Engrossed Substitute House Bill No. 1997.

The motion by Senator Patterson carried and the Senate receded from its amendment(s) to Engrossed Substitute House Bill No. 1997.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1997, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1997, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton,

Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, West and Winsley - 43

Voting nay: Senator Benton, Stevens and Thibaudeau- 3.

Excused: Senators Constantine, Hargrove and Zarelli - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1997, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 2126, and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Kohl-Welles, the Senate receded from its amendment(s) to House Bill No. 2126.

MOTION

On motion of Senator Eide, Senator Snyder was excused.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 2126 was returned to second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Brown be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.95.020 and 2000 c 14 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Academic year" means the regular nine-month, three-quarter, or two-semester period annually occurring between July 1st and June 30th.

(2) "Account" means the Washington advanced college tuition payment program account established for the deposit of all money received by the board from eligible purchasers and interest earnings on investments of funds in the account, as well as for all expenditures on behalf of eligible beneficiaries for the redemption of tuition units and for the development of any authorized college savings program pursuant to section 2 of this act.

(3) "Board" means the higher education coordinating board as defined in chapter 28B.80 RCW.

(4) "Committee on advanced tuition payment" or "committee" means a committee of the following members: The state treasurer, the director of the office of financial management, the executive director of the higher education coordinating board, or their designees, and two members to be appointed by the governor, one representing program participants and one private business representative with marketing, public relations, or financial expertise.

(5) "Governing body" means the committee empowered by the legislature to administer the Washington advanced college tuition payment program.

(6) "Contractual obligation" means a legally binding contract of the state with the purchaser and the beneficiary establishing that purchases of tuition units will be worth the same number of tuition units at the time of redemption as they were worth at the time of the purchase.

(7) "Eligible beneficiary" means the person for whom the tuition unit will be redeemed for attendance at an institution of higher education. The beneficiary is that person named by the purchaser at the time that a tuition unit contract is accepted by the governing body. With the exception of tuition unit contracts purchased by qualified organizations as future scholarships, the beneficiary must reside in the state of Washington or otherwise be a resident of the state of Washington at the time the tuition unit contract is accepted by the governing body.

(8) "Eligible purchaser" means an individual or organization that has entered into a tuition unit contract with the governing body for the purchase of tuition units for an eligible beneficiary.

(9) "Full-time tuition charges" means resident tuition charges at a state institution of higher education for enrollments between ten credits and eighteen credit hours per academic term.

(10) "Institution of higher education" means an institution that offers education beyond the secondary level and is recognized by the internal revenue service under chapter 529 of the internal revenue code.

(11) "Investment board" means the state investment board as defined in chapter 43.33A RCW.

(12) "State institution of higher education" means institutions of higher education as defined in RCW 28B.10.016.

(13) "Tuition and fees" means undergraduate tuition and services and activities fees as defined in RCW 28B.15.020 and 28B.15.041 rounded to the nearest whole dollar. The maximum tuition and fees charges recognized for beneficiaries enrolled in a state technical college shall be equal to the tuition and fees for the community college system.

(14) "Tuition unit contract" means a contract between an eligible purchaser and the governing body, or a successor agency appointed for administration of this chapter, for the purchase of tuition units for a specified beneficiary that may be redeemed at a later date for an equal number of tuition units.

(15) "Unit purchase price" means the minimum cost to purchase one tuition unit for an eligible beneficiary. Generally, the minimum purchase price is one percent of the undergraduate weighted average tuition and fees for the current year, rounded to the nearest whole dollar, adjusted for the costs of administration and adjusted to ensure the actuarial soundness of the account. The analysis for price setting shall also include, but not be limited to consideration of past and projected patterns of tuition increases, program liability, past and projected investment returns, and the need for a prudent stabilization reserve.

(16) "Weighted average tuition" shall be calculated as the sum of the undergraduate tuition and services and activities fees for each four-year state institution of higher education, multiplied by the respective full-time equivalent student enrollment at each institution divided by the sum total of undergraduate full-time equivalent student enrollments of all four-year state institutions of higher education, rounded to the nearest whole dollar.

(17) "Weighted average tuition unit" is the value of the weighted average tuition and fees divided by one hundred. The weighted average is the basis upon which tuition benefits ~~((are))~~ may be calculated ~~((for graduate program enrollments and for attendance at nonstate institutions of higher education and is))~~ as the basis for any refunds provided from the program.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.95 RCW to read as follows:

(1) The committee may establish a college savings program. If such a program is established, the college savings program shall be established, in such form as may be determined by the committee, to be a qualified state tuition program as defined by the internal revenue service under section 529 of the internal revenue code, and shall be administered in a manner consistent with the Washington advanced college tuition payment program. The committee, in planning and devising the program, shall consult with the state investment board, the state treasurer, a qualified actuarial consulting firm with appropriate expertise to evaluate such plans, the legislative fiscal and higher education committees, and the institutions of higher education.

(2) Up to two hundred thousand dollars of administrative fees collected from guaranteed education tuition program participants may be applied as a loan to fund the development of a college savings program. This loan must be repaid with interest before the conclusion of the biennium in which the committee draws funds for this purpose from the advanced college tuition payment program account.

(3) If such a college savings program is established, the college savings program account is created in the custody of the state treasurer for the purpose of administering the college savings program. If created, the account shall be a discrete nontreasury account in the custody of the state treasurer. Interest earnings shall be retained in accordance with RCW 43.79A.040. Disbursements from the account, except for program administration, are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. Money used for program administration is subject to the allotment provisions, but without appropriation.

(4) The committee, after consultation with the state investment board, shall determine the investment policies for the college savings program. Program contributions may be invested by the state investment board or the committee may contract with an investment company licensed to conduct business in this state to do the investing. The committee shall keep or cause to be kept full and adequate accounts and records of the assets of each individual participant in the college savings program.

(5) Neither the state nor any eligible educational institution may be considered or held to be an insurer of the funds or assets of the individual participant accounts in the college savings program created under this section nor may any such entity be held liable for any shortage of funds in the event that balances in the individual participant accounts are insufficient to meet the educational expenses of the institution chosen by the student for which the individual participant account was intended.

(6) The committee shall adopt rules to implement this section. Such rules shall include but not be limited to administration, investment management, promotion, and marketing; compliance with internal revenue service standards; application procedures and fees; start-up costs; phasing in the savings program and withdrawals therefrom; deterrents to early withdrawals and provisions for hardship withdrawals; and reenrollment in the savings program after withdrawal.

(7) The committee may, at its discretion, determine to cease operation of the college savings program if it determines the continuation is not in the best interest of the state. The committee shall adopt rules to implement this section addressing the orderly distribution of assets.

Sec. 3. RCW 28B.95.110 and 2000 c 14 s 8 are each amended to read as follows:

(1) The intent of the Washington advanced college tuition payment program is to redeem tuition units for attendance at an institution of higher education. Refunds shall be issued under specific conditions that may include the following:

(a) Certification that the beneficiary, who is eighteen years of age or older, will not attend an institution of higher education, will result in a refund not to exceed the current weighted average tuition and fees in effect at the time of such certification minus a penalty at the rate established by the internal revenue service under chapter 529 of the internal revenue code. No more than one hundred tuition units may be refunded per year to any individual making this certification. The refund shall be made no sooner than ninety days after such certification, less any administrative processing fees assessed by the governing body;

(b) If there is certification of the death or disability of the beneficiary, the refund shall be equal to one hundred percent of any remaining unused tuition units ~~((valued))~~ at the current ~~((weighted average tuition units))~~ value, as determined by the governing body, at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body;

(c) If there is certification by the student of graduation or program completion, the refund shall be as great as one hundred percent of any remaining unused ~~((weighted average))~~ tuition units at the current value, as determined by the governing body, at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body. The governing body may, at its discretion, impose a penalty if needed to comply with federal tax rules;

(d) If there is certification of other tuition and fee scholarships, which will cover the cost of tuition for the eligible beneficiary. The refund shall be equal to one hundred percent of the current ~~((weighted average))~~ value of tuition units, as determined by the governing body, in effect at the time of the refund request, ~~((plus))~~ less any administrative processing fees assessed by the governing body. The refund under this subsection may not exceed the value of the scholarship;

(e) Incorrect or misleading information provided by the purchaser or beneficiaries may result in a refund of the purchaser's investment, less any administrative processing fees assessed by the governing body. The value of the refund will not exceed the actual dollar value of the purchaser's contributions; and

(f) The governing body may determine other circumstances qualifying for refunds of remaining unused tuition units and may determine the value of that refund.

(2) With the exception of subsection (1)(b), (e), and (f) of this section no refunds may be made before the units have been held for two years.

Sec. 4. RCW 43.79A.040 and 2000 c 79 s 45 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility ((grant)) account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 5. Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Brown to House Bill No. 2126.

The motion by Senator Kohl-Welles carried and the striking amendment by Senator Brown was adopted:

MOTIONS

On motion of Senator Kohl-Welles, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28B.95.020, 28B.95.110, and 43.79A.040; adding a new section to chapter 28B.95 RCW; providing an effective date; and declaring an emergency."

On motion of Senator Kohl-Wells, the rules were suspended, House Bill No. 2126, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2126, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2126, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Spanel, Swecker, Thibaudeau, West and Winsley - 46.

Excused: Senators Constantine, Snyder and Zarelli - 3.

HOUSE BILL NO. 2126, as amended by the Senate under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:25 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:30 p.m..

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 18, 2001

MR. PRESIDENT:

The Co-Speakers have signed:
SUBSTITUTE HOUSE BILL NO. 1042,
HOUSE BILL NO. 1095,
SUBSTITUTE HOUSE BILL NO. 1259,
SUBSTITUTE HOUSE BILL NO. 1320,
SUBSTITUTE HOUSE BILL NO. 1365,
SUBSTITUTE HOUSE BILL NO. 1384,
SUBSTITUTE HOUSE BILL NO. 1591,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1658,
SECOND SUBSTITUTE HOUSE BILL NO. 1752,
SUBSTITUTE HOUSE BILL NO. 1891,
HOUSE BILL NO. 1895,
HOUSE BILL NO. 2029,
SUBSTITUTE HOUSE BILL NO. 2041,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4410, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

April 18, 2001

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1341,
HOUSE BILL NO. 1394,
HOUSE BILL NO. 1567,
HOUSE BILL NO. 1579,
HOUSE BILL NO. 1581,
HOUSE BILL NO. 1750.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5468,
SENATE BILL NO. 5921,
SUBSTITUTE SENATE BILL NO. 5986,
SENATE JOINT MEMORIAL NO. 8019,
ENGROSSED SENATE JOINT RESOLUTION NO. 8208.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1042,
HOUSE BILL NO. 1095,
SUBSTITUTE HOUSE BILL NO. 1259,
SUBSTITUTE HOUSE BILL NO. 1320,
SUBSTITUTE HOUSE BILL NO. 1365,

SUBSTITUTE HOUSE BILL NO. 1384,
SUBSTITUTE HOUSE BILL NO. 1591,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1658,
SECOND SUBSTITUTE HOUSE BILL NO. 1752,
SUBSTITUTE HOUSE BILL NO. 1891,
HOUSE BILL NO. 1895,
HOUSE BILL NO. 2029,
SUBSTITUTE HOUSE BILL NO. 2041,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4410.

MOTIONS

On motion of Senator Hewitt, Senators Johnson and West were excused.
On motion of Senator Eide, Senators Gardner, Patterson and Thibaudeau were excused.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Shin, Gubernatorial Appointment No. 9083, Sanford Kinzer, as a member of the Board of Trustees for Everett Community College District No. 5, was confirmed.

APPOINTMENT OF STANFORD KINZER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 32; Nays, 0; Absent, 10; Excused, 7.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, Morton, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens and Swecker - 32.

Absent: Senators Costa, Deccio, Hargrove, Haugen, Kastama, McCaslin, McDonald, Oke, Parlette and Winsley - 10.

Excused: Senators Gardner, Johnson, Patterson, Snyder, Thibaudeau, West and Zarelli - 7.

MOTION

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

MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

SENATE RESOLUTION 2001-8663

By Senators Kohl-Welles, Long, Brown, Hargrove, Stevens, Rasmussen and Spanel

WHEREAS, Thousands of dedicated workers provide quality care in Washington's homes, child-care centers and schools; and

WHEREAS, Child-care centers throughout the nation are experiencing a forty percent turnover in staff each year; and

WHEREAS, Programs with high staff turnover rates delay children's language and development skills, which are both critical areas for emotional adjustment and preparations to succeed in school; and

WHEREAS, A good learning environment for children translates into a good working environment for adults; and WHEREAS, The cost of child care is very expensive for most parents, yet insufficient to fully cover the cost of high quality child care and staff; and

WHEREAS, Teachers in child-care centers generally earn one-half of the salary of public school teachers and have limited access to financial support for training; and
WHEREAS, Early childhood care givers, both in centers and family child care homes, have subsidized the provision of services by accepting wages far below the value and importance of their work;
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the valuable contribution, devotion and often under-appreciated work of child-care providers across the state – the foundation of our state’s child-care system.

Senators Kohl-Welles, Eide, Long and Rasmussen spoke to Senate Resolution 2001-8663.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced child-care providers, dedicated workers from across the state, who were seated in the back of the Chamber.

MOTION

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

SENATE RESOLUTION 2001-8641

By Senators Snyder and Rasmussen

WHEREAS, It is the tradition of the Washington State Senate to recognize courage and heroic acts of bravery by outstanding Washington residents; and
WHEREAS, Fifteen-year-old Bill Keeler of Lebam saved the life of sixty-one year-old Fred Huber of Frances, on June 5, 2000; and
WHEREAS, Huber was attacked by a bull while trying to get his cows out of the road and back into the field early in the morning; and
WHEREAS, Keeler was on a school bus when he saw the bull knock down Huber, then throw Huber six feet into the air; and
WHEREAS, Disregarding the risk to his own safety, Keeler got off the bus, grabbed a garden hose, and started swinging it and yelling at the bull; and
WHEREAS, After hitting the bull on the back and the face with the hose, Keeler stepped in between Huber and the bull and continued to shout until the bull retreated to the field; and
WHEREAS, The bus driver radioed for help, and Keeler waited with Huber until the ambulance arrived;
WHEREAS, Keeler showed quick thinking, courage and immense bravery by running to Huber’s aid;
WHEREAS, Though Huber suffered five broken ribs, a punctured right lung and a broken collar bone, he recovered and survived because of Keeler’s intervention;
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby recognize Bill Keeler’s act of heroism; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Bill Keeler.

Senators Snyder and Jacobsen spoke to Senate Resolution 2001-8641.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Bill Keeler, who was seated on the rostrum.

MOTION

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

SENATE RESOLUTION 2001-8664

By Senators Snyder, Constantine, Oke, Johnson, Sheldon, B., Spanel, Regala, Long, Shin, McAuliffe, Franklin, Jacobsen, Patterson, Prentice, Eide, Rasmussen and Kohl-Welles

WHEREAS, It is the practice of the Washington State Senate to honor extraordinary achievement in the field of athletics; and

WHEREAS, Since 1889, the University of Washington Huskies Football Team has maintained a winning legacy, the 2000-2001 being no exception to that tradition; and

WHEREAS, Through smart coaching and intense practice, the Huskies lost to only one team this year, earning the University of Washington the PAC-10 championship title and a chance to play in "The Granddaddy of 'Em All," the Eighty Seventh Annual Rose Bowl on January 1; and

WHEREAS, Never losing their Rose Bowl lead, the Huskies, in their fourteenth Rose Bowl appearance, beat the favored Purdue University Boilermakers 34-24, snagging their seventh Rose Bowl title; and

WHEREAS, Filling every quarter of the game with his heroics, Husky Quarterback Marques "Tui" Tuiasosopo, who amassed 213 yards and returned to the game after being treated for a sprained shoulder, was named the Most Valuable Player of the 2001 Rose Bowl; and

WHEREAS, Demonstrating exceptional team spirit, the Huskies dedicated their win to their teammate, Safety No. 25 Curtis Williams, who has shown amazing strength and courage; and

WHEREAS, Coach Rick Neuheisel, who led his own college team to Rose Bowl victory in 1984, and his staff have exemplified leadership and commitment in achieving excellence while promoting unity through athletics; and

WHEREAS, Finishing the season with an 11-1 record, the Huskies rank third among NCAA football teams; and

WHEREAS, Because the Huskies beat the University of Miami, they should actually be ranked second among NCAA football teams;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate, do hereby recognize and acknowledge the University of Washington's commitment to athletic excellence; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to University of Washington Athletic Director Barbara Hedges and Football Coach Rick Neuheisel.

Senators Jacobsen, Patterson, Deccio, West, Hargrove, Brown, Oke and Regala spoke to Senate Resolution 2001-8664.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

Senator Pro Tempore Franklin assumed the Chair.

MESSAGE FROM THE HOUSE

April 5, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5274 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.01.140 and 1996 c 315 s 1 are each amended to read as follows:

(1) The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies and recommend subagents to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) A county auditor appointed by the director may request that the director appoint subagencies within the county.

(a) Upon authorization of the director, the auditor shall ((advertise a request for proposals and use the process for soliciting vendors under RCW 39.04.190(2), except that the provision requiring the contract to be awarded to the lowest responsible bidder shall not apply)) use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications of all interested applicants.

(b) A subagent may recommend a successor who is either the subagent's sibling, spouse, or child, or a subagency employee, as long as the recommended successor participates in the open, competitive process used to select an applicant. In making successor recommendation and appointment determinations, the following provisions apply:

(i) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers.

(ii) No subagent may receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment.

(iii) (a) and (b) of this subsection are intended to assist in the efficient transfer of appointments in order to minimize public inconvenience. They do not create a proprietary or property interest in the appointment.

(c) The auditor shall submit all proposals to the director, and shall recommend the appointment of one or more subagents who have applied through the ((request for proposal)) open competitive process. The auditor shall include in his or her

recommendation to the director, not only the name of the successor who is a relative or employee, if applicable and if otherwise qualified, but also the name of one other applicant who is qualified and was chosen through the open competitive process. The director has final appointment authority.

(3)(a) A county auditor who is appointed as an agent by the department shall enter into a standard contract provided by the director, developed with the advice of the title and registration advisory committee.

(b) A subagent appointed under subsection (2) of this section shall enter into a standard contract with the county auditor, developed with the advice of the title and registration advisory committee. The director shall provide the standard contract to county auditors.

(c) The contracts provided for in (a) and (b) of this subsection must contain at a minimum provisions that:

(i) Describe the responsibilities, and where applicable, the liability, of each party relating to the service expectations and levels, equipment to be supplied by the department, and equipment maintenance;

(ii) Require the specific type of insurance or bonds so that the state is protected against any loss of collected motor vehicle tax revenues or loss of equipment;

(iii) Specify the amount of training that will be provided by the state, the county auditor, or subagents;

(iv) Describe allowable costs that may be charged to vehicle licensing activities as provided for in (d) of this subsection;

(v) Describe the causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(d) The department shall develop procedures that will standardize and prescribe allowable costs that may be assigned to vehicle licensing and vessel registration and title activities performed by county auditors.

(e) The contracts may include any provision that the director deems necessary to ensure acceptable service and the full collection of vehicle and vessel tax revenues.

(f) The director may waive any provisions of the contract deemed necessary in order to ensure that readily accessible service is provided to the citizens of the state.

(4)(a) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle or vessel upon the public highways or waters of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of three dollars for each application in addition to any other fees required by law.

(b) Counties that do not cover the expenses of vehicle licensing and vessel registration and title activities may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department shall develop procedures to verify whether a request is reasonable. Payment shall be made on requests found to be allowable from the licensing services account.

(c) Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of four dollars in addition to any other fees required by law.

(d) The fees under (a) and (c) of this subsection, if paid to the county auditor as agent of the director, or if paid to a subagent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application.

(e) Applicants required to pay the three-dollar fee established under (a) of this subsection, must pay an additional fifty cents, which must be collected and remitted to the state treasurer for deposit into the department of licensing services account of the motor vehicle fund. Revenue deposited into this account must be used for agent and subagent support, which is to include but not be limited to the replacement of department-owned equipment in the possession of agents and subagents.

(5) A subagent shall collect a service fee of (a) ~~(seven)~~ eight dollars and fifty cents for changes in a certificate of ownership, with or without registration renewal, or verification of record and preparation of an affidavit of lost title other than at the time of the title application or transfer and (b) three dollars and fifty cents for registration renewal only, issuing a transit permit, or any other service under this section.

(6) If the fee is collected by the state patrol as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

(7) Any county revenues that exceed the cost of providing vehicle licensing and vessel registration and title activities in a county, calculated in accordance with the procedures in subsection (3)(d) of this section, shall be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(8) The director may adopt rules to implement this section.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Gardner moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5274.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Gardner that the Senate concur in the House amendment to Substitute Senate Bill No. 5274.

The motion by Senator Gardner carried on a rising vote and the Senate concurred in the House amendment to Substitute Senate Bill No. 5274.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5274, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5274, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Haugen, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Spanel, Swecker, Thibaudeau, West and Winsley - 45.

Voting nay: Senators Finkbeiner, McDonald and Morton - 3.

Excused: Senator Zarelli - 1.

SUBSTITUTE SENATE BILL NO. 5274, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5394 with the following amendment(s)

On page 1, beginning on line 6, strike all material through "judge." on line 10 and insert "A case in the superior court of any county may be tried by a judge pro tempore(~~(, who must be)~~) either (1) with the agreement of the parties if the judge pro tempore is a member of the bar, who is agreed upon in writing by the parties litigant(~~(,)~~) or their attorneys of record, and who is approved by the court(~~(,)~~) and sworn to try the case; (~~and his~~) or (2) without the agreement of the parties if the judge pro tempore is a sitting elected judge and is acting as a judge pro tempore pursuant to supreme court rule. The supreme court rule must require assignments of judges pro tempore based on the judges' experience and must provide for the right, exercisable once during a case, to a change of judge pro tempore. Such right shall be in addition to any other right provided under RCW 4.12.050.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Kline, the Senate refuses to concur in the House amendment to Engrossed Senate Bill No. 5394 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5790 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.61.522 and 1996 c 199 s 8 are each amended to read as follows:

(1) A person is guilty of vehicular assault if he or she operates or drives any vehicle:

(a) In a reckless manner(~~(,)~~) and (~~(this conduct is the proximate cause of serious)~~) causes substantial bodily (~~(injury)~~) harm to another; or

(b) While under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, and (~~(this conduct is the proximate cause of serious)~~) causes substantial bodily (~~(injury)~~) harm to another; or

(c) With disregard for the safety of others and causes substantial bodily harm to another.

(2) (~~("Serious bodily injury" means bodily injury which involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.~~

~~(3))~~ Vehicular assault is a class B felony punishable under chapter 9A.20 RCW.

(3) As used in this section, "substantial bodily harm" has the same meaning as in RCW 9A.04.110.

"Sec. 2. RCW 9.41.010 and 1997 c 338 s 46 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder.

(2) "Pistol" means any firearm with a barrel less than sixteen inches in length, or is designed to be held and fired by the use of a single hand.

(3) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(4) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(5) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(7) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(8) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(9) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(10) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(11) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(12) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age fourteen;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

(k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.125; or

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense.

(13) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

(14) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(15) "Sell" refers to the actual approval of the delivery of a firearm in consideration of payment or promise of payment of a certain price in money.

(16) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(17) "Family or household member" means "family" or "household member" as used in RCW 10.99.020.

Sec. 3. RCW 9.94A.030 and 2000 c 28 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.145, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

- (2) "Commission" means the sentencing guidelines commission.
- (3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.
- (4) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.120(2)(b), 9.94A.650 through 9.94A.670, 9.94A.137, 9.94A.700 through 9.94A.715, or 9.94A.383, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.
- (5) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.040, for crimes committed on or after July 1, 2000.
- (6) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.
- (7) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.
- (8) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.
- (9) "Confinement" means total or partial confinement.
- (10) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.
- (11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.
- (12) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.
- (13) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.
- (14) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.
- (15) "Department" means the department of corrections.
- (16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.
- (17) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.
- (18) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.
- (19) "Drug offense" means:
- (a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);
 - (b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or
 - (c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.
- (20) "Earned release" means earned release from confinement as provided in RCW 9.94A.150.
- (21) "Escape" means:
- (a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or
 - (b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.
- (22) "Felony traffic offense" means:
- (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(23) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(24) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(25) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(26) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(27) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(28) "Nonviolent offense" means an offense which is not a violent offense.

(29) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(30) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(31) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (31)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(32) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(33) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(34) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(35) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(36) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(37) "Sex offense" means:

(a) A felony that is a violation of:

(i) Chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) RCW 9A.64.020;

(iii) RCW 9.68A.090; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(38) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(39) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(40) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(41) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(42) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(43) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(44) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(45) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.135.

(46) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.137 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(47) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 4. RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and 2000 c 66 s 2 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

XV Homicide by abuse (RCW 9A.32.055)

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

XIV Murder 2 (RCW 9A.32.050)

XIII Malicious explosion 2 (RCW 70.74.280(2))

Malicious placement of an explosive 1 (RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)

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

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

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

XI Manslaughter 1 (RCW 9A.32.060)

Rape 2 (RCW 9A.44.050)

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

X Child Molestation 1 (RCW 9A.44.083)

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

Kidnapping 1 (RCW 9A.40.020)

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

Malicious explosion 3 (RCW 70.74.280(3))

Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

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

Controlled Substance Homicide (RCW 69.50.415)

Explosive devices prohibited (RCW 70.74.180)

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

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

Robbery 1 (RCW 9A.56.200)

- Sexual Exploitation (RCW 9.68A.040)
- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
 - Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Hit and Run--Death (RCW 46.52.020(4)(a))
 - Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
 - Manslaughter 2 (RCW 9A.32.070)
 - Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))
 - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
 - Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440)
 - Promoting Prostitution 1 (RCW 9A.88.070)
 - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
 - Theft of Anhydrous Ammonia (RCW 69.55.010)
 - Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
 - Child Molestation 2 (RCW 9A.44.086)
 - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 - Drive-by Shooting (RCW 9A.36.045)
 - Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
 - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
 - Introducing Contraband 1 (RCW 9A.76.140)
 - Involving a minor in drug dealing (RCW 69.50.401(f))
 - Malicious placement of an explosive 3 (RCW 70.74.270(3))
 - Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
 - Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
 - Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
 - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
 - Bribery (RCW 9A.68.010)
 - Incest 1 (RCW 9A.64.020(1))
 - Intimidating a Judge (RCW 9A.72.160)
 - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 - Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
 - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
 - Rape of a Child 3 (RCW 9A.44.079)
 - Theft of a Firearm (RCW 9A.56.300)
 - Unlawful Storage of Anhydrous Ammonia (RCW 69.55.020)
- V Abandonment of dependent person 1 (RCW 9A.42.060)
 - Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
 Child Molestation 3 (RCW 9A.44.089)
 Criminal Mistreatment 1 (RCW 9A.42.020)
 Custodial Sexual Misconduct 1 (RCW 9A.44.160)
 Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
 Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
 Extortion 1 (RCW 9A.56.120)
 Extortionate Extension of Credit (RCW 9A.82.020)
 Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 Incest 2 (RCW 9A.64.020(2))
 Kidnapping 2 (RCW 9A.40.030)
 Perjury 1 (RCW 9A.72.020)
 Persistent prison misbehavior (RCW 9.94.070)
 Possession of a Stolen Firearm (RCW 9A.56.310)
 Rape 3 (RCW 9A.44.060)
 Rendering Criminal Assistance 1 (RCW 9A.76.070)
 Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 Sexually Violating Human Remains (RCW 9A.44.105)
 Stalking (RCW 9A.46.110)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)
 Assault by Watercraft (RCW 79A.60.060)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Commercial Bribery (RCW 9A.68.060)
 Counterfeiting (RCW 9.16.035(4))
 Escape 1 (RCW 9A.76.110)
 Hit and Run--Injury (RCW 46.52.020(4)(b))
 Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
 Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
 Influencing Outcome of Sporting Event (RCW 9A.82.070)
 Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
 Malicious Harassment (RCW 9A.36.080)
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
 Residential Burglary (RCW 9A.52.025)
 Robbery 2 (RCW 9A.56.210)
 Theft of Livestock 1 (RCW 9A.56.080)
 Threats to Bomb (RCW 9.61.160)
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
 Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)

Assault 3 (RCW 9A.36.031)
 Assault of a Child 3 (RCW 9A.36.140)
 Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
 Burglary 2 (RCW 9A.52.030)
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

- Criminal Gang Intimidation (RCW 9A.46.120)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Assault (RCW 9A.36.100)
- Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
- Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
- Theft of Livestock 2 (RCW 9A.56.080)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
- Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
 - Counterfeiting (RCW 9.16.035(3))
 - Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
 - Escape from Community Custody (RCW 72.09.310)
 - Health Care False Claims (RCW 48.80.030)
 - Malicious Mischief 1 (RCW 9A.48.070)
 - Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
 - Possession of phencyclidine (PCP) (RCW 69.50.401(d))
 - Possession of Stolen Property 1 (RCW 9A.56.150)
 - Theft 1 (RCW 9A.56.030)
 - Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
 - Trafficking in Insurance Claims (RCW 48.30A.015)
 - Unlawful Practice of Law (RCW 2.48.180)
 - Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
 - I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 - False Verification for Welfare (RCW 74.08.055)
 - Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)
Forgery (RCW 9A.60.020)
Malicious Mischief 2 (RCW 9A.48.080)
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V
or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW
69.50.401(d))
Possession of Stolen Property 2 (RCW 9A.56.160)
Reckless Burning 1 (RCW 9A.48.040)
Taking Motor Vehicle Without Permission (RCW 9A.56.070)
Theft 2 (RCW 9A.56.040)
Theft of Rental, Leased, or Lease-purchased Property (valued at two
hundred fifty dollars or more but less than one thousand five hundred dollars)
(RCW 9A.56.096(4))
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
Vehicle Prowl 1 (RCW 9A.52.095)". Correct the title., and the same are
herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment to Engrossed Senate Bill No. 5709.
Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Kline that
the Senate concur in the House amendment to Engrossed Senate Bill No. 5790.

The motion by Senator Kline carried and the Senate concurred in the House amendment to Engrossed
Senate Bill No. 5790.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage
of Engrossed Senate Bill No.5790, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5790, as amended by the
House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner,
Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe,
McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B.,
Sheldon, T., Shin, Snyder, Stevens, Spanel, Swecker, Thibaudeau, West and Winsley - 48.

Excused: Senator Zarelli - 1.

ENGROSSED SENATE BILL NO. 5790, as amended by the House, having received the constitutional
majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Roman Abramovich, the Governor of the Russian Region of
Chukotka, and his Advisor/Interpreter John Tichostsky, who were seated on the rostrum. The President also
introduced other dignitaries accompanying the Governor, who were seated at the back of the Chamber.

With permission of the Senate, business was dispensed with to permit Governor Abramovich to address the
Senate.

PERSONAL PRIVILEGE

Senator Rasmussen: "A point of personal privilege, Mr. President. Mr. President, I would like you and the rest of the Senate to really share in the Governor's presence here today. We are really deeply honored that he chose to come and visit with us. I would also like to mention at this time that Carol Vipperman who has served the state very well as the Trustee for The Evergreen State College, but she has, more importantly now, is President of the Foundation for the Russian American Economic Cooperation and she is just absolutely a wonderful person, but she has also taken over our agreement with OTED (Office of Trade and Economic Development) to participate and take over our trade office in Vladivostok. The Governor might be interested to know we are the only state that has a presence in all of Russia. We are extremely proud of the relationship we have with Carol Vipperman and her group.

"The Governor will be leaving at five o'clock today to go back and while he comes from Moscow, he really has the understanding, as we all do, of our young people's education. Did you notice that his issues were the same as ours--Education, Energy and Transportation? Those are the things, Governor, that we are trying to get done before our session ends on Sunday. It doesn't look like we are going to make it, but it wasn't built in a day, so we have to do like you do. We draw from our natural resources and our human resources and we build an economy. We are all part of that relationship in doing that. We are certainly pleased that you chose to come and visit with us. I know you have been to Boeing, Alaskan Airlines and a lot of our many businesses in our state. While we provide apples, fruit, and all sorts of food for the Russian people--more importantly--or just as important--we provide the industrial and the technology that Russia needs--and your Province needs--in order to truly be a success in your economy. So, while we wish you well, we are very pleased that you are here and we do hope that you will come back. Thank you very much!"

PERSONAL PRIVILEGE

Senator Shin: "A point of personal privilege, Mr. President. Governor, on behalf of the Washington State Legislature, I, too, would like to welcome you to Washington State. Indeed, your country is a large and vast territory and Washington is a small state, but we feel a kinship towards you, because Washington and your country have a trade relationship. In the past, perhaps, there has been kind of an odd relationship, but today life has changed and we are friends and partners. We realize the importance of international trade between your country and our country and we welcome your visit. May your visit, today, continue to enrich the bilateral trade and relations between your country and our country. Therefore, I welcome you today. Thank you."

REMARKS BY THE PRESIDENT

President Owen: "Thank you Governor Abramovich for visiting with us. We look forward to continuing our relationship, not only in business, but culture and education, as well. Thank you very much."

President Pro Tempore Franklin assumed the Chair.

MOTION

On motion of Senator Eide, Senator Rasmussen was excused.

MESSAGE FROM THE HOUSE

April 17, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1325 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHLER, Co-Chief Clerk

MOTION

Senator Patterson moved that the Senate refuse to recede from its amendment(s) to Substitute House Bill No. 1325, insists on its position and asks the House to concur therein.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Patterson to refuse to recede from the Senate amendment(s) to Substitute House Bill No. 1325, insists on its position and asks the House to concur therein.

The motion by Senator Patterson carried and the Senate refuses to recede from its amendment(s) to Substitute House Bill No. 1325, insists on its position and asks the House to concur therein.

President Owen assumed the Chair.

MESSAGE FROM THE HOUSE

April 9, 2001

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5852 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature declares its support for the executive order issued by the president of the United States in which it is stated that stopping or searching individuals on the basis of race is not an effective law enforcement policy, that it is inconsistent with democratic ideals, especially the commitment to equal protection under the law for all persons, and that it is neither legitimate nor defensible as a strategy for public protection.

(2) The legislature declares its support for the Washington association of sheriffs and police chiefs' recent resolution condemning racial profiling and reaffirming local law enforcement agencies' commitment to ensuring the public safety and the protection of civil liberties for all persons. The legislature further declares its support for the association's goal of implementing policing procedures that are fair, equitable, and constitutional.

(3) The legislature supports and encourages local law enforcement agencies' compliance with the recommendations of the Washington association of sheriffs and police chiefs regarding racial profiling. Local law enforcement agencies are encouraged to take actions to ensure that their practices do not enable or foster racial profiling. Such actions may include, but are not limited to: Adopting policies designed to prevent racial profiling; working with community minority groups to improve communication and understanding; training to ensure that legitimate police actions are not misperceived as racial profiling; establishing a citizen concern review process to address allegations of racial profiling; and reviewing data on traffic stops.

(4) The Washington association of sheriffs and police chiefs shall coordinate with the criminal justice training commission to ensure that issues related to racial profiling are addressed in basic law enforcement training and offered in regional training for in-service law enforcement officers at all levels."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Kline, the Senate refuses to concur in the House amendment to Senate Bill No. 5852 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 4, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5187 with the following amendment(s):

Beginning on page 3, line 37, strike everything through "agency." on page 4, line 3, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Kline, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5187 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 5, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5904 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 29.04 RCW to read as follows:

(1) Nothing in this title shall apply to conservation districts governed under chapter 89.08 RCW, unless a conservation district chooses to have its elections governed under this title.

(2) A conservation district choosing to have its elections governed under this title shall:

(a) Still be governed by other nonelection provisions of chapter 89.08 RCW;

(b) Still be governed by RCW 89.08.160(2); and

(c) Remain solely responsible for the costs of holding elections under this title.

(3) Any conservation district choosing to have its elections governed under this title shall make the choice and provide notice to any affected county auditors by May 1st in the year in which the election is to be conducted.

(4) Candidates and conservation district supervisors in districts that choose to have their elections governed under this title are subject to chapter 42.17 RCW. Candidates and conservation district supervisors in districts whose elections are governed under chapter 89.08 RCW are exempted from the requirements of chapter 42.17 RCW.

Sec. 2. RCW 89.08.160 and 1973 1st ex.s. c 184 s 17 are each amended to read as follows:

(1) If the commission finds the project practicable, it shall appoint two supervisors, one of whom shall be a landowner or operator of a farm, who shall be qualified by training and experience to perform the specialized skilled services required of them. They, with the three elected supervisors, two of whom shall be landowners or operators of a farm, shall constitute the governing board of the district.

(2) In all subsequent appointments, at least one appointed supervisor shall be a landowner or operator of a farm. In all subsequent elections, at least two elected supervisors shall be landowners or operators of farms.

(3) The two appointed supervisors shall file with the secretary of state a sworn application, reciting that a petition was filed with the commission for the creation of the district; that all required proceedings were had thereon; that they were appointed by the commission as such supervisors; and that the application is being filed to complete the organization of the district. It shall contain the names and residences of the applicants, a certified copy of their appointments, the name of the district, the location of the office of the supervisors and the term of office of each applicant.

(4) The application shall be accompanied by a statement of the commission, reciting that a petition was filed, notice issued, and hearing held thereon as required; that it determined the need for the district and defined the boundaries thereof; that notice was given and an election held on the question of creating the district; that a majority vote favored the district, and that the commission had determined the district practicable; and shall set forth the boundaries of the district.

Sec. 3. RCW 89.08.020 and 1999 c 305 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, as used in this chapter:

(1) "Commission" and "state conservation commission" mean((s)) the agency created hereunder. All former references to "state soil and water conservation committee", "state committee" or "committee" shall be deemed to be references to the "state conservation commission"((;)).

(2) "District", or "conservation district" means a governmental subdivision of this state and a public body corporate and politic, organized in accordance with the provisions of chapter 184, Laws of 1973 1st ex. sess., for the purposes, with the powers, and subject to the restrictions set forth in this chapter. All districts created under chapter 184, Laws of 1973 1st ex. sess. shall be known as conservation districts and shall have all the powers and duties set out in chapter 184, Laws of 1973 1st ex. sess. All references in chapter 184, Laws of 1973 1st ex. sess. to "districts", or "soil and water conservation districts" shall be deemed to be reference to "conservation districts"((;)).

(3) "Board" and "supervisors" mean the board of supervisors of a conservation district((;)).

(4) "Land occupier" or "occupier of land" includes any person, firm, political subdivision, government agency, municipality, public or private corporation, copartnership, association, or any other entity whatsoever which holds title to, or is in possession of, any lands lying within a district organized under the provisions of chapter 184, Laws of 1973 1st ex. sess., whether as owner, lessee, renter, tenant, or otherwise((;)).

(5) "District elector" or "voter" means a registered voter in the county where the district is located who resides within the district boundary or in the area affected by a petition((;)).

(6) "Due notice" means a notice published at least twice, with at least six days between publications, in a publication of general circulation within the affected area, or if there is no such publication, by posting at a reasonable number of public places within the area, where it is customary to post notices concerning county and municipal affairs. Any hearing held pursuant to due notice may be postponed from time to time without a new notice((;)).

(7) "Renewable natural resources", "natural resources" or "resources" includes land, air, water, vegetation, fish, wildlife, wild rivers, wilderness, natural beauty, scenery and open space((;)).

(8) "Conservation" includes conservation, development, improvement, maintenance, preservation, protection and use, and alleviation of floodwater and sediment damages, and the disposal of excess surface waters.

(9) "Farm and agricultural land" means either (a) land in any contiguous ownership of twenty or more acres devoted primarily to agricultural uses; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter; or (c) any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands".

(10) "Elected supervisor" means a member of the board of supervisors who is not appointed by the conservation commission and who is elected under section 1 of this act or under this chapter.

Sec. 4. RCW 89.08.400 and 1992 c 70 s 1 are each amended to read as follows:

For those districts that have chosen to conduct elections of supervisors pursuant to this chapter:

(1) Special assessments are authorized to be imposed for conservation districts as provided in this section. Activities and programs to conserve natural resources, including soil and water, are declared to be of special benefit to lands and may be used as the basis upon which special assessments are imposed.

(2)(a) Special assessments to finance the activities of a conservation district may be imposed by the county legislative authority of the county in which the conservation district is located for a period or periods each not to exceed ten years in duration.

The supervisors of a conservation district shall hold a public hearing on a proposed system of assessments prior to the first day of August in the year prior to which it is proposed that the initial special assessments be collected. At that public hearing, the supervisors shall gather information and shall alter the proposed system of assessments when appropriate, including the number of years during which it is proposed that the special assessments be imposed.

(b) On or before the first day of August in that year, the supervisors of a conservation district shall file the proposed system of assessments, indicating the years during which it is proposed that the special assessments shall be imposed, and a proposed budget for the succeeding year with the county legislative authority of the county within which the conservation district is located. The county legislative authority shall hold a public hearing on the proposed system of assessments. After the hearing, the county legislative authority may accept, or modify and accept, the proposed system of assessments, including the number of years during which the special assessments shall be imposed, if it finds that both the public interest will be served by the imposition of the special assessments and that the special assessments to be imposed on any land will not exceed the special benefit that the land receives or will receive from the activities of the conservation district. The findings of the county legislative authority shall be final and conclusive.

(c) Special assessments may be altered during this period on individual parcels in accordance with the system of assessments if land is divided or land uses or other factors change.

(d) Notice of the public hearings held by the supervisors and the county legislative authority shall be posted conspicuously in at least five places throughout the conservation district, and published once a week for two consecutive weeks in a newspaper in general circulation throughout the conservation district, with the date of the last publication at least five days prior to the public hearing.

(3) A system of assessments shall classify lands in the conservation district into suitable classifications according to benefits conferred or to be conferred by the activities of the conservation district, determine an annual per acre rate of assessment for each classification of land, and indicate the total amount of special assessments proposed to be obtained from each classification of lands. Lands deemed not to receive benefit from the activities of the conservation district shall be placed into a separate classification and shall not be subject to the special assessments. An annual assessment rate shall be stated as either uniform annual per acre amount, or an annual flat rate per parcel plus a uniform annual rate per acre amount, for each classification of land. The maximum annual per acre special assessment rate shall not exceed ten cents per acre. The maximum annual per parcel rate shall not exceed five dollars.

Public land, including lands owned or held by the state, shall be subject to special assessments to the same extent as privately owned lands. The procedures provided in chapter 79.44 RCW shall be followed if lands owned or held by the state are subject to the special assessments of a conservation district.

Forest lands used solely for the planting, growing, or harvesting of trees may be subject to special assessments if such lands benefit from the activities of the conservation district, but the per acre rate of special assessment on benefited forest lands shall not exceed one-tenth of the weighted average per acre assessment on all other lands within the conservation district that are subject to its special assessments. The calculation of the weighted average per acre special assessment shall be a ratio calculated as follows: (a) The numerator shall be the total amount of money estimated to be derived from the imposition of per acre special assessments on the nonforest lands in the conservation district; and (b) the denominator shall be the total number of nonforest land acres in the conservation district that receive benefit from the activities of the conservation district and which are subject to the special assessments of the conservation district. No more than ten thousand acres of such forest lands that is both owned by the same person or entity and is located in the same conservation district may be subject to the special assessments that are imposed for that conservation district in any year. Per parcel charges shall not be imposed on forest land parcels. However, in lieu of a per parcel charge, a charge of up to three dollars per forest landowner may be imposed on each owner of forest lands whose forest lands are subject to a per acre rate of assessment.

(4) A conservation district shall prepare an assessment roll that implements the system of assessments approved by the county legislative authority. The special assessments from the assessment roll shall be spread by the county assessor as a separate item on the tax rolls and shall be collected and accounted for with property taxes by the county treasurer. The amount of a special assessment shall constitute a lien against the land that shall be subject to the same conditions as a tax lien, collected by the treasurer in the same manner as delinquent real property taxes, and subject to the same interest rate and penalty as for delinquent property taxes. The county treasurer shall deduct an amount, as established by the county legislative authority, from the collected special assessments (~~(, as established by the county legislative authority,)~~) to cover the costs incurred by the county assessor and county treasurer in spreading and collecting the special assessments, but not to exceed the actual costs of such work.

(5) The special assessments for a conservation district shall not be spread on the tax rolls and shall not be collected with property tax collections in the following year if, after the system of assessments has been approved by the county legislative authority but prior to the fifteenth day of December in that year, a petition has been filed with the county legislative authority objecting to the imposition of such special assessments, which petition has been signed by at least twenty percent of the owners of land that would be subject to the special assessments to be imposed for a conservation district.

NEW SECTION. Sec. 5. A new section is added to chapter 89.08 RCW to read as follows:

For those districts that have chosen to conduct elections of supervisors pursuant to Title 29 RCW:

(1) Special assessments are authorized to be imposed for conservation districts as provided in this section. Activities and programs to conserve natural resources, including soil and water, are declared to be of special benefit to lands and may be used as the basis upon which special assessments are imposed.

(2)(a) Special assessments to finance the activities of a conservation district may be imposed by the board of supervisors for a period or periods each not to exceed ten years in duration.

The supervisors of a conservation district shall hold a public hearing on a proposed system of assessments prior to the first day of August in the year prior to which it is proposed that the initial special assessments be collected. At that public hearing, the supervisors shall gather information and shall alter the proposed system of assessments when appropriate, including the number of years during which it is proposed that the special assessments be imposed.

(b) After the public hearing, if the board of supervisors finds that both the public interest will be served by the imposition of the special assessments and that the special assessments to be imposed on any land will not exceed the special benefit that the land receives or will receive from the activities of the conservation district, the board of supervisors shall impose the assessments.

(c) Special assessments may be altered during this period on individual parcels in accordance with the system of assessments if land is divided or land uses or other factors change.

(d) Notice of the public hearings held by the supervisors shall be posted conspicuously in at least five places throughout the conservation district, and published once a week for two consecutive weeks in a newspaper in general circulation throughout the conservation district, with the date of the last publication at least five days prior to the public hearing.

(3) A system of assessments shall classify lands in the conservation district into suitable classifications according to benefits conferred or to be conferred by the activities of the conservation district, determine an annual per acre rate of assessment for each classification of land, and indicate the total amount of special assessments proposed to be obtained from each classification of lands. Lands deemed not to receive benefit from the activities of the conservation district shall be placed into a separate classification and shall not be subject to the special assessments. An annual assessment rate shall be stated as either uniform annual per acre amount, or an annual flat rate per parcel plus a uniform annual rate per acre amount, for each classification of land. The maximum annual per acre special assessment rate shall not exceed ten cents per acre. The maximum annual per parcel rate shall not exceed five dollars.

Public land, including lands owned or held by the state, shall be subject to special assessments to the same extent as privately owned lands. The procedures provided in chapter 79.44 RCW shall be followed if lands owned or held by the state are subject to the special assessments of a conservation district.

Forest lands used solely for the planting, growing, or harvesting of trees may be subject to special assessments if such lands benefit from the activities of the conservation district, but the per acre rate of special assessment on benefited forest lands shall not exceed one-tenth of the weighted average per acre assessment on all other lands within the conservation district that are subject to its special assessments. The calculation of the weighted average per acre special assessment shall be a ratio calculated as follows: (a) The numerator shall be the total amount of money estimated to be derived from the imposition of per acre special assessments on the nonforest lands in the conservation district; and (b) the denominator shall be the total number of nonforest land acres in the conservation district that receive benefit from the activities of the conservation district and which are subject to the special assessments of the conservation district. No more than ten thousand acres of such forest lands that is both owned by the same person or entity and is located in the same conservation district may be subject to the special assessments that are imposed for that conservation district in any year. Per parcel charges shall not be imposed on forest land parcels. However, in lieu of a per parcel charge, a charge of up to three dollars per forest landowner may be imposed on each owner of forest lands whose forest lands are subject to a per acre rate of assessment.

(4) A conservation district shall prepare an assessment roll that implements the system of assessments approved by the board of supervisors. The special assessments from the assessment roll shall be spread by the county assessor as a separate item on the tax rolls and shall be collected and accounted for with property taxes by the county treasurer. The amount of a special assessment shall constitute a lien against the land that shall be subject to the same conditions as a tax lien, collected by the treasurer in the same manner as delinquent real property taxes, and subject to the same interest rate and penalty as for delinquent property taxes. The county treasurer shall deduct an amount, as established by the county legislative authority, from the collected special assessments to cover the costs incurred by the county assessor and county treasurer in spreading and collecting the special assessments, but not to exceed the actual costs of such work.

(5) The special assessments for a conservation district shall not be spread on the tax rolls and shall not be collected with property tax collections in the following year if, after the system of assessments has been approved by the board of supervisors, but prior to the fifteenth day of December in that year, a petition has been filed with the board of supervisors objecting to the imposition of such special assessments, which petition has been signed by at least twenty percent of the owners of land that would be subject to the special assessments to be imposed for a conservation district.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "supervisors;" strike the remainder of the title and insert "amending RCW 89.08.160, 89.08.020, and 89.08.400; adding a new section to chapter 29.04 RCW; adding a new section to chapter 89.08 RCW; and declaring an emergency.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Morton, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5904 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5430 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds the following:

(a) Alopecia areata and its variants, alopecia totalis and alopecia universalis, are common, noncontagious diseases that affect an estimated two million Americans. They are diseases of the hair follicle with results ranging from large patches of baldness to the total loss of all body hair. This hair loss can be acute and short-lived, occurring in just days or weeks, or chronic with years of regrowth in some sites and progression to new sites.

(b) Alopecia areata and its variants are associated with an alteration in the immunological system, but their cause is unknown.

(c) The use of cranial hair prostheses may provide relief to children with alopecia areata, totalis, and universalis.

(2) It is the intent of the legislature to provide relief to the children who are victims of alopecia areata, totalis, and universalis.

NEW SECTION. Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:

Within appropriated funds, the department of social and health services shall establish a program within the department to provide payment for cranial hair prostheses for patients under eighteen years of age suffering from alopecia areata, totalis, or universalis, provided that such services are delivered upon the recommendation of the patient's physician, advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW, or physician assistant pursuant to chapter 18.71A RCW.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Costa, the Senate refuses to concur in the House amendments to Senate Bill No. 5430 and asks the House to recede therefrom.

MOTIONS

On motion of Senator Eide, Senators Brown, Haugen and Snyder were excused.

On motion of Senator Hewitt, Senators Hochstatter, Johnson and Rossi were excused.

MESSAGE FROM THE HOUSE

April 9, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5703 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.22.335 and 1999 c 22 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.22.340 through 43.22.420.

(1) ("~~Park trailer~~" means a park trailer as defined in the American National Standards Institute A119.5 standard for park trailers.

(2) "~~Recreational vehicle~~" means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes.

(3)) "Conversion vendor units" means a motor vehicle or recreational vehicle that has been converted or built for the purpose of being used for commercial sales at temporary locations. The units must be less than eight feet six inches wide in the set-up position and the inside working area must be less than forty feet in length.

((4)) (2) "Manufactured home" means a single-family dwelling required to be built in accordance with regulations adopted under the national manufactured housing construction and safety standards act of 1974 (42 U.S.C. 5401 et seq.).

(3) "Medical unit" means a self-propelled unit used to provide medical examinations, treatments, and medical and dental services or procedures, not including emergency response vehicles.

(4) "Mobile home" means a factory-built dwelling built before June 15, 1976, to standards other than the national manufactured housing construction and safety standards act of 1974 (42 U.S.C. 5401 et seq.), and acceptable under applicable state codes in effect at the time of construction or introduction of the home into this state.

(5) "Park trailer" means a park trailer as defined in the American national standards institute A119.5 standard for park trailers.

(6) "Recreational vehicle" means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes.

Sec. 2. RCW 43.22.420 and 1999 c 22 s 9 are each amended to read as follows:

There is hereby created a factory assembled structures advisory board consisting of nine members to be appointed by the director of labor and industries. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including but not limited to standards of body and frame design, construction and plumbing, heating and electrical installations, minimum inspection procedures, the adoption of rules pertaining to the manufacture of factory assembled structures, ~~((mobile))~~ manufactured homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and park trailers. The advisory board shall periodically review the rules adopted under RCW 43.22.450 through 43.22.490 and shall recommend changes of such rules to the department if it deems changes advisable.

The members of the advisory board shall be representative of consumers, the regulated industries, and allied professionals. The term of each member shall be four years. However, the director may appoint the initial members of the advisory board to staggered terms not exceeding four years.

The chief inspector or any person acting as chief inspector for the factory assembled structures, manufactured or mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, and park trailer section shall serve as secretary of the board during his tenure as chief. Meetings of the board shall be called at the discretion of the director of labor and industries, but at least quarterly. Each member of the board shall be paid travel expenses in accordance with RCW 43.03.050 and 43.03.060 which shall be paid out of the appropriation to the department of labor and industries, upon vouchers approved by the director of labor and industries or his or her designee.

Sec. 3. RCW 43.22.431 and 1977 ex.s. c 21 s 1 are each amended to read as follows:

The director of the department of labor and industries may enforce ~~((mobile))~~ manufactured home safety and construction standards adopted by the secretary of housing and urban development under the national ~~((Mobile))~~ manufactured home construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Furthermore, the director may make agreements with the United States government and private inspection organizations to implement the development and enforcement of applicable provisions of this chapter and the national ~~((Mobile))~~ manufactured home construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426).

Sec. 4. RCW 43.22.432 and 1977 ex.s. c 21 s 2 are each amended to read as follows:

(1) The department may adopt all standards and regulations adopted by the secretary under the national ((Mobile)) manufactured home construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) for ((mobile)) manufactured home construction and safety standards. If any deletions or amendments to the federal standards or regulations are thereafter made and notice thereof is given to the department, the standards or regulations shall be considered automatically adopted by the state under this chapter after the expiration of thirty days from publication in the federal register of a final order describing the deletions or amendments unless within that thirty day period the department objects to the deletion or amendment. In case of objection, the department shall proceed under the rule making procedure of chapter 34.05 RCW.

(2) The department shall adopt rules with respect to manufactured homes installed in accordance with the standards adopted under RCW 43.22.440 that:

(a) Specify exemptions from a requirement for a permit to alter a manufactured home;

(b) Authorize the granting of variances from the rules adopted under this section for alterations that use materials, designs, or methods of construction different from those required under the rules adopted under this section; and

(c) Require the seller of a manufactured home to deliver to the buyer prior to the sale a completed property transfer disclosure statement that includes all the criteria specified in RCW 64.06.020 and a copy of a variance, if any, granted under the rules adopted under this section. Nothing in this chapter shall be construed to prohibit the sale of a manufactured home that was altered unless the alteration makes the home unsafe so that its use may constitute a hazard to life, safety, or health.

Sec. 5. RCW 43.22.434 and 1999 c 22 s 10 are each amended to read as follows:

(1) The director or the director's authorized representative may conduct such inspections, investigations, and audits as may be necessary to adopt or enforce manufactured and mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, park trailer, factory built housing, and factory built commercial structure rules adopted under the authority of this chapter or to carry out the director's duties under this chapter.

(2) For purposes of enforcement of this chapter, persons duly designated by the director upon presenting appropriate credentials to the owner, operator, or agent in charge may:

(a) At reasonable times and without advance notice enter any factory, warehouse, or establishment in which manufactured and mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, park trailers, factory built housing, and factory built commercial structures are manufactured, stored, or held for sale;

(b) At reasonable times, within reasonable limits, and in a reasonable manner inspect any factory, warehouse, or establishment as required to comply with the standards adopted by the secretary of housing and urban development under the

national ((Mobile)) manufactured home construction and safety standards act of 1974. Each inspection shall be commenced and completed with reasonable promptness; and

(c) As requested by an owner of a conversion vending unit or medical unit, inspect an alteration.

(3) The department shall set a schedule of fees by rule which will cover the costs incurred by the department in the administration of RCW 43.22.335 through 43.22.490.

Sec. 6. RCW 43.22.440 and 1988 c 239 s 5 are each amended to read as follows:

(1) The legislature finds that inspections of manufactured and mobile home installation are not done on a consistent basis. Manufactured and mobile homes provide housing for many people in the state, and improperly installed manufactured or mobile homes are a serious health and safety risk. Where possible and practical, manufactured and mobile homes should be treated the same as any housing inhabited or to be inhabited by persons in this state, including housing built according to the state building code.

(2) In consultation with the factory assembled structures advisory board for ((mobile)) manufactured homes, the director of labor and industries shall by rule establish uniform standards for the performance and workmanship of installation service and warranty service by persons or entities engaged in performing the services within this state for all manufactured and mobile homes, as defined in RCW 46.04.302. The standards shall conform, where applicable, with statutes, rules, and recommendations established under the ((federal)) national ((mobile)) manufactured home construction and safety standards act of 1974 (42 U.S.C. Sec. 5401 et seq.). These rules regarding the installation of manufactured and mobile homes shall be enforced and fees charged by the counties and cities in the same manner the state building code is enforced under RCW 19.27.050.

(3) In addition to and in conjunction with the remedies provided in this chapter, failure to remedy any breach of the standards and rules so established, upon adequate notice and within a reasonable time, is a violation of the consumer protection act, chapter 19.86 RCW and subject to the remedies provided in that chapter.

Sec. 7. RCW 43.22.442 and 1980 c 153 s 2 are each amended to read as follows:

A manufacturer of ((mobile)) manufactured homes who designates a representative within this state to provide consumers with warranty service for ((mobile)) manufactured homes on behalf of the manufacturer shall make reasonable and timely compensation to the representative for performance of the warranty service.

Sec. 8. RCW 43.22.450 and 1973 1st ex.s. c 22 s 1 are each amended to read as follows:

Whenever used in RCW 43.22.450 through 43.22.490:

(1) "Department" means the Washington state department of labor and industries;

(2) "Approved" means approved by the department;

(3) "Factory built housing" means any structure designed primarily for human occupancy other than a manufactured or mobile home the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site;

(4) "Install" means the assembly of factory built housing or factory built commercial structures at a building site;

(5) "Building site" means any tract, parcel or subdivision of land upon which factory built housing or a factory built commercial structure is installed or is to be installed;

(6) "Local enforcement agency" means any agency of the governing body of any city or county which enforces laws or ordinances governing the construction of buildings;

(7) "Commercial structure" means a structure designed or used for human habitation, or human occupancy for industrial, educational, assembly, professional or commercial purposes.

NEW SECTION. Sec. 9. (1) A joint legislative task force is created to review chapter 43.22 RCW as it pertains to the regulation of manufactured and mobile homes. The task force membership shall consist of:

(a) One member from each caucus of the senate labor, commerce and financial institutions committee, appointed by the president of the senate;

(b) One member from each caucus of the house commerce and labor committee, appointed by the co-speakers of the house of representatives;

(c) Representatives of the mobile/manufactured homeowners, mobile/manufactured home mortgage lenders, mobile/manufactured home manufacturers and retailers, realtors, business and labor representatives of the electrical and plumbing trades, and other state or local government agencies as appropriate, appointed jointly by the president of the senate and the co-speakers of the house of representatives; and

(d) A representative of the department of labor and industries. The department shall cooperate with the task force and provide such technical expertise as the task force co-chairs may reasonably require.

(2) The task force shall choose its co-chairs from among its membership.

(3) The study shall review at least the following issues:

- (a) The fact that many mobile/manufactured homeowners have performed alterations or repairs to their homes without obtaining the required permits with the result that potential buyers may be unable to obtain mortgage financing from the usual sources;
 - (b) The costs associated with obtaining required permits, particularly on those occasions when an engineering analysis is required;
 - (c) The possibility of reducing the number and type of repairs and alterations that require a permit, consistent with public health and safety considerations;
 - (d) The appropriateness of the current legal sanction for not obtaining a permit when required;
 - (e) The feasibility and desirability of allowing for inspections of mobile/manufactured home alterations by local building officials; and
 - (f) Any methods, procedures, or changes in the law that can assist mobile/manufactured homeowners in the proper and economical maintenance and improvement of their homes, and the protection of their equity.
- (4) The task force shall use legislative facilities and staff from senate committee services and the office of program research. Each nonlegislative member of the task force is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. All expenses of the task force, including travel, shall be paid jointly by the senate and the house of representatives.
- (5) The task force shall report its findings and recommendations to the legislature by January 1, 2002.
- (6) This section expires April 1, 2002.

NEW SECTION. Sec. 10. This act applies to manufactured homes without regard to the date such homes may have been altered."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Prentice, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5703.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5703, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5703, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 41.

Excused: Senators Brown, Haugen, Hochstatter, Johnson, Rasmussen, Rossi, Snyder, and Zarelli - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5703, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5910 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.14.140 and 1998 c 258 s 1 are each amended to read as follows:

(1) For the purposes of RCW 90.14.130 through 90.14.180, "sufficient cause" shall be defined as the nonuse of all or a portion of the water by the owner of a water right for a period of five or more consecutive years where such nonuse occurs as a result of:

- (a) Drought, or other unavailability of water;
- (b) Active service in the armed forces of the United States during military crisis;
- (c) Nonvoluntary service in the armed forces of the United States;
- (d) The operation of legal proceedings;
- (e) Federal or state agency leases of or options to purchase lands or water rights which preclude or reduce the use of the right by the owner of the water right;
- (f) Federal laws imposing land or water use restrictions either directly or through the voluntary enrollment of a landowner in a federal program implementing those laws, or acreage limitations, or production quotas;
- (g) Temporarily reduced water need for irrigation use where such reduction is due to varying weather conditions, including but not limited to precipitation and temperature, that warranted the reduction in water use, so long as the water user's diversion and delivery facilities are maintained in good operating condition consistent with beneficial use of the full amount of the water right;
- (h) Temporarily reduced diversions or withdrawals of irrigation water directly resulting from the provisions of a contract or similar agreement in which a supplier of electricity buys back electricity from the water right holder and the electricity is needed for the diversion or withdrawal or for the use of the water diverted or withdrawn for irrigation purposes;
- (i) Water conservation measures implemented under the Yakima river basin water enhancement project, so long as the conserved water is reallocated in accordance with the provisions of P.L. 103-434;
- (j) Reliance by an irrigation water user on the transitory presence of return flows in lieu of diversion or withdrawal of water from the primary source of supply, if such return flows are measured or reliably estimated using a scientific methodology generally accepted as reliable within the scientific community; or
- (k) The reduced use of irrigation water resulting from crop rotation. For purposes of this subsection, crop rotation means the temporary change in the type of crops grown resulting from the exercise of generally recognized sound farming practices. Unused water resulting from crop rotation will not be relinquished if the remaining portion of the water continues to be beneficially used.

(2) Notwithstanding any other provisions of RCW 90.14.130 through 90.14.180, there shall be no relinquishment of any water right:

- (a) If such right is claimed for power development purposes under chapter 90.16 RCW and annual license fees are paid in accordance with chapter 90.16 RCW;
- (b) If such right is used for a standby or reserve water supply to be used in time of drought or other low flow period so long as withdrawal or diversion facilities are maintained in good operating condition for the use of such reserve or standby water supply;
- (c) If such right is claimed for a determined future development to take place either within fifteen years of July 1, 1967, or the most recent beneficial use of the water right, whichever date is later;
- (d) If such right is claimed for municipal water supply purposes under chapter 90.03 RCW;
- (e) If such waters are not subject to appropriation under the applicable provisions of RCW 90.40.030; or
- (f) If such right or portion of the right is leased to another person for use on land other than the land to which the right is appurtenant as long as the lessee makes beneficial use of the right in accordance with this chapter and a transfer or change of the right has been approved by the department in accordance with RCW 90.03.380, 90.03.383, 90.03.390, or 90.44.100.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Fraser moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5910. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Fraser that the Senate concur in the House amendment to Substitute Senate Bill No. 5910.

The motion by Senator Fraser carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5910.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5910, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5910, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 42.

Excused: Senators Brown, Haugen, Hochstatter, Rasmussen, Rossi, Snyder, and Zarelli - 7.

SUBSTITUTE SENATE BILL NO. 5910, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Kline and McAuliffe were excused.

MESSAGE FROM THE HOUSE

April 17, 2001

MR. PRESIDENT:

Under suspension of the rules, SUBSTITUTE SENATE BILL NO. 5443 was returned to second reading for purpose of an amendment and the House passed the bill with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.65.160 and 2000 c 107 s 37 are each amended to read as follows:

(1) The following commercial salmon fishery licenses are required for the license holder to use the specified gear to fish for salmon in state waters. Only a person who meets the qualifications of RCW 77.70.090 may hold a license listed in this subsection. The licenses and their annual fees and surcharges under RCW 77.95.090 are:

***Fishery Resident Nonresident Surcharge
License Fee Fee***

***(a) Salmon Gill Net--Grays \$380 \$685 plus \$100
Harbor-Columbia river***

***(b) Salmon Gill Net--Puget \$380 \$685 plus \$100
Sound***

***(c) Salmon Gill Net--Willapa \$380 \$685 plus \$100
Bay-Columbia river***

(d) Salmon purse seine \$530 \$985 plus \$100

(e) Salmon reef net \$380 \$685 plus \$100

(f) Salmon troll \$380 \$685 plus \$100

(2) A license issued under this section authorizes no taking or delivery of salmon or other food fish unless a vessel is designated under RCW 77.65.100.

(3) Holders of commercial salmon fishery licenses may retain incidentally caught food fish other than salmon, subject to rules of the department.

(4) A salmon troll license includes a salmon delivery license.

(5) A salmon gill net license authorizes the taking of salmon only in the geographical area for which the license is issued. The geographical designations in subsection (1) of this section have the following meanings:

(a) "Puget Sound" includes waters of the Strait of Juan de Fuca, Georgia Strait, Puget Sound and all bays, inlets, canals, coves, sounds, and estuaries lying easterly and southerly of the international boundary line and a line at the entrance to the Strait of Juan de Fuca projected northerly from Cape Flattery to the lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver Island.

(b) "Grays Harbor-Columbia river" includes waters of Grays Harbor and tributary estuaries lying easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and tributary sloughs and estuaries easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and tributary estuaries and easterly of a line projected northerly from Leadbetter Point to the Cape Shoalwater tower and those waters of the Columbia river and tributary sloughs described in (b) of this subsection.

(6) A commercial salmon troll fishery license may be renewed under this section if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. A commercial salmon gill net, reef net, or seine fishery license may be renewed under this section if the license holder notifies the department ((by August 1st)) before the third Monday in September of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred-dollar enhancement surcharge, plus a fifteen-dollar handling charge before the third Monday in September, in order to be considered a valid renewal and eligible to renew the license the following year.

(7) Notwithstanding the annual license fees and surcharges established in subsection (1) of this section, a person who holds a resident commercial salmon fishery license shall pay an annual license fee of one hundred dollars plus the surcharge if all of the following conditions are met:

(a) The license holder is at least seventy-five years of age;

(b) The license holder owns a fishing vessel and has fished with a resident commercial salmon fishery license for at least thirty years;

and

(c) The commercial salmon fishery license is for a geographical area other than the Puget Sound.

An alternate operator may not be designated for a license renewed at the one hundred dollar annual fee under this subsection (7).

Sec. 2. RCW 77.65.030 and 1993 c 340 s 3 are each amended to read as follows:

The application deadline for a commercial license or permit established in this chapter is December 31st of the calendar year for which the license or permit is sought. The department shall accept no license or permit applications after December 31st of the calendar year for which the license or permit is sought. The application deadline in this section does not apply to a license or permit that has not been renewed because of the death of the license or permit holder. The license or permit holder's surviving spouse, estate, or estate beneficiary must be given a reasonable opportunity to renew the license or permit.

Sec. 3. RCW 77.65.070 and 1996 c 267 s 27 are each amended to read as follows:

(1) A commercial license issued under this chapter permits the license holder to engage in the activity for which the license is issued in accordance with this title and the rules of the department.

(2) No security interest or lien of any kind, including tax liens, may be created or enforced in a license issued under this chapter.

(3) Unless otherwise provided in this title or rules of the department, commercial licenses and permits issued under this chapter expire at midnight on December 31st of the calendar year for which they are issued. In accordance with this title, licenses may be renewed annually upon application and payment of the prescribed license fees. In accordance with RCW 77.65.030, the department must provide a license or permit holder's surviving spouse, estate, or estate beneficiary a reasonable opportunity to renew the license or permit."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Spanel, the Senate concurred in the House amendment to Substitute Senate Bill No. 5443.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5443, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5443, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 40.

Excused: Senators Brown, Haugen, Hochstatter, Johnson, Kline, McAuliffe, Rossi, Snyder and Zarelli - 9.

SUBSTITUTE SENATE BILL NO. 5443, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Swecker was excused.

MESSAGE FROM THE HOUSE

April 17, 2001

MR. PRESIDENT:

The House concurs in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1094 on page 2, line 10, and ruled the amendment on page 2, line 30, outside the scope and object and refuses to concur in said amendment and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Thibaudeau, the Senate receded from the amendment on page 2, line 30, to Substitute House Bill No. 1094.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1094, without the Senate amendment on page 2, line 30, but with the Senate amendment on page 2, line 10.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1094, as amended by the Senate, and the bill passed the Senate with the amendment on page 2, line 10, but without the amendment on page 2, line 30, by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Honeyford, Jacobsen, Kastama, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, West, Winsley and Zarelli- 39.

Absent: Senator Horn - 1.

Excused: Senators Brown, Haugen, Hochstatter, Johnson, Kline, McAuliffe, Rossi, Snyder and Swecker - 9.

SUBSTITUTE HOUSE BILL NO. 1094, as amended by the Senate on page 2, line 10, but without the amendment on page 2, line 30, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Zarelli was excused.

MESSAGE FROM THE HOUSE

April 17, 2001

MR. PRESIDENT:

Under suspension of the rules ENGROSSED SUBSTITUTE SENATE BILL NO. 5583 was returned to second reading for purpose of an amendment and the House passed the bill with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature affirms its support for those recommendations of the performance audit of the public mental health system conducted by the joint legislative audit and review committee relating to: Improving the coordination of services for clients with multiple needs; improving the consistency of client, service, and fiscal data collected by the mental health division; replacing process-oriented accountability activities with a uniform statewide outcome measurement system; and using outcome information to identify and provide incentives for best practices in the provision of public mental health services.

NEW SECTION. Sec. 2. The legislature supports recommendations 1 through 10 and 12 through 14 of the mental health system performance audit conducted by the joint legislative audit and review committee. The legislature expects the department of social and health services to work diligently within available funds to implement these recommendations.

NEW SECTION. Sec. 3. In addition to any follow-up requirements prescribed by the joint legislative audit and review committee, the department of social and health services shall submit reports to the legislature on the status of the implementation of recommendations 1 through 10 and 12 through 14 of the performance audit report. The implementation status reports must be submitted to appropriate policy and fiscal committees of the legislature by June 1, 2001, and each year thereafter through 2004.

NEW SECTION. Sec. 4. The initial implementation status reports must discuss the status of implementing recommendations 1 through 8, which are due to be implemented by June 2001, and must also include a plan for implementing recommendations 9, 10, and 12 through 14, which are due to be implemented subsequent to June 2001. The initial implementation status report must also discuss what actions the department of social and health services has taken and will take in the future in response to recommendation 11 of the performance audit report.

NEW SECTION. Sec. 5. The Washington institute for public policy shall conduct a longitudinal study of long-term client outcomes to assess any changes in client status at two, five, and ten years. The measures tracked shall include client change as a result of services, employment and/or education, housing stability, criminal justice involvement, and level of services needed. The institute shall report these long-term outcomes to the appropriate policy and fiscal committee of the legislature annually beginning not later than December 31, 2005.

Sec. 6. RCW 71.24.015 and 1999 c 214 s 7 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs which provide for:

(1) Access to mental health services for adults of the state who are acutely mentally ill, chronically mentally ill, or seriously disturbed and children of the state who are acutely mentally ill, severely emotionally disturbed, or seriously disturbed, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. Access to mental health services shall not be limited by a person's history of confinement in a state, federal, or local correctional facility. It is also the purpose of this chapter to promote the early identification of mentally ill children and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and should enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) Accountability of efficient and effective services through statewide standards for monitoring and reporting of client and system outcome information;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill;

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of the mentally ill, and other service providers; and

(6) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders. The legislature intends to encourage the development of county-based and county-managed mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties are encouraged to enter into joint operating agreements with other counties to form regional systems of care which integrate planning, administration, and service delivery duties assigned to counties under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

Sec. 7. RCW 71.24.035 and 1999 c 10 s 4 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary may provide for public, client, and licensed service provider participation in developing the state mental health program.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;

(b) Assure that any county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers;

(ii) Regional support networks; and

(iii) Residential and inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used by the counties;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers;

(g) Develop and maintain an information system to be used by the state, counties, and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically inspect certified regional support networks and licensed service providers at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter; and

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter.

(6) The secretary shall use available resources only for regional support networks.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as set forth in subsection (5)(b) of this section. These factors shall include the population concentrations resulting from commitments under chapters 71.05 and 71.34 RCW to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(c) After July 1, 2003, the department may allocate up to two percent of total funds to be distributed to the regional support networks for incentive payments to reward the achievement of superior outcomes, or significantly improved outcomes, as measured by a statewide performance measurement system consistent with the framework recommended in the joint legislative audit and review committee's performance audit of the mental health system. The department shall annually report to the legislature on its criteria and allocation of the incentives provided under this subsection.

(14) The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Allocate one hundred percent of available resources to the regional support networks in accordance with subsection (13) of this section. Incentive payments authorized under subsection (13) of this section may be allocated separately from other available resources.

(d) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(e) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

(f) Identify in its departmental biennial operating and capital budget requests the funds requested by regional support networks to implement their responsibilities under this chapter.

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically

report its efforts to the health care and corrections committee of the senate and the human services committee of the house of representatives.

(17) The secretary shall establish a task force to examine the recruitment, training, and compensation of qualified mental health professionals in the community, which shall include the advantages and disadvantages of establishing a training academy, loan forgiveness program, or educational stipends offered in exchange for commitments of employment in mental health.

NEW SECTION. Sec. 8. The legislature finds that an excessive amount of public funds are spent on administrative activities in the community mental health system. The department of social and health services shall develop a plan to reduce administrative expenses in the community mental health system, including the mental health division, to no more than ten percent of available funds. The plan shall identify and prioritize core administrative functions that must be continued to comply with federal or state statutes. The department shall submit their plan to the appropriate committees of the senate and house of representatives no later than December 15, 2001. The plan shall assume an implementation date of July 1, 2003.

NEW SECTION. Sec. 9. If specific funding for the purposes of section 5 of this act, referencing section 5 of this act by bill or chapter and section number, is not provided by June 30, 2001, in the omnibus appropriations act, section 5 of this act is null and void.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Long, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5583.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5583, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5583, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, West and Winsley - 42.

Excused: Senators Brown, Haugen, Johnson, Rossi, Snyder, Swecker and Zarelli - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5583, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2001

MR. PRESIDENT:

The House refused to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1650 asks the Senate to recede therefrom and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Long, the Senate receded from its amendment(s) to Substitute House Bill No. 1650.

MOTION

On motion of Senator Long, the rules were suspended, Substitute House Bill No. 1650 be returned to second reading and read the second time.

MOTION

On motion of Senator Long, the following striking amendment by Senators Long and Hargrove was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.24.015 and 1999 c 214 s 7 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs which provide for:

(1) Access to mental health services for adults of the state who are acutely mentally ill, chronically mentally ill, or seriously disturbed and children of the state who are acutely mentally ill, severely emotionally disturbed, or seriously disturbed, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. Access to mental health services shall not be limited by a person's history of confinement in a state, federal, or local correctional facility. It is also the purpose of this chapter to promote the early identification of mentally ill children and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and should enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) Accountability of efficient and effective services through state of the art outcome and performance measures and statewide standards for monitoring client and system outcomes, performance, and reporting of information. These processes shall be designed so as to maximize the use of available resources for direct care of people with a mental illness;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill consistent with the priorities defined in the statute;

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of the mentally ill, and other service providers; and

(6) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders. The legislature intends to encourage the development of county-based and county-managed mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties are encouraged to enter into joint operating agreements with other counties to form regional systems of care which integrate planning, administration, and service delivery duties assigned to counties under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

NEW SECTION. Sec. 2. A new section is added to chapter 71.24 RCW to read as follows:

The department shall operate the community mental health service delivery system authorized under this chapter within the following constraints:

(1) The full amount of federal funds for mental health services, plus qualifying state expenditures as appropriated in the biennial operating budget, shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the community mental health service delivery system authorized in this chapter.

(2) The department may expend funds defined in subsection (1) of this section in any manner that will effectively accomplish the outcome measures defined in section 5 of this act.

(3) The department shall implement strategies that accomplish the outcome measures identified in section 5 of this act that are within the funding constraints in this section.

(4) The department shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 71.24 RCW to read as follows:

(1) The department shall ensure the coordination of allied services for mental health clients. The department shall implement strategies for resolving organizational, regulatory, and funding issues at all levels of the system, including the state, the regional support networks, and local service providers.

(2) The department shall propose, in operating budget requests, transfers of funding among programs to support collaborative service delivery to persons who require services from multiple department programs. The department shall report annually to the appropriate committees of the senate and house of representatives on actions and projects it has taken to promote collaborative service delivery.

NEW SECTION. Sec. 4. A new section is added to chapter 71.24 RCW to read as follows:

It is the intent of the legislature that the community mental health service delivery system focus on maintaining mentally ill individuals in the community. The program shall be evaluated and managed through a limited number of performance measures designed to hold each regional support network accountable for program success.

NEW SECTION. Sec. 5. A new section is added to chapter 71.24 RCW to read as follows:

(1) The department, in collaboration with a work group appointed by the secretary and made up of consumers, advocates, service providers, and representatives of regional support networks, shall develop performance measures for use in evaluating and managing the community mental health service delivery system authorized under this chapter. The performance measures shall be consistent with the provisions of RCW 71.24.405(3) which may include but are not limited to:

- (a) Access to services;
- (b) Quality and appropriateness of care;
- (c) Outcome measures; including, but not limited to:
 - (i) Consumer change over time;
 - (ii) Consumer perception of hope for the future;
 - (iii) Percent of consumers who have safe and stable housing;
 - (iv) Percent of adults employed for one or more days in the last thirty days;
 - (v) Percent of consumers without a jail or detention stay;
 - (vi) Percent of available school days attended in the past thirty days;
 - (vii) Percent of consumers without a psychiatric hospitalization; and
- (d) Structure and plan management.

(2) The department shall require that service providers and regional support networks collect uniform performance measure information and report it to the department regularly. The department shall develop benchmarks that compare performance measure information from all regional support networks and providers to provide a clear indication of the most effective regional support networks and providers. Benchmark information shall be published quarterly and provided to the legislature, the governor, regional support networks, and all providers of mental health services.

NEW SECTION. Sec. 6. A new section is added to chapter 71.24 RCW to read as follows:

Every regional support network and mental health services provider shall be evaluated using the criteria in section 5 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 71.24 RCW to read as follows:

The department shall provide a report to the appropriate committees of the legislature on the development, implementation, and achievement of the performance measures by regional support networks and service providers on an annual basis, no later than June 30th of each year, beginning in 2002. The report shall include how the department is using the outcome measure information obtained under section 5 of this act to manage the community mental health service delivery system.

Sec. 8. RCW 71.24.025 and 1999 c 10 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

- (a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;
- (b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or
- (c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs under RCW 71.24.045, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not

include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to RCW 71.24.300(1)((4)) (e).

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Community mental health program" means all mental health services, activities, or programs using available resources.

(6) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(7) "Community support services" means services authorized, planned, and coordinated through resource management services including, at ~~((least))~~ a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, and other services determined by regional support networks~~((, and maintenance of a patient tracking system for chronically mentally ill adults and severely emotionally disturbed children))~~.

(8) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(9) "Department" means the department of social and health services.

(10) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(11) "Mental health services" means all services provided by regional support networks and other services provided by the state for the mentally ill.

(12) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (4), (17), and (18) of this section.

(13) "Regional support network" means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary pursuant to this chapter.

(14) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill adults, severely emotionally disturbed children, or seriously disturbed adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(15) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Acutely mentally ill adults and children; (b) chronically mentally ill adults; (c) severely emotionally disturbed children; or (d) seriously disturbed adults determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

(16) "Secretary" means the secretary of social and health services.

(17) "Seriously disturbed person" means a person who:

- (a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;
- (b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;
- (c) Has a mental disorder which causes major impairment in several areas of daily living;
- (d) Exhibits suicidal preoccupation or attempts; or
- (e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(18) "Severely emotionally disturbed child" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

- (a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;
- (b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;
- (c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;
- (d) Is at risk of escalating maladjustment due to:
 - (i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;
 - (ii) Changes in custodial adult;
 - (iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;
 - (iv) Subject to repeated physical abuse or neglect;
 - (v) Drug or alcohol abuse; or
 - (vi) Homelessness.

(19) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

(20) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

Sec. 9. RCW 71.24.030 and 1999 c 10 s 3 are each amended to read as follows:

The secretary is authorized to make grants to and/or purchase services from counties or combinations of counties in the establishment and operation of community mental health programs.

Sec. 10. RCW 71.24.035 and 1999 c 10 s 4 are each amended to read as follows:

- (1) The department is designated as the state mental health authority.
- (2) The secretary (~~may~~) shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.
- (3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.
- (4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.
- (5) The secretary shall:
 - (a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;
 - (b) Assure that any regional or county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

- (A) Outpatient services;
 - (B) Emergency care services for twenty-four hours per day;
 - (C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;
 - (D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;
 - (E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;
 - (F) Consultation and education services; and
 - (G) Community support services;
- (c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:
- (i) Licensed service providers, The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;
 - (ii) Regional support networks; and
 - (iii) ~~((Residential and))~~ Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;
 - (d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;
 - (e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used ~~((by the))~~ in contracting with regional support networks or counties. The standard contract shall include a maximum fund balance, which shall not exceed ten percent;
 - (f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers, The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;
 - (g) Develop and maintain an information system to be used by the state, counties, and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440. The design of the system and the data elements to be collected shall be reviewed by the work group appointed by the secretary under section 5(1) of this act and representing the department, regional support networks, service providers, consumers, and advocates. The data elements shall be designed to provide information that is needed to measure performance and achieve the service outcomes identified in section 5 of this act;
 - (h) License service providers who meet state minimum standards;
 - (i) Certify regional support networks that meet state minimum standards;
 - (j) Periodically ~~((inspect))~~ monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;
 - (k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;
 - (l) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter; and
 - (m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter.
- (6) The secretary shall use available resources only for regional support networks.
- (7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as set forth in subsection (5)(b) of this section. These factors shall include the population concentrations resulting from commitments under chapters 71.05 and 71.34 RCW to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(14) The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Allocate one hundred percent of available resources to the regional support networks in accordance with subsection (13) of this section.

(d) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(e) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

~~((f) Identify in its departmental biennial operating and capital budget requests the funds requested by regional support networks to implement their responsibilities under this chapter.))~~

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the ~~((health care and corrections))~~ appropriate committees of the senate and the ~~((human services committee of the))~~ house of representatives.

~~((17) The secretary shall establish a task force to examine the recruitment, training, and compensation of qualified mental health professionals in the community, which shall include the advantages and disadvantages of establishing a training academy, loan forgiveness program, or educational stipends offered in exchange for commitments of employment in mental health.))~~

Sec. 11. RCW 71.24.037 and 1999 c 10 s 5 are each amended to read as follows:

(1) The secretary shall by rule establish state minimum standards for licensed service providers and services.

(2) Minimum standards for licensed service providers shall, at a minimum, establish: Qualifications for staff providing services directly to mentally ill persons, the intended result of each service, and the rights and responsibilities of persons receiving mental health services pursuant to this chapter. The secretary shall provide for deeming of licensed service providers as meeting state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department.

~~(3) ((Minimum standards for residential services shall be based on clients' functional abilities and not solely on their diagnoses, limited to health and safety, staff qualifications, and program outcomes. Minimum standards for residential services shall be developed in collaboration with consumers, families, counties, regulators, and residential providers serving the mentally ill. The minimum standards shall encourage the development of broad-range residential programs, including integrated housing and cross-systems programs where appropriate, and shall not unnecessarily restrict programming flexibility.~~

(4)) Minimum standards for community support services and resource management services shall include at least qualifications for resource management services, client tracking systems, and the transfer of patient information between service providers.

Sec. 12. RCW 71.24.045 and 1992 c 230 s 5 are each amended to read as follows:

The county authority shall:

(1) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective;

(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts~~((, including the minimum standards of service delivery as established by the department))~~;

(4) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(5) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

(6) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is one hundred twenty-five thousand or more may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(7) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

Sec. 13. RCW 71.24.049 and 1999 c 10 s 6 are each amended to read as follows:

By January 1st of each odd-numbered year, the ~~((county authority))~~ regional support network shall identify: (1) The number of children in each priority group, as defined by this chapter, who are receiving mental health services funded in part or in whole under this chapter, (2) the amount of funds under this chapter used for children's mental health services, (3) an estimate of the number of unserved children in each priority group, and (4) the estimated cost of serving these additional children and their families.

Sec. 14. RCW 71.24.155 and 1987 c 505 s 65 are each amended to read as follows:

Grants shall be made by the department to ~~((counties))~~ regional support networks for community mental health programs totaling not less than ninety-five percent of available resources. The department may use up to forty percent of the remaining five percent to provide community demonstration projects, including early intervention or primary prevention programs for children, and the remainder shall be for emergency needs and technical assistance under this chapter.

Sec. 15. RCW 71.24.160 and 1989 c 205 s 7 are each amended to read as follows:

The ~~((county authority))~~ regional support networks shall make satisfactory showing to the secretary that state funds shall in no case be used to replace local funds from any source being used to finance mental health services prior to January 1, 1990.

Sec. 16. RCW 71.24.250 and 1982 c 204 s 14 are each amended to read as follows:

The ~~((county authority))~~ regional support network may accept and expend gifts and grants received from private, county, state, and federal sources.

Sec. 17. RCW 71.24.300 and 1999 c 214 s 8 and 1999 c 10 s 9 are each reenacted and amended to read as follows:

A county authority or a group of county authorities whose combined population is no less than forty thousand may enter into a joint operating agreement to form a regional support network. Upon the request of a tribal authority or authorities within a regional support network the joint operating agreement or the county authority shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network. The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served. The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that counties and the regional support network do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary.

(1) Regional support networks shall submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Assume the powers and duties of county authorities within its area as described in RCW 71.24.045 (1) through (7).

(c) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

~~((d))~~ (d) Provide within the boundaries of each regional support network evaluation and treatment services for at least eighty-five percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks with populations of less than one hundred fifty thousand may contract to purchase evaluation and treatment services from other networks. Insofar as the original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each regional support network. Such exceptions are limited to contracts with neighboring or contiguous regions.

~~((e))~~ (e) Administer a portion of funds appropriated by the legislature to house mentally ill persons in state institutions from counties within the boundaries of any regional support network, with the exception of persons currently confined at, or under the supervision of, a state mental hospital pursuant to chapter 10.77 RCW, and provide for the care of all persons needing evaluation and treatment services for periods up to seventeen days according to chapter 71.05 RCW in appropriate residential services, which may include state institutions. The regional support networks shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium when reimbursement occurs. The secretary shall submit a report to the appropriate committees of the senate and house of representatives on the efforts to implement this section by October 1, 2002. The duty of a state hospital to accept persons for evaluation and treatment under chapter 71.05 RCW is limited by the responsibilities assigned to regional support networks under this section.

~~((e))~~ (f) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as defined in RCW 71.24.035, and mental health services to children as provided in this chapter designed to achieve the outcomes specified in section 5 of this act.

~~((f))~~ (g) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(2) Regional support networks shall assume all duties assigned to county authorities by this chapter and chapter 71.05 RCW.

(3) A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the mentally ill and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(4) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter. The composition of the board shall be broadly representative of the

demographic character of the region and the mentally ill persons served therein. Length of terms of board members shall be determined by the regional support network.

(5) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary. ~~((Such contracts may include agreements to provide periods of stable community living and work or other day activities for specific chronically mentally ill persons who have completed commitments at state hospitals on ninety-day or one hundred eighty-day civil commitments or who have been residents at state hospitals for no less than one hundred eighty days within the previous year. Periods of stable community living may involve acute care in local evaluation and treatment facilities but may not involve use of state hospitals.))~~

(6) Counties or groups of counties participating in a regional support network are not subject to RCW 71.24.045(6).

~~(7) ((As part of each biennial plan, each regional support network shall establish and submit to the state, procedures and agreements to assure access to sufficient additional local evaluation and treatment facilities to meet the requirements of this chapter while reducing short-term admissions to state hospitals. These shall be commitments to construct and operate, or contract for the operation of, freestanding evaluation and treatment facilities or agreements with local evaluation and treatment facilities which shall include (a) required admission and treatment for short-term inpatient care for any person enrolled in community support or residential services, (b) discharge planning procedures, (c) limitations on admissions or transfers to state hospitals, (d) adequate psychiatric supervision, (e) prospective payment methods, and (f) contractual assurances regarding referrals to local evaluation and treatment facilities from regional support networks.~~

~~(8))~~ Regional support networks may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the regional support network six-year operating and capital plan, timeline, and budget required by subsection (1) of this section.

Sec. 18. RCW 71.24.400 and 1999 c 10 s 10 are each amended to read as follows:

The legislature finds that the current complex set of federal, state, and local rules and regulations, audited and administered at multiple levels, which affect the community mental health service delivery system, focus primarily on the process of providing mental health services and do not sufficiently address consumer and system outcomes. The legislature finds that the department and the community mental health service delivery system must make ongoing efforts to achieve the purposes set forth in RCW 71.24.015 related to reduced administrative layering, duplication, elimination of process measures not specifically required by the federal government for the receipt of federal funds, and reduced administrative costs.

Sec. 19. RCW 71.24.405 and 1999 c 10 s 11 are each amended to read as follows:

The department shall establish a ~~((single))~~ comprehensive and collaborative ~~((project))~~ effort within regional support networks and with local mental health service providers aimed at creating innovative and streamlined community mental health service delivery systems, in order to carry out the purposes set forth in RCW 71.24.400 and to capture the diversity of the community mental health service delivery system.

The ~~((project))~~ department must accomplish the following:

(1) Identification, review, and cataloging of all rules, regulations, duplicative administrative and monitoring functions, and other requirements that currently lead to inefficiencies in the community mental health service delivery system and, if possible, eliminate the requirements;

(2) The systematic and incremental development of a single system of accountability for all federal, state, and local funds provided to the community mental health service delivery system. Systematic efforts should be made to include federal and local funds into the single system of accountability;

(3) The elimination of process regulations and related contract and reporting requirements. In place of the regulations and requirements, a set of outcomes for mental health adult and children clients according to chapter 71.24 RCW must be used to measure the performance of mental health service providers and regional support networks. Such outcomes shall focus on stabilizing out-of-home and hospital care, increasing stable community living, increasing age-appropriate activities, achieving family and consumer satisfaction with services, and system efficiencies;

(4) Evaluation of the feasibility of contractual agreements between the department of social and health services and regional support networks and mental health service providers that link financial incentives to the success or failure of mental health service providers and regional support networks to meet outcomes established for mental health service clients;

(5) The involvement of mental health consumers and their representatives ~~((in the pilot projects))~~. Mental health consumers and their representatives will be involved in the development of outcome standards for mental health clients ~~((and other related aspects of the pilot projects))~~ under section 5 of this act; and

(6) An independent evaluation component to measure the success of the ((projects)) department in fully implementing the provisions of RCW 71.24.400 and this section.

NEW SECTION. Sec. 20. The legislature finds that an excessive amount of public funds are spent on administrative activities in the community mental health system. The department of social and health services shall develop a plan to reduce administrative expenses in the community mental health system, including the mental health division, to no more than ten percent of available funds. The plan shall identify and prioritize core administrative functions that must be continued to comply with federal or state statutes. The department shall submit their plan to the appropriate committees of the senate and house of representatives no later than December 15, 2001. The plan shall assume an implementation date of July 1, 2003."

MOTIONS

On motion of Senator Long, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 71.24.015, 71.24.025, 71.24.030, 71.24.035, 71.24.037, 71.24.045, 71.24.049, 71.24.155, 71.24.160, 71.24.250, 71.24.400, and 71.24.405; reenacting and amending RCW 71.24.300; adding new sections to chapter 71.24 RCW; and creating a new section."

On motion of Senator Long, the rules were suspended, Substitute House Bill No. 1650, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1650, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1650, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, West and Winsley - 42.

Excused: Senators Brown, Haugen, Johnson, Rossi, Swecker, Snyder, and Zarelli - 7.

SUBSTITUTE HOUSE BILL NO. 1650, as amended by the Senate under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1498 and asks the Senate to recede therefrom, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

On motion of Senator Jacobsen, the Senate receded from its amendment(s) to Substitute House Bill No. 1498.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1498, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1498, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West and Winsley - 43.

Excused: Senators Brown, Haugen, Johnson, Rossi, Swecker, and Zarelli - 6.

SUBSTITUTE HOUSE BILL NO. 1498, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1286 asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Jacobsen, the Senate receded from its amendment(s) to Engrossed Substitute House Bill No. 1286.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 1286 was returned to second reading and read the second time.

MOTION

On motion of Senator Jacobsen, the following striking amendment by Senators Jacobsen and Oke was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.95.210 and 2000 c 107 s 11 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department may supply, at a reasonable charge, surplus salmon eggs to a person for use in the cultivation of salmon. The department shall not intentionally create a surplus of salmon to provide eggs for sale. The department shall only sell salmon eggs from stocks that are not suitable for salmon population rehabilitation or enhancement in state waters in Washington after the salmon harvest on surplus salmon has been first maximized by both commercial and recreational fishers.

(2) The department shall not destroy hatchery origin salmon for the purposes of destroying viable eggs that would otherwise be useful for propagation or salmon recovery purposes, as determined by the department and Indian tribes with treaty fishing rights in a collaborative manner, for replenishing fish runs. Eggs deemed surplus by the state must be provided, in the following order of priority, to:

(a) Voluntary cooperative salmon culture programs under the supervision of the department under chapter 77.100 RCW;

(b) Regional fisheries enhancement group salmon culture programs under the supervision of the department under this chapter;

(c) Salmon culture programs requested by lead entities and approved by the salmon funding recovery board under chapter 77.85 RCW;

(d) Hatcheries of federally approved tribes in Washington to whom eggs are moved, not sold, under the interlocal cooperation act, chapter 39.34 RCW; and

(e) Governmental hatcheries in Washington, Oregon, and Idaho.

The order of priority established in this subsection for distributing surplus eggs does not apply when there is a shortfall in the supply of eggs.

(3) All sales, provisions, distributions, or transfers shall be consistent with the department's egg transfer and aquaculture disease control regulations as now existing or hereafter amended. Prior to department determination that eggs of a salmon stock are surplus and available for sale, the department shall assess the productivity of each watershed that is suitable for receiving eggs.

Sec. 2. RCW 77.95.270 and 1989 c 336 s 6 are each amended to read as follows:

Except as provided in RCW 77.95.210, the department may make available to private contractors salmon eggs in excess of department hatchery needs for the purpose of contract rearing to release the smolts into public waters. However, providing salmon eggs as specified in RCW 77.95.210(2) has the highest priority. The priority of providing eggs surplus after meeting the requirements of RCW 77.95.210(2) to contract rearing ~~((shall be))~~ is a higher priority than providing eggs to aquaculture purposes ~~((which))~~ that are not destined for release into Washington public waters.

Sec. 3. RCW 77.100.050 and 1987 c 505 s 73 are each amended to read as follows:

(1) The department shall:

(a) Encourage and support the establishment of cooperative agreements for the development and operation of cooperative food fish, shellfish, game fish, game bird, game animal, and nongame wildlife projects, and projects which provide an opportunity for volunteer groups to become involved in resource and habitat-oriented activities. All cooperative projects shall be fairly considered in the approval of cooperative agreements;

(b) Identify regions and species or activities that would be particularly suitable for cooperative projects providing benefits compatible with department goals;

(c) Determine the availability of rearing space at operating facilities or of net pens, egg boxes, portable rearing containers, incubators, and any other rearing facilities for use in cooperative projects, and allocate them to volunteer groups as fairly as possible;

(d) Make viable eggs available for replenishing fish runs, and salmon carcasses for nutrient enhancement of streams. If a regional fisheries enhancement group, lead entity, volunteer cooperative group, federally approved tribe in Washington, or a governmental hatchery in Washington, Oregon, or Idaho requests the department for viable eggs, the department must include the request within the brood stock document prepared for review by the regional offices. The eggs shall be distributed in accordance with the priority established in RCW 77.95.210 if they are available. A request for viable eggs may only be denied if the eggs would not be useful for propagation or salmon recovery purposes, as determined under RCW 77.95.210.

~~((e))~~ (e) Exempt volunteer groups from payment of fees to the department for activities related to the project;

~~((f))~~ (f) Publicize the cooperative program;

~~((g))~~ (g) Not substitute a new cooperative project for any part of the department's program unless mutually agreeable to the department and volunteer group;

~~((h))~~ (h) Not approve agreements that are incompatible with legally existing land, water, or property rights.

(2) The department may, when requested, provide to volunteer groups its available professional expertise and assist the volunteer group to evaluate its project. The department must conduct annual workshops in each administrative region of the department that has fish stocks listed as threatened or endangered under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq., in order to assist volunteer groups with egg rearing, share information on successful salmon recovery projects accomplished by volunteers within the state, and provide basic training on monitoring efforts that can be accomplished by volunteers in order to help determine if their efforts are successful.

Sec. 4. RCW 77.100.060 and 2000 c 107 s 112 are each amended to read as follows:

The commission shall establish by rule:

(1) The procedure for entering a cooperative agreement and the application forms for a permit to release fish or wildlife required by RCW 77.12.457. The procedure shall indicate the information required from the volunteer group as well as the process of review by the department. The process of review shall include the means to coordinate with other agencies and Indian tribes when appropriate and to coordinate the review of any necessary hydraulic permit approval applications.

(2) The procedure for providing within forty-five days of receipt of a proposal a written response to the volunteer group indicating the date by which an acceptance or rejection of the proposal can be expected, the reason why the date was selected, and a written summary of the process of review. The response should also include any suggested modifications to the proposal which would increase its likelihood of approval and the date by which such modified proposal could be expected to be accepted. If the proposal is rejected, the department must provide in writing the reasons for rejection. The volunteer group may request the director or the director's designee to review information provided in the response.

(3) The priority of the uses to which eggs, seed, juveniles, or brood stock are put. Use by cooperative projects shall be second in priority only to the needs of programs of the department or of other public agencies within the territorial boundaries of the state. Sales of eggs, seed, juveniles, or brood stock have a lower priority than use for cooperative projects. The rules must identify and implement appropriate protocols for brood stock handling, including the outplanting of adult fish, spawning, incubation, rearing, and release and establish a prioritized schedule for implementation of this act, and shall include directives for allowing more hatchery salmon to spawn naturally in areas where progeny of hatchery fish have spawned, including the outplanting of adult fish, in order to increase the number of viable salmon eggs and restore healthy numbers of fish within the state.

(4) The procedure for the director to notify a volunteer group that the agreement for the project is being revoked for cause and the procedure for revocation. Revocation shall be documented in writing to the volunteer group. Cause for revocation may include: (a) The unavailability of adequate biological or financial resources; (b) the development of unacceptable biological or resource management conflicts; or (c) a violation of agreement provisions. Notice of cause to revoke for a violation of agreement provisions may specify a reasonable period of time within which the volunteer group must comply with any violated provisions of the agreement.

(5) An appropriate method of distributing among volunteer groups fish, bird, or animal food or other supplies available for the program.

NEW SECTION. Sec. 5. A new section is added to chapter 77.04 RCW to read as follows:

(1) The department shall prepare an annual surplus salmon report. This report shall include the disposition of adult salmonids that have returned to salmonid hatchery facilities operated under the jurisdiction of the state that:

- (a) Have not been harvested; and
- (b) Were not allowed to escape for natural spawning.

(2) The report shall include, by species, the number and estimated weight of surplus salmon and steelhead and a description of the disposition of the adult carcasses including, but not limited to, the following categories:

- (a) Disposed in landfills;
- (b) Transferred to another government agency for reproductive purposes;
- (c) Sold to contract buyers in the round;
- (d) Sold to contract buyers after spawning;
- (e) Transferred to Native American tribes;
- (f) Donated to food banks; and
- (g) Used in stream nutrient enrichment programs.

(3) The report shall also include, by species, information on the number of requests for viable salmon eggs, the number of these requests that were granted and the number that were denied, the geographic areas for which these requests were granted or denied, and a brief explanation given for each denial of a request for viable salmon eggs.

(4) The report shall be included in the biennial state of the salmon report required by RCW 77.85.020 and other similar state reports on salmon.

(5) The report shall include an assessment of the infrastructure needs and facility modifications necessary to implement this act.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "eggs;" strike the remainder of the title and insert "amending RCW 77.95.210, 77.95.270, 77.100.050, and 77.100.060; adding a new section to chapter 77.04 RCW; and declaring an emergency."

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 1286, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1286, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1286, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens., Thibaudeau, West and Winsley - 43.

Excused: Senators Brown, Haugen, Johnson, Rossi, Swecker and Zarelli - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1268, as amended by the Senate under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Snyder, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

April 18, 2001

SB 6177 Prime Sponsor, Senator Fraser: Managing energy supply and demand. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6177 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fraser, Hewitt, Kline, Long, Rasmussen, Regala, Rossi, Sheahan, Snyder, Spanel, Thibaudeau and Winsley.

April 18, 2001

SHB 2104 Prime Sponsor, House Committee on Appropriations: Providing for an increase in forest fire protection funds. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fraser, Hewitt, Kline, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MOTIONS

On motion of Senator Snyder, the rules were suspended, Senate Bill No. 6177 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Snyder, the rules were suspended, Substitute House Bill No. 2104 was advanced to second reading and placed on the second reading calendar.

MOTION

At 3:39 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Thursday, April 19, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

ONE HUNDRED-FIRST DAY, APRIL 18, 2001

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

ONE HUNDRED-SECOND DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Thursday, April 19, 2001

The Senate was called to order at 10:00 a.m. by President Pro Tempore Franklin. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Costa, Horn, McDonald and Rasmussen. On motion of Senator Honeyford, Senators Horn and McDonald were excused.

The Sergeant at Arms Color Guard, consisting of Pages Aaron Gibbs and John Maxwell, presented the Colors. Rabbi Ted Stainman of the Bet Chaverim Synagogue in Kent, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

April 18, 2001

TO THE HONORABLE PRESIDENT AND MEMBERS
THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 18, 2001, Governor Locke approved the following Senate Bills entitled:

Senate Bill No. 5054

Relating to the rule against perpetuities.

Senate Bill No. 5206

Relating to the practice of geology.

Substitute Senate Bill No. 5224

Relating to intercity passenger rail service.

Engrossed Substitute Senate Bill No. 5238

Relating to the board of commissioners of a water-sewer district.

Senate Bill No. 5305

Relating to correction of outdated references and double amendments in the Revised Code of Washington.

Senate Bill No. 5348

Relating to the uniform child custody jurisdiction and enforcement act.

Senate Bill No. 5377

Relating to marking the gross weight on certain vehicles.

Engrossed Substitute Senate Bill No. 5434

Relating to special identification cards for persons issued disabled parking permits.

Substitute Senate Bill No. 5472

Relating to courts of limited jurisdiction.

Substitute Senate Bill No. 5925

Relating to agricultural industrial process water.

Sincerely,
EVERETT H. BILLINGSLEA, General Counsel

MESSAGES FROM THE HOUSE

April 18, 2001

MR. PRESIDENT:

The Co-Speakers have signed:

HOUSE BILL NO. 1287,

SUBSTITUTE HOUSE BILL NO. 1295,

HOUSE BILL NO. 1361,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1458,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1832,
HOUSE BILL NO. 1846, *and the same are herewith transmitted.*

*CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk*

April 18, 2001

MR. PRESIDENT:

The Co-Speakers have signed:

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5060,
SENATE BILL NO. 5063,
SUBSTITUTE SENATE BILL NO. 5077,
SUBSTITUTE SENATE BILL NO. 5101,
SUBSTITUTE SENATE BILL NO. 5114,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5122,
SUBSTITUTE SENATE BILL NO. 5123,
ENGROSSED SENATE BILL NO. 5143,
SUBSTITUTE SENATE BILL NO. 5182,
SUBSTITUTE SENATE BILL NO. 5184,
SENATE BILL NO. 5197,
SENATE BILL NO. 5256,
SUBSTITUTE SENATE BILL NO. 5263,
ENGROSSED SENATE BILL NO. 5289,
SUBSTITUTE SENATE BILL NO. 5309,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5372,
ENGROSSED SENATE BILL NO. 5374,
SENATE BILL NO. 5392,
SENATE BILL NO. 5393,
SUBSTITUTE SENATE BILL NO. 5401,
SUBSTITUTE SENATE BILL NO. 5417,
SUBSTITUTE SENATE BILL NO. 5442,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5449,
SUBSTITUTE SENATE BILL NO. 5494,
ENGROSSED SENATE BILL NO. 5495,
SUBSTITUTE SENATE BILL NO. 5558,
SUBSTITUTE SENATE BILL NO. 5565,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5593,
SENATE BILL NO. 5604,
SUBSTITUTE SENATE BILL NO. 5621,
SUBSTITUTE SENATE BILL NO. 5638,
SUBSTITUTE SENATE BILL NO. 5702,
SUBSTITUTE SENATE BILL NO. 5862,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5877,
SUBSTITUTE SENATE BILL NO. 5905,
SUBSTITUTE SENATE BILL NO. 5940,
SUBSTITUTE SENATE BILL NO. 5961,
SUBSTITUTE SENATE BILL NO. 6055,
SUBSTITUTE SENATE BILL NO. 6056,
SUBSTITUTE SENATE BILL NO. 6110,
ENGROSSED SENATE JOINT MEMORIAL NO. 8016, *and the same are herewith transmitted.***

*CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk*

April 18, 2001

MR. PRESIDENT:

The Co-Speakers have signed:

**SUBSTITUTE SENATE BILL NO. 5468,
SENATE BILL NO. 5921,
SUBSTITUTE SENATE BILL NO. 5986,
SENATE JOINT MEMORIAL NO. 8019,
ENGROSSED SENATE JOINT RESOLUTION NO. 8208, *and the same are herewith transmitted.***

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Shin, Gubernatorial Appointment No. 9087, Shoubee Liaw, as a member of the Board of Trustees for Shoreline Community College District No. 7, was confirmed.

APPOINTMENT OF SHOUBEE LIAW

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senators Costa and Rasmussen - 2.

Excused: Senators Horn and McDonald - 2.

MOTION

On motion of Senator Carlson, Gubernatorial Appointment No. 9129, Vagmayi, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

APPOINTMENT OF VAGMAYI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senators Costa and Rasmussen - 2.

Excused: Senators Horn and McDonald - 2.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcome and introduced the AASE exchange students who were seated in the back of the Chamber. These outstanding students were from Kazakhstan, The Ukraine, Russian and Germany.

PERSONAL PRIVILEGE

Senator Carlson: "Madam President, I rise to a point of personal privilege. I would like the members of the Senate to know that the young people that are in the back of the room have been here most of the morning and have toured most of our Capitol facilities. Unfortunately, they were unable to visit the Legislative Building, but the guests of Senator Zarelli and myself do represent The Ukraine. There are also guest exchange students from Germany, as well as other areas. They are very bright and active alert young people, who are making a significant contribution to the classrooms from Vancouver, Rochester and a variety of other areas. They have been a delight to us to visit with and they are very interested in watching our process and the attention that we give to what is going on on the floor. Thank you very much."

MOTION

On morion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MOTION

On motion of Senator Spanel, Senator Costa was excused.

MESSAGE FROM THE HOUSE

April 10, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5474 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 39.35.060 and 1996 c 186 s 404 are each amended to read as follows:

The department may impose fees upon affected public agencies for the review of life-cycle cost analyses. The fees shall be deposited in the ~~((energy efficiency services account established in RCW 39.35C.110))~~ general administration services account. The purpose of the fees is to recover the costs by the department for review of the analyses. The department shall set fees at a level necessary to recover all of its costs related to increasing the energy efficiency of state-supported new construction. The fees shall not exceed one-tenth of one percent of the total cost of any project or exceed two thousand dollars for any project unless mutually agreed to. The department shall provide detailed calculation ensuring that the energy savings resulting from its review of life-cycle cost analysis justify the costs of performing that review.

Sec. 2. RCW 43.19.025 and 1998 c 105 s 1 are each amended to read as follows:

The general ~~((services))~~ administration ~~((general administration services))~~ services account is created in the custody of the state treasurer and shall be used for all activities previously budgeted and accounted for in the following internal service funds: The motor transport account, the general administration management fund, the general administration facilities and services revolving fund, the central stores revolving fund, the surplus property purchase revolving fund, ~~((and))~~ the risk management account, and the energy efficiency services account. Only the director or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW.

Sec. 3. RCW 43.19.1923 and 1998 c 105 s 6 are each amended to read as follows:

The general administration services account shall be used for the purchase of supplies and equipment handled or rented through central stores, and the payment of salaries, wages, and other costs incidental to the acquisition, operation, and maintenance of the central stores, and other activities connected therewith, which shall include utilities services. ~~((Disbursements from the account for the purchasing and contract administration activities of the division of purchasing within the department are subject to appropriation and allotment procedures under chapter 43.88 RCW. Disbursements for all other state purchasing activities within the general administration services account are not subject to appropriation.))~~ The account shall be credited with all receipts from the rental, sale, or distribution of supplies, equipment, and services rendered to the various state agencies. Central stores, utilities services, and other activities within the general administration services account shall be treated as separate operating entities for financial and accounting control. Financial records involving the general administration services account shall be designed to provide data for achieving maximum effectiveness and economy of each individual activity within the account.

NEW SECTION. Sec. 4. RCW 39.35C.110 (Energy efficiency services account--Fees) and 1996 c 186 s 415 & 1991 c 201 s 12 are each repealed."

Correct the title., ***and the same are herewith transmitted.***

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Betti Sheldon, the Senate concurred in the House amendment to Substitute Senate Bill No. 5474.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5474, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5474, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Costa, Horn and McDonald - 3.

SUBSTITUTE SENATE BILL NO. 5474, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1227 and asks the Senate to recede therefrom, **and the same are herewith transmitted.**

CYNTHIA ZEHLER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTIONS

On motion of Senator Kline, the Senate receded from the Senate amendment(s) to House Bill No. 1227.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1227 was returned to second reading and read the second time.

Senator Kline moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.76.110 and 1982 1st ex.s. c 47 s 23 are each amended to read as follows:

(1) A person is guilty of escape in the first degree if ~~((;))~~ he or she knowingly escapes from custody or a detention facility while being detained pursuant to a conviction of a felony or an equivalent juvenile offense~~((; he escapes from custody or a detention facility)).~~

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from remaining in custody or in the detention facility or from returning to custody or to the detention facility, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to remain or return, and that the person returned to custody or the detention facility as soon as such circumstances ceased to exist.

(3) Escape in the first degree is a class B felony.

Sec. 2. RCW 9A.76.120 and 1995 c 216 s 15 are each amended to read as follows:

(1) A person is guilty of escape in the second degree if:

(a) He or she knowingly escapes from a detention facility;

(b) Having been charged with a felony or an equivalent juvenile offense, he or she knowingly escapes from custody; or

~~((Having been found to be a sexually violent predator and being under an order of conditional release, he or she leaves the state of Washington without prior court authorization))~~ Having been committed under chapter 10.77 RCW for a sex, violent, or felony harassment offense and being under an order of conditional release, he or she knowingly leaves or remains absent from the state of Washington without prior court authorization.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from remaining in custody or in the detention facility or from returning to custody or to the detention facility, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to remain or return, and that the person returned to custody or the detention facility as soon as such circumstances ceased to exist.

(3) Escape in the second degree is a class C felony.

Sec. 3. RCW 9A.76.170 and 1983 1st ex.s. c 4 s 3 are each amended to read as follows:

(1) Any person having been released by court order or admitted to bail with knowledge of the requirement of a subsequent personal appearance before any court of this state, or of the requirement to report to a correctional facility for service of sentence, and who ~~((knowingly))~~ fails to appear or who fails to surrender for service of sentence as required is guilty of bail jumping.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

(3) Bail jumping is:

(a) A class A felony if the person was held for, charged with, or convicted of murder in the first degree;

(b) A class B felony if the person was held for, charged with, or convicted of a class A felony other than murder in the first degree;

(c) A class C felony if the person was held for, charged with, or convicted of a class B or class C felony;

(d) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor.

Sec. 4. RCW 9A.76.010 and 1991 c 181 s 6 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Custody" means restraint pursuant to a lawful arrest or an order of a court, or any period of service on a work crew: PROVIDED, That custody pursuant to chapter 13.34 RCW and RCW 74.13.020 and 74.13.031 and chapter 13.32A RCW shall not be deemed custody for purposes of this chapter;

(2) "Detention facility" means any place used for the confinement of a person (a) arrested for, charged with or convicted of an offense, or (b) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020 as now existing or hereafter amended, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court, except an order under chapter 13.34 RCW or chapter 13.32A RCW, or (e) in any work release, furlough, or other such facility or program;

(3) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court;

(4) "Uncontrollable circumstances" means an act of nature such as a flood, earthquake, or fire, or a medical condition that requires immediate hospitalization or treatment, or an act of man such as an automobile accident or threats of death, forcible sexual

attack, or substantial bodily injury in the immediate future for which there is no time for a complaint to the authorities and no time or opportunity to resort to the courts.

Sec. 5. RCW 9.94A.360 and 2000 c 28 s 15 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and ½ point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and ½ point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and ½ point for each juvenile prior conviction.

(12) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for (~~Willful Failure to Return from Furlough, RCW 72.66.060, Willful Failure to Return from Work Release, RCW 72.65.070, or~~) Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as ½ point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as ½ point.

(15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(16) If the present conviction is for a sex offense, count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

NEW SECTION. Sec. 6. A new section is added to chapter 10.88 RCW to read as follows:

A law enforcement agency shall deliver a person in custody to the accredited agent or agents of a demanding state without the governor's warrant provided that:

(1) Such person is alleged to have broken the terms of his or her probation, parole, bail, or any other release of the demanding state; and

(2) The law enforcement agency has received from the demanding state an authenticated copy of a prior waiver of extradition signed by such person as a term of his or her probation, parole, bail, or any other release of the demanding state and photographs or fingerprints or other evidence properly identifying the person as the person who signed the waiver.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) RCW 72.65.070 (Wilfully failing to return--Deemed escapee and fugitive--Penalty) and 1967 c 17 s 7; and

(2) RCW 72.66.060 (Wilfully failing to return--Deemed escapee and fugitive--Penalty) and 1971 ex.s. c 58 s 7.

NEW SECTION. Sec. 8. The laws repealed by this act are repealed except with respect to rights and duties which matured, penalties which were incurred, proceedings which were begun prior to the effective date of this act, or proceedings which are initiated after this act for violations committed prior to the effective date of this act.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Kline, under suspension of the rules, to House Bill No. 1227.

The motion by Senator Kline carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Kline, the following title amendment was adopted:

On page 1, line 1 of the title, after "custody;" strike the remainder of the title and insert "amending RCW 9A.76.110, 9A.76.120, 9A.76.170, 9A.76.010, and 9.94A.360; adding a new section to chapter 10.88 RCW; creating a new section; repealing RCW 72.65.070 and 72.66.060; prescribing penalties; providing an effective date; and declaring an emergency."

On motion of Senator Kline, the rules were suspended, House Bill No. 1227, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1227, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1227, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators McDonald and Rossi - 2.

HOUSE BILL NO. 1227, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5274,

SUBSTITUTE SENATE BILL NO. 5443,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5583,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5703,
ENGROSSED SENATE BILL NO. 5790,
SUBSTITUTE SENATE BILL NO. 5910.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1287,
SUBSTITUTE HOUSE BILL NO. 1295,
HOUSE BILL NO. 1361,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1458,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1832,
HOUSE BILL NO. 1846.

MOTION

On motion of Senator Hewitt, Senator Johnson was excused.

MESSAGE FROM THE HOUSE

April 16, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1249 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Hargrove, the Senate receded from the Senate amendment(s) to Second Substitute House Bill No. 1249.

MOTIONS

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 1249 was returned to second reading and read the second time.

On motion of Senator Hargrove, the following striking amendment by Senators Hargrove, Long, Costa and Stevens was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.13 RCW, to be codified after RCW 74.13.010, to read as follows:

The legislature finds that accreditation of children's services by an independent entity can significantly improve the quality of services provided to children and families. Accreditation involves an ongoing commitment to meeting nationally recognized standards of practice in child welfare and holds organizations accountable for achieving improved outcomes for children.

Accreditation is a structured process designed to facilitate organizational change and improvement within individual local offices. Standards require improved case management, documentation, internal case management practices, and accountability. Accreditation requires the establishment of clear communication with biological parents, foster and adoptive parents, providers, the courts, and members of the community.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW, to be codified after section 1 of this act, to read as follows:

The department shall undertake the process of accreditation with the goal of completion by July 2006. The department, in conjunction with a national independent accreditation entity, shall report to the appropriate legislative committees its progress towards complete accreditation on an annual basis, starting December 2001."

MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "and adding new sections to chapter 74.13 RCW."

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 1249, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1249, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1249, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Johnson, McDonald and Rossi - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1249, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6177, by Senators Fraser, Morton, Brown, Winsley, Fairley, T. Sheldon, Finkbeiner, Franklin, Jacobsen, Spanel, Regala, Snyder, Prentice, Patterson, Hargrove, Constantine and Kohl-Welles

Managing energy supply and demand.

MOTIONS

On motion of Senator Fraser, Second Substitute Senate Bill No. 6177 was substituted for Senate Bill No. 6177 and the second substitute bill was placed on second reading and read the second time..

On motion of Senator Fraser, the rules were suspended, Second Substitute Senate Bill No. 6177, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6177.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6177 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 44.

Voting nay: Senators Constantine, Fairley, Kline, Kohl-Welles and Thibaudeau - 5.

SECOND SUBSTITUTE SENATE BILL NO. 6177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:00 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

April 19, 2001

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate.

HOUSE BILL NO. 1062,
HOUSE BILL NO. 2126.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

April 19, 2001

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1286,
SUBSTITUTE HOUSE BILL NO. 1650,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2172.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

April 19, 2001

MR. PRESIDENT:

The Co-Speakers have signed:

SUBSTITUTE SENATE BILL NO. 5274,
SUBSTITUTE SENATE BILL NO. 5443,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5583,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5703,
ENGROSSED SENATE BILL NO. 5790,
SUBSTITUTE SENATE BILL NO. 5910, **and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Honeyford, Senator Stevens was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9115, Martha Rice, as a member of the Professional Educator Standards Board, was confirmed.

APPOINTMENT OF MARTHA RICE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 10; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Jacobsen, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker and Thibaudeau - 38.

Absent: Senators Deccio, Finkbeiner, Haugen, Horn, Johnson, Kline, Parlette, West, Winsley and Zarelli - 10.

Excused: Senator Stevens - 1.

MOTIONS

On motion of Senator Hewitt, Senators Deccio, Parlette and Winsley were excused.

On motion of Senator Eide, Senator Spanel was excused.

MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9123, Senator Harriet Spanel, as a member of the Pacific Marine Fisheries Commission, was confirmed.

Senators Jacobsen and Oke spoke to the confirmation of Senator Harriet Spanel as a member of the Pacific Marine Fisheries Commission.

APPOINTMENT OF SENATOR HARRIET SPANEL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Stevens, Swecker, Thibaudeau and Zarelli - 43.

Absent: Senators Honeyford and West - 2.

Excused: Senators Deccio, Parlette, Spanel and Winsley - 4.

MOTION

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

MOTION

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

SENATE RESOLUTION 2001-8680

By Senators Costa, Roach, Kohl-Welles and Spanel

WHEREAS, April 22-28 is National Crime Victims' Rights Week, which is meant to increase public awareness and support of crime victims' rights and services; and

WHEREAS, A violent crime is committed in the United States every nineteen seconds; and

WHEREAS, Crime scenes will return to normal, but often the victims lives do not; and

WHEREAS, About six million serious injuries occur each year from various crimes, resulting in either temporary or permanent disability, and about fifty-four million Americans live with a wide variety of physical, cognitive and emotional disabilities that resulted from crimes; and

WHEREAS, Just one youth who leaves high school for a life of crime and drug abuse costs society approximately two million dollars; and

WHEREAS, While estimates are made of how much crime costs society, there is no real way to determine the cost and effect of a crime, because the disabilities and emotional trauma linger and affect victims throughout their lives; and

WHEREAS, Workplace violence costs American businesses approximately \$4.2 billion a year, estimating a cost of \$250,000 per employee in lost work time, the cost of medical and employee benefits as well as legal expenses; and

WHEREAS, It is estimated that one woman is battered every nine seconds in the United States and 1.3 adult women are raped every minute; and

WHEREAS, Law-abiding citizens are no less deserving of justice, rights, resources, restoration and rehabilitation than the violent offenders who harm them;

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate recognize the pain and suffering caused by crime and express its unequivocal support for crime victims nationwide, their family, and their friends; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington Coalition of Crime Victim Advocates and Families and Friends of Violent Crime Victims.

MOTION

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

SENATE RESOLUTION 2001-8675

By Senators Constantine, Kohl-Welles, Thibaudeau, Kline, McAuliffe, Shin, Prentice, Jacobsen, Rasmussen, Eide, Fairley, Patterson, Roach, Oke, Sheldon, B., and Spanel

WHEREAS, A party of settlers led by Arthur A. Denny arrived aboard the schooner Exact at Alki Beach on the morning of November 13, 1851; and

WHEREAS, This group of twenty-four men, women, and children was welcomed and aided by Chief Seattle and members of the Duwamish and Suquamish Tribes; and

WHEREAS, Most of the "Denny Party" relocated to the area of present-day Pioneer Square and downtown Seattle the following spring; and

WHEREAS, This group of pioneers dreamed of establishing a great city and port on Elliott Bay, a "New York Alki," meaning New York, by and by, and joined with other early settlers to pursue this vision; and

WHEREAS, The arrival of the Denny Party at Alki Beach is widely recognized as the "birth" of modern Seattle and King County; and

WHEREAS, The social, economic, political, and physical development of today's Seattle-King County metropolitan community has unfolded within the remarkably brief span of just two average human lifetimes; and

WHEREAS, The Seattle-King County metropolitan community has evolved into the largest center of population and economic activity in the Pacific Northwest; and

WHEREAS, November 13, 2001, will mark the one hundred and fiftieth anniversary, or sesquicentennial, of the arrival of the Denny Party; and

WHEREAS, The sesquicentennial of this event offers an appropriate opportunity for the residents of the metropolitan community and the entire state to honor and learn from the struggles, sacrifices, and achievements of their forebears in laying the foundation for the world we live in today; and

WHEREAS, Local governments and community groups, including the Association of King County Historical Organizations, the Museum of History and Industry, the Southwest Seattle Historical Society, and the Log House Museum, are planning appropriate commemorations of the sesquicentennial of the arrival of the Denny Party; and

WHEREAS, Local governments, historical societies, foundations, businesses, and individuals have developed the nation's first nonprofit, community-based online encyclopedia of local history, HistoryLink.Org, to help preserve, enrich, and disseminate the story of the past one-hundred and fifty years;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor November 13, 2001, as the sesquicentennial of the arrival of the Denny Party and the founding of modern Seattle and King County; and

BE IT FURTHER RESOLVED, That the Senate salute all of the people of Seattle and King County, native and newcomer, living and departed, for their vision and determination in striving to create a better life and stronger community for themselves and their descendants; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately by the Secretary of the Senate to the King County Executive, the Mayor of Seattle, and the Mayors of King County's other municipalities, for distribution to the public, and to representatives of the families of the Denny Party and of Chief Seattle.

Senators Constantine, Oke, Thibaudeau, Kohl-Welles, Jacobsen, Stevens, Rasmussen, Shin, Patterson, Hale, Prentice, McAuliffe and Deccio spoke to Senate Resolution 2001-8675.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Brewster Denny and James Rasmussen, who were seated on the rostrum. Brewster Denny, a Professor and Dean Emeritus of Public Affairs at the University of Washington, is the grandson of Arthur and Mary Denny. Mr. Rasmussen is a member of the Duwamish Tribal Council and their Cultural Resource Manager and Point Environmental Representative.

The President also welcomed Colonel Darl Lind, a board member of the Museum of History and Industry in Seattle, who was seated in the back of the Chamber.

With permission of the Senate, business was suspended to permit Mr. Denny and Mr. Rasmussen to address the Senate about the history of the arrival of the Denny Party at Alki Beach.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 18, 2001

MR. PRESIDENT:

Under suspension of the rules, ENGROSSED SUBSTITUTE SENATE BILL NO. 5413 was returned to second reading for purpose of an amendment and the bill passed the House with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 13.34 RCW to read as follows:

(1) Following shelter care and no later than twenty-five days prior to fact-finding, the department, upon the parent's request or counsel for the parent's request, shall facilitate a conference to develop and specify in a written service agreement the expectations of both the department and the parent regarding the care and placement of the child.

The department shall invite to the conference the parent, counsel for the parent, the foster parent or other out-of-home care provider, caseworker, guardian ad litem, counselor, or other relevant health care provider, and any other person connected to the development and well-being of the child.

The initial written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement must set forth specific criteria that enables the court to measure the performance of both the department and the parent, and must be updated throughout the dependency process to reflect changes in expectations. The service agreement must serve as the unifying document for all expectations established in the department's various case planning and case management documents and the findings and orders of the court during dependency proceedings.

The court shall review the written service agreement at each stage of the dependency proceedings and evaluate the performance of both the department and the parent for consistent, measurable progress in complying with the expectations identified in the agreement.

The case conference agreement must be agreed to and signed by the parties. The court shall not consider the content of the discussions at the case conference at the time of the fact-finding hearing for the purposes of establishing that the child is a dependent child, and the court shall not consider any documents or written materials presented at the case conference but not incorporated into the case conference agreement, unless the documents or written materials were prepared for purposes other than or as a result of the case conference and are otherwise admissible under the rules of evidence.

(2) At any other stage in a dependency proceeding, the department, upon the parent's request, shall facilitate a case conference.

Sec. 2. RCW 13.34.062 and 2000 c 122 s 5 are each amended to read as follows:

(1) The written notice of custody and rights required by RCW 13.34.060 shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number).

5. You may request that the department facilitate a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, prognostic staffing, or case conference be convened for your child's case. You may participate in these processes with your counsel present."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(2) If child protective services is not required to give notice under RCW 13.34.060(2) and subsection (1) of this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(3) Reasonable efforts to advise and to give notice, as required in RCW 13.34.060(2) and subsections (1) and (2) of this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

(4) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(5) A shelter care order issued pursuant to RCW 13.34.065 may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(6) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

Sec. 3. RCW 13.34.065 and 2000 c 122 s 7 are each amended to read as follows:

(1) The juvenile court probation counselor shall submit a recommendation to the court as to the further need for shelter care unless the petition has been filed by the department, in which case the recommendation shall be submitted by the department.

(2) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(a) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(b)(i) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(ii) The release of such child would present a serious threat of substantial harm to such child; or

(iii) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to RCW 13.34.060(1), the court shall order continued placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized. If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1). If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. The court shall enter a finding as to whether RCW 13.34.060(2) and subsections (1) and (2) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.

(3) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent and give weight to that fact before ordering return of the child to shelter care.

(4) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(5) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 4. RCW 13.34.180 and 2000 c 122 s 25 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (2) or (3) of this section applies:

- (a) That the child has been found to be a dependent child;
- (b) That the court has entered a dispositional order pursuant to RCW 13.34.130;
- (c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;
- (d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;
- (e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:
 - (i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or
 - (ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; and
- (f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

(2) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(3) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

- (a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;
- (b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;
- (c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection;

or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.
2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).
3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number)."

Sec. 5. RCW 13.34.138 and 2000 c 122 s 19 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing, including the in-court requirement, shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing

pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(2) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

NEW SECTION. Sec. 6. A new section is added to chapter 13.34 RCW to read as follows:

The department shall, within existing resources, provide to parents requesting a multidisciplinary team, family group conference, prognostic staffing, or case conference, information that describes these processes prior to the processes being undertaken.

Sec. 7. RCW 13.34.110 and 2000 c 122 s 11 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor. The rules of evidence shall apply at the fact-finding hearing and the parent, guardian, or legal custodian of the child shall have all of the rights provided in RCW 13.34.090(1). The petitioner shall have the burden of establishing by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030.

(2)(a) The parent, guardian, or legal custodian of the child may waive his or her right to a fact-finding hearing by stipulating or agreeing to the entry of an order of dependency establishing that the child is dependent within the meaning of RCW 13.34.030. The parent, guardian, or legal custodian may also stipulate or agree to an order of disposition pursuant to RCW 13.34.130 at the same time. Any stipulated or agreed order of dependency or disposition must be signed by the parent, guardian, or legal custodian and his or her attorney, unless the parent, guardian, or legal custodian has waived his or her right to an attorney in open court, and by the petitioner and the attorney, guardian ad litem, or court-appointed special advocate for the child, if any. If the department of social and health services is not the petitioner and is required by the order to supervise the placement of the child or provide services to any party, the department must also agree to and sign the order.

(b) Entry of any stipulated or agreed order of dependency or disposition is subject to approval by the court. The court shall receive and review a social study before entering a stipulated or agreed order and shall consider whether the order is consistent with the allegations of the dependency petition and the problems that necessitated the child's placement in out-of-home care. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.

(c) Prior to the entry of any stipulated or agreed order of dependency, the parent, guardian, or legal custodian of the child and his or her attorney must appear before the court and the court within available resources must inquire and establish on the record that:

(i) The parent, guardian, or legal custodian understands the terms of the order or orders he or she has signed, including his or her responsibility to participate in remedial services as provided in any disposition order;

(ii) The parent, guardian, or legal custodian understands that entry of the order starts a process that could result in the filing of a petition to terminate his or her relationship with the child within the time frames required by state and federal law if he or she fails to comply with the terms of the dependency or disposition orders or fails to substantially remedy the problems that necessitated the child's placement in out-of-home care;

(iii) The parent, guardian, or legal custodian understands that the entry of the stipulated or agreed order of dependency is an admission that the child is dependent within the meaning of RCW 13.34.030 and shall have the same legal effect as a finding by the court that the child is dependent by at least a preponderance of the evidence, and that the parent, guardian, or legal custodian shall not have the right in any subsequent proceeding for termination of parental rights or dependency guardianship pursuant to this chapter or nonparental custody pursuant to chapter 26.10 RCW to challenge or dispute the fact that the child was found to be dependent; and

(iv) The parent, guardian, or legal custodian knowingly and willingly stipulated and agreed to and signed the order or orders, without duress, and without misrepresentation or fraud by any other party.

If a parent, guardian, or legal custodian fails to appear before the court after stipulating or agreeing to entry of an order of dependency, the court may enter the order upon a finding that the parent, guardian, or legal custodian had actual notice of the right to appear before the court and chose not to do so. The court may require other parties to the order, including the attorney for the parent, guardian, or legal custodian, to appear and advise the court of the parent's, guardian's, or legal custodian's notice of the right to appear and understanding of the factors specified in this subsection. A parent, guardian, or legal custodian may choose to waive his or her presence at the in-court hearing for entry of the stipulated or agreed order of dependency by submitting to the court

through counsel a completed stipulated or agreed dependency fact-finding/disposition statement in a form determined by the Washington state supreme court pursuant to General Rule GR 9.

(3) Immediately after the entry of the findings of fact, the court shall hold a disposition hearing, unless there is good cause for continuing the matter for up to fourteen days. If good cause is shown, the case may be continued for longer than fourteen days. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by certified mail of the time and place of any continued hearing. Unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who: ((4)) (a) Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt; ((2)) (b) are known to the department as having been in contact with the family or child within the past twelve months; and ((3)) (c) would be an appropriate placement for the child. Reasonable cause to dispense with notification to a parent under this section must be proved by clear, cogent, and convincing evidence.

The parties need not appear at the fact-finding or dispositional hearing if the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement. ((The court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.))

NEW SECTION. Sec. 8. A new section is added to chapter 13.34 RCW to read as follows:

The department of social and health services shall promulgate rules that create good cause exceptions to the establishment and enforcement of child support from parents of children in out-of-home placement under chapter 13.34 or 13.32A RCW that do not violate federal funding requirements. The department shall present the rules and the department's plan for implementation of the rules to the appropriate committees of the legislature prior to the 2002 legislative session."

Correct the title., **and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Hargrove, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5413.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5413, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5413, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Morton - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5413, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kline was excused.

MESSAGE FROM THE HOUSE

April 18, 2001

MR. PRESIDENT:

Under suspension of the rules, SUBSTITUTE SENATE BILL NO. 5438 was returned to second reading for purpose of an amendment and the bill passed the House with the following the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.32.380 and 2000 c 107 s 271 are each amended to read as follows:

(1) Persons who enter upon or use clearly identified department improved access facilities with a motor vehicle may be required to display a current annual fish and wildlife lands vehicle use permit on the motor vehicle while within or while using an improved access facility. An "improved access facility" is a clearly identified area specifically created for motor vehicle parking, and includes any boat launch or boat ramp associated with the parking area, but does not include the department parking facilities at the Gorge Concert Center near George, Washington. ((The vehicle use permit is issued in the form of a decal.)) One ((decal)) vehicle use permit shall be issued at no charge with ((each)) an initial purchase of either an annual saltwater, freshwater, combination, small game hunting, big game hunting, ((and)) or trapping license issued by the department. The annual fee for a fish and wildlife lands

vehicle use permit, if purchased separately, is ten dollars. A person to whom the department has issued a ~~((decal))~~ vehicle use permit or who has purchased a vehicle use permit separately may purchase ~~((a decal))~~ additional vehicle use permits from the department ~~((for each additional vehicle owned by the person))~~ at a cost of five dollars per ~~((decal upon a showing of proof to the department that the person owns the additional vehicle or vehicles))~~ vehicle use permit. Revenue derived from the sale of fish and wildlife lands vehicle use permits shall be used solely for the stewardship and maintenance of department improved access facilities.

Youth groups may use department improved access facilities without possessing a vehicle use permit when accompanied by a vehicle use permit holder.

The department may accept contributions into the state wildlife fund for the sound stewardship of fish and wildlife. Contributors shall be known as "conservation patrons" and, for contributions of twenty dollars or more, shall receive a fish and wildlife lands vehicle use permit free of charge.

(2) The ~~((decal))~~ vehicle use permit must be ~~((affixed in a permanent manner to))~~ displayed from the interior of the motor vehicle so that it is clearly visible from outside of the motor vehicle before entering upon or using the motor vehicle on a department improved access facility~~((, and must be displayed on the rear window of the motor vehicle, or, if the motor vehicle does not have a rear window, on the rear of the motor vehicle))~~. The vehicle use permit can be transferred between two vehicles and must contain space for the vehicle license numbers of each vehicle.

(3) Failure to display the fish and wildlife lands vehicle use permit if required by this section is an infraction under chapter 7.84 RCW, and department employees are authorized to issue a notice of infraction to the registered owner of any motor vehicle entering upon or using a department improved access facility without such a ~~((decal))~~ vehicle use permit. The penalty for failure to clearly display ~~((or improper display of))~~ the ~~((decal))~~ vehicle use permit is sixty-six dollars. This penalty is reduced to thirty dollars if the registered owner provides proof to the court that he or she purchased a vehicle use permit within fifteen days after the issuance of the notice of violation., **and the same are herewith transmitted.**

**CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk**

MOTION

On motion of Senator Jacobsen, the Senate concurred in the House amendment to Substitute Senate Bill No. 5438.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5438, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5438, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 46.

Voting nay: Senators Benton and Zarelli - 2.

Excused: Senator Kline - 1.

SUBSTITUTE SENATE BILL NO. 5438, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5333 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.03.290 and 1994 c 264 s 84 are each amended to read as follows:

(1) When an application complying with the provisions of this chapter and with the rules ~~((and regulations))~~ of the department has been filed, the same shall be placed on record with the department, and it shall be its duty to investigate the application, and determine what water, if any, is available for appropriation, and find and determine to what beneficial use or uses it can be applied. If it is proposed to appropriate water for irrigation purposes, the department shall investigate, determine and find what lands are capable of irrigation by means of water found available for appropriation. If it is proposed to appropriate water for the purpose of power development, the department shall investigate, determine and find whether the proposed development is likely to prove detrimental to the public interest, having in mind the highest feasible use of the waters belonging to the public.

(2)(a) If the application does not contain, and the applicant does not promptly furnish sufficient information on which to base such findings, the department may issue a preliminary permit, for a period of not to exceed three years, requiring the applicant to make such surveys, investigations, studies, and progress reports, as in the opinion of the department may be necessary. If the applicant fails to comply with the conditions of the preliminary permit, it and the application or applications on which it is based shall be automatically canceled and the applicant so notified. If the holder of a preliminary permit shall, before its expiration, file with the department a verified report of expenditures made and work done under the preliminary permit, which, in the opinion of the department, establishes the good faith, intent, and ability of the applicant to carry on the proposed development, the preliminary permit may, with the approval of the governor, be extended, but not to exceed a maximum period of five years from the date of the issuance of the preliminary permit.

(b) For any application for which a preliminary permit was issued and for which the availability of water was directly affected by a moratorium on further diversions from the Columbia river during the years from 1990 to 1998, the preliminary permit is extended through June 30, 2002. If such an application and preliminary permit were canceled during the moratorium, the application and preliminary permit shall be reinstated until June 30, 2002, if the application and permit: (i) Are for providing regional water supplies in more than one urban growth area designated under chapter 36.70A RCW and in one or more areas near such urban growth areas, or the application and permit are modified for providing such supplies, and (ii) provide or are modified to provide such regional supplies through the use of existing intake or diversion structures. The authority to modify such a canceled application and permit to accomplish the objectives of (b)(i) and (ii) of this subsection is hereby granted.

(3) The department shall make and file as part of the record in the matter, written findings of fact concerning all things investigated, and if it shall find that there is water available for appropriation for a beneficial use, and the appropriation thereof as proposed in the application will not impair existing rights or be detrimental to the public welfare, it shall issue a permit stating the amount of water to which the applicant shall be entitled and the beneficial use or uses to which it may be applied: PROVIDED, That where the water applied for is to be used for irrigation purposes, it shall become appurtenant only to such land as may be reclaimed thereby to the full extent of the soil for agricultural purposes. But where there is no unappropriated water in the proposed source of supply, or where the proposed use conflicts with existing rights, or threatens to prove detrimental to the public interest, having due regard to the highest feasible development of the use of the waters belonging to the public, it shall be duty of the department to reject such application and to refuse to issue the permit asked for.

(4) If the permit is refused because of conflict with existing rights and such applicant shall acquire same by purchase or condemnation under RCW 90.03.040, the department may thereupon grant such permit. Any application may be approved for a less amount of water than that applied for, if there exists substantial reason therefor, and in any event shall not be approved for more water than can be applied to beneficial use for the purposes named in the application. In determining whether or not a permit shall issue upon any application, it shall be the duty of the department to investigate all facts relevant and material to the application. After the department approves said application in whole or in part and before any permit shall be issued thereon to the applicant, such applicant shall pay the fee provided in RCW 90.03.470: PROVIDED FURTHER, That in the event a permit is issued by the department upon any application, it shall be its duty to notify the director of fish and wildlife of such issuance.", **and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment to Senate Bill No. 5333.
Debate ensued.

The President declared the question before the Senate to be the motion by Senator Honeyford to concur in the House amendment to Senate Bill No. 5333.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment to Senate Bill No. 5333.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5333, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5333, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Kline - 1.

SENATE BILL NO. 5333, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2001

MR. PRESIDENT:

Under suspension of the rules, SUBSTITUTE SENATE BILL NO. 5637 was returned to second reading for purpose of an amendment and the bill passed the House with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that a comprehensive program of monitoring is fundamental to making sound public policy and programmatic decisions regarding salmon recovery and watershed health. Monitoring provides accountability for results of management actions and provides the data upon which an adaptive management framework can lead to improvement of strategies and programs. Monitoring is also a required element of any salmon recovery plan submitted to the federal government for approval. While numerous agencies and citizen organizations are engaged in monitoring a wide range of salmon recovery and watershed health parameters, there is a greater need for coordination of monitoring efforts, for using limited monitoring resources to obtain information most useful for achieving relevant local, state, and federal requirements regarding watershed health and salmon recovery, and for making the information more accessible to those agencies and organizations

implementing watershed health programs and projects. Regarding salmon recovery monitoring, the state independent science panel has concluded that many programs already monitor indicators relevant to salmonids, but the efforts are largely uncoordinated or unlinked among programs, have different objectives, use different indicators, lack support for sharing data, and lack shared statistical designs to address specific issues raised by listing of salmonid species under the federal endangered species act.

Therefore, it is the intent of the legislature to encourage the refocusing of existing agency monitoring activities necessary to implement a comprehensive watershed health monitoring program, with a focus on salmon recovery. The program should: Be based on a framework of greater coordination of existing monitoring activities; require monitoring activities most relevant to adopted local, state, and federal watershed health objectives; and facilitate the exchange of monitoring information with agencies and organizations carrying out watershed health, salmon recovery, and water resources management planning and programs.

NEW SECTION. Sec. 2. A new section is added to chapter 90.82 RCW to read as follows:

In conducting assessments and other studies that include monitoring components or recommendations, the department and planning units shall implement the monitoring recommendations developed under section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 77.85 RCW to read as follows:

(1) The monitoring oversight committee is hereby established. The committee shall be comprised of the directors or their designated representatives of:

- (a) The salmon recovery office;
- (b) The department of ecology;
- (c) The department of fish and wildlife;
- (d) The conservation commission;
- (e) The Puget Sound action team;
- (f) The department of natural resources;
- (g) The department of transportation; and
- (h) The interagency committee for outdoor recreation.

(2) The director of the salmon recovery office and the chair of the salmon recovery funding board, or their designees, shall cochair the committee. The cochairs shall convene the committee as necessary to develop, for the consideration of the governor and legislature, a comprehensive and coordinated monitoring strategy and action plan on watershed health with a focus on salmon recovery. The committee shall invite representation from the treaty tribes to participate in the committee's efforts. In addition, the committee shall invite participation by other state, local, and federal agencies and other entities as appropriate. The committee shall address the monitoring recommendations of the independent science panel provided under RCW 77.85.040(7) and of the joint legislative audit and review committee in its report number 01-1 on investing in the environment.

(3) The independent science panel shall act as an advisor to the monitoring oversight committee and shall review all work products developed by the committee and make recommendations to the committee cochairs.

(4) A legislative steering committee is created consisting of four legislators. Two of the legislators shall be members of the house of representatives, each representing different major political parties, appointed by the co-speakers of the house of representatives. The other two legislators shall be members of the senate, each representing different major political parties, appointed by the president of the senate. The monitoring oversight committee shall provide briefings to the legislative steering committee on a quarterly basis on the progress that the oversight committee is making on the development of the coordinated monitoring strategy and action plan, and the establishment of an adaptive management framework. The briefings shall include information on how the monitoring strategy will be coordinated with other government efforts, expected benefits and efficiencies that will be achieved, recommended funding sources and funding levels that will ensure stable sources of funding for monitoring, and the efforts and cooperation provided by agencies to improve coordination of their activities.

(5) The committee shall make recommendations to individual agencies to improve coordination of monitoring activities.

(6) The committee shall:

(a) Define the monitoring goals, objectives, and questions that must be addressed as part of a comprehensive statewide salmon recovery monitoring and adaptive management framework;

(b) Identify and evaluate existing monitoring activities for inclusion in the framework, while ensuring data consistency and coordination and the filling of monitoring gaps;

(c) Recommend statistical designs appropriate to the objectives;

(d) Recommend performance measures appropriate to the objectives and targeted to the appropriate geographical, temporal, and biological scales;

(e) Recommend standardized monitoring protocols for salmon recovery and watershed health;

(f) Recommend procedures to ensure quality assurance and quality control of all relevant data;

(g) Recommend data transfer protocols to support easy access, sharing, and coordination among different collectors and users;

(h) Recommend ways to integrate monitoring information into decision making;

(i) Recommend organizational and governance structures for oversight and implementation of the coordinated monitoring framework;

(j) Recommend stable sources of funding that will ensure the continued operation and maintenance of the state's salmon recovery and watershed health monitoring programs, once established; and

(k) Identify administrative actions that will be undertaken by state agencies to implement elements of the coordinated monitoring program.

(7) In developing the coordinated monitoring strategy, the committee shall coordinate with other appropriate state, federal, local, and tribal monitoring efforts, including but not limited to the Northwest power planning council, the Northwest Indian fisheries commission, the national marine fisheries service, and the United States fish and wildlife service. The committee shall also consult with watershed planning units under chapter 90.82 RCW, lead entities under this chapter, professional organizations, and other appropriate groups.

(8) The cochairs shall provide an interim report to the governor and the members of the appropriate legislative committees by March 1, 2002, on the progress made in implementing this section. By December 1, 2002, the committee shall provide a monitoring strategy and action plan to the governor, and the members of the appropriate legislative committees for achieving a comprehensive watershed health monitoring program with a focus on salmon recovery. The strategy and action plan shall

document the results of the committee's actions in addressing the responsibilities described in subsection (6) of this section. In addition, the monitoring strategy and action plan shall include an assessment of existing state agency operations related to monitoring, evaluation, and adaptive management of watershed health and salmon recovery, and shall recommend any operational or statutory changes and funding necessary to fully implement the enhanced coordination program developed under this section. The plan shall make recommendations based upon the goal of fully realizing an enhanced and coordinated monitoring program by June 30, 2007.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this act is null and void."

Correct the title., **and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Jacobsen, the Senate concurred in the House amendment to Substitute Senate Bill No. 5637.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5637, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5637, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Kline - 1.

SUBSTITUTE SENATE BILL NO. 5637, as amended by the House, having received the constitutional majority, was declared passed There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2001

MR. PRESIDENT:

Under suspension of the rules, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5695 was returned to second reading for purpose of an amendment and the bill passed the House with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares:

- (1) Teacher qualifications and effectiveness are the most important influences on student learning in schools.
- (2) Preparation of individuals to become well-qualified, effective teachers must be high quality.
- (3) Teachers who complete high-quality alternative route programs with intensive field-based experience, adequate coursework, and strong mentorship do as well or better than teachers who complete traditional preparation programs.
- (4) High-quality alternative route programs can provide more flexibility and expedience for individuals to transition from their current career to teaching.
- (5) High-quality alternative route programs can help school districts fill subject matter shortage areas and areas with shortages due to geographic location.
- (6) Regardless of route, all candidates for residency teacher certification must meet the high standards required by the state.

The legislature recognizes widespread concerns about the potential for teacher shortages and finds that classified instructional staff in public schools represent a great untapped resource for recruiting the teachers of the future.

NEW SECTION. Sec. 2. There is hereby created a statewide partnership grant program to provide new high-quality alternative routes to residency teacher certification. To the extent funds are appropriated for this specific purpose, funds provided under this partnership grant program shall be used solely for school districts, or consortia of school districts, to partner with state-approved higher education teacher preparation programs to provide one or more of three alternative route programs in section 5 of this act, aimed at recruiting candidates to teaching in subject matter shortage areas and areas with shortages due to geographic location. Districts, or consortia of districts, may also include their educational service districts in their partnership grant program. Partnership programs receiving grants may enroll candidates as early as January 2002.

NEW SECTION. Sec. 3. (1) Each district or consortia of school districts applying for state funds through this program shall submit a proposal to the Washington professional educator standards board specifying:

- (a) The route or routes the partnership program intends to offer and a detailed description of how the routes will be structured and operated by the partnership;
- (b) The number of candidates that will be enrolled per route;
- (c) An identification, indication of commitment, and description of the role of approved teacher preparation programs that are partnering with the district or consortia of districts;

(d) An assurance of district provision of adequate training for mentor teachers either through participation in a state mentor training academy or district-provided training that meets state-established mentor-training standards specific to the mentoring of alternative route candidates;

(e) An assurance that significant time will be provided for mentor teachers to spend with the alternative route teacher candidates throughout the internship. Partnerships must provide each candidate with intensive classroom mentoring until such time as the candidate demonstrates the competency necessary to manage the classroom with less intensive supervision and guidance from a mentor;

(f) A description of the rigorous screening process for applicants to alternative route programs, including entry requirements specific to each route, as provided in section 5 of this act; and

(g) The design and use of a teacher development plan for each candidate. The plan shall specify the alternative route coursework and training required of each candidate and shall be developed by comparing the candidate's prior experience and coursework with the state's new performance-based standards for residency certification and adjusting any requirements accordingly. The plan may include the following components:

(i) A minimum of one-half of a school year, and an additional significant amount of time if necessary, of intensive mentorship, starting with full-time mentoring and progressing to increasingly less intensive monitoring and assistance as the intern demonstrates the skills necessary to take over the classroom with less intensive support. For route one and two candidates, before the supervision is diminished, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the higher education teacher preparation program must both agree that the teacher candidate is ready to manage the classroom with less intensive supervision. For route three candidates, the mentor of the teacher candidate shall make the decision;

(ii) Identification of performance indicators based on the knowledge and skills standards required for residency certification by the state board of education;

(iii) Identification of benchmarks that will indicate when the standard is met for all performance indicators;

(iv) A description of strategies for assessing candidate performance on the benchmarks;

(v) Identification of one or more tools to be used to assess a candidate's performance once the candidate has been in the classroom for about one-half of a school year; and

(vi) A description of the criteria that would result in residency certification after about one-half of a school year but before the end of the program.

(2) Districts may apply for program funds to pay stipends to both mentor teachers and interns during their mentored internship. For both intern stipends and accompanying mentor stipends, the per intern district request for funds may not exceed the amount designated by the BA+0 cell on the statewide teacher salary allocation schedule. This amount shall be prorated for internships and mentorships that last less than a full school year. Interns in the program for a full year shall be provided a stipend of at least eighty percent of the amount generated by the BA+0 cell on the statewide teacher salary allocation schedule. This amount shall be prorated for internships that last less than a full school year.

NEW SECTION. Sec. 4. (1) The professional educator standards board, with support from the office of the superintendent of public instruction, shall select school districts and consortia of school districts to receive partnership grants from funds appropriated by the legislature for this purpose. Factors to be considered in selecting proposals include:

(a) The degree to which the district, or consortia of districts in partnership, are currently experiencing teacher shortages;

(b) The degree to which the proposal addresses criteria specified in section 3 of this act and is in keeping with specifications of program routes in section 5 of this act;

(c) The cost-effectiveness of the proposed program; and

(d) Any demonstrated district and in-kind contributions to the program.

(2) Selection of proposals shall also take into consideration the need to ensure an adequate number of candidates for each type of route in order to evaluate their success.

(3) Funds appropriated for the partnership grant program in this chapter shall be administered by the office of the superintendent of public instruction.

NEW SECTION. Sec. 5. Partnership grants funded under this chapter shall operate one to three specific route programs. Successful completion of the program shall make a candidate eligible for residency teacher certification. For route one and two candidates, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the higher education teacher preparation program must both agree that the teacher candidate has successfully completed the program. For route three candidates, the mentor of the teacher candidate shall make the determination that the candidate has successfully completed the program.

(1) Partnership grant programs seeking funds to operate route one programs shall enroll currently employed classified instructional employees with transferable associate degrees seeking residency teacher certification with endorsements in special education, bilingual education, or English as a second language. It is anticipated that candidates enrolled in this route will complete both their baccalaureate degree and requirements for residency certification in two years or less, including a mentored internship to be completed in the final year. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including three years of successful student interaction and leadership as a classified instructional employee;

(b) Successful passage of the statewide basic skills exam, when available; and

(c) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers.

(2) Partnership grant programs seeking funds to operate route two programs shall enroll currently employed classified staff with baccalaureate degrees seeking residency teacher certification in subject matter shortage areas and areas with shortages due to geographic location. Candidates enrolled in this route must complete a mentored internship complemented by flexibly scheduled training and coursework offered at a local site, such as a school or educational service district, or online or via video-conference over the K-20 network, in collaboration with the partnership program's higher education partner. In addition, partnership grant programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including three years of successful student interaction and leadership as classified staff;

(b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's college or university grade point average may be considered as a selection factor;

- (c) Successful completion of the content test, once the state content test is available;
- (d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and
- (e) Successful passage of the statewide basic skills exam, when available.

(3) Partnership grant programs seeking funds to operate route three programs shall enroll individuals with baccalaureate degrees, who are not employed in the district at the time of application, or who hold emergency substitute certificates. When selecting candidates for certification through route three, districts shall give priority to individuals who are seeking residency teacher certification in subject matter shortage areas or shortages due to geographic locations. For route three only, the districts may include additional candidates in nonshortage subject areas if the candidates are seeking endorsements with a secondary grade level designation as defined by rule by the state board of education. The districts shall disclose to candidates in nonshortage subject areas available information on the demand in those subject areas. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship, followed, if necessary, by a second summer teaching academy. In addition, partnership programs shall uphold entry requirements for candidates that include:

- (a) Five years' experience in the work force;
- (b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;
- (c) Successful completion of the content test, once the state content test is available;
- (d) External validation of qualifications, including demonstrated successful experience with students or children, such as references letters and letters of support from previous employers;
- (e) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and
- (f) Successful passage of statewide basic skills exams, when available.

NEW SECTION. Sec. 6. The alternative route conditional scholarship program is created under the following guidelines:

(1) The program shall be administered by the higher education coordinating board. In administering the program, the higher education coordinating board has the following powers and duties:

- (a) To adopt necessary rules and develop guidelines to administer the program;
- (b) To collect and manage repayments from participants who do not meet their service obligations; and
- (c) To accept grants and donations from public and private sources for the program.

(2) Participation in the alternative route conditional scholarship program is limited to classified staff in routes one and two of the partnership grant programs under section 5 of this act. The Washington professional educator standards board shall select classified staff to receive conditional scholarships.

(3) In order to receive conditional scholarship awards, recipients shall be accepted and maintain enrollment in alternative certification routes through the partnership grant program, as provided in section 5 of this act. Recipients must continue to make satisfactory progress towards completion of the alternative route certification program and receipt of a residency teaching certificate.

(4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients that fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The higher education coordinating board shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) To the extent funds are appropriated for this specific purpose, the annual amount of the scholarship is the annual cost of tuition for the alternative route certification program in which the recipient is enrolled, not to exceed four thousand dollars. The board may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(7) The higher education coordinating board may deposit all appropriations, collections, and any other funds received for the program in this chapter in the student loan account authorized in RCW 28B.102.060.

NEW SECTION. Sec. 7. This chapter expires June 30, 2005.

NEW SECTION. Sec. 8. The Washington state institute for public policy shall submit to the education and fiscal committees of the legislature, the governor, the state board of education, and the Washington professional educator standards board, an interim evaluation of partnership grant programs funded under this chapter by December 1, 2002, and a final evaluation by December 1, 2004. If specific funding for the purposes of this section, referencing this section and this act by bill or chapter number, is not provided by June 30, 2001, in the omnibus appropriations act, this section is null and void.

NEW SECTION. Sec. 9. Sections 1 through 8 and 10 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 10. School districts or approved private schools' ability to employ personnel under certification for emergency or temporary, substitute, or provisional duty as authorized by chapter 28A.410 RCW are not affected by the provisions of this act."

On page 1, line 2 of the title, after "certification," strike the remainder of the title and insert "adding a new chapter to Title 28A RCW; creating a new section; and providing an expiration date.", **and the same are herewith transmitted.**

CYNTHIA ZEHLER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Eide moved that the Senate concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5695.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Eide to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5695.

The motion by Senator Eide carried and the House amendments were adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5695, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5695, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Kline - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5695, as amended by the House, having received the constitutional majority, was declared passed There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2001

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5937 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of retirement systems, the office of the superintendent of public instruction, the department of personnel, and the health care authority shall jointly develop publications for use during the 2001-03 biennium to explain options for, and implications of, postretirement employment for members and retirees of the teachers' retirement system plan 1 and the public employees' retirement system plan 1.

(2) The publications shall address such issues as: (a) Health insurance coverage upon reemployment; (b) health benefit options upon termination of postretirement employment; (c) sick leave, annual leave, and other compensation practices; (d) options for, and implications of, reentry into active retirement system membership; (e) hiring procedures for retirees; and (f) collective bargaining rights and responsibilities.

Sec. 2. RCW 28A.405.900 and 1990 c 33 s 404 are each amended to read as follows:

Certificated employees subject to the provisions of RCW 28A.310.250, 28A.405.010 through 28A.405.240, 28A.405.400 through 28A.405.410, 28A.415.250, and 28A.405.900 shall not include those certificated employees hired to replace certificated employees who have been granted sabbatical, regular, or other leave by school districts, and shall not include retirees hired for postretirement employment under the provisions of this act.

It is not the intention of the legislature that this section apply to any regularly hired certificated employee or that the legal or constitutional rights of such employee be limited, abridged, or abrogated.

Sec. 3. RCW 41.32.570 and 1999 c 387 s 1 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any monthly benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

~~(2) (Any retired teacher or retired administrator who enters service in any public educational institution in Washington state and who has satisfied the break in employment requirement of subsection (1) of this section shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to five hundred twenty-five hours per school year without reduction of pension.~~

~~(3) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section, a retired teacher or retired administrator may also serve only as a substitute teacher for up to an additional three hundred fifteen hours per school year without reduction of pension if:~~

~~(a) A school district, which is not a member of a multidistrict substitute cooperative, determines that it has exhausted or can reasonably anticipate that it will exhaust its list of qualified and available substitutes and the school board of the district adopts a resolution to make its substitute teachers who are retired teachers or retired administrators eligible for the extended service once the list of qualified and available substitutes has been exhausted. The resolution by the school district shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection; or~~

~~(b) A multidistrict substitute cooperative determines that the school districts have exhausted or can reasonably anticipate that they will exhaust their list of qualified and available substitutes and each of the school boards adopts a resolution to make their substitute teachers who are retired teachers or retired administrators eligible for the extended service once the list of qualified and available substitutes has been exhausted. The resolutions by each of the school districts shall state that the services of retired~~

teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolutions shall be valid only for the school year in which they are adopted. The cooperative shall forward a copy of the resolutions with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection.

(4) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section, a retired administrator or retired teacher may also serve as a substitute administrator up to an additional one hundred five hours per school year without reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired administrator or retired teacher are necessary because it cannot find a replacement administrator to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired administrator or retired teacher who has been employed as a substitute administrator to the department.

(5) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section and the one hundred five hours permitted under subsection (4) of this section, a retired principal may also serve as a substitute principal up to an additional two hundred ten hours per school year without a reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired principal are necessary because it cannot find a replacement principal to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired principal who has been employed as a substitute principal to the department.

(6) Subsection (2) of this section shall apply to all persons governed by the provisions of plan 1, regardless of the date of their retirement, but shall apply only to benefits payable after June 11, 1986.

(7) Subsection (3) of this section shall apply to all persons governed by the provisions of plan 1, regardless of the date of their retirement, but shall only apply to benefits payable after September 1, 1994.) When any retired member first enters service in any public educational institution in Washington state and has satisfied the break in employment requirement of subsection (1) of this section, the member must irrevocably choose for the duration of the fiscal year to:

(a) Render service for up to eight hundred sixty-seven hours without a reduction in benefit. After eight hundred sixty-seven hours, the following month's benefit shall be reduced five percent for every seven hours worked; or

(b) Render service under contract for up to one thousand five hundred hours and receive ninety percent of the member's benefit, after which time the member's benefit shall be suspended. To receive a benefit under this subsection (2)(b):

(i) The member's employer must have agreed to make the applicable employer contribution for the duration of the member's employment; and

(ii) The member must have either been retired for one hundred twenty days before beginning employment, or given the employer notice of intent to retire by July 1, 2001, for the 2001-02 school year and by the May 15th preceding every school year thereafter.

(3) The department shall collect and provide the state actuary with information relevant to the use of this section for the joint committee on pension policy.

(4) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five hundred twenty-five hours per year without a reduction of his or her pension.

Sec. 4. RCW 41.40.037 and 1997 c 254 s 14 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) ((A retiree)) (a) When any retired member of plan 1 first enters service in an eligible position with an employer and has satisfied the break in employment requirement of subsection (1) of this section, the member must irrevocably choose for the duration of the calendar year to:

(i) Render service for up to eight hundred sixty-seven hours without a reduction in benefit. After eight hundred sixty-seven hours, the following month's benefit shall be reduced five percent for every eight hours worked; or

(ii) Render service for up to one thousand five hundred hours and receive ninety percent of the member's benefit, after which time the member's benefit shall be suspended. To receive a benefit under this subsection (2)(a)(ii):

(A) The member's employer must have agreed to make the applicable employer contribution for the duration of the member's employment; and

(B) The member must have either been retired for one hundred twenty days before beginning employment, or given the employer notice of intent to retire sixty days prior to retirement.

(b) A retiree from plan 2 or plan 3 who has satisfied the break in employment requirement of subsection (1) of this section ((;)) may work up to ((five months per)) eight hundred sixty-seven hours in a calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

(4) The department shall collect and provide the state actuary with information relevant to the use of this section for the joint committee on pension policy.

(5) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five months in a calendar year without a reduction of his or her pension.

NEW SECTION. Sec. 5. Sections 2 and 3 of this act expire June 30, 2004.

NEW SECTION. Sec. 6. Section 4 of this act expires December 31, 2004.

NEW SECTION. Sec. 7. The office of the state actuary shall review the actuarial impact of the temporary expansion of the postretirement employment limitations provided by sections 3 and 4 of this act. No later than July 1, 2003, the state actuary shall prepare a report for the joint committee on pension policy regarding the fiscal and policy impacts of this act. The joint committee shall solicit information from the superintendent of public instruction, the department of personnel, the office of financial management, the department of retirement systems, and the health care authority regarding the program impacts of this act and shall report to the legislative fiscal committees no later than October 1, 2003, on any proposed changes or improvements to this act. If the state actuary determines the expansion of postretirement options under sections 3 and 4 of this act has resulted in increased costs for the state retirement funds, the joint committee report shall include a proposal for a process to charge those employers who employ retirees pursuant to an extension of sections 3 and 4 of this act for the costs incurred by the retirement funds under the extension.

Sec. 8. RCW 41.32.802 and 1997 c 254 s 8 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to ((five months)) eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

Sec. 9. RCW 41.32.860 and 1997 c 254 s 7 are each amended to read as follows:

(1) Except under RCW 41.32.862, no retiree shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010 ((or)) 41.32.010, or 41.35.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused the suspension of benefits. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

Sec. 10. RCW 41.32.862 and 1997 c 254 s 9 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to ((five months)) eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

Sec. 11. RCW 41.35.060 and 1998 c 341 s 7 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section may work up to ((five months)) eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.35.030, he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.35.420 or 41.35.680. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

Sec. 12. RCW 41.40.037 and 1997 c 254 s 14 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to ((five months) eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

Sec. 13. RCW 41.40.750 and 1998 c 341 s 113 are each amended to read as follows:

(1) Effective September 1, 2000, the membership of all plan 2 members currently employed in eligible positions in a school district or educational service district and all plan 2 service credit for such members, is transferred to the Washington school employees' retirement system plan 2. Plan 2 members who have withdrawn their member contributions for prior plan 2 service may restore contributions and service credit to the Washington school employees' retirement system plan 2 as provided under RCW 41.40.740.

(2)(a) The membership and previous service credit of a plan 2 member not employed in an eligible position on September 1, 2000, will be transferred to the Washington school employees' retirement system plan 2 when he or she becomes employed in an eligible position. Plan 2 members not employed in an eligible position on September 1, 2000, who have withdrawn their member contributions for prior plan 2 service may restore contributions and service credit to the Washington school employees' retirement system plan 2 as provided under RCW 41.40.740.

(b) The membership and previous service credit of a plan 2 member last employed by a school district or educational service district and retired prior to September 1, 2000, will be transferred to the Washington school employees' retirement system plan 2 if the member opts to reestablish membership.

(3) Members who restore contributions and service credit under subsection (1) or (2) of this section shall have their contributions and service credit transferred to the Washington school employees' retirement system.

NEW SECTION. Sec. 14. Except for section 12 of this act which takes effect December 31, 2004, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

On page 1, line 3 of the title, after "retirees;" strike the remainder of the title and insert "amending RCW 28A.405.900, 41.32.570, 41.40.037, 41.32.802, 41.32.860, 41.32.862, 41.35.060, 41.40.037, and 41.40.750; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Brown moved that the Senate do not concur in the House amendments to Senate Bill No. 5937, and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Brown that the Senate do not concur in the House amendments to Senate Bill No. 5937 and asks the House to recede therefrom.

The motion by Senator Brown carried and the Senate refuses to concur in the House amendments to Senate Bill No. 5937, and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 9, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5070 with the following amendment(s):

On page 2, beginning on line 28, strike everything through "assigned" on line 31 and insert "extend beyond the end of the jury term, and may not exceed two weeks, except to complete a trial to which the juror was assigned during the two week period. However, once a juror has completed a trial or has served at least two days of jury service, the court may for good cause excuse that juror from any remaining period of the jury term", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Kline, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5070 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 17, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1450 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Brown, the Senate receded from its amendments to Substitute House Bill No. 1450. The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1450, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate House Bill No. 1450, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1450, without the Senate amendment(s), having received the constitutional majority, was declared passed There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Senators Hale, Hewitt, Hochstatter, Honeyford, Morton, Parlette and Roach were excused.

MESSAGE FROM THE HOUSE

April 17, 2001

MR. PRESIDENT:

The Speaker has ruled the Senate amendment(s) to HOUSE BILL NO. 1898 beyond the scope and object of the bill. The House refuses to concur in said amendments(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Hargrove, the Senate receded from its amendment(s) to House Bill No. 1898.

MOTIONS

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1898 was returned to second reading and read the second time.

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Long be adopted: Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.15.020 and 1999 c 267 s 11 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(d) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(e) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(f) "Family day-care provider" means a child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;

((f)) (g) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

((g)) (h) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

((h)) (i) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

((i)) (j) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

((j)) (k) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

((k)) (l) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; or

(v) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where: (i) The person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii) the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(f) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(g) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(h) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(i) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(j) Licensed physicians or lawyers;

(k) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(l) Facilities approved and certified under chapter 71A.22 RCW;

(m) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(n) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(o) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(p) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(6) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(7) "Secretary" means the secretary of social and health services.

(8) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(9) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

NEW SECTION. Sec. 2. A new section is added to chapter 74.15 RCW to read as follows:

The secretary is authorized to license emergency respite centers. The department may adopt rules to specify licensing requirements for emergency respite centers."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Long to House Bill No. 1898.

The motion by Senator Hargrove carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 1 of the title, after "nurseries;" strike the remainder of the title and insert "amending RCW 74.15.020; and adding a new section to chapter 74.15 RCW."

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1898, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1898, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1898, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Excused: Senators Hale, Hewitt, Hochstatter, Honeyford, Morton, Parlette and Roach - 7.

HOUSE BILL NO. 1898, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 2025, and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator McAuliffe moved that the Senate refuse to recede from its amendment(s) to Second Substitute House Bill No. 2025, insists on its position and asks the House to concur therein.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator McAuliffe to refuse to recede from the Senate amendment(s) to Second Substitute House Bill No. 2025, insists on its position and asks the House to concur therein.

The motion by Senator McAuliffe carried and the Senate refuses to recede from its amendment(s) to Second Substitute House Bill No. 2025, insists on its position and asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 19, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1391 and asks the House to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTIONS

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1391 was returned to second reading and read the second time.

Senator Patterson moved that the Senate reconsider the vote by which the Committee on State and Local Government striking amendment to Substitute House Bill No. 1391 was adopted on April 3, 2001.

The President declared the question before the Senate to be the motion by Senator Patterson to reconsider the vote by which the Committee on State and Local Government striking amendment to Substitute House Bill No. 1391 was adopted.

The motion by Senator Patterson carried and the Senate will reconsider the Committee on State and Local Government striking amendment.

MOTION

On motion of Senator Patterson, the following amendment by Senators Patterson, Spanel, Horn and Gardner to the Committee on State and Local Government striking amendment, on reconsideration, was adopted:

On page 1, line 20 of the committee amendment, after "expenditures." insert "This section does not grant oversight authority to the facilities and operations committee of the senate over any standing committee of the house of representatives or oversight authority to the executive rules committee of the house of representatives over any standing committee of the senate."

The President declared the question before the Senate to be the adoption of the Committee on State and Local Government striking amendment, as amended on reconsideration.

The motion by Senator Patterson carried and the committee striking amendment, as amended on reconsideration, was adopted.

MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1391, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1391, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1391, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 2; Excused, 7.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Patterson, Prentice,

Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 40.

Absent: Senators Deccio and McDonald - 2.

Excused: Senators Hale, Hewitt, Hochstatter, Honeyford, Johnson, Morton and Parlette - 7.

SUBSTITUTE HOUSE BILL NO. 1391, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2001

MR. PRESIDENT:

The Co-Speakers ruled the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137 beyond the scope and object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator McAuliffe, the Senate receded from its amendment(s) to Engrossed Substitute House Bill No. 2137.

MOTIONS

On motion of Senator McAuliffe, the rules were suspended, Engrossed House Bill No. 2137 was returned to second reading and read the second time.

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.280 and 1999 c 167 s 1 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least ~~((twelve))~~ thirteen years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the ~~((county-designated mental health professional))~~ person or agency designated by the local regional support network unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the ~~((county-designated mental health professional for examination and evaluation under chapter 71.05 or 71.34 RCW))~~ person or agency designated by the local regional support network to conduct a mental health examination and evaluation and inform a parent or guardian of the person of the arrest, detention, and examination. ~~((The county-designated mental health professional shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW.))~~ Notification to the parent or guardian shall occur prior to any examination or evaluation by the person or agency designated by the local regional support network. The examination and evaluation shall occur within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation~~((,))~~ bond~~((,))~~ or bail, the examination shall occur wherever is appropriate.

The ~~((county-designated mental health professional))~~ person or agency designated by the local regional support network may, when appropriate, determine whether to refer the person to the county-designated mental health professional or the county-designated chemical dependency specialist for examination and evaluation for commitment proceedings in accordance with chapter 71.05, 71.34, or 70.96A RCW. When a referral is made by the person or agency designated by the local regional support network,

the county-designated mental health professional or the county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 71.05, 71.34, or 70.96A RCW within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation((,)) bond((,)) or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the person or agency designated by the local regional support network, the county-designated mental health professional, or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court with jurisdiction, the school, the parents, and to the person if eighteen years of age or older, and the court shall consider those results in making any determination about the person. However, any reference in the examination report or reports to facts or circumstances of the alleged acts which resulted in the arrest of the person shall not be admissible in any criminal or juvenile proceeding if the person was unrepresented by counsel at the time of the examination, or had not been arraigned prior to the examination.

The person or agency designated by the local regional support network, the county-designated mental health professional, and the county-designated chemical dependency specialist shall((, to the extent permitted by law,)) notify a parent or guardian of the person, if the person is under the age of eighteen, that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the ~~((county-designated mental health professional))~~ person or agency designated by the local regional support network determines it is appropriate, the ~~((county-designated mental health professional))~~ person or agency designated by the local regional support network may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;
(b) Any person engaged in military, law enforcement, or school district security activities;
(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;
(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(6) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

NEW SECTION. Sec. 2. A new section is added to chapter 9.61 RCW to read as follows:

Upon the arrest of a person at least thirteen years of age and not more than twenty-one years of age for violating RCW 9.61.160 by making a threat to bomb, on public or private elementary or secondary school premises, school provided transportation, or areas of facilities while being used exclusively by public or private schools, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the person or agency designated by the local regional support network unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the person or agency designated by the local regional support network to conduct a mental health examination and evaluation and inform a parent or guardian of the person of the arrest, detention, and examination. Notification to the parent or guardian shall occur prior to any examination or evaluation by the person or agency designated by the local regional support network. The examination and evaluation shall occur within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation bond or bail, the examination shall occur wherever is appropriate.

The person or agency designated by the local regional support network may, when appropriate, determine whether to refer the person to the county-designated mental health professional or the county-designated chemical dependency specialist for examination and evaluation for commitment proceedings in accordance with chapter 71.05, 71.34, or 70.96A RCW. When a referral is made by the person or agency designated by the local regional support network, the county-designated mental health professional or the county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 71.05, 71.34, or 70.96A RCW within twenty-four hours of receiving the referral. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation bond or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the person or agency designated by the local regional support network, the county-designated mental health professional, or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court with jurisdiction, the school, the parents, and to the person if eighteen years of age or older, and the court shall consider those results in making any determination about the person. However, any reference in the examination report or reports to facts or circumstances of the alleged acts which resulted in the arrest of the person shall not be admissible in any criminal or juvenile proceeding if the person was unrepresented by counsel at the time of the examination, or had not been arraigned prior to the examination.

The person or agency designated by the local regional support network, the county-designated mental health professional, and the county-designated chemical dependency specialist shall notify a parent or guardian of the person, if the person is under the age of eighteen, that an examination and evaluation has taken place and the results of the examination. Nothing in this section prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the person or agency designated by the local regional support network determines it is appropriate, the person or agency designated by the local regional support network may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Zarelli to Engrossed Substitute Senate Bill No. 2137.

The motion by Senator McAuliffe carried and the striking amendment was adopted.

MOTIONS

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 1 of the title, after "premises;" strike the remainder of the title and insert "amending RCW 9.41.280; and adding a new section to chapter 9.61 RCW."

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute House Bill No. 2137, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2137, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2137, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Absent: Senator Deccio - 1.

Excused: Senators Hale, Hewitt, Hochstatter, Honeyford, Johnson, Morton and Parlette - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 4:12 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:45 a.m. Friday, April 20, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate.

JOURNAL OF THE SENATE

ONE HUNDRED-SECOND DAY, APRIL 19, 2001

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

ONE HUNDRED-THIRD DAY

MORNING SESSION

Senate Chamber, Cherberg Building, Friday, April 20, 2001

The Senate was called to order at 9:45 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Johnson, McDonald, Rossi and West. On motion of Senator Hewitt, Senator Johnson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Matthew Gorham and Danielle Zook, presented the Colors. Reverend John Shaffer, pastor of the Stanwood United Methodist Church, and a guest of Senator Mary Margaret Haugen, offered the prayer.

PERSONAL PRIVILEGE

Senator Haugen: "A point of personal privilege, Mr. President. I had asked Pastor Shaffer and Barbara to stay for lunch today, but they have to go back and I wanted to share with you why they are going back. Pastor Shaffer is going back to perform a wedding this afternoon for a couple who are eighty-nine and ninety years old. There is hope for all of us. Senator McCaslin is celebrating his birthday today and we thought he might like to know that. Seriously, I really do appreciate having them here."

PERSONAL PRIVILEGE

Senator McCaslin: " Mr. President, a point of personal privilege. I have to give credit to Senator Deccio, because he told me the story about the ninety year old who was marrying the eighty-eight year old. He was telling this to a friend and the friend said, 'Well, is she wealthy?' The man replied, 'No, she is broke; she doesn't have a penny.' The friend questioned again, 'Well, does she have a lovely home?' The reply was, "No, she is homeless and she is going to come and live with me and live off my pension.' Again the friend asked, 'Well, what do you see in her?' The man answered, 'She drives at night.'

MOTION

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

MESSAGE FROM THE GOVERNOR

April 19, 2001

TO THE HONORABLE, THE SENATE AND HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

In compliance with the provision of Section 11 of Article III of the Constitution of the state of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 2000 Second Special Session of the 56th Legislature, copy of which is attached.

Sincerely,
EVERETT H. BILLINGSLEA, General Counsel

FULL AND UNCONDITIONAL PARDON OF ARMANDO GABRIEL GONZALEZ-VILLEGAS

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, on March 15, 1995 Armando Gabriel Gonzalez-Villegas, INS No. A75-101-144, pled guilty to one count of possession of cocaine. In 1990, Mr. Gonzalez-Villegas, then age 19 and a recent immigrant from Mexico, was riding in a car with several acquaintances. Police stopped the car, and one of its occupants (not Mr. Gonzalez-Villegas) was found to possess a small amount of cocaine. Mr. Gonzalez-Villegas was charged with possession of cocaine together with the other occupants of the car. He then returned to Mexico without resolving the legation. On February 18, 1993, Mr. Gonzalez-Villegas married Maricela Hummel, a U.S. citizen but a resident of Mexico. In 1994, Mr. and Mrs. Gonzalez-Villegas moved to the United States. On March 14, 1995, Mr. Gonzalez-Villegas pled guilty to the possession of cocaine charge. He received a sentence of 28 days, which he had already served, and 12 months community supervision. Mr. Gonzalez-Villegas fully completed all terms of his sentence; and

WHEREAS, Mr. Gonzalez-Villegas now has three children, steady employment, is an active and productive member of the community, and is highly regarded by his friends, neighbors and employer. This was the sole criminal offense of his life, and the prosecutor did not oppose the request for this pardon. Mr. Gonzalez-Villegas resides in Washington with his wife, Maricela. They have three children - Priscilla, age 5; Jennifer, age 3; and Sharon, age 23 months. Mr. Gonzalez-Villegas is a dedicated father and husband. Supporting letters from his employers, friends, and his priest describe a strong nuclear family with regular church attendance. There is strong community support for allowing Mr. Gonzalez-Villegas to remain in the United States based upon his contribution to society and dedication to his family, which is clearly evident to others. A family friend and neighbor, Chief Petty Officer Leonard Hartford of the United States Navy, traveled to Olympia and made a strong presentation in person to the Clemency and Pardons Board as to the value of Mr. Gonzalez-Villegas to the community and his family; and

WHEREAS, the United States Immigration and Naturalization Service is seeking to remove Mr. Gonzalez-Villegas from the United States and, if successful, the law would prevent his return for at least ten years. Under current court orders, Mr. Gonzalez-Villegas must be outside of the United States by March 8, 2001. Mr. Gonzalez-Villegas's removal is being sought pursuant to the retroactive application of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which was passed by Congress on September 30, 1996. A full and unconditional pardon is the only avenue of relief that will allow Mr. Gonzalez-Villegas to continue his life with his family in the United States; and

WHEREAS, the Clemency and Pardons Board was convinced that Mr. Gonzalez-Villegas has fully paid for his actions, is and will continue to be a worthy and productive member of society in the United States, and that removing him from the United States would serve no purpose other than to destroy the hope and opportunity for this young man to live a productive life in the United States with his family; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and the purpose for Mr. Gonzalez-Villegas's request, and in light of the circumstances of the crime and all other factors, I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Armando Gabriel Gonzalez-Villegas this Full and Unconditional Pardon for the express purpose of allowing him to lawfully remain in the United States and eventually become a citizen of the United States. This Full and Unconditional Pardon does not restore the right to receive, possess, own, ship or transport firearms, and shall not under any circumstances be construed to remove any disability related to firearms under any state or federal law.

IN WITNESS WHEREOF, I have hereunto set
my hand and caused the seal of the state of
Washington to be affixed at Olympia on this
20th day of February, A.D., two thousand one.

SEAL GARY LOCKE

Governor of Washington

BY THE GOVERNOR

SAM REED
Secretary of State

MESSAGES FROM THE HOUSE

April 19, 2001

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5896 and passed the bill without the House amendment(s), and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

April 20, 2001

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1015, and passed the bill as amended by the Senate.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

April 20, 2001

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1391,
HOUSE BILL NO. 1898.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

April 20, 2001

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 1227,
SECOND SUBSTITUTE HOUSE BILL NO. 1249,
SUBSTITUTE HOUSE BILL NO. 1314.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

April 20, 2001

MR. PRESIDENT:

The Co-Speakers have signed:

SUBSTITUTE HOUSE BILL NO. 1341,
SUBSTITUTE HOUSE BILL NO. 1498,
HOUSE BILL NO. 1567,
HOUSE BILL NO. 1579,
HOUSE BILL NO. 1581,
HOUSE BILL NO. 1750,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1997, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5333,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5413,
SUBSTITUTE SENATE BILL NO. 5438,
SUBSTITUTE SENATE BILL NO. 5474,
SUBSTITUTE SENATE NO. 5637,
ENGROSSES SECOND SUBSTITUTE SENATE BILL NO. 5695,
SUBSTITUTE SENATE BILL NO. 5896.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1341,
SUBSTITUTE HOUSE BILL NO. 1498,
HOUSE BILL NO. 1567,
HOUSE BILL NO. 1579,
HOUSE BILL NO. 1581,
HOUSE BILL NO. 1750,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1997.

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. Today is a day that will go down in history when we honor someone who looks older than his years--someone you might have the privilege of not calling a friend over these last twenty years--someone who really needs no introduction and we certainly won't ask him to make one. Today is Bob McCaslin's seventy-fifth birthday and I think it would be appropriate, Mr. President, if we all sang, 'Happy Birthday Bob.'"

The Senate sang Happy Birthday to Senator McCaslin.

PERSONAL PRIVILEGE

Senator Hewitt: "I rise to a point of personal privilege, Mr. President. Well, Senator Deccio, you just blew my entire deal. I stayed up all night and had something fixed for Senator McCaslin, this morning. I was going to keep you all in suspense as to what it was, but since there is no suspense any longer, I will just tell you a few stories about Senator McCaslin. I haven't been here very long, but I have noticed a few things about this gentleman and one of the things that I have noticed about this Senator is he has touched us all in one way or another. You can't help but love this Senator, although sometimes he can strike you the other way. He loves to nibble. In fact, I keep mints out here on the table and he often walks by--there is a little thing you can drop a nickel in here--that is kind of the entrepreneurship in me, but he is one of the few that doesn't drop his nickel in and keeps going. I understand that over the years he has been known to have Wheat Thins snuck in on the floor and he would eat those Wheat Thins on the floor.

"I did hear a very good story from Senator Amondson, who is here with us today to help us celebrate this birthday. Here he is over here in the corner--a retired Senator. The story goes something like this: It seems that when these mints that are around on the tables, Bob walks by and eats them at his leisure. Well, one day, someone stuck in a mint that comes from the dentist that is good for plaque. He stuck this mint in his mouth and this thing started foaming and turning a red color and doing all kinds of things. Senator Amondson then calls on Senator McCaslin to ask him a question and he stands up and his mouth is foaming and there is red stuff coming out of his mouth. It makes for a great story. I was wishing that we could have Senator Amondson come on the floor and tell this story this morning, but we weren't able to. I can tell you that up front we have bags of trail mix and Wheat Thins and we have some Tums for every Senator on the floor, because Bob would like to give back to those who have given to him for the past twenty-one years. Happy Birthday, Bob."

PERSONAL PRIVILEGE

Senator Hargrove: "A point of personal privilege, Mr. President. Well, I have to say that Senator McCaslin is one of the members of the fat-head caucus. He is the only one here on the floor that has a larger neck than me. However, he is wise enough to buy larger shirts, too. Anyway, Bob, Happy Birthday. I appreciate you very much."

PERSONAL PRIVILEGE

Senator Snyder: "Thank you, Mr. President. I just want to make a couple remarks here. I am pleased that his birthday has arrived, because he is now older than I am until July 30. I talked to my wife this morning and she said to wish him a Happy Birthday. She always did like younger men. There is another significant birthday today of someone that has gone down in history and it was Adolf Hitler's birthday today."

Further debate about Senator McCaslin's Birthday continued.

POINT OF INQUIRY

Senator Honeyford: "Senator McCaslin, is there any truth to the rumor that you were an advisor to the movie set of 'Grumpy Old Men?' Senator McCaslin: "Is that out already?"

Senator Honeyford: "Yes, I think there is one that is now 'Grumpier Old Men,' and thought you probably acted in both of them."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. To end debate--Senator Hargrove--what he failed to mention on the fat-head club, he is the president--and I hereby resign. May I say just a couple of words? It is a blessing to reach seventy-five. The only one older than me is Senator Deccio--and the capitol. Senator Snyder is next in July, I believe. Isn't it amazing the wonderful people that were born in 1926--a vintage year?

"Just think for a minute how very, very fortunate and lucky all of us are as State Senators. When we have over five million people in this state--almost six million--aren't we fortunate? Just to be serious for a minute, that you are going to represent one hundred twenty thousand people and we in all represent over five million people--almost six--so you are one of a few. God has blessed us all to be able to represent these people. While we have divergence and a difference of opinion, I think we all want the same thing--better things for our citizens, better things for our state, better things for education, better things for children. So, while we may have a few moments here that we may disagree and get all upset, I think we are brothers under the skin and brothers for a certain cause and that cause is to help people. Consider yourself very lucky. I consider the people you represent very lucky, because you are all very serious and intelligent hard working people. I thank God and I thank you for this day."

MOTION

At 10:04 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:35 p.m. by President Owen.

MESSAGE FROM THE GOVERNOR

April 19, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 19, 2001, Governor Locke approve the following Senate Bills entitled:

Substitute Senate Bill No. 5014

Relating to harmonizing the definitions of sex and kidnapping offenders under the criminal and registration statutes.

Engrossed Substitute Senate Bill No. 5017

Relating to precursor drugs.

Senate Bill No. 5108

Relating to the growing of short-rotation hardwood trees on agricultural land.

Substitute Senate Bill No. 5255

Relating to the public disclosure of specific and unique information related to criminal acts of terrorism.

Senate Bill No. 5316

Relating to reasonable assurance of employment for employees of educational institutions.

Senate Bill No. 5317

Relating to use of school hours and wages for unemployment compensation claims for educational employees.

Senate Bill No. 5359

Relating to the health professions' use of pro tem board members.

Substitute Senate Bill No. 5497

Relating to excluding farm and agricultural land from forest land under the forest practices act.

Substitute Senate Bill No. 5509

Relating to identification of students, staff, and faculty at institutions of higher education.

Senate Bill No. 5518

Relating to the waiver of motorcycle endorsement examination after satisfactory completion of motorcycle operator training.

Senate Bill No. 5531

Relating to limitations on fishery licenses.

Engrossed Substitute Senate Bill No. 5566

Relating to requiring uniform prescription drug information cards.

Substitute Senate Bill No. 5572

Relating to permissible highway signs.

Substitute Senate Bill No. 5733

Relating to county road construction projects.

Senate Bill No. 5903

Relating to increasing the license surcharge for the impaired physician program.

Engrossed Substitute Senate Bill No. 5970

Relating to probation orders.

Substitute Senate Bill No. 6020

Relating to access to dental care.

Sincerely,
EVERETT H. BILLINGSLEA, General Counsel

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9058, Tom Charouhas, as Chair of the Professional Educator Standards Board, was confirmed.

Senators McAuliffe and Finkbeiner spoke to Tom Charouhas as a Chair of the Professional Educator Standards Board.

APPOINTMENT OF TOM CHAROUHAS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Absent: Senators Brown, McDonald, Rossi and West - 4.

Excused: Senator Johnson - 1.

MOTION

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

SENATE RESOLUTION 2001-8679

By Senators Finkbeiner, Johnson and Kohl-Welles

WHEREAS, it is the practice of the Washington State Senate to recognize and honor the contributions of individuals and organizations that reflect standards of excellence and enhance the well-being and quality of life of the citizens of the state of Washington; and

WHEREAS, Junior Achievement of Greater Puget Sound's purpose is to educate and inspire the young people of this state to value free enterprise, business, and economics in order to improve the quality of the lives; and

WHEREAS, Junior Achievement of Greater Puget Sound serves more than ninety thousand local students each year with in school and interactive online programs, and its annual Job Shadow Day Program; and

WHEREAS, Junior Achievement of Greater Puget Sound provides K-12 classroom programs designed to meet our state's Essential Academic Learning Requirements at no cost to more than one thousand two hundred schools in more than ninety districts in Benton, Clallam, Franklin, Gray's Harbor, Island, King, Kitsap, Lewis, Mason, San Juan, Skagit, Snohomish, Pierce, Thurston, Whatcom, and Walla Walla counties; and

WHEREAS, Junior Achievement of Greater Puget Sound draws upon more than three thousand volunteers from local communities annually to serve as role models and classrooms volunteers for its K-12 programs; and

WHEREAS, Junior Achievement of Greater Puget Sound is guided and supported by boards comprised of the leaders of one hundred and thirty of Washington's best and most philanthropic companies; and

WHEREAS, As part of its ImpACT 2005 goal of annually reaching one hundred and forty thousand local students, Junior Achievement of Greater Puget Sound has undertaken piloting a national program, Experience Junior Achievement, an experiential learning experience for fifth and eighth graders; and

WHEREAS, local high school teams from Eastside Catholic, Lynnwood, and Peninsula High Schools have won all three of the National JA Titan on line business simulation competitions;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and thank Junior Achievement of Greater Puget

Sound Region and its supporters in the business and education communities for these and other outstanding services to this state; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Office of the Governor, the Principals of Eastside, Lynnwood, and Peninsula High Schools, and David Moore, President, Junior Achievement of Greater Puget Sound.

MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

SENATE RESOLUTION 2001-8646

By Senators Kohl-Welles, Horn, McAuliffe, Finkbeiner, Sheldon, B., Shin, Sheahan, Jacobsen, Parlette, Rasmussen, Panel, Eide, Johnson and Carlson

WHEREAS, The students selected for special recognition as Washington Scholars in 2001 have distinguished themselves as exceptional students, student leaders, and as talented and enthusiastic participants in many diverse activities including art, debate, drama, honor societies, interscholastic sports, Junior Achievement, knowledge competitions, music, and student government; and

WHEREAS, These exemplary students have also contributed to the welfare of those less fortunate in their neighborhoods through volunteer efforts with community service organizations such as the United Way, Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives, senior centers, scouting, and church groups; and

WHEREAS, The state of Washington benefits greatly from the accomplishments of these caring and gifted individuals, not only in their roles as students, but also as citizens, role models for other young people, and future leaders of our communities and our state; and

WHEREAS, Through the Washington Scholars Program, the Governor, the Legislature, and the state's citizens have an opportunity to recognize and honor three outstanding seniors from each of the state's forty-nine legislative districts for the students' exceptional academic achievements, leadership abilities, and contributions to their communities;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor and congratulate the Washington Scholars for their hard work, dedication, contributions, and maturity in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for the encouragement and support they have provided to the scholars; and

BE IT FURTHER RESOLVED, That the principals, teachers, and classmates of these highly esteemed students be recognized for the important part they played in helping the scholars to learn, contribute, lead, and excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to each of the Washington Scholars selected in 2001.

Senators Kohl-Welles and Horn spoke to Senate Resolution 2001-8646.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MOTIONS

On motion of Senator Eide, Senators Brown and Regala were excused.

On motion of Senator Hewitt, Senator Rossi was excused.

MESSAGE FROM THE HOUSE

April 19, 2001

MR. PRESIDENT:

Under suspension of the rules, SUBSTITUTE SENATE BILL NO. 5319 was returned to second reading for purpose of an amendment and the bill passed the House with the following amendment(s):

On page 2, beginning on line 26, strike all of section 2

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 3, line 25, strike "June" and insert "July"

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Patterson moved that the Senate concur in the House amendments to Substitute Senate Bill No. 5319.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Patterson to concur in the House amendments to Substitute Senate Bill No. 5319.

The motion by Senator Patterson carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5319.

The President declared the question before the Senate to the roll call on the final passage of Substitute Senate Bill No. 5319, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5319, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Brown, Johnson, Regala and Rossi - 4.

SUBSTITUTE SENATE BILL NO. 5319, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 2001

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to SENATE BILL NO. 5430, insists on its position and asks the Senate to concur therein, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Costa, the Senate refuses to concur in the House amendment(s) to Senate Bill No. 5430, adheres to its position and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 18, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1120, and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator McAuliffe, the Senate refuses to recede from its amendment(s) to Substitute House Bill No. 1120, insists on its position and asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 19, 2001

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1325 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Kastama, the Senate receded from its amendment(s) to Substitute House Bill No. 1325.

MOTIONS

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1325 was returned to second reading and read the second time.

On motion of Senator Kastama, the following amendment by Senators Kastama, McCaslin and Patterson was adopted:

On page 2, after line 28, insert the following:

"NEW SECTION. Sec. 2. The joint committee on veterans' and military affairs shall study recommending legislation for the upcoming legislative session that requires the display of the national league of families' POW/MIA flag along with the flag of the United States and the flag of the state upon or near the principal building of the public entity on various holidays."

MOTIONS

On motion of Senator Kastama, the following title amendment was adopted:

On page 1, line 2 of the title, after "RCW;" insert "creating a new section;"

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1325, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1325, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1325, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Absent: Senators Morton and Parlette - 2.

Excused: Senators Johnson, Regala and Rossi - 3.

SUBSTITUTE HOUSE BILL NO. 1325, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senators Morton and Parlette were excused.

MESSAGE FROM THE HOUSE

April 19, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1680 and asks the Senate to recede therefrom, and the same are herewith transmitted..

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTIONS

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1680 was returned to second reading and read the second time.

Senator Haugen moved that the Senate reconsider the Committee on Transportation striking amendment adopted April 4, 2001.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate reconsider the Committee on Transportation striking amendment to Substitute House Bill No. 1680.

The motion by Senator Haugen carried and the Senate will reconsider the Committee on Transportation striking amendment to Substitute House Bill No. 1680.

MOTIONS

On motion of Senator Haugen, the following amendment by Senators Haugen and Benton to the Committee on Transportation striking amendment, on reconsideration, was adopted:

Beginning on page 1, line 7 of the amendment, strike everything through page 9, line 8, and insert the following:

NEW SECTION. Sec. 1. The legislature finds and declares that a contracting procedure that facilitates construction of transportation facilities in a more timely manner may occasionally be necessary to ensure that construction can proceed simultaneously with the design of the facility. The legislature further finds that the design-build process and other alternative project delivery concepts achieve the goals of time savings and avoidance of costly change orders.

The legislature finds and declares that a 2001 audit, conducted by Talbot, Korvola & Warwick, examining the Washington state ferries' capital program resulted in a recommendation for improvements and changes in auto ferry procurement processes. The auditors recommended that auto ferries be procured through use of a modified request for proposals process whereby the prevailing shipbuilder and Washington state ferries engage in a design and build partnership. This process promotes ownership of the design by the shipbuilder while using the department of transportation's expertise in ferry design and operations. Alternative processes like design-build partnerships can promote innovation and create competitive incentives that increase the likelihood of finishing projects on time and within the budget.

The purpose of this act is to authorize the department's use of a modified request for proposals process for procurement of auto ferries, and to prescribe appropriate requirements and criteria to ensure that contracting procedures for this procurement process serve the public interest.

NEW SECTION. Sec. 2. A new section is added to chapter 47.20 RCW to read as follows:

The department of transportation shall develop a process for awarding competitively bid highway construction contracts for projects over ten million dollars that may be constructed using a design-build procedure. As used in this section and section 3 of this act, "design-build procedure" means a method of contracting under which the department of transportation contracts with another party for the party to both design and build the structures, facilities, and other items specified in the contract.

The process developed by the department must, at a minimum, include the scope of services required under the design-build procedure, contractor prequalification requirements, criteria for evaluating technical information and project costs, contractor selection criteria, and issue resolution procedures. This section expires April 30, 2008.

NEW SECTION. Sec. 3. A new section is added to chapter 47.20 RCW to read as follows:

The department of transportation may use the design-build procedure for public works projects over ten million dollars where:

(1) The construction activities are highly specialized and a design-build approach is critical in developing the construction methodology; or

(2) The projects selected provide opportunity for greater innovation and efficiencies between the designer and the builder;

or

(3) Significant savings in project delivery time would be realized.

This section expires April 30, 2008.

NEW SECTION. Sec. 4. A new section is added to chapter 47.60 RCW to read as follows:

(1) The department may purchase new auto ferries through use of a modified request for proposals process whereby the prevailing shipbuilder and the department engage in a design and build partnership for the design and construction of the auto ferries. The process consists of the three phases described in subsection (2) of this section.

(2) The definitions in this subsection apply throughout sections 5 through 10 of this act.

(a) "Phase one" means the evaluation and selection of proposers to participate in development of technical proposals in phase two.

(b) "Phase two" means the preparation of technical proposals by the selected proposers in consultation with the department.

(c) "Phase three" means the submittal and evaluation of bids, the award of the contract to the successful proposer, and the design and construction of the auto ferries.

NEW SECTION. Sec. 5. A new section is added to chapter 47.60 RCW to read as follows:

To commence the request for proposals process, the department shall publish a notice of its intent once a week for at least two consecutive weeks in at least one trade paper and one other paper, both of general circulation in the state. The notice must contain, but is not limited to, the following information:

(1) The number of auto ferries to be procured, the auto and passenger capacities, the delivery dates, and the estimated price range for the contract;

(2) A statement that a modified request for proposals design and build partnership will be used in the procurement process;

(3) A short summary of the requirements for prequalification of proposers including a statement that prequalification is a prerequisite to submittal of a proposal in phase one; and

(4) An address and telephone number that may be used to obtain a prequalification questionnaire and the request for proposals.

NEW SECTION. Sec. 6. A new section is added to chapter 47.60 RCW to read as follows:

Subject to legislative appropriation for the procurement of vessels, the department shall issue a request for proposals to interested parties that must include, at least, the following:

(1) Solicitation of a proposal to participate in a design and build partnership with the department to design and construct the auto ferries;

(2) Instructions on the prequalification process and procedures;

(3) A description of the modified request for proposals process. Under this process, the department may modify any component of the request for proposals, including the outline specifications, by addendum at any time before the submittal of bids in phase three;

(4) A description of the design and build partnership process to be used for procurement of the vessels;

(5) Outline specifications that provide the requirements for the vessels including, but not limited to, items such as length, beam, displacement, speed, propulsion requirements, capacities for autos and passengers, passenger space characteristics, and crew size. The department will produce notional line drawings depicting hull geometry that will interface with Washington state ferries terminal facilities. Notional lines may be modified in phase two, subject to approval by the department;

(6) Instructions for the development of technical proposals in phase two, and information regarding confidentiality of technical proposals;

(7) The vessel delivery schedule, identification of the port on Puget Sound where delivery must take place, and the location where acceptance trials must be held;

(8) The estimated price range for the contract;

(9) The form and amount of the required bid deposit and contract security;

(10) A copy of the contract that will be signed by the successful proposer;

(11) The date by which proposals in phase one must be received by the department in order to be considered;

(12) A description of information to be submitted in the proposals in phase one concerning each proposer's qualifications, capabilities, and experience;

(13) A statement of the maximum number of proposers that may be selected in phase one for development of technical proposals in phase two;

(14) Criteria that will be used for the phase one selection of proposers to participate in the phase two development of technical proposals;

(15) A description of the process that will be used for the phase three submittal and evaluation of bids, award of the contract, and postaward administrative activities;

(16) A requirement that the contractor comply with all applicable laws, rules, and regulations including but not limited to those pertaining to the environment, worker health and safety, and prevailing wages;

(17) A requirement that the vessels be constructed within the boundaries of the state of Washington except that equipment furnished by the state and components, products, and systems that are standard manufactured items are not subject to the in-state requirement under this subsection. For the purposes of this subsection, "constructed" means the fabrication, by the joining together by welding or fastening of all steel parts from which the total vessel is constructed, including, but not limited to, all shell frames, longitudinals, bulkheads, webs, piping runs, wire ways, and ducting. "Constructed" also means the installation of all components and systems, including, but not limited to, equipment and machinery, castings, electrical, electronics, deck covering, lining, paint, and joiner work required by the contract. "Constructed" also means the interconnection of all equipment, machinery, and services, such as piping, wiring, and ducting; and

(18) A requirement that all warranty work on the vessel must be performed within the boundaries of the state of Washington, insofar as practical.

NEW SECTION. Sec. 7. A new section is added to chapter 47.60 RCW to read as follows:

Phase one of the request for proposals process consists of evaluation and selection of prequalified proposers to participate in subsequent development of technical proposals in phase two, as follows:

(1) The department shall issue a request for proposals to interested parties.

(2) The request for proposals must require that each proposer prequalify for the contract under chapter 468-310 WAC, except that the department may adopt rules for the financial prequalification of proposers for this specific contract only. The department shall modify the financial prequalification rules in chapter 468-310 WAC in order to maximize competition among financially capable and otherwise qualified proposers. In adopting these rules, the department shall consider factors including, without limitation: (a) Shipyard resources in Washington state; (b) the cost to design and construct multiple vessels under a single contract without options; and (c) the sequenced delivery schedule for the vessels.

(3) The department may use some, or all, of the nonfinancial prequalification factors as part of the evaluation factors in phase one to enable the department to select a limited number of best qualified proposers to participate in development of technical proposals in phase two.

(4) The department shall evaluate submitted proposals in accordance with the selection criteria established in the request for proposals. Selection criteria may include, but are not limited to, the following:

(a) Shipyard facilities;

(b) Organization components;

(c) Design capability;

(d) Build strategy;

(e) Experience and past performance;

- (f) Ability to meet vessel delivery dates;
- (g) Projected workload; and
- (h) Expertise of project team and other key personnel.

(5) Upon concluding its evaluation of proposals, the department shall select the best qualified proposers in accordance with the request for proposals. The selected proposers must participate in development of technical proposals. Selection must be made in accordance with the selection criteria stated in the request for proposals. All proposers must be ranked in order of preference as derived from the same selection criteria.

NEW SECTION. Sec. 8. A new section is added to chapter 47.60 RCW to read as follows:

Phase two of the request for proposals process consists of preparation of technical proposals in consultation with the department, as follows:

(1) The development of technical proposals in compliance with the detailed instructions provided in the request for proposals, including the outline specifications, and any addenda to them. Technical proposals must include the following:

- (a) Design and specifications sufficient to fully depict the ferries' characteristics and identify installed equipment;
- (b) Drawings showing arrangements of equipment and details necessary for the proposer to develop a firm, fixed price

bid;

- (c) Project schedule including vessel delivery dates; and
- (d) Other appropriate items.

(2) The department shall conduct periodic reviews with each of the selected proposers to consider and critique their designs, drawings, and specifications. These reviews must be held to ensure that technical proposals meet the department's requirements and are responsive to the critiques conducted by the department during the development of technical proposals.

(3) If, as a result of the periodic technical reviews or otherwise, the department determines that it is in the best interests of the department to modify any element of the request for proposals, including the outline specifications, it shall do so by written addenda to the request for proposals.

(4) Proposers must submit final technical proposals for approval that include design, drawings, and specifications at a sufficient level of detail to fully depict the ferries' characteristics and identify installed equipment, and to enable a proposer to deliver a firm, fixed price bid to the department. The department shall reject final technical proposals that modify, fail to conform to, or are not fully responsive to and in compliance with the requirements of the request for proposals, including the outline specifications, as amended by addenda.

NEW SECTION. Sec. 9. A new section is added to chapter 47.60 RCW to read as follows:

Phase three consists of the submittal and evaluation of bids and the award of the contract to the successful proposer for the final design and construction of the auto ferries, as follows:

(1) The department shall request bids for detailed design and construction of the vessels after completion of the review of technical proposals in phase two. The department will review detailed design drawings in phase three for conformity with the technical proposals submitted in phase two. In no case may the department's review replace the builder's responsibility to deliver a product meeting the phase two technical proposal. The department may only consider bids from selected proposers that have qualified to bid by submitting technical proposals that have been approved by the department.

(2) Each qualified proposer must submit its total bid price for all vessels, including certification that the bid is based upon its approved technical proposal and the request for proposals.

(3) Bids constitute an offer and remain open for ninety days from the date of the bid opening. A deposit in cash, certified check, cashier's check, or surety bond in an amount specified in the request for proposals must accompany each bid and no bid may be considered unless the deposit is enclosed.

(4) The department shall evaluate the submitted bids. Upon completing the bid evaluation, the department may select the responsive and responsible proposer that offers the lowest total bid price for all vessels.

(5) The department may waive informalities in the proposal and bid process, accept a bid from the lowest responsive and responsible proposer, reject any or all bids, republish, and revise or cancel the request for proposals to serve the best interests of the department.

(6) The department may:

(a) Award the contract to the proposer that has been selected as the responsive and responsible proposer that has submitted the lowest total bid price;

(b) If a contract cannot be signed with the apparent successful proposer, award the contract to the next lowest responsive and responsible proposer; or

(c) If necessary, repeat this procedure with each responsive and responsible proposer in order of rank until the list of those proposers has been exhausted.

(7) If the department awards a contract to a proposer under this section, and the proposer fails to enter into the contract and furnish satisfactory contract security as required by chapter 39.08 RCW within twenty days from the date of award, its deposit is forfeited to the state and will be deposited by the state treasurer to the credit of the Puget Sound capital construction account. Upon the execution of a ferry design and construction contract all proposal deposits will be returned.

(8) The department may provide an honorarium to reimburse each unsuccessful phase three proposer for a portion of its technical proposal preparation costs at a preset, fixed amount to be specified in the request for proposals. If the department rejects all bids, the department may provide the honoraria to all phase three proposers that submitted bids.

NEW SECTION. Sec. 10. A new section is added to chapter 47.60 RCW to read as follows:

(1) The department shall immediately notify those proposers that are not selected to participate in development of technical proposals in phase one and those proposers who submit unsuccessful bids in phase three.

(2) The department's decision is conclusive unless an aggrieved proposer files an appeal with the superior court of Thurston county within five days after receiving notice of the department's award decision. The court shall hear any such appeal on the department's administrative record for the project. The court may affirm the decision of the department, or it may reverse or remand the administrative decision if it determines the action of the department was arbitrary and capricious."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1680, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1680, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1680, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Excused: Senators Johnson, Morton, Parlette, Regala and Rossi - 5.

SUBSTITUTE HOUSE BILL NO. 1680, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Zarelli, the Senate receded from its amendment(s) to Engrossed Substitute House Bill No. 1625.

MOTIONS

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute House Bill No. 1625 was returned to second reading and read the second time.

On motion of Senator Zarelli, the following striking amendment by Senators Zarelli, Spanel, Fairley and Honeyford was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. 1999 c 379 s 112 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Development Loan Fund (88-2-006) (00-2-004)

Reappropriation:

State Building Construction Account--State \$ 558,716

Washington State Development Loan

Account--((State)) Federal \$ 2,439,932

Subtotal Reappropriation \$ 2,998,648 -----

Appropriation:

Washington State Development Loan

Account--((State)) Federal \$ 3,500,000

Prior Biennia (Expenditures) \$ 805,237

Future Biennia (Projected Costs) \$ 18,000,000

TOTAL \$ 25,303,885 -----

Sec. 2. 1999 c 379 s 758 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works: Program (00-1-130)

The appropriation in this section are subject to the following conditions and limitations:

(1) \$350,000 is provided for technical engineering analysis and financial planning regarding the conversion to digital transmission for Washington public broadcast stations. The financial plan shall assess state, federal, nonprofit foundations, viewer donations, and other sources of revenue to implement the conversion from analog to digital transmission. The provision of these study funds do not imply a further commitment of funding by the state of Washington.

(2) Funding is provided (~~from the state building construction account~~) as capital project matching funds to the following colleges: Wenatchee Valley, \$250,000; Clark, \$250,000; Lake Washington, \$300,000; Bellevue, \$500,000; Walla Walla, \$500,000; Grays Harbor, \$400,000. State funds shall be matched by an equal or greater amount of nonstate moneys.

(3) Following the allocation of funds for the projects in subsections (1) and (2) of this section, the appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account--State \$ 15,050,000
Community and Technical Colleges Capital Projects
Account--State \$ 1,800,000

Subtotal Appropriation \$ 16,850,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,850,000

Sec. 3. 2000 2nd sp.s. c 1 s 1008 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building Renovation

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903, chapter 379, Laws of 1999.

(2) (~~(\$2,000,000)~~) \$4,500,000 of the appropriation in this section is provided for design of the interior rehabilitation and exterior preservation ~~((of) and earthquake-related costs associated with the state legislative building ((consistent with the recommendations of the commission on legislative building preservation and renovation)).~~ Funds in this subsection are also provided for planning ~~((and development of)),~~ developing, and securing relocation space for current and future construction projects related to the capitol historic district ~~((as well as access))~~ and site improvements ~~((to the south portico area)).~~

(3) The department, in consultation with the legislature, the governor, and the state capitol committee, shall immediately begin planning and initiate an accelerated design/construction schedule for the renovation of the state legislative building as follows:

(a) No new permanent buildings shall be constructed, and the department shall follow standards for historic preservation;

(b) The goal shall be to reoccupy the building in time for the 2004 legislative session;

(c) The department shall make temporary accommodations for the displacement of legislators and legislative staff in the John L. O'Brien building, the Pritchard building, the Cherberg building, and the Newhouse building;

(d) The department shall temporarily move the state library to the Sunset Life building by June 30, 2001, and, if needed, the department shall lease storage facilities in Thurston county for books and other library assets;

(e) The department shall make temporary accommodations for other tenants of the state legislative building as follows:

(i) The office of the insurance commissioner shall be temporarily moved to leased space in Thurston county;

(ii) The office of the governor shall be moved to the Insurance building;

(iii) The office of the code reviser and the lieutenant governor shall be moved to a location on the west capitol campus;

and

(iv) The other tenants, including the office of the state treasurer, the office of the state auditor, and the office of the secretary of state shall be moved to leased space in Thurston county;

(f) The state legislative building shall be completely vacated by September 15, 2001, to make it available for renovation by the contractor; and

(g) State contracts for the legislative building renovation, Nisqually earthquake repair, and future earthquake mitigation shall conform to all rules, regulations, and requirements of the federal emergency management agency.

(4) \$1,000,000 of the appropriation in this section is provided for associated studies including:

(a) A private financing feasibility study;

(b) An investigation of exterior sandstone attachment; and

(c) A space use programming study to include:

(i) A prioritization of uses within the legislative building based on functional affiliation with the legislative process and the ceremonial functions of state-wide office holders that takes into consideration emerging telecommunication capabilities;

(ii) An analysis of space efficiency and space use related to legislative and state-wide ceremonial functions in the following buildings: Cherberg, O'Brien, Pritchard, Newhouse, the governor's mansion, and insurance;

(iii) A review of alternative uses and expansion capabilities for buildings on the capitol campus; and

(iv) By November 30, 2000, the department shall submit a report to the appropriate committees of the legislature on the recommendations of the space use programming study. These recommendations shall be the basis for the planning and development of relocation space for the capitol historic district ((as specified in subsection (2) of this section)).

((4)) (5) The state capitol committee, in conjunction with a legislative building renovation oversight committee consisting of two members from both the house of representatives and senate, each appointed by legislative leadership, shall:

(a) Develop criteria and guidelines for the space programming study; and

(b) Periodically advise the department regarding the renovation under subsection (3) of this section, the receipt and use of private funds, and other issues that may arise.

((5)) (6) From the appropriation in this section, up to \$10,000 or an amount based on an appraised value may be expended to acquire a photo and document collection of historic significance that depicts legislative activities and facilities.

(7) The department shall report on the progress of accelerated planning, design, and relocations related to the renovation of the state legislative building to the legislature and the governor by July 15, 2001, and September 15, 2001, and shall consult with the legislature and governor on major decisions.

Appropriation:

Capitol Building Construction Account \$ 3,000,000
Thurston County Facilities Account \$ 2,500,000

Subtotal Appropriation \$ 5,500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 102,500,000

TOTAL \$ ((105,500,000))

108,000,000

Sec. 4. 2000 2nd sp.s. c 1 s 1013 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center: Phase I (00-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903, chapter 379, Laws of 1999.

(2) The appropriation in this section is provided for design, sitework, and construction costs associated with building the first ((48-bed)) housing unit for the special commitment center located at McNeil Island. The department of social and health services shall notify the office of financial management and the legislative fiscal committees if there are changes to the scheduled March 2002 occupancy date.

(3) Within the funds provided in this section, the department of social and health services shall evaluate options and site locations for less restrictive alternative placements. The department of social and health services shall provide a report to the office of financial management and the legislative fiscal committees detailing the results of this evaluation, including statutory changes necessary to implement preferred options, by November 15, 2000.

Appropriation:

State Building Construction Account--State \$ 14,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 50,000,000

TOTAL \$ 64,000,000

NEW SECTION. Sec. 5. A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Land Acquisition (01-2-029)

Appropriation:

Education Construction Account--State \$ 2,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 6,500,000

Sec. 6. 1999 c 379 s 937 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College - Classroom/Laboratory Building: Construction (98-2-660)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 310,000

Appropriation:

State Building Construction Account--State \$ 5,900,000
Education Construction Account--State \$ 1,315,000

Subtotal Appropriation \$ 7,215,000

Prior Biennia (Expenditures) \$ 79,717
Future Biennia (Projected Costs) \$ 0

TOTAL \$ ((6,289,747))

7,604,717

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTIONS

On motion of Senator Zarelli, the following title amendment was adopted:

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending 1999 c 379 ss 112, 758, and 937 (uncodified); amending 2000 2nd sp.s. c 1 ss 1008 and 1013 (uncodified); adding a new section to 1999 c 379 (uncodified); making appropriations; authorizing expenditures for capital improvements; and declaring an emergency."

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute House Bill No. 1625, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1625, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1625, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Absent: Senator West - 1.

Excused: Senators Johnson, Regala and Rossi - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

MOTION

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

SENATE RESOLUTION 2001-8676

By Senators McCaslin, Snyder, Kohl-Welles, McAuliffe and Rasmussen

WHEREAS, it is the tradition of the Washington State Senate to recognize individuals who make extraordinary personal contributions for the benefit of the greater good in times of sudden adversity; and

WHEREAS, on February 28, 2001, the 6.8 magnitude Nisqually Earthquake violently shook Western Washington and the Capital Campus, adversely affecting working conditions and threatening to significantly delay the legislative process; and

WHEREAS, Legislators, staff and family members pulled together in the days immediately following the quake to clean up the damage and transition legislative operations into smaller, less conducive settings, so the Legislature could resume the people's work; and

WHEREAS, the teamwork and commitment displayed by all those involved in getting the Legislature operational again was incredibly inspiring and truly indicative of the service oriented attitude so many in the Legislature hold dear; and

WHEREAS, Doug Richards, an artist by hobby, a member of the Senate Security staff, was awestruck by the highly motivated teamwork demonstrated by the Legislature in preparing to finish the public's business, despite significant interruptions caused by the earthquake; and

WHEREAS, Doug Richards, inspired by the collective good done when individuals pulled together to solve shared problems, hand painted a charming mural on the walls of the west stairwell of the John. A. Cherberg Building depicting the efforts of many in cleaning up after the quake; and

WHEREAS, Doug Richards provided a place in the mural for each who experienced the quake on campus to autograph the painting in memory of that experience; and

WHEREAS, the signatures on the mural now number in the hundreds as many of us have visited the stairwell and signed the wall; and

WHEREAS, Doug Richard's mural has become an integral part of the earthquake experience for many who lived it, and an attraction for curious visitors to the campus; and

WHEREAS, the mural reminds each of us of the value of human life, the importance of pulling together in times of trouble and the joy that can come from working together to achieve common goals;

NOW, THEREFORE, BE IT RESOLVED, that the Washington State Senate hereby recognize Doug Richards for his artistic contribution to the Legislature in the aftermath of the Nisqually Earthquake; and

BE IT FURTHER RESOLVED, that the Washington State Senate recommend that the mural be retained after repairs, if safe and feasible, to remind us all of the significance of the quake, the importance of friends and family, and the value of teamwork and cooperation; and

BE IT STILL FURTHER RESOLVED, that immediately upon passage, copies of this resolution be transmitted to the Department of General Administration, Doug Richards, and the Senate Facilities and Operations Committee.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced staff member, Doug Richards, who was seated on the rostrum. With permission of the Senate, business was suspended to permit Mr. Richards to address the Senate.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 19, 2001

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to SENATE BILL NO. 5275, suspended the rules, returned the bill to second reading and passed the bill with the following amendments:

On page 4, line 37, strike "under what circumstances the auditor may"

On page 10, line 11, strike "basis" and insert "district", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Patterson, the Senate concurred in the House amendments to Senate Bill No. 5275.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5275, as amended by the House.

MOTIONS

On motion of Senator Hewitt, Senators Deccio and McCaslin were excused.

On motion of Senator Eide, Senators Fairley and Jacobsen were excused.

MOTION

On motion of Senator Honeyford, Senator West was excused.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5275, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 6; Absent, 0; Excused, 8.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Horn, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau and Winsley - 35.

Voting nay: Senators Benton, Hewitt, Honeyford, Roach, Stevens and Zarelli - 6.

Excused: Senators Deccio, Fairley, Jacobsen, Johnson, McCaslin, Regala, Rossi and West - 8.

SENATE BILL NO. 5275, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1041 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Klein, the Senate receded from its amendment(s) to Second Substitute House Bill No. 1041.

MOTIONS

On motion of Senator Klein, the rules were suspended, Second Substitute House Bill No. 1041 was returned to second reading and read the second time.

On motion of Senator Klein, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that unlawful harassment directed at a child by a person under the age of eighteen is not acceptable and can have serious consequences. The legislature further finds that some interactions between minors, such as "schoolyard scuffles," though not to be condoned, may not rise to the level of unlawful harassment. It is the intent of the legislature that a protection order sought by the parent or guardian of a child as provided for in this chapter be available only when the alleged behavior of the person under the age of eighteen to be restrained rises to the level set forth in chapter 10.14 RCW.

Sec. 2. RCW 10.14.020 and 1999 c 27 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Unlawful harassment" means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, harasses, or is detrimental to such person, and which serves no legitimate or lawful purpose. The course of conduct shall be such as would cause a reasonable person to suffer substantial emotional distress, and shall actually cause substantial emotional distress to the petitioner, or, when the course of conduct (~~is contact by a person over age eighteen that~~) would cause a reasonable parent to fear for the well-being of their child.

(2) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes, in addition to any other form of communication, contact, or conduct, the sending of an electronic communication. Constitutionally protected activity is not included within the meaning of "course of conduct."

Sec. 3. RCW 10.14.040 and 1995 c 292 s 2 and 1995 c 127 s 2 are each reenacted and amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of unlawful harassment.

(1) A petition for relief shall allege the existence of harassment and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) All court clerks' offices shall make available simplified forms and instructional brochures. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) Filing fees are set in RCW 36.18.020, but no filing fee may be charged for a petition filed in an existing action or under an existing cause number brought

under this chapter in the jurisdiction where the relief is sought. Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

(6) The parent or guardian of a child under age eighteen may petition for an order of protection to restrain a person (~~ever~~) age eighteen years or over from contact with that child upon a showing that contact with the person to be enjoined is detrimental to the welfare of the child.

(7) The parent or guardian of a child under the age of eighteen may petition in superior court for an order of protection to restrain a person under the age of eighteen years from contact with that child only in cases where the person to be restrained has been adjudicated of an offense against the child protected by the order, or is under investigation or has been investigated for such an offense. In issuing a protection order under this subsection, the court shall consider, among the other facts of the case, the

severity of the alleged offense, any continuing physical danger or emotional distress to the alleged victim, and the expense, difficulty, and educational disruption that would be caused by a transfer of the alleged offender to another school. The court may order that the person restrained in the order not attend the public or approved private elementary, middle, or high school attended by the person under the age of eighteen years protected by the order. In the event that the court orders a transfer of the restrained person to another school, the parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

Sec. 4. RCW 10.14.120 and 1989 c 373 s 14 are each amended to read as follows:

Any willful disobedience by ~~((the respondent))~~ a respondent age eighteen years or over of any temporary antiharassment protection order or civil antiharassment protection order issued under this chapter subjects the respondent to criminal penalties under this chapter. Any respondent age eighteen years or over who willfully disobeys the terms of any order issued under this chapter may also, in the court's discretion, be found in contempt of court and subject to penalties under chapter 7.21 RCW. Any respondent under the age of eighteen years who willfully disobeys the terms of an order issued under this chapter may, in the court's discretion, be found in contempt of court and subject to the sanction specified in RCW 7.21.030(4).

Sec. 5. RCW 10.14.170 and 1987 c 280 s 17 are each amended to read as follows:

Any respondent age eighteen years or over who willfully disobeys any civil antiharassment protection order issued pursuant to this chapter shall be guilty of a gross misdemeanor.

Sec. 6. RCW 7.21.030 and 1998 c 296 s 36 are each amended to read as follows:

(1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in RCW 7.21.050, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

(2) If the court finds that the person has failed or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions:

(a) Imprisonment if the contempt of court is of a type defined in RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so long as it serves a coercive purpose.

(b) A forfeiture not to exceed two thousand dollars for each day the contempt of court continues.

(c) An order designed to ensure compliance with a prior order of the court.

(d) Any other remedial sanction other than the sanctions specified in (a) through (c) of this subsection if the court expressly finds that those sanctions would be ineffectual to terminate a continuing contempt of court.

(e) In cases under chapters 13.32A, 13.34, and 28A.225 RCW, commitment to juvenile detention for a period of time not to exceed seven days. This sanction may be imposed in addition to, or as an alternative to, any other remedial sanction authorized by this chapter. This remedy is specifically determined to be a remedial sanction.

(3) The court may, in addition to the remedial sanctions set forth in subsection (2) of this section, order a person found in contempt of court to pay a party for any losses suffered by the party as a result of the contempt and any costs incurred in connection with the contempt proceeding, including reasonable attorney's fees.

(4) If the court finds that a person under the age of eighteen years has willfully disobeyed the terms of an order issued under chapter 10.14 RCW, the court may find the person in contempt of court and may, as a sole sanction for such contempt, commit the person to juvenile detention for a period of time not to exceed seven days."

MOTIONS

On motion of Senator Klein, the following title amendment was adopted:

On page 1, line 1 of the title, after "harassment;" strike the remainder of the title and insert "amending RCW 10.14.020, 10.14.120, 10.14.170, and 7.21.030; reenacting and amending RCW 10.14.040; and creating a new section."

On motion of Senator Klein, the rules were suspended, Second Substitute House Bill No. 1041, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1041, as amended by the Senate under suspension of the rules.

MOTIONS

On motion of Senator Eide, Senator Patterson was excused.

On motion of Senator Hewitt, Senator Sheahan was excused.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1041, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 2; Excused, 9.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 38.

Absent: Senators Finkbeiner and Horn - 2.

Excused: Senators Deccio, Fairley, Johnson, McCaslin, Patterson, Regala, Rossi, Sheahan and West - 9.

SECOND SUBSTITUTE HOUSE BILL NO. 1041, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Horn was excused.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2104, by House Committee on Appropriations (originally sponsored by Representatives Rockefeller, Sump, Pearson and Doumit)

Providing for an increase in forest fire protection funds.

The bill was read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Rossi, Brown, and Tim Sheldon be adopted:

On page 3, after line 25, insert the following:

"In addition to the procedures under this subsection, property owners with multiple parcels in a single county who qualify for a refund under this section may apply to the department on an application listing all the parcels owned in order to have the assessment computed on all parcels but billed to a single parcel. Property owners with the following number of parcels may apply to the department in the year indicated:

<u>Year</u>	<u>Number of Parcels</u>
<u>2002</u>	<u>10 or more parcels</u>
<u>2003</u>	<u>8 or more parcels</u>
<u>2004</u>	<u>6 or more parcels</u>
<u>2005</u>	<u>4 or more parcels</u>
<u>2006 and thereafter</u>	<u>2 or more parcels</u>

The department must compute the correct assessment and allocate one parcel in the county to use to collect the assessment. The county must then bill the forest fire protection assessment on that one allocated identified parcel. The landowner is responsible for notifying the department of any changes in parcel ownership."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Rossi, Brown and Tim Sheldon to Substitute House Bill No. 2104.

The motion by Senator Hargrove carried and the amendment was adopted.

MOTION

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 2104, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2104, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2104, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 40.

Excused: Senators Deccio, Horn, Johnson, McCaslin, Patterson, Regala, Rossi, Sheahan and West - 9.

SUBSTITUTE HOUSE BILL NO. 2104, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 19, 2001

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to ENGROSSED SENATE BILL NO. 5394, insists on its position and asks the Senate to concur therein, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Klein, the Senate refuses to concur in the House amendment(s) to Engrossed Senate Bill No. 5394, insists on its position and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 19, 2001

MR. PRESIDENT:

Under suspension of the rules, SUBSTITUTE SENATE BILL NO. 5988 was returned to second reading for purpose of an amendment and the bill passed the House with the following amendment(s):

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.33A.100 and 1993 c 281 s 50 are each amended to read as follows:

The state investment board shall maintain appropriate offices and employ such personnel as may be necessary to perform its duties. Employment by the investment board shall include but not be limited to an executive director, investment officers, and a confidential secretary, which positions are exempt from classified service under chapter 41.06 RCW. Employment of the executive director by the board shall be for a term of three years, and such employment shall be subject to confirmation of the state finance committee: PROVIDED, That nothing shall prevent the board from dismissing the director for cause before the expiration of the term nor shall anything prohibit the board, with the confirmation of the state finance committee, from employing the same individual as director in succeeding terms. Compensation levels for the executive director, a confidential secretary, and all investment officers, including the deputy director for investment management, employed by the investment board shall be established by the ((Washington personnel resources)) state investment board. The investment board is authorized to maintain a retention pool, from the earnings of the funds managed by the board, in order to address recruitment and retention problems. The compensation levels for investment officers shall be limited to the average of state funds of similar size, based upon a biennial survey conducted by the investment board, with review and comment by the joint legislative audit and review committee. However, in any fiscal year the salary increases granted by the investment board from the retention pool to investment officers pursuant to this section may not exceed an average of five percent.

The investment board shall provide notice to the director of the department of personnel, the director of financial management, and the chairs of the house of representatives and senate fiscal committees of proposed changes to the compensation levels for the positions. The notice shall be provided not less than sixty days prior to the effective date of the proposed changes.

As of July 1, 1981, all employees classified under chapter 41.06 RCW and engaged in duties assumed by the state investment board on July 1, 1981, are assigned to the state investment board. The transfer shall not diminish any rights granted these employees under chapter 41.06 RCW nor exempt the employees from any action which may occur thereafter in accordance with chapter 41.06 RCW.

All existing contracts and obligations pertaining to the functions transferred to the state investment board in this 1980 act shall remain in full force and effect, and shall be performed by the board. None of the transfers directed by this 1980 act shall affect the validity of any act performed by a state entity or by any official or employee thereof prior to July 1, 1981.

Sec. 2. RCW 43.03.028 and 1995 c 67 s 1 are each amended to read as follows:

(1) There is hereby created a state committee on agency officials' salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the chairperson of the council of presidents of the state's four-year institutions of higher education; the chairperson of the Washington personnel resources board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the

Washington State Bar Association; and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(2) The committee shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; the board of pharmacy; the eastern Washington historical society; the Washington state historical society; the interagency committee for outdoor recreation; the criminal justice training commission; the department of personnel; (~~the state finance committee;~~) the state library; the traffic safety commission; the horse racing commission; the advisory council on vocational education; the public disclosure commission; the state conservation commission; the commission on Hispanic affairs; the commission on Asian Pacific American affairs; the state board for volunteer fire fighters and reserve officers; the transportation improvement board; the public employment relations commission; the forest practices appeals board; and the energy facilities site evaluation council.

The committee shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

(3) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

Senator Brown moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5988.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Brown that the Senate concur in the House amendment to Substitute Senate Bill No. 5988.

The motion by Senator Brown carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5988.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5988, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5988, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Roach, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 40.

Excused: Senators Deccio, Horn, Johnson, McCaslin, Patterson, Regala, Rossi, Sheahan and West - 9.

SUBSTITUTE SENATE BILL NO. 5988, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Snyder, all measures acted on today were to be immediately transmitted to the House of Representatives.

MOTION

At 2:59 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 4:50 p.m. by President Owen.

MOTIONS

On motion of Senator Honeyford, Senators Benton, Hewitt, Oke and Winsley were excused.

On motion of Senator Edie, Senators Fairley and Tim Sheldon were excused.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9008, Reverend Ellis H. Casson, as a member of the Human Rights Commission, was confirmed.

APPOINTMENT OF REVEREND ELLIS H. CASSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 39.

Excused: Senators Benton, Deccio, Fairley, Hewitt, Johnson, Oke, Regala, Rossi, Sheldon, T. and Winsley - 10.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 20, 2001

MR. PRESIDENT:

Under suspension of the rules, ENGROSSED SUBSTITUTE SENATE BILL NO. 5606 was returned to second reading for purpose of an amendment and the bill passed the House with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to authorize the department of social and health services to investigate the background of current and future department employees to the same extent and with the same effect as it has authorized the state to investigate the background and exclude from the provision of service current and future care providers, contractors, volunteers, and others. The department of social and health services must coordinate with the department of personnel to develop rules that address the procedures for undertaking background checks, and specifically what action would be taken against a current employee who is disqualified from his or her current position because of a background check not previously performed.

NEW SECTION. Sec. 2. A new section is added to chapter 9.96A RCW to read as follows:

This chapter is not applicable to the department of social and health services when employing a person, who in the course of his or her employment, has or may have unsupervised access to any person who is under the age of eighteen, who is under the age of twenty-one and has been sentenced to a term of confinement under the supervision of the department of social and health services under chapter 13.40 RCW, who is a vulnerable adult under chapter 74.34 RCW, or who is a vulnerable person. For purposes of this section "vulnerable person" means an adult of any age who lacks the functional, mental, or physical ability to care for himself or herself.

Sec. 3. RCW 28A.400.303 and 1992 c 159 s 2 are each amended to read as follows:

School districts, educational service districts, the state school for the deaf, the state school for the blind, and their contractors hiring employees who will have regularly scheduled unsupervised access to children shall require a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation before hiring an employee. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The requesting entity shall provide a copy of the record report to the applicant. When necessary, applicants may be employed on a conditional basis pending completion of the investigation. If the applicant has had a record check within the previous two years, the district, the state school for the deaf, the state school for the blind, or contractor may waive the requirement. The district, pursuant to chapter 41.59 or 41.56 RCW, the state school for the deaf, the state school for the blind, or contractor hiring the employee shall determine who shall pay costs associated with the record check.

Sec. 4. RCW 28A.400.305 and 1996 c 126 s 5 are each amended to read as follows:

The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW on record check information. The rules shall include, but not be limited to the following:

(1) Written procedures providing a school district, state school for the deaf, or state school for the blind employee or applicant for certification or employment access to and review of information obtained based on the record check required under RCW 28A.400.303 (~~and 28A.400.304~~); and

(2) Written procedures limiting access to the superintendent of public instruction record check data base to only those individuals processing record check information at the office of the superintendent of public instruction, the appropriate school district or districts, the state school for the deaf, the state school for the blind, and the appropriate educational service district or districts.

Sec. 5. RCW 43.20A.710 and 2000 c 87 s 2 are each amended to read as follows:

(1) The secretary shall investigate the conviction records, pending charges ((e#)) and disciplinary board final decisions of:

(a) ~~((Persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of))~~ Any current employee or applicant seeking or being considered for any position with the department who will or may have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities(;

~~(b) Persons being considered for state employment in positions involving unsupervised access to vulnerable adults to conduct))~~ This includes, but is not limited to, positions conducting comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

~~((e))~~ (b) Individual providers who are paid by the state and providers who are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW; and

~~((d))~~ (c) Individuals or businesses or organizations for the care, supervision, case management, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW.

(2) The investigation may include an examination of state and national criminal identification data. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants.

(3) An individual provider or home care agency provider who has resided in the state less than three years before applying for employment involving unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must be fingerprinted for the purpose of investigating conviction records both through the Washington state patrol and the federal bureau of investigation. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110. However, this subsection does not supersede RCW 74.15.030(2)(b).

(4) An individual provider or home care agency provider hired to provide in-home care for and having unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must have no conviction for a disqualifying crime under RCW 43.43.830 and 43.43.842. An individual or home care agency provider must also have no conviction for a crime relating to drugs as defined in RCW 43.43.830. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110.

(5) The secretary shall provide the results of the background check on individual providers to the persons hiring them or to their legal guardians, if any, for their determination of the character, suitability, and competence of the applicants. If the person elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense that would disqualify the applicant from having unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, then the secretary shall deny payment for any subsequent services rendered by the disqualified individual provider.

(6) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

NEW SECTION. Sec. 6. A new section is added to chapter 41.06 RCW to read as follows:

(1) The board shall amend any existing rules established under RCW 41.06.475 and adopt rules developed in cooperation and agreement with the department of social and health services to implement the provisions of this act.

(2) The legislature's delegation of authority to the agency under this act is strictly limited to:

(a) The minimum delegation necessary to administer the act's clear and unambiguous directives; and

(b) The administration of circumstances and behaviors foreseeable at the time of enactment.

NEW SECTION. Sec. 7. A new section is added to chapter 41.06 RCW to read as follows:

The personnel resources board must develop policy recommendations addressing the action that will be taken if a background check result disqualifies an employee from his or her current position. A report of the recommendations developed must be delivered to the legislature by December 1, 2001."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Haugen, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5606.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5606, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5606, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 40.

Excused: Senators Benton, Fairley, Hewitt, Johnson, Oke, Regala, Rossi, Sheldon, T. and Winsley - 9.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5606, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 2001

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418, and ask the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Brown, the Senate refuses to recede from the Senate amendment(s) to Engrossed Substitute House Bill No. 1418, insists on its position and asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 20, 2001

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2247, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 2247 by Representatives Crouse, Poulsen and Edwards

Managing energy supply and demand.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Engrossed House Bill No. 2247 was advanced to second reading and placed on the second reading calendar.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9132, Patricia A Wasley, as a member of the Professional Educator Standards Board, was confirmed.

APPOINTMENT OF PATRICIA A. WASLEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 42.

Excused: Senators Benton, Fairley, Hewitt, Oke, Regala, Sheldon, T. and Winsley - 7.

MOTION

On motion of Senator McAuliffe, gubernatorial appointment No. 9060, Pat E. Clothier, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

APPOINTMENT OF PAT E. CLOTHIER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 42.

Excused: Senators Benton, Fairley, Hewitt, Oke, Regala, Sheldon, T. and Winsley - 7.

MOTION

On motion of Senator Spanel, gubernatorial appointment No. 9099, C. Thomas Moser, as a member of the Board of Trustees for Skagit Valley Community College District No. 4, was confirmed.

APPOINTMENT OF C. THOMAS MOSER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 42.

Excused: Senators Benton, Fairley, Hewitt, Oke, Regala, Sheldon, T. and Winsley - 7.

SECOND READING

MOTION

On motion of Senator Honeyford, gubernatorial appointment No. 9073, San Juana Gonzalez, as a member of the Board of Trustees for Yakima Community College District No. 16, was confirmed.

APPOINTMENT OF SAN JUANA GONZALEZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 42.

Excused: Senators Benton, Fairley, Hewitt, Oke, Regala, Sheldon, T. and Winsley - 7.

MOTION

On motion of Senator Jacobsen, gubernatorial appointment No. 9126, Joe Taller as a member of the Parks and Recreation Commission was confirmed.

APPOINTMENT OF JOE TALLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 42.

Excused: Senators Benton, Fairley, Hewitt, Oke, Regala, Sheldon, T. and Winsley - 7.

SECOND READING

ENGROSSED HOUSE BILL NO. 2247, by Representatives Crouse, Poulsen and Edwards

Managing energy supply and demand.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed House Bill No. 2247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2247, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2247, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 0; Excused, 7.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, West and Zarelli - 41.

Voting nay: Senator Thibaudeau - 1.

Excused: Senators Benton, Fairley, Hewitt, Oke, Regala, Sheldon, T. and Winsley - 7.

ENGROSSED HOUSE BILL NO. 2247, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 5:47 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Saturday, April 21, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

ONE HUNDRED-THIRD DAY, APRIL 20, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

ONE HUNDRED-FOURTH DAY

MORNING SESSION

SENATE CHAMBER, CHERBERG BUILDING, OLYMPIA, SATURDAY, APRIL 21, 2001

THE SENATE WAS CALLED TO ORDER AT 10:00 A.M. BY PRESIDENT OWEN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS BENTON, BROWN, FINKBEINER, HARGROVE, PATTERSON, RASMUSSEN AND WINSLEY.

THE SERGEANT AT ARMS COLOR GUARD, CONSISTING OF PAGES ALEES DAVIES AND DEVON MCBRIDE, PRESENTED THE COLORS. SENATOR HAROLD HOCHSTATTER OFFERED THE PRAYER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

MESSAGES FROM THE HOUSE

APRIL 20, 2001

MR. PRESIDENT:

THE CO-SPEAKERS HAVE SIGNED:

SENATE BILL NO. 5333,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5413,

SUBSTITUTE SENATE BILL NO. 5438,

SUBSTITUTE SENATE BILL NO. 5474,

SUBSTITUTE SENATE BILL NO. 5637,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5695,

SUBSTITUTE SENATE BILL NO. 5896, AND THE SAME ARE HERewith TRANSMITTED.

CYNTHIA ZEHNDER, Co-CHIEF CLERK

TIMOTHY A. MARTIN, Co-CHIEF CLERK

APRIL 20, 2001

MR. PRESIDENT:

THE CO-SPEAKERS HAVE SIGNED:

HOUSE BILL NO. 1062,

SUBSTITUTE HOUSE BILL NO. 1094,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1286,

SUBSTITUTE HOUSE BILL NO. 1450,

SUBSTITUTE HOUSE BILL NO. 1650,

HOUSE BILL NO. 2126, AND THE SAME ARE HERewith TRANSMITTED.

TIMOTHY A. MARTIN, Co-CHIEF CLERK

CYNTHIA ZEHNDER, Co-CHIEF CLERK

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:

HOUSE BILL NO. 1062,

SUBSTITUTE HOUSE BILL NO. 1094,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1286,

SUBSTITUTE HOUSE BILL NO. 1450,

SUBSTITUTE HOUSE BILL NO. 1650,

HOUSE BILL NO. 2126.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

ON MOTION OF SENATOR HONEYFORD, GUBERNATORIAL APPOINTMENT No. 9134, WAYNE E. WOOSTER, AS A MEMBER OF THE COLUMBIA RIVER GORGE BI-STATE COMMISSION, WAS CONFIRMED.

APPOINTMENT OF WAYNE E. WOOSTER

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 42; NAYS, 0; ABSENT, 7; EXCUSED, 0.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PRENTICE, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST AND ZARELLI - 42.

ABSENT: SENATORS BENTON, BROWN, FINKBEINER, HARGROVE, PATTERSON, RASMUSSEN AND WINSLEY - 7.

MOTION

AT 10:11 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE RECESSED UNTIL 10:45 A.M.

THE SENATE WAS CALLED TO ORDER AT 10:50 A.M. BY PRESIDENT OWEN.

MOTION

ON MOTION OF SENATOR HONEYFORD, SENATOR BENTON WAS EXCUSED.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

ON MOTION OF SENATOR SHIN, GUBERNATORIAL APPOINTMENT NO. 9145, VERA ING, AS A MEMBER OF THE LIQUOR CONTROL BOARD, WAS CONFIRMED.

SENATORS SHIN AND HOCHSTATTER SPOKE TO THE CONFIRMATION OF VERA ING AS A MEMBER OF THE LIQUOR CONTROL BOARD.

APPOINTMENT OF VERA ING

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 5; EXCUSED, 1.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WINSLEY AND ZARELLI - 43.

ABSENT: SENATORS BROWN, DECCIO, HAUGEN, ROSSI AND WEST - 5.

EXCUSED: SENATOR BENTON - 1.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, GUBERNATORIAL APPOINTMENT NO. 9136, CHRISTINE YOROZU, AS A MEMBER OF THE PUBLIC DISCLOSURE COMMISSION, WAS CONFIRMED.

APPOINTMENT OF CHRISTINE YOROZU

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 45; NAYS, 0; ABSENT, 3; EXCUSED, 1.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 45.

ABSENT: SENATORS BROWN, HAUGEN AND ROSSI - 3.

EXCUSED: SENATOR BENTON - 1.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE RETURNED TO THE FOURTH ORDER OF BUSINESS.

MOTION

ON MOTION OF SENATOR EIDE, SENATORS BROWN AND HAUGEN WERE EXCUSED.

MESSAGE FROM THE HOUSE

APRIL 20, 2001

MR. PRESIDENT:

THE HOUSE HAS PASSED SUBSTITUTE SENATE BILL NO. 5533, WITH THE FOLLOWING AMENDMENT(S):

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"Sec. 1. RCW 17.21.020 AND 1994 C 283 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS CHAPTER.

(1) "AGRICULTURAL COMMODITY" MEANS ANY PLANT OR PART OF A PLANT, OR ANIMAL, OR ANIMAL PRODUCT, PRODUCED BY A PERSON (INCLUDING FARMERS, RANCHERS, VINEYARDISTS, PLANT PROPAGATORS, CHRISTMAS TREE GROWERS, AQUACULTURISTS, FLORICULTURISTS, ORCHARDISTS, FORESTERS, OR OTHER COMPARABLE PERSONS) PRIMARILY FOR SALE, CONSUMPTION, PROPAGATION, OR OTHER USE BY PEOPLE OR ANIMALS.

(2) "AGRICULTURAL LAND" MEANS LAND ON WHICH AN AGRICULTURAL COMMODITY IS PRODUCED OR LAND THAT IS IN A GOVERNMENT-RECOGNIZED CONSERVATION RESERVE PROGRAM. THIS DEFINITION DOES NOT APPLY TO PRIVATE GARDENS WHERE AGRICULTURAL COMMODITIES ARE PRODUCED FOR PERSONAL CONSUMPTION.

(3) "ANTIMICROBIAL PESTICIDE" MEANS A PESTICIDE THAT IS USED FOR THE CONTROL OF MICROBIAL PESTS, INCLUDING BUT NOT LIMITED TO VIRUSES, BACTERIA, ALGAE, AND PROTOZOA, AND IS INTENDED FOR USE AS A DISINFECTANT OR SANITIZER.

(4) "APPARATUS" MEANS ANY TYPE OF GROUND, WATER, OR AERIAL EQUIPMENT, DEVICE, OR CONTRIVANCE USING MOTORIZED, MECHANICAL, OR PRESSURIZED POWER AND USED TO APPLY ANY PESTICIDE ON LAND AND ANYTHING THAT MAY BE GROWING, HABITATING, OR STORED ON OR IN SUCH LAND, BUT SHALL NOT INCLUDE ANY PRESSURIZED HANDSIZED HOUSEHOLD DEVICE USED TO APPLY ANY PESTICIDE, OR ANY EQUIPMENT, DEVICE, OR CONTRIVANCE OF WHICH THE PERSON WHO IS APPLYING THE PESTICIDE IS THE SOURCE OF POWER OR ENERGY IN MAKING SUCH PESTICIDE APPLICATION, OR ANY OTHER SMALL EQUIPMENT, DEVICE, OR CONTRIVANCE THAT IS TRANSPORTED IN A PIECE OF EQUIPMENT LICENSED UNDER THIS CHAPTER AS AN APPARATUS.

((4)) (5) "ARTHROPOD" MEANS ANY INVERTEBRATE ANIMAL THAT BELONGS TO THE PHYLUM ARTHROPODA, WHICH IN ADDITION TO INSECTS, INCLUDES ALLIED CLASSES WHOSE MEMBERS ARE WINGLESS AND USUALLY HAVE MORE THAN SIX LEGS; FOR EXAMPLE, SPIDERS, MITES, TICKS, CENTIPEDES, AND ISOPOD CRUSTACEANS.

((5)) (6) "CERTIFIED APPLICATOR" MEANS ANY INDIVIDUAL WHO IS LICENSED AS A COMMERCIAL PESTICIDE APPLICATOR, COMMERCIAL PESTICIDE OPERATOR, PUBLIC OPERATOR, PRIVATE-COMMERCIAL APPLICATOR, DEMONSTRATION AND RESEARCH APPLICATOR, OR CERTIFIED PRIVATE APPLICATOR, OR ANY OTHER INDIVIDUAL WHO IS CERTIFIED BY THE DIRECTOR TO USE OR SUPERVISE THE USE OF ANY PESTICIDE WHICH IS CLASSIFIED BY THE EPA OR THE DIRECTOR AS A RESTRICTED USE PESTICIDE.

((6)) (7) "COMMERCIAL PESTICIDE APPLICATOR" MEANS ANY PERSON WHO ENGAGES IN THE BUSINESS OF APPLYING PESTICIDES TO THE LAND OF ANOTHER.

((7)) (8) "COMMERCIAL PESTICIDE OPERATOR" MEANS ANY EMPLOYEE OF A COMMERCIAL PESTICIDE APPLICATOR WHO USES OR SUPERVISES THE USE OF ANY PESTICIDE AND WHO IS REQUIRED TO BE LICENSED UNDER PROVISIONS OF THIS CHAPTER.

((8)) (9) "DEFOLIANT" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED TO CAUSE THE LEAVES OR FOLIAGE TO DROP FROM A PLANT WITH OR WITHOUT CAUSING ABSCISSION.

((9)) (10) "DEPARTMENT" MEANS THE WASHINGTON STATE DEPARTMENT OF AGRICULTURE.

((10)) (11) "DESICCANT" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED TO ARTIFICIALLY ACCELERATE THE DRYING OF PLANT TISSUES.

((11)) (12) "DEVICE" MEANS ANY INSTRUMENT OR CONTRIVANCE INTENDED TO TRAP, DESTROY, CONTROL, REPEL, OR MITIGATE PESTS, BUT NOT INCLUDING EQUIPMENT USED FOR THE APPLICATION OF PESTICIDES WHEN SOLD SEPARATELY FROM THE PESTICIDES.

((12)) (13) "DIRECT SUPERVISION" BY CERTIFIED PRIVATE APPLICATORS SHALL MEAN THAT THE DESIGNATED RESTRICTED USE PESTICIDE SHALL BE APPLIED FOR PURPOSES OF PRODUCING ANY AGRICULTURAL COMMODITY ON LAND OWNED OR RENTED BY THE APPLICATOR OR THE APPLICATOR'S EMPLOYER, BY A COMPETENT PERSON ACTING UNDER THE INSTRUCTIONS AND CONTROL OF A CERTIFIED PRIVATE APPLICATOR WHO IS AVAILABLE IF AND WHEN NEEDED, EVEN THOUGH SUCH CERTIFIED PRIVATE APPLICATOR IS NOT PHYSICALLY PRESENT AT THE TIME AND PLACE THE PESTICIDE IS APPLIED. THE CERTIFIED PRIVATE APPLICATOR SHALL HAVE DIRECT MANAGEMENT RESPONSIBILITY AND FAMILIARITY OF THE PESTICIDE, MANNER OF APPLICATION, PEST, AND LAND TO WHICH THE PESTICIDE IS BEING APPLIED. DIRECT SUPERVISION BY ALL OTHER CERTIFIED APPLICATORS MEANS DIRECT ON-THE-JOB SUPERVISION AND SHALL REQUIRE THAT THE CERTIFIED APPLICATOR BE PHYSICALLY PRESENT AT THE APPLICATION SITE AND THAT THE PERSON MAKING THE APPLICATION BE IN VOICE AND VISUAL CONTACT WITH THE CERTIFIED APPLICATOR AT ALL TIMES DURING THE APPLICATION. DIRECT SUPERVISION OF AN AERIAL APPARATUS MEANS THE PILOT OF THE AIRCRAFT MUST BE APPROPRIATELY CERTIFIED.

((13)) (14) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR A DULY AUTHORIZED REPRESENTATIVE.

((14)) (15) "ENGAGE IN BUSINESS" MEANS ANY APPLICATION OF PESTICIDES BY ANY PERSON UPON LANDS OR CROPS OF ANOTHER.

((15)) (16) "EPA" MEANS THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

((16)) (17) "EPA RESTRICTED USE PESTICIDE" MEANS ANY PESTICIDE CLASSIFIED FOR RESTRICTED USE BY THE ADMINISTRATOR, EPA.

((17)) (18) "FIFRA" MEANS THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT AS AMENDED (61 STAT. 163, 7 U.S.C. SEC. 136 ET SEQ.).

((18)) (19) "FUMIGANT" MEANS ANY PESTICIDE PRODUCT OR COMBINATION OF PRODUCTS THAT IS A VAPOR OR GAS OR FORMS A VAPOR OR GAS ON APPLICATION AND WHOSE METHOD OF PESTICIDAL ACTION IS THROUGH THE GASEOUS STATE.

((19)) (20) "FUNGI" MEANS ALL NONCHLOROPHYLL-BEARING THALLOPHYTES (ALL NONCHLOROPHYLL-BEARING PLANTS OF LOWER ORDER THAN MOSSES AND LIVERWORTS); FOR EXAMPLE, RUSTS, SMUTS, MILDEWS, MOLDS, AND YEASTS, EXCEPT THOSE ON OR IN A LIVING PERSON OR OTHER ANIMALS.

((20)) (21) "FUNGICIDE" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED TO PREVENT, DESTROY, REPEL, OR MITIGATE ANY FUNGI.

~~((21))~~ ~~(22)~~ "HERBICIDE" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED TO PREVENT, DESTROY, REPEL, OR MITIGATE ANY WEED OR OTHER HIGHER PLANT.

~~((22))~~ ~~(23)~~ "IMMEDIATE SERVICE CALL" MEANS A LANDSCAPE APPLICATION TO SATISFY AN EMERGENCY CUSTOMER REQUEST FOR SERVICE, OR A TREATMENT TO CONTROL A PEST TO LANDSCAPE PLANTS.

~~((23))~~ ~~(24)~~ "INSECT" MEANS ANY SMALL INVERTEBRATE ANIMAL, IN ANY LIFE STAGE, WHOSE ADULT FORM IS SEGMENTED AND WHICH GENERALLY BELONGS TO THE CLASS INSECTA, COMPRISED OF SIX-LEGGED, USUALLY WINGED FORMS, AS, FOR EXAMPLE, BEETLES, BUGS, BEES, AND FLIES. THE TERM INSECT SHALL ALSO APPLY TO OTHER ALLIED CLASSES OF ARTHROPODS WHOSE MEMBERS ARE WINGLESS AND USUALLY HAVE MORE THAN SIX LEGS, FOR EXAMPLE, SPIDERS, MITES, TICKS, CENTIPEDES, AND ISOPOD CRUSTACEANS.

~~((24))~~ ~~(25)~~ "INSECTICIDE" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED TO PREVENT, DESTROY, REPEL, OR MITIGATE ANY INSECT.

~~((25))~~ ~~(26)~~ "LAND" MEANS ALL LAND AND WATER AREAS, INCLUDING AIRSPACE AND ALL PLANTS, ANIMALS, STRUCTURES, BUILDINGS, DEVICES, AND CONTRIVANCES, APPURTENANT TO OR SITUATED ON, FIXED OR MOBILE, INCLUDING ANY USED FOR TRANSPORTATION.

~~((26))~~ ~~(27)~~ "LANDSCAPE APPLICATION" MEANS AN APPLICATION (~~BY A CERTIFIED APPLICATOR~~) OF ANY EPA REGISTERED PESTICIDE TO ANY EXTERIOR LANDSCAPE (~~PLANTS FOUND~~) AREA AROUND RESIDENTIAL PROPERTY, COMMERCIAL PROPERTIES SUCH AS APARTMENTS OR SHOPPING CENTERS, PARKS, GOLF COURSES, SCHOOLS INCLUDING NURSERY SCHOOLS AND LICENSED DAY CARES, OR CEMETERIES OR SIMILAR AREAS. THIS DEFINITION SHALL NOT APPLY TO: (A) APPLICATIONS MADE BY CERTIFIED PRIVATE APPLICATORS; (B) MOSQUITO ABATEMENT, GYPSY MOTH ERADICATION, OR SIMILAR WIDE-AREA PEST CONTROL PROGRAMS SPONSORED BY GOVERNMENTAL ENTITIES; AND (C) COMMERCIAL PESTICIDE APPLICATORS MAKING STRUCTURAL APPLICATIONS.

~~((27))~~ ~~(28)~~ "NEMATOCIDE" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED TO PREVENT, DESTROY, REPEL, OR MITIGATE NEMATODES.

~~((28))~~ ~~(29)~~ "NEMATODE" MEANS ANY INVERTEBRATE ANIMAL OF THE PHYLUM NEMATHELMINTHES AND CLASS NEMATODA, THAT IS, UNSEGMENTED ROUND WORMS WITH ELONGATED, FUSIFORM, OR SACKLIKE BODIES COVERED WITH CUTICLE, AND INHABITING SOIL, WATER, PLANTS OR PLANT PARTS. NEMATODES MAY ALSO BE CALLED NEMAS OR EELWORMS.

~~((29))~~ ~~(30)~~ "PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, ASSOCIATION, CORPORATION, OR ORGANIZED GROUP OF PERSONS WHETHER OR NOT INCORPORATED.

~~((30))~~ ~~(31)~~ "PEST" MEANS, BUT IS NOT LIMITED TO, ANY INSECT, RODENT, NEMATODE, SNAIL, SLUG, WEED, AND ANY FORM OF PLANT OR ANIMAL LIFE OR VIRUS, EXCEPT VIRUS, BACTERIA, OR OTHER MICROORGANISMS ON OR IN A LIVING PERSON OR OTHER ANIMAL OR IN OR ON PROCESSED FOOD OR BEVERAGES OR PHARMACEUTICALS, WHICH IS NORMALLY CONSIDERED TO BE A PEST, OR WHICH THE DIRECTOR MAY DECLARE TO BE A PEST.

~~((31))~~ ~~(32)~~ "PESTICIDE" MEANS, BUT IS NOT LIMITED TO:

(A) ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED TO PREVENT, DESTROY, CONTROL, REPEL, OR MITIGATE ANY PEST;
(B) ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED TO BE USED AS A PLANT REGULATOR, DEFOLIANT OR DESICCANT;

AND

(C) ANY SPRAY ADJUVANT, SUCH AS A WETTING AGENT, SPREADING AGENT, DEPOSIT BUILDER, ADHESIVE, EMULSIFYING AGENT, DEFLOCCULATING AGENT, WATER MODIFIER, OR SIMILAR AGENT WITH OR WITHOUT TOXIC PROPERTIES OF ITS OWN INTENDED TO BE USED WITH ANY PESTICIDE AS AN AID TO THE APPLICATION OR EFFECT THEREOF, AND SOLD IN A PACKAGE OR CONTAINER SEPARATE FROM THAT OF THE PESTICIDE WITH WHICH IT IS TO BE USED.

~~((32))~~ ~~(33)~~ "PESTICIDE ADVISORY BOARD" MEANS THE PESTICIDE ADVISORY BOARD AS PROVIDED FOR IN THIS CHAPTER.

~~((33))~~ ~~(34)~~ "PLANT REGULATOR" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED THROUGH PHYSIOLOGICAL ACTION, TO ACCELERATE OR RETARD THE RATE OF GROWTH OR MATURATION, OR TO OTHERWISE ALTER THE BEHAVIOR OF ORNAMENTAL OR CROP PLANTS OR THEIR PRODUCE, BUT SHALL NOT INCLUDE SUBSTANCES INSOFAR AS THEY ARE INTENDED TO BE USED AS PLANT NUTRIENTS, TRACE ELEMENTS, NUTRITIONAL CHEMICALS, PLANT INOCULANTS, OR SOIL AMENDMENTS.

~~((34))~~ ~~(35)~~ "PRIVATE APPLICATOR" MEANS A CERTIFIED APPLICATOR WHO USES OR IS IN DIRECT SUPERVISION OF THE USE OF ANY PESTICIDE CLASSIFIED BY THE EPA OR THE DIRECTOR AS A RESTRICTED USE PESTICIDE, FOR THE PURPOSES OF PRODUCING ANY AGRICULTURAL COMMODITY AND FOR ANY ASSOCIATED NONCROP APPLICATION ON LAND OWNED OR RENTED BY THE APPLICATOR OR THE APPLICATOR'S EMPLOYER OR IF APPLIED WITHOUT COMPENSATION OTHER THAN TRADING OF PERSONAL SERVICES BETWEEN PRODUCERS OF AGRICULTURAL COMMODITIES ON THE LAND OF ANOTHER PERSON.

~~((35))~~ ~~(36)~~ "PRIVATE-COMMERCIAL APPLICATOR" MEANS A CERTIFIED APPLICATOR WHO USES OR SUPERVISES THE USE OF ANY PESTICIDE CLASSIFIED BY THE EPA OR THE DIRECTOR AS A RESTRICTED USE PESTICIDE FOR PURPOSES OTHER THAN THE PRODUCTION OF ANY AGRICULTURAL COMMODITY ON LANDS OWNED OR RENTED BY THE APPLICATOR OR THE APPLICATOR'S EMPLOYER.

~~((36))~~ ~~(37)~~ "RESIDENTIAL PROPERTY" INCLUDES PROPERTY LESS THAN ONE ACRE IN SIZE ZONED AS RESIDENTIAL BY A CITY, TOWN, OR COUNTY, BUT DOES NOT INCLUDE PROPERTY ZONED AS AGRICULTURAL OR AGRICULTURAL HOMESITES.

~~((37))~~ ~~(38)~~ "RESTRICTED USE PESTICIDE" MEANS ANY PESTICIDE OR DEVICE WHICH, WHEN USED AS DIRECTED OR IN ACCORDANCE WITH A WIDESPREAD AND COMMONLY RECOGNIZED PRACTICE, THE DIRECTOR DETERMINES, SUBSEQUENT TO A HEARING, REQUIRES ADDITIONAL RESTRICTIONS FOR THAT USE TO PREVENT UNREASONABLE ADVERSE EFFECTS ON THE ENVIRONMENT INCLUDING PEOPLE, LANDS, BENEFICIAL INSECTS, ANIMALS, CROPS, AND WILDLIFE, OTHER THAN PESTS.

~~((38))~~ ~~(39)~~ "RODENTICIDE" MEANS ANY SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED TO PREVENT, DESTROY, REPEL, OR MITIGATE RODENTS, OR ANY OTHER VERTEBRATE ANIMAL WHICH THE DIRECTOR MAY DECLARE BY RULE TO BE A PEST.

~~((39))~~ ~~(40)~~ "SCHOOL FACILITY" MEANS ANY FACILITY USED FOR LICENSED DAY CARE CENTER PURPOSES OR FOR THE PURPOSES OF A PUBLIC KINDERGARTEN OR PUBLIC ELEMENTARY OR SECONDARY SCHOOL. SCHOOL FACILITY INCLUDES THE BUILDINGS OR STRUCTURES, PLAYGROUNDS, LANDSCAPE AREAS, ATHLETIC FIELDS, SCHOOL VEHICLES, OR ANY OTHER AREA OF SCHOOL PROPERTY.

~~(41)~~ "SNAILS OR SLUGS" INCLUDE ALL HARMFUL MOLLUSKS.

~~((40))~~ ~~(42)~~ "UNREASONABLE ADVERSE EFFECTS ON THE ENVIRONMENT" MEANS ANY UNREASONABLE RISK TO PEOPLE OR THE ENVIRONMENT TAKING INTO ACCOUNT THE ECONOMIC, SOCIAL, AND ENVIRONMENTAL COSTS AND BENEFITS OF THE USE OF ANY PESTICIDE, OR AS OTHERWISE DETERMINED BY THE DIRECTOR.

~~((41))~~ ~~(43)~~ "WEED" MEANS ANY PLANT WHICH GROWS WHERE IT IS NOT WANTED.

Sec. 2. RCW 17.21.410 AND 1994 C 283 S 33 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) A CERTIFIED APPLICATOR MAKING A LANDSCAPE APPLICATION TO:

(A) RESIDENTIAL PROPERTY SHALL AT THE TIME OF THE APPLICATION PLACE A MARKER AT THE USUAL POINT OF ENTRY TO THE PROPERTY. IF THE APPLICATION IS MADE TO AN ISOLATED SPOT THAT IS NOT A SUBSTANTIAL PORTION OF THE PROPERTY, THE APPLICATOR SHALL ONLY BE REQUIRED TO PLACE A MARKER AT THE APPLICATION SITE. IF THE APPLICATION IS IN A FENCED OR OTHERWISE ISOLATED BACKYARD, NO MARKER IS REQUIRED.

(B) COMMERCIAL PROPERTIES SUCH AS APARTMENTS OR SHOPPING CENTERS SHALL AT THE TIME OF APPLICATION PLACE A MARKER IN A CONSPICUOUS LOCATION AT OR NEAR EACH SITE BEING TREATED.

(C) A GOLF COURSE SHALL AT THE TIME OF THE APPLICATION PLACE A MARKER AT THE FIRST TEE AND TENTH TEE OR POST THE INFORMATION IN A CONSPICUOUS LOCATION SUCH AS ON A CENTRAL MESSAGE BOARD.

(D) A SCHOOL, NURSERY SCHOOL, OR LICENSED DAY CARE SHALL AT THE TIME OF THE APPLICATION PLACE A MARKER AT EACH PRIMARY POINT OF ENTRY TO THE SCHOOL GROUNDS. A SCHOOL EMPLOYEE MAKING AN APPLICATION TO A SCHOOL FACILITY SHALL COMPLY WITH THE POSTING REQUIREMENTS IN SECTION 3 OF THIS ACT.

(E) A PARK, CEMETERY, REST STOP, OR SIMILAR PROPERTY AS MAY BE DEFINED IN RULE SHALL AT THE TIME OF THE APPLICATION PLACE A MARKER AT EACH PRIMARY POINT OF ENTRY.

(2) AN INDIVIDUAL MAKING A LANDSCAPE APPLICATION TO A SCHOOL GROUNDS, NURSERY SCHOOL, OR LICENSED DAY CARE, AND NOT OTHERWISE COVERED BY SUBSECTION (1) OF THIS SECTION, SHALL ~~((BE REQUIRED TO COMPLY WITH THE POSTING REQUIREMENTS IN SUBSECTION (1)(D) OF THIS SECTION))~~ AT THE TIME OF THE APPLICATION PLACE A MARKER AT EACH PRIMARY POINT OF ENTRY TO THE SCHOOL GROUNDS.

(3) THE MARKER SHALL BE A MINIMUM OF FOUR INCHES BY FIVE INCHES. IT SHALL HAVE THE WORDS: "THIS LANDSCAPE HAS BEEN TREATED BY" AS THE HEADLINE AND "FOR MORE INFORMATION PLEASE CALL" AS THE FOOTER. LARGER SIZE REQUIREMENTS FOR MARKERS MAY BE ESTABLISHED IN RULE FOR SPECIFIC APPLICATIONS. THE COMPANY NAME AND SERVICE MARK ~~((WITH THE APPLICATOR'S TELEPHONE NUMBER WHERE INFORMATION CAN BE OBTAINED))~~ SHALL BE INCLUDED BETWEEN THE HEADLINE AND THE FOOTER ON ~~((THE MARKER. THE LETTERS AND SERVICE MARKS))~~ A MARKER PLACED BY A COMMERCIAL APPLICATOR. THE APPLICATOR'S TELEPHONE NUMBER WHERE INFORMATION CAN BE OBTAINED ABOUT THE APPLICATION SHALL BE INCLUDED IN THE FOOTER OF THE MARKER. MARKERS SHALL BE PRINTED IN COLORS CONTRASTING TO THE BACKGROUND.

(4) THE PROPERTY OWNER OR TENANT SHALL REMOVE THE MARKER ACCORDING TO THE SCHEDULE ESTABLISHED IN RULE. A ~~((COMMERCIAL))~~ CERTIFIED APPLICATOR OR INDIVIDUAL WHO COMPLIES WITH THIS SECTION IS NOT LIABLE FOR THE REMOVAL OF MARKERS BY UNAUTHORIZED PERSONS OR REMOVAL OUTSIDE THE DESIGNATED REMOVAL TIME.

(5) A CERTIFIED APPLICATOR OR INDIVIDUAL WHO COMPLIES WITH THIS SECTION CANNOT BE HELD LIABLE FOR PERSONAL PROPERTY DAMAGE OR BODILY INJURY RESULTING FROM MARKERS THAT ARE PLACED AS REQUIRED.

NEW SECTION. SEC. 3. A NEW SECTION IS ADDED TO CHAPTER 17.21 RCW TO READ AS FOLLOWS:

(1) AS USED IN THIS SECTION, "SCHOOL" MEANS A LICENSED DAY CARE CENTER OR A PUBLIC KINDERGARTEN OR A PUBLIC ELEMENTARY OR SECONDARY SCHOOL.

(2) A SCHOOL SHALL PROVIDE WRITTEN NOTIFICATION ANNUALLY OR UPON ENROLLMENT TO PARENTS OR GUARDIANS OF STUDENTS AND EMPLOYEES DESCRIBING THE SCHOOL'S PEST CONTROL POLICIES AND METHODS, INCLUDING THE POSTING AND NOTIFICATION REQUIREMENTS OF THIS SECTION.

(3) A SCHOOL SHALL ESTABLISH A NOTIFICATION SYSTEM THAT, AS A MINIMUM, NOTIFIES INTERESTED PARENTS OR GUARDIANS OF STUDENTS AND EMPLOYEES AT LEAST FORTY-EIGHT HOURS BEFORE A PESTICIDE APPLICATION TO A SCHOOL FACILITY. THE NOTIFICATION SYSTEM SHALL INCLUDE POSTING OF THE NOTIFICATION IN A PROMINENT PLACE IN THE MAIN OFFICE OF THE SCHOOL.

(4) ALL NOTIFICATIONS TO PARENTS, GUARDIANS, AND EMPLOYEES SHALL INCLUDE THE HEADING "NOTICE: PESTICIDE APPLICATION" AND, AT A MINIMUM, SHALL STATE:

- (A) THE PRODUCT NAME OF THE PESTICIDE TO BE APPLIED;
- (B) THE INTENDED DATE AND TIME OF APPLICATION;
- (C) THE LOCATION TO WHICH THE PESTICIDE IS TO BE APPLIED;
- (D) THE PEST TO BE CONTROLLED; AND
- (E) THE NAME AND PHONE NUMBER OF A CONTACT PERSON AT THE SCHOOL.

(5) A SCHOOL FACILITY APPLICATION MUST BE MADE WITHIN FORTY-EIGHT HOURS FOLLOWING THE INTENDED DATE AND TIME STATED IN THE NOTIFICATION OR THE NOTIFICATION PROCESS SHALL BE REPEATED.

(6) A SCHOOL SHALL, AT THE TIME OF APPLICATION, POST NOTIFICATION SIGNS FOR ALL PESTICIDE APPLICATIONS MADE TO SCHOOL FACILITIES UNLESS THE APPLICATION IS OTHERWISE REQUIRED TO BE POSTED BY A CERTIFIED APPLICATOR UNDER THE PROVISIONS OF RCW 17.21.410(1)(d).

(A) NOTIFICATION SIGNS FOR APPLICATIONS MADE TO SCHOOL GROUNDS BY SCHOOL EMPLOYEES SHALL BE PLACED AT THE LOCATION OF THE APPLICATION AND AT EACH PRIMARY POINT OF ENTRY TO THE SCHOOL GROUNDS. THE SIGNS SHALL BE A MINIMUM OF FOUR INCHES BY FIVE INCHES AND SHALL INCLUDE THE WORDS: "THIS LANDSCAPE HAS BEEN RECENTLY SPRAYED OR TREATED WITH PESTICIDES BY YOUR SCHOOL" AS THE HEADLINE AND "FOR MORE INFORMATION PLEASE CALL" AS THE FOOTER. THE FOOTER SHALL PROVIDE THE NAME AND TELEPHONE NUMBER OF A CONTACT PERSON AT THE SCHOOL.

(B) NOTIFICATION SIGNS FOR APPLICATIONS MADE TO SCHOOL FACILITIES OTHER THAN SCHOOL GROUNDS SHALL BE POSTED AT THE LOCATION OF THE APPLICATION. THE SIGNS SHALL BE A MINIMUM OF EIGHT AND ONE-HALF BY ELEVEN INCHES AND SHALL INCLUDE THE HEADING "NOTICE: PESTICIDE APPLICATION" AND, AT A MINIMUM, SHALL STATE:

- (I) THE PRODUCT NAME OF THE PESTICIDE APPLIED;
 - (II) THE DATE AND TIME OF APPLICATION;
 - (III) THE LOCATION TO WHICH THE PESTICIDE WAS APPLIED;
 - (IV) THE PEST TO BE CONTROLLED; AND
 - (V) THE NAME AND PHONE NUMBER OF A CONTACT PERSON AT THE SCHOOL.
- (C) NOTIFICATION SIGNS SHALL BE PRINTED IN COLORS CONTRASTING TO THE BACKGROUND.

(D) NOTIFICATION SIGNS SHALL REMAIN IN PLACE FOR AT LEAST TWENTY-FOUR HOURS FROM THE TIME THE APPLICATION IS COMPLETED. IN THE EVENT THE PESTICIDE LABEL REQUIRES A RESTRICTED ENTRY INTERVAL GREATER THAN TWENTY-FOUR HOURS, THE NOTIFICATION SIGN SHALL REMAIN IN PLACE CONSISTENT WITH THE RESTRICTED ENTRY INTERVAL TIME AS REQUIRED BY THE LABEL.

(7) A SCHOOL FACILITY APPLICATION DOES NOT INCLUDE THE APPLICATION OF ANTIMICROBIAL PESTICIDES OR THE PLACEMENT OF INSECT OR RODENT BAITS THAT ARE NOT ACCESSIBLE TO CHILDREN.

(8) THE PRENOTIFICATION REQUIREMENTS OF THIS SECTION DO NOT APPLY IF THE SCHOOL FACILITY APPLICATION IS MADE WHEN THE SCHOOL IS NOT OCCUPIED BY STUDENTS FOR AT LEAST TWO CONSECUTIVE DAYS AFTER THE APPLICATION.

(9) THE PRENOTIFICATION REQUIREMENTS OF THIS SECTION DO NOT APPLY TO ANY EMERGENCY SCHOOL FACILITY APPLICATION FOR CONTROL OF ANY PEST THAT POSES AN IMMEDIATE HUMAN HEALTH OR SAFETY THREAT, SUCH AS AN APPLICATION TO CONTROL STINGING INSECTS. WHEN AN EMERGENCY SCHOOL FACILITY APPLICATION IS MADE, NOTIFICATION CONSISTENT WITH THE SCHOOL'S NOTIFICATION SYSTEM SHALL OCCUR AS SOON AS POSSIBLE AFTER THE APPLICATION. THE NOTIFICATION SHALL INCLUDE INFORMATION CONSISTENT WITH SUBSECTION (6)(B) OF THIS SECTION.

(10) A SCHOOL SHALL MAKE THE RECORDS OF ALL PESTICIDE APPLICATIONS TO SCHOOL FACILITIES REQUIRED UNDER THIS CHAPTER, INCLUDING AN ANNUAL SUMMARY OF THE RECORDS, READILY ACCESSIBLE TO INTERESTED PERSONS.

(11) A SCHOOL IS NOT LIABLE FOR THE REMOVAL OF SIGNS BY UNAUTHORIZED PERSONS. A SCHOOL THAT COMPLIES WITH THIS SECTION MAY NOT BE HELD LIABLE FOR PERSONAL PROPERTY DAMAGE OR BODILY INJURY RESULTING FROM SIGNS THAT ARE PLACED AS REQUIRED.

NEW SECTION. Sec. 4. A NEW SECTION IS ADDED TO CHAPTER 28A.320 RCW TO READ AS FOLLOWS:

SCHOOLS AS DEFINED IN SECTION 3 OF THIS ACT SHALL PROVIDE NOTICE OF PESTICIDE USE TO PARENTS OR GUARDIANS OF STUDENTS AND EMPLOYEES PURSUANT TO CHAPTER 17.21 RCW.

NEW SECTION. Sec. 5. A NEW SECTION IS ADDED TO CHAPTER 74.15 RCW TO READ AS FOLLOWS:

LICENSED DAY CARE CENTERS SHALL PROVIDE NOTICE OF PESTICIDE USE TO PARENTS OR GUARDIANS OF STUDENTS AND EMPLOYEES PURSUANT TO CHAPTER 17.21 RCW.

NEW SECTION. Sec. 6. EXCEPT FOR SECTION 7 OF THIS ACT, THIS ACT TAKES EFFECT JULY 1, 2002.

NEW SECTION. Sec. 7. IF SPECIFIC FUNDING FOR THE PURPOSES OF THIS ACT, REFERENCING THIS ACT BY BILL OR CHAPTER NUMBER, IS NOT PROVIDED BY JUNE 30, 2001, IN THE OMNIBUS APPROPRIATIONS ACT, THIS ACT IS NULL AND VOID."

ON PAGE 1, LINE 2 OF THE TITLE, AFTER "SCHOOLS;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 17.21.020 AND 17.21.410; ADDING A NEW SECTION TO CHAPTER 17.21 RCW; ADDING A NEW SECTION TO CHAPTER 28A.320 RCW; ADDING A NEW SECTION TO CHAPTER 74.15 RCW; CREATING A NEW SECTION; AND PROVIDING AN EFFECTIVE DATE.", AND THE SAME ARE HEREWITH TRANSMITTED.

TIMOTHY A. MARTIN, Co-CHIEF CLERK
CYNTHIA ZEHNDER, Co-CHIEF CLERK

MOTION

SENATOR EIDE MOVED THAT THE SENATE CONCUR IN THE HOUSE AMENDMENTS TO SUBSTITUTE SENATE BILL NO. 5533.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE MOTION BY SENATOR EIDE THAT THE SENATE CONCUR IN THE HOUSE AMENDMENTS TO SUBSTITUTE SENATE BILL NO. 5533.

THE MOTION BY SENATOR EIDE CARRIED AND THE SENATE CONCURRED IN THE HOUSE AMENDMENTS TO SUBSTITUTE SENATE BILL NO. 5533.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5533, AS AMENDED BY THE HOUSE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5533, AS AMENDED BY THE HOUSE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 3; ABSENT, 0; EXCUSED, 3.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HEWITT, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 43.

VOTING NAY: SENATORS HOCHSTATTER, HONEYFORD AND MORTON - 3.

EXCUSED: SENATORS BENTON, BROWN AND HAUGEN - 3.

SUBSTITUTE SENATE BILL NO. 5533, AS AMENDED BY THE HOUSE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MESSAGE FROM THE HOUSE

APRIL 20, 2001

MR. PRESIDENT:

THE HOUSE REFUSES TO CONCUR IN THE SENATE AMENDMENT(S) TO ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137 AND ASKS THE SENATE TO RECEDE THEREFROM, AND THE SAME ARE HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, Co-CHIEF CLERK
TIMOTHY A. MARTIN, Co-CHIEF CLERK

MOTION

ON MOTION OF SENATOR McAULIFFE, THE SENATE REFUSES TO RECEDE FROM ITS AMENDMENT(S) TO ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137, INSISTS ON ITS POSITION AND ASKS THE HOUSE TO CONCUR THEREIN.

MESSAGE FROM THE HOUSE

APRIL 19, 2001

MR. PRESIDENT:

THE HOUSE REFUSES TO RECEDE FROM ITS AMENDMENT(S) TO SUBSTITUTE SENATE BILL NO. 5187, INSISTS ON ITS POSITION AND ASKS THE SENATE TO CONCUR THEREIN, AND THE SAME ARE HEREWITH TRANSMITTED.

TIMOTHY A. MARTIN, CO-CHIEF CLERK
CYNTHIA ZEHNDER, CO-CHIEF CLERK

MOTION

SENATOR KLINE MOVED THAT THE SENATE CONCUR IN THE HOUSE AMENDMENT(S) TO SUBSTITUTE SENATE BILL NO. 5187.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE MOTION BY SENATOR KLINE THAT THE SENATE CONCUR IN THE HOUSE AMENDMENT(S) TO SUBSTITUTE SENATE BILL NO. 5187.

THE MOTION BY SENATOR KLINE CARRIED AND THE SENATE CONCURRED IN THE HOUSE AMENDMENT(S) TO SUBSTITUTE SENATE BILL NO. 5187.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5187, AS AMENDED BY THE HOUSE.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5187, AS AMENDED BY THE HOUSE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 47; NAYS, 0; ABSENT, 0; EXCUSED, 2.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, McAULIFFE, McCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 47.

EXCUSED: SENATORS BENTON AND BROWN - 2.

SUBSTITUTE SENATE BILL NO. 5187, AS AMENDED BY THE HOUSE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADVANCED TO THE EIGHTH ORDER OF BUSINESS.

MOTION

ON MOTION OF SENATOR HARGROVE, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8683

BY SENATORS HARGROVE, LONG AND COSTA

WHEREAS, FETAL ALCOHOL SYNDROME/FETAL ALCOHOL EFFECTS (FAS/FAE) ARE PREVENTABLE BIRTH DEFECTS THAT RESULT FROM AN UNBORN CHILD'S EXPOSURE TO ALCOHOL DURING GESTATION; AND

WHEREAS, FAS/FAE IS A CONDITION RECOGNIZABLE IN CHILDREN BY VARYING DEGREES OF GROWTH DEFICIENCIES, NEUROBEHAVIORAL EFFECTS, AND FACIAL ANOMALIES; AND

WHEREAS, CHILDREN WITH FAS/FAE EXHIBIT COMPLEX BRAIN DYSFUNCTION WITH COMBINED ELEMENTS OF COGNITIVE IMPAIRMENT, BEHAVIORAL DISTURBANCE, AND NEUROLOGICAL DAMAGE; AND

WHEREAS, THE INCIDENCE RATE IN SEATTLE FOR COMBINED FAS/FAE IS REPORTED IN A 1997 UNIVERSITY OF WASHINGTON STUDY AS 9.1/1,000 LIVE BIRTHS; AND

WHEREAS, THE IMPACT FROM THE PREVALENCE OF THIS CONDITION IS NOT SPECIFIED, BUT SIGNIFICANTLY AFFECTS EDUCATION, CRIMINAL JUSTICE, AND SOCIAL SERVICE DELIVERY SYSTEMS; AND

WHEREAS, THERE IS NO STATE DEFINITION FOR FAS/FAE, NOR IS THERE A SPECIFIC STATE PROGRAM ADDRESSING THE MULTIPLE NEEDS OF THESE FAS/FAE INDIVIDUALS WHO MAY NOT FIT WITHIN EXISTING MENTAL HEALTH OR DEVELOPMENTAL DISABILITIES PROGRAMS; AND

WHEREAS, THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF CORRECTIONS, AND THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION HAVE, PURSUANT TO RCW 70.96A.510 EXECUTED AN INTERAGENCY AGREEMENT TO ENSURE THE COORDINATION OF IDENTIFICATION, PREVENTION, AND INTERVENTION PROGRAMS FOR CHILDREN WHO HAVE FETAL ALCOHOL EXPOSURE AND ESTABLISHED A FETAL ALCOHOL SYNDROME INTERAGENCY WORKGROUP (FAS INTERAGENCY WORKGROUP) SUPPORTED THROUGH THE DIVISION OF ALCOHOL AND SUBSTANCE ABUSE AT THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES; AND

WHEREAS, THE FAS INTERAGENCY WORKGROUP HAS EXPRESSED WILLINGNESS TO FACILITATE THE INVESTIGATION OF AND REPORTING ON THE ISSUES SET FORTH HEREIN;

NOW, THEREFORE, BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE DIRECTS THE SENATE HUMAN SERVICES AND CORRECTIONS COMMITTEE TO COORDINATE WITH THE FAS INTERAGENCY WORKGROUP TO EXAMINE THE ISSUE OF FAS/FAE SERVICE DELIVERY BY THE STATE AND DRAFT A REPORT TO THE LEGISLATURE CONCERNING THE PREVALENCE OF FAS/FAE IN THIS STATE; THE COSTS INCURRED IN SERVICE DELIVERY WITHIN STATE-SUPPORTED PROGRAMS AS A RESULT OF THIS PREVENTABLE CONDITION; AND INCLUDE RECOMMENDATIONS REGARDING THE DEVELOPMENT OF STATE PROGRAMS THAT WOULD PROVIDE SERVICES TO INDIVIDUALS AND FAMILIES IMPACTED BY FAS/FAE. THE REPORT SHALL BE SUBMITTED TO THE SENATE ON JUNE 30, 2002; AND

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO THE GOVERNOR'S OFFICE, AND TO THE FAS INTERAGENCY WORKGROUP.

SENATORS HARGROVE, LONG AND FRANKLIN SPOKE TO SENATE RESOLUTION 2001-8683.

MOTION

ON MOTION OF SENATOR EIDE, SENATORS KASTAMA AND REGALA WERE EXCUSED.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE REVERTED TO THE FIRST ORDER OF BUSINESS.

REPORT OF STANDING COMMITTEE

APRIL 22, 2001

EHB 1350 PRIME SPONSOR, REPRESENTATIVE G. CHANDLER: CHANGING WATER RIGHT APPEALS PROCEDURES FOR RIGHTS SUBJECT TO A GENERAL STREAM ADJUDICATION. REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: DO PASS AS AMENDED. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, HALE, HONEYFORD, JACOBSEN, McDONALD, MORTON AND PATTERSON.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE RULES WERE SUSPENDED, ENGROSSED HOUSE BILL NO. 1350 WAS ADVANCED TO SECOND READING AND PLACED ON THE SECOND READING CALENDAR.

MOTION

ON MOTION OF SENATOR BETTI SHELDON THE SENATE ADVANCED TO THE SIXTH ORDER OF BUSINESS.

SECOND READING

ENGROSSED HOUSE BILL NO. 1350, BY REPRESENTATIVES G. CHANDLER AND LINVILLE

CHANGING WATER RIGHT APPEALS PROCEDURES FOR RIGHTS SUBJECT TO A GENERAL STREAM ADJUDICATION.

THE BILL WAS READ THE SECOND TIME.

MOTION

SENATOR FRASER MOVED THAT THE FOLLOWING COMMITTEE ON ENVIRONMENT, ENERGY AND WATER STRIKING AMENDMENT BE ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"NEW SECTION. Sec. 1. THE LEGISLATURE INTENDS TO ASSURE THAT APPEALS OF DEPARTMENT OF ECOLOGY DECISIONS REGARDING CHANGES OR TRANSFERS OF WATER RIGHTS THAT ARE THE SUBJECT OF AN ONGOING GENERAL ADJUDICATION OF WATER RIGHTS ARE GOVERNED BY AN APPEALS PROCESS THAT IS EFFICIENT AND ELIMINATES UNNECESSARY DUPLICATION, WHILE FULLY PRESERVING THE RIGHTS OF ALL AFFECTED PARTIES. THE LEGISLATURE INTENDS TO ADDRESS ONLY THE JUDICIAL REVIEW PROCESS FOR CERTAIN DECISIONS OF THE POLLUTION CONTROL HEARINGS BOARD WHEN A GENERAL ADJUDICATION IS BEING ACTIVELY LITIGATED. THE LEGISLATURE INTENDS TO FULLY PRESERVE THE ROLE OF THE POLLUTION CONTROL HEARINGS BOARD, EXCEPT AS SPECIFICALLY PROVIDED IN THIS ACT.

Sec. 2. RCW 43.21B.110 AND 1998 C 262 S 18, 1998 C 156 S 8, AND 1998 C 36 S 22 ARE EACH REENACTED AND AMENDED TO READ AS FOLLOWS:

(1) THE HEARINGS BOARD SHALL ONLY HAVE JURISDICTION TO HEAR AND DECIDE APPEALS FROM THE FOLLOWING DECISIONS OF THE DEPARTMENT, THE DIRECTOR, LOCAL CONSERVATION DISTRICTS, AND THE AIR POLLUTION CONTROL BOARDS OR AUTHORITIES AS ESTABLISHED PURSUANT TO CHAPTER 70.94 RCW, OR LOCAL HEALTH DEPARTMENTS:

(A) CIVIL PENALTIES IMPOSED PURSUANT TO RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, AND 90.56.330.

(B) ORDERS ISSUED PURSUANT TO RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.48.120, AND 90.56.330.

(C) EXCEPT AS PROVIDED IN RCW 90.03.210(2), THE ISSUANCE, MODIFICATION, OR TERMINATION OF ANY PERMIT, CERTIFICATE, OR LICENSE BY THE DEPARTMENT OR ANY AIR AUTHORITY IN THE EXERCISE OF ITS JURISDICTION, INCLUDING THE ISSUANCE OR TERMINATION OF A WASTE DISPOSAL PERMIT, THE DENIAL OF AN APPLICATION FOR A WASTE DISPOSAL PERMIT, THE MODIFICATION OF THE CONDITIONS OR THE TERMS OF A WASTE DISPOSAL PERMIT, OR A DECISION TO APPROVE OR DENY AN APPLICATION FOR A SOLID WASTE PERMIT EXEMPTION UNDER RCW 70.95.300.

(D) DECISIONS OF LOCAL HEALTH DEPARTMENTS REGARDING THE GRANT OR DENIAL OF SOLID WASTE PERMITS PURSUANT TO CHAPTER 70.95 RCW.

(E) DECISIONS OF LOCAL HEALTH DEPARTMENTS REGARDING THE ISSUANCE AND ENFORCEMENT OF PERMITS TO USE OR DISPOSE OF BIOSOLIDS UNDER RCW 70.95J.080.

(F) DECISIONS OF THE DEPARTMENT REGARDING WASTE-DERIVED FERTILIZER OR MICRONUTRIENT FERTILIZER UNDER RCW 15.54.820, AND DECISIONS OF THE DEPARTMENT REGARDING WASTE-DERIVED SOIL AMENDMENTS UNDER RCW 70.95.205.

(G) DECISIONS OF LOCAL CONSERVATION DISTRICTS RELATED TO THE DENIAL OF APPROVAL OR DENIAL OF CERTIFICATION OF A DAIRY NUTRIENT MANAGEMENT PLAN; CONDITIONS CONTAINED IN A PLAN; APPLICATION OF ANY DAIRY NUTRIENT MANAGEMENT PRACTICES, STANDARDS, METHODS, AND TECHNOLOGIES TO A PARTICULAR DAIRY FARM; AND FAILURE TO ADHERE TO THE PLAN REVIEW AND APPROVAL TIMELINES IN RCW 90.64.026.

(H) ANY OTHER DECISION BY THE DEPARTMENT OR AN AIR AUTHORITY WHICH PURSUANT TO LAW MUST BE DECIDED AS AN ADJUDICATIVE PROCEEDING UNDER CHAPTER 34.05 RCW.

(2) THE FOLLOWING HEARINGS SHALL NOT BE CONDUCTED BY THE HEARINGS BOARD:

(A) HEARINGS REQUIRED BY LAW TO BE CONDUCTED BY THE SHORELINES HEARINGS BOARD PURSUANT TO CHAPTER 90.58 RCW.

(B) HEARINGS CONDUCTED BY THE DEPARTMENT PURSUANT TO RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, AND 90.44.180.

(C) PROCEEDINGS CONDUCTED BY THE DEPARTMENT ((RELATING TO GENERAL ADJUDICATIONS OF WATER RIGHTS PURSUANT TO CHAPTER 90.03 OR 90.44 RCW)), OR THE DEPARTMENT'S DESIGNEE, UNDER RCW 90.03.160 THROUGH 90.03.210 OR 90.44.220.

(D) HEARINGS CONDUCTED BY THE DEPARTMENT TO ADOPT, MODIFY, OR REPEAL RULES.

(3) REVIEW OF RULES AND REGULATIONS ADOPTED BY THE HEARINGS BOARD SHALL BE SUBJECT TO REVIEW IN ACCORDANCE WITH THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT, CHAPTER 34.05 RCW.

Sec. 3. RCW 34.05.514 AND 1995 C 347 S 113 AND 1995 C 292 S 9 ARE EACH REENACTED AND AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND (3) OF THIS SECTION, PROCEEDINGS FOR REVIEW UNDER THIS CHAPTER SHALL BE INSTITUTED BY PAYING THE FEE REQUIRED UNDER RCW 36.18.020 AND FILING A PETITION IN THE SUPERIOR COURT, AT THE PETITIONER'S OPTION, FOR (A) THURSTON COUNTY, (B) THE COUNTY OF THE PETITIONER'S RESIDENCE OR PRINCIPAL PLACE OF BUSINESS, OR (C) IN ANY COUNTY WHERE THE PROPERTY OWNED BY THE PETITIONER AND AFFECTED BY THE CONTESTED DECISION IS LOCATED.

(2) FOR PROCEEDINGS INVOLVING INSTITUTIONS OF HIGHER EDUCATION, THE PETITION SHALL BE FILED EITHER IN THE COUNTY IN WHICH THE PRINCIPAL OFFICE OF THE INSTITUTION INVOLVED IS LOCATED OR IN THE COUNTY OF A BRANCH CAMPUS IF THE ACTION INVOLVES SUCH BRANCH.

(3) FOR PROCEEDINGS CONDUCTED BY THE POLLUTION CONTROL HEARINGS BOARD PURSUANT TO CHAPTER 43.21B RCW OR AS OTHERWISE PROVIDED IN RCW 90.03.210(2) INVOLVING DECISIONS OF THE DEPARTMENT OF ECOLOGY ON APPLICATIONS FOR CHANGES OR TRANSFERS OF WATER RIGHTS THAT ARE THE SUBJECT OF A GENERAL ADJUDICATION OF WATER RIGHTS THAT IS BEING LITIGATED ACTIVELY UNDER CHAPTER 90.03 OR 90.44 RCW, THE PETITION MUST BE FILED WITH THE SUPERIOR COURT CONDUCTING THE ADJUDICATION, TO BE CONSOLIDATED BY THE COURT WITH THE GENERAL ADJUDICATION. A PARTY TO THE ADJUDICATION SHALL BE A PARTY TO THE APPEAL UNDER THIS CHAPTER ONLY IF THE PARTY FILES OR IS SERVED WITH A PETITION FOR REVIEW TO THE EXTENT REQUIRED BY THIS CHAPTER.

Sec. 4. RCW 43.21B.310 AND 1992 C 73 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS PROVIDED IN RCW 90.03.210(2), ANY ORDER ISSUED BY THE DEPARTMENT, THE ADMINISTRATOR OF THE OFFICE OF MARINE SAFETY, OR AUTHORITY PURSUANT TO RCW 70.94.211, 70.94.332, 70.105.095, 43.27A.190, 86.16.020, 88.46.070, OR 90.48.120(2) OR ANY PROVISION ENACTED AFTER JULY 26, 1987, OR ANY PERMIT, CERTIFICATE, OR LICENSE ISSUED BY THE DEPARTMENT MAY BE APPEALED TO THE POLLUTION CONTROL HEARINGS BOARD IF THE APPEAL IS FILED WITH THE BOARD AND SERVED ON THE DEPARTMENT OR AUTHORITY WITHIN THIRTY DAYS AFTER RECEIPT OF THE ORDER. EXCEPT AS PROVIDED UNDER CHAPTER 70.105D RCW AND RCW 90.03.210(2), THIS IS THE EXCLUSIVE MEANS OF APPEAL OF SUCH AN ORDER.

(2) THE DEPARTMENT, THE ADMINISTRATOR, OR THE AUTHORITY IN ITS DISCRETION MAY STAY THE EFFECTIVENESS OF AN ORDER DURING THE PENDENCY OF SUCH AN APPEAL.

(3) AT ANY TIME DURING THE PENDENCY OF AN APPEAL OF SUCH AN ORDER TO THE BOARD, THE APPELLANT MAY APPLY PURSUANT TO RCW 43.21B.320 TO THE HEARINGS BOARD FOR A STAY OF THE ORDER OR FOR THE REMOVAL THEREOF.

(4) ANY APPEAL MUST CONTAIN THE FOLLOWING IN ACCORDANCE WITH THE RULES OF THE HEARINGS BOARD:

(A) THE APPELLANT'S NAME AND ADDRESS;

(B) THE DATE AND DOCKET NUMBER OF THE ORDER, PERMIT, OR LICENSE APPEALED;

(C) A DESCRIPTION OF THE SUBSTANCE OF THE ORDER, PERMIT, OR LICENSE THAT IS THE SUBJECT OF THE APPEAL;

(D) A CLEAR, SEPARATE, AND CONCISE STATEMENT OF EVERY ERROR ALLEGED TO HAVE BEEN COMMITTED;

(E) A CLEAR AND CONCISE STATEMENT OF FACTS UPON WHICH THE REQUESTER RELIES TO SUSTAIN HIS OR HER STATEMENTS OF ERROR; AND

(F) A STATEMENT SETTING FORTH THE RELIEF SOUGHT.

(5) UPON FAILURE TO COMPLY WITH ANY FINAL ORDER OF THE DEPARTMENT OR THE ADMINISTRATOR, THE ATTORNEY GENERAL, ON REQUEST OF THE DEPARTMENT OR THE ADMINISTRATOR, MAY BRING AN ACTION IN THE SUPERIOR COURT OF THE COUNTY WHERE THE VIOLATION OCCURRED OR THE POTENTIAL VIOLATION IS ABOUT TO OCCUR TO OBTAIN SUCH RELIEF AS NECESSARY, INCLUDING INJUNCTIVE RELIEF, TO INSURE COMPLIANCE WITH THE ORDER. THE AIR AUTHORITIES MAY BRING SIMILAR ACTIONS TO ENFORCE THEIR ORDERS.

(6) AN APPEALABLE DECISION OR ORDER SHALL BE IDENTIFIED AS SUCH AND SHALL CONTAIN A CONSPICUOUS NOTICE TO THE RECIPIENT THAT IT MAY BE APPEALED ONLY BY FILING AN APPEAL WITH THE HEARINGS BOARD AND SERVING IT ON THE DEPARTMENT WITHIN THIRTY DAYS OF RECEIPT.

SEC. 5. RCW 90.03.210 AND 1988 C 202 S 92 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) DURING THE PENDENCY OF SUCH ADJUDICATION PROCEEDINGS PRIOR TO JUDGMENT OR UPON REVIEW BY AN APPELLATE COURT, THE STREAM OR OTHER WATER INVOLVED SHALL BE REGULATED OR PARTIALLY REGULATED ACCORDING TO THE SCHEDULE OF RIGHTS SPECIFIED IN THE DEPARTMENT'S REPORT UPON AN ORDER OF THE COURT AUTHORIZING SUCH REGULATION: PROVIDED, ANY INTERESTED PARTY MAY FILE A BOND AND OBTAIN AN ORDER STAYING THE REGULATION OF SAID STREAM AS TO HIM, IN WHICH CASE THE COURT SHALL MAKE SUCH ORDER REGARDING THE REGULATION OF THE STREAM OR OTHER WATER AS HE MAY DEEM JUST. THE BOND SHALL BE FILED WITHIN FIVE DAYS FOLLOWING THE SERVICE OF NOTICE OF APPEAL IN AN AMOUNT TO BE FIXED BY THE COURT AND WITH SURETIES SATISFACTORY TO THE COURT, CONDITIONED TO PERFORM THE JUDGMENT OF THE COURT.

(2) ANY APPEAL OF A DECISION OF THE DEPARTMENT ON AN APPLICATION TO CHANGE OR TRANSFER A WATER RIGHT SUBJECT TO A GENERAL ADJUDICATION THAT IS BEING LITIGATED ACTIVELY AND WAS COMMENCED BEFORE OCTOBER 13, 1977, SHALL BE CONDUCTED AS FOLLOWS:

(A) THE APPEAL SHALL BE FILED WITH THE COURT CONDUCTING THE ADJUDICATION AND SERVED UNDER RCW 34.05.542(3). THE CONTENT OF THE NOTICE OF APPEAL SHALL CONFORM TO RCW 34.05.546. STANDING TO APPEAL SHALL BE BASED ON THE REQUIREMENTS OF RCW 34.05.530 AND IS NOT LIMITED TO PARTIES TO THE ADJUDICATION.

(B) IF THE APPEAL INCLUDES A CHALLENGE TO THE PORTION OF THE DEPARTMENT'S DECISION THAT PERTAINS TO TENTATIVE DETERMINATIONS OF THE VALIDITY AND EXTENT OF THE WATER RIGHT, REVIEW OF THOSE TENTATIVE DETERMINATIONS SHALL BE CONDUCTED BY THE COURT CONSISTENT WITH THE PROVISIONS OF RCW 34.05.510 THROUGH 34.05.598, EXCEPT THAT THE REVIEW SHALL BE DE NOVO.

(C) IF THE APPEAL INCLUDES A CHALLENGE TO ANY PORTION OF THE DEPARTMENT'S DECISION OTHER THAN THE TENTATIVE DETERMINATIONS OF THE VALIDITY AND EXTENT OF THE RIGHT, THE COURT MUST CERTIFY TO THE POLLUTION CONTROL HEARINGS BOARD FOR REVIEW AND DECISION THOSE PORTIONS OF THE DEPARTMENT'S DECISION. REVIEW BY THE POLLUTION CONTROL HEARINGS BOARD SHALL BE CONDUCTED CONSISTENT WITH CHAPTER 43.21B RCW AND THE BOARD'S IMPLEMENTING REGULATIONS, EXCEPT THAT THE REQUIREMENTS FOR FILING, SERVICE, AND CONTENT OF THE NOTICE OF APPEAL SHALL BE GOVERNED BY (A) OF THIS SUBSECTION.

(D) APPEALS SHALL BE SCHEDULED TO AFFORD ALL PARTIES FULL OPPORTUNITY TO PARTICIPATE BEFORE THE SUPERIOR COURT AND THE POLLUTION CONTROL HEARINGS BOARD.

(E) ANY PERSON WISHING TO APPEAL THE DECISION OF THE BOARD MADE UNDER (C) OF THIS SUBSECTION SHALL SEEK REVIEW OF THE DECISION IN ACCORDANCE WITH CHAPTER 34.05 RCW, EXCEPT THAT THE PETITION FOR REVIEW MUST BE FILED WITH THE SUPERIOR COURT CONDUCTING THE ADJUDICATION.

(3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT OR MODIFY ANY TREATY OR OTHER FEDERAL RIGHTS OF AN INDIAN TRIBE, OR THE RIGHTS OF ANY FEDERAL AGENCY OR OTHER PERSON OR ENTITY ARISING UNDER FEDERAL LAW. NOTHING IN THIS SECTION IS INTENDED OR SHALL BE CONSTRUED AS AFFECTING OR MODIFYING ANY EXISTING RIGHT OF A FEDERALLY RECOGNIZED INDIAN TRIBE TO PROTECT FROM IMPAIRMENT ITS FEDERALLY RESERVED WATER RIGHTS IN FEDERAL COURT.

NEW SECTION. Sec. 6. NOTHING IN THIS ACT SHALL BE CONSTRUED TO AFFECT OR MODIFY ANY TREATY OR OTHER FEDERAL RIGHTS OF AN INDIAN TRIBE, OR THE RIGHTS OF ANY FEDERAL AGENCY OR OTHER PERSON OR ENTITY ARISING UNDER FEDERAL LAW. NOTHING IN THIS ACT IS INTENDED OR SHALL BE CONSTRUED AS AFFECTING OR MODIFYING ANY EXISTING RIGHT OF A FEDERALLY RECOGNIZED INDIAN TRIBE TO PROTECT FROM IMPAIRMENT ITS FEDERALLY RESERVED WATER RIGHTS IN FEDERAL COURT.

NEW SECTION. Sec. 7. THIS ACT IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY, OR SUPPORT OF THE STATE GOVERNMENT AND ITS EXISTING PUBLIC INSTITUTIONS, AND TAKES EFFECT IMMEDIATELY."

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE COMMITTEE ON ENVIRONMENT, ENERGY AND WATER STRIKING AMENDMENT TO ENGROSSED HOUSE BILL No. 1350.

THE MOTION BY SENATOR FRASER CARRIED AND THE COMMITTEE STRIKING AMENDMENT WAS ADOPTED.

MOTIONS

ON MOTION OF SENATOR FRASER, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 2 OF THE TITLE, AFTER "ADJUDICATION;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 43.21B.310 AND 90.03.210; REENACTING AND AMENDING RCW 43.21B.110 AND 34.05.514; CREATING NEW SECTIONS; AND DECLARING AN EMERGENCY."

ON MOTION OF SENATOR FRASER, THE RULES WERE SUSPENDED, ENGROSSED HOUSE BILL NO. 1350, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED HOUSE BILL NO. 1350, AS AMENDED BY THE SENATE UNDER SUSPENSION OF THE RULES.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED HOUSE BILL NO. 1350, AS AMENDED BY THE SENATE UNDER SUSPENSION OF THE RULES, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 44; NAYS, 1; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 44.

VOTING NAY: SENATOR FAIRLEY - 1.

EXCUSED: SENATORS BENTON, BROWN, KASTAMA AND REGALA - 4.

ENGROSSED HOUSE BILL NO. 1350, AS AMENDED BY THE SENATE UNDER SUSPENSION OF THE RULES, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MESSAGE FROM THE HOUSE

APRIL 20, 2001

MR. PRESIDENT:

THE HOUSE REFUSES TO CONCUR IN THE HOUSE AMENDMENT(S) TO ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571 AND ASKS THE SENATE TO RECEDE THEREFROM, AND THE SAME ARE HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, Co-CHIEF CLERK
TIMOTHY A. MARTIN, Co-CHIEF CLERK

MOTION

ON MOTION OF SENATOR WEST, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571 WAS RETURNED TO SECOND READING AND READ THE SECOND TIME.

MOTION

SENATOR WEST MOVED THAT THE SENATE RECONSIDER THE COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS STRIKING AMENDMENT TO ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571, ADOPTED APRIL 10, 2001.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE MOTION BY SENATOR WEST TO RECONSIDER THE COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS STRIKING AMENDMENT TO ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571.

THE MOTION BY SENATOR WEST CARRIED AND THE SENATE WILL RECONSIDER THE COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS STRIKING AMENDMENT TO ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571.

MOTION

SENATOR WEST MOVED THAT THE FOLLOWING AMENDMENT BY SENATORS WEST AND PRENTICE TO THE COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS STRIKING AMENDMENT, ON RECONSIDERATION, BE ADOPTED:

BEGINNING ON PAGE 1, STRIKE EVERYTHING AFTER LINE 6 OF THE AMENDMENT AND INSERT THE FOLLOWING:

NEW SECTION. Sec. 1. THE LEGISLATURE FINDS THAT WASHINGTON'S EQUINE RACING INDUSTRY CREATES ECONOMIC, ENVIRONMENTAL, AND RECREATIONAL IMPACTS ACROSS THE STATE AFFECTING AGRICULTURE, HORSE BREEDING, THE HORSE TRAINING INDUSTRY, AGRICULTURAL FAIRS AND YOUTH PROGRAMS, AND TOURISM AND EMPLOYMENT OPPORTUNITIES. THE WASHINGTON EQUINE INDUSTRY HAS INCURRED A FINANCIAL DECLINE COINCIDING WITH INCREASED COMPETITION FROM THE GAMING INDUSTRY IN THE STATE AND FROM THE LACK OF A CLASS 1 RACING FACILITY IN WESTERN WASHINGTON FROM 1993 THROUGH 1995. THIS ACT IS NECESSARY TO PRESERVE, RESTORE, AND REVITALIZE THE EQUINE BREEDING AND RACING INDUSTRIES AND TO PRESERVE IN WASHINGTON THE ECONOMIC AND SOCIAL IMPACTS ASSOCIATED WITH THESE INDUSTRIES. PRESERVING WASHINGTON'S EQUINE BREEDING AND RACING INDUSTRIES, AND IN PARTICULAR THOSE SECTORS OF THE INDUSTRIES THAT ARE DEPENDENT UPON LIVE HORSE RACING, IS IN THE PUBLIC INTEREST OF THE STATE. THE PURPOSE OF THIS ACT IS TO PRESERVE WASHINGTON'S EQUINE BREEDING AND RACING INDUSTRIES AND TO PROTECT THESE INDUSTRIES FROM ADVERSE ECONOMIC IMPACTS. THIS ACT DOES NOT ESTABLISH A NEW FORM OF GAMING IN WASHINGTON OR ALLOW EXPANDED GAMING WITHIN THE STATE BEYOND WHAT HAS BEEN PREVIOUSLY AUTHORIZED. SIMULCAST WAGERING HAS BEEN ALLOWED IN WASHINGTON BEFORE THE EFFECTIVE DATE OF THIS ACT. THEREFORE, THIS ACT DOES NOT ALLOW GAMING OF ANY NATURE OR SCOPE THAT WAS PROHIBITED BEFORE THE EFFECTIVE DATE OF THIS ACT.

Sec. 2. RCW 67.16.200 AND 2000 C 223 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) A RACING ASSOCIATION LICENSED BY THE COMMISSION TO CONDUCT A RACE MEET MAY SEEK APPROVAL FROM THE COMMISSION TO CONDUCT PARIMUTUEL WAGERING ON ITS PROGRAM AT A SATELLITE LOCATION OR LOCATIONS WITHIN THE STATE OF WASHINGTON. THE SALE OF PARIMUTUEL POOLS AT SATELLITE LOCATIONS SHALL BE CONDUCTED ONLY DURING THE LICENSEE'S RACE MEET AND SIMULTANEOUS TO ALL PARIMUTUEL WAGERING ACTIVITY CONDUCTED AT THE LICENSEE'S LIVE RACING FACILITY IN THE STATE OF WASHINGTON. THE COMMISSION'S AUTHORITY TO APPROVE SATELLITE WAGERING AT A PARTICULAR LOCATION IS SUBJECT TO THE FOLLOWING LIMITATIONS:

(A) THE COMMISSION MAY APPROVE ONLY ONE SATELLITE LOCATION IN EACH COUNTY IN THE STATE; HOWEVER, THE COMMISSION MAY GRANT APPROVAL FOR MORE THAN ONE LICENSEE TO CONDUCT WAGERING AT EACH SATELLITE LOCATION. A SATELLITE LOCATION SHALL NOT BE OPERATED WITHIN TWENTY DRIVING MILES OF ANY CLASS 1 RACING FACILITY. FOR THE PURPOSES OF THIS SECTION, "DRIVING MILES" MEANS MILES MEASURED BY THE MOST DIRECT ROUTE AS DETERMINED BY THE COMMISSION; AND

(B) A LICENSEE SHALL NOT CONDUCT SATELLITE WAGERING AT ANY SATELLITE LOCATION WITHIN SIXTY DRIVING MILES OF ANY OTHER RACING FACILITY CONDUCTING A LIVE RACE MEET.

(2) SUBJECT TO LOCAL ZONING AND OTHER LAND USE ORDINANCES, THE COMMISSION SHALL BE THE SOLE JUDGE OF WHETHER APPROVAL TO CONDUCT WAGERING AT A SATELLITE LOCATION SHALL BE GRANTED.

(3) THE LICENSEE SHALL COMBINE THE PARIMUTUEL POOLS OF THE SATELLITE LOCATION WITH THOSE OF THE RACING FACILITY FOR THE PURPOSE OF DETERMINING ODDS AND COMPUTING PAYOFFS. THE AMOUNT WAGERED AT THE SATELLITE LOCATION SHALL BE COMBINED WITH THE AMOUNT WAGERED AT THE RACING FACILITY FOR THE APPLICATION OF TAKE OUT FORMULAS AND DISTRIBUTION AS PROVIDED IN RCW 67.16.102, 67.16.105, 67.16.170, AND 67.16.175. A SATELLITE EXTENSION OF THE LICENSEE'S RACING FACILITY SHALL BE SUBJECT TO THE SAME APPLICATION OF THE RULES OF RACING AS THE LICENSEE'S RACING FACILITY.

(4) UPON WRITTEN APPLICATION TO THE COMMISSION, A CLASS 1 RACING ASSOCIATION MAY BE AUTHORIZED TO TRANSMIT SIMULCASTS OF LIVE HORSE RACES CONDUCTED AT ITS RACETRACK TO LOCATIONS OUTSIDE OF THE STATE OF WASHINGTON APPROVED BY THE COMMISSION AND IN ACCORDANCE WITH THE INTERSTATE HORSE RACING ACT OF 1978 (15 U.S.C. SEC. 3001 TO 3007) OR ANY OTHER APPLICABLE LAWS. THE COMMISSION MAY PERMIT PARIMUTUEL POOLS ON THE SIMULCAST RACES TO BE COMBINED IN A COMMON POOL. A RACING ASSOCIATION THAT TRANSMITS SIMULCASTS OF ITS RACES TO LOCATIONS OUTSIDE THIS STATE SHALL PAY AT LEAST FIFTY PERCENT OF THE FEE THAT IT RECEIVES FOR SALE OF THE SIMULCAST SIGNAL TO THE HORSEMEN'S PURSE ACCOUNT FOR ITS LIVE RACES AFTER FIRST DEDUCTING THE ACTUAL COST OF SENDING THE SIGNAL OUT OF STATE.

(5) UPON WRITTEN APPLICATION TO THE COMMISSION, A CLASS 1 RACING ASSOCIATION MAY BE AUTHORIZED TO TRANSMIT SIMULCASTS OF LIVE HORSE RACES CONDUCTED AT ITS RACETRACK TO LICENSED RACING ASSOCIATIONS LOCATED WITHIN THE STATE OF WASHINGTON AND APPROVED BY THE COMMISSION FOR THE RECEIPT OF THE SIMULCASTS. THE COMMISSION SHALL PERMIT PARIMUTUEL POOLS ON THE SIMULCAST RACES TO BE COMBINED IN A COMMON POOL. THE FEE FOR IN-STATE, TRACK-TO-TRACK SIMULCASTS SHALL BE FIVE AND ONE-HALF PERCENT OF THE GROSS PARIMUTUEL RECEIPTS GENERATED AT THE RECEIVING LOCATION AND PAYABLE TO THE SENDING RACING ASSOCIATION. A RACING ASSOCIATION THAT TRANSMITS SIMULCASTS OF ITS RACES TO OTHER LICENSED RACING ASSOCIATIONS SHALL PAY AT LEAST FIFTY PERCENT OF THE FEE THAT IT RECEIVES FOR THE SIMULCAST SIGNAL TO THE HORSEMEN'S PURSE ACCOUNT FOR ITS LIVE RACE MEET AFTER FIRST DEDUCTING THE ACTUAL COST OF SENDING THE SIMULCAST SIGNAL. A RACING ASSOCIATION THAT RECEIVES RACES SIMULCAST FROM CLASS 1 RACING ASSOCIATIONS WITHIN THE STATE SHALL PAY AT LEAST FIFTY PERCENT OF ITS SHARE OF THE PARIMUTUEL RECEIPTS TO THE HORSEMEN'S PURSE ACCOUNT FOR ITS LIVE RACE MEET AFTER FIRST DEDUCTING THE PURCHASE PRICE AND THE ACTUAL DIRECT COSTS OF IMPORTING THE RACE.

(6) A CLASS 1 RACING ASSOCIATION MAY BE ALLOWED TO IMPORT SIMULCASTS OF HORSE RACES FROM OUT-OF-STATE RACING FACILITIES. WITH THE PRIOR APPROVAL OF THE COMMISSION, THE CLASS 1 RACING ASSOCIATION MAY PARTICIPATE IN AN INTERSTATE COMMON POOL AND MAY CHANGE ITS COMMISSION AND BREAKAGE RATES TO ACHIEVE A COMMON RATE WITH OTHER PARTICIPANTS IN THE COMMON POOL.

(A) THE CLASS 1 RACING ASSOCIATION SHALL MAKE WRITTEN APPLICATION WITH THE COMMISSION FOR PERMISSION TO IMPORT SIMULCAST HORSE RACES FOR THE PURPOSE OF PARIMUTUEL WAGERING. SUBJECT TO THE TERMS OF THIS SECTION, THE COMMISSION IS THE SOLE AUTHORITY IN DETERMINING WHETHER TO GRANT APPROVAL FOR AN IMPORTED SIMULCAST RACE.

(B) ~~((DURING THE CONDUCT OF ITS RACE MEETING, A CLASS 1 RACING ASSOCIATION MAY BE ALLOWED TO IMPORT NO MORE THAN ONE SIMULCAST RACE CARD PROGRAM DURING EACH LIVE RACE DAY.))~~ A LICENSED RACING ASSOCIATION MAY ALSO BE APPROVED TO IMPORT ONE SIMULCAST RACE OF REGIONAL OR NATIONAL INTEREST ON EACH LIVE RACE DAY. ~~((A CLASS 1 RACING ASSOCIATION MAY BE PERMITTED TO IMPORT TWO SIMULCAST PROGRAMS ON TWO NONLIVE RACE DAYS PER EACH WEEK DURING ITS LIVE MEET. A LICENSEE SHALL NOT OPERATE PARIMUTUEL WAGERING ON MORE THAN FIVE DAYS PER WEEK. PARIMUTUEL WAGERING ON IMPORTED SIMULCAST PROGRAMS SHALL ONLY BE CONDUCTED AT THE LIVE RACING FACILITY OF A CLASS 1 RACING ASSOCIATION.))~~

(C) THE COMMISSION MAY ALLOW SIMULCAST RACES OF REGIONAL OR NATIONAL INTEREST TO BE SENT TO SATELLITE LOCATIONS. THE SIMULCASTS SHALL BE LIMITED TO ONE PER DAY EXCEPT FOR BREEDER'S CUP SPECIAL EVENTS DAY.

(D) WHEN OPEN FOR PARIMUTUEL WAGERING, A CLASS 1 RACING ASSOCIATION WHICH IMPORTS SIMULCAST RACES SHALL ALSO CONDUCT SIMULCAST PARIMUTUEL WAGERING WITHIN ITS LICENSED RACING ENCLOSURE ON ALL RACES SIMULCAST FROM OTHER CLASS 1 RACING ASSOCIATIONS WITHIN THE STATE OF WASHINGTON.

(E) ~~((WHEN NOT CONDUCTING A LIVE RACE MEETING, A CLASS 1 RACING ASSOCIATION MAY BE APPROVED TO CONDUCT SIMULCAST PARIMUTUEL WAGERING ON IMPORTED SIMULCAST RACES.))~~ THE CONDUCT OF ~~((SIMULCAST))~~ PARIMUTUEL WAGERING ON ~~((THE))~~ IMPORTED SIMULCAST RACES SHALL BE FOR NOT MORE THAN FOURTEEN HOURS DURING ANY TWENTY-FOUR HOUR PERIOD, FOR NOT MORE THAN FIVE DAYS PER WEEK AND ONLY AT ~~((#8))~~ THE LIVE RACING FACILITY OF A CLASS 1 RACING ASSOCIATION.

(F) ON ANY IMPORTED SIMULCAST RACE, THE CLASS 1 RACING ASSOCIATION SHALL PAY FIFTY PERCENT OF ITS SHARE OF THE PARIMUTUEL RECEIPTS TO THE HORSEMEN'S PURSE ACCOUNT FOR ITS LIVE RACE MEET AFTER FIRST DEDUCTING THE PURCHASE PRICE OF THE IMPORTED RACE AND THE ACTUAL COSTS OF IMPORTING THE RACE.

(7) FOR PURPOSES OF THIS SECTION, A CLASS 1 RACING ASSOCIATION IS DEFINED AS A LICENSEE APPROVED BY THE COMMISSION TO CONDUCT DURING EACH TWELVE-MONTH PERIOD AT LEAST FORTY DAYS OF LIVE RACING. IF A LIVE RACE DAY IS CANCELED DUE TO REASONS DIRECTLY ATTRIBUTABLE TO ACTS OF GOD, LABOR DISRUPTIONS AFFECTING LIVE RACE DAYS BUT NOT DIRECTLY INVOLVING THE LICENSEE OR ITS EMPLOYEES, OR OTHER CIRCUMSTANCES THAT THE COMMISSION DECIDES ARE BEYOND THE CONTROL OF THE CLASS 1 RACING ASSOCIATION, THEN THE CANCELED DAY COUNTS TOWARD THE FORTY-DAY REQUIREMENT. THE COMMISSION MAY BY RULE INCREASE THE NUMBER OF LIVE RACING DAYS REQUIRED TO MAINTAIN CLASS 1 RACING ASSOCIATION STATUS OR MAKE OTHER RULES NECESSARY TO IMPLEMENT THIS SECTION.

(8) THIS SECTION DOES NOT ESTABLISH A NEW FORM OF GAMING IN WASHINGTON OR ALLOW EXPANDED GAMING WITHIN THE STATE BEYOND WHAT HAS BEEN PREVIOUSLY AUTHORIZED. SIMULCAST WAGERING HAS BEEN ALLOWED IN WASHINGTON BEFORE APRIL 19, 1997. THEREFORE, THIS SECTION DOES NOT ALLOW GAMING OF ANY NATURE OR SCOPE THAT WAS PROHIBITED BEFORE APRIL 19, 1997. THIS SECTION IS NECESSARY TO PROTECT THE WASHINGTON EQUINE BREEDING AND RACING INDUSTRIES, AND IN PARTICULAR THOSE SECTORS OF THESE INDUSTRIES THAT ARE DEPENDENT UPON LIVE HORSE RACING. THE PURPOSE OF THIS SECTION IS TO PROTECT THESE INDUSTRIES FROM ACTUAL AND POTENTIAL ADVERSE ECONOMIC IMPACTS AND TO PROMOTE FAN ATTENDANCE AT CLASS 1 RACING FACILITIES. THEREFORE, IMPORTED SIMULCAST RACE CARD PROGRAMS SHALL NOT BE DISSEMINATED TO ANY LOCATION OUTSIDE THE LIVE RACING FACILITY OF THE CLASS 1 RACING ASSOCIATION AND A CLASS 1 RACING ASSOCIATION IS STRICTLY PROHIBITED FROM SIMULCASTING IMPORTED RACE CARD PROGRAMS TO ANY LOCATION OUTSIDE ITS LIVE RACING FACILITY.

(9) A LICENSEE CONDUCTING SIMULCASTING UNDER THIS SECTION SHALL PLACE SIGNS IN THE LICENSEE'S GAMBLING ESTABLISHMENT UNDER RCW 9.46.071. THE INFORMATIONAL SIGNS CONCERNING PROBLEM AND COMPULSIVE GAMBLING MUST INCLUDE A TOLL-FREE TELEPHONE NUMBER FOR PROBLEM AND COMPULSIVE GAMBLERS AND BE DEVELOPED UNDER RCW 9.46.071.

(10) THIS ACT DOES NOT ESTABLISH A NEW FORM OF GAMING IN WASHINGTON OR ALLOW EXPANDED GAMING WITHIN THE STATE BEYOND WHAT HAS BEEN PREVIOUSLY AUTHORIZED. SIMULCAST WAGERING HAS BEEN ALLOWED IN WASHINGTON BEFORE THE EFFECTIVE DATE OF THIS ACT. THEREFORE, THIS SECTION DOES NOT ALLOW GAMING OF ANY NATURE OR SCOPE THAT WAS PROHIBITED BEFORE THE EFFECTIVE DATE OF THIS ACT. THIS ACT IS NECESSARY TO PROTECT THE WASHINGTON EQUINE BREEDING AND RACING INDUSTRIES, AND IN PARTICULAR THOSE SECTORS OF THESE INDUSTRIES THAT ARE DEPENDENT UPON LIVE HORSE RACING. THE PURPOSE OF THIS ACT IS TO PROTECT THESE INDUSTRIES FROM ADVERSE ECONOMIC IMPACTS AND TO PROMOTE FAN ATTENDANCE AT CLASS 1 RACING FACILITIES. THEREFORE, IMPORTED SIMULCAST RACE CARD PROGRAMS SHALL NOT BE DISSEMINATED TO ANY LOCATION OUTSIDE THE LIVE RACING FACILITY OF THE CLASS 1 RACING ASSOCIATION AND A CLASS 1 RACING ASSOCIATION IS STRICTLY PROHIBITED FROM SIMULCASTING IMPORTED RACE CARD PROGRAMS TO ANY LOCATION OUTSIDE ITS LIVE RACING FACILITY.

(11) IF A STATE OR FEDERAL COURT MAKES A FINDING THAT THE INCREASE IN THE NUMBER OF IMPORTED SIMULCAST RACES THAT MAY BE AUTHORIZED UNDER THIS ACT IS AN EXPANSION OF GAMING BEYOND THAT WHICH IS NOW ALLOWED, THIS ACT IS NULL AND VOID.

(12) IF ANY PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE REMAINDER OF THIS ACT OR THE APPLICATION OF THE PROVISION TO OTHER PERSONS OR CIRCUMSTANCES IS ALSO INVALID."

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATOR WEST AND PRENTICE ON PAGE 1, STRIKE EVERYTHING AFTER LINE 6, TO THE COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS STRIKING AMENDMENT, ON RECONSIDERATION, TO ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571.

THE MOTION BY SENATOR WEST CARRIED AND THE AMENDMENT TO THE COMMITTEE AMENDMENT, ON RECONSIDERATION, WAS ADOPTED.

MOTIONS

ON MOTION OF SENATOR WEST, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 4, LINE 28 OF THE TITLE AMENDMENT, STRIKE EVERYTHING AFTER "INSERT" AND INSERT "AMENDING RCW 67.16.200; AND CREATING A NEW SECTION."

ON MOTION OF SENATOR WEST, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571, AS AMENDED BY THE SENATE, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571, AS AMENDED BY THE SENATE UNDER SUSPENSION OF THE RULES.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571, AS AMENDED BY THE SENATE UNDER SUSPENSION OF THE RULES, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 37; NAYS, 9; ABSENT, 0; EXCUSED, 3.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KLINE, KOHL-WELLES, MCAULIFFE, MCCASLIN, MORTON, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, WEST, WINSLEY AND ZARELLI - 37.

VOTING NAY: SENATORS FAIRLEY, HARGROVE, HAUGEN, LONG, McDONALD, OKE, PARLETTE, STEVENS AND THIBAudeau - 9.

EXCUSED: SENATORS BENTON, BROWN AND KASTAMA - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571, AS AMENDED BY THE SENATE UNDER SUSPENSION OF THE RULES, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

AT 11:40 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 1:00 P.M., SUNDAY, APRIL 22, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

ONE HUNDRED-FOURTH DAY, APRIL 21, 2001

NOTICE: **FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.**

ONE HUNDRED-FIFTH DAY

AFTERNOON SESSION

SENATE CHAMBER, CHERBERG BUILDING, OLYMPIA, SUNDAY, APRIL 22, 2001

THE SENATE WAS CALLED TO ORDER AT 1:00 P.M. BY PRESIDENT OWEN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS BENTON, HALE, HEWITT, McCASLIN, MORTON, PARLETTE, SNYDER AND ZARELLI. ON MOTION OF SENATOR HONEYFORD, SENATORS BENTON, HALE, HEWITT, McCASLIN, MORTON, PARLETTE AND ZARELLI WERE EXCUSED.

THE SERGEANT AT ARMS COLOR GUARD, CONSISTING OF STAFF MEMBERS EVALYN POTH AND MARY ANN SIGMAN, PRESENTED THE COLORS. SENATOR DEBBIE REGALA OFFERED THE PRAYER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

MESSAGES FROM THE HOUSE

APRIL 21, 2001

MR. PRESIDENT:

THE HOUSE CONCURRED IN THE SENATE AMENDMENT(S) TO THE FOLLOWING BILLS AND PASSED THE BILLS AS AMENDED BY THE SENATE:

SECOND SUBSTITUTE HOUSE BILL NO. 1041,
SUBSTITUTE HOUSE BILL NO. 1325,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418,
SUBSTITUTE HOUSE BILL NO. 1680. CYNTHIA ZEHNDER, Co-CHIEF CLERK

TIMOTHY A. MARTIN, Co-CHIEF CLERK

APRIL 21, 2001

MR. PRESIDENT:

THE HOUSE CONCURRED IN THE SENATE AMENDMENT(S) TO ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625 AND PASSED THE BILL AS AMENDED BY THE SENATE.

CYNTHIA ZEHNDER, Co-CHIEF CLERK
TIMOTHY A. MARTIN, Co-CHIEF CLERK

APRIL 21, 2001

MR. PRESIDENT:

THE HOUSE HAS PASSED ENGROSSED SUBSTITUTE SENATE BILL NO. 6143, AND THE SAME IS HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, Co-CHIEF CLERK
TIMOTHY A. MARTIN, Co-CHIEF CLERK

APRIL 22, 2001

MR. PRESIDENT:

THE HOUSE CONCURRED IN THE SENATE AMENDMENT(S) TO THE FOLLOWING BILLS AND PASSED THE BILLS AS AMENDED BY THE SENATE:

SUBSTITUTE HOUSE BILL NO. 1120,
ENGROSSED HOUSE BILL NO. 1350,
SUBSTITUTE HOUSE BILL NO. 2046,
SUBSTITUTE HOUSE BILL NO. 2104, AND THE SAME ARE HEREWITH TRANSMITTED.

TIMOTHY A. MARTIN, CO-CHIEF CLERK
CYNTHIA ZEHNDER, CO-CHIEF CLERK

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:

***SUBSTITUTE SENATE BILL NO. 5187,
SENATE BILL NO. 5275,
SUBSTITUTE SENATE BILL NO. 5319,
SUBSTITUTE SENATE BILL NO. 5533,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5606,
SUBSTITUTE SENATE BILL NO. 5988,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6143.***

INTRODUCTION AND FIRST READING

SB 6180 BY SENATORS HONEYFORD, DECCIO, MORTON, HALE, SHEAHAN, HEWITT, HOCHSTATTER AND PARLETTE

AN ACT RELATING TO WATER CONSERVATION; ADDING A NEW SECTION TO CHAPTER 89.08 RCW; CREATING A NEW SECTION; AND MAKING APPROPRIATIONS.

REFERRED TO COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

SCR 8416 BY SENATORS SNYDER AND WEST

RETURNING BILLS TO THE HOUSE OF ORIGIN.

SCR 8417 BY SENATORS SNYDER AND WEST

ADJOURNING SINE DIE.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE RULES WERE SUSPENDED, SENATE CONCURRENT RESOLUTION NO. 8416 AND SENATE CONCURRENT RESOLUTION NO. 8417 WERE ADVANCED TO SECOND READING AND PLACED ON THE SECOND READING CALENDAR.

PERSONAL PRIVILEGE

SENATOR THIBAudeau: "MR. PRESIDENT, A POINT OF PERSONAL PRIVILEGE. I WOULD JUST LIKE TO SAY 'THANK YOU' TO THE STAFF WHO MADE THIS TRANSITION SO RELATIVELY EFFORTLESS FOR US--AND TO THE MANY MEMBERS WHO, WITHOUT COMPLAINING, MOVED INTO TINY CUBICLES--BUT MOST OF ALL TO THE STAFF WHO REALLY WERE JUST WONDERFUL THROUGH ALL OF THIS. THANK YOU."

PERSONAL PRIVILEGE

SENATOR DECCIO: "MR. PRESIDENT, A POINT OF PRIVILEGE. I WOULD LIKE TO THANK ALL OF THE MEMBERS. I THINK WE HAVE HAD A GREAT COMRADERY HERE AND I THINK WE HAVE BECOME MUCH FRIENDLIER. I HOPE WE CAN CONTINUE THIS SAME RELATIONSHIP AFTER WE GET BACK ON THE FLOOR. CERTAINLY, WE HAVE HAD OUR DIFFERENCES, BUT CERTAINLY I THINK WE HAVE SHOWN SOME GREAT UNANIMITY AND I PERSONALLY WOULD LIKE TO THANK EVERYBODY. THANK YOU."

PERSONAL PRIVILEGE

SENATOR RASMUSSEN: "A POINT OF PERSONAL PRIVILEGE, MR. PRESIDENT. I WOULD REALLY LIKE TO THANK YOU. I THINK THAT YOU HAVE BEEN THE ROCK THAT HAS PUT THIS ALL TOGETHER. YOU HAVE PUT UP WITH US AND INDEED WE HAVE HAD ENTIRELY TOO MUCH FUN AND WE HAVE REALLY MADE GREAT FRIENDSHIPS. I HAVE SEEN CHAIRS SCOOT ACROSS THE AISLE SO FAST THAT YOU WOULDN'T BELIEVE IT. YOU KNOW, THERE USED TO BE A SAYING THAT THERE WAS A SWORD'S LENGTH BETWEEN THE PARTIES. WE DIDN'T NEED A SWORD'S LENGTH BETWEEN THE PARTIES. WE JUST KIND OF WORKED TOGETHER VERY, VERY CAREFULLY AND HAD FUN. WE HAVE HAD A GREAT TIME AND I THINK THAT YOU HAVE BEEN THAT ROCK--THE HEAD MASTER--THAT HAS KIND OF CHIDED US AT TIMES WITH YOUR SWIFT GAVEL. AT TIMES, YOU JUST THREW UP YOUR HANDS AND SAID, 'LET THEM HAVE A GREAT TIME,' AND WE DID. SO, I WOULD REALLY LIKE TO THANK YOU, BECAUSE YOU HAVE JUST BEEN ABSOLUTELY MARVELOUS."

PERSONAL PRIVILEGE

SENATOR OKE: "A POINT OF PERSONAL PRIVILEGE, MR. PRESIDENT. WELL, I THOUGHT THIS CLOSENESS--THIS CLOSENESS--THAT WE DO HAVE REALLY IS BUILDING A BRIDGE TO THE OTHER SIDE."

REPLY BY THE PRESIDENT

PRESIDENT OWEN: "A FLOATING BRIDGE?"

PERSONAL PRIVILEGE

SENATOR ROACH: "MR. PRESIDENT, A POINT OF PERSONAL PRIVILEGE. I JUST WANTED TO SAY THAT WHILE I HAVE ENJOYED THE CLOSE QUARTERS--ACTUALLY IT HAS BEEN A LOT MORE FUN HERE ON THIS SIDE. WHEN IT GETS RIGHT DOWN TO IT, CONFRONTATION IS THE LIFE BLOOD OF POLITICS AND I THINK IT IS THAT GIVE AND TAKE THAT COMES KNOWING THAT WE HAVE SEPARATE POSITIONS ON ISSUES. THE LAST THING THAT I WANT TO DO IS LEAVE THE PUBLIC WITH THE THOUGHT THAT IN FACT THERE AREN'T, ON MANY OCCASIONS, DIFFERENT SIDES TO ISSUES AND THAT WE STILL FEEL STRONGLY ABOUT THEM. THERE IS NO COMPROMISING OF POSITIONS AND AT THE SAME TIME BEING ABLE TO WORK ON A FRIENDLY BASIS."

MOTION

ON MOTION OF SENATOR SNYDER, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8682

BY SENATORS SNYDER AND WEST

WHEREAS, THE 2001 REGULAR SESSION OF THE FIFTY-SEVENTH LEGISLATURE IS DRAWING TO A CLOSE; AND WHEREAS, IT IS NECESSARY TO PROVIDE FOR THE COMPLETION OF THE WORK OF THE SENATE AFTER ITS ADJOURNMENT AND DURING THE INTERIM PERIOD BETWEEN THE CLOSE OF THE 2001 REGULAR SESSION OF THE FIFTY-SEVENTH LEGISLATURE AND THE CONVENING OF THE NEXT REGULAR SESSION;

NOW, THEREFORE, BE IT RESOLVED, THAT THE SENATE FACILITIES AND OPERATIONS COMMITTEE SHALL HAVE FULL AUTHORITY AND DIRECTION OVER THE AUTHORIZATION AND EXECUTION OF ANY PERSONAL SERVICES CONTRACTS OR SUBCONTRACTS THAT NECESSITATE THE EXPENDITURE OF SENATE APPROPRIATIONS; AND

BE IT FURTHER RESOLVED, THAT THE SENATE FACILITIES AND OPERATIONS COMMITTEE MAY, AS THEY DEEM APPROPRIATE, AUTHORIZE OUT-OF-STATE TRAVEL FOR WHICH MEMBERS AND STAFF MAY RECEIVE THEREFOR THEIR ACTUAL NECESSARY EXPENSES, AND SUCH PER DIEM AS MAY BE AUTHORIZED BY LAW, TO BE PAID UPON RECEIPT OF THEIR VOUCHERS OUT OF FUNDS APPROPRIATED FOR LEGISLATIVE EXPENSES; AND

BE IT FURTHER RESOLVED, THAT THE SECRETARY OF THE SENATE AND THE SENATE FACILITIES AND OPERATIONS COMMITTEE BE, AND THEY HEREBY ARE, AUTHORIZED TO RETAIN SUCH EMPLOYEES AS THEY MAY DEEM NECESSARY AND THAT SAID EMPLOYEES BE ALLOWED SUCH RATE OF PAY THEREFOR AS THE SECRETARY OF THE SENATE AND THE SENATE FACILITIES AND OPERATIONS COMMITTEE SHALL DEEM PROPER; AND

BE IT FURTHER RESOLVED, THAT THE SECRETARY OF THE SENATE BE, AND HE HEREBY IS, AUTHORIZED AND DIRECTED TO MAKE OUT AND EXECUTE THE NECESSARY VOUCHERS UPON WHICH WARRANTS FOR LEGISLATIVE EXPENSES AND EXPENDITURES SHALL BE DRAWN FROM FUNDS PROVIDED THEREFOR; AND

BE IT FURTHER RESOLVED, THAT THE SECRETARY OF THE SENATE AND THE FACILITIES AND OPERATIONS COMMITTEE BE, AND THEY HEREBY ARE, AUTHORIZED TO APPROVE WRITTEN REQUESTS BY STANDING COMMITTEES TO MEET DURING THE INTERIM PERIOD; AND

BE IT FURTHER RESOLVED, THAT THE SECRETARY OF THE SENATE BE, AND HEREBY IS, AUTHORIZED AND DIRECTED TO HAVE PRINTED A COPY OF THE SENATE JOURNAL OF THE 2001 REGULAR SESSION OF THE FIFTY-SEVENTH LEGISLATURE; AND

BE IT FURTHER RESOLVED, THAT THE RULES COMMITTEE IS AUTHORIZED TO ASSIGN SUBJECT MATTERS TO STANDING COMMITTEES FOR STUDY DURING THE INTERIMS, AND THE MAJORITY LEADER IS AUTHORIZED TO CREATE SPECIAL COMMITTEES AS MAY BE NECESSARY TO CARRY OUT THE FUNCTIONS OF THE SENATE IN AN ORDERLY MANNER AND APPOINT MEMBERS THERETO WITH THE APPROVAL OF THE FACILITIES AND OPERATIONS COMMITTEE; AND

BE IT FURTHER RESOLVED, THAT THE SECRETARY OF THE SENATE IS AUTHORIZED TO EXPRESS THE SYMPATHY OF THE SENATE BY SENDING FLOWERS OR MEMORIALS IN THE EVENT OF A BEREAVEMENT IN THE LEGISLATIVE "FAMILY"; AND

BE IT FURTHER RESOLVED, THAT SUCH USE OF THE SENATE FACILITIES IS PERMITTED UPON SUCH TERMS AS THE SECRETARY OF THE SENATE SHALL DEEM PROPER.

AT 1:38 P.M., THE PRESIDENT DECLARED THE SENATE TO BE AT EASE.

THE SENATE WAS CALLED TO ORDER AT 2:00 P.M. BY PRESIDENT OWEN.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE RETURNED TO THE FOURTH ORDER OF BUSINESS.

MESSAGES FROM THE HOUSE

APRIL 22, 2001

MR. PRESIDENT:

THE CO-SPEAKERS HAVE SIGNED:
SUBSTITUTE SENATE BILL NO. 5187,
SENATE BILL NO. 5275,
SUBSTITUTE SENATE BILL NO. 5319,
SUBSTITUTE SENATE BILL NO. 5533,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5606,
SUBSTITUTE SENATE BILL NO. 5988,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6143, AND THE SAME ARE HERewith TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK
TIMOTHY A. MARTIN, CO-CHIEF CLERK

APRIL 22, 2001

MR. PRESIDENT:

THE CO-SPEAKERS HAVE SIGNED:
ENGROSSED HOUSE BILL NO. 1015,
HOUSE BILL NO. 1227,
SECOND SUBSTITUTE HOUSE BILL NO. 1249,
SUBSTITUTE HOUSE BILL NO. 1314,
SUBSTITUTE HOUSE BILL NO. 1391,
HOUSE BILL NO. 1394,
HOUSE BILL NO. 1898,
SUBSTITUTE HOUSE BILL NO. 1950,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2172,
ENGROSSED HOUSE BILL NO. 2247, AND THE SAME ARE HERewith TRANSMITTED.

TIMOTHY A. MARTIN, CO-CHIEF CLERK
CYNTHIA ZEHNDER, CO-CHIEF CLERK

APRIL 22, 2001

MR. PRESIDENT:

THE CO-SPEAKERS HAVE SIGNED:
SECOND SUBSTITUTE HOUSE BILL NO. 1041,
SUBSTITUTE HOUSE BILL NO. 1120,
SUBSTITUTE HOUSE BILL NO. 1325,
ENGROSSED HOUSE BILL NO. 1350,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625,
SUBSTITUTE HOUSE BILL NO. 1680,
SUBSTITUTE HOUSE BILL NO. 2046,
SUBSTITUTE HOUSE BILL NO. 2104, AND THE SAME ARE HERewith TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK
TIMOTHY A. MARTIN, CO-CHIEF CLERK

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:
ENGROSSED HOUSE BILL NO. 1015,
HOUSE BILL NO. 1227,
SECOND SUBSTITUTE HOUSE BILL NO. 1249,
SUBSTITUTE HOUSE BILL NO. 1314,
SUBSTITUTE HOUSE BILL NO. 1391,
HOUSE BILL NO. 1394,
HOUSE BILL NO. 1898,

SUBSTITUTE HOUSE BILL NO. 1950,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2172,
ENGROSSED HOUSE BILL NO. 2247.

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:
SECOND SUBSTITUTE HOUSE BILL NO. 1041,
SUBSTITUTE HOUSE BILL NO. 1120,
SUBSTITUTE HOUSE BILL NO. 1325,
ENGROSSED HOUSE BILL NO. 1350,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625,
SUBSTITUTE HOUSE BILL NO. 1680,
SUBSTITUTE HOUSE BILL NO. 2046,
SUBSTITUTE HOUSE BILL NO. 2104.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADVANCED TO THE SIXTH ORDER OF BUSINESS.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8416, BY SENATORS SNYDER AND WEST

RETURNING BILLS TO THE HOUSE OF ORIGIN.

THE CONCURRENT RESOLUTION WAS READ THE SECOND TIME.

BE IT RESOLVED, BY THE SENATE OF THE STATE OF WASHINGTON, THE HOUSE OF REPRESENTATIVES CONCURRING, THAT IMMEDIATELY BEFORE ADJOURNMENT SINE DIE OF THIS 2001 REGULAR SESSION OF THE FIFTY-SEVENTH LEGISLATURE:

(1) THE SENATE SHALL TRANSMIT TO THE HOUSE OF REPRESENTATIVES ALL HOUSE BILLS, HOUSE JOINT RESOLUTIONS, HOUSE CONCURRENT RESOLUTIONS, AND HOUSE JOINT MEMORIALS IN ITS POSSESSION THAT HAVE NOT BEEN PASSED BY THE SENATE, AND UPON RECEIPT BY THE HOUSE OF REPRESENTATIVES OF SUCH MEASURES THEY SHALL BE ASSIGNED TO THE HOUSE RULES COMMITTEE FOR THIRD READING; AND

(2) THE HOUSE OF REPRESENTATIVES SHALL TRANSMIT TO THE SENATE ALL SENATE BILLS, SENATE JOINT RESOLUTIONS, SENATE CONCURRENT RESOLUTIONS, AND SENATE JOINT MEMORIALS IN ITS POSSESSION THAT HAVE NOT BEEN PASSED BY THE HOUSE OF REPRESENTATIVES, AND UPON RECEIPT BY THE SENATE OF SUCH MEASURES THEY SHALL BE ASSIGNED TO THE SENATE RULES COMMITTEE FOR THIRD READING; AND

BE IT FURTHER RESOLVED, THAT THE SECRETARY OF THE SENATE AND THE CO-CHIEF CLERKS OF THE HOUSE OF REPRESENTATIVES SHALL RETAIN IN THEIR POSSESSION AND IN THE STATUS THAT EXISTS UPON THE ADJOURNMENT SINE DIE OF THE 2001 REGULAR SESSION OF THE FIFTY-SEVENTH LEGISLATURE, ALL LEGISLATIVE MEASURES INCLUDING ALL BILLS, JOINT RESOLUTIONS, CONCURRENT RESOLUTIONS, AND JOINT MEMORIALS THAT MAY AT THAT TIME BE IN THEIR RESPECTIVE HOUSES AND ALL RECORDS, JOURNALS, DOCKETS, AND OTHER DOCUMENTS PERTAINING THERETO; AND

BE IT FURTHER RESOLVED, THAT ALL MEASURES INTRODUCED AT ANY SPECIAL SESSION OF THE FIFTY-SEVENTH LEGISLATURE SHALL BE NUMBERED AS A CONTINUATION OF THE NUMBERS ASSIGNED TO MEASURES OF THE 2001 REGULAR SESSION OF THE FIFTY-SEVENTH LEGISLATURE.

MOTION

SENATOR WEST MOVED THAT THE FOLLOWING AMENDMENT BE ADOPTED:

ON PAGE 1, LINE 14, AFTER "SHALL BE" STRIKE EVERYTHING THROUGH "READING" ON LINE 15, AND INSERT "PLACED ON THE SENATE THIRD READING FLOOR CALENDAR."

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATOR WEST ON PAGE 1, LINE 14, TO SENATE CONCURRENT RESOLUTION 8416.

THE MOTION BY SENATOR WEST FAILED AND THE AMENDMENT WAS NOT ADOPTED.

MOTION

ON MOTION OF SENATOR SNYDER, THE RULES WERE SUSPENDED, SENATE CONCURRENT RESOLUTION No. 8416 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE CONCURRENT RESOLUTION WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF SENATE CONCURRENT RESOLUTION No. 8416.

DEBATE ENSUED.

SENATOR SHEAHAN DEMANDED A ROLL CALL AND THE DEMAND WAS SUSTAINED.

FURTHER DEBATE ENSUED.

PARLIAMENTARY INQUIRY

SENATOR TIM SHELDON: "A PARLIAMENTARY INQUIRY, MR. PRESIDENT. HOW MANY VOTES DOES IT TAKE TO PASS THIS CONCURRENT RESOLUTION?"

REPLY BY THE PRESIDENT

PRESIDENT OWEN: "A SIMPLE MAJORITY, SENATOR. TWENTY-FIVE."

SENATOR TIM SHELDON: "IT DOES TAKE TWENTY-FIVE? IT REQUIRES TWENTY-FIVE?"

PRESIDENT OWEN: "TWENTY-FIVE VOTES, SENATOR."

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE ADOPTION OF SENATE CONCURRENT RESOLUTION No. 8416.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE ADOPTION OF SENATE CONCURRENT RESOLUTION No. 8416 AND THE CONCURRENT RESOLUTION FAILED TO PASS THE SENATE BY THE FOLLOWING VOTE: YEAS, 24; NAYS, 17; ABSENT, 1; EXCUSED, 7.

VOTING YEA: SENATORS BROWN, CONSTANTINE, COSTA, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HARGROVE, HAUGEN, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, MCAULIFFE, PRENTICE, RASMUSSEN, REGALA, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL AND THIBAudeau - 24.

VOTING NAY: SENATORS CARLSON, DECCIO, FINKBEINER, HOCHSTATTER, HONEYFORD, HORN, JOHNSON, LONG, McDONALD, OKE, ROACH, ROSSI, SHEAHAN, STEVENS, SWECKER, WEST AND WINSLEY - 17.

ABSENT: SENATOR PATTERSON - 1.

EXCUSED: SENATORS BENTON, HALE, HEWITT, MCCASLIN, MORTON, PARLETTE AND ZARELLI - 7.

SENATE CONCURRENT RESOLUTION NO. 8416, HAVING FAILED TO RECEIVE THE CONSTITUTIONAL MAJORITY, WAS DECLARED LOST.

AT 2:15 P.M., THE PRESIDENT DECLARED THE SENATE TO BE AT EASE.

THE SENATE WAS CALLED TO ORDER AT 2:25 P.M. BY PRESIDENT OWEN.

MOTION TO RECONSIDER

HAVING VOTED ON THE PREVAILING SIDE, SENATOR WEST MOVED THAT THE SENATE RECONSIDER THE VOTE BY WHICH SENATE CONCURRENT RESOLUTION No. 8416 FAILED TO PASS THE SENATE EARLIER TODAY.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE MOTION BY SENATOR WEST TO RECONSIDER THE VOTE BY WHICH SENATE CONCURRENT RESOLUTION No. 8416 FAILED TO PASS THE SENATE.

THE MOTION BY SENATOR WEST CARRIED AND THE SENATE WILL RECONSIDER THE VOTE BY WHICH SENATE CONCURRENT RESOLUTION No. 8416 FAILED TO PASS THE SENATE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE FINAL PASSAGE OF SENATE CONCURRENT RESOLUTION, ON RECONSIDERATION.

THE MOTION CARRIED AND THE SENATE ADOPTED SENATE CONCURRENT RESOLUTION No. 8416, ON RECONSIDERATION.

SENATE CONCURRENT RESOLUTION NO. 8416, ON RECONSIDERATION, WAS ADOPTED BY VOICE VOTE.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8417 BY SENATORS SNYDER AND WEST

ADJOURNING SINE DIE.

THE CONCURRENT RESOLUTION WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE RULES WERE SUSPENDED, SENATE CONCURRENT RESOLUTION NO. 8417 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE CONCURRENT RESOLUTION WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF SENATE CONCURRENT RESOLUTION No. 8417.

SENATE CONCURRENT RESOLUTION NO 8417 WAS ADOPTED BY VOICE VOTE.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, ENGROSSED SECOND SUBSTITUTE SENATE BILL No. 5625, SUBSTITUTE

S
E
N
A
T
E

B
I
L
L

N
O
.

5
8
1
3

A
N
D

E
N
G
R
O
S
S
E
D

S
U
B
S
T
I
T

U
T
E

S
E
N
A
T
E

B
I
L
L

N
O
.

5
9
3
7
.

W
H
I
C
H

W
E
R
E

O
N

T
H
E

C
O
N
C
U
R
R
E
N
C
E

C
A
L
E
N
D

A
R
,
W
E
R
E

R
E
F
E
R
R
E
D

T
O

T
H
E

C
O
M
M
I
T
T
E
E

O
N

R
U
L
E
S
.

MOTION

UNDER THE PROVISIONS OF SENATOR CONCURRENT RESOLUTION No. 8416, ON MOTION OF SENATOR BETTI SHELDON, THE FOLLOWING HOUSE BILLS WERE RETURNED TO THE HOUSE OF REPRESENTATIVES:

SUBSTITUTE HOUSE BILL NO. 1011,
SUBSTITUTE HOUSE BILL NO. 1017,
SUBSTITUTE HOUSE BILL NO. 1024,
HOUSE BILL NO. 1026,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1034,
SUBSTITUTE HOUSE BILL NO. 1039,
HOUSE BILL NO. 1044,
ENGROSSED HOUSE BILL NO. 1046,
HOUSE BILL NO. 1047,
HOUSE BILL NO. 1052,
HOUSE BILL NO. 1069,
ENGROSSED HOUSE BILL NO. 1092,

**HOUSE BILL NO. 1103,
HOUSE BILL NO. 1108,
SUBSTITUTE HOUSE BILL NO. 1161,
HOUSE BILL NO. 1179,
SUBSTITUTE HOUSE BILL NO. 1187,
SUBSTITUTE HOUSE BILL NO. 1188,
HOUSE BILL NO. 1196,
HOUSE BILL NO. 1199,
HOUSE BILL NO. 1219,
SECOND SUBSTITUTE HOUSE BILL NO. 1240,
SUBSTITUTE HOUSE BILL NO. 1252,
SUBSTITUTE HOUSE BILL NO. 1254,
SUBSTITUTE HOUSE BILL NO. 1260,
HOUSE BILL NO. 1269,
HOUSE BILL NO. 1271,
HOUSE BILL NO. 1277,
SUBSTITUTE HOUSE BILL NO. 1292,
HOUSE BILL NO. 1303,
SUBSTITUTE HOUSE BILL NO. 1337,
SUBSTITUTE HOUSE BILL NO. 1342,
HOUSE BILL NO. 1367,
HOUSE BILL NO. 1368,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1370,
SUBSTITUTE HOUSE BILL NO. 1381,
HOUSE BILL NO. 1408,
HOUSE BILL NO. 1438,
SUBSTITUTE HOUSE BILL NO. 1469,
HOUSE BILL NO. 1479,
HOUSE BILL NO. 1489,
SUBSTITUTE HOUSE BILL NO. 1502,
SUBSTITUTE HOUSE BILL NO. 1517,
SUBSTITUTE HOUSE BILL NO. 1528,
SUBSTITUTE HOUSE BILL NO. 1560,
HOUSE BILL NO. 1583,
SECOND SUBSTITUTE HOUSE BILL NO. 1607,
SUBSTITUTE HOUSE BILL NO. 1646,
HOUSE BILL NO. 1699,
SUBSTITUTE HOUSE BILL NO. 1717,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1728,
SUBSTITUTE HOUSE BILL NO. 1730,
SUBSTITUTE HOUSE BILL NO. 1759,
HOUSE BILL NO. 1798,
HOUSE BILL NO. 1820,
HOUSE BILL NO. 1844,
ENGROSSED HOUSE BILL NO. 1845,
SUBSTITUTE HOUSE BILL NO. 1849,**

**HOUSE BILL NO. 1852,
HOUSE BILL NO. 1856,
ENGROSSED HOUSE BILL NO. 1886,
SUBSTITUTE HOUSE BILL NO. 1897,
SUBSTITUTE HOUSE BILL NO. 1906,
SUBSTITUTE HOUSE BILL NO. 1908,
HOUSE BILL NO. 1911,
SUBSTITUTE HOUSE BILL NO. 1913,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1953,
SECOND SUBSTITUTE HOUSE BILL NO. 1958,
HOUSE BILL NO. 1984,
SUBSTITUTE HOUSE BILL NO. 1992,
ENGROSSED HOUSE BILL NO. 2005,**

HOUSE BILL NO. 2011,
HOUSE BILL NO. 2031,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2034,
SUBSTITUTE HOUSE BILL NO. 2051,
HOUSE BILL NO. 2064,
SUBSTITUTE HOUSE BILL NO. 2066,
SUBSTITUTE HOUSE BILL NO. 2079,
SUBSTITUTE HOUSE BILL NO. 2082,
SUBSTITUTE HOUSE BILL NO. 2096,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138,
HOUSE BILL NO. 2156,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4010,
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4401.

MESSAGE FROM THE HOUSE

APRIL 22, 2001

MR. PRESIDENT:

UNDER THE PROVISIONS OF SENATE CONCURRENT RESOLUTION NO. 8416, THE HOUSE HEREWITH RETURNS THE FOLLOWING SENATE BILLS TO THE SENATE:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024,
SUBSTITUTE SENATE BILL NO. 5028,
SENATE BILL NO. 5035,
SUBSTITUTE SENATE BILL NO. 5049,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5058
SENATE BILL NO. 5064,
SENATE BILL NO. 5065,
SUBSTITUTE SENATE BILL NO. 5068,
SUBSTITUTE SENATE BILL NO. 5070,
SUBSTITUTE SENATE BILL NO. 5078,
SENATE BILL NO. 5082,
SUBSTITUTE SENATE BILL NO. 5085,
SENATE BILL NO. 5091,
SENATE BILL NO. 5093,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5094,
SUBSTITUTE SENATE BILL NO. 5097,
SUBSTITUTE SENATE BILL NO. 5099,
SUBSTITUTE SENATE BILL NO. 5100,
SENATE BILL NO. 5102,
SUBSTITUTE SENATE BILL NO. 5104,
SUBSTITUTE SENATE BILL NO. 5107,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5112,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5113,
SUBSTITUTE SENATE BILL NO. 5115,
SUBSTITUTE SENATE BILL NO. 5126,
SENATE BILL NO. 5130,
SENATE BILL NO. 5138,
SENATE BILL NO. 5141,

SENATE BILL NO. 5144,
SENATE BILL NO. 5147,
SENATE BILL NO. 5151,
ENGROSSED SENATE BILL NO. 5156,
SENATE BILL NO. 5159,

SUBSTITUTE SENATE BILL NO. 5166,
SECOND SUBSTITUTE SENATE BILL NO. 5170,
SUBSTITUTE SENATE BILL NO. 5176,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5179,
SUBSTITUTE SENATE BILL NO. 5183,
SENATE BILL NO. 5186,
SENATE BILL NO. 5188,
SENATE BILL NO. 5189,
SUBSTITUTE SENATE BILL NO. 5190,
SUBSTITUTE SENATE BILL NO. 5207,
SUBSTITUTE SENATE BILL NO. 5211,
SENATE BILL NO. 5220,
SUBSTITUTE SENATE BILL NO. 5235,
SUBSTITUTE SENATE BILL NO. 5236,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5237,
SUBSTITUTE SENATE BILL NO. 5240,
SENATE BILL NO. 5246,
SENATE BILL NO. 5253,
SENATE BILL NO. 5260,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5264,
SUBSTITUTE SENATE BILL NO. 5266,
SENATE BILL NO. 5276,
SUBSTITUTE SENATE BILL NO. 5282,
SUBSTITUTE SENATE BILL NO. 5283,
SUBSTITUTE SENATE BILL NO. 5284,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5291,
SUBSTITUTE SENATE BILL NO. 5292,
SENATE BILL NO. 5296,
ENGROSSED SENATE BILL NO. 5299,
SENATE BILL NO. 5308,
SENATE BILL NO. 5315,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5327,
SUBSTITUTE SENATE BILL NO. 5329,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5336,
SUBSTITUTE SENATE BILL NO. 5344,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5345,
SUBSTITUTE SENATE BILL NO. 5347,
SENATE BILL NO. 5352,
SUBSTITUTE SENATE BILL NO. 5355,
SUBSTITUTE SENATE BILL NO. 5361,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5364,
SUBSTITUTE SENATE BILL NO. 5369,
SUBSTITUTE SENATE BILL NO. 5370,
SENATE BILL NO. 5373,
SUBSTITUTE SENATE BILL NO. 5376,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5378,
SENATE BILL NO. 5390,
ENGROSSED SENATE BILL NO. 5394,
SUBSTITUTE SENATE BILL NO. 5395,
SUBSTITUTE SENATE BILL NO. 5400,
SUBSTITUTE SENATE BILL NO. 5407,
SUBSTITUTE SENATE BILL NO. 5416,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5419,
SENATE BILL NO. 5426,
SENATE BILL NO. 5430,
SUBSTITUTE SENATE BILL NO. 5433,
SENATE BILL NO. 5437,
SENATE BILL NO. 5439,

SENATE BILL NO. 5451,
SENATE BILL NO. 5454,
SENATE BILL NO. 5457,
SENATE BILL NO. 5459,
SUBSTITUTE SENATE BILL NO. 5465,
SECOND SUBSTITUTE SENATE BILL NO. 5469,
SENATE BILL NO. 5478,
SUBSTITUTE SENATE BILL NO. 5488,
SENATE BILL NO. 5493,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5500,
SUBSTITUTE SENATE BILL NO. 5510,
SUBSTITUTE SENATE BILL NO. 5511,
SENATE BILL NO. 5513,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5514,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5522,
SENATE BILL NO. 5523,
SENATE BILL NO. 5527,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5528,
SUBSTITUTE SENATE BILL NO. 5537,
SECOND SUBSTITUTE SENATE BILL NO. 5540,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5541,
SUBSTITUTE SENATE BILL NO. 5543,
SENATE BILL NO. 5546,
SUBSTITUTE SENATE BILL NO. 5552,
SUBSTITUTE SENATE BILL NO. 5557,
ENGROSSED SENATE BILL NO. 5570,
SUBSTITUTE SENATE BILL NO. 5571,
SUBSTITUTE SENATE BILL NO. 5573,
SECOND SUBSTITUTE SENATE BILL NO. 5576,
SUBSTITUTE SENATE BILL NO. 5582,
SUBSTITUTE SENATE BILL NO. 5586,
SENATE BILL NO. 5591,
SENATE BILL NO. 5594,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5598,
SUBSTITUTE SENATE BILL NO. 5601,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5610,
SENATE BILL NO. 5624,
SENATE BILL NO. 5627,
SENATE BILL NO. 5629,
SENATE BILL NO. 5633,
SUBSTITUTE SENATE BILL NO. 5647,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5674,
SUBSTITUTE SENATE BILL NO. 5679,
SUBSTITUTE SENATE BILL NO. 5681,
SENATE BILL NO. 5683,
ENGROSSED SENATE BILL NO. 5686,
SENATE BILL NO. 5692,
SENATE BILL NO. 5699,
SENATE BILL NO. 5708,
SUBSTITUTE SENATE BILL NO. 5717,
SUBSTITUTE SENATE BILL NO. 5720,
SENATE BILL NO. 5735,
SENATE BILL NO. 5739,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5743,
SUBSTITUTE SENATE BILL NO. 5748,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5749,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5755,
SUBSTITUTE SENATE BILL NO. 5759,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5760,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5764,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5765,
SUBSTITUTE SENATE BILL NO. 5776,

SUBSTITUTE SENATE BILL NO. 5777,
SUBSTITUTE SENATE BILL NO. 5791,
SUBSTITUTE SENATE BILL NO. 5792,
SUBSTITUTE SENATE BILL NO. 5793,
SUBSTITUTE SENATE BILL NO. 5795,
SECOND SUBSTITUTE SENATE BILL NO. 5820,
SENATE BILL NO. 5829,
SENATE BILL NO. 5832,
ENGROSSED SENATE BILL NO. 5835,
SENATE BILL NO. 5836,
SUBSTITUTE SENATE BILL NO. 5837,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5845,
SENATE BILL NO. 5852,
SENATE BILL NO. 5870,
ENGROSSED SENATE BILL NO. 5872,
SUBSTITUTE SENATE BILL NO. 5875,
SENATE BILL NO. 5878,
SUBSTITUTE SENATE BILL NO. 5880,
ENGROSSED SENATE BILL NO. 5882,
SENATE BILL NO. 5886,
ENGROSSED SENATE BILL NO. 5888,
SUBSTITUTE SENATE BILL NO. 5894,
SUBSTITUTE SENATE BILL NO. 5902,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5904,
SUBSTITUTE SENATE BILL NO. 5906,
SECOND SUBSTITUTE SENATE BILL NO. 5909,
SECOND SUBSTITUTE SENATE BILL NO. 5912,
SUBSTITUTE SENATE BILL NO. 5914,
SUBSTITUTE SENATE BILL NO. 5919,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5936,
SUBSTITUTE SENATE BILL NO. 5946,
SECOND SUBSTITUTE SENATE BILL NO. 5947,
SENATE BILL NO. 5954,
SUBSTITUTE SENATE BILL NO. 5965,
SUBSTITUTE SENATE BILL NO. 5984,
SENATE BILL NO. 5990,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5993,
SUBSTITUTE SENATE BILL NO. 5997,
SENATE BILL NO. 5999,
ENGROSSED SENATE BILL NO. 6001,
SUBSTITUTE SENATE BILL NO. 6007,
SUBSTITUTE SENATE BILL NO. 6008,
SUBSTITUTE SENATE BILL NO. 6012,
SENATE BILL NO. 6025,
SECOND SUBSTITUTE SENATE BILL NO. 6027,
SENATE BILL NO. 6036,
SUBSTITUTE SENATE BILL NO. 6037,
SUBSTITUTE SENATE BILL NO. 6076,
SENATE BILL NO. 6092,
SUBSTITUTE SENATE BILL NO. 6098,
ENGROSSED SENATE BILL NO. 6126,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6151,
SUBSTITUTE SENATE BILL NO. 6166,
SUBSTITUTE SENATE BILL NO. 6167,
SECOND SUBSTITUTE SENATE BILL NO. 6177,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8000,
SENATE JOINT MEMORIAL NO. 8001,
SENATE JOINT MEMORIAL NO. 8004,
SENATE JOINT MEMORIAL NO. 8007,
ENGROSSED SENATE JOINT MEMORIAL NO. 8012,

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8015,
SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8206,
ENGROSSED SENATE JOINT RESOLUTION NO. 8209,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8403,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404,
SENATE CONCURRENT RESOLUTION NO. 8406,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8410,
SENATE CONCURRENT RESOLUTION NO. 8415, AND THE SAME ARE HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, Co-CHIEF CLERK
TIMOTHY A. MARTIN, Co-CHIEF CLERK

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE RETURNED TO THE FOURTH ORDER OF BUSINESS.

MESSAGES FROM THE HOUSE

APRIL 22, 2001

MR. PRESIDENT:

THE HOUSE HAS ADOPTED SENATE CONCURRENT RESOLUTION NO. 8416, AND THE SAME IS HEREWITH TRANSMITTED.

TIMOTHY A. MARTIN, Co-CHIEF CLERK
CYNTHIA ZEHNDER, Co-CHIEF CLERK

APRIL 22, 2001

MR. PRESIDENT:

THE HOUSE HAS ADOPTED SENATE CONCURRENT RESOLUTION NO. 8417, AND THE SAME IS HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, Co-CHIEF CLERK
TIMOTHY A. MARTIN, Co-CHIEF CLERK

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:

SENATE CONCURRENT RESOLUTION NO. 8416,
SENATE CONCURRENT RESOLUTION NO. 8417.

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

THE Co-SPEAKERS HAVE SIGNED:

SENATE CONCURRENT RESOLUTION NO. 8416, AND THE SAME IS HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, Co-CHIEF CLERK
TIMOTHY A. MARTIN, Co-CHIEF CLERK

MR. PRESIDENT:

THE Co-SPEAKERS HAVE SIGNED:

SENATE CONCURRENT RESOLUTION NO. 8417, AND THE SAME IS HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, Co-CHIEF CLERK
TIMOTHY A. MARTIN, Co-CHIEF CLERK

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE JOURNAL FOR THE ONE HUNDRED-FIFTH DAY OF THE 2001 REGULAR SESSION WAS APPROVED.

THE MEMBERS OF THE SENATE MOVED FROM THE SENATE CHAMBER IN THE JOHN CHERBERG BUILDING TO JOIN WITH THE MEMBERS OF THE HOUSE OF REPRESENTATIVES AT THE SUN DIAL BETWEEN THE JOHN CHERBERG BUILDING AND THE JOHN O'BRIEN BUILDING.

MOTION

AT 2:27 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE 2001 REGULAR SESSION OF THE FIFTY-SEVENTH LEGISLATURE ADJOURNED SINE DIE.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

ONE HUNDRED-FIFTH DAY, APRIL 22, 2001

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

FIRST DAY, FIRST SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Wednesday, April 25, 2001

The Senate of the 2001 First Special Session of the Fifty-seventh Legislature of the state of Washington was called to order at 12:00 noon by Lieutenant Governor Brad Owen, President of the Senate. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Jeremy Brenneis and Josh Davis, presented the Colors. Senator Paul Shin offered the prayer.

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2001 regular session on April 22, 2001, the 105th day of the session; and

WHEREAS, state operating, transportation and capital budgets, including bonds, and measures necessary to implement them, were not passed; and

WHEREAS, substantial work remains to be done with respect to transportation, including reforms and efficiencies, regional governance, projects and investments, the Tacoma Narrows bridge, revenue, and bonds; and

WHEREAS, work also remains to be done to pass legislation affecting the primary election system, accountability for student achievement, school safety - including anti-bullying policy, splitting the Department of Community, Trade and Economic Development, shorelines rule implementation, the siting of certain sexual predators at McNeil Island, post-retirement employment, medical coverage for the disabled who work and welfare simplification;

NOW THEREFORE, I, Gary Locke, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia at twelve o'clock noon on Wednesday, April 25, 2001, for a period of not more than thirty days for the purpose of enacting legislation as described above.

IN WITNESS WHEREOF, I have hereunto
set my hand and caused the Seal of the state of
Washington to be affixed at Olympia, this twenty-
second day of April, A.D., two thousand one.

GARY LOCKE

(SEAL) Governor of Washington

BY THE GOVERNOR:

SAM REED
Secretary of State

MESSAGE FROM THE GOVERNOR

April 23, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 19, 2001, Governor Locke approved the following Senate Bill entitled:

Substitute Senate Bill No. 6035

Relating to directing the state board for community and technical colleges to create a college board job bank.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
P.O. Box 42560
Olympia, Washington 98504-2560

February 23, 2001

Tony Cook, Secretary of the Senate
Washington State Senate
P. O. Box 40482
Olympia, WA 98504-0482

RE: Report to the Legislature - Pesticide Investigations and Residue Testing

Dear Mr. Cook:

Enclosed is the 2000 Annual Report to the Legislature on pesticide investigations and residue testing as mandated by RCW 15.58.420 and RCW 17.21.350. If you have any questions, please give me a call at 902-1850.

Sincerely,

LESLIE EMERICK, Legislative and Stakeholder Coordinator

The Department of Agriculture Report to the Legislature on pesticide investigations and residue testing is on file in the Office of the Secretary of the Senate.

MOTION

At 12:06 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Thursday, April 26, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIRST DAY, FIRST SPECIAL SESSION, APRIL 25, 2001

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

SECOND DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 26, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Brown, Constantine, Fairley, Finkbeiner, Haugen, Horn, Johnson, Morton, Parlette, Patterson, Roach, Stevens and Zarelli. On motion of Senator Honeyford, Senators Benton, Finkbeiner, Horn, Johnson, Morton, Parlette, Roach, Stevens and Zarelli were excused. On motion of Senator Eide, Senators Brown, Constantine, Fairley, Haugen, and Patterson were excused. The Sergeant at Arms Color Guard consisting of Pages Sarah Studeman and Tyler Trimble, presented the Colors. Senator Bob Oke offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

April 25, 2001

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

I have the honor to advise you that on April 25, 2000, Governor Locke approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5942
Relating to dog guides and service animals.

Sincerely,
EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE HOUSE

April 25, 2001

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4413 , and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4413 by Representatives Kessler and Mastin

Concerning the status of bills, memorials, and resolutions for the 2001 first special session of the fifty-seventh legislature.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4413 was advanced to second reading and placed on the second reading calendar.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4413, by Representatives Kessler and Mastin

Concerning the status of bills, memorials, and resolutions for the 2001 first special session of the fifty-seventh legislature.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4413 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4413.

HOUSE CONCURRENT RESOLUTION NO. 4413 was adopted by voice vote.

MOTION

At 10:11 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, April 27, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SECOND DAY, FIRST SPECIAL SESSION, APRIL 26, 2001

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

THIRD DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Friday, April 27, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Deccio, Hale, Johnson, McCaslin, McDonald, Oke, Roach, Stevens and Swecker. On motion of Senator Honeyford, Senators Benton, Deccio, Hale, Johnson, McCaslin, McDonald, Oke, Roach, Stevens and Swecker were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jennifer Luetkehans and Stephanie Schlatter, presented the Colors. Senator Bob Morton offered the prayer.

MOTION

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

MOTION

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

SENATE RESOLUTION 2001-8656

By Senator Snyder

WHEREAS, It is an honor for the Washington State Senate to recognize patriotism and loyalty to the United States of America; and

WHEREAS, Loyalty Day was initiated by the Veterans of Foreign Wars and first proclaimed by former President Harry Truman in 1950; and

WHEREAS, Long Beach, Washington, is the only city in the country that has organized Loyalty Day celebrations since its first observance in 1950; and

WHEREAS, Loyalty Day activities in Long Beach include crowning Miss Loyalty, display of vintage airplanes, blessing of the fleet, U.S. Coast Guard fly over, guest speakers and a city parade; and

WHEREAS, Throughout the year, Americans of all ages express their loyalty to our country through countless acts of patriotism and selflessness; and

WHEREAS, During times of war, Americans have fought and died to defend our liberty and promote the ideals of democracy, and we remember in a special way those Americans who have given their lives in defense of this country and the principles for which it stands; and

WHEREAS, We also pay tribute to our veterans and current members of the Armed Forces, and their bravery and desire to serve, which reflects great love for others and genuine loyalty to the United States; and

WHEREAS, In times of peace, we have strived to preserve the rights secured to us in the Constitution and to ensure that every American enjoys the full protection of those rights; and

WHEREAS, As citizens of this country, we formally acknowledge our faith in America and in this great democracy, and by honoring their oath to uphold and defend the Constitution, military personnel, elected officials and civil servants help to preserve our rich heritage of freedom; and

WHEREAS, Students who recite the Pledge of Allegiance in school, as well as parents and educators who teach their children about the nation's history and system of government, help to ensure this heritage is strengthened and renewed; and

WHEREAS, We should have the courage not only to recognize our differences, but also to build on the dreams we share and on the values we hold in common, and to reaffirm our belief in freedom, equality, justice and opportunity for all people;

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate does hereby recognize the importance of loyalty and patriotism to residents throughout the state of Washington and elsewhere in the United States; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately by the Secretary of the Senate to the Mayor of Long Beach, Washington.

MOTION

At 10:11 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Monday, April 30, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRD DAY, FIRST SPECIAL SESSION, APRIL 27, 2001

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

SIXTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Monday, April 30, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Hargrove. On motion of Senator Eide, Senator Hargrove was excused.

The Sergeant at Arms Color Guard, consisting of staff members Dale Larson and Terry Hoye, presented the Colors. Senator Rosa Franklin offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

April 27, 2001

TO THE HONORABLE , THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 27, 2001, Governor Locke approved the following Senate Bills entitled:

Senate Bill No. 5223

Relating to transportation safety and planning.

Substitute Senate Bill No. 5335

Relating to the authority of the statewide enhanced 911 program to support the statewide enhanced 911 system.

Substitute Senate Bill No. 5484

Relating to taxation of businesses selling conifer seed or growing seedlings.

Substitute Senate Bill No. 6053

Relating to state route number 525.

Sincerely,
EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM STATE OFFICE
STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

QUARTERLY REPORT TO THE LEGISLATURE

SERVICES TO INDIVIDUALS WITH
DEVELOPMENTAL DISABILITIES DIAGNOSED
WITH MENTAL ILLNESS
Chapter 1, Laws of 2000 E2, Section 206, (1) (d)

Prepared by:
Linda Rolfe, Acting Director
Division of Developmental Disabilities

The quarterly report from the Department of Social and Health Services on Services to Individuals with Developmental Disabilities Diagnosed with Mental Illness is on file in the office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

April 27, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 1315, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

April 27, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 1359, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

April 27, 2001

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2258, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

April 27, 2001

MR. PRESIDENT:

The Co-Speakers have signed HOUSE CONCURRENT RESOLUTION NO. 4413, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4413.

INTRODUCTION AND FIRST READING

SB 6181 by Senators B. Sheldon, Horn, Spanel, Haugen and Gardner

AN ACT Relating to allowing Washington state ferry fares to be increased in excess of the fiscal growth factor; amending RCW 347.60.326; and declaring an emergency.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1315 by House Committee on Appropriations (originally sponsored by Representatives H. Sommers and Sehlin) (by request of Governor Locke)

Making operating appropriations for 2001-03.

Referred to Committee on Ways and Means.

SHB 1359 by House Committee on Capital Budget (originally sponsored by Representatives Alexander, Murray and McIntire) (by

request of Governor Locke)

Making appropriations and authorizing expenditures for capital improvements.

Referred to Committee on Ways and Means.

HB 2258 by Representatives H. Sommers and Sehlin

Funding drought and earthquake emergency relief.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Bill No. 6181 was advanced to second reading and placed on the second reading calendar.

MOTION

At 10:10 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 10:30 a.m.

The Senate was called to order at 10:30 a.m. by President Owen.

At 10:30 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 10:40 a.m. by President Owen.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5078, by Senator Haugen

Revising the disposition of vehicle license fees.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5078.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 5078 and the bill passed the Senate by the following vote:

Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Hargrove - 1.

SUBSTITUTE SENATE BILL NO. 5078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5743, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Horn, Shin, Winsley, Oke and Kohl-Welles) (by request of The Blue Ribbon Commission on Transportation)

Investing in human resources for transportation.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5743.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5743 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Hargrove - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5743, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5748, by Senate Committee on Transportation (originally sponsored by Senators McAuliffe, Horn, Shin, Winsley, Oke, Haugen, Kohl-Welles and Kastama) (by request of The Blue Ribbon Commission on Transportation)

Integrating transportation and land use planning.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5748.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5748 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Hargrove - 1.

SUBSTITUTE SENATE BILL NO. 5748, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Roach: "A point of personal privilege, Mr. President. I would like to tell you that it is a great honor today to announce to you that last this morning at 1:35 a.m., Representative Dan Roach and his wife Melanie gave birth to a beautiful baby boy. His name is Ethan Daniel Roach, is six pounds, six ounces, and twenty inches long. So, the name goes on! Everybody is doing fine. You all know that Melanie is a weight lifter of national--international acclaim actually--so with ten minutes of pushing, there he was."

PERSONAL PRIVILEGE

Senator Hale: "A point of personal privilege, Mr. President. Not to be outdone, I would like to announce that there is another Hale woman in the world. As of last Wednesday, we welcomed a little granddaughter. Her name is Michal Kay and she weighed in at eight pounds, three ounces, had a lot of dark hair and was nineteen inches long. I got to go to Spokane and see her this weekend and she is adorable. Having said that, and at the request of several members, we will have a trailer floor resolution. For others that indicated that they had babies that they would like to have included on the resolution, please get those names to me. Thank you."

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5749, by Senate Committee on Transportation (originally sponsored by Senators McAuliffe, Horn, Winsley, Oke and Haugen) (by request of The Blue Ribbon Commission on Transportation)

Adopting cost-benefit analysis for transportation planning.

MOTIONS

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5749 was returned to second reading and read the second time.

Senator Haugen moved that the following striking amendment be adopted: Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.05.010 and 1993 c 490 s 1 are each amended to read as follows:

The legislature finds that solutions to state highway deficiencies have become increasingly complex and diverse and that anticipated transportation revenues will fall substantially short of the amount required to satisfy all transportation needs. Difficult investment trade-offs will be required.

It is the intent of the legislature that investment of state transportation funds to address deficiencies on the state highway system be based on a policy of priority programming having as its basis the rational selection of projects and services according to factual need and an evaluation of life cycle costs and benefits ~~((and which))~~ that are systematically scheduled to carry out defined objectives within available revenue. The state must develop analytic tools to use a common methodology to measure benefits and costs for all modes.

The priority programming system ~~((shall))~~ must ensure preservation of the existing state highway system, relieve congestion, provide mobility for people and goods, support the state's economy, and promote environmental protection and energy conservation.

The priority programming system ~~((shall))~~ must implement the state-owned highway component of the statewide ~~((multimodal))~~ transportation plan, consistent with local and regional transportation plans, by targeting state transportation investment to appropriate multimodal solutions ~~((which))~~ that address identified state highway system deficiencies.

The priority programming system for improvements ~~((shall))~~ must incorporate a broad range of solutions that are identified in the statewide ~~((multimodal))~~ transportation plan as appropriate to address state highway system deficiencies, including but not limited to highway expansion, efficiency improvements, nonmotorized transportation facilities, high occupancy vehicle facilities, transit facilities and services, rail facilities and services, and transportation demand management programs.

"**Sec. 2.** RCW 47.05.030 and 1998 c 171 s 6 are each amended to read as follows:

The transportation commission shall adopt a comprehensive six-year investment program specifying program objectives and performance measures for the preservation and improvement programs defined in this section. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The ~~((needs))~~ analysis process ~~((shall))~~ must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. The investment program ~~((shall))~~ must be revised biennially, effective on July 1st of odd-numbered years. The investment program ~~((shall))~~ must be based upon the needs identified in the state-owned highway component of the statewide ~~((multimodal))~~ transportation plan as defined in RCW 47.01.071(3).

(1) The preservation program ~~((shall))~~ consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. The preservation program must require use of the most cost-effective pavement surfaces, considering:

(a) Life-cycle cost analysis;

(b) Traffic volume;

- (c) Subgrade soil conditions;
- (d) Environmental and weather conditions;
- (e) Materials available; and
- (f) Construction factors.

The comprehensive six-year investment program for preservation ((shall)) must identify projects for two years and an investment plan for the remaining four years.

(2) The improvement program ((shall)) consists of investments needed to address identified deficiencies on the state highway system to increase mobility, address congestion, and improve ((mobility,)) safety, support for the economy, and protection of the environment. The six-year investment program for improvements ((shall)) must identify projects for two years and major deficiencies proposed to be addressed in the six-year period giving consideration to relative benefits and life cycle costing. The transportation commission shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate.

The transportation commission shall approve and present the comprehensive six-year investment program to the legislature in support of the biennial budget request under RCW 44.40.070 and 44.40.080.

Sec. 3. RCW 47.05.035 and 1993 c 490 s 4 are each amended to read as follows:

(1) The department and the commission shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department and the commission can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of transportation demand modeling tools will be phased in. The first phase will build upon the modeling work initiated by the four-county Puget Sound regional council.

(3) In developing program objectives and performance measures, the transportation commission shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the commission shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.

(4) The commission shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:

((4)) (a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;

((2)) (b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;

((3)) (c) The continuity of future transportation development with those improvements previously programmed; and

((4)) (d) The availability of dedicated funds for a specific type of work.

Sec. 4. RCW 47.05.051 and 1998 c 175 s 12 are each amended to read as follows:

The comprehensive six-year investment program shall be based upon the needs identified in the state-owned highway component of the statewide multimodal transportation plan as defined in RCW 47.01.071(3) and priority selection systems that incorporate the following criteria:

(1) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

(a) Extending the service life of the existing highway system, including using the most cost-effective pavement surfaces, considering:

(i) Life-cycle cost analysis;

(ii) Traffic volume;

(iii) Subgrade soil conditions;

(iv) Environmental and weather conditions;

(v) Materials available; and

(vi) Construction factors;

(b) Ensuring the structural ability to carry loads imposed upon highways and bridges; and

(c) Minimizing life cycle costs. The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the six-year program.

(2) Priority programming for the improvement program shall take into account the following:

(a) Support for the state's economy, including job creation and job preservation;

(b) The cost-effective movement of people and goods;

(c) Accident and accident risk reduction;

(d) Protection of the state's natural environment;

(e) Continuity and systematic development of the highway transportation network;

(f) Consistency with local comprehensive plans developed under chapter 36.70A RCW;

(g) Consistency with regional transportation plans developed under chapter 47.80 RCW;

(h) Public views concerning proposed improvements;

(i) The conservation of energy resources;

(j) Feasibility of financing the full proposed improvement;

(k) Commitments established in previous legislative sessions;

(l) Relative costs and benefits of candidate programs;

(m) Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding; ((and))

(n) Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding; and

(o) Congestion reduction.

(3) The commission may depart from the priority programming established under subsections (1) and (2) of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.

(4) The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.

Sec. 5. RCW 47.06.130 and 1993 c 446 s 13 are each amended to read as follows:

(1) The department may carry out special transportation planning studies to resolve specific issues with the development of the state transportation system or other statewide transportation issues.

(2) The department shall conduct multimodal corridor analyses on major congested corridors where needed improvements are likely to cost in excess of one hundred million dollars. Analysis will include the cost-effectiveness of all feasible strategies in addressing congestion or improving mobility within the corridor, and must recommend the most effective strategy or mix of strategies to address identified deficiencies. A long-term view of corridors must be employed to determine whether an existing corridor should be expanded, a city or county road should become a state route, and whether a new corridor is needed to alleviate congestion and enhance mobility based on travel demand. To the extent practicable, full costs of all strategies must be reflected in the analysis. At a minimum, this analysis must include:

(a) The current and projected future demand for total person trips on that corridor;

(b) The impact of making no improvements to that corridor;

(c) The daily cost per added person served for each mode or improvement proposed to meet demand;

(d) The cost per hour of travel time saved per day for each mode or improvement proposed to meet demand; and

(e) How much of the current and anticipated future demand will be met and left unmet for each mode or improvement proposed to meet demand.

The end result of this analysis will be to provide a cost-benefit analysis by which policymakers can determine the most cost-effective improvement or mode, or mix of improvements and modes, for increasing mobility and reducing congestion.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Haugen to Engrossed Substitute Senate Bill No. 5749.

The motion by Senator Haugen carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "planning;" strike the remainder of the title and insert "amending RCW 47.05.010, 47.05.030, 47.05.035, 47.05.051, and 47.06.130; providing an effective date; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5749, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 5749, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5749, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 47.

Voting nay: Senator Thibaudeau - 1.

Excused: Senator Hargrove - 1.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5749, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5759, by Senate Committee on Transportation (originally sponsored by Senators Patterson, Horn, Prentice, McAuliffe, Shin, Finkbeiner, Winsley, Haugen, Franklin, Kohl-Welles and Kastama) (by request of The Blue Ribbon Commission on Transportation)

Improving traffic chokepoints.

MOTIONS

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5759 was returned to second reading and read the second time.

Senator Haugen moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends that funding for transportation improvements be allocated to the worst traffic chokepoints in the state. Furthermore, the legislature intends to fund projects that provide systemic relief throughout a transportation corridor, rather than spot improvements that fail to improve overall mobility within a corridor.

Sec. 2. RCW 47.05.051 and 1998 c 175 s 12 are each amended to read as follows:

(1) The comprehensive six-year investment program shall be based upon the needs identified in the state-owned highway component of the statewide multimodal transportation plan as defined in RCW 47.01.071(3) and priority selection systems that incorporate the following criteria:

~~((1))~~ **(a)** Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

~~((a))~~ **(i)** Extending the service life of the existing highway system;

~~((b))~~ **(ii)** Ensuring the structural ability to carry loads imposed upon highways and bridges; and

~~((c))~~ **(iii)** Minimizing life cycle costs. The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the six-year program.

~~((2))~~ **(b)** Priority programming for the improvement program ~~((shall take into account))~~ must be based primarily upon the following:

~~((a))~~ **(i)** Traffic congestion, delay, and accidents;

(ii) Location within a heavily traveled transportation corridor;

(iii) Synchronization with other potential transportation projects, including transit and multimodal projects, within the heavily traveled corridor; and

(iv) Use of benefit/cost analysis wherever feasible to determine the value of the proposed project.

(c) Priority programming for the improvement program may also take into account:

(i) Support for the state's economy, including job creation and job preservation;

~~((b))~~ **(ii)** The cost-effective movement of people and goods;

~~((c))~~ **(iii)** Accident and accident risk reduction;

~~((d))~~ **(iv)** Protection of the state's natural environment;

~~((e))~~ **(v)** Continuity and systematic development of the highway transportation network;

~~((f))~~ **(vi)** Consistency with local comprehensive plans developed under chapter 36.70A RCW;

~~((g))~~ **(vii)** Consistency with regional transportation plans developed under chapter 47.80 RCW;

~~((h))~~ **(viii)** Public views concerning proposed improvements;

~~((i))~~ **(ix)** The conservation of energy resources;

~~((j))~~ **(x)** Feasibility of financing the full proposed improvement;

~~((k))~~ **(xi)** Commitments established in previous legislative sessions;

~~((l))~~ **(xii)** Relative costs and benefits of candidate programs~~((;))~~;

~~((m))~~ **(d)** Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding~~((; and))~~;

~~((n))~~ **(e)** Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.

~~((3))~~ **(2)** The commission may depart from the priority programming established under subsection~~((s))~~ (1) ~~((and-2))~~ of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.

~~((4))~~ **(3)** The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.

NEW SECTION. Sec. 3. The department of transportation shall report the results of its priority programming under RCW 47.05.051 to the transportation committees of the senate and house of representatives by December 1, 2002, and December 1, 2004."

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Haugen, traffic chokepoints have a different meaning on the west side of the mountains than on the east side. We don't have that particular problem, even though we have a lot of other problems. Does this mean then that the priority program is going to be to relieve traffic chokepoints--is that going to be the priority?"

Senator Haugen: "This congestion will certainly become one of the issues dealing with setting priorities. However, most of the problems that occur in your area and the area that I represent--primarily rural areas of the state--are generally covered under preservation. This is truly about major new improvements and certainly I know that in your area, like in my area, we also have some chokepoint areas. They aren't the same as they are in central Puget Sound, but there are chokepoints. You will see some change, but not in the programs that are most important to you and I."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Haugen to Substitute Senate Bill No. 5759, under suspension of the rules.

The motion by Senator Haugen carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 47.05.051; creating new sections; and providing an effective date."

Debate ensued.

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5759 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5759, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5759, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Hargrove - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5764, by Senate Committee on Transportation (originally sponsored by Senators Shin, Horn, Winsley, Oke and Haugen) (by request of The Blue Ribbon Commission on Transportation)

Maintaining and preserving transportation facilities and assets.

MOTIONS

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5764 was returned to second reading and read the second time.

On motion of Senator Haugen, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that roads, streets, bridges, and highways in the state represent public assets worth over one hundred billion dollars. These investments require regular maintenance and preservation, or rehabilitation, to provide cost-effective transportation services. Many of these facilities are in poor condition. Given the magnitude of public investment and the importance of safe, reliable roadways to the motoring public, the legislature intends to create stronger accountability to ensure that cost-effective maintenance and preservation is provided for these transportation facilities.

Sec. 2. RCW 35.84.060 and 1969 ex.s. c 281 s 26 are each amended to read as follows:

Every municipal corporation which owns or operates an urban public transportation system as defined in RCW 47.04.082 within its corporate limits, may acquire, construct, extend, own, or operate such urban public transportation system to any point or points not to exceed fifteen miles outside of its corporate limits: PROVIDED, That no municipal corporation shall extend its urban

public transportation system beyond its corporate limits to operate in any territory already served by a privately operated auto transportation company holding a certificate of public convenience and necessity from the utilities and transportation commission.

As a condition of receiving state funding, the municipal corporation shall submit a maintenance management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the municipality, and provide a preservation plan based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 3. A new section is added to chapter 36.56 RCW to read as follows:

As a condition of receiving state funding, a county that has assumed the transportation functions of a metropolitan municipal corporation shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the county, and provide a preservation plan based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 4. A new section is added to chapter 36.57A RCW to read as follows:

As a condition of receiving state funding, a public transportation benefit area authority shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the authority, and provide a preservation plan based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 5. A new section is added to chapter 46.68 RCW to read as follows:

During the 2001-2003 biennium, cities and towns shall provide to the transportation commission, or its successor entity, preservation rating information on at least seventy percent of the total city and town arterial network. Thereafter, the preservation rating information requirement shall increase in five percent increments in subsequent biennia. The rating system used by cities and towns must be based upon the Washington state pavement rating method or an equivalent standard approved by the transportation commission or its successor entity.

Sec. 6. RCW 47.06.050 and 1993 c 446 s 5 are each amended to read as follows:

The state-owned facilities component of the statewide transportation plan shall consist of:

(1) The state highway system plan, which identifies program and financing needs and recommends specific and financially realistic improvements to preserve the structural integrity of the state highway system, ensure acceptable operating conditions, and provide for enhanced access to scenic, recreational, and cultural resources. The state highway system plan shall contain the following elements:

(a) A system preservation element, which shall establish structural preservation objectives for the state highway system including bridges, identify current and future structural deficiencies based upon analysis of current conditions and projected future deterioration, and recommend program funding levels and specific actions necessary to preserve the structural integrity of the state highway system consistent with adopted objectives. Lowest life cycle cost methodologies must be used in developing a pavement management system. This element shall serve as the basis for the preservation component of the six-year highway program and the two-year biennial budget request to the legislature;

(b) A highway maintenance element, establishing service levels for highway maintenance on state-owned highways that meet benchmarks established by the transportation commission. The highway maintenance element must include an estimate of costs for achieving those service levels over twenty years. This element will serve as the basis for the maintenance component of the six-year highway program and the two-year biennial budget request to the legislature.

(c) A capacity and operational improvement element, which shall establish operational objectives, including safety considerations, for moving people and goods on the state highway system, identify current and future capacity, operational, and safety deficiencies, and recommend program funding levels and specific improvements and strategies necessary to achieve the operational objectives. In developing capacity and operational improvement plans the department shall first assess strategies to enhance the operational efficiency of the existing system before recommending system expansion. Strategies to enhance the operational efficiencies include but are not limited to access management, transportation system management, demand management, and high-occupancy vehicle facilities. The capacity and operational improvement element must conform to the state implementation plan for air quality and be consistent with regional transportation plans adopted under chapter 47.80 RCW, and shall serve as the basis for the capacity and operational improvement portions of the six-year highway program and the two-year biennial budget request to the legislature;

((e)) (d) A scenic and recreational highways element, which shall identify and recommend designation of scenic and recreational highways, provide for enhanced access to scenic, recreational, and cultural resources associated with designated routes, and recommend a variety of management strategies to protect, preserve, and enhance these resources. The department, affected counties, cities, and towns, regional transportation planning organizations, and other state or federal agencies shall jointly develop this element;

((d)) (e) A paths and trails element, which shall identify the needs of nonmotorized transportation modes on the state transportation systems and provide the basis for the investment of state transportation funds in paths and trails, including funding provided under chapter 47.30 RCW.

(2) The state ferry system plan, which shall guide capital and operating investments in the state ferry system. The plan shall establish service objectives for state ferry routes, forecast travel demand for the various markets served in the system, ((and)) develop strategies for ferry system investment that consider regional and statewide vehicle and passenger needs, support local land use plans, and assure that ferry services are fully integrated with other transportation services. The plan must provide for maintenance of capital assets. The plan must also provide for preservation of capital assets based on lowest life cycle cost methodologies. The plan shall assess the role of private ferries operating under the authority of the utilities and transportation commission and shall coordinate ferry system capital and operational plans with these private operations. The ferry system plan must be consistent with the regional transportation plans for areas served by the state ferry system, and shall be developed in conjunction with the ferry advisory committees.

Sec. 7. RCW 47.06.090 and 1993 c 446 s 9 are each amended to read as follows:

The state-interest component of the statewide multimodal transportation plan shall include an intercity passenger rail plan, which shall analyze existing intercity passenger rail service and recommend improvements to that service under the state passenger rail service program including depot improvements, potential service extensions, and ways to achieve higher train speeds.

For purposes of maintaining and preserving any state-owned component of the state's passenger rail program, the statewide multimodal transportation plan must identify all such assets and provide a preservation plan based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 8. A new section is added to chapter 81.112 RCW to read as follows:

As a condition of receiving state funding, a regional transit authority shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the transit authority, and provide a plan for preservation of assets based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 9. A new section is added to chapter 36.78 RCW to read as follows:

The board shall establish a standard of good practice for maintenance of transportation system assets. This standard must be implemented by all counties no later than December 31, 2006. The board shall develop a model maintenance management system for use by counties. The board shall develop rules to assist the counties in the implementation of this system. Counties shall annually submit their maintenance plans to the board. The board shall compile the county data regarding maintenance management and annually submit it to the transportation commission or its successor entity."

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 2 of the title, after "assets;" strike the remainder of the title and insert "amending RCW 35.84.060, 47.06.050, and 47.06.090; adding a new section to chapter 36.56 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 81.112 RCW; adding a new section to chapter 36.78 RCW; and creating a new section."

On motion of Senator Haugen, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5764, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 5764, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5764, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Hargrove - 1.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5764, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5765, by Senate Committee on Transportation (originally sponsored by Senators Prentice, Swecker, Shin, Oke, Parlette, Horn, Haugen and McDonald) (by request of The Blue Ribbon Commission on Transportation)

Streamlining the environmental permit process for transportation projects.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5765.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5765 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Voting nay: Senators Fairley, Franklin, Kline and Kohl-Welles - 4.

Excused: Senator Hargrove - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5765, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6181, by Senators B. Sheldon, Horn, Spanel, Haugen and Gardner

Allowing Washington state ferry fares to be increased in excess of the fiscal growth factor.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6181, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6181, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Voting nay: Senators Costa, Roach, Sheldon, T. and Stevens - 4.

Excused: Senator Hargrove - 1.

SENATE BILL NO. 6181, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6181 was ordered to be immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5327, by Senate Committee on Transportation (originally sponsored by Senators Haugen, West and Gardner) (by request of Governor Locke)

Funding transportation during the 2001-03 biennium.

MOTIONS

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5327 was returned to second reading and read the second time.

Senator Haugen moved that the following striking amendment by Senators Haugen and Horn be adopted:

Strike everything after the enacting clause and insert the following:

"2001-03 BIENNium

NEW SECTION. Sec. 1. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2003.

(2) Legislation with fiscal impacts enacted in the 2001 legislative session not assumed in this act are not funded in the 2001-03 transportation budget.

(3) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2002" or "FY 2002" means the fiscal year ending June 30, 2002.

(b) "Fiscal year 2003" or "FY 2003" means the fiscal year ending June 30, 2003.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

(f) "Performance-based budgeting" means a budget that bases resource needs on quantified outcomes and results expected from use of the total appropriation. "Performance-based budgeting" does not mean incremental budgeting that focuses on justifying changes from the historic budget or to line-item input-driven budgets.

(g) "Goals" means the statements of purpose that identify a desired result or outcome. The statements shall be realistic, achievable, directive, assignable, evaluative, and logically linked to the agency's mission and statutory mandate.

(h) "Strategic plan" means the strategies agencies create for investment choices in the future. All agency strategic plans shall present alternative investment strategies for providing services.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM

Motor Vehicle Account--State Appropriation \$ 461,000

NEW SECTION. Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account--

State Appropriation \$ 126,000

NEW SECTION. Sec. 103. FOR THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account--State Appropriation \$ 819,000

GENERAL GOVERNMENT AGENCIES--CAPITAL

NEW SECTION. Sec. 104. FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS

Motor Vehicle Account--State Appropriation \$ 763,000

TRANSPORTATION AGENCIES

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation \$ 1,488,000

Highway Safety Account--Federal Appropriation \$ 5,671,000

School Zone Safety Account--State Appropriation \$ 1,504,000

TOTAL APPROPRIATION \$ 8,663,000

NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account--State Appropriation \$ 305,000

NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State

Appropriation \$ 48,582,000

Motor Vehicle Account--State Appropriation \$ 1,887,000

County Arterial Preservation Account--

State Appropriation \$ 28,551,000

TOTAL APPROPRIATION \$ 79,020,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

It is the intent of the legislature that the county road administration board receive separate programmatic appropriations for the operating program and the capital program for the 2001-03 biennium, and thereafter. Agency administrative costs may not be charged against projects or funded from the capital program appropriations.

(1) \$1,541,000 of the motor vehicle account--state appropriation, \$871,000 of the county arterial preservation account--state appropriation, and \$918,000 of the rural arterial trust account--state appropriation are provided for the operations program.

(2) \$346,000 of the motor vehicle account--state appropriation, \$27,680,000 of the county arterial preservation account--state appropriation, and \$47,664,000 of the rural arterial trust account--state appropriation are provided for the capital program.

NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State

Appropriation \$ 94,690,000

Transportation Improvement Account--

State Appropriation \$ 116,005,000

TOTAL APPROPRIATION \$ 210,695,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

It is the intent of the legislature that the transportation improvement board receive separate programmatic appropriations for the operating program and the capital program for the 2001-03 biennium, and thereafter. Agency administrative costs may not be charged against projects or funded from the capital program appropriations.

(1) \$1,561,000 of the transportation improvement account--state appropriation and \$1,561,000 of the urban arterial trust account--state appropriation are provided for the operations program.

(2) \$114,444,000 of the transportation improvement account--state appropriation and \$93,129,000 of the urban arterial trust account--state appropriation are provided for the capital program.

(3) The transportation improvement account--state appropriation includes \$47,325,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. The transportation improvement board may authorize the use of current revenues available to the agency in-lieu of bond proceeds for any part of the state appropriation.

NEW SECTION. Sec. 205. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation \$ 3,716,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$2,467,000 of the motor vehicle account--state appropriation is provided for the operation of the house of representatives transportation committee.

(2) To the extent possible, this appropriation shall utilize funds allocated under RCW 46.68.110(2).

(3) \$500,000 of the motor vehicle account--state appropriation is provided solely for the operations of the senate transportation committee.

NEW SECTION. Sec. 206. FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--

State Appropriation \$ 332,000

NEW SECTION. Sec. 207. FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation \$ 773,000

NEW SECTION. Sec. 208. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation \$ 586,000

NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--

State Appropriation \$ 162,081,000

State Patrol Highway Account--

Federal Appropriation \$ 7,084,000

State Patrol Highway Account--

Private/Local Appropriation \$ 169,000

TOTAL APPROPRIATION \$ 169,334,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities of the field operations bureau:

(1) As a result of the elimination of the vehicle inspection number (VIN) program, no permanent Washington state patrol employee shall be displaced from employment without the opportunity to fill a vacant patrol position for which he or she has a preference and meets the minimum qualifications. For the purpose of the VIN program elimination, the guidelines under chapter 356-26 WAC (Registers-Certifications) shall be suspended for those employees holding the classification of VIN 1 or 2.

(2) To the extent possible, the agency shall transfer displaced VIN personnel into the 20 newly created school bus inspection and motor carrier safety assistance program positions. The agency shall emphasize filling existing vacant positions within the commercial vehicle division with displaced VIN personnel. The agency shall report by December 31, 2001, to the senate and house of representatives transportation committees on efforts to relocate displaced VIN personnel.

(3) If House Bill No. 2029, as amended by the senate, is not enacted by the legislature, subsections (1) and (2) of this section shall lapse.

NEW SECTION. Sec. 210. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU

State Patrol Highway Account--

State Appropriation \$ 70,352,000

State Patrol Highway Account--

Private/Local Appropriation \$ 735,000

TOTAL APPROPRIATION \$ 71,087,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities of the support services bureau. The Washington state patrol shall improve response times during emergency radio outages by allowing electronic services field technicians to take home their assigned vehicle and equipment even though they may be off duty.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES

Marine Fuel Tax Refund Account--State

Appropriation \$ 3,000

Motorcycle Safety Education Account--

State Appropriation \$ 113,000

Wildlife Account--State Appropriation \$ 88,000

Highway Safety Account--State Appropriation \$ 7,744,000

Motor Vehicle Account--State Appropriation \$ 4,521,000

Licensing Services Account--State

Appropriation \$ 123,000

TOTAL APPROPRIATION \$ 12,592,000

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

Marine Fuel Tax Refund Account--State

Appropriation \$ 2,000

Motorcycle Safety Education Account--

State Appropriation \$ 46,000

Wildlife Account--State Appropriation \$ 31,000

Highway Safety Account--State Appropriation \$ 5,459,000

Motor Vehicle Account--State Appropriation \$ 3,427,000

Licensing Services Account--State

Appropriation \$ 292,000

TOTAL APPROPRIATION \$ 9,257,000

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Marine Fuel Tax Refund Account--

State Appropriation \$ 26,000

Wildlife Account--State Appropriation \$ 578,000

Motor Vehicle Account--State Appropriation \$ 56,692,000

Licensing Services Account--State

Appropriation \$ 3,123,000

TOTAL APPROPRIATION \$ 60,419,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--

State Appropriation \$ 2,223,000

Highway Safety Account--State Appropriation \$ 81,511,000

TOTAL APPROPRIATION \$ 83,734,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$19,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5091. If Senate Bill No. 5091 is not enacted by the legislature, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation \$ 47,344,000

Motor Vehicle Account--Federal Appropriation \$ 400,000

TOTAL APPROPRIATION \$ 47,744,000

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation \$ 4,852,000

Aircraft Search and Rescue Safety and

Education Account--State Appropriation \$ 160,000

TOTAL APPROPRIATION \$ 5,012,000

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Motor Vehicle Account--State Appropriation \$ 545,758,000

Motor Vehicle Account--Federal Appropriation \$ 229,218,000

Motor Vehicle Account--Private/Local

Appropriation \$ 43,505,000

Special Category C Account--State Appropriation \$ 58,813,000

TOTAL APPROPRIATION \$ 877,294,000

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of \$58,813,000 includes \$56,500,000 in proceeds from the sale of bonds authorized in RCW 47.10.812. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The department shall report December 1st and June 1st of each year to the senate and the house of representatives transportation committees and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(3) The motor vehicle account--state appropriation includes \$211,312,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) \$339,821,862 of the motor vehicle account--state appropriation, \$192,796,465 of the motor vehicle account--federal appropriation, \$41,173,212 of the motor vehicle account--private/local appropriation, and \$49,200,000 of the special category C--state appropriation are provided for the construction phase of the improvement program.

(5) \$4,880,000 of the multimodal transportation account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board.

(6) The motor vehicle account--state appropriation includes \$3,898,000 in unexpended proceeds from the January 2001 bond sale authorized in RCW 47.10.834 for the Tacoma Narrows bridge project. The transportation commission may authorize the use of current revenues available to the department of transportation in-lieu of bond proceeds for any part of the state appropriation.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation \$ 2,553,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$1,400,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW; and for support costs of the public-private transportation initiatives program.

(2) The transportation commission may authorize the use of current revenues available to the department of transportation in-lieu of bond proceeds for any part of the state appropriation.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation \$ 274,249,000

Motor Vehicle Account--Federal Appropriation \$ 512,000

Motor Vehicle Account--Private/Local

Appropriation \$ 4,067,000

TOTAL APPROPRIATION \$ 278,828,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Motor Vehicle Account--State Appropriation \$ 168,689,000

Motor Vehicle Account--Federal Appropriation \$ 414,477,000

Motor Vehicle Account--Private/Local

Appropriation \$ 8,479,000

TOTAL APPROPRIATION \$ 591,645,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund preservation work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The motor vehicle account--state appropriation includes \$6,524,000 for earthquake repairs and to match federal emergency relief funds and \$3,750,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(3) The department of transportation is authorized to maximize the use of federal and state funds to implement the provisions of this section.

(4) \$97,085,412 of the motor vehicle account--state appropriation, \$378,224,343 of the motor vehicle account--federal appropriation, and \$7,868,025 of the motor vehicle account--private/local appropriation are provided for the construction phase of the preservation program.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q

Motor Vehicle Account--State Appropriation \$ 36,578,000

Motor Vehicle Account--Federal Appropriation \$ 16,678,000

Multimodal Transportation Account--State

Appropriation \$ 500,000

TOTAL APPROPRIATION \$ 53,756,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation \$ 95,267,000

Motor Vehicle Account--Federal Appropriation \$ 2,654,000

Puget Sound Ferry Operations Account--

State Appropriation \$ 6,414,000

Multimodal Transportation Account--State

Appropriation \$ 3,282,000

TOTAL APPROPRIATION \$ 107,617,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation \$ 12,358,000

Motor Vehicle Account--Federal Appropriation \$ 18,800,000

Multimodal Transportation Account--State

Appropriation \$ 987,000

Multimodal Transportation Account--Federal

Appropriation \$ 2,000,000

TOTAL APPROPRIATION \$ 34,145,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Payments in this section represent charges from other state agencies to the department of transportation.

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT

Motor Vehicle Account--State Appropriation \$ 464,000

Puget Sound Ferry Operations--State

Appropriation \$ 154,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR

Motor Vehicle Account--State Appropriation \$ 731,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES

Motor Vehicle Account--State Appropriation \$ 4,128,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL

Motor Vehicle Account--State Appropriation \$ 3,065,000

Puget Sound Ferry Operations Account--State

Appropriation \$ 200,000

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Account--State Appropriation \$ 13,811,000

Motor Vehicle Fund--Puget Sound Ferry Operations Account--

State Appropriation \$ 4,204,000

(6) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Account--State Appropriation \$ 278,000

(7) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

Motor Vehicle Account--State Appropriation \$ 1,547,000

(8) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Account--State Appropriation \$ 469,000

(9) FOR PAYMENT OF COSTS OF THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account--State Appropriation \$ 112,000

Puget Sound Ferry Operations Account--State

Appropriation \$ 5,000

TOTAL APPROPRIATION \$ 29,168,000

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--

PROGRAM V

Multimodal Transportation Account--State

Appropriation \$ 14,460,000

Multimodal Transportation Account--Federal

Appropriation \$ 3,074,000

Multimodal Transportation Account--

Private/Local Appropriation \$ 205,000

TOTAL APPROPRIATION \$ 17,739,000

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES

CONSTRUCTION--PROGRAM W

Motor Vehicle Account--State

Appropriation \$ 145,878,000

Motor Vehicle Account--Federal

Appropriation \$ 37,472,000

Passenger Ferry Account--State Appropriation \$ 1,500,000

Passenger Ferry Account--Federal

Appropriation \$ 4,000,000

TOTAL APPROPRIATION \$ 188,850,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section, unless otherwise specified, are provided to carry out only the projects in the Washington state ferries capital program plan - version 3. The department shall reconcile the 1999-2001 capital expenditures within ninety days of the end of the biennium and submit a final report to the senate transportation committee, the house of representatives transportation committee, and the office of financial management.

(2) The motor vehicle account--state appropriation includes \$83,272,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.

(3) Appropriations in this section include funding for the purchase or lease-purchase of one passenger ferry and assume the proceeds of the sale of the MV Kalama and MV Skagit passenger ferries shall be deposited in the passenger ferry account.

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State

Appropriation \$ 321,027,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$46,440,000 for vessel operating fuel in the 2001-2003 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2001-2003 biennium may not exceed \$206,696,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$432.82 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2001-2003 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2001, and thereafter, as established in the 2001-2003 general fund operating budget.

(3) Up to \$10,000 of the Puget Sound ferry operations account--state appropriation shall be used to conduct a study of the local roadway and parking impacts of vehicular ferry traffic on municipalities in which ferry terminals are located. The department shall report its findings and make recommendations for mitigating the identified impacts to the legislature on or before January 1, 2002. The department shall issue its report electronically, posting it on the department's web site for the public, and transmitting the report to the legislature using electronic mail.

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y

Multimodal Transportation Account--State
Appropriation \$ 36,669,000
Multimodal Transportation Account--Federal
Appropriation \$ 9,000,000
TOTAL APPROPRIATION \$ 45,669,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$32,704,000 of the multimodal transportation account--state appropriation is provided for the rail operating program.

(2) \$3,965,000 of the multimodal transportation account--state appropriation and \$9,000,000 of the multimodal transportation account--federal appropriation are provided for the rail capital program.

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Account--State Appropriation \$ 76,893,000
Motor Vehicle Account--Federal Appropriation \$ 2,569,000
Highway Infrastructure Account--Federal
Appropriation \$ 1,500,000
Highway Infrastructure Account--State
Appropriation \$ 234,000
Multimodal Transportation Account--State
Appropriation \$ 10,300,000
Urban Arterial Trust Account--State
Appropriation \$ 4,674,000
TOTAL APPROPRIATION \$ 96,170,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The highways and local programs division shall not administer or distribute federal transportation enhancement funds for the project known as East Lake Sammamish trail interim improvement - Issaquah to Redmond - until interlocal agreements between King county and the cities of Sammamish, Redmond, and Issaquah have been finalized for the portions of the trail within each of these affected jurisdictions. These agreements shall address safety, security, public parking, design, public facilities, and public access to the trail, maintain King county as the lead agency on the development of the trail, and preserve the railbanking status of the railroad right-of-way according to federal law.

(2) \$39,700,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(3) \$10,000,000 of the multimodal transportation account--state appropriation is provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section unless agreement on ocean disposal sites has been reached which protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(4) The motor vehicle account--state appropriation includes \$28,420,000 in proceeds from the sale of bonds authorized by RCW 47.10.843, including \$16,420,000 in unexpended proceeds from the January 2001 sale. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) \$4,674,000 of the urban arterial trust account--state appropriation is provided solely for a small city pavement preservation program, to be administered by the department's highways and local programs division. The department, in consultation with stakeholders, shall establish program guidelines. The guidelines should include but not be limited to a provision limiting program eligibility to cities with a population of 2,500 or less.

(6) \$14,420,000 of the motor vehicle account--state appropriation is provided solely for a county corridor congestion relief program, to be administered by the department's highways and local programs division. Urban corridors must connect to urban or significant activity centers; begin or end at the intersection of another arterial, state highway, or limited access freeway system; and provide an alternate route to the limited access freeway system. The purpose of the program is to provide funding for congested urban corridors, as defined and selected by the department of transportation in consultation with counties and regional

transportation planning organizations. At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systematic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.

(7) \$4,927,000 of the motor vehicle account--state appropriation is provided solely for improving traffic and pedestrian safety near schools. The highways and local programs division within the department of transportation shall administer this program. Funds should be used for traffic and pedestrian improvements near schools, including roadway channelization and signalization.

(8) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for city fish passage barrier removal and habitat restoration. Funds should be used for eliminating fish passage barriers, including storm water facilities, and providing for habitat restoration for salmonid species that are listed as threatened or endangered. The amount provided in this section may only be expended upon authorization from the department of transportation's environmental affairs office.

(9) \$9,817,000 of the motor vehicle fund--state appropriation is provided solely for a city corridor congestion relief program, to be administered by the department's highways and local programs division. Urban corridors must connect to urban or significant activity centers, begin or end at the intersection of another arterial, state highway or limited access freeway system, and provide an alternate route to the limited access freeway system. The purpose of the program is to provide funding for congested urban corridors as defined and selected by the department of transportation in consultation with counties and regional transportation planning organizations. At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systematic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.

(10) Pursuant to RCW 46.68.110(2), \$150,000 of the motor vehicle account--state appropriation is provided to the Whatcom county council of governments for the sole purpose of developing and implementing a model of regional transportation governance. This model shall be developed in accordance with Recommendation 6 of the Blue Ribbon Commission on Transportation's final report.

The council shall develop a model that can be used in other parts of the state and shall report to the transportation committees in the senate and house of representatives on the positive and negative aspects of the model as well as costs associated with it no later than June 30, 2002.

TRANSPORTATION AGENCIES CAPITAL FACILITIES

NEW SECTION. **Sec. 301. FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account--State

Appropriation \$ 480,000

NEW SECTION. **Sec. 302.** The Washington state patrol is authorized to continue with the exchange of the Olympia, Washington Martin Way property for a light industrial land complex to be used to consolidate existing separately located state activities and functions. The agency will work with the office of financial management, department of general administration, the senate transportation committee, and the house of representatives transportation committee in the exchange and approval processes.

NEW SECTION. **Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Account--State Appropriation \$ 13,046,000

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. **Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account Appropriation \$ 207,283,000

Ferry Bond Retirement Account Appropriation \$ 57,070,000

Transportation Improvement Board Bond Retirement

Account--State Appropriation \$ 39,526,000

Motor Vehicle Account--State Appropriation \$ 4,797,000

Special Category C Account--State Appropriation \$ 565,000

Transportation Improvement Account--State

Appropriation \$ 473,000

TOTAL APPROPRIATION \$ 309,714,000

NEW SECTION. **Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Account--State Appropriation \$ 461,000

Special Category C Account Appropriation \$ 54,000

Transportation Improvement Account--State

Appropriation \$ 45,000

TOTAL APPROPRIATION \$ 560,000

NEW SECTION. **Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Fund Appropriation for

motor vehicle fuel tax and overload penalties

distribution \$ 458,895,000

NEW SECTION. **Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTIONS TO CITIES AND COUNTIES**

Motor Vehicle Fund Appropriation for

motor vehicle fuel tax and overload penalties
distribution \$ 428,546,000

NEW SECTION. Sec. 405. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 406. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

NEW SECTION. Sec. 407. FOR THE STATE TREASURER--TRANSFERS

(1) RV Account--State Appropriation:

For transfer to the Motor Vehicle Fund--State \$ 1,540,000

(2) Public Transportation Systems Account--

State Appropriation: For transfer to the

Multimodal Transportation Account--State \$ 1,911,000

The department of transportation shall only transfer funds provided under subsection (1) of this section on an as-needed basis.

NEW SECTION. Sec. 408. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

(1) Motor Vehicle Fund--State Appropriation:

For transfer to Puget Sound Ferry Operations

Account \$ 20,000,000

(2) Advanced Right of Way Revolving Account

Appropriation: For transfer to the Motor

Vehicle Fund \$ 15,000,000

(3) Multimodal Transportation Account--State

Appropriation: For transfer to the Motor Vehicle

Account--State Appropriation \$ 63,350,000

\$350,000 of the multimodal transportation account--state appropriation is transferred to the motor vehicle account solely to reimburse the motor vehicle account for T2 research, complying with state audit findings.

PERFORMANCE BASED BUDGETING PROVISIONS

NEW SECTION. Sec. 501. Transportation agencies shall continue to refine the following activities in order to establish a performance-based budgeting process for the 2003-05 biennial budget:

(1) The department of licensing, the department of transportation, and the Washington state patrol, in cooperation with the office of financial management and the senate and house of representatives transportation committees, shall implement a performance budgeting process that provides a measurable link between agency objectives, service levels, and budget proposals. The agencies shall also develop indicators of performance, stated in terms of expected results, to measure the agencies' progress in achieving the agencies' goals.

(2) The transportation agencies shall submit a strategic plan with their agency request budgets. The strategic plan must include a six-year outlook and define and clarify the agency mission and vision, provide the basis for budget development, and outline the agency's goals and strategies. Furthermore, the strategic plan shall reflect agency priorities which formed the basis of the agencies' budget development.

(3) The transportation agencies shall establish performance indicators that measure activities and associated goals and strategies in the strategic plan. The agencies shall also provide a preferred level of performance over the next six years.

(4) The senate and house of representatives transportation committees, the office of financial management, and the transportation agencies shall establish the means of conducting program authorization reviews of all transportation programs. The reviews shall include:

(a) An agency self-assessment to judge the quality and usefulness of: (i) The agency's long-term strategic program goals; (ii) current organizational structure; (iii) program priorities and objectives; (iv) activities necessary to achieve program priorities and objectives; (v) service level criteria and performance targets of existing programs and activities; (vi) best practices by other states as a possible benchmark of the performance of their programs; and (vii) results or outcome measures as they relate to achievement of benchmarks given different funding levels;

(b) A review of the agency self-assessment and a report to the legislature; and

(c) A report which recommends whether to retain, eliminate, or modify funding and related statutory references for the agency. The parties conducting the review shall consider: (i) Whether the agency performance measures adequately measure the agency goals; (ii) whether the program performs efficiently and effectively, including comparisons with other jurisdictions, if applicable; (iii) whether there are other cost-effective alternative methods of accomplishing the program's mission; and (iv) whether there are any funds saved by the agency's performance.

(5) The transportation agencies shall each designate a program or programs to test the effectiveness of performance-based budgeting for the 2003-05 budget submittal period.

(6) Each agency shall submit a program list to the transportation committees of the house of representatives and senate and the office of financial management at the end of each fiscal year, which describes the functions of the program, the fund sources for the program, and the number of full-time equivalents, in addition to other performance targets of the program and their relationship to the agency strategic plan.

(7) The transportation agencies shall develop agency biennial budget requests at the agency budget program level, rather than the object level, and submit their biennial and supplemental budget requests to the office of financial management via a common budget system beginning July 1, 2003.

(8) The agencies shall input monthly their financial information and quarterly program performance measurements into the transportation executive information system and other systems as required by the office of financial management. The agencies shall report actuals to date against original allotments, in addition to plan to date. Original allotments may reflect supplemental budget changes as changed by the legislature and the governor.

PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS

NEW SECTION. Sec. 601. The following bills are necessary to implement portions of this act: Senate Bill Nos. 5078 and 6181.

NEW SECTION. Sec. 602. The highways and local programs division of the Washington state department of transportation, the transportation improvement board, the county road administration board, the freight mobility strategic investment board, the association of Washington cities, and the Washington state association of counties shall establish and staff a joint task force that will develop recommendations to establish a one-stop funding center for state funded local grant programs. The task force shall report its recommendations to the legislature no later than December 1, 2001. The recommendations of the task force shall address the following:

(1) Develop a memorandum of understanding that governs a multiagency grant council to coordinate state and federal grant efforts;

(2) Develop a simplified grant application form that can be used by all local grant-seeking agencies;

(3) Coordinate calls for local grant applications;

(4) Increase awareness of state-funded local grant programs; and

(5) Develop a process to forward applications to other appropriate state and federal funding programs.

NEW SECTION. Sec. 603. The senate transportation committee shall convene a task force to study the issues regarding abandoned vehicles, title transfers, license plate transfers, buyer and seller reports, and electronic availability of current vehicle owner information. The task force shall include the following members in addition to the department of licensing: The Washington state tow truck association; the Washington state auto dealers; the independent towers of Washington; the Washington state patrol; and representatives of two local law enforcement agencies.

The task force shall consider methods by which vehicle ownership changes can occur more expeditiously, including but not limited to the timing and completeness of the seller reporting the sale of a vehicle, methods to encourage buyers to retitle vehicles in a timely manner, and changes in the processing of abandoned vehicle reports to provide more timely access to registered owner information. The task force shall also consider who bears liability for abandoned vehicles as well as the issue of impounding a registered owner's car when someone other than the owner is driving.

NEW SECTION. Sec. 604. The joint legislative audit and review committee shall conduct a performance audit to evaluate the advantages and disadvantages of removing the aviation division from the department of transportation and creating a Washington state department of aviation. At a minimum the evaluation must include: (1) A survey of aviation division customers to determine whether the current aviation division meets the needs of those customers; (2) a comparison of procedures, regulations, and requirements of the Federal Aviation Administration and the Federal Highway Administration to determine if the federal laws governing the aviation division conflict with those governing the department of transportation; (3) an analysis of the department of transportation's processes to determine whether the creation of a separate aviation department would result in a cost savings to the state; and (4) a financial analysis to determine if the aviation fuel tax, aircraft registration fees, and other revenue from aviation services would enable a separate aviation division to operate without additional state resources. The joint legislative audit and review committee must report its findings to the legislature and the office of financial management by December 1, 2001.

NEW SECTION. Sec. 605. The appropriations assumed in sections 217 and 220 of this act are based upon the project list within the transportation executive information system, capital projects and facilities reporting system known as 2001-03 Senate Floor Highway Construction Program Current Law Budget-Special Session, dated April 27, 2001.

1999-2001 SUPPLEMENTAL TRANSPORTATION AGENCIES

Sec. 701. 2000 2nd sp.s. c 3 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation \$ 1,452,000
Highway Safety Account--Federal Appropriation \$ 9,038,000
School Zone Safety Account--State Appropriation \$ ((1,004,000))

1,204,000

TOTAL APPROPRIATION \$ ((11,494,000))

11,694,000

The appropriations in this section ((is)) are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$25,000 of the highway safety account--state is provided as a one-time appropriation to implement the Cooper Jones act, chapter 165, Laws of 1998.

(2) The Washington traffic safety commission may oversee no more than four pilot projects regarding the use of traffic safety cameras at school zones and/or railroad crossings and no more than one pilot project regarding the use of traffic safety cameras at school zones, stoplights, and/or railroad crossings. The traffic safety commission shall use the following guidelines to administer the program:

(a) Traffic safety cameras may take pictures of the vehicle and vehicle license plate only;

(b) The law enforcement agency of the city or county government shall plainly mark the locations where the automated traffic enforcement system is used by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic enforcement system;

(c) Cities and counties using traffic safety cameras must provide periodic notice by mail to its citizens indicating the zones in which the traffic safety cameras will be used;

(d) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(e) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fifteen days after notification of the violation, furnishes the officials or agents of the municipality that issued the citation with:

(i) An affidavit made under oath, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner; or

(ii) Testimony in open court under oath that the person was not the operator of the vehicle at the time of the alleged violation;

(f) Infractions detected through the use of traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(g) By January 1, 2001, the traffic safety commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding traffic safety cameras demonstrated by the pilot projects.

Sec. 702. 2000 2nd sp.s. c 3 s 203 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State

Appropriation \$ 60,568,000

Motor Vehicle Account--State Appropriation \$ 1,661,000

Motor Vehicle Account--Private/Local

Appropriation \$ 376,000

County Arterial Preservation Account--

State Appropriation \$ 28,542,000

TOTAL APPROPRIATION \$ 91,147,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$240,000 of the motor vehicle account--state appropriation is provided solely for the completion of a study updating the legislature on the freight and goods road systems on county roads.

(2) The appropriations contained in this section include funding to assist counties in providing match for federal emergency funding for earthquake damage as determined by the county road administration board. The county road administration board shall report to the transportation committees of the senate and house of representatives and the office of financial management by September 30, 2001, on the projects selected to receive match funding.

Sec. 703. 2000 2nd sp.s. c 3 s 204 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State

Appropriation \$ 104,433,000

Transportation Improvement Account--

State Appropriation \$ 148,814,000

Public Transportation Systems Account--

State Appropriation \$ 4,532,000

Multimodal Transportation Account--State

Appropriation \$ 11,977,000

TOTAL APPROPRIATION \$ 269,756,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The transportation improvement account--state appropriation includes \$60,000,000 in proceeds from the sale of bonds, \$30,000,000 authorized by RCW 47.26.500, and \$30,000,000 authorized by House Bill No. 2788. If House Bill No. 2788 is not enacted in the form passed by the legislature \$30,000,000 of the amount provided in this subsection shall lapse.

(2) The appropriations contained in this section include funding to assist cities and counties in providing match for federal emergency funding for earthquake damage as determined by the transportation improvement board. The transportation improvement board shall report to the transportation committees of the senate and house of representatives and the office of financial management by September 30, 2001, on the projects selected to receive match funding.

Sec. 704. 2000 2nd sp.s. c 3 s 211 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--

State Appropriation \$ ((154,314,000))

154,550,000

State Patrol Highway Account--

Federal Appropriation \$ ((6,153,000))

7,097,000

State Patrol Highway Account--

Private/Local Appropriation \$ 169,000

TOTAL APPROPRIATION \$ ((160,636,000))

161,816,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$1,435,000 of the state patrol highway account--state appropriation is provided solely to the field operations group subprogram as a one-time appropriation to begin funding phase III of the Washington state patrol's upgrade to the statewide emergency communication system. The Washington state patrol shall provide a full analysis of the costs, benefits, and requirements for completing all phases of the upgrade to the statewide emergency communication system to the senate transportation committee and the house of representatives transportation committee by December 1, 1999.

(2) The Washington state patrol is authorized to use the federal community-oriented policing program (COPS) for 18 COPS troopers to begin in July 2000. The troopers must be used on the state's highways and up to six may be utilized in the Vancouver, Washington area.

Sec. 705. 2000 2nd sp.s. c 3 s 212 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU

State Patrol Highway Account--

State Appropriation \$ ((65,624,000))

65,963,000

State Patrol Highway Account--

Federal Appropriation \$ 104,000

State Patrol Highway Account--

Private/Local Appropriation \$ 743,000

TOTAL APPROPRIATION \$ ((66,468,000))

66,810,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$877,000 of the state patrol highway account--state appropriation is provided solely to maintain pursuit vehicles and provide for replacement of the vehicles at 110,000 miles. The agency may purchase a total of 354 pursuit vehicles during the biennium ending June 30, 2001. The appropriation in this section reflects carry forward and new funding due to the consolidation of gasoline, maintenance, parts, and pursuit vehicles into the fleet section of the support services bureau.

Sec. 706. 2000 2nd sp.s. c 3 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--

State Appropriation \$ 2,210,000

Highway Safety Account--State Appropriation \$ ((77,974,000))

77,901,000

TOTAL APPROPRIATION \$ ((80,184,000))

80,111,000

The appropriations in this section are subject to the following conditions and limitations:

(1) By January 1, 2001, the department shall report to the transportation committees of the house of representatives and the senate on the progress of the driver history initiative project and make recommendations for implementing this project on a statewide level.

(2) \$2,880,000 of the highway safety account--state appropriation is provided solely for the department to enter into a contract for the implementation of an improved state driver's license and identicard. The contract with the vendor providing the improved license and identicard shall state that the license and the identicard shall not contain: (a) The driver's social security number in either visible or machine readable form; or (b) the driver's fingerprint or thumbprint. Consistent with RCW 42.17.260(9) the department shall not sell or otherwise make available any information that it gathers from citizens of the state of Washington in administering the driver's licensing program except as already authorized in Title 46 RCW.

(3) In September of 1999 the department of licensing shall report to the senate transportation committee and the house of representatives transportation committee on:

(a) The controls implemented by the department to ensure the integrity and credibility of the written driver's license test administered by the department; and

(b) The policies and procedures implemented by the department to ensure that the driver's manuals produced and distributed by the department contain correct data based on current federal, state, and local statutes, ordinances, and rules.

(4) \$17,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1774 enacted in the form passed by the legislature. If House Bill No. 1774 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(5) \$130,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 2259 enacted in the form passed by the legislature. If House Bill No. 2259 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

Sec. 707. 2000 2nd sp.s. c 3 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation \$ ((45,236,000))

45,563,000

Motor Vehicle Account--Federal Appropriation \$ ((400,000))

481,000

TOTAL APPROPRIATION \$ ((45,636,000))

46,044,000

Sec. 708. 2000 2nd sp.s. c 3 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Motor Vehicle Account--State Appropriation \$ ((459,765,000))

460,931,000

Motor Vehicle Account--Federal Appropriation \$ ((240,244,000))

242,091,000

Motor Vehicle Account--Private/Local

Appropriation \$ 50,363,000

Special Category C Account--State Appropriation \$ 55,220,000
 Puyallup Tribal Settlement Account--
 State Appropriation \$ 8,662,000
 Multimodal Transportation Account--State
 Appropriation \$ 4,880,000
 Multimodal Transportation Account--Federal
 Appropriation \$ 1,275,000
 Multimodal Transportation Account--Private/Local
 Appropriation \$ 1,106,000
 TOTAL APPROPRIATION \$ ((821,512,000))

824,528,000

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of \$55,220,000 includes \$40,500,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5060 or House Bill No. 1203 enacted in the form passed by the legislature. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--state appropriation includes \$1,285,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report December 1st and June 1st of each year to the senate transportation committee and the house of representatives transportation committee and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(4) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account or multimodal transportation account to ensure efficient funds management and program delivery.

(5) \$2,270,000 of the motor vehicle account--state appropriation is provided solely for the north Sumner interchange project. The project shall no longer receive a portion of its funding from the economic development account.

(6) \$4,880,000 of the multimodal transportation account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(7) The motor vehicle account--state appropriation includes \$147,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(8)(a) \$50,000,000 of the motor vehicle account--state appropriation is provided as a cash contribution for the development of the public private initiatives project at Tacoma Narrows. State funds shall be used initially for the acquisition of right of way and the forensic studies of the existing bridge including purchase of equipment necessary to conduct the studies. The balance of state funds not required for acquisition of right of way and forensic studies shall be placed with the designated bond trustee at the same time the privately secured debt proceeds are deposited.

(b) The \$50,000,000 provided in (a) of this subsection includes \$5,527,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW.

(9) \$5,800,000 of the motor vehicle account--state appropriation is provided solely for the completion of the weigh stations at Stanwood and Cle Elum along with weigh in motion at those sites and weigh in motion at Fort Lewis Northbound. The Washington state patrol and department of transportation shall work cooperatively to complete these projects.

(10) \$485,000 of the motor vehicle account--state appropriation is a reappropriation provided solely to enable the translake committee to finalize and present its recommendations. Upon presentation of the recommendations, or upon the expenditure of the appropriation provided by this subsection, the department of transportation shall disband the committee.

(11) \$800,000 of the motor vehicle account--state appropriation and \$3,000,000 of the motor vehicle account--federal appropriation are provided solely to the Washington state department of transportation, office of urban mobility, to advance the recommendations of the translake Washington study committee. These funds shall be used to develop a scope of work for an environmental impact statement and related engineering work, including an environmental strategy, a decision process, a statement of purpose and need, and a formal notice of intent. None of the appropriation for the scope of work for the environmental impact statement shall be available to support any activities of the translake Washington study committee.

(12) \$1,166,000 of the motor vehicle fund--state appropriation is provided solely for predesign of the northeast 44th street interchange on I-405. This amount shall be placed into a reserve status until such time as a one-third contribution is made by the city of Renton and a one-third contribution is made by the project developer. If the city and developer contributions are not obtained by October 31, 2000, this amount shall lapse.

(13) The department's work force levels for highway construction for the 1999-2001 biennium shall be 2200 FTEs. Additional work force increases for highway construction are authorized and shall not exceed five percent of the authorized work force. The department shall report quarterly on program delivery and related work force adjustments.

(14) \$1,250,000 of the motor vehicle account--state appropriation is provided solely to establish alternatives for flood management and flood hazard reduction projects in the Chehalis basin.

(a) The department of transportation shall convene a technical committee to develop watershed-based solutions to flooding within the Chehalis basin. The technical committee shall be comprised of representatives of the department of transportation, department of ecology, department of fish and wildlife, the department of community, trade, and economic development, the military department's emergency management division, and affected counties and tribes. The department of transportation shall also seek the participation of the United States army corps of engineers, federal emergency management

administration, the United States geological survey, the United States fish and wildlife service, the United States environmental protection agency, and other entities with critical knowledge related to the structural or nonstructural flood hazard reduction projects in the Chehalis basin. Funds shall be distributed by the department of transportation for alternative analysis, mapping, and model testing projects as recommended by the technical committee. The solutions considered by the technical committee shall be consistent with fish and habitat recovery efforts and avoid additional flood hazard to downstream communities. The department of transportation shall present a report to the senate transportation committee and the house of representatives transportation committee by December 1, 1999, regarding findings and progress made by funded projects.

(b) If the federal government makes funds available to accomplish the project described in (a) of this subsection, the department of transportation shall place the appropriation identified in this section in reserve.

Sec. 709. 2000 2nd sp.s. c 3 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation \$ ((239,927,000))	<u>240,627,000</u>
Motor Vehicle Account--Federal Appropriation \$ ((486,000))	<u>1,486,000</u>
Motor Vehicle Account--Private/Local Appropriation \$ ((3,447,000))	<u>4,917,000</u>
TOTAL APPROPRIATION \$ ((243,830,000))	<u>247,030,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall not close any highway rest areas but shall continue to operate and maintain all existing rest areas. The department shall convene a panel of stakeholders to evaluate innovative financing options and partnership opportunities at safety rest areas on state highways. At a minimum, the evaluation shall include: (a) A survey of relevant laws that impact the state's ability to create public-private partnerships or utilize innovative financing techniques for the maintenance and operation of safety rest areas; and (b) an identification of maintenance and operation activities necessary to ensure continuous operation of safety rest areas. By December 1, 2000, the stakeholder panel shall make recommendations to the house of representatives and senate transportation committees and the office of financial management on the feasibility of instituting a pilot project for public-private partnerships or innovative financing of safety rest areas.

Sec. 710. 2000 2nd sp.s. c 3 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Puget Sound Capital Construction Account-- State Appropriation \$ 2,989,000	
Motor Vehicle Account--State Appropriation \$ ((84,062,000))	<u>84,262,000</u>
<u>Multimodal Transportation Account--Federal Appropriation \$ 1,000</u>	
Motor Vehicle Account--Federal Appropriation \$ ((125,000))	<u>462,000</u>
Puget Sound Ferry Operations Account-- State Appropriation \$ 6,353,000	
Transportation Account--State Appropriation \$ 115,000	
Multimodal Transportation Account--State Appropriation \$ 1,402,000	
TOTAL APPROPRIATION \$ ((95,046,000))	<u>95,584,000</u>

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity:

(1) \$75,000 of the motor vehicle account--state appropriation is provided solely to enable the secretary of transportation to implement a leadership training program at the department of transportation. The program shall include a mentoring component. The department shall develop performance measures to evaluate the effectiveness of the program, including but not limited to a performance measure to determine the effect of the program on employee retention. The department shall provide a progress report on the training program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee by December 1, 2000.

(2) Appropriation transfers from transportation management and support to the transportation equipment fund for management information services activities shall be permitted through fiscal year 2000. Effective July 1, 2000, expenditures for these activities shall be charged directly to transportation management and support.

Sec. 711. 2000 2nd sp.s. c 3 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation \$ ((10,459,000))	<u>10,211,000</u>
Motor Vehicle Account--Federal Appropriation \$ 17,000,000	
Transportation Account--State Appropriation \$ 328,000	

Multimodal Transportation Account--State
Appropriation \$ ((1,043,000))

1,291,000

TOTAL APPROPRIATION \$ 28,830,000

Sec. 712. 2000 2nd sp.s. c 3 s 227 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT

Motor Vehicle Account--State Appropriation \$ 2,913,000

Puget Sound Ferry Operations--State

Appropriation \$ 1,155,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR

Motor Vehicle Account--State Appropriation \$ 907,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES

Motor Vehicle Account--State Appropriation \$ 3,693,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL

Motor Vehicle Account--State Appropriation \$ ((1,990,000))

2,240,000

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Account--State Appropriation \$ 11,539,000

(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Fund--Puget Sound Ferry Operations Account--

State Appropriation \$ 3,262,000

(7) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Account--State Appropriation \$ 158,000

(8) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

Motor Vehicle Account--State Appropriation \$ 1,100,000

(9) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Account--State Appropriation \$ 392,000

TOTAL APPROPRIATION \$ 27,359,000

Sec. 713. 2000 2nd sp.s. c 3 s 230 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Marine Operating Account--State

Appropriation \$ 148,330,000

Puget Sound Ferry Operations Account--State

Appropriation \$ ((137,587,000))

149,415,000

Multimodal Transportation Account--State

Appropriation \$ 5,092,000

TOTAL APPROPRIATION \$ ((291,009,000))

302,837,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Appropriations in this section shall initially be allotted as appropriated by this section. Subsequent allotment modifications shall not permit moneys that are provided solely for a specified purpose to be used for other than that purpose. After May 1, 2000, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer appropriations between the marine operating account--state and the Puget Sound ferry operations account--state appropriations. However, the program shall not expend more than the total amount appropriated from these accounts.

(2) The appropriation is based on the budgeted expenditure of ((\$29,539,000)) \$41,367,000 for vessel operating fuel in the 1999-2001 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(3) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1999-2001 biennium may not exceed \$195,690,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$341.75 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1999-2001 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1999, and thereafter, as established in the 1999-2001 general fund operating budget.

(4) The department, when implementing ferry service reductions, shall, to the extent possible, maintain peak hour vehicle and passenger service capacity, summer tourist route capacity, and a fall/winter/spring presence on all auto ferry routes, while ensuring equitable treatment among routes.

(5) The joint task force on ferries is created.

(a) The joint task force on ferries is composed of:

(i) Eight members of the legislature selected as follows:

(A) Four members of the senate, two from each of the major caucuses, to be appointed by the president of the senate, who shall select one of the four senate members as cochair;

(B) Four members of the house of representatives, two from each of the major caucuses, to be appointed by the cospeaker of the respective caucus. The cospeakers shall jointly select one of the four house members as cochair; and

(C) The members appointed from each major caucus of the senate and the house of representatives must include one member from a legislative district that encompasses a terminus of a Washington state ferry route and one from a legislative district that does not include a terminus of a Washington state ferry route;

(ii) At least one person designated by the cochairs representing each of the following:

(A) Ferry advisory committees;

(B) Persons who do not use ferries;

(C) Labor organizations representing ferry workers;

(D) Washington State Ferries;

(E) Transit operators;

(F) The office of financial management; and

(G) Other groups as deemed appropriate by the cochairs of the task force.

(b) The transportation committees shall provide staff support as mutually agreed by the cochairs of the joint task force.

(c) The legislative transportation committee shall pay the expenses of the legislative committee members.

(d) The joint task force on ferries shall report to the full legislature at the beginning of the 2001 legislative session. The report must include, but not be limited to, analysis and recommendations on the following:

(i) Establishment of a long-term goal for recovery of operating costs from fare revenue;

(ii) Options for further cuts in ferry service or full or partial restoration of ferry service cuts;

(iii) Feasibility of full or partial privatization of the ferry system, public-private partnerships, or state and local partnerships;

and

(iv) Establishing the short-term and long-term capital needs of the Washington state ferry system.

Sec. 714. 2000 2nd sp.s. c 3 s 232 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Account--State Appropriation \$ ((83,435,000))

82,269,000

Motor Vehicle Account--Federal Appropriation \$ ((8,040,000))

6,190,000

Transportation Account--State Appropriation \$ 321,000

High Capacity Transportation Account--State

Appropriation \$ 150,000

Highway Infrastructure Account--Federal

Appropriation \$ 1,500,000

Highway Infrastructure Account--State

Appropriation \$ 234,000

Multimodal Transportation Account--State

Appropriation \$ 10,381,000

Urban Arterial Trust Account--State

Appropriation \$ 5,000,000

TOTAL APPROPRIATION \$ ((109,064,000))

106,045,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$40,692,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(2) \$187,000 of the transportation account--state appropriation and \$213,000 of the multimodal transportation account--state appropriation are provided solely for a study by the senate transportation committee and the house of representatives transportation committee in cooperation with the port of Benton developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

(3) The motor vehicle account--state appropriation includes \$30,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) \$10,000,000 of the multimodal transportation account--state appropriation is provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section unless agreement on ocean disposal sites has been reached which protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(5) The motor vehicle account--state appropriation includes \$1,167,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(6) \$5,000,000 of the urban arterial trust account--state appropriation is provided solely for a small city pavement preservation program, to be administered by the department's highways and local programs division. The department, in consultation with stakeholders, shall establish program guidelines. The guidelines should include but not be limited to a provision limiting program eligibility to cities with a population of 2,500 or less.

(7) \$15,000,000 of the motor vehicle account--state appropriation is provided solely for a county corridor congestion relief program, to be administered by the department's highways and local programs division. Urban corridors must connect to urban or

significant activity centers; begin or end at the intersection of another arterial, state highway, or limited access freeway system; and provide an alternate route to the limited access freeway system. The purpose of the program is to provide funding for congested urban corridors, as defined and selected by the department of transportation in consultation with counties and regional transportation planning organizations. At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systematic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.

(8) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for improving traffic and pedestrian safety near schools. The highways and local programs division within the department of transportation shall administer this program. Funds should be used for traffic and pedestrian improvements near schools, including roadway channelization and signalization.

(9) The highways and local programs division within the department of transportation shall develop a prequalification procedure for potential bidders on projects administered or approved by the transportation improvement board. The board shall work with other interested parties including but not limited to associations representing general contractors and the office of minority and women's business enterprises. The prequalification procedure's goal is to ascertain that bidders are qualified by experience, financing, equipment, and organization to do the work called for in the contract documents. The prequalification procedure may require a bidder to (1) satisfy threshold requirements established by the board prior to being furnished a proposal form on any contract; or (2) complete a preaward survey of the bidder's qualification prior to award.

(10) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for city fish passage barrier removal and habitat restoration. Funds should be used for eliminating fish passage barriers, including stormwater facilities, and providing for habitat restoration for salmonid species that are listed as threatened or endangered. The amount provided in this section may only be expended upon authorization from the department of transportation's environmental affairs office.

(11) \$10,000,000 of the motor vehicle fund--state appropriation is provided solely for a city corridor congestion relief program, to be administered by the department's highways and local programs division. Urban corridors must connect to urban or significant activity centers, begin or end at the intersection of another arterial, state highway or limited access freeway system, and provide an alternate route to the limited access freeway system. The purpose of the program is to provide funding for congested urban corridors as defined and selected by the department of transportation in consultation with counties and regional transportation planning organizations. At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systematic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.

TRANSFERS AND DISTRIBUTIONS

Sec. 801. 2000 2nd sp.s. c 3 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation \$ ((161,310,000))	<u>154,200,000</u>
Ferry Bond Retirement Account Appropriation \$ ((53,592,000))	<u>55,082,000</u>
Transportation Improvement Board Bond Retirement Account--State Appropriation \$ 35,909,000	
Puget Sound Capital Construction Account--State Appropriation \$ 270,000	
Motor Vehicle Account--State Appropriation \$ ((1,960,000))	<u>1,600,000</u>
Special Category C Account--State Appropriation \$ ((405,000))	<u>100,000</u>
Transportation Improvement Account--State Appropriation \$ 600,000	
TOTAL APPROPRIATION \$ ((254,046,000))	<u>248,426,000</u>

Sec. 802. 2000 2nd sp.s. c 3 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

(1) Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$ ((483,325,000))	<u>422,025,000</u>
(2) Transportation Fund Appropriation for motor vehicle excise tax distribution \$ ((178,207,000))	<u>179,882,000</u>
(3) Multimodal Transportation Account--State Appropriation for motor vehicle excise tax distribution \$ ((52,619,000))	<u>52,583,000</u>

Sec. 803. 2000 2nd sp.s. c 3 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

(1) RV Account--State Appropriation:
For transfer to the Motor Vehicle Fund--State \$ 1,865,000

(2) State Patrol Highway Account--State
Appropriation: For transfer to the Motor Vehicle
Account--State \$ 27,000,000

(3) Highway Safety Fund--State Appropriation:
For transfer to the Multimodal Transportation
Account--State \$ 3,220,000

(4) ~~((Puget Sound Ferry Operations Account--State
Appropriation: For transfer to the Marine
Operating Account--State \$ 1,400,000~~

(5)) Public Transportation Systems Account--
State Appropriation: For transfer to the
Multimodal Transportation Account--State \$ 23,182,000

~~((6))~~ (5) Transportation Fund--State
Appropriation: For transfer to the Multimodal
Transportation Account--State \$ 28,061,000

The department of transportation shall ~~((only))~~ request the state treasurer to transfer funds provided under subsection (1) of this section only on an as-needed basis.

The state treasurer shall transfer the balance remaining at the close of the 2001 fiscal year in the licensing services account to the motor vehicle account.

Sec. 804. 2000 2nd sp.s. c 3 s 405 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

Puget Sound Ferry Operations Account--State
Appropriation: For transfer to the Puget Sound
Capital Construction Account--State \$ 67,000,000

Motor Vehicle Fund--State Appropriation:
For transfer to the Advanced Environmental
Mitigation Revolving Account \$ 1,000,000

Motor Vehicle Fund--State Appropriation:
For transfer to Puget Sound Capital Construction
Account \$ 18,272,000

Transportation Equipment Fund--State
Appropriation: For transfer to the Motor
Vehicle Fund \$ ~~((2,500,000))~~

2,509,000

~~((High Capacity Transportation Account--State
Appropriation: For transfer to the Multimodal
Transportation Account \$ 2,036,000~~

~~Passenger Ferry Account--State Appropriation:
For transfer to the Multimodal Transportation
Account \$ 235,000))~~

Multimodal Transportation Account--State appropriation:
For transfer to Motor Vehicle Account--State
Appropriation \$ 248,000

The department of transportation shall only transfer funds to the Puget Sound capital construction account--state as provided under this subsection on an as-needed basis. The department of transportation shall transfer all unexpended funds from the high capacity transportation account, the passenger ferry account, the public transportation systems account, and the transportation account to the multimodal transportation account.

MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 901. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 902. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

Senator Patterson moved that the following amendment by Senators Patterson, Kline, Fairley, Jacobsen, Constantine and Kohl-Wells to the striking amendment by Senator Haugen and Horn be adopted:

On page 15, after line 32, insert the following:

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator McAuliffe demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Patterson, Kline, Fairley, Jacobsen, Constantine and Kohl-Wells on page 15, line 32, to the striking amendment by Senator Haugen and Horn to Engrossed Substitute Senate Bill No. 5327.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 17; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Senators Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Patterson, Rasmussen, Regala and Thibaudeau - 17.

Voting nay: Senators Benton, Brown, Carlson, Finkbeiner, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McDonald, Morton, Oke, Parlette, Prentice, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 31.

Excused: Senator Hargrove - 1.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen and Horn to Engrossed Substitute Senate Bill No. 5327.

The motion by Senator Haugen carried and the striking amendment by Senators Haugen and Horn was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending 2000 2nd sp.s. c 3 ss 201, 203, 204, 211, 212, 216, 217, 219, 221, 224, 226, 227, 230, 232, 401, 403, 404, and 405 (uncodified); creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5327 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 5327, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5327, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5327, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 12:01 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:30 p.m.
The Senate was called to order at 1:35 p.m. by Vice President Pro Tempore Shin.

MOTION

At 1:35 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 2:00 p.m.
The Senate was called to order at 2:10 p.m. by Vice President Pro Tempore Shin.

MOTION

On motion of Senator Honeyford, Senators Benton and Roach were excused.

MOTION

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

MOTION

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

SENATE RESOLUTION 2001-8687

By Senators Oke, Snyder, Constantine, Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli

WHEREAS, until the 2001 Major League Baseball Season, only the 1997 Atlanta Braves had won as many as nineteen games in the month of April, and

WHEREAS, the Seattle Mariners have eclipsed that record by winning twenty games this April, including a 15-0 record in games in which the opposing team started a right-handed pitcher, using a combination of solid pitching, timely hitting and outstanding defense, and

WHEREAS, in setting the record for wins during the season's first month, the Mariners have equaled the 20-4 starts achieved by only eleven other major league teams in baseball history and became the first team to record that feat since the 1987 Milwaukee Brewers, and

WHEREAS, the Mariners' outstanding start places them well ahead of their American League Western Division opponents in the standings, something that almost nobody anticipated prior to the start of the season, and

WHEREAS, while we all miss watching Junior, A-Rod and Randy, we sure are having a lot of fun without them, and

WHEREAS, the 2000 American League Rookie-of-the Year, Kazuhiro Sasaki, has added his name to the baseball record books by becoming the first pitcher in the history of the game to record thirteen saves during the month of April, beating the old record of twelve established by Lee Smith of the Baltimore Orioles in 1994, and

WHEREAS, "Kazu" and Ichiro Suzuki are undeniably the most fun Japanese imports since Nintendo,

NOW THEREFORE BE IT RESOLVED, That the Washington State Senate congratulates the Mariners on their fantastic beginning to the 2001 baseball season and wishes them every success in the months to come, and

BE IT FURTHER RESOLVED, That the Senate hopes for the rapid recovery of Jay Buhner from his foot injury, because it just isn't right that "Bone" isn't a full participant in all of the early season fun.

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of the resolution to the Seattle Mariners Baseball organization.

Senators Oke, Snyder, Deccio, Carlson, Prentice and Constantine spoke to Senate Resolution 2001-8687.

MOTION

On motion of Senator Snyder, copies of Senate Resolution 2001-8687 will be sent to each of the Mariners team members.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, by Senate Committee on Human Services and Corrections (originally sponsored by Senators Long and Hargrove)

Revising provisions relating to high-risk sex offenders.

MOTIONS

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6151 was returned to second reading and read the second time.

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Long and Costa be adopted:

Strike everything after the enacting clause and insert the following:

"PART I GENERAL PROVISIONS

NEW SECTION. Sec. 101. (1) The legislature makes the following findings:

(a) The effective management of high-risk sex offenders requires a comprehensive approach that includes appropriate sentencing for sex offenses and a plan to address both the immediate and long-term need to establish secure community transition facilities throughout the state.

(b) The individualized treatment required for constitutional civil commitment includes the realistic possibility of release to a less restrictive alternative in appropriate cases. Most persons civilly committed under chapter 71.09 RCW who become eligible for release to a less restrictive alternative do not have housing. Because a lack of housing may unduly restrict a person's ability to obtain an order to a less restrictive alternative, the legislature recognizes that the state must provide some housing facilities. Facilities to house persons conditionally released to a less restrictive alternative under chapter 71.09 RCW are essential public facilities. Public protests and local government moratoriums on zoning and permitting processes have hampered the state's ability to comply with constitutional and statutory requirements and with court orders to create housing for less restrictive alternative placements. The legislature, therefore, intends to provide statewide guidance and assistance in the siting of secure community transition facilities for persons conditionally released to less restrictive alternatives under chapter 71.09 RCW.

(c) Some high-risk sex offenders are most appropriately managed through an indeterminate sentencing structure in which they will be supervised and can be retained in or returned to a state correctional institution until the statutory maximum sentence has expired. The state does not currently have an indeterminate sentencing structure. Consequently, the state must make changes to its sentencing structure to effectively manage these high-risk sex offenders.

(2) Therefore, the legislature intends to:

(a) Manage high-risk sex offenders to the greatest extent possible through the criminal justice system by establishing an indeterminate sentencing structure for those offenders who present a high risk to the community, based on their sex offense history;

(b) Ensure the continued operation and any necessary and authorized expansion of state correctional facilities for sex offenders and other offenders on McNeil Island;

(c) Ensure the prompt siting and timely operation of a secure community transition facility on McNeil Island, ensure the continued progress toward the construction and operation of the total confinement facility already planned for McNeil Island, to further the treatment and management of persons civilly committed under chapter 71.09 RCW, and establish a framework for the establishment of additional secure community transition facilities;

(d) Maximize public safety and enhance the potential for successful treatment of sexually violent predators through the tightly managed use of less restrictive alternatives in secure community transition facilities;

(e) Maximize the safety of communities in which secure community transition facilities are located and ensure public input into decisions involving the siting and ongoing operation of these essential public facilities; strengthening the safeguards in placement, oversight, and monitoring of conditionally released persons; and establishing minimum standards for the siting and operation of secure community transition facilities; and

(f) Comply with federal court orders and require the siting of secure community transition facilities and thereby preclude the possibility that the department of social and health services would be unable to site a facility due to local moratoriums and requirements.

Sec. 102. RCW 71.09.020 and 1995 c 216 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) ~~("Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.~~

~~(2) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.)~~ "Department" means the department of social and health services.

~~(2) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092.~~

(3) "Likely to engage in predatory acts of sexual violence if not confined in a secure facility" means that the person more probably than not will engage in such acts if released unconditionally from detention on the sexually violent predator petition. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

~~(4) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.~~

~~(5) "Predatory" means acts directed towards: (a) Strangers ((or)); (b) individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or (c) persons of casual acquaintance with whom no substantial personal relationship exists.~~

~~((5))~~ ~~(6) "Recent overt act" means any act or threat that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm in the mind of an objective person who knows of the history and mental condition of the person engaging in the act.~~

~~((6))~~ ~~(7) "Risk potential activity" or "risk potential facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, and public libraries.~~

~~(8) "Secretary" means the secretary of social and health services or the secretary's designee.~~

~~(9) "Secure facility" means a residential facility for persons civilly confined under the provisions of this chapter that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement under RCW 71.09.096.~~

~~(10) "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are~~

not limited to the facility established under section 201 of this act and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.

(11) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to chapter 71.09 RCW, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

~~((7) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement.~~

~~(8) "Secretary" means the secretary of social and health services or his or her designee.))~~

(12) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

(13) "Total confinement facility" means a facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a secure facility by the secretary.

NEW SECTION. Sec. 103. The following acts or parts of acts are each repealed.

(1)(a) 2001 c . . . s 1 (Substitute Senate Bill No. 5123, as amended by the house of representatives);

(b) 2001 c . . . s 3 (Substitute Senate Bill No. 5123, as amended by the house of representatives); and

(c) 2001 c . . . s 4 (Substitute Senate Bill No. 5123, as amended by the house of representatives).

(2) This section is null and void if sections 358 and 359 of this act are not enacted into law.

PART II SITING

NEW SECTION. Sec. 201. A new section is added to chapter 71.09 RCW to read as follows:

(1) The secretary is authorized to site, construct, occupy, and operate a secure community transition facility for persons authorized to petition for court-ordered conditional release under RCW 71.09.090(1) and a special commitment center with up to four hundred four beds as a total confinement facility under this chapter, on McNeil Island subject to appropriated funding for those purposes. The secure community transition facility shall be authorized for the number of beds needed to ensure compliance with the orders of the superior courts under this chapter and the federal district court for the western district of Washington, but in no case more than nine occupied beds before July 1, 2002, or thirty-six occupied beds thereafter.

(2) Notwithstanding RCW 36.70A.103 or any other law, this statute preempts and supersedes local plans, development regulations, permitting requirements, inspection requirements, and other laws as necessary to enable the secretary to site, construct, occupy, and operate a secure community transition facility and a total confinement facility on McNeil Island.

(3) The provisions of this act do not limit the state's authority to site any other essential public facility under RCW 36.70A.200 in conformance with local comprehensive plans and development regulations adopted pursuant to chapter 36.70A RCW.

(4) The number of residents at the secure community transition facility established by this section shall not exceed thirty-six persons.

(5) No additional secure community transition facilities designed for more than three persons may be sited in a county where the special commitment center and the secure community transition facility established pursuant to this section are located.

NEW SECTION. Sec. 202. A new section is added to chapter 72.09 RCW to read as follows:

The secretary is authorized to operate a correctional facility on McNeil Island for the confinement of sex offenders and other offenders sentenced by the courts, and to make necessary repairs, renovations, additions, and improvements to state property for that purpose, notwithstanding any local comprehensive plans, development regulations, permitting requirements, or other local laws. Operation of the correctional facility and other state facilities authorized by this section and other law includes access to adequate docking facilities on state-owned tidelands at the town of Steilacoom.

NEW SECTION. Sec. 203. Beginning on the effective date of this section, the state shall immediately enter into negotiations for a mitigation agreement with the county in which the secure community transition facility established pursuant to section 201 of this act is located, and with each community in which the persons will reside or regularly spend time in the community pursuant to court orders for regular work or education, or to receive social services, or will regularly be transported through to reach those communities. The negotiations must be toward an agreement that will provide state funding, as appropriated for this purpose, in an amount adequate to mitigate anticipated or realized increased costs in law enforcement resulting from any increased risks to public safety brought about by the presence of sexually violent predators in those communities due to the siting of the secure community transition facility established pursuant to section 201 of this act.

NEW SECTION. Sec. 204. A new section is added to chapter 71.09 RCW to read as follows:

When a person civilly committed under this chapter is conditionally released to a less restrictive alternative placement at a facility owned or operated under contract with the state, any employer who hires the person for a position or any educational institution that enrolls the person for a program is eligible for an incentive grant from the state up to five thousand dollars per year that the person remains employed or enrolled on at least a half-time basis in a job or program that meets requirements approved by the court. The provisions of this section may not establish employer or educational institution liability for the subsequent criminal acts of a conditionally released person for the decision to hire or enroll that person. An employer or educational institution that

accepts an incentive grant under this section shall not be civilly liable for the subsequent criminal acts of a conditionally released person unless the employer's or educational institution's conduct constitutes gross negligence or intentional misconduct. An employer that hires a conditionally released person must notify all other employees of the conditionally released person's status. Notification for conditionally released persons who enroll in an institution of higher education shall be made pursuant to the provisions of RCW 9A.44.130 related to sex offenders enrolled in institutions of higher education and RCW 4.24.550. This section applies only to conditionally released persons whose court approved treatment plan includes permission or a requirement for the person to obtain education or employment and to employment positions or educational programs that meet the requirements of the court-approved treatment plan.

NEW SECTION. Sec. 205. On or before December 1, 2002, the department of social and health services shall submit a report to the appropriate committees of the legislature regarding policies for the subsequent placement of sexually violent predators on court-ordered conditional release residing in the secure community transition facility established pursuant to section 201 of this act. The report shall address the following:

(1) The anticipated number of persons who may be eligible for conditional release to a setting less restrictive than the facility established pursuant to section 201 of this act during the 2003-2005 and 2005-2007 biennia;

(2) The anticipated need, if any, for secure community transition facilities smaller than the facility established pursuant to section 201 of this act;

(3) Policies that will be implemented to ensure that placement of persons eligible in the future for conditional release to a setting less restrictive than the facility established pursuant to section 201 of this act will be equitably distributed among the counties, and within each county, among jurisdictions in the county.

NEW SECTION. Sec. 206. A new section is added to chapter 71.09 RCW to read as follows:

(1) The department shall make reasonable efforts to distribute the impact of the employment, education, and social services needs of the residents of the secure community transition facility established pursuant to section 201 of this act among the adjoining counties and not to concentrate the residents' use of resources in any one community.

(2) The department shall provide the sheriff of a county in which a resident of the secure community transition facility established pursuant to section 201 of this act is regularly participating in employment, education, or social services, or through which such a person is regularly transported with a copy of the court's order of conditional release.

NEW SECTION. Sec. 207. The department of social and health services shall, by August 1, 2001, and prior to operating the secure community transition facility established pursuant to section 201 of this act, hold at least three public hearings in the affected communities within the county where the facility is located.

The purpose of the public hearings is to seek input from county and city officials, local law enforcement officials, and the public regarding operations and security measures needed to adequately protect the community from any increased risk to public safety brought about by the presence of persons conditionally released from the special commitment center in these communities due to the siting of the facility. The department shall ensure that persons have a full opportunity to speak to the issues to be addressed during each hearing.

NEW SECTION. Sec. 208. A new section is added to chapter 71.09 RCW to read as follows:

To the greatest extent possible, persons who were not residents of the county in which both the special commitment center and the secure community transition facility established pursuant to section 201 of this act are located prior to the conviction for which they were incarcerated at the time the petition for civil commitment was filed may not be released to that county.

NEW SECTION. Sec. 209. A new section is added to chapter 71.09 RCW to read as follows:

When considering whether a person civilly committed under this chapter and conditionally released to the secure community transition facility established pursuant to section 201 of this act is appropriate for release to a placement that is less restrictive than the facility established pursuant to section 201 of this act, the court shall consider whether the person has progressed in treatment to the point that a significant change in the person's routine, including but not limited to a change of employment, education, residence, or sex offender treatment provider will not cause the person to regress to the point that the person presents a greater risk to the community than can reasonably be addressed in the proposed placement.

Sec. 210. RCW 36.70A.103 and 1991 sp.s. c 32 s 4 are each amended to read as follows:

State agencies shall comply with the local comprehensive plans and development regulations and amendments thereto adopted pursuant to this chapter except as otherwise provided in sections 201 and 202 of this act.

NEW SECTION. Sec. 211. The secretary of social and health services shall coordinate with the secretary of corrections and the appropriate local or state law enforcement agency or agencies to establish a twenty-four-hour law enforcement presence on McNeil Island before any person is admitted to the secure community transition facility established under section 201 of this act. Law enforcement shall coordinate with the emergency response team for McNeil Island to provide planning and coordination in the event of an escape from the special commitment center or the secure community transition facility.

In addition, or if no law enforcement agency will provide a law enforcement presence on the island, not more than ten correctional employees, as selected by the secretary of corrections, who are members of the emergency response team for the McNeil Island correctional facility, shall have the powers and duties of a general authority peace officer while acting in a law enforcement capacity. If there is no law enforcement agency to provide the law enforcement presence, those correctional employees selected as peace officers shall provide a twenty-four-hour presence and shall not have correctional duties at the correctional facility in addition to the emergency response team while acting in a law enforcement capacity.

NEW SECTION. Sec. 212. A new section is added to chapter 71.09 RCW to read as follows:

Security systems for the secure community transition facility established pursuant to section 201 of this act shall include a fence and provide the maximum protection appropriate in a civil facility for persons in less than total confinement.

NEW SECTION. Sec. 213. A new section is added to chapter 71.09 RCW to read as follows:

The secure community transition facility established pursuant to section 201 of this act shall meet the following minimum staffing requirements:

(1) At any time the census of the facility is six or fewer residents, a minimum staffing ratio of one staff per resident during normal waking hours and two awake staff per three residents during normal sleeping hours.

(2) By December 1, 2001, the department will provide a staffing plan to the appropriate committees of the legislature that will cover the growth of the facility to its full capacity.

(3) At any time the census of any secure community transition facility is six or fewer residents, all staff shall be classified as residential rehabilitation counselor II or have a classification that indicates a higher level of skill, experience, and training. Before being assigned to a secure community transition facility all staff shall have training in sex offender issues, self-defense, and crisis de-escalation skills in addition to departmental orientation and, as appropriate management training. All staff with resident treatment or care duties must participate in ongoing in-service training.

(4) All staff must pass a departmental background check and the check is not subject to the limitations in chapter 9.96A RCW.

NEW SECTION. Sec. 214. A new section is added to chapter 71.09 RCW to read as follows:

(1) By July 1, 2001, the department must provide the appropriate committees of the legislature with a transportation plan to address the issues of coordinating the movement of residents of the secure community transition facility established pursuant to section 201 of this act between McNeil Island and the mainland with the movement of others who must use the same docks or equipment within the funds appropriated for this purpose.

(2) If the department does not provide a separate vessel for transporting residents of the secure community transition facility established in section 201 of this act between McNeil Island and the mainland, the plan shall include at least the following components:

(a) The residents shall be separated from minors and vulnerable adults, except vulnerable adults who have been found to be sexually violent predators.

(b) The residents shall not be transported during times when children are normally coming to and from the mainland for school.

(3) The department shall designate a separate waiting area at the points of debarkation, and residents shall be required to remain in this area while awaiting transportation.

NEW SECTION. Sec. 215. A new section is added to chapter 71.09 RCW to read as follows:

(1) The secretary shall develop a process with local governments that allows each community in which a secure community transition facility is located to establish operational advisory boards of at least seven persons for the secure community transition facilities. The department may conduct community awareness activities to publicize this opportunity. The operational advisory boards developed under this section shall be implemented following the decision to locate a secure community transition facility in a particular community.

(2) The operational advisory boards may review and make recommendations regarding the security and operations of the secure community transition facility and conditions or modifications necessary with relation to any person who the secretary proposes to place in the secure community transition facility.

(3) The facility management must consider the recommendations of the community advisory boards. Where the facility management does not implement an operational advisory board recommendation, the management must provide a written response to the operational advisory board stating its reasons for its decision not to implement the recommendation.

(4) The operational advisory boards, their members, and any agency represented by a member shall not be liable in any cause of action as a result of its recommendations unless the advisory board acts with gross negligence or bad faith in making a recommendation.

(5) Members of a board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 216. A new section is added to chapter 71.09 RCW to read as follows:

(1) The secretary shall adopt a violation reporting policy for persons conditionally released to less restrictive alternative placements. The policy shall require written documentation by the department and service providers of all violations of conditions set by the department, the department of corrections, or the court and establish criteria for returning a violator to the special commitment center or a secure community transition facility with a higher degree of security. Any conditionally released person who commits a serious violation of conditions shall be returned to the special commitment center, unless arrested by a law enforcement officer, and the court shall be notified immediately and shall initiate proceedings under RCW 71.09.098 to revoke or modify the less restrictive alternative placement. Nothing in this section limits the authority of the department to return a person to the special commitment center based on a violation that is not a serious violation as defined in this section. For the purposes of this section, "serious violation" includes but is not limited to:

(a) The commission of any criminal offense;

(b) Any unlawful use or possession of a controlled substance; and

(c) Any violation of conditions targeted to address the person's documented pattern of offense that increases the risk to public safety.

When a person is conditionally released to a less restrictive alternative under this chapter and is under the supervision of the department of corrections, notice of any violation of the person's conditions of release must also be made to the department of corrections.

(2) Whenever the secretary contracts with a service provider to operate a secure community transition facility, the contract shall include a requirement that the service provider must report to the department of social and health services any known violation of conditions committed by any resident of the secure community transition facility.

(3) The secretary shall document in writing all violations, penalties, actions by the department of social and health services to remove persons from a secure community transition facility, and contract terminations. The secretary shall give great weight to a service provider's record of violations, penalties, actions by the department of social and health services or the department of corrections to remove persons from a secure community transition facility, and contract terminations in determining whether to execute, renew, or renegotiate a contract with a service provider.

NEW SECTION. Sec. 217. A new section is added to chapter 71.09 RCW to read as follows:

The secretary shall adopt rules that contain a schedule of monetary penalties for contractors operating secure community transition facilities, not to exceed the total compensation set forth in the contract, and include provisions for termination of all contracts with a service provider that has repeated or serious violations of section 216 of this act.

NEW SECTION. Sec. 218. A new section is added to chapter 71.09 RCW to read as follows:

(1) Unless otherwise ordered by the court:

(a) Residents of a secure community transition facility must wear electronic monitoring devices at all times. To the extent that electronic monitoring devices that employ global positioning system technology are available and funds for this purpose are appropriated by the legislature, the department shall use these devices; and

(b) At least one staff member, or other court-authorized and department-approved person must escort each resident when the resident leaves the secure community transition facility for appointments, employment, or other approved activities. Escorting persons must supervise the resident closely and maintain close proximity to the resident.

(2) Staff members of the special commitment center and any other total confinement facility and any secure community transition facility must be trained in self-defense and appropriate crisis responses including incident de-escalation. Prior to escorting a person outside of a facility, staff members must also have training in the offense pattern of the offender they are escorting.

(3) Any escort must carry a cellular telephone or a similar device at all times when escorting a resident of a secure community transition facility.

(4) The department shall require training in offender pattern, self-defense, and incident response for all court-authorized escorts who are not employed by the department or the department of corrections.

NEW SECTION. Sec. 219. A new section is added to chapter 71.09 RCW to read as follows:

A conditional release from a total confinement facility to a less restrictive alternative is a release that subjects the conditionally released person to the registration requirements specified in RCW 9A.44.130 and to community notification under RCW 4.24.550.

When a person is conditionally released to the secure community transition facility established pursuant to section 201 of this act, the sheriff must provide each household on McNeil Island with the community notification information provided for under RCW 4.24.550.

NEW SECTION. Sec. 220. (1) A joint select committee on the equitable distribution of secure community transition facilities is established.

(2) The task force shall consist of the following persons:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate, at least one member being a member of the senate human services and corrections committee;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives, at least one member being a member of the house criminal justice and corrections committee;

(c) One member from the department of social and health services;

(d) One member from the Washington state association of counties;

(e) One member from the association of Washington cities;

(f) One member representing crime victims, appointed jointly by the president of the senate and the speaker of the house of representatives; and

(g) One person selected by the governor.

(3) The chair of the joint select committee shall be a legislative member chosen by the joint select committee members.

(4) The joint select committee shall review and develop recommendations for the equitable distribution of secure community transition facilities, as defined in RCW 71.09.020, among counties, and among jurisdictions within counties. The joint select committee shall also review and make recommendations for any necessary revisions to the criteria for secure community transition facilities.

(5) The joint select committee shall present a report of its findings and recommendations to the governor and the appropriate committees of the legislature, including any proposed legislation, not later than November 15, 2001.

(6) The task force may, where feasible, consult with individuals from the public and private sector in carrying out its duties under this section.

(7) Nonlegislative members of the task force shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members of the task force shall be reimbursed for travel expenses as provided in RCW 44.04.120.

(8) Staff of senate committee services and the office of program research of the house of representatives shall provide support to the task force.

(9) This section expires March 1, 2002.

NEW SECTION. Sec. 221. A new section is added to chapter 71.09 RCW to read as follows:

(1) Except with respect to the secure community transition facility established pursuant to section 201 of this act, the secretary shall adopt rules that balance the average response time of emergency services to the general area of a proposed secure community transition facility against the proximity of the proposed site to risk potential activities and facilities in existence at the time the site is listed for consideration.

(2) In balancing the competing criteria of proximity and response time the rule shall endeavor to achieve an average law enforcement response time not greater than five minutes and in no case shall the rule permit location of a facility adjacent to, immediately across a street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time a site is listed for consideration. "Within the line of sight" means that it is possible to reasonably visually distinguish and recognize individuals.

(3) The rule shall require that great weight be given to sites that are the farthest removed from any risk potential activity.

(4) The rule shall specify how distance from the location is measured and any variations in the measurement based on the size of the property within which a proposed facility is to be located.

(5) The rule shall establish a method to analyze and compare the criteria for each site in terms of public safety and security, site characteristics, and program components. In making a decision regarding a site following the analysis and comparison, the secretary shall give priority to public safety and security considerations. The analysis and comparison of the criteria are to be documented and made available at the public hearings prescribed in section 225 of this act.

NEW SECTION. Sec. 222. By December 1, 2001, the secretary of the department of social and health services shall determine and report to the legislature whether there is a significant group of potential locations that are outside of a five-minute law enforcement response time zone that are more than two miles from any risk potential activities and whether, in the secretary's judgment, the legislature should require the rule to be revised to permit consideration of these properties.

NEW SECTION. Sec. 223. A new section is added to chapter 71.09 RCW to read as follows:

The secretary shall establish criteria for the siting of secure community transition facilities, other than the secure community transition facility established pursuant to section 201 of this act, which shall include at least the following minimum requirements:

(1) Any real property listed for consideration for the location of or use as a secure community transition facility must meet all of the following criteria:

- (a) The proximity and response time criteria established under section 221 of this act;
- (b) The site or building is available for lease for the anticipated use period or for purchase;
- (c) Security monitoring services and appropriate back-up systems are available and reliable;
- (d) Appropriate mental health and sex offender treatment providers must be available within a reasonable commute; and
- (e) Appropriate permitting for a secure community transition facility must be possible under the zoning code of the local jurisdiction.

(2) For sites which meet the criteria of subsection (1) of this section, the department shall analyze and compare the criteria in subsections (3) through (5) of this section using the method established in section 221 of this act.

(3) Public safety and security criteria shall include at least the following:

(a) Whether limited visibility between the facility and adjacent properties can be achieved prior to placement of any person;

(b) The distance from, and number of, risk potential activities and facilities, as measured using the rules adopted under section 221 of this act;

(c) The existence of or ability to establish barriers between the site and the risk potential facilities and activities;

(d) Suitability of the buildings to be used for the secure community transition facility with regard to existing or feasibly modified features; and

(e) The availability of electronic monitoring that allows a resident's location to be determined with specificity.

(4) Site characteristics criteria shall include at least the following:

(a) Reasonableness of rental, lease, or sale terms including length and renewability of a lease or rental agreement;

(b) Traffic and access patterns associated with the real property;

(c) Feasibility of complying with zoning requirements within the necessary time frame; and

(d) A contractor or contractors are available to install, monitor, and repair the necessary security and alarm systems.

(5) Program characteristics criteria shall include at least the following:

(a) Reasonable proximity to available medical, mental health, sex offender, and chemical dependency treatment providers and facilities;

(b) Suitability of the location for programming, staffing, and support considerations;

(c) Proximity to employment, educational, vocational, and other treatment plan components; and

(6) For purposes of this section "available" or "availability" of qualified treatment providers includes provider qualifications and willingness to provide services, average commute time, and cost of services.

NEW SECTION. Sec. 224. A new section is added to chapter 71.09 RCW to read as follows:

Security systems for secure community transition facilities designed to house five or fewer residents shall meet the following minimum qualifications:

(1)(a) The security panel must be a commercial grade panel with tamper-proof switches and a key-lock to prevent unauthorized access.

(b) There must be an emergency electrical supply system which shall include a battery back-up system and a generator.

(2) The system must include personal panic devices for all staff.

(3) The security system must be capable of being monitored and signaled either by telephone through either a land or cellular telephone system or by private radio network in the event of a total dial-tone failure or through equivalent technologies.

(4) The department shall issue photo-identification badges to all staff which must be worn at all times.

NEW SECTION. Sec. 225. A new section is added to chapter 71.09 RCW to read as follows:

(1) Whenever the department operates, or the secretary enters into a contract to operate, a secure community transition facility except the secure community transition facility established pursuant to section 201 of this act, the secure community transition facility may be operated only after the public notification and opportunities for review and comment as required by this section.

(2) The secretary shall establish a process for early and continuous public participation in establishing or relocating secure community transition facilities. The process shall include, at a minimum, public meetings in the local communities affected, as well as opportunities for written and oral comments, in the following manner:

(a) If there are more than three sites initially selected as potential locations and the selection process by the secretary or a service provider reduces the number of possible sites for a secure community transition facility to no fewer than three, the secretary or the chief operating officer of the service provider shall notify the public of the possible siting and hold at least two public hearings in each community where a secure community transition facility may be sited.

(b) When the secretary or service provider has determined the secure community transition facility's location, the secretary or the chief operating officer of the service provider shall hold at least one additional public hearing in the community where the secure community transition facility will be sited.

(c) When the secretary has entered negotiations with a service provider and only one site is under consideration, then at least two public hearings shall be held.

(d) To provide adequate notice of, and opportunity for interested persons to comment on, a proposed location, the secretary or the chief operating officer of the service provider shall provide at least fourteen days' advance notice of the meeting to all newspapers of general circulation in the community, all radio and television stations generally available to persons in the community, any school district in which the secure community transition facility would be sited or whose boundary is within two miles of a proposed secure community transition facility, any library district in which the secure community transition facility would be

sited, local business or fraternal organizations that request notification from the secretary or agency, and any person or property owner within a one-half mile radius of the proposed secure community transition facility. Before initiating this process, the department of social and health services shall contact local government planning agencies in the communities containing the proposed secure community transition facility. The department of social and health services shall coordinate with local government agencies to ensure that opportunities are provided for effective citizen input and to reduce the duplication of notice and meetings.

(3) This section applies only to secure community transition facilities sited after the effective date of this section.

NEW SECTION. Sec. 226. A new section is added to chapter 36.70A RCW to read as follows:

(1) The department of social and health services shall prepare a projected list of counties in which secure community transition facilities will need to be sited over the next six years and transmit that to the office of financial management for inclusion on the list of projected essential public facilities kept under RCW 36.70A.200. In preparing the list the department must give great weight to the equitable distribution criteria established by the joint select committee under section 220 of this act.

(2) When a county is notified by the department of social and health services of the projected need to site secure community transition facilities, the county shall review and shall, if necessary, take action to revise the countywide planning policies adopted under RCW 36.70A.210 to address the siting of such facilities. The county must include all cities in such review and must solicit the participation of the department of social and health services regarding policies, statutes, and rules applicable to the siting of secure community transition facilities.

(3) Each county and city identified in the countywide planning policies developed under subsection (2) of this section for projected siting of secure community transition facilities within such county or city shall make any necessary revisions to its comprehensive plan and development regulations. The provisions of the comprehensive plan and development regulations shall be consistent with the policies, statutes, and rules applicable to the siting of secure community transition facilities. Any amendments may be combined with the next scheduled adoption of revisions, but in any event not later than the date provided for comprehensive review and revision of plans pursuant to RCW 36.70A.130(1).

(4) Nothing in this section precludes a local government from requiring that a special use or a conditional use permit be obtained to site a secure community transition facility that does not comply with its comprehensive plan and development regulations, provided that the comprehensive plan and development regulations are consistent with this section. The local government shall establish timelines for processing any required permits that are no longer than those established for other comparable project permits under RCW 36.70B.080.

Sec. 227. RCW 36.70A.200 and 1998 c 171 s 3 are each amended to read as follows:

(1) The comprehensive plan of each county and city that is planning under this chapter shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, ~~(and) group homes, and secure community transition facilities as defined in RCW 71.09.020.~~

(2) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list. No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

NEW SECTION. Sec. 228. A new section is added to chapter 71.09 RCW to read as follows:

Nothing in this act shall operate to restrict a court's authority to make less restrictive alternative placements to a committed person's individual residence or to a setting less restrictive than the secure community transition facility established pursuant to section 201 of this act. A court-ordered less restrictive alternative placement to a committed person's individual residence is not a less restrictive alternative placement to a secure community transition facility.

PART III SENTENCING STRUCTURE

Sec. 301. RCW 9.94A.030 and 2000 c 28 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) **"Board"** means the indeterminate sentence review board created under chapter 9.95 RCW.

~~(2)~~ **"Collect,"** or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.145, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

~~((2))~~ ~~(3)~~ **"Commission"** means the sentencing guidelines commission.

~~((3))~~ ~~(4)~~ **"Community corrections officer"** means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

~~((4))~~ ~~(5)~~ **"Community custody"** means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.120(2)(b), 9.94A.650 through 9.94A.670, 9.94A.137, 9.94A.700 through 9.94A.715, or 9.94A.383, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

~~((5))~~ ~~(6)~~ **"Community custody range"** means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.040, for crimes committed on or after July 1, 2000.

~~((6))~~ ~~(7)~~ **"Community placement"** means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision)

or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

~~((7))~~ (8) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

~~((8))~~ (9) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

~~((9))~~ (10) "Confinement" means total or partial confinement.

~~((10))~~ (11) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

~~((11))~~ (12) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

~~((12))~~ (13) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

~~((13))~~ (14) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

~~((14))~~ (15) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

~~((15))~~ (16) "Department" means the department of corrections.

~~((16))~~ (17) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

~~((17))~~ (18) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

~~((18))~~ (19) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

~~((19))~~ (20) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((20))~~ (21) "Earned release" means earned release from confinement as provided in RCW 9.94A.150.

~~((21))~~ (22) "Escape" means:

(a) Sexually violent predator escape (section 358 of this act), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((22))~~ (23) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((23))~~ (24) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

~~((24))~~ (25) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

~~((25))~~ (26) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

~~((26))~~ (27) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon

conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

~~((27))~~ (28) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

- (b) Assault in the second degree;
- (c) Assault of a child in the second degree;
- (d) Child molestation in the second degree;
- (e) Controlled substance homicide;
- (f) Extortion in the first degree;
- (g) Incest when committed against a child under age fourteen;
- (h) Indecent liberties;
- (i) Kidnapping in the second degree;
- (j) Leading organized crime;
- (k) Manslaughter in the first degree;
- (l) Manslaughter in the second degree;
- (m) Promoting prostitution in the first degree;
- (n) Rape in the third degree;
- (o) Robbery in the second degree;
- (p) Sexual exploitation;
- (q) Vehicular assault;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

~~((28))~~ (29) "Nonviolent offense" means an offense which is not a violent offense.

~~((29))~~ (30) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((30))~~ (31) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

~~((31))~~ (32) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree(~~(, with a finding of sexual motivation)~~); or (C) an attempt to commit any crime listed in this subsection ~~((34))~~ (32)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

~~((32))~~ (33) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

~~((33))~~ (34) "Predatory" means acts directed towards:

(a) Strangers;

(b) Individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or

(c) Persons of casual acquaintance with whom no substantial relationship exists.

~~(35)~~ (35) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((34))~~ (36) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

~~((35))~~ (37) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((36))~~ (38) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((37))~~ (39) "Sex offense" means:

(a) A felony that is a violation of:

(i) Chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) RCW 9A.64.020;

(iii) RCW 9.68A.090; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((38))~~ (40) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((39))~~ (41) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((40))~~ (42) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((44))~~ (43) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((42))~~ (44) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((43))~~ (45) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((44))~~ (46) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((45))~~ (47) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.135.

~~((46))~~ (48) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.137 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((47))~~ (49) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 302. RCW 9.94A.715 and 2001 c 10 s 5 are each amended to read as follows:

(1) When a court sentences a person to the custody of the department for a sex offense not sentenced under section 303 of this act, a violent offense, any crime against persons under RCW 9.94A.440(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to community custody for the community custody range established under RCW 9.94A.040 or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin: (a) Upon completion of the term of confinement; (b) at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2); or (c) with regard to offenders sentenced under RCW 9.94A.660, upon failure to complete or administrative termination from the special drug offender sentencing alternative program.

(2)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to subsection (6) of this section.

(b) As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department under RCW 9.94A.720. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. In addition, the department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws.

(c) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(3) If an offender violates conditions imposed by the court or the department pursuant to this section during community custody, the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.205 and 9.94A.207.

(4) Except for terms of community custody under RCW 9.94A.670, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(5) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040. If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(6) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection.

(7) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (a) The crime of conviction; (b) the offender's risk of reoffending; or (c) the safety of the community.

NEW SECTION. Sec. 303. A new section is added to chapter 9.94A RCW to read as follows:

(1)(a) Except when (b) of this subsection applies, an offender who is not a persistent offender shall be sentenced under this section if the offender:

(i) Is convicted of:

(A) Rape in the first degree, rape in the second degree, rape of a child in the first degree, child molestation in the first degree, rape of a child in the second degree, or indecent liberties by forcible compulsion;

(B) Any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or

(C) An attempt to commit any crime listed in this subsection (1)(a)(i);
committed on or after the effective date of this section; or

(ii) Has a prior conviction for an offense listed in RCW 9.94A.030(32)(b), and is convicted of any sex offense, which the trier of fact finds was predatory and which was committed after the effective date of this section.

(b) An offender convicted of rape of a child in the first or second degree who was seventeen years of age or younger at the time of the offense shall not be sentenced under this section unless the trier of fact finds that the offense was predatory or committed using forcible compulsion.

For purposes of (a)(ii) of this subsection, failure to register is not a sex offense.

(2) Upon a finding that the offender is subject to sentencing under this section, the court shall impose a sentence to a maximum term consisting of the statutory maximum sentence for the offense and a minimum term either within the standard sentence range for the offense, or outside the standard sentence range pursuant to RCW 9.94A.390, if the offender is otherwise eligible for such a sentence.

(3) A person sentenced under subsection (2) of this section shall serve the sentence in a facility or institution operated, or utilized under contract, by the state.

(4) When a court sentences a person to the custody of the department under this section, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody under the supervision of the department and the authority of the board for any period of time the person is released from total confinement before the expiration of the maximum sentence.

(5)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department and the board shall enforce such conditions pursuant to sections 305, 308, and 309 of this act.

(b) As part of any sentence under this section, the court shall also require the offender to comply with any conditions imposed by the board under sections 305 and 307 through 310 of this act.

NEW SECTION. Sec. 304. A new section is added to chapter 9.94A RCW to read as follows:

(1)(a) The prosecuting attorney shall file a special allegation that the offense was predatory in every criminal case in which a defendant is charged with rape of a child in the first or second degree and the defendant is seventeen years of age or younger, and in every criminal case in which a defendant is charged with any sex offense when the offender has a prior conviction for an offense listed in RCW 9.94A.030(32)(b), when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding that the offense was predatory by a reasonable and objective fact-finder.

(b) The prosecuting attorney may file a special allegation that the offense was committed by forcible compulsion in every criminal case in which a defendant is charged with rape of a child in the first or second degree and the defendant is seventeen years of age or younger, when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding that the offense was committed by forcible compulsion by a reasonable and objective fact-finder.

(2) In a criminal case wherein a special allegation has been filed pursuant to this section, the state shall prove beyond a reasonable doubt that the offense was predatory or was committed by forcible compulsion. The court shall make a finding of fact of whether or not an offense was predatory or was committed by forcible compulsion, or if a jury trial is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether or not the offense was predatory or was committed by forcible compulsion.

(3) The prosecuting attorney shall not withdraw the special allegation that an offense was predatory due to court congestion or lack of prosecutorial resources. The prosecuting attorney may, with the consent of the court, withdraw the special allegation if the circumstances of the offense do not warrant lifetime parole or in the interest of justice.

NEW SECTION. Sec. 305. A new section is added to chapter 9.94A RCW to read as follows:

(1) When an offender is sentenced under section 303 of this act, the department shall assess the offender's risk of recidivism and shall recommend to the board any additional or modified conditions of the offender's community custody based upon the risk to community safety. In addition, the department shall make a recommendation with regard to, and the board may require the offender to participate in, rehabilitative programs, or otherwise perform affirmative conduct, and obey all laws. The board must consider and may impose department-recommended conditions.

(2) The department may not recommend and the board may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court-imposed conditions. The board shall notify the offender in writing of any such conditions or modifications.

(3) In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(4) If an offender violates conditions imposed by the court, the department, or the board during community custody, the board or the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in section 310 of this act.

(5) By the close of the next business day, after receiving notice of a condition imposed by the board or the department, an offender may request an administrative hearing under rules adopted by the board. The condition shall remain in effect unless the hearing examiner finds that it is not reasonably related to any of the following:

- (a) The crime of conviction;
- (b) The offender's risk of reoffending; or
- (c) The safety of the community.

(6) An offender released by the board under section 307 of this act shall be subject to the supervision of the department until the expiration of the maximum term of the sentence. The department shall monitor the offender's compliance with conditions of community custody imposed by the court, department, or board, and promptly report any violations to the board. Any violation of conditions of community custody established or modified by the board shall be subject to the provisions of sections 308 through 311 of this act.

(7) If the department finds that an emergency exists requiring the immediate imposition of conditions of release in addition to those set by the board under section 307 of this act and subsection (1) of this section in order to prevent the offender from committing a crime, the department may impose additional conditions. The department may not impose conditions that are contrary to those set by the board or the court and may not contravene or decrease court-imposed or board-imposed conditions. Conditions

imposed under this subsection shall take effect immediately after notice to the offender by personal service, but shall not remain in effect longer than seven working days unless approved by the board under subsection (1) of this section within seven working days.

NEW SECTION. Sec. 306. A new section is added to chapter 72.09 RCW to read as follows:

The department shall provide offenders sentenced under section 303 of this act with the opportunity for sex offender treatment during incarceration.

NEW SECTION. Sec. 307. A new section is added to chapter 9.95 RCW to read as follows:

(1)(a) Before the expiration of the minimum term, as part of the end of sentence review process under RCW 72.09.340, 72.09.345, and where appropriate, 72.09.370, the department shall conduct, and the offender shall participate in, an examination of the offender, incorporating methodologies that are recognized by experts in the prediction of sexual dangerousness, and including a prediction of the probability that the offender will engage in sex offenses if released.

(b) The board may contract for an additional, independent examination, subject to the standards in this section.

(2) The board shall impose the conditions and instructions provided for in RCW 9.94A.720. The board shall consider the department's recommendations and may impose conditions in addition to those recommended by the department. The board may impose or modify conditions of community custody following notice to the offender.

(3) No later than ninety days before expiration of the minimum term, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions to be set by the board. The board may consider an offender's failure to participate in an evaluation under subsection (1) of this section in determining whether to release the offender. The board shall order the offender released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released. If the board does not order the offender released, the board shall establish a new minimum term, not to exceed an additional two years.

NEW SECTION. Sec. 308. A new section is added to chapter 9.95 RCW to read as follows:

(1) Whenever the board or a community corrections officer of this state has reason to believe an offender released under section 307 of this act has violated a condition of community custody or the laws of this state, any community corrections officer may arrest or cause the arrest and detention of the offender pending a determination by the board whether sanctions should be imposed or the offender's community custody should be revoked. The community corrections officer shall report all facts and circumstances surrounding the alleged violation to the board, with recommendations.

(2) If the board or the department causes the arrest or detention of an offender for a violation that does not amount to a new crime and the offender is arrested or detained by local law enforcement or in a local jail, the board or department, whichever caused the arrest or detention, shall be financially responsible for local costs. Jail bed costs shall be allocated at the rate established under RCW 9.94A.207(3).

NEW SECTION. Sec. 309. A new section is added to chapter 9.95 RCW to read as follows:

Any offender released under section 307 of this act who is arrested and detained in physical custody by the authority of a community corrections officer, or upon the written order of the board, shall not be released from custody on bail or personal recognizance, except upon approval of the board and the issuance by the board of an order reinstating the offender's release on the same or modified conditions. All chiefs of police, marshals of cities and towns, sheriffs of counties, and all police, prison, and peace officers and constables shall execute any such order in the same manner as any ordinary criminal process.

NEW SECTION. Sec. 310. A new section is added to chapter 9.95 RCW to read as follows:

(1) If an offender released by the board under section 307 of this act violates any condition or requirement of community custody, the board may transfer the offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (2) of this section.

(2) Following the hearing specified in subsection (3) of this section, the board may impose sanctions such as work release, home detention with electronic monitoring, work crew, community service, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community, or may suspend or revoke the release to community custody whenever an offender released by the board under section 307 of this act violates any condition or requirement of community custody.

(3) If an offender released by the board under section 307 of this act is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the board prior to the imposition of sanctions. The hearing shall be considered as offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The board shall develop hearing procedures and a structure of graduated sanctions consistent with the hearing procedures and graduated sanctions developed pursuant to RCW 9.94A.205. The board may suspend the offender's release to community custody and confine the offender in a correctional institution owned, operated by, or operated under contract with the state prior to the hearing unless the offender has been arrested and confined for a new criminal offense.

(4) The hearing procedures required under subsection (3) of this section shall be developed by rule and include the following:

(a) Hearings shall be conducted by members of the board unless the board enters into an agreement with the department to use the hearing officers established under RCW 9.94A.205;

(b) The board shall provide the offender with written notice of the violation, the evidence relied upon, and the reasons the particular sanction was imposed. The notice shall include a statement of the rights specified in this subsection, and the offender's right to file a personal restraint petition under court rules after the final decision of the board;

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within fifteen working days, but not less than twenty-four hours after notice of the violation. For offenders in total confinement, the hearing shall be held within five working days, but not less than twenty-four hours after notice of the violation;

(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the hearing examiner if the offender has a language or communications barrier; (iii)

testify or remain silent; (iv) call witnesses and present documentary evidence; (v) question witnesses who appear and testify; and (vi) be represented by counsel if revocation of the release to community custody is a possible sanction for the violation; and

(e) The sanction shall take effect if affirmed by the hearing examiner. Within seven days after the hearing examiner's decision, the offender may appeal the decision to a panel of three reviewing examiners designated by the chair of the board or by the chair's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: (i) The crime of conviction; (ii) the violation committed; (iii) the offender's risk of reoffending; or (iv) the safety of the community.

(5) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.

NEW SECTION. Sec. 311. A new section is added to chapter 9.95 RCW to read as follows:

In the event the board suspends release status of an offender released under section 307 of this act by reason of an alleged violation of a condition of release, or pending disposition of a new criminal charge, the board may nullify the suspension order and reinstate release under previous conditions or any new conditions the board determines advisable. Before the board may nullify a suspension order and reinstate release, it shall determine that the best interests of society and the offender shall be served by such reinstatement rather than return to confinement.

Sec. 312. RCW 9.94A.060 and 1996 c 232 s 3 are each amended to read as follows:

(1) The commission consists of twenty voting members, one of whom the governor shall designate as chairperson. With the exception of ex officio voting members, the voting members of the commission shall be appointed by the governor, subject to confirmation by the senate.

(2) The voting membership consists of the following:

(a) The head of the state agency having general responsibility for adult correction programs, as an ex officio member;

(b) The director of financial management or designee, as an ex officio member;

(c) ~~((Until the indeterminate sentence review board ceases to exist pursuant to RCW 9.95.0011,))~~ The chair of the indeterminate sentence review board, as an ex officio member;

(d) The head of the state agency, or the agency head's designee, having responsibility for juvenile corrections programs, as an ex officio member;

(e) Two prosecuting attorneys;

(f) Two attorneys with particular expertise in defense work;

(g) Four persons who are superior court judges;

(h) One person who is the chief law enforcement officer of a county or city;

(i) Four members of the public who are not prosecutors, defense attorneys, judges, or law enforcement officers, one of whom is a victim of crime or a crime victims' advocate;

(j) One person who is an elected official of a county government, other than a prosecuting attorney or sheriff;

(k) One person who is an elected official of a city government;

(l) One person who is an administrator of juvenile court services.

In making the appointments, the governor shall endeavor to assure that the commission membership includes adequate representation and expertise relating to both the adult criminal justice system and the juvenile justice system. In making the appointments, the governor shall seek the recommendations of Washington prosecutors in respect to the prosecuting attorney members, of the Washington state bar association in respect to the defense attorney members, of the association of superior court judges in respect to the members who are judges, of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer, of the Washington state association of counties in respect to the member who is a county official, of the association of Washington cities in respect to the member who is a city official, of the office of crime victims advocacy and other organizations of crime victims in respect to the member who is a victim of crime or a crime victims' advocate, and of the Washington association of juvenile court administrators in respect to the member who is an administrator of juvenile court services.

(3)(a) All voting members of the commission, except ex officio voting members, shall serve terms of three years and until their successors are appointed and confirmed.

(b) The governor shall stagger the terms of the members appointed under subsection (2)(j), (k), and (l) of this section by appointing one of them for a term of one year, one for a term of two years, and one for a term of three years.

(4) The speaker of the house of representatives and the president of the senate may each appoint two nonvoting members to the commission, one from each of the two largest caucuses in each house. The members so appointed shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

(5) The members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed by their respective houses as provided under RCW 44.04.120 ~~((, as now existing or hereafter amended))~~. Members shall be compensated in accordance with RCW 43.03.250.

Sec. 313. RCW 9.94A.120 and 2001 c 10 s 2 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, the court shall impose a sentence within the standard sentence range established in RCW 9.94A.310;

(ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

(iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

(iv) RCW 9.94A.383, relating to community custody for offenders whose term of confinement is one year or less;

(v) RCW 9.94A.560, relating to persistent offenders;

(vi) RCW 9.94A.590, relating to mandatory minimum terms;

(vii) RCW 9.94A.650, relating to the first-time offender waiver;

(viii) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(ix) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(x) Section 303 of this act, relating to certain sex offenses;

(xi) RCW 9.94A.390, relating to exceptional sentences;

~~((xii))~~ (xii) RCW 9.94A.400, relating to consecutive and concurrent sentences.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community service work; until July 1, 2000, a term of community supervision not to exceed one year and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.390.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145.

(5) Except as provided under RCW 9.94A.140(4) and 9.94A.142(4), a court may not impose a sentence providing for a term of confinement or community supervision, community placement, or community custody which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The court shall order restitution as provided in RCW 9.94A.140 and 9.94A.142.

(8) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter.

(9) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(11) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may, as part of any term of community supervision, community placement, or community custody, order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

Sec. 314. RCW 9.94A.190 and 2000 c 28 s 4 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. Except as provided in subsection (3) or (5) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the offender or a member of the offender's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.400.

(4) Notwithstanding any other provision of this section, a sentence imposed pursuant to RCW 9.94A.660 which has a standard sentence range of over one year, regardless of length, shall be served in a facility or institution operated, or utilized under contract, by the state.

(5) Sentences imposed pursuant to section 303 of this act shall be served in a facility or institution operated, or utilized under contract, by the state.

Sec. 315. RCW 9.94A.390 and 2000 c 28 s 8 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence unless it is imposed on an offender sentenced under section 303 of this act. An exceptional sentence imposed on an offender sentenced under section 303 of this act shall be to a minimum term set by the court and a maximum term equal to the statutory maximum sentence for the offense of conviction under chapter 9A.20 RCW.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.210(4).

A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.210 (2) through (6).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(j) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(k) The offense resulted in the pregnancy of a child victim of rape.

(l) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

Sec. 316. RCW 9.94A.590 and 2000 c 28 s 7 are each amended to read as follows:

(1) The following minimum terms of total confinement are mandatory and shall not be varied or modified under RCW 9.94A.390:

(a) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years.

(b) An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years.

(c) An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years.

(d) An offender convicted of the crime of sexually violent predator escape shall be sentenced to a minimum term of total confinement not less than sixty months.

(2) During such minimum terms of total confinement, no offender subject to the provisions of this section is eligible for community custody, earned release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release authorized under RCW 9.94A.150, or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer. The provisions of this subsection shall not apply: (a) In the case of an offender in need of emergency medical treatment; (b) for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree; or (c) for an extraordinary medical placement when authorized under RCW 9.94A.150(4).

NEW SECTION. Sec. 317. A new section is added to chapter 9.95 RCW to read as follows:

(1) "Board" means the indeterminate sentence review board.

(2) "Community custody" means that portion of an offender's sentence subject to controls including crime-related prohibitions and affirmative conditions from the court, the board, or the department of corrections based on risk to community safety, that is served under supervision in the community, and which may be modified or revoked for violations of release conditions.

(3) "Crime-related prohibition" has the meaning defined in RCW 9.94A.030.

(4) "Department" means the department of corrections.

(5) "Parole" means that portion of a person's sentence for a crime committed before July 1, 1984, served on conditional release in the community subject to board controls and revocation and under supervision of the department.

(6) "Secretary" means the secretary of the department of corrections or his or her designee.

Sec. 318. RCW 9.95.005 and 1986 c 224 s 4 are each amended to read as follows:

The board shall meet at ~~((the penitentiary and the reformatory))~~ major state correctional institutions at such times as may be necessary for a full and complete study of the cases of all convicted persons whose durations of confinement are to be determined by it ~~((or))~~; whose community custody supervision is under the board's authority; or whose applications for parole come before it. Other times and places of meetings may also be fixed by the board.

The superintendents of the different institutions shall provide suitable quarters for the board and assistants while in the discharge of their duties.

Sec. 319. RCW 9.95.010 and 1955 c 133 s 2 are each amended to read as follows:

When a person, whose crime was committed before July 1, 1984, is convicted of any felony, except treason, murder in the first degree, or carnal knowledge of a child under ten years, and a new trial is not granted, the court shall sentence such person to the penitentiary, or, if the law allows and the court sees fit to exercise such discretion, to the reformatory, and shall fix the maximum term of such person's sentence only.

The maximum term to be fixed by the court shall be the maximum provided by law for the crime of which such person was convicted, if the law provides for a maximum term. If the law does not provide a maximum term for the crime of which such person was convicted the court shall fix such maximum term, which may be for any number of years up to and including life imprisonment but in any case where the maximum term is fixed by the court it shall be fixed at not less than twenty years.

Sec. 320. RCW 9.95.011 and 1993 c 144 s 3 are each amended to read as follows:

(1) When the court commits a convicted person to the department of corrections on or after July 1, 1986, for an offense committed before July 1, 1984, the court shall, at the time of sentencing or revocation of probation, fix the minimum term. The term so fixed shall not exceed the maximum sentence provided by law for the offense of which the person is convicted.

The court shall attempt to set the minimum term reasonably consistent with the purposes, standards, and sentencing ranges adopted under RCW 9.94A.040, but the court is subject to the same limitations as those placed on the board under RCW 9.92.090, 9.95.040 (1) through (4), 9.95.115, 9A.32.040, 9A.44.045, and chapter 69.50 RCW. The court's minimum term decision is subject to review to the same extent as a minimum term decision by the parole board before July 1, 1986.

Thereafter, the expiration of the minimum term set by the court minus any time credits earned under RCW 9.95.070 and 9.95.110 constitutes the parole eligibility review date, at which time the board may consider the convicted person for parole under RCW 9.95.100 and 9.95.110 and chapter 72.04A RCW. Nothing in this section affects the board's authority to reduce or increase the minimum term, once set by the court, under RCW 9.95.040, 9.95.052, 9.95.055, 9.95.070, 9.95.080, 9.95.100, 9.95.115, 9.95.125, or 9.95.047.

(2) Not less than ninety days prior to the expiration of the minimum term of a person sentenced under section 303 of this act, for a sex offense committed on or after July 1, 2001, less any time credits permitted by statute, the board shall review the person for conditional release to community custody as provided in section 307 of this act. If the board does not release the person, it shall set a new minimum term not to exceed an additional two years. The board shall review the person again not less than ninety days prior to the expiration of the new minimum term.

Sec. 321. RCW 9.95.017 and 1986 c 224 s 11 are each amended to read as follows:

(1) The board shall cause to be prepared criteria for duration of confinement, release on parole, and length of parole for persons committed to prison for crimes committed before July 1, 1984.

The proposed criteria should take into consideration RCW 9.95.009(2). Before submission to the governor, the board shall solicit comments and review on their proposed criteria for parole release. These proposed criteria shall be submitted for consideration by the 1987 legislature.

(2) Persons committed to the department of corrections and who are under the authority of the board for crimes committed on or after July 1, 2001, are subject to the provisions for duration of confinement, release to community custody, and length of community custody established in sections 303 through 311 of this act.

Sec. 322. RCW 9.95.020 and 1955 c 133 s 3 are each amended to read as follows:

If the sentence of a person so convicted is not suspended by the court, the superintendent of ~~((the penitentiary or the superintendent of the reformatory))~~ a major state correctional institution shall receive such person, if committed to his or her institution, and imprison ~~((him))~~ the person until released under the provisions of this chapter, under section 307 of this act, upon the completion of the statutory maximum sentence, or through the action of the governor.

Sec. 323. RCW 9.95.032 and 1984 c 114 s 3 are each amended to read as follows:

Such statement shall be signed by the prosecuting attorney and approved by the judge by whom the judgment was rendered and shall be delivered to the sheriff, traveling guard, department of corrections personnel, or other officer executing the sentence, and a copy of such statement shall be furnished to the defendant or his or her attorney. Such officer shall deliver the statement, at the time of the prisoner's commitment, to the superintendent of the institution to which such prisoner has been

~~((sentenced and))~~ committed. The superintendent shall make such statement available for use by the board ~~((of prison terms and paroles))~~.

Sec. 324. RCW 9.95.052 and 1986 c 224 s 10 are each amended to read as follows:

At any time after the board (or the court after July 1, 1986) has determined the minimum term of confinement of any person subject to confinement in a state correctional institution for a crime committed before July 1, 1984, the board may request the superintendent of such correctional institution to conduct a full review of such person's prospects for rehabilitation and report to the board the facts of such review and the resulting findings. Upon the basis of such report and such other information and investigation that the board deems appropriate, the board may redetermine and refix such convicted person's minimum term of confinement whether the term was set by the board or the court.

The board shall not reduce a person's minimum term of confinement unless the board has received from the department of corrections all institutional conduct reports relating to the person.

Sec. 325. RCW 9.95.055 and 1992 c 7 s 25 are each amended to read as follows:

The indeterminate sentence review board is hereby granted authority, in the event of a declaration by the governor that a war emergency exists, including a general mobilization, and for the duration thereof only, to reduce downward the minimum term, as set by the board, of any inmate under the jurisdiction of the board confined in a state correctional facility, who will be accepted by and inducted into the armed services: PROVIDED, That a reduction downward shall not be made under this section for those inmates who are confined for treason, murder in the first degree or carnal knowledge of a female child under ten years: AND PROVIDED FURTHER, That no such inmate shall be released under this section who is ~~((found to be a sexual psychopath under the provisions of and as defined by chapter 71.42 RCW))~~ being considered for civil commitment as a sexually violent predator under chapter 71.09 RCW or was sentenced under section 303 of this act for a crime committed on or after July 1, 2001.

Sec. 326. RCW 9.95.064 and 1989 c 276 s 4 are each amended to read as follows:

(1) In order to minimize the trauma to the victim, the court may attach conditions on release of ~~((a defendant))~~ an offender under RCW 9.95.062, convicted of a crime committed before July 1, 1984, regarding the whereabouts of the defendant, contact with the victim, or other conditions.

(2) Offenders released under section 307 of this act are subject to crime-related prohibitions and affirmative conditions established by the court, the department of corrections, or the board pursuant to RCW 9.94A.715 and sections 303 through 311 of this act.

Sec. 327. RCW 9.95.070 and 1999 c 143 s 19 are each amended to read as follows:

(1) Every prisoner, convicted of a crime committed before July 1, 1984, who has a favorable record of conduct at the penitentiary or the reformatory, and who performs in a faithful, diligent, industrious, orderly and peaceable manner the work, duties, and tasks assigned to him or her to the satisfaction of the superintendent of the penitentiary or reformatory, and in whose behalf the superintendent of the penitentiary or reformatory files a report certifying that his or her conduct and work have been meritorious and recommending allowance of time credits to him or her, shall upon, but not until, the adoption of such recommendation by the indeterminate sentence review board, be allowed time credit reductions from the term of imprisonment fixed by the board.

(2) Offenders sentenced under section 303 of this act for a crime committed on or after July 1, 2001, are subject to the earned release provisions for sex offenders established in RCW 9.94A.150.

Sec. 328. RCW 9.95.080 and 1992 c 7 s 26 are each amended to read as follows:

In case any ~~((convicted))~~ person convicted of a crime committed before July 1, 1984, and under the jurisdiction of the indeterminate sentence review board undergoing sentence in a state correctional ~~((facility))~~ institution commits any infractions of the rules and regulations of the institution, the board may revoke any order theretofore made determining the length of time such convicted person shall be imprisoned, including the forfeiture of all or a portion of credits earned or to be earned, pursuant to the provisions of RCW 9.95.110, and make a new order determining the length of time the person shall serve, not exceeding the maximum penalty provided by law for the crime for which the person was convicted, or the maximum fixed by the court. Such revocation and redetermination shall not be had except upon a hearing before the indeterminate sentence review board. At such hearing the convicted person shall be present and entitled to be heard and may present evidence and witnesses in his or her behalf.

Sec. 329. RCW 9.95.090 and 1999 c 143 s 20 are each amended to read as follows:

(1) The board shall require of every able bodied ~~((convicted person imprisoned in the penitentiary or the reformatory))~~ offender confined in a state correctional institution for a crime committed before July 1, 1984, as many hours of faithful labor in each and every day during his or her term of imprisonment as shall be prescribed by the rules and regulations of the institution in which he or she is confined.

(2) Offenders sentenced under section 303 of this act for crimes committed on or after July 1, 2001, shall perform work or other programming as required by the department of corrections during their term of confinement.

Sec. 330. RCW 9.95.100 and 1955 c 133 s 11 are each amended to read as follows:

Any ~~((convicted))~~ person convicted of a felony committed before July 1, 1984, and undergoing sentence in ~~((the penitentiary or the reformatory))~~ a state correctional institution, not sooner released under the provisions of this chapter, shall, in accordance with the provisions of law, be discharged from custody on serving the maximum punishment provided by law for the offense of which such person was convicted, or the maximum term fixed by the court where the law does not provide for a maximum term. The board shall not, however, until his or her maximum term expires, release a prisoner, unless in its opinion his or her rehabilitation has been complete and he or she is a fit subject for release.

Sec. 331. RCW 9.95.110 and 1999 c 143 s 21 are each amended to read as follows:

(1) The board may permit ~~((a convicted person))~~ an offender convicted of a crime committed before July 1, 1984, to leave the buildings and enclosures of ~~((the penitentiary or the reformatory))~~ a state correctional institution on parole, after such convicted person has served the period of confinement fixed for him or her by the board, less time credits for good behavior and diligence in work: PROVIDED, That in no case shall an inmate be credited with more than one-third of his or her sentence as fixed by the board.

The board may establish rules and regulations under which ~~((a convicted person))~~ an offender may be allowed to leave the confines of ~~((the penitentiary or the reformatory))~~ a state correctional institution on parole, and may return such person to the confines of the institution from which he or she was paroled, at its discretion.

(2) The board may permit an offender convicted of a crime committed on or after July 1, 2001, and sentenced under section 303 of this act, to leave a state correctional institution on community custody according to the provisions of sections 303

through 311 of this act. The person may be returned to the institution following a violation of his or her conditions of release to community custody pursuant to the hearing provisions of section 310 of this act.

Sec. 332. RCW 9.95.115 and 1989 c 259 s 3 are each amended to read as follows:

The indeterminate sentence review board is hereby granted authority to parole any person sentenced to the custody of the department of corrections, under a mandatory life sentence for a crime committed ~~((prior to))~~ before July 1, 1984, except those persons sentenced to life without the possibility of parole. No such person shall be granted parole unless the person has been continuously confined therein for a period of twenty consecutive years less earned good time: PROVIDED, That no such person shall be released under parole who is ~~((found to be a sexual psychopath under the provisions of and as defined by chapter 71.06 RCW))~~ subject to civil commitment as a sexually violent predator under chapter 71.09 RCW.

Sec. 333. RCW 9.95.120 and 1999 c 143 s 22 are each amended to read as follows:

Whenever the board or a ~~((probation and parole))~~ community corrections officer of this state has reason to believe a ~~((convicted))~~ person convicted of a crime committed before July 1, 1984, has breached a condition of his or her parole or violated the law of any state where he or she may then be or the rules and regulations of the board, any ~~((probation and parole))~~ community corrections officer of this state may arrest or cause the arrest and detention and suspension of parole of such convicted person pending a determination by the board whether the parole of such convicted person shall be revoked. All facts and circumstances surrounding the violation by such convicted person shall be reported to the board by the ~~((probation and parole))~~ community corrections officer, with recommendations. The board, after consultation with the secretary of corrections, shall make all rules and regulations concerning procedural matters, which shall include the time when state ~~((probation and parole))~~ community corrections officers shall file with the board reports required by this section, procedures pertaining thereto and the filing of such information as may be necessary to enable the board to perform its functions under this section. On the basis of the report by the ~~((probation and parole))~~ community corrections officer, or at any time upon its own discretion, the board may revise or modify the conditions of parole or order the suspension of parole by the issuance of a written order bearing its seal, which order shall be sufficient warrant for all peace officers to take into custody any convicted person who may be on parole and retain such person in their custody until arrangements can be made by the board for his or her return to a state correctional institution for convicted felons. Any such revision or modification of the conditions of parole or the order suspending parole shall be personally served upon the parolee.

Any parolee arrested and detained in physical custody by the authority of a state ~~((probation and parole))~~ community corrections officer, or upon the written order of the board, shall not be released from custody on bail or personal recognizance, except upon approval of the board and the issuance by the board of an order of reinstatement on parole on the same or modified conditions of parole.

All chiefs of police, marshals of cities and towns, sheriffs of counties, and all police, prison, and peace officers and constables shall execute any such order in the same manner as any ordinary criminal process.

Whenever a paroled prisoner is accused of a violation of his or her parole, other than the commission of, and conviction for, a felony or misdemeanor under the laws of this state or the laws of any state where he or she may then be, he or she shall be entitled to a fair and impartial hearing of such charges within thirty days from the time that he or she is served with charges of the violation of conditions of ~~((his))~~ parole after his or her arrest and detention. The hearing shall be held before one or more members of the board at a place or places, within this state, reasonably near the site of the alleged violation or violations of parole.

In the event that the board suspends a parole by reason of an alleged parole violation or in the event that a parole is suspended pending the disposition of a new criminal charge, the board shall have the power to nullify the order of suspension and reinstate the individual to parole under previous conditions or any new conditions that the board may determine advisable. Before the board shall nullify an order of suspension and reinstate a parole they shall have determined that the best interests of society and the individual shall best be served by such reinstatement rather than a return to a penal institution.

Sec. 334. RCW 9.95.121 and 1981 c 136 s 38 are each amended to read as follows:

(1) For offenders convicted of crimes committed before July 1, 1984, within fifteen days from the date of notice to the department of corrections of the arrest and detention of the alleged parole violator, he or she shall be personally served by a state ~~((probation and parole))~~ community corrections officer with a copy of the factual allegations of the violation of the conditions of parole, and, at the same time shall be advised of his or her right to an on-site parole revocation hearing and of his or her rights and privileges as provided in RCW 9.95.120 through 9.95.126. The alleged parole violator, after service of the allegations of violations of the conditions of parole and the advice of rights may waive the on-site parole revocation hearing as provided in RCW 9.95.120, and admit one or more of the alleged violations of the conditions of parole. If the board accepts the waiver it shall either, (1) reinstate the parolee on parole under the same or modified conditions, or (2) revoke the parole of the parolee and enter an order of parole revocation and return to state custody. A determination of a new minimum sentence shall be made within thirty days of return to state custody which shall not exceed the maximum sentence as provided by law for the crime of which the parolee was originally convicted or the maximum fixed by the court.

If the waiver made by the parolee is rejected by the board it shall hold an on-site parole revocation hearing under the provisions of RCW 9.95.120 through 9.95.126.

(2) Offenders sentenced under section 303 of this act are subject to the violation hearing process established in section 310 of this act.

Sec. 335. RCW 9.95.122 and 1999 c 143 s 23 are each amended to read as follows:

(1) At any on-site parole revocation hearing for a person convicted of a crime committed before July 1, 1984, the alleged parole violator shall be entitled to be represented by an attorney of his or her own choosing and at his or her own expense, except, upon the presentation of satisfactory evidence of indigency and the request for the appointment of an attorney by the alleged parole violator, the board may cause the appointment of an attorney to represent the alleged parole violator to be paid for at state expense, and, in addition, the board may assume all or such other expenses in the presentation of evidence on behalf of the alleged parole violator as it may have authorized: PROVIDED, That funds are available for the payment of attorneys' fees and expenses. Attorneys for the representation of alleged parole violators in on-site hearings shall be appointed by the superior courts for the counties wherein the on-site parole revocation hearing is to be held and such attorneys shall be compensated in such manner and in such amount as shall be fixed in a schedule of fees adopted by rule of the board.

(2) The rights of offenders sentenced under section 303 of this act are defined in section 310 of this act.

Sec. 336. RCW 9.95.123 and 1999 c 143 s 24 are each amended to read as follows:

In conducting on-site parole or community custody revocation hearings or community custody violations hearings, the board shall have the authority to administer oaths and affirmations, examine witnesses, receive evidence, and issue subpoenas for the compulsory attendance of witnesses and the production of evidence for presentation at such hearings. Subpoenas issued by the board shall be effective throughout the state. Witnesses in attendance at any on-site parole or community custody revocation hearing shall be paid the same fees and allowances, in the same manner and under the same conditions as provided for witnesses in the courts of the state in accordance with chapter 2.40 RCW ((as now or hereafter amended)). If any person fails or refuses to obey a subpoena issued by the board, or obeys the subpoena but refuses to testify concerning any matter under examination at the hearing, the board may petition the superior court of the county where the hearing is being conducted for enforcement of the subpoena: PROVIDED, That an offer to pay statutory fees and mileage has been made to the witness at the time of the service of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the board. The court, upon such petition, shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he or she has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant, the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey ((said)) the order, the witness shall be dealt with as for contempt of court.

Sec. 337. RCW 9.95.124 and 1999 c 143 s 25 are each amended to read as follows:

At all on-site parole revocation hearings for offenders convicted of crimes committed before July 1, 1984, the ((probation and parole)) community corrections officers of the department of corrections, having made the allegations of the violations of the conditions of parole, may be represented by the attorney general. The attorney general may make independent recommendations to the board about whether the violations constitute sufficient cause for the revocation of the parole and the return of the parolee to a state correctional institution for convicted felons. The hearings shall be open to the public unless the board for specifically stated reasons closes the hearing in whole or in part. The hearings shall be recorded either manually or by a mechanical recording device. An alleged parole violator may be requested to testify and any such testimony shall not be used against him or her in any criminal prosecution. The board shall adopt rules governing the formal and informal procedures authorized by this chapter and make rules of practice before the board in on-site parole revocation hearings, together with forms and instructions.

Sec. 338. RCW 9.95.125 and 1993 c 140 s 2 are each amended to read as follows:

After the on-site parole revocation hearing for a person convicted of a crime committed before July 1, 1984, has been concluded, the members of the board having heard the matter shall enter their decision of record within ten days, and make findings and conclusions upon the allegations of the violations of the conditions of parole. If the member, or members having heard the matter, should conclude that the allegations of violation of the conditions of parole have not been proven by a preponderance of the evidence, or, those which have been proven by a preponderance of the evidence are not sufficient cause for the revocation of parole, then the parolee shall be reinstated on parole on the same or modified conditions of parole. For parole violations not resulting in new convictions, modified conditions of parole may include sanctions according to an administrative sanction grid. If the member or members having heard the matter should conclude that the allegations of violation of the conditions of parole have been proven by a preponderance of the evidence and constitute sufficient cause for the revocation of parole, then such member or members shall enter an order of parole revocation and return the parole violator to state custody. Within thirty days of the return of such parole violator to a state correctional institution ((for convicted felons)) the board shall enter an order determining a new minimum term not exceeding the maximum penalty provided by law for the crime for which the parole violator was originally convicted or the maximum fixed by the court.

Sec. 339. RCW 9.95.126 and 1969 c 98 s 8 are each amended to read as follows:

All officers and employees of the state, counties, cities and political subdivisions of this state shall cooperate with the board ((of prison terms and paroles)) in making available suitable facilities for conducting parole or community custody revocation hearings.

Sec. 340. RCW 9.95.130 and 1993 c 140 s 3 are each amended to read as follows:

From and after the suspension, cancellation, or revocation of the parole of any ((convicted person)) offender convicted of a crime committed before July 1, 1984, and until his or her return to custody the ((convicted person)) offender shall be deemed an escapee and a fugitive from justice. The indeterminate sentence review board may deny credit against the maximum sentence any time during which he or she is an escapee and fugitive from justice.

Sec. 341. RCW 9.95.140 and 1992 c 7 s 27 are each amended to read as follows:

(1) The ((indeterminate sentence review)) board shall cause a complete record to be kept of every prisoner under the jurisdiction of the board released on parole or community custody. Such records shall be organized in accordance with the most modern methods of filing and indexing so that there will be always immediately available complete information about each such prisoner. Subject to information sharing provisions related to mentally ill offenders, the end of sentence review committee, and the department of corrections, the board may make rules as to the privacy of such records and their use by others than the board and its staff. ((In determining the rules regarding dissemination of information regarding convicted)) Sex offenders convicted of crimes committed before July 1, 1984, who are under the board's jurisdiction((;)) shall be subject to the determinations of the end of sentence review committee regarding risk level and subject to sex offender registration and community notification. The board ((shall consider the provisions of section 116, chapter 3, Laws of 1990 and RCW 4.24.550 and)) shall be immune from liability for the release of information concerning sex offenders as provided in RCW 4.24.550.

The superintendents of state correctional facilities and all officers and employees thereof and all other public officials shall at all times cooperate with the board and furnish to the board, its officers, and employees such information as may be necessary to enable it to perform its functions, and such superintendents and other employees shall at all times give the members of the board, its officers, and employees free access to all prisoners confined in the state correctional facilities.

(2) Offenders sentenced under section 303 of this act shall be subject to the determinations of the end of sentence review committee regarding risk level and subject to sex offender registration and community notification.

(3) The end of sentence review committee shall make law enforcement notifications for offenders under board jurisdiction on the same basis that it notifies law enforcement regarding offenders sentenced under chapter 9.94A RCW for crimes committed after July 1, 1984.

Sec. 342. RCW 9.95.190 and 1992 c 7 s 28 are each amended to read as follows:

The provisions of RCW 9.95.010 through 9.95.170, inclusive, shall apply to all convicted persons serving time in a state correctional facility for crimes committed before July 1, 1984, to the end that at all times the same provisions relating to sentences, imprisonments, and paroles of prisoners shall apply to all inmates thereof.

Sec. 343. RCW 9.95.250 and 1981 c 136 s 43 are each amended to read as follows:

In order to carry out the provisions of this chapter 9.95 RCW the parole officers working under the supervision of the secretary of corrections shall be known as ~~((probation and parole))~~ community corrections officers.

Sec. 344. RCW 9.95.280 and 1999 c 143 s 31 are each amended to read as follows:

The board may deputize any person (regularly employed by another state) to act as an officer and agent of this state in effecting the return of any person convicted of a crime committed before July 1, 1984, who has violated the terms and conditions of parole or probation as granted by this state. In any matter relating to the return of such a person, any agent so deputized shall have all the powers of a police officer of this state.

Sec. 345. RCW 9.95.290 and 1955 c 183 s 2 are each amended to read as follows:

Any deputization pursuant to this statute with regard to an offender convicted of a crime committed before July 1, 1984, shall be in writing and any person authorized to act as an agent of this state pursuant hereto shall carry formal evidence of his or her deputization and shall produce the same upon demand.

Sec. 346. RCW 9.95.300 and 1999 c 143 s 32 are each amended to read as follows:

The board may enter into contracts with similar officials of any other state or states for the purpose of sharing an equitable portion of the cost of effecting the return of any person who has violated the terms and conditions of parole ~~((er))~~, probation, or community custody as granted by this state.

Sec. 347. RCW 9.95.310 and 1986 c 125 s 1 are each amended to read as follows:

The purpose of RCW 9.95.310 through 9.95.370 is to provide necessary assistance, other than assistance which is authorized to be provided under the vocational rehabilitation laws, Title 28A RCW, under the public assistance laws, Title 74 RCW or the ~~((department of))~~ employment security department or other state agency, for parolees, inmates assigned to work/training release facilities, discharged prisoners and persons convicted of a felony committed before July 1, 1984, and granted probation in need and whose capacity to earn a living under these circumstances is impaired; and to help such persons attain self-care and/or self-support for rehabilitation and restoration to independence as useful citizens as rapidly as possible thereby reducing the number of returnees to the institutions of this state to the benefit of such person and society as a whole.

Sec. 348. RCW 9.95.320 and 1986 c 125 s 2 are each amended to read as follows:

The secretary of corrections or his or her designee may provide to any parolee, inmate assigned to a work/training release facility, discharged prisoner and persons convicted of a felony committed before July 1, 1984, and granted probation in need and without necessary means, from any funds legally available therefor, such reasonable sums as he or she deems necessary for the subsistence of such person and his or her family until such person has become gainfully employed. Such aid may be made under such terms and conditions, and through local parole or probation officers if necessary, as the secretary of corrections or his or her designee may require and shall be supplementary to any moneys which may be provided under public assistance or from any other source.

Sec. 349. RCW 9.95.340 and 1986 c 125 s 3 are each amended to read as follows:

Any funds in the hands of the department of corrections, or which may come into its hands, which belong to discharged prisoners, inmates assigned to work/training release facilities, parolees or persons convicted of a felony and granted probation who absconded, or whose whereabouts are unknown, shall be deposited in the community services revolving fund. Said funds shall be used to defray the expenses of clothing and other necessities and for transporting discharged prisoners, inmates assigned to work/training release facilities, parolees and persons convicted of a felony and granted probation who are without means to secure the same. All payments disbursed from these funds shall be repaid, whenever possible, by discharged prisoners, inmates assigned to work/training release facilities, parolees and persons convicted of a felony and granted probation for whose benefit they are made. Whenever any money belonging to such persons is so paid into the revolving fund, it shall be repaid to them in accordance with law if a claim therefor is filed with the department of corrections within five years of deposit into said fund and upon a clear showing of a legal right of such claimant to such money. This section applies to persons convicted of a felony committed before July 1, 1984.

Sec. 350. RCW 9.95.350 and 1986 c 125 s 4 are each amended to read as follows:

All money or other property paid or delivered to a ~~((probation or parole))~~ community corrections officer or employee of the department of corrections by or for the benefit of any discharged prisoner, inmate assigned to a work/training release facility, parolee or persons convicted of a felony and granted probation shall be immediately transmitted to the department of corrections and it shall enter the same upon its books to his or her credit. Such money or other property shall be used only under the direction of the department of corrections.

If such person absconds, the money shall be deposited in the revolving fund created by RCW 9.95.360, and any other property, if not called for within one year, shall be sold by the department of corrections and the proceeds credited to the revolving fund.

If any person, files a claim within five years after the deposit or crediting of such funds, and satisfies the department of corrections that he or she is entitled thereto, the department may make a finding to that effect and may make payment to the claimant in the amount to which he or she is entitled.

This section applies to persons convicted of a felony committed before July 1, 1984.

Sec. 351. RCW 9.95.360 and 1986 c 125 s 5 are each amended to read as follows:

The department of corrections shall create, maintain, and administer outside the state treasury a permanent revolving fund to be known as the "community services revolving fund" into which shall be deposited all moneys received by it under RCW 9.95.310 through 9.95.370 and any appropriation made for the purposes of RCW 9.95.310 through 9.95.370. All expenditures from this revolving fund shall be made by check or voucher signed by the secretary of corrections or his or her designee. The community services revolving fund shall be deposited by the department of corrections in such banks or financial institutions as it may select which shall give to the department a surety bond executed by a surety company authorized to do business in this state, or collateral eligible as security for deposit of state funds in at least the full amount of deposit.

This section applies to persons convicted of a felony committed before July 1, 1984.

Sec. 352. RCW 9.95.370 and 1981 c 136 s 50 are each amended to read as follows:

The secretary of corrections or his or her designee shall enter into a written agreement with every person receiving funds under RCW 9.95.310 through 9.95.370 that such person will repay such funds under the terms and conditions in said agreement. No person shall receive funds until such an agreement is validly made. This section applies to persons convicted of a felony committed before July 1, 1984.

Sec. 353. RCW 9.95.900 and 1981 c 137 s 32 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the following sections of law do not apply to any felony offense committed on or after July 1, 1984: RCW ((9.95.003, 9.95.005, 9.95.007,)) 9.95.010, 9.95.011, 9.95.013, 9.95.015, 9.95.017, ((9.95.020, 9.95.030, 9.95.034, 9.95.032,)) 9.95.040, 9.95.045, 9.95.047, 9.95.052, ((9.95.070,)) 9.95.080, ((9.95.090,)) 9.95.100, ((9.95.110,)) 9.95.115, 9.95.116, 9.95.120, ((9.95.121, 9.95.122, 9.95.123,)) 9.95.124, 9.95.125, ((9.95.126,)) 9.95.130, ((9.95.140, 9.95.150, 9.95.160, 9.95.170,)) 9.95.190, 9.95.200, 9.95.204, 9.95.206, 9.95.210, 9.95.212, 9.95.214, 9.95.220, 9.95.230, 9.95.240, 9.95.250, 9.95.260, 9.95.265, 9.95.280, 9.95.290, 9.95.310, 9.95.320, 9.95.330, 9.95.340, 9.95.350, ((and)) 9.95.360, 9.95.370, 72.04A.070, and 72.04A.080.

(2) The following sections apply to any felony offense committed before July 1, 1984, and to any offense sentenced under section 303 of this act and committed on or after July 1, 2001: RCW 9.95.003, 9.95.005, 9.95.007, 9.95.020, 9.95.030, 9.95.031, 9.95.032, 9.95.055, 9.95.060, 9.95.062, 9.95.063, 9.95.064, 9.95.070, 9.95.090, 9.95.110, 9.95.121, 9.95.122, 9.95.123, 9.95.126, 9.95.140, 9.95.150, 9.95.160, 9.95.170, 9.95.300, and 9.96.050.

Sec. 354. RCW 9A.28.020 and 1994 c 271 s 101 are each amended to read as follows:

(1) A person is guilty of an attempt to commit a crime if, with intent to commit a specific crime, he or she does any act which is a substantial step toward the commission of that crime.

(2) If the conduct in which a person engages otherwise constitutes an attempt to commit a crime, it is no defense to a prosecution of such attempt that the crime charged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission.

(3) An attempt to commit a crime is a:

(a) Class A felony when the crime attempted is murder in the first degree, murder in the second degree, ~~((or))~~ arson in the first degree, child molestation in the first degree, indecent liberties by forcible compulsion, rape in the first degree, rape in the second degree, rape of a child in the first degree, or rape of a child in the second degree;

(b) Class B felony when the crime attempted is a class A felony other than ~~((murder in the first degree, murder in the second degree, or arson in the first degree))~~ an offense listed in (a) of this subsection;

(c) Class C felony when the crime attempted is a class B felony;

(d) Gross misdemeanor when the crime attempted is a class C felony;

(e) Misdemeanor when the crime attempted is a gross misdemeanor or misdemeanor.

Sec. 355. RCW 9A.36.021 and 1997 c 196 s 2 are each amended to read as follows:

(1) A person is guilty of assault in the second degree if he or she, under circumstances not amounting to assault in the first degree:

(a) Intentionally assaults another and thereby recklessly inflicts substantial bodily harm; or

(b) Intentionally and unlawfully causes substantial bodily harm to an unborn quick child by intentionally and unlawfully inflicting any injury upon the mother of such child; or

(c) Assaults another with a deadly weapon; or

(d) With intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance; or

(e) With intent to commit a felony, assaults another; or

(f) Knowingly inflicts bodily harm which by design causes such pain or agony as to be the equivalent of that produced by torture.

(2) Assault in the second degree is a class B felony, except that assault in the second degree with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135 is a class A felony.

Sec. 356. RCW 9A.40.030 and 1975 1st ex.s. c 260 s 9A.40.030 are each amended to read as follows:

(1) A person is guilty of kidnapping in the second degree if he or she intentionally abducts another person under circumstances not amounting to kidnapping in the first degree.

(2) In any prosecution for kidnapping in the second degree, it is a defense if established by the defendant by a preponderance of the evidence that (a) the abduction does not include the use of or intent to use or threat to use deadly force, and (b) the actor is a relative of the person abducted, and (c) the actor's sole intent is to assume custody of that person. Nothing contained in this paragraph shall constitute a defense to a prosecution for, or preclude a conviction of, any other crime.

(3) Kidnapping in the second degree is a class B felony, except that kidnapping in the second degree with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135 is a class A felony.

Sec. 357. RCW 9A.44.100 and 1997 c 392 s 515 are each amended to read as follows:

(1) A person is guilty of indecent liberties when he or she knowingly causes another person who is not his or her spouse to have sexual contact with him or her or another:

(a) By forcible compulsion;

(b) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless;

(c) When the victim is developmentally disabled and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim;

(d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual contact occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual contact with the knowledge that the sexual contact was not for the purpose of treatment;

(e) When the victim is a resident of a facility for mentally disordered or chemically dependent persons and the perpetrator is a person who is not married to the victim and has supervisory authority over the victim; or

(f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the victim and who has a significant relationship with the victim.

(2) Indecent liberties is a class B felony, except that indecent liberties by forcible compulsion is a class A felony.

NEW SECTION. Sec. 358. A new section is added to chapter 9A.76 RCW to read as follows:

(1) A person is guilty of sexually violent predator escape if:

(a) Having been found to be a sexually violent predator and confined to the special commitment center or another secure facility under court order, the person escapes from the secure facility;

(b) Having been found to be a sexually violent predator and being under an order of conditional release, the person leaves or remains absent from the state of Washington without prior court authorization; or

(c) Having been found to be a sexually violent predator and being under an order of conditional release, the person: (i) Without authorization, leaves or remains absent from his or her residence, place of employment, educational institution, or authorized outing; (ii) tampers with his or her electronic monitoring device or removes it without authorization; or (iii) escapes from his or her escort.

(2) Sexually violent predator escape is a class A felony with a minimum sentence of sixty months, and shall be sentenced under section 303 of this act.

Sec. 359. RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and 2000 c 66 s 2 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

XV Homicide by abuse (RCW 9A.32.055)

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

XIV Murder 2 (RCW 9A.32.050)

XIII Malicious explosion 2 (RCW 70.74.280(2))

Malicious placement of an explosive 1 (RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)

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

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

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

XI Manslaughter 1 (RCW 9A.32.060)

Rape 2 (RCW 9A.44.050)

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

X Child Molestation 1 (RCW 9A.44.083)

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

Kidnapping 1 (RCW 9A.40.020)

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

Malicious explosion 3 (RCW 70.74.280(3))

Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

Sexually Violent Predator Escape (section 358 of this act)

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

Controlled Substance Homicide (RCW 69.50.415)

Explosive devices prohibited (RCW 70.74.180)

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

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

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

- Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))
- Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
- Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
- Theft of Anhydrous Ammonia (RCW 69.55.010)
- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
 - Child Molestation 2 (RCW 9A.44.086)
 - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 - Drive-by Shooting (RCW 9A.36.045)
 - Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
 - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
 - Introducing Contraband 1 (RCW 9A.76.140)
 - Involving a minor in drug dealing (RCW 69.50.401(f))
 - Malicious placement of an explosive 3 (RCW 70.74.270(3))
 - Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
 - Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
 - Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
 - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
 - Bribery (RCW 9A.68.010)
 - Incest 1 (RCW 9A.64.020(1))
 - Intimidating a Judge (RCW 9A.72.160)
 - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 - Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
 - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
 - Rape of a Child 3 (RCW 9A.44.079)
 - Theft of a Firearm (RCW 9A.56.300)
 - Unlawful Storage of Anhydrous Ammonia (RCW 69.55.020)
- V Abandonment of dependent person 1 (RCW 9A.42.060)
 - Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 - Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
 - Child Molestation 3 (RCW 9A.44.089)
 - Criminal Mistreatment 1 (RCW 9A.42.020)
 - Custodial Sexual Misconduct 1 (RCW 9A.44.160)
 - Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
 - Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
 - Extortion 1 (RCW 9A.56.120)
 - Extortionate Extension of Credit (RCW 9A.82.020)
 - Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 - Incest 2 (RCW 9A.64.020(2))
 - Kidnapping 2 (RCW 9A.40.030)
 - Perjury 1 (RCW 9A.72.020)
 - Persistent prison misbehavior (RCW 9.94.070)
 - Possession of a Stolen Firearm (RCW 9A.56.310)
 - Rape 3 (RCW 9A.44.060)
 - Rendering Criminal Assistance 1 (RCW 9A.76.070)
 - Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 - Sexually Violating Human Remains (RCW 9A.44.105)
 - Stalking (RCW 9A.46.110)
- IV Arson 2 (RCW 9A.48.030)
 - Assault 2 (RCW 9A.36.021)
 - Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Commercial Bribery (RCW 9A.68.060)
 Counterfeiting (RCW 9.16.035(4))
 Escape 1 (RCW 9A.76.110)
 Hit and Run--Injury (RCW 46.52.020(4)(b))
 Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
 Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
 Influencing Outcome of Sporting Event (RCW 9A.82.070)
 Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
 Malicious Harassment (RCW 9A.36.080)
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
 Residential Burglary (RCW 9A.52.025)
 Robbery 2 (RCW 9A.56.210)
 Theft of Livestock 1 (RCW 9A.56.080)
 Threats to Bomb (RCW 9.61.160)
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 Vehicular Assault (RCW 46.61.522)
 Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)

Assault 3 (RCW 9A.36.031)
 Assault of a Child 3 (RCW 9A.36.140)
 Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
 Burglary 2 (RCW 9A.52.030)
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 Criminal Gang Intimidation (RCW 9A.46.120)
 Criminal Mistreatment 2 (RCW 9A.42.030)
 Custodial Assault (RCW 9A.36.100)
 Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
 Escape 2 (RCW 9A.76.120)
 Extortion 2 (RCW 9A.56.130)
 Harassment (RCW 9A.46.020)
 Intimidating a Public Servant (RCW 9A.76.180)
 Introducing Contraband 2 (RCW 9A.76.150)
 Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
 Malicious Injury to Railroad Property (RCW 81.60.070)
 Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
 Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
 Patronizing a Juvenile Prostitute (RCW 9.68A.100)
 Perjury 2 (RCW 9A.72.030)
 Possession of Incendiary Device (RCW 9.40.120)
 Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
 Promoting Prostitution 2 (RCW 9A.88.080)
 Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
 Securities Act violation (RCW 21.20.400)
 Tampering with a Witness (RCW 9A.72.120)
 Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
 Theft of Livestock 2 (RCW 9A.56.080)
 Unlawful Imprisonment (RCW 9A.40.040)
 Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
 Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
 Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)

Counterfeiting (RCW 9.16.035(3))

Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
 Escape from Community Custody (RCW 72.09.310)
 Health Care False Claims (RCW 48.80.030)
 Malicious Mischief 1 (RCW 9A.48.070)

Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
 Possession of phencyclidine (PCP) (RCW 69.50.401(d))
 Possession of Stolen Property 1 (RCW 9A.56.150)
 Theft 1 (RCW 9A.56.030)
 Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
 Trafficking in Insurance Claims (RCW 48.30A.015)
 Unlawful Practice of Law (RCW 2.48.180)
 Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
 I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 False Verification for Welfare (RCW 74.08.055)
 Forged Prescription (RCW 69.41.020)
 Forged Prescription for a Controlled Substance (RCW 69.50.403)
 Forgery (RCW 9A.60.020)
 Malicious Mischief 2 (RCW 9A.48.080)
 Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
 Possession of Stolen Property 2 (RCW 9A.56.160)
 Reckless Burning 1 (RCW 9A.48.040)
 Taking Motor Vehicle Without Permission (RCW 9A.56.070)
 Theft 2 (RCW 9A.56.040)
 Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
 Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
 Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 360. RCW 72.09.370 and 1999 c 214 s 2 are each amended to read as follows:

(1) The secretary shall identify offenders in confinement or partial confinement who: (a) Are reasonably believed to be dangerous to themselves or others; and (b) have a mental disorder. In determining an offender's dangerousness, the secretary shall consider behavior known to the department and factors, based on research, that are linked to an increased risk for dangerousness of mentally ill offenders and shall include consideration of an offender's chemical dependency or abuse.

(2) Prior to release of an offender identified under this section, a team consisting of representatives of the department of corrections, the division of mental health, and, as necessary, the indeterminate sentence review board, other divisions or administrations within the department of social and health services, specifically including the division of alcohol and substance abuse and the division of developmental disabilities, the appropriate regional support network, and the providers, as appropriate, shall develop a plan, as determined necessary by the team, for delivery of treatment and support services to the offender upon release. The team may include a school district representative for offenders under the age of twenty-one. The team shall consult with the offender's counsel, if any, and, as appropriate, the offender's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 9.94A.155 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific offender. The team may recommend: (a) That the offender be evaluated by the county designated mental health professional, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or chemical dependency or abuse treatment.

(3) Prior to release of an offender identified under this section, the team shall determine whether or not an evaluation by a county designated mental health professional is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate county designated mental health professional. The supporting documentation shall include the offender's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a county designated mental health professional is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a county designated mental health professional shall occur on the day of release if requested by the team, based upon new information or a change in the offender's mental condition, and the initial evaluation did not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the county designated mental health professional determines an emergency detention under chapter 71.05 RCW is necessary, the department shall release the offender only to a state hospital or to a consenting evaluation and treatment facility. The department shall arrange transportation of the offender to the hospital or facility.

(7) If the county designated mental health professional believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require the offender to appear at an evaluation and treatment facility. If a summons is issued, the offender shall remain within the corrections facility until completion of his or her term of confinement and be transported, by corrections personnel on the day of completion, directly to the identified evaluation and treatment facility.

(8) The secretary shall adopt rules to implement this section.

NEW SECTION. Sec. 361. A new section is added to chapter 9.95 RCW to read as follows:

The indeterminate sentence review board, in fulfilling its duties under the provisions of this act, shall be considered a parole board as that concept was treated in law under the state's indeterminate sentencing statutes.

**PART IV
TECHNICAL PROVISIONS**

NEW SECTION. Sec. 401. The following acts or parts of acts are each repealed:

- (1) RCW 9.95.0011 (Indeterminate sentence review board--Report--Recommendation of governor) and 1997 c 350 s 1, 1989 c 259 s 4, & 1986 c 224 s 12; and
(2) RCW 9.95.145 (Sex offenders--Release of information--Classification of offenders) and 1997 c 364 s 5 & 1990 c 3 s 127.

NEW SECTION. Sec. 402. The secretary of corrections, the secretary of social and health services, and the indeterminate sentence review board may adopt rules to implement this act.

NEW SECTION. Sec. 403. (1) Sections 301 through 361 of this act shall not affect the validity of any sentence imposed under any other law for any offense committed before, on, or after the effective date of this section.

(2) Sections 301 through 361 of this act shall apply to offenses committed on or after the effective date of this section.

NEW SECTION. Sec. 404. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 405. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001, except for sections 101 through 228 of this act which take effect immediately."

MOTION

Senator Franklin moved that the following amendments to the striking amendment by Senators Hargrove, Long and Costa be considered simultaneously and be adopted:

On page 2, line 13 of the amendment, after "on" strike "McNeil Island" and insert "Mercer Island"

On page 5, line 33 of the amendment, after "facility" insert "on Mercer Island"

On page 6, line 12 of the amendment, after "on" strike "McNeil Island" and insert "Mercer Island"

On page 10, line 8 of the amendment, after "on" strike "McNeil Island" and insert "Mercer Island"

On page 10, line 11 of the amendment, after "for" strike "McNeil Island" and insert "Mercer Island"

On page 11, line 25 of the amendment, after "between" strike "McNeil Island" and insert "Mercer Island"

On page 11, line 30 of the amendment, after "between" strike "McNeil Island" and insert "Mercer Island"

On page 15, line 5 of the amendment, after "on" strike "McNeil Island" and insert "Mercer Island"

POINT OF INQUIRY

Senator Horn: "Senator Franklin, I wonder, specifically, where on Mercer Island you would propose to locate this thirty-six bed facility and secondly, have you adjusted your financial statement as to the cost of what this facility would run?"

Senator Franklin: "Oh yes, we have--about eight million and you will be more than happy to participate with us as we select the site."

Senator Horn: "Eight million, you were saying? How large of a facility do you need for the thirty-six beds?"

Senator Franklin: "Thirty-six beds."

Senator Horn: "About one house?"

Further debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendments on pages 2, 5, 6 10, 11 and 15, to the striking amendment by Senators Hargrove, Long and Costa to Engrossed Substitute Senate Bill No. 6151.

The motion by Senator Franklin failed and the amendments to the striking amendment were not adopted.

MOTION

Senator Franklin moved that the following amendments by Senators Franklin, Rasmussen and Kastama to the striking amendment by Senators Hargrove, Long and Costa be considered simultaneously and be adopted:

On page 6, line 2, after "authorized for" strike the remainder of the subsection and insert the following:

"up to three beds in 2001, three additional beds in 2002, and three additional beds in 2003.

On page 6, line 20, after "facilities" strike "designed for more than three persons".

On page 6, line 23, after "located." insert the following:

"The department may site secure community transition facilities in other counties using principles of equitable distributions to select the sites. After the department successfully establishes secure community transition facilities in other counties, the department is authorized establish additional beds at the secure community transition facility established pursuant to this section in a number not to exceed the proportion of Pierce County residents civilly committed under chapter 71.09 RCW."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Franklin, Rasmussen and Kastama on page 6, lines 2, 20 and 23 to the striking amendment by Senators Hargrove, Long and Costa to Engrossed Substitute Senate Bill No. 6151.

The motion by Senator Franklin failed and the amendments to the striking amendment were not adopted on a rising vote.

MOTIONS

On motion of Senator Hargrove, the following amendment by Senators Long and Costa to the to the striking amendment by Senators Hargrove, Long and Costa to Engrossed Substitute Senate Bill No. 6151 was adopted:

On page 8, line 3, after "On or before" strike "December" and insert "January".

On motion of Senator Hargrove, the following amendments by by Senators Hargrove and Long to the striking amendment by Senators Hargrove, Long and Costa to Engrossed Substitute Senate Bill No. 6151 were considered simultaneously and were adopted:

On page 15, line 23, after "representatives:" strike "and".

On page 15, line 24, after "governor" insert the following:

"; and

(h) Two persons representing local law enforcement, one representing cities and one representing counties"

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment, as amended, by Senators Hargrove, Long, and Costa to Engrossed Substitute Senate Bill No. 6151.

The motion by Senator Hargrove carried and the striking amendment, as amended was adopted.

MOTION

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 71.09.020, 36.70A.103, 36.70A.200, 9.94A.030, 9.94A.715, 9.94A.060, 9.94A.120, 9.94A.190, 9.94A.390, 9.94A.590, 9.95.005, 9.95.010, 9.95.011, 9.95.017, 9.95.020, 9.95.032, 9.95.052, 9.95.055, 9.95.064, 9.95.070, 9.95.080, 9.95.090, 9.95.100, 9.95.110, 9.95.115, 9.95.120, 9.95.121, 9.95.122, 9.95.123, 9.95.124, 9.95.125, 9.95.126, 9.95.130, 9.95.140, 9.95.190, 9.95.250, 9.95.280, 9.95.290, 9.95.300, 9.95.310, 9.95.320, 9.95.340, 9.95.350, 9.95.360, 9.95.370, 9.95.900, 9A.28.020, 9A.36.021, 9A.40.030, 9A.44.100, and 72.09.370; reenacting and amending RCW 9.94A.320; adding new sections to chapter 71.09 RCW; adding a new section to chapter 36.70A RCW; adding new sections to chapter 9.94A RCW; adding new sections to chapter 72.09 RCW; adding new sections to chapter 9.95 RCW; adding a new section to chapter 9A.76 RCW; creating new sections; repealing RCW 9.95.0011 and 9.95.145; repealing 2001 c . . . ss 1, 3, and 4 (Substitute Senate Bill No. 5123); prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, Second Engrossed Substitute Senate Bill No. 6151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 6151, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 6151, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Fairley, Finkbeiner, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Patterson, Prentice, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 39.

Voting nay: Senators Eide, Franklin, Hochstatter, Kastama, Oke, Rasmussen, Regala and Winsley - 8.

Excused: Senators Benton and Roach - 2.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

NOTICE TO RECONSIDER

Having voted on the prevailing side, Senator Swecker served notice to reconsider the vote by which Second Engrossed Substitute Senate Bill No. 6151 passed the Senate.

MOTION

Senator Hargrove moved to immediately reconsider the vote by which Second Engrossed Substitute Senate Bill No. 6151 passed the Senate.

Debate ensued.

RULING BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Shin: "Under Rule 37, a motion to reconsider is not in order until the day following the notice of reconsideration. A motion to reconsider today will require a two-thirds vote to suspend the rules."

MOTION

Senator Hargrove moved that the rules be suspended and the Senate advance to the ninth order of business.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Hargrove to advance to the ninth order of business, under suspension of the rules.

The motion carried on a voice vote and the Senate advanced to the ninth order of business, under suspension of the rules.

MOTION

Senator Hargrove moved that the Senate immediately reconsider the vote by which Second Engrossed Substitute Senate Bill No. 6151, under suspension of the rules, passed the Senate.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Hargrove to immediately reconsider the vote, under suspension of the rules, by which Engrossed Substitute Senate Bill No. 6151 passed the Senate.

The motion by Senator Hargrove carried and the Senate will immediately reconsider the vote by which Second Engrossed Substitute Senate Bill No. 6151 passed the Senate.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 6151, on reconsideration under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 6151 on reconsideration under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Fairley, Finkbeiner, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton,+ Parlette, Patterson, Prentice, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West and Zarelli - 38.

Voting nay: Senators Eide, Franklin, Hochstatter, Kastama, Oke, Rasmussen, Regala, Swecker and Winsley - 9.

Excused: Senators Benton and Roach - 2.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, on reconsideration under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hargrove, Second Engrossed Substitute Senate Bill No. 6151 was order to immediately be transmitted to the House of Representatives.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5465, by Senate Committee on Human Services and Corrections (originally sponsored by Senators Costa, Hargrove and Long)

Changing provisions relating to sex offender treatment providers.

MOTIONS

On motion of Senator Costa, the rules were suspended, Senate Bill No. 5465 was returned to second reading and read the second time.

On motion of Senator Costa, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the state needs an increasing number of certified sex offender treatment providers to treat sexually violent predators and meet the state's commitment to long-term treatment, help reduce recidivism, and more adequately provide for the community. The legislature recognizes that these treatment providers offer a valuable service to the people of Washington and may experience difficulty maintaining adequate liability protection given the inherent uncertainties of providing treatment to sexually violent predators. The legislature intends to provide very limited immunity, for instances of simple negligence only, to certified sex offender treatment providers for their treatment decisions involving sexually violent predators released to a less restrictive alternative under chapter 71.09 RCW.

Sec. 2. RCW 18.155.020 and 2000 c 171 s 33 and 2000 c 28 s 38 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Certified sex offender treatment provider" means a licensed, certified, or registered health professional who is certified to examine and treat sex offenders pursuant to chapters 9.94A and 13.40 RCW ((9.94A.670 and 13.40.160)) and sexually violent predators under chapter 71.09 RCW.

(2) "Department" means the department of health.

(3) "Secretary" means the secretary of health.

(4) "Sex offender treatment provider" means a person who counsels or treats sex offenders accused of or convicted of a sex offense as defined by RCW 9.94A.030.

Sec. 3. RCW 18.155.030 and 2000 c 171 s 34 and 2000 c 28 s 39 are each reenacted and amended to read as follows:

(1) No person shall represent himself or herself as a certified sex offender treatment provider without first applying for and receiving a certificate pursuant to this chapter.

(2) Only a certified sex offender treatment provider may perform or provide the following services:

(a) Evaluations conducted for the purposes of and pursuant to RCW 9.94A.670 and 13.40.160;

(b) Treatment of convicted sex offenders who are sentenced and ordered into treatment pursuant to ~~((RCW 9.94A.670))~~ chapter 9.94A RCW and adjudicated juvenile sex offenders who are ordered into treatment pursuant to ~~((RCW 13.40.160))~~ chapter 13.40 RCW;

~~(c) Except as provided under subsection (3) of this section, treatment of sexually violent predators who are conditionally released to a less restrictive alternative pursuant to chapter 71.09 RCW.~~

~~(3) A certified sex offender treatment provider may not perform or provide treatment of sexually violent predators under subsection (2)(c) of this section if the certified sex offender treatment provider has been:~~

~~(a) Convicted of a sex offense, as defined in RCW 9.94A.030;~~

~~(b) Convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; or~~

~~(c) Suspended or otherwise restricted from practicing any health care profession by competent authority in any state, federal, or foreign jurisdiction.~~

NEW SECTION. Sec. 4. A new section is added to chapter 4.24 RCW to read as follows:

(1) A certified sex offender treatment provider, acting in the course of his or her duties, providing treatment to a person who has been released to a less restrictive alternative under chapter 71.09 RCW or to a level III sex offender on community custody as a court or department ordered condition of sentence is not negligent because he or she treats a high risk offender; sex offenders are known to have a risk of reoffense. The treatment provider is not liable for civil damages resulting from the reoffense of a client unless the treatment provider's acts or omissions constituted gross negligence or willful or wanton misconduct. This limited liability provision does not eliminate the treatment provider's duty to warn of and protect from a client's threatened violent behavior if the client communicates a serious threat of physical violence against a reasonably ascertainable victim or victims. This limited liability provision applies only to the conduct of certified sex offender treatment providers and not the conduct of the state.

(2) Sex offender treatment providers who provide services to the department of corrections by identifying risk factors and notifying the department of risks for the subset of high risk offenders who are not amenable to treatment and who are under court order for treatment or supervision are practicing within the scope of their profession.

NEW SECTION. Sec. 5. A new section is added to chapter 71.09 RCW to read as follows:

(1) Examinations and treatment of sexually violent predators who are conditionally released to a less restrictive alternative under this chapter shall be conducted only by sex offender treatment providers certified by the department of health under chapter 18.155 RCW unless the court or the department of social and health services finds that: (a) The court-ordered less restrictive alternative placement is located in another state; (b) the treatment provider is employed by the department; or (c)(i) all certified treatment providers become unavailable to provide treatment within a reasonable geographic distance of the person's home, as determined in rules adopted by the department of social and health services; and (ii) the evaluation and treatment plan comply with the rules adopted by the department of social and health services.

A treatment provider approved by the department of social and health services under (c) of this subsection, who is not certified by the department of health, shall consult with a certified provider during the person's period of treatment to ensure compliance with the rules adopted by the department of health. The frequency and content of the consultation shall be based on the recommendation of the certified provider.

(2) A treatment provider, whether or not he or she is employed or approved by the department of social and health services under subsection (1) of this section or otherwise certified, may not perform or provide treatment of sexually violent predators under this section if the treatment provider has been:

(a) Convicted of a sex offense, as defined in RCW 9.94A.030;

(b) Convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; or

(c) Suspended or otherwise restricted from practicing any health care profession by competent authority in any state, federal, or foreign jurisdiction.

(3) Nothing in this section prohibits a qualified expert from examining or evaluating a sexually violent predator who has been conditionally released for purposes of presenting an opinion in court proceedings."

MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 1 of the title, after "providers;" strike the remainder of the title and insert "reenacting and amending RCW 18.155.020 and 18.155.030; adding a new section to chapter 4.24 RCW; adding a new section to chapter 71.09 RCW; and creating a new section."

On motion of Senator Costa, the rules were suspended, Engrossed Substitute Senate Bill No. 5465, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5465, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5465, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator Deccio - 1.

Excused: Senators Benton and Roach - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5465, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

Senator Tim Sheldon moved that the Senate advance to the ninth order of business to relieve the Committee on State and Local Government of Senate Bill No. 5859, dealing with the blanket primary and the bill be placed on today's second reading calendar.

Senator Snyder demanded a roll call and the demand was sustained.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Snyder: "A parliamentary inquiry, Mr. President. Senator Tim Sheldon made a motion to go the ninth order of business and relieve a bill from the State and Local Government Committee and I asked for a roll call on the motion to go to the ninth order of business. I think the motion before the Senate now is the motion to go the ninth order of business; a roll call has been demanded and that is the question before the Senate?"

REPLY BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Shin: "The question before the Senate is whether to go to the ninth order to relieve the State and Local Government Committee of Senate Bill No. 5859."

Senator Snyder: "Well, I believe that is two motions, Mr. President. I will ask that the motion be divided and we vote separately on the motion to advance to the ninth order of business."

Vice President Pro Tempore Shin: "Yes, that is fine."

Senator Snyder: "For further clarification, the motion we are about to vote on is the motion to advance to the ninth order of business. Is that correct?"

Vice President Pro Tempore Shin: "Yes, that is correct."

Senator Snyder: "Thank you."

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Tim Sheldon to advance to the ninth order of business.

ROLL CALL

The Secretary call the roll and the motion by Senator Tim Sheldon to advance to the ninth order of business failed by the following vote: Yeas, 21; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Sheahan, Sheldon, T., Stevens, West, Winsley and Zarelli - 21.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Prentice, Rasmussen, Regala, Rossi, Sheldon, B., Shin, Snyder, Spanel, Swecker and Thibaudeau - 26.

Excused: Senators Benton and Roach - 2.

MOTION

At 3:50 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Tuesday, May 1, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTH DAY, FIRST SPECIAL SESSION, APRIL 30, 2001

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

SEVENTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Tuesday, May 1, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Brown, Finkbeiner, Hochstatter, Kastama, McCaslin and Thibaudeau. On motion of Senator Eide, Senators Brown, Kastama, and Thibaudeau were excused. On motion of Senator Honeyford, Senators Benton, Finkbeiner, Hochstatter and McCaslin were excused.

The Sergeant at Arms Color Guard, consisting of staff members Nina Weld and Sue LaVack, presented the Colors. Senator Pat Hale offered the prayer.

MOTION

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

MESSAGE FROM STATE OFFICE
STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES
P.O. Box 44000, Olympia, Washington 98504-4000

May 1, 2001

Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504

RE: 2000 Labor and Industries Worker's Compensation Fraud Report

Dear Mr. Cook:

Attached is the Annual Report on Workers' Compensation Fraud. This report is required by RCW 43.22.331.

If you have any questions regarding this report, please contact me at (360) 902-4203.

Sincerely,
GARY MOORE, Director

The Department of Labor and Industries Annual Report on Workers' Compensation Fraud is on file in the office of the Secretary of the Senate.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9108, Robert C. Petersen, as a member of the Parks and Recreation Commission, was confirmed.

Senators Snyder and Tim Sheldon spoke to Robert C. Petersen as a member of the Parks and Recreation Commission.

APPOINTMENT OF ROBERT C. PETERSEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 42.

Excused: Senators Benton, Brown, Finkbeiner, Hochstatter, Kastama, McCaslin and Thibaudeau - 7.

MOTION

On motion of Senator McDonald, Gubernatorial Appointment No. 9067, Daniel J. Evans, as a member of the Board of Regents for the University of Washington, was confirmed.

APPOINTMENT OF DANIEL J. EVANS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Excused: Senators Benton, Hochstatter, Kastama, and Thibaudeau - 4.

MOTION

On motion of Senator Hewitt, Senator Carlson was excused.

MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9130, Walter Waisath, Jr., as a member of the Board of Trustees for Clover Park Technical College District No. 29, was confirmed.

APPOINTMENT OF WALTER WAISATH, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Brown, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 43.

Absent: Senator Hargrove - 1.

Excused: Senators Benton, Carlson, Hochstatter, Kastama and Thibaudeau - 5.

MOTION

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

SENATE RESOLUTION 2001-8686

By Senators Brown, Sheahan, West, McCaslin and Morton

***WHEREAS, This year marks the twenty-fifth anniversary of Spokane's Lilac Bloomsday Run; and
WHEREAS, The race, first held May 1, 1977, was the idea of Don Kardong, a competitor in the 1976 Olympic marathon, and***

***WHEREAS, Since its inception, the number of Bloomsday participants has grown from 1,200 to as many as 61,298; and
WHEREAS, Nearly one million Bloomsday finishers have collectively run, jogged, walked and wheeled enough miles to travel to the moon and back several times; and***

WHEREAS, The impact of the Bloomsday Run extends to improving the health of its participants, or "Bloomies", who improve their cardiovascular fitness, avert potential heart problems, burn calories, shed excess weight and strengthen muscles as they train for the twelve-kilometer run; and

WHEREAS, the Bloomsday Run is the largest race in which every participant is timed; and

WHEREAS, The Bloomsday Run attracts world-class competitors and has been featured on ESPN and in Runner's World and The Runner magazines; and

WHEREAS, The Bloomsday Run is on the Americans for Responsible Recreational Access and the Professional Road Running Organization (PRRO) circuits of major U.S. running events, and in 1996 hosted the first PRRO World Road Running Championships; and

WHEREAS, Bloomsday volunteers pride themselves on producing a safe, exciting and enjoyable experience for all; and

WHEREAS, A program for elementary students called "Fit For Bloomsday" was created in 1987 to encourage fitness among the nearly 8,000 young participants per year; and

WHEREAS, The Lilac Bloomsday Association has provided thirty airline tickets each fall to the top high school cross country runners to attend the Footlocker Western Regional Cross Country Championships in California; and

WHEREAS, The city of Spokane embraces Bloomsday festivities and welcomes Washingtonians from around the state, and people from all over the United States and the world, to participate in them;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby recognize what an extraordinary community event the Lilac Bloomsday Run is and congratulates its organizers on twenty-five successful years; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately by the Secretary of the Senate to the Lilac Bloomsday Run Association, the Lilac Foundation, Don Kardong, the Mayor of Spokane and the members of the Spokane City Council.

Senators Brown, Sheahan, Patterson and McCaslin spoke to Senate Resolution 2001-8686.

POINT OF INQUIRY

Senator Deccio: "Senator Brown, are golf carts eligible in the race?"

Senator Brown: "They may be--they have strollers and scooters at the back of the pack. They might allow a golf cart."

Senator Deccio: "Well, I don't think Senator McCaslin would fit in a stroller, so I am willing to take up a collection to rent a golf cart, so Senator McCaslin can also participate in the race."

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the seventh order of business.

THIRD READING

SENATE BILL NO. 5130, by Senators Oke, B. Sheldon, T. Sheldon, Horn, Haugen, Swecker, McCaslin, Morton, Snyder, Hale, Kastama, Prentice, Regala, Jacobsen, Hargrove, Spanel, West, Finkbeiner, Long, McDonald, Winsley, McAuliffe and Costa

Clarifying toll procedures in public-private initiatives.

The bill was read the third time.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5130.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5130 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 0; Excused, 5.

Voting yea: Senators Brown, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, West and Winsley - 40.

Voting nay: Senators Rasmussen, Roach, Stevens and Zarelli - 4.

Excused: Senators Benton, Carlson, Hochstatter, Kastama and Thibaudeau - 5.

SENATE BILL NO. 5130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Oke: "Mr. President, a point of personal privilege. To the body, again, I want to thank you for your vote. I think that was the best speech I have ever made. Senator McCaslin told me that if I said nothing that we would get more votes and less against it and that happened. I truly again thank you. We had a vote back on Valentine's Day and I appreciated that vote and I especially appreciated Senator Hale's prayer this morning. I sleep well at night, but I tell you that every morning when I wake up, the first thing--the very first thing--and Judy will probably not like this--is that bridge issue and it has been going on for eight years. I hope and pray that we pass this bill quickly to the House and they can take action on it. I hope we never have to vote on it again. We could have had thi

.s bridge built--eight years we have been on this project.

"It could have been started; it could have been completed by today. I just hope we have the courage in this body and the other body and the Governor to make this thing go and get on with projects that really are important in this state. If we can't do this project, I am convinced, that we will not do other major transportation projects in the state of Washington. If this project doesn't get through this session, I am really afraid that it might not ever be completed in my life anyway. So, thank you again and God Bless each one of you."

PERSONAL PRIVILEGE

Senator Rasmussen: "A point of personal privilege, Mr. President. Well, ladies and gentlemen of the Senate. I passed out an amendment. Obviously, we didn't roll it back to second reading for purpose on an amendment, but if I can, Mr. President, I would like to explain the reason why I voted 'no' and why I passed out the amendment. I would like to have you read it, because it says, 'When the rate on a toll bridge go above those of an advisory vote, it automatically goes under the governance of the UTC.' You have to understand that the rates--the tolls on this bridge are set by a public/private partnership. There is an advisory board that is set up to make sure that the bonds are solvent, but there is nothing there to protect the public interest. That was my reason for passing out the amendment. Thank you."

PERSONAL PRIVILEGE

Senator Oke: "Another point of personal privilege, Mr. President, if I might. On the last comment--is that alright Mr. President? This last comment that said there was no oversight, there is oversight. This contract, and I have watched it in its preparation and how thick it is. It has more oversights in this contract than any contract I have ever seen go through for the state. I passed out to you, the individuals that are on the non-profit board and every meeting that they have will be open to the public. These people, we know them. We know that they are living right next to that bridge and we know they will make the best decisions for that bridge and that community. I am convinced that we have a good plan and I appreciate your pulling back your amendment. Thank you."

MOTIONS

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.
On motion of Senator Betti Sheldon, the following bills which were on the second reading calendar, were returned to the Committee on Rules:
Senate Bill No. 5326,
Senate Bill No. 5411,
Senate Bill No. 5613,
Senate Bill No. 5741,
Senate Bill No. 5750,
Senate Bill No. 5977,
Senate Bill No. 6034,
Senate Bill No. 6171.

MOTIONS

On motion of Senator Betti Sheldon, the Senate advanced to the seventh order of business.
On motion of Senator Betti Sheldon, the following bill which was on the third reading calendar, were returned to the Committee on Rules:
Engrossed Substitute Senate Bill No. 5760.

MOTION

At 10:40 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, May 2, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTH DAY, FIRST SPECIAL SESSION, MAY 1, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

EIGHTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

SENATE CHAMBER, OLYMPIA, WEDNESDAY, MAY 2, 2001

THE SENATE WAS CALLED TO ORDER AT 10:00 A.M. BY PRESIDENT PRO TEMPORE FRANKLIN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT PRO TEMPORE THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS BENTON, COSTA, HAUGEN, JOHNSON, KASTAMA, McDONALD, OKE, ROACH, SHIN, STEVENS AND ZARELLI .

THE SERGEANT AT ARMS COLOR GUARD, CONSISTING OF STAFF MEMBERS ROSA BARAN AND SANDRA PEDERSEN, PRESENTED THE COLORS. SECRETARY OF THE SENATE TONY COOK OFFERED THE PRAYER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

FEBRUARY 13, 2001

LADIES AND GENTLEMEN:

I HAVE THE HONOR TO SUBMIT THE FOLLOWING REAPPOINTMENT, SUBJECT TO YOUR CONFIRMATION.
PATRICK McELLOGOT, REAPPOINTED FEBRUARY 13, 2001, FOR A TERM ENDING DECEMBER 31, 2003, AS A MEMBER OF
STATE INVESTMENT BOARD.

SINCERELY,
GARY LOCKE, GOVERNOR

REFERRED TO THE COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

MARCH 15, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

I HAVE THE HONOR TO SUBMIT THE FOLLOWING APPOINTMENT, SUBJECT TO YOUR CONFIRMATION.
KRIS MIKKELSEN, APPOINTED MARCH 15, 2001, FOR A TERM ENDING SEPTEMBER 30, 2006, AS A MEMBER OF BOARD
OF TRUSTEES FOR EASTERN WASHINGTON UNIVERSITY.

SINCERELY,
GARY LOCKE, GOVERNOR

REFERRED TO THE COMMITTEE ON HIGHER EDUCATION.

APRIL 17, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

I HAVE THE HONOR TO SUBMIT THE FOLLOWING APPOINTMENT, SUBJECT TO YOUR CONFIRMATION.
JANIS GALL-MARTIN, APPOINTED APRIL 17, 2001, FOR A TERM ENDING AUGUST 2, 2002, AS A MEMBER OF THE
SENTENCING GUIDELINES COMMISSION.

SINCERELY,
GARY LOCKE, GOVERNOR

REFERRED TO THE COMMITTEE ON JUDICIARY

MESSAGES FROM THE HOUSE

MAY 1, 2001

MR. PRESIDENT:

THE HOUSE HAS PASSED SUBSTITUTE HOUSE BILL NO. 1624, AND THE SAME IS HERewith TRANSMITTED.

TIMOTHY A. MARTIN, CO-CHIEF CLERK
CYNTHIA ZEHNDER, CO-CHIEF CLERK

MAY 1, 2001

MR. PRESIDENT:

THE HOUSE HAS PASSED:
SECOND SUBSTITUTE HOUSE BILL NO. 1058,
ENGROSSED HOUSE BILL NO. 1886,
SUBSTITUTE HOUSE BILL NO. 1906,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138,
HOUSE BILL NO. 2233, AND THE SAME ARE HERewith TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK
TIMOTHY A. MARTIN, CO-CHIEF CLERK

MAY 1, 2001

MR. PRESIDENT:

THE HOUSE HAS PASSED SENATE BILL NO. 6181, AND THE SAME IS HERewith TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK
TIMOTHY A. MARTIN, CO-CHIEF CLERK

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:
SENATE BILL NO. 6181.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1058 BY HOUSE COMMITTEE ON APPROPRIATIONS (ORIGINALLY SPONSORED BY REPRESENTATIVES RUDERMAN, CAMPBELL, CODY, SKINNER, LINVILLE, BARLEAN, LOVICK, DOUMIT, BALLASIOTES, LAMBERT, COX, GOMBOSKY, SCHUAL-BERKE, DARNEILLE, VAN LUVEN, OGDEN, CONWAY, KEISER, O'BRIEN, EDMONDS, ANDERSON, EDWARDS, McDERMOTT, HAIGH, KENNEY, KIRBY, KAGI, HUNT, ESSER, MCINTIRE AND JACKLEY)

PROVIDING ASSISTANCE TO TREAT BREAST AND CERVICAL CANCER.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SHB 1624 BY HOUSE COMMITTEE ON FINANCE (ORIGINALLY SPONSORED BY REPRESENTATIVES MORRIS, CAIRNES, REARDON, CONWAY, DUNSHEE, OGDEN, PENNINGTON, VAN LUVEN, DOUMIT, VELORIA, DICKERSON, FROMHOLD, ANDERSON AND EDWARDS)

CLARIFYING THE TAXATION OF AMOUNTS RECEIVED BY PUBLIC ENTITIES FOR HEALTH OR WELFARE SERVICES.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

EHB 1886 BY REPRESENTATIVES LINVILLE, G. CHANDLER, GRANT, DOUMIT, B. CHANDLER AND HATFIELD

REDUCING THE TAX ON HEALTH PRODUCTS FOR ANIMALS.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SHB 1906 BY HOUSE COMMITTEE ON FINANCE (ORIGINALLY SPONSORED BY REPRESENTATIVES LINVILLE, G. CHANDLER, SCHOESLER, HAIGH, B. CHANDLER, HUNT, MORRIS, KIRBY, GRANT, JACKLEY, COX, HATFIELD, MIELKE, ARMSTRONG, DELVIN, MULLIKEN, SUMP, McMORRIS, BARLEAN, PFLUG, KESSLER, PEARSON AND CONWAY)

EXEMPTING FARMING MACHINERY AND EQUIPMENT FROM THE STATE PROPERTY TAX.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

ESHB 2138 BY HOUSE COMMITTEE ON FINANCE (ORIGINALLY SPONSORED BY REPRESENTATIVES G. CHANDLER, LINVILLE, MULLIKEN, CLEMENTS, ERICKSEN, HATFIELD, SUMP, DOUMIT, MORELL, GRANT, PEARSON, SCHOESLER, BARLEAN, BUCK, B. CHANDLER, EDWARDS AND JACKLEY)

PROMOTING RURAL ECONOMIC DEVELOPMENT.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

HB 2233 BY REPRESENTATIVES H. SOMMERS AND SEHLIN

AUTHORIZING CONTRACTUAL AGREEMENTS WITH FEDERAL GOVERNMENT FOR ADMINISTRATION OF STATE SUPPLEMENTATION OF SUPPLEMENTAL SECURITY INCOME.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

MOTION

AT 10:10 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 10:00 A.M., THURSDAY, MAY 3, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

EIGHTH DAY, FIRST SPECIAL SESSION, MAY 2, 2001

NINTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Thursday, May 3, 2001

The Senate was called to order at 10:00 a.m. by President Pro Tempore Franklin. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Kastama. On motion of Senator Eide, Senator Kastama was excused.

The Sergeant at Arms Color Guard, consisting of staff members Moirya Dehe and Cynthia Kaiser, presented the Colors. Senator Harold Hochstatter offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

May 2, 2001

MR. PRESIDENT:

The Co-Speakers have signed SENATE BILL NO. 6181, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6182 by Senators Swecker and Prentice

AN ACT Relating to primaries; amending RCW 29.01.090, 29.04.180, 29.24.070, 29.27.020, 29.27.030, 29.30.005, 29.30.095, 29.30.101, 29.42.010, 29.42.050, and 42.17.020; adding new sections to chapter 29.01 RCW; adding a new section to chapter 29.07 RCW; adding new sections to chapter 29.15 RCW; adding a new chapter to Title 29 RCW; repealing RCW 29.18.010, 29.18.120, 29.18.150, 29.18.160, and 29.18.200; and declaring an emergency.

Referred to Committee on State and Local Government.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the third order of business.

MESSAGES FROM THE GOVERNOR

May 2, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 2, 2001, Governor Locke approved the following Senate Bill entitled:

Senate Bill No. 6181

Relating to allowing Washington state ferry fares to be increased in excess of the fiscal growth factor.

Sincerely,
EVERETT H. BILLINGSLEA, General Counsel

May 2, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 2, 2001, Governor Locke approved the following Senate Bills entitled:

Senate Bill No. 5127

Relating to determining the number of unclassified personnel in the sheriff's office.

Substitute Senate Bill No. 5205

Relating to providing information for independent medical examinations.

Substitute Senate Bill No. 5263

Relating to employment rights of members of the reserve and national guard forces called to duty.

Senate Bill No. 5270

Relating to modifying requirements for certain victims of sexually violent predators to be eligible for victims' compensation.

Senate Bill No. 5389

Relating to small claims court.

Senate Bill No. 5440

Relating to correcting the number of gubernatorial appointments to the fish and wildlife commission.

Senate Bill No. 5491

Relating to small claims appeals.

Substitute Senate Bill No. 5734

Relating to agricultural fairs.

Senate Bill No. 5863

Relating to an exchange of bedlands and resolution of boundary disputes in and near the Cowlitz river near the confluence of the Columbia river in Longview, Washington.

Sincerely,
EVERETT H. BILLINGSLEA, General Counsel

MOTION

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

MOTION

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

SENATE RESOLUTION 2001-8688

By Senators Hewitt, Oke, Honeyford, Parlette, Carlson, Sheahan, Roach and Rasmussen

WHEREAS, on April 21, 2001, Pat Mohny, without regard for his own safety, came to the assistance of a young mother trying to protect her two-year-old daughter from an attack by two dogs; and

WHEREAS, Pat Mohny, hitting and hollering at the dogs to distract them from the child, soon became the center of their attention as they came after him; and

WHEREAS, while Pat Mohny was leading the dogs away, Terrie Nordman and her daughter Alexis were able to escape into the cab of their truck; and

WHEREAS, Pat Mohny then drove the wounded mother and child to the Dayton General Hospital where Alexis underwent six hours of surgery; and

WHEREAS, Alexis is now recovering from her multiple and serious injuries, but was saved from suffering any broken bones and internal injuries by the heroism of her mother who acted as a human shield, and by Pat Mohny, a stranger to the family, who diverted the attack to himself; and

WHEREAS, Pat Mohny became involved in this selfless act of heroism by chance as he was driving by where the attack was occurring;

NOW THEREFORE BE IT RESOLVED, That the Washington State Senate recognize, honor, and thank Pat Mohny for his courage and act of heroism that saved the life of little Alexis Nordman; and

BE IT FURTHER RESOLVED, That Senate members send their best wishes to Ron and Terrie Nordman for the quick and full recovery of Alexis; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Pat Mohny, Ron, Terrie and Alexis Nordman; Wayne Peterson, Mayor of Waitsburg; the Walla Walla County Board of County Commissioners; and Heath Druffel, Plant Manager, McGregor Company.

MOTION

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

SENATE RESOLUTION 2001-8689

By Senators Regala, Carlson and Rasmussen

WHEREAS, a successful baseball organization is like a close-knit family in which all members must contribute to achieve the best results; and

WHEREAS, the Tacoma Rainiers of the Pacific Coast League are an integral and important part of the Seattle Mariners baseball family and have contributed in the past and will continue to contribute in the future to the success of the parent club; and

WHEREAS, like the Mariners, the Rainiers had an April to remember, winning 18 and losing only five games for the best record in all of minor league baseball for the month; and

WHEREAS, several individual Tacoma Rainiers made major contributions to the auspicious start the team has enjoyed. Included are pitchers Robert Ramsay, a former Mariner, who led the Rainiers and the entire PCL in April with a microscopic 0.75 earned run average, and Denny Stark, who led the league with a perfect 4-0 record for the month; and

WHEREAS, Ramsay and Stark were not alone, as they and the remainder of the Rainiers pitching staff led the PCL with a 2.59 earned run average; and

WHEREAS, Rainiers infielders Ramon Vazquez and Chad Akers made their mark at the plate batting .378 and .368 for fifth and seventh in the league in April; and

WHEREAS, Rainiers players Kevin Hodges, Joel Pineiro, Robert Ramsay and Jordan Zimmerman have contributed as members of the Mariners in the past; and

WHEREAS, the strong tie between the Mariners and the Rainiers is exemplified by the fact that more than one-third of the players on the current Seattle roster have played for Tacoma. Included are Charles Gipson, Carlos Guillen, Stan Javier, Chris Widger, Paul Abbott, Ryan Franklin, Freddy Garcia, Gil Meche, Jose Paniagua, and Brett Tomko. Mariners Jay Buhner, Dan Wilson and Jamie Moyer have also played for the Rainiers as part of an injury rehabilitation program; and

WHEREAS, the Tacoma Rainiers coaching staff this year includes former Mariners Henry Cotto and Chris Bosio, and third base coach for the Mariners is former Tacoma manager Dave Myers;

NOW THEREFORE BE IT RESOLVED, That the Washington State Senate congratulate the Tacoma Rainiers for the best record among all one-hundred and twenty minor league baseball teams during the month of April, and wish the team success for the remainder of the season and in years to come, and

BE IT FURTHER RESOLVED, That the Senate recognize the important role the Rainiers have played and will continue to play in the success of the parent club, the Seattle Mariners, and

BE IT FURTHER RESOLVED, a copy of this resolution be presented to the Tacoma Rainiers Baseball Club.

MOTION

Senator Tim Sheldon moved that the Senate advance to the ninth order of business.

Senator Snyder demanded a roll call and the demand was sustained.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Tim Sheldon to advance to the ninth order of business.

ROLL CALL

The Secretary called the roll and the motion to advance to the ninth order carried by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel and Thibaudeau - 23.

Excused: Senator Kastama - 1.

MOTION

Citing Rule 48, Senator Tim Sheldon moved that the following bills be relieved of the Committees and placed on the second reading or third reading calendar, as indicated.

ESSB 5378 - remove from Rules 3 and placed on today's Third Reading Calendar,

ESB 5882 - remove from Rules 3 and placed on today's Third Reading Calendar,

E2SSB 5094 - remove from Rules 3 and placed on today's Third Reading Calendar,

SB 5109 - remove from Committee on Natural Resources, Parks and Shorelines and placed on today's Second Reading Calendar,

SSB 5452 - remove from Rules 2 and placed on today's Second Reading Calendar,

SB 5859 - remove from Committee on State and Local Government and placed on today's Second Reading Calendar,

SB 5959 - remove from Committee on Transportation and placed on today's Second Reading Calendar,

SB 6137 - remove from Committee on Education and placed on today's Second Reading Calendar.

EDITOR'S NOTE: Senate Rule 48 states: 'Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.'

MOTION TO DIVIDE QUESTION

On motion of Senator Snyder, the question was divided and all the bills listed will be voted on separately by voice vote except Engrossed Senate Bill No. 5882 and Senate Bill No. 6137, which will be by roll call vote. The demand for the roll call votes was sustained..

MOTION

On motion of Senator West, the Senate will consider the motion on the bills to be voted on by a voice vote first and then consider the two bills with a roll call vote.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Tim Sheldon to relieve the Committee on Rules of Engrossed Substitute Senate Bill No. 5378 and to place the bill on today's third reading calendar.

The motion by Senator Tim Sheldon carried and Substitute Senate Bill No. 5378 was placed on today's third reading calendar.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Tim Sheldon to relieve the Committee on Rules of Engrossed Second Substitute Senate Bill No. 5094 and to place the bill on today's third reading calendar.

The motion by Senator Tim Sheldon carried on a rising vote and Engrossed Second Substitute Senate Bill No. 5094 was placed on today's third reading calendar.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Tim Sheldon to relieve the Committee on Natural Resource, Parks and Shorelines of Senate Bill No. 5109 and to place the bill on today's second reading calendar.

The motion by Senator Tim Sheldon carried and Senate Bill No. 5109 was placed on today's second reading calendar.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Tim Sheldon to relieve the Committee on Rules of Substitute Senate Bill No. 5452 and to place the bill on today's second reading calendar.

The motion by Senator Tim Sheldon carried and Substitute Senate Bill No. 5452 was placed on today's second reading calendar.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Tim Sheldon to relieve the Committee on State and Local Government of Senate Bill No. 5859 and to place the bill on today's second reading calendar.

The motion by Senator Tim Sheldon carried and Senate Bill No. 5859 was placed on today's second reading calendar.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Tim Sheldon to relieve the Committee on Transportation of Senate Bill No. 5959 and to place the bill on today's second reading calendar.

The motion by Senator Tim Sheldon carried and Senate Bill No. 5959 was placed on today's second reading calendar.

The President Pro Tempore declared the question to be the roll call on the motion by Senator Tim Sheldon to relieve the Committee on Rules of Engrossed Senate Bill No. 5882.

Debate ensued.

ROLL CALL

The Secretary called the roll and the Committee on Rules was relieved of further consideration of Engrossed Senate Bill No. 5882 by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel and Thibaudeau - 23.

Excused: Senator Kastama - 1.

Engrossed Senate Bill No. 5882 was placed on today's third reading calendar.

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Tim Sheldon to relieve the Committee on Education of Senate Bill No. 6137.

Debate ensued.

ROLL CALL

The Secretary called the roll and the Committee on Education was relieved of further consideration of Senate Bill No. 6137 by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel and Thibaudeau - 23.

Excused: Senator Kastama - 1.

Senate Bill No. 6137 was placed on today's second reading calendar.

MOTION

On motion of Senator Sheahan, the Senate reverted to the seventh order of business.

MOTION

On motion of Senator Tim Sheldon, the Senate will immediately consider Engrossed Senate Bill No. 5882.

THIRD READING

ENGROSSED SENATE BILL NO. 5882, by Senators T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette

Postponing the implementation of safety and health rules related to musculoskeletal disorders.

The bill was read the third time.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5882.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5882 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 28.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Jacobsen, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Regala, Sheldon, B., Shin, Snyder, Spanel and Thibaudeau - 20.

Excused: Senator Kastama - 1.

ENGROSSED SENATE BILL NO. 5882, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Senate Bill No. 5882 was ordered to immediately be transmitted to the House of Representatives.

MOTION

On motion of Senator Tim Sheldon, the Senate will immediately consider Engrossed Substitute Senate Bill No. 5378.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5378, by Senate Committee on Natural Resources, Parks and shorelines (originally sponsored by Senators Jacobsen, Swecker and Spanel) (by request of Governor Locke)

Modifying the review timelines for shoreline master programs and other critical areas.

The bill was read the third time.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5378.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5378 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Deccio, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Rasmussen, Roach, Sheahan, Sheldon, T., Snyder, Stevens, Swecker, West and Zarelli - 25.

Voting nay: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Jacobsen, Kline, Kohl-Welles, Patterson, Prentice, Regala, Rossi, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 23.

Excused: Senator Kastama - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Substitute Senate Bill No. 5378 was ordered to immediately be transmitted to the House of Representatives.

MOTION

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

MOTION

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

SENATE RESOLUTION 2001-8681

By Senators Honeyford, Haugen, Johnson, Parlette, Carlson, Sheldon, B., Oke, Spanel, Winsley, Hewitt, McAuliffe, Rasmussen, Kohl-Welles and Fraser

WHEREAS, Sidney Wallace Morrison, known to most as "Sid," was born in the Yakima Valley in the state of Washington on May 13, 1933, and ever since brought joy and honor to his parents Charlie and Ann, the entire Morrison family and the many neighbors and friends within the Yakima Valley who are his roots, including his Toppenish High School classmates; and

WHEREAS, Sid served in the United State Army and graduated from Washington State College and throughout his career has been an advocate for the men and women serving in the nation's military and the students and alumnus of what is now Washington State University; and

WHEREAS, Sid and Marcella Morrison raised three girls and a boy and sustained the family ranch and business, growing apples, cherries, pears and other fruits that are the pride of Washington State's agricultural bounty; and

WHEREAS, Sid became a leader within Washington State's tree fruit industry and throughout his career has been a friend and advocate

for all of the state's agricultural interests nationally and abroad; and

WHEREAS, Sid served the citizen's of the State's Fifteenth Legislative District in the State House and the State Senate, rising to positions of leadership in both bodies; and

WHEREAS, Sid served with distinction in the United States House of Representatives for twelve years, representing the State's Fourth Congressional District, and

WHEREAS, Sid was also a leader in Congress providing reliable energy supplies and providing the nation with a strong defense, supporting the energy needs of the nation, new advanced high technology, science and space research, and the transformation of the Hanford Nuclear Reservation from a vital instrument of the nation's security into a national clean-up laboratory dedicated to protection of things that surround it, and the Columbia River that passes through it; and

WHEREAS, Sid's congressional service also saw him as an advocate for civil rights, for small businesses, people in need of organ donations, and the wide variety of needs of every citizen seeking help with the federal bureaucracy, assuring that his office serve as a model of constituent service; and

WHEREAS, Sid made good on his promise to serve just twelve years in the Congress and then sought to bring the state together by campaigning hard to become the State's Governor; and

WHEREAS, Sid was named by the Washington State Transportation Commission as Secretary of Transportation in 1993, with the charge to prepare the state's transportation systems for the Twenty First century; and

WHEREAS, Sid proudly led the men and women of the Washington State Department of Transportation -- always inspiring them to always do their best and make the state's transportation agency a leader in the nation with the call to "Move it Better"; and

WHEREAS, during Sid's tenure at the department, major accomplishments included completion of Interstate 90, the Mount St. Helens Memorial Highway, Highway 395 connecting Pasco and Ritzville, the Sequim By-pass, voter approval of new mass transit to serve central Puget Sound, restoration of rail passenger service between Vancouver, BC and Eugene, Oregon, a new First Avenue South Bridge, Tacoma's Cable Stay Bridge on Highway 509, construction of three new Jumbo Mark II ferries and two new fast passenger ferries, safety improvements that have helped make Washington's highways safer each year and always among the safest in the nation, steadily improving pavement conditions on all the state's roads, completion of major portions of the state's High Occupant Vehicle System, development of the state's first long range multi-modal transportation plan, thirty percent growth in transit ridership; fifteen percent growth in ferry ridership; support for freight rails that carry over seventy-four million tons of cargo each year and freight mobility systems that support international trade tied to one in every three jobs in the state; and

WHEREAS, Sid led the state's transportation employees who sustain 18,000 miles of highway lanes, 3,300 bridges and tunnels, 70,000 acres of road side, six mountain passes, twenty-nine ferries and twenty ferry terminals that carry twenty-six million passengers each year and successfully complete over ninety-nine percent of every ride; and

WHEREAS, Sid has always promoted the entire state's transportation needs, embracing the diversity of the state's communities and the diversity of all the people who keep the state moving, and became a leader within the nation's transportation community; and

WHEREAS, Sid's career has always represented the best in civility, bipartisanship, result-oriented government and service to all the people of the state with honor and integrity, and is known to most everyone as the model of a "nice guy";

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the outstanding contributions of Sid Morrison, who has dedicated his life to making the state of Washington a better place than he found it. He contributed to the success of the state and all that its citizen value and we wish him continued good fortune and active engagement in the affairs of the great state of Washington as he retires as Secretary of the Washington State Department of Transportation.

Senators Honeyford, Haugen, Hale, Winsley, Betti Sheldon, Oke, Snyder, Deccio, Parlette, Horn, Shin and Rasmussen spoke to Senate Resolution 2001-8681.

INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore welcomed and introduced Sid Morrison, the retiring Secretary of the Washington State Department of Transportation, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Secretary Morrison to address the Senate.

MOTION

At 12:25 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, May 4, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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

TENTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Friday, May 4, 2001

The Senate was called to order at 10:00 a.m. by President Pro Tempore Franklin. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Carlson, McCaslin and Stevens.

The Sergeant at Arms Color Guard, consisting of staff members Tiffany Preston and Terry Hoye, presented the Colors. Senator Jim Hargrove offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

May 3, 2001

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1162,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1517,
SUBSTITUTE HOUSE BILL NO. 1717,
HOUSE BILL NO. 1984, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6183 by Senators Snyder, Swecker, Kohl-Welles, Roach, Prentice, Horn, Jacobsen, Stevens, Constantine and Kline

AN ACT Relating to primaries; amending RCW 29.01.090, 29.04.180, 29.27.020, 29.27.030, 29.30.005, 29.30.025, 29.30.095, 29.30.101, 29.33.320, 29.36.045, 29.42.010, 29.42.050, and 42.17.020; adding a new section to chapter 29.07 RCW; adding new sections to chapter 29.30 RCW; adding new sections to chapter 29.15 RCW; adding a new section to chapter 29.81A RCW; adding a new chapter to Title 29 RCW; repealing RCW 29.18.010, 29.18.120, 29.18.150, 29.18.160, 29.18.200, and 29.30.040; and declaring an emergency.

HOLD.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1162 by Representatives McMorris, Cody, Alexander, Schual-Berke, Mastin, Cox, Mulliken, Sump, G. Chandler, Lisk, B. Chandler, Hatfield, Schoesler, Grant, Armstrong, Kessler, Doumit, DeBolt, Delvin, Dickerson, Kenney, Bush, Conway, Edmonds, Pflug and Haigh

Providing medical assistance reimbursements for small, rural hospitals.

Referred to Committee on Ways and Means.

ESHB 1517 by House Committee on State Government (originally sponsored by Representatives Miloscia, Anderson, Dunshee, Jarrett, Hunt, Keiser, Lambert, Ruderman, Rockefeller, Fromhold, Schindler, Boldt, Kenney, Simpson, Barlean, Tokuda and Dickerson)

Establishing quality management programs.

Referred to Committee on State and Local Government.

SHB 1717 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Morell, O'Brien, Ballasiotes, McMorris, Cairnes and Ahern)

Exempting from public inspection specified information on correctional facilities.

Referred to Committee on Human Services and Corrections.

HB 1984 by Representatives Quall, Morris, Barlean, Cooper, Ericksen, Dunshee, Linville, Hatfield, Ruderman, Poulsen, Conway, Lovick and Kagi

Creating the small farm direct marketing assistance program.

Referred to Committee on Agriculture and International Trade.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6183 was held on the desk.

MOTION

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

SENATE RESOLUTION 2001-8690

By Senators Haugen, Spanel, Costa, Snyder and Fraser

WHEREAS, Former Washington State Representative Charles E. "Chuck" Moon died April 9 at the age of seventy-six; and

WHEREAS, He was born May 6, 1923, and attended Washington State College in Pullman, now known as Washington State University; and

WHEREAS, He began his career as a veterinarian in Alaska before moving back to Washington, where he continued to practice for most of his career; and

WHEREAS, He lived in Wenatchee and Everett before he and his wife Ellen moved to Snohomish to the house they shared for forty-eight years; and

WHEREAS, He served two years on the Snohomish City Council and twelve years on the Snohomish County's Public Utility District Board; and

WHEREAS, During his tenure on the PUD Board, he encouraged the body to buy environmentally sound power, putting him decades ahead of his time in his understanding of public power; and

WHEREAS, In 1962, he was first elected to what would become sixteen years in the Washington State House of Representatives serving the people of Snohomish County's Thirty-ninth Legislative District; and

WHEREAS, Reforming the state's tax system so it treated everyone fairly and equitably was one of his main goals in the Legislature; and

WHEREAS, He earned a reputation for unwavering integrity and commitment to public service; and

WHEREAS, He was widely respected for his honesty, fairness and devotion to his principles; and

WHEREAS, He was seldom seen without his wife and partner Ellen of fifty-seven years, who survives him along with his brother Don, sister Jeanne, sons Gary, Bob and Paul, five grandchildren and two great grandchildren;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrates the life and contributions of former Representative Charles E. "Chuck" Moon; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of the family of former Representative Charles E. "Chuck" Moon.

Senators Haugen, Deccio, Jacobsen and Snyder spoke to Senate Resolution 2001-8690.

MOTION

At 10:19 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 10:45 a.m.

The Senate was called to order at 10:45 a.m. by President Pro Tempore Franklin.

At 10:45 a.m., there being no objection, the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 10:55 a.m. by President Pro Tempore Franklin.

MOTION

At 10:55 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon., Monday, May 7, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TENTH DAY, FIRST SPECIAL SESSION, MAY 4, 2001

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

THIRTEENTH DAY, FIRST SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Monday, May 7, 2001

The Senate was called to order at 12:00 noon by President Pro Tempore Franklin. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benton, Fairley, Finkbeiner, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Kastama, McDonald, Morton, Oke, Parlette, Patterson, Roach, Stevens and Zarelli. On motion of Senator Sheahan, Senators Benton, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, McDonald, Morton, Oke, Parlette, Roach, Stevens and Zarelli were excused. On motion of Senator Eide, Senators Fairley, Gardner, Hargrove, Haugen and Kastama were excused.

The Sergeant at Arms Color Guard, consisting of staff members Linda Jansson and Pam Hahn, presented the Colors. Senator Debbie Regala offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

May 4, 2001

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

I have the honor to advise you that on May 3, 2001, Governor Locke approved the following Senate Bill entitled:

Engrossed Second Substitute Senate Bill No. 5695
Relating to high-quality alternative routes to teacher certification.

Sincerely,
EVERETT H. BILLINGSLEA, General Counsel

INTRODUCTION AND FIRST READING

SJM 8023 by Senators Hale, Fraser, Eide and Regala

Requesting full funding for the cleanup of the Hanford Reservation.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Joint Memorial No. 8023 was advanced to second reading and placed on the second reading calendar.

MOTION

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

SENATE RESOLUTION 2001-8691

By Senators Shin and McAuliffe

WHEREAS, The Alderwood Middle School presented an Oratory Competition entitled "American Ideals" on May 1, 2001, in which many students competed in presenting speeches on the Declaration of Independence, the Gettysburg Address, and the "I Have a Dream" speech by Dr. Martin Luther King, Jr.; and

WHEREAS, The students involved in the competition invested a considerable amount of time in preparing their speeches, practicing and perfecting the correct volume, speed, intonation, and emotion in order to make an effective presentation; and

WHEREAS, The students involved in the competition, the faculty, staff, parents, community leaders, and the Edmonds School District are to be commended for their diligence, dedication, and commitment in preserving our history and heritage through the presentation of these noble works; and

WHEREAS, Those attending the competition were emotionally moved and inspired by the dignified and professional manner in which the students delivered their speeches; and

WHEREAS, The spirit of patriotism was instilled in the students and permeated the Edmonds School District, and the substance of the chosen works evoked deep emotions and reinforced the American principles of freedom, equality, compassion, brotherhood, unity, and democratic spirit; and

WHEREAS, The fifteen student finalists in the competition included Kellen Anable, Rebecca Lance, Alexis Latshaw, Sonia Sillan, Brittney Ulke, Ricardo Aguayo, Bradley Collins, Vasenai Morrison, Melyssa Norris, Lindsay Varriano, Christopher Bui, Amanda Phillips, Stephen Porter, Sarah Sheets, and Irene Yiu; and

WHEREAS, Bill Wendel, a concerned parent who had a dream that the Alderwood Middle School students would be inspired by our shared American ideals, donated six hundred dollars in prize money to make this dream a reality; and

WHEREAS, Suzanne Baier, Principal of Alderwood Middle School, Ken Limon, Edmonds School District Assistant Superintendent, and Chris Kratz, Parent Volunteer Coordinator lent their enthusiastic support and encouragement, along with their presence and participation; and

WHEREAS, Anne Stewart and Sarah Treworgy, Social Studies co-chairs of Alderwood Middle School, spent considerable time in researching, planning, and coordinating the entire competition; and

WHEREAS, Colin Ryan, Social Studies teacher, supervised and guided the after-school semifinal rounds of the competition; and

WHEREAS, Anne Stewart, Sara Treworgy, Colin Ryan, Ron Lundberg, Manita Nery, Dean Nakinishi, and Paul Zurybida lent their time and energy in initiating and conducting the classroom rounds of competition; and

WHEREAS, The courageous students and their families, who participated at every level of the competition, helped make this event a rousing and memorable success; and

WHEREAS, Alderwood Middle School community embraces and sustains the spirit and shared ideals of the noble words spoken by the participants;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and salute the efforts of all those in the Alderwood Middle School community for demonstrating exceptional care, concern, and vision in affirming our American ideals; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to Alderwood Middle School, to Bill Wendel, and to each student participant.

Senators Shin and McAuliffe spoke to Senate Resolution 2001-8691.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the students participating in the Oratory Competition from the Alderwood Middle School, who were seated in the gallery.

MOTION

At 12:15 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Tuesday, May 8, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTEENTH DAY, FIRST SPECIAL SESSION, MAY 7, 2001

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

FOURTEENTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Tuesday, May 8, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Costa, Fraser, Hargrove, Kline and Morton. On motion of Senator Eide, Senators Brown, Costa, Fraser, Hargrove and Kline were excused. On motion of Senator Honeyford, Senator Morton was excused.

The Sergeant at Arms Color Guard, consisting of staff members Myrna Beebe and Gary Holt, presented the Colors. Senator Don Carlson offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

May 7, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 7, 2001, Governor Locke approved the following Senate Bills entitled:

Substitute Senate Bill No. 5101

Relating to consumer protection regarding contractors.

Engrossed Senate Bill No. 5374

Relating to the imposition of criminal penalties and sanctions for the unauthorized sale of baby food, infant formula, cosmetics, nonprescription drugs, or medical devices.

Senate Bill No. 5392

Relating to emancipation of minors.

Senate Bill No. 5393

Relating to truancy records.

Substitute Senate Bill No. 5442

Relating to salmon fishing gear.

Substitute Senate Bill No. 5468

Relating to the chemical dependency disposition alternative.

Sincerely,
EVERETT H. BILLINGSLEA, General Counsel

INTRODUCTION AND FIRST READING

SCR 8418 by Senators Costa, Fraser, Eide and Kohl-Welles

Requiring the joint committee on pension policy to review certain retirement plans.

Referred to Committee on Ways and Means.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9117, Marilyn Sayan, as Chair of the Public Employment Relations Commission, was confirmed.

APPOINTMENT OF MARILYN SAYAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Excused: Senators Brown, Costa, Fraser, Hargrove, Kline and Morton - 6.

MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9068, Ken Evans, as a member of the Professional Educator Standards Board, was confirmed.

Senators McAuliffe and Benton spoke to the confirmation of Ken Evans as a member of the Professional Educator Standards Board.

APPOINTMENT OF KEN EVANS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Excused: Senators Costa, Fraser, Hargrove, Kline and Morton - 5.

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9041, Larry Taylor, as a member of the Lottery Commission, was confirmed.

APPOINTMENT OF LARRY TAYLOR

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 1; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Eide, Fairley, Finkbeiner, Franklin, Gardner, Hale, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Voting nay: Senator Honeyford - 1.

Absent: Senator Deccio - 1.

Excused: Senators Costa, Fraser, Hargrove, Kline and Morton - 5.

PERSONAL PRIVILEGE

Senator Kastama: "Mr. President, a point of personal privilege. I would like to thank all the members of the body for their prayers and their cards and for their gifts during the last week. I was in an auto accident a week ago yesterday. Just so I don't have to describe to everybody on the one on one detail, I will go on and share with you what actually happened. I was going home from the Legislature; I left here about five o'clock. I was on I 5 and at the 512 exit, there is a sign that says, 'Puyallup exit a half mile.' Well, I happened to stop my car right there. It was

backed all the way up to that half-way marker. I looked at the sign and thought to myself, 'Doggone, a half mile sitting in this traffic.'

"At that moment, a grey Chevy Blazer pulled up to my right on the shoulder. I was thinking why would she be doing that--I'm looking at the lady now. She had done that because right behind her car was a car going--it was reported at fifty or sixty miles an hour--and did not know that the traffic was backed up, so this lady pulled off to the side. All I can tell you is that I saw my car visually expand in front of me. I thought it had exploded. The back of my seat snapped off and I went into the back. That is the last I remember.

"When I woke up, I went ahead and got out the drivers's side--it was open maybe because it had been crushed so much. I got out; I saw head lights all over the ground. A pretty tough time! I have to tell you this, though, they did carry me away and took me to an emergency room and I was strapped up, because they were fearful there might be spinal problems, which there were none.

"A comical thing, I was always wondering about how my wife would take this. I kept insisting I talk to my wife. I was in the emergency room all strapped down, can't move my head, can't move my arms or my legs, but I insisted on talking to my wife. They put a phone up next to me and I started my conversation by saying, 'Well, honey, how are you doing today?' I said, 'I just want you to know that I am doing okay.' I didn't want her to be fearful, but finally I let her know that I was strapped down and couldn't move any part of my body, but she could come and get me at that time.

"Your prayers really did help. It has been a very difficult week and somewhat life changing for me. The State Patrol was very good. Everyone that was involved in the accident--it was just an experience. Anyway, thank you, Mr. President. Thank you members of the body."

REPLY BY THE PRESIDENT

President Owen: "Well, we are glad you are back and all in one piece, Senator. Welcome back!"

PERSONAL PRIVILEGE

Senator Honeyford: "A point of personal privilege, Mr. President. Senator Prentice just pointed out my mistake. I provided for all of you, on your desks, some asparagus packets. I have some IOUs to some of my Republican friends, because I didn't count the bundles of asparagus. I did find that technology failed in the little wrapper I put on there and Senator Prentice did correct me on this in that Chile is spelled two ways. My spell checker didn't catch it, my LA didn't catch it and my wife didn't catch it, but Senator Prentice did.

"This is the country, not the spicy food. I put this on your desk with a little bit of an explanation of what is happening to the asparagus industry in the state of Washington. I would suspect we may have some fresh markets left in the state, but in all probability, I think we are going to find canneries going out of state and maybe out of the country due to many things. One of them is the minimum wage, which is increasing the costs--the competition from the foreign countries, regulatory costs, payroll taxes and things like that that boils down to the fact that we would have to be selling asparagus for a dollar a pound to break even. That is not happening. You can buy it in the grocery store for around seventy-five cents up to two ninety-nine cents a pound. The farmer is getting somewhere, as I mentioned, somewhere around twenty-eight to thirty cents a pound. That is generally, depending on the financial situation of the farmer, below market price or below the break even price for him.

"Anyway enjoy. It is good asparagus. For my Republican friends that I missed, I will make it up next week. Thank you."

REPLY BY THE PRESIDENT

President Owen: "Thank you, Senator."

PERSONAL PRIVILEGE

Senator Rasmussen: "I want to rise to a point of personal privilege. I would like to thank Herman te Velde who grew the asparagus.

Herman te Velde is a dairyman--or he was a dairyman from my valley. If you think picking asparagus is hard, he went from dairying to asparagus. Apparently, dairying really didn't pay back either. I do want to commend him for providing the asparagus. He certainly is a very fine gentlemen."

SECOND READING

SENATE BILL NO. 5959, by Senators Benton, Swecker, McDonald, Hochstatter, Johnson, Stevens, Honeyford, Roach, Rossi, Long, West and T. Sheldon

Repealing local motor vehicle taxes.

The bill was read the second time.

MOTION

Senator Benton moved that the following striking amendment by Senators Benton and Eide be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of this act to clarify that the legislature, when it enacted Senate Bill No. 6865 during the 2000 legislative session, intended to repeal all motor vehicle excise taxes, including the local motor vehicle excise tax and replace them with a thirty dollar license fee.

NEW SECTION. Sec. 2. The following acts or parts of acts are each repealed:

(1) RCW 35.58.273 (Public transportation systems--Motor vehicle excise tax authorized--Credits--Public hearing on route and design--Rules--Sales and use tax on rental cars) and 1998 c 321 s 25, 1992 c 194 s 11, 1991 c 339 s 29, 1991 c 309 s 1, 1990 c 42 s 316, 1987 c 428 s 2, 1979 ex.s. c 175 s 2, & 1969 ex.s. c 255 s 8;

(2) RCW 35.58.274 (Public transportation systems--Motor vehicles exempt from tax) and 1985 c 7 s 100 & 1969 ex.s. c 255 s 9;

(3) RCW 35.58.275 (Public transportation systems--Provisions of motor vehicle excise tax chapter applicable) and 1969 ex.s. c 255 s 10;

(4) RCW 35.58.276 (Public transportation systems--When tax due and payable--Collection) and 1971 ex.s. c 199 s 1 & 1969 ex.s. c 255 s 11;

(5) RCW 35.58.277 (Public transportation systems--Remittance of tax by county auditor) and 1979 c 158 s 91 & 1969 ex.s. c 255 s 12;

(6) RCW 35.58.278 (Public transportation systems--Distribution of tax) and 1975 1st ex.s. c 270 s 2, 1974 ex.s. c 54 s 1, & 1969 ex.s. c 255 s 13;

(7) RCW 35.58.279 (Public transportation systems--Crediting and use of tax revenues) and 1981 c 319 s 3, 1979 ex.s. c 175 s 3, & 1969 ex.s. c 255 s 14;

(8) RCW 35.58.2791 (Public transportation systems--Internal combustion equipment to comply with pollution control standards) and 1969 ex.s. c 255 s 19; and

(9) RCW 35.58.2792 (Public transportation systems--Parking facilities to be in conjunction with system stations or transfer facilities) and 1969 ex.s. c 255 s 20.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 4. This act applies retroactively to January 1, 2000."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Benton and Eide to Senate Bill No. 5959.

The motion by Senator Benton carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted;

On page 1, on line 3 of the title, after "35.58.277," strike the remainder of the title and insert ", 35.58.278, 35.58.279, 35.58.2791, and 35.58.2792; providing a retroactive effective date; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 5959 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5959.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5959 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 12; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Eide, Finkbeiner, Franklin, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Long, McCaslin, McDonald, Oke, Parlette, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, West, Winsley and Zarelli - 32.

Voting nay: Senators Constantine, Fairley, Gardner, Haugen, Jacobsen, Kohl-Welles, McAuliffe, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 12.

Excused: Senators Costa, Fraser, Hargrove, Kline and Morton - 5.

ENGROSSED SENATE BILL NO. 5959, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5109, by Senators T. Sheldon, Hargrove, Finkbeiner, Johnson and Stevens

Prohibiting basic parkland access fees.

The bill was read the second time.

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Senate Bill No. 5109 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senators West, Sheahan and Zarelli demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5109.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5109 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 16; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Deccio, Eide, Fairley, Finkbeiner, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Long, McCaslin, McDonald, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Stevens, West and Zarelli - 28.

Voting nay: Senators Carlson, Constantine, Franklin, Jacobsen, Kohl-Welles, McAuliffe, Oke, Parlette, Prentice, Regala, Sheldon, B., Snyder, Spanel, Swecker, Thibaudeau and Winsley - 16.

Excused: Senators Costa, Fraser, Hargrove, Kline and Morton - 5.

SENATE BILL NO. 5109, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Horn, Gubernatorial Appointment No. 9063, James B. Dagnon, as a member of the Board of Trustees for Bellevue Community College District No 8, was confirmed.

Senator Horn and Kohl Welles spoke to the confirmation of James D. Dagnon as a member of the Board of Trustees for Bellevue Community College District No. 8.

APPOINTMENT OF JAMES B. DAGNON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Absent: Senator Constantine - 1.

Excused: Senators Costa, Fraser, Hargrove, Kline and Morton - 5.

MOTION

On motion of Senator Shin, Gubernatorial Appointment No. 9120, Dolores Sibonga, as a member of the Human Rights Commission, was confirmed.

Senators Shin and Thibaudeau spoke to the confirmation of Dolores Sibonga as a member of the Human Rights Commission.

APPOINTMENT OF DOLORES SIBONGA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Excused: Senators Costa, Fraser, Hargrove, Kline and Morton - 5.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9078, Paul Hutton, as a member of the State Board for Community and Technical Colleges, was confirmed.

APPOINTMENT OF PAUL HUTTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Excused: Senators Costa, Fraser, Hargrove, Kline and Morton - 5.

MOTION

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

SENATE RESOLUTION 2001-8692

By Senators Franklin, Prentice, McAuliffe, Johnson, Rasmussen, Kohl-Welles and Roach

WHEREAS, Nurses are the backbone of our health care system and critical to the quality of care provided to thousands of Washington residents; and

WHEREAS, The fifty-thousand nurses in Washington comprise our state's largest health care profession; and

WHEREAS, Nurses provide a vast array of health care services across a broad spectrum of health care settings to meet the different and emerging health care needs of our state's population; and

WHEREAS, Our state increasingly relies on nurses to deliver primary and preventative health care; and

WHEREAS, Professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients; and

WHEREAS, The demand for nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and

WHEREAS, More nurses will be needed in the future to meet the increasingly complex needs of health care consumers in this state; and

WHEREAS, The cost-effective, safe and quality health care services provided by nurses will be an ever more important component of the health care delivery system in the future; and

WHEREAS, the week of May 6 - 12 is National Nurses Week 2001 with the theme "Nurses are the True Spirit of Caring";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate ask all Washington residents to join in honoring the nurses who care for all of us; and

BE IT FURTHER RESOLVED, That the Washington State Senate encourage the residents of Washington to celebrate nursing's accomplishments and efforts to improve our health care system, and show appreciation for the nation's nurses not just during this week,

Senators Franklin, Prentice, McAuliffe, Rasmussen and Thibaudeau spoke to Senate Resolution 2001-8692.

MOTION

At 11:40 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, May 9, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FOURTEENTH DAY, FIRST SPECIAL SESSION, MAY 8, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

FIFTEENTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

SENATE CHAMBER, OLYMPIA, WEDNESDAY, MAY 9, 2001

THE SENATE WAS CALLED TO ORDER AT 10:00 A.M. BY PRESIDENT OWEN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS BENTON, BROWN, COSTA, FINKBEINER, FRANKLIN, HARGROVE, HAUGEN, HEWITT, HORN, McCASLIN, McDONALD, MORTON, OKE, ROACH, SWECKER AND WEST. ON MOTION OF SENATOR EIDE, SENATORS BROWN, COSTA, FRANKLIN AND HARGROVE WERE EXCUSED. ON MOTION OF SENATOR HONEYFORD, SENATORS FINKBEINER, HEWITT, HORN, McCASLIN, McDONALD, MORTON, OKE AND ROACH WERE EXCUSED.

THE SERGEANT AT ARMS COLOR GUARD, CONSISTING OF STAFF MEMBERS POLLY ROSMOND AND ANNETTE SWILLIE, PRESENTED THE COLORS. BOB DRENNAN, LEGISLATIVE ASSISTANT TO SENATOR DINO ROSSI, OFFERED THE PRAYER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

MESSAGE FROM THE GOVERNOR

MAY 8, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I HAVE THE HONOR TO ADVISE YOU THAT ON MAY 8, 2001, GOVERNOR LOCKE APPROVED THE FOLLOWING SENATE BILL ENTITLED:

SENATE BILL No. 6107
RELATING TO GEOTHERMAL ENERGY.

SINCERELY,
EVERETT H. BILLINGSLEA, GENERAL COUNSEL

MESSAGE FROM THE HOUSE

MAY 8, 2001

MR. PRESIDENT:

THE HOUSE HAS PASSED:
ENGROSSED HOUSE BILL NO. 1845,
SUBSTITUTE HOUSE BILL NO. 2227,
SUBSTITUTE HOUSE BILL NO. 2242, AND THE SAME ARE HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK
TIMOTHY A. MARTIN, CO-CHIEF CLERK

INTRODUCTION AND FIRST READING

SB 6184 BY SENATORS T. SHELDON, ROSSI, WEST AND FINKBEINER

AN ACT RELATING TO CLARIFYING THE DECISION OF THE WASHINGTON STATE SUPREME COURT IN SIMPSON INVESTMENT CO. V. DEPT. OF REVENUE; AMENDING RCW 82.04.4281; AND CREATING A NEW SECTION. REFERRED TO COMMITTEE ON WAYS AND MEANS.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1845 BY REPRESENTATIVES SEHLIN AND H. SOMMERS (BY REQUEST OF DEPARTMENT OF NATURAL RESOURCES)

INCREASING THE FEE FOR A SURFACE MINING RECLAMATION PERMIT.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SHB 2227 BY HOUSE COMMITTEE ON APPROPRIATIONS (ORIGINALLY SPONSORED BY REPRESENTATIVES AHERN, GOMBOSKY, SCHOESLER, WOOD, BENSON, HAIGH, SCHINDLER, CONWAY, COX, REARDON, D. SCHMIDT, TALCOTT, CAMPBELL AND BUSH) (BY REQUEST OF DEPARTMENT OF VETERANS AFFAIRS)

ESTABLISHING THE EASTERN WASHINGTON VETERANS' HOME.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SHB 2242 BY HOUSE COMMITTEE ON APPROPRIATIONS (ORIGINALLY SPONSORED BY REPRESENTATIVES CODY, LISK, RUDERMAN, ALEXANDER AND EICKMEYER)

REVISING PROVISIONS FOR MEDICAID NURSING HOME RATES.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

ON MOTION OF SENATOR FRASER, GUBERNATORIAL APPOINTMENT No. 9046, MARGARET ALLEN, AS A MEMBER OF THE EXECUTIVE BOARD OF THE WASHINGTON PUBLIC POWER SUPPLY SYSTEM, WAS CONFIRMED.

SENATORS FRASER AND HALE SPOKE TO THE CONFIRMATION OF MARGARET ALLEN AS A MEMBER OF THE EXECUTIVE BOARD OF THE WASHINGTON PUBLIC POWER SUPPLY SYSTEM.

APPOINTMENT OF MARGARET ALLEN

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 33; NAYS, 0; ABSENT, 4; EXCUSED, 12.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRASER, GARDNER, HALE, HOCHSTATTER, HONEYFORD, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WINSLEY AND ZARELLI - 33.

ABSENT: SENATORS BENTON, HAUGEN, SWECKER AND WEST - 4.

EXCUSED: SENATORS BROWN, COSTA, FINKBEINER, FRANKLIN, HARGROVE, HEWITT, HORN, MCCASLIN, McDONALD, MORTON, OKE AND ROACH - 12.

MOTIONS

ON MOTION OF SENATOR EIDE, SENATOR HAUGEN WAS EXCUSED.

ON MOTION OF SENATOR HONEYFORD, SENATORS BENTON, PARLETTE AND SWECKER WERE EXCUSED.

MOTION

ON MOTION OF SENATOR PRENTICE, GUBERNATORIAL APPOINTMENT No. 9076, BEVERLY HERMANSON, AS A MEMBER OF THE STATE INVESTMENT BOARD, WAS CONFIRMED.

APPOINTMENT OF BEVERLY HERMANSON

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 34; NAYS, 0; ABSENT, 0; EXCUSED, 15.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRASER, GARDNER, HALE, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 34.

EXCUSED: SENATORS BENTON, BROWN, COSTA, FINKBEINER, FRANKLIN, HARGROVE, HAUGEN, HEWITT, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, ROACH AND SWECKER - 15.

MOTION

ON MOTION OF SENATOR KOHL-WELLES, GUBERNATORIAL APPOINTMENT No. 9098, MATTHEW MOORE, AS A MEMBER OF THE BOARD OF REGENTS FOR WASHINGTON STATE UNIVERSITY, WAS CONFIRMED.

SENATORS KOHL-WELLES AND SHEAHAN SPOKE TO THE CONFIRMATION OF MATTHEW MOORE AS A MEMBER OF THE BOARD OF REGENTS FOR WASHINGTON STATE UNIVERSITY.

APPOINTMENT OF MATTHEW MOORE

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 35; NAYS, 0; ABSENT, 0; EXCUSED, 14.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRASER, GARDNER, HALE, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 35.

EXCUSED: SENATORS BENTON, COSTA, FINKBEINER, FRANKLIN, HARGROVE, HAUGEN, HEWITT, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, ROACH AND SWECKER - 14.

MOTION

ON MOTION OF SENATOR HONEYFORD, SENATOR DECCIO WAS EXCUSED.

MOTION

ON MOTION OF SENATOR MCAULIFFE, GUBERNATORIAL APPOINTMENT No. 9151, KAREN RADEMAKER SIMPSON, AS A MEMBER OF THE PROFESSIONAL EDUCATOR STANDARDS BOARD, WAS CONFIRMED.

APPOINTMENT OF KAREN RADEMAKER SIMPSON

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 35; NAYS, 0; ABSENT, 0; EXCUSED, 14.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, EIDE, FAIRLEY, FRASER, GARDNER, HALE, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 35.

EXCUSED: SENATORS BENTON, COSTA, DECCIO, FINKBEINER, FRANKLIN, HARGROVE, HAUGEN, HEWITT, MCCASLIN, McDONALD, MORTON, OKE, ROACH AND SWECKER - 14.

MOTION

ON MOTION OF SENATOR JACOBSEN, GUBERNATORIAL APPOINTMENT No. 9043, R. PETER VAN GYTENBEEK, AS A MEMBER OF THE FISH AND WILDLIFE COMMISSION, WAS CONFIRMED.

APPOINTMENT OF R. PETER VAN GYTENBEEK.

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 33; NAYS, 4; ABSENT, 0; EXCUSED, 12.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRASER, GARDNER, HALE, HOCHSTATTER, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, STEVENS, SWECKER, THIBAudeau, WEST AND ZARELLI - 33.

VOTING NAY: SENATORS HONEYFORD, SNYDER, SPANEL AND WINSLEY - 4.

EXCUSED: SENATORS BENTON, COSTA, FINKBEINER, FRANKLIN, HARGROVE, HAUGEN, HEWITT, MCCASLIN, McDONALD, MORTON, OKE AND ROACH - 12.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, GUBERNATORIAL APPOINTMENT No. 9047, JOHN W. AMAYA, AS A MEMBER OF THE BOARD OF REGENTS FOR THE UNIVERSITY OF WASHINGTON, WAS CONFIRMED.

APPOINTMENT OF JOHN W. AMAYA

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 37; NAYS, 0; ABSENT, 0; EXCUSED, 12.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRASER, GARDNER, HALE, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 37.

EXCUSED: SENATORS BENTON, COSTA, FINKBEINER, FRANKLIN, HARGROVE, HAUGEN, HEWITT, MCCASLIN, McDONALD, MORTON, OKE AND ROACH - 12.

MOTION

ON MOTION OF SENATOR SNYDER, GUBERNATORIAL APPOINTMENT No. 9084, GARY KIPP, AS A MEMBER OF THE PROFESSIONAL EDUCATOR STANDARDS BOARD, WAS CONFIRMED.

APPOINTMENT OF GARY KIPP

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 37; NAYS, 0; ABSENT, 0; EXCUSED, 12.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRASER, GARDNER, HALE, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 37.

EXCUSED: SENATORS BENTON, COSTA, FINKBEINER, FRANKLIN, HARGROVE, HAUGEN, HEWITT, MCCASLIN, McDONALD, MORTON, OKE AND ROACH - 12.

MOTION

ON MOTION OF SENATOR MCAULIFFE, GUBERNATORIAL APPOINTMENT No. 9128, YVONNE ULLAS, AS A MEMBER OF THE PROFESSIONAL EDUCATOR STANDARDS BOARD, WAS CONFIRMED.

SENATORS MCAULIFFE AND BROWN SPOKE TO THE CONFIRMATION OF YVONNE ULLAS AS A MEMBER OF THE PROFESSIONAL EDUCATOR STANDARDS BOARD.

APPOINTMENT OF YVONNE ULLAS

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 37; NAYS, 0; ABSENT, 0; EXCUSED, 12.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRASER, GARDNER, HALE, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 37.

EXCUSED: SENATORS BENTON, COSTA, FINKBEINER, FRANKLIN, HARGROVE, HAUGEN, HEWITT, MCCASLIN, McDONALD, MORTON, OKE AND ROACH - 12.

MOTION

ON MOTION OF SENATOR MCAULIFFE, GUBERNATORIAL APPOINTMENT No. 9124, DENNIS W. STERNER, AS A MEMBER OF THE PROFESSIONAL EDUCATOR STANDARDS BOARD, WAS CONFIRMED.

APPOINTMENT OF DENNIS W. STERNER

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 38; NAYS, 0; ABSENT, 0; EXCUSED, 11.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRASER, GARDNER, HALE, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 38.

EXCUSED: SENATORS BENTON, COSTA, FINKBEINER, FRANKLIN, HARGROVE, HAUGEN, HEWITT, MCCASLIN, MORTON, OKE AND ROACH - 11.

MOTION

ON MOTION OF SENATOR McDONALD, GUBERNATORIAL APPOINTMENT No. 9072, WILLIAM H. GATES, AS A MEMBER OF THE BOARD OF REGENTS FOR THE UNIVERSITY OF WASHINGTON, WAS CONFIRMED.

SENATORS McDONALD AND JACOBSEN SPOKE TO THE CONFIRMATION OF WILLIAM H. GATES AS A MEMBER OF THE BOARD OF REGENTS FOR THE UNIVERSITY OF WASHINGTON.

APPOINTMENT OF WILLIAM H. GATES

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 38; NAYS, 0; ABSENT, 0; EXCUSED, 11.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRASER, GARDNER, HALE, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 38.

EXCUSED: SENATORS BENTON, COSTA, FINKBEINER, FRANKLIN, HARGROVE, HAUGEN, HEWITT, McCASLIN, MORTON, OKE AND ROACH - 11.

SECOND READING

SENATE JOINT MEMORIAL NO. 8023, BY SENATORS HALE, FRASER, EIDE, REGALA AND ROACH

REQUESTING FULL FUNDING FOR THE CLEANUP OF THE HANFORD RESERVATION.

THE JOINT MEMORIAL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR HALE, THE RULES WERE SUSPENDED, SENATE JOINT MEMORIAL NO. 8023 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE JOINT MEMORIAL WAS PLACED ON FINAL PASSAGE. DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SENATE JOINT MEMORIAL NO. 8023.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SENATE JOINT MEMORIAL 8023 AND THE JOINT MEMORIAL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 38; NAYS, 0; ABSENT, 0; EXCUSED, 11.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRASER, GARDNER, HALE, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 38.

EXCUSED: SENATORS BENTON, COSTA, FINKBEINER, FRANKLIN, HARGROVE, HAUGEN, HEWITT, McCASLIN, MORTON, OKE AND ROACH - 11.

SENATE JOINT MEMORIAL NO. 8023, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED.

MOTION

ON MOTION OF SENATOR HALE, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8694

BY SENATORS HALE AND ROACH

WHEREAS, BABIES ARE WONDERFUL MIRACLES OF ENDLESS HOPE AND PROMISE; AND
WHEREAS, THE BEGINNING OF LIFE IS SPECIAL AND WONDROUS; AND
WHEREAS, EACH CHILD IS A BLESSING, A JOY AND A REMINDER OF THE THINGS IN LIFE THAT TRULY MATTER; AND
WHEREAS, THE SENATE PREVIOUSLY PASSED A RESOLUTION HONORING BABIES BORN DURING THE 2001 REGULAR SESSION, AND

WHEREAS, TWO MORE PRECIOUS GIFTS OF LIFE HAVE NOW JOINED THE SENATE FAMILY; AND
WHEREAS, MICHAL KAY HALE WAS BORN TO THE SON AND DAUGHTER-IN-LAW OF SENATOR PAT HALE ON APRIL 25, 2001; AND

WHEREAS, ETHAN DANIEL ROACH WAS BORN TO THE SON AND DAUGHTER-IN-LAW OF SENATOR PAM ROACH ON APRIL 30, 2001;

NOW, THEREFORE, BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE HEREBY WELCOME THESE 2001 SPECIAL SESSION BABIES BORN TO THE CHILDREN OF MEMBERS OF THE SENATE; AND

BE IT FURTHER RESOLVED, THAT THE WASHINGTON STATE SENATE WISH ALL THE BLESSINGS OF LIFE FOR MICHAL AND ETHAN; AND

BE IT FURTHER RESOLVED, THAT SENATORS HALE AND ROACH EACH BE GIVEN AN OFFICIAL COPY OF THIS RESOLUTION TO BE PLACED IN THE BABY BOOK OF HER 2001 SPECIAL SESSION BABY.

MOTION

AT 11:04 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 10:00 A.M., THURSDAY, MAY 10, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

FIFTEENTH DAY, FIRST SPECIAL SESSION, MAY 9, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

SIXTEENTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

SENATE CHAMBER, OLYMPIA, THURSDAY, MAY 10, 2001

THE SENATE WAS CALLED TO ORDER AT 10:00 A.M. BY PRESIDENT OWEN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS BENTON, BROWN, CARLSON, DECCIO, FAIRLEY, GARDNER, HARGROVE, HEWITT, JOHNSON, KLINE, MORTON, PARLETTE, ROSSI, STEVENS, WINSLEY AND ZARELLI. ON MOTION OF SENATOR EIDE, SENATORS BROWN, FAIRLEY, GARDNER, HARGROVE AND KLINE WERE EXCUSED. ON MOTION OF SENATOR HONEYFORD, SENATORS BENTON, CARLSON, DECCIO, HEWITT, JOHNSON, MORTON, PARLETTE, ROSSI, STEVENS, WINSLEY AND ZARELLI WERE EXCUSED.

THE SERGEANT AT ARMS COLOR GUARD, CONSISTING OF STAFF MEMBERS CATHERINE YOUNG AND LUANN TAYLOR, PRESENTED THE COLORS. SENATOR MARGARITA PRENTICE OFFERED THE PRAYER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

MESSAGE FROM THE GOVERNOR

MAY 9, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I HAVE THE HONOR TO ADVISE YOU THAT ON MAY 9, 2001, GOVERNOR LOCKE APPROVED THE FOLLOWING SENATE BILLS ENTITLED:

SUBSTITUTE SENATE BILL No. 5077

RELATING TO THE PROVISIONAL EMPLOYMENT OF SHERIFF'S EMPLOYEES.

SUBSTITUTE SENATE BILL No. 5184

RELATING TO REQUIRING THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES TO NOTIFY RELEVANT AGENCIES OF INVESTIGATIVE OUTCOMES.

ENGROSSED SUBSTITUTE SENATE BILL No. 5372

RELATING TO COOPERATIVE AGREEMENTS CONCERNING THE TAXATION OF CIGARETTES SOLD ON INDIAN LANDS.

ENGROSSED SUBSTITUTE SENATE BILL No. 5449

RELATING TO IDENTITY THEFT.

SUBSTITUTE SENATE BILL No. 5905

RELATING TO THE NEGOTIATION, ENFORCEMENT, AND RESOLUTION OF DISPUTES REGARDING TRIBAL/STATE GAMING COMPACTS UNDER THE FEDERAL INDIAN GAMING REGULATORY ACT OF 1988.

SUBSTITUTE SENATE BILL No. 6110

RELATING TO THE PUGET SOUND CRAB POT BUOY TAG PROGRAM.

SINCERELY,
EVERETT H. BILLINGSLEA, GENERAL COUNSEL

MOTION

ON MOTION OF SENATOR HAUGEN, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8693

By SENATOR HAUGEN

WHEREAS, IT IS THE TRADITION OF THE WASHINGTON STATE SENATE TO RECOGNIZE EXAMPLES OF ACADEMIC AND VOCATIONAL EXCELLENCE IN OUR SCHOOLS; AND

WHEREAS, ON APRIL 6, 2001, STANWOOD HIGH SCHOOL WON THE STATE COMPETITION IN A FUTURE FARMERS OF AMERICA AGRICULTURAL MECHANICS CAREER DEVELOPMENT EVENT HELD AT WALLA WALLA COMMUNITY COLLEGE; AND

WHEREAS, THIS MARKS THE FIRST TIME IN THIRTEEN YEARS THAT STANWOOD AGRICULTURAL MECHANICS STUDENTS HAVE WON THE STATE COMPETITION, TOPPING A FIELD OF FIFTEEN OTHER SCHOOLS; AND

WHEREAS, CAPTURING FIRST PLACE REQUIRED STUDENTS TO EXCEL BOTH INDIVIDUALLY AND AS A TEAM; AND

WHEREAS, EACH STUDENT WAS REQUIRED TO TAKE A NINETY QUESTION MULTIPLE-CHOICE KNOWLEDGE TEST AND A THIRTY-QUESTION PROBLEM-SOLVING TEST, PERFORM SIX INDIVIDUAL SKILLS, AND WORK WITH OTHER TEAM MEMBERS TO SOLVE A PROBLEM; AND

WHEREAS, BASED ON THE COMPETITION'S THEME OF ANIMAL PRODUCTION SYSTEMS, STANWOOD STUDENTS DEMONSTRATED CRITICAL AGRICULTURAL SKILLS INVOLVING LAND SURVEYING AND LAYOUT, FARM PRODUCT MANAGEMENT AND WASTE DISPOSAL, DIESEL AND SMALL GAS ENGINES, ELECTRIC MOTORS AND CONTROLS, PLASMA ARC CUTTING, ARC WELDING, AND HYDRAULICS; AND

WHEREAS, TEAM MEMBERS JOSH BENHAM, JOE NAGLE, MIKE SAYLOR, BRIAN TEMPLETON AND SEAN BREUM HAVE EARNED THE RIGHT TO TRAVEL TO LOUISVILLE, KENTUCKY, IN OCTOBER TO REPRESENT WASHINGTON AT THE NATIONAL COMPETITION, WITH TYLER BREUM AND JAMES UNGER POSITIONED AS ALTERNATES;

NOW, THEREFORE, BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE CONGRATULATES STANWOOD HIGH SCHOOL'S AGRICULTURAL MECHANICS STUDENTS IN WINNING THE STATE COMPETITION, AND WISHES THEM THE BEST OF LUCK WHEN THEY COMPETE AGAINST SCHOOLS FROM ACROSS THE NATION; AND

BE IT FURTHER RESOLVED, THAT COPIES OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO MEMBERS OF THE STANWOOD HIGH SCHOOL AGRICULTURAL MECHANICS TEAM AND ITS ADVISER DARRYL MAIN.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE REVERTED TO THE SIXTH ORDER OF BUSINESS.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

ON MOTION OF SENATOR THIBAUBEAU, GUBERNATORIAL APPOINTMENT No. 9028, PATRICIA M. LINES, AS A MEMBER OF THE ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY COMMISSION, WAS CONFIRMED.

APPOINTMENT OF PATRICIA M. LINES

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 33; NAYS, 0; ABSENT, 0; EXCUSED, 16.

VOTING YEA: SENATORS CONSTANTINE, COSTA, EIDE, FINKBEINER, FRANKLIN, FRASER, HALE, HAUGEN, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, KASTAMA, KOHL-WELLES, LONG, McAULIFFE, MCCASLIN, McDONALD, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, THIBAUBEAU AND WEST - 33.

EXCUSED: SENATORS BENTON, BROWN, CARLSON, DECCIO, FAIRLEY, GARDNER, HARGROVE, HEWITT, JOHNSON, KLINE, MORTON, PARLETTE, ROSSI, STEVENS, WINSLEY AND ZARELLI - 16.

MOTION

ON MOTION OF SENATOR THIBAUBEAU, GUBERNATORIAL APPOINTMENT No. 9048, ELAINE M. AOKI, AS A MEMBER OF THE PROFESSIONAL EDUCATOR STANDARDS BOARD, WAS CONFIRMED.

APPOINTMENT OF ELAINE M. AOKI

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 34; NAYS, 0; ABSENT, 0; EXCUSED, 15.

VOTING YEA: SENATORS CONSTANTINE, COSTA, EIDE, FINKBEINER, FRANKLIN, FRASER, HALE, HAUGEN, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, KASTAMA, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, THIBAudeau, WEST AND WINSLEY - 34.

EXCUSED: SENATORS BENTON, BROWN, CARLSON, DECCIO, FAIRLEY, GARDNER, HARGROVE, HEWITT, JOHNSON, KLINE, MORTON, PARLETTE, ROSSI, STEVENS AND ZARELLI - 15.

PERSONAL PRIVILEGE

SENATOR TIM SHELDON: "MR. PRESIDENT, I RISE TO A POINT OF PERSONAL PRIVILEGE. BEFORE THE SESSION BEGAN, I HAD THE OPPORTUNITY TO ATTEND A GROUND BREAKING CEREMONY FOR THE SQUAXIN ISLAND TRIBE IN MY DISTRICT JUST NORTH OF OLYMPIA. THEY WERE BREAKING GROUND ON A MUSEUM BASICALLY--THE SQUAXIN ISLAND MUSEUM, LIBRARY AND RESEARCH CENTER. IT IS QUITE AN IMPRESSIVE BUILDING. THE CONSTRUCTION IS NOW UNDER WAY AND THERE IS SOME MONEY IN OUR CAPITAL BUDGET, ALSO, FOR FIXTURES AND OTHER IMPROVEMENTS TO THIS BUILDING.

"DURING THE CEREMONY, I LEARNED A LOT. AT ANY OF THE GATHERINGS OF INDIAN PEOPLE-- THAT AT THE CEREMONY --IT IS A LONG TRADITION OF THE TRIBE THAT SOME PEOPLE ARE DESIGNATED AS WITNESSES AND THOSE WITNESSES WOULD GO BACK TO THEIR COMMUNITY AND SHARE WITH THEIR COMMUNITY WHAT HAPPENED AT THE GROUND BREAKING OR WHAT HAPPENED AT THE POTLATCH OR WHAT HAPPENED AT THE EVENT THAT THEY ALL ATTENDED AND SHARE THAT WORD WITH THE PEOPLE IN THE COMMUNITY. MY JOB THAT I TOOK ON THAT DAY WAS TO COME BACK TO THE STATE SENATE AND ALSO SHARE WITH YOU, SO THAT YOU MIGHT SHARE WITH YOUR DISTRICT AND YOUR CONSTITUENTS ABOUT THIS FINE MUSEUM AND LIBRARY AND RESEARCH CENTER THAT IS UNDER CONSTRUCTION AND HOPEFULLY TO ENCOURAGE YOU TO VISIT AND UTILIZE THE CENTER. THE PURPOSE, AS I READ, IS TO PROTECT AND REAFFIRM THE TRADITIONS AND BELIEFS OF THE TRIBE, TO ENCOURAGE CONTEMPORARY ARTISTIC EXPRESSION, EMPOWERING THE INDIAN VOICE ENSURING THAT THE KNOWLEDGE OF THEIR ANCESTORS, PAST AND PRESENT, WILL SURVIVE AND FLOURISH FOR PRESENT AND FUTURE GENERATIONS.

"SO, MY POINT OF PERSONAL PRIVILEGE TODAY IS ACCOMPLISHED, I BELIEVE, TO SPREAD THE WORD ABOUT THIS FINE MUSEUM THAT IS UNDER CONSTRUCTION JUST NORTH OF HERE. THANK YOU"

MOTION

ON MOTION OF SENATOR COSTA, GUBERNATORIAL APPOINTMENT No. 9157, MIKE SELLS, AS A MEMBER OF THE BOARD OF TRUSTEES FOR CENTRAL WASHINGTON UNIVERSITY, WAS CONFIRMED.

SENATORS COSTA AND SHIN SPOKE TO THE CONFIRMATION OF MIKE SELLS AS A MEMBER OF THE BOARD OF TRUSTEES FOR CENTRAL WASHINGTON UNIVERSITY.

APPOINTMENT OF MIKE SELLS

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 34; NAYS, 0; ABSENT, 0; EXCUSED, 15.

VOTING YEA: SENATORS CONSTANTINE, COSTA, EIDE, FINKBEINER, FRANKLIN, FRASER, HALE, HAUGEN, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, KASTAMA, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, THIBAudeau, WEST AND WINSLEY - 34.

EXCUSED: SENATORS BENTON, BROWN, CARLSON, DECCIO, FAIRLEY, GARDNER, HARGROVE, HEWITT, JOHNSON, KLINE, MORTON, PARLETTE, ROSSI, STEVENS AND ZARELLI - 15.

MOTION

ON MOTION OF SENATOR PRENTICE, GUBERNATORIAL APPOINTMENT No. 9114, JUDITH D. ROLAND, AS A MEMBER OF THE HORSE RACING COMMISSION, WAS CONFIRMED.

APPOINTMENT OF JUDITH D. ROLAND

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 34; NAYS, 0; ABSENT, 0; EXCUSED, 15.

VOTING YEA: SENATORS CONSTANTINE, COSTA, EIDE, FINKBEINER, FRANKLIN, FRASER, HALE, HAUGEN, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, KASTAMA, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, THIBAudeau, WEST AND WINSLEY - 34.

EXCUSED: SENATORS BENTON, BROWN, CARLSON, DECCIO, FAIRLEY, GARDNER, HARGROVE, HEWITT, JOHNSON, KLINE, MORTON, PARLETTE, ROSSI, STEVENS AND ZARELLI - 15.

MOTION

ON MOTION OF SENATOR HONEYFORD, SENATORS HOCHSTATTER AND WEST WERE EXCUSED.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, GUBERNATORIAL APPOINTMENT No. 9045, MARK WOLFRAM, AS A MEMBER OF THE BOARD OF TRUSTEES FOR CASCADIA COMMUNITY COLLEGE DISTRICT No. 30 , WAS CONFIRMED.

APPOINTMENT OF MARK WOLFRAM

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 32; NAYS, 0; ABSENT, 0; EXCUSED, 17.

VOTING YEA: SENATORS CONSTANTINE, COSTA, EIDE, FINKBEINER, FRANKLIN, FRASER, HALE, HAUGEN, HONEYFORD, HORN, JACOBSEN, KASTAMA, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, THIBAudeau AND WINSLEY - 32.

EXCUSED: SENATORS BENTON, BROWN, CARLSON, DECCIO, FAIRLEY, GARDNER, HARGROVE, HEWITT, HOCHSTATTER, JOHNSON, KLINE, MORTON, PARLETTE, ROSSI, STEVENS, WEST AND ZARELLI - 17.

MOTION

ON MOTION OF SENATOR FRANKLIN, GUBERNATORIAL APPOINTMENT No. 9121, HERB SIMON, AS A MEMBER OF THE HIGHER EDUCATION COORDINATING BOARD, WAS CONFIRMED.

SENATORS FRANKLIN AND RASMUSSEN SPOKE TO THE CONFIRMATION OF HERB SIMON AS A MEMBER OF THE HIGHER EDUCATION COORDINATING BOARD.

APPOINTMENT OF HERB SIMON

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 32; NAYS, 0; ABSENT, 0; EXCUSED, 17.

VOTING YEA: SENATORS CONSTANTINE, COSTA, EIDE, FINKBEINER, FRANKLIN, FRASER, HALE, HAUGEN, HONEYFORD, HORN, JACOBSEN, KASTAMA, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, THIBAudeau AND WINSLEY - 32.

EXCUSED: SENATORS BENTON, BROWN, CARLSON, DECCIO, FAIRLEY, GARDNER, HARGROVE, HEWITT, HOCHSTATTER, JOHNSON, KLINE, MORTON, PARLETTE, ROSSI, STEVENS, WEST AND ZARELLI - 17.

MOTION

ON MOTION OF SENATOR SPANEL, GUBERNATORIAL APPOINTMENT No. 9056, YVONNE CARTWRIGHT, AS A MEMBER OF THE BOARD OF TRUSTEES FOR BELLINGHAM TECHNICAL COLLEGE DISTRICT No. 25, WAS CONFIRMED.

APPOINTMENT OF YVONNE CARTWRIGHT

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 32; NAYS, 0; ABSENT, 0; EXCUSED, 17.

VOTING YEA: SENATORS CONSTANTINE, COSTA, EIDE, FINKBEINER, FRANKLIN, FRASER, HALE, HAUGEN, HONEYFORD, HORN, JACOBSEN, KASTAMA, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, THIBAudeau AND WINSLEY - 32.

EXCUSED: SENATORS BENTON, BROWN, CARLSON, DECCIO, FAIRLEY, GARDNER, HARGROVE, HEWITT, HOCHSTATTER, JOHNSON, KLINE, MORTON, PARLETTE, ROSSI, STEVENS, WEST AND ZARELLI - 17.

MOTION

AT 10:45 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 10:00 A.M., FRIDAY, MAY 11, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

SIXTEENTH DAY, FIRST SPECIAL SESSION, MAY 10, 2001

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

SEVENTEENTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Friday, May 11, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Brown, Carlson, Constantine, Deccio, Fairley, Finkbeiner, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kline, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Rasmussen, Sheahan, Stevens, Swecker and Zarelli. On motion of Senator Eide, Senators Brown, Constantine, Fairley, Gardner, Hargrove, Haugen, Kastama, Kline, McAuliffe, Patterson and Rasmussen were excused. On motion of Senator West, Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, McDonald, Morton, Oke, Parlette, Sheahan, Stevens, Swecker and Zarelli were excused.

The Sergeant at Arms Color Guard, consisting of staff members Mary Kay Hanell and Amy Schenck, presented the Colors. Senator Karen Fraser offered the prayer.

MOTION

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

MOTION

At 10:07 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12 noon, Monday, May 14, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTEENTH DAY, FIRST SPECIAL SESSION, MAY 11, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

TWENTIETH DAY, FIRST SPECIAL SESSION

NOON SESSION

SENATE CHAMBER, OLYMPIA, MONDAY, MAY 14, 2001

THE SENATE WAS CALLED TO ORDER AT 12:00 NOON BY PRESIDENT OWEN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT THAT ALL SENATORS WERE PRESENT EXCEPT SENATOR COSTA. ON MOTION OF SENATOR EIDE, SENATOR COSTA WAS EXCUSED.

THE SERGEANT AT ARMS COLOR GUARD, CONSISTING OF STAFF MEMBERS GEORGE LESTER AND TRUDY DONNER, PRESENTED THE COLORS. ALEX PATTERSON, SON OF SENATOR JULIA PATTERSON, OFFERED THE PRAYER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

MESSAGE FROM THE GOVERNOR

MAY 11, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I HAVE THE HONOR TO ADVISE YOU THAT ON MAY 11, 2001, GOVERNOR LOCKE APPROVED THE FOLLOWING SENATE BILLS ENTITLED:

SUBSTITUTE SENATE BILL No. 5182

RELATING TO FUNDING HAZARDOUS LIQUID AND GAS PIPELINE SAFETY.

SENATE BILL No. 5333

RELATING TO PRELIMINARY PERMIT TIMELINES.

SUBSTITUTE SENATE BILL No. 5417

RELATING TO OPIATE SUBSTITUTION TREATMENT PROGRAMS.

SUBSTITUTE SENATE BILL No. 5438

RELATING TO FISH AND WILDLIFE LANDS VEHICLE USE PERMITS.

SUBSTITUTE SENATE BILL No. 5443

RELATING TO COMMERCIAL SALMON LICENSES.

ENGROSSED SENATE BILL No. 5495

RELATING TO THE COMMUNITY OUTDOOR ATHLETIC FIELDS ADVISORY COUNCIL.

SUBSTITUTE SENATE BILL No. 5502

RELATING TO BOXING OFFICIAL LICENSING.

SUBSTITUTE SENATE BILL No. 5558

RELATING TO PENALTIES FOR ALCOHOL VIOLATORS.

SUBSTITUTE SENATE BILL No. 5565

RELATING TO CONTROLLED SUBSTANCE ORDERS AND PRESCRIPTIONS.

SUBSTITUTE SENATE BILL No. 5702

RELATING TO SIMPLIFYING AND HARMONIZING THE TAXATION OF LANDS VALUED AT CURRENT USE.

SUBSTITUTE SENATE BILL No. 5862

RELATING TO IMPROVING THE BUSINESS PRACTICES ASSOCIATED WITH SELLING VALUABLE MATERIALS ON TRUST LAND.

ENGROSSED SUBSTITUTE SENATE BILL No. 5877

RELATING TO LICENSED MENTAL HEALTH COUNSELORS.

SUBSTITUTE SENATE BILL No. 5910

RELATING TO TEMPORARY NONUSE OF WATER BY THE OWNER OF A WATER RIGHT.

SENATE BILL No. 5921

RELATING TO GRADUATE EDUCATION IN PHYSICAL THERAPY.

SUBSTITUTE SENATE BILL No. 5961

RELATING TO MAKING TECHNICAL CORRECTIONS TO FISH AND WILDLIFE STATUTES.

SUBSTITUTE SENATE BILL No. 5986

RELATING TO REGULATION OF COUNTY OR LOCAL GOVERNMENT-OWNED PSYCHIATRIC FACILITIES.

SUBSTITUTE SENATE BILL No. 6055

RELATING TO EVALUATING CHILDREN WITHIN THE FOSTER CARE AGENCY CASELOAD.

SUBSTITUTE SENATE BILL No. 6056

RELATING TO THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES COORDINATION OF SERVICES FOR CHILDREN AND FAMILIES IN CHILD DEPENDENCY CASES.

SINCERELY,
EVERETT H. BILLINGSLEA, GENERAL COUNSEL

MESSAGE FROM THE GOVERNOR
VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5187

MAY 11, 2001

TO THE HONORABLE PRESIDENT AND MEMBERS,
THE SENATE OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I AM RETURNING HEREWITH, WITHOUT MY APPROVAL, SUBSTITUTE SENATE BILL NO. 5187 ENTITLED:

"AN ACT RELATING TO UPDATING CREDITOR/DEBTOR PERSONAL PROPERTY EXEMPTIONS:"
SUBSTITUTE SENATE BILL NO. 5187 WOULD HAVE INCREASED AND EXPANDED THE EXEMPTIONS FROM EXECUTION, ATTACHMENT OR GARNISHMENT FOR CERTAIN HOUSEHOLD GOODS, VEHICLES, AND CERTAIN OTHER ASSETS.

I AGREE WITH THE UNDERLYING THEORY THAT PROMPTED THIS BILL. HOWEVER, BECAUSE THIS BILL LACKS AN EXEMPTION FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS) FOR THE COLLECTION OF COURT-ORDERED CHILD SUPPORT PAYMENTS, IT IS NOT GOOD PUBLIC POLICY. THE PRIMARY FINANCIAL RESPONSIBILITY OF DEBTORS SHOULD BE THAT OF THEIR DEPENDENT CHILDREN.

THIS LEGISLATION WOULD HAVE PREVENTED DSHS FROM TAKING COLLECTION ACTION AGAINST CERTAIN LIQUID ASSETS OF A CHILD SUPPORT DEBTOR, WITH NO CONSIDERATION OF THE NEEDS OF DEPENDENT CHILDREN WHO DO NOT RESIDE WITH THE DEBTOR. THE RESULT WOULD HAVE BEEN A NET LOSS OF SUPPORT AVAILABLE FOR CHILDREN AND CUSTODIAL PARENTS.

DSHS PROVIDED THE APPROPRIATE LEGISLATIVE COMMITTEES WITH LANGUAGE THAT WOULD HAVE CORRECTED THE DEFECTS OF THIS BILL. IF THIS BILL IS PASSED IN THE NEXT LEGISLATIVE SESSION WITH THE CORRECTIVE LANGUAGE, I WILL BE GLAD TO SIGN IT.

FOR THESE REASONS, I HAVE VETOED SUBSTITUTE SENATE BILL NO. 5187 IN ITS ENTIRETY.

RESPECTFULLY SUBMITTED,
GARY LOCKE, GOVERNOR

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5187 WAS HELD ON THE DESK.

MESSAGE FROM THE GOVERNOR PARTIAL VETO MESSAGE ON SENATE BILL NO. 5275

MAY 11, 2001

TO THE HONORABLE PRESIDENT AND MEMBERS,
THE SENATE OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I AM RETURNING HEREWITH, WITHOUT MY APPROVAL AS TO SECTION 23, SENATE BILL NO. 5275 ENTITLED:

"AN ACT RELATING TO BALLOTS CAST BY MAIL;"

SENATE BILL NO. 5275 REORGANIZES AND CLARIFIES THE LAWS GOVERNING ABSENTEE AND MAIL BALLOTING. SECTION 23 OF THE BILL WOULD HAVE AMENDED RCW 29.62.090, AND CLARIFIED REPORTING REQUIREMENTS AND SUBMITTAL DEADLINES FOR OFFICIAL ELECTION RESULTS. HOWEVER, THE LEGISLATURE ALSO SENT TO ME SUBSTITUTE HOUSE BILL NO. 1644, WHICH AMENDS THE SAME STATUTE SECTION IN A SLIGHTLY DIFFERENT WAY - MOST NOTABLY BY PROVIDING FOR ELECTRONIC TRANSMISSION OF ELECTION RESULTS.

BECAUSE I SIGNED SUBSTITUTE HOUSE BILL NO. 1644 IN ITS ENTIRETY ON MAY 9, 2001, I HAVE VETOED SECTION 23 OF SENATE BILL NO. 5275 IN ORDER TO AVOID A CONFLICTING DOUBLE AMENDMENT.

FOR THESE REASONS, I HAVE VETOED SECTION 23 OF SENATE BILL NO. 5275.

WITH THE EXCEPTION OF SECTION 23, SENATE BILL NO. 5275 IS APPROVED.

RESPECTFULLY SUBMITTED,
GARY LOCKE, GOVERNOR

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE PARTIAL VETO MESSAGE ON SENATE BILL NO. 5275 WAS HELD ON THE DESK.

INTRODUCTION AND FIRST READING

SB 6185 BY SENATOR PRENTICE

AN ACT RELATING TO NOMINATION OF PARTISAN CANDIDATES; AMENDING RCW 29.18.010, 29.24.010, 29.24.025, 29.24.040, 29.24.070, AND 29.30.085; REENACTING AND AMENDING RCW 29.24.035; ADDING A NEW SECTION TO CHAPTER 29.18 RCW; AND DECLARING AN EMERGENCY.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 6183, WHICH WAS HELD ON THE INTRODUCTION AND FIRST READING CALENDAR MAY 4, 2001, WAS ADVANCED TO SECOND READING AND PLACED ON THE SECOND READING CALENDAR.,

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

ON MOTION OF SENATOR KOHL-WELLES, GUBERNATORIAL APPOINTMENT NO. 9106, SHAWNTE' PEARSON, AS A MEMBER OF THE BOARD OF TRUSTEES FOR CENTRAL WASHINGTON UNIVERSITY, WAS CONFIRMED.

APPOINTMENT OF SHAWNTE' PEARSON

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 48; NAYS, 0; ABSENT, 0; EXCUSED, 1.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, MCDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 48.

EXCUSED: SENATOR COSTA - 1.

MOTION

AT 12:15 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE RECESSED UNTIL 1:30 P.M.

THE SENATE WAS CALLED TO ORDER AT 1:30 P.M. BY PRESIDENT OWEN.

INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT WELCOMED AND INTRODUCED A DELEGATION OF CITIZENS FROM RUSSIA, WHO WERE SEATED IN THE GALLERY. THE GROUP REPRESENTED THE CIVITAS PROGRAM FOR THE SAKHALIN REGION AND ARE PRESENTLY VISITING THE STATE OF WASHINGTON AS PART OF THEIR PROJECT.

EDITOR'S NOTE: ON THE TWENTY-SECOND DAY OF THE FIRST SPECIAL SESSION, MAY 16, ON MOTION OF SENATOR ROACH, ALL THE FLOOR PROCEEDINGS ON SENATE BILL NO. 6183 ON THAT DAY AND TODAY WILL BE SPREAD ACROSS THE JOURNAL.

SECOND READING

SENATE BILL NO. 6183, BY SENATORS SNYDER, SWECKER, KOHL-WELLES, ROACH, PRENTICE, HORN, JACOBSEN, STEVENS, CONSTANTINE AND KLINE

REVISING PRIMARY ELECTION LAW.

THE BILL WAS READ THE SECOND TIME.

MOTION

SENATOR SNYDER MOVED THAT THE FOLLOWING AMENDMENTS BY SENATORS SNYDER, SWECKER AND KOHL-WELLES BE CONSIDERED SIMULTANEOUSLY AND BE ADOPTED:

BEGINNING ON PAGE 7, AFTER LINE 33, STRIKE ALL MATERIAL THROUGH "VACANCY." ON PAGE 8, LINE 8 AND INSERT THE FOLLOWING: "IF THE VACANCY OCCURS NO LATER THAN THE SIXTH TUESDAY BEFORE THE PRIMARY OR GENERAL ELECTION CONCERNED AND THE BALLOTS HAVE BEEN PRINTED, THE APPROPRIATE ELECTION OFFICERS SHALL CORRECT THE BALLOTS. IN MAKING THE CORRECTION, IT IS NOT NECESSARY TO REPRINT COMPLETE BALLOTS IF ANY OTHER LESS EXPENSIVE TECHNIQUE CAN BE USED AND THE RESULTING CORRECTION IS REASONABLY CLEAR.

IF THE VACANCY OCCURS AFTER THE SIXTH TUESDAY BEFORE THE PRIMARY OR GENERAL ELECTION AND TIME DOES NOT EXIST IN WHICH TO CORRECT BALLOTS (INCLUDING ABSENTEE BALLOTS), EITHER IN TOTAL OR IN PART, THEN THE VOTES CAST OR RECORDED FOR THE PERSON WHO HAS DIED OR BECOME DISQUALIFIED MUST BE COUNTED FOR THE PERSON WHO HAS BEEN NAMED TO FILL THE VACANCY."

ON PAGE 10, LINE 7, AFTER "VOTES CAST" INSERT "BY ALL VOTERS AFFILIATED WITH THAT PARTY"

REMARKS BY SENATOR SNYDER

SENATOR SNYDER: "THANK YOU, MR. PRESIDENT. THESE ARE TECHNICAL AMENDMENTS. THE LANGUAGE HAS ALREADY BEEN PASSED AND SENT TO THE GOVERNOR IN SENATE BILL NO. 5273 AND WAS INADVERTENTLY MISSED IN THE BILL THAT WAS INTRODUCED."

REMARKS BY SENATOR HARGROVE

SENATOR HARGROVE: "THANK YOU, MR. PRESIDENT. THESE ARE TECHNICAL AMENDMENTS."

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENTS BY SENATORS SNYDER, SWECKER AND KOHL-WELLES ON PAGE 7, AFTER LINE 33, AND PAGE 10, LINE 7, TO SENATE BILL NO. 6183.

THE MOTION BY SENATOR SNYDER CARRIED AND THE AMENDMENTS WERE ADOPTED.

MOTION

SENATOR SNYDER MOVED THAT THE FOLLOWING AMENDMENT BY SENATORS SNYDER, SWECKER AND KOHL-WELLS BE ADOPTED: ON PAGE 21, AFTER LINE 13, INSERT THE FOLLOWING:

NEW SECTION. Sec. 29. NOTHING IN THIS ACT MAY BE CONSTRUED BY THE SECRETARY OF STATE OR A COUNTY AUDITOR TO MEAN THAT A VOTER MAY CAST MORE THAN ONE VOTE FOR CANDIDATES FOR A GIVEN OFFICE.

NEW SECTION. Sec. 30. (1) THE LEGISLATURE RECOGNIZES THAT THIS ACT SIGNIFICANTLY CHANGES THE WAY IN WHICH A PRIMARY FOR PARTISAN OFFICE SHALL BE CONDUCTED, AND THUS IT INTENDS TO EASE THE TRANSITION AND ALLOW ANY PRIMARY HELD PRIOR TO JULY 1, 2002, TO BE IMPLEMENTED WITH EXISTING SYSTEMS CURRENTLY IN USE BY EACH COUNTY AUDITOR.

(2) NOTWITHSTANDING ANY LANGUAGE TO THE CONTRARY FOUND ELSEWHERE IN THIS ACT OR IN EXISTING STATUTE, ONLY A VOTER WHO CHOOSES NOT TO AFFILIATE WITH ANY MAJOR POLITICAL PARTY MAY VOTE FOR A MINOR POLITICAL PARTY OR INDEPENDENT CANDIDATE. ANY VOTE FOR A MINOR POLITICAL PARTY OR INDEPENDENT CANDIDATE BY A VOTER WHO CHOOSES TO AFFILIATE WITH A MAJOR POLITICAL PARTY SHALL NOT BE TABULATED OR REPORTED. THE NAME OF A MINOR POLITICAL PARTY OR INDEPENDENT CANDIDATE SHALL NOT APPEAR ON THE GENERAL ELECTION BALLOT UNLESS THE CANDIDATE RECEIVES AT LEAST THREE PERCENT OF ALL VOTES CAST FOR CANDIDATES FOR THAT OFFICE BY VOTERS WHO CHOOSE NOT TO AFFILIATE WITH ANY MAJOR POLITICAL PARTY.

(3) EACH COUNTY AUDITOR MAY DESIGN A BALLOT AND UTILIZE PROCEDURES OTHER THAN THOSE DETAILED IN THIS ACT WHEN CONDUCTING A PARTISAN PRIMARY PROVIDED THAT THE DESIGN OF THE BALLOT AND THE PROCEDURES ARE SPECIFICALLY ALLOWED BY A RULE ADOPTED BY THE SECRETARY OF STATE UNDER CHAPTER 34.05 RCW, AND THAT THE FOLLOWING CRITERIA ARE MET:

(A) A VOTER SHALL HAVE THE OPTION TO AFFILIATE WITH A MAJOR POLITICAL PARTY, OR TO NOT AFFILIATE WITH ANY MAJOR POLITICAL PARTY;

(B) VOTER PRIVACY, INCLUDING SELECTION OF PARTY AFFILIATION, IS PRESERVED;

(C) A VOTER WHO AFFILIATES WITH A MAJOR POLITICAL PARTY MAY ONLY CAST VOTES FOR PARTISAN OFFICE FOR CANDIDATES THAT INDICATED THAT SAME-PARTY AFFILIATION WHEN FILING A DECLARATION OF CANDIDACY, AND ANY VOTES CAST FOR A CANDIDATE THAT INDICATED A DIFFERENT PARTY AFFILIATION WHEN FILING A DECLARATION OF CANDIDACY SHALL NOT BE TABULATED AND REPORTED;

(D) A VOTER WHO CHOOSES NOT TO AFFILIATE WITH ANY MAJOR POLITICAL PARTY MAY VOTE FOR ANY CANDIDATE REGARDLESS OF THE CANDIDATE'S POLITICAL PARTY DESIGNATION, AND VOTES CAST BY SUCH VOTER SHALL BE TABULATED AND REPORTED; AND

(E) VOTES CAST FOR A CANDIDATE BY VOTERS WHO CHOOSE TO AFFILIATE WITH A MAJOR POLITICAL PARTY SHALL BE REPORTED SEPARATELY FROM VOTES CAST FOR THE SAME CANDIDATE BY VOTERS WHO CHOOSE NOT TO AFFILIATE WITH ANY MAJOR POLITICAL PARTY.

(4) THIS SECTION EXPIRES JULY 1, 2002."

RENUMBER THE REMAINING SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

REMARKS BY SENATOR SNYDER

SENATOR SNYDER: "THANK YOU, MR. PRESIDENT. THESE ARE TWO NEW SECTIONS THAT RESPOND TO QUESTIONS RAISED BY THE SECRETARY OF STATE AND THE COUNTY AUDITORS LAST WEEK. NEW SECTION 29 MAKES IT CLEAR THAT NO VOTER CAN CAST MORE THAN ONE VOTE FOR A CANDIDATE FOR A GIVEN OFFICE AND SECTION 30 DOES TWO THINGS. FIRST, IT GIVES THE SECRETARY OF STATE THE ABILITY TO ADOPT RULES THAT INSURE FLEXIBILITY FOR AUDITORS IMPLEMENTING THIS ACT THIS YEAR. SECONDLY, IT ADDRESSES SPECIFIC CONCERNS THAT VOTING SOFTWARE COULD NOT BE CHANGED UNLESS VOTES FOR MINOR OR INDEPENDENT PARTY CANDIDATES COULD BE COUNTED WHEN CAST BY VOTER AFFILIATION WITH A MAJOR PARTY. FOR, THE NEXT YEAR ONLY, MINOR AND INDEPENDENT CANDIDATES WILL APPEAR ONLY ON THE UNAFFILIATED BALLOT. THOSE CANDIDATES WILL ADVANCE TO THE GENERAL ELECTION IF THEIR VOTE TOTAL IS AT LEAST THREE PERCENT OF THE TOTAL CAST BY UNAFFILIATED VOTERS. I URGE YOUR ADOPTION OF THE AMENDMENT."

REMARKS BY SENATOR HARGROVE

SENATOR HARGROVE: "THANK YOU, MR. PRESIDENT. THIS IS ESSENTIALLY A TECHNICAL AMENDMENT TO THE UNDERLYING BILL BECAUSE OF THE TIME FRAME."

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATORS SNYDER, SWECKER AND KOHL-WELLES ON PAGE 21, AFTER LINE 13, TO SENATE BILL No. 6183.

THE MOTION BY SENATOR SNYDER CARRIED AND THE AMENDMENT WAS ADOPTED.

MOTION

ON MOTION OF SENATOR ROACH, THE FOLLOWING AMENDMENT BY SENATORS ROACH AND CONSTANTINE WAS ADOPTED:

ON PAGE 13, AFTER LINE 13, INSERT THE FOLLOWING:

"**Sec. 27.** RCW 29.42.070 AND 1991 c 363 s 35 ARE EACH AMENDED TO READ AS FOLLOWS:

WITHIN FORTY-FIVE DAYS AFTER THE STATE-WIDE GENERAL ELECTION IN EVEN-NUMBERED YEARS, OR WITHIN THIRTY DAYS FOLLOWING JULY 30, 1967, FOR THE BIENNIUM ENDING WITH THE 1968 GENERAL ELECTIONS, THE COUNTY CHAIR OF EACH MAJOR POLITICAL PARTY SHALL CALL SEPARATE MEETINGS OF ALL ELECTED PRECINCT COMMITTEE OFFICERS IN EACH LEGISLATIVE DISTRICT ((A MAJORITY OF THE PRECINCTS OF WHICH ARE WITHIN A COUNTY WITH A POPULATION OF ONE MILLION OR MORE)) FOR THE PURPOSE OF ELECTING A LEGISLATIVE DISTRICT CHAIR IN SUCH DISTRICT. THE DISTRICT CHAIR SHALL HOLD OFFICE UNTIL THE NEXT LEGISLATIVE DISTRICT REORGANIZATIONAL MEETING TWO YEARS LATER, OR UNTIL A SUCCESSOR IS ELECTED.

THE LEGISLATIVE DISTRICT CHAIR CAN ONLY BE REMOVED BY THE MAJORITY VOTE OF THE ELECTED PRECINCT COMMITTEE OFFICERS IN THE CHAIR'S DISTRICT."

RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

REMARKS BY SENATOR ROACH

SENATOR ROACH: "THANK YOU, MR. PRESIDENT. THIS PARTICULAR AMENDMENT WOULD REQUIRE THAT ALL COUNTIES, NOT JUST THE COUNTY OF KING, HAVE THEIR DISTRICT CHAIR ELECTED BY THE ELECTED OFFICIALS AND STATE OFFICERS."

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATORS ROACH AND CONSTANTINE ON PAGE 13, AFTER LINE 13, TO SUBSTITUTE SENATE BILL No. 61G13 83.

THE MOTION BY SENATOR ROACH CARRIED AND THE AMENDMENT WAS ADOPTED.

MOTION

SENATOR HARGROVE MOVED THAT THE FOLLOWING STRIKING AMENDMENT BY SENATORS HARGROVE AND FINKBEINER BE ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"**Sec. 1.** RCW 29.30.085 AND 1992 c 181 s 2 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS PROVIDED IN RCW 29.30.086 AND IN SUBSECTION (2) OF THIS SECTION, ON THE BALLOT AT THE GENERAL ELECTION FOR ((A NONPARTISAN)) AN OFFICE FOR WHICH A PRIMARY WAS HELD, ONLY THE NAMES OF THE CANDIDATE WHO RECEIVED THE GREATEST NUMBER OF VOTES AND THE CANDIDATE WHO RECEIVED THE NEXT GREATEST NUMBER OF VOTES FOR THAT OFFICE SHALL APPEAR UNDER THE TITLE OF THAT OFFICE, AND THE NAMES SHALL APPEAR IN THAT ORDER. IF A PRIMARY WAS CONDUCTED, NO CANDIDATE'S NAME MAY BE PRINTED ON THE SUBSEQUENT GENERAL ELECTION BALLOT UNLESS HE OR SHE RECEIVES AT LEAST ONE PERCENT OF THE TOTAL VOTES CAST FOR THAT OFFICE AT THE PRECEDING PRIMARY. ON THE BALLOT AT THE GENERAL ELECTION FOR ((ANY OTHER NONPARTISAN)) AN OFFICE FOR WHICH NO PRIMARY WAS HELD, THE NAMES OF THE CANDIDATES SHALL BE LISTED IN THE ORDER DETERMINED UNDER RCW 29.30.025.

(2) ON THE BALLOT AT THE GENERAL ELECTION FOR THE OFFICE OF JUSTICE OF THE SUPREME COURT, JUDGE OF THE COURT OF APPEALS, JUDGE OF THE SUPERIOR COURT, OR STATE SUPERINTENDENT OF PUBLIC INSTRUCTION, IF A CANDIDATE IN A CONTESTED PRIMARY RECEIVES A MAJORITY OF ALL THE VOTES CAST FOR THAT OFFICE OR POSITION, ONLY THE NAME OF THAT CANDIDATE MAY BE PRINTED UNDER THE TITLE OF THE OFFICE FOR THAT POSITION.

NEW SECTION. Sec. 2. A NEW SECTION IS ADDED TO CHAPTER 29.07 RCW TO READ AS FOLLOWS:

UNDER NO CIRCUMSTANCES MAY AN INDIVIDUAL BE REQUIRED TO AFFILIATE WITH, JOIN, ADHERE TO, EXPRESS FAITH IN, OR DECLARE A PREFERENCE FOR, A POLITICAL PARTY OR ORGANIZATION UPON REGISTERING TO VOTE.

NEW SECTION. Sec. 3. A NEW SECTION IS ADDED TO CHAPTER 29.18 RCW TO READ AS FOLLOWS:

(1) A PRIMARY IS A CRITICAL STAGE IN THE PUBLIC PROCESS BY WHICH VOTERS ELECT CANDIDATES TO PUBLIC OFFICE. A PRIMARY MAY NOT BE USED TO SELECT THE NOMINEES OF A POLITICAL PARTY.

(2) WHENEVER CANDIDATES FOR A PARTISAN OFFICE ARE TO BE ELECTED, THE GENERAL ELECTION MUST BE PRECEDED BY A PRIMARY CONDUCTED UNDER THIS CHAPTER, EXCEPT AS OTHERWISE PROVIDED IN LAW. BASED UPON VOTES CAST AT THE PRIMARY, EITHER ONE OR TWO CANDIDATES MUST BE CERTIFIED AS QUALIFIED TO APPEAR ON THE GENERAL ELECTION BALLOT, UNDER RCW 29.27.050 AND 29.30.085.

(3) IF A CANDIDATE EXPRESSES A PARTY PREFERENCE ON HIS OR HER DECLARATION OF CANDIDACY, THEN THE PREFERENCE WILL BE LISTED FOR THE CANDIDATE ON THE PRIMARY AND GENERAL ELECTION BALLOTS. EACH CANDIDATE WHO DOES NOT EXPRESS A PREFERENCE FOR A POLITICAL PARTY WILL BE LISTED AS AN INDEPENDENT CANDIDATE ON THE PRIMARY AND GENERAL ELECTION BALLOTS. PARTY PREFERENCES WILL BE LISTED FOR THE INFORMATION OF VOTERS ONLY, AND MAY NOT BE USED FOR ANY PURPOSE RELATING TO THE CONDUCT, CANVASSING, OR CERTIFICATION OF THE PRIMARY, AND MAY IN NO WAY LIMIT THE OPTIONS AVAILABLE TO VOTERS IN DECIDING FOR WHOM TO CAST A VOTE.

Sec. 4. RCW 29.01.090 AND 1977 EX.S. C 329 S 9 ARE EACH AMENDED TO READ AS FOLLOWS:

"MAJOR POLITICAL PARTY" MEANS A POLITICAL PARTY OF WHICH AT LEAST ONE ((NOMINEE FOR PRESIDENT, VICE PRESIDENT, UNITED STATES SENATOR, OR A STATEWIDE OFFICE RECEIVED AT LEAST FIVE PERCENT OF THE TOTAL VOTE CAST AT THE LAST PRECEDING STATE GENERAL ELECTION IN AN EVEN-NUMBERED YEAR: ~~PROVIDED, THAT ANY POLITICAL PARTY QUALIFYING AS A MAJOR POLITICAL PARTY UNDER THE PREVIOUS SUBSECTION (2) OR SUBSECTION (3) OF THIS SECTION PRIOR TO ITS 1977 AMENDMENT SHALL RETAIN SUCH STATUS UNTIL AFTER THE NEXT STATE GENERAL ELECTION FOLLOWING JUNE 30, 1977~~)) CANDIDATE FOR AN OFFICE VOTED UPON STATEWIDE WHO EXPRESSED A PREFERENCE FOR THAT PARTY ON HIS OR HER DECLARATION OF CANDIDACY RECEIVED AT LEAST FIVE PERCENT OF THE TOTAL VOTE CAST AT THE LAST PRECEDING PRIMARY ELECTION OR GENERAL ELECTION OCCURRING IN A YEAR IN WHICH THE GOVERNOR IS ELECTED.

NEW SECTION. Sec. 5. A NEW SECTION IS ADDED TO CHAPTER 29.01 RCW TO READ AS FOLLOWS:

"PARTISAN OFFICE" MEANS THE FOLLOWING OFFICES:

- (1) UNITED STATES SENATOR AND UNITED STATES REPRESENTATIVE;
- (2) ALL STATE OFFICES EXCEPT (A) JUDICIAL OFFICES AND (B) THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION;
- (3) ALL COUNTY OFFICES EXCEPT (A) JUDICIAL OFFICES AND (B) THOSE OFFICES WHERE A COUNTY HOME RULE CHARTER

PROVIDES OTHERWISE.

Sec. 6. RCW 29.01.130 AND 1965 C 9 S 29.01.130 ARE EACH AMENDED TO READ AS FOLLOWS:

"PRIMARY" OR "PRIMARY ELECTION" MEANS A STATUTORY PROCEDURE ((FOR NOMINATING CANDIDATES TO PUBLIC OFFICE AT THE POLLS)) HELD BEFORE A GENERAL ELECTION BY WHICH EACH VOTER IS PERMITTED TO CAST A VOTE FOR HIS OR HER PREFERRED CANDIDATE FOR EACH OFFICE APPEARING ON THE BALLOT, WITHOUT ANY LIMITATION BASED ON PARTY PREFERENCE OR AFFILIATION, OF EITHER THE VOTER OR THE CANDIDATE, WITH THE RESULT OF QUALIFYING NOT MORE THAN TWO CANDIDATES FOR EACH OFFICE TO APPEAR ON THE GENERAL ELECTION BALLOT.

Sec. 7. RCW 29.04.180 AND 1999 C 157 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) ANY PERSON WHO DESIRES TO BE A WRITE-IN CANDIDATE AND HAVE SUCH VOTES COUNTED AT A PRIMARY OR ELECTION MAY ((IF THE JURISDICTION OF THE OFFICE SOUGHT IS ENTIRELY WITHIN ONE COUNTY,)) FILE A DECLARATION OF CANDIDACY ((WITH THE COUNTY AUDITOR NOT LATER THAN THE DAY BEFORE THE PRIMARY OR ELECTION. IF THE JURISDICTION OF THE OFFICE SOUGHT ENCOMPASSES MORE THAN ONE COUNTY THE DECLARATION OF CANDIDACY SHALL BE FILED)) SIMILAR TO THE FORM IN RCW 29.15.010 WITH THE ((SECRETARY OF STATE)) SAME OFFICER AS PROVIDED IN RCW 29.15.030 NOT LATER THAN THE DAY BEFORE THE PRIMARY OR ELECTION. DECLARATIONS OF CANDIDACY FOR WRITE-IN CANDIDATES MUST BE ACCOMPANIED BY A FILING FEE IN THE SAME MANNER AS REQUIRED OF OTHER CANDIDATES FILING FOR THE OFFICE AS PROVIDED IN RCW 29.15.050.

(2) VOTES CAST FOR WRITE-IN CANDIDATES WHO HAVE FILED SUCH DECLARATIONS OF CANDIDACY ((AND WRITE-IN VOTES FOR PERSONS APPOINTED BY POLITICAL PARTIES PURSUANT TO RCW 29.18.160)) NEED ONLY SPECIFY THE NAME OF THE CANDIDATE IN THE APPROPRIATE LOCATION ON THE BALLOT IN ORDER TO BE COUNTED. WRITE-IN VOTES CAST FOR ANY OTHER CANDIDATE, IN ORDER TO BE COUNTED, MUST DESIGNATE THE OFFICE SOUGHT AND POSITION NUMBER ((OR POLITICAL PARTY)), IF APPLICABLE. IN ORDER FOR WRITE-IN VOTES TO BE VALID IN JURISDICTIONS EMPLOYING OPTICAL-SCAN MARK SENSE BALLOT SYSTEMS THE VOTER MUST COMPLETE THE PROPER MARK NEXT TO THE WRITE-IN LINE FOR THAT OFFICE.

(3) NO PERSON MAY FILE AS A WRITE-IN CANDIDATE WHERE:

((1)) (A) AT A GENERAL ELECTION, THE PERSON ATTEMPTING TO FILE EITHER FILED AS A WRITE-IN CANDIDATE FOR THE SAME OFFICE AT THE PRECEDING PRIMARY OR THE PERSON'S NAME APPEARED ON THE BALLOT FOR THE SAME OFFICE AT THE PRECEDING PRIMARY;

((2)) (B) THE PERSON ATTEMPTING TO FILE AS A WRITE-IN CANDIDATE HAS ALREADY FILED A VALID WRITE-IN DECLARATION FOR THAT PRIMARY OR ELECTION, UNLESS ONE OR THE OTHER OF THE TWO FILINGS IS FOR THE OFFICE OF PRECINCT COMMITTEE PERSON;

((3)) (C) THE NAME OF THE PERSON ATTEMPTING TO FILE ALREADY APPEARS ON THE BALLOT AS A CANDIDATE FOR ANOTHER OFFICE, UNLESS ONE OF THE TWO OFFICES FOR WHICH HE OR SHE IS A CANDIDATE IS PRECINCT COMMITTEE PERSON.

(4) THE DECLARATION OF CANDIDACY SHALL BE SIMILAR TO THAT REQUIRED BY RCW 29.15.010. NO WRITE-IN CANDIDATE FILING UNDER RCW 29.04.180 MAY BE INCLUDED IN ANY VOTER'S PAMPHLET PRODUCED UNDER CHAPTER ((29.80)) 29.81 RCW UNLESS THAT CANDIDATE QUALIFIES TO HAVE HIS OR HER NAME PRINTED ON THE GENERAL ELECTION BALLOT. THE LEGISLATIVE AUTHORITY OF ANY JURISDICTION PRODUCING A LOCAL VOTER'S PAMPHLET UNDER CHAPTER 29.81A RCW MAY PROVIDE, BY ORDINANCE, FOR THE INCLUSION OF WRITE-IN CANDIDATES IN SUCH PAMPHLETS.

Sec. 8. RCW 29.04.190 AND 1988 C 181 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

THE SECRETARY OF STATE OR COUNTY AUDITOR WHO RECEIVED A WRITE-IN DECLARATION FOR A DISTRICT ENCOMPASSING MORE THAN ONE COUNTY SHALL NOTIFY EACH COUNTY AUDITOR OF ANY DECLARATIONS FILED WITH THE SECRETARY UNDER RCW 29.04.180 FOR OFFICES APPEARING ON THE BALLOT IN THAT COUNTY. THE COUNTY AUDITOR SHALL ENSURE THAT THOSE PERSONS CHARGED WITH COUNTING THE BALLOTS FOR A PRIMARY OR ELECTION ARE NOTIFIED OF ALL VALID WRITE-IN CANDIDATES BEFORE THE TABULATION OF THOSE BALLOTS.

Sec. 9. RCW 29.13.070 AND 1977 EX.S. C 361 S 29 ARE EACH AMENDED TO READ AS FOLLOWS:

((NOMINATING)) PRIMARIES FOR GENERAL ELECTIONS TO BE HELD IN NOVEMBER SHALL BE HELD AT THE REGULAR POLLING PLACES IN EACH PRECINCT ON THE THIRD TUESDAY OF THE PRECEDING SEPTEMBER OR ON THE SEVENTH TUESDAY IMMEDIATELY PRECEDING SUCH GENERAL ELECTION, WHICHEVER OCCURS FIRST.

Sec. 10. RCW 29.15.010 AND 1990 C 59 S 82 ARE EACH AMENDED TO READ AS FOLLOWS:

A ((CANDIDATE)) PERSON WHO DESIRES TO HAVE HIS OR HER NAME PRINTED ON THE BALLOT AS A CANDIDATE FOR ((ELECTION TO)) AN OFFICE WHERE OWNERSHIP OF PROPERTY IS NOT A PREREQUISITE TO VOTE, OTHER THAN PRESIDENT OF THE UNITED STATES ((,)) OR VICE PRESIDENT OF THE UNITED STATES, ((OR AN OFFICE FOR WHICH OWNERSHIP OF PROPERTY IS A PREREQUISITE TO VOTING)) SHALL COMPLETE AND FILE A DECLARATION AND AFFIDAVIT OF CANDIDACY FOR THE OFFICE. THE SECRETARY OF STATE SHALL ADOPT, BY RULE, A ((DECLARATION OF CANDIDACY)) SEPARATE FORM FOR CANDIDATES FOR THE OFFICE OF PRECINCT COMMITTEE OFFICER AND A ((SEPARATE)) STANDARD FORM FOR CANDIDATES FOR ALL OTHER OFFICES FILING UNDER THIS CHAPTER. INCLUDED ON THE STANDARD FORM ((SHALL)) MUST BE:

(1) A PLACE FOR THE CANDIDATE TO DECLARE THAT HE OR SHE IS A REGISTERED VOTER WITHIN THE JURISDICTION OF THE OFFICE FOR WHICH HE OR SHE IS FILING, AND THE ADDRESS AT WHICH HE OR SHE IS REGISTERED;

(2) A PLACE FOR THE CANDIDATE TO INDICATE THE POSITION FOR WHICH HE OR SHE IS FILING;

(3) FOR PARTISAN OFFICES ONLY, A PLACE FOR THE CANDIDATE TO INDICATE ((A PARTY DESIGNATION, IF APPLICABLE)) WHICH MAJOR OR MINOR POLITICAL PARTY, IF ANY, OR INDEPENDENT STATUS, THE CANDIDATE REGARDS AS BEST APPROXIMATING HIS OR HER PERSONAL PREFERENCE. A CANDIDATE MAY ONLY LIST ONE PARTY PREFERENCE OR MAY LIST INDEPENDENT;

(4) A PLACE FOR THE CANDIDATE TO INDICATE THE AMOUNT OF THE FILING FEE ACCOMPANYING THE DECLARATION AND AFFIDAVIT OF CANDIDACY OR FOR THE CANDIDATE TO INDICATE THAT HE OR SHE IS FILING A ((NOMINATING)) PETITION OF CANDIDACY IN LIEU OF THE FILING FEE UNDER RCW 29.15.050;

(5) A PLACE FOR THE CANDIDATE TO SIGN THE DECLARATION AND AFFIDAVIT OF CANDIDACY, STATING THAT THE INFORMATION PROVIDED ON THE FORM IS TRUE AND SWEARING OR AFFIRMING THAT HE OR SHE WILL SUPPORT THE CONSTITUTION AND LAWS OF THE UNITED STATES AND THE CONSTITUTION AND LAWS OF THE STATE OF WASHINGTON~~((~~
~~THE SECRETARY OF STATE MAY REQUIRE))~~; AND

(6) ANY OTHER INFORMATION ((ON THE FORM HE OR SHE)) THAT THE SECRETARY OF STATE DEEMS APPROPRIATE TO FACILITATE THE FILING PROCESS.

Sec. 11. RCW 29.15.025 AND 1999 C 298 S 9 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) A PERSON FILING A DECLARATION AND AFFIDAVIT OF CANDIDACY FOR AN OFFICE SHALL, AT THE TIME OF FILING, BE A REGISTERED VOTER AND POSSESS THE QUALIFICATIONS SPECIFIED BY LAW FOR PERSONS WHO MAY BE ELECTED TO THE OFFICE.

(2) THE NAME OF A CANDIDATE FOR AN OFFICE SHALL NOT APPEAR ON A BALLOT FOR THAT OFFICE UNLESS, EXCEPT AS PROVIDED IN RCW 3.46.067 AND 3.50.057, THE CANDIDATE IS, AT THE TIME THE CANDIDATE'S DECLARATION AND AFFIDAVIT OF CANDIDACY IS FILED, PROPERLY REGISTERED TO VOTE IN THE GEOGRAPHIC AREA REPRESENTED BY THE OFFICE. FOR THE PURPOSES OF THIS SECTION, EACH GEOGRAPHIC AREA IN WHICH REGISTERED VOTERS MAY CAST BALLOTS FOR AN OFFICE IS REPRESENTED BY THAT OFFICE. IF A PERSON ELECTED TO AN OFFICE MUST BE ~~((NOMINATED))~~ QUALIFIED FROM A DISTRICT OR SIMILAR DIVISION OF THE GEOGRAPHIC AREA REPRESENTED BY THE OFFICE, THE NAME OF A CANDIDATE FOR THE OFFICE SHALL NOT APPEAR ON A PRIMARY BALLOT FOR THAT OFFICE UNLESS THE CANDIDATE IS, AT THE TIME THE CANDIDATE'S DECLARATION AND AFFIDAVIT OF CANDIDACY IS FILED, PROPERLY REGISTERED TO VOTE IN THAT DISTRICT OR DIVISION. THE OFFICER WITH WHOM DECLARATIONS AND AFFIDAVITS OF CANDIDACY MUST BE FILED UNDER THIS TITLE SHALL REVIEW EACH SUCH DECLARATION FILED REGARDING COMPLIANCE WITH THIS SUBSECTION.

(3) THIS SECTION DOES NOT APPLY TO THE OFFICE OF A MEMBER OF THE UNITED STATES CONGRESS.

Sec. 12. RCW 29.15.040 AND 1987 C 110 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

ANY CANDIDATE MAY MAIL HIS OR HER DECLARATION OF CANDIDACY FOR AN OFFICE TO THE FILING OFFICER. SUCH DECLARATIONS OF CANDIDACY SHALL BE PROCESSED BY THE FILING OFFICER IN THE FOLLOWING MANNER:

(1) ANY DECLARATION RECEIVED BY THE FILING OFFICER BY MAIL BEFORE THE TENTH BUSINESS DAY IMMEDIATELY PRECEDING THE FIRST DAY FOR CANDIDATES TO FILE FOR OFFICE SHALL BE RETURNED TO THE CANDIDATE SUBMITTING IT, TOGETHER WITH A NOTIFICATION THAT THE DECLARATION OF CANDIDACY WAS RECEIVED TOO EARLY TO BE PROCESSED. THE CANDIDATE SHALL THEN BE PERMITTED TO RESUBMIT HIS OR HER DECLARATION OF CANDIDACY DURING THE FILING PERIOD.

(2) ANY PROPERLY EXECUTED DECLARATION OF CANDIDACY RECEIVED BY MAIL ON OR AFTER THE TENTH BUSINESS DAY IMMEDIATELY PRECEDING THE FIRST DAY FOR CANDIDATES TO FILE FOR OFFICE AND BEFORE THE CLOSE OF BUSINESS ON THE LAST DAY OF THE FILING PERIOD SHALL BE INCLUDED WITH FILINGS MADE IN PERSON DURING THE FILING PERIOD. IN PRIMARIES FOR PARTISAN OFFICES AND JUDICIAL ~~((ELECTIONS))~~ OFFICES THE FILING OFFICER SHALL DETERMINE BY LOT THE ORDER IN WHICH THE NAMES OF THOSE CANDIDATES SHALL APPEAR UPON SAMPLE AND ABSENTEE PRIMARY BALLOTS.

(3) ANY DECLARATION OF CANDIDACY RECEIVED BY THE FILING OFFICER AFTER THE CLOSE OF BUSINESS ON THE LAST DAY FOR CANDIDATES TO FILE FOR OFFICE SHALL BE REJECTED AND RETURNED TO THE CANDIDATE ATTEMPTING TO FILE IT.

Sec. 13. RCW 29.15.050 AND 1999 C 298 S 10 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) A FILING FEE OF ONE DOLLAR SHALL ACCOMPANY EACH DECLARATION OF CANDIDACY FOR PRECINCT COMMITTEE OFFICER; A FILING FEE OF TEN DOLLARS SHALL ACCOMPANY THE DECLARATION OF CANDIDACY FOR ANY OFFICE WITH A FIXED ANNUAL SALARY OF ONE THOUSAND DOLLARS OR LESS; A FILING FEE EQUAL TO ONE PERCENT OF THE ANNUAL SALARY OF THE OFFICE AT THE TIME OF FILING SHALL ACCOMPANY THE DECLARATION OF CANDIDACY FOR ANY OFFICE WITH A FIXED ANNUAL SALARY OF MORE THAN ONE THOUSAND DOLLARS PER ANNUM. NO FILING FEE NEED ACCOMPANY A DECLARATION OF CANDIDACY FOR ANY OFFICE FOR WHICH COMPENSATION IS ON A PER DIEM OR PER MEETING ATTENDED BASIS.

(2) A CANDIDATE WHO LACKS SUFFICIENT ASSETS OR INCOME AT THE TIME OF FILING TO PAY THE FILING FEE REQUIRED BY THIS SECTION SHALL SUBMIT A PETITION OF CANDIDACY WITH HIS OR HER DECLARATION OF CANDIDACY ~~((A NOMINATING PETITION))~~. THE PETITION SHALL CONTAIN NOT LESS THAN A NUMBER OF SIGNATURES OF REGISTERED VOTERS EQUAL TO THE NUMBER OF DOLLARS OF THE FILING FEE. THE SIGNATURES SHALL BE OF VOTERS REGISTERED TO VOTE WITHIN THE JURISDICTION OF THE OFFICE FOR WHICH THE CANDIDATE IS FILING.

(3) WHEN THE CANDIDACY IS FOR:

~~((1))~~ (A) A LEGISLATIVE OR JUDICIAL OFFICE THAT INCLUDES TERRITORY FROM MORE THAN ONE COUNTY, THE FEE SHALL BE PAID TO THE SECRETARY OF STATE FOR EQUAL DIVISION BETWEEN THE TREASURIES OF THE COUNTIES COMPRISING THE DISTRICT.

~~((2))~~ (B) A CITY OR TOWN OFFICE, THE FEE SHALL BE PAID TO THE COUNTY AUDITOR WHO SHALL TRANSMIT IT TO THE CITY OR TOWN CLERK FOR DEPOSIT IN THE CITY OR TOWN TREASURY.

Sec. 14. RCW 29.15.060 AND 1984 C 142 S 5 ARE EACH AMENDED TO READ AS FOLLOWS:

THE ~~((NOMINATING))~~ PETITION OF CANDIDACY AUTHORIZED BY RCW 29.15.050 SHALL BE PRINTED ON SHEETS OF UNIFORM COLOR AND SIZE, SHALL CONTAIN NO MORE THAN TWENTY NUMBERED LINES, AND SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM:

_WARNING

ANY PERSON WHO SIGNS THIS PETITION WITH ANY OTHER THAN HIS OR HER TRUE NAME, OR WHO KNOWINGLY (1) SIGNS MORE THAN ONE PETITION FOR ANY SINGLE CANDIDATE, (2) SIGNS THE PETITION WHEN HE OR SHE IS NOT A LEGAL VOTER, OR (3) MAKES ANY FALSE STATEMENT MAY BE SUBJECT TO FINE, OR IMPRISONMENT, OR BOTH.

WE, THE UNDERSIGNED REGISTERED VOTERS OF ~~((THE STATE OF WASHINGTON OR THE POLITICAL SUBDIVISION FOR WHICH THE PETITION OF CANDIDACY IS MADE))~~ THE STATE OF WASHINGTON, HEREBY PETITION THAT THE NAME OF (CANDIDATE'S NAME) BE PRINTED ON THE OFFICIAL PRIMARY BALLOT FOR THE OFFICE OF (INSERT NAME OF OFFICE).

SIGNATURE | PRINTED NAME | RESIDENCE ADDRESS |
 CITY | COUNTY

1-----

 2-----

 3-----

 ETC.,

Sec. 15. RCW 29.15.070 AND 1984 C 142 S 6 ARE EACH AMENDED TO READ AS FOLLOWS:

~~((NOMINATING))~~ (1) PETITIONS OF CANDIDACY MAY BE REJECTED FOR THE FOLLOWING REASONS:

~~((1))~~ (A) THE PETITION IS NOT IN THE PROPER FORM;

~~((2))~~ (B) THE PETITION CLEARLY BEARS INSUFFICIENT SIGNATURES;

~~((3))~~ (C) THE PETITION IS NOT ACCOMPANIED BY A DECLARATION OF CANDIDACY;

~~((4))~~ (D) THE TIME WITHIN WHICH THE PETITION AND THE DECLARATION OF CANDIDACY COULD HAVE BEEN FILED HAS EXPIRED.

(2) IF THE PETITION IS ACCEPTED, THE OFFICER WITH WHOM IT IS FILED SHALL CANVASS THE SIGNATURES CONTAINED ON IT AND SHALL REJECT THE SIGNATURES OF THOSE PERSONS WHO ARE NOT REGISTERED VOTERS ~~((AND THE SIGNATURES OF THOSE PERSONS WHO ARE NOT REGISTERED TO VOTE))~~ WITHIN THE JURISDICTION OF THE OFFICE FOR WHICH THE ~~((NOMINATING))~~ PETITION OF CANDIDACY IS FILED. HE OR SHE SHALL ADDITIONALLY REJECT ANY SIGNATURE THAT APPEARS ON THE ~~((NOMINATING))~~ PETITIONS OF CANDIDACY OF TWO OR MORE CANDIDATES FOR THE SAME OFFICE ~~((AND SHALL ALSO REJECT, EACH TIME IT APPEARS, THE NAME OF ANY PERSON WHO SIGNS THE SAME PETITION MORE THAN ONCE))~~. IF THE FILING OFFICER FINDS THAT THE SAME VOTER HAS SIGNED THE SAME PETITION MORE THAN ONCE, HE OR SHE SHALL REJECT ALL BUT THE FIRST VALID SIGNATURE.

(3) IF THE OFFICER WITH WHOM THE PETITION IS FILED REFUSES TO ACCEPT THE PETITION OR REFUSES TO CERTIFY THE PETITION AS BEARING SUFFICIENT VALID SIGNATURES, THE PERSON FILING THE PETITION MAY APPEAL THAT ACTION TO THE SUPERIOR COURT. THE APPLICATION FOR JUDICIAL REVIEW SHALL TAKE PRECEDENCE OVER OTHER CASES AND MATTERS AND SHALL BE SPEEDILY HEARD AND DETERMINED.

Sec. 16. RCW 29.15.080 AND 1984 C 142 S 8 ARE EACH AMENDED TO READ AS FOLLOWS:

THE FOLLOWING APPLY TO PERSONS SIGNING ~~((NOMINATING))~~ PETITIONS OF CANDIDACY PRESCRIBED BY RCW 29.15.060:

(1) A PERSON WHO SIGNS A PETITION WITH ANY OTHER THAN HIS OR HER NAME ~~((SHALL BE))~~ IS GUILTY OF A MISDEMEANOR.

(2) A PERSON ~~((SHALL BE))~~ IS GUILTY OF A MISDEMEANOR IF THE PERSON KNOWINGLY: SIGNS MORE THAN ONE PETITION FOR ANY SINGLE CANDIDACY OF ANY SINGLE CANDIDATE; SIGNS THE PETITION WHEN HE OR SHE IS NOT A LEGAL VOTER; OR MAKES A FALSE STATEMENT AS TO HIS OR HER RESIDENCE.

Sec. 17. RCW 29.15.150 AND 1973 C 4 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

WHENEVER IT SHALL BE NECESSARY TO HOLD A SPECIAL ELECTION IN AN ODD-NUMBERED YEAR TO FILL AN UNEXPIRED TERM OF ANY OFFICE WHICH IS SCHEDULED TO BE VOTED UPON FOR A FULL TERM IN AN EVEN-NUMBERED YEAR, NO ~~((SEPTEMBER))~~ PRIMARY ELECTION SHALL BE HELD IN THE ODD-NUMBERED YEAR IF, AFTER THE LAST DAY ALLOWED FOR CANDIDATES TO WITHDRAW, ~~((EITHER OF THE FOLLOWING CIRCUMSTANCES EXIST:~~

(1) NO MORE THAN ONE CANDIDATE OF EACH QUALIFIED POLITICAL PARTY HAS FILED A DECLARATION OF CANDIDACY FOR THE SAME PARTISAN OFFICE TO BE FILLED; OR

~~((2))~~ NO MORE THAN TWO CANDIDATES HAVE FILED A DECLARATION OF CANDIDACY FOR A SINGLE ~~((NONPARTISAN))~~ OFFICE TO BE FILLED.

IN ~~((EITHER))~~ THIS EVENT, THE OFFICER WITH WHOM THE DECLARATIONS OF CANDIDACY WERE FILED SHALL IMMEDIATELY NOTIFY ALL CANDIDATES CONCERNED AND THE NAMES OF THE CANDIDATES THAT WOULD HAVE BEEN PRINTED UPON THE ~~((SEPTEMBER))~~ PRIMARY BALLOT, BUT FOR THE PROVISIONS OF THIS SECTION, SHALL BE PRINTED AS ~~((NOMINEES))~~ CANDIDATES FOR THE POSITIONS SOUGHT UPON THE ~~((NOVEMBER))~~ GENERAL ELECTION BALLOT.

Sec. 18. RCW 29.15.160 AND 1975-'76 2ND EX.S. C 120 S 9 ARE EACH AMENDED TO READ AS FOLLOWS:

A VOID IN CANDIDACY FOR ~~((A NONPARTISAN))~~ AN OFFICE OCCURS WHEN AN ELECTION FOR SUCH OFFICE, EXCEPT FOR THE SHORT TERM, HAS BEEN SCHEDULED AND NO VALID DECLARATION OF CANDIDACY HAS BEEN FILED FOR THE POSITION OR ALL PERSONS FILING SUCH VALID DECLARATIONS OF CANDIDACY HAVE DIED OR BEEN DISQUALIFIED.

Sec. 19. RCW 29.15.170 AND 2001 C 46 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

FILINGS FOR ~~((A NONPARTISAN))~~ AN OFFICE SHALL BE REOPENED FOR A PERIOD OF THREE NORMAL BUSINESS DAYS, SUCH THREE DAY PERIOD TO BE FIXED BY THE ELECTION OFFICER WITH WHOM SUCH DECLARATIONS OF CANDIDACY ARE FILED AND NOTICE THEREOF GIVEN BY NOTIFYING PRESS, RADIO, AND TELEVISION IN THE COUNTY OR COUNTIES INVOLVED, AND BY SUCH OTHER MEANS AS MAY NOW OR HEREAFTER BE PROVIDED BY LAW WHENEVER BEFORE THE SIXTH TUESDAY PRIOR TO A PRIMARY:

- (1) A VOID IN CANDIDACY OCCURS;
- (2) A VACANCY OCCURS IN ~~((ANY NONPARTISAN))~~ AN OFFICE LEAVING AN UNEXPIRED TERM TO BE FILLED BY AN ELECTION FOR WHICH FILINGS HAVE NOT BEEN HELD; OR
- (3) A ~~((NOMINEE))~~ CANDIDATE FOR JUDGE OF THE SUPERIOR COURT ENTITLED TO A CERTIFICATE OF ELECTION PURSUANT TO ARTICLE 4, SECTION 29, AMENDMENT 41 OF THE STATE CONSTITUTION, DIES OR IS DISQUALIFIED.

CANDIDACIES VALIDLY FILED WITHIN SAID THREE-DAY PERIOD SHALL APPEAR ON THE BALLOT AS IF MADE DURING THE EARLIER FILING PERIOD.

NEW SECTION. Sec. 20. A NEW SECTION IS ADDED TO CHAPTER 29.15 RCW TO READ AS FOLLOWS:

IF THE DEATH OR DISQUALIFICATION OF A CANDIDATE FOR A PARTISAN OR NONPARTISAN OFFICE DOES NOT GIVE RISE TO THE OPENING OF A NEW FILING PERIOD UNDER RCW 29.15.170 AND IF NO APPOINTMENT IS MADE UNDER RCW 29.18.160, THEN THE FOLLOWING WILL OCCUR:

- (1) IF THE CANDIDATE DIES OR BECOMES DISQUALIFIED AFTER FILING A DECLARATION OF CANDIDACY BUT BEFORE THE CLOSE OF THE FILING PERIOD, THEN THE DECLARATION OF CANDIDACY IS VOID AND HIS OR HER NAME WILL NOT APPEAR ON THE BALLOT.
- (2)(A) IF THE CANDIDATE DIES OR BECOMES DISQUALIFIED AFTER THE CLOSE OF THE FILING PERIOD BUT BEFORE THE DAY OF THE PRIMARY, THEN HIS OR HER NAME WILL APPEAR ON THE PRIMARY BALLOT AND ALL OTHERWISE VALID VOTES FOR THAT CANDIDATE WILL BE TABULATED. THE CANDIDATE'S NAME WILL NOT APPEAR ON THE GENERAL ELECTION BALLOT EVEN IF HE OR SHE OTHERWISE WOULD HAVE QUALIFIED TO DO SO, BUT NO OTHER CANDIDATE WILL ADVANCE OR BE SUBSTITUTED IN PLACE OF THAT CANDIDATE.
 - (B) IF THE CANDIDATE WAS THE ONLY CANDIDATE TO QUALIFY TO ADVANCE TO THE GENERAL ELECTION, THEN THE GENERAL ELECTION FOR THAT OFFICE LAPSES, AND THE OFFICE WILL BE REGARDED AS VACANT AS OF THE TIME THE NEWLY ELECTED OFFICIAL WOULD HAVE OTHERWISE TAKEN OFFICE.
- (3) IF THE CANDIDATE DIES OR BECOMES DISQUALIFIED ON OR AFTER THE DAY OF THE PRIMARY, AND HE OR SHE WOULD HAVE OTHERWISE QUALIFIED TO APPEAR ON THE GENERAL ELECTION BALLOT, THEN HIS OR HER NAME WILL APPEAR ON THE GENERAL ELECTION BALLOT AND ALL OTHERWISE VALID VOTES FOR THAT CANDIDATE WILL BE TABULATED. IF THE CANDIDATE RECEIVED A NUMBER OF VOTES SUFFICIENT TO BE ELECTED TO OFFICE, BUT FOR HIS OR HER DEATH OR DISQUALIFICATION, THEN THE OFFICE WILL BE REGARDED AS VACANT AS OF THE TIME THE NEWLY ELECTED OFFICIAL WOULD HAVE OTHERWISE TAKEN OFFICE.

Sec. 21. RCW 29.15.190 AND 1975-76 2ND EX.S. C 120 S 12 ARE EACH AMENDED TO READ AS FOLLOWS:

A SCHEDULED ELECTION ~~((SHALL BE LAPSED))~~ LAPSES, THE OFFICE IS DEEMED STRICKEN FROM THE BALLOT, NO PURPORTED WRITE-IN VOTES MAY BE COUNTED, AND NO CANDIDATE MAY BE CERTIFIED AS ELECTED, WHEN:

- (1) IN AN ELECTION FOR JUDGE OF THE SUPREME COURT ~~((OR))~~, SUPERINTENDENT OF PUBLIC INSTRUCTION, OR A PARTISAN OFFICE, A VOID IN CANDIDACY OCCURS ON OR AFTER THE FOURTH TUESDAY PRIOR TO A PRIMARY, PUBLIC FILINGS AND THE PRIMARY BEING AN INDISPENSABLE PHASE OF THE ELECTION PROCESS FOR SUCH OFFICES;
- (2) EXCEPT AS OTHERWISE SPECIFIED IN RCW 29.15.180, ~~((AS NOW OR HEREAFTER AMENDED, A NOMINEE))~~ A CANDIDATE FOR JUDGE OF THE SUPERIOR COURT ENTITLED TO A CERTIFICATE OF ELECTION PURSUANT TO ARTICLE 4, SECTION 29, AMENDMENT 41 OF THE STATE CONSTITUTION DIES OR IS DISQUALIFIED ON OR AFTER THE FOURTH TUESDAY PRIOR TO A PRIMARY;
- (3) IN OTHER ELECTIONS FOR NONPARTISAN OFFICE A VOID IN CANDIDACY OCCURS OR A VACANCY OCCURS INVOLVING AN UNEXPIRED TERM TO BE FILLED ON OR AFTER THE FOURTH TUESDAY PRIOR TO AN ELECTION.

Sec. 22. RCW 29.15.210 AND 1972 EX.S. C 61 S 5 ARE EACH AMENDED TO READ AS FOLLOWS:

THE ELECTION OFFICER WITH WHOM DECLARATIONS OF CANDIDACY ARE FILED SHALL GIVE NOTICE OF A VOID IN CANDIDACY FOR ~~((A NONPARTISAN))~~ AN OFFICE~~((;))~~ BY NOTIFYING PRESS, RADIO, AND TELEVISION IN THE COUNTY OR COUNTIES INVOLVED AND BY SUCH OTHER MEANS AS MAY NOW OR HEREAFTER BE PROVIDED BY LAW. THE NOTICE SHALL STATE THE OFFICE, AND THE TIME AND PLACE FOR FILING DECLARATIONS OF CANDIDACY.

Sec. 23. RCW 29.15.220 AND 1972 EX.S. C 61 S 6 ARE EACH AMENDED TO READ AS FOLLOWS:

FILINGS TO FILL A VOID IN CANDIDACY FOR ~~((NONPARTISAN))~~ AN OFFICE SHALL BE MADE IN THE SAME MANNER AND WITH THE SAME OFFICIAL AS REQUIRED DURING THE REGULAR FILING PERIOD FOR SUCH OFFICE~~((= PROVIDED, THAT NOMINATING SIGNATURE))~~. PETITIONS ((WHICH MAY BE)) OF CANDIDACY THAT ARE REQUIRED OF CANDIDATES FILING ~~((FOR CERTAIN DISTRICT OFFICES))~~ DURING THE NORMAL FILING PERIOD SHALL NOT BE REQUIRED OF CANDIDATES FILING DURING THE SPECIAL THREE DAY FILING PERIOD.

Sec. 24. RCW 29.18.010 AND 1990 C 59 S 78 ARE EACH AMENDED TO READ AS FOLLOWS:

CANDIDATES FOR ~~((THE FOLLOWING OFFICES SHALL BE NOMINATED AT))~~ PARTISAN OFFICES WILL APPEAR ON THE BALLOT AT PRIMARIES HELD ~~((PURSUANT TO THE PROVISIONS OF))~~ UNDER THIS CHAPTER~~((;))~~:

- (1) CONGRESSIONAL OFFICES;
- (2) ALL STATE OFFICES EXCEPT (A) JUDICIAL OFFICES AND (B) THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION;
- (3) ALL COUNTY OFFICES EXCEPT (A) JUDICIAL OFFICES AND (B) THOSE OFFICES WHERE A COUNTY HOME RULE CHARTER PROVIDES OTHERWISE).

Sec. 25. RCW 29.18.160 AND 2001 C 46 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

A VACANCY CAUSED BY THE DEATH OR DISQUALIFICATION OF ANY CANDIDATE ~~((OR NOMINEE OF))~~ FOR A PARTISAN OFFICE WHO IS AFFILIATED WITH A MAJOR OR MINOR POLITICAL PARTY THAT WOULD RESULT IN NO CANDIDATE AFFILIATED WITH THAT PARTY BEING ON THE PRIMARY BALLOT FOR A PARTISAN OFFICE,

MAY BE FILLED AT ANY TIME UP TO AND INCLUDING THE DAY ~~((PRIOR TO THE ELECTION))~~ BEFORE THE PRIMARY FOR THAT POSITION. FOR ~~((STATE))~~ PARTISAN OFFICES ~~((IN ANY POLITICAL SUBDIVISION VOTED ON SOLELY BY ELECTORS))~~ OF A COUNTY OR THE STATE LEGISLATURE VOTED ON SOLELY BY VOTERS ALL OR PART OF A SINGLE COUNTY, AN INDIVIDUAL ~~((SHALL))~~ MAY BE APPOINTED TO FILL ~~((SUCH))~~ A VACANCY BY THE COUNTY CENTRAL COMMITTEE IN THE CASE OF A MAJOR POLITICAL PARTY OR BY THE STATE CENTRAL COMMITTEE OR COMPARABLE GOVERNING BODY IN THE CASE OF A MINOR POLITICAL PARTY. FOR OTHER PARTISAN OFFICES, INCLUDING FEDERAL OR STATEWIDE OFFICES, AN INDIVIDUAL ~~((SHALL))~~ MAY BE APPOINTED TO FILL ~~((SUCH))~~ THE VACANCY BY THE STATE CENTRAL COMMITTEE OR COMPARABLE GOVERNING BODY OF THE APPROPRIATE POLITICAL PARTY.

~~((SHOULD SUCH))~~ IF THE VACANCY OCCURS AND THE APPOINTMENT IS MADE NO LATER THAN THE SIXTH TUESDAY ~~((PRIOR TO THE STATE))~~ BEFORE THE PRIMARY ~~((OR GENERAL ELECTION))~~ CONCERNED AND THE BALLOTS HAVE BEEN PRINTED, ~~((IT SHALL BE MANDATORY THAT))~~ THEY MUST BE CORRECTED BY THE APPROPRIATE ELECTION OFFICERS. IN MAKING ~~((SUCH))~~ THE CORRECTION, IT ~~((SHALL))~~ IS NOT ~~((BE))~~ NECESSARY TO REPRINT COMPLETE BALLOTS IF ANY OTHER LESS EXPENSIVE TECHNIQUE CAN BE USED AND THE RESULTING CORRECTION IS REASONABLY CLEAR.

~~((SHOULD SUCH))~~ IF THE VACANCY OCCURS AFTER THE SIXTH TUESDAY ~~((PRIOR TO SAID STATE))~~ BEFORE THE PRIMARY ~~((OR GENERAL ELECTION))~~ AND TIME DOES NOT EXIST IN WHICH TO CORRECT BALLOTS (INCLUDING ABSENTEE BALLOTS), EITHER IN TOTAL OR IN PART, THEN THE VOTES CAST OR RECORDED AT THE PRIMARY FOR THE PERSON WHO HAS DIED OR BECOME DISQUALIFIED ~~((SHALL))~~ MUST BE COUNTED FOR THE PERSON WHO HAS BEEN NAMED TO FILL ~~((SUCH))~~ THE VACANCY.

WHEN THE SECRETARY OF STATE IS THE PERSON WITH WHOM THE APPOINTMENT BY THE MAJOR OR MINOR POLITICAL PARTY IS FILED, ~~((HE))~~ THE SECRETARY OF STATE SHALL, IN CERTIFYING CANDIDATES ~~((OR NOMINATIONS))~~ TO THE VARIOUS COUNTY OFFICERS INSERT THE NAME OF THE PERSON APPOINTED TO FILL A VACANCY.

~~((IN THE EVENT THAT))~~ IF THE SECRETARY OF STATE HAS ALREADY SENT FORTH ~~((HIS))~~ A CERTIFICATE WHEN THE APPOINTMENT TO FILL A VACANCY IS FILED WITH ~~((HIM, HE))~~ THAT OFFICE, THE SECRETARY OF STATE SHALL FORTHWITH CERTIFY TO THE COUNTY AUDITORS OF THE PROPER COUNTIES THE NAME AND PLACE OF RESIDENCE OF THE PERSON APPOINTED TO FILL A VACANCY, THE OFFICE FOR WHICH ~~((HE))~~ THE PERSON IS A CANDIDATE ~~((OR NOMINEE))~~, THE PARTY ~~((HE REPRESENTS))~~ WITH WHICH THAT PERSON IS AFFILIATED, AND ALL OTHER PERTINENT FACTS PERTAINING TO THE VACANCY.

Sec. 26. RCW 29.27.020 AND 1990 C 59 S 8 ARE EACH AMENDED TO READ AS FOLLOWS:

ON OR BEFORE THE DAY FOLLOWING THE LAST DAY ALLOWED FOR ~~((POLITICAL PARTIES TO FILL VACANCIES IN THE TICKET AS PROVIDED BY RCW 29.48.150))~~ CANDIDATES TO WITHDRAW UNDER RCW 29.15.120, THE SECRETARY OF STATE SHALL CERTIFY TO EACH COUNTY AUDITOR A LIST OF THE CANDIDATES WHO HAVE FILED DECLARATIONS OF CANDIDACY IN HIS OR HER OFFICE FOR THE PRIMARY. FOR EACH OFFICE, THE CERTIFICATE SHALL INCLUDE THE NAME OF EACH CANDIDATE, HIS OR HER ADDRESS, AND HIS OR HER PARTY DESIGNATION, IF ANY.

Sec. 27. RCW 29.27.050 AND 1990 C 59 S 9 ARE EACH AMENDED TO READ AS FOLLOWS:

NO LATER THAN THE DAY FOLLOWING THE CERTIFICATION OF THE RETURNS OF ANY PRIMARY, THE SECRETARY OF STATE SHALL CERTIFY TO THE APPROPRIATE COUNTY AUDITORS, THE NAMES OF ALL PERSONS ~~((NOMINATED))~~ QUALIFIED TO APPEAR ON THE GENERAL ELECTION BALLOT AS CANDIDATES FOR OFFICES, THE RETURNS OF WHICH HAVE BEEN CANVASSED BY THE SECRETARY OF STATE.

Sec. 28. RCW 29.27.080 AND 1999 C 4 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS PROVIDED IN RCW 29.81A.060, NOTICE FOR ANY STATE, COUNTY, DISTRICT, OR MUNICIPAL ELECTION, WHETHER SPECIAL OR GENERAL, SHALL BE GIVEN BY AT LEAST ONE PUBLICATION NOT MORE THAN TEN NOR LESS THAN THREE DAYS PRIOR TO THE ELECTION BY THE COUNTY AUDITOR OR THE OFFICER CONDUCTING THE ELECTION AS THE CASE MAY BE, IN ONE OR MORE NEWSPAPERS OF GENERAL CIRCULATION WITHIN THE COUNTY. ~~((SAB))~~ THE LEGAL NOTICE SHALL CONTAIN THE TITLE OF EACH OFFICE UNDER THE PROPER PARTY ~~((DESIGNATION))~~ PREFERENCE, THE NAMES AND ADDRESSES OF ALL ~~((OFFICERS))~~ CANDIDATES WHO HAVE BEEN ~~((NOMINATED))~~ QUALIFIED TO APPEAR ON THE BALLOT FOR AN OFFICE TO BE VOTED UPON AT THAT ELECTION, TOGETHER WITH THE BALLOT TITLES OF ALL MEASURES, THE HOURS DURING WHICH THE POLLS WILL BE OPEN, AND THAT THE ELECTION WILL BE HELD IN THE REGULAR POLLING PLACES IN EACH PRECINCT, GIVING THE ADDRESS OF EACH POLLING PLACE: PROVIDED, THAT THE NAMES OF ALL CANDIDATES FOR NONPARTISAN OFFICES SHALL BE PUBLISHED SEPARATELY WITH DESIGNATION OF THE OFFICES FOR WHICH THEY ARE CANDIDATES BUT WITHOUT PARTY DESIGNATION. THIS SHALL BE THE ONLY NOTICE REQUIRED FOR A STATE, COUNTY, DISTRICT, OR MUNICIPAL GENERAL OR SPECIAL ELECTION AND SHALL SUPERSEDE THE PROVISIONS OF ANY AND ALL OTHER STATUTES, WHETHER GENERAL OR SPECIAL IN NATURE, HAVING DIFFERENT REQUIREMENTS FOR THE GIVING OF NOTICE OF ANY GENERAL OR SPECIAL ELECTIONS.

(2) ALL SCHOOL DISTRICT ELECTIONS HELD ON FEBRUARY 5, 1980, AT WHICH THE NUMBER AND PROPORTION OF PERSONS REQUIRED BY LAW VOTED TO AUTHORIZE BONDS OR TAX LEVIES, ARE HEREBY VALIDATED REGARDLESS OF ANY FAILURE TO PUBLISH NOTICE OF SUCH ELECTION. NO ACTION CHALLENGING THE VALIDITY OF ANY SUCH ELECTION MAY BE BROUGHT LATER THAN APRIL 15, 1980, OR THIRTY DAYS FROM JUNE 12, 1980, WHICHEVER IS LATER. NOTICE OF PROVISIONS OF THIS SUBSECTION SHALL BE PUBLISHED WITHIN FIVE DAYS AFTER FEBRUARY 28, 1980, IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN EACH COUNTY WHERE A SCHOOL DISTRICT ELECTION WAS HELD ON FEBRUARY 5, 1980, AND WHERE NOTICE OF SUCH ELECTION WAS NOT PUBLISHED AS PROVIDED IN SUBSECTION (1) OF THIS SECTION.

(3) ALL SCHOOL DISTRICT ELECTIONS HELD ON MAY 19, 1998, AT WHICH THE NUMBER AND PROPORTION OF PERSONS REQUIRED BY LAW VOTED TO AUTHORIZE BONDS OR TAX LEVIES, ARE HEREBY VALIDATED REGARDLESS OF ANY FAILURE TO PUBLISH NOTICE OF SUCH ELECTION. NO ACTION CHALLENGING THE VALIDITY OF ANY SUCH ELECTION MAY BE BROUGHT LATER THAN THIRTY DAYS AFTER JANUARY 29, 1999. NOTICE OF PROVISIONS OF THIS SUBSECTION SHALL BE PUBLISHED WITHIN FIVE DAYS AFTER JANUARY 29, 1999, IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN EACH COUNTY WHERE A SCHOOL DISTRICT ELECTION WAS HELD ON MAY 19, 1998, AND WHERE NOTICE OF SUCH ELECTION WAS NOT PUBLISHED AS PROVIDED IN SUBSECTION (1) OF THIS SECTION.

Sec. 29. RCW 29.27.090 AND 1965 C 9 S 29.27.090 ARE EACH AMENDED TO READ AS FOLLOWS:

THE SECRETARY OF STATE(~~(, COUNTY)~~) AND THE AUDITOR OF EACH COUNTY(~~(, AND CLERKS OF THE SEVERAL MUNICIPAL CORPORATIONS)~~) SHALL PRESERVE ~~((ALL CERTIFICATES OF NOMINATION))~~ DOCUMENTATION INDICATING WHICH CANDIDATES HAVE QUALIFIED TO APPEAR ON A GENERAL ELECTION BALLOT FILED IN THEIR RESPECTIVE OFFICES FOR SIX MONTHS. ALL CERTIFICATES SHALL BE OPEN TO PUBLIC INSPECTION UNDER PROPER REGULATIONS MADE BY THE OFFICER WITH WHOM THEY ARE FILED.

Sec. 30. RCW 29.30.005 AND 1990 C 59 S 93 ARE EACH AMENDED TO READ AS FOLLOWS:

EXCEPT FOR THE CANDIDATES FOR THE POSITIONS OF PRESIDENT AND VICE PRESIDENT OR FOR A PARTISAN OR NONPARTISAN OFFICE FOR WHICH NO PRIMARY IS REQUIRED, THE NAMES OF ALL CANDIDATES WHO HAVE ~~((FILED FOR NOMINATION UNDER CHAPTER 29.18 RCW AND THOSE INDEPENDENT CANDIDATES AND CANDIDATES OF MINOR POLITICAL PARTIES WHO HAVE BEEN NOMINATED UNDER CHAPTER 29.24 RCW SHALL))~~ SATISFIED ALL REQUIREMENTS OF LAW WILL APPEAR ON THE APPROPRIATE BALLOT AT THE PRIMARY THROUGHOUT THE JURISDICTION ~~((IN WHICH THEY ARE TO BE NOMINATED))~~ OF THE OFFICE FOR WHICH THEY ARE A CANDIDATE.

Sec. 31. RCW 29.30.020 AND 2001 C 30 S 5 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE POSITIONS OR OFFICES ON A PRIMARY BALLOT SHALL BE ARRANGED IN SUBSTANTIALLY THE FOLLOWING ORDER: UNITED STATES SENATOR; UNITED STATES REPRESENTATIVE; GOVERNOR; LIEUTENANT GOVERNOR; SECRETARY OF STATE; STATE TREASURER; STATE AUDITOR; ATTORNEY GENERAL; COMMISSIONER OF PUBLIC LANDS; SUPERINTENDENT OF PUBLIC INSTRUCTION; INSURANCE COMMISSIONER; STATE SENATOR; STATE REPRESENTATIVE; COUNTY OFFICERS; JUSTICES OF THE SUPREME COURT; JUDGES OF THE COURT OF APPEALS; JUDGES OF THE SUPERIOR COURT; AND JUDGES OF THE DISTRICT COURT. FOR ALL OTHER JURISDICTIONS ON THE PRIMARY BALLOT, THE OFFICES IN EACH JURISDICTION SHALL BE GROUPED TOGETHER AND BE IN THE ORDER OF THE POSITION NUMBERS ASSIGNED TO THOSE OFFICES, IF ANY.

(2) THE ORDER OF THE POSITIONS OR OFFICES ON AN ELECTION BALLOT SHALL BE SUBSTANTIALLY THE SAME AS ON A PRIMARY BALLOT EXCEPT THAT THE OFFICES OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES SHALL PRECEDE ALL OTHER OFFICES ON A PRESIDENTIAL ELECTION BALLOT. STATE BALLOT ISSUES SHALL BE PLACED BEFORE ALL OFFICES ON AN ELECTION BALLOT. THE POSITIONS ON A BALLOT TO BE ASSIGNED TO BALLOT MEASURES REGARDING LOCAL UNITS OF GOVERNMENT SHALL BE ESTABLISHED BY THE SECRETARY OF STATE BY RULE.

(3) THE POLITICAL PARTY OR INDEPENDENT CANDIDACY OF EACH CANDIDATE FOR PARTISAN OFFICE SHALL BE INDICATED NEXT TO THE NAME OF THE CANDIDATE ON THE PRIMARY AND ELECTION BALLOT. ~~((A CANDIDATE SHALL FILE A WRITTEN NOTICE WITH THE FILING OFFICER WITHIN THREE BUSINESS DAYS AFTER THE CLOSE OF THE FILING PERIOD DESIGNATING THE POLITICAL PARTY TO BE INDICATED NEXT TO THE CANDIDATE'S NAME ON THE BALLOT IF EITHER: (A) THE CANDIDATE HAS BEEN NOMINATED BY TWO OR MORE MINOR POLITICAL PARTIES OR INDEPENDENT CONVENTIONS; OR (B) THE CANDIDATE HAS BOTH FILED A DECLARATION OF CANDIDACY DECLARING AN AFFILIATION WITH A MAJOR POLITICAL PARTY AND BEEN NOMINATED BY A MINOR POLITICAL PARTY OR INDEPENDENT CONVENTION. IF NO WRITTEN NOTICE IS FILED THE FILING OFFICER SHALL GIVE EFFECT TO THE PARTY DESIGNATION SHOWN UPON THE FIRST DOCUMENT FILED. A CANDIDATE MAY BE DEEMED NOMINATED BY A MINOR PARTY OR INDEPENDENT CONVENTION ONLY IF ALL DOCUMENTATION REQUIRED BY CHAPTER 29.24 RCW HAS BEEN TIMELY FILED.))~~

Sec. 32. RCW 29.30.101 AND 1999 C 298 S 11 ARE EACH AMENDED TO READ AS FOLLOWS:

THE NAMES OF THE PERSONS CERTIFIED ~~((AS NOMINEES))~~ BY THE SECRETARY OF STATE OR THE COUNTY CANVASSING BOARD AS HAVING QUALIFIED TO APPEAR ON THE GENERAL ELECTION BALLOT SHALL BE PRINTED ON THE BALLOT AT THE ENSUING ELECTION.

NO NAME OF ANY CANDIDATE ~~((WHOSE NOMINATION AT A PRIMARY IS REQUIRED BY LAW SHALL))~~ FOR AN OFFICE FOR WHICH A PRIMARY IS CONDUCTED MAY BE PLACED UPON THE BALLOT AT A GENERAL OR SPECIAL ELECTION UNLESS IT APPEARS UPON THE CERTIFICATE OF EITHER (1) THE SECRETARY OF STATE, OR (2) THE COUNTY CANVASSING BOARD, OR (3) ~~((A MINOR PARTY CONVENTION OR))~~ THE STATE OR COUNTY CENTRAL COMMITTEE OF A MAJOR POLITICAL PARTY TO FILL A VACANCY ON ITS TICKET UNDER RCW 29.18.160.

EXCLUDING THE OFFICE OF PRECINCT COMMITTEE OFFICER OR A TEMPORARY ELECTED POSITION SUCH AS A CHARTER REVIEW BOARD MEMBER OR FREEHOLDER, A CANDIDATE'S NAME SHALL NOT APPEAR MORE THAN ONCE UPON A BALLOT FOR A POSITION REGULARLY ~~((NOMINATED))~~ QUALIFIED OR ELECTED AT THE SAME ELECTION.

Sec. 33. 2001 C ... (SB 5275) S 17 IS AMENDED TO READ AS FOLLOWS:

IN AN ODD-NUMBERED YEAR, THE COUNTY AUDITOR MAY CONDUCT A PRIMARY OR A SPECIAL ELECTION BY MAIL BALLOT CONCURRENTLY WITH THE PRIMARY:

- (1) FOR AN OFFICE OR BALLOT MEASURE OF A SPECIAL PURPOSE DISTRICT THAT IS ENTIRELY WITHIN THE COUNTY;
- (2) FOR AN OFFICE OR BALLOT MEASURE OF A SPECIAL PURPOSE DISTRICT THAT LIES IN THE COUNTY AND ONE OR MORE OTHER COUNTIES IF THE AUDITOR FIRST SECURES THE CONCURRENCE OF THE COUNTY AUDITORS OF THOSE OTHER COUNTIES TO CONDUCT THE PRIMARY IN THIS MANNER DISTRICT-WIDE; AND
- (3) FOR A BALLOT MEASURE OR NONPARTISAN OFFICE OF A COUNTY, CITY, OR TOWN IF THE AUDITOR FIRST SECURES THE CONCURRENCE OF THE LEGISLATIVE AUTHORITY OF THE COUNTY, CITY, OR TOWN INVOLVED.

THE COUNTY AUDITOR SHALL NOTIFY AN ELECTION JURISDICTION FOR WHICH A PRIMARY IS TO BE HELD THAT THE PRIMARY WILL BE CONDUCTED BY MAIL BALLOT.

A PRIMARY IN AN ODD-NUMBERED YEAR MAY NOT BE CONDUCTED BY MAIL BALLOT IN A PRECINCT WITH TWO HUNDRED OR MORE ACTIVE REGISTERED VOTERS IF A PARTISAN OFFICE OR STATE OFFICE OR STATE BALLOT MEASURE IS TO BE VOTED UPON AT THAT PRIMARY IN THE PRECINCT.

TO THE EXTENT THEY ARE NOT INCONSISTENT WITH OTHER PROVISIONS OF LAW, THE LAWS GOVERNING THE CONDUCT OF MAIL BALLOT SPECIAL ELECTIONS APPLY TO ~~((NONPARTISAN))~~ PRIMARIES FOR NONPARTISAN OFFICES CONDUCTED BY MAIL BALLOT.

Sec. 34. RCW 29.42.010 AND 1977 EX.S. C 329 S 16 ARE EACH AMENDED TO READ AS FOLLOWS:

EACH POLITICAL PARTY ORGANIZATION (~~(SHALL HAVE THE POWER TO)~~) MAY:

(1) MAKE ITS OWN RULES AND REGULATIONS;

(2) CALL CONVENTIONS;

(3) ELECT DELEGATES TO CONVENTIONS, STATE AND NATIONAL;

(4) FILL VACANCIES ON THE TICKET UNDER RCW 29.18.160;

(5) PROVIDE FOR THE NOMINATION OF PRESIDENTIAL ELECTORS; AND

(6) PERFORM ALL FUNCTIONS INHERENT IN SUCH AN ORGANIZATION (~~(- PROVIDED, THAT ONLY MAJOR POLITICAL PARTIES SHALL HAVE THE POWER TO DESIGNATE CANDIDATES TO APPEAR ON THE STATE PRIMARY ELECTION BALLOT AS PROVIDED IN RCW 29.18.150 AS NOW OR HEREAFTER AMENDED)~~).

Sec. 35. RCW 29.42.020 AND 1987 C 295 S 11 ARE EACH AMENDED TO READ AS FOLLOWS:

THE STATE COMMITTEE OF EACH MAJOR POLITICAL PARTY SHALL CONSIST OF ONE COMMITTEEMAN AND ONE COMMITTEEWOMAN FROM EACH COUNTY ELECTED BY THE COUNTY COMMITTEE AT ITS ORGANIZATION MEETING. IT SHALL HAVE A CHAIR AND VICE-CHAIR WHO MUST BE OF OPPOSITE SEXES. THIS COMMITTEE SHALL MEET DURING JANUARY OF EACH ODD-NUMBERED YEAR FOR THE PURPOSE OF ORGANIZATION AT A TIME AND PLACE DESIGNATED BY A SUFFICIENT NOTICE TO ALL THE NEWLY ELECTED STATE COMMITTEEMEN AND COMMITTEEWOMEN BY THE AUTHORIZED OFFICERS OF THE RETIRING COMMITTEE. FOR THE PURPOSE OF THIS SECTION A NOTICE MAILED AT LEAST ONE WEEK PRIOR TO THE DATE OF THE MEETING SHALL CONSTITUTE SUFFICIENT NOTICE. AT ITS ORGANIZATIONAL MEETING IT SHALL ELECT ITS CHAIR AND VICE-CHAIR, AND SUCH OFFICERS AS ITS BYLAWS MAY PROVIDE, AND ADOPT BYLAWS, RULES AND REGULATIONS. IT SHALL HAVE POWER TO:

(1) CALL CONVENTIONS AT SUCH TIME AND PLACE AND UNDER SUCH CIRCUMSTANCES AND FOR SUCH PURPOSES AS THE CALL TO CONVENTION SHALL DESIGNATE. THE MANNER, NUMBER AND PROCEDURE FOR SELECTION OF STATE CONVENTION DELEGATES SHALL BE SUBJECT TO THE COMMITTEE'S RULES AND REGULATIONS DULY ADOPTED;

(2) PROVIDE FOR THE ELECTION OF DELEGATES TO NATIONAL CONVENTIONS;

(3) FILL VACANCIES ON THE TICKET FOR ANY FEDERAL OR STATE OFFICE TO BE VOTED ON BY THE (~~(ELECTORS)~~) VOTERS OF MORE THAN ONE COUNTY UNDER RCW 29.18.160;

(4) PROVIDE FOR THE NOMINATION OF PRESIDENTIAL ELECTORS; AND

(5) PERFORM ALL FUNCTIONS INHERENT IN SUCH AN ORGANIZATION.

NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER, THE COMMITTEE SHALL NOT SET RULES WHICH SHALL GOVERN THE CONDUCT OF THE ACTUAL PROCEEDINGS AT A PARTY STATE CONVENTION.

Sec. 36. RCW 29.42.050 AND 1991 C 363 S 34 ARE EACH AMENDED TO READ AS FOLLOWS:

THE STATUTORY REQUIREMENTS FOR FILING AS A CANDIDATE AT THE PRIMARIES SHALL APPLY TO CANDIDATES FOR PRECINCT COMMITTEE OFFICER EXCEPT THAT THE FILING PERIOD FOR THIS OFFICE ALONE SHALL BE EXTENDED TO AND INCLUDE THE SECOND FRIDAY IMMEDIATELY FOLLOWING THE LAST DAY FOR (~~(POLITICAL PARTIES TO FILL VACANCIES IN THE TICKET AS PROVIDED BY RCW 29.18.150)~~) THE FILING OF DECLARATIONS OF CANDIDACY UNDER RCW 29.15.020, AND THE OFFICE SHALL NOT BE VOTED UPON AT THE PRIMARIES, BUT THE NAMES OF ALL CANDIDATES MUST APPEAR UNDER THE PROPER PARTY AND OFFICE DESIGNATIONS ON THE BALLOT FOR THE GENERAL NOVEMBER ELECTION FOR EACH EVEN-NUMBERED YEAR AND THE ONE RECEIVING THE HIGHEST NUMBER OF VOTES SHALL BE DECLARED ELECTED: PROVIDED, THAT TO BE DECLARED ELECTED, A CANDIDATE MUST RECEIVE AT LEAST TEN PERCENT OF THE NUMBER OF VOTES CAST FOR THE CANDIDATE OF THE CANDIDATE'S PARTY RECEIVING THE GREATEST NUMBER OF VOTES IN THE PRECINCT. ANY PERSON ELECTED TO THE OFFICE OF PRECINCT COMMITTEE OFFICER WHO HAS NOT FILED A DECLARATION OF CANDIDACY SHALL PAY THE FEE OF ONE DOLLAR TO THE COUNTY AUDITOR FOR A CERTIFICATE OF ELECTION. THE TERM OF OFFICE OF PRECINCT COMMITTEE OFFICER SHALL BE FOR TWO YEARS, COMMENCING UPON COMPLETION OF THE OFFICIAL CANVASS OF VOTES BY THE COUNTY CANVASSING BOARD OF ELECTION RETURNS. SHOULD ANY VACANCY OCCUR IN THIS OFFICE BY REASON OF DEATH, RESIGNATION, OR DISQUALIFICATION OF THE INCUMBENT, OR BECAUSE OF FAILURE TO ELECT, THE RESPECTIVE COUNTY CHAIR OF THE COUNTY CENTRAL COMMITTEE SHALL BE EMPOWERED TO FILL SUCH VACANCY BY APPOINTMENT: PROVIDED, HOWEVER, THAT IN LEGISLATIVE DISTRICTS HAVING A MAJORITY OF ITS PRECINCTS IN A COUNTY WITH A POPULATION OF ONE MILLION OR MORE, SUCH APPOINTMENT SHALL BE MADE ONLY UPON THE RECOMMENDATION OF THE LEGISLATIVE DISTRICT CHAIR: PROVIDED, THAT THE PERSON SO APPOINTED SHALL HAVE THE SAME QUALIFICATIONS AS CANDIDATES WHEN FILING FOR ELECTION TO SUCH OFFICE FOR SUCH PRECINCT: PROVIDED FURTHER, THAT WHEN A VACANCY IN THE OFFICE OF PRECINCT COMMITTEE OFFICER EXISTS BECAUSE OF FAILURE TO ELECT AT A STATE GENERAL ELECTION, SUCH VACANCY SHALL NOT BE FILLED UNTIL AFTER THE ORGANIZATION MEETING OF THE COUNTY CENTRAL COMMITTEE AND THE NEW COUNTY CHAIR SELECTED AS PROVIDED BY RCW 29.42.030.

Sec. 37. RCW 29.62.010 AND 1990 C 59 S 62 ARE EACH AMENDED TO READ AS FOLLOWS:

EVERY CANVASSING BOARD OR OFFICER RESPONSIBLE FOR CANVASSING AND CERTIFYING THE RETURNS OF ANY PRIMARY OR ELECTION SHALL:

(1) ADOPT ADMINISTRATIVE RULES TO FACILITATE AND GOVERN THE CANVASSING PROCESS IN THAT JURISDICTION;

(2) FOR EACH PRIMARY AND ELECTION, PREPARE AND SIGN A STATEMENT OF THE RETURNS FOR EACH OFFICE, CANDIDATE, AND ISSUE VOTED ON IN THAT JURISDICTION;

(3) IF, AT A (~~(PARTISAN)~~) PRIMARY, TWO OR MORE CANDIDATES (~~(OF THE SAME PARTY)~~) RECEIVE THE GREATEST OR SECOND GREATEST, AND IDENTICAL, NUMBER OF VOTES FOR AN OFFICE OR POSITION, RESOLVE THE TIE VOTE BY LOT(;

(4) IF, AT A NONPARTISAN OR JUDICIAL PRIMARY, TWO OR MORE CANDIDATES RECEIVE THE SECOND GREATEST, AND IDENTICAL, NUMBER OF VOTES FOR THAT OFFICE OR POSITION, RESOLVE THE TIE VOTE BY LOT)).

Sec. 38. RCW 29.62.180 AND 1999 C 157 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) FOR ANY OFFICE AT ANY ELECTION OR PRIMARY, ANY VOTER MAY WRITE IN ON THE BALLOT THE NAME OF ANY PERSON FOR AN OFFICE WHO HAS FILED AS A WRITE-IN CANDIDATE FOR THE OFFICE IN THE MANNER PROVIDED BY RCW 29.04.180 AND SUCH VOTE SHALL BE COUNTED THE SAME AS IF THE NAME HAD BEEN PRINTED ON THE BALLOT AND MARKED BY THE VOTER. NO WRITE-IN VOTE MADE FOR ANY PERSON WHO HAS NOT FILED A DECLARATION OF CANDIDACY PURSUANT TO RCW 29.04.180 IS VALID IF THAT PERSON FILED FOR THE SAME OFFICE, EITHER AS A REGULAR CANDIDATE OR A WRITE-IN CANDIDATE, AT THE PRECEDING PRIMARY, EXCEPT THAT NOTHING IN THIS SECTION INVALIDATES A VOTE FOR THE SOLE REASON THAT THE VOTE WAS CAST AS A WRITE-IN FOR A CANDIDATE WHOSE NAME APPEARS ON THE SAME BALLOT FOR THE SAME OFFICE. ANY ABBREVIATION USED TO DESIGNATE OFFICE, POSITION, OR POLITICAL PARTY SHALL BE ACCEPTED IF THE CANVASSING BOARD CAN DETERMINE, TO THEIR SATISFACTION, THE VOTER'S INTENT.

(2) THE NUMBER OF WRITE-IN VOTES CAST FOR EACH OFFICE MUST BE RECORDED AND REPORTED WITH THE CANVASS FOR THE ELECTION.

(3) WRITE-IN VOTES CAST FOR AN INDIVIDUAL CANDIDATE FOR AN OFFICE NEED NOT BE TALLIED IF THE TOTAL NUMBER OF WRITE-IN VOTES CAST FOR THE OFFICE IS NOT GREATER THAN THE NUMBER OF VOTES CAST FOR ~~((THE))~~ A CANDIDATE APPARENTLY ~~((NOMINATED))~~ QUALIFIED TO APPEAR ON THE GENERAL ELECTION BALLOT OR ELECTED, AND THE WRITE-IN VOTES COULD NOT HAVE ALTERED THE OUTCOME OF THE PRIMARY OR ELECTION. IN THE CASE OF WRITE-IN VOTES FOR STATEWIDE OFFICE OR FOR ANY OFFICE WHOSE JURISDICTION ENCOMPASSES MORE THAN ONE COUNTY, WRITE-IN VOTES FOR AN INDIVIDUAL CANDIDATE MUST BE TALLIED WHENEVER THE COUNTY AUDITOR IS NOTIFIED BY EITHER THE OFFICE OF THE SECRETARY OF STATE OR ANOTHER AUDITOR IN A MULTICOUNTY JURISDICTION THAT IT APPEARS THAT THE WRITE-IN VOTES COULD ALTER THE OUTCOME OF THE PRIMARY OR ELECTION.

(4) IN THE CASE OF STATEWIDE OFFICES OR JURISDICTIONS THAT ENCOMPASS MORE THAN ONE COUNTY, IF THE TOTAL NUMBER OF WRITE-IN VOTES CAST FOR AN OFFICE WITHIN A COUNTY IS GREATER THAN THE NUMBER OF VOTES CAST FOR A CANDIDATE APPARENTLY ~~((NOMINATED))~~ QUALIFIED TO APPEAR ON THE GENERAL ELECTION BALLOT OR ELECTED IN A PRIMARY OR ELECTION, THE AUDITOR SHALL TALLY ALL WRITE-IN VOTES FOR INDIVIDUAL CANDIDATES FOR THAT OFFICE AND NOTIFY THE OFFICE OF THE SECRETARY OF STATE AND THE AUDITORS OF THE OTHER COUNTIES WITHIN THE JURISDICTION, THAT THE WRITE-IN VOTES FOR INDIVIDUAL CANDIDATES SHOULD BE TALLIED.

Sec. 39. RCW 29.64.010 AND 2001 C 225 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) AN OFFICER OF A POLITICAL PARTY OR ANY PERSON FOR WHOM VOTES WERE CAST IN A PRIMARY WHO WAS NOT DECLARED ~~((NOMINATED))~~ QUALIFIED TO APPEAR ON THE GENERAL ELECTION BALLOT MAY FILE A WRITTEN APPLICATION FOR A RECOUNT OF THE VOTES OR A PORTION OF THE VOTES CAST AT THAT PRIMARY FOR ALL PERSONS FOR WHOM VOTES WERE CAST FOR ~~((NOMINATION TO))~~ THAT OFFICE.

(2) AN OFFICER OF A POLITICAL PARTY OR ANY PERSON FOR WHOM VOTES WERE CAST AT ANY ELECTION MAY FILE A WRITTEN APPLICATION FOR A RECOUNT OF THE VOTES OR A PORTION OF THE VOTES CAST AT THAT ELECTION FOR ALL CANDIDATES FOR ELECTION TO THAT OFFICE.

(3) ANY GROUP OF FIVE OR MORE REGISTERED VOTERS MAY FILE A WRITTEN APPLICATION FOR A RECOUNT OF THE VOTES OR A PORTION OF THE VOTES CAST UPON ANY QUESTION OR ISSUE. THEY SHALL DESIGNATE ONE OF THE MEMBERS OF THE GROUP AS CHAIRMAN AND SHALL INDICATE THE VOTING RESIDENCE OF EACH MEMBER OF THE GROUP.

(4) AN APPLICATION FOR A RECOUNT OF THE VOTES CAST FOR AN OFFICE OR ON A BALLOT MEASURE MUST BE FILED WITH THE OFFICER WITH WHOM FILINGS ARE MADE FOR THE JURISDICTION.

(5) AN APPLICATION FOR A RECOUNT MUST SPECIFY WHETHER THE RECOUNT WILL BE DONE MANUALLY OR BY THE VOTE TALLY SYSTEM. A RECOUNT DONE BY THE VOTE TALLY SYSTEM MUST USE PROGRAMMING THAT RECOUNTS AND REPORTS ONLY THE OFFICE OR BALLOT MEASURE IN QUESTION. THE COUNTY SHALL ALSO PROVIDE FOR A TEST OF THE LOGIC AND ACCURACY OF THAT PROGRAM.

(6) AN APPLICATION FOR A RECOUNT SHALL BE FILED WITHIN THREE BUSINESS DAYS AFTER THE COUNTY CANVASSING BOARD OR SECRETARY OF STATE HAS DECLARED THE OFFICIAL RESULTS OF THE PRIMARY OR ELECTION FOR THE OFFICE OR ISSUE FOR WHICH THE RECOUNT IS REQUESTED.

(7) THIS CHAPTER APPLIES TO THE RECOUNTING OF VOTES CAST BY PAPER BALLOTS AND TO THE RECOUNTING OF VOTES RECORDED ON BALLOTS COUNTED BY A VOTE TALLY SYSTEM.

Sec. 40. RCW 29.64.015 AND 2001 C 225 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) IF THE OFFICIAL CANVASS OF ALL OF THE RETURNS FOR ANY OFFICE AT ANY PRIMARY OR ELECTION REVEALS THAT THE DIFFERENCE IN THE NUMBER OF VOTES CAST FOR A CANDIDATE APPARENTLY ~~((NOMINATED))~~ QUALIFIED TO APPEAR ON THE GENERAL ELECTION BALLOT OR ELECTED TO ANY OFFICE AND THE NUMBER OF VOTES CAST FOR THE CLOSEST APPARENTLY DEFEATED OPPONENT IS LESS THAN TWO THOUSAND VOTES AND ALSO LESS THAN ONE-HALF OF ONE PERCENT OF THE TOTAL NUMBER OF VOTES CAST FOR BOTH CANDIDATES, THE COUNTY CANVASSING BOARD SHALL CONDUCT A RECOUNT OF ALL VOTES CAST ON THAT POSITION.

(A) WHENEVER SUCH A DIFFERENCE OCCURS IN THE NUMBER OF VOTES CAST FOR CANDIDATES FOR A POSITION THE DECLARATION OF CANDIDACY FOR WHICH WAS FILED WITH THE SECRETARY OF STATE, THE SECRETARY OF STATE SHALL, WITHIN THREE BUSINESS DAYS OF THE DAY THAT THE RETURNS OF THE PRIMARY OR ELECTION ARE FIRST CERTIFIED BY THE CANVASSING BOARDS OF THOSE COUNTIES, DIRECT THOSE BOARDS TO RECOUNT ALL VOTES CAST ON THE POSITION.

(B) IF THE DIFFERENCE IN THE NUMBER OF VOTES CAST FOR THE APPARENT WINNER AND THE CLOSEST APPARENTLY DEFEATED OPPONENT IS LESS THAN ONE HUNDRED FIFTY VOTES AND ALSO LESS THAN ONE-FOURTH OF ONE PERCENT OF THE TOTAL NUMBER OF VOTES CAST FOR BOTH CANDIDATES, THE VOTES SHALL BE RECOUNTED MANUALLY OR AS PROVIDED IN SUBSECTION (3) OF THIS SECTION.

(2) A MANDATORY RECOUNT SHALL BE CONDUCTED IN THE MANNER PROVIDED BY RCW 29.64.020, 29.64.030, AND 29.64.040. NO COST OF A MANDATORY RECOUNT MAY BE CHARGED TO ANY CANDIDATE.

(3) THE APPARENT WINNER AND CLOSEST APPARENTLY DEFEATED OPPONENT FOR AN OFFICE FOR WHICH A MANUAL RECOUNT IS REQUIRED UNDER SUBSECTION (1)(B) OF THIS SECTION MAY SELECT AN ALTERNATIVE METHOD OF CONDUCTING THE RECOUNT. TO SELECT SUCH AN ALTERNATIVE, THE TWO CANDIDATES SHALL AGREE TO THE ALTERNATIVE IN A SIGNED, WRITTEN STATEMENT FILED WITH THE ELECTION OFFICIAL FOR THE OFFICE. THE RECOUNT SHALL BE

CONDUCTED USING THE ALTERNATIVE METHOD IF: IT IS SUITED TO THE BALLOTING SYSTEM THAT WAS USED FOR CASTING THE VOTES FOR THE OFFICE; IT INVOLVES THE USE OF A VOTE TALLYING SYSTEM THAT IS APPROVED FOR USE IN THIS STATE BY THE SECRETARY OF STATE; AND THE VOTE TALLYING SYSTEM IS READILY AVAILABLE IN EACH COUNTY REQUIRED TO CONDUCT THE RECOUNT. IF MORE THAN ONE BALLOTING SYSTEM WAS USED IN CASTING VOTES FOR THE OFFICE, AN ALTERNATIVE TO A MANUAL RECOUNT MAY BE SELECTED FOR EACH SYSTEM.

Sec. 41. RCW 29.64.030 AND 2001 C 225 S 6 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) AT THE TIME AND PLACE ESTABLISHED FOR A RECOUNT, THE CANVASSING BOARD OR ITS DULY AUTHORIZED REPRESENTATIVES, IN THE PRESENCE OF ALL WITNESSES WHO MAY BE IN ATTENDANCE, SHALL OPEN THE SEALED CONTAINERS CONTAINING THE BALLOTS TO BE RECOUNTED, AND SHALL RECOUNT THE VOTES FOR THE OFFICES OR ISSUES FOR WHICH THE RECOUNT HAS BEEN ORDERED. BALLOTS SHALL BE HANDLED ONLY BY THE MEMBERS OF THE CANVASSING BOARD OR THEIR DULY AUTHORIZED REPRESENTATIVES.

WITNESSES SHALL BE PERMITTED TO OBSERVE THE BALLOTS AND THE PROCESS OF TABULATING THE VOTES, BUT THEY SHALL NOT BE PERMITTED TO HANDLE THE BALLOTS. THE CANVASSING BOARD SHALL NOT PERMIT THE TABULATION OF VOTES FOR ANY ~~((NOMINATION))~~ QUALIFICATION, ELECTION, OR ISSUE OTHER THAN THE ONES FOR WHICH A RECOUNT WAS APPLIED FOR OR REQUIRED.

(2) AT ANY TIME BEFORE THE BALLOTS FROM ALL OF THE PRECINCTS LISTED IN THE APPLICATION FOR THE RECOUNT HAVE BEEN RECOUNTED, THE APPLICANT MAY FILE WITH THE BOARD A WRITTEN REQUEST TO STOP THE RECOUNT.

(3) THE RECOUNT MAY BE OBSERVED BY PERSONS REPRESENTING THE CANDIDATES AFFECTED BY THE RECOUNT OR THE PERSONS REPRESENTING BOTH SIDES OF AN ISSUE THAT IS BEING RECOUNTED. THE OBSERVERS MAY NOT MAKE A RECORD OF THE NAMES, ADDRESSES, OR OTHER INFORMATION ON THE BALLOTS, POLL BOOKS, OR APPLICATIONS FOR ABSENTEE BALLOTS UNLESS AUTHORIZED BY THE SUPERIOR COURT. THE SECRETARY OF STATE OR COUNTY AUDITOR MAY LIMIT THE NUMBER OF OBSERVERS TO NOT LESS THAN TWO ON EACH SIDE IF, IN HIS OR HER OPINION, A GREATER NUMBER WOULD CAUSE UNDUE DELAY OR DISRUPTION OF THE RECOUNT PROCESS.

Sec. 42. RCW 29.64.040 AND 2001 C 225 S 8 ARE EACH AMENDED TO READ AS FOLLOWS:

UPON COMPLETION OF THE CANVASS OF A RECOUNT, THE CANVASSING BOARD SHALL PREPARE AND CERTIFY AN AMENDED ABSTRACT SHOWING THE VOTES CAST IN EACH PRECINCT FOR WHICH THE RECOUNT WAS CONDUCTED. COPIES OF THE AMENDED ABSTRACTS MUST BE TRANSMITTED TO THE SAME OFFICERS WHO RECEIVED THE ABSTRACT ON WHICH THE RECOUNT WAS BASED.

IF THE ~~((NOMINATION, ELECTION,))~~ OFFICE OR ISSUE FOR WHICH THE RECOUNT WAS CONDUCTED WAS SUBMITTED ONLY TO THE VOTERS OF A COUNTY, THE CANVASSING BOARD SHALL FILE THE AMENDED ABSTRACT WITH THE ORIGINAL RESULTS OF THAT ELECTION OR PRIMARY.

IF THE ~~((NOMINATION, ELECTION,))~~ OFFICE OR ISSUE FOR WHICH A RECOUNT WAS CONDUCTED WAS SUBMITTED TO THE VOTERS OF MORE THAN ONE COUNTY, THE SECRETARY OF STATE SHALL CANVASS THE AMENDED ABSTRACTS AND SHALL FILE AN AMENDED ABSTRACT WITH THE ORIGINAL RESULTS OF THAT ELECTION. AN AMENDED ABSTRACT CERTIFIED UNDER THIS SECTION SUPERSEDES ANY PRIOR ABSTRACT OF THE RESULTS FOR THE SAME OFFICES OR ISSUES AT THE SAME PRIMARY OR ELECTION.

Sec. 43. RCW 29.64.060 AND 2001 C 225 S 10 ARE EACH AMENDED TO READ AS FOLLOWS:

THE CANVASSING BOARD SHALL DETERMINE THE EXPENSES FOR CONDUCTING A RECOUNT OF VOTES.

THE COST OF THE RECOUNT SHALL BE DEDUCTED FROM THE AMOUNT DEPOSITED BY THE APPLICANT FOR THE RECOUNT AT THE TIME OF FILING THE REQUEST FOR THE RECOUNT, AND THE BALANCE SHALL BE RETURNED TO THE APPLICANT. IF THE COSTS OF THE RECOUNT EXCEED THE DEPOSIT, THE APPLICANT SHALL PAY THE DIFFERENCE. NO CHARGES MAY BE DEDUCTED BY THE CANVASSING BOARD FROM THE DEPOSIT FOR A RECOUNT IF THE RECOUNT CHANGES THE RESULT OF THE ~~((NOMINATION))~~ PRIMARY OR ELECTION FOR THE OFFICE OR ISSUE FOR WHICH THE RECOUNT WAS ORDERED.

Sec. 44. RCW 29.68.080 AND 1990 C 59 S 105 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) WHENEVER A VACANCY OCCURS IN THE OFFICE OF UNITED STATES REPRESENTATIVE OR UNITED STATES SENATOR FROM THIS STATE OR ANY CONGRESSIONAL DISTRICT OF THIS STATE, THE GOVERNOR SHALL ORDER A SPECIAL ELECTION TO FILL THE VACANCY.

(2) WITHIN TEN DAYS OF SUCH VACANCY OCCURRING, HE OR SHE SHALL ISSUE A WRIT OF ELECTION FIXING A DATE FOR THE SPECIAL VACANCY ELECTION NOT LESS THAN NINETY DAYS AFTER THE ISSUANCE OF THE WRIT, FIXING A DATE FOR THE PRIMARY FOR ~~((NOMINATING))~~ QUALIFYING CANDIDATES FOR THE SPECIAL VACANCY ELECTION NOT LESS THAN THIRTY DAYS BEFORE THE DAY FIXED FOR HOLDING THE SPECIAL VACANCY ELECTION, FIXING THE DATES FOR THE SPECIAL FILING PERIOD, AND DESIGNATING THE TERM OR PART OF THE TERM FOR WHICH THE VACANCY EXISTS. IF THE VACANCY IS IN THE OFFICE OF UNITED STATES REPRESENTATIVE, THE WRIT OF ELECTION SHALL SPECIFY THE CONGRESSIONAL DISTRICT THAT IS VACANT.

(3) IF THE VACANCY OCCURS LESS THAN SIX MONTHS BEFORE A STATE GENERAL ELECTION AND BEFORE THE SECOND FRIDAY FOLLOWING THE CLOSE OF THE FILING PERIOD FOR THAT GENERAL ELECTION, THE SPECIAL PRIMARY AND SPECIAL VACANCY ELECTIONS SHALL BE HELD IN CONCERT WITH THE STATE PRIMARY AND STATE GENERAL ELECTION IN THAT YEAR.

(4) IF THE VACANCY OCCURS ON OR AFTER THE FIRST DAY FOR FILING UNDER RCW 29.15.020 AND ON OR BEFORE THE SECOND FRIDAY FOLLOWING THE CLOSE OF THE FILING PERIOD, A SPECIAL FILING PERIOD OF THREE NORMAL BUSINESS DAYS SHALL BE FIXED BY THE GOVERNOR AND NOTICE THEREOF GIVEN TO ALL MEDIA, INCLUDING PRESS, RADIO, AND TELEVISION WITHIN THE AREA IN WHICH THE VACANCY ELECTION IS TO BE HELD, TO THE END THAT, INsofar AS POSSIBLE, ALL INTERESTED PERSONS WILL BE AWARE OF SUCH FILING PERIOD. THE LAST DAY OF THE FILING PERIOD SHALL NOT BE LATER THAN THE THIRD TUESDAY BEFORE THE PRIMARY ~~((AT WHICH CANDIDATES ARE TO BE NOMINATED))~~. THE NAMES OF CANDIDATES WHO HAVE FILED VALID DECLARATIONS OF CANDIDACY DURING THIS THREE-DAY PERIOD SHALL APPEAR ON THE APPROACHING PRIMARY BALLOT.

(5) IF THE VACANCY OCCURS LATER THAN THE SECOND FRIDAY FOLLOWING THE CLOSE OF THE FILING PERIOD, A SPECIAL PRIMARY AND SPECIAL VACANCY ELECTION TO FILL THE POSITION SHALL BE HELD AFTER THE NEXT STATE GENERAL ELECTION BUT, IN ANY EVENT, NO LATER THAN THE NINETIETH DAY FOLLOWING THE NOVEMBER ELECTION.

(6) AS USED IN THIS CHAPTER, "COUNTY" MEANS, IN THE CASE OF A VACANCY IN THE OFFICE OF UNITED STATES SENATOR, ANY OR ALL OF THE COUNTIES IN THE STATE AND, IN THE CASE OF A VACANCY IN THE OFFICE OF UNITED STATES REPRESENTATIVE, ONLY THOSE COUNTIES WHOLLY OR PARTLY WITHIN THE CONGRESSIONAL DISTRICT IN WHICH THE VACANCY HAS OCCURRED.

Sec. 45. RCW 29.68.130 AND 1985 C 45 S 7 ARE EACH AMENDED TO READ AS FOLLOWS:

THE GENERAL ELECTION LAWS AND LAWS RELATING TO ~~((PARTISAN))~~ PRIMARIES ~~((SHALL))~~ FOR PARTISAN OFFICES APPLY TO THE SPECIAL PRIMARIES AND VACANCY ELECTIONS PROVIDED FOR IN RCW 29.68.080 THROUGH 29.68.120 TO THE EXTENT THAT THEY ARE NOT INCONSISTENT WITH THE PROVISIONS OF THESE SECTIONS. STATUTORY TIME DEADLINES RELATING TO AVAILABILITY OF ABSENTEE BALLOTS, CERTIFICATION, CANVASSING, AND RELATED PROCEDURES THAT CANNOT BE MET IN A TIMELY FASHION MAY BE MODIFIED FOR THE PURPOSES OF A SPECIFIC PRIMARY OR VACANCY ELECTION UNDER THIS CHAPTER BY THE SECRETARY OF STATE THROUGH EMERGENCY RULES ADOPTED UNDER RCW 29.04.080.

Sec. 46. RCW 29.71.020 AND 1990 C 59 S 69 ARE EACH AMENDED TO READ AS FOLLOWS:

IN THE YEAR IN WHICH A PRESIDENTIAL ELECTION IS HELD, EACH MAJOR POLITICAL PARTY AND EACH MINOR POLITICAL PARTY OR INDEPENDENT CANDIDATE CONVENTION ~~((HELD UNDER CHAPTER 29.24 RCW))~~ THAT NOMINATES CANDIDATES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES SHALL NOMINATE PRESIDENTIAL ELECTORS FOR THIS STATE. THE PARTY OR CONVENTION SHALL FILE WITH THE SECRETARY OF STATE A CERTIFICATE SIGNED BY THE PRESIDING OFFICER OF THE CONVENTION AT WHICH THE PRESIDENTIAL ELECTORS WERE CHOSEN, LISTING THE NAMES AND ADDRESSES OF THE PRESIDENTIAL ELECTORS. EACH PRESIDENTIAL ELECTOR SHALL EXECUTE AND FILE WITH THE SECRETARY OF STATE A PLEDGE THAT, AS AN ELECTOR, HE OR SHE WILL VOTE FOR THE CANDIDATES NOMINATED BY THAT PARTY. THE NAMES OF PRESIDENTIAL ELECTORS SHALL NOT APPEAR ON THE BALLOTS. THE VOTES CAST FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT OF EACH POLITICAL PARTY SHALL BE COUNTED FOR THE CANDIDATES FOR PRESIDENTIAL ELECTORS OF THAT POLITICAL PARTY.

Sec. 47. RCW 29.81.220 AND 1999 C 260 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

THE VOTERS' PAMPHLET MUST CONTAIN:

- (1) INFORMATION ABOUT EACH BALLOT MEASURE INITIATED BY OR REFERRED TO THE VOTERS FOR THEIR APPROVAL OR REJECTION AS REQUIRED BY RCW 29.81.250;
- (2) IN EVEN-NUMBERED YEARS, STATEMENTS, IF SUBMITTED, ADVOCATING THE CANDIDACIES OF ~~((NOMINEES))~~ CANDIDATES QUALIFIED TO APPEAR ON THE BALLOT FOR THE OFFICE OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, UNITED STATES SENATOR, UNITED STATES REPRESENTATIVE, GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE, STATE TREASURER, STATE AUDITOR, ATTORNEY GENERAL, COMMISSIONER OF PUBLIC LANDS, SUPERINTENDENT OF PUBLIC INSTRUCTION, INSURANCE COMMISSIONER, STATE SENATOR, STATE REPRESENTATIVE, JUSTICE OF THE SUPREME COURT, JUDGE OF THE COURT OF APPEALS, OR JUDGE OF THE SUPERIOR COURT. CANDIDATES MAY ALSO SUBMIT A CAMPAIGN MAILING ADDRESS AND TELEPHONE NUMBER AND A PHOTOGRAPH NOT MORE THAN FIVE YEARS OLD AND OF A SIZE AND QUALITY THAT THE SECRETARY OF STATE DETERMINES TO BE SUITABLE FOR REPRODUCTION IN THE VOTERS' PAMPHLET;
- (3) IN ODD-NUMBERED YEARS, IF ANY OFFICE VOTED UPON STATEWIDE APPEARS ON THE BALLOT DUE TO A VACANCY, THEN STATEMENTS AND PHOTOGRAPHS FOR CANDIDATES FOR ANY VACANT OFFICE LISTED IN SUBSECTION (2) OF THIS SECTION MUST APPEAR;
- (4) IN EVEN-NUMBERED YEARS, A SECTION EXPLAINING HOW VOTERS MAY PARTICIPATE IN THE ELECTION CAMPAIGN PROCESS; THE ADDRESS AND TELEPHONE NUMBER OF THE PUBLIC DISCLOSURE COMMISSION ESTABLISHED UNDER RCW 42.17.350; AND A SUMMARY OF THE DISCLOSURE REQUIREMENTS THAT APPLY WHEN CONTRIBUTIONS ARE MADE TO CANDIDATES AND POLITICAL COMMITTEES;
- (5) IN EVEN-NUMBERED YEARS THE NAME, ADDRESS, AND TELEPHONE NUMBER OF EACH POLITICAL PARTY ~~((WITH NOMINEES LISTED IN THE PAMPHLET, IF FILED WITH THE SECRETARY OF STATE BY THE STATE COMMITTEE OF A MAJOR POLITICAL PARTY OR THE PRESIDING OFFICER OF THE CONVENTION OF A MINOR POLITICAL PARTY))~~ FOR WHICH A CANDIDATE APPEARING ON THE BALLOT HAS EXPRESSED A PREFERENCE ON HIS OR HER DECLARATION OF CANDIDACY, IF THE PARTY HAS PROVIDED THAT INFORMATION TO THE SECRETARY OF STATE;
- (6) IN EACH ODD-NUMBERED YEAR IMMEDIATELY BEFORE A YEAR IN WHICH A PRESIDENT OF THE UNITED STATES IS TO BE NOMINATED AND ELECTED, INFORMATION EXPLAINING THE PRECINCT CAUCUS AND CONVENTION PROCESS USED BY EACH MAJOR POLITICAL PARTY TO ELECT DELEGATES TO ITS NATIONAL PRESIDENTIAL CANDIDATE NOMINATING CONVENTION. THE PAMPHLET MUST ALSO PROVIDE A DESCRIPTION OF THE STATUTORY PROCEDURES BY WHICH MINOR POLITICAL PARTIES ARE FORMED AND THE STATUTORY METHODS USED BY THE PARTIES TO NOMINATE CANDIDATES FOR PRESIDENT;
- (7) IN EVEN-NUMBERED YEARS, A DESCRIPTION OF THE OFFICE OF PRECINCT COMMITTEE OFFICER AND ITS DUTIES;
- (8) AN APPLICATION FORM FOR AN ABSENTEE BALLOT;
- (9) A BRIEF STATEMENT EXPLAINING THE DELETION AND ADDITION OF LANGUAGE FOR PROPOSED MEASURES UNDER RCW 29.81.260; AND
- (10) ANY ADDITIONAL INFORMATION PERTAINING TO ELECTIONS AS MAY BE REQUIRED BY LAW OR IN THE JUDGMENT OF THE SECRETARY OF STATE IS DEEMED INFORMATIVE TO THE VOTERS.

Sec. 48. RCW 29.85.100 AND 1991 C 81 S 8 ARE EACH AMENDED TO READ AS FOLLOWS:

EVERY PERSON WHO:

- (1) KNOWINGLY AND FALSELY ISSUES A CERTIFICATE OF ~~((NOMINATION OR))~~ ELECTION OR A CERTIFICATE STATING WHICH CANDIDATES FOR OFFICE HAVE QUALIFIED TO APPEAR ON THE GENERAL ELECTION BALLOT; OR
- (2) ~~((KNOWINGLY PROVIDES FALSE INFORMATION ON A CERTIFICATE WHICH MUST BE FILED WITH AN ELECTIONS OFFICER UNDER CHAPTER 29.24 RCW;~~

OR

~~(3))~~ KNOWINGLY PROVIDES FALSE INFORMATION ON HIS OR HER DECLARATION OF CANDIDACY OR PETITION OF ~~((NOMINATION))~~ CANDIDACY; OR
~~((4))~~ (3) CONCEALS OR FRAUDULENTLY DEFACES OR DESTROYS A ~~((CERTIFICATE WHICH HAS BEEN FILED WITH AN ELECTIONS OFFICER UNDER CHAPTER 29.24 RCW OR A))~~ DECLARATION OF CANDIDACY OR PETITION OF ~~((NOMINATION WHICH))~~ CANDIDACY THAT HAS BEEN FILED WITH AN ELECTIONS OFFICER, OR ANY PART OF SUCH A CERTIFICATE, DECLARATION, OR PETITION, IS GUILTY OF A CLASS C FELONY PUNISHABLE UNDER RCW 9A.20.021.

Sec. 49. RCW 42.17.020 AND 1995 c 397 s 1 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) "AGENCY" INCLUDES ALL STATE AGENCIES AND ALL LOCAL AGENCIES. "STATE AGENCY" INCLUDES EVERY STATE OFFICE, DEPARTMENT, DIVISION, BUREAU, BOARD, COMMISSION, OR OTHER STATE AGENCY. "LOCAL AGENCY" INCLUDES EVERY COUNTY, CITY, TOWN, MUNICIPAL CORPORATION, QUASI-MUNICIPAL CORPORATION, OR SPECIAL PURPOSE DISTRICT, OR ANY OFFICE, DEPARTMENT, DIVISION, BUREAU, BOARD, COMMISSION, OR AGENCY THEREOF, OR OTHER LOCAL PUBLIC AGENCY.

(2) "AUTHORIZED COMMITTEE" MEANS THE POLITICAL COMMITTEE AUTHORIZED BY A CANDIDATE, OR BY THE PUBLIC OFFICIAL AGAINST WHOM RECALL CHARGES HAVE BEEN FILED, TO ACCEPT CONTRIBUTIONS OR MAKE EXPENDITURES ON BEHALF OF THE CANDIDATE OR PUBLIC OFFICIAL.

(3) "BALLOT PROPOSITION" MEANS ANY "MEASURE" AS DEFINED BY RCW 29.01.110, OR ANY INITIATIVE, RECALL, OR REFERENDUM PROPOSITION PROPOSED TO BE SUBMITTED TO THE VOTERS OF THE STATE OR ANY MUNICIPAL CORPORATION, POLITICAL SUBDIVISION, OR OTHER VOTING CONSTITUENCY FROM AND AFTER THE TIME WHEN THE PROPOSITION HAS BEEN INITIALLY FILED WITH THE APPROPRIATE ELECTION OFFICER OF THAT CONSTITUENCY PRIOR TO ITS CIRCULATION FOR SIGNATURES.

(4) "BENEFIT" MEANS A COMMERCIAL, PROPRIETARY, FINANCIAL, ECONOMIC, OR MONETARY ADVANTAGE, OR THE AVOIDANCE OF A COMMERCIAL, PROPRIETARY, FINANCIAL, ECONOMIC, OR MONETARY DISADVANTAGE.

(5) "BONA FIDE POLITICAL PARTY" MEANS:

(A) ~~((AN ORGANIZATION THAT HAS FILED A VALID CERTIFICATE OF NOMINATION WITH THE SECRETARY OF STATE UNDER CHAPTER 29.24 RCW;~~

~~(B))~~ THE GOVERNING BODY OF THE STATE ORGANIZATION OF A MAJOR POLITICAL PARTY, AS DEFINED IN RCW 29.01.090, THAT IS THE BODY AUTHORIZED BY THE CHARTER OR BYLAWS OF THE PARTY TO EXERCISE AUTHORITY ON BEHALF OF THE STATE PARTY; ~~((OR~~

~~(C))~~ (B) THE COUNTY CENTRAL COMMITTEE OR LEGISLATIVE DISTRICT COMMITTEE OF A MAJOR POLITICAL PARTY. THERE MAY BE ONLY ONE LEGISLATIVE DISTRICT COMMITTEE FOR EACH PARTY IN EACH LEGISLATIVE DISTRICT; OR

(C) THE GOVERNING BODY OF THE STATE ORGANIZATION OF A MINOR POLITICAL PARTY, THE NAME OF WHICH APPEARS ON A CANDIDATE'S DECLARATION OF CANDIDACY FILED PURSUANT TO RCW 29.15.010.

(6) "DEPOSITORY" MEANS A BANK DESIGNATED BY A CANDIDATE OR POLITICAL COMMITTEE PURSUANT TO RCW 42.17.050.

(7) "TREASURER" AND "DEPUTY TREASURER" MEAN THE INDIVIDUALS APPOINTED BY A CANDIDATE OR POLITICAL COMMITTEE, PURSUANT TO RCW 42.17.050, TO PERFORM THE DUTIES SPECIFIED IN THAT SECTION.

(8) "CANDIDATE" MEANS ANY INDIVIDUAL WHO SEEKS ~~((NOMINATION))~~ QUALIFICATION FOR ELECTION OR ELECTION TO PUBLIC OFFICE. AN INDIVIDUAL SEEKS ~~((NOMINATION))~~ QUALIFICATION OR ELECTION WHEN HE OR SHE FIRST:

(A) RECEIVES CONTRIBUTIONS OR MAKES EXPENDITURES OR RESERVES SPACE OR FACILITIES WITH INTENT TO PROMOTE HIS OR HER CANDIDACY FOR OFFICE;

(B) ANNOUNCES PUBLICLY OR FILES FOR OFFICE;

(C) PURCHASES COMMERCIAL ADVERTISING SPACE OR BROADCAST TIME TO PROMOTE HIS OR HER CANDIDACY; OR

(D) GIVES HIS OR HER CONSENT TO ANOTHER PERSON TO TAKE ON BEHALF OF THE INDIVIDUAL ANY OF THE ACTIONS IN (A) OR (C) OF THIS SUBSECTION.

(9) "CAUCUS POLITICAL COMMITTEE" MEANS A POLITICAL COMMITTEE ORGANIZED AND MAINTAINED BY THE MEMBERS OF A MAJOR POLITICAL PARTY IN THE STATE SENATE OR STATE HOUSE OF REPRESENTATIVES.

(10) "COMMERCIAL ADVERTISER" MEANS ANY PERSON WHO SELLS THE SERVICE OF COMMUNICATING MESSAGES OR PRODUCING PRINTED MATERIAL FOR BROADCAST OR DISTRIBUTION TO THE GENERAL PUBLIC OR SEGMENTS OF THE GENERAL PUBLIC WHETHER THROUGH THE USE OF NEWSPAPERS, MAGAZINES, TELEVISION AND RADIO STATIONS, BILLBOARD COMPANIES, DIRECT MAIL ADVERTISING COMPANIES, PRINTING COMPANIES, OR OTHERWISE.

(11) "COMMISSION" MEANS THE AGENCY ESTABLISHED UNDER RCW 42.17.350.

(12) "COMPENSATION" UNLESS THE CONTEXT REQUIRES A NARROWER MEANING, INCLUDES PAYMENT IN ANY FORM FOR REAL OR PERSONAL PROPERTY OR SERVICES OF ANY KIND: PROVIDED, THAT FOR THE PURPOSE OF COMPLIANCE WITH RCW 42.17.241, THE TERM "COMPENSATION" SHALL NOT INCLUDE PER DIEM ALLOWANCES OR OTHER PAYMENTS MADE BY A GOVERNMENTAL ENTITY TO REIMBURSE A PUBLIC OFFICIAL FOR EXPENSES INCURRED WHILE THE OFFICIAL IS ENGAGED IN THE OFFICIAL BUSINESS OF THE GOVERNMENTAL ENTITY.

(13) "CONTINUING POLITICAL COMMITTEE" MEANS A POLITICAL COMMITTEE THAT IS AN ORGANIZATION OF CONTINUING EXISTENCE NOT ESTABLISHED IN ANTICIPATION OF ANY PARTICULAR ELECTION CAMPAIGN.

(14)(A) "CONTRIBUTION" INCLUDES:

(I) A LOAN, GIFT, DEPOSIT, SUBSCRIPTION, FORGIVENESS OF INDEBTEDNESS, DONATION, ADVANCE, PLEDGE, PAYMENT, TRANSFER OF FUNDS BETWEEN POLITICAL COMMITTEES, OR ANYTHING OF VALUE, INCLUDING PERSONAL AND PROFESSIONAL SERVICES FOR LESS THAN FULL CONSIDERATION;

(II) AN EXPENDITURE MADE BY A PERSON IN COOPERATION, CONSULTATION, OR CONCERT WITH, OR AT THE REQUEST OR SUGGESTION OF, A CANDIDATE, A POLITICAL COMMITTEE, OR THEIR AGENTS;

(III) THE FINANCING BY A PERSON OF THE DISSEMINATION, DISTRIBUTION, OR REPUBLICATION, IN WHOLE OR IN PART, OF BROADCAST, WRITTEN, GRAPHIC, OR OTHER FORM OF POLITICAL ADVERTISING PREPARED BY A CANDIDATE, A POLITICAL COMMITTEE, OR ITS AUTHORIZED AGENT;

(IV) SUMS PAID FOR TICKETS TO FUND-RAISING EVENTS SUCH AS DINNERS AND PARTIES, EXCEPT FOR THE ACTUAL COST OF THE CONSUMABLES FURNISHED AT THE EVENT.

(B) "CONTRIBUTION" DOES NOT INCLUDE:

(I) STANDARD INTEREST ON MONEY DEPOSITED IN A POLITICAL COMMITTEE'S ACCOUNT;

(II) ORDINARY HOME HOSPITALITY;

(III) A CONTRIBUTION RECEIVED BY A CANDIDATE OR POLITICAL COMMITTEE THAT IS RETURNED TO THE CONTRIBUTOR WITHIN FIVE BUSINESS DAYS OF THE DATE ON WHICH IT IS RECEIVED BY THE CANDIDATE OR POLITICAL COMMITTEE;

(IV) A NEWS ITEM, FEATURE, COMMENTARY, OR EDITORIAL IN A REGULARLY SCHEDULED NEWS MEDIUM THAT IS OF PRIMARY INTEREST TO THE GENERAL PUBLIC, THAT IS IN A NEWS MEDIUM CONTROLLED BY A PERSON WHOSE BUSINESS IS THAT NEWS MEDIUM, AND THAT IS NOT CONTROLLED BY A CANDIDATE OR A POLITICAL COMMITTEE;

(V) AN INTERNAL POLITICAL COMMUNICATION PRIMARILY LIMITED TO THE MEMBERS OF OR CONTRIBUTORS TO A POLITICAL PARTY ORGANIZATION OR POLITICAL COMMITTEE, OR TO THE OFFICERS, MANAGEMENT STAFF, OR STOCKHOLDERS OF A CORPORATION OR SIMILAR ENTERPRISE, OR TO THE MEMBERS OF A LABOR ORGANIZATION OR OTHER MEMBERSHIP ORGANIZATION;

(VI) THE RENDERING OF PERSONAL SERVICES OF THE SORT COMMONLY PERFORMED BY VOLUNTEER CAMPAIGN WORKERS, OR INCIDENTAL EXPENSES PERSONALLY INCURRED BY VOLUNTEER CAMPAIGN WORKERS NOT IN EXCESS OF FIFTY DOLLARS PERSONALLY PAID FOR BY THE WORKER. "VOLUNTEER SERVICES," FOR THE PURPOSES OF THIS SECTION, MEANS SERVICES OR LABOR FOR WHICH THE INDIVIDUAL IS NOT COMPENSATED BY ANY PERSON;

(VII) MESSAGES IN THE FORM OF READER BOARDS, BANNERS, OR YARD OR WINDOW SIGNS DISPLAYED ON A PERSON'S OWN PROPERTY OR PROPERTY OCCUPIED BY A PERSON. HOWEVER, A FACILITY USED FOR SUCH POLITICAL ADVERTISING FOR WHICH A RENTAL CHARGE IS NORMALLY MADE MUST BE REPORTED AS AN IN-KIND CONTRIBUTION AND COUNTS TOWARDS ANY APPLICABLE CONTRIBUTION LIMIT OF THE PERSON PROVIDING THE FACILITY;

(VIII) LEGAL OR ACCOUNTING SERVICES RENDERED TO OR ON BEHALF OF:

(A) A POLITICAL PARTY OR CAUCUS POLITICAL COMMITTEE IF THE PERSON PAYING FOR THE SERVICES IS THE REGULAR EMPLOYER OF THE PERSON RENDERING SUCH SERVICES; OR

(B) A CANDIDATE OR AN AUTHORIZED COMMITTEE IF THE PERSON PAYING FOR THE SERVICES IS THE REGULAR EMPLOYER OF THE INDIVIDUAL RENDERING THE SERVICES AND IF THE SERVICES ARE SOLELY FOR THE PURPOSE OF ENSURING COMPLIANCE WITH STATE ELECTION OR PUBLIC DISCLOSURE LAWS.

(C) CONTRIBUTIONS OTHER THAN MONEY OR ITS EQUIVALENT ARE DEEMED TO HAVE A MONETARY VALUE EQUIVALENT TO THE FAIR MARKET VALUE OF THE CONTRIBUTION. SERVICES OR PROPERTY OR RIGHTS FURNISHED AT LESS THAN THEIR FAIR MARKET VALUE FOR THE PURPOSE OF ASSISTING ANY CANDIDATE OR POLITICAL COMMITTEE ARE DEEMED A CONTRIBUTION. SUCH A CONTRIBUTION MUST BE REPORTED AS AN IN-KIND CONTRIBUTION AT ITS FAIR MARKET VALUE AND COUNTS TOWARDS ANY APPLICABLE CONTRIBUTION LIMIT OF THE PROVIDER.

(15) "ELECTED OFFICIAL" MEANS ANY PERSON ELECTED AT A GENERAL OR SPECIAL ELECTION TO ANY PUBLIC OFFICE, AND ANY PERSON APPOINTED TO FILL A VACANCY IN ANY SUCH OFFICE.

(16) "ELECTION" INCLUDES ANY PRIMARY, GENERAL, OR SPECIAL ELECTION FOR PUBLIC OFFICE AND ANY ELECTION IN WHICH A BALLOT PROPOSITION IS SUBMITTED TO THE VOTERS: PROVIDED, THAT AN ELECTION IN WHICH THE QUALIFICATIONS FOR VOTING INCLUDE OTHER THAN THOSE REQUIREMENTS SET FORTH IN ARTICLE VI, SECTION 1 (AMENDMENT 63) OF THE CONSTITUTION OF THE STATE OF WASHINGTON SHALL NOT BE CONSIDERED AN ELECTION FOR PURPOSES OF THIS CHAPTER.

(17) "ELECTION CAMPAIGN" MEANS ANY CAMPAIGN IN SUPPORT OF OR IN OPPOSITION TO A CANDIDATE FOR ELECTION TO PUBLIC OFFICE AND ANY CAMPAIGN IN SUPPORT OF, OR IN OPPOSITION TO, A BALLOT PROPOSITION.

(18) "ELECTION CYCLE" MEANS THE PERIOD BEGINNING ON THE FIRST DAY OF DECEMBER AFTER THE DATE OF THE LAST PREVIOUS GENERAL ELECTION FOR THE OFFICE THAT THE CANDIDATE SEEKS AND ENDING ON NOVEMBER 30TH AFTER THE NEXT ELECTION FOR THE OFFICE. IN THE CASE OF A SPECIAL ELECTION TO FILL A VACANCY IN AN OFFICE, "ELECTION CYCLE" MEANS THE PERIOD BEGINNING ON THE DAY THE VACANCY OCCURS AND ENDING ON NOVEMBER 30TH AFTER THE SPECIAL ELECTION.

(19) "EXPENDITURE" INCLUDES A PAYMENT, CONTRIBUTION, SUBSCRIPTION, DISTRIBUTION, LOAN, ADVANCE, DEPOSIT, OR GIFT OF MONEY OR ANYTHING OF VALUE, AND INCLUDES A CONTRACT, PROMISE, OR AGREEMENT, WHETHER OR NOT LEGALLY ENFORCEABLE, TO MAKE AN EXPENDITURE. THE TERM "EXPENDITURE" ALSO INCLUDES A PROMISE TO PAY, A PAYMENT, OR A TRANSFER OF ANYTHING OF VALUE IN EXCHANGE FOR GOODS, SERVICES, PROPERTY, FACILITIES, OR ANYTHING OF VALUE FOR THE PURPOSE OF ASSISTING, BENEFITING, OR HONORING ANY PUBLIC OFFICIAL OR CANDIDATE, OR ASSISTING IN FURTHERING OR OPPOSING ANY ELECTION CAMPAIGN. FOR THE PURPOSES OF THIS CHAPTER, AGREEMENTS TO MAKE EXPENDITURES, CONTRACTS, AND PROMISES TO PAY MAY BE REPORTED AS ESTIMATED OBLIGATIONS UNTIL ACTUAL PAYMENT IS MADE. THE TERM "EXPENDITURE" SHALL NOT INCLUDE THE PARTIAL OR COMPLETE REPAYMENT BY A CANDIDATE OR POLITICAL COMMITTEE OF THE PRINCIPAL OF A LOAN, THE RECEIPT OF WHICH LOAN HAS BEEN PROPERLY REPORTED.

(20) "FINAL REPORT" MEANS THE REPORT DESCRIBED AS A FINAL REPORT IN RCW 42.17.080(2).

(21) "GENERAL ELECTION" FOR PURPOSES OF THE LIMITATION UNDER RCW 42.17.640 MEANS THE ELECTION THAT RESULTS IN THE ELECTION OF A PERSON TO A STATE OFFICE. IT DOES NOT INCLUDE A PRIMARY.

(22) "GIFT," IS AS DEFINED IN RCW 42.52.010.

(23) "IMMEDIATE FAMILY" INCLUDES THE SPOUSE, DEPENDENT CHILDREN, AND OTHER DEPENDENT RELATIVES, IF LIVING IN THE HOUSEHOLD. FOR THE PURPOSES OF RCW 42.17.640 THROUGH 42.17.790, "IMMEDIATE FAMILY" MEANS AN INDIVIDUAL'S SPOUSE, AND CHILD, STEPCHILD, GRANDCHILD, PARENT, STEPPARENT, GRANDPARENT, BROTHER, HALF BROTHER, SISTER, OR HALF SISTER OF THE INDIVIDUAL AND THE SPOUSE OF ANY SUCH PERSON AND A CHILD,

STEPCHILD, GRANDCHILD, PARENT, STEPPARENT, GRANDPARENT, BROTHER, HALF BROTHER, SISTER, OR HALF SISTER OF THE INDIVIDUAL'S SPOUSE AND THE SPOUSE OF ANY SUCH PERSON.

(24) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE THAT HAS EACH OF THE FOLLOWING ELEMENTS:

(A) IT IS MADE IN SUPPORT OF OR IN OPPOSITION TO A CANDIDATE FOR OFFICE BY A PERSON WHO IS NOT (I) A CANDIDATE FOR THAT OFFICE, (II) AN AUTHORIZED COMMITTEE OF THAT CANDIDATE FOR THAT OFFICE, (III) A PERSON WHO HAS RECEIVED THE CANDIDATE'S ENCOURAGEMENT OR APPROVAL TO MAKE THE EXPENDITURE, IF THE EXPENDITURE PAYS IN WHOLE OR IN PART FOR POLITICAL ADVERTISING SUPPORTING THAT CANDIDATE OR PROMOTING THE DEFEAT OF ANY OTHER CANDIDATE OR CANDIDATES FOR THAT OFFICE, OR (IV) A PERSON WITH WHOM THE CANDIDATE HAS COLLABORATED FOR THE PURPOSE OF MAKING THE EXPENDITURE, IF THE EXPENDITURE PAYS IN WHOLE OR IN PART FOR POLITICAL ADVERTISING SUPPORTING THAT CANDIDATE OR PROMOTING THE DEFEAT OF ANY OTHER CANDIDATE OR CANDIDATES FOR THAT OFFICE;

(B) THE EXPENDITURE PAYS IN WHOLE OR IN PART FOR POLITICAL ADVERTISING THAT EITHER SPECIFICALLY NAMES THE CANDIDATE SUPPORTED OR OPPOSED, OR CLEARLY AND BEYOND ANY DOUBT IDENTIFIES THE CANDIDATE WITHOUT USING THE CANDIDATE'S NAME; AND

(C) THE EXPENDITURE, ALONE OR IN CONJUNCTION WITH ANOTHER EXPENDITURE OR OTHER EXPENDITURES OF THE SAME PERSON IN SUPPORT OF OR OPPOSITION TO THAT CANDIDATE, HAS A VALUE OF FIVE HUNDRED DOLLARS OR MORE. A SERIES OF EXPENDITURES, EACH OF WHICH IS UNDER FIVE HUNDRED DOLLARS, CONSTITUTES ONE INDEPENDENT EXPENDITURE IF THEIR CUMULATIVE VALUE IS FIVE HUNDRED DOLLARS OR MORE.

(25)(A) "INTERMEDIARY" MEANS AN INDIVIDUAL WHO TRANSMITS A CONTRIBUTION TO A CANDIDATE OR COMMITTEE FROM ANOTHER PERSON UNLESS THE CONTRIBUTION IS FROM THE INDIVIDUAL'S EMPLOYER, IMMEDIATE FAMILY AS DEFINED FOR PURPOSES OF RCW 42.17.640 THROUGH 42.17.790, OR AN ASSOCIATION TO WHICH THE INDIVIDUAL BELONGS.

(B) A TREASURER OR A CANDIDATE IS NOT AN INTERMEDIARY FOR PURPOSES OF THE COMMITTEE THAT THE TREASURER OR CANDIDATE SERVES.

(C) A PROFESSIONAL FUND-RAISER IS NOT AN INTERMEDIARY IF THE FUND-RAISER IS COMPENSATED FOR FUND-RAISING SERVICES AT THE USUAL AND CUSTOMARY RATE.

(D) A VOLUNTEER HOSTING A FUND-RAISING EVENT AT THE INDIVIDUAL'S HOME IS NOT AN INTERMEDIARY FOR PURPOSES OF THAT EVENT.

(26) "LEGISLATION" MEANS BILLS, RESOLUTIONS, MOTIONS, AMENDMENTS, NOMINATIONS, AND OTHER MATTERS PENDING OR PROPOSED IN EITHER HOUSE OF THE STATE LEGISLATURE, AND INCLUDES ANY OTHER MATTER THAT MAY BE THE SUBJECT OF ACTION BY EITHER HOUSE OR ANY COMMITTEE OF THE LEGISLATURE AND ALL BILLS AND RESOLUTIONS THAT, HAVING PASSED BOTH HOUSES, ARE PENDING APPROVAL BY THE GOVERNOR.

(27) "LOBBY" AND "LOBBYING" EACH MEAN ATTEMPTING TO INFLUENCE THE PASSAGE OR DEFEAT OF ANY LEGISLATION BY THE LEGISLATURE OF THE STATE OF WASHINGTON, OR THE ADOPTION OR REJECTION OF ANY RULE, STANDARD, RATE, OR OTHER LEGISLATIVE ENACTMENT OF ANY STATE AGENCY UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT, CHAPTER 34.05 RCW. NEITHER "LOBBY" NOR "LOBBYING" INCLUDES AN ASSOCIATION'S OR OTHER ORGANIZATION'S ACT OF COMMUNICATING WITH THE MEMBERS OF THAT ASSOCIATION OR ORGANIZATION.

(28) "LOBBYIST" INCLUDES ANY PERSON WHO LOBBIES EITHER IN HIS OR HER OWN OR ANOTHER'S BEHALF.

(29) "LOBBYIST'S EMPLOYER" MEANS THE PERSON OR PERSONS BY WHOM A LOBBYIST IS EMPLOYED AND ALL PERSONS BY WHOM HE OR SHE IS COMPENSATED FOR ACTING AS A LOBBYIST.

(30) "PERSON" INCLUDES AN INDIVIDUAL, PARTNERSHIP, JOINT VENTURE, PUBLIC OR PRIVATE CORPORATION, ASSOCIATION, FEDERAL, STATE, OR LOCAL GOVERNMENTAL ENTITY OR AGENCY HOWEVER CONSTITUTED, CANDIDATE, COMMITTEE, POLITICAL COMMITTEE, POLITICAL PARTY, EXECUTIVE COMMITTEE THEREOF, OR ANY OTHER ORGANIZATION OR GROUP OF PERSONS, HOWEVER ORGANIZED.

(31) "PERSON IN INTEREST" MEANS THE PERSON WHO IS THE SUBJECT OF A RECORD OR ANY REPRESENTATIVE DESIGNATED BY THAT PERSON, EXCEPT THAT IF THAT PERSON IS UNDER A LEGAL DISABILITY, THE TERM "PERSON IN INTEREST" MEANS AND INCLUDES THE PARENT OR DULY APPOINTED LEGAL REPRESENTATIVE.

(32) "POLITICAL ADVERTISING" INCLUDES ANY ADVERTISING DISPLAYS, NEWSPAPER ADS, BILLBOARDS, SIGNS, BROCHURES, ARTICLES, TABLOIDS, FLYERS, LETTERS, RADIO OR TELEVISION PRESENTATIONS, OR OTHER MEANS OF MASS COMMUNICATION, USED FOR THE PURPOSE OF APPEALING, DIRECTLY OR INDIRECTLY, FOR VOTES OR FOR FINANCIAL OR OTHER SUPPORT IN ANY ELECTION CAMPAIGN.

(33) "POLITICAL COMMITTEE" MEANS ANY PERSON (EXCEPT A CANDIDATE OR AN INDIVIDUAL DEALING WITH HIS OR HER OWN FUNDS OR PROPERTY) HAVING THE EXPECTATION OF RECEIVING CONTRIBUTIONS OR MAKING EXPENDITURES IN SUPPORT OF, OR OPPOSITION TO, ANY CANDIDATE OR ANY BALLOT PROPOSITION.

(34) "PRIMARY" FOR PURPOSES OF THE LIMITATION UNDER RCW 42.17.640 MEANS THE PROCEDURE FOR ((NOMINATING A CANDIDATE TO STATE OFFICE UNDER CHAPTER 29.18 OR 29.21 RCW OR ANY OTHER PRIMARY FOR AN ELECTION THAT USES, IN LARGE MEASURE, THE PROCEDURES ESTABLISHED IN CHAPTER 29.18 OR 29.21)) QUALIFYING CANDIDATES TO THE GENERAL ELECTION BALLOT UNDER TITLE 29 RCW.

(35) "PUBLIC OFFICE" MEANS ANY FEDERAL, STATE, COUNTY, CITY, TOWN, SCHOOL DISTRICT, PORT DISTRICT, SPECIAL DISTRICT, OR OTHER STATE POLITICAL SUBDIVISION ELECTIVE OFFICE.

(36) "PUBLIC RECORD" INCLUDES ANY WRITING CONTAINING INFORMATION RELATING TO THE CONDUCT OF GOVERNMENT OR THE PERFORMANCE OF ANY GOVERNMENTAL OR PROPRIETARY FUNCTION PREPARED, OWNED, USED, OR RETAINED BY ANY STATE OR LOCAL AGENCY REGARDLESS OF PHYSICAL FORM OR CHARACTERISTICS. FOR THE OFFICE OF THE SECRETARY OF THE SENATE AND THE OFFICE OF THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES, PUBLIC RECORDS MEANS LEGISLATIVE RECORDS AS DEFINED IN RCW 40.14.100 AND ALSO MEANS THE FOLLOWING: ALL BUDGET AND FINANCIAL RECORDS; PERSONNEL LEAVE, TRAVEL, AND PAYROLL RECORDS; RECORDS OF LEGISLATIVE SESSIONS; REPORTS SUBMITTED TO THE LEGISLATURE; AND ANY OTHER RECORD DESIGNATED A PUBLIC RECORD BY ANY OFFICIAL ACTION OF THE SENATE OR THE HOUSE OF REPRESENTATIVES.

(37) "RECALL CAMPAIGN" MEANS THE PERIOD OF TIME BEGINNING ON THE DATE OF THE FILING OF RECALL CHARGES UNDER RCW 29.82.015 AND ENDING THIRTY DAYS AFTER THE RECALL ELECTION.

(38) "STATE LEGISLATIVE OFFICE" MEANS THE OFFICE OF A MEMBER OF THE STATE HOUSE OF REPRESENTATIVES OR THE OFFICE OF A MEMBER OF THE STATE SENATE.

(39) "STATE OFFICE" MEANS STATE LEGISLATIVE OFFICE OR THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE, ATTORNEY GENERAL, COMMISSIONER OF PUBLIC LANDS, INSURANCE COMMISSIONER, SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE AUDITOR, OR STATE TREASURER.

(40) "STATE OFFICIAL" MEANS A PERSON WHO HOLDS A STATE OFFICE.

(41) "SURPLUS FUNDS" MEAN, IN THE CASE OF A POLITICAL COMMITTEE OR CANDIDATE, THE BALANCE OF CONTRIBUTIONS THAT REMAIN IN THE POSSESSION OR CONTROL OF THAT COMMITTEE OR CANDIDATE SUBSEQUENT TO THE ELECTION FOR WHICH THE CONTRIBUTIONS WERE RECEIVED, AND THAT ARE IN EXCESS OF THE AMOUNT NECESSARY TO PAY REMAINING DEBTS INCURRED BY THE COMMITTEE OR CANDIDATE PRIOR TO THAT ELECTION. IN THE CASE OF A CONTINUING POLITICAL COMMITTEE, "SURPLUS FUNDS" MEAN THOSE CONTRIBUTIONS REMAINING IN THE POSSESSION OR CONTROL OF THE COMMITTEE THAT ARE IN EXCESS OF THE AMOUNT NECESSARY TO PAY ALL REMAINING DEBTS WHEN IT MAKES ITS FINAL REPORT UNDER RCW 42.17.065.

(42) "WRITING" MEANS HANDWRITING, TYPEWRITING, PRINTING, PHOTOSTATING, PHOTOGRAPHING, AND EVERY OTHER MEANS OF RECORDING ANY FORM OF COMMUNICATION OR REPRESENTATION, INCLUDING, BUT NOT LIMITED TO, LETTERS, WORDS, PICTURES, SOUNDS, OR SYMBOLS, OR COMBINATION THEREOF, AND ALL PAPERS, MAPS, MAGNETIC OR PAPER TAPES, PHOTOGRAPHIC FILMS AND PRINTS, MOTION PICTURE, FILM AND VIDEO RECORDINGS, MAGNETIC OR PUNCHED CARDS, DISCS, DRUMS, DISKETTES, SOUND RECORDINGS, AND OTHER DOCUMENTS INCLUDING EXISTING DATA COMPILATIONS FROM WHICH INFORMATION MAY BE OBTAINED OR TRANSLATED.

AS USED IN THIS CHAPTER, THE SINGULAR ((SHALL)) TAKES THE PLURAL AND ANY GENDER, THE OTHER, AS THE CONTEXT REQUIRES.

NEW SECTION. Sec. 50. THE FOLLOWING ACTS OR PARTS OF ACTS ARE EACH REPEALED:

- (1) RCW 29.01.160 (SEPTEMBER PRIMARY) AND 1965 c 9 s 29.01.160;
- (2) RCW 29.15.200 (LAPSE OF ELECTION WHEN NO FILING FOR SINGLE POSITIONS--EFFECT) AND 1994 c 223 s 8 & 1975-'76 2ND EX.S. c 120 s 13;
- (3) RCW 29.18.150 (VACANCIES ON MAJOR PARTY TICKET CAUSED BY NO FILING--HOW FILLED) AND 1990 c 59 s 102, 1977 EX.S. c 329 s 12, & 1965 c 9 s 29.18.150; AND
- (4) RCW 29.30.095 (PARTISAN CANDIDATES QUALIFIED FOR GENERAL ELECTION) AND 1990 c 59 s 96.

NEW SECTION. Sec. 51. THE FOLLOWING ACTS OR PARTS OF ACTS ARE EACH REPEALED:

- (1) RCW 29.24.010 (DEFINITIONS--"CONVENTION" AND "ELECTION JURISDICTION") AND 1977 EX.S. c 329 s 1 & 1965 c 9 s 29.24.010;
- (2) RCW 29.24.020 (NOMINATION BY CONVENTION OR WRITE-IN--DATE FOR CONVENTION--MULTIPLE CONVENTIONS BY SINGLE PARTY) AND 2001 c 30 s 2, 1989 c 215 s 2, 1977 EX.S. c 329 s 2, & 1965 c 9 s 29.24.020;
- (3) RCW 29.24.025 (NOTICE OF CONVENTION) AND 1989 c 215 s 1;
- (4) RCW 29.24.030 (REQUIREMENTS FOR VALIDITY OF CONVENTION) AND 1989 c 215 s 3, 1977 EX.S. c 329 s 3, & 1965 c 9 s 29.24.030;
- (5) RCW 29.24.035 (NOMINATING PETITION--NAME--REGISTERED VOTERS) AND 2001 c 64 s 1, 2001 c 30 s 3, & 1989 c 215 s 5;
- (6) RCW 29.24.040 (CERTIFICATE OF NOMINATION--REQUISITES) AND 1989 c 215 s 4, 1977 EX.S. c 329 s 4, & 1965 c 9 s 29.24.040;
- (7) RCW 29.24.060 (CERTIFICATE OF NOMINATION--CHECKING SIGNATURES--APPEAL OF DETERMINATION) AND 1989 c 215 s 7, 1977 EX.S. c 329 s 6, & 1965 c 9 s 29.24.060;
- (8) RCW 29.24.070 (DECLARATIONS OF CANDIDACY REQUIRED, EXCEPTIONS--PAYMENT OF FEES) AND 1990 c 59 s 103, 1989 c 215 s 8, 1977 EX.S. c 329 s 7, & 1965 c 9 s 29.24.070; AND
- (9) RCW 29.24.--- AND 2001 c 30 s 4.

NEW SECTION. Sec. 52. RCW 29.24.055 IS RECODIFIED AS A SECTION IN CHAPTER 29.19 RCW.

NEW SECTION. Sec. 53. (1) THE CODE REVISER SHALL RECAPTION CHAPTER 29.18 RCW AS "PRIMARIES AND ELECTIONS FOR PARTISAN OFFICES."

(2) THE CODE REVISER SHALL RECAPTION RCW 29.30.085 AS "CANDIDATES QUALIFIED FOR GENERAL ELECTION."

(3) THE CODE REVISER SHALL RECAPTION RCW 29.18.200 AS "RIGHTS OF VOTERS IN PRIMARY ELECTIONS."

NEW SECTION. Sec. 54. THIS ACT IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY, OR SUPPORT OF THE STATE GOVERNMENT AND ITS EXISTING PUBLIC INSTITUTIONS, AND TAKES EFFECT JUNE 1, 2001.

NEW SECTION. Sec. 55. IF ANY PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE REMAINDER OF THE ACT OR THE APPLICATION OF THE PROVISION TO OTHER PERSONS OR CIRCUMSTANCES IS NOT AFFECTED."

REMARKS BY SENATOR HARGROVE

SENATOR HARGROVE: "THANK YOU, MR. PRESIDENT. THIS IS A STRIKING AMENDMENT AND THIS IS BASICALLY THE ALTERNATIVE TO THE UNDERLYING BILL THAT HAS BEEN PRESENTED BY SENATORS SNYDER AND SWECKER. WE WOULD LIKE TO CALL IT THE PEOPLE'S CHOICE ALTERNATIVE. SOME PEOPLE HAVE CALLED IT TWO FORWARD, OTHERS HAVE CALLED IT THE LOUISIANA OR CAJUN. HOWEVER, IT IS NOT EXACTLY LIKE THE LOUISIANA. IT IS KIND OF A HYBRID. WHAT IT WOULD DO WOULD BE, IT WOULD LEAVE OUR FILING PROCESS IN THIS STATE EXACTLY THE SAME AS IT IS NOW. IN OTHER WORDS, YOU YOU CAN WALK IN AND PAY YOUR FEE AND FILE AND YOU GET ON THE PRIMARY BALLOT. WHAT IT WOULD SAY WOULD BE THAT THE TOP TWO VOTE

GETTERS IN ANY PRIMARY ELECTION WOULD GO ON TO THE GENERAL ELECTION. IN RARE CASES, THAT COULD BE TWO DEMOCRATS OR TWO REPUBLICANS. I THINK IN MOST CASES, IT WOULD BE A DEMOCRAT AND A REPUBLICAN.

"I GUESS WHAT I SHOULD SPEAK ABOUT A LITTLE BIT IS HOW WE GOT HERE AND WHAT THE ALTERNATIVE IS. HOW WE GOT HERE IS THAT WE HAVE HAD A BLANKET PRIMARY IN THIS STATE SINCE, I THINK, 1935. IT WAS PASSED BY AN INITIATIVE BY THE PEOPLE AND I THINK THAT THE VAST MAJORITY OF OUR CITIZENS OF OUR STATE, AS I SPOKE AROUND THE BUILDING HERE, THE VAST MAJORITY OF OUR LEGISLATORS WOULD JUST AS SOON LEAVE IT THE WAY IT IS. IN FACT, WE HAD A NUMBER OF POLLS TAKEN THAT SUGGEST THAT OUR CITIZENRY IS STILL IN THAT POSITION. WELL, CALIFORNIA MADE THAT CHANGE. CALIFORNIA IS OBVIOUSLY THE EIGHT HUNDRED POUND GORILLA. THE PARTIES WENT TO COURT AND SUED AND THE U.S. SUPREME COURT OVERTURNED OUR BLANKET PRIMARY. THE STATE OF WASHINGTON--THE REPUBLICAN AND THE DEMOCRAT PARTIES--STILL HAD THE OPPORTUNITY TO LEAVE OUR EXISTING BLANKET PRIMARY STAND. THEY DID NOT HAVE TO STRIKE IT DOWN, BECAUSE IT WAS ONLY OVERTURNED IN CALIFORNIA.

"IN FACT, YOU MAY REMEMBER MANY OF THE DISCUSSIONS LAST SUMMER WHEN I THINK VIRTUALLY EVERY ELECTED OFFICIAL, DEMOCRAT AND REPUBLICAN WENT IN AND SAID, 'PLEASE DON'T CHANGE OUR BLANKET PRIMARY SYSTEM--DON'T DO ANYTHING--LET IT STAY AS IT IS--EVERYTHING WILL WORK JUST FINE.' WELL, THE PARTIES SUED ANYWAY AND OUR PRIMARY SYSTEM IS IN JEOPARDY FOR THE SAME REASON THAT THE CALIFORNIA PRIMARY SYSTEM IS. SO, THAT BRINGS US TO THE POINT WHERE WE CAN COME UP WITH AN ALTERNATIVE. THE ALTERNATIVE, IN THE UNDERLYING BILL, THE SNYDER/SWECKER BILL, WOULD BE TO PUT THREE BOXES AT THE TOP OF THE BALLOT. THERE IS ONE THAT SAYS THAT YOU CHECK IT IF YOU WANT THE DEMOCRATS, ONE IF YOU UNAFFILIATED AND ONE IF YOU ARE REPUBLICAN. IN OUR PRESIDENTIAL PRIMARY, WHERE WE HAVE ESSENTIALLY THE SAME CHOICES, OVER EIGHTY PERCENT OF OUR CITIZENRY CHECKED 'UNAFFILIATED.' THE PARTIES HAVE ALREADY SAID THEY WERE NOT GOING TO COUNT THE UNAFFILIATED VOTES IN THESE PRIMARY ELECTIONS. THEY DIDN'T COUNT THEM IN THE PRESIDENTIAL PRIMARY--TWO PRESIDENTIAL PRIMARIES THAT WE HAD. TO THEIR CREDIT, THEY HAVE NOT TRIED TO TRICK US, THEY HAVE BEEN VERY CLEAR AND THEY DON'T INTEND ON COUNTING THEM IN THE FUTURE. NOW, THAT DOESN'T MEAN THAT CAN'T CHANGE. I MEAN IT CAN CHANGE, OF COURSE IT CAN CHANGE. OF COURSE, THERE COULD BE A MOVE, THERE COULD BE FULL PRESSURE BROUGHT ON THE PARTY TO COUNT THE UNAFFILIATED VOTERS IN THE PRIMARY. I THINK THAT HAVING THE PRESIDENTIAL PRIMARY TWICE AND NOT COUNTED, HAVING EVERY ELECTED OFFICIAL ASK THE PARTY, 'PLEASE DO NOT OVERTURN OUR BLANKET PRIMARY SYSTEM,' AND THEY DID ANYWAY. HAVING THEM SAY, EVERY TIME I HAVE HEARD THEM TALK ABOUT IT, THAT THEY DO NOT INTEND ON COUNTING THOSE BALLOTS NOW, IS A PRETTY GOOD TRACK RECORD THAT IT IS NOT LIKELY THAT THOSE UNAFFILIATED BALLOTS WILL BE COUNTED.

"CERTAINLY, IF THAT MEASURE PASSES, WE ARE IN A SITUATION WHERE IT IS TOTALLY UP TO THE PARTIES AS TO WHETHER OR NOT, THEY WILL COUNT ANYBODY THAT CHECKS 'UNAFFILIATED.' 'UNAFFILIATED,' REMEMBER, WAS AN EIGHTY PERCENT CHECK OF THE CITIZENS OF OUR STATE. WE HAVE A VERY INDEPENDENT STATE. IN FACT, I CAN'T EVEN REMEMBER TALKING TO SOMEBODY THAT HASN'T SAID, 'YOU KNOW I VOTE FOR THE PERSON, NOT FOR THE PARTY.' YOU KNOW, I THINK THAT IS A UNIVERSAL THOUGHT IN OUR STATE IS THAT WE HAVE VERY FEW STRAIGHT PARTY LINE VOTERS. SO, WHAT WE WOULD BE DOING IN MAKING THE CHANGE IN THE UNDERLYING BILL INSTEAD OF THE STRIKING AMENDMENT, WOULD BE TO GIVE THE PARTY THE OPPORTUNITY NOT TO COUNT THOSE UNAFFILIATED VOTERS, WHICH I BELIEVE THEY WON'T. THAT IS MY OPINION, BUT I BELIEVE THEY WON'T.

"IN THE STRIKING AMENDMENT, WHAT WE HAVE, IS THE PEOPLE'S CHOICE--OR THE TWO FORWARD. BASICALLY, YOU FILE JUST AS YOU HAVE FILED IN THE PAST AND THE TOP TWO VOTE GETTERS MOVE FORWARD. I THINK IF YOU LOOK AT VIRTUALLY EVERY ELECTION IN THE STATE, THAT WOULD TECHNICALLY BE REPUBLICAN AND DEMOCRAT, WITH A FEW EXCEPTIONS. EVEN WITH A FEW OF THOSE EXCEPTIONS, I THINK IF YOU LOOK AT IT AND FOUND IT WAS A CONTESTED PRIMARY ELECTION ON ONE SIDE AND MAYBE THE OTHER PARTY WAS NOT RUNNING VERY HARD IN THE PRIMARY AND IF THEY KNEW THEY HAD TO GET UP TO THE TOP TWO, THAT MIGHT CHANGE SOME OF THOSE RACES, ALSO.

"REALLY, THAT IS NOT THE ISSUE FROM MY PERSPECTIVE, IT IS HOW EACH OF US WOULD TURN OUT IN ALL OF THIS. THERE IS CERTAINLY NO WAY TO PREDICT AT THE POLLS HOW THAT IS GOING TO HAPPEN IN ANY ONE OF THESE RACES--WHO WE ARE GOING TO GET AS AN OPPONENT OR HOW MANY ARE GOING TO FILE AND WHAT IS GOING TO HAPPEN. I THINK THE UNDERLYING ISSUE FOR ME TO SUPPORT THIS AMENDMENT IS THAT EVERYBODY'S VOTE WILL COUNT AND CERTAINLY AFTER THIS LAST FALL AND THE PRESIDENTIAL ELECTION WHERE DESPITE THE OUTCOME OF WHAT YOU THOUGHT OF THE OUTCOME, THE CONTROVERSY OVER WHAT VOTES WILL COUNT AND NOT COUNT HAS CERTAINLY LEFT AN INDELIBLE IMPRINT ON THE MINDS OF THE PEOPLE IN THIS NATION AND OTHER STATES.

"I CANNOT IMAGINE, MYSELF, VOTING FOR A BILL THAT WOULD ALLOW VOTES TO NOT BE COUNTED. THAT IS THE ISSUE FOR ME--THAT IF WE TALK TO PEOPLE AND READ IN THE PRESS, IT SEEMS LIKE PARTISANSHIP AND POLITICS ARE THE DIRTY WORDS--AND BIPARTISANSHIP AND NONPARTISANSHIP AND WORKING TOGETHER IS WHAT EVERYBODY IS STRIVING FOR IN THIS COUNTRY. IF WE GO TO A SYSTEM WHERE THE PARTY CAN EXCLUDE VOTES IN THE PRIMARY, THEN WE ARE GOING TO BE SETTING UP A SITUATION WHICH IS MORE PARTISAN, IS MORE POLITICAL, AND I BELIEVE LESS LIKELY TO SOLVE PROBLEMS IN THE LONG RUN.

"ONE LAST THING I WOULD LIKE TO SAY IN FAVOR OF THE TWO-FORWARD OR THE PEOPLE'S CHOICE--THE STRIKING AMENDMENT--WHICH I HAVE SPONSORED HERE IS THAT IT WILL NOT COST US ANY EXTRA MONEY. IT IS SO SIMILAR TO THE SYSTEM THAT WE HAVE THAT THE COUNTY AUDITORS HAVE SAID THEY COULD DO THAT WITH WHAT THEY HAVE. THE UNDERLYING BILL--THE SNYDER/SWECKER BILL--THE FISCAL NOTE IS FOURTEEN POINT THREE MILLION DOLLARS. THAT IS PRETTY EXPENSIVE IN ORDER TO COME UP WITH A SYSTEM TO NOT COUNT VOTES. I WOULD SUGGEST THAT WE ALL VOTE FOR THE STRIKING AMENDMENT AND WE ALLOW THE CITIZENS VOTES OF THIS STATE--THIS VERY POPULATED, VERY INDEPENDENT STATE TO CONTINUE TO COUNT IN THE PRIMARY, SO THE CANDIDATES CAN COME FORWARD THAT APPEAL TO THE GREAT MAJORITY OF THE CENTER, IF YOU WILL, INSTEAD OF SOME VERY EXTREME PARTY PEOPLE THAT WOULD END UP MAKING OUR SYSTEM MORE POLITICAL AND MORE PARTISAN AND CERTAINLY, IN MY OPINION, GO TO FRUSTRATE THE WILL OF THE PEOPLE IN THE ELECTION PROCESS. I URGE YOUR SUPPORT FOR THE STRIKING AMENDMENT."

REMARKS BY SENATOR KOHL-WELLES

SENATOR KOHL-WELLES: "THANK YOU, MR. PRESIDENT. I RISE IN OPPOSITION TO THE STRIKING AMENDMENT. AND I HAVE TO AGREE WITH SENATOR HARGROVE THAT THE PEOPLE, AS WELL AS WE LEGISLATORS, WOULD LIKELY PREFER TO KEEP OUR PRIMARY SYSTEM AS IT IS, BUT WE CAN'T DO THAT. IF WE DO NOT PASS LEGISLATION THAT THE GOVERNOR WOULD SIGN, THEN IT WILL BE UP TO A FEDERAL COURT JUDGE AND THERE'S A VERY STRONG LIKELIHOOD THAT THE PARTIES WOULD PREVAIL AND THAT WE WOULD END UP WITH REGISTRATION BY PARTY, CLOSED PRIMARY BALLOTS AND I DON'T BELIEVE THAT THAT IS WHAT MOST OF US WOULD LIKE.

"SENATOR HARGROVE SAID THAT HE IS IN FAVOR OF EVERYBODY'S VOTE COUNTING. BUT WHO IS EVERYBODY? IN THE HISTORY OF OUR STATE, PRIMARY ELECTIONS HAVE A MUCH LOWER TURNOUT THAT DO ELECTIONS IN THE GENERAL ELECTION IN NOVEMBER. IN FACT, OVER THE PAST DECADE OR SO, THE AVERAGE FOR PRIMARY ELECTION TURNOUT IS FORTY PERCENT. FOR THE GENERAL ELECTION, IT IS SEVENTY-ONE PERCENT. SO WHO IS EVERYBODY? IF WE HAVE THE PRIMARY ELECTION VOTERS MAKE THE DETERMINATION THAT TWO PEOPLE, TWO CANDIDATES, ADVANCE AND IF THEY ARE OF THE SAME PARTY, THEN WHAT ARE OUR CONSTITUENTS GOING TO FEEL WHEN THEY GO TO VOTE IN THE GENERAL ELECTION AND THERE ARE TWO REPUBLICANS ONLY? OR THERE ARE TWO DEMOCRATS ONLY? AND THAT THERE WILL NOT BE ANY MINOR PARTY CANDIDATES ON THE GENERAL ELECTION BALLOT UNLESS A MINORITY PARTY CANDIDATE IS ONE OF ONLY TWO CANDIDATES ON THE PRIMARY ELECTION BALLOT. MINOR PARTY CANDIDATES CAN SERVE A PURPOSE. THEY CONTRIBUTE TO THE DEBATE. THEY CONTRIBUTE TO A FULLER DISCUSSION AND DELIBERATION OF THE ISSUES. NOW, WHEN IN HISTORY HAVE WE HAD TWO PARTIES, EXCUSE ME, TWO CANDIDATES OF THE SAME PARTY BE THE ONES TO ADVANCE? WE HAVEN'T. BUT WHAT WOULD HAPPEN, HAS HAPPENED IN SOME CRITICAL RACES. IN 1980, JOHN SPELLMAN WOULD NOT HAVE ADVANCED TO THE GENERAL ELECTION FOR GOVERNOR. IT WOULD HAVE BEEN TWO DEMOCRATS WHO WOULD HAVE ADVANCED. YET, SPELLMAN WON FOR GOVERNOR.

"I WOULD IMAGINE THAT THERE WOULD HAVE BEEN REPUBLICANS ACROSS THE STATE WHO WOULD HAVE BEEN VERY UNHAPPY IF THEY HAD NOT HAD A CHOICE IN THE GENERAL ELECTION TO VOTE FOR A REPUBLICAN. IN 1996, IF THE TOP TWO VOTE GETTERS HAD ADVANCED FOR GOVERNOR, THEN THE VOTERS OF WASHINGTON STATE WOULD ONLY HAVE BEEN ABLE TO SELECT FROM GARY LOCKE AND FROM NORM RICE. AGAIN, HOW MANY REPUBLICANS IN THIS STATE WOULD HAVE BEEN PLEASED WITH THEIR CHOICES? NOW, WE DO KNOW THAT IN LOUISIANA THROUGHOUT THE NINETIES, THE STATE RANKED AT THE BOTTOM OF VOTER TURNOUT IN MOST ELECTIONS. AND THE THOUGHT IS BECAUSE THERE WAS SO LITTLE CHOICE AND VOTERS JUST DID NOT TURN OUT BECAUSE THEY WEREN'T INTERESTED IN VOTING AS THEY WOULD HAVE IF THERE HAD BEEN A COMPETITIVE RACE.

"THE ELWAY POLL CONDUCTED IN MARCH OF THIS YEAR ASKS A LOT OF QUESTIONS. ONE QUESTION POSED WAS WOULD YOU FAVOR A SYSTEM IN WHICH THE TWO TOP VOTE GETTERS WOULD ADVANCE EVEN IF THEY WERE OF THE SAME PARTY? FIFTY-SEVEN PERCENT INDICATED THEY WOULD NOT FAVOR THAT. I BELIEVE THAT WE NEED TO TURN DOWN THIS STRIKING AMENDMENT. WE NEED TO GIVE VOTERS CHOICE, BUT THE GENERAL ELECTION IS WHERE THAT IS MOST CRITICAL. THE PARTIES HAVE INDICATED THAT THEY WOULD INDEED CONSIDER COUNTING THE UNAFFILIATED VOTER'S BALLOTS. IF THEY WERE NOT TO AND THAT IS KNOWN ON THE VOTER PAMPHLET; IT'S KNOWN ON THE PARTIES' WEB SITE; IT'S STATED AT THE TOP OF THE BALLOT; AND IT'S IN THE CAMPAIGN; THEN THEY WOULD HAVE TO PAY THE PRICE FOR THAT. I BELIEVE THAT SYSTEM WOULD CHANGE INDEED. I URGE YOU TO DEFEAT THE STRIKING AMENDMENT."

REMARKS BY SENATOR SWECKER

"SENATOR SWECKER: "THANK YOU, MR. PRESIDENT. I RISE TO SPEAK RELUCTANTLY IN OPPOSITION TO THIS MEASURE. IN A PERFECT WORLD, I'D LIKE TO STAY WITH THE BLANKET PRIMARY THAT WE CURRENTLY HAVE AND IN THE NEAR PERFECT WORLD, I'D PROBABLY WOULD BE VOTING FOR THIS AMENDMENT AS IT'S STATED. THE ONE OUTCOME THAT I DREAD MOST SHOULD THIS AMENDMENT BE ADOPTED IS THAT THE PARTIES HAVE ALREADY INDICATED THAT THEY WOULD BE FORCED TO

GO TO A CONVENTION SYSTEM TO SELECT THEIR NOMINEES. IN A CONVENTION SYSTEM, YOU SIMPLY HAVE A SMALL HANDFUL OF DELEGATES WHO DETERMINE WHO THE PARTIES' NOMINEES WOULD BE. SO, THE LOGIC THAT EVERY VOTE WOULD COUNT, I THINK, IS A MISNOMER. IN FACT, EVEN FEWER VOTES WOULD COUNT THAN THE UNDERLYING BILL. IT'S UNFORTUNATE THAT OUR BLANKET PRIMARY SYSTEM WASN'T DEEMED TO BE CONSTITUTIONAL.

"YOU KNOW, I'VE DECIDED I CAN'T PICK AND CHOOSE WHAT PARTS OF THE CONSTITUTION I WANT TO SUPPORT AND WHAT PARTS I DON'T WANT TO SUPPORT. I CAN'T SAY THAT I LIKE THE SECOND AMENDMENT, BUT I DON'T LIKE THE FIRST AMENDMENT. SO, WHAT I THINK WE NEED TO DO IS COME UP WITH A SYSTEM THAT OBSERVES THE CONSTITUTIONAL RIGHTS OF THE PARTIES--THE PEOPLE IN THE PARTIES TO AFFILIATE--AND TO PUT FORWARD THEIR CANDIDATE. THE PARTIES REALLY HAVE ASKED FOR ALL KINDS OF THINGS IN THEIR SUIT BEFORE THE COURT, BUT REALLY THIS BILL ONLY GIVES THEM ONE OF THE FOUR THINGS THAT THEY ASKED FOR. BUT, ONE THING IT GIVES THEM IS SOME VERY LIMITED AMOUNT OF CONTROL OVER WHO GETS TO VOTE FOR THEIR CANDIDATES. PEOPLE CAN STILL REGISTER AS REPUBLICANS OR DEMOCRATS OR INDEPENDENTS OR ANYBODY ELSE. EVERYBODY CAN GET ON THE BALLOT. YOU CAN CHOOSE WHETHER YOU WANT TO VOTE FOR REPUBLICANS OR DEMOCRATS, YOU DON'T HAVE TO REGISTER. THERE'S NO LIST PUBLISHED. IT'S REALLY A VERY SMALL, MINIMAL FIX TO THE SYSTEM THAT WE HAVE TODAY.

"I HAVE A BIG CONCERN THAT IF WE PASS THIS AMENDMENT AND THEN PASS THE BILL, WE'RE JUST GOING TO END UP GOING BACK TO COURT. WE HAVE THREE PARTIES WHO'VE ALREADY SAID THEY ARE GOING TO SUE IF THIS BILL PASSES. THEY'RE GOING TO GO RIGHT TO COURT AND TRY TO CONTROL WHO ACTUALLY GETS ON THE BALLOT WITH THEIR PARTY NAME AFFILIATED, AND I'VE HEARD VERY GOOD ARGUMENTS THAT THEY WILL BE SUCCESSFUL IN THAT. IN FACT, THE ATTORNEY GENERAL SAID THAT WE HAVE ONE OF TWO THINGS, BUT WE CAN'T HAVE BOTH. THE PARTIES EITHER HAVE TO BE ABLE TO CHOOSE WHO GETS ON THE BALLOT OR THEY HAVE TO BE ABLE TO CHOOSE WHO VOTES FOR THEM. NOW, UNDER THIS SYSTEM, THEY AREN'T CONTROLLING WHO GETS ON--WHO VOTES FOR THEM--SO THEY DEFINITELY WILL HAVE THE CHANCE TO CONTROL WHO GETS ON IT. LET'S STAY OUT OF COURT. LET'S VOTE 'NO' ON THIS AMENDMENT AND PASS THE UNDERLYING BILL AND GO HOME. THANK YOU."

REMARKS BY SENATOR GARDNER

SENATOR GARDNER: "THANK YOU, MR. PRESIDENT. WE ACTUALLY HAVE TWO ELECTION SYSTEMS IN THE STATE OF WASHINGTON. WE HAVE THE EVEN NUMBERED YEAR SYSTEM AND WE HAVE THE ODD NUMBERED YEAR SYSTEM AND IT'S ONLY THE ODDNUMBERED YEAR SYSTEM THAT HAS BEEN JUDGED UNCONSTITUTIONAL AND ABOUT WHICH WE DEBATE TODAY. THE EVEN-NUMBERED SYSTEM IS EXACTLY WHAT THE STRIKER IS ALL ABOUT. IN MUNICIPAL LOCAL ELECTIONS WHICH OCCUR THIS YEAR, ALL THE CANDIDATES' NAMES WILL BE ON THE BALLOT. ANYBODY WHO WANTS TO FILE TO RUN CAN RUN. THEY CAN SAY THAT THEY'RE A REPUBLICAN; THEY CAN SAY THEY'RE A DEMOCRAT; THEY CAN SAY THEY'RE A LIBERTARIAN; THEY CAN SAY ANYTHING THEY WANT TO SAY. THE PRIMARY ELECTION IS HELD AND THE TOP TWO ADVANCE TO THE GENERAL ELECTION BALLOT. THAT IS EXACTLY WHAT THIS STRIKING AMENDMENT PROPOSES. THIS ISN'T A LOUISIANA PRIMARY. IT ISN'T A CAJUN PRIMARY. THIS IS A WASHINGTON STATE PRIMARY. ALL WE'RE SAYING IS, WE'RE GOING TO RUN OUR PRIMARY ELECTIONS THE SAME IN BOTH YEARS.

"NOW, I UNDERSTAND THAT THERE ARE SOME QUESTIONS ABOUT WHETHER OR NOT THIS IS CONSTITUTIONAL. THE ATTORNEY GENERAL, WHEN SHE TALKED TO ME AND IT WAS IN A LARGE GROUP, SO I ASSUME OTHERS HEARD IT AS WELL AS I DID, BUT IT'S MY UNDERSTANDING THAT SHE SAID SHE COULD DEFEND IT IN COURT--THAT SHE FELT THAT IT WAS LEGAL. SO, I'M NOT CONCERNED ABOUT THAT. IT CERTAINLY WOULD APPEAR TO BE LEGAL SINCE WE'VE HAD THIS KIND OF PRIMARY ELECTION FOR MANY YEARS NOW FOR THE LOCALLY ELECTED OFFICIALS, AND NO ONE HAS CHALLENGED IT. I'M SORRY THAT WE HAVE TO RELY ON NEWSPAPER REPORTS AND POLLS AND THE WAY WE JUDGE OUR OWN E-MAILS AND HOTLINE CALLS AND LETTERS AND PEOPLE WE TALK TO. I'M SORRY WE DIDN'T HAVE THE ABILITY TO HAVE A PUBLIC HEARING ON THIS ISSUE.

"THOUGH WE'RE ALL TRYING TO MAKE UP OUR MINDS ABOUT WHAT THE PUBLIC WANTS AND HOW THE PUBLIC FEELS OR WHAT THE PUBLIC SUPPORTS, BUT I THINK THAT LABELING IT WITH ANOTHER STATE'S NAME IS A MISLEADING TITLE AND WE REALLY JUST NEED TO LOOK AT WHAT WE'VE BEEN DOING IN THE STATE OF WASHINGTON EVERY OTHER YEAR FOREVER. THAT IS THAT ANYBODY WHO WANTS TO RUN FOR ELECTION SIGNS UP TO RUN. WE HAVE A PRIMARY ELECTION ON WHICH ALL NAMES APPEAR ON THE BALLOT. ANYBODY CAN VOTE FOR ANYBODY. ALL THE VOTES ARE COUNTED AND THE TOP TWO VOTERS--VOTER GETTERS--MOVE ON TO THE GENERAL ELECTION. WE HAVEN'T BEEN HORRIFIED BY THAT PROCESS TO DATE. IT'S WORKED. IT'S ACCEPTED AND ALL WE'RE SAYING IS THAT WE'RE GOING TO EXTEND IT TO EVERY YEAR.

"NOW, I UNDERSTAND. I UNDERSTAND AS A LEGISLATOR THAT THIS MAY NOT BE POPULAR WITH MY PARTY. I UNDERSTAND THAT THEY MIGHT EVEN BE CONCERNED ABOUT MY REMARKS. I UNDERSTAND IT'S GOING TO BE MORE DIFFICULT FOR US TO DO FUND RAISING. I UNDERSTAND IT'S GOING TO BE MORE DIFFICULT FOR PEOPLE WHO ARE USED TO NOT HAVING A GENERAL ELECTION. BUT THE FOCUS IS NOT ON THOSE OF US WHO RUN. THE FOCUS IS ON THE VOTERS. IT'S HARD FOR ME TO STAND UP AND DO SOMETHING THAT IS GOING TO ANGER SOME OF MY COLLEAGUES AND CERTAINLY THE PEOPLE THAT I'VE

WORKED WITH OVER THE YEARS, BUT I HAVE NO CHOICE. I HAVE NO CHOICE. WHAT THE PEOPLE ARE SAYING TO ME, AND I CAN ONLY JUDGE WHAT THE PEOPLE SAY TO ME, IS THAT THEY WANT TWO THINGS. THEY WANT TO VOTE FOR WHOMEVER THEY CHOOSE AND THEY WANT THEIR VOTE TO COUNT. BOTTOM LINE. THAT'S IT. THIS ISN'T A CAJUN PRIMARY. THIS ISN'T A LOUISIANA PRIMARY. THIS IS A WASHINGTON PRIMARY AND ALL WE'RE SAYING IS GIVE THE PEOPLE THE RIGHT TO DO WHAT THEY ALREADY DO EVERY OTHER YEAR--THAT THEY CAN VOTE FOR ANYONE THAT THEY CHOOSE AND THAT THEIR VOTE WILL COUNT. GUARANTEED THAT THEIR VOTE WILL COUNT. NOT IF SOMEBODY DECIDES IF THEIR VOTE WILL COUNT, BUT GUARANTEED THAT THEIR VOTE WILL COUNT. I HAVE NO CHOICE BUT TO SUPPORT THIS STRIKING AMENDMENT BECAUSE THIS IS THE ONLY METHOD THAT DELIVERS. MAKE OUR PRIMARIES EVERY YEAR THE SAME. IT'S WORKED FOR US FOR MANY, MANY YEARS AND IT WILL WORK FOR US IN THE FUTURE. SO, I DO ASK FOR YOUR SUPPORT FOR THIS STRIKING AMENDMENT. THANK YOU."

REMARKS BY SENATOR CARLSON

SENATOR CARLSON: "THANK YOU, MR. PRESIDENT AND LADIES AND GENTLEMEN OF THE SENATE. SPEAKING IN SUPPORT OF THE STRIKING AMENDMENT BEFORE US, I AM GOING TO REFER TO THIS AS THE WASHINGTON VOTER PREFERENCE PRIMARY AND I HOPE THE PRESS WILL PAY ATTENTION TO THE LANGUAGE OF THIS TERM. PLEASE DO NOT REFER TO IT--TO WHAT IT IS NOT. IT IS NOT LOUISIANA. IT IS NOT CAJUN. IT IS NOT SOME SYSTEM THAT'S OFTEN IDENTIFIED AS SOME CORRUPT FORM THAT POSSIBLY MAY BE IN SOME OTHER STATE. IT IS THE WASHINGTON VOTER PREFERENCE PRIMARY, WHICH IS ASSOCIATED WITH WHAT THE CITIZENS HAVE CHOSEN TO HAVE FOR THE LAST SIXTY YEARS WITH A GREAT DISTINCTION AND PRIDE.

"I'VE HAD THE PLEASURE OF TEACHING U.S. HISTORY AND CIVICS IN GOVERNMENT IN THIS STATE IN THE HIGH SCHOOL FOR THIRTY YEARS. AS WE DISCUSSED AND TALKED FOR THIRTY YEARS ABOUT THE BLANKET PRIMARY AND HOW WE GOT THE BLANKET PRIMARY AND THE FACT THAT THE CITIZENS OF THIS STATE COULD CHOOSE WHOMEVER THEY WANTED TO VOTE FOR ON THE BALLOT TIME AND AGAIN, THE HUGE, LARGE PERCENTAGE OF STUDENTS SAID, 'WHY WOULDN'T YOU WANT TO DO THIS?' THIS IS WHAT FREEDOM IS ALL ABOUT. THIS IS WHAT REPUBLICAN FORM OF GOVERNMENT GIVES US A CHOICE TO HAVE AND THAT'S WHAT THIS STRIKER PROPOSES--TO ALLOW CITIZENS THEIR CHOICE IN MAKING THE OPPORTUNITY OF A PRIMARY ELECTION THAT WILL CONTINUE TO BE SIGNIFICANT AND IMPORTANT AND TRYING TO ENCOURAGE PEOPLE TO VOTE FOR THEIR CHOICE.

"NOW, I RECOGNIZE THAT INDEED THE INTEGRITY OF THE SYSTEM IS PART OF THE ISSUES THAT ARE BEING DISCUSSED WHEN THE AUDITORS RECOMMEND THE CHOICE ON THE PART OF THE CITIZENS. OUR AUDITORS ARE PROUD TO HAVE A VOTING SYSTEM IN THIS STATE WHERE THE CITIZENS KNOW THAT THERE IS A RESPONSIBLE CHOICE AND OPTION CLEARLY IDENTIFIED AND EASILY IDENTIFIED AND WE HAVE NOT HAD PROBLEMS THAT EXISTED IN SOME OTHER STATES. THE SELECTION OF THE STRIKING AMENDMENT PROVIDES A CONTINUATION OF THAT SYSTEM. IN ADDITION, I'D LIKE TO SUGGEST TO YOU THAT THERE IS AN ANSWER TO THE DILEMMA OF WHAT FOLKS CROSSING OVER THE VOTE TO VOTE FOR SPELLMAN OR VOTE FOR LOCKE IN PAST HISTORY. PART OF THE REASON THEY DID THAT IS BECAUSE THAT THEY THOUGHT THAT THEY COULD VOTE FOR A WEAKER CANDIDATE, BUT THE STRIKING AMENDMENT WE HAVE BEFORE US SUGGESTS THAT YOU BETTER NOT DO THAT, BECAUSE YOU'D BETTER VOTE FOR THE ONE THAT YOU CARE MOST ABOUT BECAUSE YOUR CANDIDATE MAY NOT GET ELECTED IF YOU DON'T. "THAT'S THE WEAKNESS OF THE BLANKET PRIMARY--THAT THOSE FOLKS WHO PLAY POLITICAL GAMES COULD THINK THAT THEY COULD VOTE FOR THE WEAKER CANDIDATE ON THE OTHER SIDE. THE STRIKING AMENDMENT SAYS THAT WON'T WORK ANYMORE CAUSE IF YOU DO THAT, YOU'RE LIABLE TO HAVE TWO FROM THE SAME PARTY. SO THEREFORE, KEEP YOUR VOTE ON THE SIDE THAT'S GOING TO COUNT AND WHAT IS GOING TO BE VERY SIGNIFICANT IN YOUR PARTICULAR VOTING ELECTION. IT IS TRUE THAT YOU MIGHT HAVE FOLKS IN A CONVENTION SYSTEM BE SELECTED AS A PARTY PREFERENCE, BUT THAT DOES NOT PREVENT CITIZENS FROM REGISTERING AS A REPUBLICAN, AS A DEMOCRAT, AS A LIBERTARIAN, WHATEVER YOU LIKE. YOU HAVE THE RIGHT TO PUT YOUR NAME WITH YOUR PARTY BEHIND THAT ON THE BALLOT AND YOU CAN VOTE AS YOU CHOOSE, BUT IF WE DON'T VOTE FOR A SYSTEM THAT ONLY ALLOWS ONE SIDE, WE HAVE TAKEN CHOICE AWAY FROM THE CITIZENS. ONE OF THE THINGS THAT I'M PROUD ABOUT IN THIS STATE IS THAT WE'VE ENCOURAGED CHOICE. WE'VE ENCOURAGED PEOPLE TO MAKE THAT VOTE COUNT AND BE SIGNIFICANT FOR THEM.

"THE GOVERNOR, IN AN INTERVIEW, THAT TOOK PLACE LAST WEEK INDICATED THAT ALTHOUGH HE HAD SOME PREFERENCES, HE WOULD SIGN WHATEVER OF THESE TWO BILLS THE LEGISLATURE CHOSE TO RECOMMEND. SO, THE FACT THAT WHETHER WE CHOOSE THE PRIMARY BILL THAT'S BEFORE US OR THE STRIKING AMENDMENT, THE GOVERNOR HAS ALREADY INDICATED THAT HE WOULD VOTE FOR WHATEVER WAS PUT BEFORE HIM.

"AS I'VE READ THE ELWAY POLLS, I SEE SEVENTY-TWO TO EIGHTY PERCENT OF THE CITIZENS OF THIS STATE INDICATING THAT THEY WOULD LIKE TO BE ABLE TO CHOOSE FOR THEMSELVES THE CANDIDATE THAT THEY BELIEVE IN. SURE THERE MAY BE A PREFERENCE TO ONE PARTY OR THE OTHER, BUT THE FACT IS THAT MANY TIMES, BECAUSE OF FRIENDS THAT THEY'VE TALKED TO, BECAUSE OF INDIVIDUALS THAT ARE IMPORTANT TO THEM, THEY HAVE DECIDED THAT THERE IS A CANDIDATE OR A COUPLE OF CANDIDATES ON THE OTHER SIDE OF THEIR BALLOT THAT THEY THINK ARE THE BEST CANDIDATES. ARE WE GOING TO SAY TO OUR CITIZENS THAT THEY CANNOT VOTE FOR WHAT THEY THINK IS THE BEST? I THINK WE WANT TO ENCOURAGE THE BEST PEOPLE TO

REPRESENT US FROM THE PRIMARY, AS WELL AS IN THE GENERAL ELECTION, AND I URGE YOUR SUPPORT FOR THE PASSAGE OF THE STRIKING AMENDMENT.”

REMARKS BY SENATOR FINKBEINER

“SENATOR FINKBEINER: “THANK YOU, MR. PRESIDENT AND MEMBERS OF THE SENATE. I THINK WE’RE REALLY FACED HERE WITH A VERY STARK AND CLEAR CHOICE BETWEEN TWO OPTIONS. I THINK TO SOME EXTENT FOLKS HAVE TOUCHED ON THAT, BUT I THINK TO REALLY UNDERSTAND AND TO REALLY MAKE A DECISION ABOUT WHICH OF THESE TWO OPTIONS WE WISH TO GO FOR, WE HAVE TO STOP THINKING ABOUT OURSELVES AND STOP THINKING ABOUT THE ONE HUNDRED AND FIFTY PEOPLE HERE THAT ARE ELECTED AND START THINKING ABOUT THE SIX MILLION PEOPLE IN WASHINGTON STATE AND START THINKING ABOUT THE PEOPLE THAT HAVE THE RIGHT TO VOTE IN A SYSTEM OF GOVERNMENT LIKE OURS. THE MOST SACRED RIGHT IS THE RIGHT TO VOTE. THERE’S AN OLD SAYING THAT IN A DEMOCRACY IS NOT THE VOTING THAT MATTERS, IT’S THE COUNTING. IT IS ESPECIALLY APPLICATIVE HERE. IF WE’RE GOING TO ASK THE CITIZENS FOR THE OTHER SIDE OF THAT VOTING CONTRAST WHICH IS DO WE WANT TO RIGHT TO TAKE YOUR MONEY? WE WANT TO HAVE THE RIGHT TO REGULATE YOUR BUSINESS, TO REGULATE THE PROPERTY THAT YOU OWN. EVEN IN THE CASES OF THE MOST HEINOUS CRIMES, TO HAVE THE RIGHT TO DECIDE HERE IN THE CHAMBER WHETHER OR NOT WE CHOOSE PEOPLE TO HAVE PEOPLE PUT TO DEATH FOR CERTAIN CRIMES. IF WE’RE GOING TO HAVE THAT RESPONSIBILITY GIVEN TO US BY THE PEOPLE, I THINK WE HAVE TO TURN AROUND AND LOOK AT THE RIGHTS THAT THOSE PEOPLE HAVE--TO VOTE AND TO HAVE THEIR VOTE COUNTED.

“NOW, SOME PEOPLE MIGHT SAY, ‘WELL, YOU’RE GETTING THIS CONFUSED WITH A NOMINATION AND ELECTION. YOU KNOW, WELL, THIS REALLY ISN’T THE ELECTION, REALLY THE GENERAL ELECTION IS WHERE IT HAPPENS.’ YOU KNOW, I REALLY DON’T THINK THAT’S THE CASE. NUMBER ONE, I THINK--LET’S LOOK AT WHAT WE ALL CALL THIS. WE CALL IT THE PRIMARY ELECTION. HAVE YOU EVER HEARD ANYBODY REFER TO IT AS THE PRIMARY NOMINATING SYSTEM? I THINK NOT. NUMBER TWO, I’D SAY THIS IS THE ONLY WAY THAT YOU GET TO THE GENERAL. IF YOU CONTROL THE PRIMARY, YOU CONTROL THE GENERAL, BECAUSE YOU DON’T GET TO THE GENERAL ELECTION BALLOT THROUGH ANY OTHER ROUTE EXCEPT THROUGH THE PRIMARY ELECTION, AND IF WE GIVE UP THE RIGHT OF SOME PEOPLE TO HAVE THEIR VOTE COUNTED IN THAT PRIMARY, WE’RE REALLY GIVING UP THEIR RIGHT TO SELECT THE PERSON THEY WISH TO HAVE REPRESENTING THEM IN THAT ELECTION.

“FINALLY, YOU KNOW, WE CAN ALL TALK ABOUT POLLS AND WE CAN ALL READ POLLS AND WE CAN ALL READ DIFFERENT THINGS IN THE POLLS, BUT I THINK WHAT THE PEOPLE HAVE CLEARLY SAID, AND I THINK WE ALL UNDERSTAND IT, IS WE WANT WHAT WE’VE GOT. OKAY. THE PARTIES TOOK US TO COURT. THEY DON’T WANT WHAT WE’VE GOT. THEY WANT US TO GIVE THEM A BUNCH OF POWER, BUT LET’S LOOK AT BETWEEN THE TWO OF THESE SYSTEMS THAT WE HAVE BEFORE US TODAY AND WHICH ONE MORE CLOSELY ALIGNS ITSELF WITH OUR CURRENT PRIMARY SYSTEM. WE PASSED OUT HERE FOR ALL OF YOU TO SEE A PROPOSAL FOR A SAMPLE BALLOT THAT YOU’D GET UNDER THIS UNDERLYING BILL. YOU CAN READ THROUGH HERE AND UNLIKE OUR CURRENT SYSTEM, IT’S GOT FINE PRINT ALL OVER THE PLACE. IT SAYS, ‘IF YOU SELECTED UNAFFILIATED, THEN ALL VOTES WILL BE TABULATED.’ AND I CAN’T EVEN READ THIS--THE PRINT’S SO SMALL--‘BECAUSE NEITHER THE DEMOCRATIC PARTY OR REPUBLICAN PARTY HAS AGREED TO ALLOW ANY AFFILIATED VOTERS TO PARTICIPATE IN THE REPRESENTATIVE NOMINATION PROCESS, VOTES CAST FOR CANDIDATES OF THOSE PARTIES WILL NOT HELP NOMINATE THE CANDIDATES FOR THE GENERAL ELECTION. VOTES CAST FOR MINOR POLITICAL PARTIES--INDEPENDENT POLITICAL CANDIDATES, AS WELL AS CANDIDATES FOR NONPARTISAN OFFICE AND BALLOT MEASURES AREN’T AFFECTED BY YOUR PARTY AFFILIATION.’ THAT SOUNDS LIKE WARRANT LANGUAGE THAT YOU GET WHEN YOU GO BUY SOMETHING AT SEARS. YOU KNOW. THAT DOES NOT SOUND LIKE CLEAR INFORMATION THAT LETS YOU VOTE AND LETS YOU SELECT THE PERSON WHO YOU WANT TO REPRESENT YOU IN THAT ELECTION.

“NOW, CONTRAST THAT TO THE SYSTEM THAT WOULD BE SET UP WITH THE STRIKER THAT WE ARE PROPOSING HERE. YOU WOULD GO INTO VOTE; YOUR BALLOT WOULD LOOK EXACTLY THE SAME; YOU’D VOTE EXACTLY THE SAME. EVERYTHING WOULD BE THE SAME AS IT HAS BEEN FOR SIXTY-FIVE YEARS. YOU WOULDN’T BE CONFUSED BY THE FINE PRINT. YOU WOULDN’T HAVE TO FIGURE OUT WHAT THE HECK WAS GOING ON--WHEN DOES MY VOTE COUNT--IS IT GOING TO COUNT IF I VOTE FOR A MINOR PARTY-- DOES IT COUNT IF I VOTE FOR A DEMOCRAT OR A REPUBLICAN--ALL THIS STUFF. WE CLEARLY FOLLOW WHAT THE PEOPLE HAVE ASKED FOR, WHICH IS CLARITY AND CLOSEST TO OUR VOTING SYSTEM. REALLY, AT THE END OF THIS, I THINK WE HAVE TO CHOOSE, WHO ARE WE REPRESENTING HERE? ARE WE REPRESENTING THE PARTIES’ ABILITY TO CHOOSE WHO IS GOING TO REPRESENT THE SYSTEM--THE PEOPLE OF THIS STATE? THEY CAN STILL NOMINATE; THEY CAN DO THAT NOW. THEY CAN HOLD CONVENTIONS; THEY CAN DO THAT NOW. THEY’LL PROBABLY DO IT NO MATTER WHAT WE DO, BUT THE QUESTION IS ARE WE GOING TO GIVE THEM MORE CONTROL OVER OUR ELECTIONS, OR ARE WE GOING TO LEAVE THAT CONTROL TO THE PEOPLE? I THINK THIS IS A GREAT DEBATE FOR THE SENATE TO HAVE AND WHEN IT COMES DOWN TO WHAT WE’RE GOING TO DO, WHAT THE PEOPLE--NOT THE FORTY-NINE OF US IN THIS CHAMBER--BUT WHAT THE OTHER SIX MILLION PEOPLE OF THIS STATE WOULD LIKE US TO DO AND I URGE YOUR SUPPORT OF THIS STRIKER.”

REMARKS BY SENATOR CONSTANTINE

“SENATOR CONSTANTINE: “THANK YOU, MR. PRESIDENT. WELL, OF ALL THE DAYS I’VE SPENT IN THE LEGISLATURE SO FAR, THIS ONE IS, IN MANY WAYS, THE MOST REFRESHING. THIS IS WHAT I THOUGHT BEING IN THE LEGISLATURE WOULD BE LIKE WHEN I WAS IN MY ELEVENTH GRADE SOCIAL STUDIES CLASS. HERE WE ARE. WE’RE REALLY DISCUSSING CIVICS FINALLY. I APPRECIATE ALL THE SPEECHES ON BOTH SIDES. I THINK THEY’VE BEEN VERY CLEAR, VERY FORTHRIGHT AND I THINK ALL IN THE BEST INTERESTS OF THE PEOPLE. WE ALL LIKED THE PRIMARY ELECTION. IT WAS GOOD. IT WAS FAIR AND IT GOT EVERY PERSON IN THIS CHAMBER ELECTED TO OFFICE AND IT’S UNCONSTITUTIONAL AND SO WE ARE FACED WITH A PRETTY CLEAR CHOICE BETWEEN TWO COMPUTING SYSTEMS TO REPLACE IT.

“IT’S STATED THAT THE LOUISIANA SYSTEM PRESERVES, AS MUCH AS POSSIBLE, THE BLANKET PRIMARY THAT WE ARE LOSING. I WOULD SUGGEST TO YOU THAT WHILE IT MAY RESEMBLE IT MORE IN FORM, IT DEPARTS IN SUBSTANCE A GREAT DEAL FROM OUR CURRENT PRIMARY SYSTEM. IT DEPARTS IN SUBSTANCE BECAUSE IT IS A FACT THAT THERE WILL BE FEW, IF ANY, SITUATIONS WHERE A MINOR PARTY CANDIDATE APPEARS ON THE GENERAL ELECTION BALLOT. IT DEPARTS IN SUBSTANCE BECAUSE THERE WILL BE MANY DISTRICTS WHERE IN THE GENERAL ELECTION YOU HAVE YOUR CHOICE BETWEEN TWO REPUBLICANS OR TWO DEMOCRATS. IN FACT, THE FIRST TIME I RAN FOR THE HOUSE OF REPRESENTATIVES, MR. PRESIDENT, THE FORTY PERCENT OF THE VOTERS OR THIRTY-FIVE PERCENT OF THE VOTERS IN MY DISTRICT WHO GENERALLY VOTE REPUBLICAN WOULD HAVE BEEN FACED WITH A CHOICE BETWEEN TWO DEMOCRATS AND THEY WOULD HAVE HAD TO GUESS WHICH ONE WAS THE MORE REPUBLICAN DEMOCRAT. THAT IS NOT A FAIR SITUATION FOR THEM AND THE SAME IS TRUE IN A REPUBLICAN-LEANING DISTRICT. IT IS NOT FAIR FOR MY DEMOCRATIC FRIENDS IN SOME OF YOUR DISTRICTS TO HAVE TO CHOOSE BETWEEN TWO REPUBLICANS AND GUESS WHICH ONE IS THE MORE DEMOCRATIC.

“ELECTIONS, MR. PRESIDENT, SHOULD BE ABOUT IDEAS. THIS SYSTEM WITH TWO PEOPLE MOVING FORWARD BASED ON THEIR POPULARITY IN A PRIMARY ELECTION FORCES THE CANDIDATES TO AVOID CONTROVERSIAL STANDS AND MOVE AS QUICKLY TOWARDS THE CENTER AND AWAY FROM DEBATE AS POSSIBLE. THIS IS WHY PEOPLE CRITICIZE OUR ELECTORAL SYSTEM ALREADY. THEY SAY THAT WE’RE DEVOID OF SUBSTANCE--THAT IT’S ALL GLOSSY BROCHURES AND IMAGE. THIS EXACERBATES THAT PROBLEM. WHAT WE WANT IS FOR PEOPLE TO STAND UP AND SAY WHAT THEY BELIEVE IN AND DRAW A CONTRAST SO THAT AT THE GENERAL ELECTION THE VOTERS CAN GO IN AND SAY, ‘YOU KNOW, I’M AGAINST ABORTION AND I’M IN FAVOR OF MORE DEFENSE SPENDING AND WHATEVER OTHER LABELS YOU WANT TO PUT ON IT, AND I BELIEVE THAT THIS PARTY REPRESENTS THOSE VALUES EVEN THOUGH I DON’T KNOW MUCH ABOUT THIS PERSON.’ DON’T BE FOOLED, NOBODY IN YOUR DISTRICT KNOWS MUCH ABOUT YOU UNLESS YOU’VE BEEN AROUND FOR FIFTY YEARS. THIS PARTY REPRESENTS THE THINGS I BELIEVE IN MORE AND THEREFORE, I’M GOING TO RELY ON THAT PARTY LABEL AS BEING ABLE TO CHOOSE SOMEONE WHO AGREES WITH MY BELIEFS.’ THE SYSTEM REPRESENTED BY THE AMENDMENT DRAGS US AWAY FROM THAT KIND OF CHOICE. LINCOLN ONCE SAID, ‘FOR EVERY PROBLEM, THERE’S A SOLUTION THAT IS NEAT AND SIMPLE AND WRONG.’ I BELIEVE THE STRIKING AMENDMENT REPRESENTS JUST SUCH A SOLUTION. I URGE YOU TO DEFEAT IT.”

REMARKS BY SENATOR SHIN

“SENATOR SHIN: “THANK YOU VERY MUCH, MR. PRESIDENT AND MEMBERS OF THE SENATE. DAVID HUME SPENCER SAID, ‘WHEN I SAY DEMOCRACY IS GOOD THAT MEANS I LIKE DEMOCRACY.’ I FOR ONE--I BELIEVE AND I LIKE AMERICAN DEMOCRACY WHICH I STAND FOR. IN THE LAST WEEK AND A HALF, I TALKED TO MANY OF YOU WHO CAME TO TALK TO ME ABOUT THE CONCERN ABOUT THIS LEGISLATION. MOST OF THAT DISCUSSION HAS BEEN ACADEMIC, PERSONAL CONVICTION AND EMOTIONAL. THEREFORE, I DECIDED TO GO TO THE BEST PRIMARY SOURCE. I READ IN U.S. CONSTITUTION FROM THE BEGINNING TO THE END AND ALSO THE STATE CONSTITUTION AND THE AMENDMENTS. NOWHERE IN THE CONSTITUTION DOES IT SAY ANYTHING ABOUT ONE PARTY OR ONE INDIVIDUAL SHALL CONTROL THE ELECTION. IT SAYS, ‘IN THE GOVERNMENT OF A DEMOCRACY THE POWER DERIVES FROM THE CONSENT OF THE PEOPLE.’ TO ME THAT’S THE KEY OF THE ISSUE--HOW THE POWER CONCERNS THE PEOPLE. I LOOKED AT THE TWO OPTIONS. ONE IS OUR PRIMARIES. FIRST OF ALL, WE TRY TO PROTECT. LET- LET ME PREFACE MY REMARKS. I LIKE THE TWO-PARTY SYSTEM BECAUSE WE BRING A BALANCE. BALANCE AND CHECKING IS WHAT WE NEED IN DEMOCRACY. I LIKE THE TWO-PARTY SYSTEM BECAUSE IT PROVIDES US TWO PHILOSOPHICAL CONCEPTS IN INTERPRETATION AND GIVES US A DECISION TO MAKE AND I LIKE THAT.

“TO REVIEW WHAT I LIKE, DEMOCRACY AND THE TWO-PARTY SYSTEM. IN THE CAJUN PRIMARY SYSTEM WHICH WE LIKE TO CALL PEOPLE’S DEMOCRACY, YOU COULD CHOOSE WHOMEVER YOU PLEASE. IT’S A PEOPLE’S CHOICE, BUT AT THE END--FINAL PRODUCT--YOU MAY END UP WITH TWO CANDIDATES FROM THE SAME PARTY. I PREFER NOT TO DO THAT.

“I THINK THERE’S A VERY SHORTCOMING THERE. AT THE SAME TIME, I LOOK AT SENATE BILL 6183, WHICH SAYS THAT THE PARTY CHOOSES AND NOMINATES THE CANDIDATES. THE QUESTION IS THE PARTY PEOPLE. I’M PROUD TO BE WHAT I AM AND I’M PROUD OF THE PARTY MEMBERS, BUT AT THE SAME TIME, WHEN YOU TALK ABOUT CONSENT OF THE GOVERNED, IT HAS TO

COME FROM THE PEOPLE. MANY OF YOU DO NOT BELIEVE IN POLLS AND I BELIEVE THAT THE POLLS ARE OFTENTIMES MANUFACTURED RESULTS AND IT DEPENDS ON WHAT YOU LIKE AND WHAT YOU VOTE FOR. I REPRESENT MY DISTRICT. MY PEOPLE, WHEN THEY HAVE CALLED ME, MANY SAY THAT WE VOTE FOR THE PEOPLE WE LIKE. THEY SEND ME HERE. I'M HERE TO DO MY JOB. WHAT MY PEOPLE SAY IN MY DISTRICT MEANS A LOT TO ME, BECAUSE I'M HERE TO REPRESENT THEM. THEREFORE, I'D LIKE TO HAVE YOU SUPPORT THIS STRIKING AMENDMENT. THANK YOU."

REMARKS BY SENATOR ROACH

SENATOR ROACH: "MEMBERS OF THE SENATE. FIRST OF ALL, I JUST WANTED TO MENTION SOMETHING. THE UNDERLYING BILL, SENATE BILL 6183, DOES HAVE SOMETHING THAT I LIKE AND THAT HAS TO DO WITH GETTING RID OF THE PUNCH CARD VOTING. IT WAS BROUGHT UP EARLIER IN OUR DEBATE THAT IT WOULD BE FOURTEEN MILLION DOLLARS MORE FOR THE IMPLEMENTATION OF THE UNDERLYING BILL. THE AUDITORS MET THIS MORNING AND REVIEWED MATERIAL THAT WAS WORKED OUT LAST FRIDAY NIGHT AND I DO NOT THINK THAT FISCAL NOTE WOULD BE THE SAME AFTER SOME OF THE CHANGES THAT HAVE BEEN MADE. IT'S ALSO TRUE THAT THE AMENDMENT THAT WAS ADOPTED EARLIER WOULD REQUIRE COUNTIES TO LEAVE THE PUNCH CARD VOTING ASIDE, WHICH IS, IF YOU REMEMBER WHEN WE CAME INTO THIS LEGISLATIVE SESSION, SOMETHING THAT WAS VERY IMPORTANT TO US ALL AFTER WHAT HAPPENED IN THE STATE OF FLORIDA. SO, I THINK THAT WOULD BE A GOOD THING. I THINK THE VOTERS OF THIS STATE WOULD AGREE THAT WE WANT TO MOVE AWAY FROM PUNCH CARD VOTING.

"THIS HAS BEEN ONE OF THE MOST INVIGORATING, INTERESTING AND IMPORTANT ISSUES THAT THE STATE OF WASHINGTON HAS FACED THIS YEAR AND IN DECADES, QUITE FRANKLY. IT IS EXTREMELY IMPORTANT. FOR THE MEMBERS OF THE PUBLIC THAT MIGHT BE LISTENING TO THIS DEBATE, TRULY OUT OF THE FORTY-NINE PEOPLE ON THIS FLOOR TODAY, ONLY ABOUT FOUR WANTED SOMETHING OTHER THAN OUR CURRENT BLANKET PRIMARY. FOR THE LAST SEVERAL MONTHS, WE HAVE BEEN WORKING VERY HARD, FIRST OF ALL, TO TRY TO KEEP WHAT WE HAVE; THEN REALIZING OF COURSE, WE CAN'T. THE REASON WE CAN'T IS NOT BECAUSE OUR CURRENT BLANKET PRIMARY SYSTEM IS UNCONSTITUTIONAL. IT HAS BEEN MISSTATED EVEN ON THIS FLOOR TODAY. IT IS NOT UNCONSTITUTIONAL. WHAT THE U.S. SUPREME COURT SAID WAS THE PARTIES HAD THE RIGHT TO FREELY ASSOCIATE. IF THE PARTIES DO NOT GO TO COURT AND DEMAND THAT RIGHT, THEN WE CAN STILL HAVE A BLANKET PRIMARY. THE FACT IS THAT THEY WANT THE RIGHT FOR SOMETHING THAT IS NOT UNCONSTITUTIONAL--WILL NOT BE A PART OF OUR VOTING IN THE FUTURE. AS WE REALIZE THAT, WE MOVE TO FIND SOMETHING THAT WILL SATISFY WHAT THE U. S. SUPREME COURT SAYS.

"I TOOK BOTH OF THE CURRENT MEASURES BEFORE US, THE STRIKING AMENDMENT WHICH IS A WASHINGTON PRIMARY SYSTEM AND THE UNDERLYING BILL, 6183, AND PUT THEM SIDE BY SIDE ON A LITTLE GRID, EXACTLY WHAT WE HAVE IN FRONT OF US. AFTER WE WORKED ON THESE BILLS FOR ALL THIS TIME, WE FOUND OUT THAT BOTH OF THESE BILLS ONLY REQUIRE ONE BALLOT, THAT WAS NOT THE CASE LAST WEEK. SO WE CAN'T SAY, 'WELL, ONE'S MORE EXPENSIVE, ONE'S MORE COMPLICATED,' BECAUSE NOW BOTH OF THEM REQUIRE JUST ONE BALLOT WHEN A PERSON GOES INTO THE POLLS, THEY ASK FOR ONE BALLOT AND THEY DON'T HAVE TO DECLARE IN EITHER CASE WHO IT IS OR WHAT PARTY THEY'RE GOING TO BE VOTING FOR. SECONDLY, BOTH OF THESE METHODS ALLOW FOR PRIVACY, WHICH WAS A VERY IMPORTANT THING FOR THE PEOPLE. THEY DON'T WANT PARTIES OR ANYONE KNOWING HOW THEY VOTED. IF, IN FACT, WE ADOPT EITHER ONE, WE WOULD HAVE PRIVACY, BECAUSE NO LIST WILL BE KEPT. PARTIES WON'T HAVE THE LIST. THEY WON'T BE GIVEN OUT BY AUDITORS AND IT'S JUST A GOOD THING THAT THE PEOPLE HAVE PRIVACY. PARTIES WOULDN'T AGREE, THEY WOULD LIKE THE NAMES OBVIOUSLY.

"BOTH OF THESE PARTICULAR METHODS WILL REQUIRE OR WILL RESULT IN HAVING CONVENTIONS AND THAT NOMINEES COME OUT OF CONVENTIONS. THAT IS POLITICAL REALITY. ONCE YOU RING THE BELL, YOU CAN'T UNRING IT. YOU KNOW, THE CAT'S OUT OF THE BAG, DOGGONE IT, YOU'RE NOT GOING TO CATCH THIS ONE. IN THE WASHINGTON PRIMARY SYSTEM THAT WE HAVE NOW BEFORE US AS A STRIKING AMENDMENT, IT WILL VIRTUALLY REQUIRE THAT THE PARTIES HAVE A CONVENTION BECAUSE IT IS THERE THAT THERE WILL BE A NOMINATING PROCESS, IT'LL BE AN ELECTION WHEN YOU GO TO THE BALLOT. SO YOU WILL HAVE TO HAVE ONE. NOW, WHILE I BELIEVE THAT YOU WILL, AS A MATTER OF POLITICAL FACT, HAVE ONE IF THE UNDERLYING BILL, 6183, IS ADOPTED. YOU DON'T HAVE TO HAVE ONE. THE PARTIES CAN, IF THEY WANT TO, AND I WOULD THINK IN SMALLER COUNTIES, PARTICULARLY, MAYBE THEY WOULD WANT TO GO AHEAD AND INCLUDE THE PUBLIC THE WAY WE HAVE DONE IN THE PAST WHERE WE DON'T HAVE TO GET OUR NOMINEES OUT OF A CONVENTION.

"BUT, AS PRACTICAL POLITICS HERE, EACH ONE OF US HAS RUN RACES, GONE TO CONVENTIONS, BEEN PRECINCT COMMITTEE OFFICERS, ALL WE'VE DONE, THE BOTTOM LINE HERE, WHAT WE'RE ARGUING ABOUT, WE CAN TALK ABOUT PRIVACY. WE CAN TALK ABOUT THE PEOPLE HAVING THE ABILITY TO VOTE AND EVERYTHING ELSE. THE REAL ISSUE HERE IS POWER. THE PARTIES WANT POWER AND THE ONLY PLACE YOU CAN TAKE THAT POWER IS FROM THE PEOPLE. WE STOOD TOGETHER, VIRTUALLY TOGETHER, TO KEEP A BLANKET PRIMARY WHICH GAVE THE PEOPLE THAT POWER WHICH WAS GRANTED TO THEM THEMSELVES AS THEY WENT OUT AND GOT IT WITH AN INITIATIVE SEVENTY-FIVE YEARS AGO. WHAT WE HAD IN CALIFORNIA WAS A SITUATION OF STRONG PARTIES WHERE THEY WOULD WALK THE WING, PARTY HATS WALKING THE WING SAYING--'YOU, SENATOR,

VOTE YES. YOU, SENATOR, YOU VOTE NO. BECAUSE IF YOU DON'T DO WHAT WE SAY, YOU'RE NOT GOING TO GET OUR ENDORSEMENT IN THE NEXT ELECTION.' YOU THINK YOU WANT TO RUN FOR CONGRESS, SENATOR? BETTER BE WATCHING WHAT THE PARTIES ARE DOING IN THE WINGS. THE PEOPLE SO DISLIKED THAT, THAT THEY LOOKED AROUND THE NATION AND FOUND WHAT WE WERE DOING HERE IN WASHINGTON STATE. WASHINGTON STATE HAS NOT HAD THAT HAPPEN. EACH ONE OF US KNOW THAT WE STAND AND VOTE THE CONSCIENCE OF OUR ELECTED POSITION BASED ON WHAT THE PEOPLE HAVE SENT US HERE TO DO. CALIFORNIA'S SYSTEM GETS CHALLENGED AND NOW WE ARE ON THE VERGE OF HAVING THE PROBLEMS THAT CALIFORNIA TRIED TO ESCAPE. THIS IS REALLY, REALLY A CROSSROADS FOR US IN WASHINGTON STATE. IN 1992, WHEN WE PASSED INITIATIVE 134, WHICH WAS A CAMPAIGN FINANCE REFORM BILL, REMEMBER WE GAVE THE PARTIES SPECIFIC ABILITIES TO BRING IN MUCH MORE MONEY THAN ANY OTHER ENTITY--AND THEN TURN AROUND AND GIVE TO CANDIDATES. SO, TWO THINGS, THE ABILITY TO RAISE AND GIVE A LOT OF MONEY AND THE ABILITY TO DEFINE CANDIDATES IN CONVENTIONS, GIVE ALMOST TOTAL POWER, NOT TO THE PEOPLE, BUT TO THE PARTY. THAT'S WHY THEY'RE EXERTING THEIR CONSTITUTIONAL RIGHT TO HAVE FREE ASSOCIATION. THAT'S WHY THEY DECIDED NOT TO ALLOW THE CONSTITUTIONAL PROCESS OF HAVING A BLANKET PRIMARY.

"BUT IN MY GRID THAT I WROTE OUT, I HAD TO ALSO CONSIDER POLITICAL REALITY, BECAUSE I THINK WE ALL KNOW WHEN THAT LITTLE NECESSITY COMES AROUND. WE HAVE A COURT THAT IS WAITING TO MAKE A DECISION AND WE'RE NOT THE ONLY PLAYERS IN THIS. WE HAVE ANOTHER HOUSE AND WE HAVE A GOVERNOR AND WE HAVE BEEN, UNFORTUNATELY, DELAYED IN THIS PROCESS MONTH AFTER MONTH, AND HOPEFULLY, WE CAN STILL GET SOMETHING DONE IN TIME. WE HAVE GOT TO SEND SOMETHING TO THE OTHER BODY THAT THEY WILL IN TURN SEND TO THE GOVERNOR, HOPEFULLY UNAMENDED. IF WE DON'T DO THAT, THEN THE COURTS WILL DECIDE AND THE PEOPLE IN THE WINGS WALKING WITH THEIR THUMBS GOING UP AND DOWN WILL BE DELIGHTED. WHEN I PUT IT OUT ON THE GRID, IT WAS A TOUGH DECISION BECAUSE IN MANY WAYS I COULD GO WITH BOTH--SAME OUTCOME IN A LOT OF THESE THINGS. I WILL SAY TO YOU THAT WE MUST MOVE FORWARD. I DO NOT THINK THE OTHER BODY WILL PASS THE STRIKING AMENDMENT BEFORE US, SO RELUCTANTLY, BECAUSE I DON'T HAVE ANY REAL

COMPLAINTS AGAINST EITHER, BUT I BELIEVE WE NEED TO GO WITH WHAT'S GOING TO PASS OR FIND OURSELVES COLLECTIVELY IN A REAL MESS. SO, I WOULD URGE YOU TO DEFEAT THE AMENDMENT."

REMARKS BY SENATOR KLINE

"SENATOR KLINE: "THANK YOU, MR. PRESIDENT AND MEMBERS. MR. PRESIDENT, I HOPE WE'RE PREPARED TO PAY MORE THAN LIP SERVICE TO THE NOTION THAT THE MAJOR FUNCTION OF AN ELECTION IS NOT SIMPLY TO ALLOCATE POWER, BUT TO BRING PEOPLE TO THE POLLS, TO ACTIVATE THE PUBLIC INTELLIGENCE, TO HAVE A CONTROVERSY AND HAVE A WAY ULTIMATELY IN NOVEMBER OF RESOLVING THAT CONTROVERSY, THAT RAISES THE LEVEL OF PUBLIC DISCOURSE AND MAKES PEOPLE PROUD TO BE AMERICANS AND WASHINGTONIANS. IF WE'RE PREPARED TO SIMPLY TO PAY MORE THAN LIP SERVICE TO THAT, I THINK WE NEED TO REJECT THE STRIKING AMENDMENT. MINOR PARTIES ARE AN INTEGRAL PART OF THAT GREATER HIGHER LEVEL OF PUBLIC DISCOURSE THAN WE ARE.

"BETWEEN THE TWO OF US, REPUBLICANS AND DEMOCRATS, WE CAN SOMETIMES BE TWEEDLEDUM AND TWEEDLEDEE. IT'S NOT JUST PEOPLE AT THE POLITICAL FRINGES TO WHOM THAT APPEARS TO BE TRUE. QUITE A FEW PEOPLE--RESPONSIBLE MEMBERS OF OUR COMMUNITIES--WHO CONSIDER THEMSELVES LIBERTARIANS, PERHAPS IN YOUR DISTRICT, GREENS IN MINE, WHO FEEL THAT WE DEMOCRATS AND REPUBLICANS ARE SOMEHOW SO INTERTWINED AND SO INTERDEPENDENT, WE'VE BECOME INDISTINGUISHABLE FROM ONE ANOTHER. THOSE SMALL PARTIES LOSE OUT IN THIS LOUISIANA-STYLE PRIMARY. NEITHER OF THE GREENS NOR THE LIBERTARIANS ARE EVER GOING TO FIND THEMSELVES IN A GENERAL ELECTION IN NOVEMBER IN THIS STATE UNDER THE SYSTEM SET OUT IN THE STRIKING AMENDMENT. IT'S LESS LIKELY THAN I WOULD PREFER TO BE TRUE EVEN UNDER THE UNDERLYING BILL. I'M NOT GOING TO TELL YOU THAT THE UNDERLYING BILL INCREASES THAT, BUT IT CERTAINLY DOES NOT FREEZE OUT OUR FRIENDS FROM THE LEFT AND RIGHT THE WAY THE STRIKING AMENDMENT DOES. I URGE YOU REJECT THIS. LET'S RAISE THE LEVEL OF DISCOURSE. LET'S PREVENT OURSELVES FROM BECOMING EVEN MORE TWEEDLEDUM AND TWEEDLEDEE. LET'S VOTE NO. THANK YOU."

REMARKS BY SENATOR HALE

"SENATOR HALE: "MR. PRESIDENT, LADIES AND GENTLEMEN. YOU KNOW WE'VE HAD A VERY HEALTHY DEBATE HERE TODAY AND THERE ARE A LOT OF ELEMENTS AND A LOT OF COMPLEXITIES TO THIS ISSUE, BUT THE BOTTOM LINE IS VERY SIMPLE. THE BOTTOM LINE IS WHAT THE PEOPLE ARE TALKING TO US ABOUT AND IT IS THE FREEDOM TO VOTE FOR WHOMEVER WE CHOOSE. I STRONGLY SUPPORT THE STRIKING AMENDMENT, BECAUSE THE UNDERLYING BILL DOES NOT DO IT. IT DOES NOT ALLOW YOU TO VOTE. OH, YOU CAN VOTE FOR WHOMEVER YOU CHOOSE, BUT YOU KNOW YOUR VOTE WON'T COUNT IF YOU VOTE FOR SOMEONE OTHER THAN THE STATED PARTY.

“YOU KNOW, THIS IS THE TIME WHEN POLITICIANS ARE NOT HELD IN VERY HIGH REGARD. WE’RE SEEN AS PURSUING OUR OWN ENDS, OUR OWN SELF INTEREST AND MAKING OURSELVES LOOK GOOD RATHER THAN LOOKING OUT FOR THE PEOPLE. I CAN THINK OF NO GREATER WAY TO RAISE PUBLIC OUTRAGE THAN TO HAVE OVER HALF OF THE ELECTORATE PASS THE VOTE FOR AN INDIVIDUAL CANDIDATE FULLY KNOWING, OR MAYBE NOT REALIZING, THAT THEIR VOTE SIMPLY WON’T COUNT. THE PARTIES HAVE BEEN VERY CLEAR ABOUT THEIR INTENTION TO DISREGARD VOTES CAST FOR PEOPLE OTHER THAN THEIR OWN PARTY. IT’S VERY BASIC. THE DECISION IS VERY SIMPLE. IT’S THE RIGHT TO VOTE FOR WHOMEVER YOU CHOOSE. I URGE YOUR SUPPORT FOR THE STRIKING AMENDMENT.”

REMARKS BY SENATOR HORN

SENATOR HORN: “THANK YOU VERY MUCH, MR. PRESIDENT AND LADIES AND GENTLEMEN OF THE SENATE. THE PEOPLE WHO ARE SUPPORTING THE STRIKING AMENDMENT WOULD HAVE YOU BELIEVE THAT WE SHOULD VOTE FOR TO MAINTAIN OUR CHOICES TO KEEP THE SYSTEM MOST LIKE WHAT WE HAVE TODAY, THE BLANKET PRIMARY, WHICH MANY PEOPLE WANT TO DO. DO NOT BE MISLEAD, BECAUSE THAT SYSTEM THAT WOULD GIVE YOU CHOICES IN THE PRIMARY WOULD BE AT WHAT PRICE? IT WOULD ROB YOU OF YOUR CHOICES IN THE GENERAL. AND WHICH IS THE ELECTION THAT REALLY COUNTS? THE PRIMARY ELECTION OR THE GENERAL ELECTION THAT ELECTS YOU TO THE OFFICE. HOW MANY DISTRICTS WOULD YOU HAVE WHERE YOU WOULD HAVE TWO REPUBLICANS OR TWO DEMOCRATS RUNNING FOR THE OFFICE? SO, AS PEOPLE WOULD HAVE YOU BELIEVE THAT PRESERVING THE CHOICES IS THE PRIMARY, IS THE KEY THING, IS IT WORTH THE PRICE OF ROBBING YOU OF YOUR CHOICES IN THE GENERAL.

“IF YOU LOOK AT THE COURSE OF ACTION THAT WOULD FOLLOW THROUGH, AS YOU WOULD HAVE TWO PEOPLE--TWO REPUBLICANS RUNNING IN THE GENERAL OR TWO DEMOCRATS--IT WOULD LEAD TO CONFUSION OF THE PEOPLE AND LEAD TO THE POSITION WITH THE REAL REPUBLICAN OR THE REAL DEMOCRAT PLEASE STAND UP. THAT, IN TURN, WOULD LEAD THE PARTIES FROM TAKING A POSITION AND SAY, ‘WE MUST ELECT OUR DELEGATE IN A CAUCUS SITUATION SO WE CAN IDENTIFY WHICH IS THE REAL REPUBLICAN OR WHICH IS THE REAL DEMOCRAT.’ ONCE THAT HAPPENS, YOU NOW HAVE NOT ONLY LOST YOUR CHOICES IN THE GENERAL, BUT YOU HAVE ALSO LOST YOUR CHOICES IN THE PRIMARY. SO, THIS IDEAL THAT YOU VOTE FOR THE STRIKING AMENDMENT, BECAUSE IT PRESERVES YOUR CHOICES IS BRINGING YOU DOWN A PATH THAT ROBBS YOU OF THAT VERY THING.

“NOW, THE UNDERLYING BILL WHICH IS 6183 IS A BILL THAT GIVES YOU THE CHOICES. YOU CAN GO TO THE POLLS, VOTE AS A REPUBLICAN, VOTE AS A DEMOCRAT OR VOTE AS A NON-IDENTIFIED INDIVIDUAL. IT STILL GIVES THE CHOICES OF PEOPLE TO REGISTER FOR THE PARTY AS MUCH AS THEY DO TODAY AND IT ENSURES THAT THE GREATEST NUMBER OF PEOPLE, NOT A CAUCUS, WOULD BE SELECTING THE CANDIDATE THAT ADVANCES TO THE GENERAL. THEN IT ENSURES THAT WHEN YOU GO TO THAT GENERAL, THAT YOU WOULD HAVE THOSE CHOICES OF VOTING FOR A REPUBLICAN OR A DEMOCRAT. I BELIEVE IN THE TWO-PARTY SYSTEM, BECAUSE I THINK THAT’S WHAT HAS MADE AMERICA GREAT. IT MEANS THAT IT’S OKAY TO TALK ABOUT THE OPPOSING VIEWPOINT. IT’S OKAY TO BE THE LOYAL MINORITY, SO THE PEOPLE CAN HEAR THE ARGUMENT FOR AND A CREDIBLE ARGUMENT AGAINST. I THINK THAT’S A VERY IMPORTANT THING THAT HAS MADE AMERICA GREAT AND MADE OUR STATE OF WASHINGTON GREAT.

“SO, I THINK THAT, TRUE, IT’S VERY, VERY CONCERNING TO HAVE A SYSTEM THAT ALLOWS THE PARTIES TO GET SO STRONG THAT THEY DICTATE WHO VOTES FOR WHAT. IT’S ALSO VERY CONCERNING ABOUT HAVING A SITUATION THAT HAVE PARTIES SO WEAK THAT THEY ARE NONFUNCTIONAL. I THINK THE UNDERLYING BILL, 6183, BRINGS THAT BALANCE TO THAT SITUATION. I THINK THE STRIKING AMENDMENT IS FAR FROM KEEPING YOUR CHOICES, ROBBS YOU OF YOUR CHOICES AND AS THE ELWAY POLL SHOWED, THAT WHEN THEY LOOK AT IT, FIFTY-SEVEN PERCENT OF THE PEOPLE OPPOSED A SITUATION THAT WOULD HAVE YOU VOTING FOR TWO DEMOCRATS OR TWO REPUBLICANS IN THE GENERAL ELECTION. WHY DO WE WANT TO PATTERN A SYSTEM AFTER THE LOUISIANA PRIMARY? IS THAT THE GREAT SYSTEM THAT HAS A GREAT TURNOUT--THAT GREAT SYSTEM THAT GAVE US DAVID DUKE RUNNING AS A REPUBLICAN? NO, I DON’T THINK THAT’S A SYSTEM THAT WE WANT TO PATTERN OUR GREAT STATE OF WASHINGTON AFTER. I WOULD RECOMMEND THAT YOU VOTE AGAINST THE STRIKING AMENDMENT.”

REMARKS BY SENATOR JACOBSEN

SENATOR JACOBSEN: “THANK YOU, MR. PRESIDENT. I’M GOING TO ASK YOU TO VOTE DOWN THE AMENDMENT AND FIRST, OF COURSE, I CAN SAY BECAUSE OF CONSTITUTIONAL REASONS. EVERYBODY HAS THE RIGHT OF FREEDOM OF ASSOCIATION AND I THINK TO SHOW THE IRONY OF THE SITUATION AND THE FRUSTRATIONS OF A PARTY--THE LIBERTARIAN PARTY--THEY WANT TO ELECT A CANDIDATE THAT SHARES THEIR PHILOSOPHY AND ESPOUSES AT THE POLLS. ON THAT SYSTEM, THEY MIGHT NOT BE ON THE POLLS, THEY MIGHT NOT MAKE IT PAST. BUT TWO, AND MORE IMPORTANTLY, AFTER WE GET DONE PICKING, THEY MIGHT NOT HAVE A TRUE LIBERTARIAN, BUT SOMEBODY THAT REFLECTS THE VIEWS OF THE DEMOCRATS OR THE REPUBLICANS.

"THE ONLY OTHER THING I WANT TO RELATE TO YOU, AND I LIKE TO READ HISTORY, AND I HAVE A HANDOUT ON YOUR DESK HERE. IT'S FROM *BATTLE CRY OF FREEDOM*. IT'S BY JAMES M. MCPHERSON. I READ THIS MANY, MANY YEARS AGO, BUT I SET THIS BOOK ASIDE AND THIS CHAPTER BECAUSE I HAVE NEVER LOOKED AT IT THIS WAY BEFORE. IT'S ROUGHLY ONE CHAPTER LOOKING AT THE ELECTIONS IN THE MIDDLE OF THE CIVIL WAR AND BOTH THE NORTH AND THE SOUTH HAD TO GO TO ELECTIONS. MCPHERSON OBSERVES HERE THAT THE SOUTH PRIDED THEMSELVES ON THE FACT THAT THEY DIDN'T HAVE PARTIES--DIDN'T HAVE PARTIES. HE WROTE, 'NOW, LOOKING BACK WITH HINDSIGHT, MOST HISTORIANS NOW RECOGNIZE THE ABSENCE OF PARTY WAS ACTUALLY A SOURCE OF WEAKNESS. IN THE NORTH, THE TWO-PARTY SYSTEM DISCIPLINED AND CHanneLED POLITICAL ACTIVITIES. THE REPUBLICAN PARTY BECAME THE MEANS FOR MOBILIZING WAR RESOURCES, RAISING TAXES, CREATING A NEW FINANCIAL SYSTEM, INITIATING EMANCIPATION AND ENACTING CONSCRIPTION. DEMOCRATS OPPOSED MOST OF THESE MEASURES, THE EXISTENCE OF THIS WELL DEFINED OPPOSITION CAUSED THE REPUBLICANS TO CLOSE RANKS WHEN THE CHIPS WERE DOWN. BECAUSE MEASURES WERE SUPPORTED OR OPPOSED BY PARTIES, VOTERS COULD IDENTIFY THOSE RESPONSIBLE FOR THEM AND REGISTER THEIR APPROVAL OR DISAPPROVAL AT THE POLLS BY VOTING THE PARTY TICKET. BOTH PARTIES, OF COURSE, USED THEIR WELL-OILED MACHINERY TO RALLY VOTERS TO THEIR SIDE. IN THE CONFEDERACY BY CONTRAST, THE DAVIS ADMINISTRATION HAD NO SUCH MEANS TO MOBILIZE SUPPORT. NO PARTIES MEANT NO INSTITUTIONAL DISCIPLINE OVER CONGRESS AND THEIR GOVERNORS. OPPOSITION TO THE DAVIS ADMINISTRATION, BECAME PERSONAL OR FACTIONAL AND THEREFORE DIFFICULT TO DEAL WITH.' THEN HE CLOSES WITH ONE LAST POINT HERE. I'M NOT GOING TO READ THE REST OF IT, BUT IN THE SOUTH, OPPOSITION CANDIDATES RAN ON INDIVIDUAL RATHER THAN A PARTY BASIS, AND THE GOVERNMENT COULD NOT MUSTER POLITICAL ARTILLERY TO SHOOT AT ALL THESE SCATTERED TARGETS.

"I THINK HERE A LOT OF TIMES OUR VOTERS EXPERIENCE THIS FRUSTRATION OVER AND OVER AGAIN. I'VE HAD PEOPLE COMMENT TO ME ALL THE TIME. YOUR PARTY SURE DOES PICK BAD CANDIDATES AND I HAVE TO POINT OUT TO THEM THAT WE DIDN'T PICK OUR CANDIDATES. THE VOTERS PICKED THE CANDIDATES AND SOMETIMES I AGREE WITH THE GENTLEMEN FROM MERCER ISLAND, WE NEED A CLEAR CHOICE. THERE'S A MAJORITY AND A MINORITY ROLE IN THIS THING AND WE SHOULD BE PROUD OF THE ROLE WE PLAY IN EITHER POSITION. THIS IS GOING TO GIVE OUR VOTERS A CHANCE IN THE GENERAL ELECTION TO PICK THE DIRECTION THEY WANT TO GO AND I URGE EVERYBODY TO REJECT THIS AMENDMENT AND VOTE FOR THE UNDERLYING BILL. THANK YOU."

REMARKS BY SENATOR PRENTICE

SENATOR PRENTICE: "THANK YOU, MR. PRESIDENT. AS ONE OF THE PEOPLE WHOSE NAME WAS ON THE LAWSUIT, I FEEL AN OBLIGATION SIMPLY TO EXPLAIN FOR A MOMENT WHY WE CHOSE TO DO WHAT WE DID AND I THINK I ALSO NEED TO ASK, AS WE ARE REFERRING TO THE PARTIES, I THINK WE NEED TO ASK OURSELVES WHO ARE WE TALKING ABOUT? THE PARTIES ARE JUST MADE UP OF PEOPLE WHO HAVE CHOSEN TO BE ACTIVE ON BEHALF OF A POLITICAL PARTY. IT HAS NEVER BEEN OUR OPTION SIMPLY TO GET THE PARTY LEADERS TO CHANGE THEIR MINDS. I CAN TELL YOU THAT WAS NOT POSSIBLE. WHAT WE WERE REACTING TO WAS THE VERY CLEAR SEVEN TO TWO DECISION OF THE UNITED STATES SUPREME COURT, AND THEY SIMPLY SAID THE PARTIES HAVE THE RIGHT TO DECIDE WHO RUNS AS THEIR CANDIDATE.

"SOME OF THE ARGUMENTS THAT WERE MADE AND AS WE'RE HEARING THAT THAT DID NOT APPLY TO THE STATE OF WASHINGTON, OUR SECRETARY OF STATE AT THAT TIME FILED AN AMICUS BRIEF AND SOMEONE WAS SENT FROM THIS STATE, GARY MCINTOSH, WHO MADE THE ARGUMENT THAT THE CURRENT SYSTEM RESULTS IN OUR HAVING MORE CENTRIST CANDIDATES. 'WELL IT'S PRETTY CLEAR,' THE SUPREME COURT SAID, 'IT'S NOT THE BUSINESS OF THE GOVERNMENT TO DECIDE WHICH PHILOSOPHIES ARE GOING TO BE REPRESENTED.' WE KEEP HEARING THAT THIS IS AN UNPOPULAR MOVE. WELL, I GUESS IF I WERE TO BASE IT ON THAT, I REMEMBER IN THE SIXTIES, WHEN THE UNITED STATES SUPREME COURT STRUCK DOWN SEGREGATION LAWS. IF YOU'D HAD POLLS, IF YOU'D HAD ELECTIONS, THE RESULT WOULD HAVE BEEN THE PEOPLE DIDN'T WANT TO CHANGE. MANY OF US WHO WERE ADULTS AT THAT TIME REMEMBER THAT IT WAS A VERY DIFFICULT CHANGE, BUT A CHANGE NEVERTHELESS.

"I'M WONDERING IS IT REALLY SO THAT HAVING THIS CURRENT SYSTEM PUTS US IN A BETTER POSITION TO SOLVE PROBLEMS THAN ANOTHER THAT'S BEEN PROPOSED. I GUESS I'D HAVE TO ASK TODAY AS WE'RE IN SPECIAL SESSION, 'ARE WE REALLY DOING SO WELL IN SOLVING THOSE PROBLEMS?' CHANGE MIGHT AGGRAVATE YOU. EVERYONE OF US--THERE ISN'T A SINGLE ONE OF US SITTING HERE WHO DIDN'T IMMEDIATELY THINK WHAT IT WILL MEAN IN MY RACE? WE ALL THOUGHT THAT. I ALSO REMEMBER IN MY LAST ELECTION AND THE ELECTION BEFORE THAT IN '96, THERE WAS A DEMOCRAT IN THE PRIMARY WHO WAS RECRUITED BY SOME LOCAL REPUBLICANS, NOT OUR FRIENDS HERE, WHO SENT OUT A MAILING CALLING HIMSELF A REAGAN DEMOCRAT, SENDING IT OUT TO REPUBLICANS. NOW, I'VE MAINTAINED THAT THAT'S A DISHONEST SYSTEM THAT WE'VE HAD, BUT PEOPLE TELL ME, 'OH WELL, IT DIDN'T HURT YOU.' THAT ISN'T REALLY THE POINT. THE POINT IS THAT IT WAS A DISHONEST MOVE FOR SOMEONE TO PRETEND HE WAS A DEMOCRAT WHEN HE REALLY WASN'T. LUCKILY, FOR ME, MAYBE NOT FOR YOU, BUT PEOPLE REJECTED THAT BY A SEVEN TO TWO DECISION. IT WASN'T EVEN CLOSE. THE SUPREME COURT CAME DOWN ON THE SIDE

THAT THE PARTIES HAVE THE RIGHT TO DECIDE WHO RUNS AS THEIR CANDIDATE. I WOULD SAY, 'OKAY, THE JIG IS UP.' IT'S TIME TO MAKE THE DECISIONS. PLEASE REJECT THE AMENDMENT."

REMARKS BY SENATOR HOCHSTATTER

SENATOR HOCHSTATTER: "THANK YOU, MR. PRESIDENT. I FEEL LIKE THE WOMAN WHO WAS TAKING A MEDICATION THAT ONLY HAD SIDE EFFECTS. THIS IS PERFECT LEGISLATION BECAUSE NOBODY'S GOING TO GET WHAT THEY WANT. I SUPPORT THIS PARTICULAR PIECE OF LEGISLATION. IF WE DENY OR IF IT TURNS OUT THAT THERE ARE TWO PEOPLE OF THE SAME PARTY ON THE BALLOT, THAT IS NOT A MESS OF OUR MAKING, IS IT? THE VOTERS DID THAT. YEAH, WE GIVE THEM THE OPPORTUNITY TO DO THAT. BUT THEY DID IT, BUT WE DIDN'T CAUSE IT. I WOULD LIKE--I DON'T SEE WHY WE HAVE TO BREAK THIS IN THE FIRST PLACE. I'D LIKE TO SEE THE COURTS BREAK IT. WE MENTIONED ABOUT CONSTITUTIONALITY. I DON'T THINK THE COURTS EVER OBSERVED CONSTITUTIONALITY. HOW CAN A JUDGE COME IN HERE AND CHANGE OUR LAW? THE THREAT IS, 'WELL, IF YOU DON'T DO SOMETHING, THE FEDERAL JUDGE WILL COME IN HERE AND GIVE YOU A SYSTEM THAT YOU DON'T WANT.'

"THE CONSTITUTION--OUR STATE CONSTITUTION SAYS THERE WILL BE NO LAW EXCEPT THAT IT IS A BILL. IS A JUDGE GOING TO RUN AGAINST SENATOR KLINE AND SENATOR SHEAHAN AND THEN COME DOWN HERE AND DO OUR JOB? BOY, THAT REALLY GETS UNDER MY HIDE. I THINK THAT IF THE COURT AND THE PARTIES WOULD APPEAR ON THE BALLOT, THEY'D BOTH LOSE. FOUR GOOD REASONS TO SUPPORT THIS AND THEN I'M DONE. FIRST OF ALL, PRIVACY OF THE BALLOTS. SECONDLY, THE BROADEST, BROADEST POSSIBLE CHOICE. THIRDLY, NO VOTES THROWN OUT AND FOURTHLY, \$14 MILLION IS GOING TO HAVE TO BE WRUNG OUT OF THE HIDE OF THE COUNTIES. DON'T DO THAT. THIS AMENDMENT, IF YOU SUPPORT THIS AMENDMENT, THAT WILL NOT HAPPEN. LASTLY, AND I'M PAINED TO SAY IT, TINKERING WITH THE SYSTEM WILL NOT KEEP US FREE. THE PEOPLE DON'T REALLY CARE IF THEY DON'T TURN OUT. IF THEY DON'T CARE ABOUT THE DIRECTION OF THEIR COUNTRY, IT'S OVER ANYWAY. THANK YOU FOR LISTENING TO ME."

REMARKS BY SENATOR HARGROVE

SENATOR HARGROVE: "THANK YOU, MR. PRESIDENT. HOPEFULLY TO CLOSE NOW. THIS HAS BEEN A GREAT DEBATE AND FRANKLY, I THINK IT'S BEEN VERY CIVIL ON ALL SIDES. I WANTED TO JUST CLEAR UP A COUPLE OF THINGS THAT I'VE HEARD. THERE WAS SOME MENTION MADE ABOUT IF YOU WANT TO STAY OUT OF COURT, YOU KNOW, VOTE FOR THE UNDERLYING BILL. WE'RE ALREADY IN COURT, SO THERE'S NO STAYING OUT OF COURT. THE AG HAS GIVEN ME A MEMO HERE SAYING THAT THIS STRIKING AMENDMENT, IN THEIR OPINION, WOULD BE CONSTITUTIONAL, SO THAT SHOULD TAKE CARE OF THAT.

"THE OTHER THING THAT I'D LIKE TO SAY IS THE GOVERNOR, IN A PRESS CONFERENCE, SAID HE WOULD SIGN WHATEVER GOT TO HIS DESK. SO, IT'S NOT LIKE THE GOVERNOR'S HOLDING A VETO PEN OVER THE STRIKING AMENDMENT. OUR SECRETARY OF STATE AND MANY OF OUR AUDITORS SUPPORT THE STRIKING AMENDMENT BECAUSE OF ITS CLARITY AND BECAUSE OF THE SIMPLICITY AND BECAUSE OF THE LACK OF COST--FOURTEEN MILLION DOLLARS--TO TRY TO CHANGE OUR SYSTEM OVER. I DON'T THINK WE CAN PREDICT WHAT THE HOUSE IS GOING TO DO. IN MY PRIVATE CONVERSATIONS WITH SOME OF THE POWERS TO BE OVER THERE, THEY HAVE SAID, 'SEND US THE BILL AND WE'LL WORK ON IT. IT'S NOT DEAD ON ARRIVAL IN ANY FORM. IT'S NOT ALIVE IN ANY FORM,' SO I DON'T THINK WE CAN BASE OUR VOTES ON THAT.

"I GUESS THE BOTTOM LINE HERE, AGAIN, IS DO YOU WANT PEOPLE'S VOTES TO COUNT OR DO YOU WANT TO HAVE A BALLOT OUT THERE WHERE SOMEBODY CAN CHECK AN UNAFFILIATED BOX AND THEIR VOTES ALL COUNT? THEY WILL BE COUNTED, BUT THEY WON'T COUNT. THAT'S THE BOTTOM LINE FOR ME. CERTAINLY, RURAL DEMOCRATS AND URBAN DEMOCRATS AND RURAL REPUBLICANS AND URBAN REPUBLICANS--I MEAN--WE ALL FIT UNDER THOSE TENTS SOMEHOW AND YET WE'RE QUITE DIFFERENT, YOU KNOW. SOME OF MY CLOSEST FRIENDS OVER HERE ON THIS SIDE ARE SOME OF THE MOST LIBERAL--I'M LOOKING AT SENATOR FAIRLEY--AND SOME OF THE MOST CONSERVATIVE ON THIS SIDE, YOU KNOW, LIKE SENATOR HOCHSTATTER AND STEVENS. I THINK WE HAVE A FINE MIX AND FINE DEBATE AND FINE CONTROVERSY AND FINE-- NOT ALL GETTING UPSET AT EACH OTHER AS IT IS. I THINK THAT THE STRIKING AMENDMENT WILL PRESERVE THAT AND I WOULD URGE YOUR SUPPORT."

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE ADOPTION OF THE STRIKING AMENDMENT BY SENATORS HARGROVE AND FINKBEINER TO SENATE BILL NO. 6183.

SENATOR HARGROVE DEMANDED A ROLL CALL AND THE DEMAND WAS SUSTAINED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE ADOPTION OF THE STRIKING AMENDMENT BY SENATORS HARGROVE AND FINKBEINER TO SENATE BILL NO. 6183.

ROLL CALL

THE SECRETARY CALLED THE ROLL AND THE STRIKING AMENDMENT WAS ADOPTED BY THE FOLLOWING VOTE: YEAS, 27; NAYS, 22; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, CARLSON, COSTA, DECCIO, FAIRLEY, FINKBEINER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, LONG, McAULIFFE, McCASLIN, MORTON, OKE, PARLETTE, PATTERSON, RASMUSSEN, SHEAHAN, SHELDON, T., SHIN, STEVENS, WEST, WINSLEY AND ZARELLI - 27.

VOTING NAY: SENATORS BROWN, CONSTANTINE, EIDE, FRANKLIN, FRASER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, McDONALD, PRENTICE, REGALA, ROACH, ROSSI, SHELDON, B., SNYDER, SPANEL, SWECKER AND THIBAudeau - 22.

MOTIONS

ON MOTION OF SENATOR HARGROVE, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON LINE 1 OF THE TITLE, AFTER "PRIMARIES;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 29.30.085, 29.01.090, 29.01.130, 29.04.180, 29.04.190, 29.13.070, 29.15.010, 29.15.025, 29.15.040, 29.15.050, 29.15.060, 29.15.070, 29.15.080, 29.15.150, 29.15.160, 29.15.170, 29.15.190, 29.15.210, 29.15.220, 29.18.010, 29.18.160, 29.27.020, 29.27.050, 29.27.080, 29.27.090, 29.30.005, 29.30.020, 29.30.101, 29.42.010, 29.42.020, 29.42.050, 29.62.010, 29.62.180, 29.64.010, 29.64.015, 29.64.030, 29.64.040, 29.64.060, 29.68.080, 29.68.130, 29.71.020, 29.81.220, 29.85.100, AND 42.17.020; AMENDING 2001 C ... (SB 5275) s 17; ADDING A NEW SECTION TO CHAPTER 29.07 RCW; ADDING A NEW SECTION TO CHAPTER 29.18 RCW; ADDING A NEW SECTION TO CHAPTER 29.01 RCW; ADDING A NEW SECTION TO CHAPTER 29.15 RCW; ADDING A NEW SECTION TO CHAPTER 29.19 RCW; RECODIFYING RCW 29.24.055; REPEALING RCW 29.01.160, 29.15.200, 29.18.150, 29.30.095, 29.24.010, 29.24.020, 29.24.025, 29.24.030, 29.24.035, 29.24.040, 29.24.060, 29.24.070, AND 29.24.--; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY."

ON MOTION OF SENATOR HARGROVE, THE RULES WERE SUSPENDED, ENGROSSED SENATE BILL NO. 6183 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SENATE BILL NO. 6183.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SENATE BILL NO. 6183 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 30; NAYS, 19; ABSENT, 0; EXCUSED, 0.

VOTING YEA: SENATORS BENTON, CARLSON, COSTA, DECCIO, FAIRLEY, FINKBEINER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, JOHNSON, KASTAMA, LONG, McAULIFFE, McCASLIN, MORTON, OKE, PARLETTE, PATTERSON, RASMUSSEN, ROACH, SHEAHAN, SHELDON, T., SHIN, STEVENS, WEST, WINSLEY AND ZARELLI - 30.

VOTING NAY: SENATORS BROWN, CONSTANTINE, EIDE, FRANKLIN, FRASER, HONEYFORD, HORN, JACOBSEN, KLINE, KOHL-WELLES, McDONALD, PRENTICE, REGALA, ROSSI, SHELDON, B., SNYDER, SPANEL, SWECKER AND THIBAudeau - 19.

ENGROSSED SENATE BILL NO. 6183, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

AT 3:02 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 12:00 NOON, TUESDAY, MAY 15, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

TWENTIETH DAY, FIRST SPECIAL SESSION, MAY 14, 2001

NOTICE: **FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.**

TWENTY-FIRST DAY, FIRST SPECIAL SESSION

NOON SESSION

SENATE CHAMBER, OLYMPIA, TUESDAY, MAY 15, 2001

THE SENATE WAS CALLED TO ORDER AT 12:00 NOON BY PRESIDENT PRO TEMPORE FRANKLIN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT PRO TEMPORE THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS BENTON, CARLSON, EIDE, FINKBEINER, GARDNER, HARGROVE, HORN, KLINE, KOHL-WELLES, McCASLIN, McDONALD, OKE, ROACH, SHIN AND ZARELLI. ON MOTION OF SENATOR HONEYFORD, SENATORS BENTON, CARLSON, FINKBEINER, HORN, McCASLIN, McDONALD, OKE, ROACH AND ZARELLI WERE EXCUSED.

THE SERGEANT AT ARMS COLOR GUARD, CONSISTING OF STAFF MEMBERS JOY ADAMS AND JULIE REITZ, PRESENTED THE COLORS. SECRETARY OF THE SENATE TONY COOK OFFERED THE PRAYER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

MESSAGE FROM THE GOVERNOR

MAY 14, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I HAVE THE HONOR TO ADVISE YOU THAT ON MAY 14, 2001, GOVERNOR LOCKE APPROVED THE FOLLOWING SENATE BILLS ENTITLED:

SENATE BILL No. 5063

RELATED TO LIMITED PUBLIC WORKS.

SUBSTITUTE SENATE BILL No. 5114

RELATING TO MOTORCYCLES.

ENGROSSED SUBSTITUTE SENATE BILL No. 5122

RELATING TO CIVIL COMMITMENT AND RELATED PROCEEDINGS FOR SEXUALLY VIOLENT PREDATORS UNDER CHAPTER 71.09 RCW.

SUBSTITUTE SENATE BILL No. 5123

RELATING TO THE CRIME OF ESCAPE WHEN COMMITTED BY PERSONS COMMITTED TO THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

SENATE BILL No. 5256

RELATING TO ENACTING THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

SUBSTITUTE SENATE BILL No. 5309

RELATING TO FUNDING FOR LOCAL GOVERNMENT CRIMINAL JUSTICE.

SUBSTITUTE SENATE BILL No. 5319

RELATING TO THE MUNICIPAL RESEARCH COUNCIL.

SUBSTITUTE SENATE BILL No. 5401

RELATING TO THE ELIMINATION OF BOARDS AND COMMISSIONS.

SUBSTITUTE SENATE BILL No. 5474

RELATING TO CONSOLIDATING FUNDS WITHIN THE GENERAL ADMINISTRATION SERVICES ACCOUNT.

SUBSTITUTE SENATE BILL No. 5494

RELATING TO NOISE PREVENTION FOR MOTOR VEHICLES.

ENGROSSED SECOND SUBSTITUTE SENATE BILL No. 5593

RELATING TO THE PUBLIC ACCOUNTANCY ACT.

SENATE BILL No. 5604

RELATING TO ALLOWING THE LIQUOR CONTROL BOARD TO AUTHORIZE CONTROLLED PURCHASE PROGRAMS.

ENGROSSED SUBSTITUTE SENATE BILL No. 5606

RELATING TO MAKING THE BACKGROUND CHECK REQUIREMENTS FOR EMPLOYEES CONSISTENT WITH BACKGROUND CHECK REQUIREMENTS FOR SERVICE PROVIDERS, AGENCIES, AND ENTITIES SERVING VULNERABLE ADULTS AND CHILDREN.

SUBSTITUTE SENATE BILL No. 5621

RELATING TO ANIMAL THERAPY.

SUBSTITUTE SENATE BILL No. 5637

RELATING TO WATERSHED HEALTH MONITORING AND ASSESSMENTS.

SUBSTITUTE SENATE BILL No. 5638

RELATING TO COUNTY TREASURER TECHNICAL CORRECTIONS.

ENGROSSED SENATE BILL No. 5790
RELATING TO VEHICULAR ASSAULT.
SUBSTITUTE SENATE BILL No. 5896
RELATING TO DNA TESTING OF EVIDENCE.
SUBSTITUTE SENATE BILL No. 5988
RELATING TO THE STATE INVESTMENT BOARD.
ENGROSSED SUBSTITUTE SENATE BILL No. 6143
RELATING TO COMMUNITY NOTIFICATION FOR RISK LEVEL III SEX AND KIDNAPPING OFFENDERS.

SINCERELY,
EVERETT H. BILLINGSLEA, GENERAL COUNSEL

MOTION

AT 12:05 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 10:00 A.M., WEDNESDAY, MAY 16, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

TWENTY-FIRST DAY, FIRST SPECIAL SESSION, MAY 15, 2001

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

TWENTY-SECOND DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Wednesday, May 16, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton and Fairley. On motion of Senator Eide, Senator Fairley was excused. On motion of Senator Honeyford, Senator Benton was excused.

The Sergeant at Arms Color Guard, consisting of staff members Vickie Winters and Jeannine Dellwo, presented the Colors. Lois Cotton, Legislative Assistant to Senator Jim Hargrove, offered the prayer.

MOTION

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

MOTION

Senator Betti Sheldon moved that the Senate advance to the third order of business.

MOTION

Senator Tim Sheldon moved that the Senate advance to the fourth order of business.

REPLY BY THE PRESIDENT

President Owen: "The motions are of equal rank, so we will vote on the first motion to advance to the third order of business."

The President declared the question before the Senate to be the motion by Senator Betti Sheldon to advance to the third order of business.

The motion by Senator Betti Sheldon to advance to the third order of business carried on a rising vote, the President voting 'aye.'

PARLIAMENTARY INQUIRY

Senator Tim Sheldon: "What order of business are we on?"

REPLY BY THE PRESIDENT

President Owen: "We are on the third order of business, Senator."

MESSAGE FROM THE GOVERNOR

May 15, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 15, 2001, Governor Locke approved the following Senate Bills entitled:

Engrossed Second Substitute Senate Bill No. 5060

Relating to alternative public works contracting procedures.

Senate Bill No. 5197

Relating to private activity bonds.

Substitute Senate Bill No. 5274

Relating to motor vehicle licensing subagents.

Engrossed Substitute Senate Bill No. 5413

Relating to provisions to improve accountability in child dependency cases.

Engrossed Substitute Senate Bill No. 5703

Relating to alterations of mobile homes.

Sincerely,
EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE GOVERNOR
VETO MESSAGE ON ENGROSSED SENATE BILL NO. 5289

May 15, 2001

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

I am returning herewith, without my approval, Engrossed Senate Bill No. 5289 entitled:

"AN ACT Relating to public facilities in rural counties;"

Although the original intent of Engrossed Senate Bill No. 5289 was meritorious, in its final form the bill would have undermined the intent of the rural sales tax credit program.

The prime sponsor requested this veto.

I support the original intent of this bill, which was to clarify and expand the use of the rural sales tax credit funding program. The bill sought to provide rural counties with a source of funds for the development of public facilities that are important for creating economic opportunity. However, this bill was amended to prevent any electric utility, including many of our public utility districts from using the money.

Public utility districts are key partners in economic development efforts. They provide not only electrical service, but also sewer, water, and telecommunications services. At a time when funding is limited, we must pool our resources whenever possible to accomplish important economic goals. Removing an important partner from eligibility for these funds unnecessarily ties the hands of the counties in promoting the vitality of their economies.

Additionally, the bill would have undermined the ability to develop electrical generation and distribution facilities that may be important during a time of energy shortage.

For these reasons, I have vetoed Engrossed Senate Bill No. 5289 in its entirety.

Respectfully submitted,
GARY LOCKE, Governor

MOTION

On motion of Senator Betti Sheldon, the veto message on Engrossed Senate Bill No 5289 was held on the desk.

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SENATE BILL NO. 5143

May 15, 2001

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

I am returning herewith, without my approval as to sections 1 and 2, Engrossed Senate Bill No. 5143 entitled:

"AN ACT Relating to the Washington state patrol retirement system retirement and survivor benefits;"
Engrossed Senate Bill No. 5143 restructures the Washington State Patrol retirement plan. It increases cost-of-living adjustments, reduces contribution rates and makes several other worthwhile changes.

Sections 1 and 2 of the bill would have created a new "Plan II" that would have greatly reduced non-duty disability benefits for newly hired Washington State Patrol officers. While I understand the legislature's desire for uniformity among public pension systems, I think these changes require further consideration.

While similar benefit provisions exist for other state employees who are members of Plan II retirement systems, those employees are also eligible for disability coverage through the social security system. State Patrol officers are not covered by social security, and the new provisions proposed in this bill would have left them and their families vulnerable. All State Patrol officers should be assured of benefits that are at least equal to those of other state employees.

People who serve the state deserve fair and equitable protection against loss of their ability to work. This gap could be addressed in a number of ways, and I am willing to consider alternative approaches to meeting this need. I would be happy to work with the legislature in developing a revised plan.

In the meantime, however, drastically reducing the disability coverage for the newest members of the Washington State Patrol without due consideration of how it will be replaced is too great a risk.

For these reasons, I have vetoed sections 1 and 2 of Engrossed Senate Bill No. 5143.

With the exception of sections 1 and 2, Engrossed Senate Bill No. 5143 is approved.

Respectfully submitted,
GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5533

May 15, 2001

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

I am returning herewith, without my approval as to section 7, Substitute Senate Bill No. 5533 entitled:

"AN ACT Relating to posting and notification of pesticide applications at schools;"

Substitute Senate Bill No. 5533 clarifies and improves the laws governing the application of pesticides near schools, and provides for advance notification of parents and school employees.

Section 7 of this bill would have stopped these important improvements from going into effect unless funding were provided in the 2001-2003 budget. While there may have been significant budget implications in the original draft of this bill, the affected entities concluded in their final fiscal analysis that there will be no material costs associated with compliance. Therefore, no funding is needed in the budget for implementation of this act.

I have vetoed section 7 to ensure that this important measure for improving parental awareness of pesticide uses in schools and day care facilities will go into effect.

For these reasons, I have vetoed section 7 of Substitute Senate Bill No. 5533.

With the exception of section 7, Substitute Senate Bill No. 5533 is approved.

Respectfully submitted,
GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5583

May 15, 2001

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

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 8, Engrossed Substitute Senate Bill No. 5583 entitled:

"AN ACT Relating to the implementation of recommendations of the joint legislative audit and review committee's performance audit of the public mental health system;"

Engrossed Substitute Senate Bill No. 5583 expresses the legislature's support for most of the recommendations of a recent performance audit of the community mental health system by the Joint Legislative Audit and Review Committee (JLARC). I too support those recommendations, relating to funding flexibility, performance measurement, performance incentives, and other improvements. I also support the bill's goal of minimizing the percentage of available funding that is spent on administrative activities at all levels of the mental health system.

However, section 8 of the bill would have required the Department of Social and Health Services (DSHS) to develop a plan to reduce administrative expenses in the system, including the Regional Support Networks and community-based treatment providers, to ten percent of available funds, and submit the plan to the legislature by December 15, 2001, with an assumed implementation date of July 1, 2003.

Minimizing administrative costs is an important goal for any program. But the Secretary of DSHS advises me that developing a realistic plan to achieve that goal for the mental health system as a whole will take longer than seven months, in part because it requires the active participation of mental health providers and Regional Support Networks.

The legislature's intent to see a plan implemented in July 2003 allows enough time to develop such a plan properly. Therefore, I have vetoed section 8 and direct DSHS to work with appropriate stakeholders to complete the plan, and make recommendations to me and to the legislature by October 1, 2002.

For these reasons, I have vetoed section 8 of Engrossed Substitute Senate Bill No. 5583.

With the exception of section 8, Engrossed Substitute Senate Bill No. 5583 is approved.

Respectfully submitted,
GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5940

May 15, 2001

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

I am returning herewith, without my approval as to section 1, Substitute Senate Bill No. 5940 entitled:
"AN ACT Relating to career and technical education;"

Substitute Senate Bill No. 5940 aligns the K-12 career and technical education programs with education reform and workforce planning efforts. These changes will integrate K-12 and higher education technical programs to better address skills gaps in our state's workforce.

Section 1 of the bill would have established different expectations for school districts based on their current program offering. School districts currently offering career and technical education programs would be required to continue those programs, while districts that are not currently offering those programs are only encouraged to establish them. I urge all school districts to establish career and technical education programs, but cannot support a provision that requires some, but not all, school districts to do so. In addition, the requirement to provide career and technical education programs infringes on local school board decision-making.

For these reasons, I have vetoed section 1 of Substitute Senate Bill No. 5940.

With the exception of section 1, Substitute Senate Bill No. 5940 is approved.

Respectfully submitted,
GARY LOCKE, Governor

MOTIONS

On motion of Senator Betti Sheldon, the partial veto messages on Engrossed Senate Bill No. 5143, Substitute Senate Bill No. 5533, Engrossed Substitute Senate Bill No. 5583 and Substitute Senate Bill No. 5940 were held on the desk.

MOTION

Senator Betti Sheldon moved that the Senate advance to the fifth order of business.

MOTION

Senator Tim Sheldon moved that the Senate advance to the fourth order of business.

REPLY BY THE PRESIDENT

President Owen: "It is the same situation as before, the motions are of equal rank. Therefore, we will vote on the first motion by Senator Betti Sheldon to advance to the fifth order of business."

The President declared the question before the Senate to be the motion by Senator Betti Sheldon to advance to the fifth order of business.

The motion by Senator Betti Sheldon to advance to the fifth order of business failed on a rising vote.

The President declared the question before the Senate to be the motion by Senator Tim Sheldon to advance to the fourth order of business.

The motion by Senator Tim Sheldon to advance to the fourth order of business carried on a rising vote, the President voting 'aye.'

The President declared the Senate to be on the fourth order of business.

MOTION

On motion of Senator Tim Sheldon, the Senate will immediately consider the Message from the House concerning Engrossed Senate Bill No. 6183.

MESSAGE FROM THE HOUSE

May 15, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6183 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to create a primary for all partisan elected offices, except for president and vice president, precinct committee officer, and offices exempted from the primary under RCW 29.15.150, that:

- (1) Allows each voter, including those who choose not to affiliate with any major political party, to participate;
- (2) Preserves the privacy of each voter's party affiliation, if any;
- (3) Rejects mandatory voter registration by political party;
- (4) Protects ballot access for minor political party and independent candidates;
- (5) Maintains a candidate's right to self-identify with any major political party; and
- (6) Upholds a political party's First Amendment right of association.

Sec. 2. RCW 29.01.090 and 1977 ex.s. c 329 s 9 are each amended to read as follows:

"Major political party" means a political party of which at least one nominee for president, vice president, United States senator, or a statewide office received at least five percent of the total vote cast at the last preceding state general election in an even-numbered year(~~(: PROVIDED, That any political party qualifying as a major political party under the previous subsection (2) or subsection (3) of this section prior to its 1977 amendment shall retain such status until after the next state general election following June 30, 1977).~~ However, a political party of which no nominee received at least ten percent of the total vote cast may forgo its status as a major political party by filing with the secretary of state an appropriate party rule within sixty days of attaining major party status under this section or thirty days of the effective date of this act, whichever is later.

NEW SECTION. Sec. 3. A new section is added to chapter 29.07 RCW to read as follows:

Under no circumstances may an individual be required to affiliate with, join, adhere to, express faith in, or declare a preference for, a political party or organization upon registering to vote.

NEW SECTION. Sec. 4. Candidates for all partisan elected offices, except for president and vice president, precinct committee officer, and offices exempted from the primary under RCW 29.15.150, will be nominated at primaries held under this chapter.

NEW SECTION. Sec. 5. So far as applicable, the provisions of this title relating to conducting general elections govern the conduct of primaries.

NEW SECTION. Sec. 6. A new section is added to chapter 29.30 RCW to read as follows:

Each primary ballot that includes one or more partisan offices must include a party identification checkoff box that allows a voter to select the party with which the voter chooses to affiliate from a list of the major political parties, or the option to indicate that the voter chooses not to affiliate with any major political party. If a voter makes no selection or selects more than one option, then the voter is presumed to have selected the option indicating that the voter chooses not to affiliate with any major political party.

NEW SECTION. Sec. 7. A new section is added to chapter 29.30 RCW to read as follows:

The party identification checkoff box required under section 6 of this act must appear on the primary ballot before the names of candidates and ballot measures. Clear and concise instructions to the voter must be prominently displayed immediately before the list of major political parties, and must include:

- (1) A question asking the voter to indicate the major political party, if any, with which the voter chooses to affiliate;
- (2) A statement indicating that votes cast for a candidate who indicated a major political party designation when filing a declaration of candidacy by a voter who chooses to affiliate with a different major political party will not be tabulated or reported;

(3) An explanation, for each major political party, of whether or not votes cast by a voter who chooses not to affiliate with any major political party will be used to determine the major political party's nominees;

(4) A statement that votes cast for minor party candidates or independent candidates by voters who choose to affiliate with a major political party will not be tabulated or reported; and

(5) A statement that the party identification option will not affect votes cast for candidates for nonpartisan offices or for or against ballot measures.

NEW SECTION. Sec. 8. No record may be created or maintained by a state or local governmental agency or a political organization that identifies a voter with the information provided on the voter's ballot, including the choice that the voter makes regarding political party affiliation.

NEW SECTION. Sec. 9. (1) A major political party may choose, by rule adopted under chapter 29.42 RCW, to allow voters who choose not to affiliate with any major political party to cast votes that will be used to determine the major political party's nominees. The rule may only be made on a statewide basis and with respect to all of the votes cast by unaffiliated voters rather than with respect to votes cast in specific districts, in specific races, or for specific candidates.

(2) A major political party that has adopted a rule under subsection (1) of this section may repeal that rule at any time. However, the effect of the repeal is subject to the time requirements of subsection (6) of this section.

(3) A major political party shall provide the secretary of state with written notification of an action taken under this section before the end of the first business day that immediately follows the day during which the action is taken.

(4) If a major political party adopts an appropriate rule under subsection (1) of this section, then the major political party's nominee will be the candidate who receives a plurality of votes from the aggregation of votes cast by voters who choose to affiliate with that major political party and votes cast by voters who choose not to affiliate with any major political party.

(5) Unless a major political party adopts a rule under subsection (1) of this section, or if a rule so adopted is repealed under subsection (2) of this section, then the major political party's nominee will be the candidate who receives a plurality of votes cast by voters who choose to affiliate with that major political party.

(6) The adoption of a rule under subsection (1) of this section or the repeal of the rule under subsection (2) of this section must occur on or before March 1st in order to be in effect at any primary conducted between September 1st of the same year and August 30th of the following year. However, a major political party may adopt a rule under subsection (1) of this section no later than thirty days after the effective date of this act that becomes effective at the primary conducted in September of 2001.

(7) The decision by a major political party to accept votes cast by voters who choose not to affiliate with any major political party does not affect the rights of any other major political party.

NEW SECTION. Sec. 10. For each major political party, prominent notification regarding whether or not the major political party will allow voters who choose not to affiliate with any major political party to participate in the major political party's nomination process must be made, at the very least, in:

(1) Any primary voters' pamphlet prepared by the secretary of state or a local government;

(2) Instructions that accompany any ballot sent by a county auditor to an absentee voter;

(3) Any notice of primary published in compliance with RCW 29.27.030;

(4) A sample ballot prepared by a county auditor under RCW 29.30.060;

(5) The content of the web site of the office of the secretary of state; and

(6) The content of each county auditors' web site that is in existence.

NEW SECTION. Sec. 11. Votes cast by a voter who chooses to affiliate with a major political party for a candidate who indicated a different major political party designation when filing a declaration of candidacy, or for a minor party candidate or independent candidate, may not be tabulated or reported. However, votes cast by that voter for candidates for other offices are not affected in any way.

NEW SECTION. Sec. 12. (1) All votes cast for a candidate who indicated a major political party designation when filing a declaration of candidacy by voters who choose to affiliate with that major political party must be tabulated and reported separately from any other votes cast for that candidate.

(2) All votes cast for a candidate who indicated a major political party designation when filing a declaration of candidacy by voters who choose not to affiliate with any major political party must be tabulated and reported separately from any other votes cast for that candidate.

NEW SECTION. Sec. 13. The secretary of state as chief election officer shall adopt rules under chapter 34.05 RCW to facilitate the operation, accomplishment, and purpose of this chapter.

Sec. 14. RCW 29.04.180 and 1999 c 157 s 1 are each amended to read as follows:

Any person who desires to be a write-in candidate and have such votes counted at a primary or election may, if the jurisdiction of the office sought is entirely within one county, file a declaration of candidacy with the county auditor not later than the day before the primary or election. If the jurisdiction of the office sought encompasses more than one county the declaration of candidacy shall be filed with the secretary of state not later than the day before the primary or election. Declarations of candidacy for write-in candidates must be accompanied by a filing fee in the same manner as required of other candidates filing for the office as provided in RCW 29.15.050.

Votes cast for write-in candidates who have filed such declarations of candidacy and write-in votes for persons appointed by political parties (~~pursuant to RCW 29.18.160~~) under section 16 of this act need only specify the name of the candidate in the appropriate location on the ballot in order to be counted. Write-in votes cast for any other candidate, in order to be counted, must designate the office sought and position number or political party, if applicable. In order for write-in votes to be valid in jurisdictions employing optical-scan mark sense ballot systems the voter must complete the proper mark next to the write-in line for that office.

No person may file as a write-in candidate where:

(1) At a general election, the person attempting to file either filed as a write-in candidate for the same office at the preceding primary or the person's name appeared on the ballot for the same office at the preceding primary;

(2) The person attempting to file as a write-in candidate has already filed a valid write-in declaration for that primary or election, unless one or the other of the two filings is for the office of precinct committeeperson;

(3) The name of the person attempting to file already appears on the ballot as a candidate for another office, unless one of the two offices for which he or she is a candidate is precinct committeeperson.

The declaration of candidacy shall be similar to that required by RCW 29.15.010. No write-in candidate filing under RCW 29.04.180 may be included in any voter's pamphlet produced under chapter ((29.80)) 29.81 RCW unless that candidate qualifies to have his or her name printed on the general election ballot. The legislative authority of any jurisdiction producing a local voter's pamphlet under chapter 29.81A RCW may provide, by ordinance, for the inclusion of write-in candidates in such pamphlets.

NEW SECTION. Sec. 15. A new section is added to chapter 29.15 RCW to read as follows:

If a place on the ticket of a major political party is vacant because no person has filed for nomination as the candidate of that major political party after the last day allowed for candidates to withdraw under RCW 29.15.120, and if the vacancy is for a state or county office to be voted on solely by the electors of a single county, the county central committee of the major political party may select and certify a candidate to fill the vacancy. If the vacancy is for any other office the state central committee of the major political party may select and certify a candidate to fill the vacancy. The certificate must set forth the cause of the vacancy, the name of the person nominated, the office for which nominated, and other pertinent information required in an ordinary certificate of nomination and be filed in the proper office no later than the first Friday after the last day allowed for candidates to withdraw, together with the candidate's fee applicable to that office and a declaration of candidacy.

NEW SECTION. Sec. 16. A new section is added to chapter 29.15 RCW to read as follows:

A vacancy caused by the death or disqualification of a candidate or nominee of a major or minor political party may be filled at any time up to and including the day before the election for that position. For state partisan offices in a political subdivision voted on solely by electors of a single county, the county central committee in the case of a major political party or the state central committee or comparable governing body in the case of a minor political party shall appoint a person to fill the vacancy. For other partisan offices, including federal or statewide offices, the state central committee or comparable governing body of the appropriate political party shall appoint a person to fill the vacancy.

If the vacancy occurs no later than the sixth Tuesday before the primary or general election concerned and the ballots have been printed, the appropriate election officers shall correct the ballots. In making the correction, it is not necessary to reprint complete ballots if any other less expensive technique can be used and the resulting correction is reasonably clear.

If the vacancy occurs after the sixth Tuesday before the primary or general election and time does not exist in which to correct ballots (including absentee ballots), either in total or in part, then the votes cast or recorded for the person who has died or become disqualified must be counted for the person who has been named to fill the vacancy.

When the secretary of state is the person with whom the appointment by the major or minor political party is filed, the secretary of state shall, in certifying candidates or nominations to the various county officers insert the name of the person appointed to fill a vacancy.

If the secretary of state has already sent forth the certificate when the appointment to fill a vacancy is filed, the secretary of state shall immediately certify to the county auditors of the proper counties the name and place of residence of the person appointed to fill a vacancy, the office for which the person is a candidate or nominee, the party represented, and all other pertinent facts pertaining to the vacancy.

Sec. 17. RCW 29.27.020 and 1990 c 59 s 8 are each amended to read as follows:

On or before the day following the last day for political parties to fill vacancies in the ticket as provided by ((RCW 29.18.450)) section 15 of this act, the secretary of state shall certify to each county auditor a list of the candidates who have filed declarations of candidacy in his or her office for the primary. For each office, the certificate shall include the name of each candidate, his or her address, and his or her party designation, if any.

Sec. 18. RCW 29.27.030 and 1965 c 9 s 29.27.030 are each amended to read as follows:

Not more than ten nor less than three days prior to the primary election the county auditor shall publish notice of such primary in one or more newspapers of general circulation within the county. ((Said)) The notice shall contain the proper party designations, the names and addresses of all persons who have filed a declaration of

candidacy to be voted upon at that primary election, the notification that is required for each major political party under section 10 of this act, the hours during which the polls will be open, and that the election will be held in the regular polling place in each precinct, giving the address of each polling place((:-PROVIDED, That)). The names of all candidates for nonpartisan offices shall be published separately with designation of the offices for which they are candidates but without party designation. This shall be the only notice required for the holding of any primary election.

Sec. 19. RCW 29.30.005 and 1990 c 59 s 93 are each amended to read as follows:

Except for the candidates for the positions of president and vice president or for ((a partisan or nonpartisan)) an office for which no primary is required, the names of all candidates who have filed for ((nomination under chapter 29.18 RCW and those independent candidates and candidates of minor political parties who have been nominated under chapter 29.24 RCW shall)) office under chapter 29.15 RCW must appear on the appropriate ballots at the primary throughout the jurisdiction in which they are to be nominated.

Sec. 20. RCW 29.30.025 and 1990 c 59 s 80 are each amended to read as follows:

After the close of business on the last day for candidates to file for office, the filing officer shall, from among those filings made in person and by mail, determine by lot the order in which the names of those candidates will appear on all primary, sample,

and absentee ballots. ((In the case of candidates for city, town, and district office, this procedure shall also determine the order for candidate names on the official primary ballot used at the polling place.)) The determination shall be done publicly and may be witnessed by the media and by any candidate. If no primary is required for any nonpartisan office under RCW 29.15.150 or 29.21.015, the names shall appear on the general election ballot in the order determined by lot.

Sec. 21. RCW 29.30.095 and 1990 c 59 s 96 are each amended to read as follows:

(1) The name of a candidate for a partisan office for which a primary was conducted shall not be printed on the ballot for that office at the subsequent general election unless the candidate receives a number of votes equal to at least one percent of the total number cast for all candidates for that position sought and a plurality of the votes cast for the candidates of his or her party for that office at the preceding primary.

(2) If, under section 9 of this act, a major political party has chosen to allow voters who choose not to affiliate with any major political party to participate in that major political party's nomination process, then votes cast by all voters affiliated with that party for candidates who indicated that major political party designation when filing a declaration of candidacy must be aggregated with votes cast by unaffiliated voters before comparing vote totals in order to determine a plurality. If not, then a plurality is determined by comparing only the tabulations of votes cast by voters who choose to affiliate with that major political party.

Sec. 22. RCW 29.30.101 and 1999 c 298 s 11 are each amended to read as follows:

The names of the persons certified as nominees by the secretary of state or the county canvassing board shall be printed on the ballot at the ensuing election.

No name of any candidate whose nomination at a primary is required by law shall be placed upon the ballot at a general or special election unless it appears upon the certificate of either (1) the secretary of state, or (2) the county canvassing board, or (3) a minor political party convention or the state or county central committee of a major political party to fill a vacancy on its ticket under ((RCW 29.18.160)) section 16 of this act.

Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, a candidate's name shall not appear more than once upon a ballot for a position regularly nominated or elected at the same election.

Sec. 23. RCW 29.33.320 and 1990 c 59 s 28 are each amended to read as follows:

The secretary of state shall not approve a vote tallying system unless it:

- (1) Correctly counts votes on ballots on which the proper number of votes have been marked for any office or issue;
- (2) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;
- (3) Accumulates a count of the specific number of ballots tallied for each precinct, total votes by candidate for each office, and total votes for and against each issue of the ballot in that precinct;
- (4) ~~((Accommodates rotation of candidates' names on the ballot under RCW 29.30.040;~~
- ~~(5))~~ Produces precinct and cumulative totals in printed form; and
- ~~((6))~~ (5) Except for functions or capabilities unique to this state, has been tested, certified, and used in at least one other state or election jurisdiction.

Sec. 24. RCW 29.36.045 and 2001 c 241 s 8 are each amended to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany absentee ballots for primaries must include the notification that is required for each major political party under section 10 of this act. The larger return envelope must contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

Sec. 25. RCW 29.42.010 and 1977 ex.s. c 329 s 16 are each amended to read as follows:

Each political party organization ~~((shall have the power to))~~ may:

- (1) Make its own rules and regulations;
- (2) Call conventions;
- (3) Elect delegates to conventions, state and national;
- (4) Fill vacancies on the ticket;
- (5) Provide for the nomination of presidential electors; and
- (6) Perform all functions inherent in such an organization~~((: PROVIDED, That))~~. However, only major political parties ~~((shall have the power to))~~ may designate candidates to appear on the state primary election ballot as provided in ~~((RCW 29.18.150))~~ section 15 of this act.

Sec. 26. RCW 29.42.050 and 1991 c 363 s 34 are each amended to read as follows:

The statutory requirements for filing as a candidate at the primaries shall apply to candidates for precinct committee officer except that the filing period for this office alone shall be extended to and include the Friday immediately following the last day for political parties to fill vacancies in the ticket as provided by ~~((RCW 29.18.150))~~ section 15 of this act, and the office shall not be voted upon at the primaries, but the names of all candidates must appear under the proper party and office designations on the ballot for the general November election for each even-numbered year and the one receiving the highest number of votes shall be

declared elected: PROVIDED, That to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of the candidate's party receiving the greatest number of votes in the precinct. Any person elected to the office of precinct committee officer who has not filed a declaration of candidacy shall pay the fee of one dollar to the county auditor for a certificate of election. The term of office of precinct committee officer shall be for two years, commencing upon completion of the official canvass of votes by the county canvassing board of election returns. Should any vacancy occur in this office by reason of death, resignation, or disqualification of the incumbent, or because of failure to elect, the respective county chair of the county central committee shall be empowered to fill such vacancy by appointment: PROVIDED, HOWEVER, That in legislative districts having a majority of its precincts in a county with a population of one million or more, such

appointment shall be made only upon the recommendation of the legislative district chair: PROVIDED, That the person so appointed shall have the same qualifications as candidates when filing for election to such office for such precinct: PROVIDED FURTHER, That when a vacancy in the office of precinct committee officer exists because of failure to elect at a state general election, such vacancy shall not be filled until after the organization meeting of the county central committee and the new county chair selected as provided by RCW 29.42.030.

Sec. 27. RCW 29.42.070 and 1991 c 363 s 35 are each amended to read as follows:

Within forty-five days after the statewide general election in even-numbered years, (~~or within thirty days following July 30, 1967, for the biennium ending with the 1968 general elections,;~~) the county chair of each major political party shall call separate meetings of all elected precinct committee officers in each legislative district (~~(a majority of the precincts of which are within a county with a population of one million or more)~~) for the purpose of electing a legislative district chair in such district. The district chair shall hold office until the next legislative district reorganizational meeting two years later, or until a successor is elected.

The legislative district chair can only be removed by the majority vote of the elected precinct committee officers in the chair's district.

NEW SECTION. Sec. 28. A new section is added to chapter 29.81A RCW to read as follows:

If the legislative authority of a county or first-class or code city provides for the inclusion in the local voters' pamphlet of candidates for partisan office, the pamphlet must prominently include the notification that is required for each major political party under section 10 of this act.

Sec. 29. RCW 42.17.020 and 1995 c 397 s 1 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

(3) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(4) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

(5) "Bona fide political party" means:

(a) An organization that has filed a valid certificate of nomination with the secretary of state under chapter 29.24 RCW;

(b) The governing body of the state organization of a major political party, as defined in RCW 29.01.090, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

(6) "Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(7) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(8) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

(9) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

(10) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(11) "Commission" means the agency established under RCW 42.17.350.

(12) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(13) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(14)(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) Standard interest on money deposited in a political committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker.

"Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

(15) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(16) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(17) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(18) "Election cycle" means the period beginning on the first day of December after the date of the last previous general election for the office that the candidate seeks and ending on November 30th after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on November 30th after the special election.

(19) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures,

contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

(20) "Final report" means the report described as a final report in RCW 42.17.080(2).

(21) "General election" means the election that results in the election of a person to a state office. It does not include a primary.

(22) "Gift," is as defined in RCW 42.52.010.

(23) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household. For the purposes of RCW 42.17.640 through 42.17.790, "immediate family" means an individual's spouse, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse and the spouse of any such person.

(24) "Independent expenditure" means an expenditure that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of five hundred dollars or more. A series of expenditures, each of which is under five hundred dollars, constitutes one independent expenditure if their cumulative value is five hundred dollars or more.

(25)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family as defined for purposes of RCW 42.17.640 through 42.17.790, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

(26) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(27) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

(28) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

(29) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

(30) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(31) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

(32) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(33) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(34) "Primary" ~~for purposes of the limits in RCW 42.17.640 means the ((procedure for nominating)) election that nominates a candidate to state office ((under chapter 29.18 or 29.21 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29.18 or 29.21 RCW)).~~

(35) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(36) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.

(37) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29.82.015 and ending thirty days after the recall election.

(38) "State legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

(39) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

(40) "State official" means a person who holds a state office.

(41) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

(42) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

NEW SECTION. Sec. 30. Nothing in this act may be construed by the secretary of state or a county auditor to mean that a voter may cast more than one vote for candidates for a given office.

NEW SECTION. Sec. 31. (1) The legislature recognizes that this act significantly changes the way in which a primary for partisan office shall be conducted, and thus it intends to ease the transition and allow any primary held prior to July 1, 2002, to be implemented with existing systems currently in use by each county auditor.

(2) Notwithstanding any language to the contrary found elsewhere in this act or in existing statute each county auditor may design a ballot and utilize procedures other than those detailed in this act when conducting a partisan primary provided that the design of the ballot and the procedures are specifically allowed by a rule adopted by the secretary of state under chapter 34.05 RCW, and that the following criteria are met:

(a) A voter shall have the option to affiliate with a major political party, or to not affiliate with any major political party;

(b) Voter privacy, including selection of party affiliation, is preserved;

(c) A voter who affiliates with a major political party may only cast votes for partisan office for candidates that indicated that same-party affiliation when filing a declaration of candidacy, and any votes cast for a candidate that indicated a different party affiliation when filing a declaration of candidacy shall not be tabulated and reported;

(d) A voter who chooses not to affiliate with any major political party may vote for any candidate regardless of the candidate's political party designation, and votes cast by such voter shall be tabulated and reported; and

(e) Votes cast for a candidate by voters who choose to affiliate with a major political party shall be reported separately from votes cast for the same candidate by voters who choose not to affiliate with any major political party.

(3) This section expires July 1, 2002.

NEW SECTION. Sec. 32. The following acts or parts of acts are each repealed:

(1) RCW 29.18.010 (Application of chapter) and 1990 c 59 s 78 & 1965 c 9 s 29.18.010;

(2) RCW 29.18.120 (General election laws govern primaries) and 1990 c 59 s 87, 1971 ex.s. c 112 s 1, & 1965 c 9 s 29.18.120;

(3) RCW 29.18.150 (Vacancies on major party ticket caused by no filing--How filled) and 1990 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965 c 9 s 29.18.150;

(4) RCW 29.18.160 (Vacancies by death or disqualification--How filled--Correcting ballots and labels--Counting votes already cast) and 2001 c 46 s 4 & 1977 ex.s. c 329 s 13;

(5) RCW 29.18.200 (Blanket primary authorized) and 1990 c 59 s 88 & 1965 c 9 s 29.18.200; and

(6) RCW 29.30.040 (Primaries--Rotating names of candidates) and 1990 c 59 s 94, 1977 ex.s. c 361 s 54, & 1965 c 9 s 29.30.040.

NEW SECTION. Sec. 33. Sections 1, 4, 5, and 8 through 13 of this act constitute a new chapter in Title 29 RCW.

NEW SECTION. Sec. 34. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 35. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

Senator Tim Sheldon moved that the Senate do not concur in the House amendment to Engrossed Senate Bill No 6183.

MOTION

Senator Snyder moved that the Senate do concur in the House amendment to Engrossed Senate Bill No. 6183.

MOTION

Senator Snyder moved that Engrossed Senate Bill No. 6183 be made a special order of business for 10:30 a.m. on Friday, May 18.

REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you, Mr. President. I would object to that motion. There are a number of people leaving town. This is a very important issue. I think we ought to do it. So, I object to the motion."

REMARKS BY SENATOR WEST

Senator West: "Mr. President, I request that the motion be divided. There is a motion to concur and there is a motion to make it a special order of business. What are we doing here?"

REPLY BY THE PRESIDENT

President Owen: "Senator West, it is not necessary to divide the question. The motion before the Senate is the motion by Senator Snyder to make Engrossed Senate Bill No. 6183 a special order of business for 10:30 a.m. on Friday, May 18."

REMARKS BY SENATOR FINKBEINER

Senator Finkbeiner: "Thank you, Mr. President, speaking against the motion. I think the Attorney General visited both of our caucuses and urged us to resolve this matter as quickly as possible. What she told us was that the longer we wait, the more difficult it is going to be to for her to argue anything in front of the court. The position that the people who want to put this debate off, that's going to be harder to argue and the position that those of us who don't want to put it off, that's going to be harder to argue also. If nothing gets passed, that's still going to be hard for her to put something together in the next--what is it--eight days from now that the court is going to make a decision?"

"I think we've debated this enough all through the year. I think we've put it off enough. We've put off committee hearings. We've put off debate on the floor. The House has made their position, and I think we've made our position. I think we still believe in our position. I think we need to send this back over to the House and let them know today, and quit delaying, because the longer we delay, the more we're handing this issue from the Legislature, where I think it deserves to be resolved--over to the courts--where I don't think most of us want to see it resolved. So, I urge a 'no' vote on this motion."

REMARKS BY SENATOR SNYDER

Senator Snyder: "Thank you, Mr. President. Well, just a few moments ago, the proponents of the bill that left here were saying they got jammed in the House of Representatives. They should have waited a few days over there before they ran the bill. Now, we're being told that if we postpone this until Friday, it isn't the thing to do, we should jump up and pass it real fast. So, I think the proper thing to do is just to wait until Friday. We talk about members not being here on Friday and being gone, I think our obligation is to be here. We're in a special session and there are people gone all the time. I think this is the number one priority for all of us unless they have a real emergency to be gone from Olympia. I think we need to take a look; I don't even know fully what the House of Representatives passed. I understand they amended 6183 that we originally had over here and made some changes in that and we haven't even had a chance to discuss those at all. I think it's just reasonable that we wait until Friday to consider this. Also, I'll talk about something else later if it comes to that."

REMARKS BY SENATOR EIDE

Senator Eide: "Thank you, Mr. President, I too stand in favor of the motion. I would like a chance to read the bill. Unfortunately, I believe it passed the House of Representatives yesterday, and I don't think it is unreasonable to wait until 10:30 on Friday morning to give each and every one of us a chance to at least read it to see what's in it, and if there were any changes made."

REMARKS BY SENATOR CARLSON

Senator Carlson: "Mr. President, ladies and gentlemen of the Senate. This bill that we passed originally from the Senate two days ago, was passed by the other body in one day and then they sent it back to us. Have they made changes? Sure. I'm speaking against the motion to delay, because I believe that we knew what we voted on two days ago. We had an excellent debate on that issue two days ago. We can still vote the same; we could vote differently. We can understand what we voted on already two days ago, and if I heard the motion correctly before we were asked to consider to delay this until Friday, there was an opportunity to have the differences explained.

"I know that we have looked at this issue for months. We understand the basic concept of the bill and the revisions of the bill that we voted on two days ago. I believe we're putting off a very crucial vote that the Attorney General needs to have direction on. I believe we should make it very clear that we understand what we are and what we have already voted on, and therefore, I urge you to vote against the motion to delay."

REMARKS BY SENATOR ROACH

Senator Roach: "Thank you, Mr. President. I urge that we do vote for delay and I want to explain to the members why. I think that the Senator that just spoke is definitely correct. We all know the issues and we all know what both the underlying bill that 6183 was, and we also know what it was when it left for the House. Most of us, I think, have a good feeling for what has come back for us to consider. But, that's not the issue anymore. That's not the issue for the delay. The issue for the delay is not the content of 6183. The issue for a delay is so that we can now discuss something even more important and that issue is, shall we in fact allow for the courts to take over the responsibility that we have as legislators--and that we will never ever be able to inject our own or the people's will into this subject.

"Remember the Boldt Decision--remember when that issue went to the court, it closed off any access that the state of Washington's Legislature, and therefore the people, had in that debate forever. If we don't get a bill for the Governor's desk, we will have no more input on the issue, because it will go to court. So, I would suggest this, that even if we do not like the version that the House is coming back with, and remember I voted for 6183 as it left the Senate--even if we do not prefer that version, it is much preferable in these few remaining days to get a bill to the Governor's office that he will sign, so that we can, and future legislatures, can, continue to address this. If we don't, we've closed the door.

"That, ladies and gentlemen of the Senate, is the issue before us today and the issue of the delay. Mr. President, I move that the whole debate on 6183 that occurred Monday and today and as it will come up in the future hopefully, be spread upon the record of the Journal for the purposes of easy access for our prosperity to look and understand what's happening in this extremely historical point."

REPLY BY THE PRESIDENT

President Owen: "Senator Roach, your motion, at this time, would be out of order. You will have to make it after we dispose of this motion."

REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: "Thank you, Mr. President. I also support the motion to delay the vote until Friday. We have two very different proposals before us. One, that the Senate has passed out and secondly, the amended bill that came over from the House. Now, indeed there may be some resolution to this, where we're not having to select between these two options. Some people are working on trying to find a compromise here that could be embraced by all of us here in the Senate and everybody in the House. Delaying this for two days would give the opportunity for us all to work on crafting such a compromise. If nothing else, I believe we can wait for two days to see if we can come up with that compromise."

The President declared the question before the Senate to be the motion by Senator Snyder to make Engrossed Senate Bill No. 6183 a special order business at 10:30 a.m. on Friday, May 18.

The motion by Senator Snyder to make Engrossed Senate Bill No. 6183 a special order of business for Friday, May 18, failed on a rising vote.

The President declared the question before the Senate to be the motion by Senator Snyder to concur in the House amendment to Engrossed Senate Bill No. 6183.

REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you, Mr. President. I would like to speak against that motion. The bill we have before us here is essentially the same decision we made yesterday. It was whether we were going to have the Washington primary--the people's choice primary--or the modified Montana plan. I believe there was some very minor amendments made, but the substance of the main debate is still here. So, I would urge that we vote against this motion to concur."

REMARKS BY SENATOR FRANKLIN

Senator Franklin: "Thank you, Mr. President. I move that we do concur with the motion, because after watching very, very closely the debate on both sides, and knowing what the outcome has been, it has been one of the toughest votes that members have had to take. So, concurring with the amendment certainly would then answer not only the question which confronts us, but would be most appropriate for the voters. We have been trying to address the issue before it is turned over to the court."

REMARKS BY SENATOR TIM SHELDON

Senator Tim Sheldon: "Thank you, Mr. President. I move that we vote 'no' on this motion and that we not concur and defeat this motion and then subsequently we pass a motion to not concur and to adhere to our position. Really, this is a battle between the people and the parties. It really gets down to this vote today. You've read the newspaper articles, you're starting to hear from your constituents and I can't think of a constituent that I have that wants their vote not to count.

"How would it be in this body if someone was chosen--if someone said, the body said, you in District X or you in District Y, your vote will not count today. You can go to the polls, you can go through the motions, you can take a ballot, you can do that most sacred thing that we do in America--vote, but your vote will not count. That's the basic difference between these two plans. There's no changing it. There's no getting around it. There's no begging the parties to count the votes. There's no deal that can be made. It's all left to someone else to decide and that's not what we do in America. Our Constitution says, 'We, the people,' it doesn't say, 'We, the party.' Please vote 'no' on this motion. Bring the next motion up. We'll send the bill that we passed that favors the people, back to the House where it was defeated by a small margin. Given time, I believe that will also pass, because the power of the people will prevail."

REMARKS BY SENATOR CONSTANTINE

Senator Constantine: "Thank you, Mr. President. The bill before us is the one alternative that we have to a judicially imposed primary election system in the state of Washington. The Cajun system is not going to pass the House of Representatives--I'm sorry Mr. President. I know we're not supposed to discuss deliberations over there, but it's part of the reality of what we vote on today. If we do not concur, then we say that a federal judge can impose whatever system you will on this state. Instead of a moderate system as represented by the bill before us right now, one which protects individual privacy, one which recognizes the right of people to vote across party lines, we're going to have a system where it's likely based on what the Attorney General told us recently, that we'll go to a convention to choose the candidates for the general election. Do your voters prefer to go to a party convention than to go to the polls and vote?

"The bill we have before us is the most modern option that is going to pass. Nothing else short of this is going to pass, so you can vote the way you voted last time. You can remain wedded to that position, but you need to recognize you're not actually going to make a change in the law, you're not actually going to solve the problem, and you're not going to do a darn thing for the voters of this state. I would urge you to vote to concur."

REMARKS BY SENATOR FINKBEINER

Senator Finkbeiner: "Thank you, Mr. President and members of the Senate. You know the folks that want to denigrate the Washington choice model and call it the Cajun model or call it the Louisiana system, even though it's clearly not that, even though it's clearly the same model that we use to elect all of our local folks. Along those lines, I think if you're going to characterize this bill as what does it in essence really represent? I think this is a Tammany Hall model. This is a let's go back to the smoke-filled back rooms and pick out who's going to be the party nominee.

Let's take the votes away from the people and give them to the party. I think we had enough debate on this yesterday, so speaking directly to this motion on whether or not we want to concur. I guess I think that despite some of the claims that have been made today, I think it's a little early to call this the only version that could be passed.

"In fact, I think there's a very slim majority that passed the current bill that we're currently looking at and I think the Senate gave much more deliberation and debate over the course of the session to this topic. I don't think anybody was rushed in their decision making. I think we owe it to ourselves to hold the position that we had yesterday--to say that we're going to place the voters above the party and to give the other body a chance to really consider this debate. In fact I don't know how many of those of you who listened to the debate yesterday, but something I was very surprised at as I heard over and over again, well let's really talk to those parties. We'll just really put a lot of pressure on them. I heard it on the news today, one of the folks who supported this bill saying, 'We'll just really tell those parties one more time,' just like we did in our last presidential election where they threw out over fifty percent of the votes--didn't count them because people had to pick their parties.

"It is just like we've done all session until now where we've said over and over again, 'Please don't sue the state, please don't put us in this position,' and we've ignored it all the way until now. So, I think it's time and the right time to say 'no.' The other body should consider this and we're going to continue to stand with the people. So I urge a 'no' vote."

REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: "Thank you, Mr. President. I speak in favor of concurring in the House amendment. I find it very interesting when I hear people say that voting for the House amendment is tantamount to wanting to go to Tammany Hall and have the situation in our state where the party bosses decide who's going to be advanced to the general election. I would like to tell you a little bit of background here. The model for this came from a constituent of mine from Queen Anne in Seattle back in early February. He brought the idea to me. He's been an elections inspector for years and he's observed what happens at the polling places. He knows that people want to preserve privacy of whom they vote for and which party they identify with, but he also has believed that the parties have some rights to be involved with who goes on to represent the party in the general election.

"I tried to take this to the democratic party. I tried over and over again to talk about this proposal here. No one really paid attention, because we legislators did not want to deal with the situation. We did not want our constituents to be angry with us for making a change in their beloved blanket primary, which no one has wanted to change. Eventually, this got on the radar screen and I talked with party officials. I asked them to give me input. They didn't get back to me. This is not something that the parties have put us up to. I think they prefer this over the Louisiana primary approach, but this is not what they want either. They would like full registration by party with closed primary ballots. Now this option--this model--is not ideal. How many times do we vote on a compromise bill in this body that we love? Usually, we don't love compromises, but a compromise is something that can work--and this can work. It passes constitutional muster according to the Attorney General's office.

"Believe me, if this does not go forward and the Louisiana model does, just wait until you hear from outraged constituents when they go to vote in the general election and there are only two people on the ballot from one party. Are they going to have a choice before them? Just wait until there are no minor candidates on the general election ballot. Are people going to be very pleased then and like what we have done? We need to approve the House amendment. The best approach is the one that will work even though none of us loves it."

REMARKS BY SENATOR DECCIO

Senator Deccio: "Thank you, Mr. President. I haven't weighed in on this, but reducing it down to a plain simple fact, that number one, I don't want the parties telling me what to do, whether I can run, whether I can't run, whether I get nominated, whether I don't get nominated. Number two, we cannot disenfranchise anyone. Senator Kohl said that the electorate would be outraged if we don't go with the House. They will be more outraged when they find out that they cannot vote--that their vote does not count. That's the bottom line for me. We just went through the Florida fiasco where votes were counted, some were not counted. We don't want to do that again in the state of Washington. We need to go with the Senate version and let's get this thing over with. Thank you."

REMARKS BY SENATOR KLINE

Senator Kline: "Mr. President and members, I'm somewhat offended as a New Yorker to hear Tammany Hall brought into this. Tammany Hall was a political machine comparable in its day to the recent Chicago political machine. If there's any bill that would make the political machinery work, it's a bill that would take away from this Legislature the authority to write legislation and give it--not to a group of people around a table in a back room all smoking cigars-- but to one person, a federal judge. If we don't exercise legislative power, we're going to have legislative power exercised on us by a judge--a single person. I can't see any other alternative that could possibly pass both houses of this Legislature that would take it away from Judge Burgess, other than this bill.

"This bill has more merit to it than simply--well it's an alternative to taking it away from a judge. There is a point to having both parties, possibly minor parties as well, in the mix, in election day, in November when the largest number of people come out to vote. The real choice is made not in September, but in November. Every other even numbered November, we have a president and vice president to be elected. We have large numbers of people every even-numbered November when our congressional delegation is up. That's when people come to the polls. That's when choice matters--choice between ideologically different candidates. This bill, I believe--if we concur--would give us that and it would be our decision to make."

REMARKS BY SENATOR HEWITT

Senator Hewitt: "Thank you, Mr. President. Yesterday, I voted for the amendment basically because I want the people to have the choice and I think that's the method to do it. I don't think any country should allow any vote to be cast out by a handful of people. I want to read you something that I received yesterday and here's what's important about this. This came from the treasurer of my campaign last year. He's

also a party official; his wife is a state committeewoman. I think you'll appreciate this, I'm going to quote this. 'Yesterday, our sorry State Senator voted on a striking amendment which gutted Senator Snyder's Bill No. 6183. Our sorry Senator voted both for the amendment and the final bill,' which was addressed to the officials of the Republican party in Walla County. That ladies and gentlemen is part of the problem here.

"We're not only taking the choice away from the people that we want to make the choice for, but we're also handing over some of the choices to the people that helped to get us here. I don't think it's correct. I spent last night on the phone talking to the county officials, trying to explain my position and why I think it's so important to allow the people of this state to cast their vote and have their vote counted. I want something to come out of this body. I don't care what it is. I want something to come out of this body, but I would prefer to have the people of this state have their votes counted. I'm willing to take another risk to get it back to the House to let them have the message a second time. Thank you."

REMARKS BY SENATOR CARLSON

Senator Carlson: "Thank you, Mr. President. Ladies and gentlemen of the Senate, I stand in opposition to the bill before you. In fact, if I had the opportunity, I would request that we adhere to our position and insist that they recede from their position. We are about the people's business and the legislation that we passed two years ago-- sorry, two days ago--is certainly a desire and attempt to recognize the will of the people as they described their view on the issue of a Washington preferential primary vote. The press--you ought to be ashamed of yourselves, ashamed of yourselves for calling it the Cajun system, the Louisiana system. It's our state's people's preference. If you wouldn't keep calling it Cajun and Louisiana, maybe we'd have an opportunity for the citizens to understand that we're trying to provide them their choice. They have indicated many times the desire to be able to vote as they choose. We sent, by a majority vote in an excellent civics discussion on this floor two days ago, what we thought was the right thing to do. We sent it to the other body. They had an interesting discussion, but they couldn't even discuss what we sent them because one person says it's not going to be allowed.

"Well, if we're a representative democracy then we need to stand up for what we believe in, a democratic/republican government and send it back the way we sent it to them, because I believe, if we gave this opportunity for the folks to vote on it in a different body, they would pass this bill-- if they were given the opportunity. Please vote this down and adhere to our position."

REMARKS BY SENATOR THIBAudeau

Senator Thibaudeau: "Thank you, Mr. President and members of the Senate. I find it somewhat ironic that you're talking about the people's' choice about this particular measure and I'm rising in support of the motion. I want people to have a choice, too, and I want people to have a choice at the general as well as the primary. We all know, relative to the general, how relatively few people vote in the primary. I also find it ironic, and sometimes much to the despair of my party how bipartisan I am, that you cite Tammany Hall. How many of you have been to your district meetings lately, people? How many people are there on a regular basis? How often? I ran against a party candidate and incidently won. I too listened to the debate. There was something like almost twenty votes against it. There were a lot that were excused, but it wouldn't have made the difference. Over and over and over again, the people said, rather the members of that other body said, 'We really appreciate the work you've all done'--the Co-

Chairs that is. Furthermore, in spite of the statements from the other day, the Co-Speakers both voted for it. They gave it considerable thought. It was a long time, because they were in caucus for a long time and I urge you, urge you, to give the people a choice in the general, as well as the other elections. Thank you."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you, Mr. President. Well, I rise to ask you to not support this and one of the biggest reasons is that if we support this, it goes to the Governor's desk. We don't get another chance to bring this issue back to negotiate any further. This goes to the Governor's desk--doesn't go back to the House. I think that this is so important. We need to send a message to the House that we need to continue to negotiate. I represent one hundred thirty-five thousand people. It's almost entirely unincorporated Pierce County. They look to their legislators to be their real voice, and they look to voting as their choice. They want to vote. If I told them that I voted for a system that said their vote may or may not count, they would be very, very disappointed and ashamed of me as a legislator.

"This morning, I was at the Graham Business Association. Forty-five thousand people live in the community of Graham, which is unincorporated. Most of your areas, if you have forty-five thousand people in an area, it's a city or a town, at least. They pleaded with me to please let their vote count. I cannot overlook their choice. So, I ask you to please send this back to the House and let's negotiate further, because we have to look at what the people want. They're the final ones that are going to choose who they want to elect them--to represent them--and I want to give them that choice."

REMARKS BY SENATOR SPANEL

Senator Spanel: "Thank you, Mr. President. The word 'choice' has been mentioned many times and it's also been mentioned that it's not a choice, but I just want to restate that. Yes, in the other system, there is a choice in the first election, which I would hesitate to call a primary choice if you're talking about the Louisiana system. In that system, there is no choice for a lot of people in the general election and it has been stated many times that is when most of the people are voting. Someone could go to that ballot and there could be two people from one party, no minor candidates in most elections. I think there might have been a couple in this past election, at least on our side where the minority party candidate was on the general election ballot. There is no choice in that system and so I'm asking you to concur with the bill the House has sent back to us, because that does give people the choice in that last election. One of the things that was mentioned the other day is the minority party candidates do add something to our system and those discussions when we're in the forums in the fall before an election. It is important that they are there. If you have only two people from one party on that general election, it may not be much of a choice at all and there may not be many disagreements on the issues.

"I also sense from much of the discussion that there's a big great, fear of the 'party' out there. You know the party structure is a few people. The people who identify with a particular party are lots of people and they vote in elections. I guess that's also what ties in the choice. I come from a swing district, and it could really go either way and it has at various times, so I know that I get elected because people have made a choice to vote for me on that general election ballot in November, whether they were a Democrat or not. I think we forget there are a lot of people out there who consider themselves associated with one party or the other, but they don't go to the party functions, they vote for a particular party. I think we're sort of saying to them that you won't have a choice or you may not have a choice in that November election. Please vote to concur with the House amendment and give everybody a choice in the general election."

REMARKS BY SENATOR MORTON

Senator Morton: "Thank you, Mr. President, ladies and gentlemen of the Senate. I could not--cannot help but reflect back on the history of our country and on my own mother. How proudly she wore--and there was a whole batch of badges--they strung out probably eight to ten inches in length, of the names of the eleven ancestors on her side of the family that fought in the American Revolution. Why did they fight? And all those since? It's been mentioned one of their primary purposes was to preserve the right for the individual's vote, and that that vote be counted. I believe that's one of the key things before us. Not that a vote be tallied, but that a vote be counted when it is cast. That's one of the primary differences in these two systems.

"When I was a young man, my father was in politics and in his last three campaigns, I was his campaign chairman. I was just a young squirt in college, but we lived in a state then where the parties ran the state. I'm telling you we don't want to go that way. That state has suffered because of it. If you did not have the support of the county political party chairman, you didn't get anywhere. Then there was the state chairman, and all the precinct committee people and the party members in between. It was a bad system. Now, of the two proposals that we have before us, the one leans very heavily, in my opinion, in that direction--the wrong direction. I would call it the Montana manipulation by masters of politics. We don't want to go that way. I think rather we would stay with that which our

history has prevailed to be the best that each individual citizen's vote counts. We don't need, in this Legislature or at the county councils, party pawns. We need those who are individuals representing the people who elected them. I heavily believe that we have the one system which we sent to the House and needs to be returned to them for their further analyzation. That's the one I would encourage you to vote for."

REMARKS BY SENATOR ROACH

Senator Roach: "Thank you Mr. President. Members of the Senate, I completely concur with everything the previous speaker has stated. It is interesting, though, because I come down on the other side of this particular bill that's before us and I want to explain the reason. First, let me preface that reason by stating that in King County, right now, our King County chairman goes around and appoints district chairs. They are not elected from the PCOs. These appointed district chairs sit on the executive board and this executive board is making pre-primary endorsements without consulting the PCOs. I hope you all heard that, because it's a new thing we're seeing, but it's going to happen all over the state.

"Now just let me add another little tweak here. Because those appointed district chairs are now going in and appointing precinct committee officers who are given full voting rights just as you had been an elected PCO. So, we have a county chair who is appointing district chairs, the district chair is appointing and filling all vacant seats, and if you don't think that's an organization coming out of Chicago, I don't know what. It's going to be that way all over the state of Washington. This is an extremely, extremely important issue. Both parties would claim to be the party of the people and the party with grass roots input, right? If I ask Democrats and I ask Republicans--absolutely, we are the party of the people, we are the grass roots party. That will not be the case. No one will be able to claim it because we'll have big time party bosses again, as I mentioned Monday, walking these wings, telling us what to do up or down, because they control the machine that they have appointed.

"Now, the reason that I am suggesting we concur with this amendment is not because I think this--or concur with this bill that the House has sent back--is not because I think it's necessarily the greatest option, but it is an option that will go to the Governor's desk. Again, if we risk--this is a game, a very high stakes game. If we send a 'do not concur' back to the House, we may find that this ends up in the courts and you will have just exactly what I just mentioned to you for sure. There will be no ability for legislators in the future to ever address this area of law in Washington State again, because the courts will have purview over it.

"Again, this is a strategy issue on how to keep some finger in what's going on. If you do not do that, then I fear that we will have party control from the top-down, not bottom-up--not bottom-up--not from the people, which many people here today, many legislators here today are saying that they really want to support. If you really want to support the people of the state of Washington, you will allow that they have an input in the parties that they choose to be beholding to. They will not have that input as long as you have somebody at the top in a county appointing district chairs who appoint people that in sixty days have full voting rights as any elected member of the party organization. I urge that we do concur for purposes of sending something to the Governor's desk. If we want to change this method later on in another Legislature next year, we can do it. If we don't get something on his desk, there will be no change and we will not have the Washington primary as has been spoken of here, because there will be no opportunity to have it. The parties will have what they want and they will validate the system which I have just mentioned to you and is occurring right now in King County."

REMARKS BY SENATOR BROWN

Senator Brown: "Thank you, Mr. President. I haven't weighed on this issue because I've been working on budget negotiations, but I'd like to because I'm not sure if I'm going to have another opportunity. First of all, I agree with the last speaker in that I believe it would be a big mistake for this branch of government to give up our input over these fundamental issues, which is all about why we are here. The other branch of government that would be taking over is not the one I think that should be making the decision. I think we should be making the decision. Second, after giving it a lot of thought, neither of the systems are perfect that have been put before us. Both of them have some fairly glaring disadvantages when compared with our status quo. I will support and move to concur, and the reason why is because I care a lot about the general election.

"The general election is the place where people make the decision that counts the most, because it's the one that puts the man or the woman in office who is going to be making the decisions upon which the fate of our state and our country and our communities rest. I believe that the form of that election is absolutely key and that choice there matters more than anywhere else in the process. If I walked up to a fast food restaurant and was asked what I would like to drink, and I said what are my choices, and they said Coke or Pepsi, I would say that's not enough choice. My concern is that the general election, under the opposing system that passed the Senate floor the other day, could become a Coke or Pepsi type selection process. Frankly, I think that's what's wrong with our political system today is that many voters are feeling that they don't get real choices because they are getting Coke and Pepsi. That's like two people who convey image and popularity, and not enough about substance and issues and positions and philosophies, because that's too risky.

"Frankly, I was appalled that more Americans knew whether Clinton wore boxers or briefs, than what his position on China was. In the general election, I want voters to have not just a couple of people to choose from, but some vigorous, intellectual positions and debates and values to choose from. In the general election, I think people should be able to choose a Libertarian. I don't support Libertarianism. I believe that, in fact, their philosophy about individual freedom is very appealing, but their philosophy about unrestrained markets is very dangerous and could lead to concentrations of private power that can exploit people. But, I believe having that position represented on the ballot strengthens me and it strengthens the party across the aisle, because we have to debate it and we have to respond to it and we have to say why do I restrain, why am I in favor of restraining freedom in this way, but not in this way.

"Many of the minor parties, I think, have a healthy, invigorating influence on our process, which in comparison with other countries processes, does not produce as broad a debate as I think voters would appreciate having the options to choose from. So, given that position and given how strongly I feel that the general election should not offer just two choices. Americans want more than two choices. I believe that we should vote to concur."

REMARKS BY SENATOR WEST

Senator West: "Thank you, Mr. President. I sat through the debate the other day and sat through the debate today and as the good Senator from West Seattle said, the other day the debate was incredible. It was very much like what we thought in high school and what we all imagined a deliberative body of the Senate--Legislature would be. It's pretty remarkable and I compliment everybody here--people on all sides of the issues for that debate. There are a couple of points that have been made today and were made the other day and I sat and I listened to them. I did not come to my position on this issue, actually firm, until after the debate and that's rare. Many times we all come to the floor knowing exactly where we're going to end up when we come to the floor. I know some of the vote counters were a little disappointed with me from time to time when I wouldn't--couldn't--give them a straight answer as to which way I would default on the vote.

"There's a couple of points here that have been made, or a couple of statements that have made by many, many Senators that frankly left unchallenged are left to be true. And I don't believe that they are. First of all, I find it incredibly ironic that Senators who have no opposition at all and appear on the ballot unopposed would stand up and say that they are for choice in the general election, and the choice should not be made in the primary. In fact, for a few of those Senators the choice was made at the primary and it was a very spirited race and a very spirited debate in the primary. Then, once the primary was over, the race was over because there was no opposing party candidate. It is more likely, ladies and gentlemen--it is more likely the Libertarian or Green Party could make the general election under the Cajun or the people's choice primary, than under the current system, because the major parties will always keep them down. They may make the general election, but they'll never get enough votes to get elected.

"It won't happen, because the major parties won't let them. Where in the primary election, where you have a wide field of candidates, you can have a popular, independent candidate garner enough support that twenty percent--twenty-five percent--thirty percent, to be number two and advance. Where you may have a Republican and a Green Party on the ballot and the Democrats would swing behind the Green Party and the Green Party candidate would be elected. Or you may have a Libertarian and a Democrat on the ballot and the Republicans would swing behind the Libertarian and you would have a Libertarian elected. That is more likely under this system than under the current system or the system that the House has sent to us--more likely.

"That argument is fallacious--to suggest that people would come to the middle and rush to the middle for popularity to see who would be more popular. It flies in the face of a memo one of the Senators from Seattle sent us the other day from this distinguished person that studies elections, who said that it's proven with this type of primary that the Senate passed, you get no, not the middle, you get the extremes. So which is it? Do you get the extremes or do you get a marshmallow middle, because you're arguing both sides of the argument? You can't predict what you get. In fact, actually, you probably do get a wider sense of issues. Right now in Louisiana, there's a Republican Governor--the first Republican Governor elected--re-elected since reconstruction. First one since reconstruction re-elected. He got elected--I don't know if he was number one or number two in the primary four years ago. When he went to the general election, four Democrats endorsed him for election, because they disliked the candidate over the Democrat, that was on the ballot. They swung behind him. You get that kind of effect when you have a people's choice election, where people aren't beholden totally to the party. I know for a leader, these are dangerous words to speak, but when you aren't totally beholden to the party, you get the people's choice.

"When the Senator from the Forty-fifth District got up the other day and made a speech, that was almost worthy of a Philadelphia speech of the convention--the Downing Convention--talking about the people who were sent here to serve, who we should be listening to first and foremost. We come together at caucuses, we come together as parties to strengthen each other around common principles and common sense of ideas, but when the day is done--when the day is done--our responsibility is to our constituents. I've got to tell you, telling my constituents that their votes don't count in the general, their votes don't count in the final election--that they just don't count--I don't think is a very good idea. I just don't think it's a good idea.

"So, you know, it's really ironic, at the very first press briefing over in the GA building this session, I can't remember who the moderator was, but he asked about the primary, and as he was going down the line everybody was kind of saying what they thought would happen and this is the furthest thing that I could have predicted. In fact, I think I said it couldn't happen. Senator Snyder, on the other hand, excuse me for mentioning your name sir--the good Senator from the Nineteenth District--it is legal now, isn't it? He on the other hand said, 'Well, I think we're going to give a good strong look at that Louisiana thing,' and I about fell out of my chair and said, 'There is no way in hell we'll ever consider it--there's no way, forget it, it's off the table.'

"Well, after looking at it and hearing some misrepresentations made about it, I didn't even know it had come into existence until 1975. I had no idea. When I heard people say, 'Well it's a racist system and it's to keep the minorities down,' I had our staff call back there and get the numbers. There is a three hundred percent increase in African-Americans in the Louisiana Legislature since they installed the system. And that was designed to keep them down? There is a huge increase in the number of women moving to the Legislature since they put the system in place. These were things contrary to what I was told. These were facts, statistical facts now, but they're certainly not the facts that I was given when I was first presented with the issue. So, I've come to the conclusion that we should not concur. We should send it back to the House and we should continue to work the issue. Thank you."

REMARKS BY SENATOR SNYDER

Senator Snyder: "Thank you, Mr. President. There's been another great day of debate on this subject. I don't like either choice very much. But, we're in a position that we have to make a choice, and we've had a lot of hypothetical situations about what would happen and we might have a Libertarian advance and be on with one of the major parties and the minor parties are going to be better off than before. I just want to mention reality. If the Cajun primary would have been in effect, and this was brought out the other day, in 1996, there would have been two names on the ballot for Governor in the general election--Gary Locke and Norm Rice--two Democrats. Do you think we would have some outcry from the people, if that's going to happen in the future? You bet your life we will. And it's going to happen in the future. Maybe two Republicans and maybe two Democrats, but let's roll back a little further in history. In 1980, when John Spellman was elected Governor. Under the Cajun system, his name wouldn't have even been on the ballot in the general election. There would have been two names--Dixy Lee Ray and Jim McDermott. Would you have heard an outcry from the people if that would have happened? Oh, I'll tell you, they would have probably started heating up the tar pot and plucking a lot of feathers to plant on all the legislators that had voted for that Cajun primary. It's a tough decision to make today, but the correct one is to concur."

REMARKS BY SENATOR OKE

Senator Oke: "Thank you, Mr. President, Senators. I really appreciate your comments, Senator West. They really touched me. Those were great comments to be heard on this floor about how important a vote is. Senator Snyder, I appreciate your comments, but I'm more afraid of what's going to happen in the primary. I'm more afraid that people are going to walk away from the primary, those that should be involved and those cases you brought up, they're true. They might have occurred, but if they occur, it will be the people's choice. That's what we need to do here--very simply--give the people a choice in the primary."

REMARKS BY SENATOR REGALA

Senator Regala: "Thank you, Mr. President. This has been a very interesting debate over the last three days, and I am standing to ask you to concur in the House amendment. I've heard a lot of things and I've made some notes down here. I will make the point that 'no' I don't like either of these systems really well. I do think that the system that has come over from the House is the preferable one. I certainly don't want to see the party's control; I want the people to be in control. I believe that happens when there are more choices in November, because after all, November is the final decision. Now, I come from one of those districts where the choice is not between Sprite and Coke and Pepsi. I think that some people would say that the choices are between Diet Pepsi and Pepsi. Yes, Senator West, I'm one of those people who had no opposition this last time, but I do believe that once I am elected I represent all of my constituents.

"I've been hearing from my constituents on this particular issue and what they have said to me is do not support the Cajun primary. We want choices in November. Because I know my constituents fairly well, I know that those messages are coming from the people in my district who are Libertarians, who are Republicans, and who are Natural Law members. They are urging me to please do not support the Cajun primary. Give us choices in November. That's what the people want. That's what I'm going to do, and I urge you all to concur."

REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: "Thank you, Mr. President. I'd like to wrap things up here. In summarizing, what is in this House amendment and why we should vote to concur, the House amendment provides for private choice. They provide for an open primary; they provide for a tabulation of all votes cast; they provide for--in fact, require that the political parties promulgate by July 1 what they will do with the votes that are tabulated for the unaffiliated voters. Voters will know in advance and they will know on the primary ballot. The parties would have to live with the consequences if they were to choose not to count all votes cast--not to use all votes cast. Now, the analogies have been given about Coke and Pepsi and Sprite, and I'd like to put another cast on that. Senator Roach and I were talking last week about this and she mentioned it being like a Milky Way bar and a Nestle's bar, both chocolates. I said, 'Well, if we can't have any other choice in the general election, such as jelly beans being offered, then the voters really are short-changed.'

"Keep in mind, the average voter turnout in the primary election in this state is forty percent. The highest two vote-getters advancing by very few votes cast by the voters of Washington State. The average turnout in the general election is seventy percent, and I would expect that would fall dramatically if voters are not given choices in the general election. One more thing just to bring this home, we all know that in Seattle, Democrats win. We all know that in Eastern Washington, for the most part Republicans win, but things change and things have changed. Thirty year ago--twenty-five years ago--Seattle was Republican. It was the Republicans who represented the Seattle in the Legislature. Yet, by having the opportunity for Democrats to be on the ballot in the general election, there was full discussion of positions and gradually things changed. We need to have that opportunity. Please vote to concur in the House amendment."

REMARKS BY SENATOR TIM SHELDON

Senator Tim Sheldon: "Thank you. I can't let some of those comments be made that probably weren't challenged, because a lot of people make examples. Let's say there is a primary election and in the state of Louisiana their average is a fifty-five percent turnout in the primary,

which is very good. But, as the Senator from Seattle mentioned, say the primary is forty percent, what will be the result of that forty percent primary? It will say that the Republican gets two hundred votes, the Democrat gets two hundred votes, and two thousand votes are not counted. That will be the result, so making sure that every vote counts is the thing that really matters in this vote today.

"Another thing was brought up. In the 1996 election, Gary Locke, Ellen Craswell and Norm Rice were the candidates. Under the two-forward system, Gary Locke and Norm Rice would have moved forward to the general election. Well the headline was when Gary Locke won and went ahead with Ellen Craswell, guess what, he won two elections in one day. He won two elections in one day. Under this system, the people's choice system, that would be another day and it would be another choice, but it would be two popular candidates, the most popular candidates that would have to win the vote of the people. So, vote 'no.' Do not concur in the House amendment. Let's send this bill back to the House. Given time, I think the people will win."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you, Mr. President. I just want to state what I have said earlier. If we vote to concur today, we won't have another chance, another choice to debate to further explore this issue--to negotiate. It's over. Now we're a long ways from being over in this special session for what we've been negotiating on budgets, transportation, general fund. I would like to make sure this issue is kept open, so that we can further negotiate and further let the people know our opinions and hear from the people of our districts. If we vote to concur, it's over, no more debate, no more negotiations, no more choice. We've made the final decision. I suggest to you that we not concur."

REMARKS BY SENATOR HOCHSTATTER

Senator Hochstatter: "Thank you, Mr. President and forgive me, I think we all wanted to try and stop this. Let me give you a line from a song that I think maybe will get us all on board. You might remember the line, *Playing solitaire til dawn with a deck of fifty-one*. We don't have all the cards, do we? We don't have all the cards. The court kept a card. They gave us a rum deck, so we have the opportunity now to disappoint all the people. I'm really sorry for us and I suspect that we'll deal something out of here that will make us all intensely unpopular. I hope that we can all get on board and say, 'We didn't start this mess.' I hope that the people can get something that pleases them. Thank you for indulging me and all the rest of us. God bless you."

REMARKS BY SENATOR SHIN

Senator Shin: "Thank you, Mr. President and members of the Senate. Two days ago I made a speech. I wasn't going to say anything, but both sides have been very convincing. It's all based upon personal rendition, academia and personal convictions. Those things notwithstanding. I mentioned two days ago, quoting David Hume who says, 'when I say democracy is good, that means I like democracy.' I like democracy, in this country particularly. I believe American democracy at least is the best of all so far. If you see better, let me know.

"This nation stands for government by the people, of the people, and for the people. This is what I learned. This is what I like. Also, in trying to decide which side--both sides are very convincing. I listened to one side and I listened to the other side, but in the final analysis, the Constitution says, 'This government is governed by consent of the governed, the people's choice.' I'd like to support that choice that allows the people to make the final decision, whether for the primary or for the general election. Therefore, this is my conviction. I'd like to convey this feeling to you."

The President declared the question before the Senate to be the motion by Senator Snyder that the Senate concur in the House amendment to Engrossed Senate Bill No. 6183.

Senator Snyder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Snyder that the Senate concur in the House amendment to Engrossed Senate Bill No. 6183.

REMARKS BY SENATOR HARGROVE

Senator Hargrove: "I just wanted to make sure that we knew what we're voting on now. A positive vote is for Senator Snyder's motion to concur? A negative vote is to do not concur and send it back to the House, is that correct?"

REPLY BY THE PRESIDENT

President Owen: "That is correct."

ROLL CALL

The Secretary called the roll and the motion to concur in the House amendment to Engrossed Senate Bill No. 6183 failed by the following vote: Yeas, 21; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Constantine, Eide, Franklin, Fraser, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McDonald, Prentice, Regala, Roach, Rossi, Sheldon, B., Snyder, Spanel, Swecker and Thibaudeau - 21.

Voting nay: Senators Carlson, Costa, Deccio, Finkbeiner, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Rasmussen, Sheahan, Sheldon, T., Shin, Stevens, West, Winsley and Zarelli - 26.

Excused: Senators Benton and Fairley - 2.

MOTION

Senator Tim Sheldon: "Thank you, Mr. President. I move that the Message on Engrossed Senate Bill No. 6183 be immediately transmitted to the House."

PARLIAMENTARY INQUIRY

Senator Snyder: "Mr. President, a point of parliamentary inquiry. The message to the House would be that the Senate did not concur and asks the House to recede, is that correct?"

REPLY BY THE PRESIDENT

President Owen: "That is correct, Senator."

MOTION

On motion of Senator Roach, the debate on Engrossed Senate Bill No. 6183, Monday, May 14, and today will be spread upon the record of the Journal.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6186 by Senators Prentice, Rossi, Hale, Spanel, Johnson, Horn, Patterson, B. Sheldon, Gardner, Oke, Winsley, Snyder, Constantine and West

AN ACT Relating to the taxation of grocery distribution cooperatives; amending RCW 82.04.270; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency.
Referred to Committee on Ways and Means.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 5144, by Senators Winsley, Long, Honeyford, Franklin, Carlson, Fraser and Rasmussen (by request of Joint Committee on Pension Policy)

Creating a supplemental actuarially reduced survivor benefit for qualified law enforcement officers' and fire fighters' retirement system plan 1 members who choose to actuarially reduce their benefits.

The bill was read the third time.
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5144.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5144 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Benton and Fairley - 2.

SENATE BILL NO. 5144, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5237, by Senate Committee on Ways and Means (originally sponsored by Senators Rasmussen, Swecker, Sheahan, Honeyford, West, Fraser, Kastama, Regala, Hewitt, Hale, Parlette, Morton, Hochstatter and Franklin)

Making annual transfers of money into the fair fund.

The bill was read the third time.
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5237.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5237 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator McDonald - 1

Excused: Senators Benton and Fairley - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:50 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Sheahan, Gubernatorial Appointment No. 9050, Kelly Behne, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

APPOINTMENT OF KELLY BEHNE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Carlson, Constantine, Costa, Deccio, Eide, Fairley, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senators Brown, Finkbeiner and Franklin - 3.

Excused: Senator Benton - 1.

MOTION

On motion of Senator Eide, Senator Brown was excused.

MOTION

On motion of Senator Shin, Gubernatorial Appointment No. 9101, Parijat Nandi, as a member of the Board of Trustees for Western Washington University, was confirmed.

APPOINTMENT OF PARIJAT NANDI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator Deccio - 1.
Excused: Senators Benton and Brown - 2.

MOTION

At 1:45 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 3:05 p.m. by President Owen.

THIRD READING

SUBSTITUTE SENATE BILL NO. 6166, by Senate Committee on Ways and Means (originally sponsored by Senators Brown, Snyder, Long, Fraser, Rossi, Constantine, Spanel, B. Sheldon and Carlson)

Restating plan 1 of the law enforcement officers' and fire fighters' retirement system.

MOTION

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 6166 was returned to second reading and read the second time.

MOTION

Senator Brown moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS AND DECLARATION. Plan 1 of the Washington law enforcement officers' and fire fighters' retirement system (LEOFF plan 1) has been closed to new members for nearly a quarter of a century. During that time, LEOFF plan 1 has achieved full funding and has assets which exceed all projected future liabilities and has a surplus approaching one billion dollars. In recognition of the contributions of working fire fighters and police officers to LEOFF plan 1, it is the purpose of this chapter, in part, to provide for an enhanced retirement benefit to LEOFF plan 1 members.

LEOFF plan 1 also provides substantial postretirement health and long-term care benefits. The financial burden of this benefit, which is an integral part of LEOFF plan 1, falls exclusively on the cities, counties, and fire districts that employed the retired fire fighters and police officers. In recognition of the fiscal burdens facing these political subdivisions, it is appropriate to provide an additional source of funding to ensure the integrity of the benefit without undermining the financial stability of the employing governments.

The supreme court of the state of Washington, in the 1956 decision *Bakenhus v. City of Seattle*, established that the fire fighters and police officers, active and retired, have a constitutionally protected contractual right to a secure retirement benefit, funded on a sound actuarial basis. The legislature recognizes that the state of Washington is the ultimate guarantor of the LEOFF plan 1 retirement benefits. While members have a constitutionally protected right to the pension benefits that are provided as part of their contract of employment, there is no such right in surplus assets which are unnecessary to the actuarial soundness of the retirement plan.

The state retains the inherent power to terminate a retirement plan and, upon the dedication of sufficient resources to ensure the actuarial soundness of the benefits promised, is entitled to a reversion of the surplus assets upon termination of the plan.

The legislature has determined that, in order to accomplish the foregoing goals and objectives, it is in the best interest of the members and beneficiaries of LEOFF plan 1 that the plan be terminated and that a restated retirement plan with enhanced benefits be created. It is further determined to be in the best interest of the health, safety, and welfare of the citizens of the state that surplus assets remaining after adequate actuarial provision for the obligated retirement benefits revert to the state and be allocated for the purposes outlined in this chapter.

It is the intent of the legislature that the LEOFF plan 1 termination be performed in accordance with the applicable provisions of the federal internal revenue code and in recognition of the contract rights of the members and beneficiaries of the plan to an actuarially sound retirement program.

The legislature reserves the right to make such amendments and modifications as may be necessary in the future to accomplish the goals of this section, without any diminution of the rights and benefits of the LEOFF plan 1 members, retirees, and surviving spouses, as they existed prior to July 1, 2001.

NEW SECTION. Sec. 2. TERMINATION OF LEOFF PLAN 1. Plan 1 of the Washington law enforcement officers' and fire fighters' retirement system (LEOFF plan 1) is hereby terminated. During the transition between the termination of LEOFF plan 1 and the establishment of the restated law enforcement officers' and fire fighters' retirement system, all LEOFF plan 1 benefits, as they existed prior to July 1, 2001, shall continue without interruption.

NEW SECTION. Sec. 3. RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM ESTABLISHED. The restated law enforcement officers' and fire fighters' retirement system is hereby established as

provided in this chapter. The restated law enforcement officers' and fire fighters' retirement system established by this chapter may also be referred to by statute and rule as the law enforcement officers' and fire fighters' retirement system plan 1.

NEW SECTION. Sec. 4. RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT RETIREMENT FUND ESTABLISHED. (1) The restated law enforcement officers' and fire fighters' defined benefit retirement fund is created in the custody of the state treasurer. The fund shall consist of assets transferred from the Washington law enforcement officers' and fire fighters' system plan 1 retirement fund, investment earnings, and other amounts deposited to the fund. The state treasurer shall transfer to the restated defined benefit retirement fund an amount equal to the actuarial present value of the fully projected liabilities of plan 1 of the Washington law enforcement officers' and fire fighters' retirement system based on the actuarial valuation for calendar year 2000, adjusted to the transfer date, and the long-term economic assumptions in effect on July 1, 2001, under chapter 41.45 RCW. For purposes of funding the plan 1 lump-sum defined benefit created in section 6 of this act, the state treasurer shall also transfer an amount to the restated defined benefit retirement fund equal to twelve percent of the assets in the Washington law enforcement officers' and fire fighters' system plan 1 retirement fund in excess of the actuarial present value of the fully projected liabilities of plan 1, as calculated under this subsection.

(2) The pension funding council shall conduct an independent audit of the calculation of the present value amount determined by the state actuary. The transfer of these assets to the restated defined benefit retirement fund shall occur as soon as practical after July 1, 2001. The remaining assets in the law enforcement officers' and fire fighters' system plan 1 retirement fund shall be invested in the same manner as the restated defined benefit retirement fund until the transfers occur under sections 5 and 8 of this act.

(3) Expenditures from the restated law enforcement officers' and fire fighters' defined benefit retirement fund may be used only for the purposes of this chapter. Only the director of retirement systems or the director's designee may authorize expenditures from the fund. No appropriation is required for expenditures.

NEW SECTION. Sec. 5. STATE SURPLUS ASSETS RESERVE FUND ESTABLISHED. (1) The state surplus assets reserve fund is created in the state treasury. By June 1, 2002, the state surplus assets reserve fund shall receive all assets of the Washington law enforcement officers' and fire fighters' system plan 1 retirement fund remaining after (a) the distributions to the restated law enforcement officers' and fire fighters' defined benefit retirement fund required by section 4 of this act; and (b) the distribution to the law enforcement officers' and fire fighters' medical benefits risk pool under section 8 of this act and chapter 41.---RCW (sections 301 through 310 of this act).

(2) Sufficient assets shall be maintained in the state surplus assets reserve fund at all times to ensure the actuarial soundness of the defined benefits of the restated law enforcement officers' and fire fighters' defined benefit retirement plan without the necessity of further employee or employer contributions. Any actuarial shortfall in the defined benefit plan shall be offset first from the assets of the state surplus assets reserve fund. The state investment board shall develop an investment policy, taking into account the purposes of the reserve fund and the preservation of capital, for the purpose of accomplishing the objective of this section.

(3) The office of the state actuary shall perform an annual actuarial valuation of the restated law enforcement officers' and fire fighters' defined benefit plan to determine its continued actuarial soundness. Such sums shall be transferred by the legislature from the state surplus assets reserve fund as may be necessary from time to time to maintain the actuarial soundness of the defined benefit plan.

(4) The remaining assets of the reserve fund shall be retained as a budget reserve subject to the actuarial needs of the restated law enforcement officers' and fire fighters' defined benefit plan. No appropriation shall be made from the reserve fund for any fiscal year unless the office of the state actuary has certified that the restated law enforcement officers' and fire fighters' defined benefit plan remains fully funded on a sound actuarial basis. No appropriation shall be made from the reserve fund that would reduce the fund balance below two hundred twenty million dollars unless the state actuary has certified that the defined benefit plan assets are greater than one hundred twenty-five percent of the present value of the fully projected liabilities of the defined benefit plan.

NEW SECTION. Sec. 6. LUMP-SUM DEFINED BENEFIT. (1) The amount equal to twelve percent of the excess assets of the Washington law enforcement officers' and fire fighters' system plan 1 retirement fund transferred to the restated defined benefit retirement fund by section 4 of this act shall fund the plan 1 lump-sum defined benefit created by this section.

(2) Law enforcement officers' and fire fighters' plan 1 active members, term-vested members, retirees, and spousal survivors eligible for benefits under sections 226, 227, and 228 of this act shall be eligible to receive the plan 1 lump-sum defined benefit pursuant to the conditions established in this section. All assets identified in subsection (1) of this section shall be allocated to the eligible recipients of the plan 1 lump-sum defined benefit. The allocation to each eligible recipient shall be based on the number of months of service credit earned under chapter 41.26 RCW through June 30, 2000, in proportion to the total months of such service credit earned by all eligible recipients. The allocations for eligible recipients who are spousal survivors shall be based on the number of months of such service credit earned by the deceased member. This allocation shall occur on the date of the transfer of assets to the restated defined benefit retirement fund in section 4 of this act.

(3) If a member is active or term-vested, interest as determined by the director shall accumulate from the date the lump-sum defined benefit is allocated until distribution to the participant upon retirement from service or for disability. For the purposes of this section, a term-vested member is a member who has rendered five years of service, has not withdrawn his or her member contributions, and who has not applied for retirement.

(4) The lump-sum defined benefit shall be paid to a retiree or eligible spousal survivor upon application to the department; however no interest shall accumulate on the benefits allocated to retirees or spousal survivors.

(5) If a member dies before distribution of the lump-sum benefit created in this section occurs, the distribution shall be made according to the member's designation in section 216 of this act.

(6) The lump-sum benefit created in this section is subject to the provisions of section 209 of this act.

(7) If this section is held to be invalid, by section 503 of this act or otherwise, recipients of the lump-sum benefit provided by this section shall no longer be entitled to this benefit and shall be required to return any funds received according to the provisions of RCW 41.50.135, 41.50.136, 41.50.137, and 41.50.138.

NEW SECTION. Sec. 7. INVESTMENT OF FUNDS. (1) The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in (a) the restated law enforcement officers' and fire fighters' defined benefit retirement fund, (b) the law enforcement officers' and fire fighters' medical benefits risk pool account, and (c) the state surplus assets reserve fund. All investment and operating costs of the state investment board and the state treasurer associated with these funds shall be paid under RCW 43.08.190, 43.33A.160, 43.79A.040, and 43.84.160. With the exception of these expenses, the earnings from the investment of the funds shall be retained by the funds.

(2) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care under RCW 43.33A.140 and the investment policy established by the state investment board.

(3) As deemed appropriate by the state investment board, money in the funds may be commingled for investment with other funds under the investment authority of the board.

NEW SECTION. Sec. 8. TRANSFER TO LEOFF MEDICAL BENEFITS RISK POOL. By June 1, 2002, the state treasurer shall transfer from the Washington law enforcement officers' and fire fighters' system plan 1 retirement fund to the law enforcement officers' and fire fighters' medical benefits risk pool account under chapter 41.--- RCW (sections 301 through 310 of this act) an amount equal to the transfer to the restated law enforcement officers' and fire fighters' defined benefit fund made for purposes of funding the plan 1 lump-sum defined benefit required by section 6 of this act. The distribution shall be for the exclusive purposes of chapter 41.--- RCW (sections 301 through 310 of this act).

NEW SECTION. Sec. 9. STATUTE OF LIMITATIONS. Any claim filed challenging the validity of sections 1 through 8 of this act not filed before July 1, 2002, is forever barred, if not already barred by an otherwise applicable statute of limitations. By December 31, 2001, the department of retirement systems shall send notification of the provisions of sections 1 through 9 of this act, by first class mail, to the last known address of each plan 1 active member, retiree, and spousal survivor.

PART I AMENDMENTS TO CHAPTER 41.26 RCW

Sec. 101. RCW 41.26.010 and 1969 ex.s. c 209 s 1 are each amended to read as follows:

This chapter shall be known and cited as the "Washington Law Enforcement Officers' and Fire Fighters' Retirement System--Plan 2 Act".

Sec. 102. RCW 41.26.030 and 1996 c 178 s 11 and 1996 c 38 s 2 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system plan 2" provided herein.

(2)((a) "Employer" for plan 1 members, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(b)) "Employer" ((for plan 2 members,)) means the following entities to the extent that the entity employs any law enforcement officer and/or fire fighter:

((i)) (a) The legislative authority of any city, town, county, or district;

((ii)) (b) The elected officials of any municipal corporation;

((iii)) (c) The governing body of any other general authority law enforcement agency; or

((iv)) (d) A four-year institution of higher education having a fully operational fire department as of January 1, 1996.

(3) "Law enforcement officer" beginning January 1, 1994, means any person who is commissioned and employed by an employer on a full time, fully compensated basis to enforce the criminal laws of the state of Washington generally, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) ((The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2)) if that individual has five years previous membership in the retirement system established in chapter 41.20 RCW. The provisions of this subsection (3)(d) shall not apply to plan 2 members; and

(e)) The term "law enforcement officer" also includes a person employed on or after January 1, 1993, as a public safety officer or director of public safety, so long as the job duties substantially involve only either police or fire duties, or both, and no other duties in a city or town with a population of less than ten thousand. The provisions of this subsection (3)((e)) (d) shall not apply to any public safety officer or director of public safety who is receiving a retirement allowance under this chapter as of May 12, 1993.

(4) "Fire fighter" means:

(a) Any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, and who is actively employed as such;

(b) Anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) Supervisory fire fighter personnel; and

~~(d) (Any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031. The provisions of this subsection (4)(d) shall not apply to plan 2 members;~~

~~(e) The executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW. The provisions of this subsection (4)(e) shall not apply to plan 2 members;~~

~~(f)) Any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fire fighter(;- and~~

~~(g) Any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971, was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW)).~~

(5) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(6) "Surviving spouse" means the surviving widow or widower of a member. (~~"Surviving spouse" shall not include the divorced spouse of a member except as provided in RCW 41.26.162.~~)

(7)(a) "Child" or "children" means an unmarried person who is under the age of eighteen or mentally or physically handicapped as determined by the department, except a handicapped person in the full time care of a state institution, who is:

(i) A natural born child;

(ii) A stepchild where that relationship was in existence prior to the date benefits are payable under this chapter;

(iii) A posthumous child;

(iv) A child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter; or

(v) An illegitimate child legitimized prior to the date any benefits are payable under this chapter.

(b) A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsection~~((s))~~ (3) or (4) of this section ~~((whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter))~~ who is employed in that capacity on or after ~~((such date))~~ October 1, 1977.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' ~~((retirement))~~ plan 2 retirement fund" as provided for ~~((herein))~~ in RCW 41.50.075.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) of this section.

~~(11)((a) "Beneficiary" for plan 1 members, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.~~

~~(b)) "Beneficiary" ((for plan 2 members,)) means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.~~

~~(12)((a) "Final average salary" for plan 1 members, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.~~

~~(b)) "Final average salary" ((for plan 2 members,)) means the monthly average of the member's basic salary for the highest consecutive sixty service credit months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.~~

~~(13)((a) "Basic salary" for plan 1 members, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.~~

~~(b)) "Basic salary" ((for plan 2 members,)) means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay. In any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:~~

~~((i)) (a) The basic salary the member would have received had such member not served in the legislature; or~~

~~((ii)) (b) Such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under ~~((b))~~ (a) of this subsection~~

is greater than basic salary under (b)(iii) of this subsection shall be paid by the member for both member and employer contributions.

~~(14)(a) "Service" for plan 1 members, means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all service credit months of service rendered by a member from and after the member's initial commencement of employment as a fire fighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only service credit months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.~~

~~(i) For members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall also include (A) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (B) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act.~~

~~(ii) A member who is employed by two employers at the same time shall only be credited with service to one such employer for any month during which the member rendered such dual service.~~

~~(b)) "Service" (for plan 2 members,) means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month which shall constitute a service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for at least seventy hours but less than ninety hours per calendar month shall constitute one-half service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for less than seventy hours shall constitute a one-quarter service credit month.~~

~~Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.~~

~~Service credit years of service shall be determined by dividing the total number of service credit months of service by twelve. Any fraction of a service credit year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.~~

~~If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one service credit month's service credit during any calendar month in which multiple service for ninety or more hours is rendered; or one-half service credit month's service credit during any calendar month in which multiple service for at least seventy hours but less than ninety hours is rendered; or one-quarter service credit month during any calendar month in which multiple service for less than seventy hours is rendered.~~

(15) "Accumulated contributions" means the employee's contributions made by a member, including any amount paid under RCW 41.50.165(2), plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) ("Disability board" for plan 1 members means either the county disability board or the city disability board established in RCW 41.26.110.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to plan 1 members.

(20) "Disability retirement" for plan 1 members, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(24)) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

~~((22) "Medical services" for plan 1 members, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.~~

~~(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for~~

~~(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.~~

~~(ii) Necessary hospital services, other than board and room, furnished by the hospital.~~

~~(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".~~

~~(i) The fees of the following:~~

~~(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;~~

~~(B) An osteopathic physician and surgeon licensed under the provisions of chapter 18.57 RCW;~~

~~(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.~~

(ii) ~~The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.~~

(iii) ~~The charges for the following medical services and supplies:~~

(A) ~~Drugs and medicines upon a physician's prescription;~~

(B) ~~Diagnostic x-ray and laboratory examinations;~~

(C) ~~X-ray, radium, and radioactive isotopes therapy;~~

(D) ~~Anesthesia and oxygen;~~

(E) ~~Rental of iron lung and other durable medical and surgical equipment;~~

(F) ~~Artificial limbs and eyes, and casts, splints, and trusses;~~

(G) ~~Professional ambulance service when used to transport the member to or from a hospital when injured by an accident or stricken by a disease;~~

(H) ~~Dental charges incurred by a member who sustains an accidental injury to his or her teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;~~

(I) ~~Nursing home confinement or hospital extended care facility;~~

(J) ~~Physical therapy by a registered physical therapist;~~

(K) ~~Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;~~

(L) ~~An optometrist licensed under the provisions of chapter 18.53 RCW.~~

~~(23))~~ (19) "Regular interest" means such rate as the director may determine.

~~((24))~~ (20) "Retiree" ~~((for persons who establish membership in the retirement system on or after October 1, 1977,))~~ means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

~~((25))~~ (21) "Director" means the director of the department.

~~((26))~~ (22) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

~~((27))~~ (23) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

~~((28))~~ (24) "Plan 1" means the law enforcement officers' and fire fighters' retirement system, plan 1 providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977, which plan was terminated effective July 1, 2001, and members transferred to the retirement system established by chapter 41.26A RCW.

~~((29))~~ (25) "Plan 2" means the law enforcement officers' and fire fighters' retirement system, plan 2 providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

~~((30))~~ (26) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

~~((31))~~ (27) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

~~((32))~~ (28) "General authority law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, but not including the Washington state patrol. Such an agency, department, or division is distinguished from a limited authority law enforcement agency having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources, fish and wildlife, and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor control board, and the state department of corrections.

Sec. 103. RCW 41.26.040 and 1991 c 35 s 15 are each amended to read as follows:

The Washington law enforcement officers' and fire fighters' retirement system plan 2 is hereby created for fire fighters and law enforcement officers.

(1) ~~((Notwithstanding RCW 41.26.030(8),))~~ All fire fighters and law enforcement officers employed as such on or after ~~((March 1, 1970))~~ October 1, 1977, on a full time fully compensated basis in this state shall be members of the retirement system established by this chapter with respect to all periods of service as such, to the exclusion of any pension system existing under any prior act.

(2) ~~((Any employee serving as a law enforcement officer or fire fighter on March 1, 1970, who is then making retirement contributions under any prior act shall have his membership transferred to the system established by this chapter as of such date. Upon retirement for service or for disability, or death, of any such employee, his retirement benefits earned under this chapter shall be computed and paid. In addition, his benefits under the prior retirement act to which he was making contributions at the time of this transfer shall be computed as if he had not transferred. For the purpose of such computations, the employee's creditability of service and eligibility for service or disability retirement and survivor and all other benefits shall continue to be as provided in such prior retirement act, as if transfer of membership had not occurred. The excess, if any, of the benefits so computed, giving full value to survivor benefits, over the benefits payable under this chapter shall be paid whether or not the employee has made application under the prior act. If the employee's prior retirement system was the Washington public employees' retirement system, payment of such excess shall be made by that system; if the employee's prior retirement system was the statewide city employees' retirement system, payment of such excess shall be made by the employer which was the member's employer when his transfer of membership occurred. PROVIDED, That any death in line of duty lump sum benefit payment shall continue to be the obligation of that system as provided in RCW 41.44.210; in the case of all other prior retirement systems, payment of such excess shall be made by the employer which was the member's employer when his transfer of membership occurred.))~~

(3)) All funds held by any firemen's or policemen's relief and pension fund shall remain in that fund for the purpose of paying the obligations of the fund. The municipality shall continue to levy the dollar rate as provided in RCW 41.16.060, and this dollar rate shall be used for the purpose of paying the benefits provided in chapters 41.16 and 41.18 RCW. The obligations of chapter 41.20 RCW shall continue to be paid from whatever financial sources the city has been using for this purpose.

Sec. 104. RCW 41.26.061 and 1997 c 103 s 1 are each amended to read as follows:

A member shall not receive a disability retirement benefit under RCW ((41.26.120, 41.26.125, 41.26.130, or)) 41.26.470 if the disability is the result of criminal conduct by the member committed after April 21, 1997.

PART II CHAPTER 41.26A RCW: RESTATED LEOFF RETIREMENT SYSTEM

NEW SECTION. Sec. 201. APPLICATION OF CHAPTER. This chapter applies to members of the restated law enforcement officers' and fire fighters' retirement system. Membership in the system is limited to those persons who were members of plan 1 of the law enforcement officers' and fire fighters' retirement system under chapter 41.26 RCW prior to July 1, 2001.

NEW SECTION. Sec. 202. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Retirement system" means the restated law enforcement officers' and fire fighters' retirement system.

(2) "Employer" means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of section 225 of this act, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over twenty thousand population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(3) "Law enforcement officer" beginning January 1, 1994, means any person who is commissioned and employed by an employer on a full-time, fully compensated basis to enforce the criminal laws of the state of Washington generally, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full-time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association, or organization (which is an employer under this section) if that individual has five years previous membership in the retirement system established in chapter 41.20 RCW; and

(e) The term "law enforcement officer" also includes a person employed on or after January 1, 1993, as a public safety officer or director of public safety, so long as the job duties substantially involve only either police or fire duties, or both, and no other duties in a city or town with a population of less than ten thousand. The provisions of this subsection (3)(e) shall not apply to any public safety officer or director of public safety who is receiving a retirement allowance under this chapter as of May 12, 1993.

(4) "Fire fighter" means:

(a) Any person who is serving on a full-time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, and who is actively employed as such;

(b) Anyone who is actively employed as a full-time fire fighter where the fire department does not have a civil service examination;

(c) Supervisory fire fighter personnel;

(d) Any full-time executive secretary of an association of fire protection districts authorized under RCW 52.12.031;

(e) The executive secretary of a labor guild, association, or organization (which is an employer under this section), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW;

(f) Any person who is serving on a full-time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fire fighter; and

(g) Any person who on March 1, 1970, was employed on a full-time, fully compensated basis by an employer, and who on May 21, 1971, was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW.

(5) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(6) "Surviving spouse" means the surviving widow or widower of a member. "Surviving spouse" shall not include the divorced spouse of a member except as provided in section 228 of this act.

(7)(a) "Child" or "children" means an unmarried person who is under the age of eighteen or mentally or physically handicapped as determined by the department, except a handicapped person in the full-time care of a state institution, who is:

(i) A natural born child;

(ii) A stepchild where that relationship was in existence prior to the date benefits are payable under this chapter;

(iii) A posthumous child;

(iv) A child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter; or

(v) An illegitimate child legitimized prior to the date any benefits are payable under this chapter.

(b) A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsection (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the restated law enforcement officers' and fire fighters' defined benefit retirement fund.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) of this section.

(11) "Beneficiary" means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(12) "Final average salary" means (a) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (b) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (c) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (d) in the case of a member who hereafter vests pursuant to section 216 of this act, the basic salary payable to such member at the time of vesting.

(13) "Basic salary" means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(14) "Service" means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service also includes service in the armed forces of the United States as provided in section 230 of this act. Credit shall be allowed for all service credit months of service rendered by a member from and after the member's initial commencement of employment as a fire fighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only service credit months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.

(a) For members retiring after May 21, 1971, who were employed under the coverage of a prior pension act before March 1, 1970, "service" also includes (i) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (ii) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act.

(b) A member who is employed by two employers at the same time shall only be credited with service to one such employer for any month during which the member rendered such dual service.

(15) "Accumulated contributions" means the employee's contributions made by a member, including any amount paid under RCW 41.50.165(2), plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" means either the county disability board or the city disability board established in section 218 of this act.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement.

(20) "Disability retirement" means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with section 225 of this act.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for:

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses," provided that they have not been considered as "hospital expenses."

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopathic physician and surgeon licensed under the provisions of chapter 18.57 RCW;

- (C) A chiropractor licensed under the provisions of chapter 18.25 RCW.
- (ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.
- (iii) The charges for the following medical services and supplies:
- (A) Drugs and medicines upon a physician's prescription;
 - (B) Diagnostic x-ray and laboratory examinations;
 - (C) X-ray, radium, and radioactive isotopes therapy;
 - (D) Anesthesia and oxygen;
 - (E) Rental of iron lung and other durable medical and surgical equipment;
 - (F) Artificial limbs and eyes, and casts, splints, and trusses;
 - (G) Professional ambulance service when used to transport the member to or from a hospital when injured by an accident or stricken by a disease;
 - (H) Dental charges incurred by a member who sustains an accidental injury to his or her teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;
 - (I) Nursing home confinement or hospital extended care facility;
 - (J) Physical therapy by a registered physical therapist;
 - (K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;
 - (L) An optometrist licensed under the provisions of chapter 18.53 RCW.
- (23) "Regular interest" means such rate as the director may determine.
- (24) "Director" means the director of the department.
- (25) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).
- (26) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.
- (27) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.
- (28) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.
- (29) "General authority law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, but not including the Washington state patrol. Such an agency, department, or division is distinguished from a limited authority law enforcement agency having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources, fish and wildlife, and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor control board, and the state department of corrections.

NEW SECTION. Sec. 203. SYSTEM CREATED--MEMBERSHIP--FUNDS. The restated law enforcement officers' and fire fighters' retirement system is hereby created for fire fighters and law enforcement officers.

(1) Notwithstanding section 202(8) of this act, all fire fighters and law enforcement officers employed as such on or after March 1, 1970, on a full-time fully compensated basis in this state shall be members of the retirement system established by this chapter with respect to all periods of service as such, to the exclusion of any pension system existing under any prior act.

(2) Any employee serving as a law enforcement officer or fire fighter on March 1, 1970, who is then making retirement contributions under any prior act shall have his or her membership transferred to the system established by this chapter as of such date. Upon retirement for service or for disability, or death, of any such employee, his or her retirement benefits earned under this chapter shall be computed and paid. In addition, his or her benefits under the prior retirement act to which he or she was making contributions at the time of this transfer shall be computed as if he or she had not transferred. For the purpose of such computations, the employee's creditability of service and eligibility for service or disability retirement and survivor and all other benefits shall continue to be as provided in such prior retirement act, as if transfer of membership had not occurred. The excess, if any, of the benefits so computed, giving full value to survivor benefits, over the benefits payable under this chapter shall be paid whether or not the employee has made application under the prior act. If the employee's prior retirement system was the

Washington public employees' retirement system, payment of such excess shall be made by that system; if the employee's prior retirement system was the statewide city employees' retirement system, payment of such excess shall be made by the employer which was the member's employer when his or her transfer of membership occurred: PROVIDED, That any death in line of duty lump sum benefit payment shall continue to be the obligation of that system as provided in RCW 41.44.210; in the case of all other prior retirement systems, payment of such excess shall be made by the employer which was the member's employer when his or her transfer of membership occurred.

(3) All funds held by any firemen's or policemen's relief and pension fund shall remain in that fund for the purpose of paying the obligations of the fund. The municipality shall continue to levy the dollar rate as provided in RCW 41.16.060, and this dollar rate shall be used for the purpose of paying the benefits provided in chapters 41.16 and 41.18 RCW. The obligations of chapter 41.20 RCW shall continue to be paid from whatever financial sources the city has been using for this purpose.

NEW SECTION. Sec. 204. "MINIMUM MEDICAL AND HEALTH STANDARDS" DEFINED. The term "minimum medical and health standards" means minimum medical and health standards adopted by the department under this chapter.

NEW SECTION. Sec. 205. MINIMUM MEDICAL AND HEALTH STANDARDS. Notwithstanding any other provision of law after February 19, 1974, no law enforcement officer or fire fighter, may become eligible for coverage in the pension system established by this chapter until the individual has met and has been certified as having met minimum medical and health standards: PROVIDED, That an elected sheriff or an appointed chief of police or fire chief, shall not be required to meet the age standard: PROVIDED FURTHER, That in cities and towns having not more than two law enforcement officers and/or not more than two fire fighters and if one or more of such persons do not meet the minimum medical and health standards as required by the provisions of this chapter, then such person or persons may join any other pension system that the city has available for its other employees: AND PROVIDED FURTHER, That for one year after February 19, 1974, any such medical or health standard now existing or hereinafter adopted, insofar as it establishes a maximum age beyond which an applicant is to be deemed ineligible for coverage, shall be waived as to any applicant for employment or reemployment who is otherwise eligible except for his or her age, who has been a member of any one or more of the retirement systems created by chapter 41.20 RCW and who has restored all contributions which he or she has previously withdrawn from any such system or systems.

NEW SECTION. Sec. 206. MINIMUM MEDICAL AND HEALTH STANDARDS--BOARD TO ADOPT--PUBLICATION AND DISTRIBUTION--EMPLOYER CERTIFICATION PROCEDURES. The department shall adopt minimum medical and health standards for membership coverage into the retirement system. In adopting such standards the department shall consider existing standards recommended by the international association of chiefs of police and the international association of fire fighters, and shall adopt equal or higher standards, together with appropriate standards and procedures to ensure uniform compliance with this chapter. The standards when adopted shall be published and distributed to each employer, and each employer shall adopt certification procedures and such other procedures as are required to ensure that no law enforcement officer or fire fighter receives membership coverage unless and until he or she has actually met minimum medical and health standards: PROVIDED, That an elected sheriff or an appointed chief of police, fire chief, or director of public safety shall not be required to meet the age standard. The department may amend the minimum medical and health standards as experience indicates, even if the standards as so amended are lower or less rigid than those recommended by the international associations mentioned above. The cost of the medical examination contemplated by this section is to be paid by the employer.

NEW SECTION. Sec. 207. MINIMUM MEDICAL AND HEALTH STANDARDS--EXEMPTIONS--EMPLOYER MAY ADOPT HIGHER STANDARDS. Nothing in sections 204 through 206 of this act shall apply to any fire fighters or law enforcement officers who are employed as such on or before August 1, 1971, as long as they continue in such employment; nor to promotional appointments after becoming a member in the police or fire department of any employer nor to the reemployment of a law enforcement officer or fire fighter by the same or a different employer within six months after the termination of his or her employment, nor to the reinstatement of a law enforcement officer or fire fighter who has been on military or disability leave, disability retirement status, or leave of absence status. Nothing in this chapter shall be deemed to prevent any employer from adopting higher medical and health standards than those which are adopted by the department.

NEW SECTION. Sec. 208. SPECIAL DEATH BENEFIT--DEATH IN THE COURSE OF EMPLOYMENT. (1) A one hundred fifty thousand dollar death benefit shall be paid to the member's estate, or such person or persons, trust or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's death benefit shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) The benefit under this section shall be paid only where death occurs as a result of injuries sustained in the course of employment. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the department of retirement systems by order under RCW 51.52.050.

NEW SECTION. Sec. 209. EXEMPTION FROM JUDICIAL PROCESS, TAXES--EXCEPTIONS--DEDUCTION FOR INSURANCE UPON REQUEST. (1) Subject to subsections (2) and (3) of this section, the right of a person to a retirement allowance, disability allowance, or death benefit, to the return of accumulated contributions, the retirement, disability, or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable.

(2) On the written request of any person eligible to receive benefits under this section, the department may deduct from such payments the premiums for life, health, or other insurance. The request on behalf of any child or children shall be made by the legal guardian of such child or children. The department may provide for such persons one or more plans of group insurance, through contracts with regularly constituted insurance carriers or health care service contractors.

(3) Subsection (1) of this section shall not prohibit the department from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued by the department, (e) a court order directing the department to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

NEW SECTION. Sec. 210. NO BOND REQUIRED ON APPEAL TO COURT. No bond of any kind shall be required of a claimant appealing to the superior court, the court of appeals, or the supreme court from a decision of the director affecting such claimant's right to retirement or disability benefits.

NEW SECTION. Sec. 211. BENEFIT CALCULATION--LIMITATION. (1) The annual compensation taken into account in calculating retiree benefits under this system shall not exceed the limits imposed by section 401(a)(17) of the federal internal revenue code for qualified trusts.

(2) The department shall adopt rules as necessary to implement this section.

NEW SECTION. Sec. 212. ESTABLISHING, RESTORING SERVICE CREDIT. Notwithstanding any provision to the contrary, persons who fail to:

(1) Establish allowable membership service not previously credited;

(2) Restore all or a part of that previously credited membership service represented by withdrawn contributions; or

(3) Restore service credit represented by a lump sum payment in lieu of benefits, before the deadline established by statute, may do so under the conditions set forth in RCW 41.50.165.

NEW SECTION. Sec. 213. DISABILITY RETIREMENT--CRIMINAL CONDUCT. A member shall not receive a disability retirement benefit under sections 220 through 222 of this act if the disability is the result of criminal conduct by the member committed after April 21, 1997.

NEW SECTION. Sec. 214. FALSIFICATION--PENALTY. Any employer, member, or beneficiary who knowingly makes false statements or falsifies or permits to be falsified any record or records of the retirement system in an attempt to defraud the retirement system, is guilty of a felony.

NEW SECTION. Sec. 215. FUNDING TOTAL LIABILITY OF SYSTEM. No employer or member contribution is required. The total liability of the retirement system is funded as provided in sections 4 and 5 of this act.

NEW SECTION. Sec. 216. RETIREMENT FOR SERVICE. Retirement of a member for service shall be made by the department as follows:

(1) Any member having five or more service credit years of service and having attained the age of fifty years shall be eligible for a service retirement allowance and shall be retired upon the member's written request effective the first day following the date upon which the member is separated from service.

(2) Any member having five or more service credit years of service, who terminates his or her employment with any employer, may leave his or her contributions in the fund. Any employee who so elects, upon attaining age fifty, shall be eligible to apply for and receive a service retirement allowance based on his or her years of service, commencing on the first day following his or her attainment of age fifty.

(3) Any member selecting optional vesting under subsection (2) of this section with less than twenty service credit years of service shall not be covered by the provisions of section 225 of this act, and the member's survivors shall not be entitled to the benefits of section 226 of this act unless his or her death occurs after he or she has attained the age of fifty years. Those members selecting this optional vesting with twenty or more years service shall not be covered by the provisions of section 225 of this act until the attainment of the age of fifty years. A member selecting this optional vesting, with less than twenty service credit years of service credit, who dies prior to attaining the age of fifty years, shall have paid from the restated law enforcement officers' and fire fighters' defined benefit retirement fund, to such member's surviving spouse, if any, otherwise to such beneficiary as the member shall have designated in writing, or if no such designation has been made, to the personal representative of his or her estate, a lump sum which is equal to the amount of such member's accumulated contributions plus accrued interest. If the vested member has twenty or more service credit years of service credit the surviving spouse or children shall then become eligible for the benefits of section 226 of this act regardless of the member's age at the time of his or her death, to the exclusion of the lump sum amount provided by this subsection.

(4) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty and may not thereafter be employed as a law enforcement officer or fire fighter: PROVIDED, That for any member who is elected or appointed to the office of sheriff, chief of police, or fire chief, his or her election or appointment shall be considered as a waiver of the age sixty provision for retirement and nonemployment for whatever number of years remain in his or her present term of office and any succeeding periods for which he or she may be so elected or appointed. The provisions of this subsection shall not apply to any member who is employed as a law enforcement officer or fire fighter on March 1, 1970.

NEW SECTION. Sec. 217. ALLOWANCE ON RETIREMENT FOR SERVICE. A member upon retirement for service shall receive a monthly retirement allowance computed according to his or her completed creditable service credit years of service as follows: Five years but under ten years, one-twelfth of one percent of his or her final average salary for each month of service; ten years but under twenty years, one-twelfth of one and one-half percent of his or her final average salary for each month of service; and twenty years and over one-twelfth of two percent of his or her final average salary for each month of service: PROVIDED, That the recipient of a retirement allowance who shall return to service as a law enforcement officer or fire fighter shall be considered to have terminated his or her retirement status and he or she shall immediately become a member of the retirement system with the status of membership he or she had as of the date of retirement. Retirement benefits shall be suspended during the period of his or her return to service and he or she shall make contributions and receive service credit. Such a member shall have the right to again retire at any time and his or her retirement allowance shall be recomputed, and paid, based upon additional service rendered and any change in final average salary: PROVIDED FURTHER, That no retirement allowance paid pursuant to this section shall exceed sixty percent of final average salary, except as such allowance may be increased by virtue of section 238 of this act.

NEW SECTION. Sec. 218. CITY AND COUNTY DISABILITY BOARDS AUTHORIZED. (1) All claims for disability shall be acted upon and either approved or disapproved by either type of disability board created under this section.

(a) Each city having a population of twenty thousand or more shall establish a disability board having jurisdiction over all members employed by the cities and composed of the following five members: Two members of the city legislative body to be appointed by the mayor, one active or retired fire fighter to be elected by the fire fighters employed by or retired from the city, one active or retired law enforcement officer to be elected by the law enforcement officers employed by or retired from the city, and one member from the public at large who resides within the city to be appointed by the other four members designated in this subsection. Retired members who are subject to the jurisdiction of the board have both the right to elect and the right to be elected under this section. Each of the elected members shall serve a two-year term. The members appointed pursuant to this subsection shall serve for two-year terms: PROVIDED, That cities of the first class only, shall retain existing firemen's pension boards

established pursuant to RCW 41.16.020 and existing boards of trustees of the relief and pension fund of the police department as established pursuant to RCW 41.20.010 which such boards shall have authority to act upon and approve or disapprove claims for disability by fire fighters or law enforcement officers as provided under this chapter. No disability boards shall be established under the authority of this subsection (1)(a) after December 31, 2001.

(b) Each county shall establish a disability board having jurisdiction over all members residing in the county and not employed by a city in which a disability board is established. The county disability board so created shall be composed of five members to be chosen as follows: One member of the legislative body of the county to be appointed by the county legislative body, one member of a city or town legislative body located within the county which does not contain a city disability board established pursuant to (a) of this subsection to be chosen by a majority of the mayors of such cities and towns within the county which does not contain a city disability board, one fire fighter or retired fire fighter to be elected by the fire fighters employed or retired in the county who are not employed by or retired from a city in which a disability board is established, one law enforcement officer or retired law enforcement officer to be elected by the law enforcement officers employed in or retired from the county who are not employed by or retired from a city in which a disability board is established, and one member from the public at large who resides within the county but does not reside within a city in which a city disability board is established, to be appointed by the other four members designated in this subsection. However, in counties with a population less than sixty thousand, the member of the disability board appointed by a majority of the mayors of the cities and towns within the county that do not contain a city disability board must be a resident of one of the cities and towns but need not be a member of a city or town legislative body. Retired members who are subject to the jurisdiction of the board have both the right to elect and the right to be elected under this section. All members appointed or elected pursuant to this subsection shall serve for two-year terms.

(2) The members of both the county and city disability boards shall not receive compensation for their service upon the boards but the members shall be reimbursed by their respective county or city for all expenses incidental to such service as to the amount authorized by law.

(3) The disability boards authorized for establishment by this section shall perform all functions, exercise all powers, and make all such determinations as specified in this chapter.

NEW SECTION. Sec. 219. DIRECTOR TO ADOPT RULES GOVERNING DISABILITY BOARDS. (1) The director shall adopt rules, in accordance with chapter 34.05 RCW, under which each disability board shall execute its disability retirement duties under this chapter. The rules shall include, but not be limited to, the following:

(a) Standards governing the type and manner of presentation of medical, employability, and other evidence before disability boards; and

(b) Standards governing the necessity and frequency of medical and employability reexaminations of persons receiving disability benefits.

(2) If the director determines that an order or determination of a disability board was not processed in accordance with the rules established under this section, the director may remand the order or determination for further proceedings consistent with the rules.

NEW SECTION. Sec. 220. RETIREMENT FOR DISABILITY INCURRED IN THE LINE OF DUTY. Any member, regardless of age or years of service, may be retired by the disability board, subject to approval by the director, for any disability incurred in the line of duty which has been continuous since his or her discontinuance of service and which renders the member unable to continue service. No disability retirement allowance shall be paid until the expiration of a period of six months after the discontinuance of service during which period the member, if found to be physically or mentally unfit for duty by the disability board following receipt of his or her application for disability retirement, shall be granted a disability leave by the disability board and shall receive an allowance equal to the full monthly salary and shall continue to receive all other benefits provided to active employees from the employer for such period. However, if, at any time during the initial six-month period, the disability board finds the beneficiary is no longer disabled, the disability leave allowance shall be canceled and the member shall be restored to duty in the same rank or position, if any, held by the beneficiary at the time the member became disabled. Applications for disability retirement shall be processed in accordance with the following procedures:

(1) Any member who believes he or she is or is believed to be physically or mentally disabled shall be examined by such medical authority as the disability board shall employ, upon application of the member, or a person acting in his or her behalf, stating that the member is disabled, either physically or mentally: PROVIDED, That no such application shall be considered unless the member or someone in his or her behalf, in case of the incapacity of a member, shall have filed the application within a period of one year from and after the discontinuance of service of the member.

(2) If the examination shows, to the satisfaction of the disability board, that the member is physically or mentally disabled from the further performance of duty, that such disability was incurred in the line of duty, and that such disability has been continuous from the discontinuance of service, the disability board shall enter its written decision and order, accompanied by appropriate findings of fact and by conclusions evidencing compliance with this chapter, granting the member a disability retirement allowance; otherwise, if the member is not found by the disability board to be so disabled, the application shall be denied pursuant to a similar written decision and order, subject to appeal to the director in accordance with section 235 of this act: PROVIDED, That in any order granting a duty disability retirement allowance, the disability board shall make a finding that the disability was incurred in line of duty.

(3) Every order of a disability board granting a duty disability retirement allowance shall immediately be reviewed by the director except the finding that the disability was incurred in the line of duty. The director may affirm the decision of the disability board or remand the case for further proceedings, or the director may reverse the decision of the disability board if the director finds the disability board's findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions;
- (b) In excess of the statutory authority or jurisdiction of the disability board;
- (c) Made upon unlawful procedure;
- (d) Affected by other error of law;
- (e) Clearly erroneous in view of the entire record as submitted and the public policy contained in this chapter; or
- (f) Arbitrary or capricious.

(4) Every member who can establish, to the disability board, that he or she is physically or mentally disabled from the further performance of duty, that such disability was incurred in the line of duty, and that such disability will be in existence for a period of at least six months may waive the six-month period of disability leave and be immediately granted a duty disability retirement allowance, subject to the approval of the director as provided in subsection (3) of this section.

NEW SECTION. Sec. 221. RETIREMENT FOR DISABILITY NOT INCURRED IN THE LINE OF DUTY. Any member, regardless of age or years of service, may be retired by the disability board, subject to approval by the director as provided in this section, for any disability not incurred in the line of duty which has been continuous since discontinuance of service and which renders the member unable to continue service. No disability retirement allowance may be paid until the expiration of a period of six months after the discontinuance of service during which period the member, if found to be physically or mentally unfit for duty by the disability board following receipt of the member's application for disability retirement, shall be granted a disability leave by the disability board and shall receive an allowance equal to the member's full monthly salary and shall continue to receive all other benefits provided to active employees from the member's employer for the period. However, if, at any time during the initial six-month period, the disability board finds the beneficiary is no longer disabled, the disability leave allowance shall be canceled and the member shall be restored to duty in the same rank or position, if any, held by the member at the time the member became disabled. Applications for disability retirement shall be processed in accordance with the following procedures:

(1) Any member who believes he or she is, or is believed to be, physically or mentally disabled shall be examined by such medical authority as the disability board shall employ, upon application of the member, or a person acting in the member's behalf, stating that the member is disabled, either physically or mentally: PROVIDED, That no such application shall be considered unless the member or someone acting in the member's behalf, in case of the incapacity of a member, has filed the application within a period of one year from and after the discontinuance of service of the member.

(2) If the examination shows, to the satisfaction of the disability board, that the member is physically or mentally disabled from the further performance of duty, that such disability was not incurred in the line of duty, and that such disability had been continuous from the discontinuance of service, the disability board shall enter its written decision and order, accompanied by appropriate findings of fact and by conclusions evidencing compliance with this chapter, granting the member a disability retirement allowance. Otherwise, if the member is not found by the disability board to be so disabled, the application shall be denied pursuant to a similar written decision and order, subject to appeal to the director in accordance with section 235 of this act: PROVIDED, That in any order granting a nonduty disability retirement allowance, the disability board shall make a finding that the disability was not incurred in the line of duty.

(3) Every order of a disability board granting a nonduty disability retirement allowance shall immediately be reviewed by the director except the finding that the disability was not incurred in the line of duty. The director may affirm the decision of the disability board or remand the case for further proceedings, or the director may reverse the decision of the disability board if the director finds the disability board's findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions;
- (b) In excess of the statutory authority or jurisdiction of the disability board;
- (c) Made upon unlawful procedure;
- (d) Affected by other error of law;
- (e) Clearly erroneous in view of the entire record as submitted and the public policy contained in this chapter; or
- (f) Arbitrary or capricious.

(4) Every member who can establish to the disability board that the member is physically or mentally disabled from the further performance of duty, that such disability was not incurred in the line of duty, and that such disability will be in existence for a period of at least six months, may waive the six-month period of disability leave and be immediately granted a nonduty disability retirement allowance, subject to the approval of the director as provided in subsection (3) of this section.

NEW SECTION. Sec. 222. ALLOWANCE ON RETIREMENT FOR DISABILITY. (1) Upon retirement for disability a member shall be entitled to receive a monthly retirement allowance computed as follows: (a) A basic amount of fifty percent of final average salary at time of disability retirement, and (b) an additional five percent of final average salary for each child as defined in section 202(7) of this act, (c) the combined total of (a) and (b) of this subsection shall not exceed a maximum of sixty percent of final average salary.

(2) A disabled member shall begin receiving the disability retirement allowance as of the expiration of his or her six-month period of disability leave or, if his or her application was filed after the sixth month of discontinuance of service but prior to the one-year time limit, the member's disability retirement allowance shall be retroactive to the end of the sixth month.

(3) Benefits under this section will be payable until the member recovers from the disability or dies. If at the time that the disability ceases the member is over the age of fifty, he or she shall then receive either disability retirement allowance or retirement for service allowance, whichever is greater.

(4) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the member receives or is entitled to receive from workers' compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability.

(5) A member retired for disability shall be subject to periodic examinations by a physician approved by the disability board prior to attainment of age fifty, pursuant to rules adopted by the director under section 219 of this act. Examinations of members who retired for disability prior to July 26, 1981, shall not exceed two medical examinations per year.

NEW SECTION. Sec. 223. CESSATION OF DISABILITY--DETERMINATION. (1) A disabled member who believes that his or her disability has ceased in accordance with section 222(3) of this act may make application to the disability board which originally found the member to be disabled, for a determination that the disability has ceased.

(2) Every order of a disability board determining that a member's disability has ceased pursuant to section 222(3) of this act shall immediately be reviewed by the director. The director may affirm the decision of the disability board or remand the case for further proceedings if the director finds the disability board's findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions;
- (b) In excess of the statutory authority or jurisdiction of the disability board;
- (c) Made upon unlawful procedure;
- (d) Affected by other error of law;
- (e) Clearly erroneous in view of the entire record as submitted and the public policy contained in this chapter; or
- (f) Arbitrary or capricious.

(3) Determinations of whether a disability has ceased under section 222(3) of this act and this section shall be made in accordance with the same procedures and standards governing other cancellations of disability retirement.

NEW SECTION. Sec. 224. REEXAMINATIONS OF DISABILITY BENEFICIARIES--REENTRY--APPEAL. (1) Upon the basis of reexaminations of members on disability retirement as provided in section 222 of this act, the disability board shall determine whether such disability beneficiary is still unable to perform his or her duties either physically or mentally for service in the department where he or she was employed.

(2) If the disability board determines that the beneficiary is not so incapacitated the retirement allowance shall be canceled and the member shall be restored to duty in the same civil service rank, if any, held by the beneficiary at the time of his or her retirement or if unable to perform the duties of that rank, then, at his or her request, in such other like or lesser rank as may be or become open and available, the duties of which he or she is then able to perform. In no event, shall a beneficiary previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the beneficiary at the date of retirement for disability. If the disability board determines that the beneficiary is able to return to service he or she shall be entitled to notice and a hearing, both the notice and the hearing shall comply with the requirements of chapter 34.05 RCW.

(3) Should a disability beneficiary reenter service and be eligible for membership in the retirement system, the retirement allowance shall be canceled and he or she shall immediately become a member of the retirement system.

(4) Should any disability beneficiary under age fifty refuse to submit to examination, the retirement allowance shall be discontinued until withdrawal of such refusal, and should such refusal continue for one year or more, the retirement allowance shall be canceled.

(5) Should the disability retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into service or retirement for service, he or she shall be paid the excess, if any, of the accumulated contributions at the time of retirement over all payments made on his or her behalf under this chapter.

(6) Any person feeling aggrieved by an order of a disability board determining that a beneficiary's disability has not ceased, pursuant to section 222(3) of this act has the right to appeal the order or determination to the director. The director shall have no jurisdiction to entertain the appeal unless a notice of appeal is filed with the director within thirty days following the rendition of the order by the disability board. A copy of the notice of appeal shall be served upon the director and the applicable disability board and, within ninety days thereof, the disability board shall certify its decision and order which shall include findings of fact and conclusions of law, together with a transcript of all proceedings in connection therewith, to the director for review. Upon review of the record, the director may affirm the order of the disability board or may remand the case for further proceedings if the director finds that the disability board's findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions;
- (b) In excess of the statutory authority or jurisdiction of the disability board;
- (c) Made upon unlawful procedure;
- (d) Affected by other error of law;
- (e) Clearly erroneous in view of the entire record as submitted and the public policy contained in this chapter; or
- (f) Arbitrary or capricious.

NEW SECTION. Sec. 225. SICKNESS OR DISABILITY BENEFITS--MEDICAL SERVICES. (1) Whenever any active member, or any member hereafter retired, on account of service, sickness, or disability, not caused or brought on by dissipation or abuse, of which the disability board shall be judge, is confined in any hospital or in home, and whether or not so confined, requires medical services, the employer shall pay for the active or retired member the necessary medical services not payable from some other source as provided for in subsection (2) of this section. In the case of active or retired fire fighters the employer may make the payments provided for in this section from the firemen's pension fund established pursuant to RCW 41.16.050 where the fund had been established prior to March 1, 1970. If this pension fund is depleted, the employer shall have the obligation to pay all benefits payable under chapters 41.16 and 41.18 RCW.

(a) The disability board in all cases may have the active or retired member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the disability board, for the purpose of ascertaining the nature and extent of the sickness or disability, the physician or physicians to report to the disability board the result of the examination within three days thereafter. Any active or retired member who refuses to submit to such examination or examinations shall forfeit all rights to benefits under this section for the period of the refusal.

(b) The disability board shall designate the medical services available to any sick or disabled member.

(2) The medical services payable under this section will be reduced by any amount received or eligible to be received by the member under workers' compensation, social security including the changes incorporated under Public Law 89-97, insurance provided by another employer, other pension plan, or any other similar source. Failure to apply for coverage if otherwise eligible

under the provisions of Public Law 89-97 shall not be deemed a refusal of payment of benefits thereby enabling collection of charges under the provisions of this chapter.

(3) Upon making the payments provided for in subsection (1) of this section, the employer shall be subrogated to all rights of the member against any third party who may be held liable for the member's injuries or for payment of the cost of medical services in connection with a member's sickness or disability to the extent necessary to recover the amount of payments made by the employer.

(4) Any employer under this chapter, either singly, or jointly with any other such employer or employers through an association thereof as provided for in chapter 48.21 RCW, may provide for all or part of one or more plans of group hospitalization and medical aid insurance to cover any of its employees who are members of the restated law enforcement officers' and fire fighters' retirement system, and/or retired former employees who were, before retirement, members of the retirement system, through contracts with regularly constituted insurance carriers, with health maintenance organizations as defined in chapter 48.46 RCW, or with health care service contractors as defined in chapter 48.44 RCW. Benefits payable under the plan or plans shall be deemed to be amounts received or eligible to be received by the active or retired member under subsection (2) of this section.

(5) Any employer, jointly with any other employer or employers of the state, may participate in the medical benefits risk pool established under chapter 41.--- RCW (sections 301 through 310 of this act).

(6) Any employer under this chapter may, at its discretion, elect to reimburse a retired former employee under this chapter for premiums the retired former employee has paid for medical insurance that supplements medicare, including premiums the retired former employee has paid for medicare part B coverage.

NEW SECTION. Sec. 226. DEATH BENEFITS--DUTY CONNECTED. (1) In the event of the duty connected death of any member who is in active service, or who has vested under section 216 of this act with twenty or more service credit years of service, or who is on duty connected disability leave or retired for duty connected disability, the surviving spouse shall become entitled to receive a monthly allowance equal to fifty percent of the final average salary at the date of death if active, or the amount of retirement allowance the vested member would have received at age fifty, or the amount of the retirement allowance such retired member was receiving at the time of death if retired for duty connected disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in section 202(7) of this act, subject to a maximum combined allowance of sixty percent of final average salary: PROVIDED, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the child's legal guardian or, in the absence of a legal guardian and if the member has created a trust for the benefit of the child or children, payment of the increase attributable to each child will be made to the trust.

(2) If at the time of the duty connected death of a vested member with twenty or more service credit years of service as provided in subsection (1) of this section or a member retired for duty connected disability, the surviving spouse has not been lawfully married to such member for one year prior to retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section: PROVIDED, That if a member dies as a result of a disability incurred in the line of duty, then if he or she was married at the time he or she was disabled, the surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's duty connected death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When there cease to be any eligible children as defined in section 202(7) of this act, there shall be paid to the legal heirs of the member the excess, if any, of accumulated contributions of the member at the time of death over all payments made to survivors on his or her behalf under this chapter: PROVIDED, That payments under this subsection to children shall be prorated equally among the children, if more than one. If the member has created a trust for the benefit of the child or children, the payment shall be made to the trust.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of the member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies and there are children as defined in section 202(7) of this act, payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) of this section.

(6) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date.

NEW SECTION. Sec. 227. DEATH BENEFITS--NONDUTY CONNECTED. (1) In the event of the nonduty connected death of any member who is in active service, or who has vested under section 216 of this act with twenty or more service credit years of service, or who is on disability leave or retired, whether for nonduty connected disability or service, the surviving spouse shall become entitled to receive a monthly allowance equal to fifty percent of the final average salary at the date of death if active, or the amount of retirement allowance the vested member would have received at age fifty, or the amount of the retirement allowance such retired member was receiving at the time of death if retired for service or nonduty connected disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in section 202(7) of this act, subject to a maximum combined allowance of sixty percent of final average salary: PROVIDED, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the child's legal guardian or, in the absence of a legal guardian and if the member has created a trust for the benefit of the child or children, payment of the increase attributable to each child will be made to the trust.

(2) If at the time of the death of a vested member with twenty or more service credit years of service as provided in subsection (1) of this section or a member retired for service or disability, the surviving spouse has not been lawfully married to such

member for one year prior to retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When there cease to be any eligible children as defined in section 202(7) of this act, there shall be paid to the legal heirs of the member the excess, if any, of accumulated contributions of the member at the time of death over all payments made to survivors on his or her behalf under this chapter: PROVIDED, That payments under this subsection to children shall be prorated equally among the children, if more than one. If the member has created a trust for the benefit of the child or children, the payment shall be made to the trust.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of the member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies and there are children as defined in section 202(7) of this act, payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) of this section.

(6) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date.

NEW SECTION. Sec. 228. EX SPOUSE QUALIFYING AS SURVIVING SPOUSE--WHEN. (1) An ex spouse of a retiree shall qualify as surviving spouse under section 226 of this act if the ex spouse:

(a) Has been provided benefits under any currently effective court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation entered after the member's retirement and prior to December 31, 1979; and

(b) Was married to the retiree for at least thirty years, including at least twenty years prior to the member's retirement or separation from service if a vested member.

(2) If two or more persons are eligible for a surviving spouse benefit under this subsection, benefits shall be divided between the surviving spouses based on the percentage of total service credit the member accrued during each marriage.

(3) This section shall apply retroactively.

NEW SECTION. Sec. 229. REFUND OF CONTRIBUTIONS ON DISCONTINUANCE OF SERVICE--REENTRY. (1) Should service of a member be discontinued except by death, disability, or retirement, the member shall, upon application therefor, be paid the accumulated contributions within sixty days after the day of application and the rights to all benefits as a member shall cease: PROVIDED, That any member with at least five years' service may elect the provisions of section 216(2) of this act.

(2) Any member whose contributions have been paid in accordance with subsection (1) of this section and who reenters the service of an employer shall upon the restoration of withdrawn contributions, which restoration must be completed within a total period of five years of service following resumption of employment, then receive credit toward retirement for the period of previous service which these contributions are to cover.

(3) If the member fails to meet the time limitations of subsection (2) of this section, the member may make the payment required under RCW 41.50.165(2) prior to retirement. The member shall then receive credit toward retirement for the period of previous service that the withdrawn contributions cover.

NEW SECTION. Sec. 230. CREDIT FOR MILITARY SERVICE. Each person affected by this chapter who at the time of entering the armed services was a member of this system or plan 1 under chapter 41.26 RCW, and has honorably served in the armed services of the United States, shall have added to the period of service as computed under this chapter, the period of service in the armed forces: PROVIDED, That such credited service shall not exceed five years.

NEW SECTION. Sec. 231. CREDIT FOR SERVICE UNDER PRIOR PENSION SYSTEM--RESTORATION OF WITHDRAWN CONTRIBUTIONS. If a member of this retirement system served as a law enforcement officer or fire fighter under a prior pension system and that service is not creditable to this retirement system because the member withdrew his or her contributions plus accrued interest from the prior pension system, the member's prior service as a law enforcement officer shall be credited to this retirement system if the member pays to the retirement system the amount under RCW 41.50.165(2) prior to retirement.

NEW SECTION. Sec. 232. CREDIT FOR SERVICE UNDER PRIOR PENSION SYSTEM--SERVICE NOT COVERED UNDER PRIOR SYSTEM. If a member's prior service as a law enforcement officer or fire fighter under a prior pension system is not creditable because, although employed in a position covered by a prior pension act, the member had not yet become a member of the pension system governed by the act, the member's prior service as a law enforcement officer or fire fighter shall be creditable if the member pays to the plan the amount set forth under RCW 41.50.165(2) prior to retirement.

NEW SECTION. Sec. 233. TRANSFER OF SERVICE CREDIT FROM OTHER RETIREMENT SYSTEM--IRREVOCABLE ELECTION ALLOWED. Any member of the teachers' retirement system plans 1, 2, or 3, the public employees' retirement system plans 1 or 2, or the Washington state patrol retirement system who has previously established service credit in the restated law enforcement officers' and fire fighters' retirement system may make an irrevocable election to have such service transferred to their current retirement system and plan subject to the following conditions:

(1) If the individual is employed by an employer in an eligible position, as of July 1, 1997, the election to transfer service must be filed in writing with the department no later than July 1, 1998. If the individual is not employed by an employer in an eligible position, as of July 1, 1997, the election to transfer service must be filed in writing with the department no later than one year from the date they are employed by an employer in an eligible position.

(2) An individual transferring service under this section forfeits the rights to all benefits as a member of the restated law enforcement officers' and fire fighters' retirement system and will be permanently excluded from membership.

(3) Any individual choosing to transfer service under this section will have transferred to their current retirement system and plan: (a) All the individual's accumulated contributions; (b) an amount sufficient to ensure that the employer contribution rate in the individual's current system and plan will not increase due to the transfer; and (c) all applicable months of service, as defined in section 202(14) of this act.

(4) If an individual has withdrawn contributions from the law enforcement officers' and fire fighters' retirement system plan 1 or the plan established by this chapter, the individual may restore the contributions, together with interest as determined by the director, and recover the service represented by the contributions for the sole purpose of transferring service under this section. The contributions must be restored before the transfer can occur and the restoration must be completed within the time limitations specified in subsection (1) of this section.

(5) Any service transferred under this section does not apply to the eligibility requirements for military service credit as defined in RCW 41.40.170(3) or 43.43.260(3).

(6) If an individual does not meet the time limitations of subsection (1) of this section, the individual may elect to restore any withdrawn contributions and transfer service under this section by paying the amount required under subsection (3)(b) of this section less any employee contributions transferred.

NEW SECTION. Sec. 234. SERVICE CREDIT FOR PAID LEAVE OF ABSENCE--APPLICATION TO ELECTED OFFICIALS OF LABOR ORGANIZATIONS. (1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided under this chapter.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave. The basic salary reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

NEW SECTION. Sec. 235. APPEAL TO DIRECTOR. Any person feeling aggrieved by any order or determination of a disability board denying disability leave or disability retirement, or canceling a previously granted disability retirement allowance, shall have the right to appeal the order or determination to the director. The director shall have no jurisdiction to entertain the appeal unless a notice of appeal is filed with the director within thirty days following the rendition of the order by the applicable disability board. A copy of the notice of appeal shall be served upon the director and the applicable disability board and, within ninety days thereof, the disability board shall certify its decision and order which shall include findings of fact and conclusions of law, together with a transcript of all proceedings in connection therewith, to the director for review. Upon review of the record, the director may affirm the order of the disability board or may remand the case for such further proceedings as he or she may direct, in accordance with such rules of procedure as the director shall adopt.

NEW SECTION. Sec. 236. NOTICE FOR HEARING REQUIRED PRIOR TO PETITIONING FOR JUDICIAL REVIEW. Any person aggrieved by any final decision of the director must, before petitioning for judicial review, file with the director by mail or personally within sixty days from the day the decision was communicated to the person, a notice for a hearing. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered, and it must contain a detailed statement of facts upon which such person relies in support thereof. Such persons shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those specifically set forth in the notice of hearing or appearing in the records of the retirement system.

NEW SECTION. Sec. 237. HEARING--CONDUCT. A hearing shall be held by the director, or the director's duly authorized representative, in the county of the residence of the claimant at a time and place designated by the director. Such hearing shall be de novo and shall conform to the provisions of chapter 34.05 RCW. The disability board and the department shall be entitled to appear in all such proceedings and introduce testimony in support of the decision. Judicial review of any final decision by the director shall be governed by the provisions of chapter 34.05 RCW.

NEW SECTION. Sec. 238. INCREASES OR DECREASES IN RETIREMENT ALLOWANCES TO BE DETERMINED BY DEPARTMENT IN ACCORDANCE WITH CONSUMER PRICE INDEX. For purposes of this section:

(1) "Index" means, for any calendar year, that year's average consumer price index for the Seattle, Washington area for urban wage earners and clerical workers, all items (1957-1959=100), compiled by the bureau of labor statistics of the United States department of labor;

(2) "Retirement allowance" means the retirement allowance provided for in sections 217 and 222 of this act, and the monthly allowance provided for in section 226 of this act.

On April 1st of each year, every retirement allowance which has been in effect for more than one year shall be adjusted to that dollar amount which exceeds its original dollar amount by the percentage difference which the department finds to exist between the index for the previous calendar year and the index for the calendar year prior to the effective retirement date of the person to whom, or on behalf of whom, such retirement allowance is being paid.

For the purposes of this section, "basic allowance" means that portion of a total retirement allowance, and any cost-of-living adjustment thereon, attributable to a member (individually) and shall not include the increased amounts attributable to the existence of a child or children. In those cases where a child ceases to be qualified as an eligible child, so as to lessen the total allowance, the allowance shall, at that time, be reduced to the basic allowance plus the amount attributable for the appropriate number of eligible children. In those cases where a child qualifies as an eligible child subsequent to the retirement of a member so as to increase the total allowance payable, such increased allowance shall at the time of the next and appropriate subsequent cost-of-living adjustments, be considered the original dollar amount of the allowance.

NEW SECTION. Sec. 239. INCREASE IN PRESENTLY PAYABLE BENEFITS FOR SERVICE OR DISABILITY AUTHORIZED. All benefits presently payable pursuant to the provisions of RCW 41.20.050, 41.20.060, and 41.20.080 as such RCW sections existed prior to the effective date of the amendment of such RCW sections by sections 1, 2, 3, chapter 191, Laws of 1961 to persons who retired prior to the effective date of the 1961 amendatory act, shall be increased annually as provided in this section. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purpose of adjusting benefit allowances payable pursuant to RCW 41.20.050, 41.20.060, and 41.20.080. The local board shall determine the increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which the board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified in this section, shall be increased as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative.

For the purpose of this section, "consumer price index" means, for any calendar year, the consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

NEW SECTION. Sec. 240. INCREASE IN CERTAIN PRESENTLY PAYABLE DEATH BENEFITS AUTHORIZED. All benefits presently payable pursuant to the provisions of RCW 41.20.085 which are not related to the amount of current salary attached to the position held by the deceased member shall be increased annually in the same manner and to the same extent as provided for pursuant to section 239 of this act.

NEW SECTION. Sec. 241. DECLARATION OF POLICY RESPECTING BENEFITS FOR INJURY OR DEATH--CIVIL ACTIONS ABOLISHED. The legislature of the state of Washington hereby declares that the relationship between members of the restated law enforcement officers' and fire fighters' retirement system and their governmental employers is similar to that of workers to their employers and that the sure and certain relief granted by this chapter is desirable, and as beneficial to such law enforcement officers and fire fighters as workers' compensation coverage is to persons covered by Title 51 RCW. The legislature further declares that removal of law enforcement officers and fire fighters from workers' compensation coverage under Title 51 RCW necessitates the (1) continuance of sure and certain relief for personal injuries incurred in the course of employment or occupational disease, which the legislature finds to be accomplished by the provisions of this chapter and (2) protection for the governmental employer from actions at law; and to this end the legislature further declares that the benefits and remedies conferred by this chapter upon law enforcement officers and fire fighters covered under this chapter shall be to the exclusion of any other remedy, proceeding, or compensation for personal injuries or sickness, caused by the governmental employer except as otherwise provided by this chapter; and to that end all civil actions and civil causes of actions by such law enforcement officers and fire fighters against their governmental employers for personal injuries or sickness are hereby abolished, except as otherwise provided in this chapter.

NEW SECTION. Sec. 242. CAUSE OF ACTION FOR INJURY OR DEATH, WHEN. If injury or death results to a member from the intentional or negligent act or omission of a member's governmental employer, the member, the widow, widower, child, or dependent of the member shall have the privilege to benefit under this chapter and also have cause of action against the governmental employer as otherwise provided by law, for any excess of damages over the amount received or receivable under this chapter.

NEW SECTION. Sec. 243. Sections 1 through 8 and 201 through 242 of this act constitute a new chapter in Title 41 RCW, to be designated chapter 41.26A RCW.

PART III LEOFF MEDICAL BENEFITS RISK POOL

NEW SECTION. Sec. 301. The purpose of this chapter is to establish a risk assumption program whereby employers of active and retired members of the restated law enforcement officers' and fire fighters' retirement system under chapter 41.26A RCW voluntarily enter into membership in a risk pool for the purpose of sharing the noninsured medical costs of long-term care and major medical services for retired members of the retirement system. Such long-term care and major medical services are those required under chapter 41.26A RCW and approved by city and county disability boards.

NEW SECTION. Sec. 302. The definitions in this section apply to this chapter unless the context clearly requires otherwise.

(1) "Actuary" means the state actuary, office of the state actuary.

(2) "Beneficiary" means any person in receipt of a retirement allowance or disability allowance who is eligible for medical services under the restated law enforcement officers' and fire fighters' retirement system under chapter 41.26A RCW.

(3) "Employer" means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any member of the restated law enforcement officers' and fire fighters' retirement system, or any authorized association of such municipalities.

(4) "Executive board" means the law enforcement officers' and fire fighters' risk pool executive board.

(5) "Long-term care" means those medically necessary services required under section 202(22) of this act, authorized under section 225 of this act, and received in a facility for skilled nursing care, intermediate care, custodial care, hospice care, day care, in-home nursing care, or other in-home care or services. For purposes of expenditures from the medical account, long-term care only includes qualified long-term care services as defined in internal revenue code section 7702B(2), and qualified long-term care insurance contract as defined in internal revenue code section 7702B(b).

(6) "Medical costs" means those costs incurred in the provision of the medically necessary medical services required under section 202(22) of this act and authorized under section 225 of this act. For purposes of expenditures from the medical account, medical costs only include cost of medical care as defined in internal revenue code section 213(d).

(7) "Risk assumption" means a decision to absorb the entity's financial exposure to a risk of loss without the creation of a formal program of advance funding of anticipated losses.

(8) "Risk pool" means the long-term care and medical costs risk pool created for the law enforcement officers' and fire fighters' medical benefits risk pool.

(9) "State risk manager" means the risk manager, risk management division, department of general administration.

NEW SECTION. Sec. 303. (1) There is hereby established the law enforcement officers' and fire fighters' medical benefits risk pool.

(2) The risk pool is a risk assumption insurance program for the sole purpose of employers sharing the noninsured medical costs of long-term care and medical costs for beneficiaries.

(3) An employer's participation and withdrawal from the risk pool is subject to rules established by the executive board.

NEW SECTION. Sec. 304. (1) The law enforcement officers' and fire fighters' risk pool executive board is hereby established.

(2)(a) The membership of the executive board shall consist of seven persons as follows:

(i) The chair is appointed by the governor for a four-year term of office. The chair shall be familiar with risk pool operation, medical, and long-term care matters but shall not have been employed as a law enforcement officer or fire fighter or served on a law enforcement officers' and fire fighters' disability board; and

(ii) Six others selected by the governor from lists of recommended persons made by their respective organizations as follows:

(A) Two persons representing counties, one of which is an elected official;

- (B) Two persons representing cities and towns, one of which is an elected official; and
- (C) Two persons representing fire protection districts, one of which is an elected commissioner.
- (b) If a member vacates his or her position, the governor shall select a person from a list recommended by his or her respective organization to replace the vacating member for the remainder of the term of office for the vacated position.
- (3) One position of the county, city, or town, and fire protection district groups and the law enforcement officer position have an initial term of two years and four years thereafter. The remaining positions have terms of four years.
- (4) A vice-chair shall be elected at the first meeting of the executive board and every two years thereafter. Upon the absence of the chair, the vice-chair shall act in his or her place.
- (5) The executive board shall meet at least quarterly and shall maintain minutes of each meeting and any records as may be necessary, which are public records.
- (6) The chair and three other members constitute a quorum.
- (7) The members of the executive board shall not receive compensation for their service upon the executive board but shall be reimbursed for all expenses incidental to such service as to the amount authorized by either RCW 42.24.090 or 43.03.050 and 43.03.060, whichever is applicable.

NEW SECTION. Sec. 305. The duties of the executive board are as follows:

- (1) Establish the basis of membership in the risk pool;
- (2) Define and establish the benefits to be reimbursed by the risk pool;
- (3) Authorize distribution of moneys from the risk pool account consistent with the provisions of rules and regulations established by the internal revenue service;
- (4) Determine, with the assistance of the actuary, employer premiums to the risk pool;
- (5) Authorize reimbursement for medical and long-term care costs, required under section 202(22) of this act and authorized under section 225 of this act that are not covered by standard medical insurance policies. The board shall adopt rules governing these reimbursements consistent with the provisions of the internal revenue code and rules and regulations established by the internal revenue service;
- (6) Purchase reinsurance as necessary;
- (7) Appoint other staff as necessary for the operation of the risk pool; fix their compensation within the limits provided by law; and prescribe their duties; and
- (8) Enter into contracts necessary for the operation of the risk pool, including risk management, claims, and administrative services.

NEW SECTION. Sec. 306. Funding for the risk pool account, established in section 310 of this act, may come from three sources: (1) Employer premiums; (2) surplus assets which are transferred from the Washington law enforcement officers' and fire fighters' system plan 1 retirement fund under section 8 of this act; and (3) investment earnings.

NEW SECTION. Sec. 307. The state risk manager shall adopt rules governing the implementation, management, and operation of the risk pool in consultation with the health and welfare advisory board under RCW 48.62.051. All rules shall be appropriate for the type of program and class of risk covered. The state risk manager's rules shall include:

- (1) Standards for the implementation, management, operation, and solvency of the risk pool, including the necessity and frequency of actuarial analyses and claims audits;
- (2) Standards for claims management procedures;
- (3) Standards for contracts between the risk pool and private businesses including standards for contracts between third-party administrators and the risk pool; and
- (4) Standards for an annual report with the state risk manager and state auditor including, but not limited to:
 - (a) Copies of all the insurance coverage documents;
 - (b) A description of the program structure;
 - (c) An actuarial analysis, if required;
 - (d) A list of contractors and service providers;
 - (e) The financial and loss experience of the program; and
 - (f) Such other information as required by rule of the state risk manager.

NEW SECTION. Sec. 308. The risk pool may not engage in an act or practice that in any respect significantly differs from the management and operation plan that formed the basis for the state risk manager's approval unless the risk pool first notifies the state risk manager in writing and obtains the state risk manager's approval. The state risk manager shall approve or disapprove the proposed change within sixty days of receipt of the notice. If the state risk manager denies a requested change, the risk manager shall specify in detail the reasons for denial and the manner in which the risk pool would fail to meet the requirements of this chapter or any rules adopted in accordance with this chapter.

NEW SECTION. Sec. 309. (1) The state risk manager shall establish and charge an investigation fee in an amount necessary to cover the costs for the initial review and approval of the risk pool. The fee must accompany the initial submission of the plan of operation and management.

(2) The costs of subsequent reviews and investigations shall be charged to the risk pool being reviewed or investigated in accordance with the actual time and expenses incurred in the review or investigation.

(3) The risk pool shall pay any required fee or assessment required by the health and welfare advisory board under RCW 48.62.051.

NEW SECTION. Sec. 310. (1) The law enforcement officers' and fire fighters' medical benefits risk pool account is hereby established in the custody of the state treasurer. The account shall be invested by the Washington state investment board pursuant to section 7 of this act.

(2) The account shall consist of such money as is directed by law for deposit in the account, and such other money not subject to appropriation that the law enforcement officers' and fire fighters' risk pool executive board authorizes to be deposited in the account. Any money deposited in the account, the use of which has been restricted by law, may only be expended in accordance with those restrictions.

(3) Only the executive board or the board's designee may make disbursements from the account.

NEW SECTION. Sec. 311. Sections 301 through 310 of this act constitute a new chapter in Title 41 RCW.

Sec. 312. RCW 44.44.040 and 1987 c 25 s 3 are each amended to read as follows:

The office of the state actuary shall have the following powers and duties:

(1) Perform all actuarial services for the department of retirement systems, including all studies required by law, the state board for volunteer fire fighters and reserve officers, and the law enforcement officers' and fire fighters' risk pool executive board. Reimbursement for such services shall be made to the state actuary pursuant to the provisions of RCW 39.34.130 as now or hereafter amended.

(2) Advise the legislature and the governor regarding pension benefit provisions, and funding policies and investment policies of the state investment board.

(3) Consult with the legislature and the governor concerning determination of actuarial assumptions used by the department of retirement systems.

(4) Prepare a report, to be known as the actuarial fiscal note, on each pension bill introduced in the legislature which briefly explains the financial impact of the bill. The actuarial fiscal note shall include: (a) The statutorily required contribution for the biennium and the following twenty-five years; (b) the biennial cost of the increased benefits if these exceed the required contribution; and (c) any change in the present value of the unfunded accrued benefits. An actuarial fiscal note shall also be prepared for all amendments which are offered in committee or on the floor of the house of representatives or the senate to any pension bill. However, a majority of the members present may suspend the requirement for an actuarial fiscal note for amendments offered on the floor of the house of representatives or the senate.

(5) Provide such actuarial services to the legislature as may be requested from time to time.

(6) Provide staff and assistance to the committee established under ((RCW 46.44.050)) RCW 44.44.050.

(7) Provide assistance as required under section 305 of this act.

Sec. 313. RCW 48.62.031 and 1991 sp.s. c 30 s 3 are each amended to read as follows:

(1) The governing body of a local government entity may individually self-insure, may join or form a self-insurance program together with other entities, and may jointly purchase insurance or reinsurance with other entities for property and liability risks, and health and welfare benefits only as permitted under this chapter. In addition, the entity or entities may contract for or hire personnel to provide risk management, claims, and administrative services in accordance with this chapter.

(2) The governing body of a local government entity individually may join or form a risk assumption program together with other entities, and may jointly purchase insurance or reinsurance with other entities for health and welfare benefits. In addition, the entity or entities may contract for or hire personnel to provide risk management, claims, and administrative services in accordance with this chapter.

(3) The agreement to form a joint self-insurance or risk assumption program shall be made under chapter 39.34 RCW.

~~((3))~~ (4) Every individual and joint self-insurance program and a health and welfare risk assumption program is subject to audit by the state auditor.

~~((4))~~ (5) If provided for in the agreement or contract established under chapter 39.34 RCW, a joint self-insurance or risk assumption program may, in conformance with this chapter:

(a) Contract or otherwise provide for risk management and loss control services;

(b) Contract or otherwise provide legal counsel for the defense of claims and other legal services;

(c) Consult with the state insurance commissioner and the state risk manager;

(d) Jointly purchase insurance and reinsurance coverage in such form and amount as the program's participants agree by contract; and

(e) Possess any other powers and perform all other functions reasonably necessary to carry out the purposes of this chapter.

~~((5))~~ (6) A local government entity or a health and welfare risk assumption program that has decided to assume a risk of loss must have available for inspection by the state auditor a written report indicating the class of risk or risks the governing body of the entity has decided to assume.

~~((6))~~ (7) Every joint self-insurance or risk assumption program governed by this chapter shall appoint the risk manager as its attorney to receive service of, and upon whom shall be served, all legal process issued against it in this state upon causes of action arising in this state.

(a) Service upon the risk manager as attorney shall constitute service upon the program. Service upon joint insurance programs subject to chapter 30, Laws of 1991 1st sp. sess. can be had only by service upon the risk manager. At the time of service, the plaintiff shall pay to the risk manager a fee to be set by the risk manager, taxable as costs in the action.

(b) With the initial filing for approval with the risk manager, each joint self-insurance program shall designate by name and address the person to whom the risk manager shall forward legal process so served upon him or her. The joint self-insurance program may change such person by filing a new designation.

(c) The appointment of the risk manager as attorney shall be irrevocable, shall bind any successor in interest or to the assets or liabilities of the joint self-insurance program, and shall remain in effect as long as there is in force in this state any contract made by the joint self-insurance program or liabilities or duties arising therefrom.

(d) The risk manager shall keep a record of the day and hour of service upon him or her of all legal process. A copy of the process, by registered mail with return receipt requested, shall be sent by the risk manager, to the person designated for the purpose by the joint self-insurance or risk assumption program in its most recent such designation filed with the risk manager. No proceedings shall be had against the joint self-insurance or risk assumption program, and the program shall not be required to appear, plead, or answer, until the expiration of forty days after the date of service upon the risk manager.

Sec. 314. RCW 48.62.051 and 1991 sp.s. c 30 s 5 are each amended to read as follows:

(1) The health and welfare advisory board is created consisting of the insurance commissioner and the state risk manager, or their designees, as ex officio members and six members appointed by the governor on the basis of their experience and knowledge pertaining to local government self-insured health and welfare benefits programs. The board shall include one city management representative; one county management representative; two management representatives from local government self-insured health and welfare programs; and two representatives of statewide employee organizations representing local government employees.

(2) The board shall assist the state risk manager in:

(a) Adopting rules governing the operation and management of both individual and joint self-insured health and welfare benefits programs and the law enforcement officers' and fire fighters' medical benefits risk pool;

- (b) Reviewing and approving the creation of both individual and joint self-insured health and welfare benefits programs;
- (c) Reviewing annual reports filed by health and welfare benefits programs and in recommending that corrective action be taken by the programs when necessary; and
- (d) Responding to concerns of the state auditor related to the management and operation of health and welfare benefits programs.

(3) The board shall annually elect a chair and a vice-chair from its members. The board shall meet at least quarterly at such times as the state risk manager may fix. The board members who are appointed shall serve without compensation from the state but shall suffer no loss because of absence from their regular employment. Members of the board who are not public employees shall be compensated in accordance with RCW 43.03.240.

(4) A majority of the board constitutes a quorum for the transaction of business.

(5) The board shall keep public records of its proceedings.

PART IV MISCELLANEOUS AMENDATORY SECTIONS

Sec. 401. RCW 2.10.155 and 1990 c 274 s 14 are each amended to read as follows:

(1) No judge shall be eligible to receive the judge's monthly service or disability retirement allowance if the retired judge is employed:

(a) For more than eight hundred ten hours in a calendar year as a pro tempore judge; or

(b) In an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030 or section 202 of this act.

(2) Subsection (1) of this section notwithstanding, a previously elected judge of the superior court who retired before June 7, 1990, leaving a pending case in which the judge had made discretionary rulings may hear the pending case as a judge pro tempore without having his or her retirement allowance suspended.

(3) If a retired judge's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retired judge's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(4) The department shall adopt rules implementing this section.

Sec. 402. RCW 6.15.020 and 1999 c 81 s 1 and 1999 c 42 s 603 are each reenacted and amended to read as follows:

(1) It is the policy of the state of Washington to ensure the well-being of its citizens by protecting retirement income to which they are or may become entitled. For that purpose generally and pursuant to the authority granted to the state of Washington under 11 U.S.C. Sec. 522(b)(2), the exemptions in this section relating to retirement benefits are provided.

(2) Unless otherwise provided by federal law, any money received by any citizen of the state of Washington as a pension from the government of the United States, whether the same be in the actual possession of such person or be deposited or loaned, shall be exempt from execution, attachment, garnishment, or seizure by or under any legal process whatever, and when a debtor dies, or absconds, and leaves his or her family any money exempted by this subsection, the same shall be exempt to the family as provided in this subsection. This subsection shall not apply to child support collection actions issued under chapter 26.18, 26.23, or 74.20A RCW, if otherwise permitted by federal law.

(3) The right of a person to a pension, annuity, or retirement allowance or disability allowance, or death benefits, or any optional benefit, or any other right accrued or accruing to any citizen of the state of Washington under any employee benefit plan, and any fund created by such a plan or arrangement, shall be exempt from execution, attachment, garnishment, or seizure by or under any legal process whatever. This subsection shall not apply to child support collection actions issued under chapter 26.18, 26.23, or 74.20A RCW if otherwise permitted by federal law. This subsection shall permit benefits under any such plan or arrangement to be payable to a spouse, former spouse, child, or other dependent of a participant in such plan to the extent expressly provided for in a qualified domestic relations order that meets the requirements for such orders under the plan, or, in the case of benefits payable under a plan described in sections 403(b) or 408 of the internal revenue code of 1986, as amended, or section 409 of such code as in effect before January 1, 1984, to the extent provided in any order issued by a court of competent jurisdiction that provides for maintenance or support. This subsection shall not prohibit actions against an employee benefit plan, or fund for valid obligations incurred by the plan or fund for the benefit of the plan or fund.

(4) For the purposes of this section, the term "employee benefit plan" means any plan or arrangement that is described in RCW 49.64.020, including any Keogh plan, whether funded by a trust or by an annuity contract, and in sections 401(a) or 403(a) of the internal revenue code of 1986, as amended; or that is a tax-sheltered annuity described in section 403(b) of such code or an individual retirement account described in section 408 of such code; or a Roth individual retirement account described in section 408A of such code; or a medical savings account described in section 220 of such code; or an education individual retirement account described in section 530 of such code; or a retirement bond described in section 409 of such code as in effect before January 1, 1984. The term "employee benefit plan" also means any rights accruing on account of money paid currently or in advance for purchase of tuition units under the advanced college tuition payment program in chapter 28B.95 RCW. The term "employee benefit plan" shall not include any employee benefit plan that is established or maintained for its employees by the government of the United States, by the state of Washington under chapter 2.10, 2.12, 41.26, 41.26A, 41.32, 41.34, 41.35, 41.40 or 43.43 RCW or RCW 41.50.770, or by any agency or instrumentality of the government of the United States.

(5) An employee benefit plan shall be deemed to be a spendthrift trust, regardless of the source of funds, the relationship between the trustee or custodian of the plan and the beneficiary, or the ability of the debtor to withdraw or borrow or otherwise become entitled to benefits from the plan before retirement. This subsection shall not apply to child support collection actions issued under chapter 26.18, 26.23, or 74.20A RCW, if otherwise permitted by federal law. This subsection shall permit benefits under any such plan or arrangement to be payable to a spouse, former spouse, child, or other dependent of a participant in such plan to the extent expressly provided for in a qualified domestic relations order that meets the requirements for such orders under the plan, or, in the case of benefits payable under a plan described in sections 403(b) or 408 of the internal revenue code of 1986, as amended, or section 409 of such code as in effect before January 1, 1984, to the extent provided in any order issued by a court of competent jurisdiction that provides for maintenance or support.

(6) Unless contrary to applicable federal law, nothing contained in subsection (3), (4), or (5) of this section shall be construed as a termination or limitation of a spouse's community property interest in an individual retirement account held in the name of or on account of the other spouse, the account holder spouse. At the death of the nonaccount holder spouse, the nonaccount holder spouse may transfer or distribute the community property interest of the nonaccount holder spouse in the account holder spouse's individual retirement account to the nonaccount holder spouse's estate, testamentary trust, inter vivos trust, or other successor or successors pursuant to the last will of the nonaccount holder spouse or the law of intestate succession, and that distributee may, but shall not be required to, obtain an order of a court of competent jurisdiction, including a nonjudicial dispute resolution agreement entered into pursuant to RCW 11.96.170 or other order entered under chapter 11.96A RCW, to confirm the distribution. For purposes of subsection (3) of this section, the distributee of the nonaccount holder spouse's community property interest in an individual retirement account shall be considered a person entitled to the full protection of subsection (3) of this section. The nonaccount holder spouse's consent to a beneficiary designation by the account holder spouse with respect to an individual retirement account shall not, absent clear and convincing evidence to the contrary, be deemed a release, gift, relinquishment, termination, limitation, or transfer of the nonaccount holder spouse's community property interest in an individual retirement account. For purposes of this subsection, the term "nonaccount holder spouse" means the spouse of the person in whose name the individual retirement account is maintained. The term "individual retirement account" includes an individual retirement account and an individual retirement annuity both as described in section 408 of the internal revenue code of 1986, as amended, a Roth individual retirement account as described in section 408A of the internal revenue code of 1986, as amended, and an individual retirement bond as described in section 409 of the internal revenue code as in effect before January 1, 1984. As used in this subsection, an order of a court of competent jurisdiction includes an agreement, as that term is used under RCW 11.96A.220.

Sec. 403. RCW 26.09.138 and 1991 c 365 s 24 are each amended to read as follows:

(1) Any obligee of a court order or decree establishing a spousal maintenance obligation may seek a mandatory benefits assignment order under chapter 41.50 RCW if any spousal maintenance payment is more than fifteen days past due and the total of such past due payments is equal to or greater than one hundred dollars, or if the obligor requests a withdrawal of accumulated contributions from the department of retirement systems.

(2) Any court order or decree establishing a spousal maintenance obligation may state that, if any spousal maintenance payment is more than fifteen days past due and the total of such past due payments is equal to or greater than one hundred dollars, or if the obligor requests a withdrawal of accumulated contributions from the department of retirement systems, the obligee may seek a mandatory benefits assignment order under chapter 41.50 RCW without prior notice to the obligor. Any such court order or decree may also, or in the alternative, contain a provision that would allow the department to make a direct payment of all or part of a withdrawal of accumulated contributions pursuant to RCW 41.50.550(3). Failure to include this provision does not affect the validity of the court order or decree establishing the spousal maintenance, nor does such failure affect the general applicability of RCW 41.50.500 through 41.50.650 to such obligations.

(3) The remedies in RCW 41.50.530 through 41.50.630 are the exclusive provisions of law enforceable against the department of retirement systems in connection with any action for enforcement of a spousal maintenance obligation ordered pursuant to a divorce, dissolution, or legal separation, and no other remedy ordered by a court under this chapter shall be enforceable against the department of retirement systems for collection of spousal maintenance.

(4)(a) Nothing in this section regarding mandatory assignment of benefits to enforce a spousal maintenance obligation shall abridge the right of an ex spouse to receive direct payment of retirement benefits payable pursuant to: (i) A court decree of dissolution or legal separation; or (ii) any court order or court-approved property settlement agreement; or (iii) incident to any court decree of dissolution or legal separation, if such dissolution orders fully comply with RCW 41.50.670 and 41.50.700, or as applicable, RCW 2.10.180, 2.12.090, 41.04.310, 41.04.320, 41.04.330, (~~41.26.180~~) 41.26.053, section 209 of this act, 41.32.052, 41.40.052, or 43.43.310 as those statutes existed before July 1, 1987, and as those statutes exist on and after July 28, 1991.

(b) Persons whose dissolution orders as defined in RCW 41.50.500(3) were entered between July 1, 1987, and July 28, 1991, shall be entitled to receive direct payments of retirement benefits to satisfy court-ordered property divisions if the dissolution orders filed with the department comply or are amended to comply with RCW 41.50.670 through 41.50.720 and, as applicable, RCW 2.10.180, 2.12.090, (~~41.26.180~~) 41.26.053, section 209 of this act, 41.32.052, 41.40.052, or 43.43.310.

Sec. 404. RCW 36.28A.010 and 1975 1st ex.s. c 172 s 1 are each amended to read as follows:

The Washington association of sheriffs and police chiefs is hereby declared to be a combination of units of local government: PROVIDED, That such association shall not be considered an "employer" within the meaning of RCW 41.26.030(2), section 202 of this act, or 41.40.010(4): PROVIDED FURTHER, That no compensation received as an employee of the association shall be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state: PROVIDED FURTHER, That such association shall not qualify for inclusion under the unallocated two mills of the property tax of any political subdivision: PROVIDED FURTHER, That the association shall not have the authority to assess any excess levy or bond measure.

Sec. 405. RCW 41.04.205 and 1995 1st sp.s. c 6 s 8 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 41.04.180, the employees, with their dependents, of any county, municipality, or other political subdivision of this state shall be eligible to participate in any insurance or self-insurance program for employees administered under chapter 41.05 RCW if the legislative authority of any such county, municipality, or other political subdivisions of this state determines, subject to collective bargaining under applicable statutes, a transfer to an insurance or self-insurance program administered under chapter 41.05 RCW should be made. In the event of a special district employee transfer pursuant to this section, members of the governing authority shall be eligible to be included in such transfer if such members are authorized by law as of June 25, 1976, to participate in the insurance program being transferred from and subject to payment by such members of all costs of insurance for members.

(2) When the legislative authority of a county, municipality, or other political subdivision determines to so transfer, the state health care authority shall:

- (a) Establish the conditions for participation; and
- (b) Have the sole right to reject the application.

Approval of the application by the state health care authority shall effect a transfer of the employees involved to the insurance, self-insurance, or health care program applied for.

(3) Any application of this section to members of the law enforcement officers' and fire fighters' retirement system under chapter 41.26 or 41.26A RCW is subject to chapter 41.56 RCW.

(4) School districts may voluntarily transfer, except that all eligible employees in a bargaining unit of a school district may transfer only as a unit and all nonrepresented employees in a district may transfer only as a unit.

Sec. 406. RCW 41.04.270 and 1988 c 195 s 5 are each amended to read as follows:

(1) Notwithstanding any provision of chapter 2.10, 2.12, 41.26, 41.26A, 41.28, 41.32, 41.40, or 43.43 RCW to the contrary, on and after March 19, 1976, any member or former member who (a) receives a retirement allowance earned by said former member as deferred compensation from any public retirement system authorized by the general laws of this state, or (b) is eligible to receive a retirement allowance from any public retirement system listed in RCW 41.50.030, but chooses not to apply, or (c) is the beneficiary of a disability allowance from any public retirement system listed in RCW 41.50.030 shall be estopped from becoming a member of or accruing any contractual rights whatsoever in any other public retirement system listed in RCW 41.50.030: PROVIDED, That (a) and (b) of this subsection shall not apply to persons who have accumulated less than fifteen years service credit in any such system.

(2) Nothing in this section is intended to apply to any retirement system except those listed in RCW 41.50.030 and the city employee retirement systems for Seattle, Tacoma, and Spokane. Subsection (1)(b) of this section does not apply to a dual member as defined in RCW 41.54.010.

Sec. 407. RCW 41.04.350 and 1979 ex.s. c 159 s 1 are each amended to read as follows:

(1) Notwithstanding any other provisions of law, no employee of the state of Washington or any of its political subdivisions or any institution supported in total or in part by the state or any of its political subdivisions, other than employees covered by chapters 41.26, 41.26A, and 43.43 RCW, shall be compelled to retire solely on the basis of age prior to attaining seventy years of age.

(2) All compulsory retirement provisions relating to public employees, other than employees covered by chapters 41.26, 41.26A, and 43.43 RCW, may be waived for individuals attaining seventy years of age by the individual's employer.

Sec. 408. RCW 41.04.400 and 1984 c 184 s 22 are each amended to read as follows:

It is the purpose of RCW 41.04.405 through 41.04.430 to govern the retirement rights of persons whose employment status is altered when: (1) Two or more units of local government of this state, at least one of which is a first class city with its own retirement system, enter into an agreement for the consolidated performance of a governmental service, activity, or undertaking; (2) the service, activity, or undertaking is to be performed either by one of the participating local governmental units or by a newly established separate legal entity; and (3) the employees of the participating local governmental units are not all members of the same Washington public retirement system.

RCW 41.04.405 through 41.04.430 are not intended to and do not govern retirement rights of any members of the retirement systems established by chapter 41.16, 41.18, 41.20, ((or)) 41.26, or 41.26A RCW, or of employees described in RCW 35.58.265, 35.58.390, or 70.08.070. To the extent there is any conflict between RCW 41.04.405 through 41.04.430 and RCW 41.04.110, the provisions of RCW 41.04.405 through 41.04.430 shall govern.

Sec. 409. RCW 41.05.320 and 1995 1st sp.s. c 6 s 13 are each amended to read as follows:

(1) Elected officials and all permanent employees of the state are eligible to participate in the benefits contribution plan and contribute amount(s) by agreement with the authority. The authority may adopt rules to permit participation in the plan by temporary employees of the state.

(2) Persons eligible under subsection (1) of this section may enter into benefits contribution agreements with the state.

(3)(a) In the initial year of the medical flexible spending arrangement or cafeteria plan, if authorized, an eligible person may become a participant after the adoption of the plan and before its effective date by agreeing to have a portion of his or her gross salary contributed and deposited into a health care and other benefits account to be used for reimbursement of expenses covered by the plan.

(b) After the initial year of the medical flexible spending arrangement or cafeteria plan, if authorized, an eligible person may become a participant for a full plan year, with annual benefit selection for each new plan year made before the beginning of the plan year, as determined by the authority, or upon becoming eligible.

(c) Once an eligible person elects to participate and the amount of gross salary that he or she shall contribute and the benefit for which the funds are to be used during the plan year is determined, the agreement shall be irrevocable and may not be amended during the plan year except as provided in (d) of this subsection. Prior to making an election to participate in the ~~((benefit[s]))~~ benefits contribution plan, the eligible person shall be informed in writing of all the benefits and contributions that will occur as a result of such election.

(d) The authority shall provide in the benefits contribution plan that a participant may enroll, terminate, or change his or her election after the plan year has begun if there is a significant change in a participant's status, as provided by 26 U.S.C. Sec. 125 and the regulations adopted under that section and defined by the authority.

(4) The authority shall establish as part of the benefits contribution plan the procedures for and effect of withdrawal from the plan by reason of retirement, death, leave of absence, or termination of employment. To the extent possible under federal law, the authority shall protect participants from forfeiture of rights under the plan.

(5) Any contribution under the benefits contribution plan shall continue to be included as reportable compensation for the purpose of computing the state retirement and pension benefits earned by the employee pursuant to chapters 41.26, 41.26A, 41.32, 41.40, and 43.43 RCW.

Sec. 410. RCW 41.18.210 and 1974 ex.s. c 148 s 1 are each amended to read as follows:

Any former employee of a department of a city of the first class, who (1) was a member of the employees' retirement system of such city, and (2) is now employed within the fire department of such city, may transfer his former membership credit from the city employees' retirement system to the fireman's pension system created by chapters 41.16 and 41.18 RCW by filing a written request with the board of administration and the municipal fireman's pension board, respectively.

Upon the receipt of such request, the transfer of membership to the city's fireman's pension system shall be made, together with a transfer of all accumulated contributions credited to such member. The board of administration shall transmit to the municipal fireman's pension board a record of service credited to such member which shall be computed and credited to such member as a part of his period of employment in the city's fireman's pension system. For the purpose of the transfer contemplated by this section, those affected individuals who have formerly withdrawn funds from the city employees' retirement system shall be

allowed to restore contributions withdrawn from that retirement system directly to the fireman's pension system and receive credit in the fireman's pension system for their former membership service in the prior system.

Any employee so transferring shall have all the rights, benefits, and privileges that he would have been entitled to had he been a member of the city's fireman's pension system from the beginning of his employment with the city.

No person so transferring shall thereafter be entitled to any other public pension, except that provided by chapter 41.26 or 41.26A RCW or social security, which is based upon such service with the city.

The right of any employee to file a written request for transfer of membership as set forth in this section shall expire December 31, 1974.

Sec. 411. RCW 41.20.170 and 1973 c 143 s 2 are each amended to read as follows:

Any former employee of a department of a city of the first class who (1) was a member of the employees' retirement system of such city, and (2) is now employed within the police department of such city, may transfer his or her membership from the city employees' retirement system to the city's police relief and pension fund system by filing a written request with the board of administration and the board of trustees, respectively, of the two systems.

Upon the receipt of such request, the transfer of membership to the city's police relief and pension fund system shall be made, together with a transfer of all accumulated contributions credited to such member. The board of administration of the city's employees' retirement system shall transmit to the board of trustees of the city's police relief and pension fund system a record of service credited to such member which shall be computed and credited to such member as a part of his or her period of employment in the city's police relief and pension fund system. For the purpose of the transfer contemplated by this section, the affected individuals shall be allowed to restore withdrawn contributions to the city employees' retirement system and reinstate their membership service records.

Any employee so transferring shall have all the rights, benefits and privileges that he or she would have been entitled to had he or she been a member of the city's police relief and pension fund system from the beginning of his or her employment with the city.

No person so transferring shall thereafter be entitled to any other public pension, except that provided by chapter 41.26 or 41.26A RCW or social security, which is based upon service with the city.

The right of any employee to file a written request for transfer of membership as set forth herein shall expire December 31, 1973.

Sec. 412. RCW 41.20.175 and 1974 ex.s. c 148 s 2 are each amended to read as follows:

A former employee of a fire department of a city of the first class who (1) was a member of the fireman's pension system created by chapters 41.16 or 41.18 RCW, and (2) is now employed within the police department of such city, will be regarded as having received membership service credit for such service to the fire department in the city's police and relief pension system at the time he recovers such service credit by paying withdrawn contributions to the Washington law enforcement officers' and fire fighters' retirement system pursuant to RCW 41.26.030(((44))) or section 202 of this act.

Sec. 413. RCW 41.24.400 and 1999 c 148 s 31 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, any municipality may make provision by appropriate legislation and payment of fees required by RCW 41.24.030(1) solely for the purpose of enabling any reserve officer to enroll under the retirement pension provisions of this chapter or fees required under RCW 41.24.030(1) to pay for the costs of extending the relief provisions of this chapter to its reserve officers.

(2) A reserve officer is not eligible to receive a benefit under the retirement provisions of this chapter for service under chapter 41.26, 41.26A, 41.32, or 41.40 RCW.

(3) Every municipality shall make provisions for the collection and payment of the fees required under this chapter, and shall continue to make provisions for all reserve officers who come under this chapter as long as they continue to be employed as reserve officers.

(4) Except as provided under RCW 41.24.450, a reserve officer is not eligible to receive a benefit under the relief provisions of this chapter.

Sec. 414. RCW 41.32.800 and 1998 c 341 s 605 are each amended to read as follows:

(1) Except as provided in RCW 41.32.802, no retiree under the provisions of plan 2 shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010, 41.32.010, or 41.35.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030 or section 202 of this act.

If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(2) The department shall adopt rules implementing this section.

Sec. 415. RCW 41.32.860 and 1997 c 254 s 7 are each amended to read as follows:

(1) Except under RCW 41.32.862, no retiree shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030 or section 202 of this act.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused the suspension of benefits. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

Sec. 416. RCW 41.35.230 and 1998 c 341 s 24 are each amended to read as follows:

(1) Except as provided in RCW 41.35.060, no retiree under the provisions of plan 2 shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.35.010, RCW 41.40.010 or 41.32.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030 or section 202 of this act, except that a retiree who ends his or her membership in the retirement system pursuant to RCW 41.40.023(3)(b) is not subject to this section if the retiree's only employment is as an elective official.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(3) The department shall adopt rules implementing this section.

Sec. 417. RCW 41.40.690 and 1998 c 341 s 606 are each amended to read as follows:

(1) Except as provided in RCW 41.40.037, no retiree under the provisions of plan 2 shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010, 41.32.010, or 41.35.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030 or section 202 of this act, except that a retiree who ends his or her membership in the retirement system pursuant to RCW 41.40.023(3)(b) is not subject to this section if the retiree's only employment is as an elective official of a city or town.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(3) The department shall adopt rules implementing this section.

Sec. 418. RCW 41.40.850 and 2000 c 247 s 315 are each amended to read as follows:

(1) Except as provided in RCW 41.40.037, no retiree under the provisions of plan 3 shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010, 41.32.010, or 41.35.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030 or section 202 of this act, except that a retiree who ends his or her membership in the retirement system pursuant to RCW 41.40.023(3)(b) is not subject to this section if the retiree's only employment is as an elective official of a city or town.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(3) The department shall adopt rules implementing this section.

Sec. 419. RCW 41.45.010 and 1998 c 341 s 401 are each amended to read as follows:

It is the intent of the legislature to provide a dependable and systematic process for funding the benefits provided to members and retirees of the public employees' retirement system, chapter 41.40 RCW; the teachers' retirement system, chapter 41.32 RCW; the law enforcement officers' and fire fighters' retirement systems, chapter 41.26 and 41.26A RCW; the school employees' retirement system, chapter 41.35 RCW; and the Washington state patrol retirement system, chapter 43.43 RCW.

The funding processes established by this chapter ((is)) are intended to achieve the following goals:

(1) To continue to fully fund the public employees' retirement system plan 2, the teachers' retirement system plans 2 and 3, the school employees' retirement system plans 2 and 3, and the law enforcement officers' and fire fighters' retirement system plan 2 as provided by law;

(2) To fully amortize the total costs of the public employees' retirement system plan 1((,)) and the teachers' retirement system plan 1((, and the law enforcement officers' and fire fighters' retirement system plan 1)) not later than June 30, 2024;

(3) To maintain the sound actuarial funding of the restated law enforcement officers' and fire fighters' retirement system;

(4) To enable taxpayers and retirement system members to benefit from favorable actuarial experience and investment returns by means of contribution rate reductions for plan 2 members and employers, and by a return of surplus assets from the termination of the law enforcement officers' and fire fighters' retirement system plan 1 to employees, employers, and the state;

(5) To establish predictable long-term employer contribution rates which will remain a relatively constant proportion of the future state budgets; and

((4)) (6) To fund, to the extent feasible, benefit increases for plan 1 members and all benefits for plan 2 and 3 members over the working lives of those members so that the cost of those benefits are paid by the taxpayers who receive the benefit of those members' service.

Sec. 420. RCW 41.45.010 and 2000 c 247 s 501 are each amended to read as follows:

It is the intent of the legislature to provide a dependable and systematic process for funding the benefits provided to members and retirees of the public employees' retirement system, chapter 41.40 RCW; the teachers' retirement system, chapter 41.32 RCW; the law enforcement officers' and fire fighters' retirement systems, chapter 41.26 and 41.26A RCW; the school employees' retirement system, chapter 41.35 RCW; and the Washington state patrol retirement system, chapter 43.43 RCW.

The funding processes established by this chapter ((is)) are intended to achieve the following goals:

(1) To continue to fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the school employees' retirement system plans 2 and 3, and the law enforcement officers' and fire fighters' retirement system plan 2 as provided by law;

(2) To fully amortize the total costs of the public employees' retirement system plan 1((,)) and the teachers' retirement system plan 1((, and the law enforcement officers' and fire fighters' retirement system plan 1)) not later than June 30, 2024;

(3) To maintain the sound actuarial funding of the restated law enforcement officers' and fire fighters' retirement system;

(4) To enable taxpayers and retirement system members to benefit from favorable actuarial experience and investment returns by means of contribution rate reductions for plan 2 members and employers, and by a return of surplus assets from the termination of the law enforcement officers' and fire fighters' retirement system plan 1 to employees, employers, and the state;

(5) To establish predictable long-term employer contribution rates which will remain a relatively constant proportion of the future state budgets; and

((4)) (6) To fund, to the extent feasible, benefit increases for plan 1 members and all benefits for plan 2 and 3 members over the working lives of those members so that the cost of those benefits are paid by the taxpayers who receive the benefit of those members' service.

Sec. 421. RCW 41.45.020 and 1998 c 341 s 402 and 1998 c 283 s 1 are each reenacted and amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Council" means the pension funding council created in RCW 41.45.100.

(2) "Department" means the department of retirement systems.

(3) "Restated law enforcement officers' and fire fighters' retirement system ((plan 4))" and "law enforcement officers' and fire fighters' retirement system plan 2" mean the benefits and funding provisions under chapter 41.26A and 41.26 RCW, respectively.

(4) "Public employees' retirement system plan 1" and "public employees' retirement system plan 2" mean the benefits and funding provisions under chapter 41.40 RCW.

(5) "Teachers' retirement system plan 1," "teachers' retirement system plan 2," and "teachers' retirement system plan 3" mean the benefits and funding provisions under chapter 41.32 RCW.

(6) "School employees' retirement system plan 2" and "school employees' retirement system plan 3" mean the benefits and funding provisions under chapter 41.35 RCW.

(7) "Washington state patrol retirement system" means the retirement benefits provided under chapter 43.43 RCW.

(8) "Unfunded liability" means the unfunded actuarial accrued liability of a retirement system.

(9) "Actuary" or "state actuary" means the state actuary employed under chapter 44.44 RCW.

(10) "State retirement systems" means the retirement systems listed in RCW 41.50.030.

(11) "Work group" means the pension funding work group created in RCW 41.45.120.

(12) "Classified employee" means a member of the Washington school employees' retirement system plan 2 or plan 3 as defined in RCW 41.35.010.

(13) "Teacher" means a member of the teachers' retirement system as defined in RCW 41.32.010(15).

Sec. 422. RCW 41.45.020 and 2000 c 247 s 502 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Council" means the pension funding council created in RCW 41.45.100.

(2) "Department" means the department of retirement systems.

(3) "~~Restated~~ law enforcement officers' and fire fighters' retirement system (~~plan 4~~)" and "law enforcement officers' and fire fighters' retirement system plan 2" mean the benefits and funding provisions under chapter 41.26A and 41.26 RCW, respectively.

(4) "Public employees' retirement system plan 1," "public employees' retirement system plan 2," and "public employees' retirement system plan 3" mean the benefits and funding provisions under chapter 41.40 RCW.

(5) "Teachers' retirement system plan 1," "teachers' retirement system plan 2," and "teachers' retirement system plan 3" mean the benefits and funding provisions under chapter 41.32 RCW.

(6) "School employees' retirement system plan 2" and "school employees' retirement system plan 3" mean the benefits and funding provisions under chapter 41.35 RCW.

(7) "Washington state patrol retirement system" means the retirement benefits provided under chapter 43.43 RCW.

(8) "Unfunded liability" means the unfunded actuarial accrued liability of a retirement system.

(9) "Actuary" or "state actuary" means the state actuary employed under chapter 44.44 RCW.

(10) "State retirement systems" means the retirement systems listed in RCW 41.50.030.

(11) "Work group" means the pension funding work group created in RCW 41.45.120.

(12) "Classified employee" means a member of the Washington school employees' retirement system plan 2 or plan 3 as defined in RCW 41.35.010.

(13) "Teacher" means a member of the teachers' retirement system as defined in RCW 41.32.010(15).

Sec. 423. RCW 41.45.050 and 1998 c 341 s 403 are each amended to read as follows:

(1) Employers of members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, and the Washington state patrol retirement system shall make contributions to those systems based on the rates established in RCW 41.45.060 and 41.45.070.

(2) The state shall make contributions to the law enforcement officers' and fire fighters' retirement system plan 2 based on the rates established in RCW 41.45.060 and 41.45.070. The state treasurer shall transfer the required contributions each month on the basis of salary data provided by the department. The state shall make contributions pursuant to section 5 of this act to maintain the sound actuarial status of the restated law enforcement officers' and fire fighters' defined benefit retirement plan.

(3) The department shall bill employers, and the state shall make contributions to the law enforcement officers' and fire fighters' retirement system plan 2, using the combined rates established in RCW 41.45.060 and 41.45.070 regardless of the level of pension funding provided in the biennial budget. Any member of an affected retirement system may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed in this section.

(4) The contributions received for the public employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and public employees' retirement system plan 2 fund as follows: The contributions necessary to fully fund the public employees' retirement system plan 2 employer contribution required by RCW 41.40.650 shall first be deposited in the public employees' retirement system plan 2 fund. All remaining public employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(5) The contributions received for the teachers' retirement system shall be allocated between the plan 1 fund and the combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining teachers' retirement system employer contributions shall be deposited in the plan 1 fund.

(6) The contributions received for the school employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the school employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining school employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(7) The contributions received under RCW 41.26.450 for the law enforcement officers' and fire fighters' retirement system shall be allocated (~~between the law enforcement officers' and fire fighters' retirement system plan 1 and~~) to the law enforcement officers' and fire fighters' retirement system plan 2 fund (~~as follows: The contributions necessary to fully fund the law enforcement officers' and fire fighters' retirement system plan 2 employer contributions shall be first deposited in the law enforcement officers' and fire fighters' retirement system plan 2 fund. All remaining law enforcement officers' and fire fighters' retirement system employer contributions shall be deposited in the law enforcement officers' and fire fighters' retirement system plan 1 fund~~).

(8) The funding of the restated law enforcement officers' and fire fighters' defined benefit retirement plan shall be provided pursuant to section 5 of this act.

Sec. 424. RCW 41.45.050 and 2000 c 247 s 503 are each amended to read as follows:

(1) Employers of members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, and the Washington state patrol retirement system shall make contributions to those systems based on the rates established in RCW 41.45.060 and 41.45.070.

(2) The state shall make contributions to the law enforcement officers' and fire fighters' retirement system plan 2 based on the rates established in RCW 41.45.060 and 41.45.070. The state treasurer shall transfer the required contributions each month on the basis of salary data provided by the department. The state shall make contributions pursuant to section 5 of this act to maintain the sound actuarial status of the restated law enforcement officers' and fire fighters' defined benefit retirement plan.

(3) The department shall bill employers, and the state shall make contributions to the law enforcement officers' and fire fighters' retirement system plan 2, using the combined rates established in RCW 41.45.060 and 41.45.070 regardless of the level of pension funding provided in the biennial budget. Any member of an affected retirement system may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed in this section.

(4) The contributions received for the public employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the public employees' retirement system combined plan 2 and plan 3 employer contribution shall first be deposited in the public employees' retirement system combined plan 2 and plan 3 fund. All remaining public employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(5) The contributions received for the teachers' retirement system shall be allocated between the plan 1 fund and the combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining teachers' retirement system employer contributions shall be deposited in the plan 1 fund.

(6) The contributions received for the school employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the school employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining school employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(7) The contributions received under RCW 41.45.060, 41.45.061, and 41.45.067 for the law enforcement officers' and fire fighters' retirement system shall be allocated ~~((between the law enforcement officers' and fire fighters' retirement system plan 1 and)) to the law enforcement officers' and fire fighters' retirement system plan 2 fund ((as follows: The contributions necessary to fully fund the law enforcement officers' and fire fighters' retirement system plan 2 employer contributions shall be first deposited in the law enforcement officers' and fire fighters' retirement system plan 2 fund. All remaining law enforcement officers' and fire fighters' retirement system employer contributions shall be deposited in the law enforcement officers' and fire fighters' retirement system plan 1 fund)).~~

(8) The funding of the restated law enforcement officers' and fire fighters' defined benefit retirement plan shall be provided pursuant to section 5 of this act.

Sec. 425. RCW 41.45.060 and 2000 2nd sp.s. c 1 s 905 and 2000 c 247 s 504 are each reenacted and amended to read as follows:

(1) The state actuary shall provide actuarial valuation results based on the assumptions adopted under RCW 41.45.030.

(2) Not later than September 30, 1998, and every two years thereafter, consistent with the assumptions adopted under RCW 41.45.030, the council shall adopt and may make changes to:

(a) A basic state contribution rate for the law enforcement officers' and fire fighters' retirement system plan 2;

(b) Basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system to be used in the ensuing biennial period; and

(c) A basic employer contribution rate for the school employees' retirement system for funding the public employees' retirement system plan 1.

For the 1999-2001 fiscal biennium, the rates adopted by the council shall be effective for the period designated in section 902, chapter 1, Laws of 2000 2nd sp. sess. and RCW 41.45.0602.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the public employees' retirement system plan 1, the teachers' retirement system plan 1, ~~((the law enforcement officers' and fire fighters' retirement system plan 1,))~~ and the unfunded liability of the Washington state patrol retirement system not later than June 30, 2024, except as provided in subsection (5) of this section;

(b) To also continue to fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the school employees' retirement system plans 2 and 3, and the law enforcement officers' and fire fighters' retirement system plan 2 in accordance with RCW 41.45.061, 41.45.067, and this section; and

(c) For the law enforcement officers' and fire fighters' system plan 2, the rate charged to employers, except as provided in RCW 41.26.450, shall be thirty percent of the cost of the retirement system and the rate charged to the state shall be twenty percent of the cost of the retirement system.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 employer contribution rate.

(5) An amount equal to the amount of extraordinary investment gains as defined in RCW 41.31.020 shall be used to shorten the amortization period for the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

(6) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted.

(7) The director of the department of retirement systems shall collect those rates adopted by the council.

Sec. 426. RCW 41.45.070 and 1998 c 340 s 10 and 1998 c 341 s 406 are each reenacted and amended to read as follows:

(1) In addition to the basic employer contribution rate established in RCW 41.45.060, the department shall also charge employers of public employees' retirement system, teachers' retirement system, school employees' retirement system, or Washington state patrol retirement system members an additional supplemental rate to pay for the cost of additional benefits, if any, granted to members of those systems. Except as provided in subsections (6) and (7) of this section, the supplemental contribution

rates required by this section shall be calculated by the state actuary and shall be charged regardless of language to the contrary contained in the statute which authorizes additional benefits.

(2) In addition to the basic state contribution rate established in RCW 41.45.060 for the law enforcement officers' and fire fighters' retirement system plan 2 the department shall also establish a supplemental rate to pay for the cost of additional benefits, if any, granted to members of the law enforcement officers' and fire fighters' retirement system plan 2. Except as provided in subsection (6) of this section, this supplemental rate shall be calculated by the state actuary and the state treasurer shall transfer the additional required contributions regardless of language to the contrary contained in the statute which authorizes the additional benefits.

(3) The supplemental rate charged under this section to fund benefit increases provided to active members of the public employees' retirement system plan 1, the teachers' retirement system plan 1, (~~the law enforcement officers' and fire fighters' retirement system plan 4,~~) and Washington state patrol retirement system, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit not later than June 30, 2024.

(4) The supplemental rate charged under this section to fund benefit increases provided to active and retired members of the public employees' retirement system plan 2, the teachers' retirement system plan 2 and plan 3, the school employees' retirement system plan 2 and plan 3, or the law enforcement officers' and fire fighters' retirement system plan 2, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit, as calculated under RCW 41.40.650 or 41.26.450, respectively.

(5) The supplemental rate charged under this section to fund postretirement adjustments which are provided on a nonautomatic basis to current retirees shall be calculated as the percentage of pay needed to fund the adjustments as they are paid to the retirees. The supplemental rate charged under this section to fund automatic postretirement adjustments for active or retired members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1 shall be calculated as the level percentage of pay needed to fund the cost of the automatic adjustments not later than June 30, 2024.

(6) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 340, Laws of 1998.

(7) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 41.31A RCW; section 309, chapter 341, Laws of 1998; or section 701, chapter 341, Laws of 1998.

Sec. 427. RCW 41.45.070 and 2000 c 247 s 505 are each amended to read as follows:

(1) In addition to the basic employer contribution rate established in RCW 41.45.060, the department shall also charge employers of public employees' retirement system, teachers' retirement system, school employees' retirement system, or Washington state patrol retirement system members an additional supplemental rate to pay for the cost of additional benefits, if any, granted to members of those systems. Except as provided in subsections (6) and (7) of this section, the supplemental contribution rates required by this section shall be calculated by the state actuary and shall be charged regardless of language to the contrary contained in the statute which authorizes additional benefits.

(2) In addition to the basic state contribution rate established in RCW 41.45.060 for the law enforcement officers' and fire fighters' retirement system plan 2 the department shall also establish a supplemental rate to pay for the cost of additional benefits, if any, granted to members of the law enforcement officers' and fire fighters' retirement system plan 2. Except as provided in subsection (6) of this section, this supplemental rate shall be calculated by the state actuary and the state treasurer shall transfer the additional required contributions regardless of language to the contrary contained in the statute which authorizes the additional benefits.

(3) The supplemental rate charged under this section to fund benefit increases provided to active members of the public employees' retirement system plan 1, the teachers' retirement system plan 1, (~~the law enforcement officers' and fire fighters' retirement system plan 4,~~) and Washington state patrol retirement system, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit not later than June 30, 2024.

(4) The supplemental rate charged under this section to fund benefit increases provided to active and retired members of the public employees' retirement system plan 2 and plan 3, the teachers' retirement system plan 2 and plan 3, the school employees' retirement system plan 2 and plan 3, or the law enforcement officers' and fire fighters' retirement system plan 2, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit, as calculated under RCW 41.45.060, 41.45.061, or 41.45.067.

(5) The supplemental rate charged under this section to fund postretirement adjustments which are provided on a nonautomatic basis to current retirees shall be calculated as the percentage of pay needed to fund the adjustments as they are paid to the retirees. The supplemental rate charged under this section to fund automatic postretirement adjustments for active or retired members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1 shall be calculated as the level percentage of pay needed to fund the cost of the automatic adjustments not later than June 30, 2024.

(6) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 340, Laws of 1998.

(7) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 41.31A RCW; section 309, chapter 341, Laws of 1998; or section 701, chapter 341, Laws of 1998.

Sec. 428. RCW 41.48.030 and 1971 ex.s. c 257 s 19 are each amended to read as follows:

(1) The governor is hereby authorized to enter on behalf of the state into an agreement with the secretary of health, education, and welfare consistent with the terms and provisions of this chapter, for the purpose of extending the benefits of the federal old-age and survivors insurance system to employees of the state or any political subdivision not members of an existing retirement system, or to members of a retirement system established by the state or by a political subdivision thereof or by an institution of higher learning with respect to services specified in such agreement which constitute "employment" as defined in RCW 41.48.020. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the governor and secretary of health, education, and welfare shall agree upon, but, except as may be otherwise required by or under the social security act as to the services to be covered, such agreement shall provide in effect that--

(a) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of title II of the social security act;

(b) The state will pay to the secretary of the treasury, at such time or times as may be prescribed under the social security act, contributions with respect to wages (as defined in RCW 41.48.020), equal to the sum of the taxes which would be imposed by the federal insurance contributions act if the services covered by the agreement constituted employment within the meaning of that act;

(c) Such agreement shall be effective with respect to services in employment covered by the agreement or modification thereof performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year immediately preceding the calendar year in which such agreement or modification of the agreement is accepted by the secretary of health, education and welfare.

(d) All services which constitute employment as defined in RCW 41.48.020 and are performed in the employ of the state by employees of the state, shall be covered by the agreement;

(e) All services which (i) constitute employment as defined in RCW 41.48.020, (ii) are performed in the employ of a political subdivision of the state, and (iii) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the governor under RCW 41.48.050, shall be covered by the agreement; and

(f) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by individuals to whom section 218(c)(3)(C) of the social security act is applicable, and shall provide that the service of any such individual shall continue to be covered by the agreement in case he thereafter becomes eligible to be a member of a retirement system; and

(g) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by individuals in positions covered by a retirement system with respect to which the governor has issued a certificate to the secretary of health, education, and welfare pursuant to subsection (5) of this section.

(h) Law enforcement officers and firemen of each political subdivision of this state who are covered by the Washington law enforcement officers' and fire fighters' retirement systems (~~(Act chapter 209, Laws of 1969 ex. sess.)~~) under chapters 41.26 and 41.26A RCW as now in existence or hereafter amended shall constitute a separate "coverage group" for purposes of the agreement entered into under this section and for purposes of section 218 of the social security act. To the extent that the agreement between this state and the federal secretary of health, education, and welfare in existence on the date of adoption of this subsection is inconsistent with this subsection, the governor shall seek to modify the inconsistency.

(2) Any instrumentality jointly created by this state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states, (a) to enter into an agreement with the secretary of health, education, and welfare whereby the benefits of the federal old-age and survivors insurance system shall be extended to employees of such instrumentality, (b) to require its employees to pay (and for that purpose to deduct from their wages) contributions equal to the amounts which they would be required to pay under RCW 41.48.040(1) if they were covered by an agreement made pursuant to subsection (1) of this section, and (c) to make payments to the secretary of the treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement shall, to the extent practicable, be consistent with the terms and provisions of subsection (1) and other provisions of this chapter.

(3) The governor is empowered to authorize a referendum, and to designate an agency or individual to supervise its conduct, in accordance with the requirements of section 218(d)(3) of the social security act, and subsection (4) of this section on the question of whether service in all positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under an agreement under this chapter. If a retirement system covers positions of employees of the state of Washington, of the institutions of higher learning, and positions of employees of one or more of the political subdivisions of the state, then for the purpose of the referendum as provided herein, there may be deemed to be a separate retirement system with respect to employees of the state, or any one or more of the political subdivisions, or institutions of higher learning and the governor shall authorize a referendum upon request of the subdivisions' or institutions' of higher learning governing body: PROVIDED HOWEVER, That if a referendum of state employees generally fails to produce a favorable majority vote then the governor may authorize a referendum covering positions of employees in any state department who are compensated in whole or in part from grants made to this state under title III of the federal social security act: PROVIDED, That any city or town affiliated with the statewide city employees retirement system organized under chapter 41.44 RCW may at its option agree to a plan submitted by the board of trustees of said statewide city employees retirement system for inclusion under an agreement under this chapter if the referendum to be held as provided herein indicates a favorable result: PROVIDED FURTHER, That the teachers' retirement system be considered one system for the purpose of the referendum except as applied to the several colleges of education. The notice of referendum required by section 218(d)(3)(C) of the social security act to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the agency or individual designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this chapter.

(4) The governor, before authorizing a referendum, shall require the following conditions to be met:

(a) The referendum shall be by secret written ballot on the question of whether service in positions covered by such retirement system shall be excluded from or included under the agreement between the governor and the secretary of health, education, and welfare provided for in RCW 41.48.030(1);

(b) An opportunity to vote in such referendum shall be given and shall be limited to eligible employees;

(c) Not less than ninety days' notice of such referendum shall be given to all such employees;

(d) Such referendum shall be conducted under the supervision (of the governor or) of an agency or individual designated by the governor;

(e) The proposal for coverage shall be approved only if a majority of the eligible employees vote in favor of including services in such positions under the agreement;

(f) The state legislature, in the case of a referendum affecting the rights and liabilities of state employees covered under the state employees' retirement system and employees under the teachers' retirement system, and in all other cases the local legislative authority or governing body, shall have specifically approved the proposed plan and approved any necessary structural adjustment to the existing system to conform with the proposed plan.

(5) Upon receiving satisfactory evidence that with respect to any such referendum the conditions specified in subsection (4) of this section and section 218(d)(3) of the social security act have been met, the governor shall so certify to the secretary of health, education, and welfare.

(6) If the legislative body of any political subdivision of this state certifies to the governor that a referendum has been held under the terms of RCW 41.48.050(1)(i) and gives notice to the governor of termination of social security for any coverage group of the political subdivision, the governor shall give two years advance notice in writing to the federal department of health, education, and welfare of such termination of the agreement entered into under this section with respect to said coverage group.

Sec. 429. RCW 41.48.050 and 1981 c 119 s 1 are each amended to read as follows:

(1) Each political subdivision of the state is hereby authorized to submit for approval by the governor a plan for extending the benefits of title II of the social security act, in conformity with the applicable provisions of such act, to those employees of such political subdivisions who are not covered by an existing pension or retirement system. Each pension or retirement system established by the state or a political subdivision thereof is hereby authorized to submit for approval by the governor a plan for extending the benefits of title II of the social security act, in conformity with applicable provisions of such act, to members of such pension or retirement system. Each such plan and any amendment thereof shall be approved by the governor if he finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the governor, except that no such plan shall be approved unless--

(a) It is in conformity with the requirements of the social security act and with the agreement entered into under RCW 41.48.030;

(b) It provides that all services which constitute employment as defined in RCW 41.48.020 and are performed in the employ of the political subdivision by employees thereof, shall be covered by the plan;

(c) It specifies the source or sources from which the funds necessary to make the payments required by paragraph (a) of subsection (3) and by subsection (4) of this section are expected to be derived and contains reasonable assurance that such sources will be adequate for such purposes;

(d) It provides that in the plan of coverage for members of the state teachers' retirement system or for state employee members of the state employees' retirement system, there shall be no additional cost to or involvement of the state until such plan has received prior approval by the legislature;

(e) It provides for such methods of administration of the plan by the political subdivision as are found by the governor to be necessary for the proper and efficient administration of the plan;

(f) It provides that the political subdivision will make such reports, in such form and containing such information, as the governor may from time to time require and comply with such provisions as the governor or the secretary of health, education, and welfare may from time to time find necessary to assure the correctness and verification of such reports; and

(g) It authorizes the governor to terminate the plan in its entirety, in his discretion, if he finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the governor and may be consistent with the provisions of the social security act.

(h) It provides that law enforcement officers and fire fighters of each political subdivision of this state who are covered by the Washington law enforcement officers' and fire fighters' retirement systems (~~(Act (chapter 209, Laws of 1969 ex. sess.))~~) under chapters 41.26 and 41.26A RCW as now in existence or hereafter amended shall constitute a separate "coverage group" for purposes of the plan or agreement entered into under this section and for purposes of section 216 of the social security act. To the extent that the plan or agreement entered into between the state and any political subdivision of this state is inconsistent with this subsection, the governor shall seek to modify the inconsistency.

(i) It provides that the plan or agreement may be terminated by any political subdivision as to any such coverage group upon giving at least two years advance notice in writing to the governor, effective at the end of the calendar quarter specified in the notice. It shall specify that before notice of such termination is given, a referendum shall be held among the members of the coverage group under the following conditions:

(i) The referendum shall be conducted under the supervision of the legislative body of the political subdivision.

(ii) Not less than sixty days' notice of such referendum shall be given to members of the coverage group.

(iii) An opportunity to vote by secret ballot in such referendum shall be given and shall be limited to all members of the coverage group.

(iv) The proposal for termination shall be approved only if a majority of the coverage group vote in favor of termination.

(v) If a majority of the coverage group vote in favor of termination, the legislative body of the political subdivision shall certify the results of the referendum to the governor and give notice of termination of such coverage group.

(2) The governor shall not finally refuse to approve a plan submitted by a political subdivision under subsection (1), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby.

(3)(a) Each political subdivision as to which a plan has been approved under this section shall pay into the contribution ~~((fund))~~ account, with respect to wages (as defined in RCW 41.48.020), at such time or times as the governor may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the governor under RCW 41.48.030.

(b) Each political subdivision required to make payments under paragraph (a) of this subsection is authorized, in consideration of the employee's retention in, or entry upon, employment after enactment of this chapter, to impose upon each of its employees, as to services which are covered by an approved plan, a contribution with respect to his wages (as defined in RCW 41.48.020), not exceeding the amount of employee tax which is imposed by the federal insurance contributions act, and to deduct the amount of such contribution from his wages as and when paid. Contributions so collected shall be paid into the OASI contribution ~~((fund))~~ account in partial discharge of the liability of such political subdivision or instrumentality under paragraph (a) of this subsection. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.

(4) Delinquent reports and payments due under paragraph (f) of subsection (1) and paragraph (a) of subsection (3) of this section will be subject to an added interest charge of six percent per year or, if higher, the rate chargeable to the state by the secretary by virtue of federal law, if the late report or payment contributes to any federal penalty for late filing of reports or for late deposit of contributions. Delinquent contributions, interest and penalties may be recovered by civil action or may, at the request of the governor, be deducted from any other moneys payable to the political subdivision by any department or agency of the state.

Sec. 430. RCW 41.50.030 and 1998 c 341 s 501 are each amended to read as follows:

(1) As soon as possible but not more than one hundred and eighty days after March 19, 1976, there is transferred to the department of retirement systems, except as otherwise provided in this chapter, all powers, duties, and functions of:

- (a) The Washington public employees' retirement system;
- (b) The Washington state teachers' retirement system;
- (c) The Washington law enforcement officers' and fire fighters' retirement system;
- (d) The Washington state patrol retirement system;
- (e) The Washington judicial retirement system; and
- (f) The state treasurer with respect to the administration of the judges' retirement fund imposed pursuant to chapter 2.12

RCW.

(2) On July 1, 1996, there is transferred to the department all powers, duties, and functions of the deferred compensation committee.

(3) The department shall administer chapter 41.34 RCW.

(4) The department shall administer the Washington school employees' retirement system created under chapter 41.35

RCW.

(5) The department shall administer the restated law enforcement officers' and fire fighters' retirement system under chapter 41.26A RCW.

Sec. 431. RCW 41.50.055 and 1991 c 35 s 16 are each amended to read as follows:

The administration of the Washington law enforcement officers' and fire fighters' retirement systems ((is)) under chapters 41.26 and 41.26A RCW are hereby vested in the director of retirement systems, and the director shall:

- (1) Keep in convenient form such data as shall be deemed necessary for actuarial evaluation purposes;
- (2) As of March 1, 1970, and at least every two years thereafter, through the state actuary, make an actuarial valuation as to the mortality and service experience of the beneficiaries under this chapter and the various accounts created for the purpose of showing the financial status of the retirement fund;
- (3) Adopt for the Washington law enforcement officers' and fire fighters' retirement systems the mortality tables and such other tables as shall be deemed necessary;
- (4) Keep a record of all its proceedings, which shall be open to inspection by the public;
- (5) From time to time adopt such rules and regulations not inconsistent with chapters 41.26 and 41.26A RCW, for the administration of the provisions of this chapter, for the administration of the funds created by this chapter and chapter 41.26A RCW and the several accounts thereof, and for the transaction of the business of the system;
- (6) Prepare and publish annually a financial statement showing the condition of the Washington law enforcement officers' and fire fighters' funds and the various accounts thereof, and setting forth such other facts, recommendations and data as may be of use in the advancement of knowledge concerning the Washington law enforcement officers' and fire fighters' retirement systems, and furnish a copy thereof to each employer, and to such members as may request copies thereof;
- (7) Perform such other functions as are required for the execution of the provisions of chapters 41.26 and 41.26A RCW;
- (8) Fix the amount of interest to be credited at a rate which shall be based upon the net annual earnings of the Washington law enforcement officers' and fire fighters' funds for the preceding twelve-month period and from time to time make any necessary changes in such rate;
- (9) Pay from the department of retirement systems expense fund the expenses incurred in administration of the Washington law enforcement officers' and fire fighters' retirement systems from those funds appropriated for that purpose;
- (10) Perform any other duties prescribed elsewhere in chapter 41.26 or 41.26A RCW;
- (11) Issue decisions relating to appeals initiated pursuant to RCW 41.16.145 and 41.18.104 as now or hereafter amended and shall be authorized to order increased benefits pursuant to RCW 41.16.145 and 41.18.104 as now or hereafter amended.

Sec. 432. RCW 41.50.075 and 1998 c 341 s 503 are each amended to read as follows:

(1) ~~((Two funds are))~~ A fund is hereby created and established in the state treasury to be known as ~~((the Washington law enforcement officers' and fire fighters' system plan 1 retirement fund, and))~~ the Washington law enforcement officers' and fire fighters' system plan 2 retirement fund which shall consist of all moneys paid into ~~((them))~~ the fund in accordance with the provisions of this chapter and chapter 41.26 RCW, whether such moneys take the form of cash, securities, or other assets. ~~The ((plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and fire fighters' retirement system plan 1, and the))~~ plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and fire fighters' retirement system plan 2.

(2) All of the assets of the Washington state teachers' retirement system shall be credited according to the purposes for which they are held, to two funds to be maintained in the state treasury, namely, the teachers' retirement system plan 1 fund and the teachers' retirement system combined plan 2 and 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 1, and the combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 2 and 3.

(3) There is hereby established in the state treasury two separate funds, namely the public employees' retirement system plan 1 fund and the public employees' retirement system plan 2 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan 1, and the plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan 2.

(4) There is hereby established in the state treasury the school employees' retirement system combined plan 2 and 3 fund. The combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the school employees' retirement system plan 2 and plan 3.

Sec. 433. RCW 41.50.075 and 2000 c 247 s 601 are each amended to read as follows:

(1) ~~((Two funds are))~~ A fund is hereby created and established in the state treasury to be known as ~~((the Washington law enforcement officers' and fire fighters' system plan 1 retirement fund, and))~~ the Washington law enforcement officers' and fire fighters' system plan 2 retirement fund which shall consist of all moneys paid into ~~((them))~~ the fund in accordance with the provisions of this chapter and chapter 41.26 RCW, whether such moneys take the form of cash, securities, or other assets. ~~The ((plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and fire fighters' retirement system plan 1, and the))~~ plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and fire fighters' retirement system plan 2.

(2) All of the assets of the Washington state teachers' retirement system shall be credited according to the purposes for which they are held, to two funds to be maintained in the state treasury, namely, the teachers' retirement system plan 1 fund and the teachers' retirement system combined plan 2 and 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 1, and the combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 2 and 3.

(3) There is hereby established in the state treasury two separate funds, namely the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan 1, and the combined plan 2 and plan 3 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plans 2 and 3.

(4) There is hereby established in the state treasury the school employees' retirement system combined plan 2 and 3 fund. The combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the school employees' retirement system plan 2 and plan 3.

(5) The department shall administer the funds established under the restated law enforcement officers' and fire fighters' retirement system under chapter 41.26A RCW, including:

(a) The restated law enforcement officers' and fire fighters' defined benefit retirement fund; and

(b) The state surplus assets reserve fund.

Sec. 434. RCW 41.50.080 and 1998 c 341 s 504 are each amended to read as follows:

The state investment board shall provide for the investment of all funds of the Washington public employees' retirement system, the teachers' retirement system, the school employees' retirement system, the Washington law enforcement officers' and fire fighters' retirement systems under chapters 41.26 and 41.26A RCW, the Washington state patrol retirement system, the Washington judicial retirement system, and the judges' retirement fund, pursuant to RCW 43.84.150, and may sell or exchange investments acquired in the exercise of that authority.

Sec. 435. RCW 41.50.090 and 1985 c 102 s 6 are each amended to read as follows:

(1) Except as otherwise provided in this section, on the effective date of transfer as provided in RCW 41.50.030, the department shall succeed to and is vested with all powers, duties, and functions now or by any concurrent act of this 1976 legislature vested in the individual retirement boards set forth in RCW 41.50.030 relating to the administration of their various retirement systems, including but not limited to the power to appoint a staff and define the duties thereof: PROVIDED, That actuarial services required by the department shall be performed by the state actuary as provided in RCW 44.44.040.

(2) The department shall keep each retirement board fully informed on the administration of the corresponding retirement system, and shall furnish any information requested by a retirement board.

(3) Rules proposed by the director under RCW 2.10.070, 41.50.055, 41.32.025, or 41.40.020 shall be submitted to the appropriate retirement boards for review prior to adoption. After receiving approval of the members of the appropriate board, such rules shall become effective as provided by the administrative procedure act, chapter 34.05 RCW.

(4) Each retirement board shall continue to perform all functions as are vested in it by law with respect to applications for benefits paid upon either temporary or permanent disability, with such staff assistance from the department as may be required. The director shall perform those functions with respect to disability benefits as are vested in him or her by ((RCW 41.26.120, 41.26.125, and 41.26.200)) chapter 41.26A RCW.

Sec. 436. RCW 41.50.110 and 1998 c 341 s 508 are each amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department and the expenses of administration of the retirement systems created in chapters 2.10, 2.12, 41.26, 41.26A, 41.32, 41.40, 41.34, 41.35, and 43.43 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, section 202 of this act, 41.32.010, 41.35.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, section 202 of this act, 41.32.010, 41.35.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(((2))) (3) shall be paid pursuant to subsection (1) of this section.

Sec. 437. RCW 41.50.112 and 2000 c 247 s 1107 are each amended to read as follows:

Employers, as defined in RCW 41.26.030, section 202 of this act, 41.32.010, 41.34.020, 41.35.010, and 41.40.010, must report all member data to the department in a format designed and communicated by the department. Employers failing to comply with this reporting requirement shall be assessed an additional fee as defined under RCW 41.50.110(5).

Sec. 438. RCW 41.50.150 and 1998 c 341 s 509 are each amended to read as follows:

(1) The employer of any employee whose retirement benefits are based in part on excess compensation, as defined in this section, shall, upon receipt of a billing from the department, pay into the appropriate retirement system the present value at the time of the employee's retirement of the total estimated cost of all present and future benefits from the retirement system attributable to the excess compensation. The state actuary shall determine the estimated cost using the same method and procedure as is used in preparing fiscal note costs for the legislature. However, the director may in the director's discretion decline to bill the employer if the amount due is less than fifty dollars. Accounts unsettled within thirty days of the receipt of the billing shall be assessed an interest penalty of one percent of the amount due for each month or fraction thereof beyond the original thirty-day period.

(2) "Excess compensation," as used in this section, includes the following payments, if used in the calculation of the employee's retirement allowance:

(a) A cash out of unused annual leave in excess of two hundred forty hours of such leave. "Cash out" for purposes of this subsection means:

- (i) Any payment in lieu of an accrual of annual leave; or
- (ii) Any payment added to salary or wages, concurrent with a reduction of annual leave;

(b) A cash out of any other form of leave;

(c) A payment for, or in lieu of, any personal expense or transportation allowance to the extent that payment qualifies as reportable compensation in the member's retirement system;

(d) The portion of any payment, including overtime payments, that exceeds twice the regular daily or hourly rate of pay; and

(e) Any termination or severance payment.

(3) This section applies to the retirement systems listed in RCW 41.50.030 and to retirements occurring on or after March 15, 1984. Nothing in this section is intended to amend or determine the meaning of any definition in chapter 2.10, 2.12, 41.26, 41.26A, 41.32, 41.40, 41.35, or 43.43 RCW or to determine in any manner what payments are includable in the calculation of a retirement allowance under such chapters.

(4) An employer is not relieved of liability under this section because of the death of any person either before or after the billing from the department.

Sec. 439. RCW 41.50.255 and 1998 c 341 s 511 are each amended to read as follows:

The director is authorized to pay from the interest earnings of the trust funds of the public employees' retirement system, the teachers' retirement system, the Washington state patrol retirement system, the Washington judicial retirement system, the judges' retirement system, the school district employees' retirement system, or the law enforcement officers' and fire fighters' retirement systems under chapter 41.26 and 41.26A RCW lawful obligations of the appropriate system for legal expenses and medical expenses which expenses are primarily incurred for the purpose of protecting the appropriate trust fund or are incurred in compliance with statutes governing such funds.

The term "legal expense" includes, but is not limited to, legal services provided through the legal services revolving fund, fees for expert witnesses, travel expenses, fees for court reporters, cost of transcript preparation, and reproduction of documents.

The term "medical costs" includes, but is not limited to, expenses for the medical examination or reexamination of members or retirees, the costs of preparation of medical reports, and fees charged by medical professionals for attendance at discovery proceedings or hearings.

The director may also pay from the interest earnings of the trust funds specified in this section costs incurred in investigating fraud and collecting overpayments, including expenses incurred to review and investigate cases of possible fraud against the trust funds and collection agency fees and other costs incurred in recovering overpayments. Recovered funds must be returned to the appropriate trust funds.

Sec. 440. RCW 41.50.500 and 1998 c 341 s 512 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 41.50.500 through 41.50.650, 41.50.670 through 41.50.720, and 26.09.138.

(1) "Benefits" means periodic retirement payments or a withdrawal of accumulated contributions.

(2) "Disposable benefits" means that part of the benefits of an individual remaining after the deduction from those benefits of any amount required by law to be withheld. The term "required by law to be withheld" does not include any deduction elective to the member.

(3) "Dissolution order" means any judgment, decree, or order of spousal maintenance, property division, or court-approved property settlement incident to a decree of divorce, dissolution, invalidity, or legal separation issued by the superior court of the state of Washington or a judgment, decree, or other order of spousal support issued by a court of competent jurisdiction in another state or country, that has been registered or otherwise made enforceable in this state.

(4) "Mandatory benefits assignment order" means an order issued to the department of retirement systems pursuant to RCW 41.50.570 to withhold and deliver benefits payable to an obligor under chapter 2.10, 2.12, 41.26, 41.26A, 41.32, 41.40, 41.35, or 43.43 RCW.

(5) "Obligee" means an ex spouse or spouse to whom a duty of spousal maintenance or property division obligation is owed.

(6) "Obligor" means the spouse or ex spouse owing a duty of spousal maintenance or a property division obligation.

(7) "Periodic retirement payments" means periodic payments of retirement allowances, including but not limited to service retirement allowances, disability retirement allowances, and survivors' allowances. The term does not include a withdrawal of accumulated contributions.

(8) "Property division obligation" means any outstanding court-ordered property division or court-approved property settlement obligation incident to a decree of divorce, dissolution, or legal separation.

(9) "Standard allowance" means a benefit payment option selected under RCW 2.10.146(1)(a), 41.26.460(1)(a), 41.32.785(1)(a), 41.40.188(1)(a), 41.40.660(1), or 41.35.220 that ceases upon the death of the retiree. Standard allowance also means the benefit allowance provided under RCW 2.10.110, 2.10.130, 43.43.260, (~~41.26.100, 41.26.130(1)(a))~~ section 217 of this act, section 222(1)(a) of this act, or chapter 2.12 RCW. Standard allowance also means the maximum retirement allowance available under RCW 41.32.530(1) following member withdrawal of accumulated contributions, if any.

(10) "Withdrawal of accumulated contributions" means a lump sum payment to a retirement system member of all or a part of the member's accumulated contributions, including accrued interest, at the request of the member including any lump sum amount paid upon the death of the member.

Sec. 441. RCW 41.50.500 and 2000 c 247 s 603 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 41.50.500 through 41.50.650, 41.50.670 through 41.50.720, and 26.09.138.

(1) "Benefits" means periodic retirement payments or a withdrawal of accumulated contributions.

(2) "Disposable benefits" means that part of the benefits of an individual remaining after the deduction from those benefits of any amount required by law to be withheld. The term "required by law to be withheld" does not include any deduction elective to the member.

(3) "Dissolution order" means any judgment, decree, or order of spousal maintenance, property division, or court-approved property settlement incident to a decree of divorce, dissolution, invalidity, or legal separation issued by the superior court of the state of Washington or a judgment, decree, or other order of spousal support issued by a court of competent jurisdiction in another state or country, that has been registered or otherwise made enforceable in this state.

(4) "Mandatory benefits assignment order" means an order issued to the department of retirement systems pursuant to RCW 41.50.570 to withhold and deliver benefits payable to an obligor under chapter 2.10, 2.12, 41.26, 41.26A, 41.32, 41.40, 41.35, or 43.43 RCW.

(5) "Obligee" means an ex spouse or spouse to whom a duty of spousal maintenance or property division obligation is owed.

(6) "Obligor" means the spouse or ex spouse owing a duty of spousal maintenance or a property division obligation.

(7) "Periodic retirement payments" means periodic payments of retirement allowances, including but not limited to service retirement allowances, disability retirement allowances, and survivors' allowances. The term does not include a withdrawal of accumulated contributions.

(8) "Property division obligation" means any outstanding court-ordered property division or court-approved property settlement obligation incident to a decree of divorce, dissolution, or legal separation.

(9) "Standard allowance" means a benefit payment option selected under RCW 2.10.146(1)(a), 41.26.460(1)(a), 41.32.785(1)(a), 41.40.188(1)(a), 41.40.660(1), 41.40.845(1)(a), or 41.35.220 that ceases upon the death of the retiree. Standard allowance also means the benefit allowance provided under RCW 2.10.110, 2.10.130, 43.43.260, ~~((41.26.100, 41.26.130(1)(a)))~~ section 217 of this act, section 222(1)(a) of this act, or chapter 2.12 RCW. Standard allowance also means the maximum retirement allowance available under RCW 41.32.530(1) following member withdrawal of accumulated contributions, if any.

(10) "Withdrawal of accumulated contributions" means a lump sum payment to a retirement system member of all or a part of the member's accumulated contributions, including accrued interest, at the request of the member including any lump sum amount paid upon the death of the member.

Sec. 442. RCW 41.50.670 and 1998 c 341 s 513 are each amended to read as follows:

(1) Nothing in this chapter regarding mandatory assignment of benefits to enforce a spousal maintenance obligation shall abridge the right of an obligee to direct payments of retirement benefits to satisfy a property division obligation ordered pursuant to a court decree of dissolution or legal separation or any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation as provided in RCW 2.10.180, 2.12.090, 41.04.310, 41.04.320, 41.04.330, 41.26.053, section 209 of this act, 41.32.052, 41.35.100, 41.34.070~~((3))~~ (4), 41.40.052, 43.43.310, or 26.09.138, as those statutes existed before July 1, 1987, and as those statutes exist on and after July 28, 1991. The department shall pay benefits under this chapter in a lump sum or as a portion of periodic retirement payments as expressly provided by the dissolution order. A dissolution order may not order the department to pay a periodic retirement payment or lump sum unless that payment is specifically authorized under the provisions of chapter 2.10, 2.12, 41.26, 41.26A, 41.32, 41.35, 41.34, 41.40, or 43.43 RCW, as applicable.

(2) The department shall pay directly to an obligee the amount of periodic retirement payments or lump sum payment, as appropriate, specified in the dissolution order if the dissolution order filed with the department pursuant to subsection (1) of this section includes a provision that states in the following form:

If (the obligor) receives periodic retirement payments as defined in RCW 41.50.500, the department of retirement systems shall pay to (the obligee) dollars from such payments or . . . percent of such payments. If the obligor's debt is expressed as a percentage of his or her periodic retirement payment and the obligee does not have a survivorship interest in the obligor's benefit, the amount received by the obligee shall be the percentage of the periodic retirement payment that the obligor would have received had he or she selected a standard allowance.

If (the obligor) requests or has requested a withdrawal of accumulated contributions as defined in RCW 41.50.500, or becomes eligible for a lump sum death benefit, the department of retirement systems shall pay to (the obligee) dollars plus interest at the rate paid by the department of retirement systems on member contributions. Such interest to accrue from the date of this order's entry with the court of record.

(3) This section does not require a member to select a standard allowance upon retirement nor does it require the department to recalculate the amount of a retiree's periodic retirement payment based on a change in survivor option.

(4) A court order under this section may not order the department to pay more than seventy-five percent of an obligor's periodic retirement payment to an obligee.

(5) Persons whose court decrees were entered between July 1, 1987, and July 28, 1991, shall also be entitled to receive direct payments of retirement benefits to satisfy court-ordered property divisions if the dissolution orders comply or are modified to comply with this section and RCW 41.50.680 through 41.50.720 and, as applicable, RCW 2.10.180, 2.12.090, 41.26.053, section 209 of this act, 41.32.052, 41.35.100, 41.34.070, 41.40.052, 43.43.310, and 26.09.138.

(6) The obligee must file a copy of the dissolution order with the department within ninety days of that order's entry with the court of record.

(7) A division of benefits pursuant to a dissolution order under this section shall be based upon the obligor's gross benefit prior to any deductions. If the department is required to withhold a portion of the member's benefit pursuant to 26 U.S.C. Sec. 3402 and the sum of that amount plus the amount owed to the obligee exceeds the total benefit, the department shall satisfy the withholding requirements under 26 U.S.C. Sec. 3402 and then pay the remainder to the obligee. The provisions of this subsection do not apply to amounts withheld pursuant to 26 U.S.C. Sec. 3402(i).

Sec. 443. RCW 41.56.030 and 2000 c 23 s 1 and 2000 c 19 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner, or (f) excluded from a bargaining unit under RCW 41.56.201(2)(a). For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 and section 202 of this act employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(5), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) fire fighters as that term is defined in RCW 41.26.030 and section 202 of this act; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

(8) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

Sec. 444. RCW 43.84.092 and 2000 2nd sp.s. c 4 s 5 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the

judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system plan 2 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state surplus assets reserve account, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington judicial retirement system account, (~~the Washington law enforcement officers' and fire fighters' system plan 1 retirement account,~~) the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 445. RCW 43.84.092 and 2000 2nd sp.s. c 4 s 6 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state surplus assets reserve account, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition

recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington judicial retirement system account, (~~the Washington law enforcement officers' and fire fighters' system plan 1 retirement account,~~) the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 446. RCW 43.79A.040 and 2000 c 79 s 45 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' medical benefits risk pool account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility (~~grant~~) account, the self-insurance revolving fund, the sulfur dioxide abatement account, the restated law enforcement officers' and fire fighters' defined benefit retirement fund, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 447. RCW 46.52.130 and 1998 c 165 s 11 are each amended to read as follows:

A certified abstract of the driving record shall be furnished only to the individual named in the abstract, an employer or prospective employer or an agent acting on behalf of an employer or prospective employer, the insurance carrier that has insurance in effect covering the employer or a prospective employer, the insurance carrier that has insurance in effect covering the named individual, the insurance carrier to which the named individual has applied, an alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment, or city and county prosecuting attorneys. City attorneys and county prosecuting attorneys may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment. The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years to insurance companies. Upon proper request, the director shall furnish a certified abstract covering a period of not more than the last five years to state approved alcohol/drug assessment or treatment agencies, except that the certified abstract shall also include records of alcohol-related offenses as defined in RCW 46.01.260(2) covering a period of not more than the last ten years. Upon proper request, a certified abstract of the full driving record maintained by the department shall be furnished to a city or county prosecuting attorney, to the individual named in the abstract or to an employer or prospective employer or an agent acting on behalf of an employer or prospective employer of the named individual. The abstract, whenever possible, shall include an enumeration of motor vehicle accidents in which the person was driving; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether the vehicles were occupied at the time of the accident; whether the accident resulted in any fatality; any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law; and the status of the person's driving privilege in this state. The enumeration shall include any reports of failure to appear in response to a traffic citation or failure to

respond to a notice of infraction served upon the named individual by an arresting officer. Certified abstracts furnished to prosecutors and alcohol/drug assessment or treatment agencies shall also indicate whether a recorded violation is an alcohol-related offense as defined in RCW 46.01.260(2) that was originally charged as one of the alcohol-related offenses designated in RCW 46.01.260(2)(b)(i).

The abstract provided to the insurance company shall exclude any information, except that related to the commission of misdemeanors or felonies by the individual, pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030 or section 202 of this act, or any officer of the Washington state patrol, while driving official vehicles in the performance of occupational duty. The abstract provided to the insurance company shall include convictions for RCW 46.61.5249 and 46.61.525 except that the abstract shall report them only as negligent driving without reference to whether they are for first or second degree negligent driving. The abstract provided to the insurance company shall exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract shall show the deferred prosecution as well as the removal.

The director shall collect for each abstract the sum of four dollars and fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, denied, or have the rate increased on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment, nor may any insurance company or its agent for underwriting purposes relating to the operation of noncommercial motor vehicles use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

Any employer or prospective employer or an agent acting on behalf of an employer or prospective employer receiving the certified abstract shall use it exclusively for his or her own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information contained in it to a third party.

Any alcohol/drug assessment or treatment agency approved by the department of social and health services receiving the certified abstract shall use it exclusively for the purpose of assisting its employees in making a determination as to what level of treatment, if any, is appropriate. The agency, or any of its employees, shall not divulge any information contained in the abstract to a third party.

Release of a certified abstract of the driving record of an employee or prospective employee requires a statement signed by: (1) The employee or prospective employee that authorizes the release of the record, and (2) the employer attesting that the information is necessary to determine whether the licensee should be employed to operate a commercial vehicle or school bus upon the public highways of this state. If the employer or prospective employer authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

Any violation of this section is a gross misdemeanor.

Sec. 448. RCW 72.72.060 and 1983 c 279 s 5 are each amended to read as follows:

The state shall reimburse cities and counties for their costs incurred under chapters 41.26 and 41.26A RCW if the costs are the direct result of physical injuries sustained in the implementation of a contingency plan adopted under RCW 72.02.150 and if reimbursement is not precluded by the following provisions: If the secretary of corrections identifies in the contingency plan the prison walls or other perimeter of the secured area, then reimbursement will not be made unless the injuries occur within the walls or other perimeter of the secured area. If the secretary of corrections does not identify prison walls or other perimeter of the secured area, then reimbursement shall not be made unless the injuries result from providing assistance, requested by the secretary of corrections or the secretary's designee, which is beyond the description of the assistance contained in the contingency plan. In no case shall reimbursement be made when the injuries result from conduct which either is not requested by the secretary of corrections or the secretary's designee, or is in violation of orders by superiors of the local law enforcement agency.

NEW SECTION. Sec. 449. EFFECTIVE DATES AND EXPIRATION DATES. (1) Sections 419, 421, 423, 426, 432, 440, and 444 of this act expire March 1, 2002.

(2) Sections 418, 420, 422, 424, 427, 433, 437, 441, and 445 of this act take effect March 1, 2002.

PART V MISCELLANEOUS

NEW SECTION. Sec. 501. REPEALER. The following acts or parts of acts are each repealed:

(1) RCW 41.26.005 (Provisions applicable to "plan 1" and "plan 2") and 1992 c 72 s 2, 1991 c 35 s 12, 1989 c 273 s 10, 1985 c 102 s 5, 1979 ex.s. c 249 s 1, & 1977 ex.s. c 294 s 18;

(2) RCW 41.26.035 ("Minimum medical and health standards" defined) and 1991 c 35 s 14 & 1971 ex.s. c 257 s 2;

(3) RCW 41.26.045 (Minimum medical and health standards) and 1979 ex.s. c 249 s 3, 1977 ex.s. c 294 s 20, 1974 ex.s. c 120 s 8, & 1971 ex.s. c 257 s 3;

(4) RCW 41.26.046 (Minimum medical and health standards--Board to adopt--Publication and distribution--Employer certification procedures) and 1987 c 418 s 2, 1977 ex.s. c 294 s 21, 1974 ex.s. c 120 s 12, 1972 ex.s. c 131 s 2, & 1971 ex.s. c 257 s 4;

(5) RCW 41.26.047 (Minimum medical and health standards--Exemptions--Employer may adopt higher standards) and 1972 ex.s. c 131 s 3 & 1971 ex.s. c 257 s 5;

(6) RCW 41.26.075 (Provisions applicable to plan 1) and 1992 c 72 s 3 & 1991 c 35 s 101;

(7) RCW 41.26.080 (Funding total liability of plan 1 system) and 2000 2nd sp.s. c 1 s 907, 1991 c 35 s 17, 1989 c 273 s 13, & 1969 ex.s. c 209 s 8;

(8) RCW 41.26.090 (Retirement for service) and 1991 sp.s. c 11 s 4;

- (9) RCW 41.26.100 (Allowance on retirement for service) and 1991 c 343 s 16, 1974 ex.s. c 120 s 3, 1972 ex.s. c 131 s 7, 1971 ex.s. c 257 s 9, 1970 ex.s. c 6 s 5, & 1969 ex.s. c 209 s 10;
- (10) RCW 41.26.110 (City and county disability boards authorized--Composition--Terms--Reimbursement for travel expenses--Duties) and 2000 c 234 s 1, 1988 c 164 s 1, 1982 c 12 s 1, 1974 ex.s. c 120 s 9, 1970 ex.s. c 6 s 6, 1969 ex.s. c 219 s 3, & 1969 ex.s. c 209 s 11;
- (11) RCW 41.26.115 (Director of retirement systems to adopt rules governing disability boards--Remand of orders not in accordance with rules) and 1981 c 294 s 1;
- (12) RCW 41.26.120 (Retirement for disability incurred in the line of duty) and 1991 c 35 s 19, 1986 c 176 s 5, 1985 c 102 s 2, 1981 c 294 s 2, 1974 ex.s. c 120 s 10, 1972 ex.s. c 131 s 8, 1970 ex.s. c 6 s 7, & 1969 ex.s. c 209 s 12;
- (13) RCW 41.26.125 (Retirement for disability not incurred in the line of duty) and 1986 c 176 s 6 & 1985 c 102 s 3;
- (14) RCW 41.26.130 (Allowance on retirement for disability) and 1991 c 35 s 20, 1987 c 185 s 11, 1981 c 294 s 3, 1970 ex.s. c 6 s 8, & 1969 ex.s. c 209 s 13;
- (15) RCW 41.26.135 (Cessation of disability--Determination) and 1985 c 103 s 1;
- (16) RCW 41.26.140 (Reexaminations of disability beneficiaries--Reentry--Appeal) and 1991 c 35 s 21, 1985 c 103 s 2, 1981 c 294 s 4, 1974 ex.s. c 120 s 4, 1970 ex.s. c 6 s 9, & 1969 ex.s. c 209 s 14;
- (17) RCW 41.26.150 (Sickness or disability benefits--Medical services) and 1992 c 22 s 3, 1991 c 35 s 22, 1987 c 185 s 12, 1983 c 106 s 23, 1974 ex.s. c 120 s 11, 1971 ex.s. c 257 s 10, 1970 ex.s. c 6 s 10, 1969 ex.s. c 219 s 4, & 1969 ex.s. c 209 s 15;
- (18) RCW 41.26.160 (Death benefits--Duty connected) and 1999 c 134 s 2 & 1991 sp.s. c 11 s 5;
- (19) RCW 41.26.161 (Death benefits--Nonduty connected) and 1999 c 134 s 3;
- (20) RCW 41.26.162 (Ex spouse qualifying as surviving spouse--When) and 1991 sp.s. c 12 s 2;
- (21) RCW 41.26.170 (Refund of contributions on discontinuance of service--Reentry) and 1994 c 197 s 6, 1991 c 35 s 24, 1970 ex.s. c 6 s 14, & 1969 ex.s. c 209 s 22;
- (22) RCW 41.26.190 (Credit for military service) and 1991 c 35 s 26, 1970 ex.s. c 6 s 13, & 1969 ex.s. c 209 s 18;
- (23) RCW 41.26.192 (Credit for service under prior pension system--Restoration of withdrawn contributions) and 1994 c 197 s 7 & 1992 c 157 s 1;
- (24) RCW 41.26.194 (Credit for service under prior pension system--Service not covered under prior system) and 1994 c 197 s 8 & 1992 c 157 s 2;
- (25) RCW 41.26.195 (Transfer of service credit from other retirement system--Irrevocable election allowed) and 1997 c 122 s 1;
- (26) RCW 41.26.197 (Service credit for paid leave of absence--Application to elected officials of labor organizations) and 1993 c 95 s 3;
- (27) RCW 41.26.200 (Appeal to director of retirement systems) and 1981 c 294 s 5, 1974 ex.s. c 120 s 6, 1971 ex.s. c 257 s 13, 1970 ex.s. c 6 s 11, & 1969 ex.s. c 209 s 16;
- (28) RCW 41.26.211 (Notice for hearing required prior to petitioning for judicial review) and 1984 c 184 s 16, 1981 c 294 s 6, & 1969 ex.s. c 209 s 19;
- (29) RCW 41.26.221 (Hearing--Conduct) and 1984 c 184 s 17, 1981 c 294 s 7, & 1969 ex.s. c 209 s 20;
- (30) RCW 41.26.240 (Increases or decreases in retirement allowances to be determined by department in accordance with consumer price index) and 1991 c 35 s 27, 1974 ex.s. c 120 s 13, 1970 ex.s. c 6 s 16, & 1969 ex.s. c 209 s 24;
- (31) RCW 41.26.250 (Increase in presently payable benefits for service or disability authorized) and 1975 1st ex.s. c 178 s 3, 1974 ex.s. c 190 s 3, 1970 ex.s. c 37 s 2, & 1969 ex.s. c 209 s 34;
- (32) RCW 41.26.260 (Increase in certain presently payable death benefits authorized) and 1974 ex.s. c 190 s 4 & 1969 ex.s. c 209 s 35;
- (33) RCW 41.26.270 (Declaration of policy respecting benefits for injury or death--Civil actions abolished) and 1989 c 12 s 13, 1987 c 185 s 13, 1985 c 102 s 4, & 1971 ex.s. c 257 s 14;
- (34) RCW 41.26.281 (Cause of action for injury or death, when) and 1991 c 35 s 28 & 1971 ex.s. c 257 s 15;
- (35) RCW 41.26.3901 (Severability--1969 ex.s. c 209) and 1969 ex.s. c 209 s 42;
- (36) RCW 41.26.3902 (Act to control inconsistencies) and 1969 ex.s. c 209 s 43;
- (37) RCW 41.26.3903 (Effective date--1969 ex.s. c 209) and 1969 ex.s. c 209 s 45; and
- (38) RCW 41.26.410 (Provisions applicable to plan 2) and 1991 c 35 s 29 & 1977 ex.s. c 294 s 2.

NEW SECTION. Sec. 502. SAVINGS. The repeals in section 501 of this act do not affect any existing right acquired or liability or obligation incurred under the statutes repealed or under any rule or order adopted under those statutes nor do they affect any proceeding instituted under them. Rules adopted by the department of retirement systems relating to plan 1 of the law enforcement officers' and fire fighters' retirement system under chapter 41.26 RCW shall continue in effect and apply to the restated law enforcement officers' and fire fighters' retirement system under chapter 41.26A RCW unless expressly inconsistent therewith and until repealed or superseded.

NEW SECTION. Sec. 503. NONSEVERABILITY. Sections 1 through 8 of this act are not severable, and if any provision of those sections is held invalid by a court of competent jurisdiction, this entire act is null and void.

NEW SECTION. Sec. 504. CAPTIONS. Part headings and captions used in this act are not any part of the law.

NEW SECTION. Sec. 505. EFFECTIVE DATE. Except as provided in section 449 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

Debate ensued.

POINT OF INQUIRY

Senator Hargrove: "Senator Brown, I have and I think some others have received some questions about whether this current bill will guarantee all of the LEOFF 1 benefits that were originally defined for the pensioners. I understand that there has been some additional language put in to guarantee that. Is that correct?"

Senator Brown: "Senator Hargrove, you are correct. This amendment creates a statement of guarantee that all the defined benefits in the original plan are guaranteed by the state in the restated plan."

Senator Hargrove: "That is the original plan?"

Senator Browns: "Yes."

Senator Hargrove: "Not the changes over the years? Thank you very much."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Brown to Substitute Senate Bill No. 6166, under suspension of the rules.

The motion by Senator Brown carried and the striking amendment, under suspension of the rules, was adopted.

MOTIONS

On motion of Senator Brown, the following title amendment was adopted:

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 41.26.010, 41.26.040, 41.26.061, 44.44.040, 48.62.031, 48.62.051, 2.10.155, 26.09.138, 36.28A.010, 41.04.205, 41.04.270, 41.04.350, 41.04.400, 41.05.320, 41.18.210, 41.20.170, 41.20.175, 41.24.400, 41.32.800, 41.32.860, 41.35.230, 41.40.690, 41.40.850, 41.45.010, 41.45.010, 41.45.020, 41.45.050, 41.45.050, 41.45.070, 41.48.030, 41.48.050, 41.50.030, 41.50.055, 41.50.075, 41.50.075, 41.50.080, 41.50.090, 41.50.110, 41.50.112, 41.50.150, 41.50.255, 41.50.500, 41.50.500, 41.50.670, 43.84.092, 43.84.092, 43.79A.040, 46.52.130, and 72.72.060; reenacting and amending RCW 41.26.030, 6.15.020, 41.45.020, 41.45.060, 41.45.070, and 41.56.030; adding new chapters to Title 41 RCW; creating new sections; repealing RCW 41.26.005, 41.26.035, 41.26.045, 41.26.046, 41.26.047, 41.26.075, 41.26.080, 41.26.090, 41.26.100, 41.26.110, 41.26.115, 41.26.120, 41.26.125, 41.26.130, 41.26.135, 41.26.140, 41.26.150, 41.26.160, 41.26.161, 41.26.162, 41.26.170, 41.26.190, 41.26.192, 41.26.194, 41.26.195, 41.26.197, 41.26.200, 41.26.211, 41.26.221, 41.26.240, 41.26.250, 41.26.260, 41.26.270, 41.26.281, 41.26.3901, 41.26.3902, 41.26.3903, and 41.26.410; providing effective dates; providing an expiration date; and declaring an emergency."

On motion of Senator Brown, the rules were suspended, Engrossed Substitute Senate Bill No. 6166 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6166, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6166, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 1; Excused, 1.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Winsley - 39.

Voting nay: Senators Honeyford, Horn, Johnson, McDonald, Morton, Roach, Sheahan and Stevens - 8.

Absent: Senator Zarelli - 1.

Excused: Senator Benton - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6166, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Gardner: "A point of personal privilege, Mr. President. I want to relate a couple of things that have happened today in my back yard that I think are very significant. They don't just affect me and my constituents, but I think they are a precursor of what is happening in our state. The first thing that I read on the front page of the *Bellingham Herald* this morning is that Blaine's levy to build new classrooms may have failed. Now, Blaine is a community that usually passes its levies in excess of seventy or seventy-two percent. We have sixty point eight percent favorable vote right now. We are going to have to wait for the absentees to see what is going to happen.

"The second thing that we heard today is that the Intalco Plant at Cherry Point will be idled immediately, affecting nine hundred and thirty workers--nine hundred and thirty families--within our community. These are very related news items. People in Whatcom County are frightened. They are frightened about their ability to take care of their families; they are frightened about their ability to continue in the community. We are seeing it reflected on how they feel about their ability to support our schools.

"Now, we all say down here that we support the smaller classrooms and yet we know that it is just not a matter of having more teachers, it is literally having the classrooms to put the classes in. The energy crisis that we

are facing in the state of Washington has now been visited in Whatcom County. The folks there at Intalco are being told that they or may not receive wages--Intalco may or may not reopen in two years.

"I can't see that these people can sit around for two years to wait and see what is going to happen. So, they are either going to move out of Whatcom County or they are going to be on the road and they are going to drive to Seattle or they are going to drive to Everett or they are going to drive to Anacortes or they are going to drive to wherever they can go to get a job, but it is not going to be in Whatcom County. We are not going to have support for our schools or we are not going to have support for our charities and we are going to have a real problem just with the other businesses that are continuing there.

"I wanted to bring these two items to the attention of you, my colleagues, so that we can see that the time is here now and that the energy crisis is being visited in very, very real ways. The repercussions are starting now and I hope that we will keep this in mind as we have an opportunity to make an effect in this arena. Thank you very much."

MOTION

On motion of Senator Honeyford, Senator Zarelli was excused.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5937, by Senate Committee on Ways and Means (originally sponsored by Senators Shin, Rasmussen, Jacobsen, Winsley, Kohl-Welles and McAuliffe) (by request of Governor Locke and Superintendent of Public Instruction Bergeson)

Changing postretirement employment restrictions for teachers' retirement system, public employees' retirement system, and school employees' retirement system retirees.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5937.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5937, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 47.

Excused: Senators Benton and Zarelli - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5937, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 6012, by Senate Committee on Environment, Energy and Water (originally sponsored by Senators Honeyford, Rasmussen, Hochstatter, Hale and Carlson)

Allowing customary agricultural related burning in an urban growth area.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6012.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6012, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 47.

Excused: Senators Benton and Zarelli - 2.

SUBSTITUTE SENATE BILL NO. 6012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Finkbeiner was excused.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5528, by Senate Committee on Education (originally sponsored by Senators McAuliffe, Winsley, Kohl-Welles, Eide, Regala, Kline, Costa and Gardner) (by request of Governor Locke, Attorney General Gregoire and Superintendent of Public Instruction Bergeson)

Requiring policies prohibiting harassment, intimidation, and bullying on school grounds and at school activities.

MOTIONS

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5528 was returned to second reading and read the second time.

On motion of Senator McAuliffe, the following amendment by Senators McAuliffe, Hargrove and Zarelli was adopted:

On page 2, line 22, after "act;" strike "and" and insert

"(c) A requirement that if an allegation is determined to be unfounded, a record of the allegation shall not be kept in the student's file; and"

Renumber the subsections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5528 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 5528, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5528, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, Winsley and Zarelli - 32.

Voting nay: Senators Hale, Hochstatter, Honeyford, Horn, Johnson, McCaslin, McDonald, Morton, Parlette, Roach, Rossi, Sheahan, Stevens, Swecker and West - 15.

Excused: Senators Benton and Finkbeiner - 2.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5528, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 4:05 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Thursday, May 17, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-SECOND DAY, FIRST SPECIAL SESSION, MAY 16, 2001

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

TWENTY-THIRD DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Thursday, May 17, 2001

The Senate was called to order at 10:00 a.m. by Vice President Pro Tempore Shin. The Secretary called the roll and announced to the Vice President Pro Tempore that all Senators were present except Senators Benton, Finkbeiner, Haugen, Horn, Johnson, McAuliffe, McDonald, Oke, Roach and Zarelli. On motion of Senator Eide, Senators McAuliffe and Haugen were excused. On motion of Senator Honeyford, Senators Benton, Finkbeiner, Horn, Johnson, McDonald, Oke, Roach and Zarelli were excused.

The Sergeant at Arms Color Guard, consisting of staff members Kim Cusick and Michael McCliment, presented the Colors. David Buri, Legislative Assistant to Senator Larry Sheahan, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

May 1, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jaime Rossman, to be appointed June 1, 2001, for a term ending May 21, 2002, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Higher Education.

INTRODUCTION AND FIRST READING

SB 6187 by Senators T. Sheldon, Honeyford, Hargrove and Rasmussen

AN ACT Relating to public facilities in rural counties; and amending RCW 82.14.370.

Referred to Committee on Economic Development and Telecommunications.

MOTION

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

SENATE RESOLUTION 2001-8685

By Senators Stevens and Long

WHEREAS, it is a tradition of the Washington State Senate to recognize individuals whose achievements reflect positive and inspiring characteristics; and

WHEREAS, these valued characteristics are most often displayed by those willing to engage in community service, charity, and civic activities; and

WHEREAS, Shannon Hulbert, a seventeen-year old junior at Lake Stevens High School possessing such characteristics, was crowned the 2001 Washington State Miss Teen USA on November 25, 2000; and

WHEREAS, Miss Hulbert is actively involved in promoting non-violence in schools through her work as a motivational speaker with Dream On Foundation; and

WHEREAS, Miss Hulbert and the foundation have teamed up with renowned motivational speaker Anthony Robbins to promote school safety with videos featuring pop music stars N'Sync and the BackStreet Boys; and

WHEREAS, Miss Hulbert has appeared in internationally published magazines, has modeled in Paris, London and the United States, and is an award winning track athlete, inspiring cheer leader, and dedicated student; and

WHEREAS, Shannon Hulbert, representing Washington, will compete for the title of Miss Teen USA this summer; and

NOW, THEREFORE, BE IT RESOLVED, that the Senate recognize and honor Shannon Hulbert for her outstanding accomplishments and demonstrated commitment to school safety; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Shannon Hulbert, the Lake Stevens School District, Lake Stevens High School, and the Miss Teen USA headquarters.

Senators Stevens and Long spoke to Senate Resolution 2001-8685.

INTRODUCTION OF SPECIAL GUESTS

The Vice President Pro Tempore welcomed and introduced the 2001 Washington State Miss Teen USA, Shannon Hulbert, and her father, Snohomish County Superior Court Judge David Hulbert, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Miss Teen Shannon to address the Senate.

MOTION

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

SENATE RESOLUTION 2001-8697

By Senators Franklin, Hewitt, Honeyford, Hale, Spanel, Regala, Sheldon, B., Rasmussen, Eide, Snyder, Winsley, Fraser and Sheahan

WHEREAS, Asian-Pacific Islanders have played a rich role in the history and cultural development of Washington for more than one-hundred and fifty years; and

WHEREAS, about 416,000 of the residents of Washington – representing eleven Asian and seven Pacific Island nations – are of Asian-Pacific Islander descent; and

WHEREAS, Asian-Pacific Islanders have contributed significantly to the development of the arts, sciences, government, military, commerce and education of Washington; and

WHEREAS, after passage of the Chinese Exclusion Act in 1882, employers looked to Japan to fill the growing need for workers; and

WHEREAS, Hawaiians were the first Asian-Pacific Islanders to work in the Northwest and were well known for their seamanship; and

WHEREAS, Asian-Pacific Islanders have made personal sacrifices that have advanced the cause of civil rights and equal opportunity for all residents of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate ask all Washington residents to join us in observing Asian- Pacific American Heritage Month; and

BE IT FURTHER RESOLVED, That the residents of Washington celebrate throughout the month of May the contributions of Asian-

Pacific Americans to the history and culture of our state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the Washington State Commission on Asian-Pacific American Affairs.

Senators Franklin, Rasmussen, Swecker, Betti Sheldon and Morton spoke to Senate Resolution 2001-8697.

PERSONAL PRIVILEGE

Senator Kohl-Welles: "I rise for a point of personal privilege, Mr. President. I had meant to offer a resolution today. As I did not believe I would make it to the festivities, I have not done so. Today is Sytennde og Mai, the seventeenth of May, which is the Norwegian Independence Day. The community of Ballard in my district in Seattle has the largest celebration of this independence day anywhere in the world, outside of Norway. There is a luncheon, today, which I hope to attend, and there is a parade which happens every seventeenth of May in Ballard. If anyone wants to attend, it is at six o'clock tonight. Again it is the largest festivity, outside of the country of Norway, in the entire world. Although I did not have a resolution, I know that many individuals here are of Norwegian ancestry, as I am. I know Senator Winsley is and Senator Eide and several others. So, I would like to give this tribute to Norway and also to the many Norwegian/Americans residing in the Pacific Northwest and the United States. Thank you."

MOTION

At 10:30 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, May 18, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-THIRD DAY, FIRST SPECIAL SESSION, MAY 17, 2001

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

TWENTY-FOURTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Friday, May 18, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Costa, Deccio, Johnson, McCaslin, Oke, Sheahan and Stevens. On motion of Senator Honeyford, Senators Benton, Deccio, Johnson, McCaslin, Oke, Sheahan and Stevens were excused. On motion of Senator Eide, Senator Costa was excused.

The Sergeant at Arms Color Guard, consisting of staff members Evalyn Poff and Mary Ann Sigman, presented the Colors. Senator Bob Morton offered the prayer.

MOTION

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

MOTION

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

SENATE RESOLUTION 2001-8695

By Senator Shin

WHEREAS, In today's world, our youth are faced with extraordinary challenges as more and more responsibility is coupled with an increasing presence of unhealthy choices; and

WHEREAS, Violence, drug and alcohol abuse, tobacco use, obesity, stress, and loneliness are all prevalent among our youth as the traditional family structure is being obliterated by outside influences in today's society; and

WHEREAS, More and more youth are growing up in single parent households, with that parent working longer and longer hours just to make ends meet; and

WHEREAS, Spending more hours at work means spending less time with family, and with more and more parents working longer hours, parents are more concerned about the safety of their children; and

WHEREAS, Our youth need guidance and assistance by responsible, caring adults more than ever;
and

WHEREAS, Statistics have shown that eighty percent of adolescent crime nationally occurs from three o'clock p.m. to six o'clock p.m., a time in which children often find themselves alone with no place to go after school; and

WHEREAS, This is a crucial window of time, when a child's choices can have a lasting impact on their lives; and

WHEREAS, Children need positive after-school activities provided by responsible, caring adult role models; and

WHEREAS, 2001 is the one-hundred-year anniversary of the Snohomish County YMCA, and the Mukilteo Family YMCA is its most recent addition; and

WHEREAS, The Mukilteo Family YMCA, under the direction of Executive Director Jeff Dunleavy, his staff, Chairman of the Board Doug Zook, and Board Members, is addressing these issues through their commitment to youth and teens by positively affecting more lives than any other human service agency in the Mukilteo School District area; and

WHEREAS, The Mukilteo Family YMCA conducts a number of programs designed to provide stimulating and engaging activities for youth and teenagers, including: Before and after child care provided at five elementary schools in the Mukilteo School District, serving all eleven elementary schools; late-night "Friday Night Teen Program" at Mariner High School; "Club Explorer" after-school program at Explorer Middle School; environmental clubs, leadership clubs, summer camps, and partnerships between students and law enforcement, such as "Club Connections" serving Mariner High School; and infant/toddler child care, provided at ACES High School, serving teen parents working towards achieving their high school diploma; and

WHEREAS, The Mukilteo Family YMCA is planning future programs to include "Late Night" at the Mukilteo Family YMCA serving students from Kamiak, monthly dances at the Mukilteo Family YMCA serving middle school students, and "Teen Court," a leadership club at Mariner High School where the students assume all roles of the courtroom environment while presiding over real cases involving their peers;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate recognize the Snohomish County YMCA for one hundred years of service to the community and the Mukilteo Family YMCA for demonstrating exceptional care and concern for the community through its commitment to our youth; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to the Snohomish County YMCA, the Mukilteo Family YMCA, Jeff Dunleavy, Doug Zook, and each member of the Board of the Mukilteo Family YMCA.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Jeff Dunleavy, Executive Director and Keith Nisbuhr from the Mukilteo Family YMCA, who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Louise Eide, the mother-in-law of Senator Eide, and also her husband, Mark, who were seated in the gallery.

MOTION

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

SENATE RESOLUTION 2001-8696

By Senator Honeyford

WHEREAS, First Baptist Church was a part of a federation of six denominations that jointly founded the first church built in Sunnyside; and

WHEREAS, First Baptist Church officially organized on April 20, 1901; and

WHEREAS, First Baptist Church completed construction of their initial worship facility in 1907; and

WHEREAS, pastors A.H. Lyons; F.F. Schlosser; George C. McClure; J.F. Rorex, Kirkendall; Homer D. Pease; L.W. Terry; J.C. Havnaer; John McAllister; E.H. Tetwiler; I.N. Monroe; Robert Gray; A.B. Baird; Dr. F.W. Carstens; A.U. Logan; J.R.L. Haslem; Aubry Winsor; Lyndall Logee; Michael Petrillo; C. Douglas Honeyford; Lawrence Bral; Jack Gale; Arthur Schulz; Paul Felthouse; Warren Hall; and Dr. Michael Hughes have faithfully and capably served First Baptist since 1901; and

WHEREAS, residents of Yakima County have been worshipping at First Baptist for one hundred years; and

WHEREAS, First Baptist Church will be celebrating its one hundredth anniversary at its worship services on June 10, 2001;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledges and congratulates First Baptist Church on its longevity; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to First Baptist Church.

PERSONAL PRIVILEGE

Senator Franklin: "A point of personal privilege, Mr. President. Since we have been in the Legislature this session, our lives have been touched by many tragedies. Once again, it has touched close to home last evening on the beautiful campus of Pacific Lutheran University-- my alma mater--and the district I represent. A man went on campus and took a life violently by shooting one of the professors--Professor Holloway, a music professor. The campus is in deep mourning at this point in time.

"It is also the second tragedy which that university has sustained this year, with the loss of life of a student when a balcony where students were standing, caved in. The Pacific University Campus is a quiet campus. It is a campus which is in the heart of Parkland; It is within the community of Parkland. I have been on that campus. As I said, I am an alumni. As I thought about this, I thought it could have been me. I visit the campus many, many times

for meetings and functions. Mr. President, ladies and gentlemen, for those who are here and listening, we really do not know when tragedy will strike. We think that there are safe places.

"We think that our students who are in school and college are safe, but when someone, with no connection, writes a sixteen page letter and plans to go onto that campus and kill an innocent person to display his anger and then turn the gun on himself. that is not true. He was taken to the hospital where I had worked for many years, as many of you know, Madigan Medical Center, where he has subsequently died. So, once again, we mourn for what has taken place in our community and for the loss of innocent lives.

"Mr. President, if we could just have a moment of silence for the campus of Pacific Lutheran University, for Dr. Loren Anderson, who is the President there, and for the students who are trying to deal with this tragedy in their lives at this point in time."

MOMENT OF SILENCE

The Senate stood for a moment of silence for the faculty, the friends and the students at Pacific Lutheran University.

MOTION

At 10:20 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:40 a.m. by President Pro Tempore Franklin.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6140, by Senators McDonald, Prentice, Horn, Eide, Johnson, Finkbeiner, Patterson, Shin, Benton, Kastama, Costa, McAuliffe, Rossi, Long, Roach, Zarelli and Oke.

Creating congestion relief boards.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6140 was substituted for Senate Bill No. 6140 and the substitute bill was placed on second reading and read the second time.

Senator Haugen moved that the following striking amendment by Senators McDonald, Haugen, Gardner and Kastama be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that many transportation decisions are best made at the regional level, where transportation problems are best understood. To achieve improved regional mobility, to promote individual and economic well-being, and to implement recommendation number six of the Blue Ribbon Commission on Transportation final report, relating to regional transportation solutions, regional transportation investment districts are created. It is the purpose of regional transportation investment districts to generate revenues for a limited period of time to assist in the financing of transportation improvements made to highways of statewide significance to improve transportation mobility in congested areas.

The legislature recognizes that a multimodal approach to the state's transportation system is the best means of addressing transportation needs. For the past decade, little money has been spent on adding capacity to our state's highways of statewide significance. This lack of investment includes major new highway projects to add capacity and lane miles to major state routes, interstates or other freeway systems, as well as associated high-capacity transportation capital improvements such as park and ride facilities, high-occupancy vehicle lanes, transit flyover access ramps to highway lanes, and bus pullouts along highways as means to reduce traffic congestion.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Regional transportation investment district" or "district" means a quasi-municipal corporation whose boundaries are coextensive with one or more counties and which has been created by county legislative authorities and a vote of the people pursuant to this chapter to implement a regional transportation investment plan.

(2) "Regional transportation investment district planning committee" or "planning committee" means the advisory committee created pursuant to section 3 of this act to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.

(3) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.

(4) "Highway of statewide significance" means an existing or proposed state route or federal interstate as designated a highway of statewide significance by the transportation commission, its successor entity, or the legislature.

(5) "Transportation project" or "project" means a capital improvement or improvements to a highway of statewide significance that adds a lane or new lanes to an existing state or federal highway, including associated HOV lanes, flyover ramps, park and ride lots, and bus pullouts.

(6) "Department" means the Washington state department of transportation.

NEW SECTION. Sec. 3. Regional transportation investment district planning committees are advisory entities which are created, convened, and empowered as follows:

(1) A county or, by agreement, multiple contiguous counties, may choose to create a regional transportation investment district and convene a regional transportation investment district planning committee.

(2) If a regional transportation investment district planning committee is formed, each county commissioner or councilmember from each participating county shall appoint one member to the planning committee. The appointee must be a resident of the county the commissioner or councilmember serves, and, if the commissioner or councilmember is nominated or elected from a commissioner or councilmember district, then the appointee must also be a resident of that district. The appointee shall not be an elected federal, state, county, or city official. Members of the planning committee serve at the pleasure of the appointing councilmember or commissioner and shall receive no compensation, but may be reimbursed for travel and incidental expenses as the planning committee deems appropriate: PROVIDED, That in the event that a planning committee elects an executive board, then each member of the executive board may receive compensation of fifty dollars per day for attending meetings or conferences on behalf of the district, not to exceed three thousand dollars per year. An executive board member may waive all or a portion of his or her compensation. Compensation provided in this section is in addition to reimbursement for expenses paid by the planning committee.

(3) A regional transportation investment district planning committee may be entitled to state funding, as appropriated by the legislature, for start-up funding to pay for salaries, expenses, overhead, supplies, and similar expenses ordinarily and necessarily incurred in selecting transportation projects and funding for those projects under this chapter. Upon creation of a regional transportation investment district, the district shall reimburse the state for any sums advanced for these start-up costs from the state.

(4) At its first meeting, a regional transportation investment district planning committee may elect officers and provide for the adoption of rules and other operating procedures. Except as provided in section 15 of this act, the planning committee may elect, from its membership, an executive board to discharge the duties of the planning committee and formulate a regional transportation investment plan, subject to the approval of the full planning committee.

(5) Governance of and decisions by a regional transportation investment district planning committee shall be by majority vote of the total membership. In the event that the planning committee has been convened by multiple counties, each member's vote shall be weighted to reflect the population he or she represents relative to the population represented by the total planning committee membership. Population shall be determined utilizing the national 2000 census or subsequent national census data.

(6) At any time, with a two-thirds vote of the membership of the planning committee, the planning committee may dissolve itself.

(7) A regional transportation investment district planning committee or if applicable, its executive board, shall convene, from time to time and as appropriate, to create and adopt a regional transportation investment plan providing for the selection, development, construction, and financing of transportation projects. The regional transportation investment plan should consider transportation and land use planning. The planning committee may coordinate its activities with the department, which shall provide services, data, and personnel to assist in this planning as desired by the planning committee. In addition, the planning committee may also coordinate with such other local governments and entities that engage in transportation planning.

(8) A planning committee shall select transportation projects to reduce traffic congestion and will create a regional transportation investment plan providing for the development, construction, and financing of the transportation project or projects to be constructed to submit to the county legislative authorities.

(9) A regional transportation investment district planning committee may, as part of a regional transportation investment plan, recommend the imposition of some or all of the following revenue sources:

(a) A regional sales and use tax of up to 0.5 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax. The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. Motor vehicles, as defined in RCW 46.04.320, are exempt from the sales and use tax imposed under this subsection (9)(a);

(b) A use tax imposed on the privilege of using a motor vehicle within a regional transportation investment district. The tax applies to those persons who reside within the regional transportation investment district. The rate of the tax may not exceed 0.5 percent of the value of the motor vehicle. The tax authorized by this subsection is in addition to the tax authorized under RCW 82.14.030 and shall be imposed and collected at the time a taxable event under RCW 82.08.020(1) or 82.12.020 takes place. All revenue received under this subsection (9)(b) shall be deposited in the local sales and use tax account and distributed to the regional transportation investment district according to RCW 82.14.050. The following provisions shall apply to the use tax in this subsection (9)(b):

(i) In such cases where persons are taxable under chapter 82.08 RCW, the seller shall collect the use tax from the buyer using the collection provisions set forth in RCW 82.08.050.

(ii) In such cases where persons are taxable under chapter 82.12 RCW, the use tax shall be collected using the provisions set forth in RCW 82.12.045.

(iii) "Motor vehicle" has the meaning given in RCW 46.04.320.

(iv) "Person" has the meaning given in RCW 82.04.030.

(v) The value of a motor vehicle shall be determined by the method prescribed in RCW 82.12.010.

(vi) Except as specifically stated in this subsection (9)(b), the provisions of chapters 82.12 and 82.32 RCW shall apply to the use tax. The use tax is a local tax imposed under the authority of chapter 82.14 RCW and the provisions of chapter 82.14 RCW apply fully to the use tax;

(c) A motor vehicle, as defined in RCW 46.04.320, license fee of up to one hundred dollars per vehicle registered in the district. The department of licensing shall administer and collect this fee on behalf of a regional transportation investment district and remit this fee to the custody of the state treasurer, who shall distribute it as directed by a regional transportation investment district;

(d) A commercial parking fee of up to ten percent of the cost charged per parking transaction; and

(e) Vehicle tolls on state routes where improvements under this act add additional lanes to a highway of statewide significance. The collection of vehicle tolls on designated facilities shall be administered by the department, unless otherwise specified in law, and the state transportation commission, or its successor, shall be the tolling authority. Specifically for projects where vehicle tolls are collected, as authorized under this subsection (9)(e), the state sales tax imposed and actually collected under chapters 82.08 and 82.12 RCW, less any credits allowed under chapter 82.14 RCW, on initial construction for any project upon which tolls are to be imposed under this section shall be transferred to the motor vehicle fund. It is the legislature's intent that this transaction shall be exempt from the fiscal growth factor in RCW 43.135.055 and will be identified as a credit on the project, thereby lowering the overall cost of the project and the corresponding tolls.

(10) Taxes shall not be imposed without an affirmative vote of the people within the boundaries of the county or counties as set forth in this chapter. Revenues from these taxes may be used only to support the implementation, by a regional transportation investment district, of a regional transportation investment plan to construct transportation projects. A regional transportation investment district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or fees authorized in this section.

(11) In addition to those taxes adopted pursuant to this act, a county or city may use any of its existing taxing authority to provide funds for a transportation project being constructed by a regional transportation investment district.

(12) A combination of local, state, and federal revenues may be necessary to pay for transportation projects, and the planning committee shall consider all of these revenue sources in developing a financing and funding plan. In particular, state and federal matching funds of up to sixty percent of the total costs as provided in section 11 of this act shall be considered.

(13) Upon adoption, by majority vote of the appointed members and utilizing proportional weighted voting in the case of multiple counties, of the regional transportation investment plan by the planning committee, the planning committee shall immediately transmit the regional transportation investment plan to the county legislative authority or authorities which convened the regional transportation investment district planning committee. The plan shall include a proposed ballot measure to be submitted to a vote of the people within the county or counties. This ballot measure shall call for the creation of a regional transportation investment district; specify the transportation project or projects to be constructed; specify the anticipated timeline for completion of the transportation project or projects to be constructed; and specify the tax or taxes to be imposed, the anticipated duration of the taxes imposed, and the total amount of revenue estimated to be collected.

NEW SECTION. Sec. 4. A regional transportation investment district is a quasi-municipal corporation which shall be formed in the following manner:

(1) The legislative authority of the county, or in the case of multiple counties, the legislative authorities, which convened the planning committee shall decide by resolution whether to adopt the regional transportation investment plan submitted by a regional transportation investment district planning committee and participate in the regional transportation investment district. This action shall be completed within sixty days following receipt of the planning committee's adopted plan.

(2) If any county opts not to adopt the plan or participate in the regional transportation investment district, but one or more contiguous counties do choose to continue to participate, then the planning committee may, within ninety days, redefine the regional transportation investment plan, and the ballot measure to be submitted to the people, to reflect elimination of one or more counties, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to adopt the redefined plan and participate. This action shall be completed within sixty days following receipt of the redefined plan.

(3) The legislative authorities of the county or counties deciding to participate shall place on the ballot, at the next general election or at a special election called for this purpose, the single ballot proposition adopted by the planning committee. The county legislative authorities may not alter the plan or ballot measure adopted by the planning committee and approved by the legislative authority or authorities. Only those registered voters residing within the county or counties participating shall vote on the ballot measure.

A simple majority of those voting within the county or counties is required for approval. If the vote is affirmative, then the regional transportation investment district is created.

(4) If the vote fails, then the planning committee may redefine the selected projects, the construction and financing plan, and the ballot measure proposition. The county legislative authorities may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at the next election or a special election. No single proposition may be submitted to the voters more than three times.

If a positive vote on a proposition is not achieved by the third vote, then the planning committee shall be dissolved within sixty days.

NEW SECTION. Sec. 5. If the voters approve the plan creating a regional transportation investment district, the district will be declared formed. The county election official of a county must, within fifteen days of the final certification of the election results, publish a notice in a newspaper or newspapers of general circulation in the district declaring the district formed, and must mail copies of the notice to the governor, the secretary of transportation, and the executive director of each regional transportation planning organization which has part or all of any participating county within its boundaries. A party challenging the formation of a

voter-approved district must file a lawsuit challenging the district's formation within thirty days after the final certification of the election, and shall serve notice of the lawsuit upon each county participating in the district. Failure to challenge within that time forever bars further challenge of the district's valid formation.

NEW SECTION. Sec. 6. Membership of a regional transportation investment district shall be composed of one representative from each county council or commission district within the regional transportation investment district.

(1) The initial membership of a regional transportation investment district created pursuant to this chapter shall be composed of the members of the regional transportation investment district planning committee. Members serve at the pleasure of the county commissioner or councilmember representing the district from which the initial appointment was made to the planning committee.

(2) In the event of a vacancy, the county commissioner or councilmember representing the district from which the initial appointment was made shall appoint a replacement member to the district. The appointee must be a resident of the county the commissioner or councilmember serves, and if the commissioner or councilmember is nominated or elected from a commissioner or councilmember district, then the appointee must also be a resident of that district. The appointee shall not be an elected federal, state, county, or city official. Members of a district serve at the pleasure of the appointing county commissioner or councilmember.

(3) Members of the regional transportation investment district shall receive no compensation, but may receive per diem and be reimbursed for travel and incidental expenses as the district deems appropriate: PROVIDED, That in the event a district elects an executive board, then each member of the executive board may receive compensation of fifty dollars per day for attending meetings or conferences on behalf of the district, not to exceed three thousand dollars per year. An executive board member may waive all or a portion of his or her compensation. Compensation provided in this section is in addition to reimbursement for expenses paid by the district.

NEW SECTION. Sec. 7. (1) A regional transportation investment district shall meet from time to time as necessary to oversee the implementation of the regional transportation investment plan. At its first meeting, the regional transportation investment district planning committee may elect officers and provide for the adoption of rules and other operating procedures. Except as provided in section 15 of this act, the district may elect, from its membership, an executive board to discharge the duties of the district and implement the regional transportation investment plan, subject to the approval of the full district membership. Governance of and decisions by a regional transportation investment district shall be by majority vote of the total membership. In the event that the district is composed of multiple counties, each member's vote shall be weighted to reflect the population he or she represents relative to the population represented by the total district membership. Population shall be determined utilizing the national 2000 census or subsequent national census data.

(2) A regional transportation investment district is a body corporate and shall have the powers necessary and incidental to overseeing the implementation of a regional transportation investment plan approved by the voters under this act, including but not limited to:

(a) The authority to hire no more than six employees, including, if it chooses, a director or executive officer, a treasurer or financial officer, a project manager or engineer, legal counsel, a project permit coordinator, and clerical staff; and

(b) The authority to pay for services and enter into contracts, including professional service contracts.

(3) A regional transportation investment district does not have the authority to acquire, hold, or dispose of real property.

(4) A regional transportation investment district shall not own, operate, or maintain any ongoing facility, road, or transportation system.

(5) A regional transportation investment district may accept and expend or use gifts, grants, or donations.

(6) A regional transportation investment district may coordinate its activities with the department, which shall provide services, data, and personnel to assist as desired by the regional transportation investment district.

(7) It is the intent of the legislature that administrative and overhead costs of a regional transportation investment district be minimized. For projects costing up to fifty million dollars, administrative and overhead costs may not exceed three percent of the total construction and design project costs per year. For projects costing in excess of fifty million dollars, administrative and overhead costs shall be no more than three percent of the first fifty million dollars in costs, plus an additional one-tenth of one percent for each additional dollar above fifty million. These limitations apply only to the district, and shall not be construed as limiting the administration or expenditures of the department of transportation.

(8) A regional transportation investment district may not substantially vary the regional transportation investment plan or the projects to be constructed. Minor variations or deviations as to the timeline, project plans, or right-of-way, and of up to five percent of the total costs may be made, but in no case may the district add to or delete from the plan projects to be constructed. Major revisions to the plan, including the addition or deletion of projects to be constructed, must be submitted first to the county legislative authorities and then a vote of the people in the same manner as provided for the initial plan under this chapter.

(9) To assure accountability to the public for the timely construction of the transportation project or projects within cost projections, the district shall issue a public report every year on the progress made in implementing the regional transportation investment plan. In the report, the district shall detail progress in two areas: (a) Whether the project or projects costs-to-date are within the amount of revenue raised for the project or projects under the vote of the people as provided in section 4 of this act; and (b) whether the project or projects are proceeding in accordance with the original construction schedule. If the progress of a project or projects is inconsistent with either the cost projections or timelines, the district shall provide the public with a plan to move the project or projects back into compliance with the original construction schedule and cost projections.

NEW SECTION. Sec. 8. The regional transportation investment district, by resolution, shall designate a person having experience in financial or fiscal matters as treasurer of the district. The district may designate the treasurer of a county within which the district is located to act as its treasurer. Such a treasurer shall possess all of the powers, responsibilities, and duties the county treasurer possesses related to investing surplus funds. The district shall require a bond with a surety company authorized to do business in the state of Washington in an amount and under the terms and conditions the district, by resolution, from time to time finds will protect the district against loss. The premium on any such bond shall be paid by the district.

All district funds shall be paid to the treasurer and shall be disbursed by the treasurer only on warrants issued by district upon orders or vouchers approved by the district.

The treasurer shall establish a special fund, into which shall be paid all district funds, and the treasurer shall maintain such special accounts as may be created by the district into which shall be placed all money as the district may, by resolution, direct.

If the treasurer of the district is the treasurer of a county, all district funds shall be deposited with the county depository under the same restrictions, contracts, and security as provided for county depositories. If the treasurer of the district is some other person, all funds shall be deposited in such bank or banks authorized to do business in this state that have qualified for insured deposits under any federal deposit insurance act as the district, by resolution, shall designate.

The district may provide and require a reasonable bond of any other person handling moneys or securities of the district, but the district shall pay the premium on the bond.

NEW SECTION. Sec. 9. The district may not issue any debt of its own for more than two years' duration. A district may enter into agreements with the state to pledge taxes or other revenues of the district for the purpose of paying in part or whole principal and interest on bonds issued by the state. The contracts pledging revenues and taxes shall be binding for the term of the agreement, but not to exceed twenty-five years, and no tax pledged by an agreement may be eliminated or modified if it would impair the pledge of the agreement.

NEW SECTION. Sec. 10. (1) The department shall create a division of dedicated staff and services whose sole responsibility is to coordinate the design, preliminary engineering, permitting, financing, and construction of projects under consideration by a regional transportation investment district planning committee or which are part of a regional transportation investment plan being implemented by a regional transportation investment district.

(2) All of the powers granted the department pursuant to Title 47 RCW relating to highway construction may, at the request of a regional transportation investment district, be utilized to implement a regional transportation investment plan and construct transportation projects.

NEW SECTION. Sec. 11. (1) A regional transportation investment district is eligible for state and federal matching funds of up to sixty percent of the total costs of a transportation project or series of projects being constructed by a regional transportation investment district. A regional transportation investment district need not utilize matching funds, and nothing in this section may be construed as prohibiting a regional transportation investment district from funding and paying all or more than forty percent of the total costs of a transportation project or series of projects being constructed.

(2) The regional transportation investment district matching account is hereby created within the state treasury. The regional transportation investment district matching account shall be administered by the state treasurer. Funds appropriated by the legislature as matching state money for a transportation project or series of projects being constructed by a regional transportation investment district shall be deposited into this account. The purpose of this account is to serve as an account from which payments for transportation projects being constructed by a regional transportation investment district may be made. Payments from this account may be made as follows:

(a) The state may pay for its share of up to sixty percent, including federal funds, of the total costs of a transportation project or series of projects being constructed by a regional transportation investment district from funds appropriated to this account by the legislature for this purpose; and

(b) A regional transportation investment district may also transfer money to this account to pay for its share of any transportation projects being constructed by the state on behalf of that regional transportation investment district, or for payment of any bonds, debt, or other financing incurred by the state on its behalf to construct such projects. The state may then use these transfers to make payments on the district's behalf.

All moneys deposited in the regional transportation investment district matching account shall be invested by the state treasurer. Funds within the regional transportation investment district matching account shall be used solely to pay for transportation projects being constructed by a regional transportation investment district.

NEW SECTION. Sec. 12. The department or district may use the design-build procedure for projects developed by a regional transportation investment district. As used in this section "design-build procedure" means a method of contracting under which the department or district contracts with another party for such party to both design and build the structures, facilities, and other items specified in the contract.

NEW SECTION. Sec. 13. Within thirty days of the completion of the construction of the project or series of projects forming the regional transportation investment plan, the district shall terminate day-to-day operations and exist solely as a limited entity which oversees the collection of revenue and the payment of any debt service or financing still in effect, if any. The district shall adjust its employees, administration, and overhead expenses downward accordingly. Any taxes imposed pursuant to an approved plan shall terminate when the financing or debt service on the project or series of projects constructed is completed and paid, thirty days from which point the district shall dissolve itself and cease to exist. If there is no debt outstanding, then the district shall dissolve within thirty days from completion of construction of the project or series of projects forming the regional transportation investment plan.

NEW SECTION. Sec. 14. Any transportation project constructed pursuant to this chapter becomes and remains the property of the state of Washington.

NEW SECTION. Sec. 15. The legislature finds that regional solutions to the state's transportation needs are of paramount concern. The legislature further recognizes that different areas of the state will need the flexibility to fashion local solutions to their transportation problems, and that regional transportation systems may evolve over time.

(1) The central Puget Sound regional transportation investment district planning committee is hereby created as a pilot project, and consists of the counties of King, Pierce, and Snohomish. The planning committee shall conduct its affairs and formulate a regional transportation investment plan as provided under section 3 of this act, except that it shall elect an executive board of seven members to discharge the duties of the planning committee and formulate a regional transportation investment plan, subject to the approval of the full planning committee. All other provisions of this chapter shall apply to this pilot project.

(2) Areas of the state outside of King, Snohomish, and Pierce counties shall be eligible for grants from the state of one hundred fifty thousand dollars or more to study and develop regional transportation models. Regions electing to participate in this pilot program shall develop a model that can be used in other parts of the state and shall report to the transportation committees in

the senate and house of representatives on the positive and negative aspects of the model as well as costs associated with it no later than June 30, 2002.

Sec. 16. RCW 43.84.092 and 2000 2nd sp.s. c 4 s 5 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the regional transportation investment district matching account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system plan 2 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 17. RCW 43.84.092 and 2000 2nd sp.s. c 4 s 6 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal

government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the regional transportation investment district matching account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 18. RCW 81.104.140 and 1992 c 101 s 25 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including transit agencies and regional transit authorities, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized (~~only~~) for agencies located in (~~((a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more))~~ any county other than a county which, in whole or in part, is a part of a regional transit authority, or is eligible to form or participate in a regional transit authority. For counties which, in whole or in part, are part of a regional transit authority, or which are eligible to form or participate in a regional transit authority, these funding sources may be imposed only by a regional transit authority.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;

- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (10) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Except when a regional transit authority exists, local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. The ballot title shall reference the document identified in subsection (8) of this section.

(8) Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election.

(9) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

(10) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

(11) By interlocal agreement, transit agencies located in any county other than a county which, in whole or in part, is a part of a regional transit authority, or is eligible to form or participate in a regional transit authority, may choose to coordinate their efforts to implement some or all of the dedicated funding sources set forth in RCW 81.104.150, 81.104.160, and 81.104.170, to implement high-capacity transportation service as a joint effort, across their respective jurisdictions. The respective county legislative authorities may choose to set forth a common ballot measure and vote to accomplish this purpose.

Sec. 19. RCW 47.05.021 and 1998 c 245 s 95 and 1998 c 171 s 5 are each reenacted and amended to read as follows:

(1) The transportation commission is hereby directed to conduct periodic analyses of the entire state highway system, report thereon to the chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, biennially and based thereon, to subdivide, classify, and subclassify according to their function and importance all designated state highways and those added from time to time and periodically review and revise the classifications into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial statewide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) In making the functional classification the transportation commission shall adopt and give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

- (a) Urban population centers within and without the state stratified and ranked according to size;
- (b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;
- (c) Feasibility of the route, including availability of alternate routes within and without the state;
- (d) Directness of travel and distance between points of economic importance;
- (e) Length of trips;
- (f) Character and volume of traffic;
- (g) Preferential consideration for multiple service which shall include public transportation;
- (h) Reasonable spacing depending upon population density; and
- (i) System continuity.

(3) The transportation commission or the legislature shall designate state highways of statewide significance under RCW 47.06.140 ~~(, and)~~. If the commission designates a state highway of statewide significance, it shall submit a list of such facilities for adoption by the ~~((1999))~~ legislature. This statewide system shall include at a minimum interstate highways and other statewide principal arterials that are needed to connect major communities across the state and support the state's economy.

(4) The transportation commission shall designate a freight and goods transportation system. This statewide system shall include state highways, county roads, and city streets. The commission, in cooperation with cities and counties, shall review and

make recommendations to the legislature regarding policies governing weight restrictions and road closures which affect the transportation of freight and goods.

NEW SECTION. Sec. 20. The legislature hereby designates state route number 519 and that portion of state route number 509 which runs or will run from state route number 518 in the north to the intersection with interstate 5 in the south as state highways of statewide significance.

NEW SECTION. Sec. 21. A new section is added to chapter 43.131 RCW to read as follows:

Regional transportation investment districts and their powers and duties shall be terminated on June 30, 2006, as provided in section 22 of this act.

NEW SECTION. Sec. 22. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2007:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act;
- (5) Section 5 of this act;
- (6) Section 6 of this act;
- (7) Section 7 of this act;
- (8) Section 8 of this act;
- (9) Section 9 of this act;
- (10) Section 10 of this act;
- (11) Section 11 of this act;
- (12) Section 12 of this act;
- (13) Section 13 of this act;
- (14) Section 14 of this act; and
- (15) Section 15 of this act.

NEW SECTION. Sec. 23. Section 16 of this act expires March 1, 2002.

NEW SECTION. Sec. 24. Section 17 of this act takes effect March 1, 2002.

NEW SECTION. Sec. 25. Sections 1 through 15 of this act constitute a new chapter in Title 47 RCW.

NEW SECTION. Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. Sections 1 through 16 and 18 through 20 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

MOTION

Senator Patterson moved that the following amendments by Senators Patterson, Thibaudeau, Kohl-Welles, Jacobsen, Kline, Franklin, McAuliffe, Eide and Regala to the striking amendment by Senators Haugen, McDonald, and Gardner be considered simultaneously and be adopted:

On page 1, beginning on line 16, after "improvements" strike all material through "significance" on line 17.

On page 1, beginning on line 21, after "state's" strike all material through "congestion." on line 27 and insert the following: "urban area transportation systems. This lack of investment includes major new highway projects to add capacity and lane miles to major state routes, interstates or other freeway systems, and local principal arterials, and other means to reduce traffic congestion including capacity improvements for public transportation and high-capacity transportation systems."

On page 2, beginning on line 13, after "means" strike all material through "pull-outs." on line 17 and insert "an improvement that adds a lane or lanes to a principal local arterial or state route including the interstate system, creates a new state route or federal interstate route, optimizes the use or productivity of an existing principal arterial or state highway, or adds capacity to public transportation or high-capacity transportation services along transportation corridors including ferry services."

On page 5, beginning on line 21 after "a" strike all material through "significance" on line 5.

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Snyder, further consideration of Substitute Senate Bill No. 6140 was deferred.

MOTION

At 11:54 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, May 21, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-FOURTH DAY, FIRST SPECIAL SESSION, MAY 18, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

TWENTY-SEVENTH DAY, FIRST SPECIAL SESSION

NOON SESSION

SENATE CHAMBER, OLYMPIA, MONDAY, MAY 21, 2001

THE SENATE WAS CALLED TO ORDER AT 12:00 NOON BY PRESIDENT PRO TEMPORE FRANKLIN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT PRO TEMPORE THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS BENTON, CARLSON, COSTA, DECCIO, HARGROVE, SNYDER AND STEVENS. ON MOTION OF SENATOR EIDE, SENATORS COSTA, HARGROVE AND SNYDER WERE EXCUSED. ON MOTION OF SENATOR HONEYFORD, SENATORS BENTON, CARLSON, DECCIO AND STEVENS WERE EXCUSED.

THE SERGEANT AT ARMS COLOR GUARD, CONSISTING OF STAFF MEMBERS THERESA PITTS AND DONNA BEZON, PRESENTED THE COLORS. SENATOR ADAM KLINE OFFERED THE PRAYER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

INTRODUCTION AND FIRST READING

SB 6188 BY SENATORS PRENTICE, SWECKER, HAUGEN, McDONALD, GARDNER, HORN, RASMUSSEN AND DECCIO

AN ACT RELATING TO IMPROVING THE EFFICIENCY AND ACCOUNTABILITY OF THE ENVIRONMENTAL PERMITTING AND COMPLIANCE PROCESS FOR TRANSPORTATION PROJECTS; AND CREATING A NEW SECTION. REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 6189 BY SENATORS FAIRLEY AND DECCIO

AN ACT RELATING TO THE REMOVAL OF SCOTCH BROOM FROM STATE HIGHWAY ROADSIDES; ADDING A NEW SECTION TO CHAPTER 47.40 RCW; AND CREATING A NEW SECTION. REFERRED TO COMMITTEE ON TRANSPORTATION.

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

MOTION

ON MOTION OF SENATOR FRASER, GUBERNATORIAL APPOINTMENT No. 9140, TOM KARIER, AS A MEMBER OF THE PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL, WAS CONFIRMED.

SENATORS FRASER AND BROWN SPOKE TO THE CONFIRMATION OF TOM KARIER AS A MEMBER OF THE PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL.

APPOINTMENT OF TOM KARIER

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 42; NAYS, 0; ABSENT, 0; EXCUSED, 7.

VOTING YEA: SENATORS BROWN, CONSTANTINE, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SPANEL, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 42.

EXCUSED: SENATORS BENTON, CARLSON, COSTA, DECCIO, HARGROVE, SNYDER AND STEVENS - 7.

MOTION

ON MOTION OF SENATOR JACOBSEN, GUBERNATORIAL APPOINTMENT NO. 9053, REPRESENTATIVE JIM BUCK, AS A MEMBER OF THE PACIFIC MARINE FISHERIES COMMISSION, WAS CONFIRMED.

SENATORS JACOBSEN, SPANEL AND OKE SPOKE TO THE CONFIRMATION OF REPRESENTATIVE JIM BUCK AS A MEMBER OF THE PACIFIC MARINE FISHERIES COMMISSION.

APPOINTMENT OF REPRESENTATIVE JIM BUCK

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 41; NAYS, 0; ABSENT, 2; EXCUSED, 6.

VOTING YEA: SENATORS CONSTANTINE, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SPANEL, STEVENS, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 41.

ABSENT: SENATORS BROWN AND KLINE - 2.

EXCUSED: SENATORS BENTON, CARLSON, COSTA, DECCIO, HARGROVE AND SNYDER - 6.

THIRD READING

SENATE BILL NO. 5407, BY SENATORS WEST, PRENTICE, KOHL-WELLES, GARDNER AND RASMUSSEN

ALLOWING MORE SIMULCAST HORSE RACING.

MOTIONS

ON MOTION OF SENATOR WEST, THE RULES WERE SUSPENDED SUBSTITUTE SENATE BILL NO. 5407 WAS RETURNED TO SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR WEST, THE FOLLOWING AMENDMENT WAS ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

NEW SECTION. Sec. 1. THE LEGISLATURE FINDS THAT WASHINGTON'S EQUINE RACING INDUSTRY CREATES ECONOMIC, ENVIRONMENTAL, AND RECREATIONAL IMPACTS ACROSS THE STATE AFFECTING AGRICULTURE, HORSE BREEDING, THE HORSE TRAINING INDUSTRY, AGRICULTURAL FAIRS AND YOUTH PROGRAMS, AND TOURISM AND EMPLOYMENT OPPORTUNITIES. THE WASHINGTON EQUINE INDUSTRY HAS INCURRED A FINANCIAL DECLINE COINCIDING WITH INCREASED COMPETITION FROM THE GAMING INDUSTRY IN THE STATE AND FROM THE LACK OF A CLASS 1 RACING FACILITY IN WESTERN WASHINGTON FROM 1993 THROUGH 1995. THIS ACT IS NECESSARY TO PRESERVE, RESTORE, AND REVITALIZE THE EQUINE BREEDING AND RACING INDUSTRIES AND TO PRESERVE IN WASHINGTON THE ECONOMIC AND SOCIAL IMPACTS ASSOCIATED WITH THESE INDUSTRIES. PRESERVING WASHINGTON'S EQUINE BREEDING AND RACING INDUSTRIES, AND IN PARTICULAR THOSE SECTORS OF THE INDUSTRIES THAT ARE DEPENDENT UPON LIVE HORSE RACING, IS IN THE PUBLIC INTEREST OF THE STATE. THE PURPOSE OF THIS ACT IS TO PRESERVE WASHINGTON'S EQUINE BREEDING AND RACING INDUSTRIES AND TO PROTECT THESE INDUSTRIES FROM ADVERSE ECONOMIC IMPACTS. THIS ACT DOES NOT ESTABLISH A NEW FORM OF GAMING IN WASHINGTON OR ALLOW EXPANDED GAMING WITHIN THE STATE BEYOND WHAT HAS BEEN PREVIOUSLY AUTHORIZED. SIMULCAST WAGERING HAS BEEN ALLOWED IN WASHINGTON BEFORE THE EFFECTIVE DATE OF THIS ACT. THEREFORE, THIS ACT DOES NOT ALLOW GAMING OF ANY NATURE OR SCOPE THAT WAS PROHIBITED BEFORE THE EFFECTIVE DATE OF THIS ACT.

Sec. 2. RCW 67.16.200 AND 2000 C 223 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) A RACING ASSOCIATION LICENSED BY THE COMMISSION TO CONDUCT A RACE MEET MAY SEEK APPROVAL FROM THE COMMISSION TO CONDUCT PARIMUTUEL WAGERING ON ITS PROGRAM AT A SATELLITE LOCATION OR LOCATIONS WITHIN THE STATE OF WASHINGTON. THE SALE OF PARIMUTUEL POOLS AT SATELLITE LOCATIONS SHALL BE CONDUCTED ONLY DURING THE LICENSEE'S RACE MEET AND SIMULTANEOUS TO ALL PARIMUTUEL WAGERING ACTIVITY CONDUCTED AT THE LICENSEE'S LIVE RACING FACILITY IN THE STATE OF WASHINGTON. THE COMMISSION'S AUTHORITY TO APPROVE SATELLITE WAGERING AT A PARTICULAR LOCATION IS SUBJECT TO THE FOLLOWING LIMITATIONS:

(A) THE COMMISSION MAY APPROVE ONLY ONE SATELLITE LOCATION IN EACH COUNTY IN THE STATE; HOWEVER, THE COMMISSION MAY GRANT APPROVAL FOR MORE THAN ONE LICENSEE TO CONDUCT WAGERING AT EACH SATELLITE LOCATION. A SATELLITE LOCATION SHALL NOT BE OPERATED WITHIN TWENTY DRIVING MILES OF ANY CLASS 1 RACING FACILITY. FOR THE PURPOSES OF THIS SECTION, "DRIVING MILES" MEANS MILES MEASURED BY THE MOST DIRECT ROUTE AS DETERMINED BY THE COMMISSION; AND

(B) A LICENSEE SHALL NOT CONDUCT SATELLITE WAGERING AT ANY SATELLITE LOCATION WITHIN SIXTY DRIVING MILES OF ANY OTHER RACING FACILITY CONDUCTING A LIVE RACE MEET.

(2) SUBJECT TO LOCAL ZONING AND OTHER LAND USE ORDINANCES, THE COMMISSION SHALL BE THE SOLE JUDGE OF WHETHER APPROVAL TO CONDUCT WAGERING AT A SATELLITE LOCATION SHALL BE GRANTED.

(3) THE LICENSEE SHALL COMBINE THE PARIMUTUEL POOLS OF THE SATELLITE LOCATION WITH THOSE OF THE RACING FACILITY FOR THE PURPOSE OF DETERMINING ODDS AND COMPUTING PAYOFFS. THE AMOUNT WAGERED AT THE SATELLITE LOCATION SHALL BE COMBINED WITH THE AMOUNT WAGERED AT THE RACING FACILITY FOR THE APPLICATION OF TAKE OUT FORMULAS AND DISTRIBUTION AS PROVIDED IN RCW 67.16.102, 67.16.105, 67.16.170, AND 67.16.175. A SATELLITE EXTENSION OF THE LICENSEE'S RACING FACILITY SHALL BE SUBJECT TO THE SAME APPLICATION OF THE RULES OF RACING AS THE LICENSEE'S RACING FACILITY.

(4) UPON WRITTEN APPLICATION TO THE COMMISSION, A CLASS 1 RACING ASSOCIATION MAY BE AUTHORIZED TO TRANSMIT SIMULCASTS OF LIVE HORSE RACES CONDUCTED AT ITS RACETRACK TO LOCATIONS OUTSIDE OF THE STATE OF WASHINGTON APPROVED

BY THE COMMISSION AND IN ACCORDANCE WITH THE INTERSTATE HORSE RACING ACT OF 1978 (15 U.S.C. SEC. 3001 TO 3007) OR ANY OTHER APPLICABLE LAWS. THE COMMISSION MAY PERMIT PARIMUTUEL POOLS ON THE SIMULCAST RACES TO BE COMBINED IN A COMMON POOL. A RACING ASSOCIATION THAT TRANSMITS SIMULCASTS OF ITS RACES TO LOCATIONS OUTSIDE THIS STATE SHALL PAY AT LEAST FIFTY PERCENT OF THE FEE THAT IT RECEIVES FOR SALE OF THE SIMULCAST SIGNAL TO THE HORSEMEN'S PURSE ACCOUNT FOR ITS LIVE RACES AFTER FIRST DEDUCTING THE ACTUAL COST OF SENDING THE SIGNAL OUT OF STATE.

(5) UPON WRITTEN APPLICATION TO THE COMMISSION, A CLASS 1 RACING ASSOCIATION MAY BE AUTHORIZED TO TRANSMIT SIMULCASTS OF LIVE HORSE RACES CONDUCTED AT ITS RACETRACK TO LICENSED RACING ASSOCIATIONS LOCATED WITHIN THE STATE OF WASHINGTON AND APPROVED BY THE COMMISSION FOR THE RECEIPT OF THE SIMULCASTS. THE COMMISSION SHALL PERMIT PARIMUTUEL POOLS ON THE SIMULCAST RACES TO BE COMBINED IN A COMMON POOL. THE FEE FOR IN-STATE, TRACK-TO-TRACK SIMULCASTS SHALL BE FIVE AND ONE-HALF PERCENT OF THE GROSS PARIMUTUEL RECEIPTS GENERATED AT THE RECEIVING LOCATION AND PAYABLE TO THE SENDING RACING ASSOCIATION. A RACING ASSOCIATION THAT TRANSMITS SIMULCASTS OF ITS RACES TO OTHER LICENSED RACING ASSOCIATIONS SHALL PAY AT LEAST FIFTY PERCENT OF THE FEE THAT IT RECEIVES FOR THE SIMULCAST SIGNAL TO THE HORSEMEN'S PURSE ACCOUNT FOR ITS LIVE RACE MEET AFTER FIRST DEDUCTING THE ACTUAL COST OF SENDING THE SIMULCAST SIGNAL. A RACING ASSOCIATION THAT RECEIVES RACES SIMULCAST FROM CLASS 1 RACING ASSOCIATIONS WITHIN THE STATE SHALL PAY AT LEAST FIFTY PERCENT OF ITS SHARE OF THE PARIMUTUEL RECEIPTS TO THE HORSEMEN'S PURSE ACCOUNT FOR ITS LIVE RACE MEET AFTER FIRST DEDUCTING THE PURCHASE PRICE AND THE ACTUAL DIRECT COSTS OF IMPORTING THE RACE.

(6) A CLASS 1 RACING ASSOCIATION MAY BE ALLOWED TO IMPORT SIMULCASTS OF HORSE RACES FROM OUT-OF-STATE RACING FACILITIES. WITH THE PRIOR APPROVAL OF THE COMMISSION, THE CLASS 1 RACING ASSOCIATION MAY PARTICIPATE IN AN INTERSTATE COMMON POOL AND MAY CHANGE ITS COMMISSION AND BREAKAGE RATES TO ACHIEVE A COMMON RATE WITH OTHER PARTICIPANTS IN THE COMMON POOL.

(A) THE CLASS 1 RACING ASSOCIATION SHALL MAKE WRITTEN APPLICATION WITH THE COMMISSION FOR PERMISSION TO IMPORT SIMULCAST HORSE RACES FOR THE PURPOSE OF PARIMUTUEL WAGERING. SUBJECT TO THE TERMS OF THIS SECTION, THE COMMISSION IS THE SOLE AUTHORITY IN DETERMINING WHETHER TO GRANT APPROVAL FOR AN IMPORTED SIMULCAST RACE.

(B) ~~((DURING THE CONDUCT OF ITS RACE MEETING, A CLASS 1 RACING ASSOCIATION MAY BE ALLOWED TO IMPORT NO MORE THAN ONE SIMULCAST RACE CARD PROGRAM DURING EACH LIVE RACE DAY.))~~ A LICENSED RACING ASSOCIATION MAY ALSO BE APPROVED TO IMPORT ONE SIMULCAST RACE OF REGIONAL OR NATIONAL INTEREST ON EACH LIVE RACE DAY. ~~((A CLASS 1 RACING ASSOCIATION MAY BE PERMITTED TO IMPORT TWO SIMULCAST PROGRAMS ON TWO NONLIVE RACE DAYS PER EACH WEEK DURING ITS LIVE MEET. A LICENSEE SHALL NOT OPERATE PARIMUTUEL WAGERING ON MORE THAN FIVE DAYS PER WEEK. PARIMUTUEL WAGERING ON IMPORTED SIMULCAST PROGRAMS SHALL ONLY BE CONDUCTED AT THE LIVE RACING FACILITY OF A CLASS 1 RACING ASSOCIATION.))~~

(C) THE COMMISSION MAY ALLOW SIMULCAST RACES OF REGIONAL OR NATIONAL INTEREST TO BE SENT TO SATELLITE LOCATIONS. THE SIMULCASTS SHALL BE LIMITED TO ONE PER DAY EXCEPT FOR BREEDER'S CUP SPECIAL EVENTS DAY.

(D) WHEN OPEN FOR PARIMUTUEL WAGERING, A CLASS 1 RACING ASSOCIATION WHICH IMPORTS SIMULCAST RACES SHALL ALSO CONDUCT SIMULCAST PARIMUTUEL WAGERING WITHIN ITS LICENSED RACING ENCLOSURE ON ALL RACES SIMULCAST FROM OTHER CLASS 1 RACING ASSOCIATIONS WITHIN THE STATE OF WASHINGTON.

(E) ~~((WHEN NOT CONDUCTING A LIVE RACE MEETING, A CLASS 1 RACING ASSOCIATION MAY BE APPROVED TO CONDUCT SIMULCAST PARIMUTUEL WAGERING ON IMPORTED SIMULCAST RACES.))~~ THE CONDUCT OF ~~((SIMULCAST))~~ PARIMUTUEL WAGERING ON ~~((THE))~~ IMPORTED SIMULCAST RACES SHALL BE FOR NOT MORE THAN FOURTEEN HOURS DURING ANY TWENTY-FOUR HOUR PERIOD, FOR NOT MORE THAN FIVE DAYS PER WEEK AND ONLY AT ~~((ITS))~~ THE LIVE RACING FACILITY OF A CLASS 1 RACING ASSOCIATION.

(F) ON ANY IMPORTED SIMULCAST RACE, THE CLASS 1 RACING ASSOCIATION SHALL PAY FIFTY PERCENT OF ITS SHARE OF THE PARIMUTUEL RECEIPTS TO THE HORSEMEN'S PURSE ACCOUNT FOR ITS LIVE RACE MEET AFTER FIRST DEDUCTING THE PURCHASE PRICE OF THE IMPORTED RACE AND THE ACTUAL COSTS OF IMPORTING THE RACE.

(7) FOR PURPOSES OF THIS SECTION, A CLASS 1 RACING ASSOCIATION IS DEFINED AS A LICENSEE APPROVED BY THE COMMISSION TO CONDUCT DURING EACH TWELVE-MONTH PERIOD AT LEAST FORTY DAYS OF LIVE RACING. IF A LIVE RACE DAY IS CANCELED DUE TO REASONS DIRECTLY ATTRIBUTABLE TO ACTS OF GOD, LABOR DISRUPTIONS AFFECTING LIVE RACE DAYS BUT NOT DIRECTLY INVOLVING THE LICENSEE OR ITS EMPLOYEES, OR OTHER CIRCUMSTANCES THAT THE COMMISSION DECIDES ARE BEYOND THE CONTROL OF THE CLASS 1 RACING ASSOCIATION, THEN THE CANCELED DAY COUNTS TOWARD THE FORTY-DAY REQUIREMENT. THE COMMISSION MAY BY RULE INCREASE THE NUMBER OF LIVE RACING DAYS REQUIRED TO MAINTAIN CLASS 1 RACING ASSOCIATION STATUS OR MAKE OTHER RULES NECESSARY TO IMPLEMENT THIS SECTION.

(8) THIS SECTION DOES NOT ESTABLISH A NEW FORM OF GAMING IN WASHINGTON OR ALLOW EXPANDED GAMING WITHIN THE STATE BEYOND WHAT HAS BEEN PREVIOUSLY AUTHORIZED. SIMULCAST WAGERING HAS BEEN ALLOWED IN WASHINGTON BEFORE APRIL 19, 1997. THEREFORE, THIS SECTION DOES NOT ALLOW GAMING OF ANY NATURE OR SCOPE THAT WAS PROHIBITED BEFORE APRIL 19, 1997. THIS SECTION IS NECESSARY TO PROTECT THE WASHINGTON EQUINE BREEDING AND RACING INDUSTRIES, AND IN PARTICULAR THOSE SECTORS OF THESE INDUSTRIES THAT ARE DEPENDENT UPON LIVE HORSE RACING. THE PURPOSE OF THIS SECTION IS TO PROTECT THESE INDUSTRIES FROM ACTUAL AND POTENTIAL ADVERSE ECONOMIC IMPACTS AND TO PROMOTE FAN ATTENDANCE AT CLASS 1 RACING FACILITIES. THEREFORE, IMPORTED SIMULCAST RACE CARD PROGRAMS SHALL NOT BE DISSEMINATED TO ANY LOCATION OUTSIDE THE LIVE RACING FACILITY OF THE CLASS 1 RACING ASSOCIATION AND A CLASS 1 RACING ASSOCIATION IS STRICTLY PROHIBITED FROM SIMULCASTING IMPORTED RACE CARD PROGRAMS TO ANY LOCATION OUTSIDE ITS LIVE RACING FACILITY.

(9) A LICENSEE CONDUCTING SIMULCASTING UNDER THIS SECTION SHALL PLACE SIGNS IN THE LICENSEE'S GAMBLING ESTABLISHMENT UNDER RCW 9.46.071. THE INFORMATIONAL SIGNS CONCERNING PROBLEM AND COMPULSIVE GAMBLING MUST INCLUDE A TOLL-FREE TELEPHONE NUMBER FOR PROBLEM AND COMPULSIVE GAMBLERS AND BE DEVELOPED UNDER RCW 9.46.071.

(10) THIS ACT DOES NOT ESTABLISH A NEW FORM OF GAMING IN WASHINGTON OR ALLOW EXPANDED GAMING WITHIN THE STATE BEYOND WHAT HAS BEEN PREVIOUSLY AUTHORIZED. SIMULCAST WAGERING HAS BEEN ALLOWED IN WASHINGTON BEFORE THE EFFECTIVE DATE OF THIS ACT. THEREFORE, THIS SECTION DOES NOT ALLOW GAMING OF ANY NATURE OR SCOPE THAT WAS PROHIBITED BEFORE THE EFFECTIVE DATE OF THIS ACT. THIS ACT IS NECESSARY TO PROTECT THE WASHINGTON EQUINE BREEDING AND RACING INDUSTRIES, AND IN PARTICULAR THOSE SECTORS OF THESE INDUSTRIES THAT ARE DEPENDENT UPON LIVE HORSE RACING. THE PURPOSE OF THIS ACT IS TO PROTECT THESE INDUSTRIES FROM ADVERSE ECONOMIC IMPACTS AND TO PROMOTE FAN ATTENDANCE AT CLASS 1 RACING FACILITIES. THEREFORE, IMPORTED SIMULCAST RACE CARD PROGRAMS SHALL NOT BE DISSEMINATED TO ANY LOCATION OUTSIDE THE LIVE RACING FACILITY OF THE CLASS 1 RACING ASSOCIATION AND A CLASS 1 RACING ASSOCIATION IS STRICTLY PROHIBITED FROM SIMULCASTING IMPORTED RACE CARD PROGRAMS TO ANY LOCATION OUTSIDE ITS LIVE RACING FACILITY.

(11) IF A STATE OR FEDERAL COURT MAKES A FINDING THAT THE INCREASE IN THE NUMBER OF IMPORTED SIMULCAST RACES THAT MAY BE AUTHORIZED UNDER THIS ACT IS AN EXPANSION OF GAMING BEYOND THAT WHICH IS NOW ALLOWED, THIS ACT IS NULL AND VOID.

(12) IF ANY PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE REMAINDER OF THIS ACT OR THE APPLICATION OF THE PROVISION TO OTHER PERSONS OR CIRCUMSTANCES IS ALSO INVALID."

MOTIONS

ON MOTION OF SENATOR WEST, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, ON LINE 3 OF THE TITLE, AFTER "FACILITIES;", STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 67.16.200; AND CREATING A NEW SECTION."

ON MOTION OF SENATOR WEST, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE SENATE BILL NO. 5407 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

POINT OF ORDER

SENATOR FAIRLEY: "MADAM PRESIDENT A POINT OF ORDER. DOES THIS BILL EXPAND GAMBLING?"

RULING BY THE PRESIDENT PRO TEMPORE

PRESIDENT PRO TEMPORE FRANKLIN: "YES, IT DOES, SENATOR, IT WILL REQUIRE THIRTY VOTES TO PASS."
FURTHER DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5407, UNDER SUSPENSION OF THE RULES.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5407, UNDER SUSPENSION OF THE RULES, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 32; NAYS, 9; ABSENT, 0; EXCUSED, 8.

VOTING YEA: SENATORS BROWN, CONSTANTINE, FINKBEINER, FRASER, GARDNER, HALE, HEWITT, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KOHL-WELLES, MCCASLIN, McDONALD, MORTON, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, WEST, WINSLEY AND ZARELLI - 32.

VOTING NAY: SENATORS FAIRLEY, FRANKLIN, HAUGEN, HOCHSTATTER, LONG, McAULIFFE, OKE, REGALA AND STEVENS - 9.

EXCUSED: SENATORS BENTON, CARLSON, COSTA, DECCIO, EIDE, HARGROVE, KLINE AND THIBAudeau - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5407, UNDER SUSPENSION OF THE RULES, HAVING RECEIVED THE CONSTITUTIONAL SIXTY PERCENT MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

STATEMENT FOR THE JOURNAL

ENGROSSED SUBSTITUTE SENATE BILL NO. 5407 IS A MEASURE WHICH ALLOWS HORSE RACING TRACKS TO IMPORT MORE SIMULCAST HORSE RACES. THE LIEUTENANT GOVERNOR HAS RULED THAT THE MEASURE WOULD 'EXPAND GAMBLING' UNDER ARTICLE 2, SECTION 24 OF THE STATE CONSTITUTION. I AM NOT A PROPONENT OF INCREASED GAMBLING IN OUR STATE, AND TO THE BEST OF MY RECOLLECTION HAVE SELDOM, IF EVER, VOTED TO EXPAND GAMBLING. IN FACT, DURING THE 2001 REGULAR SESSION, I VOTED 'NO' ON FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5407, AND I TWICE VOTED 'NO' ON FINAL PASSAGE OF ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571, THE HOUSE COMPANION MEASURE.

ON MAY 21, 2001, DURING THE ROLL CALL VOTE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5407, I WAS ENGAGED IN AN INTENSE DISCUSSION WITH ANOTHER SENATOR CONCERNING A DIFFERENT, PRESSING ISSUE OF THE FIRST SPECIAL SESSION. MY ATTENTION WAS FOCUSED ON THE OTHER ISSUE, AND I VOTED 'YES' ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5407 INADVERTENTLY. I DO NOT SUPPORT ENGROSSED SUBSTITUTE SENATE BILL NO. 5407, AND IN NO WAY INTENDED TO VOTE FOR IT.

SENATOR DAN McDONALD, FORTY-EIGHTH LEGISLATIVE DISTRICT

THERE BEING NO OBJECTION, THE PRESIDENT PRO TEMPORE REVERTED THE SENATE TO THE SIXTH ORDER OF BUSINESS.

THERE BEING NO OBJECTION, THE SENATE RESUMED CONSIDERATION OF SUBSTITUTE SENATE BILL NO. 6140 AND THE PENDING AMENDMENTS BY SENATORS PATTERSON, THIBAudeau, KOHL-WELLES, JACOBSEN, KLINE, FRANKLIN, McAULIFFE, EIDE AND REGALA ON PAGE 1, BEGINNING ON LINES 16 AND 21; PAGE 2, BEGINNING ON LINE 13; AND PAGE 5, LINE 21, TO THE STRIKING AMENDMENT BY SENATORS HAUGEN, McDONALD AND GARDNER, DEFERRED MAY 18, 2001.

DEBATE ENSUED.

.SENATORS SNYDER, BETTI SHELDON AND HAUGEN DEMANDED THE PREVIOUS QUESTION AND THE DEMAND WAS SUSTAINED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE SHALL THE MAIN QUESTION BE NOW PUT.

THE DEMAND FOR THE PREVIOUS QUESTION CARRIED.

SENATOR JACOBSEN DEMANDED A ROLL CALL AND THE DEMAND WAS SUSTAINED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL ON THE ADOPTION OF THE AMENDMENTS BY SENATORS PATTERSON THIBAudeau, KOHL-WELLES, JACOBSEN, KLINE, FRANKLIN, MCAULIFFE, EIDE AND REGALA ON PAGE 1, LINES 16 AND 21; PAGE 2, LINE 13; AND PAGE 5, LINE 21; TO THE STRIKING AMENDMENT BY SENATORS HAUGEN, McDONALD AND GARDNER TO SUBSTITUTE SENATE BILL No. 6140.

ROLL CALL

THE SECRETARY CALLED THE ROLL AND THE AMENDMENTS TO THE STRIKING AMENDMENT WERE NOT ADOPTED BY THE FOLLOWING VOTE: YEAS, 16; NAYS, 29; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS BROWN, CONSTANTINE, EIDE, FAIRLEY, FRANKLIN, FRASER, HARGROVE, JACOBSEN, KLINE, KOHL-WELLES, MCAULIFFE, PATTERSON, REGALA, ROACH, SHELDON, B. AND THIBAudeau - 16.

VOTING NAY: SENATORS FINKBEINER, GARDNER, HALE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JOHNSON, KASTAMA, LONG, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PRENTICE, RASMUSSEN, ROSSI, SHEAHAN, SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, SWECKER, WEST, WINSLEY AND ZARELLI - 29.

EXCUSED: SENATORS BENTON, CARLSON, COSTA AND DECCIO - 4.

MOTION

SENATOR ROACH MOVED THAT THE FOLLOWING AMENDMENTS TO THE STRIKING AMENDMENT BY SENATORS HAUGEN, McDONALD AND GARDNER BE CONSIDERED SIMULTANEOUSLY AND BE ADOPTED:

ON PAGE 2, ON LINE 29, AFTER "SHALL", STRIKE THE REMAINDER OF LINE 29 THROUGH LINE 38 IN THEIR ENTIRETY AND INSERT THE FOLLOWING: SERVE AS A MEMBER ON THE PLANNING COMMITTEE. MEMBERS SHALL RECEIVE NO COMPENSATION, BUT MAY BE REIMBURSED FOR TRAVEL EXPENSES AS THE PLANNING COMMITTEE DEEMS APPROPRIATE:"

ON PAGE 8, BEGINNING ON LINE 17, AFTER "COMMITTEE," STRIKE THE REMAINDER OF SUBSECTION 1 TO SECTION 6, AND STRIKE ALL OF SUBSECTION 2 TO SECTION 8, LINES 20-29 IN THEIR ENTIRETY.

RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENTS BY SENATOR ROACH ON PAGE 2, LINE 29, AND PAGE 8, BEGINNING ON LINE 17, TO THE STRIKING AMENDMENT BY SENATORS HAUGEN, McDONALD AND GARDNER TO SUBSTITUTE SENATE BILL No. 6140.

THE MOTION BY SENATOR ROACH FAILED AND THE AMENDMENTS TO THE STRIKING AMENDMENT WERE NOT ADOPTED.

MOTION

SENATOR ROACH MOVED THAT THE FOLLOWINGS AMENDMENTS TO THE STRIKING AMENDMENT BY SENATORS HAUGEN, McDONALD AND GARDNER BE CONSIDERED SIMULTANEOUSLY AND BE ADOPTED:

ON PAGE 2, ON LINE 34, AFTER "DISTRICT. " STRIKE THE REMAINDER OF LINE 34 AND ALL OF LINE 35 THROUGH "OFFICIAL" AND INSERT THE FOLLOWING:

"THE APPOINTEE SHALL BE AN ELECTED OFFICIAL."

ON PAGE 8, ON LINE 27, AFTER "DISTRICT. " STRIKE THE REMAINDER OF LINE 27 AND ALL OF LINE 28 THROUGH "OFFICIAL" AND INSERT THE FOLLOWING:

"THE APPOINTEE SHALL BE AN ELECTED OFFICIAL."

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENTS BY SENATOR ROACH ON PAGE 2, LINE 34, AND PAGE 8, LINE 27, TO THE STRIKING AMENDMENT BY SENATORS HAUGEN, McDONALD AND GARDNER TO SUBSTITUTE SENATE BILL No. 6140.

THE MOTION BY SENATOR ROACH FAILED AND THE AMENDMENTS TO THE STRIKING AMENDMENT WERE NOT ADOPTED.

MOTION

SENATOR OAK MOVED THAT THE FOLLOWING AMENDMENT BY SENATORS OKE AND WINSLEY TO THE STRIKING AMENDMENT BY SENATORS HAUGEN, McDONALD AND GARDNER BE ADOPTED:

ON PAGE 5, AFTER LINE 34, INSERT THE FOLLOWING:

"PROVIDED, THAT NO PERSON WHO REGULARLY PAYS A FEE OR TOLL IMPOSED PURSUANT TO A PROJECT CONSTRUCTED UNDER A PUBLIC-PRIVATE TRANSPORTATION INITIATIVE, 47.46 RCW, SHALL BE LIABLE FOR PAYMENT OF ANY TAX OR FEE IMPOSED UNDER THIS ACT."

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATORS OKE AND WINSLEY ON PAGE 5, AFTER LINE 34, TO THE STRIKING AMENDMENT BY SENATORS HAUGEN, McDONALD AND GARDNER TO SUBSTITUTE SENATE BILL NO. 6140.

THE MOTION BY SENATOR OAK FAILED AND THE AMENDMENT TO THE STRIKING AMENDMENT WAS NOT ADOPTED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE STRIKING AMENDMENT BY SENATORS HAUGEN, McDONALD AND GARDNER TO SUBSTITUTE SENATE BILL NO. 6140.

THE MOTION BY SENATOR HAUGEN CARRIED AND THE STRIKING AMENDMENT WAS ADOPTED.

MOTION

ON MOTION OF SENATOR HAUGEN, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 1 OF THE TITLE, AFTER "CREATION OF" STRIKE THE REMAINDER OF THE TITLE AND INSERT "REGIONAL TRANSPORTATION INVESTMENT DISTRICTS; AMENDING RCW 43.84.092, 43.84.092, AND 81.104.140; REENACTING AND AMENDING RCW 47.05.021; ADDING NEW SECTIONS TO CHAPTER 43.131 RCW; ADDING A NEW CHAPTER TO TITLE 47 RCW; CREATING A NEW SECTION; PROVIDING AN EFFECTIVE DATE; PROVIDING AN EXPIRATION DATE; AND DECLARING AN EMERGENCY."

ON MOTION OF SENATOR HAUGEN, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE SENATE BILL NO. 6140 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

SENATORS SNYDER, McCASLIN AND HAUGEN DEMANDED THE PREVIOUS QUESTION AND THE DEMAND WAS SUSTAINED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE SHALL THE MAIN QUESTION BE NOW PUT.

THE DEMAND FOR THE PREVIOUS QUESTION CARRIED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 6140.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 6140 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 26; NAYS, 20; ABSENT, 0; EXCUSED, 3.

VOTING YEA: SENATORS BROWN, DECCIO, FINKBEINER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HONEYFORD, HORN, JOHNSON, KASTAMA, LONG, McCASLIN, McDONALD, PARLETTE, PRENTICE, RASMUSSEN, ROSSI, SHEAHAN, SHELDON, T., SNYDER, SPANEL, SWECKER, WEST AND WINSLEY - 26.

VOTING NAY: SENATORS CONSTANTINE, EIDE, FAIRLEY, FRANKLIN, FRASER, HOCHSTATTER, JACOBSEN, KLINE, KOHL-WELLES, MCAULIFFE, MORTON, OKE, PATTERSON, REGALA, ROACH, SHELDON, B., SHIN, STEVENS, THIBAUDEAU AND ZARELLI - 20.

EXCUSED: SENATORS BENTON, CARLSON AND COSTA - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6140, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

AT 1:31 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 10:00 A.M., TUESDAY, MAY 22, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

TWENTY-SEVENTH DAY, FIRST SPECIAL SESSION, MAY 21, 2001

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

TWENTY-EIGHTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Tuesday, May 22, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Carlson, Costa, Deccio, Finkbeiner, Hargrove, McDonald, Oke, Patterson and Prentice. On motion of Senator Eide, Senators Costa and Prentice were excused. On motion of Senator Honeyford, Senators Benton, Carlson, Deccio and Oke were excused.

The Sergeant at Arms Color Guard, consisting of staff members Annie Thompson and Carole Hiner, presented the Colors. Senator Debbie Regala offered the prayer.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Snyder moved that Gubernatorial Appointment No. 9090, Curtis Ludwig, as a member of the Gambling Commission, be confirmed.

Senators Snyder and McCaslin spoke to the confirmation of Curtis Ludwig as a member of the Gambling Commission.

MOTION

On motion of Senator Betti Sheldon, further consideration of Gubernatorial Appointment No. 9090, Curtis Ludwig, as a member of the Gambling Commission was deferred

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9075, F. Murray Haskell, as a member of the Board of Trustees for Western Washington University, was confirmed.

APPOINTMENT OF F. MURRAY HASKELL

The Secretary called the roll. The appointment was confirmed by the following vote Yeas, 39; Nays, 0; Absent, 4; Excused, 6.

Voting yea: Senators Brown, Constantine, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 39.

Absent: Senators Finkbeiner, Hargrove, McDonald and Patterson - 4.

Excused: Senators Benton, Carlson, Costa, Deccio, Oke and Prentice - 6.

MOTION

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

SENATE RESOLUTION 2001-8700

By Senator Eide

WHEREAS, Madeleine Justus, in 2001, celebrates fifty years of educational service as the founder and Executive Director of the Spring Valley Montessori School located in Federal Way; and

WHEREAS, She has touched many lives in King and Pierce Counties and founded a school that continues to this day to be not only a cornerstone of the community, but also a national leader in Montessori education; and

WHEREAS, Madeleine's career began in Europe as a Montessori trained educator in the 1930s, and she arrived in the United States in 1948 after fleeing communist persecution in Transylvania; and

WHEREAS, Madeleine Justus established a preschool with extended daycare in 1951 in Seattle's Grosvenor House. She moved the school to the Federal Way Shopping Center in 1957 and two years later

moved the Montessori School to its present day location, which includes two campuses and more than two-hundred students from preschool through eighth grade. The school recently constructed a multipurpose building that provides gymnasium, assembly, and performing arts space; and

WHEREAS, Finding that the state didn't regulate day care operations, Madeleine led efforts to write the first day care regulations passed in 1953 and helped amend them in 1958; and

WHEREAS, Madeleine, through her unflagging dedication to children, her insistence on positive bearing and respect of self and others, and her tremendous well of quiet dignity, has helped thousands of children to become avid learners and good citizens and, most of all, to find ways to reach their own potential;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate acknowledge and honor Madeleine Justus, whose dedication, professionalism, and leadership have enriched the lives of thousands of Puget Sound area children and their families and have helped contribute to the betterment and well-being of the community she serves.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Madeline Justus and her daughter Marta, as well as students from the Montessori School in Federal Way, who were seated in the gallery.

MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

SENATE RESOLUTION 2001-8698

By Senators Kohl-Welles, Shin, Jacobsen, Prentice, Thibaudeau, Constantine, Fairley, Kline, and Johnson

WHEREAS, The Northwest Folklife Festival celebrates its thirtieth annual tribute to the cultural traditions of Pacific Northwest communities during Memorial Day Weekend, May 25-28 at the Seattle Center; and

WHEREAS, the four-day festival is recognized nationally as a major cultural event that attracts more than two-hundred-thousand visitors from the region and around the world to the Seattle area, significantly contributing to its economic vitality; and

WHEREAS, the festival is a community-owned celebration, made possible by the extraordinary commitment and contribution of six-thousand individuals who donate their time, talent and skill to make their Festival happen; and

WHEREAS, the festival has retained the integrity of its founding principles of accessibility through its commitment to free admission, and cultural enrichment through hands-on and participatory activities; and

WHEREAS, the festival embodies the generosity and spirit of the people of Washington and contributes to the unique character of the state; and

WHEREAS, the festival is focusing on the Korean American Community, recognizing and honoring the rich ethnic diversity of Washington and furthering understanding among different cultures and backgrounds; and

WHEREAS, the festival substantively contributes to the viability of precious cultural resources by presenting, documenting and preserving them for future generations;

NOW, THEREFORE, BE IT RESOLVED, that the Washington State Senate honor and celebrate thirty years of the Northwest Folklife Festival and its unwavering dedication to presenting music and art in community life.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the first order of business.

REPORT OF STANDING COMMITTEES

May 21, 2001

SB 6188 Prime Sponsor, Senator Prentice: Streamlining the environmental permit process for transportation projects. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Jacobsen, Kastama, McAuliffe, McDonald, Oke, Prentice, T. Sheldon and Swecker.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Bill No. 6188 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

May 21, 2001

MR. PRESIDENT:

The House has passed:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2025,
HOUSE BILL NO. 2098,
ENGROSSED HOUSE BILL NO. 2260,
HOUSE BILL NO. 2262, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 2025 by House Committee on Appropriations (originally sponsored by Representatives Santos, Talcott, Quall, Keiser, Ogden, Tokuda, Schual-Berke and Kenney)

Changing transitional bilingual instruction program provisions.

HOLD.

HB 2098 by Representatives Edmonds, Pennington, McIntire, Jarrett, Morris, Cairnes, Santos and Conway (by request of Department of Revenue)

Changing the property tax exemption for very low-income households.

Referred to Committee on Ways and Means.

EHB 2260 by Representatives Cairnes, Morris, Kessler, Linville, McMorris, Doumit, Anderson, Hatfield, Poulsen, Crouse, Veloria, Benson, DeBolt, Reardon, Ericksen, Armstrong, Dunshee, Mastin and Delvin

Changing the tax treatment of grocery distribution cooperatives.

Referred to Committee on Ways and Means.

HB 2262 by Representatives Lambert, H. Sommers, Talcott and Kessler

Changing sexual misconduct laws with regard to school employees.

HOLD.

MOTIONS

On motion of Senator Betti Sheldon, the rules were suspended, Engrossed Second Substitute House Bill No. 2025 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Betti Sheldon, House Bill No. 2262 was held at the desk.

MOTION

At 10:29 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:40 a.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

May 21, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5937 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of retirement systems, the office of the superintendent of public instruction, the department of personnel, and the health care authority shall jointly develop publications for use during the 2001-03 biennium to explain options for, and implications of, postretirement employment for members and retirees of the teachers' retirement system plan 1 and the public employees' retirement system plan 1.

(2) The publications shall address such issues as: (a) Health insurance coverage upon reemployment; (b) health benefit options upon termination of postretirement employment; (c) sick leave, annual leave, and other compensation practices; (d) options for, and implications of, reentry into active retirement system membership; (e) hiring procedures for retirees; and (f) collective bargaining rights and responsibilities.

Sec. 2. RCW 28A.405.900 and 1990 c 33 s 404 are each amended to read as follows:

Certificated employees subject to the provisions of RCW 28A.310.250, 28A.405.010 through 28A.405.240, 28A.405.400 through 28A.405.410, 28A.415.250, and 28A.405.900 shall not include those certificated employees hired to replace certificated employees who have been granted sabbatical, regular, or other leave by school districts, and shall not include retirees hired for postretirement employment under the provisions of this act.

It is not the intention of the legislature that this section apply to any regularly hired certificated employee or that the legal or constitutional rights of such employee be limited, abridged, or abrogated.

Sec. 3. RCW 41.32.570 and 1999 c 387 s 1 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any monthly benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

~~(2) (Any retired teacher or retired administrator who enters service in any public educational institution in Washington state and who has satisfied the break in employment requirement of subsection (1) of this section shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to five hundred twenty-five hours per school year without reduction of pension.~~

~~(3) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section, a retired teacher or retired administrator may also serve only as a substitute teacher for up to an additional three hundred fifteen hours per school year without reduction of pension if:~~

~~(a) A school district, which is not a member of a multidistrict substitute cooperative, determines that it has exhausted or can reasonably anticipate that it will exhaust its list of qualified and available substitutes and the school board of the district adopts a resolution to make its substitute teachers who are retired teachers or retired administrators eligible for the extended service once the list of qualified and available substitutes has been exhausted. The resolution by the school district shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection; or~~

~~(b) A multidistrict substitute cooperative determines that the school districts have exhausted or can reasonably anticipate that they will exhaust their list of qualified and available substitutes and each of the school boards adopts a resolution to make their substitute teachers who are retired teachers or retired administrators eligible for the extended service once the list of qualified and available substitutes has been exhausted. The resolutions by each of the school districts shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolutions shall be valid only for the school year in which they are adopted. The cooperative shall forward a copy of the resolution with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection.~~

~~(4) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section, a retired administrator or retired teacher may also serve as a substitute administrator up to an additional one hundred five hours per school year without reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired administrator or retired teacher are necessary because it cannot find a replacement administrator to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired administrator or retired teacher who has been employed as a substitute administrator to the department.~~

~~(5) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section and the one hundred five hours permitted under subsection (4) of this section, a retired principal may also serve as a substitute principal up to an~~

additional two hundred ten hours per school year without a reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired principal are necessary because it cannot find a replacement principal to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired principal who has been employed as a substitute principal to the department.

(6) Subsection (2) of this section shall apply to all persons governed by the provisions of plan 1, regardless of the date of their retirement, but shall apply only to benefits payable after June 11, 1986.

(7) Subsection (3) of this section shall apply to all persons governed by the provisions of plan 1, regardless of the date of their retirement, but shall only apply to benefits payable after September 1, 1994.) When any retired member first enters service in any public educational institution in Washington state and has satisfied the break in employment requirement of subsection (1) of this section, the member must irrevocably choose for the duration of the fiscal year to:

(a) Render service for up to eight hundred sixty-seven hours without a reduction in benefit. After eight hundred sixty-seven hours, the following month's benefit shall be reduced five percent for every seven hours worked; or

(b) Render service under contract for up to one thousand five hundred hours and receive ninety percent of the member's benefit, after which time the member's benefit shall be suspended. To receive a benefit under this subsection (2)(b):

(i) The member's employer must have agreed to make the applicable employer contribution for the duration of the member's employment; and

(ii) The member must have either been retired for one hundred twenty days before beginning employment, or given the employer notice of intent to retire by July 1, 2001, for the 2001-02 school year and by the May 15th preceding every school year thereafter.

(3) The department shall collect and provide the state actuary with information relevant to the use of this section for the joint committee on pension policy.

(4) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five hundred twenty-five hours per year without a reduction of his or her pension.

Sec. 4. RCW 41.40.037 and 1997 c 254 s 14 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) ((A-retiree)) (a) When any retired member of plan 1 first enters service in an eligible position with an employer and has satisfied the break in employment requirement of subsection (1) of this section, the member must irrevocably choose for the duration of the calendar year to:

(i) Render service for up to eight hundred sixty-seven hours without a reduction in benefit. After eight hundred sixty-seven hours, the following month's benefit shall be reduced five percent for every eight hours worked; or

(ii) Render service for up to one thousand five hundred hours and receive ninety percent of the member's benefit, after which time the member's benefit shall be suspended. To receive a benefit under this subsection (2)(a)(ii):

(A) The member's employer must have agreed to make the applicable employer contribution for the duration of the member's employment; and

(B) The member must have either been retired for one hundred twenty days before beginning employment, or given the employer notice of intent to retire sixty days prior to retirement.

(b) A retiree from plan 2 or plan 3 who has satisfied the break in employment requirement of subsection (1) of this section((-)) may work up to ((five months per)) eight hundred sixty-seven hours in a calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

(4) The department shall collect and provide the state actuary with information relevant to the use of this section for the joint committee on pension policy.

(5) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five months in a calendar year without a reduction of his or her pension.

NEW SECTION. Sec. 5. Sections 2 and 3 of this act expire June 30, 2004.

NEW SECTION. Sec. 6. Section 4 of this act expires December 31, 2004.

NEW SECTION. Sec. 7. The office of the state actuary shall review the actuarial impact of the temporary expansion of the postretirement employment limitations provided by sections 3 and 4 of this act. No later than July 1, 2003, the state actuary shall prepare a report for the joint committee on pension policy regarding the fiscal and policy impacts of this act. The joint committee shall solicit information from the superintendent of public instruction, the department of personnel, the office of financial management, the department of retirement systems, and the health care authority regarding the program impacts of this act and shall report to the legislative fiscal committees no later than October 1, 2003, on any proposed changes or improvements to this act. If the state actuary determines the expansion of postretirement options under sections 3 and 4 of this act has resulted in increased costs for the state retirement funds, the joint committee report shall include a proposal for a process to charge those employers who employ retirees pursuant to an extension of sections 3 and 4 of this act for the costs incurred by the retirement funds under the extension.

Sec. 8. RCW 41.32.802 and 1997 c 254 s 8 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to ((five months)) eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

Sec. 9. RCW 41.32.860 and 1997 c 254 s 7 are each amended to read as follows:

(1) Except under RCW 41.32.862, no retiree shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010 ((or)), 41.32.010, or 41.35.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused the suspension of benefits. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

Sec. 10. RCW 41.32.862 and 1997 c 254 s 9 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to ((five months)) eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

Sec. 11. RCW 41.35.060 and 1998 c 341 s 7 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section may work up to ((five months)) eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.35.030, he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.35.420 or 41.35.680. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

Sec. 12. RCW 41.40.037 and 1997 c 254 s 14 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to ((five months)) eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

Sec. 13. RCW 41.40.750 and 1998 c 341 s 113 are each amended to read as follows:

(1) Effective September 1, 2000, the membership of all plan 2 members currently employed in eligible positions in a school district or educational service district and all plan 2 service credit for such members, is transferred to the Washington school employees' retirement system plan 2. Plan 2 members who have withdrawn their member contributions for prior plan 2 service may restore contributions and service credit to the Washington school employees' retirement system plan 2 as provided under RCW 41.40.740.

(2)(a) The membership and previous service credit of a plan 2 member not employed in an eligible position on September 1, 2000, will be transferred to the Washington school employees' retirement system plan 2 when he or she becomes employed in an eligible position. Plan 2 members not employed in an eligible position on September 1, 2000, who have withdrawn their member contributions for prior plan 2 service may restore contributions and service credit to the Washington school employees' retirement system plan 2 as provided under RCW 41.40.740.

(b) The membership and previous service credit of a plan 2 member last employed by a school district or educational service district and retired prior to September 1, 2000, will be transferred to the Washington school employees' retirement system plan 2 if the member opts to reestablish membership.

(3) Members who restore contributions and service credit under subsection (1) or (2) of this section shall have their contributions and service credit transferred to the Washington school employees' retirement system.

NEW SECTION. Sec. 14. Except for section 12 of this act which takes effect December 31, 2004, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

On page 1, line 3 of the title, after "retirees;" strike the remainder of the title and insert "amending RCW 28A.405.900, 41.32.570, 41.40.037, 41.32.802, 41.32.860, 41.32.862, 41.35.060, 41.40.037, and 41.40.750; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Brown, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5937 and asks the House to recede therefrom.

MOTION

On motion of Senator Honeyford, Senators McDonald and Roach were excused.

MOTIONS

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business.
Senator Betti Sheldon moved that House Bill No. 2262, which was held on the Introduction and First Reading Calendar earlier today, be referred to the Committee on Judiciary.
Senator Zarelli demanded a roll call and the demand was sustained.
Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Kline, what can we accomplish by this bill going back to committee that we could not do by debate during this session?"

Senator Kline: "Well, it is the kind of bill that I think needs a little bit more thought. It is a political sensitive issue. We are talking about outlawing any kind of sexual contact between people of relatively similar ages. Those ages being over the age of consent. I don't think this is the kind of thing we need to have a floor debate on until we have had the opportunity to go over this in committee. When the original bill, the underlying bill, was in committee there were any numbers of opinions voiced by the eleven members of the Judiciary. I don't know that we want to have this debate on the floor. Thank you."

The President declared the question before the Senate to be the motion by Senator Betti Sheldon to refer House Bill No. 2262 to the Committee on Judiciary.

ROLL CALL

The Secretary called the roll and the motion by Senator Betti Sheldon to refer House Bill No. 2262 to the Committee on Judiciary carried by the following vote: Yeas, 24; Nays, 20; Absent, 0; Excused, 5.

Voting yea: Senators Brown, Constantine, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel and Thibaudeau - 24.

Voting nay: Senators Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, Morton, Oke, Parlette, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 20.
Excused: Senators Benton, Carlson, Costa, McDonald and Roach - 5.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order

There being no objection, the Senate resumed the confirmation of Curtis Ludwig as a member of the Gambling Commission, which was deferred earlier today.
Senator Prentice spoke to the confirmation of Curtis Ludwig as a member of the Gambling Commission.

APPOINTMENT OF CURTIS LUDWIG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Brown, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Voting nay: Senator Honeyford - 1.

Excused: Senators Benton, Carlson, Costa, McDonald and Roach - 5.

MOTION

At 11:35 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:00 p.m. by President Owen.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9026, Katherine Kreiter, as a member of the Liquor Control Board, was confirmed.

APPOINTMENT OF KATHERINE KREITER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 31; Nays, 1; Absent, 12; Excused, 5.

Voting yea: Senators Constantine, Eide, Franklin, Fraser, Gardner, Hargrove, Haugen, Hewitt, Hochstatter, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker and Thibaudeau - 31

Voting nay: Senator Honeyford - 1.

Absent: Senators Brown, Deccio, Fairley, Finkbeiner, Hale, Horn, Long, McCaslin, Rossi, West, Winsley and Zarelli - 12.

Excused: Senators Benton, Carlson, Costa, McDonald and Roach - 5.

MOTIONS

On motion of Senator Eide, Senator Fairley was excused.

On motion of Senator Honeyford, Senators Johnson, Rossi, West and Zarelli were excused.

MOTION

On motion of Senator Shin, Gubernatorial Appointment No. 9122, Chang Mook Sohn, as a member of the Higher Education Coordinating Board, was confirmed.

Senators Shin and Kohl-Wells spoke to the confirmation of Chang Mook Sohn as a member of the Higher Education Coordinating Board.

APPOINTMENT OF CHANG MOOK SOHN

The Secretary called the roll. The appointment was confirmed by the following vote Yeas, 36; Nays, 0; Absent, 3; Excused, 10.

Voting yea: Senators Constantine, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 36.

Absent: Senators Brown, Deccio and Long - 3.

Excused: Senators Benton, Carlson, Costa, Fairley, Johnson, McDonald, Roach, Rossi, West and Zarelli - 10.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 6007, by Senate Committee on Labor, Commerce and Financial Institutions (originally sponsored by Senators Prentice, Winsley, Gardner, Franklin, Fairley, Kline and Costa (by request of Employment Security Department)

Extending unemployment insurance coverage to employees of Indian tribes.

MOTIONS

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6007 was returned to second reading and read the second time.

On motion of Senator Prentice, the following amendment was adopted:

On page 3, beginning on line 16, strike all of section 6 and insert the following:

"NEW SECTION. Sec. 6. (1)(a) The commissioner shall revoke the option for an Indian tribe or tribal unit to make payments in lieu of contributions as described in section 5 of this act if the Indian tribe or tribal unit: (i) Did not make payments, including assessments of interest and penalties, required under this chapter within ninety days of receipt of statement; or (ii) entered into an approved agency deferred payment contract, and was not in compliance with the contract on the cut-off date, as authorized in chapter 50.29 RCW. The revocation shall begin on January 1 of the first calendar year after the Indian tribe or tribal unit meets these conditions, and shall continue until the option is reinstated as described in (b) of this subsection.

(b) The commissioner shall reinstate the option if, as of the cut-off date, an Indian tribe or tribal unit whose option was revoked as described in (a) of this subsection: (i) Paid contributions owed in the current calendar year when due; and (ii) made required payments, including assessments of interest and penalties, for any preceding calendar years. The reinstatement shall begin on January 1 of the first calendar year after the Indian tribe or tribal unit satisfies these conditions.

(2)(a) Services performed for an Indian tribe or tribal unit are not services in "employment" for purposes of sections 2 and 3 of this act if:

(i) The Indian tribe or tribal unit elected to make payments in lieu of contributions, had the option revoked, and has not met the conditions for reinstatement of the option; and

(ii) The Indian tribe or tribal unit either: (A) did not make required payments, including assessments of interest and penalties, within one hundred eighty days of receipt of statement; or (B) entered into an approved agency deferred payment contract, and was not in compliance with the contract on the last day of the current calendar quarter.

This revocation of coverage shall begin on the first day of the first calendar quarter after the Indian tribe or tribal unit meets these conditions, and shall continue until coverage is reinstated as described in (c) of this subsection.

(b) Services performed for an Indian tribe or tribal unit are not services in "employment" for purposes of sections 2 and 3 of this act if:

(i) The Indian tribe or tribal unit is a contribution-paying employer; and

(ii) The Indian tribe or tribal unit either: (A) did not make required payments, including assessments of interest and penalties, within one hundred eighty days of receipt of statement; or (B) entered into an approved agency deferred payment contract, and was not in compliance with the contract on the last day of the current calendar quarter.

This revocation of coverage shall begin on the first day of the first calendar quarter after the Indian tribe or tribal unit meets these conditions, and shall continue until coverage is reinstated as described in (c) of this subsection.

(c) The commissioner may reinstate coverage if the Indian tribe or tribal unit has made required payments, including assessments of interest and penalties. This reinstatement of coverage may begin on the first day of the first calendar quarter after these payments are made.

(3)(a) The commissioner shall immediately notify the United States internal revenue service and the United States department of labor if an Indian tribe or tribal unit does not make required payments, including assessments of interest and penalties, within 90 days of receipt of statement.

(b) The commissioner shall immediately notify the United States internal revenue service and the United States department of labor of any revocation or reinstatement of the option to make payments in lieu of contributions under subsection (1) of this section or any revocation or reinstatement of coverage under subsection (2) of this section."

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 6007 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6007, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6007, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 8; Absent, 0; Excused, 8.

Voting yea: Senators Constantine, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Winsley - 33.

Voting nay: Senators Deccio, Hewitt, Hochstatter, Honeyford, Horn, McCaslin, Oke and Stevens - 8.

Excused: Senators Benton, Brown, Carlson, Costa, Fairley, McDonald, Roach and Zarelli - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6007, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 1:21 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:43 p.m. by President Owen.

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

SECOND READING

SENATE BILL NO. 6188, by Senators Prentice, Swecker, Haugen, McDonald, Gardner, Horn, Rasmussen and Deccio

Streamlining the environmental permit process for transportation projects.

The bill was read the second time.

MOTION

Senator Prentice moved the following striking amendment by Senators Prentice and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE INTENT AND FINDINGS. The legislature finds that the public health and safety of its citizens, the natural resources, and the environment are vital interests of the state that need to be protected and preserved. The legislature further finds that the safety of the traveling public and the state's economic well-being are vital interests that depend upon the development of cost-effective and efficient transportation systems planned, designed, constructed, and maintained through expedited permit decision-making processes.

It is the intent of the legislature to achieve transportation permit reform that expedites the delivery of statewide significant transportation projects through a streamlined approach to environmental permit decision making. To optimize the limited resources available for transportation system improvements and environmental protection, state regulatory and natural resource agencies, public and private sector interests, Indian tribes, and the department of transportation must work cooperatively to establish common goals, minimize project delays, develop consistency in the application of environmental standards, maximize environmental benefits through coordinated investment strategies, and eliminate duplicative processes through assigned responsibilities of selected permit drafting and compliance activities between state and federal agencies.

Therefore, the transportation permit efficiency and accountability committee is created. The committee shall integrate current environmental standards, but may not create new environmental standards. The committee shall conduct three environmental permit streamlining pilot projects and create a process to develop general permits. Additionally, the committee shall seek federal delegation to the state where appropriate to streamline transportation projects.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context indicates otherwise.

(1) "Assigned responsibilities" means those components of developing and implementing environmental permits, including but not limited to, environmental review and assessment, selected permit drafting, and selected on-site compliance activities that may be conducted by the department.

(2) "Best available information" means the existing sources of data, including limiting factors analyses required under chapter 77.85 RCW that can be used to make informed decisions regarding environmental conditions within a watershed.

(3) "Best management practices" means currently available and generally accepted techniques, including new technologies or strategies that seek to reduce the negative impacts of transportation facilities, projects, and services on communities and the environment, and promote more efficient and effective use of transportation facilities.

(4) "Committee" means the transportation permit efficiency and accountability committee created in section 3 of this act.

(5) "Least cost planning" means the use of best available information within a watershed basin applied to transportation decision making in the planning, permit decision making, and mitigation phases of a project.

(6) "Low-impact development project" means an activity or series of actions that conform to a comprehensive land use planning and engineering design approach with a goal of maintaining or restoring existing natural habitat functions and hydrologic regime of urban and developing watersheds. These projects incorporate strategic watershed planning with site-specific management techniques to reduce development impacts to better replicate natural watershed hydrology and water quality, while allowing for development or infrastructure rehabilitation to occur.

(7) "One-stop permit decision making" means a coordinated permit decision-making process that streamlines environmental review and permit decision making for transportation projects by providing concurrent, consolidated review by each agency required to review the project.

(8) "Programmatic approach" means a permit or other action that covers a geographic or statewide area and applies to a variety of projects, activities, or locales. A programmatic approach may allow actions to proceed without individual approval by each permit decision-making agency.

(9) "Transportation project of statewide significance" means a surface transportation project or combination of surface transportation projects, that crosses multiple city or county jurisdictional boundaries or connects major state destinations in support of the state's economy and is so designated by the department of transportation and approved by the transportation committees of the senate and house of representatives. The transportation committees of the senate and house of representatives may also jointly designate these projects. The pilot projects established in this chapter are examples of transportation projects of statewide significance, but transportation projects of statewide significance are not limited to the pilot projects.

(10) "Watershed" means a water resource inventory area.

NEW SECTION. Sec. 3. TRANSPORTATION PERMIT EFFICIENCY AND ACCOUNTABILITY COMMITTEE. The transportation permit efficiency and accountability committee is created.

(1) The committee consists of nine voting members, including two members from the house of representatives, one from each of the two largest caucuses; two senators, one from each of the two largest caucuses; one member designated by the secretary of transportation; one member designated by the director of fish and wildlife; one member designated by the director of ecology; one member designated by the Association of Washington Cities; and one member designated by the Washington State Association of Counties. The committee shall elect a chair from the four legislators appointed to the committee.

(2) The committee also includes eight nonvoting members, including one member designated by the Northwest Indian Fisheries Commission; one member designated by the Columbia River Intertribal Fisheries Commission; one member designated by the Consulting Engineers Council of Washington; one member designated by the Associated General Contractors of Washington; one member designated by the Association of Washington Business; one member designated by the Washington State Building and Construction Trades Council; one member designated by statewide environmental organizations; and one member designated by the State Fish and Wildlife Commission, to represent the interests of citizens engaged in fish and wildlife recovery.

(3) A representative from the department of natural resources and representatives from federal regulatory and transportation agencies, including the Environmental Protection Agency, National Marine Fisheries Service, United States Army Corps of Engineers, Federal Highways Administration, and United States Fish and Wildlife Service must be invited to participate in committee deliberations as nonvoting members.

(4) The committee may create technical subcommittees as needed. Technical subcommittees created for a specific pilot project or pilot projects must include, but are not limited to, representatives of local governments from jurisdictions affected by those projects. Recommendations made by a technical subcommittee must be approved by a majority of the voting members of the committee.

(5) Nonvoting members will not be compensated but will receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) The department of transportation office of environmental affairs shall provide administrative and clerical assistance to the committee.

(7) No vote of the committee may overrule existing statutes, regulations, or local ordinances.

NEW SECTION. Sec. 4. COMMITTEE RESPONSIBILITIES. (1) The committee and its authorized technical subcommittees shall develop a one-stop permit decision-making process that uses interdisciplinary review of transportation projects of statewide significance to streamline and expedite permit decision making. The committee shall collaborate with appropriate agencies and parties to identify existing environmental standards, to assess the application of those standards, and develop an integrated permitting process based upon environmental standards and best management practices, which may use prescriptive or performance standards, for transportation projects of statewide significance that can be applied with certainty, consistency, and assurance of swift permit action, while taking into account the varying environmental conditions throughout the state.

(2) The committee shall give notice to the legislative authority of each affected county and city of the projects that are designated as transportation projects of statewide significance.

(3) The committee shall create a technical subcommittee with representation at a minimum from the department of fish and wildlife, the department of ecology, and the department of transportation.

(a) Within six months from the first meeting of the committee, the subcommittee shall create a process to develop a programmatic approach for transportation projects. The committee shall review the department's construction project list to determine which projects or activities may be included in the programmatic approach and develop agreements to cover those projects or activities. At a minimum, this process must require that decisions on minor variations to the requirements of a programmatic approach must be provided by the permit decision-making agencies within twenty-one days of submittal.

(b) The technical subcommittee's recommendations must be approved by a majority of the voting members of the committee.

(3) The committee shall explore the development of a consolidated local permit process.

(4) The committee shall develop and prioritize a list of permit streamlining opportunities, specifically identifying substantive and procedural duplications and recommendations for resolving those duplications. The committee shall evaluate current laws and regulations and develop recommendations on ways to minimize the lapsing of permits. The committee shall evaluate flexible approaches that maximize transportation and environmental interests and make recommendations regarding where those approaches should be implemented. The committee shall report its findings and recommendations to the legislature by January 15, 2002.

(5) The committee shall undertake the following activities to develop a watershed approach to environmental mitigation:

(a) Develop methodologies for analyzing environmental impacts and applying compensatory mitigation consistent with a watershed-based approach before final design, including least cost methodology and low-impact development methodology;

(b) Assess models to collate and access watershed data to support early agency involvement in transportation planning and reviews under the national Environmental Policy Act and the State Environmental Policy Act; and

(c) Use existing best available information from watershed planning efforts, lead entities, regional fisheries enhancement groups, and other recognized entities as deemed appropriate by the committee, to determine potential mitigation requirements for projects within a watershed. Priority consideration should be given to the use of the state's alternative mitigation policy guidance to best link transportation mitigation needs with local watershed and lead entity project lists.

(6) The committee shall seek federal delegation to the state where appropriate to streamline permit processes for transportation projects of statewide significance including: Delegation of section 404 permit authority under the Clean Water Act; nonfederal lead agency status under the federal Endangered Species Act; section 106 cultural resource designation under the National Historic Preservation Act; and other appropriate authority that when delegated should result in permit streamlining.

(7) The committee shall develop a dispute resolution process to resolve conflicts in interpretation of environmental standards and best management practices, mitigation requirements, permit requirements, assigned responsibilities, and other related issues by September 1, 2001. The dispute resolution process may not abrogate or supplant any appeal right of any party under existing statutes. The dispute resolution process must be designed to include federal agencies if they choose to participate.

(8) The committee shall develop preliminary models and strategies for agencies to test how best to maximize the environmental investment of transportation funds on a watershed basis. After agencies test the models and strategies developed by the committee, the committee shall evaluate the models and strategies and make recommendations to the legislature.

(9) The committee shall develop a consistent methodology for the timely and predictable submittal and evaluation of completed plans and specifications detailing project elements that impact environmental resources as well as proposed mitigation measures during the preliminary specifications and engineering phase of project development and submit information on the consistent methodology to the legislature.

(10) The committee shall provide a summary report to the legislature on September 15, 2001, and every six months thereafter.

NEW SECTION. Sec. 5. PILOT PROJECTS. (1) The committee shall select and conduct permit reform pilot projects in three locales: (a) Urban near built-out conditions; (b) urban centers serving as crucial rural connectors; and (c) rural corridors critical to statewide economic productivity. The pilot projects must test the assignment of responsibilities such as selected permit drafting and selected compliance activities to the department.

(2) The committee shall commence efforts to apply streamlining lessons learned from the streamlined permit process for the pilot projects to as many other transportation projects of statewide significance as quickly as possible. In reporting to the legislature, the committee may recommend statutory or regulatory changes that would result in streamlining for future projects.

(3) The department and permitting agencies shall apply an interim interdisciplinary permit review process for the pilot projects as set forth in this section. This process must provide coordinated review and approval of permit applications; provide coordinated and consolidated public hearings where required by one or more regulatory agencies under state law; and coordinate timelines for permit decision making.

(4) The committee shall give notice to the legislative authority of each affected county and city of the projects the committee has designated as pilot projects. Each county and city notified must be offered the opportunity to participate in the pilot projects as provided for in this chapter. The department shall provide funding assistance for participation.

(5) The committee shall develop a dispute resolution process to resolve conflicts in interpretation of environmental standards and best management practices, mitigation requirements, permit requirements, assigned responsibilities, the streamlined process for pilot projects set forth in this section, and other related issues by September 1, 2001. The dispute resolution process may not abrogate or supplant any appeal right of any party under existing statutes. The dispute resolution process must be designed to include federal agencies if they choose to participate. The dispute resolution process must be applied to the pilot projects.

(6) The streamlined process for the pilot projects must be based on the following model:

(a) Step 1: The department and permitting agencies will agree on coordination for environmental review under the state and national environmental policy acts, including document preparation, public comment opportunities, and timelines.

(b) Step 2: For each project, the department will convene a meeting of all entities with permitting authority to review:

(i) The proposed conceptual design for the project and alternative routes, construction approaches, or mitigation approaches;

(ii) All known reviewing entities, permit application and approval requirements, and timelines; and

(iii) A coordinated timeline that allows all statutory requirements to be met.

(c) Step 3: The department will draft all necessary permits to proceed with the preferred alternative using relevant agreements with permitting agencies.

(d) Step 4: The department will provide public notice in conformity with all applicable statutes and regulations and allow the required time for public hearings and written comments.

(e) Step 5: The department may revise the draft permits after consideration of public comments and applying all relevant agreed upon standards.

(f) Step 6: All permits will be disseminated to permitting agencies for final review. All reviews will be completed within forty-five days, at which time the permitting agencies will act upon the permit and either approve the permit or return it without approval.

(g) Step 7: If the permit is returned to the department without approval, the permitting agencies will have one opportunity to identify errors or omissions and any remaining specific deficiencies or circumstances not previously addressed by agreements between the department and agencies that must be met or addressed to be compliant with applicable law. The department may revise the permit as warranted and resubmit the permit to the permitting agency, which will have fifteen days from receipt of the revised permit to take final action.

(h) Step 8: Disputes related to permit decisions will be addressed by the dispute resolution process established by the committee.

NEW SECTION. Sec. 6. LOCAL GOVERNMENT PARTICIPATION. (1) This section establishes procedures for city, town, and county governments to participate in the processes identified in this chapter to provide for coordinated, multijurisdictional environmental review and permitting decisions for pilot projects and transportation projects of statewide significance.

(2) Each city, town, and county within whose boundaries is located or partially located one or more projects identified in subsection (1) of this section, shall elect whether or not to participate in coordinated processes for environmental review and permitting of those projects as required in this chapter. If the city, town, or county elects to participate, it may do so as either a participating entity or as an assigning entity.

(a) If a city, town, or county elects to be considered as a participating entity, the committee must then include a representative designated by the city, town, or county in the coordinated review of the project. The department shall compensate the jurisdiction for technical support required for participation in the process. The jurisdiction will also be eligible for reimbursement for permit fees set by local ordinances and other agreed upon costs associated with the issuance of project permits.

(b) For the purposes of expediting the permit process, a city, town, or county may elect to assign its permit responsibilities under chapter 39.34 RCW to the department simultaneously with its notification to the department as specified in this section. The city, town, or county electing to assign its responsibilities shall enter into an agreement with the department to define the local permit requirements that must be met. Permits issued under the negotiated agreement are presumed to at least meet local environmental permit requirements. A city, town, or county choosing to use this option is eligible for a permit fee set by local ordinances associated with the issuance of the project permits.

(3) If the city, town, or county elects not to participate in the coordinated processes for the pilot projects designated in this chapter or transportation projects of statewide significance the department will issue the locally required permits, when allowable. The department shall comply with all provisions of city, town, and county ordinances, and the department permit approval is presumed to at least meet the local environmental review and permit requirements.

(4) Any city, town, or county shall notify the department within sixty days of receipt of the committee's notification of project designation, as to whether it elects to be considered as a participating entity or an assigning entity, or elects not to participate in the coordinated process provided in this chapter.

(5) The committee shall review and evaluate the process by which local governments review and approve pilot projects and transportation projects of statewide significance, and shall provide recommendations to the legislature to improve the coordination of the local process with state and federal reviews as part of the reports required by this chapter.

(6) A city, town, or county is not liable for decisions made by the department that result in a failure to comply with city, town, or county ordinances except as provided in the interlocal agreements, and the department shall defend and answer to any actions or complaints challenging the validity of permits issued under this section.

NEW SECTION. Sec. 7. INTERIM PERMIT PROCESS. Until integrated standards and best management practices have been adopted by the committee, the department may use the following process for transportation projects of statewide significance, including projects requested by a project sponsor.

(1) Step 1: Conceptual description. The department will identify project purposes, the approximate location or alternative locations, and the federal, state, and local agencies that might have authority to review and approve the project or portions of it at any such locations, and a preliminary interagency communication list identifying agencies that may be interested in the proposed project and, where known, contact persons in such agencies. If the department is going to proceed with step 2 or to abandon the project, it may complete step 1 by: (a) Providing a summary of the outcome to all agencies on the list; and (b) making the summary available to the public.

(2) Step 2: Early involvement of other agencies. (a) At any time after completing step 1, the department will provide notice to all agencies on the interagency communication list and the public. Within thirty days, or a longer time if specified by the department, each state, local, and federal agency will be encouraged to identify:

(i) A primary contact person to coordinate future communications with the department and other interested agencies regarding the project, or indicate that it has no interest in the project and need not remain on the project information list;

(ii) Its role with respect to the proposed project;

(iii) Additional alternative locations the department should consider and the roles it would expect to have with the project at those locations;

(iv) Other agencies it believes should be added to the list for the project; and

(v) Other information the agency requests the department to consider.

(b) After all state and local agencies on the list have responded, or at least ten days after expiration of the specified response time, the department may complete step 2 by: (i) Proposing one or more conceptual designs for the project at a proposed location and any alternative locations then being considered; (ii) providing a summary of the results of step 2, including a statement that the department considers step 2 to be complete or complete except for specified issues remaining to be resolved with specified agencies, to all agencies on the interagency communication list; and (iii) making the summary available to the public.

(3) Step 3: Identify environmental reviews, permits, and other approvals, application procedures, and decision standards. (a) At any time after completing step 2, the department may initiate step 3 by notice to all agencies on the list and the public. This notice may include a threshold determination on whether an environmental impact statement (EIS) or supplemental EIS will be prepared or an environmental checklist and request for comments on what steps should be taken to comply with chapter 43.21C RCW, the State Environmental Policy Act (SEPA). Within thirty days, or a longer time if specified by the department, each state, local, and federal agency will be encouraged to identify:

(i) The procedures under which it expects environmental reviews of the project to occur;

(ii) All permits and other approvals it might require for the project at each alternative location and conceptual design;

(iii) What is needed for the department to file a complete application for each permit or other approval;

(iv) The laws, regulations, ordinances, and policies it would administer with respect to the project at each alternative location and conceptual design; and

(v) Other information the agency requests the department to consider in deciding whether, when, where, or how to proceed with the project.

(b) After all state and local agencies on the list have responded, or at least ten days after expiration of the specified response time, the department may complete step 3 by:

(i) Adopting a list of all environmental reviews, permits, and other approvals it believes are needed for the project under each alternative being considered;

(ii) Providing all agencies on the list a copy of that list and a summary of the other results of step 3, including a statement that the department considers step 3 to be complete or complete except for specified issues remaining to be resolved with specified agencies; and

(iii) Making the list and summary available to the public.

(c) The list and summary will be presumed to accurately identify all environmental reviews, permits, and other approvals needed for each alternative described, what is required for applications to be considered complete, and the standards under which applications will be reviewed and approved, unless an aggrieved agency or person files objections within thirty days after the list and summary are distributed.

(4) Step 4: Tentative selection of preferred alternative. (a) At any time after completing step 3, the department may initiate step 4 by notice to all agencies on the list and the public. This notice may be accompanied by a scoping notice for an EIS or supplemental EIS or, if available, be accompanied by a draft EIS or supplemental EIS. It also may be accompanied by the department's preliminary analysis of the advantages and disadvantages of each identified alternative, or other information that may be helpful to other interested agencies and the public in identifying advantages and disadvantages. Within fourteen days, or a longer time if specified by the department, each state, local, and federal agency will be encouraged to identify:

(i) For each identified alternative, the specific features it considers significant with respect to its role in environmental reviews, permits, or other approvals for the project; the reasons these features are significant, and any concerns it may have about the alternative because of potential adverse impacts of these features on resources or social policies within its jurisdiction;

(ii) For each feature for which it raises concerns, recommendations on how the potential adverse impacts could be avoided, minimized, and mitigated;

(iii) For each feature for which it raises concerns, an assessment of the relative ranking of each alternative with respect to whether and to what extent these concerns apply;

(iv) Recommendations the agency may have as to which alternatives should be retained or dropped from further consideration, and ways in which alternatives might be modified or combined to address its concerns, recognizing that final decisions can be made only through the applicable environmental review, permit, and other approval processes and the agency making them is not bound with respect to any future decisions it may make regarding the project;

(v) Other information the agency requests the department to consider in deciding whether, when, where, or how to proceed with the project.

(b) After all state and local agencies on the list have responded, or at least ten days after expiration of the specified response time, the department may complete step 4 by:

(i) Selecting a preferred alternative for purposes of all environmental reviews, permits, and other approvals needed for the project;

(ii) Providing all agencies on the list a description of the preferred alternative and summary of the other results of step 4, including a statement that the department considers step 4 to be complete or complete except for specified issues remaining to be resolved with specified agencies; and

(iii) Making the preferred alternative and summary available to the public. The preferred alternative will be identified in all environmental reviews, permits, and other approvals needed for the project.

(5) Step 5: Completing environmental reviews and applications for permits and other approvals. (a) At any time after completing step 4, the department may initiate step 5 by notice to all agencies on the list and the public. A draft EIS or supplemental EIS, the department's draft plans and specifications for the project, and draft applications for some or all permits and other approvals may be provided with the notice or when they subsequently become available. Within thirty days, or a longer time if specified by the department, each state, local, and federal agency will be encouraged to identify:

(i) All concerns it previously raised regarding the alternative, and other alternatives still under consideration, that have not been resolved to its satisfaction;

(ii) Additional concerns it may have, particularly concerns resulting from additional information about the project location and design, and other new information received since the completion of step 4;

(iii) Additional environmental reviews, permits, or other approvals needed for the preferred alternative because of changes in laws, regulations, or policies or changes in the project location or design since these issues were last reviewed in step 3 or 4;

(iv) Changes in applicable requirements for complete applications for permits or other approvals under its jurisdiction since these issues were last reviewed in step 3 or 4;

(v) Other changes in applicable laws, regulations, ordinances, or policies administered by the agency since these issues were last reviewed in step 3 or 4;

(vi) Whether a draft application proposed by the department for a permit or other approval from the agency is complete, and if not, what additional information or other changes are needed for it to be complete.

(b) When all state and local agencies on the list have responded, or at least ten days after expiration of the specified response time, the department may complete step 5 by:

(i) Completing some or all environmental review processes and draft application forms for permits and other approvals that it reasonably believes to be complete;

(ii) Providing all agencies on the interagency communication list with environmental review and application documents and a summary of the other results of step 5, including a statement that the department considers step 5 to be complete or complete except for specified issues remaining to be resolved with specified agencies; and

(iii) Making the completed environmental review documents and summary available to the public. The preferred alternative will be identified in all environmental reviews, permits, and other approvals needed for the project.

(c) However, if an interested agency or aggrieved person files objections within fourteen days after the preferred alternative and summary are distributed, the objections will be addressed in subsequent environmental reviews and agency decisions regarding the project.

(6) Step 6: Completing the environmental review, permit, and other approval processes. (a) At any time after completing step 5, the department may initiate step 6 by notice to all agencies on the list and the public and filing applications for some or all permits and other approvals needed for the project. Within thirty days, or a longer time if specified by the department, each state, local, and federal agency will be encouraged to:

- (i) Acknowledge receipt of draft environmental review documents provided to them and provide comments on them;
- (ii) Acknowledge receipt of final environmental review documents and determine that they are adequate for purposes of their roles regarding the project or specify what additional information or changes are needed for them to be considered adequate;
- (iii) Acknowledge receipt of each application filed with them and determine that the application is complete or specify what additional information or changes are needed for it to be considered complete;
- (iv) Acknowledge that the applications submitted to them will be processed under the laws, regulations, ordinances, and policies previously identified under steps 3, 4, and 5 or specify what changes have occurred in the governing standards that were in effect on the date a complete application was filed and thus apply to the project;
- (v) Identify the significant steps necessary for the agency to reach a final decision on applications and the estimated time needed for each step;
- (vi) Identify ways its decision-making process might be made more efficient and effective through additional coordination with other agencies, with any recommendations for such methods as joint solicitation and review of public comments and jointly conducting public hearings.

(b) It is recognized that step 6 may require an iterative process with several drafts of various environmental review documents and applications being considered and revised, and that changes in project location or design resulting from the permit decisions of one agency may require revising applications or even reopening permit decisions of other agencies. All state and local agencies are expected, and federal agencies are encouraged, to communicate and cooperate to minimize the number of iterations required and make the process as efficient and effective as possible. Unless significant new information is obtained, decisions made under step 6 should not be reopened except at the request of the department, and the most recent information available under steps 3, 4, and 5 should be presumed accurate until significant new information becomes available.

(c) If all environmental reviews have not been completed and all permits and other approvals obtained within forty-five days after step 6 is initiated, the department, by notice to all agencies on the list and the public, may set a deadline for completing reviews and decisions. At any time after the deadline, the department may terminate the coordination process of this section as to some or all of the reviews and decisions that are still not completed.

NEW SECTION. Sec. 8. DEPARTMENT ORGANIZATION AND ADMINISTRATIVE ACTIONS. The legislature finds that an essential component of streamlined permit decision making is the ability of the department to demonstrate the capacity to meet environmental responsibilities. Therefore, the legislature directs that:

- (1) The department may amend its operating practices applicable to obtaining project permits when:
 - (a) Agreements on standards or best management practices as appropriate, are reached under section 4 of this act;
 - (b) The committee determines that streamlining procedures and methodologies implemented for pilot projects consistent with section 5 of this act warrant broader application;
 - (c) The committee determines that the assignment of responsibilities between regulating agencies and the department is appropriate for broader use.
- (2) The department may develop permits for review by permitting agencies when agreement on the standards and best management practices covered by such permits have been reached under section 4 of this act. Regulating agencies shall review permits based upon the agreed upon standards and timelines developed in section 4 of this act, as well as any other applicable existing standards.

(3) Qualified environmental staff within the department shall lead the development of all environmental documentation associated with department projects and permit activities in accordance with the department's project delivery tools.

(4) The department shall conduct special prebid meetings for projects that are environmentally complex. In addition, the department shall review environmental considerations related to these projects during the preconstruction meeting held with the contractor who is awarded the bid.

(5) Environmental staff at the department shall conduct field inspections to ensure that project activities are performed under permit conditions. These inspectors:

- (a) May issue stop work orders when compliance with permit standards are not being met; and
 - (b) For this portion of their job duties, are accountable to the director of environmental affairs of the department.
- (6) Failure to comply with a stop work order may result in civil penalties being assessed against the department and individuals involved. Willful violation of a stop work notice issued by the department is subject to civil penalties assessed on the agency as well as the individuals involved. Persistent violations by the department may result in loss of permit drafting and program management responsibilities.

NEW SECTION. Sec. 9. TRAINING AND COMPLIANCE. The legislature expects the department to continue its efforts to improve training and compliance. The department shall:

- (1) Provide training in environmental procedures and permit requirements for those responsible for project delivery activities;
- (2) Require wetland mitigation sites to be designed by a qualified interdisciplinary team that meets training requirements developed by the department's environmental affairs office in consultation with the department of ecology. Environmental mitigation site improvements must have oversight by environmental staff;
- (3) Develop an environmental compliance data system to track all permit conditions;
- (4) Report all noncompliance activities to applicable agencies of jurisdiction along with a remedy plan;
- (5) Fund the departments of ecology, natural resources, and fish and wildlife, operating under their permit-granting authority to conduct audits of the department's permit drafting and compliance activities. The department of ecology must collate the audits in an annual report to the legislature;

(6) Seek federal funding for dedicated technical staff at federal permit decision-making agencies and for state costs associated with implementation of this act;

(7) Fund dedicated technical staff at federal permit decision-making entities, as appropriate, and the state departments of ecology, natural resources, community, trade, and economic development, and fish and wildlife to implement the requirements of this chapter;

(8) Fund a technical specialist at the Northwest Indian Fisheries Commission and the Columbia River Intertribal Fisheries Commission for the purpose of implementing this chapter;

(9) Reimburse local jurisdictions for costs associated with local participation on the committee and technical subcommittees.

NEW SECTION. Sec. 10. COST REIMBURSEMENT. The committee shall negotiate a method of cost reimbursement for the costs associated with carrying out the purposes of this chapter, including prior departmental agreements with permitting agencies to cover their costs for transportation projects of statewide significance.

NEW SECTION. Sec. 11. CAPTIONS. Captions used in this chapter are not any part of the law.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act constitute a new chapter in Title 47 RCW.

NEW SECTION. Sec. 13. This act expires March 31, 2003.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Prentice and Swecker to Senate Bill No. 6188.

The motion by Senator Prentice carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On line 3 of the title, after "projects;" strike the remainder of the title and insert "adding a new chapter to Title 47 RCW; prescribing penalties; providing an expiration date; and declaring an emergency."

On motion of Senator Prentice, the rules were suspended, Engrossed Senate Bill No. 6188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6188, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6188, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 3; Absent, 0; Excused, 7.

Voting yea: Senators Brown, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West and Winsley -39.

Voting nay: Senators Constantine, Kohl-Welles and Thibaudeau - 3

Excused: Senators Benton, Carlson, Costa, Fairley, McDonald, Roach and Zarelli - 7.

ENGROSSED SENATE BILL NO. 6188, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 2:00 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 4:05 p.m. by President Pro Tempore Franklin.

MOTION

At 4:05 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, May 23, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRD DAY, JANUARY 14, 1998

TWENTY-EIGHTH DAY, FIRST SPECIAL SESSION, MAY 22, 2001

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

TWENTY-NINTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Wednesday, May 23, 2001

The Senate was called to order at 10:00 a.m. by President Pro Tempore Franklin. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benton, Costa, Deccio, Finkbeiner, Johnson, Kline, McCaslin, Oke, Roach, West and Zarelli. On motion of Senator Eide, Senators Costa and Kline were excused. On motion of Senator Honeyford, Senators Benton, Deccio, Finkbeiner, Johnson, McCaslin, Oke, Roach, West and Zarelli were excused.

The Sergeant at Arms Color Guard, consisting of staff members Nancy Peterson and Erin Herhily, presented the Colors. Senator Georgia Gardner offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

May 22, 2001

MR. PRESIDENT:

The House has passed SECOND ENGROSSED HOUSE BILL NO. 2168, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

2EHB 2168 by Representatives Conway, Schoesler, O'Brien, Ballasiotes, Danielle, Kirby and Hunt

Regulating siting of essential state community justice facilities.

MOTION

On motion of Senator Betti Sheldon, Second Engrossed House Bill No. 2168 was held at the desk.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Gardner, Gubernatorial Appointment No. 9081, Debra Jones, as a member of the Board of Trustees for Whatcom Community College District No. 21, was confirmed.

APPOINTMENT OF DEBRA JONES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Brown, Carlson, Constantine, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice,

Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 38.

Excused: Senators Benton, Costa, Deccio, Finkbeiner, Johnson, Kline, McCaslin, Oke, Roach, West and Zarelli - 11.

PERSONAL PRIVILEGE

Senator Eide: "A point of personal privilege, Madam President. I would like you to know that Senator Costa's mother has been seriously ill for the past couple of days. Today, they are going to take her off of the life support system. I would ask you for your prayers and Senator Costa is asking you for your prayers. It is going to be a very difficult day for her. Thank you."

MOMENT OF SILENCE FOR SENATOR COSTA'S MOTHER

The Senate stood for a moment of silence remembering Senator Costa's mother.

MOTION

On motion of Senator Gardner, Gubernatorial Appointment No. 9086, Steven W. Koch, as a member of the Board of Trustees for Bellingham Technical College, was confirmed.

APPOINTMENT OF STEVEN W. KOCH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 43.

Excused: Senators Benton, Costa, McCaslin, Oke, West and Zarelli - 6.

MOTION

At 10:19 a.m. on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:09 a.m. by President Pro Tempore Franklin.

THIRD READING

SENATE BILL NO. 5082, by Senators Haugen, T. Sheldon, Rasmussen and Gardner

Defining rural counties for purposes of sales and use tax for public facilities in rural counties.
Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5082.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5082 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 43.

Absent: Senator Brown - 1.

Excused: Senators Benton, Costa, McCaslin, Oke and West - 5.

SENATE BILL NO. 5082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Eide, Senator Brown was excused.

On motion of Senator Honeyford, Senator Parlette was excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5236, by Senate Committee on Human Services and Corrections (originally sponsored by Senators Kohl-Welles, Long, Thibaudeau, Costa, McAuliffe, Eide, Stevens, Fairley, Prentice, Franklin, Fraser, Carlson, Spanel, Regala, Hargrove, Oke and Patterson)

Ensuring the health and safety of newborn infants who have been abandoned and exempting from criminal liability persons who abandon them into the custody of a qualified person.

The bill was read the third time.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5236.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5236 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 42.

Excused: Senators Benton, Brown, Costa, McCaslin, Oke, Parlette and West - 7.

SUBSTITUTE SENATE BILL NO. 5236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

May 22, 2001

2SHB 1058 Prime Sponsor, House Committee on Appropriations: Providing assistance to treat breast and cervical cancer. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel and Zarelli.

May 22, 2001

EHB 1845 Prime Sponsor, Representative Sehlin: Increasing the fee for a surface mining reclamation permit. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Rossi and Sheahan.

May 22, 2001

HB 2098 Prime Sponsor, Representative Edmonds: Changing the property tax exemption for very low-income households. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel and Zarelli.

May 22, 2001

EHB 2260 Prime Sponsor, Representative Cairnes: Changing the tax treatment of grocery distribution cooperatives. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Hewitt, Long, Parlette, Rasmussen, Rossi, Sheahan, B. Sheldon, Snyder, Spanel and Zarelli.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Second Substitute House Bill No. 1058, Engrossed House Bill No. 1845, House Bill No. 2098, and Engrossed House Bill No. 2260 were advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the seventh order of business.

MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5094, by Senate Committee on Ways and Means (originally sponsored by Senators T. Sheldon, Sheahan, Gardner, Honeyford, Hargrove and Costa)

Authorizing sales and use tax exemptions for call centers.

The bill was read the third time.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5094.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5094 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 40.

Absent: Senator Hewitt - 1.

Excused: Senators Benton, Brown, Costa, McCaslin, Oke, Parlette, Rossi and West - 8.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5094, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 2260, by Representatives Cairnes, Morris, Kessler, Linville, McMorris, Doumit, Anderson, Hatfield, Poulsen, Crouse, Veloria, Benson, DeBolt, Reardon, Ericksen, Armstrong, Dunshee, Mastin and Delvin

Changing the tax treatment of grocery distribution cooperatives.

The bill was read the second time.

MOTION

On motion of Senator Gardner, the rules were suspended, Engrossed House Bill No. 2260 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2260, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2260, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Carlson, Constantine, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Patterson, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 40.

Absent: Senator Finkbeiner - 1.

Excused: Senators Benton, Brown, Costa, McCaslin, Oke, Parlette, Rossi and West - 8.

ENGROSSED HOUSE BILL NO. 2260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

MOTION

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

SENATE RESOLUTION 2001-8699

By Senators Honeyford and Hewitt

WHEREAS, acts of heroism are special but rare; and

WHEREAS, on the afternoon of March 28, 2001, Chris Navarro and Jaime Navarette selflessly gave of themselves to save the life of Tomas Alvarado; and

WHEREAS, Chris Navarro risked his life by entering the burning home of Tomas Alvarado to see if Mr. Alvarado was still in the home; and

WHEREAS, Chris Navarro found his uncle still sleeping in the home and succeeded in awakening him and getting him to the window where Jaime Navarette assisted Chris Navarro in lifting Mr. Alvarado out of a window and on to safety; and

WHEREAS, firefighters who responded to the fire noted that Mr. Alvarado might not have survived the fire without the assistance of the young men;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes and honors the truly heroic actions of Chris Navarro and Jaime Navarette, as they selflessly gave of themselves to ensure that the life of another was spared; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Navarro and Navarette families.

MOTION

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

SENATE RESOLUTION 2001-8701

By Senator McAuliffe

WHEREAS, Northshore School District celebrates thirteen years of the C.P. Johnson Humanitarian Awards; and

WHEREAS, in 1987, Northshore School District Board became the first recipient of an annual Washington State Award for Excellence in Education, presented by then Governor Booth Gardner, and given to one school board each year; and

WHEREAS, the school board members elected to use their award money to establish the CP Johnson Humanitarian Award beginning in 1989, to be presented to two students annually who exemplify humanitarianism; and

WHEREAS, The CP Johnson Humanitarian award was established to honor Clifford Paul Johnson, Northshore School District's first Coordinator of Minority Studies, and to uphold his legacy of knowledge and awareness of ethnicity, prejudice and acceptance of others; and

WHEREAS, The CP Johnson Humanitarian Award designated the month of March as the month to celebrate humanitarianism in all Northshore Schools with diversity appreciation assemblies, programs, and the selection of two students from each school who continue CP Johnson's legacy; and

WHEREAS, The district guidelines require the award recipients to promote understanding and harmony and value the differences among people; and

WHEREAS, CP Johnson Humanitarian Award recipients also work to peacefully resolve conflicts, take risks to improve situations, maintain a positive outlook, and applaud and support others in their endeavors; and

WHEREAS, Like, CP Johnson, these students work cooperatively with others, are thoughtful and kind and sensitive to the feelings of others, and treat others with respect and dignity and practice humanitarian behaviors continuously; and

WHEREAS, CP Johnson's wife Dorothy, her mother Mabel Harris, Dorothy's sister Freddie, and her children Robert Braxton, Dorothy Braxton, and Freddie Marie Parker have also made significant contributions to education, their church, and their community and have made this award possible;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate recognize and salute the efforts of those in the Northshore School District, the family of CP Johnson, and Humanitarian Award Recipients for their dedication to and commitment to enrich the lives of others; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to the Northshore School District Board of Directors and Dorothy Johnson.

MOTION

At 12:00 noon, on motion of Senator Betti Sheldon, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Pro Tempore Franklin.

MOTIONS

On motion of Senator Eide, Senators Constantine and Fairley were excused.

On motion of Senator Honeyford, Senator Zarelli was excused.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the sixth order of business.

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9104, Alan R. Parker, as a member of the Gambling Commission, was confirmed.

APPOINTMENT OF ALAN R. PARKER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 32; Nays, 2; Absent, 6; Excused, 9.

Voting yea: Senators Carlson, Eide, Franklin, Fraser, Gardner, Hale, Hewitt, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker and Thibaudeau - 32.

Voting nay: Senators Hochstatter and Honeyford - 2.

Absent: Senators Deccio, Finkbeiner, Hargrove, Haugen, McAuliffe and Winsley - 6.

Excused: Senators Benton, Brown, Constantine, Costa, Fairley, McCaslin, Oke, West and Zarelli - 9.

MOTIONS

On motion of Senator Eide, Senators Hargrove, Haugen and McAuliffe were excused.

On motion of Senator Honeyford, Senator Finkbeiner was excused.

MOTION

On motion of Senator Carlson, Gubernatorial Appointment No. 9150, Addison Jacobs, as a member of the Board of Trustees for Clark Community College District No. 14, was confirmed.

APPOINTMENT OF ADDISON JACOBS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 0; Excused, 13.

Voting yea: Senators Carlson, Deccio, Eide, Franklin, Fraser, Gardner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 36.

Excused: Senators Benton, Brown, Constantine, Costa, Fairley, Finkbeiner, Hargrove, Haugen, McAuliffe, McCaslin, Oke, West and Zarelli - 13.

MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9074, Judy Guenther, as a member of the Board of Trustees for Centralia Community College District No. 12, was confirmed.

APPOINTMENT OF JUDY GUENTHER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Carlson, Constantine, Deccio, Eide, Franklin, Fraser, Gardner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 38.

Excused: Senators Benton, Brown, Costa, Fairley, Finkbeiner, Hargrove, Haugen, McCaslin, Oke, West and Zarelli - 11.

MOTION

On motion of Senator Winsley, Gubernatorial Appointment No. 9102, Helen Nelson-Throssell, as a member of the Professional Educator Standards Board, was confirmed.

APPOINTMENT OF HELEN NELSON-THROSSELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9

Voting yea: Senators Carlson, Constantine, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 40.

Excused: Senators Benton, Brown, Costa, Fairley, Hargrove, McCaslin, Oke, West and Zarelli - 9.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2025, by House Committee on Appropriations (originally sponsored by Representatives Santos, Talcott, Quall, Keiser, Ogden, Tokuda, Schual-Berke and Kenney)

Changing transitional bilingual instruction program provisions.

The bill was read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Finkbeiner be adopted:

On page 2, last line of section 2 subsection (4), insert the following: "The legislature shall approve and provide funding for the evaluation system in subsection (3) of this section before any implementation of the system developed under subsection (3) may occur."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Finkbeiner on page 2, last line of section 2, to Engrossed Second Substitute House Bill No. 2025.

The motion by Senator McAuliffe carried and the amendment was adopted.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute House Bill No. 2025, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2025, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2025, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 1; Absent, 0; Excused, 8.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 40.

Voting nay: Senator Hochstatter - 1.

Excused: Senators Benton, Costa, Fairley, Hargrove, McCaslin, Oke, West and Zarelli - 8.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2025, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1058, by House Committee on Appropriations (originally sponsored by Representatives Ruderman, Campbell, Cody, Skinner, Linville, Barlean, Lovick, Doumit, Ballasiotes, Lambert, Cox, Gombosky, Schual-Berke, Darneille, Van Luven, Ogden, Conway, Keiser, O'Brien, Edmonds, Anderson, Edwards, McDermott, Haigh, Kenney, Kirby, Kagi, Hunt, Esser, McIntire and Jackley)

Providing assistance to treat breast and cervical cancer.

The bill was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Second Substitute House Bill No. 1058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1058, under suspension of the rules.

..

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1058, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 42.

Excused: Senators Benton, Costa, Fairley, McCaslin, Oke, West and Zarelli - 7.

SECOND SUBSTITUTE HOUSE BILL NO. 1058, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 5686, by Senators Eide, Rasmussen, Kohl-Welles, McAuliffe and Carlson (by request of Governor Locke)

Changing academic assessments timelines.

MOTION

O motion of Senator Eide, the rules were suspended, Engrossed Senate Bill No. 5686 was returned to second reading and read the second time.

MOTION

On motion of Senator Eide, the following striking amendment by Senators Eide and Carlson was adopted: Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.655.060 and 1999 c 373 s 501 are each amended to read as follows:

(1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, to develop student assessment and school accountability systems, to review current school district data reporting requirements and make recommendations on what data is necessary for the purposes of accountability and meeting state information needs, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and five members appointed no later than June 1, 1993, by the governor elected in the November 1992 election. The governor shall appoint a chair from the commission members, and fill any vacancies in gubernatorial appointments that may occur. The state board of education shall fill any vacancies of state board of education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from statewide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the racial and ethnic diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

(2) The commission shall establish advisory committees. Membership of the advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

(3) The commission, with the assistance of the advisory committees, shall:

(a) Develop essential academic learning requirements based on the student learning goals in RCW 28A.150.210. Essential academic learning requirements shall be developed, to the extent possible, for each of the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. Essential academic learning requirements for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be completed no later than March 1, 1995. Essential academic learning requirements that incorporate the remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be completed no later than March 1, 1996. To the maximum extent possible, the commission shall integrate goal four and the knowledge and skill areas in the other goals in the development of the essential academic learning requirements;

(b)(i) The commission and superintendent of public instruction shall develop a statewide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has learned the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures. Performance standards for determining if a student has successfully completed an assessment shall be determined by the commission and the superintendent of public instruction in consultation with the advisory committees required in subsection (2) of this section.

(ii) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not learned the essential academic learning requirements at the appropriate periods in the student's educational development.

(iii) Assessments measuring the essential academic learning requirements shall be available for voluntary use by school districts and shall be required to be administered by school districts according to the following schedule unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements.

**Assessments Assessments
available for
voluntary use
(School years)
Reading, Writing,**

**required to be
administered
(School years)**

Communication, Mathematics

- Elementary school 1996-97 1997-98
- Middle school 1997-98 2000-01
- High school 1998-99 2000-01

Science

- ~~((Middle and)) High~~ ~~((1999-00))~~ 2002-03 school ~~((2000-01))~~ 2003-04
- Middle school 2002-03 2003-04
- Elementary school ~~((2001-02))~~ 2003-04 2004-05

Social Studies

- Elementary, middle, ~~((2002-03))~~ 2004-05 ~~((2005-06))~~ 2007-08 and high school

Arts

- Middle and high ~~((2003-04))~~ 2005-06 school 2008-09 ~~((2006-07))~~
- Elementary school ~~((2003-04))~~ 2005-06 ~~((2007-08))~~ 2009-10

Health, Fitness

- Middle and high ~~((2003-04))~~ 2005-06 ~~((2006-07))~~ school 2008-09
- Elementary school ~~((2003-04))~~ 2005-06 ~~((2007-08))~~ 2009-10

The completed assessments and assessments still in development shall be transferred by the commission on student learning to the superintendent of public instruction by June 30, 1999.

(iv) To the maximum extent possible, the commission and the superintendent of public instruction shall integrate knowledge and skill areas in development of the assessments.

Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(v) The commission on student learning may modify the essential academic learning requirements and the assessments, as needed, before June 30, 1999. The superintendent of public instruction may modify the essential academic learning requirements and the assessments, as needed, after June 30, 1999. The commission and superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(vi) The commission and the superintendent of public instruction shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender;

(c) After a determination is made by the state board of education that the high school assessment system has been implemented and that it is sufficiently reliable and valid, successful completion of the high school assessment shall lead to a certificate of mastery. The certificate of mastery shall be obtained by most students at about the age of sixteen, and is evidence that the student has successfully mastered the essential academic learning requirements during his or her educational career. The certificate of mastery shall be required for graduation but shall not be the only requirement for graduation. The commission shall make recommendations to the state board of education regarding the relationship between the certificate of mastery and high school graduation requirements. Upon achieving the certificate of mastery, schools shall provide students with the opportunity to pursue career and educational objectives through educational pathways that emphasize integration of academic and vocational education. Educational pathways may include, but are not limited to, programs such as work-based learning, school-to-work transition, tech prep, vocational-technical education, running start, and preparation for technical college, community college, or university education. Any middle school, junior high school, or high school using educational pathways shall ensure that all participating students will continue to have access to the courses and instruction necessary to meet admission requirements at baccalaureate institutions. Students shall be allowed to enter the educational pathway of their choice. Before accepting a student into an educational pathway, the school shall inform the student's parent of the pathway chosen, the opportunities available to the student through the pathway, and the career objectives the student will have exposure to while pursuing the pathway. Parents and students dissatisfied with the opportunities available through the selected educational pathway shall be provided with the opportunity to transfer the student to any other pathway provided in the school. Schools may not develop educational pathways that retain students in high school beyond the date they are eligible to graduate, and may not require students who transfer between pathways to complete pathway requirements beyond the date the student is eligible to graduate;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) Consider methods to address the unique needs of highly capable students when developing the assessments in (b) and (c) of this subsection;

(f) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the academic assessment system;

(g) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements for public school students that are consistent with the essential academic learning requirements and the certificate of mastery;

(h) Review current school district data reporting requirements for the purposes of accountability and meeting state information needs. The commission on student learning shall report recommendations to the joint select committee on education restructuring by September 15, 1996, on:

(i) What data is necessary to compare how school districts are performing before the essential academic learning requirements and the assessment system are implemented with how school districts are performing after the essential academic learning requirements and the assessment system are implemented; and

(ii) What data is necessary pertaining to school district reports under the accountability systems developed by the commission on student learning under this section;

(i) Recommend to the legislature, governor, state board of education, and superintendent of public instruction:

(i) A statewide accountability system to monitor and evaluate accurately and fairly at elementary, middle, and high schools the level of learning occurring in individual schools and school districts with regard to the goals included in RCW 28A.150.210 (1) through (4). The accountability system must assess each school individually against its own baseline, schools with similar characteristics, and schools statewide. The system shall include school-site, school district, and state-level accountability reports;

(ii) A school assistance program to help schools and school districts that are having difficulty helping students meet the essential academic learning requirements as measured by performance on the elementary, middle school, and high school assessments;

(iii) A system to intervene in schools and school districts in which significant numbers of students persistently fail to learn the essential academic learning requirements or meet the standards established for the elementary, middle school, and high school assessments; and

(iv) An awards program to provide incentives to school staff to help their students learn the essential academic learning requirements, with each school being assessed individually against its own baseline, schools with similar characteristics, and the statewide average. Incentives shall be based on the rate of percentage change of students achieving the essential academic learning requirements and progress on meeting the statewide average. School staff shall determine how the awards will be spent.

The commission shall make recommendations regarding a statewide accountability system for reading in grades kindergarten through four by November 1, 1997. Recommendations for an accountability system in the other subject areas and grade levels shall be made no later than June 30, 1999;

(j) Report annually by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission; and

(k) Make recommendations to the legislature and take other actions necessary or desirable to help students meet the student learning goals.

(4) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

(5) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

(6) The commission shall select an entity to provide staff support and the office of the superintendent of public instruction shall provide administrative oversight and be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

(7) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(8)(a) By September 30, 1997, the commission on student learning, the state board of education, and the superintendent of public instruction shall jointly present recommendations to the education committees of the house of representatives and the senate regarding the high school assessments, the certificate of mastery, and high school graduation requirements.

In preparing recommendations, the commission on student learning shall convene an ad hoc working group to address questions, including:

(i) What type of document shall be used to identify student performance and achievement and how will the document be described?

(ii) Should the students be required to pass the high school assessments in all skill and content areas, or only in select skill and content areas, to graduate?

(iii) How will the criteria for establishing the standards for passing scores on the assessments be determined?

(iv) What timeline should be used in phasing-in the assessments as a graduation requirement?

(v) What options may be used in demonstrating how the results of the assessments will be displayed in a way that is meaningful to students, parents, institutions of higher education, and potential employers?

(vi) Are there other or additional methods by which the assessments could be used to identify achievement such as endorsements, standards of proficiency, merit badges, or levels of achievement?

(vii) Should the assessments and certificate of mastery be used to satisfy college or university entrance criteria for public school students? If yes, how should these methods be phased-in?

(b) The ad hoc working group shall report its recommendations to the commission on student learning, the state board of education, and the superintendent of public instruction by June 15, 1997. The commission shall report the ad hoc working group's recommendations to the education committees of the house of representatives and senate by July 15, 1997. Final recommendations of the commission on student learning, the state board of education, and the superintendent of public instruction shall be presented to the education committees of the house of representatives and the senate by September 30, 1997.

(9) The Washington commission on student learning shall expire on June 30, 1999."

MOTIONS

On motion of Senator Eide, the following title amendment was adopted
On page 1, line 1 of the title, after "timelines;" strike the remainder of the title and insert "and amending RCW 28A.655.060."

On motion of Senator Eide, the rules were suspended, Second Engrossed Senate Bill No. 5686, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Carlson: "Senator Eide, there was a small change in the middle school figuring and some of our folks did not know about that. Could you explain that item please?"

Senator Eide: "Was that your amendment, sir, about social studies?"

Senator Carlson: "No, it was the middle school--the middle school area. It was the timeline requested by the Superintendent of Public Instruction."

Senator Eide: "Oh yes, it was regarding the science timelines. That was the one where I did the error. It should be 2002, 2003. That is a change from 2001, 2002. Thank you for that clarification."

Further debate ensued.

POINT OF INQUIRY

Senator Kohl-Welles: "Senator Hochstatter, I am curious about this study that you have that indicates that the tests are biased in favor of the girls, because every standardized test that I know of has the male students going, overall, at higher rates than the females. There has been a lot of research that has indicated that gender bias, in fact, when it does exist--exists in terms of bias against female students." Senator Hochstatter: "As soon you ask me a question, I will talk again."

Senator Kohl-Welles: "I did ask you a question. What study are you referring to?"

Senator Hochstatter: "Thank you for asking that, Senator Kohl-Welles. The data that I have here--and forgive me for brutalizing you again--the data that I have here came from OSPI. This is their data. These are state scores put together from all across the state. What really gets in my craw, they knew it, why wasn't there a press release sent out?"

Senator Kohl-Welles: "Senator Hochstatter, so the scores show that female students scored higher? It is not the study you are referring to that is saying there is bias in the test?"

Senator Hochstatter: "Yes. If I could proceed just a little bit more here. The reading test is answered with one word, but the math test-- and understand that this is where us macho-types do well--the math test requires whole sentences or even paragraphs to answer."

Senator Kohl-Welles: "How shocking!"

Senator Hochstatter: "Well, or how biased--because us wonderful male egos are level by the writing requirement in the math exam."

Senator Kohl-Welles: "So--"

Senator Hochstatter: "I think we are going to have to get together."

Further debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Hochstatter, seriously do you think that perhaps that this is very valuable information that can help our public educators to come to terms with the fact that male children, perhaps, could benefit from different teaching techniques or different techniques that they are receiving in the public school system? As a mother of a male child, I know that he was different in the way he learned and maybe it is not the test's fault, but this is a clue and this is something we can learn from?"

Senator Hochstatter: "Thank you, Senator Patterson. I don't whole heartedly agree. I am trying to get information on the CTBS, the IOWA, the NAEP, the ACT, the SAT, so that we can compare those and say, 'Do they all show a gender bias?' If they do, then we can say, 'Yes, we are learning something.' I am blaming the WSAL for having that gender bias. It is generally worked out of other tests and so, yes, we do learn differently. I think whatever that test is, it is exaggerated by that, so, thank you for asking."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Engrossed Senate Bill No. 5686, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5686, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 6; Absent, 0; Excused, 7.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Winsley - 36.

Voting nay: Senators Hewitt, Hochstatter, Honeyford, Morton, Stevens and Swecker - 6.

Excused: Senators Benton, Costa, Fairley, McCaslin, Oke, West and Zarelli - 7.

SECOND ENGROSSED SENATE BILL NO. 5686, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the sixth order of business

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Eide, Gubernatorial Appointment No. 9118, Ron Scutt, as a member of the Professional Educator Standards Board, was confirmed.

APPOINTMENT OF RON SCUTT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 42.

Excused: Senators Benton, Costa, Fairley, McCaslin, Oke, West and Zarelli - 7.

MOTION

On motion of Senator Shin, Gubernatorial Appointment No. 9009, Martha Choe, as the Director of the Department of Community, Trade and Economic Development, was confirmed.

Senators Shin, Thibaudeau and Tim Sheldon spoke to the confirmation of Martha Choe as Director of the Department of Community, Trade and Economic Development.

APPOINTMENT OF MARTHA CHOE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 40.

Absent: Senator Hargrove - 1.

Excused: Senators Benton, Costa, Fairley, McCaslin, Oke, Roach, West and Zarelli - 8.

MOTION

On motion of Senator Eide, Senator Jacobsen was excused.

MOTION

On motion of Senator Eide, Gubernatorial Appointment No. 9061, Carol Coar, as a member of the Professional Educator Standards Board, was confirmed.

APPOINTMENT OF CAROL COAR

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 42.

Excused: Senators Benton, Costa, Fairley, Jacobsen, McCaslin, Oke and West - 7.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the first order of business.

REPORT OF STANDING COMMITTEE

May 22, 2001

SB 6187 Prime Sponsor, T. Sheldon: Expanding the definition of "public facilities" for purposes of the use of certain revenues in rural counties. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Haugen, Rossi and Stevens.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Bill No. 6187 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

May 23, 2001

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5407,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6007, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President Signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5407,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6007.

MOTION

At 2:44 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Thursday, May 24, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-NINTH DAY, FIRST SPECIAL SESSION, MAY 23, 2001

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

THIRTIETH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Thursday, May 24, 2001

The Senate was called to order at 10:00 a.m. by President Pro Tempore Franklin. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benton, Constantine, Costa, Fairley, Horn, McCaslin, McDonald, Parlette, Patterson, Prentice, Stevens, Swecker, West and Zarelli. On motion of Senator Eide, Senators Costa, Fairley, Patterson and Prentice were excused. On motion of Senator Hewitt, Senators Benton, Horn, McCaslin, McDonald, Parlette, Stevens, Swecker, West and Zarelli were excused.

The Sergeant at Arms Color Guard, consisting of staff members Nancy Atwood and Laura Bell, presented the Colors. Secretary of the Senate Tony Cook offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

May 23, 2001

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2264, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

INTRODUCTION AND FIRST READING

SB 6190 by Senator McCaslin

AN ACT Relating to notice to landlords of tenants' and occupants' status as sex offenders; amending RCW 59.18.030, 59.18.130, 59.18.180, and 59.18.250; and adding new sections to chapter 59.20 RCW.

Referred to Committee on Judiciary.

SB 6191 by Senators Eide, Swecker and Rasmussen

AN ACT Relating to funding for traffic safety education; amending RCW 46.20.055 and 46.68.041; and reenacting and amending RCW 46.20.120.

Referred to Committee on Transportation.

SB 6192 by Senators Constantine, Jacobsen, Patterson and Fraser

AN ACT Relating to vehicles exempted from emission control inspection requirements; and amending RCW 46.16.015.

Referred to Committee on Environment, Energy and Water.

SB 6193 by Senators Prentice, Deccio, Gardner, Hewitt, Shin, T. Sheldon and Rasmussen

AN ACT Relating to consistency in gaming provisions; amending RCW 9.46.010, 9.46.0205, 9.46.0273, 9.46.0311, 9.46.0325, 9.46.070, 9.46.110, and 9.46.295; and adding a new section to chapter 9.46 RCW.
Referred to Committee on Labor, Commerce and Financial Institutions.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 2264 by Representatives Cody, Alexander, Romero, Skinner, Schual-Berke and Ballasiotes

Creating performance measures to evaluate the community mental health service delivery system.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, House Bill No. 2264 was advanced to second reading and placed on the second reading calendar.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9119, Gay B. Selby, as a member of the Higher Education Coordinating Board, was confirmed.

Senators Snyder and Carlson spoke to the confirmation of Gay B. Selby as a member of the Higher Education Coordinating Board.

APPOINTMENT OF GAY B. SELBY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; Nays, 0; Absent, 1; Excused, 13.

Voting yea: Senators Brown, Carlson, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Winsley - 35.

Absent: Senator Constantine - 1.

Excused: Senators Benton, Costa, Fairley, Horn, McCaslin, McDonald, Parlette, Patterson, Prentice, Stevens, Swecker, West and Zarelli - 13.

MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9049, Deborah J. Barnett, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

APPOINTMENT OF DEBORAH J. BARNETT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 38.

Excused: Senators Benton, Costa, Fairley, Horn, McCaslin, McDonald, Parlette, Patterson, Prentice, Swecker and West - 11.

MOTION

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

SENATE RESOLUTION 2001-8702

By Senators Hargrove, Eide, Fairley, Kohl-Welles and Johnson

WHEREAS, The year 2001 marks the one hundred and fiftieth anniversary of the YMCA movement in the United States; and

WHEREAS, The YMCA has touched the lives of virtually all Americans, from pioneering camping, public libraries, night schools, group swim lessons and lifesaving, to teaching English as a second language and inventing basketball and volleyball; and

WHEREAS, The YMCA is dedicated to building strong kids, strong families, and strong communities; and

WHEREAS, The YMCA serves people of all ages, incomes, and abilities through a wide variety of programs and services designed to meet changing community needs; and

WHEREAS, The YMCA lives by its mission "To put Christian principles into practice through the programs that build healthy spirit, mind, and body for all"; and

WHEREAS, The YMCA is an organization that incorporates the values of caring, honesty, responsibility, and respect into all of its programs; and

WHEREAS, The YMCA is an organization that is volunteer-founded, volunteer-based, and volunteer-led, and more than twenty thousand citizens of Washington State see fit to provide volunteer services at their local YMCA; and

WHEREAS, The YMCA's of Washington State provide high quality, affordable childcare to more than ten thousand children each year; and

WHEREAS, The YMCA's of Washington State annually serve more than four hundred and forty thousand individuals, including two hundred and forty-five thousand youth; and

WHEREAS, The YMCA's of Washington State provide financial assistance in excess of sixteen million dollars to make programs and services accessible to all members of the community; and

WHEREAS, The YMCA's of Washington State annually provide teens with a safe place to go after school; provide families with a fun and affordable place to spend time together; provide seniors with social programs; and provide healthy programs and services for all people in the community; and

WHEREAS, The one hundred and fiftieth anniversary of the YMCA movement will draw special public attention to the distinguished history of the organization and to the benefits that the people of Washington State have enjoyed as a result of the proud tradition of this organization;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the YMCA on its one hundred and fiftieth anniversary and urge all citizens to join in this special observance.

Senators Hargrove and Eide spoke to Senate Resolution 2001-8702.

MOTION

At 10:20 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:25 a.m. by President Pro Tempore Franklin.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Eide, Gubernatorial Appointment No. 9070, Sheila L. Fox, as a member of the Professional Educator Standards Board, was confirmed.

APPOINTMENT OF SHEILA L. FOX

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 4; Excused, 7.

Voting yea: Senators Brown, Carlson, Constantine, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Oke, Parlette, Patterson, Prentice,

Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker and Thibaudeau - 38.

Absent: Senators Deccio, Morton, Winsley and Zarelli - 4.

Excused: Senators Benton, Costa, Fairley, Horn, McCaslin, McDonald and West - 7.

MOTION

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

MOTIONS

On motion of Senator Snyder, the Rules Committee was relieved of further consideration of Engrossed Second Substitute Senate Bill No. 5625.

On motion of Senator Snyder, Engrossed Second Substitute Senate Bill No. 5625 was placed on the third reading calendar.

MOTIONS

On motion of Senator Snyder, the Committee on Ways and Means was relieved of further consideration of Substitute House Bill No. 2242.

On motion of Senator Snyder, Substitute House Bill No. 2242 was placed on the second reading calendar.

MOTION

On motion of Senator Snyder, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5625, by Senate Committee on Education (originally sponsored by Senators McAuliffe, Finkbeiner, Carlson and Kohl-Welles) (by request of Governor Locke, Academic Achievement and Accountability Commission and State Board of Education)

Creating the K-12 academic achievement and accountability act.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5625 was returned to second reading and read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Finkbeiner be adopted:

Strike everything after the enacting clause and insert the following:

~~"NEW SECTION. Sec. 1. INTENT. The legislature intends to continue to follow the findings and intent in RCW 28A.655.005.~~

Sec. 2. RCW 28A.655.030 and 1999 c 388 s 102 are each amended to read as follows:

The powers and duties of the academic achievement and accountability commission shall include, but are not limited to the following:

(1) For purposes of statewide accountability, the commission shall:

(a) Adopt and revise:

(i) Performance improvement goals in reading, writing, science, and mathematics by subject and grade level as the commission deems appropriate to improve student learning, once assessments in these subjects are required statewide. The goals shall be in addition to any goals adopted in RCW 28A.655.050(~~—The commission may also revise any goal adopted in RCW 28A.655.050~~);

(ii) Goals for dropout rates and reduction of dropout rates for middle schools, junior high schools, and high schools, once common definitions are developed;

(iii) Goals designed to accelerate the achievement of students who are disproportionately academically underachieving.

The commission shall adopt the goals by rule. However, before each goal is implemented, the commission shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and determine student scores that identify levels of student performance below and beyond the standard. The commission shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose;

(c) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature under RCW 28A.655.050 and the commission under (a) of this subsection;

(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index.

When determining the baseline year or years for recognizing individual schools, the commission may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

(d) Adopt objective, systematic criteria to identify schools and school districts in need of focused assistance ~~((and those in which))~~ due to significant numbers of students persistently failing to meet state standards. In its deliberations, the commission shall ~~((consider the use of all))~~ use the statewide mandated criterion-referenced and norm-referenced standardized tests as follows:

(i) Beginning in 2001, the reading and math assessments at the elementary school level;

(ii) Beginning in 2004, the reading and math assessments at the elementary, middle or junior high and high school levels;

(e) Identify schools and school districts in which state intervention ~~((measures))~~ strategies will be needed ~~((and a range of appropriate intervention strategies)),~~ beginning no earlier than ~~((June 30, 2001, and after the legislature has authorized a set of intervention strategies))~~ November 1, 2002. Beginning no earlier than ~~((June 30, 2001, and after the legislature has authorized a set of intervention strategies, at the request of))~~ November 1, 2002, the superintendent of public instruction may recommend and the commission((:)) may approve that the superintendent shall intervene in the school or school district and ~~((take corrective actions. This chapter does not provide additional authority for the commission or the superintendent of public instruction to intervene in a school or school district))~~ implement state intervention strategies;

(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;

(g) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and ~~((a recommendation))~~ recommend to the superintendent of public instruction ~~((ef))~~ any improvements needed to the system;

(h) Annually report by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission. The report may include recommendations of actions to help improve student achievement;

(i) By December 1, 2000, and by December 1st annually thereafter, report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the reading goal under RCW 28A.655.050 and any additional goals adopted by the commission;

(j) Coordinate its activities with the state board of education and the office of the superintendent of public instruction;

(k) Seek advice from the public and all interested educational organizations in the conduct of its work; ~~((and))~~

(l) Establish advisory committees, which may include persons who are not members of the commission; and

(m) Develop and analyze any data or information necessary to perform its accountability responsibilities;

(2) Holding meetings and public hearings, which may include regional meetings and hearings;

(3) Hiring necessary staff and determining the staff's duties and compensation. However, the office of the superintendent of public instruction shall provide staff support to the commission until the commission has hired its own staff, and shall provide most of the technical assistance and logistical support needed by the commission thereafter. The office of the superintendent of public instruction shall be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations; ~~((and))~~

(4) Receiving per diem and travel allowances as permitted under RCW 43.03.050 and 43.03.060; and

(5) Adopting the criteria and standards in subsection (1)(b), (c), and (d) of this section in accordance with RCW 34.05.010(16) and the procedures in RCW 34.05.310 through 34.05.395. The commission shall seek review and comment from the education committees of the house of representatives and senate before adoption.

Sec. 3. RCW 28A.655.100 and 1999 c 388 s 302 are each amended to read as follows:

Each school district board of directors shall adopt and revise, as appropriate, district-wide and school-level plans to achieve the performance improvement goals under RCW 28A.655.030 and shall:

(1)(a) Annually report to parents and to the community in a public meeting and annually report in writing the following information:

(i) District-wide and school-level performance improvement goals;

(ii) Student performance relative to the goals; and

(iii) District-wide and school-level plans to achieve the goals, including curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the state standards;

(b) Report annually in a news release to the local media the district's progress toward meeting the district-wide and school-level goals; and

(c) Include the school-level goals, student performance relative to the goals, and a summary of school-level plans to achieve the goals in each school's annual school performance report under RCW 28A.655.110. The district also shall include this information on the district's internet web site. The office of the superintendent of public instruction shall provide a link on its web site to the school district's web site.

(2) School districts in which ten or fewer students in the district or in a school in the district are eligible to be assessed in a grade level are not required to report numerical improvement goals and performance relative to the goals, but are required to report to parents and the community their plans to improve student achievement.

NEW SECTION. Sec. 4. SUPERINTENDENT OF PUBLIC INSTRUCTION DUTIES. (1) The superintendent of public instruction, based on the criteria established by the academic achievement and accountability commission, shall annually analyze student assessment results. The analysis shall include, but need not be limited to, consideration of the levels of achievement and levels of improvement on criterion-referenced and norm-referenced assessments required to meet goals and achievement levels determined by the academic achievement and accountability commission. The purposes of the analysis shall be:

(a) To identify successful schools and school districts, based on criteria adopted by the commission under RCW 28A.655.030;

(b) To identify schools in need of focused assistance, based on criteria adopted by the commission under RCW 28A.655.030; and

(c) After November 1, 2002, to help the superintendent of public instruction identify schools and school districts in which more intensive state intervention may be needed.

(2) Annually by October 15th, based on the results of the analysis in subsection (1)(b) of this section, the superintendent of public instruction shall recommend to the commission and the commission shall determine which schools shall be prioritized as having the highest need for focused assistance.

(3) The superintendent of public instruction shall provide the commission with available data in a timely manner, including raw student data, and other information the commission deems appropriate in pursuit of the fulfillment of its responsibility to provide oversight and monitoring of the state's educational accountability system.

(4) To the extent funds are appropriated for this specific purpose, the superintendent of public instruction shall make available to schools information on models of excellence in instruction, management, capacity building, parent involvement, and other research-based strategies to improve student achievement.

(5) The superintendent of public instruction shall adopt a minimum percentile score on the statewide mandated norm-referenced standardized achievement tests to be used as follows:

(a) One criterion to determine if a school has successfully completed a performance agreement and therefore shall be released from receiving state assistance under section 7 of this act; and

(b) One criterion to determine if a school shall be released from intervention under section 7 of this act.

(6) The superintendent of public instruction shall report annually to the legislative committees on education regarding the implementation of the performance agreements and intervention plans, including any barriers to improving student learning that school districts have encountered.

NEW SECTION. Sec. 5. FOCUSED ASSISTANCE PROCESS. (1) If a school is eligible for focused assistance, annually by November 1st, the superintendent of public instruction shall notify the school district within which the school is located of such eligibility.

(2) The superintendent of public instruction, in cooperation with the school district in which the school is located, shall oversee the following process:

(a) The superintendent of public instruction or the superintendent's designee, in cooperation with the district, shall convene a team of experts to conduct an educational audit of the school. The educational audit shall include but need not be limited to:

(i) An evaluation of the things that are working well in the school and those that need reexamination and redirection;

(ii) Resources available to the school, the use of those resources, and how current funds can be used more effectively;

(iii) The relationship of the school to its local district, parents, and the community;

(iv) The curriculum and instructional materials available and the extent to which those materials are aligned with the state's essential academic learning requirements;

(v) The roles and contributions of the school's employees, and the level of experience and subject matter expertise, including endorsements, of the school's certificated employees;

(vi) The needs and characteristics of the school's students, including student mobility and poverty indicators; attendance rates; dropout and graduation rates, if applicable and available; posthigh school indicators, if applicable and available; and the percent of students in special programs;

(vii) School district management practices;

(viii) School climate and safety indicators; and

(ix) Other barriers to student learning.

(b) The superintendent of public instruction, or the superintendent's designee, shall formally present the findings of the educational audit to the school district board of directors, and shall share the results with the academic achievement and accountability commission.

(c) The school directors shall hold a public meeting to inform parents, teachers, staff, and the local community of the findings of the educational audit, and to solicit input on ways to address the issues identified.

(d) Based on the results of the educational audit and input from parents, teachers, staff, and the community, a team of school employees and the principal that is convened by the school district in cooperation with the superintendent of public instruction or the superintendent of public instruction's designee shall develop a comprehensive school improvement plan within one hundred twenty days of being notified by the superintendent of public instruction of focused assistance eligibility. The plan shall address items identified in the educational audit and shall include, but not be limited to, the following:

(i) Student performance goals and expectations;

(ii) How existing funds will be used more effectively;

(iii) How identified barriers to student learning will be addressed;

(iv) What actions are needed to assist the school;

(v) Who is responsible for implementing the specific actions in the plan;

(vi) Whether students attending the school should have the choice of transferring to other public schools in the district, and whether this choice includes free bus transportation; and

(vii) Whether waivers of state laws or local policies and agreements are needed. Waiver provisions in existence before January 1, 2001, are to be used to obtain the waivers, under an expedited decision-making process if necessary.

(e) The superintendent of public instruction, or the superintendent's designee, and the school district shall jointly negotiate the terms of a performance agreement to address the issues identified in the educational audit and to implement the school improvement plan. The agreement shall be developed in consultation with the school's staff and parents. In addition to the items addressed in the school improvement plan, the performance agreements shall include, but not be limited to, a description of:

- (i) How additional focused assistance resources, if any, will be used;
- (ii) What actions the district will take to assist the school;
- (iii) Who is responsible for implementing the specific actions in the agreement; and
- (iv) Measurable benchmarks for actions in the performance agreement with a timeline for completion.

(f) The school directors shall hold a public hearing to inform parents, teachers, staff, and the local community about the school improvement plan and the terms of the performance agreement.

(g) If the superintendent of public instruction determines that the school district is failing to complete the process in a timely fashion or is failing to conduct the process in good faith, the superintendent of public instruction shall recommend to the academic achievement and accountability commission that intervention strategies be imposed.

(h) The duration of a performance agreement shall be two school years.

(i) Before final adoption, the performance agreement shall be submitted to the academic achievement and accountability commission in a time frame that permits the commission to make recommendations for modifications to the terms of the agreement.

NEW SECTION. Sec. 6. FOCUSED ASSISTANCE OPTIONS AND ACTIONS. (1) Focused assistance, as outlined in this chapter, shall be available to a school district on behalf of an eligible school to complete an educational audit, develop a school improvement plan, and implement a performance agreement. Focused assistance for performance agreement implementation may not be provided to a school district in a given academic year unless the agreement is approved within one hundred eighty calendar days of the date the district is notified by the superintendent of public instruction of focused assistance eligibility. Assistance may be obtained from third parties, such as personnel from colleges or universities, independent contractors, statewide education organizations, and educational service districts.

(2) Focused assistance options and actions available to the school, school district, and superintendent of public instruction in a performance agreement may include, but are not limited to:

- (a) Changes in the school's curriculum and instructional practices, including implementing a whole school reform model;
- (b) Staff collaboration, planning, and training;
- (c) New or revised instructional materials;
- (d) Supplemental contracts subject to RCW 28A.400.200(4);
- (e) Extended learning opportunities for students;
- (f) Providing students attending the school with the choice of transferring to other public schools in the district;
- (g) Revising school district personnel assignments;
- (h) Reallocation of financial resources;
- (i) Increasing fiscal flexibility at the school site;
- (j) Hiring a short-term principal-teacher replacement team that would provide free time for the principal and teachers for staff collaboration, planning, and training;

(k) Restructuring of the management, budget, organization, and instructional or programmatic approaches;

(l) Any other action authorized by law that the superintendent of public instruction deems necessary to improve student learning.

(3) In a class I school district, the parent or guardian of a student in a school identified for focused assistance may enroll the student in a different public school in the district. Each class I school district shall adopt a policy allowing the automatic intradistrict release and acceptance of students from schools that are in focused assistance under this section. If the school district board of directors determines that the automatic intradistrict transfer of a student under this section is an undue hardship, the school district may appeal that intradistrict transfer to the state board of education.

(4) The superintendent of public instruction may use focused assistance funds to assist a school if the superintendent of public instruction finds that funds currently available to the school are being used effectively, or will be reallocated to be used effectively under the terms of the performance agreement.

NEW SECTION. Sec. 7. EVALUATION AND INTERVENTION. (1) The superintendent of public instruction, or the superintendent's designee, shall analyze the implementation of a performance agreement after the agreement has been in effect for one year. Upon completion, the superintendent shall provide the analysis to the school district and academic achievement and accountability commission. The focus of the analysis shall be the degree to which implementation benchmarks and timelines in the agreement have been met.

(2) Two years after a performance agreement is approved, the superintendent of public instruction shall evaluate progress on the performance agreement implementation benchmarks and the degree to which students in the school have met or exceeded the student performance expectations described in the agreement. The superintendent of public instruction shall provide the analysis to the school district and academic achievement and accountability commission.

(3) Based on the results of the evaluation, the superintendent of public instruction shall recommend, and the commission shall approve, whether the performance agreement shall be:

(a) Ended because the agreement was successfully completed. An agreement is successfully completed when one of the following criteria is met:

(i) The school, for two years, has successfully met or exceeded the student performance improvement goals as established by the academic achievement and accountability commission under RCW 28A.655.030;

(ii) The school has made sufficient progress on the performance agreement; or

(iii) The school has successfully met or exceeded the minimum percentile score on the statewide mandated norm-referenced standardized achievement tests set by the superintendent of public instruction under section 4 of this act;

(b) Extended with existing or newly negotiated conditions; or

(c) Replaced with an intervention plan. The superintendent of public instruction shall recommend the implementation of an intervention plan if the superintendent finds that the school district and school are making insufficient progress in improving student learning or insufficient progress in implementation of the performance agreement.

(4) The superintendent of public instruction shall formally notify the school directors of the district of the results of the evaluation and the superintendent's recommendations to the commission.

(5) When the academic achievement and accountability commission has approved the superintendent of public instruction's recommendation to replace a performance agreement with an intervention plan:

(a) The superintendent of public instruction shall write, revise as necessary, and oversee the implementation of an intervention plan that may contain any action authorized by law that the superintendent of public instruction deems necessary to improve student learning;

(b) The school district shall implement each component of the intervention plan and report at least annually to parents, the community, the academic achievement and accountability commission, and the superintendent of public instruction on the district's progress in raising student achievement and on the implementation of the intervention plan; and

(c) The superintendent of public instruction shall recommend and the commission shall approve whether the school district shall be released from the intervention plan when any of the following criteria are met:

(i) The school, for two consecutive years, has successfully met or exceeded the student performance improvement goals as established by the academic achievement and accountability commission under RCW 28A.655.030;

(ii) The school has made sufficient progress on the intervention plan;

(iii) The school, for two consecutive years, has successfully met or exceeded the minimum percentile score on the statewide mandated norm-referenced standardized achievement tests set by the superintendent of public instruction under section 4 of this act.

(6) In a class I school district, the parent or guardian of a student in a school under intervention may enroll the student in a different public school in the district. Each class I school district shall adopt a policy allowing the automatic intradistrict release and acceptance of students from schools that are in intervention under this section. If the school district board of directors determines that the automatic intradistrict transfer of a student under this section is an undue hardship, the school district may appeal that intradistrict transfer to the state board of education.

(7) One year after a school district has been released from an intervention plan, the school district shall report to the superintendent of public instruction on the district's progress in continuing to improve student achievement.

Sec. 8. RCW 28A.225.270 and 1990 1st ex.s. c 9 s 205 are each amended to read as follows:

(1) Each school district in the state shall adopt and implement a policy allowing intradistrict enrollment options no later than June 30, 1990. Each district shall establish its own policy establishing standards on how the intradistrict enrollment options will be implemented.

(2) After the effective date of this section, each school district in the state shall amend its intradistrict enrollment policy regarding student transfers from schools in focused assistance or intervention consistent with section 6 and 7 of this act.

NEW SECTION. Sec. 9. REPORT ON INTERVENTIONS. By November 30, 2002, the academic achievement and accountability commission shall analyze and report to the governor and the legislative education committees on the intervention strategies used by other states and nations, including the success of those strategies in improving student achievement.

NEW SECTION. Sec. 10. CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 11. Sections 4 through 7 of this act are each added to chapter 28A.655 RCW.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

On motion of Senator McAuliffe, the following amendments by Senators McAuliffe and Finkbeiner to the striking amendment by Senators McAuliffe and Finkbeiner were considered simultaneously and were adopted:

On page 1, line 19, after "statewide." strike "The goals shall be in addition to any goals adopted in RCW 28A.655.050"

On page 10, line 26, after "28A.655.030", insert "(1)(a)(i)"

On page 11, line 26, after 28A.655.030, insert "(1)(a)(i)"

On page 12, after line 31 insert the following:

"NEW SECTION. Sec. 13. RCW 28A.655.050 (Reading goals-- Mathematics goals) and 1999 c 388 s 201 & 1998 c 319 s 101 are each repealed."

Renumber the sections consecutively, correct any internal references accordingly and correct the title.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Finkbeiner, as amended, to Engrossed Second Substitute Senate Bill No. 5625.

Debate ensued.

The striking amendment by Senators McAuliffe and Finkbeiner, as amended, was adopted.

MOTIONS

On motion of Senator McAuliffe, the following title amendment was adopted:

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 28A.655.030, 28A.655.100, and 28A.225.270; adding new sections to chapter 28A.655 RCW; creating new sections; and declaring an emergency."

On motion of Senator McAuliffe, the rules were suspended, Second Engrossed Second Substitute Senate Bill No. 5625 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Engrossed Second Substitute Senate Bill No. 5625, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 5625, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Winsley - 40.

Voting nay: Senators Hochstatter, Roach, Stevens, Swecker and Zarelli - 5.

Excused: Senators Benton, Costa, McCaslin and West - 4.

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5625, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 12:14 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 2:30 p.m.

The Senate was called to order at 2:30 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the fourth order of business.

May 24, 2001

MR. PRESIDENT:

The Co-Speakers have signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1058,

ENGROSSED HOUSE BILL NO. 2260, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1058,

ENGROSSED HOUSE BILL NO. 2260.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Eide, Senator Brown was excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Sheahan, Gubernatorial Appointment No. 9036, Cynthia Shiota, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

APPOINTMENT OF CYNTHIA SHIOTA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 8; Excused, 5.

Voting yea: Senators Carlson, Constantine, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, Morton, Oke, Parlette, Patterson, Prentice, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens and Thibaudeau - 36.

Absent: Senators Finkbeiner, McAuliffe, McDonald, Rasmussen, Roach, Swecker, Winsley and Zarelli - 8.

Excused: Senators Benton, Brown, Costa, McCaslin and West - 5.

MOTIONS

On motion of Senator Honeyford, Senators Finkbeiner, McDonald, Roach and Zarelli were excused.
On motion of Senator Eide, Senators Kohl-Welles, Patterson and Rasmussen was excused.

MOTION

On motion of Senator Eide, Gubernatorial Appointment No. 9064, Nancy Diaz-Miller, as a member of the Professional Educator Standards Board, was confirmed.

APPOINTMENT OF NANCY DIAZ-MILLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 1; Excused, 12.

Voting yea: Senators Carlson, Constantine, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Long, McAuliffe, Morton, Oke, Parlette, Prentice, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 36.

Absent: Senator Snyder - 1.

Excused: Senators Benton, Brown, Costa, Finkbeiner, Kohl-Welles, McCaslin, McDonald, Patterson, Rasmussen, Roach, West and Zarelli - 12.

MOTION

On motion of Senator Eide, Senator Snyder was excused.

MOTION

On motion of Senator Sheahan, Gubernatorial Appointment No. 9125, Rafael Stone, as a member of the Board of Regents for Washington State University, was confirmed.

APPOINTMENT OF RAFAEL STONE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Carlson, Constantine, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Prentice, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 39.

Absent: Senator Deccio - 1.

Excused: Senators Benton, Brown, Costa, Finkbeiner, McCaslin, Patterson, Rasmussen, Snyder and West - 9.

MOTION

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

MOTION

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

SENATE RESOLUTION 2001-8703

By Senators Fairley, McDonald, Snyder, Kohl-Welles, and Fraser

WHEREAS, It is the tradition of the Washington State Senate to recognize academic excellence in our state's schools; and

WHEREAS, On May 23, eighth grader Kyle Haddad-Fonda of Bellevue became the second Puget Sound area student in four years to win the National Geography Bee; and

WHEREAS, By knowing that the name of the region below the equilibrium line of glaciers where melting, evaporation and sublimation occurs is called the zone of ablation, the fourteen year old won a \$25,000 scholarship at the thirteenth annual competition, moderated by Jeopardy! game show host Alex Trebec; and

WHEREAS, Haddad-Fonda, who attends The Evergreen School in Shoreline, also will represent the United States at the International Geographic Olympiad in Vancouver, B.C., on August 1-2; and

WHEREAS, Though this was his third trip to the national competition – where in 1999, Haddad-Fonda became the only sixth grader to place as high as fifth – he admitted to being a nervous wreck and wasn't expecting to win; and

WHEREAS, One of five million students ages ten to fifteen to enter the competition – and one of fifty-five finalists – Haddad-Fonda said his favorite part of the Washington, D.C. bee was meeting other young geography enthusiasts; and

WHEREAS, The competition, which will air on KCTS Channel 9 on May 27, isn't Haddad-Fonda's first television appearance: In addition to being a guest on NBC's Today Show and appearing on CNN and FOX on May 24, last year he became the youngest lifeline on the ABC show Who Wants To Be a Millionaire?, helping a stranger win \$500,000 because of his extensive knowledge of geography;

NOW, THEREFORE, BE IT RESOLVED, That the Senate congratulate Kyle Haddad-Fonda on his accomplishment and wish him the best in the rest of his academic ventures; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to The Evergreen School and to Kyle Haddad-Fonda.

Senators Fairley, McDonald, Roach, Franklin and McAuliffe spoke to Senate Resolution 2001-8703.

APPOINTMENT OF INTERIM COMMITTEES

The President announced the following appointments to the interim committees:

JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE: Senators Fairley, Gardner, Horn, Oke, Regala, Stevens, Thibaudeau and Zarelli

LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE: Senators Fairley, Fraser, Horn and Winsley

LEGISLATIVE TRANSPORTATION COMMITTEE: Senators Benton, Eide, Gardner, Haugen, Horn, Morton, Oke, Prentice, Sheldon, Tim, and Shin

JOINT COMMITTEE ON ENERGY AND UTILITIES: Senators Brown, Finkbeiner, Fraser and Hochstatter

MOTION

On motion of Senator Betti Sheldon, the appointments were confirmed.

PERSONAL PRIVILEGE

Senator Rasmussen: "A point of personal privilege, Mr. President. We just had the award ceremony in the rotunda that was mentioned by Senator McAuliffe. While she bragged about having five from Shoreline, I had eleven from the Second Legislative District. Not only that, but Jim Boyce, who is a teacher at the White River School, was the 2001 Christa McAuliffe Fellowship Winner. That is over-all and he said that the award that he received two years ago, before he applied for the fellowship, was the single most important and exciting award that he has won. He said that you get accolades from your students, from parents, and your peers and the administration, but he said to have this state recognize you for this award was a real high achievement for him. He repeatedly wanted to thank, not only me, but the entire Senate and the Legislature for this award. I just wanted to share that with you. His name is Jim Boyce and he is from the White River School District."

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2098, by Representatives Edmonds, Pennington, McIntire, Jarrett, Morris, Cairnes, Santos and Conway (by request of Department of Revenue)

Changing the property tax exemption for very low-income households.

The bill was read the second time.

MOTION

On motion of Senator Long, the following amendments by Senators Long and Kohl-Welles were considered simultaneously and were adopted:

On page 2, beginning on line 30, after "unit" strike all material through "located" on line 37, and insert "in a facility with ten units or fewer or mobile home lot in a mobile home park with ten lots or fewer was occupied by a very low-income household at the time the exemption was granted and the income of the household subsequently rises above fifty percent of the median income but remains at or below eighty percent of the median income"

On page 3, line 4, after "84.52.105." insert "For purposes of this section, median income, as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located, shall be adjusted for family size."

MOTION

On motion of Senator Constantine, the rules were suspended, House Bill No. 2098, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2098, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2098, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Excused: Senators Benton, Brown, Costa, McCaslin and West - 5.

HOUSE BILL NO. 2098, as amended by the Senate under suspension of the rules, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1845, by Representatives Sehlin and H. Sommers (by request of Department of Natural Resources)

Increasing the fee for a surface mining reclamation permit.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed House Bill No. 1845 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1845, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1845, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 2; Absent, 1; Excused, 5.

Voting yea: Senators Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Winsley - 41.

Voting nay: Senators Stevens and Zarelli - 2.

Absent: Senator Swecker - 1.

Excused: Senators Benton, Brown, Costa, McCaslin and West - 5.

ENGROSSED HOUSE BILL NO. 1845, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 3:15 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 3:30 p.m.

The Senate was called to order at 3:30 p.m. by President Owen.

There being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 4:41 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

May 24, 2001

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2025 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

May 24, 2001

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE Bill No. 2098 and passed the bill as amended by the Senate.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

May 24, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6012, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

May 24, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6188, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

May 24, 2001

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2266, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

May 24, 2001

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4414, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 6012.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 6188.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fifth order of business

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 2266 by Representatives Linville and G. Chandler

Modifying reimbursement for travel expenses incurred by certain agricultural boards and commissions.

HCR 4414 by Representatives Carrell and Lantz

Creating a joint select committee on civil forfeiture.

MOTIONS

On motion of Senator Betti Sheldon, Engrossed House Bill No. 2266 was held at the desk.

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4414 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Hewitt, Senator Zarelli was excused.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2242, by House Committee on Appropriations (originally sponsored by Representatives Cody, Lisk, Ruderman, Alexander and Eickmeyer)

Revising provisions for medicaid nursing home rates.

The bill was read the second time.

MOTION

Senator Brown moved that the following striking amendment by Senators Brown, Thibaudeau and Deccio be adopted: Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.46.020 and 1999 c 353 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(3) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(4) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(5) "Audit" or "department audit" means an examination of the records of a nursing facility participating in the medicaid payment system, including but not limited to: The contractor's financial and statistical records, cost reports and all supporting documentation and schedules, receivables, and resident trust funds, to be performed as deemed necessary by the department and according to department rule.

(6) "Bad debts" means amounts considered to be uncollectible from accounts and notes receivable.

(7) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in (c)(i), (ii), or (iii) of this subsection with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(8) ("Capital portion of the rate" means the sum of the property and financing allowance rate allocations, as established in part E of this chapter.

(9)) "Capitalization" means the recording of an expenditure as an asset.

((10)) (9) "Case mix" means a measure of the intensity of care and services needed by the residents of a nursing facility or a group of residents in the facility.

((11)) (10) "Case mix index" means a number representing the average case mix of a nursing facility.

((12)) (11) "Case mix weight" means a numeric score that identifies the relative resources used by a particular group of a nursing facility's residents.

(12) "Certificate of capital authorization" means a certification from the department for an allocation from the biennial capital financing authorization for all new or replacement building construction, or for major renovation projects, receiving a certificate of need or a certificate of need exemption under chapter 70.38 RCW after July 1, 2001.

(13) "Contractor" means a person or entity licensed under chapter 18.51 RCW to operate a medicare and medicaid certified nursing facility, responsible for operational decisions, and contracting with the department to provide services to medicaid recipients residing in the facility.

(14) "Default case" means no initial assessment has been completed for a resident and transmitted to the department by the cut-off date, or an assessment is otherwise past due for the resident, under state and federal requirements.

(15) "Department" means the department of social and health services (DSHS) and its employees.

(16) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(17) "Direct care" means nursing care and related care provided to nursing facility residents. Therapy care shall not be considered part of direct care.

(18) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct care of a nursing facility's residents.

(19) "Entity" means an individual, partnership, corporation, limited liability company, or any other association of individuals capable of entering enforceable contracts.

(20) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(21) "Essential community provider" means a facility which is the only nursing facility within a commuting distance radius of at least forty minutes duration, traveling by automobile.

(22) "Facility" or "nursing facility" means a nursing home licensed in accordance with chapter 18.51 RCW, excepting nursing homes certified as institutions for mental diseases, or that portion of a multiservice facility licensed as a nursing home, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

((23)) (23) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

((24)) (24) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

((25)) (25) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

((26)) (26) "Goodwill" means the excess of the price paid for a nursing facility business over the fair market value of all net identifiable tangible and intangible assets acquired, as measured in accordance with generally accepted accounting principles.

((27)) (27) "Grouper" means a computer software product that groups individual nursing facility residents into case mix classification groups based on specific resident assessment data and computer logic.

((28)) (28) "High labor-cost county" means an urban county in which the median allowable facility cost per case mix unit is more than ten percent higher than the median allowable facility cost per case mix unit among all other urban counties, excluding that county.

(29) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

((30)) (30) "Home and central office costs" means costs that are incurred in the support and operation of a home and central office. Home and central office costs include centralized services that are performed in support of a nursing facility. The department may exclude from this definition costs that are nonduplicative, documented, ordinary, necessary, and related to the provision of care services to authorized patients.

(31) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

((32)) (32) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

((33)) (33) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

((34)) (34) "Medical care program" or "medicaid program" means medical assistance, including nursing care, provided under RCW 74.09.500 or authorized state medical care services.

((35)) (35) "Medical care recipient," "medicaid recipient," or "recipient" means an individual determined eligible by the department for the services provided under chapter 74.09 RCW.

((36)) (36) "Minimum data set" means the overall data component of the resident assessment instrument, indicating the strengths, needs, and preferences of an individual nursing facility resident.

((37)) (37) "Net book value" means the historical cost of an asset less accumulated depreciation.

~~((35))~~ (38) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles.

~~((36))~~ "Noncapital portion of the rate" means the sum of the direct care, therapy care, operations, support services, and variable return rate allocations, as established in part E of this chapter.

~~(37))~~ (39) "Nonurban county" means a county which is not located in a metropolitan statistical area as determined and defined by the United States office of management and budget or other appropriate agency or office of the federal government.

(40) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

~~((38))~~ (41) "Owner" means a sole proprietor, general or limited partners, members of a limited liability company, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

~~((39))~~ (42) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

~~((40))~~ (43) "Patient day" or "resident day" means a calendar day of care provided to a nursing facility resident, regardless of payment source, which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist. A "medicaid day" or "recipient day" means a calendar day of care provided to a medicaid recipient determined eligible by the department for services provided under chapter 74.09 RCW, subject to the same conditions regarding admission and discharge applicable to a patient day or resident day of care.

~~((41))~~ (44) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

~~((42))~~ (45) "Qualified therapist" means:

- (a) A mental health professional as defined by chapter 71.05 RCW;
- (b) A mental retardation professional who is a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;
- (c) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;
- (d) A physical therapist as defined by chapter 18.74 RCW;
- (e) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training; and
- (f) A respiratory care practitioner certified under chapter 18.89 RCW.

~~((43))~~ (46) "Rate" or "rate allocation" means the medicaid per-patient-day payment amount for medicaid patients calculated in accordance with the allocation methodology set forth in part E of this chapter.

~~((44))~~ (47) "Real property," whether leased or owned by the contractor, means the building, allowable land, land improvements, and building improvements associated with a nursing facility.

~~((45))~~ (48) "Rebased rate" or "cost-rebased rate" means a facility-specific component rate assigned to a nursing facility for a particular year period established on desk-reviewed, adjusted costs reported for that facility covering at least six months of a prior calendar year designated as a year to be used for cost-rebasing payment rate allocations under the provisions of this chapter.

~~((46))~~ (49) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

~~((47))~~ (50) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

~~((48))~~ (51) "Related care" means only those services that are directly related to providing direct care to nursing facility residents. These services include, but are not limited to, nursing direction and supervision, medical direction, medical records, pharmacy services, activities, and social services.

~~((49))~~ (52) "Resident assessment instrument," including federally approved modifications for use in this state, means a federally mandated, comprehensive nursing facility resident care planning and assessment tool, consisting of the minimum data set and resident assessment protocols.

~~((50))~~ (53) "Resident assessment protocols" means those components of the resident assessment instrument that use the minimum data set to trigger or flag a resident's potential problems and risk areas.

~~((51))~~ (54) "Resource utilization groups" means a case mix classification system that identifies relative resources needed to care for an individual nursing facility resident.

~~((52))~~ (55) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

~~((53))~~ (56) "Secretary" means the secretary of the department of social and health services.

~~((54))~~ (57) "Support services" means food, food preparation, dietary, housekeeping, and laundry services provided to nursing facility residents.

~~((55))~~ (58) "Therapy care" means those services required by a nursing facility resident's comprehensive assessment and plan of care, that are provided by qualified therapists, or support personnel under their supervision, including related costs as designated by the department.

~~((56))~~ (59) "Title XIX" or "medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended and the medicaid program administered by the department.

(60) "Urban county" means a county which is located in a metropolitan statistical area as determined and defined by the United States office of management and budget or other appropriate agency or office of the federal government.

Sec. 2. RCW 74.46.165 and 1998 c 322 s 10 are each amended to read as follows:

(1) Contractors shall be required to submit with each annual nursing facility cost report a proposed settlement report showing underspending or overspending in each component rate during the cost report year on a per-resident day basis. The department shall accept or reject the proposed settlement report, explain any adjustments, and issue a revised settlement report if needed.

(2) Contractors shall not be required to refund payments made in the operations, variable return, property, and ~~((return on investment))~~ financing allowance component rates in excess of the adjusted costs of providing services corresponding to these components.

(3) The facility will return to the department any overpayment amounts in each of the direct care, therapy care, and support services rate components that the department identifies following the audit and settlement procedures as described in this chapter, provided that the contractor may retain any overpayment that does not exceed 1.0% of the facility's direct care, therapy care, and support services component rate. However, no overpayments may be retained in a cost center to which savings have been shifted to cover a deficit, as provided in subsection (4) of this section. Facilities that are not in substantial compliance for more than ninety days, and facilities that provide substandard quality of care at any time, during the period for which settlement is being calculated, will not be allowed to retain any amount of overpayment in the facility's direct care, therapy care, and support services component rate. The terms "not in substantial compliance" and "substandard quality of care" shall be defined by federal survey regulations.

(4) Determination of unused rate funds, including the amounts of direct care, therapy care, and support services to be recovered, shall be done separately for each component rate, and, except as otherwise provided in this subsection, neither costs nor rate payments shall be shifted from one component rate or corresponding service area to another in determining the degree of underspending or recovery, if any. ~~((However,))~~ In computing a preliminary or final settlement, savings in the support services cost center ~~((may))~~ shall be shifted to cover a deficit in the direct care or therapy cost centers up to the amount of any savings ~~((--Not more than twenty percent of the rate in a cost center may be shifted))~~, but no more than twenty percent of the support services component rate may be shifted. In computing a preliminary or final settlement, savings in direct care and therapy care may be shifted to cover a deficit in these two cost centers up to the amount of savings in each, regardless of the percentage of either component rate shifted. Contractor-retained overpayments up to one percent of direct care, therapy care, and support services rate components, as authorized in subsection (3) of this section, shall be calculated and applied after all shifting is completed.

(5) Total and component payment rates assigned to a nursing facility, as calculated and revised, if needed, under the provisions of this chapter and those rules as the department may adopt, shall represent the maximum payment for nursing facility services rendered to medicaid recipients for the period the rates are in effect. No increase in payment to a contractor shall result from spending above the total payment rate or in any rate component.

(6) RCW 74.46.150 through 74.46.180, and rules adopted by the department prior to July 1, 1998, shall continue to govern the medicaid settlement process for periods prior to October 1, 1998, as if these statutes and rules remained in full force and effect.

(7) For calendar year 1998, the department shall calculate split settlements covering January 1, 1998, through September 30, 1998, and October 1, 1998, through December 31, 1998. For the period beginning October 1, 1998, rules specified in this chapter shall apply. The department shall, by rule, determine the division of calendar year 1998 adjusted costs for settlement purposes.

Sec. 3. RCW 74.46.410 and 1998 c 322 s 17 are each amended to read as follows:

(1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in the medicaid per-resident day payment rate established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval, or exemption from the requirements for certificate of need for the replacement of existing nursing home beds, pursuant to chapter 70.38 RCW if such approval or exemption was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after January 1, 1985;

(f) Salaries or other compensation of owners, officers, directors, stockholders, partners, principals, participants, and others associated with the contractor or its home office, including all board of directors' fees for any purpose, except reasonable compensation paid for service related to patient care;

(g) Costs in excess of limits or in violation of principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the payment system set forth in this chapter;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;

(r) Fund-raising expenses, except those directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, ~~((televisions,))~~ radios, and similar appliances in patients' private accommodations;

(u) Televisions acquired prior to July 1, 2001;

~~(v)~~ Federal, state, and other income taxes;

~~((v))~~ (w) Costs of special care services except where authorized by the department;

~~((w))~~ (x) Expenses of an employee benefit not in fact made available to all employees on an equal or fair basis, for example, key-man insurance and other insurance or retirement plans;

~~((x))~~ (y) Expenses of profit-sharing plans;

~~((y))~~ (z) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

~~((z))~~ (aa) Personal expenses and allowances of owners or relatives;

~~((aa))~~ (bb) All expenses of maintaining professional licenses or membership in professional organizations;

~~((bb))~~ (cc) Costs related to agreements not to compete;

~~((cc))~~ (dd) Amortization of goodwill, lease acquisition, or any other intangible asset, whether related to resident care or not, and whether recognized under generally accepted accounting principles or not;

~~((dd))~~ (ee) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

~~((ee))~~ (ff) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;

~~((ff))~~ (gg) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;

~~((gg))~~ (hh) Lease acquisition costs, goodwill, the cost of bed rights, or any other intangible assets;

~~((hh))~~ (ii) All rental or lease costs other than those provided in RCW 74.46.300 on and after January 1, 1985;

~~((ii))~~ (jj) Postsurvey charges incurred by the facility as a result of subsequent inspections under RCW 18.51.050 which occur beyond the first postsurvey visit during the certification survey calendar year;

~~((jj))~~ (kk) Compensation paid for any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensation paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period;

~~((kk))~~ (ll) For all partial or whole rate periods after July 17, 1984, costs of land and depreciable assets that cannot be reimbursed under the Deficit Reduction Act of 1984 and implementing state statutory and regulatory provisions;

~~((ll))~~ (mm) Costs reported by the contractor for a prior period to the extent such costs, due to statutory exemption, will not be incurred by the contractor in the period to be covered by the rate;

~~((mm))~~ (nn) Costs of outside activities, for example, costs allocated to the use of a vehicle for personal purposes or related to the part of a facility leased out for office space;

~~((nn))~~ (oo) Travel expenses outside the states of Idaho, Oregon, and Washington and the province of British Columbia. However, travel to or from the home or central office of a chain organization operating a nursing facility is allowed whether inside or outside these areas if the travel is necessary, ordinary, and related to resident care;

~~((oo))~~ (pp) Moving expenses of employees in the absence of demonstrated, good-faith effort to recruit within the states of Idaho, Oregon, and Washington, and the province of British Columbia;

~~((pp))~~ (qq) Depreciation in excess of four thousand dollars per year for each passenger car or other vehicle primarily used by the administrator, facility staff, or central office staff;

~~((qq))~~ (rr) Costs for temporary health care personnel from a nursing pool not registered with the secretary of the department of health;

~~((rr))~~ (ss) Payroll taxes associated with compensation in excess of allowable compensation of owners, relatives, and administrative personnel;

~~((ss))~~ (tt) Costs and fees associated with filing a petition for bankruptcy;

~~((tt))~~ (uu) All advertising or promotional costs, except reasonable costs of help wanted advertising;

~~((uu))~~ (vv) Outside consultation expenses required to meet department-required minimum data set completion proficiency;

~~((vv))~~ (ww) Interest charges assessed by any department or agency of this state for failure to make a timely refund of overpayments and interest expenses incurred for loans obtained to make the refunds;

~~((ww))~~ (xx) All home office or central office costs, whether on or off the nursing facility premises, and whether allocated or not to specific services, in excess of the median of those adjusted costs for all facilities reporting such costs for the most recent report period; and

~~((xx))~~ (yy) Tax expenses that a nursing facility has never incurred.

Sec. 4. RCW 74.46.421 and 1999 c 353 s 3 are each amended to read as follows:

(1) The purpose of part E of this chapter is to determine nursing facility medicaid payment rates that, in the aggregate for all participating nursing facilities, are in accordance with the biennial appropriations act.

(2)(a) The department shall use the nursing facility medicaid payment rate methodologies described in this chapter to determine initial component rate allocations for each medicaid nursing facility.

(b) The initial component rate allocations shall be subject to adjustment as provided in this section in order to assure that the statewide average payment rate to nursing facilities is less than or equal to the statewide average payment rate specified in the biennial appropriations act.

(3) Nothing in this chapter shall be construed as creating a legal right or entitlement to any payment that (a) has not been adjusted under this section or (b) would cause the statewide average payment rate to exceed the statewide average payment rate specified in the biennial appropriations act.

~~(4)((a) The statewide average payment rate for the capital portion of the rate for any state fiscal year under the nursing facility medicare payment system, weighted by patient days, shall not exceed the annual statewide weighted average nursing facility payment rate for the capital portion of the rate identified for that fiscal year in the biennial appropriations act.~~

~~(b) If the department determines that the weighted average nursing facility payment rate for the capital portion of the rate calculated in accordance with this chapter is likely to exceed the weighted average nursing facility payment rate for the capital portion of the rate identified in the biennial appropriations act, then the department shall adjust all nursing facility property and financing allowance payment rates proportional to the amount by which the weighted average rate allocations would otherwise exceed the budgeted capital portion of the rate amount. Any such adjustments shall only be made prospectively, not retrospectively, and shall be applied proportionately to each component rate allocation for each facility.~~

~~(5))(a) The statewide average payment rate ((for the noncapital portion of the rate)) for any state fiscal year under the nursing facility payment system, weighted by patient days, shall not exceed the annual statewide weighted average nursing facility payment rate ((for the noncapital portion of the rate)) identified for that fiscal year in the biennial appropriations act.~~

~~(b) If the department determines that the weighted average nursing facility payment rate ((for the noncapital portion of the rate)) calculated in accordance with this chapter is likely to exceed the weighted average nursing facility payment rate ((for the noncapital portion of the rate)) identified in the biennial appropriations act, then the department shall adjust all nursing facility ((direct care, therapy care, support services, operations, and variable return)) payment rates proportional to the amount by which the weighted average rate allocations would otherwise exceed the budgeted ((noncapital portion of the)) rate amount. Any such adjustments shall only be made prospectively, not retrospectively, and shall be applied proportionately to each ((direct care, therapy care, support services, operations, and variable return)) component rate allocation for each facility.~~

Sec. 5. RCW 74.46.431 and 1999 c 353 s 4 are each amended to read as follows:

(1) Effective July 1, 1999, nursing facility medicare payment rate allocations shall be facility-specific and shall have seven components: Direct care, therapy care, support services, operations, property, financing allowance, and variable return. The department shall establish and adjust each of these components, as provided in this section and elsewhere in this chapter, for each medicare nursing facility in this state.

(2) All component rate allocations for essential community providers as defined in this chapter shall be based upon a minimum facility occupancy of eighty-five percent of licensed beds, regardless of how many beds are set up or in use. For all facilities other than essential community providers, effective July 1, 2001, component rate allocations in direct care, therapy care, support services, variable return, operations, property, and financing allowance shall continue to be based upon a minimum facility occupancy of eighty-five percent of licensed beds. For all facilities other than essential community providers, effective July 1, 2002, the component rate allocations in operations, property, and financing allowance shall be based upon a minimum facility occupancy of ninety percent of licensed beds, regardless of how many beds are set up or in use.

(3) Information and data sources used in determining medicare payment rate allocations, including formulas, procedures, cost report periods, resident assessment instrument formats, resident assessment methodologies, and resident classification and case mix weighting methodologies, may be substituted or altered from time to time as determined by the department.

(4)(a) Direct care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, direct care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2004, direct care component rate allocations.

(b) Direct care component rate allocations based on 1996 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)((k)) (i).

(c) Direct care component rate allocations based on 1999 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)((k)) (i).

(5)(a) Therapy care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, therapy care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2004, therapy care component rate allocations.

(b) Therapy care component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(6)(a) Support services component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, support services component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2004, support services component rate allocations.

(b) Support services component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(7)(a) Operations component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, operations component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2004, operations component rate allocations.

(b) Operations component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(8) For July 1, 1998, through September 30, 1998, a facility's property and return on investment component rates shall be the facility's June 30, 1998, property and return on investment component rates, without increase. For October 1, 1998, through June 30, 1999, a facility's property and return on investment component rates shall be rebased utilizing 1997 adjusted cost report data covering at least six months of data.

(9) Total payment rates under the nursing facility medicaid payment system shall not exceed facility rates charged to the general public for comparable services.

(10) Medicaid contractors shall pay to all facility staff a minimum wage of the greater of (~~five dollars and fifteen cents per hour~~) the state minimum wage or the federal minimum wage.

(11) The department shall establish in rule procedures, principles, and conditions for determining component rate allocations for facilities in circumstances not directly addressed by this chapter, including but not limited to: The need to prorate inflation for partial-period cost report data, newly constructed facilities, existing facilities entering the medicaid program for the first time or after a period of absence from the program, existing facilities with expanded new bed capacity, existing medicaid facilities following a change of ownership of the nursing facility business, facilities banking beds or converting beds back into service, facilities temporarily reducing the number of set-up beds during a remodel, facilities having less than six months of either resident assessment, cost report data, or both, under the current contractor prior to rate setting, and other circumstances.

(12) The department shall establish in rule procedures, principles, and conditions, including necessary threshold costs, for adjusting rates to reflect capital improvements or new requirements imposed by the department or the federal government. Any such rate adjustments are subject to the provisions of RCW 74.46.421.

(13) Effective July 1, 2001, medicaid rates shall continue to be revised downward in all components, in accordance with department rules, for facilities converting banked beds to active service under chapter 70.38 RCW, by using the facility's increased licensed bed capacity to recalculate minimum occupancy for rate setting. However, for facilities other than essential community providers which bank beds under chapter 70.38 RCW, after April 1, 2001, medicaid rates shall be revised upward, in accordance with department rules, in direct care, therapy care, support services, and variable return components only, by using the facility's decreased licensed bed capacity to recalculate minimum occupancy for rate setting, but no upward revision shall be made to operations, property, or financing allowance component rates.

(14) Facilities obtaining a certificate of need or a certificate of need exemption under chapter 70.38 RCW after June 30, 2001, must have a certificate of capital authorization in order for (a) the depreciation resulting from the capitalized addition to be included in calculation of the facility's property component rate allocation; and (b) the net invested funds associated with the capitalized addition to be included in calculation of the facility's financing allowance rate allocation.

Sec. 6. RCW 74.46.433 and 1999 c 353 s 9 are each amended to read as follows:

(1) The department shall establish for each medicaid nursing facility a variable return component rate allocation. In determining the variable return allowance:

(a) The variable return array and percentage (~~(assigned at the October 1, 1998, rate setting shall remain in effect until June 30, 2004)~~) shall be assigned whenever rebasing of noncapital rate allocations is scheduled under RCW 46.46.431 (4), (5), (6), and (7).

(b) To calculate the array of facilities for the July 1, 2001, rate setting, the department, without using peer groups, shall first rank all facilities in numerical order from highest to lowest according to each facility's examined and documented, but unlidged, combined direct care, therapy care, support services, and operations per resident day cost from the 1999 cost report period. However, before being combined with other per resident day costs and ranked, a facility's direct care cost per resident day shall be adjusted to reflect its facility average case mix index, to be averaged from the four calendar quarters of 1999, weighted by the facility's resident days from each quarter, under RCW 74.46.501(7)(b)(ii). The array shall then be divided into four quartiles, each containing, as nearly as possible, an equal number of facilities, and four percent shall be assigned to facilities in the lowest quartile, three percent to facilities in the next lowest quartile, two percent to facilities in the next highest quartile, and one percent to facilities in the highest quartile.

(c) ~~The department shall (then), subject to (d) of this subsection, compute the variable return allowance by multiplying ((the appropriate)) a facility's assigned percentage ((amounts, which shall not be less than one percent and not greater than four percent,)) by the sum of the facility's direct care, therapy care, support services, and operations ((rate components. The percentage amounts will be based on groupings of facilities according to the rankings prescribed in (a) of this subsection, as applicable. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs)) component rates determined in accordance with this chapter and rules adopted by the department.~~

(d) Effective July 1, 2001, if a facility's examined and documented direct care cost per resident day for the preceding report year is lower than its average direct care component rate weighted by medicaid resident days for the same year, the facility's direct care cost shall be substituted for its July 1, 2001, direct care component rate, and its variable return component rate shall be determined or adjusted each July 1st by multiplying the facility's assigned percentage by the sum of the facility's July 1, 2001, therapy care, support services, and operations component rates, and its direct care cost per resident day for the preceding year.

(2) The variable return rate allocation calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

Sec. 7. RCW 74.46.435 and 1999 c 353 s 10 are each amended to read as follows:

(1) Effective July 1, 2001, the property component rate allocation for each facility shall be determined by dividing the sum of the reported allowable prior period actual depreciation, subject to RCW 74.46.310 through 74.46.380, adjusted for any capitalized additions or replacements approved by the department, and the retained savings from such cost center, by the greater of a facility's total resident days for the facility in the prior period or resident days as calculated on eighty-five percent facility occupancy. Effective July 1, 2002, the property component rate allocation for all facilities, except essential community providers, shall be set by using the greater of a facility's total resident days from the most recent cost report period or resident days calculated at ninety percent facility occupancy. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total resident days used in computing the property component rate shall be adjusted to anticipated resident day level.

(2) A nursing facility's property component rate allocation shall be rebased annually, effective July 1st (~~(or October 1st as applicable)~~), in accordance with this section and this chapter.

(3) When a certificate of need for a new facility is requested, the department, in reaching its decision, shall take into consideration per-bed land and building construction costs for the facility which shall not exceed a maximum to be established by the secretary.

(4) Effective July 1, 2001, for the purpose of calculating a nursing facility's property component rate, if a contractor ((elects)) has elected to bank licensed beds prior to April 1, 2001, or elects to convert banked beds to active service at any time, under chapter 70.38 RCW, the department shall use the facility's ((anticipated resident occupancy level subsequent to the decrease or increase in licensed bed capacity)) new licensed bed capacity to recalculate minimum occupancy for rate setting and revise the property component rate, as needed, effective as of the date the beds are banked or converted to active service. However, in no case shall the department use less than eighty-five percent occupancy of the facility's licensed bed capacity after banking or conversion. Effective July 1, 2002, in no case, other than essential community providers, shall the department use less than ninety percent occupancy of the facility's licensed bed capacity after conversion.

(5) The property component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

Sec. 8. RCW 74.46.437 and 1999 c 353 s 11 are each amended to read as follows:

(1) Beginning July 1, 1999, the department shall establish for each medicaid nursing facility a financing allowance component rate allocation. The financing allowance component rate shall be rebased annually, effective July 1st, in accordance with the provisions of this section and this chapter.

(2) Effective July 1, 2001, the financing allowance shall be determined by multiplying the net invested funds of each facility by .10, and dividing by the greater of a nursing facility's total resident days from the most recent cost report period or resident days calculated on eighty-five percent facility occupancy. Effective July 1, 2002, the financing allowance component rate allocation for all facilities, other than essential community providers, shall be set by using the greater of a facility's total resident days from the most recent cost report period or resident days calculated at ninety percent facility occupancy. However, assets acquired on or after May 17, 1999, shall be grouped in a separate financing allowance calculation that shall be multiplied by .085. The financing allowance factor of .085 shall not be applied to the net invested funds pertaining to new construction or major renovations receiving certificate of need approval or an exemption from certificate of need requirements under chapter 70.38 RCW, or to working drawings that have been submitted to the department of health for construction review approval, prior to May 17, 1999. If a capitalized addition, renovation, replacement, or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total resident days used in computing the financing allowance shall be adjusted to the greater of the anticipated resident day level or eighty-five percent of the new licensed bed capacity. Effective July 1, 2002, for all facilities, other than essential community providers, the total resident days used to compute the financing allowance after a capitalized addition, renovation, replacement, or retirement of an asset shall be set by using the greater of a facility's total resident days from the most recent cost report period or resident days calculated at ninety percent facility occupancy.

(3) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, 74.46.370, and 74.46.380, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing resident care shall also be included. Subject to provisions and limitations contained in this chapter, for land purchased by owners or lessors before July 18, 1984, capitalized cost of land shall be the buyer's capitalized cost. For all partial or whole rate periods after July 17, 1984, if the land is purchased after July 17, 1984, capitalized cost shall be that of the owner of record on July 17, 1984, or buyer's capitalized cost, whichever is lower. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1).

(4) Effective July 1, 2001, for the purpose of calculating a nursing facility's financing allowance component rate, if a contractor ((elects)) has elected to bank licensed beds prior to April 1, 2001, or elects to convert banked beds to active service at any time, under chapter 70.38 RCW, the department shall use the facility's ((anticipated resident occupancy level subsequent to the decrease or increase in licensed bed capacity)) new licensed bed capacity to recalculate minimum occupancy for rate setting and revise the financing allowance component rate, as needed, effective as of the date the beds are banked or converted to active service. However, in no case shall the department use less than eighty-five percent occupancy of the facility's licensed bed capacity after banking or conversion. Effective July 1, 2002, in no case, other than for essential community providers, shall the department use less than ninety percent occupancy of the facility's licensed bed capacity after conversion.

(5) The financing allowance rate allocation calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

Sec. 9. RCW 74.46.501 and 1998 c 322 s 24 are each amended to read as follows:

(1) From individual case mix weights for the applicable quarter, the department shall determine two average case mix indexes for each medicaid nursing facility, one for all residents in the facility, known as the facility average case mix index, and one for medicaid residents, known as the medicaid average case mix index.

(2)(a) In calculating a facility's two average case mix indexes for each quarter, the department shall include all residents or medicaid residents, as applicable, who were physically in the facility during the quarter in question (January 1st through March 31st, April 1st through June 30th, July 1st through September 30th, or October 1st through December 31st).

(b) The facility average case mix index shall exclude all default cases as defined in this chapter. However, the medicaid average case mix index shall include all default cases.

(3) Both the facility average and the medicaid average case mix indexes shall be determined by multiplying the case mix weight of each resident, or each medicaid resident, as applicable, by the number of days, as defined in this section and as applicable, the resident was at each particular case mix classification or group, and then averaging.

(4)(a) In determining the number of days a resident is classified into a particular case mix group, the department shall determine a start date for calculating case mix grouping periods as follows:

(i) If a resident's initial assessment for a first stay or a return stay in the nursing facility is timely completed and transmitted to the department by the cutoff date under state and federal requirements and as described in subsection (5) of this section, the start date shall be the later of either the first day of the quarter or the resident's facility admission or readmission date;

(ii) If a resident's significant change, quarterly, or annual assessment is timely completed and transmitted to the department by the cutoff date under state and federal requirements and as described in subsection (5) of this section, the start date shall be the date the assessment is completed;

(iii) If a resident's significant change, quarterly, or annual assessment is not timely completed and transmitted to the department by the cutoff date under state and federal requirements and as described in subsection (5) of this section, the start date shall be the due date for the assessment.

(b) If state or federal rules require more frequent assessment, the same principles for determining the start date of a resident's classification in a particular case mix group set forth in subsection (4)(a) of this section shall apply.

(c) In calculating the number of days a resident is classified into a particular case mix group, the department shall determine an end date for calculating case mix grouping periods as follows:

(i) If a resident is discharged before the end of the applicable quarter, the end date shall be the day before discharge;

(ii) If a resident is not discharged before the end of the applicable quarter, the end date shall be the last day of the quarter;

(iii) If a new assessment is due for a resident or a new assessment is completed and transmitted to the department, the end date of the previous assessment shall be the earlier of either the day before the assessment is due or the day before the assessment is completed by the nursing facility.

(5) The cutoff date for the department to use resident assessment data, for the purposes of calculating both the facility average and the medicaid average case mix indexes, and for establishing and updating a facility's direct care component rate, shall be one month and one day after the end of the quarter for which the resident assessment data applies.

(6) A threshold of ninety percent, as described and calculated in this subsection, shall be used to determine the case mix index each quarter. The threshold shall also be used to determine which facilities' costs per case mix unit are included in determining the ceiling, floor, and price. If the facility does not meet the ninety percent threshold, the department may use an alternate case mix index to determine the facility average and medicaid average case mix indexes for the quarter. The threshold is a count of unique minimum data set assessments, and it shall include resident assessment instrument tracking forms for residents discharged prior to completing an initial assessment. The threshold is calculated by dividing ~~((the))~~ a facility's count of ~~((unique minimum data set assessments))~~ residents being assessed by the average census for ~~((each))~~ the facility. A daily census shall be reported by each nursing facility as it transmits assessment data to the department. The department shall compute a quarterly average census based on the daily census. If no census has been reported by a facility during a specified quarter, then the department shall use the facility's licensed beds as the denominator in computing the threshold.

(7)(a) Although the facility average and the medicaid average case mix indexes shall both be calculated quarterly, the facility average case mix index will be used only every three years in combination with cost report data as specified by RCW 74.46.431 and 74.46.506, to establish a facility's allowable cost per case mix unit. A facility's medicaid average case mix index shall be used to update a nursing facility's direct care component rate quarterly.

(b) The facility average case mix index used to establish each nursing facility's direct care component rate shall be based on an average of calendar quarters of the facility's average case mix indexes.

(i) For October 1, 1998, direct care component rates, the department shall use an average of facility average case mix indexes from the four calendar quarters of 1997.

(ii) For July 1, 2001, direct care component rates, the department shall use an average of facility average case mix indexes from the four calendar quarters of 1999.

(c) The medicaid average case mix index used to update or recalibrate a nursing facility's direct care component rate quarterly shall be from the calendar quarter commencing six months prior to the effective date of the quarterly rate. For example, October 1, 1998, through December 31, 1998, direct care component rates shall utilize case mix averages from the April 1, 1998, through June 30, 1998, calendar quarter, and so forth.

Sec. 10. RCW 74.46.506 and 1999 c 353 s 5 and 1999 c 181 s 1 are each reenacted and amended to read as follows:

(1) The direct care component rate allocation corresponds to the provision of nursing care for one resident of a nursing facility for one day, including direct care supplies. Therapy services and supplies, which correspond to the therapy care component rate, shall be excluded. The direct care component rate includes elements of case mix determined consistent with the principles of this section and other applicable provisions of this chapter.

(2) Beginning October 1, 1998, the department shall determine and update quarterly for each nursing facility serving medicaid residents a facility-specific per-resident day direct care component rate allocation, to be effective on the first day of each calendar quarter. In determining direct care component rates the department shall utilize, as specified in this section, minimum data set resident assessment data for each resident of the facility, as transmitted to, and if necessary corrected by, the department in the resident assessment instrument format approved by federal authorities for use in this state.

(3) The department may question the accuracy of assessment data for any resident and utilize corrected or substitute information, however derived, in determining direct care component rates. The department is authorized to impose civil fines and to take adverse rate actions against a contractor, as specified by the department in rule, in order to obtain compliance with resident assessment and data transmission requirements and to ensure accuracy.

(4) Cost report data used in setting direct care component rate allocations shall be 1996 and 1999, for rate periods as specified in RCW 74.46.431(4)(a).

(5) Beginning October 1, 1998, the department shall rebase each nursing facility's direct care component rate allocation as described in RCW 74.46.431, adjust its direct care component rate allocation for economic trends and conditions as described in RCW 74.46.431, and update its medicaid average case mix index, consistent with the following:

(a) Reduce total direct care costs reported by each nursing facility for the applicable cost report period specified in RCW 74.46.431(4)(a) to reflect any department adjustments, and to eliminate reported resident therapy costs and adjustments, in order to derive the facility's total allowable direct care cost;

(b) Divide each facility's total allowable direct care cost by its adjusted resident days for the same report period, increased if necessary to a minimum occupancy of eighty-five percent; that is, the greater of actual or imputed occupancy at eighty-five percent of licensed beds, to derive the facility's allowable direct care cost per resident day;

(c) Adjust the facility's per resident day direct care cost by the applicable factor specified in RCW 74.46.431(4) (b) and (c) to derive its adjusted allowable direct care cost per resident day;

(d) Divide each facility's adjusted allowable direct care cost per resident day by the facility average case mix index for the applicable quarters specified by RCW 74.46.501(7)(b) to derive the facility's allowable direct care cost per case mix unit;

(e) Effective for July 1, 2001, rate setting, divide nursing facilities into at least two and, if applicable, three peer groups: Those located in ((metropolitan statistical areas as determined and defined by the United States office of management and budget or other appropriate agency or office of the federal government, and those not located in a metropolitan statistical area)) nonurban counties; those located in high labor-cost counties, if any; and those located in other urban counties;

(f) Array separately the allowable direct care cost per case mix unit for all ((metropolitan statistical area and for all nonmetropolitan statistical area facilities)) facilities in nonurban counties, for all facilities in high labor-cost counties, if applicable; and for all facilities in other urban counties, and determine the median allowable direct care cost per case mix unit for each peer group;

(g) Except as provided in ~~((k))~~ (i) of this subsection, from October 1, 1998, through June 30, 2000, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is less than eighty-five percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to eighty-five percent of the facility's peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(ii) Any facility whose allowable cost per case mix unit is greater than one hundred fifteen percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred fifteen percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(iii) Any facility whose allowable cost per case mix unit is between eighty-five and one hundred fifteen percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(h) Except as provided in ~~((k))~~ (i) of this subsection, from July 1, 2000, ~~((through June 30, 2002))~~ forward, and for all future rate setting, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is less than ninety percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to ninety percent of the facility's peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(ii) Any facility whose allowable cost per case mix unit is greater than one hundred ten percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred ten percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(iii) Any facility whose allowable cost per case mix unit is between ninety and one hundred ten percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

~~(i) ((From July 1, 2002, through June 30, 2004, determine each facility's quarterly direct care component rate as follows:~~

~~(i) Any facility whose allowable cost per case mix unit is less than ninety-five percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to ninety-five percent of the facility's peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);~~

~~(ii) Any facility whose allowable cost per case mix unit is greater than one hundred five percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred five percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);~~

~~(iii) Any facility whose allowable cost per case mix unit is between ninety-five and one hundred five percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);~~

~~(j) Beginning July 1, 2004, determine each facility's quarterly direct care component rate by multiplying the facility's peer group median allowable direct care cost per case mix unit by that facility's medicaid average case mix index from the applicable quarter as specified in RCW 74.46.501(7)(c).~~

~~((k))~~(i) Between October 1, 1998, and June 30, 2000, the department shall compare each facility's direct care component rate allocation calculated under (g) of this subsection with the facility's nursing services component rate in effect on September 30, 1998, less therapy costs, plus any exceptional care offsets as reported on the cost report, adjusted for economic trends and conditions as provided in RCW 74.46.431. A facility shall receive the higher of the two rates;

(ii) Between July 1, 2000, and June 30, 2002, the department shall compare each facility's direct care component rate allocation calculated under (h) of this subsection with the facility's direct care component rate in effect on June 30, 2000. A facility shall receive the higher of the two rates. Between July 1, 2001, and June 30, 2002, if during any quarter a facility whose rate paid under (h) of this subsection is greater than either the direct care rate in effect on June 30, 2000, or than that facility's allowable direct care cost per case mix unit calculated in (d) of this subsection multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c), the facility shall be paid in that and each subsequent quarter pursuant to (h) of this subsection and shall not be entitled to the greater of the two rates.

~~(iii) Effective July 1, 2002, all direct care component rate allocations shall be as determined under (h) of this subsection.~~

(6) The direct care component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

(7) Payments resulting from increases in direct care component rates, granted under authority of RCW 74.46.508(1) for a facility's exceptional care residents, shall be offset against the facility's examined, allowable direct care costs, for each report year or

partial period such increases are paid. Such reductions in allowable direct care costs shall be for rate setting, settlement, and other purposes deemed appropriate by the department.

Sec. 11. RCW 74.46.511 and 1999 c 353 s 6 and 1999 c 181 s 3 are each reenacted and amended to read as follows:

(1) The therapy care component rate allocation corresponds to the provision of medicaid one-on-one therapy provided by a qualified therapist as defined in this chapter, including therapy supplies and therapy consultation, for one day for one medicaid resident of a nursing facility. The therapy care component rate allocation for October 1, 1998, through June 30, 2001, shall be based on adjusted therapy costs and days from calendar year 1996. The therapy component rate allocation for July 1, 2001, through June 30, 2004, shall be based on adjusted therapy costs and days from calendar year 1999. The therapy care component rate shall be adjusted for economic trends and conditions as specified in RCW 74.46.431(5)(b), and shall be determined in accordance with this section.

(2) In rebasing, as provided in RCW 74.46.431(5)(a), the department shall take from the cost reports of facilities the following reported information:

(a) Direct one-on-one therapy charges for all residents by payer including charges for supplies;

(b) The total units or modules of therapy care for all residents by type of therapy provided, for example, speech or physical. A unit or module of therapy care is considered to be fifteen minutes of one-on-one therapy provided by a qualified therapist or support personnel; and

(c) Therapy consulting expenses for all residents.

(3) The department shall determine for all residents the total cost per unit of therapy for each type of therapy by dividing the total adjusted one-on-one therapy expense for each type by the total units provided for that therapy type.

(4) The department shall divide medicaid nursing facilities in this state into two peer groups:

(a) Those facilities located within ~~((a metropolitan statistical area))~~ urban counties; and

(b) Those ~~((not))~~ located ~~((in a metropolitan statistical area))~~ within nonurban counties.

~~((Metropolitan statistical areas and nonmetropolitan statistical areas shall be as determined by the United States office of management and budget or other applicable federal office.))~~ The department shall array the facilities in each peer group from highest to lowest based on their total cost per unit of therapy for each therapy type. The department shall determine the median total cost per unit of therapy for each therapy type and add ten percent of median total cost per unit of therapy. The cost per unit of therapy for each therapy type at a nursing facility shall be the lesser of its cost per unit of therapy for each therapy type or the median total cost per unit plus ten percent for each therapy type for its peer group.

(5) The department shall calculate each nursing facility's therapy care component rate allocation as follows:

(a) To determine the allowable total therapy cost for each therapy type, the allowable cost per unit of therapy for each type of therapy shall be multiplied by the total therapy units for each type of therapy;

(b) The medicaid allowable one-on-one therapy expense shall be calculated taking the allowable total therapy cost for each therapy type times the medicaid percent of total therapy charges for each therapy type;

(c) The medicaid allowable one-on-one therapy expense for each therapy type shall be divided by total adjusted medicaid days to arrive at the medicaid one-on-one therapy cost per patient day for each therapy type;

(d) The medicaid one-on-one therapy cost per patient day for each therapy type shall be multiplied by total adjusted patient days for all residents to calculate the total allowable one-on-one therapy expense. The lesser of the total allowable therapy consultant expense for the therapy type or a reasonable percentage of allowable therapy consultant expense for each therapy type, as established in rule by the department, shall be added to the total allowable one-on-one therapy expense to determine the allowable therapy cost for each therapy type;

(e) The allowable therapy cost for each therapy type shall be added together, the sum of which shall be the total allowable therapy expense for the nursing facility;

(f) The total allowable therapy expense will be divided by the greater of adjusted total patient days from the cost report on which the therapy expenses were reported, or patient days at eighty-five percent occupancy of licensed beds. The outcome shall be the nursing facility's therapy care component rate allocation.

(6) The therapy care component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

(7) The therapy care component rate shall be suspended for medicaid residents in qualified nursing facilities designated by the department who are receiving therapy paid by the department outside the facility daily rate under RCW 74.46.508(2).

Sec. 12. RCW 74.46.515 and 1999 c 353 s 7 are each amended to read as follows:

(1) The support services component rate allocation corresponds to the provision of food, food preparation, dietary, housekeeping, and laundry services for one resident for one day.

(2) Beginning October 1, 1998, the department shall determine each medicaid nursing facility's support services component rate allocation using cost report data specified by RCW 74.46.431(6).

(3) To determine each facility's support services component rate allocation, the department shall:

(a) Array facilities' adjusted support services costs per adjusted resident day for each facility from facilities' cost reports from the applicable report year, for facilities located within ~~((a metropolitan statistical area))~~ urban counties, and for those ~~((not))~~ located ~~((in any metropolitan statistical area))~~ within nonurban counties and determine the median adjusted cost for each peer group;

(b) Set each facility's support services component rate at the lower of the facility's per resident day adjusted support services costs from the applicable cost report period or the adjusted median per resident day support services cost for that facility's peer group, either ~~((metropolitan statistical area))~~ urban counties or ~~((nonmetropolitan statistical area))~~ nonurban counties, plus ten percent; and

(c) Adjust each facility's support services component rate for economic trends and conditions as provided in RCW 74.46.431(6).

(4) The support services component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

Sec. 13. RCW 74.46.521 and 1999 c 353 s 8 are each amended to read as follows:

(1) The operations component rate allocation corresponds to the general operation of a nursing facility for one resident for one day, including but not limited to management, administration, utilities, office supplies, accounting and bookkeeping, minor

building maintenance, minor equipment repairs and replacements, and other supplies and services, exclusive of direct care, therapy care, support services, property, financing allowance, and variable return.

(2) Beginning October 1, 1998, the department shall determine each medicaid nursing facility's operations component rate allocation using cost report data specified by RCW 74.46.431(7)(a). Effective July 1, 2002, operations component rates for all facilities except essential community providers shall be based upon a minimum occupancy of ninety percent of licensed beds, and no operations component rate shall be revised in response to beds banked on or after April 1, 2001, under chapter 70.38 RCW.

(3) To determine each facility's operations component rate the department shall:

(a) Array facilities' adjusted general operations costs per adjusted resident day for each facility from facilities' cost reports from the applicable report year, for facilities located within ~~((a metropolitan statistical area))~~ urban counties and for those ~~((not))~~ located ~~((in a metropolitan statistical area))~~ within nonurban counties and determine the median adjusted cost for each peer group;

(b) Set each facility's operations component rate at the lower of:

(i) The facility's per resident day adjusted operations costs from the applicable cost report period adjusted if necessary to a minimum occupancy of eighty-five percent of licensed beds before July 1, 2002, and ninety percent effective July 1, 2002; or

(ii) The adjusted median per resident day general operations cost for that facility's peer group, ((metropolitan statistical area)) urban counties or ((nonmetropolitan statistical area)) nonurban counties; and

(c) Adjust each facility's operations component rate for economic trends and conditions as provided in RCW 74.46.431(7)(b).

(4) The operations component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

Sec. 14. RCW 74.46.711 and 1995 1st sp.s. c 18 s 69 are each amended to read as follows:

Upon the death of a resident with a personal fund deposited with the facility, the facility must convey within ~~((forty-five))~~ thirty days the resident's funds, and a final accounting of those funds, to the individual or probate jurisdiction administering the resident's estate; but in the case of a resident who received long-term care services paid in whole or in part by the department, the funds and accounting shall be sent to the state of Washington, department of social and health services, office of financial recovery. The department shall establish a release procedure for use for burial expenses.

NEW SECTION. Sec. 15. A new section is added to chapter 74.46 RCW to read as follows:

The total capital authorization available for any biennial period shall be specified in the biennial appropriations act and shall be calculated on an annual basis. When setting the capital authorization level, the legislature shall consider both the need for, and the cost of, new and replacement beds.

NEW SECTION. Sec. 16. A new section is added to chapter 74.46 RCW to read as follows:

The department shall establish rules for issuing a certificate of capital authorization. Applications for a certificate of capital authorization shall be submitted and approved on a biennial basis. The rules for a certificate of capital authorization shall be consistent with the following principles:

(1) The certificate of capital authorization shall be approved on a first-come, first-served basis.

(2) Those projects that do not receive approval in one authorization period shall have priority the following biennium should the project be resubmitted.

(3) The department shall have the authority to give priority for a project that is necessitated by an emergency situation even if the project is not submitted in a timely fashion. The department shall establish rules for determining what constitutes an emergency.

(4) The department shall establish deadlines for progress and the department shall have the authority to withdraw the certificate of capital authorization where the holder of the certificate has not complied with those deadlines in a good faith manner.

NEW SECTION. Sec. 17. The joint legislative task force on nursing homes is hereby created.

(1) Membership of the task force shall consist of eight legislators. The president of the senate shall appoint four members of the senate, including two members of the majority party and two members of the minority party. The co-speakers of the house of representatives shall appoint four members of the house of representatives, including two members from each party. Each body shall select representatives from committees with jurisdiction over health and long-term care and fiscal matters.

(2) The task force shall:

(a) Consider reports from nursing home organizations, consumers of long-term care services, and the department of social and health services on key issues in the delivery of nursing home care in various areas of the state;

(b) Assess the alternative approaches for linking case-mix scores with service hours and costs developed in accordance with section 18 of this act;

(c) Approve the proposed study plans, and review the reports on nursing home access, quality of care, quality of resident life, and employee wage and benefit levels, which are to be submitted in accordance with section 18 of this act;

(d) Review the report which is to be prepared in accordance with section 18 of this act on the need for additional case mix groupings and weights; and

(e) Consider the evaluation of rebasing alternatives conducted in accordance with section 18 of this act.

(3) The task force shall complete its review and submit its recommendations to the appropriate policy and fiscal committees of the legislature by December 1, 2003.

(4) This section expires December 31, 2003.

Sec. 18. 1998 c 322 s 47 (uncodified) is amended to read as follows:

(1) By December 1, 1998, the department of social and health services shall study and provide recommendations to the chairs of the house of representatives appropriations and health care committees, and the senate ways and means and health and long-term care committees, concerning options for changing the method for paying facilities for capital and property related expenses.

(2) The department of social and health services shall contract with an independent and recognized organization to study and evaluate the impacts of chapter 74.46 RCW implementation on access, quality of care, quality of life for nursing facility residents, and the wage and benefit levels of all nursing facility employees. The contractor shall submit a preliminary report of findings, and recommendations for further study, to the joint legislative task force on nursing homes by December 1, 2001. The department and contractor shall incorporate the task force's recommendations into the final evaluation plan, and submit interim reports on findings and recommendations to the task force by October 1, 2002, and July 1, 2003. The department ~~((shall require,))~~

and the contractor shall submit(()) a final report with the results of this study and evaluation, including their findings and recommendations, to the governor and legislature by (~~December~~) October 1, (~~(2004)~~) 2003.

(3) The department of social and health services shall study and, as needed, specify additional case mix groups and appropriate case mix weights to reflect the resource utilization of residents whose care needs are not adequately identified or reflected in the resource utilization group III grouper version 5.10. At a minimum, the department shall study the adequacy of the resource utilization group III grouper version 5.10, including the minimum data set, for capturing the care and resource utilization needs of residents with AIDS, residents with traumatic brain injury, and residents who are behaviorally challenged. The department shall report its findings to the (~~chairs of the house of representatives health care committee and the senate health and long-term care committee~~) joint legislative task force on nursing homes by December 12, 2002.

(4) By (~~December 42~~) July 1, 2002, the department of social and health services shall report to the (~~legislature~~) joint legislative task force on nursing homes and provide an evaluation of the fiscal impact of rebasing future payments at different intervals, including the impact of averaging two years' cost data as the basis for rebasing. This report shall include the fiscal impact to the state and the fiscal impact to nursing facility providers.

(5) By December 1, 2001, the department of social and health services shall report to the joint legislative task force on nursing homes on alternative approaches for using client acuity to establish direct care rates. The alternatives shall link acuity, as measured by case mix, to the number of hours of service estimated to be provided for each client, and shall multiply those estimated service hours by standard wage and benefit rates which account for differences in direct care labor costs in various areas of the state. The alternatives reviewed shall provide cost controls and incentives at least equal to the current rate-setting system, and shall not contain automatic cost increases, automatic indexing, hold harmless provisions, or mandatory future rebasing of costs.

Sec. 19. RCW 70.38.115 and 1996 c 178 s 22 are each amended to read as follows:

(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary in accord with the provisions of this chapter and rules of the department which establish review procedures and criteria for the certificate of need program.

(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:

(a) The need that the population served or to be served by such services has for such services;

(b) The availability of less costly or more effective alternative methods of providing such services;

(c) The financial feasibility and the probable impact of the proposal on the cost of and charges for providing health services in the community to be served;

(d) In the case of health services to be provided, (i) the availability of alternative uses of project resources for the provision of other health services, (ii) the extent to which such proposed services will be accessible to all residents of the area to be served, and (iii) the need for and the availability in the community of services and facilities for osteopathic physicians and surgeons and allopathic physicians and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathic medicine and surgery and medicine at the student, internship, and residency training levels;

(e) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed (i) on the cost of providing health services by the person proposing such construction project and (ii) on the cost and charges to the public of providing health services by other persons;

(f) The special needs and circumstances of osteopathic hospitals, nonallopathic services and children's hospitals;

(g) Improvements or innovations in the financing and delivery of health services which foster cost containment and serve to promote quality assurance and cost-effectiveness;

(h) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed;

(i) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past;

(j) In the case of hospital certificate of need applications, whether the hospital meets or exceeds the regional average level of charity care, as determined by the secretary; and

(k) In the case of nursing home applications:

(i) The availability of other nursing home beds in the planning area to be served; and

(ii) The availability of other services in the community to be served. Data used to determine the availability of other services will include but not be limited to data provided by the department of social and health services.

(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds:

(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and

(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

A health care facility, or any part thereof, with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.

(4) Until the final expiration of the state health plan as provided under RCW 70.38.919, the decision of the department on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. The department in making its final decision may issue a conditional certificate of need if it finds that the project is justified only under specific circumstances. The conditions shall directly relate to the project being reviewed. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.

(5) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

(6) The department shall specify information to be required for certificate of need applications. Within fifteen days of receipt of the application, the department shall request additional information considered necessary to the application or start the review process. Applicants may decline to submit requested information through written notice to the department, in which case review starts on the date of receipt of the notice. Applications may be denied or limited because of failure to submit required and necessary information.

(7) Concurrent review is for the purpose of comparative analysis and evaluation of competing or similar projects in order to determine which of the projects may best meet identified needs. Categories of projects subject to concurrent review include at least new health care facilities, new services, and expansion of existing health care facilities. The department shall specify time periods for the submission of applications for certificates of need subject to concurrent review, which shall not exceed ninety days. Review of concurrent applications shall start fifteen days after the conclusion of the time period for submission of applications subject to concurrent review. Concurrent review periods shall be limited to one hundred fifty days, except as provided for in rules adopted by the department authorizing and limiting amendment during the course of the review, or for an unresolved pivotal issue declared by the department.

(8) Review periods for certificate of need applications other than those subject to concurrent review shall be limited to ninety days. Review periods may be extended up to thirty days if needed by a review agency, and for unresolved pivotal issues the department may extend up to an additional thirty days. A review may be extended in any case if the applicant agrees to the extension.

(9) The department or its designee, shall conduct a public hearing on a certificate of need application if requested unless the review is expedited or subject to emergency review. The department by rule shall specify the period of time within which a public hearing must be requested and requirements related to public notice of the hearing, procedures, recordkeeping and related matters.

(10)(a) Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked has the right to an adjudicative proceeding. The proceeding is governed by chapter 34.05 RCW, the Administrative Procedure Act.

(b) Any health care facility or health maintenance organization that: (i) Provides services similar to the services provided by the applicant and under review pursuant to this subsection; (ii) is located within the applicant's health service area; and (iii) testified or submitted evidence at a public hearing held pursuant to subsection (9) of this section, shall be provided an opportunity to present oral or written testimony and argument in a proceeding under this subsection: PROVIDED, That the health care facility or health maintenance organization had, in writing, requested to be informed of the department's decisions.

(c) If the department desires to settle with the applicant prior to the conclusion of the adjudicative proceeding, the department shall so inform the health care facility or health maintenance organization and afford them an opportunity to comment, in advance, on the proposed settlement.

(11) An amended certificate of need shall be required for the following modifications of an approved project:

(a) A new service requiring review under this chapter;

(b) An expansion of a service subject to review beyond that originally approved;

(c) An increase in bed capacity;

(d) A significant reduction in the scope of a nursing home project without a commensurate reduction in the cost of the nursing home project, or a cost increase (as represented in bids on a nursing home construction project or final cost estimates acceptable to the person to whom the certificate of need was issued) if the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure approved. The review of reductions or cost increases shall be restricted to the continued conformance of the nursing home project with the review criteria pertaining to financial feasibility and cost containment.

(12) An application for a certificate of need for a nursing home capital expenditure which is determined by the department to be required to eliminate or prevent imminent safety hazards or correct violations of applicable licensure and accreditation standards shall be approved.

(13)(a) Replacement of existing nursing home beds in the same planning area by an existing licensee who has operated the beds for at least one year shall not require a certificate of need under this chapter. The licensee shall give written notice of its intent to replace the existing nursing home beds to the department and shall provide the department with information as may be required pursuant to rule. Replacement of the beds by a party other than the licensee is subject to certificate of need review under this chapter, except as otherwise permitted by subsection (14) of this section.

(b) When an entire nursing home ceases operation, the licensee or any other party who has secured an interest in the beds may reserve his or her interest in the beds for eight years or until a certificate of need to replace them is issued, whichever occurs first. However, the nursing home, licensee, or any other party who has secured an interest in the beds must give notice of its intent to retain the beds to the department of health no later than thirty days after the effective date of the facility's closure. Certificate of need review shall be required for any party who has reserved the nursing home beds except that the need criteria shall be deemed met when the applicant is the licensee who had operated the beds for at least one year, who has operated the beds for at least one year immediately preceding the reservation of the beds, and who is replacing the beds in the same planning area.

(14) In the event that a licensee, who has provided the department with notice of his or her intent to replace nursing home beds under subsection (13)(a) of this section, engages in unprofessional conduct or becomes unable to practice with reasonable skill and safety by reason of mental or physical condition, pursuant to chapter 18.130 RCW, ((or)) dies, or under state or federal law files for bankruptcy, the building owner shall be permitted to complete the nursing home bed replacement project, provided the building owner has secured an interest in the beds.

NEW SECTION. Sec. 20. RCW 74.46.908 (Repealer) and 1999 c 353 s 17 are each repealed.

NEW SECTION. Sec. 21. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. (1) Sections 1 through 19 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2001.

(2) Section 20 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 29, 2001."

MOTION

On motion of Senator Brown, the following amendments by Senators Brown and Deccio to the striking amendment by Senators Brown, Thibaudeau and Deccio were considered simultaneously and adopted:

On page 19, line 35, strike after April 1, 2001, and insert after May 25, 2001.

On page 24, line 8, strike prior to April 1, 2001, and insert prior to May 25, 2001.

On page 35, line 14, strike April 1, 2001, and insert May 25, 2001.

Renumber the sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Brown, Thibaudeau and Deccio, as amended, to Substitute House Bill No. 2242.

The motion by Senator Brown carried and the striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Brown, the following title amendment was adopted:

On page 1, line 1 of the title, after "rates;" strike the remainder of the title and insert "amending RCW 74.46.020, 74.46.165, 74.46.410, 74.46.421, 74.46.431, 74.46.433, 74.46.435, 74.46.437, 74.46.501, 74.46.515, 74.46.521, 74.46.711, and 70.38.115; amending 1998 c 322 s 47 (uncodified); reenacting and amending RCW 74.46.506 and 74.46.511; adding new sections to chapter 74.46 RCW; creating a new section; repealing RCW 74.46.908; providing effective dates; providing an expiration date; and declaring an emergency."

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 2242, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2242, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2242, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 11; Absent, 0; Excused, 5.

Voting yea: Senators Brown, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Hochstatter, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel and Thibaudeau - 33.

Voting nay: Senators Carlson, Hale, Haugen, Hewitt, Honeyford, Horn, Oke, Sheahan, Stevens, Swecker and Winsley - 11.

Excused: Senators Benton, Costa, McCaslin, West and Zarelli - 5.

SUBSTITUTE HOUSE BILL NO. 2242, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Snyder, Substitute House Bill No. 2242 was ordered to be immediately transmitted to the House of Representatives.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4414, by Representatives Carrell and Lantz

Creating a joint select committee on civil forfeiture.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Constantine, the rules were suspended, House Concurrent Resolution No. 4414 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Concurrent Resolution No. 4414, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 4414, under suspension of the rules, and the concurrent resolution passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 44.

Excused: Senators Benton, Costa, McCaslin, West and Zarelli - 5.

HOUSE CONCURRENT RESOLUTION NO. 4414, under suspension of the rules, having received the constitutional majority, was declared passed.

MOTION

At 5:04 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 6:40 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business

MESSAGES FROM THE HOUSE

May 24, 2001

MR. PRESIDENT:

The House has concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2242, and passed the bill as amended by the Senate.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

May 24, 2001

MR. PRESIDENT:

The Co-Speakers have signed HOUSE CONCURRENT RESOLUTION NO. 4414, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

May 24, 2001

MR. PRESIDENT:

The Co-Speakers have signed HOUSE BILL NO. 2098, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

May 24, 2001

MR. PRESIDENT:

The Co-Speakers have signed:
ENGROSSED HOUSE BILL NO. 1845,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2025, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

May 24, 2001

MR. PRESIDENT:

The Co-Speakers have signed SUBSTITUTE SENATE BILL NO. 6012, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

May 24, 2001

MR. PRESIDENT:

The Co-Speakers have signed ENGROSSED SENATE BILL NO. 6188, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

May 24, 2001

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4415, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

May 24, 2001

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4416, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED HOUSE BILL NO. 1845,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2025.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 2098.
HOUSE CONCURRENT RESOLUTION NO. 4414.

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4415 by Representatives Kessler and Mastin

Returning bills to the house of origin.

HCR 4416 by Representatives Mastin and Kessler

Adjourning SINE DIE.

MOTIONS

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4415 was advanced to second reading and read the second time.

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4415 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.
HOUSE CONCURRENT RESOLUTION NO. 4415 was adopted by voice vote.

MOTIONS

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4416 was advanced to second reading and read the second time.

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4416 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 4416 was adopted by voice vote.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

May 24, 2001

MR. PRESIDENT:

The Co-Speakers have signed SUBSTITUTE HOUSE BILL NO. 2242, and the same is herewith transmitted.
CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

May 24, 2001

MR. PRESIDENT:

The Co-Speakers have signed HOUSE CONCURRENT RESOLUTION NO. 4415, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

May 24, 2001

MR. PRESIDENT:

The Co-Speakers have signed HOUSE CONCURRENT RESOLUTION NO. 4416, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4415,
HOUSE CONCURRENT RESOLUTION NO. 4416.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 2242.

RETURN OF BILLS TO HOUSE OF REPRESENTATIVES

Under the provisions of House Concurrent Resolution No. 4415, on motion of Senator Betti Sheldon, Second Engrossed House Bill No. 2168, which was held on the desk May 23, and Engrossed House Bill No. 2266, which was held on the desk earlier today, were returned to the House of Representatives.

MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 5452, Senate Bill No. 5859, Senate Bill No. 6137 and

S
e
n
a
t
e

B
i
l
l

No. 6187, which were on the second reading calendar, were returned

On motion of Senator Betti Sheldon, Senate Bill No. 5352, Substitute Senate Bill No. 5370, Second Substitute Senate Bill No. 5576, Engrossed Substitute Senate Bill No. 5755, Engrossed Second Substitute Senate Bill No. 5936 and Substitute Senate Bill No. 6167, which were on the third reading calendar, were returned to the Committee on Rules.

MOTION

On motion of Senator Betti Sheldon, Second Engrossed Substitute Senate Bill No. 6151, which was on the concurring calendar, was returned to the Committee on Rules.

RETURN OF BILLS TO THE HOUSE OF REPRESENTATIONS

Under the provisions of House Concurrent Resolution No. 4415, on motion of Senator Betti Sheldon, the following House Bills were returned to the House of Representatives:

**HOUSE BILL NO. 1162,
SUBSTITUTE HOUSE BILL NO. 1315,
SUBSTITUTE HOUSE BILL NO. 1359,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1517,
SUBSTITUTE HOUSE BILL NO. 1624,
SUBSTITUTE HOUSE BILL NO. 1717,
ENGROSSED HOUSE BILL NO. 1886,
SUBSTITUTE HOUSE BILL NO. 1906,
HOUSE BILL NO. 1984,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138,
SUBSTITUTE HOUSE BILL NO. 2227,**

**HOUSE BILL NO. 2233,
HOUSE BILL NO. 2258,
HOUSE BILL NO. 2262,
HOUSE BILL NO. 2264.**

MESSAGE FROM THE HOUSE

May 24, 2001

MR. PRESIDENT:

Under the provisions of House Concurrent Resolution No. 4415, the House herewith returns the following Senate Bills to the Senate:

**SUBSTITUTE SENATE BILL NO. 5078,
SENATE BILL NO. 5082,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5094,
SENATE BILL NO. 5109,
SENATE BILL NO. 5130,
SENATE BILL NO. 5144,
SUBSTITUTE SENATE BILL NO. 5236,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5237,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5327,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5378,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5465,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5528,
SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5625,
SECOND ENGROSSED SENATE BILL NO. 5686,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5743,
SUBSTITUTE SENATE BILL NO. 5748,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5749,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5759,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5764,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5765,
ENGROSSED SENATE BILL NO. 5882,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5937,
ENGROSSED SENATE BILL NO. 5959,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6140,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6166,
ENGROSSED SENATE BILL NO. 6183,
SENATE JOINT MEMORIAL NO. 8023,** and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Betti Sheldon, the Senate Journal for the thirtieth day of the 2001 First Special Session of the Fifty-seventh Legislature was approved.

MOTION

At 7:00 p.m., on motion of Senator Betti Sheldon, the 2001 First Special Session of the Fifty-seventh Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTIETH DAY, FIRST SPECIAL SESSION, MAY 24, 2001

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

FIRST DAY, SECOND SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Monday, June 4, 2001

The Senate of the 2001 Second Special Session of the Fifty-seventh Legislative of the state of Washington was called to order at 12:00 noon by Lieutenant Governor Brad Owen, President of the Senate. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Brown, Finkbeiner, Hewitt, Kohl-Welles, Stevens and Zarelli. On motion of Senator Honeyford, Senators Benton, Finkbeiner, Hewitt, Stevens and Zarelli were excused. On motion of Senator Eide, Senators Brown and Kohl-Welles were excused.

The Sergeant at Arms Color Guard, consisting of staff members Sally See and Jodie Fickett, presented the Colors. Senator Marilyn Rasmussen offered the prayer.

**MESSAGE FROM THE GOVERNOR
PROCLAMATION**

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2001 regular session on April 22, 2001, the 105th day of the session, and adjourned the first special session of 2001 on May 24, 2001, the 30th day of the special session;

WHEREAS, state operating, transportation and capital budgets, including bonds and measure necessary to implement them, were not passed; and

WHEREAS, substantial work remains to be done with respect to transportation, including reforms and efficiencies, regional governance, projects and investments, the Tacoma Narrows Bridge, revenue, and bonds; and

WHEREAS, work also remains to be done to pass legislation affecting the primary election system, accountability for student achievement, school safety--including anti-bullying policy, splitting the Department of Community, Trade and Economic Development, shoreline rule implementation, the siting of certain sexual predators at McNeil Island, post-retirement employment, medical coverage for the disabled who work, and welfare simplification;

NOW, THEREFORE, I, Gary Locke, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in a second special session in the Capitol at Olympia at twelve o'clock noon on June 4, 2001, for a period of not more than two weeks for the purpose of enacting legislation as described above.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 24th day of May, A. D. two thousand one.

SEAL GARY LOCKE

Governor of Washington

BY THE GOVERNOR

SAM REED
Secretary of State

MESSAGE FROM THE GOVERNOR

May 29, 2001

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

I have the honor to advise you that on May 29, 2001, Governor Locke approved the following Senate Bill entitled:

Engrossed Senate Bill No. 6188

Relating to improving the efficiency and accountability of the environmental permitting and compliance process for transportation projects.

Sincerely,
EVERETT H. BILLINGSLEA, General Counsel

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 27, 2001

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

I have the honor to submit the following appointment, subject to you confirmation.
Sylvia Mundy, appointed April 27, 2001, for a term ending at the pleasure of the Governor as Commissioner of the Employment Security Department.

Sincerely,
GARY LOCK, Governor

Referred to Committee on Labor, Commerce and Financial Institutions.

May 1, 2001

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

I have the honor to submit the following appointment, subject to you confirmation.
Tom P. May, appointed May 1, 2001, for a term ending January 1, 2005, as a member of the Forest Practices Appeals Board..

Sincerely,
GARY LOCK, Governor

Referred to the Committee on Natural Resources, Parks and Shorelines.

May 1, 2001

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

I have the honor to submit the following appointment, subject to you confirmation.
Justin Silvers, to be appointed June 1, 2001, for a term ending May 31, 2002, as a member of the Board of Trustees for Central Washington University.

Sincerely,
GARY LOCK, Governor

Referred to the Committee on Higher Education.

May 4, 2001

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

I have the honor to submit the following appointment, subject to you confirmation.
Daniel C. Graczyk, appointed May 4, 2001, for a term ending January 1, 2007, as a member of the Personnel Resources Board.

Sincerely,
GARY LOCK, Governor

Referred to the Committee on Labor, Commerce and Financial Institutions.

May 10, 2001

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

I have the honor to submit the following reappointment, subject to you confirmation.
Elizabeth McLaughlin, to be reappointed July 1, 2001, for a term ending June 30, 2007, as a member of the Gambling Commission.

Sincerely,
GARY LOCK, Governor

Referred to the Committee on Labor, Commerce and Financial Institutions.

May 10, 2001

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

I have the honor to submit the following reappointment, subject to you confirmation.
Katharine Akers Sheehan, to be reappointed June 13, 2001, for a term ending June 12, 2005, as a member of the Columbia River Gorge Bi-State Commission.

Sincerely,
GARY LOCK, Governor

Referred to the Committee on Natural Resources, Parks and Shorelines.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000
June 1, 2001

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "JLARC Mental Health System Performance Audit." It is mandated under Chapter 334, Laws of 2001.

Please call Richard Onizuka at (360) 902-0786 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report to the Legislature entitled "JLARC Mental Health System Performance Audit" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000
June 1, 2001

Mr. Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Blended Funding Projects." It is mandated under Chapter 219, Laws of 2000.

Please call Roxie Schalliol at (360) 902-7783 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report to the Legislature entitled "Blending Funding Projects" is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 6194 by Senators Snyder, Hargrove and T. Sheldon

AN ACT Relating to authorizing the provision of pilotage services in the Grays Harbor pilotage district by port districts; and adding a new section to chapter 53.08 RCW.
Referred to Committee on Transportation.

SCR 8419 by Senators Snyder and Johnson

Concerning the status of bills, memorials, and resolutions for the 2001 second special session of the fifty-seventh legislature.

MOTION

On motion on Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8419 was advanced to second reading and placed on the second reading calendar.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8419, by Senators Snyder and Johnson

Concerning the status of bills, memorials, and resolutions for the 2001 second special session of the fifty-seventh legislature.

The concurrent resolution was read the second time.

MOTION

Senator Roach moved that the following amendment be adopted:

On page 1, on line 17, after "session", insert the following:

", with the exception of Senate Bill 6013, which shall be placed on today's second reading calendar"

Senator Roach demanded a roll call and the demand was sustained.

Debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Roach on page 1, line 17, to Senate Concurrent Resolution No. 8419.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; Nays, 22; Absent, 0; Excused, 7.

Voting yea: Senators Carlson, Deccio, Hale, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Roach, Rossi, Sheahan, Sheldon, T., Swecker and West - 20.

Voting nay: Senators Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, McAuliffe, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Winsley - 22.

Excused: Senators Benton, Brown, Finkbeiner, Hewitt, Kohl-Welles, Stevens and Zarelli - 7.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8419 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

SENATE CONCURRENT RESOLUTION NO. 8419 was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Rasmussen: "A personal privilege, Mr. President. I just want you all to know that I am a Grandmother once again. My daughter gave birth to Marci LeeAnn Huggler on Saturday, May 26. Mother, father and baby are doing well and they live in Puyallup, so I will get to visit often."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the family members of Senator Don Carlson, who were seated in the gallery.

MOTION

At 12:40 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Tuesday, June 5, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIRST DAY, SECOND SPECIAL SESSION, JUNE 4, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

SECOND DAY, SECOND SPECIAL SESSION

MORNING SESSION

SENATE CHAMBER, OLYMPIA, TUESDAY, JUNE 5, 2001

THE SENATE WAS CALLED TO ORDER AT 10:00 A.M. BY PRESIDENT OWEN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS BENTON, BROWN, HEWITT AND STEVENS. ON MOTION OF SENATOR HONEYFORD, SENATORS BENTON, HEWITT AND STEVENS WERE EXCUSED. ON MOTION OF SENATOR EIDE, SENATOR BROWN WAS EXCUSED.

THE SERGEANT AT ARMS COLOR GUARD, CONSISTING OF STAFF MEMBERS DAVE BOYER AND JIM BUENSLI, PRESENTED THE COLORS. SENATOR JIM KASTAMA OFFERED THE PRAYER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

MESSAGES FROM THE HOUSE

JUNE 4, 2001

MR. PRESIDENT:

THE HOUSE HAS PASSED:
HOUSE BILL NO. 1162,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO 1266,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1517,
SUBSTITUTE HOUSE BILL NO. 1624,
SUBSTITUTE HOUSE BILL NO. 1717,
SECOND ENGROSSED HOUSE BILL NO. 1886,
SUBSTITUTE HOUSE BILL NO. 1906,
HOUSE BILL NO. 1984,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138,
SUBSTITUTE HOUSE BILL NO. 2227,
HOUSE BILL NO. 2233,
ENGROSSED HOUSE BILL NO. 2262,
SECOND ENGROSSED HOUSE BILL NO. 2266, AND THE SAME ARE HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK
TIMOTHY A. MARTIN, CO-CHIEF CLERK

JUNE 4, 2001

MR. PRESIDENT:

THE HOUSE HAS ADOPTED SENATE CONCURRENT RESOLUTION NO. 8419, AND THE SAME IS HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK
TIMOTHY A. MARTIN, CO-CHIEF CLERK

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:
SENATE CONCURRENT RESOLUTION NO. 8419.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1162 BY REPRESENTATIVES McMORRIS, CODY, ALEXANDER, SCHUAL-BERKE, MASTIN, COX, MULLIKEN, SUMP, G. CHANDLER, LISK, B. CHANDLER, HATFIELD, SCHOESLER, GRANT, ARMSTRONG, KESSLER, DOUMIT, DEBOLT, DELVIN, DICKERSON, KENNEY, BUSH, CONWAY, EDMONDS, PFLUG AND HAIGH

PROVIDING MEDICAL ASSISTANCE REIMBURSEMENTS FOR SMALL, RURAL HOSPITALS.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

2ESHB 1266 BY HOUSE COMMITTEE ON TRANSPORTATION (ORIGINALLY SPONSORED BY REPRESENTATIVES FISHER AND MITCHELL) (BY REQUEST OF GOVERNOR LOCKE)

MAKING SUPPLEMENTAL TRANSPORTATION APPROPRIATIONS.

HOLD.

ESHB 1517 BY HOUSE COMMITTEE ON STATE GOVERNMENT (ORIGINALLY SPONSORED BY REPRESENTATIVES MILOSCIA, ANDERSON, DUNSHEE, JARRETT, HUNT, KEISER, LAMBERT, RUDERMAN, ROCKEFELLER, FROMHOLD, SCHINDLER, BOLDT, KENNEY, SIMPSON, BARLEAN, TOKUDA AND DICKERSON)

ESTABLISHING QUALITY MANAGEMENT PROGRAMS.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SHB 1624 BY HOUSE COMMITTEE ON FINANCE (ORIGINALLY SPONSORED BY REPRESENTATIVES MORRIS, CAIRNES, REARDON, CONWAY, DUNSHEE, OGDEN, PENNINGTON, VAN LUVEN, DOUMIT, VELORIA, DICKERSON, FROMHOLD, ANDERSON AND EDWARDS)

CLARIFYING THE TAXATION OF AMOUNTS RECEIVED BY PUBLIC ENTITIES FOR HEALTH OR WELFARE SERVICES.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SHB 1717 BY HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS (ORIGINALLY SPONSORED BY REPRESENTATIVES MORELL, O'BRIEN, BALLASIOTES, McMORRIS, CAIRNES AND AHERN)

EXEMPTING FROM PUBLIC INSPECTION SPECIFIED INFORMATION ON CORRECTIONAL FACILITIES.

REFERRED TO COMMITTEE ON HUMAN SERVICES AND CORRECTIONS.

2EHB 1886 BY REPRESENTATIVES LINVILLE, G. CHANDLER, GRANT, DOUMIT, B. CHANDLER AND HATFIELD

REDUCING THE TAX ON HEALTH PRODUCTS FOR ANIMALS.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SHB 1906 BY HOUSE COMMITTEE ON FINANCE (ORIGINALLY SPONSORED BY REPRESENTATIVES LINVILLE, G. CHANDLER, SCHOESLER, HAIGH, B. CHANDLER, HUNT, MORRIS, KIRBY, GRANT, JACKLEY, COX, HATFIELD, MIELKE, ARMSTRONG, DELVIN, MULLIKEN, SUMP, McMORRIS, BARLEAN, PFLUG, KESSLER, PEARSON AND CONWAY)

EXEMPTING FARMING MACHINERY AND EQUIPMENT FROM THE STATE PROPERTY TAX.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

HB 1984 BY REPRESENTATIVES QUALL, MORRIS, BARLEAN, COOPER, ERICKSEN, DUNSHEE, LINVILLE, HATFIELD, RUDERMAN, POULSEN, CONWAY, LOVICK AND KAGI

CREATING THE SMALL FARM DIRECT MARKETING ASSISTANCE PROGRAM.

REFERRED TO COMMITTEE ON RULES.

ESHB 2138 BY HOUSE COMMITTEE ON FINANCE (ORIGINALLY SPONSORED BY REPRESENTATIVES G. CHANDLER, LINVILLE, MULLIKEN, CLEMENTS, ERICKSEN, HATFIELD, SUMP, DOUMIT, MORELL, GRANT, PEARSON, SCHOESLER, BARLEAN, BUCK, B. CHANDLER, EDWARDS AND JACKLEY)

PROMOTING RURAL ECONOMIC DEVELOPMENT.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SHB 2227 BY HOUSE COMMITTEE ON APPROPRIATIONS (ORIGINALLY SPONSORED BY REPRESENTATIVES AHERN, GOMBOSKY, SCHOESLER, WOOD, BENSON, HAIGH, SCHINDLER, CONWAY, COX, REARDON, D. SCHMIDT, TALCOTT, CAMPBELL AND BUSH) (BY REQUEST OF DEPARTMENT OF VETERANS AFFAIRS)

ESTABLISHING THE EASTERN WASHINGTON VETERANS' HOME.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

HB 2233 BY REPRESENTATIVES H. SOMMERS AND SEHLIN

AUTHORIZING CONTRACTUAL AGREEMENTS WITH FEDERAL GOVERNMENT FOR ADMINISTRATION OF STATE SUPPLEMENTATION OF SUPPLEMENTAL SECURITY INCOME.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

EHB 2262 BY REPRESENTATIVES LAMBERT, H. SOMMERS, TALCOTT AND KESSLER

CHANGING SEXUAL MISCONDUCT LAWS WITH REGARD TO SCHOOL EMPLOYEES.

REFERRED TO COMMITTEE ON RULES.

EHB 2266 BY REPRESENTATIVES LINVILLE AND G. CHANDLER

MODIFYING REIMBURSEMENT FOR TRAVEL EXPENSES INCURRED BY CERTAIN AGRICULTURAL BOARDS AND COMMISSIONS.

REFERRED TO COMMITTEE ON RULES.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE RULES WERE SUSPENDED, SECOND ENGROSSED SUBSTITUTE HOUSE BILL No. 1266 WAS ADVANCED TO SECOND READING AND PLACED ON THE SECOND READING CALENDAR.

MOTION

ON MOTION OF SENATOR EIDE, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8705

BY SENATORS EIDE AND ROACH

WHEREAS, THE WASHINGTON STATE LEGISLATURE VALUES AND ENCOURAGES EXCELLENCE IN ALL FIELDS OF ENDEAVOR; AND

WHEREAS, PARTICIPATION IN ATHLETICS INSPIRES STUDENTS TO DEVELOP ATTITUDES AND SKILLS NECESSARY FOR SCHOLASTIC AND LIFE SUCCESS, SUCH AS PERSEVERANCE, TEAMWORK, LOYALTY, AND SPORTSMANSHIP; AND

WHEREAS, THE DECATUR HIGH SCHOOL BOYS' SOCCER TEAM IS THE 2000-2001 CLASS 4A BOYS' SOCCER CHAMPION; AND

WHEREAS, THE GOLDEN GATORS HAVE DISTINGUISHED THEMSELVES AND BROUGHT HONOR TO THEIR SCHOOL BY WINNING THEIR FIRST-EVER STATE TITLE; AND

WHEREAS, UNDER THE COACHING AND SUPERVISION OF JIMMY MCALISTER, THE TEAM FINISHED THE SEASON UNDEFEATED; AND

WHEREAS, THE GOLDEN GATORS ACHIEVED THEIR PRESEASON GOAL OF WINNING THE STATE CHAMPIONSHIP THROUGH A TEAM EFFORT WHERE EVERY PLAYER CONTRIBUTED; AND

WHEREAS, THIS TEAM HAS DESERVEDLY, AND THROUGH DEDICATION, COMMITMENT, AND SACRIFICE, ACHIEVED THE TITLE OF WASHINGTON STATE CLASS 4A BOYS' SOCCER CHAMPION;

NOW, THEREFORE, BE IT RESOLVED, THAT THE SENATE OF THE STATE OF WASHINGTON RECOGNIZE AND HONOR THE DECATUR BOYS' SOCCER TEAM AND COACH JIMMY McALISTER FOR THEIR ACCOMPLISHMENTS AND HARD WORK; AND

BE IT FURTHER RESOLVED, THAT COPIES OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO COACH JIMMY McALISTER, THE MEMBERS OF THE DECATUR BOYS' SOCCER TEAM, AND THE PRINCIPAL AND FACULTY OF DECATUR HIGH SCHOOL.

INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT WELCOMED AND INTRODUCED THE MEMBERS OF THE STATE CHAMPION CLASS 4A DECATUR HIGH SCHOOL BOYS' SOCCER TEAM AND THEIR COACH JIMMY McALISTER, WHO WERE SEATED IN THE GALLERY.

MOTION

AT 10:15 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE WAS DECLARED TO BE AT EASE.

THE SENATE WAS CALLED TO ORDER AT 11:00 A.M. BY PRESIDENT OWEN.

INTRODUCTION OF SPECIAL GUEST

THE PRESIDENT WELCOMED AND INTRODUCED THE HONORABLE EDUARDO ZAPLANA, PRESIDENT OF THE AUTONOMOUS COMMUNITY OF VALENCIA, SPAIN, AND HIS DELEGATION, WHO WERE SEATED ON THE ROSTRUM. IN SPAIN, EACH PROVINCE IS CONSIDERED AUTONOMOUS AND THEIR GOVERNORS ARE REFERRED TO AS PRESIDENTS.

WITH PERMISSION OF THE SENATE, BUSINESS WAS SUSPENDED TO PERMIT PRESIDENT ZAPLANA TO ADDRESS THE SENATE.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE REVERTED TO THE SIXTH ORDER OF BUSINESS.

SECOND READING

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1266, BY HOUSE COMMITTEE ON TRANSPORTATION (ORIGINALLY SPONSORED BY REPRESENTATIVES FISHER AND MITCHELL) (BY REQUEST OF GOVERNOR LOCKE)

MAKING SUPPLEMENTAL TRANSPORTATION APPROPRIATIONS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR GARDNER, THE RULES WERE SUSPENDED, SECOND ENGROSSED SUBSTITUTE HOUSE BILL No. 1266 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SECOND ENGROSSED SUBSTITUTE HOUSE BILL No. 1266, UNDER SUSPENSION OF THE RULES.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SECOND ENGROSSED SUBSTITUTE HOUSE BILL No. 1266, UNDER SUSPENSION OF THE RULES, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 45; NAYS, 0; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, McAULIFFE, McCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, THIBAudeau, WEST, WINSLEY AND ZARELLI - 45.

EXCUSED: SENATORS BENTON, BROWN, HEWITT AND STEVENS - 4.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1266, UNDER SUSPENSION OF THE RULES, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

PERSONAL PRIVILEGE

SENATOR THIBAudeau: "A POINT OF PERSONAL PRIVILEGE, MR. PRESIDENT. MR. PRESIDENT AND MEMBERS OF THE SENATE, I SPEND A LOT OF TIME THESE DAYS FEELING LIKE THE COMMENTATOR ON THE NETWORK, 'I AM MAD AS CAN BE AND I AM NOT GOING TO TAKE IT ANY MORE.' WELL, I GUESS I HAVE TO TAKE IT A LITTLE WHILE LONGER. JUST TO SAY VERY BRIEFLY WHAT I AM ANGRY ABOUT IS, I AM ANGRY AT PEOPLE WHO REFUSE TO COMPROMISE AND ANYBODY CAN IDENTIFY ANYBODY THAT THEY WANT TO, BUT THEY ARE BLOCKING OUR GETTING OUT OF HERE. THE REASON I VOTED FOR THIS BILL, IN CONTRAST TO SOME OF MY VOTES, IS BECAUSE IT DOES MOVE TO GET US OUT OF HERE.

"ANGER DOESN'T SOLVE THE PROBLEM THAT I READ IN THIS MORNING'S PAPER. THIS IS THE TWENTIETH YEAR OF THE IDENTIFICATION OF THE AIDS DISEASE. IN A SECOND WAY, WHICH IS WHAT OUR STATE HEALTH OFFICER DESCRIBES, WHERE THERE ARE THREE TIMES AS MANY WOMEN AND A HUGE PERCENTAGE MORE OF MINORITIES IN THIS COUNTRY WITH AIDS NOW--NOT JUST IN AFRICA--WHICH WE HAVE ALWAYS READ. WE'VE ALL HEARD ABOUT THAT. PEOPLE ARE STILL DYING. THE MIRACLE DRUGS ONLY WORK IN SOME INSTANCES AND COST BETWEEN TEN AND FIFTEEN THOUSAND DOLLARS A YEAR. I AM PROUD TO SAY THAT THE SENATE HAS NOT BEEN ACCESSSED WITH THE GAY ISSUE. I NEED TO SAY, AND I HOPE I WON'T OFFEND ANYBODY, BUT WE HAVEN'T SEEN GAYS UNDER EVERY BED OR IN EVERY BED. I DID NEED TO REMIND YOU THAT ON THE TWENTIETH ANNIVERSARY OF THE IDENTIFICATION OF AIDS THAT WE STILL HAVE A LONG WAY TO GO. THIS ISSUE IS WORTH GETTING WORRIED ABOUT, WORTH DOING SOMETHING CONSTRUCTIVE ABOUT AND THE SENATE AND THE LEGISLATURE, AS A WHOLE, HAVE WORKED ON THIS ISSUE AND HAVE BEEN SUPPORTIVE. THANK YOU."

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADVANCED TO THE SEVENTH ORDER OF BUSINESS.

THIRD READING

SENATE BILL NO. 5130, BY SENATORS OKE, B. SHELDON, T. SHELDON, HORN, HAUGEN, SWECKER, McCASLIN, MORTON, SNYDER, HALE, KASTAMA, PRENTICE, REGALA, JACOBSEN, HARGROVE, SPANEL, WEST, FINKBEINER, LONG, McDONALD, WINSLEY, McAULIFFE AND COSTA

CLARIFYING TOLL PROCEDURES IN PUBLIC-PRIVATE INITIATIVES.

THE BILL WAS READ THE THIRD TIME.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SENATE BILL NO. 5130.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SENATE BILL NO. 5130 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 42; NAYS, 3; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, McAULIFFE, McCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, WEST, WINSLEY AND ZARELLI - 42.

VOTING NAY: SENATORS HOCHSTATTER, ROACH AND THIBAudeau - 3.

EXCUSED: SENATORS BENTON, BROWN, HEWITT AND STEVENS - 4.

SENATE BILL NO. 5130, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5743, BY SENATE COMMITTEE ON TRANSPORTATION (ORIGINALLY SPONSORED BY SENATORS HAUGEN, HORN, SHIN, WINSLEY, OKE AND KOHL-WELLES) (BY REQUEST OF THE BLUE RIBBON COMMISSION ON TRANSPORTATION)

INVESTING IN HUMAN RESOURCES FOR TRANSPORTATION.

THE BILL WAS READ THE THIRD TIME.
DEBATE ENSUED.
THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5743.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5743 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 42; NAYS, 1; ABSENT, 2; EXCUSED, 4.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SPANEL, SWECKER, WINSLEY AND ZARELLI - 42.

VOTING NAY: SENATOR THIBAudeau - 1.

ABSENT: SENATORS SNYDER AND WEST - 2.

EXCUSED: SENATORS BENTON, BROWN, HEWITT AND STEVENS - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5743, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTIONS

ON MOTION OF SENATOR EIDE, SENATOR SNYDER WAS EXCUSED.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5748, BY SENATE COMMITTEE ON TRANSPORTATION (ORIGINALLY SPONSORED BY SENATORS MCAULIFFE, HORN, SHIN, WINSLEY, OKE, HAUGEN, KOHL-WELLES AND KASTAMA) (BY REQUEST OF THE BLUE RIBBON COMMISSION ON TRANSPORTATION)

INTEGRATING TRANSPORTATION AND LAND USE PLANNING.

THE BILL WAS READ THE THIRD TIME.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5748.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5748 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 1; ABSENT, 0; EXCUSED, 5.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SPANEL, SWECKER, WEST, WINSLEY AND ZARELLI - 43.

VOTING NAY: SENATOR THIBAudeau - 1.

EXCUSED: SENATORS BENTON, BROWN, HEWITT, SNYDER AND STEVENS - 5.

SUBSTITUTE SENATE BILL NO. 5748, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

THIRD READING

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5749, BY SENATE COMMITTEE ON TRANSPORTATION (ORIGINALLY SPONSORED BY SENATORS MCAULIFFE, HORN, WINSLEY, OKE AND HAUGEN) (BY REQUEST OF THE BLUE RIBBON COMMISSION ON TRANSPORTATION)

ADOPTING COST-BENEFIT ANALYSIS FOR TRANSPORTATION PLANNING.

THE BILL WAS READ THE THIRD TIME.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5749.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5749 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 44; NAYS, 1; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, WEST, WINSLEY AND ZARELLI - 44.

VOTING NAY: SENATOR THIBAudeau - 1.

EXCUSED: SENATORS BENTON, BROWN, HEWITT AND STEVENS - 4.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5749, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR KASTAMA, SENATOR THIBAudeau WAS EXCUSED.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, BY SENATE COMMITTEE ON TRANSPORTATION (ORIGINALLY SPONSORED BY SENATORS PATTERSON, HORN, PRENTICE, MCAULIFFE, SHIN, FINKBEINER, WINSLEY, HAUGEN, FRANKLIN, KOHL-WELLES AND KASTAMA) (BY REQUEST OF THE BLUE RIBBON COMMISSION ON TRANSPORTATION)

IMPROVING TRAFFIC CHOKEPOINTS.

THE BILL WAS READ THE THIRD TIME.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5759.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5759 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 45; NAYS, 0; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, WEST, WINSLEY AND ZARELLI - 45.

EXCUSED: SENATORS BENTON, HEWITT, STEVENS AND THIBAudeau - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

THIRD READING

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5764, BY SENATE COMMITTEE ON TRANSPORTATION (ORIGINALLY SPONSORED BY SENATORS SHIN, HORN, WINSLEY, OKE AND HAUGEN) (BY REQUEST OF THE BLUE RIBBON COMMISSION ON TRANSPORTATION)

MAINTAINING AND PRESERVING TRANSPORTATION FACILITIES AND ASSETS.

THE BILL WAS READ THE THIRD TIME

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5764.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5764 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 44; NAYS, 2; ABSENT, 0; EXCUSED, 3.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES,

LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, WEST, WINSLEY AND ZARELLI - 44.

VOTING NAY: SENATORS ROACH AND THIBAudeau - 2.

EXCUSED: SENATORS BENTON, HEWITT AND STEVENS - 3.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5764, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

PERSONAL PRIVILEGE

“SENATOR FRANKLIN: “A POINT OF PERSONAL PRIVILEGE, MR. PRESIDENT. WE CONTINUE TO MAKE HISTORY IN THESE CHAMBERS ON THIS FIFTH DAY OF JUNE. WE HAVE PASSED AGAIN A SERIES OF TRANSPORTATION BILLS THAT WILL GO THE HOUSE. AS MANY OF YOU, IF YOU ARE A LITTLE BIT YOUNGER THAN I, WILL REMEMBER PEARL BAILEY, WHO WAS THE SISTER OF THE GREAT DANCER, BILL BAILEY. SHE HAD A SONG THAT SAYS, ‘I’M PLAIN TIRED.’ SO, I AM PLAIN TIRED OF VOTING ON THE SAME BILLS OVER AND OVER AGAIN THAT HAVE BEEN SENT ACROSS THE ROTUNDA AND THEY DO NOT SEE ANY ACTION.

“LADIES AND GENTLEMEN OF THE SENATE, IT IS A VERY SERIOUS PROBLEM THAT ALL OF US KNOW. MY DISTRICT IS THE TWENTY-NINTH LEGISLATIVE DISTRICT. IT IS BISECTED BY THE I-5 CORRIDOR. IT IS A CHOKEPOINT. IT IS A CHOKEPOINT BECAUSE NOW, FOR ME, EVEN TO GET TO THE FREEWAY, I HAVE TO BY-PASS SOME OF MY STREETS IN ORDER TO GET TO THE FREEWAY. THE BACKUP TRAFFIC IS FOR MILES IN THE MORNING AND IN THE EVENING. MY PORT OF TACOMA IS AT RISK. IT IS A HIGH RISK. IT IS AT RISK FOR LOSING VERY HIGH PAYING JOBS. OUR ECONOMY IS AT RISK. WE NEED TO SAY, ‘IT IS NOT JUST THE I-5 CORRIDOR,’ HOWEVER. WE HAVE PROBLEMS WITH TRANSPORTATION ACROSS THE STATE, BECAUSE OF AGRICULTURE. WHEN THE AGRICULTURAL PRODUCERS CANNOT GET THEIR PRODUCTS TO MARKET, THEN THAT IS A PROBLEM FOR EASTERN WASHINGTON.

“SO, I DO HOPE THAT I DON’T SEE THESE BILLS AGAIN IN THIS FORM. I DO HOPE THAT OUR COLLEAGUES ACROSS THE ROTUNDA AND LEADERSHIP WILL RECOGNIZE THAT THE PROBLEM IS NOT A PIPE DREAM. THE PROBLEMS ARE REAL AND IF WE DO NOT ADDRESS THE PROBLEMS, THAT MEANS, THEN, WE ARE HEADING FOR A TRAIN WRECK. THAT TRAIN, BEFORE IT WRECKS, I AM GOING TO HOP OFF. THEREFORE, WHEN THESE BILLS GO ACROSS THE ROTUNDA, I THINK IT BEHOOVES ALL OF US--ALL OF US--TO SAY TO OUR COLLEAGUES OVER THERE THAT IT IS TIME THAT WE HAVE REAL ACTION AND BEGIN TO RESOLVE AND WORK ON THE PROBLEM OF TRANSPORTATION. IT REALLY HAS A LONG TERM EFFECT ON OUR ECONOMY AND OUR WAY OF LIFE.

“THANK YOU, MR. PRESIDENT AND LADIES AND GENTLEMEN. I WILL CLOSE BY SAYING, ‘I HOPE I DO NOT SEE THESE BILLS AGAIN, BECAUSE I AM JUST PLAIN TIRED.’”

MOTION

AT 12:10 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 10:00 A.M., WEDNESDAY, JUNE 6, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

SECOND DAY, SECOND SPECIAL SESSION, JUNE 5, 2001

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

THIRD DAY, SECOND SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Wednesday, June 6, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Costa, Deccio, Finkbeiner, Hargrove, Hewitt, Johnson, Long, McDonald, Parlette, Patterson, Rasmussen, Betti Sheldon and Zarelli. On motion of Senator Honeyford, Senators Benton, Deccio, Finkbeiner, Hewitt, Johnson, Long McDonald, Parlette and Zarelli were excused. On motion of Senator Eide, Senators Costa, Hargrove, Patterson, Rasmussen and Betti Sheldon were excused.

The Sergeant at Arms Color Guard, consisting of staff members, Catherine Mele-Hetter and Toni Blair, presented the Colors. Senator Dan Swecker offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

June 5, 2001

SB 6194 Prime Sponsor, Senator Snyder: Authorizing port districts to provide pilots in Grays Harbor. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McDonald, Patterson, Prentice and T. Sheldon.

Passed to Committee on Rules for second reading.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9015, Bertha M. Goehner, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15, was confirmed.

APPOINTMENT OF BERTHA M. GOEHNER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; Nays, 0; Absent, 0; Excused, 14.

Voting yea: Senators Brown, Carlson, Constantine, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Prentice, Regala, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 35.

Excused: Senators Benton, Costa, Deccio, Finkbeiner, Hargrove, Hewitt, Johnson, Long, McDonald, Parlette, Patterson, Rasmussen, Sheldon, B. and Zarelli - 14.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. It has been pointed out to me that today, June 6, was D-Day, fifty-seven years ago. I was waiting for Senator Deccio to return, because he went in at France. I think Senator Snyder was in the service along with me. Any other World War II vets here? Some of you look like it, but you just had a hard night. If you are married, you are qualified, Senator Winsley, especially your husband and I am sure he suffered through the wars.

"I was trying to recall where I was. I went into the service in the Navy in March, 1944, and went to Green Lakes for Boot Camp. I survived that and then went on down to San Diego to an air liaison group and then we drove up to Pasco. We had a bombing range in Beverly. I don't know if you remember Beverly or not. It is under water now--when they put the dam in. We bombed up there with the wild horses and the wild cats and so forth. We used to pull liberty in Vantage. That was a big thrill for a kid from Ohio. Then we closed that and put a bombing range above Zillah. I don't know whose district that is, but we would fly Sorties up from Pasco and drop Depth Charges and fire five inch rockets from F6Fs and F4Fs and TBMs from Pasco.

"Then, I went overseas and I tell the story that when I went to Hawaii, the Japanese found out I was coming and they surrendered. I also take credit for the ending of the war. The Navy was good for me, because I was a wise little kid when I went in and I was wiser intellectually when I came out and I was a little smoother. I have always felt we should have conscription--kids out of high school should go in for a couple of years and learn what I learned.

"Anyway, there were some blessings in World War II. I did end up marrying a young lady from Yakima. We actually stayed across from the airport and my first wife--my wife of forty-seven years--was a waitress. I met her when I came out of restriction and I won't go into why I was on restriction. Anyway, it helped me. World War II was a blessing to me individually, as a citizen, because I ended up in the great state of Washington. I am so proud of this state--my adopted state. I don't know if Senator Snyder has anything to say or not. He looks very wise sitting there. Thank you for allowing me to speak, Mr. President."

PERSONAL PRIVILEGE

Senator Snyder: "Thank you, Mr. President. I rise to a point of personal privilege. I am pleased that you think I look wise, Senator McCaslin. Senator McCaslin and I are about the same age. I think he is a year older now, because he turned seventy-five last April and I won't be seventy-five until July. Fifty-seven years ago, I had just graduated from high school, but I certainly remember. I had enlisted in the Army Air Force in February and I was supposed to be called right after I turned eighteen in July. The tide of the war, between February and July, had changed so much and thankfully the losses had been so much less than anticipated that I wasn't called in the service until February of 1945. As I said, I had joined the Army Air Force and went to basic training and qualified to be a pilot, bombardier or navigator, but here again the tide of the war was that they didn't need them and were closing down flight schools.

"I was in nine months and twenty-nine days and they said they didn't need us anymore. I was about the last one to leave and the first one to come home. I was fortunate in that way, but I certainly remember D-Day and I get choked up remembering kids who sat next to me in class that didn't come back. Because they didn't come back, I am standing here today. I am ever grateful for all those buddies of mine that fought in the war who sat next to me in typing class and played football with me--just a year or two older than I am and I don't think we can ever know--be so grateful--for all the good that has come from the battles that they did.

"I think it is becoming more evident as the years go along. I think it is so right that that was the greatest generation, because the tide of history could easily have been changed. We certainly would not know the way of life that we have today even though, we have a few difference along the way. I think sometimes it would be a little easier to put them to the side and think of what it might have been if it hadn't been for all those fellows that went through D-Day and all the other battles in the Pacific and so forth, so that we could live in peace and happiness and harmony and watch our families and our grandchildren grow. A lot of those people didn't have that chance. I raise a special tribute and thanks to all those fellows and women that served, especially those ones who didn't come back. I am indeed grateful."

PERSONAL PRIVILEGE

Senator Franklin: "A point of personal privilege. I would like to speak to what they used to refer to as the distaff side. I am in that category, also. I think you all are a year ahead of me, however. I was in high school and all the guys left. It ended up, there were eleven guys that left from my class. What we did as high school students and those who were at home, we entertained--meaning the guys, because I grew up in a free port town, a large shipping area, and then Fort Jackson in South Carolina. Myrtle Beach, South Carolina, was an airbase. I grew up in South Carolina. We would have just troop after troop coming and going throughout the city. On Sundays, we would have guys for dinner; we would have them for church. We, in turn, at Myrtle Beach, would go dancing with the guys. Those were the times you really danced. When they would leave, we cultivated a pen pal club. We did a lot of correspondence with those who were in service at that time.

"Then, I graduated and went to college for a semester and then went into nursing. My class was the last class of Cadet Nurses. We trained under the Frances Paine Bolton Act. If you look historically, Frances Paine Bolton served in the federal government in recruiting. There were shortages of nurses and shortages of health professionals. We nurses, in turn, went in training. My last class--some of us would go to different parts of the country for six months for the price of graduation. We were recruited to work with those people and to work at home in the health care field. That is how I went into nursing and I was the last class. I had a uniform, of course. My uniform was grey. I had a brother who served in Italy and is a purple heart winner.

"During those years, we had our victory gardens. We were very, very patriotic. Those were the years as the Senators have said. When you look back and learn that women really did many things. Some worked here in Bremerton. They were riveters--there was Rosie the Riveter--as all of us know. The women really took over the home site and really worked and kept things going. When we look back historically at what has taken place, I agree with the Senators, there were many changes, many changes, that took place and there were those who gave their lives.

"I have been overseas and I have visited the places--Flanders and where they fought in France and Germany and Italy and visited the grave sites of the memorials. It does something to you, really. Just being there--I don't know, whenever I have visited and whenever I go to those places, you know it is so focused and so overwhelming and if we only knew. There are so many things that we take for granted and we need to just think that that point in time was a turning point for this country.

"So, June 6, D-Day, means a lot. Thank you."

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. I want to get my two cents worth in here. It is hard to believe that nearly sixty-one years ago this year, I enlisted in the Army Air Corps. In 1940, right our of high

school--I knew I was going to get drafted and I wanted to pick my own branch and I sure as hell didn't want to go into the infantry. Just by a quirk of fate--I think I told this story to Bob McCaslin a few days ago--by a quirk of fate, because of the bombing of Pearl Harbor, we were slated to go to the Philippines and the headquarters of the Fifth Air Force. Because they bombed Pearl Harbor, we turned around and came back. We got off the boat at the San Francisco docks and walked through the Presidio and camped overnight and were sent back up to Seattle.

"I went overseas in early 1943, almost a year before the invasion. The invasion that I remember is one where I was in a troop carrier group. We hauled in the Eighty-Second, the One Hundred First Airborne--in gliders and in C47 Troop Carriers. My job, being in the personnel department, was to check on-- D-Day minus five hours--my job was to load four airplanes with M Gliders with troops--check them off as they boarded the gliders in the planes--realizing that most of those folks were not going to be back. A lot of the gliders ended up in trees. When they parachuted out, the parachutes got caught in the trees and then they were killed by the Nazi soldiers.

"It was awe inspiring to me to watch the Eighty Second, One Hundred First Airborne do their training. While we were in nice warm barracks in January, we were warm, but in England, the January weather is impossible. Those guys slept in pup tents and you didn't dare to look at them cross-eyed, because you would get your head beat off. That is how tough they were. They were training for the invasion and on June 6 was one of the most--was the roughest the Channel had ever been in fifty years. Imagine, at the beginning of June, you would think it would be nice and quiet. General Eisenhower gave the word to go ahead, because they were not going to wait any longer because of the buildup of the Nazis on the other side.

"I went over to France about two weeks later. We were stationed at Amiens. It is something that is hard for people to understand the bravery that it took for those GIs who were on the ground to face death, knowing that it was coming and yet charging forward. It takes a great deal of patriotism and with all the ground support and all the airplanes, the dog faces--those were the infantry men--were the ones who really won the war. Every time you think of World War II, you need to think of the GI Joe on the ground carrying that rifle who was the one who really won the war for us. I was proud to be a part of it."

Senators Thibaudeau and Kastama and the President made additional comments regarding the Anniversary of D-Day.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9137, Kris Pomianek, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15, was confirmed.

APPOINTMENT OF KRIS POMIANEK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 43.

Excused: Senators Benton, Costa, Finkbeiner, Johnson, Parlette and Zarelli - 6.

MOTION

At 10:37 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:35 a.m. by President Owen.

THIRD READING

SENATE BILL NO. 5144, by Senators Winsley, Long, Honeyford, Franklin, Carlson, Fraser and Rasmussen (by request of Joint Committee on Pension Policy)

Creating a supplemental actuarially reduced survivor benefit for qualified law enforcement officers' and fire fighters' retirement system plan 1 members who choose to actuarially reduce their benefits.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5144.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5144 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Carlson, Constantine, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 43.

Absent: Senator Brown - 1.

Excused: Senators Benton, Costa, Finkbeiner, Johnson and Zarelli - 5.

SENATE BILL NO. 5144, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Brown was excused.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5237, by Senate Committee on Ways and Means (originally sponsored by Senators Rasmussen, Swecker, Sheahan, Honeyford, West, Fraser, Kastama, Regala, Hewitt, Hale, Parlette, Morton, Hochstatter and Franklin)

Making annual transfers of money into the fair fund.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5237.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5237 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Carlson, Constantine, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 43.

Excused: Senators Benton, Brown, Costa, Finkbeiner, Johnson and Zarelli - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5576, by Senate Committee on Ways and Means (originally sponsored by Senator Hargrove) (by request of Governor Locke)

Simplifying asset tests.

The bill was read the third time.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5576.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5576 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Carlson, Constantine, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 43.

Excused: Senators Benton, Brown, Costa, Finkbeiner, Johnson and Zarelli - 6.

SECOND SUBSTITUTE SENATE BILL NO. 5576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SECOND ENGROSSED SENATE BILL NO. 5686, by Senators Eide, Rasmussen, Kohl-Welles, McAuliffe and Carlson) (by request of Governor Locke)

Changing academic assessments timelines.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Senate Bill No. 5686.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5686 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 7; Absent, 0; Excused, 6.

Voting yea: Senators Carlson, Constantine, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West and Winsley - 36.

Voting nay: Senators Hewitt, Hochstatter, Honeyford, McCaslin, Morton, Stevens and Swecker - 7.

Excused: Senators Benton, Brown, Costa, Finkbeiner, Johnson and Zarelli - 6.

SECOND ENGROSSED SENATE BILL NO. 5686, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5919, by Senate Committee on Environment, Energy and Water (originally sponsored by Senators Morton, Fraser, Honeyford and Rasmussen)

Providing for the assessment of potential site locations for water storage projects.

The bill was read the third time.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5919.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5919 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Carlson, Constantine, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 43.

Excused: Senators Benton, Brown, Costa, Finkbeiner, Johnson and Zarelli - 6.

SUBSTITUTE SENATE BILL NO. 5919, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:55 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Thursday, June 7, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRD DAY, SECOND SPECIAL SESSION, JUNE 6, 2001

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

FOURTH DAY, SECOND SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Thursday, June 7, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Finkbeiner, Hargrove, Johnson, Kastama, Kline, Shin and Swecker. On motion of Senator Honeyford, Senators Benton, Finkbeiner and Johnson were excused. On motion of Senator Eide, Senators Kastama, Kline and Shin were excused.

The Sergeant at Arms Color Guard, consisting of staff members Bunny Hooper and Jennifer Baga, presented the Colors. Senator Pat Hale offered the prayer.

MOTION

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

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 18, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Heyward Watson, reappointed April 18, 2001, for a term ending March 26, 2005, as a member of the Higher Education Facilities Authority.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Higher Education.

May 17, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul L. Hutton, reappointed May 17, 2001, for a term ending April 3, 2005, as a member of State Board for Community and Technical Colleges.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Higher Education.

MESSAGE FROM THE HOUSE

June 6, 2001

MR. PRESIDENT:

The Co-Speakers have signed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1266,

SENATE CONCURRENT RESOLUTION NO. 8419, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1266.

INTRODUCTION AND FIRST READING

SB 6195 by Senator Jacobsen

AN ACT Relating to the taxation of nonresident athletes or entertainers; and adding a new section to chapter 82.02 RCW.
Referred to Committee on Ways and Means.

SB 6196 by Senator McCaslin

AN ACT Relating to notice to landlords of tenants' and occupants' status as sex offenders or kidnapping offenders; amending RCW 59.18.030, 59.18.130, 59.18.180, and 59.18.250; and adding new sections to chapter 59.20 RCW.
Referred to Committee on Judiciary.

SB 6197 by Senators Thibaudeau, Deccio, Franklin, Winsley, Fraser and Costa

AN ACT Relating to the Washington pharmacy access initiative; amending RCW 41.05.026; adding a new chapter to Title 70 RCW; and prescribing penalties.
Referred to Committee on Health and Long-Term Care.

SJM 8024 by Senators Jacobsen, Eide, Regala, Fraser, Constantine, Spanel and Costa

Requesting that all Washington State outer continental shelf submerged land be excluded from leasing for oil or gas exploration or development.

Referred to Committee on Natural Resources, Parks and Shorelines.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5326, which was on the second reading calendar, was referred to the Committee on Rules.

MOTION

At 10:06 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:27 a.m. by President Owen.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5937, by Senate Committee on Ways and Means (originally sponsored by Senators Shin, Rasmussen, Jacobsen, Winsley, Kohl-Welles and McAuliffe) (by request of Governor Locke and Superintendent of Public Instruction Bergeson)

Changing postretirement employment restrictions for teachers' retirement system, public employees' retirement system, and school employees' retirement system retirees.

The bill was read the third time.
. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5937.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5937 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Zarelli - 41.

Absent: Senators Hargrove and Swecker - 2.

Excused: Senators Benton, Finkbeiner, Johnson, Kastama, Kline and Shin - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5937, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the sixth order of business.

MOTIONS

On motion of Senator Eide, Senator Hargrove was excused.

On motion of Senator Honeyford, Senator Swecker was excused.

SECOND READING

HOUSE BILL NO. 1984, by Representatives Quall, Morris, Barlean, Cooper, Ericksen, Dunshee, Linville, Hatfield, Ruderman, Poulsen, Conway, Lovick and Kagi

Creating the small farm direct marketing assistance program.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1984 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1984.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1984 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Zarelli - 41.

Excused: Senators Benton, Finkbeiner, Hargrove, Johnson, Kastama, Kline, Shin and Swecker - 8.

HOUSE BILL NO. 1984, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2266, by Representatives Linville and G. Chandler

Modifying reimbursement for travel expenses incurred by certain agricultural boards and commissions.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 2266 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2266.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2266 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 41.

Absent: Senator West - 1.

Excused: Senators Benton, Finkbeiner, Johnson, Kastama, Kline, Shin and Swecker - 7.

ENGROSSED HOUSE BILL NO. 2266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kohl-Welles: "I rise for a point of personal privilege, Mr. President. I would like to commend our President of the Senate and our Secretary of the Senate and other Senate administrators and staff here, as well as members for the decorum that we have in our Senate Chamber. Even though at times, we get a little rancorous and have some fun, it is a marvelous place. I returned Tuesday from the country of Brazil. I was there for a National Conference of State Legislators. It was a legislative exchange funded by the United States State Department. We visited four different states and met with state legislators and visited some of the legislative chambers. In one of the state legislatures--I will not identify it in terms of which body. It was a beautiful chamber. However, it was entirely different from what we experience here. Everybody sat in the round and we were all served by a man in a tuxedo who distributed Brazilian coffee and bottled water, which was very nice. However, the volume was so loud that I had this horrible headache. Three microphones were placed around the chamber and the members were screaming at one another as loud as they could. It is a coalition type government and the governing government had about six or seven parties in the coalition. The opposition side had six or seven political parties and they were really at odds with one another. They were screaming at one another. The television photographers were allowed on the floor, so they were scurrying around to film everybody. The press had to be off in the gallery. Everybody was smoking--smoking all over the place. It was a fascinating experience. We received tremendous enthusiasm and wonderful treatment, but it was entirely different from this chamber. I want to say to you all how much I appreciate the collegiality and the decorum. I would like the Brazilian coffee at some point, but otherwise I am very glad that we have our system here."

MOTION

At 12:00 noon, on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 4:00 p.m. by President Pro Tempore Franklin.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

June 7, 2001

SB 5496 Prime Sponsor, Senator Rasmussen: Reducing the tax on health products for animals. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5496 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Hewitt, Honeyford, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

June 7, 2001

SB 6153 Prime Sponsor, Brown: Relating to fiscal matters. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6153 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kohl-Welles, Long, Rasmussen, Regala, B. Sheldon, Snyder, Spanel and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Parlette, Rossi and Sheahan.

HOLD.

June 7, 2001

SB 6155 Prime Sponsor, Senator Brown: Relating to state government. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6155 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

HOLD.

June 7, 2001

HB 1162 Prime Sponsor, Representative McMorris: Providing medical assistance reimbursements for small, rural hospitals. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

HOLD.

June 7, 2001

SHB 1624 Prime Sponsor, House Committee on Finance (originally sponsored by Representatives Morris, Cairnes, Reardon, Conway, Dunshee, Ogden, Pennington, Van Luven, Doumit, Veloria, Dickerson, Fromhold, Anderson and Edwards) Clarifying the taxation of amounts received by public entities for health or welfare services. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

June 7, 2001

SHB 1906 Prime Sponsor, House Committee on Finance: Exempting farming machinery and equipment from the state property tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Fraser, Kohl-Welles, Long, Rasmussen, Roach, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford and Sheahan.

Passed to Committee on Rules for second reading.

June 7, 2001

ESHB 2138 Prime Sponsor, House Committee on Finance: Promoting rural economic development. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Hewitt, Honeyford, Long, Parlette, Rasmussen, Rossi, Sheahan, B. Sheldon, Snyder, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

June 7, 2001

SHB 2227 Prime Sponsor, House Committee on Appropriations: Establishing the eastern Washington veterans' home. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Spanel, Thibaudeau, Winsley and Zarelli.

HOLD.

June 7, 2001

HB 2233 Prime Sponsor, Representative H. Sommers: Authorizing contractual agreements with federal government for administration of state supplementation of supplemental security income. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

HOLD.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Bill No. 6153, Senate Bill No. 6155, House Bill No. 1162, Substitute House Bill No. 2227 and House Bill No. 2233 were advanced to second reading and placed on the second reading calendar.

MOTION

At 4:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Friday, June 8, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FOURTH DAY, SECOND SPECIAL SESSION, JUNE 7, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

FIFTH DAY, SECOND SPECIAL SESSION

MORNING SESSION

SENATE CHAMBER, OLYMPIA, FRIDAY, JUNE 8, 2001

THE SENATE WAS CALLED TO ORDER AT 9:00 A.M. BY PRESIDENT OWEN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS BENTON, HORN, SHIN AND STEVENS. ON MOTION OF SENATOR HONEYFORD, SENATORS BENTON, HORN AND STEVENS WERE EXCUSED. ON MOTION OF SENATOR EIDE, SENATOR SHIN WAS EXCUSED.

THE SERGEANT AT ARMS COLOR GUARD, CONSISTING OF STAFF MEMBERS MARIA DOSS AND MARNIE HAMLIN, PRESENTED THE COLORS. SENATOR STEPHEN JOHNSON OFFERED THE PRAYER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

INTRODUCTION AND FIRST READING

SB 6198 BY SENATORS PRENTICE, DECCIO, B. SHELDON, HONEYFORD, T. SHELDON, JACOBSEN AND RASMUSSEN

AN ACT RELATING TO CONTRACTS CONCERNING THE SALE OF CIGARETTES; AND AMENDING RCW 43.06.---.
HOLD.

SB 6199 BY SENATORS CONSTANTINE, MORTON, ROACH, PATTERSON, JACOBSEN, SNYDER, FRANKLIN, KOHL-WELLES AND SPANEL

AN ACT RELATING TO AN OPEN PRIVATE CHOICE PRIMARY; AMENDING RCW 29.01.090, 29.04.180, 29.27.020, 29.27.030, 29.30.005, 29.30.025, 29.30.095, 29.30.101, 29.33.320, 29.36.045, 29.42.010, 29.42.050, 29.42.070, AND 42.17.020; ADDING A NEW SECTION TO CHAPTER 29.07 RCW; ADDING NEW SECTIONS TO CHAPTER 29.30 RCW; ADDING NEW SECTIONS TO CHAPTER 29.15 RCW; ADDING A NEW SECTION TO CHAPTER 29.81A RCW; ADDING A NEW CHAPTER TO TITLE 29 RCW; REPEALING RCW 29.18.010, 29.18.120, 29.18.150, 29.18.160, 29.18.200, AND 29.30.040; PROVIDING AN EXPIRATION DATE; AND DECLARING AN EMERGENCY.
HOLD.

SB 6200 BY SENATORS FRANKLIN, WINSLEY, THIBAudeau, KOHL-WELLES, GARDNER, KASTAMA, COSTA, SNYDER, SHIN, FAIRLEY, FRASER, PRENTICE, MCAULIFFE, JACOBSEN AND RASMUSSEN

AN ACT RELATING TO PRESCRIPTION DRUG PRICE REDUCTION; AMENDING RCW 74.09.010; ADDING NEW SECTIONS TO CHAPTER 74.09 RCW; AND CREATING NEW SECTIONS.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 6201 BY SENATORS FRANKLIN, WINSLEY, THIBAudeau, GARDNER, KOHL-WELLES, KASTAMA, COSTA, SNYDER, SHIN, REGALA, CONSTANTINE, FAIRLEY, FRASER, RASMUSSEN, PRENTICE AND JACOBSEN

AN ACT RELATING TO PRESCRIPTION DRUG PRICES; AND ADDING A NEW CHAPTER TO TITLE 70 RCW.
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SJM 8025 BY SENATORS MORTON AND RASMUSSEN

REQUESTING THE ENVIRONMENTAL PROTECTION AGENCY TO CLARIFY THE USE OF AQUATIC HERBICIDES.

HOLD.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL No. 6198, SENATE BILL No. 6199 AND SENATE JOINT MEMORIAL No. 8025 WERE HELD AT THE DESK.

MOTION

ON MOTION OF SENATOR HONEYFORD, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8706

BY SENATOR HONEYFORD

WHEREAS, THE CONCERNED BUSINESSMEN'S ASSOCIATION OF AMERICA, IN 1985, LAUNCHED THE CHILDREN'S SET A GOOD EXAMPLE CAMPAIGN

AND SCHOOL CONTEST, CONSIDERED BY MANY TO BE ONE OF THE MOST HIGHLY ACCLAIMED, STRONGEST, SUCCESSFUL MORAL CHARACTER BUILDING PROGRAMS IN THE NATION; AND

WHEREAS, THE PURPOSE OF THIS CONTEST IS TO HELP WIN THE WAR AGAINST DRUG ABUSE, DELINQUENCY, CRIME AND VIOLENCE, ALL OF WHICH INVADE ONE OF THE MOST IMPORTANT ELEMENTS OF SOCIETY – OUR SCHOOLS; AND

WHEREAS, THE CHILDREN'S SET A GOOD EXAMPLE CAMPAIGN IS POPULAR WITH STUDENTS AND TEACHERS ALIKE BECAUSE IT MOTIVATES, RECOGNIZES AND AWARDS STUDENT-DESIGNED AND STUDENT-RUN PROJECTS; AND

WHEREAS, THE CONTEST INVOLVES WELL OVER 10,000 SCHOOLS AND TWELVE MILLION STUDENTS FROM ALL FIFTY STATES; AND

WHEREAS, THE STUDENTS OF THE KLUCKITAT COMMUNITY YOUTH CENTER IN WHITE SALMON HAVE BEEN CHOSEN BY JUDGES OF THE EIGHTEENTH ANNUAL CHILDREN'S SET A GOOD EXAMPLE SCHOOL COMPETITION TO RECEIVE THIRD PLACE NATIONALLY IN THIS YEAR'S CONTEST; AND

WHEREAS, THE STUDENTS AT THE YOUTH CENTER CHOSE THE THEME SAFEGUARD AND IMPROVE THE ENVIRONMENT FOR THEIR PROJECT; AND

WHEREAS, THESE STUDENTS PLANTED TREES ALONG JEWETT CREEK TO BEAUTIFY THE TRAIL NEXT TO THE CREEK AND TO PROVIDE SHADE FOR FISH, CONDUCTED LITTER PATROLS IN WHITE SALMON AND BINGEN AND AT THE LOCAL PARK-AND-RIDE LOT ALONG STATE ROUTE 14, AND PAINTED OVER GRAFFITI ON THE BUILDINGS AND PICNIC TABLES AT DAUBENSPECK PARK IN BINGEN; AND

WHEREAS, THESE CHILDREN ARE TRULY AN INSPIRATION TO ALL OF US AND A FINE EXAMPLE TO ALL YOUNG PEOPLE THROUGHOUT THE STATE OF WASHINGTON; AND

WHEREAS, THE STUDENTS AT THE KLUCKITAT COMMUNITY YOUTH CENTER WILL BE AWARDED THEIR THIRD-PLACE CERTIFICATES OF MERIT DURING A CEREMONY IN WHITE SALMON ON TUESDAY, JUNE 19, 2001;

NOW, THEREFORE, BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE HEREBY HONOR THESE DEDICATED AND DESERVING STUDENTS FOR THEIR SPECIAL ACCOMPLISHMENT AND THEIR OUTSTANDING COMMUNITY WORK.

MOTION

AT 9:10 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE WAS DECLARED TO BE AT EASE.

THE SENATE WAS CALLED TO ORDER AT 10:10 A.M. BY PRESIDENT OWEN.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE REVERTED TO THE SIXTH ORDER OF BUSINESS.

SECOND READING

SENATE BILL NO. 6155, BY SENATOR BROWN

RELATING TO STATE GOVERNMENT.

MOTIONS

ON MOTION OF SENATOR FAIRLEY, SUBSTITUTE SENATE BILL NO. 6155 WAS SUBSTITUTED FOR SENATE BILL NO. 6155 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

SENATOR PRENTICE MOVED THAT THE FOLLOWING AMENDMENT BE ADOPTED:

ON PAGE 5, DELETE LINE 7, FROM "EMPTY SPACE THEATRE, FREMONT" THROUGH "\$29,000".

MOTION TO WITHDRAW AMENDMENT

ON MOTION OF SENATOR PRENTICE AND THERE BEING NO OBJECTION, THE AMENDMENT ON PAGE 5, LINE 7, TO SUBSTITUTE SENATE BILL NO. 6155 WAS WITHDRAWN.

MOTION

SENATOR HONEYFORD MOVED THAT THE FOLLOWING AMENDMENT BE ADOPTED:

ON PAGE 94, LINE 25, AFTER "LIMITATIONS:" STRIKE "THE ENTIRE APPROPRIATION IS PROVIDED FOR IRRIGATION DISTRICT SYSTEM ENHANCEMENTS." AND INSERT THE FOLLOWING: "\$750,000 IS PROVIDED FOR IRRIGATION DISTRICT SYSTEM ENHANCEMENTS. OF THIS AMOUNT, UP TO \$500,000 MAY BE USED FOR A ONE-TO-ONE MATCH WITH NON-STATE FUNDS TO CONDUCT A FEASIBILITY STUDY FOR ADDITIONAL WATER STORAGE IN THE YAKIMA RIVER BASIN."

DEBATE ENSUED

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATOR HONEYFORD ON PAGE 94, LINE 25, TO SUBSTITUTE SENATE BILL NO. 6155.

THE MOTION BY SENATOR HONEYFORD FAILED AND THE AMENDMENT WAS NOT ADOPTED.

MOTION

ON MOTION OF SENATOR FAIRLEY, THE RULES WERE SUSPENDED, SUBSTITUTE SENATE BILL NO. 6155 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 6155.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 6155 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 41; NAYS, 4; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SNYDER, SPANEL, SWECKER, THIBAudeau, WINSLEY AND ZARELLI - 41.

VOTING NAY: SENATORS HONEYFORD, MORTON, SHELDON, T. AND WEST - 4.

EXCUSED: SENATORS BENTON, HORN, SHIN AND STEVENS - 4.

SUBSTITUTE SENATE BILL NO. 6155, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

THERE BEING NO OBJECTION, THE PRESIDENT ADVANCED THE SENATE TO THE SEVENTH ORDER OF BUSINESS.

THIRD READING

ENGROSSED SENATE BILL NO. 5990, BY SENATORS FAIRLEY, SPANEL, B. SHELDON AND ZARELLI (BY REQUEST OF OFFICE OF FINANCIAL MANAGEMENT)

ISSUING GENERAL OBLIGATION BONDS.

MOTIONS

ON MOTION OF SENATOR ZARELLI, THE RULES WERE SUSPENDED, SENATE BILL NO. 5990 WAS RETURNED TO SECOND READING AND READ THE SECOND TIME,.

ON MOTION OF SENATOR ZARELLI, THE FOLLOWING STRIKING AMENDMENT BY SENATORS FAIRLEY AND ZARELLI WAS ADOPTED, UNDER SUSPENSION OF THE RULES:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"NEW SECTION. Sec. 1. FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE THE PROJECTS DESCRIBED AND AUTHORIZED BY THE LEGISLATURE IN THE CAPITAL AND OPERATING APPROPRIATION ACTS FOR THE 2001-2003 FISCAL BIENNIUM, AND ALL COSTS INCIDENTAL THERETO, THE STATE FINANCE COMMITTEE IS AUTHORIZED TO ISSUE GENERAL OBLIGATION BONDS OF THE STATE OF WASHINGTON IN THE SUM OF NINE HUNDRED THIRTY-EIGHT MILLION DOLLARS, OR AS MUCH THEREOF AS MAY BE REQUIRED, TO FINANCE THESE PROJECTS AND ALL COSTS INCIDENTAL THERETO. BONDS AUTHORIZED IN THIS SECTION MAY BE SOLD AT SUCH PRICE AS THE STATE FINANCE COMMITTEE SHALL DETERMINE. NO BONDS AUTHORIZED IN THIS SECTION MAY BE OFFERED FOR SALE WITHOUT PRIOR LEGISLATIVE APPROPRIATION OF THE NET PROCEEDS OF THE SALE OF THE BONDS.

NEW SECTION. Sec. 2. THE PROCEEDS FROM THE SALE OF THE BONDS AUTHORIZED IN SECTION 1 OF THIS ACT SHALL BE DEPOSITED IN THE STATE BUILDING CONSTRUCTION ACCOUNT CREATED BY RCW 43.83.020. THE PROCEEDS SHALL BE TRANSFERRED AS FOLLOWS:

(1) SEVEN HUNDRED EIGHTY-SEVEN MILLION DOLLARS TO REMAIN IN THE STATE BUILDING CONSTRUCTION ACCOUNT CREATED BY RCW 43.83.020;

(2) TWENTY-TWO MILLION FIVE HUNDRED THOUSAND DOLLARS TO THE OUTDOOR RECREATION ACCOUNT CREATED BY RCW 79A.25.060;

(3) TWENTY-TWO MILLION FIVE HUNDRED THOUSAND DOLLARS TO THE HABITAT CONSERVATION ACCOUNT CREATED BY RCW 79A.15.020;

(4) SIXTY MILLION DOLLARS TO THE STATE TAXABLE BUILDING CONSTRUCTION ACCOUNT WHICH IS HEREBY ESTABLISHED IN THE STATE TREASURY. ALL RECEIPTS FROM TAXABLE BOND ISSUES ARE TO BE DEPOSITED INTO THE ACCOUNT. IF THE STATE FINANCE COMMITTEE DEEMS IT NECESSARY TO ISSUE MORE THAN FIFTY MILLION DOLLARS OF THE BONDS AUTHORIZED IN SECTION 1 OF THIS ACT AS TAXABLE BONDS IN ORDER TO COMPLY WITH FEDERAL INTERNAL REVENUE SERVICE RULES AND REGULATIONS PERTAINING TO THE USE OF NONTAXABLE BOND PROCEEDS, THE PROCEEDS OF SUCH ADDITIONAL TAXABLE BONDS SHALL BE TRANSFERRED TO THE STATE TAXABLE BUILDING CONSTRUCTION ACCOUNT IN LIEU OF ANY TRANSFER OTHERWISE PROVIDED BY THIS SECTION. THE STATE TREASURER SHALL SUBMIT WRITTEN NOTICE TO THE DIRECTOR OF FINANCIAL MANAGEMENT IF IT IS DETERMINED THAT ANY SUCH ADDITIONAL TRANSFER TO THE STATE TAXABLE BUILDING CONSTRUCTION ACCOUNT IS NECESSARY. MONEYS IN THE ACCOUNT MAY BE SPENT ONLY AFTER APPROPRIATION;

(5) TWENTY-NINE MILLION TWENTY-FIVE THOUSAND DOLLARS TO THE HIGHER EDUCATION CONSTRUCTION ACCOUNT CREATED BY RCW 28B.140.040.

THESE PROCEEDS SHALL BE USED EXCLUSIVELY FOR THE PURPOSES SPECIFIED IN THIS SECTION AND FOR THE PAYMENT OF EXPENSES INCURRED IN THE ISSUANCE AND SALE OF THE BONDS ISSUED FOR THE PURPOSES OF THIS SECTION, AND SHALL BE ADMINISTERED BY THE OFFICE OF FINANCIAL MANAGEMENT SUBJECT TO LEGISLATIVE APPROPRIATION.

NEW SECTION. Sec. 3. (1) THE DEBT-LIMIT GENERAL FUND BOND RETIREMENT ACCOUNT SHALL BE USED FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS AUTHORIZED IN SECTION 2 (1), (2), (3), AND (4) OF THIS ACT.

(2) THE STATE FINANCE COMMITTEE SHALL, ON OR BEFORE JUNE 30TH OF EACH YEAR, CERTIFY TO THE STATE TREASURER THE AMOUNT NEEDED IN THE ENSUING TWELVE MONTHS TO MEET THE BOND RETIREMENT AND INTEREST REQUIREMENTS ON THE BONDS AUTHORIZED IN SECTION 2 (1), (2), (3), AND (4) OF THIS ACT.

(3) ON EACH DATE ON WHICH ANY INTEREST OR PRINCIPAL AND INTEREST PAYMENT IS DUE ON BONDS ISSUED FOR THE PURPOSES OF SECTION 2 (1), (2), (3), AND (4) OF THIS ACT THE STATE TREASURER SHALL WITHDRAW FROM ANY GENERAL STATE REVENUES RECEIVED IN THE STATE TREASURY AND DEPOSIT IN THE DEBT-LIMIT GENERAL FUND BOND RETIREMENT ACCOUNT AN AMOUNT EQUAL TO THE AMOUNT CERTIFIED BY THE STATE FINANCE COMMITTEE TO BE DUE ON THE PAYMENT DATE.

NEW SECTION. Sec. 4. (1) THE NONDEBT-LIMIT REIMBURSABLE BOND RETIREMENT ACCOUNT SHALL BE USED FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS AUTHORIZED IN SECTION 2(5) OF THIS ACT.

(2) THE STATE FINANCE COMMITTEE SHALL, ON OR BEFORE JUNE 30TH OF EACH YEAR, CERTIFY TO THE STATE TREASURER THE AMOUNT NEEDED IN THE ENSUING TWELVE MONTHS TO MEET THE BOND RETIREMENT AND INTEREST REQUIREMENTS ON THE BONDS AUTHORIZED IN SECTION 2(5) OF THIS ACT.

(3) ON EACH DATE ON WHICH ANY INTEREST OR PRINCIPAL AND INTEREST PAYMENT IS DUE ON BONDS ISSUED FOR THE PURPOSES OF SECTION 2(5) OF THIS ACT, THE BOARD OF REGENTS OF THE UNIVERSITY OF WASHINGTON SHALL CAUSE TO BE PAID OUT OF UNIVERSITY OF WASHINGTON NONAPPROPRIATED LOCAL FUNDS TO THE STATE TREASURER FOR DEPOSIT INTO THE NONDEBT-LIMIT REIMBURSEMENT BOND RETIREMENT ACCOUNT THE AMOUNT COMPUTED IN SUBSECTION (2) OF THIS SECTION FOR BONDS ISSUED FOR THE PURPOSES OF SECTION 2(5) OF THIS ACT.

NEW SECTION. Sec. 5. (1) BONDS ISSUED UNDER SECTIONS 1 THROUGH 4 OF THIS ACT SHALL STATE THAT THEY ARE A GENERAL OBLIGATION OF THE STATE OF WASHINGTON, SHALL PLEDGE THE FULL FAITH AND CREDIT OF THE STATE TO THE PAYMENT OF THE PRINCIPAL THEREOF AND THE INTEREST THEREON, AND SHALL CONTAIN AN UNCONDITIONAL PROMISE TO PAY THE PRINCIPAL AND INTEREST AS THE SAME SHALL BECOME DUE.

(2) THE OWNER AND HOLDER OF EACH OF THE BONDS OR THE TRUSTEE FOR THE OWNER AND HOLDER OF ANY OF THE BONDS MAY BY MANDAMUS OR OTHER APPROPRIATE PROCEEDING REQUIRE THE TRANSFER AND PAYMENT OF FUNDS AS DIRECTED IN THIS SECTION.

NEW SECTION. Sec. 6. THE LEGISLATURE MAY PROVIDE ADDITIONAL MEANS FOR RAISING MONEYS FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS AUTHORIZED IN SECTION 1 OF THIS ACT, AND SECTIONS 2 THROUGH 4 OF THIS ACT SHALL NOT BE DEEMED TO PROVIDE AN EXCLUSIVE METHOD FOR THE PAYMENT.

NEW SECTION. Sec. 7. FOR THE PURPOSE OF PROVIDING FUNDS FOR THE PLANNING, DESIGN, CONSTRUCTION, AND OTHER NECESSARY COSTS FOR REPLACING THE WATERPROOF MEMBRANE OVER THE EAST PLAZA GARAGE AND REVISING RELATED LANDSCAPING, THE STATE FINANCE COMMITTEE IS AUTHORIZED TO ISSUE GENERAL OBLIGATION BONDS OF THE STATE OF WASHINGTON IN THE SUM OF SIXTEEN MILLION DOLLARS, OR AS MUCH THEREOF AS MAY BE REQUIRED, TO FINANCE THIS PROJECT AND ALL COSTS INCIDENTAL THERETO. BONDS AUTHORIZED IN THIS SECTION MAY BE SOLD AT SUCH PRICE AS THE STATE FINANCE COMMITTEE SHALL DETERMINE. NO BONDS AUTHORIZED IN THIS SECTION MAY BE OFFERED FOR SALE WITHOUT PRIOR LEGISLATIVE APPROPRIATION OF THE NET PROCEEDS OF THE SALE OF THE BONDS.

NEW SECTION. Sec. 8. THE PROCEEDS FROM THE SALE OF THE BONDS AUTHORIZED IN SECTION 7 OF THIS ACT SHALL BE DEPOSITED IN THE STATE BUILDING CONSTRUCTION ACCOUNT CREATED BY RCW 43.83.020. THE PROCEEDS SHALL BE TRANSFERRED AS FOLLOWS: FIFTEEN MILLION FIVE HUNDRED TWENTY THOUSAND DOLLARS TO THE STATE VEHICLE PARKING ACCOUNT CREATED BY RCW 43.01.225.

THESE PROCEEDS SHALL BE USED EXCLUSIVELY FOR THE PURPOSES SPECIFIED IN SECTION 7 OF THIS ACT AND FOR THE PAYMENT OF EXPENSES INCURRED IN THE ISSUANCE AND SALE OF THE BONDS ISSUED FOR THE PURPOSES OF THIS SECTION, AND SHALL BE ADMINISTERED BY THE OFFICE OF FINANCIAL MANAGEMENT SUBJECT TO LEGISLATIVE APPROPRIATION.

NEW SECTION. Sec. 9. (1) THE NONDEBT-LIMIT REIMBURSABLE BOND RETIREMENT ACCOUNT SHALL BE USED FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS AUTHORIZED IN SECTION 7 OF THIS ACT.

(2) THE STATE FINANCE COMMITTEE SHALL, ON OR BEFORE JUNE 30TH OF EACH YEAR, CERTIFY TO THE STATE TREASURER THE AMOUNT NEEDED IN THE ENSUING TWELVE MONTHS TO MEET THE BOND RETIREMENT AND INTEREST REQUIREMENTS ON THE BONDS AUTHORIZED IN SECTION 7 OF THIS ACT.

(3) ON EACH DATE ON WHICH ANY INTEREST OR PRINCIPAL AND INTEREST PAYMENT IS DUE ON BONDS ISSUED FOR THE PURPOSES OF SECTION 8 OF THIS ACT, THE STATE TREASURER SHALL TRANSFER FROM THE STATE VEHICLE PARKING ACCOUNT FOR DEPOSIT INTO THE NONDEBT-LIMIT REIMBURSABLE BOND RETIREMENT ACCOUNT, THE AMOUNT COMPUTED IN SUBSECTION (2) OF THIS SECTION FOR BONDS ISSUED FOR THE PURPOSES OF SECTION 7 OF THIS ACT.

NEW SECTION. Sec. 10. (1) BONDS ISSUED UNDER SECTION 7 OF THIS ACT SHALL STATE THAT THEY ARE A GENERAL OBLIGATION OF THE STATE OF WASHINGTON, SHALL PLEDGE THE FULL FAITH AND CREDIT OF THE STATE TO THE PAYMENT OF THE PRINCIPAL THEREOF AND THE INTEREST THEREON, AND SHALL CONTAIN AN UNCONDITIONAL PROMISE TO PAY THE PRINCIPAL AND INTEREST AS THE SAME SHALL BECOME DUE.

(2) THE OWNER AND HOLDER OF EACH OF THE BONDS OR THE TRUSTEE FOR THE OWNER AND HOLDER OF ANY OF THE BONDS MAY BY MANDAMUS OR OTHER APPROPRIATE PROCEEDING REQUIRE THE TRANSFER AND PAYMENT OF FUNDS AS DIRECTED IN THIS SECTION.

NEW SECTION. Sec. 11. THE LEGISLATURE MAY PROVIDE ADDITIONAL MEANS FOR RAISING MONEYS FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS AUTHORIZED IN SECTION 7 OF THIS ACT, AND SECTIONS 8 AND 9 OF THIS ACT SHALL NOT BE DEEMED TO PROVIDE AN EXCLUSIVE METHOD FOR THE PAYMENT.

NEW SECTION. Sec. 12. THE BONDS AUTHORIZED IN SECTIONS 1, 7, AND 14 OF THIS ACT SHALL BE A LEGAL INVESTMENT FOR ALL STATE FUNDS OR FUNDS UNDER STATE CONTROL AND FOR ALL FUNDS OF ANY OTHER PUBLIC BODY.

NEW SECTION. Sec. 13. THE LEGISLATURE FINDS THAT IT IS NECESSARY TO COMPLETE THE REHABILITATION OF THE STATE LEGISLATIVE BUILDING, TO EXTEND THE USEFUL LIFE OF THE BUILDING, AND PROVIDE FOR THE PERMANENT RELOCATION OF OFFICES DISPLACED BY THE REHABILITATION AND CREATE NEW SPACE FOR PUBLIC USES.

FURTHERMORE, IT IS THE INTENT OF THE LEGISLATURE TO FUND THE MAJORITY OF THE REHABILITATION AND CONSTRUCTION USING BONDS REPAYED BY THE CAPITOL BUILDING CONSTRUCTION ACCOUNT, AS PROVIDED FOR IN THE ENABLING ACT AND DEDICATED BY THE

FEDERAL GOVERNMENT FOR THE SOLE PURPOSE OF ESTABLISHING A STATE CAPITOL, TO FUND THE CASH ELEMENTS OF THE PROJECT USING CAPITAL PROJECT SURCHARGE REVENUES IN THE THURSTON COUNTY CAPITAL FACILITIES ACCOUNT, AND TO SUPPORT THE ESTABLISHMENT OF A PRIVATE FOUNDATION TO ENGAGE THE PUBLIC IN THE PRESERVATION OF THE STATE LEGISLATIVE BUILDING AND RAISE PRIVATE FUNDS FOR RESTORATION AND EDUCATIONAL EFFORTS. THE BONDS REPAYED BY THE CAPITOL BUILDING CONSTRUCTION ACCOUNT, WHOSE REVENUES ARE FROM THE SALE OF CAPITOL BUILDING LANDS, TIMBER, OR OTHER MATERIALS, SHALL BE EXEMPT FROM THE STATE DEBT LIMIT UNDER RCW 39.42.060, AND IF AT ANY TIME THE CAPITOL BUILDING CONSTRUCTION ACCOUNT HAS INSUFFICIENT REVENUES TO REPAY THE BONDS, THE LEGISLATURE MAY PROVIDE ADDITIONAL MEANS FOR THE PAYMENT OF THE BONDS, BUT ANY SUCH ADDITIONAL MEANS SHALL BE SUBJECT TO THE STATE DEBT LIMIT.

NEW SECTION. Sec. 14. FOR THE PURPOSE OF PROVIDING FUNDS FOR THE PLANNING, DESIGN, CONSTRUCTION, AND OTHER NECESSARY COSTS FOR THE REHABILITATION OF THE STATE LEGISLATIVE BUILDING, THE STATE FINANCE COMMITTEE IS AUTHORIZED TO ISSUE GENERAL OBLIGATION BONDS OF THE STATE OF WASHINGTON IN THE SUM OF EIGHTY-TWO MILLION FIVE HUNDRED TEN THOUSAND DOLLARS OR AS MUCH THEREOF AS MAY BE REQUIRED TO FINANCE THE REHABILITATION AND IMPROVEMENTS TO THE LEGISLATIVE BUILDING AND ALL COSTS INCIDENTAL THERETO. THE APPROVED REHABILITATION PLAN INCLUDES COSTS ASSOCIATED WITH EARTHQUAKE REPAIRS AND FUTURE EARTHQUAKE MITIGATION AND ALLOWS FOR ASSOCIATED RELOCATION COSTS AND THE ACQUISITION OF APPROPRIATE RELOCATION SPACE. BONDS AUTHORIZED IN THIS SECTION SHALL NOT CONSTITUTE INDEBTEDNESS FOR PURPOSES OF THE LIMITATIONS SET FORTH IN RCW 39.42.060, TO THE EXTENT THAT THE BOND PAYMENTS ARE PAID FROM THE CAPITOL BUILDING CONSTRUCTION ACCOUNT. BONDS AUTHORIZED IN THIS SECTION MAY BE SOLD AT A PRICE THE STATE FINANCE COMMITTEE DETERMINES. NO BONDS AUTHORIZED IN THIS SECTION MAY BE OFFERED FOR SALE WITHOUT PRIOR LEGISLATIVE APPROPRIATION OF THE NET PROCEEDS OF THE SALE OF THE BONDS. THE PROCEEDS OF THE SALE OF THE BONDS ISSUED FOR THE PURPOSES OF THIS SECTION SHALL BE DEPOSITED IN THE CAPITOL HISTORIC DISTRICT CONSTRUCTION ACCOUNT HEREBY CREATED IN THE STATE TREASURY. THESE PROCEEDS SHALL BE USED EXCLUSIVELY FOR THE PURPOSES SPECIFIED IN THIS SECTION AND FOR THE PAYMENT OF EXPENSES INCURRED IN THE ISSUANCE AND SALE OF THE BONDS ISSUED FOR THE PURPOSES OF THIS SECTION, AND SHALL BE ADMINISTERED BY THE OFFICE OF FINANCIAL MANAGEMENT SUBJECT TO LEGISLATIVE APPROPRIATION.

NEW SECTION. Sec. 15. (1) THE NONDEBT-LIMIT REIMBURSABLE BOND RETIREMENT ACCOUNT MUST BE USED FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST ON THE BONDS AUTHORIZED IN SECTION 14 OF THIS ACT.

(2)(A) THE STATE FINANCE COMMITTEE MUST, ON OR BEFORE JUNE 30TH OF EACH YEAR, CERTIFY TO THE STATE TREASURER THE AMOUNT NEEDED IN THE ENSUING TWELVE MONTHS TO MEET THE BOND RETIREMENT AND INTEREST REQUIREMENTS ON THE BONDS AUTHORIZED IN SECTION 14 OF THIS ACT.

(B) ON OR BEFORE THE DATE ON WHICH ANY INTEREST OR PRINCIPAL AND INTEREST IS DUE, THE STATE TREASURER SHALL TRANSFER FROM THE CAPITOL BUILDING CONSTRUCTION ACCOUNT FOR DEPOSIT INTO THE NONDEBT-LIMIT REIMBURSABLE BOND RETIREMENT ACCOUNT, THE AMOUNT COMPUTED IN (A) OF THIS SUBSECTION FOR BONDS ISSUED FOR THE PURPOSES OF SECTION 14 OF THIS ACT.

(3) IF THE CAPITOL BUILDING CONSTRUCTION ACCOUNT HAS INSUFFICIENT REVENUES TO PAY THE PRINCIPAL AND INTEREST COMPUTED IN SUBSECTION (2)(A) OF THIS SECTION, THEN THE DEBT-LIMIT REIMBURSABLE BOND RETIREMENT ACCOUNT SHALL BE USED FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST ON THE BONDS AUTHORIZED IN SECTION 14 OF THIS ACT FROM ANY ADDITIONAL MEANS PROVIDED BY THE LEGISLATURE.

NEW SECTION. Sec. 16. (1) BONDS ISSUED UNDER SECTION 14 OF THIS ACT SHALL STATE THAT THEY ARE A GENERAL OBLIGATION OF THE STATE OF WASHINGTON, SHALL PLEDGE THE FULL FAITH AND CREDIT OF THE STATE TO THE PAYMENT OF THE PRINCIPAL AND INTEREST, AND SHALL CONTAIN AN UNCONDITIONAL PROMISE TO PAY THE PRINCIPAL AND INTEREST AS IT BECOMES DUE.

(2) THE OWNER AND HOLDER OF EACH OF THE BONDS OR THE TRUSTEE FOR THE OWNER AND HOLDER OF ANY OF THE BONDS MAY BY MANDAMUS OR OTHER APPROPRIATE PROCEEDING REQUIRE THE TRANSFER AND PAYMENT OF FUNDS AS DIRECTED IN THIS SECTION.

NEW SECTION. Sec. 17. THE LEGISLATURE MAY PROVIDE ADDITIONAL MEANS FOR RAISING MONEYS FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST ON THE BONDS AUTHORIZED IN SECTION 14 OF THIS ACT, AND SECTIONS 15 AND 16 OF THIS ACT SHALL NOT BE DEEMED TO PROVIDE AN EXCLUSIVE METHOD FOR THEIR PAYMENT.

Sec. 18. RCW 39.42.060 AND 1999 C 273 S 9 ARE EACH AMENDED TO READ AS FOLLOWS:

NO BONDS, NOTES, OR OTHER EVIDENCES OF INDEBTEDNESS FOR BORROWED MONEY SHALL BE ISSUED BY THE STATE WHICH WILL CAUSE THE AGGREGATE DEBT CONTRACTED BY THE STATE TO EXCEED THAT AMOUNT FOR WHICH PAYMENTS OF PRINCIPAL AND INTEREST IN ANY FISCAL YEAR WOULD REQUIRE THE STATE TO EXPEND MORE THAN SEVEN PERCENT OF THE ARITHMETIC MEAN OF ITS GENERAL STATE REVENUES, AS DEFINED IN SECTION 1(C) OF ARTICLE VIII OF THE WASHINGTON STATE CONSTITUTION FOR THE THREE IMMEDIATELY PRECEDING FISCAL YEARS AS CERTIFIED BY THE TREASURER IN ACCORDANCE WITH RCW 39.42.070. IT SHALL BE THE DUTY OF THE STATE FINANCE COMMITTEE TO COMPUTE ANNUALLY THE AMOUNT REQUIRED TO PAY PRINCIPAL OF AND INTEREST ON OUTSTANDING DEBT. IN MAKING SUCH COMPUTATION, THE STATE FINANCE COMMITTEE SHALL INCLUDE ALL BORROWED MONEY REPRESENTED BY BONDS, NOTES, OR OTHER EVIDENCES OF INDEBTEDNESS WHICH ARE SECURED BY THE FULL FAITH AND CREDIT OF THE STATE OR ARE REQUIRED TO BE PAID, DIRECTLY OR INDIRECTLY, FROM GENERAL STATE REVENUES AND WHICH ARE INCURRED BY THE STATE, ANY DEPARTMENT, AUTHORITY, PUBLIC CORPORATION OR QUASI PUBLIC CORPORATION OF THE STATE, ANY STATE UNIVERSITY OR COLLEGE, OR ANY OTHER PUBLIC AGENCY CREATED BY THE STATE BUT NOT BY COUNTIES, CITIES, TOWNS, SCHOOL DISTRICTS, OR OTHER MUNICIPAL CORPORATIONS, AND SHALL INCLUDE DEBT INCURRED PURSUANT TO SECTION 3 OF ARTICLE VIII OF THE WASHINGTON STATE CONSTITUTION, BUT SHALL EXCLUDE THE FOLLOWING:

- (1) OBLIGATIONS FOR THE PAYMENT OF CURRENT EXPENSES OF STATE GOVERNMENT;
- (2) INDEBTEDNESS INCURRED PURSUANT TO RCW 39.42.080 OR 39.42.090;
- (3) PRINCIPAL OF AND INTEREST ON BOND ANTICIPATION NOTES;
- (4) ANY INDEBTEDNESS WHICH HAS BEEN REFUNDED;
- (5) FINANCING CONTRACTS ENTERED INTO UNDER CHAPTER 39.94 RCW;
- (6) INDEBTEDNESS AUTHORIZED OR INCURRED BEFORE JULY 1, 1993, PURSUANT TO STATUTE WHICH REQUIRES THAT THE STATE TREASURY BE REIMBURSED, IN THE AMOUNT OF THE PRINCIPAL OF AND THE INTEREST ON SUCH INDEBTEDNESS, FROM MONEY OTHER THAN GENERAL STATE REVENUES OR FROM THE SPECIAL EXCISE TAX IMPOSED PURSUANT TO CHAPTER 67.40 RCW;

- (7) INDEBTEDNESS AUTHORIZED AND INCURRED AFTER JULY 1, 1993, PURSUANT TO STATUTE THAT REQUIRES THAT THE STATE TREASURY BE REIMBURSED, IN THE AMOUNT OF THE PRINCIPAL OF AND THE INTEREST ON SUCH INDEBTEDNESS, FROM (A) MONEYS OUTSIDE THE STATE TREASURY, EXCEPT HIGHER EDUCATION OPERATING FEES, (B) HIGHER EDUCATION BUILDING FEES, (C) INDIRECT COSTS

RECOVERED FROM FEDERAL GRANTS AND CONTRACTS, AND (D) FEES AND CHARGES ASSOCIATED WITH HOSPITALS OPERATED OR MANAGED BY INSTITUTIONS OF HIGHER EDUCATION;

(8) ANY AGREEMENT, PROMISSORY NOTE, OR OTHER INSTRUMENT ENTERED INTO BY THE STATE FINANCE COMMITTEE UNDER RCW 39.42.030 IN CONNECTION WITH ITS ACQUISITION OF BOND INSURANCE, LETTERS OF CREDIT, OR OTHER CREDIT SUPPORT INSTRUMENTS FOR THE PURPOSE OF GUARANTEEING THE PAYMENT OR ENHANCING THE MARKETABILITY, OR BOTH, OF ANY STATE BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS;

(9) INDEBTEDNESS INCURRED FOR THE PURPOSES IDENTIFIED IN RCW 43.99N.020; ((AND))

(10) INDEBTEDNESS INCURRED FOR THE PURPOSES OF THE SCHOOL DISTRICT BOND GUARANTY ESTABLISHED BY CHAPTER 39.98 RCW;

(11) INDEBTEDNESS INCURRED FOR THE PURPOSES OF REPLACING THE WATERPROOF MEMBRANE OVER THE EAST PLAZA GARAGE AND REVISING RELATED LANDSCAPING CONSTRUCTION PURSUANT TO SECTION 7 OF THIS ACT; AND

(12) INDEBTEDNESS INCURRED FOR THE PURPOSES OF THE STATE LEGISLATIVE BUILDING REHABILITATION, TO THE EXTENT THAT PRINCIPAL AND INTEREST PAYMENTS OF SUCH INDEBTEDNESS ARE PAID FROM THE CAPITOL BUILDING CONSTRUCTION ACCOUNT PURSUANT TO SECTION 15(2)(B) OF THIS ACT.

TO THE EXTENT NECESSARY BECAUSE OF THE CONSTITUTIONAL OR STATUTORY DEBT LIMITATION, PRIORITIES WITH RESPECT TO THE ISSUANCE OR GUARANTEEING OF BONDS, NOTES, OR OTHER EVIDENCES OF INDEBTEDNESS BY THE STATE SHALL BE DETERMINED BY THE STATE FINANCE COMMITTEE.

NEW SECTION. Sec. 19. SECTIONS 1 THROUGH 17 OF THIS ACT CONSTITUTE A NEW CHAPTER IN TITLE 43 RCW.

NEW SECTION. Sec. 20. IF ANY PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE REMAINDER OF THE ACT OR THE APPLICATION OF THE PROVISION TO OTHER PERSONS OR CIRCUMSTANCES IS NOT AFFECTED.

NEW SECTION. Sec. 21. THIS ACT IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY, OR SUPPORT OF THE STATE GOVERNMENT AND ITS EXISTING PUBLIC INSTITUTIONS, AND TAKES EFFECT IMMEDIATELY."

MOTIONS

ON MOTION OF SENATOR ZARELLI, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 2 OF THE TITLE, AFTER "ACCOUNTS;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 39.42.060; ADDING A NEW CHAPTER TO TITLE 43 RCW; AND DECLARING AN EMERGENCY."

ON MOTION OF SENATOR ZARELLI, THE RULES WERE SUSPENDED, ENGROSSED SENATE BILL NO. 5990 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SENATE BILL NO. 5990, UNDER SUSPENSION OF THE RULES.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SENATE BILL NO. 5990, UNDER SUSPENSION OF THE RULES, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 42; NAYS, 3; ABSENT, 0; EXCUSED, 4.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SNYDER, SPANEL, SWECKER, THIBAudeau, WINSLEY AND ZARELLI - 42.

VOTING NAY: SENATORS HALE, HONEYFORD AND WEST - 3.

EXCUSED: SENATORS BENTON, HORN, SHIN AND STEVENS - 4.

ENGROSSED SENATE BILL NO. 5990, UNDER SUSPENSION OF THE RULES, HAVING RECEIVED THE SIXTY PERCENT CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE RETURNED TO THE SIXTH ORDER OF BUSINESS.

SECOND READING

SENATE BILL NO. 6153, BY SENATOR BROWN

RELATING TO FISCAL MATTERS.

MOTIONS

ON MOTION OF SENATOR BROWN, SUBSTITUTE SENATE BILL NO. 6153 WAS SUBSTITUTED FOR SENATE BILL NO. 6153 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

SENATOR LONG MOVED THAT THE FOLLOWING AMENDMENT BY SENATORS LONG AND BROWN BE ADOPTED:

ON PAGE 35, AFTER LINE 30, INSERT THE FOLLOWING:

"(4) IN THE EVENT THE DEPARTMENT RECEIVES ADDITIONAL UNRESTRICTED FEDERAL FUNDS OR ACHIEVES SAVINGS IN EXCESS OF THAT ANTICIPATED IN THIS ACT, THE DEPARTMENT SHALL USE UP TO \$5 MILLION OF SUCH FUNDS TO INITIATE A PILOT PROJECT PROVIDING INTEGRATED SUPPORT SERVICES TO HOMELESS INDIVIDUALS NEEDING MENTAL HEALTH SERVICES, ALCOHOL OR SUBSTANCE ABUSE TREATMENT, MEDICAL CARE, OR WHO DEMONSTRATE COMMUNITY SAFETY CONCERNS. BEFORE SUCH A PILOT PROJECT IS INITIATED, THE DEPARTMENT SHALL NOTIFY THE FISCAL COMMITTEES OF THE LEGISLATURE OF THE PLANS FOR SUCH A PILOT PROJECT INCLUDING THE SOURCE OF FUNDS TO BE USED."

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATORS LONG AND BROWN ON PAGE 35, LINE 30, TO SUBSTITUTE SENATE BILL NO. 6153.

THE MOTION BY SENATOR LONG CARRIED AND THE AMENDMENT WAS ADOPTED.

MOTIONS

ON MOTION OF SENATOR WINSLEY, THE FOLLOWING AMENDMENTS WERE CONSIDERED SIMULTANEOUSLY AND ADOPTED:

ON PAGE 69, ON LINE 3, REDUCE THE AMOUNT BY "\$10,000,000".

ON PAGE 69, AFTER LINE 39, INSERT THE FOLLOWING:

"(4) THE DEPARTMENT SHALL NOT EXPEND ANY FUNDS FROM AMOUNTS PROVIDED IN THIS SECTION FOR THE OCCUPATIONAL SAFETY AND HEALTH IMPACT GRANTS PROGRAM UNLESS SEPARATE LEGISLATION IS PASSED THAT SPECIFICALLY AUTHORIZES SUCH EXPENDITURES, APPROPRIATES FUNDS, AND PROVIDES ACCOUNTABILITY FOR THE PROGRAM."

ON MOTION OF SENATOR KOHL-WELLES, THE FOLLOWING AMENDMENT BY SENATORS KOHL-WELLES, PARLETTE AND BROWN WAS ADOPTED:

ON PAGE 86, LINE 6, ATER "2003" STRIKE "\$8,000 OF THE SNOWMOBILE ACCOUNT--STATE APPROPRIATION,"

MOTION

SENATOR HONEYFORD MOVED THAT THE FOLLOWING AMENDMENT BE ADOPTED:

ON PAGE 97, AFTER LINE 14, INSERT THE FOLLOWING:

"\$450,000 SHALL BE TRANSFERRED BY THE DISTRICT MANAGER FOR DISTRICT TWO AS DEFINED IN WAC 16-458-075 FROM THE FRUIT AND VEGETABLE DISTRICT FUND TO THE PLANT PEST ACCOUNT WITHIN THE AGRICULTURAL LOCAL FUND. THE AMOUNT TRANSFERRED IS TO BE DERIVED FROM FEES COLLECTED FOR STATE INSPECTIONS OF TREE FRUITS AND IS TO BE USED SOLELY TO REIMBURSE COUNTY HORTICULTURAL PEST AND DISEASE BOARDS WITHIN DISTRICT TWO FOR THE COST OF PEST CONTROL ACTIVITIES, INCLUDING TREE REMOVAL, CONDUCTED UNDER THEIR EXISTING AUTHORITIES IN CHAPTERS 15.08 AND 15.09 RCW. THE TRANSFER OF FUNDS SHALL OCCUR BY JULY 1, 2001. ON JUNE 30, 2003, ANY UNEXPENDED PORTION OF THE \$450,000 SHALL BE RETURNED TO THE FRUIT AND VEGETABLE DISTRICT FUND."

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATOR HONEYFORD ON PAGE 97, AFTER LINE 14, TO SUBSTITUTE SENATE BILL NO. 6153.

THE MOTION BY SENATOR HONEYFORD FAILED AND THE AMENDMENT WAS NOT ADOPTED

MOTION

SENATOR FRASER MOVED THAT THE FOLLOWING AMENDMENTS BY SENATORS FRASER, KOHL-WELLES, WINSLEY, SWECKER AND PATTERSON BE CONSIDERED SIMULTANEOUSLY AND BE ADOPTED:

ON PAGE 119, LINE 21, AFTER "(1)" STRIKE ALL THE MATERIAL THROUGH "No.732)." ON LINE 24 AND INSERT "\$318,024,000 IS PROVIDED FOR A COST OF LIVING ADJUSTMENT FOR STATE FORMULA STAFF UNITS OF 3.7 PERCENT EFFECTIVE SEPTEMBER 1, 2001, AND ANOTHER SALARY ADJUSTMENT EFFECTIVE ON SEPTEMBER 1, 2002, IN A PERCENTAGE AMOUNT TO BE DETERMINED BY THE 2002 LEGISLATURE CONSISTENT WITH THE PROVISIONS OF CHAPTER 4, LAWS OF 2001 (INITIATIVE MEASURE NO. 732)."

ON PAGE 143, BEGINNING ON LINE 3, STRIKE ALL MATERIAL DOWN THROUGH AND INCLUDING LINE 31 ON PAGE 144 AND INSERT THE FOLLOWING:

NEW SECTION. Sec. 601. THE APPROPRIATIONS IN SECTIONS 603 THROUGH 609 OF THIS ACT ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS:

(1) "INSTITUTIONS" MEANS THE INSTITUTIONS OF HIGHER EDUCATION RECEIVING APPROPRIATIONS UNDER SECTIONS 603 THROUGH 609 OF THIS ACT.

(2)(A) THE SALARY INCREASES PROVIDED OR REFERENCED IN THIS SUBSECTION SHALL BE THE ONLY ALLOWABLE SALARY INCREASES PROVIDED AT INSTITUTIONS OF HIGHER EDUCATION, EXCLUDING INCREASES ASSOCIATED WITH NORMALLY OCCURRING PROMOTIONS AND INCREASES RELATED TO FACULTY AND PROFESSIONAL STAFF RETENTION, AND EXCLUDING INCREASES ASSOCIATED WITH EMPLOYEES UNDER THE JURISDICTION OF CHAPTER 41.56 RCW PURSUANT TO THE PROVISIONS OF RCW 28B.16.015 AND 28B.50.874(1).

(B) EACH INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE TO EACH CLASSIFIED STAFF EMPLOYEE AS DEFINED BY THE OFFICE OF FINANCIAL MANAGEMENT, EXCEPT FOR CLASSIFIED STAFF AT THE TECHNICAL COLLEGES, A SALARY INCREASE OF 3.7 PERCENT ON JULY 1, 2001. THE TECHNICAL COLLEGES SHALL PROVIDE TO CLASSIFIED EMPLOYEES UNDER CHAPTER 41.56 RCW AN AVERAGE SALARY INCREASE OF 3.7 PERCENT ON JULY 1, 2001. FUNDS ARE ALSO PROVIDED FOR SALARY INCREASES FOR ALL CLASSIFIED EMPLOYEES ON JULY 1, 2002, IN A PERCENTAGE AMOUNT TO BE DETERMINED BY THE 2002 LEGISLATURE AND, IN THE CASE OF TECHNICAL COLLEGE CLASSIFIED STAFF, CONSISTENT WITH THE PROVISIONS OF INITIATIVE 732.

(C) EACH INSTITUTION OF HIGHER EDUCATION, EXCEPT FOR THE COMMUNITY AND TECHNICAL COLLEGES, SHALL PROVIDE TO STATE-FUNDED INSTRUCTIONAL AND RESEARCH FACULTY, EXEMPT PROFESSIONAL STAFF, ACADEMIC ADMINISTRATORS, ACADEMIC LIBRARIANS, COUNSELORS, TEACHING AND RESEARCH ASSISTANTS AS CLASSIFIED BY THE OFFICE OF FINANCIAL MANAGEMENT, AND ALL OTHER STATE-FUNDED NONCLASSIFIED STAFF, INCLUDING THOSE EMPLOYEES UNDER RCW 28B.16.015, AN AVERAGE SALARY INCREASE OF 3.7 PERCENT ON JULY 1, 2001. FUNDS ARE ALSO PROVIDED FOR SALARY INCREASES FOR THESE EMPLOYEE GROUPS ON JULY 1, 2002, IN A PERCENTAGE AMOUNT TO BE DETERMINED BY THE 2002 LEGISLATURE. EACH INSTITUTION MAY PROVIDE THE SAME AVERAGE INCREASES TO SIMILAR POSITIONS THAT ARE NOT STATE-FUNDED.

(D) THE COMMUNITY AND TECHNICAL COLLEGES SHALL PROVIDE TO ACADEMIC EMPLOYEES, EXEMPT PROFESSIONAL STAFF, AND ACADEMIC ADMINISTRATORS AN AVERAGE SALARY INCREASE OF 3.7 PERCENT ON JULY 1, 2001. FUNDS ARE ALSO PROVIDED FOR SALARY INCREASES FOR THESE GROUPS ON JULY 1, 2002, IN A PERCENTAGE AMOUNT TO BE DETERMINED BY THE 2002 LEGISLATURE AND, IN THE CASE OF COMMUNITY COLLEGE ACADEMIC EMPLOYEES AND TECHNICAL COLLEGE EMPLOYEES, CONSISTENT WITH THE PROVISIONS OF INITIATIVE 732.

(E) FOR EMPLOYEES UNDER THE JURISDICTION OF CHAPTER 41.56 RCW PURSUANT TO THE PROVISIONS OF RCW 28B.16.015 AND 28B.50.874(1), DISTRIBUTION OF THE SALARY INCREASES WILL BE IN ACCORDANCE WITH THE APPLICABLE COLLECTIVE BARGAINING AGREEMENT. HOWEVER, AN INCREASE SHALL NOT BE PROVIDED TO ANY CLASSIFIED EMPLOYEE WHOSE SALARY IS ABOVE THE APPROVED SALARY RANGE MAXIMUM FOR THE CLASS TO WHICH THE EMPLOYEE'S POSITION IS ALLOCATED.

(F) EACH INSTITUTION OF HIGHER EDUCATION RECEIVING APPROPRIATIONS UNDER SECTIONS 604 THROUGH 609 OF THIS ACT MAY PROVIDE ADDITIONAL SALARY INCREASES TO INSTRUCTIONAL AND RESEARCH FACULTY, EXEMPT PROFESSIONAL STAFF, ACADEMIC ADMINISTRATORS, ACADEMIC LIBRARIANS, COUNSELORS, TEACHING AND RESEARCH ASSISTANTS, AS CLASSIFIED BY THE OFFICE OF FINANCIAL MANAGEMENT, AND ALL OTHER NONCLASSIFIED STAFF, BUT NOT INCLUDING EMPLOYEES UNDER RCW 28B.16.015. ANY SALARY INCREASE GRANTED UNDER THE AUTHORITY OF THIS SUBSECTION (2)(E) SHALL NOT BE INCLUDED IN AN INSTITUTION'S SALARY BASE. IT IS THE INTENT OF THE LEGISLATURE THAT GENERAL FUND--STATE SUPPORT FOR AN INSTITUTION SHALL NOT INCREASE DURING THE CURRENT OR ANY FUTURE BIENNIUM AS A RESULT OF ANY SALARY INCREASES AUTHORIZED UNDER THIS SUBSECTION (2)(E).

(G) TO COLLECT CONSISTENT DATA FOR USE BY THE LEGISLATURE, THE OFFICE OF FINANCIAL MANAGEMENT, AND OTHER STATE AGENCIES FOR POLICY AND PLANNING PURPOSES, INSTITUTIONS OF HIGHER EDUCATION SHALL REPORT PERSONNEL DATA TO BE USED IN THE DEPARTMENT OF PERSONNEL'S HUMAN RESOURCE DATA WAREHOUSE IN COMPLIANCE WITH UNIFORM REPORTING PROCEDURES ESTABLISHED BY THE DEPARTMENT OF PERSONNEL.

(H) SPECIFIC SALARY INCREASES AUTHORIZED IN SECTIONS 603 THROUGH 609 OF THIS ACT ARE IN ADDITION TO ANY SALARY INCREASE PROVIDED IN THIS SUBSECTION."

ON PAGE 172, BEGINNING ON LINE 17, STRIKE ALL MATERIAL DOWN TO AND INCLUDING LINE 16 ON PAGE 173 AND INSERT THE FOLLOWING:

NEW SECTION. Sec. 719. SALARY COST OF LIVING ADJUSTMENT

GENERAL FUND--STATE APPROPRIATION (FY 2002) \$ 42,958,000

GENERAL FUND--STATE APPROPRIATION (FY 2003) \$ 75,247,000

GENERAL FUND--FEDERAL APPROPRIATION \$ 38,992,000

GENERAL FUND--PRIVATE/LOCAL APPROPRIATION \$ 2,388,000

SALARY AND INSURANCE INCREASE REVOLVING ACCOUNT

APPROPRIATION \$ 94,554,000

TOTAL APPROPRIATION \$ 254,139,000

THE APPROPRIATIONS IN THIS SECTION SHALL BE EXPENDED SOLELY FOR THE PURPOSES DESIGNATED IN THIS SECTION AND ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS:

(1) IN ADDITION TO THE PURPOSES SET FORTH IN SUBSECTIONS (2) AND (3) OF THIS SECTION, APPROPRIATIONS IN THIS SECTION ARE PROVIDED SOLELY FOR A 3.7 PERCENT SALARY INCREASE EFFECTIVE JULY 1, 2001, FOR ALL CLASSIFIED EMPLOYEES, EXCEPT THE CERTIFICATED EMPLOYEES OF THE STATE SCHOOLS FOR THE DEAF AND BLIND, AND INCLUDING THOSE EMPLOYEES IN THE WASHINGTON MANAGEMENT SERVICE, AND EXEMPT EMPLOYEES UNDER THE JURISDICTION OF THE PERSONNEL RESOURCES BOARD. FUNDS ARE ALSO PROVIDED FOR SALARY INCREASES FOR CLASSIFIED EMPLOYEES ON JULY 1, 2002, IN A PERCENTAGE AMOUNT TO BE DETERMINED BY THE 2002 LEGISLATURE.

(2) THE APPROPRIATIONS IN THIS SECTION ARE SUFFICIENT TO FUND A 3.7 PERCENT SALARY INCREASE EFFECTIVE JULY 1, 2001, FOR GENERAL GOVERNMENT, LEGISLATIVE, AND JUDICIAL EMPLOYEES EXEMPT FROM MERIT SYSTEM RULES WHOSE MAXIMUM SALARIES ARE NOT SET BY THE COMMISSION ON SALARIES FOR ELECTED OFFICIALS. FUNDS ARE ALSO PROVIDED FOR SALARY INCREASES FOR THESE EMPLOYEES ON JULY 1, 2002, IN A PERCENTAGE AMOUNT TO BE DETERMINED BY THE 2002 LEGISLATURE.

(3) THE SALARY AND INSURANCE INCREASE REVOLVING ACCOUNT APPROPRIATION IN THIS SECTION INCLUDES FUNDS SUFFICIENT TO FUND A 3.7 PERCENT SALARY INCREASE EFFECTIVE JULY 1, 2001, FOR FERRY WORKERS CONSISTENT WITH THE 2001-03 TRANSPORTATION APPROPRIATIONS ACT. FUNDS ARE ALSO PROVIDED FOR SALARY INCREASES FOR FERRY WORKERS ON JULY 1, 2002, IN A PERCENTAGE AMOUNT TO BE DETERMINED BY THE 2002 LEGISLATURE.

(4)(A) NO SALARY INCREASE MAY BE PAID UNDER THIS SECTION TO ANY PERSON WHOSE SALARY HAS BEEN Y-RATED PURSUANT TO RULES ADOPTED BY THE PERSONNEL RESOURCES BOARD.

(B) THE AVERAGE SALARY INCREASES PAID UNDER THIS SECTION TO AGENCY OFFICIALS WHOSE MAXIMUM SALARIES ARE ESTABLISHED BY THE COMMITTEE ON AGENCY OFFICIAL SALARIES SHALL NOT EXCEED THE AVERAGE INCREASES PROVIDED BY SUBSECTION (2) OF THIS SECTION."

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENTS BY SENATORS FRASER, KOHL-WELLES, WINSLEY, SWECKER AND PATTERSON ON PAGE 119, LINE 21; PAGE 143, BEGINNING ON LINE 3; AND PAGE 172, BEGINNING ON LINE 17; TO SUBSTITUTE SENATE BILL NO. 6153.

THE MOTION BY SENATOR FRASER CARRIED AND THE AMENDMENTS WERE ADOPTED.

MOTION

SENATOR JOHNSON MOVED THAT THE FOLLOWING AMENDMENT BE ADOPTED:
ON PAGE 135, LINE 39, AFTER "SCHOOLS)." STRIKE ALL MATERIAL THROUGH "DECEMBER 1, 2002." ON PAGE 137, LINE 20, AND
INSERT THE FOLLOWING:

"IF THE BILL IS NOT ENACTED BY JUNE 30, 2001, THE AMOUNTS PROVIDED IN THIS SUBSECTION SHALL LAPSE."
RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.
DEBATE ENSUED.

POINT OF INQUIRY

SENATOR BROWN: "I WASN'T SURE IF SENATOR JOHNSON WAS RAISING SOME KIND OF POINT OF ORDER OR WAS JUST
SPEAKING TO THE AMENDMENT. I WOULD LIKE TO HAVE THAT CLARIFIED."

SENATOR JOHNSON: "I MOVED THAT THE AMENDMENT BE ADOPTED. IF THE AMENDMENT FAILS, I WILL AT THE
APPROPRIATE TIME MOVE FOR A POINT OF ORDER."

FURTHER DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATOR
JOHNSON ON PAGE 135, LINE 39, TO SUBSTITUTE SENATE BILL NO. 6153.

THE MOTION BY SENATOR JOHNSON FAILED AND THE AMENDMENT WAS NOT ADOPTED.

MOTION

ON MOTION OF SENATOR HONEYFORD, SENATOR ZARELLI WAS EXCUSED.

MOTION

SENATOR ROACH MOVED THAT THE FOLLOWING AMENDMENTS BY SENATORS ROACH AND SWECKER BE CONSIDERED
SIMULTANEOUSLY AND BE ADOPTED:

ON PAGE 147, LINE 3, INCREASE THE FISCAL YEAR 2002 APPROPRIATION BY \$213,000
ON PAGE 147, LINE 4, INCREASE THE FISCAL YEAR 2003 APPROPRIATION BY \$442,000
ON PAGE 149, LINE 38, INCREASE THE FISCAL YEAR 2002 APPROPRIATION BY \$129,000
ON PAGE 150, LINE 1, INCREASE THE FISCAL YEAR 2003 APPROPRIATION BY \$267,000
ON PAGE 151, LINE 24, INCREASE THE FISCAL YEAR 2002 APPROPRIATION BY \$72,000
ON PAGE 151, LINE 25, INCREASE THE FISCAL YEAR 2003 APPROPRIATION BY \$150,000
ON PAGE 152, LINE 10, INCREASE THE FISCAL YEAR 2002 APPROPRIATION BY \$19,000
ON PAGE 152, LINE 11, INCREASE THE FISCAL YEAR 2003 APPROPRIATION BY \$38,000
ON PAGE 152, LINE 14, INCREASE THE FISCAL YEAR 2002 APPROPRIATION BY \$20,000
ON PAGE 152, LINE 15, INCREASE THE FISCAL YEAR 2003 APPROPRIATION BY \$42,000
ON PAGE 152, LINE 26, INCREASE THE FISCAL YEAR 2002 APPROPRIATION BY \$11,000
ON PAGE 152, LINE 27, INCREASE THE FISCAL YEAR 2003 APPROPRIATION BY \$23,000
ON PAGE 154, LINE 38, INCREASE THE FISCAL YEAR 2002 APPROPRIATION BY \$23,000
ON PAGE 155, LINE 1, INCREASE THE FISCAL YEAR 2003 APPROPRIATION BY \$47,000
ADJUST THE TOTALS ACCORDINGLY

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENTS BY
SENATORS ROACH AND SWECKER ON PAGES 147, 149, 150, 151, 152, 154 AND 155, TO SUBSTITUTE SENATE BILL NO. 6153.

THE MOTION BY SENATOR ROACH FAILED AND THE AMENDMENTS WERE NOT ADOPTED.

MOTION

SENATOR ROACH MOVED THAT THE FOLLOWING AMENDMENTS BY SENATORS ROACH AND SWECKER BE CONSIDERED
SIMULTANEOUSLY AND BE ADOPTED:

ON PAGE 169, ON LINE 19, STRIKE "6,666,000", AND INSERT "7,219,000"
ON PAGE 169, ON LINE 20, STRIKE "18,802,000", AND INSERT "19,947,000"
ON PAGE 169, ON LINE 21, STRIKE "8,008,000", AND INSERT "8,551,000"
ON PAGE 169, ON LINE 22, STRIKE "420,000", AND INSERT "448,000"
ON PAGE 169, ON LINE 24, STRIKE "17,935,000", AND INSERT "19,152,000"
ON PAGE 169, ON LINE 25, STRIKE "51,831,000", AND INSERT "55,317,000"

SENATOR SHEAHAN DEMANDED A ROLL CALL AND THE DEMAND WAS SUSTAINED.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE ADOPTION OF THE
AMENDMENTS BY SENATORS ROACH AND SWECKER ON PAGES 169, LINES 19, 20, 21, 22, 24 AND 25, TO SUBSTITUTE SENATE
BILL NO. 6153.

ROLL CALL

THE SECRETARY CALLED THE ROLL AND THE AMENDMENTS WERE NOT ADOPTED BY THE FOLLOWING VOTE: YEAS, 12; NAYS, 32; ABSENT, 0; EXCUSED, 5.

VOTING YEA: SENATORS CARLSON, HEWITT, HONEYFORD, JOHNSON, MORTON, PATTERSON, ROACH, SHEAHAN, SHELDON, T., SWECKER, WEST AND WINSLEY - 12.

VOTING NAY: SENATORS BROWN, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HOCHSTATTER, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McCASLIN, McDONALD, OKE, PARLETTE, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHELDON, B., SNYDER, SPANEL AND THIBAudeau - 32.

EXCUSED: SENATORS BENTON, HORN, SHIN, STEVENS AND ZARELLI - 5.

PARLIAMENTARY INQUIRY

SENATOR McCASLIN: "A PARLIAMENTARY INQUIRY, MR. PRESIDENT. OVER THE YEARS, ON BOTH SIDES OF THE AISLE, WHEN THE PRESIDENT RECOGNIZES A SENATOR FOR ONE PURPOSE, MOVING ADOPTION OF AN AMENDMENT OR BUMPING A BILL OR WHATNOT, AND THEY THEN MAKE A SECOND MOTION, IS IT PROPER WHEN THE SENATOR RISES AND IS RECOGNIZED FOR ONE PURPOSE AND THEN BRINGS ANOTHER SUBJECT BEFORE THE BODY, SUCH AS A ROLL CALL? I WOULD BE CURIOUS ABOUT THIS."

REPLY BY THE PRESIDENT

PRESIDENT OWEN: "SENATOR McCASLIN, THE PRESIDENT BELIEVES THAT THERE ARE NO RESTRICTIONS FOR A PERSON TO MAKE THE MOTION--I THINK WE MAY HAVE TO LOOK AT IT. IN FACT, WE HAVE TWO MOTIONS ON AMENDMENTS OR SOMETHING LIKE THAT, BUT ON A PROCEDURAL MOTION LIKE TO CALL FOR A ROLL CALL, THE PRESIDENT MUST RECOGNIZE THAT MOTION."

SENATOR McCASLIN: "IS THERE A LIMIT TO THE NUMBER OF MOTIONS THEN THAT A SENATOR MAY MAKE?"

PRESIDENT OWEN: "THE PRESIDENT WOULD BE HESITANT TO ANSWER THAT WITHOUT HAVING AN ACTUAL CASE BEFORE HIM, SENATOR."

SENATOR McCASLIN: "IT WILL COME UP."

MOTION

SENATOR MORTON MOVED THAT THE FOLLOWING AMENDMENT BE ADOPTED:

ON PAGE 176, AFTER LINE 10, STRIKE ALL MATERIAL THROUGH "(2)" ON LINE 25.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATOR MORTON ON PAGE 176, AFTER LINE 10, TO SUBSTITUTE SENATE BILL NO. 6153.

THE MOTION BY SENATOR MORTON FAILED AND THE AMENDMENT WAS NOT ADOPTED.

MOTION

SENATOR HOCHSTATTER MOVED THAT THE FOLLOWING AMENDMENT BE ADOPTED:

ON PAGE 190, AFTER LINE 10, INSERT THE FOLLOWING:

"**NEW SECTION. Sec. 902. TORT LIABILITY.** IN THE EVENT THAT THE STATE INCURS CIVIL OR TORT LIABILITY RESULTING FROM THE NEGLIGENCE OR INTENTIONAL ACTION OF AN AGENCY FUNDED UNDER THIS ACT, ANY DAMAGES AWARDED BY A COURT OF COMPETENT JURISDICTION SHALL BE PAID FROM THE APPROPRIATION MADE IN THIS ACT TO THE AGENCY WHOSE ACTION OR INACTION WAS A BASIS FOR THE JUDGMENT."

RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

MOTION TO WITHDRAW AMENDMENT

ON MOTION OF SENATOR HOCHSTATTER, AND THERE BEING NOT OBJECTION, THE AMENDMENT ON PAGE 190, AFTER LINE 10, TO SUBSTITUTE SENATE BILL NO. 6153 WAS WITHDRAWN.

MOTION

SENATOR HOCHSTATTER MOVED THAT THE FOLLOWING AMENDMENT BE ADOPTED:

ON PAGE 190, AFTER LINE 10, INSERT THE FOLLOWING:

"**NEW SECTION. Sec. 902. MOTOR VEHICLE ACCOUNT.** THIRTY PERCENT OF THE TOTAL REVENUE RECEIVED FROM THE SALES AND USE TAX DERIVED FROM THE SALE OR USE OF NEW AND USED MOTOR VEHICLES IS TRANSFERRED TO THE MOTOR VEHICLE ACCOUNT TO CARRY OUT THE PURPOSES OF THE ACCOUNT. IT IS THE INTENT OF THE LEGISLATURE THAT SIXTY-FIVE PERCENT OF THESE

REVENUES BE TRANSFERRED IN THE 2003-05 BIENNIUM, AND ONE-HUNDRED PERCENT BE TRANSFERRED IN THE 2005-07 BIENNIUM, SUCH THAT ALL SALES AND USE TAX REVENUE ON MOTOR VEHICLES IS USED FOR TRANSPORTATION NEEDS BY THE END OF FISCAL YEAR 2007."
RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

MOTION TO WITHDRAW AMENDMENT

ON MOTION OF SENATOR HOCHSTATTER, AND THERE BEING NOT OBJECTION, THE AMENDMENT ON PAGE 190, AFTER LINE 10, TO SUBSTITUTE SENATE BILL NO. 6153 WAS WITHDRAWN.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, FURTHER CONSIDERATION OF SUBSTITUTE SENATE BILL NO. 6153 WAS DEFERRED.

MOTION

AT 11:16 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE WAS DECLARED TO BE AT EASE.

THE SENATE WAS CALLED TO ORDER AT 11:45 A.M. BY PRESIDENT OWEN.

MOTION

ON MOTION OF SENATOR SNYDER, SENATE RULE 15 WAS SUSPENDED FOR THE REMAINDER OF THE DAY.

EDITOR'S NOTE: SENATE RULE 15 STATES: 'THE SENATE SHALL CONVENE AT 10:00 A.M. EACH WORKING DAY, UNLESS ADJOURNED TO A DIFFERENT HOUR. THE SENATE SHALL ADJOURN NOT LATER THAN 10:00 P.M. OF EACH WORKING DAY. THE SENATE SHALL RECESS NINETY MINUTES FOR LUNCH EACH WORKING DAY. WHEN RECONVENING ON THE SAME DAY, THE SENATE SHALL RECESS NINETY MINUTES FOR DINNER EACH WORKING EVENING. THIS RULE MAY BE SUSPENDED BY A MAJORITY.'

THERE BEING NO OBJECTION, THE SENATE RESUMED CONSIDERATION OF SUBSTITUTE SENATE BILL NO. 6153, DEFERRED ON SECOND READING EARLIER TODAY.

MOTION

SENATOR RASMUSSEN MOVED THAT THE FOLLOWING AMENDMENT BY SENATORS RASMUSSEN, HARGROVE AND SNYDER BE ADOPTED:

ON PAGE 205, AFTER LINE 33, INSERT THE FOLLOWING:

"**Sec. 922.** RCW 90.58.080 AND 1995 C 347 S 305 ARE EACH AMENDED TO READ AS FOLLOWS:

LOCAL GOVERNMENTS SHALL DEVELOP OR AMEND, WITHIN TWENTY-FOUR MONTHS AFTER THE ADOPTION OF GUIDELINES AS PROVIDED IN RCW 90.58.060, A MASTER PROGRAM FOR REGULATION OF USES OF THE SHORELINES OF THE STATE CONSISTENT WITH THE REQUIRED ELEMENTS OF THE GUIDELINES ADOPTED BY THE DEPARTMENT. HOWEVER, LOCAL GOVERNMENTS SHALL NOT BE REQUIRED TO SATISFY THIS SECTION UNLESS, BY JUNE 30, 2001, BOTH ENGROSSED SUBSTITUTE SENATE BILL NO. 5378 (SHORELINE MASTER PROGRAM) IS ENACTED BY JUNE 30, 2001 AND SPECIFIC FUNDING IS APPROPRIATED FOR LOCAL GOVERNMENTS' COSTS ASSOCIATED WITH THIS SECTION."

RENUMBER REMAINING SECTIONS CONSECUTIVELY AND CORRECT TITLE AND INTERNAL REFERENCES ACCORDINGLY.

DEBATE ENSUED.

SENATOR SHEAHAN DEMANDED A ROLL CALL AND THE DEMAND WAS SUSTAINED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE ADOPTION OF THE AMENDMENT BY SENATORS HARGROVE, SNYDER AND RASMUSSEN ON PAGE 205, AFTER LINE 39, TO SUBSTITUTE SENATE BILL NO. 6153.

ROLL CALL

THE SECRETARY CALLED THE ROLL AND THE AMENDMENT WAS NOT ADOPTED BY THE FOLLOWING VOTE: YEAS, 19; NAYS, 25; ABSENT, 0; EXCUSED, 5.

VOTING YEA: SENATORS DECCIO, HALE, HARGROVE, HEWITT, HOCHSTATTER, HONEYFORD, JOHNSON, LONG, McCASLIN, McDONALD, MORTON, OKE, PARLETTE, RASMUSSEN, SHEAHAN, SHELDON, T., SNYDER, SWECKER AND WEST - 19.

VOTING NAY: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HAUGEN, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, McAULIFFE, PATTERSON, PRENTICE, REGALA, ROACH, ROSSI, SHELDON, B., SPANEL, THIBAudeau AND WINSLEY - 25.

EXCUSED: SENATORS BENTON, HORN, SHIN, STEVENS AND ZARELLI - 5.

MOTION

ON MOTION OF SENATOR BROWN, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE SENATE BILL NO. 6153 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

POINT OF INQUIRY

SENATOR CARLSON: "SENATOR BROWN, IS IT THE INTENT OF THIS BUDGET TO PROTECT THE BASE LEVEL FUNDING PREVIOUSLY ALLOCATED FOR EACH BRANCH CAMPUS?"

SENATOR BROWN: "YES, SENATOR CARLSON, IT IS."

SENATOR CARLSON: "THANK YOU."

POINT OF ORDER

SENATOR JOHNSON: "MR. PRESIDENT, I AM RAISING A POINT OF ORDER. THIS BILL, ENGROSSED SUBSTITUTE SENATE BILL NO. 6153, FAILS THE TEST OF SENATE RULE 25, WHICH IS TAKEN FROM ARTICLE II, SECTION 19 OF THE STATE CONSTITUTION. THE PROVISIONS OF THAT RULE AND CONSTITUTIONAL AMENDMENT ARE IDENTICAL. THEY PROVIDE THAT NO BILL SHALL EMBRACE MORE THAN ONE SUBJECT, AND THAT SHALL BE EXPRESSED IN THE TITLE. THE TITLE OF THIS BILL IS AN ACT RELATING TO FISCAL MATTERS AND FURTHER--MAKING APPROPRIATIONS. THE SUBSTANCE OF THE BILL TO WHICH I REFER IS SECTION NO. 514, SUB. 17, WHICH IS A MATTER OF SUBSTANCE, WAS IN THE PROVISIONS OF THAT SECTION--MOST OF THAT SUBSECTION WERE IN SENATE BILL NO. 5625 AND THAT BILL DID NOT PASS, SO MOST OF THOSE PROVISIONS ARE NOW IN THE BUDGET. THEY ARE SUBSTANTIVE PROVISIONS; THEY ARE HARDLY APPROPRIATIONS RELATED. THAT IS, THE SUPERINTENDENT OF PUBLIC INSTRUCTION IS MANDATED TO DO CERTAIN THINGS, THE ACCOUNTABILITY COMMISSION IS MANDATED TO DO CERTAIN THINGS. THE RELIEF THAT IS GIVEN TO THESE SCHOOLS THAT ARE BADLY IN NEED OF HELP WILL, UNDOUBTEDLY CONTINUE THROUGH THIS BIENNIUM AND ON, BECAUSE IF YOU REMEMBER THAT BILL, PRESENT MEMBERS OF THE SENATE, IT WAS MORE THAN A TWO YEAR TERM TO GET THE SCHOOLS TURNED AROUND. IT IT PART OF THAT PROGRAM.

"NOW, WHAT DO WE DO? AS I INDICATED EARLIER, THE SUPREME COURT CASE DIRECTLY ON POINT AND THE CASE THAT IS ON POINT IS THE SUPREME COURT CASE OF *LEGISLATURE VERSUS LOCKE* IS ON POINT TO THE CONSTITUTIONAL AMENDMENT, THEN IT IS ON POINT WITH OUR RULE AS WELL, BECAUSE THEY ARE IDENTICAL IN LANGUAGE. ONCE AGAIN, IT SAYS, 'ISSUES THAT FAILED ON THEIR MERITS MAY NOT BE RESURRECTED BY THEIR INCLUSION IN AN OPERATING BUDGET BILL.' THERE HAS BEEN A VALIANT EFFORT BY THE DRAFTERS OF THE LANGUAGE TO WHICH I REFER TO MAKE IT FIT, BUT IT STILL VIOLATES THE RULE.

"SO, WHAT IS THE REMEDY? THE REMEDY IS TO TAKE THIS BILL BACK TO SECOND READING AND RECONSIDER THE AMENDMENT BY WHICH WE SIMPLY SAY THAT THE BILL DOESN'T PASS-- THE SUBSTANTIVE BILL--THEN THE APPROPRIATION ISN'T THERE. IF DOES PASS, THE APPROPRIATION IS THERE. THANK YOU." DEBATE ENSUED.

MOTION

ON MOTION OF SENATOR SHEAHAN, FURTHER CONSIDERATION OF ENGROSSED SUBSTITUTE SENATE BILL NO. 6153 WAS DEFERRED.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADVANCED TO THE SEVENTH ORDER OF BUSINESS.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6166, BY SENATE COMMITTEE ON WAYS AND MEANS (ORIGINALLY SPONSORED BY SENATORS BROWN, SNYDER, LONG, FRASER, ROSSI, CONSTANTINE, SPANEL, B. SHELDON AND CARLSON)

RESTATING PLAN 1 OF THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM.

MOTION

ON MOTION OF SENATOR BROWN, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE SENATE BILL NO. 6166 WAS RETURNED TO SECOND READING AND READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR HONEYFORD, SENATOR PARLETTE WAS EXCUSED.

MOTION

SENATOR BROWN MOVED THAT THE FOLLOWING STRIKING AMENDMENT BE ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS AND DECLARATION. PLAN 1 OF THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM (LEOFF PLAN 1) HAS BEEN CLOSED TO NEW MEMBERS FOR NEARLY A QUARTER OF A CENTURY. DURING THAT TIME, LEOFF PLAN 1 HAS ACHIEVED FULL FUNDING AND HAS ASSETS WHICH EXCEED ALL PROJECTED FUTURE LIABILITIES AND HAS A SURPLUS APPROACHING ONE BILLION DOLLARS. IN RECOGNITION OF THE CONTRIBUTIONS OF WORKING FIRE FIGHTERS AND POLICE OFFICERS TO LEOFF PLAN 1, IT IS THE PURPOSE OF THIS CHAPTER, IN PART, TO PROVIDE FOR AN ENHANCED RETIREMENT BENEFIT TO LEOFF PLAN 1 MEMBERS.

LEOFF PLAN 1 ALSO PROVIDES SUBSTANTIAL POSTRETIREMENT HEALTH AND LONG-TERM CARE BENEFITS. THE FINANCIAL BURDEN OF THIS BENEFIT, WHICH IS AN INTEGRAL PART OF LEOFF PLAN 1, FALLS EXCLUSIVELY ON THE CITIES, COUNTIES, AND FIRE DISTRICTS THAT EMPLOYED THE RETIRED FIRE FIGHTERS AND POLICE OFFICERS. IN RECOGNITION OF THE FISCAL BURDENS FACING THESE POLITICAL SUBDIVISIONS, IT IS APPROPRIATE TO PROVIDE AN ADDITIONAL SOURCE OF FUNDING TO ENSURE THE INTEGRITY OF THE BENEFIT WITHOUT UNDERMINING THE FINANCIAL STABILITY OF THE EMPLOYING GOVERNMENTS.

THE SUPREME COURT OF THE STATE OF WASHINGTON, IN THE 1956 DECISION *BAKENHUS V. CITY OF SEATTLE*, ESTABLISHED THAT THE FIRE FIGHTERS AND POLICE OFFICERS, ACTIVE AND RETIRED, HAVE A CONSTITUTIONALLY PROTECTED CONTRACTUAL RIGHT TO A SECURE RETIREMENT BENEFIT, FUNDED ON A SOUND ACTUARIAL BASIS. THE LEGISLATURE RECOGNIZES THAT THE STATE OF WASHINGTON IS THE ULTIMATE GUARANTOR OF THE LEOFF PLAN 1 RETIREMENT BENEFITS. WHILE MEMBERS HAVE A CONSTITUTIONALLY PROTECTED RIGHT TO THE PENSION BENEFITS THAT ARE PROVIDED AS PART OF THEIR CONTRACT OF EMPLOYMENT, THERE IS NO SUCH RIGHT IN SURPLUS ASSETS WHICH ARE UNNECESSARY TO THE ACTUARIAL SOUNDNESS OF THE RETIREMENT PLAN.

THE STATE RETAINS THE INHERENT POWER TO TERMINATE A RETIREMENT PLAN AND, UPON THE DEDICATION OF SUFFICIENT RESOURCES TO ENSURE THE ACTUARIAL SOUNDNESS OF THE BENEFITS PROMISED, IS ENTITLED TO A REVERSION OF THE SURPLUS ASSETS UPON TERMINATION OF THE PLAN.

THE LEGISLATURE HAS DETERMINED THAT, IN ORDER TO ACCOMPLISH THE FOREGOING GOALS AND OBJECTIVES, IT IS IN THE BEST INTEREST OF THE MEMBERS AND BENEFICIARIES OF LEOFF PLAN 1 THAT THE PLAN BE TERMINATED AND THAT A RESTATED RETIREMENT PLAN WITH ENHANCED BENEFITS BE CREATED. IT IS FURTHER DETERMINED TO BE IN THE BEST INTEREST OF THE HEALTH, SAFETY, AND WELFARE OF THE CITIZENS OF THE STATE THAT SURPLUS ASSETS REMAINING AFTER ADEQUATE ACTUARIAL PROVISION FOR THE OBLIGATED RETIREMENT BENEFITS REVERT TO THE STATE AND BE ALLOCATED FOR THE PURPOSES OUTLINED IN THIS CHAPTER.

IT IS THE INTENT OF THE LEGISLATURE THAT THE LEOFF PLAN 1 TERMINATION BE PERFORMED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE FEDERAL INTERNAL REVENUE CODE AND IN RECOGNITION OF THE CONTRACT RIGHTS OF THE MEMBERS AND BENEFICIARIES OF THE PLAN TO AN ACTUARIALLY SOUND RETIREMENT PROGRAM.

NEW SECTION. Sec. 2. TERMINATION OF LEOFF PLAN 1. PLAN 1 OF THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM (LEOFF PLAN 1) IS HEREBY TERMINATED. DURING THE TRANSITION BETWEEN THE TERMINATION OF LEOFF PLAN 1 AND THE ESTABLISHMENT OF THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM, ALL LEOFF PLAN 1 BENEFITS, AS THEY EXISTED PRIOR TO DECEMBER 1, 2001, SHALL CONTINUE WITHOUT INTERRUPTION.

NEW SECTION. Sec. 3. RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM ESTABLISHED. THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM IS HEREBY ESTABLISHED AS PROVIDED IN THIS CHAPTER. THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM ESTABLISHED BY THIS CHAPTER MAY ALSO BE REFERRED TO BY STATUTE AND RULE AS THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 1.

NEW SECTION. Sec. 4. RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT RETIREMENT FUND ESTABLISHED. (1) THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT RETIREMENT FUND IS CREATED IN THE CUSTODY OF THE STATE TREASURER. THE FUND SHALL CONSIST OF ASSETS TRANSFERRED FROM THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 1 RETIREMENT FUND, INVESTMENT EARNINGS, AND OTHER AMOUNTS DEPOSITED TO THE FUND. ON DIRECTION OF THE DIRECTOR OF RETIREMENT SYSTEMS, THE STATE TREASURER SHALL TRANSFER TO THE RESTATED DEFINED BENEFIT RETIREMENT FUND AN AMOUNT EQUAL TO THE ACTUARIAL PRESENT VALUE OF THE FULLY PROJECTED LIABILITIES OF PLAN 1 OF THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM BASED ON THE ACTUARIAL VALUATION FOR CALENDAR YEAR 2000, ADJUSTED TO THE TRANSFER DATE, AND THE LONG-TERM ECONOMIC ASSUMPTIONS IN EFFECT ON JULY 1, 2001, UNDER CHAPTER 41.45 RCW. FOR PURPOSES OF FUNDING THE PLAN 1 LUMP-SUM DEFINED BENEFIT CREATED IN SECTION 6 OF THIS ACT, ON DIRECTION OF THE DIRECTOR OF RETIREMENT SYSTEMS, THE STATE TREASURER SHALL ALSO TRANSFER AN AMOUNT TO THE RESTATED DEFINED BENEFIT RETIREMENT FUND EQUAL TO TWELVE PERCENT OF THE ASSETS IN THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 1 RETIREMENT FUND IN EXCESS OF THE ACTUARIAL PRESENT VALUE OF THE FULLY PROJECTED LIABILITIES OF PLAN 1, AS CALCULATED UNDER THIS SUBSECTION.

(2) THE PENSION FUNDING COUNCIL SHALL CONDUCT AN INDEPENDENT AUDIT OF THE CALCULATION OF THE PRESENT VALUE AMOUNT DETERMINED BY THE STATE ACTUARY. THE TRANSFER OF THESE ASSETS TO THE RESTATED DEFINED BENEFIT RETIREMENT FUND SHALL OCCUR AS SOON AS PRACTICAL AFTER DECEMBER 1, 2001. THE REMAINING ASSETS IN THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 1 RETIREMENT FUND SHALL CONTINUE TO BE INVESTED BY THE STATE INVESTMENT BOARD UNTIL THE TRANSFERS OCCUR UNDER SECTIONS 5 AND 8 OF THIS ACT.

(3) EXPENDITURES FROM THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT RETIREMENT FUND MAY BE USED ONLY FOR THE PURPOSES OF THIS CHAPTER. ONLY THE DIRECTOR OF RETIREMENT SYSTEMS OR THE DIRECTOR'S DESIGNEE MAY AUTHORIZE EXPENDITURES FROM THE FUND. NO APPROPRIATION IS REQUIRED FOR EXPENDITURES.

(4) THE DIRECTOR OF RETIREMENT SYSTEMS MAY DIRECT THE STATE TREASURER, SUBSEQUENT TO THE INITIAL TRANSFER OF ASSETS UNDER SECTIONS 1 THROUGH 8 OF THIS ACT, TO MAKE SUCH ADDITIONAL TRANSFERS AS ARE NECESSARY TO RECONCILE THE AMOUNTS TRANSFERRED AND THE REQUIREMENTS OF SECTIONS 1 THROUGH 8 OF THIS ACT.

NEW SECTION. Sec. 5. STATE SURPLUS ASSETS RESERVE FUND ESTABLISHED. (1) THE STATE SURPLUS ASSETS RESERVE FUND IS CREATED IN THE STATE TREASURY. BY DECEMBER 1, 2001, THE STATE SURPLUS ASSETS RESERVE FUND SHALL RECEIVE ALL ASSETS OF THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 1 RETIREMENT FUND REMAINING AFTER (A) THE DISTRIBUTIONS TO THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT RETIREMENT FUND

REQUIRED BY SECTION 4 OF THIS ACT; AND (B) THE DISTRIBUTION TO THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' MEDICAL BENEFITS RISK POOL UNDER SECTION 8 OF THIS ACT AND CHAPTER 41.--- RCW (SECTIONS 301 THROUGH 310 OF THIS ACT).

(2) SUFFICIENT ASSETS SHALL BE MAINTAINED IN THE STATE SURPLUS ASSETS RESERVE FUND AT ALL TIMES TO ENSURE THE ACTUARIAL SOUNDNESS OF THE DEFINED BENEFITS OF THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT RETIREMENT PLAN WITHOUT THE NECESSITY OF FURTHER EMPLOYEE OR EMPLOYER CONTRIBUTIONS. ANY ACTUARIAL SHORTFALL IN THE DEFINED BENEFIT PLAN SHALL BE AMORTIZED IN EQUAL INSTALLMENTS OVER A PERIOD NOT TO EXCEED FIFTEEN YEARS. PAYMENTS REQUIRED BY THIS SUBSECTION SHALL BE MADE FIRST FROM THE ASSETS OF THE STATE SURPLUS ASSETS RESERVE FUND. THE STATE INVESTMENT BOARD SHALL DEVELOP AN INVESTMENT POLICY, TAKING INTO ACCOUNT THE PURPOSES OF THE RESERVE FUND AND THE PRESERVATION OF CAPITAL, FOR THE PURPOSE OF ACCOMPLISHING THE OBJECTIVE OF THIS SECTION.

(3) THE OFFICE OF THE STATE ACTUARY SHALL PERFORM AN ANNUAL ACTUARIAL VALUATION OF THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT PLAN TO DETERMINE ITS CONTINUED ACTUARIAL SOUNDNESS. SUCH SUMS SHALL BE TRANSFERRED BY THE LEGISLATURE FROM THE STATE SURPLUS ASSETS RESERVE FUND AS MAY BE NECESSARY UNDER SUBSECTION (2) OF THIS SECTION TO MAINTAIN THE ACTUARIAL SOUNDNESS OF THE DEFINED BENEFIT PLAN.

(4) SUBJECT TO THE ACTUARIAL NEEDS OF THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT PLAN, THE REMAINING ASSETS OF THE RESERVE FUND SHALL BE RETAINED AS A BUDGET RESERVE AND MAY BE EXPENDED EXCLUSIVELY TO FUND ANY UNFUNDED ACTUARIAL ACCRUED LIABILITIES OF THE PUBLIC RETIREMENT SYSTEMS UNDER CHAPTER 41.45 RCW, AND FOR OTHER ONE-TIME COSTS OF THE STATE. EXCEPT AS REQUIRED BY SUBSECTION (2) OF THIS SECTION, NO APPROPRIATION SHALL BE MADE FROM THE RESERVE FUND FOR ANY FISCAL YEAR UNLESS THE OFFICE OF THE STATE ACTUARY HAS CERTIFIED THAT THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT PLAN REMAINS FULLY FUNDED ON A SOUND ACTUARIAL BASIS. NO APPROPRIATION SHALL BE MADE FROM THE RESERVE FUND THAT WOULD REDUCE THE FUND BALANCE BELOW TWO HUNDRED TWENTY MILLION DOLLARS UNLESS THE STATE ACTUARY HAS CERTIFIED THAT THE DEFINED BENEFIT PLAN ASSETS ARE GREATER THAN ONE HUNDRED TWENTY-FIVE PERCENT OF THE PRESENT VALUE OF THE FULLY PROJECTED LIABILITIES OF THE DEFINED BENEFIT PLAN.

NEW SECTION. Sec. 6. LUMP-SUM DEFINED BENEFIT. (1) THE AMOUNT EQUAL TO TWELVE PERCENT OF THE EXCESS ASSETS OF THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 1 RETIREMENT FUND TRANSFERRED TO THE RESTATED DEFINED BENEFIT RETIREMENT FUND BY SECTION 4 OF THIS ACT SHALL FUND THE PLAN 1 LUMP-SUM DEFINED BENEFIT CREATED BY THIS SECTION.

(2) LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' PLAN 1 ACTIVE MEMBERS, TERM-VESTED MEMBERS, RETIREES, AND SPOUSAL SURVIVORS ELIGIBLE FOR BENEFITS UNDER SECTIONS 226, 227, AND 228 OF THIS ACT SHALL BE ELIGIBLE TO RECEIVE THE PLAN 1 LUMP-SUM DEFINED BENEFIT PURSUANT TO THE CONDITIONS ESTABLISHED IN THIS SECTION. ALL ASSETS IDENTIFIED IN SUBSECTION (1) OF THIS SECTION SHALL BE ALLOCATED TO THE ELIGIBLE RECIPIENTS OF THE PLAN 1 LUMP-SUM DEFINED BENEFIT. THE ALLOCATION TO EACH ELIGIBLE RECIPIENT SHALL BE BASED ON THE NUMBER OF MONTHS OF SERVICE CREDIT EARNED UNDER CHAPTER 41.26 RCW THROUGH JUNE 30, 2000, OR CREDITED PURSUANT TO RCW 41.26.040, IN PROPORTION TO THE TOTAL MONTHS OF SUCH SERVICE CREDIT EARNED BY ALL ELIGIBLE RECIPIENTS. THE ALLOCATIONS FOR ELIGIBLE RECIPIENTS WHO ARE SPOUSAL SURVIVORS OR DEPENDENTS SHALL BE BASED ON THE NUMBER OF MONTHS OF SUCH SERVICE CREDIT EARNED BY THE DECEASED MEMBER. THIS DISTRIBUTION SHALL OCCUR ON THE DATE OF THE TRANSFER OF ASSETS TO THE RESTATED DEFINED BENEFIT RETIREMENT FUND IN SECTION 4 OF THIS ACT, OR AS SOON THEREAFTER AS IS PRACTICAL AND REASONABLE, CONSISTENT WITH APPLICABLE PROVISIONS OF THE FEDERAL INTERNAL REVENUE CODE.

(3) IF A MEMBER IS ACTIVE OR TERM-VESTED, INTEREST AS DETERMINED BY THE DIRECTOR SHALL ACCUMULATE FROM THE DATE THE LUMP-SUM DEFINED BENEFIT IS ALLOCATED UNTIL DISTRIBUTION TO THE PARTICIPANT UPON RETIREMENT FROM SERVICE OR FOR DISABILITY. FOR THE PURPOSES OF THIS SECTION, A TERM-VESTED MEMBER IS A MEMBER WHO HAS RENDERED FIVE YEARS OF SERVICE, HAS NOT WITHDRAWN HIS OR HER MEMBER CONTRIBUTIONS, AND WHO HAS NOT APPLIED FOR RETIREMENT.

(4) IF A MEMBER DIES BEFORE DISTRIBUTION OF THE LUMP-SUM BENEFIT CREATED IN THIS SECTION OCCURS, THE DISTRIBUTION SHALL BE MADE ACCORDING TO THE MEMBER'S DESIGNATION IN SECTION 216 OF THIS ACT.

(5) THE LUMP-SUM BENEFIT CREATED IN THIS SECTION IS SUBJECT TO THE PROVISIONS OF SECTION 209 OF THIS ACT.

(6) IF THIS SECTION IS HELD TO BE INVALID, BY SECTION 503 OF THIS ACT OR OTHERWISE, RECIPIENTS OF THE LUMP-SUM BENEFIT PROVIDED BY THIS SECTION SHALL NO LONGER BE ENTITLED TO THIS BENEFIT AND SHALL BE REQUIRED TO RETURN ANY FUNDS RECEIVED ACCORDING TO THE PROVISIONS OF RCW 41.50.135, 41.50.136, 41.50.137, AND 41.50.138.

NEW SECTION. Sec. 7. INVESTMENT OF FUNDS. (1) THE STATE INVESTMENT BOARD HAS THE FULL POWER TO INVEST, REINVEST, MANAGE, CONTRACT, SELL, OR EXCHANGE INVESTMENT MONEY IN (A) THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT RETIREMENT FUND, (B) THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' MEDICAL BENEFITS RISK POOL ACCOUNT, AND (C) THE STATE SURPLUS ASSETS RESERVE FUND. ALL INVESTMENT AND OPERATING COSTS OF THE STATE INVESTMENT BOARD AND THE STATE TREASURER ASSOCIATED WITH THESE FUNDS SHALL BE PAID UNDER RCW 43.08.190, 43.33A.160, 43.79A.040, AND 43.84.160. WITH THE EXCEPTION OF THESE EXPENSES, THE EARNINGS FROM THE INVESTMENT OF THE FUNDS SHALL BE RETAINED BY THE FUNDS.

(2) ALL INVESTMENTS MADE BY THE STATE INVESTMENT BOARD SHALL BE MADE WITH THE EXERCISE OF THAT DEGREE OF JUDGMENT AND CARE UNDER RCW 43.33A.140 AND THE INVESTMENT POLICY ESTABLISHED BY THE STATE INVESTMENT BOARD.

(3) AS DEEMED APPROPRIATE BY THE STATE INVESTMENT BOARD, MONEY IN THE FUNDS MAY BE COMMINGLED FOR INVESTMENT WITH OTHER FUNDS UNDER THE INVESTMENT AUTHORITY OF THE BOARD.

NEW SECTION. Sec. 8. TRANSFER TO LEOFF MEDICAL BENEFITS RISK POOL. BY DECEMBER 1, 2001, THE STATE TREASURER SHALL TRANSFER FROM THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 1 RETIREMENT FUND TO THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' MEDICAL BENEFITS RISK POOL ACCOUNT UNDER CHAPTER 41.--- RCW (SECTIONS 301 THROUGH 310 OF THIS ACT) AN AMOUNT EQUAL TO THE TRANSFER TO THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT FUND MADE FOR PURPOSES OF FUNDING THE PLAN 1 LUMP-SUM DEFINED BENEFIT REQUIRED BY SECTION 6 OF THIS ACT. THE DISTRIBUTION SHALL BE FOR THE EXCLUSIVE PURPOSES OF CHAPTER 41.--- RCW (SECTIONS 301 THROUGH 310 OF THIS ACT).

NEW SECTION. Sec. 9. RESERVATION OF RIGHTS. THE LEGISLATURE RESERVES THE RIGHT TO MAKE SUCH AMENDMENTS AND MODIFICATIONS AS MAY BE NECESSARY IN THE FUTURE TO ACCOMPLISH THE GOALS OF SECTIONS 1 THROUGH 10 OF THIS ACT, WITHOUT ANY DIMINUTION OF THE RIGHTS AND BENEFITS OF THE LEOFF PLAN 1 MEMBERS, RETIREES, AND SURVIVING SPOUSES, AS THEY EXISTED PRIOR TO DECEMBER 1, 2001.

NEW SECTION. Sec. 10. STATUTE OF LIMITATIONS. ANY CLAIM FILED CHALLENGING THE VALIDITY OF SECTIONS 1 THROUGH 10 OF THIS ACT NOT FILED BEFORE JULY 1, 2002, IS FOREVER BARRED, IF NOT ALREADY BARRED BY AN OTHERWISE APPLICABLE

STATUTE OF LIMITATIONS. BY DECEMBER 31, 2001, THE DEPARTMENT OF RETIREMENT SYSTEMS SHALL SEND NOTIFICATION OF THE PROVISIONS OF SECTIONS 1 THROUGH 10 OF THIS ACT, BY FIRST CLASS MAIL, TO THE LAST KNOWN ADDRESS OF EACH PLAN 1 ACTIVE MEMBER, RETIREE, AND SPOUSAL SURVIVOR.

**PART I
AMENDMENTS TO CHAPTER 41.26 RCW**

Sec. 101. RCW 41.26.010 AND 1969 EX.S. C 209 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

THIS CHAPTER SHALL BE KNOWN AND CITED AS THE "WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM--~~PLAN 2~~ ACT".

Sec. 102. RCW 41.26.030 AND 1996 C 178 S 11 AND 1996 C 38 S 2 ARE EACH REENACTED AND AMENDED TO READ AS FOLLOWS:

AS USED IN THIS CHAPTER, UNLESS A DIFFERENT MEANING IS PLAINLY REQUIRED BY THE CONTEXT:

(1) "RETIREMENT SYSTEM" MEANS THE "WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM ~~PLAN 2~~" PROVIDED HEREIN.

~~(2)((A) "EMPLOYER" FOR PLAN 1 MEMBERS, MEANS THE LEGISLATIVE AUTHORITY OF ANY CITY, TOWN, COUNTY, OR DISTRICT OR THE ELECTED OFFICIALS OF ANY MUNICIPAL CORPORATION THAT EMPLOYS ANY LAW ENFORCEMENT OFFICER AND/OR FIRE FIGHTER, ANY AUTHORIZED ASSOCIATION OF SUCH MUNICIPALITIES, AND, EXCEPT FOR THE PURPOSES OF RCW 41.26.150, ANY LABOR GUILD, ASSOCIATION, OR ORGANIZATION, WHICH REPRESENTS THE FIRE FIGHTERS OR LAW ENFORCEMENT OFFICERS OF AT LEAST SEVEN CITIES OF OVER 20,000 POPULATION AND THE MEMBERSHIP OF EACH LOCAL LODGE OR DIVISION OF WHICH IS COMPOSED OF AT LEAST SIXTY PERCENT LAW ENFORCEMENT OFFICERS OR FIRE FIGHTERS AS DEFINED IN THIS CHAPTER.~~

~~(B)) "EMPLOYER" ((FOR PLAN 2 MEMBERS;)) MEANS THE FOLLOWING ENTITIES TO THE EXTENT THAT THE ENTITY EMPLOYS ANY LAW ENFORCEMENT OFFICER AND/OR FIRE FIGHTER:~~

~~((#)) (A) THE LEGISLATIVE AUTHORITY OF ANY CITY, TOWN, COUNTY, OR DISTRICT;~~

~~((##)) (B) THE ELECTED OFFICIALS OF ANY MUNICIPAL CORPORATION;~~

~~((###)) (C) THE GOVERNING BODY OF ANY OTHER GENERAL AUTHORITY LAW ENFORCEMENT AGENCY; OR~~

~~((##)) (D) A FOUR-YEAR INSTITUTION OF HIGHER EDUCATION HAVING A FULLY OPERATIONAL FIRE DEPARTMENT AS OF JANUARY 1, 1996.~~

(3) "LAW ENFORCEMENT OFFICER" BEGINNING JANUARY 1, 1994, MEANS ANY PERSON WHO IS COMMISSIONED AND EMPLOYED BY AN EMPLOYER ON A FULL TIME, FULLY COMPENSATED BASIS TO ENFORCE THE CRIMINAL LAWS OF THE STATE OF WASHINGTON GENERALLY, WITH THE FOLLOWING QUALIFICATIONS:

(A) NO PERSON WHO IS SERVING IN A POSITION THAT IS BASICALLY CLERICAL OR SECRETARIAL IN NATURE, AND WHO IS NOT COMMISSIONED SHALL BE CONSIDERED A LAW ENFORCEMENT OFFICER;

(B) ONLY THOSE DEPUTY SHERIFFS, INCLUDING THOSE SERVING UNDER A DIFFERENT TITLE PURSUANT TO COUNTY CHARTER, WHO HAVE SUCCESSFULLY COMPLETED A CIVIL SERVICE EXAMINATION FOR DEPUTY SHERIFF OR THE EQUIVALENT POSITION, WHERE A DIFFERENT TITLE IS USED, AND THOSE PERSONS SERVING IN UNCLASSIFIED POSITIONS AUTHORIZED BY RCW 41.14.070 EXCEPT A PRIVATE SECRETARY WILL BE CONSIDERED LAW ENFORCEMENT OFFICERS;

(C) ONLY SUCH FULL TIME COMMISSIONED LAW ENFORCEMENT PERSONNEL AS HAVE BEEN APPOINTED TO OFFICES, POSITIONS, OR RANKS IN THE POLICE DEPARTMENT WHICH HAVE BEEN SPECIFICALLY CREATED OR OTHERWISE EXPRESSLY PROVIDED FOR AND DESIGNATED BY CITY CHARTER PROVISION OR BY ORDINANCE ENACTED BY THE LEGISLATIVE BODY OF THE CITY SHALL BE CONSIDERED CITY POLICE OFFICERS;

~~(D) ((THE TERM "LAW ENFORCEMENT OFFICER" ALSO INCLUDES THE EXECUTIVE SECRETARY OF A LABOR GUILD, ASSOCIATION OR ORGANIZATION (WHICH IS AN EMPLOYER UNDER RCW 41.26.030(2)) IF THAT INDIVIDUAL HAS FIVE YEARS PREVIOUS MEMBERSHIP IN THE RETIREMENT SYSTEM ESTABLISHED IN CHAPTER 41.20 RCW. THE PROVISIONS OF THIS SUBSECTION (3)(D) SHALL NOT APPLY TO PLAN 2 MEMBERS; AND~~

~~(E)) THE TERM "LAW ENFORCEMENT OFFICER" ALSO INCLUDES A PERSON EMPLOYED ON OR AFTER JANUARY 1, 1993, AS A PUBLIC SAFETY OFFICER OR DIRECTOR OF PUBLIC SAFETY, SO LONG AS THE JOB DUTIES SUBSTANTIALLY INVOLVE ONLY EITHER POLICE OR FIRE DUTIES, OR BOTH, AND NO OTHER DUTIES IN A CITY OR TOWN WITH A POPULATION OF LESS THAN TEN THOUSAND. THE PROVISIONS OF THIS SUBSECTION (3)((E)) (D) SHALL NOT APPLY TO ANY PUBLIC SAFETY OFFICER OR DIRECTOR OF PUBLIC SAFETY WHO IS RECEIVING A RETIREMENT ALLOWANCE UNDER THIS CHAPTER AS OF MAY 12, 1993.~~

(4) "FIRE FIGHTER" MEANS:

(A) ANY PERSON WHO IS SERVING ON A FULL TIME, FULLY COMPENSATED BASIS AS A MEMBER OF A FIRE DEPARTMENT OF AN EMPLOYER AND WHO IS SERVING IN A POSITION WHICH REQUIRES PASSING A CIVIL SERVICE EXAMINATION FOR FIRE FIGHTER, AND WHO IS ACTIVELY EMPLOYED AS SUCH;

(B) ANYONE WHO IS ACTIVELY EMPLOYED AS A FULL TIME FIRE FIGHTER WHERE THE FIRE DEPARTMENT DOES NOT HAVE A CIVIL SERVICE EXAMINATION;

(C) SUPERVISORY FIRE FIGHTER PERSONNEL; AND

~~(D) ((ANY FULL TIME EXECUTIVE SECRETARY OF AN ASSOCIATION OF FIRE PROTECTION DISTRICTS AUTHORIZED UNDER RCW 52.12.031. THE PROVISIONS OF THIS SUBSECTION (4)(D) SHALL NOT APPLY TO PLAN 2 MEMBERS;~~

~~(E) THE EXECUTIVE SECRETARY OF A LABOR GUILD, ASSOCIATION OR ORGANIZATION (WHICH IS AN EMPLOYER UNDER RCW 41.26.030(2) AS NOW OR HEREAFTER AMENDED), IF SUCH INDIVIDUAL HAS FIVE YEARS PREVIOUS MEMBERSHIP IN A RETIREMENT SYSTEM ESTABLISHED IN CHAPTER 41.16 OR 41.18 RCW. THE PROVISIONS OF THIS SUBSECTION (4)(E) SHALL NOT APPLY TO PLAN 2 MEMBERS;~~

~~(F)) ANY PERSON WHO IS SERVING ON A FULL TIME, FULLY COMPENSATED BASIS FOR AN EMPLOYER, AS A FIRE DISPATCHER, IN A DEPARTMENT IN WHICH, ON MARCH 1, 1970, A DISPATCHER WAS REQUIRED TO HAVE PASSED A CIVIL SERVICE EXAMINATION FOR FIRE FIGHTER((; AND~~

~~(G) ANY PERSON WHO ON MARCH 1, 1970, WAS EMPLOYED ON A FULL TIME, FULLY COMPENSATED BASIS BY AN EMPLOYER, AND WHO ON MAY 21, 1971, WAS MAKING RETIREMENT CONTRIBUTIONS UNDER THE PROVISIONS OF CHAPTER 41.16 OR 41.18 RCW)).~~

(5) "DEPARTMENT" MEANS THE DEPARTMENT OF RETIREMENT SYSTEMS CREATED IN CHAPTER 41.50 RCW.

(6) "SURVIVING SPOUSE" MEANS THE SURVIVING WIDOW OR WIDOWER OF A MEMBER. ~~((("SURVIVING SPOUSE" SHALL NOT INCLUDE THE DIVORCED SPOUSE OF A MEMBER EXCEPT AS PROVIDED IN RCW 41.26.162.))~~

(7)(A) "CHILD" OR "CHILDREN" MEANS AN UNMARRIED PERSON WHO IS UNDER THE AGE OF EIGHTEEN OR MENTALLY OR PHYSICALLY HANDICAPPED AS DETERMINED BY THE DEPARTMENT, EXCEPT A HANDICAPPED PERSON IN THE FULL TIME CARE OF A STATE INSTITUTION, WHO IS:

(I) A NATURAL BORN CHILD;

(II) A STEPCHILD WHERE THAT RELATIONSHIP WAS IN EXISTENCE PRIOR TO THE DATE BENEFITS ARE PAYABLE UNDER THIS CHAPTER;

(III) A POSTHUMOUS CHILD;

(IV) A CHILD LEGALLY ADOPTED OR MADE A LEGAL WARD OF A MEMBER PRIOR TO THE DATE BENEFITS ARE PAYABLE UNDER THIS CHAPTER; OR

(V) AN ILLEGITIMATE CHILD LEGITIMIZED PRIOR TO THE DATE ANY BENEFITS ARE PAYABLE UNDER THIS CHAPTER.

(B) A PERSON SHALL ALSO BE DEEMED TO BE A CHILD UP TO AND INCLUDING THE AGE OF TWENTY YEARS AND ELEVEN MONTHS WHILE ATTENDING ANY HIGH SCHOOL, COLLEGE, OR VOCATIONAL OR OTHER EDUCATIONAL INSTITUTION ACCREDITED, LICENSED, OR APPROVED BY THE STATE, IN WHICH IT IS LOCATED, INCLUDING THE SUMMER VACATION MONTHS AND ALL OTHER NORMAL AND REGULAR VACATION PERIODS AT THE PARTICULAR EDUCATIONAL INSTITUTION AFTER WHICH THE CHILD RETURNS TO SCHOOL.

(8) "MEMBER" MEANS ANY FIRE FIGHTER, LAW ENFORCEMENT OFFICER, OR OTHER PERSON AS WOULD APPLY UNDER SUBSECTION(S) (3) OR (4) OF THIS SECTION ((WHOSE MEMBERSHIP IS TRANSFERRED TO THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM ON OR AFTER MARCH 1, 1970, AND EVERY LAW ENFORCEMENT OFFICER AND FIRE FIGHTER)) WHO IS EMPLOYED IN THAT CAPACITY ON OR AFTER ((SUCH DATE)) OCTOBER 1, 1977.

(9) "RETIREMENT FUND" MEANS THE "WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' ((RETIREMENT)) SYSTEM PLAN 2 RETIREMENT FUND" AS PROVIDED FOR ((HEREIN)) IN RCW 41.50.075.

(10) "EMPLOYEE" MEANS ANY LAW ENFORCEMENT OFFICER OR FIRE FIGHTER AS DEFINED IN SUBSECTIONS (3) AND (4) OF THIS SECTION.

(11)((A) "BENEFICIARY" FOR PLAN 1 MEMBERS, MEANS ANY PERSON IN RECEIPT OF A RETIREMENT ALLOWANCE, DISABILITY ALLOWANCE, DEATH BENEFIT, OR ANY OTHER BENEFIT DESCRIBED HEREIN:

(B)) "BENEFICIARY" ((FOR PLAN 2 MEMBERS,)) MEANS ANY PERSON IN RECEIPT OF A RETIREMENT ALLOWANCE OR OTHER BENEFIT PROVIDED BY THIS CHAPTER RESULTING FROM SERVICE RENDERED TO AN EMPLOYER BY ANOTHER PERSON.

(12)((A) "FINAL AVERAGE SALARY" FOR PLAN 1 MEMBERS, MEANS (I) FOR A MEMBER HOLDING THE SAME POSITION OR RANK FOR A MINIMUM OF TWELVE MONTHS PRECEDING THE DATE OF RETIREMENT, THE BASIC SALARY ATTACHED TO SUCH SAME POSITION OR RANK AT TIME OF RETIREMENT; (II) FOR ANY OTHER MEMBER, INCLUDING A CIVIL SERVICE MEMBER WHO HAS NOT SERVED A MINIMUM OF TWELVE MONTHS IN THE SAME POSITION OR RANK PRECEDING THE DATE OF RETIREMENT, THE AVERAGE OF THE GREATEST BASIC SALARIES PAYABLE TO SUCH MEMBER DURING ANY CONSECUTIVE TWENTY-FOUR MONTH PERIOD WITHIN SUCH MEMBER'S LAST TEN YEARS OF SERVICE FOR WHICH SERVICE CREDIT IS ALLOWED, COMPUTED BY DIVIDING THE TOTAL BASIC SALARIES PAYABLE TO SUCH MEMBER DURING THE SELECTED TWENTY-FOUR MONTH PERIOD BY TWENTY-FOUR; (III) IN THE CASE OF DISABILITY OF ANY MEMBER, THE BASIC SALARY PAYABLE TO SUCH MEMBER AT THE TIME OF DISABILITY RETIREMENT; (IV) IN THE CASE OF A MEMBER WHO HEREAFTER VESTS PURSUANT TO RCW 41.26.090, THE BASIC SALARY PAYABLE TO SUCH MEMBER AT THE TIME OF VESTING.

(B)) "FINAL AVERAGE SALARY" ((FOR PLAN 2 MEMBERS,)) MEANS THE MONTHLY AVERAGE OF THE MEMBER'S BASIC SALARY FOR THE HIGHEST CONSECUTIVE SIXTY SERVICE CREDIT MONTHS OF SERVICE PRIOR TO SUCH MEMBER'S RETIREMENT, TERMINATION, OR DEATH. PERIODS CONSTITUTING AUTHORIZED UNPAID LEAVES OF ABSENCE MAY NOT BE USED IN THE CALCULATION OF FINAL AVERAGE SALARY.

(13)((A) "BASIC SALARY" FOR PLAN 1 MEMBERS, MEANS THE BASIC MONTHLY RATE OF SALARY OR WAGES, INCLUDING LONGEVITY PAY BUT NOT INCLUDING OVERTIME EARNINGS OR SPECIAL SALARY OR WAGES, UPON WHICH PENSION OR RETIREMENT BENEFITS WILL BE COMPUTED AND UPON WHICH EMPLOYER CONTRIBUTIONS AND SALARY DEDUCTIONS WILL BE BASED:

(B)) "BASIC SALARY" ((FOR PLAN 2 MEMBERS,)) MEANS SALARIES OR WAGES EARNED BY A MEMBER DURING A PAYROLL PERIOD FOR PERSONAL SERVICES, INCLUDING OVERTIME PAYMENTS, AND SHALL INCLUDE WAGES AND SALARIES DEFERRED UNDER PROVISIONS ESTABLISHED PURSUANT TO SECTIONS 403(B), 414(H), AND 457 OF THE UNITED STATES INTERNAL REVENUE CODE, BUT SHALL EXCLUDE LUMP SUM PAYMENTS FOR DEFERRED ANNUAL SICK LEAVE, UNUSED ACCUMULATED VACATION, UNUSED ACCUMULATED ANNUAL LEAVE, OR ANY FORM OF SEVERANCE PAY. IN ANY YEAR IN WHICH A MEMBER SERVES IN THE LEGISLATURE THE MEMBER SHALL HAVE THE OPTION OF HAVING SUCH MEMBER'S BASIC SALARY BE THE GREATER OF:

((H)) (A) THE BASIC SALARY THE MEMBER WOULD HAVE RECEIVED HAD SUCH MEMBER NOT SERVED IN THE LEGISLATURE; OR

((H)) (B) SUCH MEMBER'S ACTUAL BASIC SALARY RECEIVED FOR NONLEGISLATIVE PUBLIC EMPLOYMENT AND LEGISLATIVE SERVICE COMBINED. ANY ADDITIONAL CONTRIBUTIONS TO THE RETIREMENT SYSTEM REQUIRED BECAUSE BASIC SALARY UNDER ((B))((H)) (A) OF THIS SUBSECTION IS GREATER THAN BASIC SALARY UNDER (B)((H)) OF THIS SUBSECTION SHALL BE PAID BY THE MEMBER FOR BOTH MEMBER AND EMPLOYER CONTRIBUTIONS.

(14)((A) "SERVICE" FOR PLAN 1 MEMBERS, MEANS ALL PERIODS OF EMPLOYMENT FOR AN EMPLOYER AS A FIRE FIGHTER OR LAW ENFORCEMENT OFFICER, FOR WHICH COMPENSATION IS PAID, TOGETHER WITH PERIODS OF SUSPENSION NOT EXCEEDING THIRTY DAYS IN DURATION. FOR THE PURPOSES OF THIS CHAPTER SERVICE SHALL ALSO INCLUDE SERVICE IN THE ARMED FORCES OF THE UNITED STATES AS PROVIDED IN RCW 41.26.190. CREDIT SHALL BE ALLOWED FOR ALL SERVICE CREDIT MONTHS OF SERVICE RENDERED BY A MEMBER FROM AND AFTER THE MEMBER'S INITIAL COMMENCEMENT OF EMPLOYMENT AS A FIRE FIGHTER OR LAW ENFORCEMENT OFFICER, DURING WHICH THE MEMBER WORKED FOR SEVENTY OR MORE HOURS, OR WAS ON DISABILITY LEAVE OR DISABILITY RETIREMENT. ONLY SERVICE CREDIT MONTHS OF SERVICE SHALL BE COUNTED IN THE COMPUTATION OF ANY RETIREMENT ALLOWANCE OR OTHER BENEFIT PROVIDED FOR IN THIS CHAPTER.

(I) FOR MEMBERS RETIRING AFTER MAY 21, 1971 WHO WERE EMPLOYED UNDER THE COVERAGE OF A PRIOR PENSION ACT BEFORE MARCH 1, 1970, "SERVICE" SHALL ALSO INCLUDE (A) SUCH MILITARY SERVICE NOT EXCEEDING FIVE YEARS AS WAS CREDITABLE TO THE MEMBER AS OF MARCH 1, 1970, UNDER THE MEMBER'S PARTICULAR PRIOR PENSION ACT, AND (B) SUCH OTHER PERIODS OF SERVICE AS WERE THEN CREDITABLE TO A PARTICULAR MEMBER UNDER THE PROVISIONS OF RCW 41.18.165, 41.20.160 OR 41.20.170. HOWEVER, IN NO EVENT SHALL CREDIT BE ALLOWED FOR ANY SERVICE RENDERED PRIOR TO MARCH 1, 1970, WHERE THE MEMBER AT THE TIME OF RENDITION OF SUCH SERVICE WAS EMPLOYED IN A POSITION COVERED BY A PRIOR PENSION ACT, UNLESS SUCH SERVICE, AT THE TIME CREDIT IS CLAIMED THEREFOR, IS ALSO CREDITABLE UNDER THE PROVISIONS OF SUCH PRIOR ACT.

(II) A MEMBER WHO IS EMPLOYED BY TWO EMPLOYERS AT THE SAME TIME SHALL ONLY BE CREDITED WITH SERVICE TO ONE SUCH EMPLOYER FOR ANY MONTH DURING WHICH THE MEMBER RENDERED SUCH DUAL SERVICE.

~~(b))~~ "SERVICE" (~~FOR PLAN 2 MEMBERS;~~) MEANS PERIODS OF EMPLOYMENT BY A MEMBER FOR ONE OR MORE EMPLOYERS FOR WHICH BASIC SALARY IS EARNED FOR NINETY OR MORE HOURS PER CALENDAR MONTH WHICH SHALL CONSTITUTE A SERVICE CREDIT MONTH. PERIODS OF EMPLOYMENT BY A MEMBER FOR ONE OR MORE EMPLOYERS FOR WHICH BASIC SALARY IS EARNED FOR AT LEAST SEVENTY HOURS BUT LESS THAN NINETY HOURS PER CALENDAR MONTH SHALL CONSTITUTE ONE-HALF SERVICE CREDIT MONTH. PERIODS OF EMPLOYMENT BY A MEMBER FOR ONE OR MORE EMPLOYERS FOR WHICH BASIC SALARY IS EARNED FOR LESS THAN SEVENTY HOURS SHALL CONSTITUTE A ONE-QUARTER SERVICE CREDIT MONTH.

MEMBERS OF THE RETIREMENT SYSTEM WHO ARE ELECTED OR APPOINTED TO A STATE ELECTIVE POSITION MAY ELECT TO CONTINUE TO BE MEMBERS OF THIS RETIREMENT SYSTEM.

SERVICE CREDIT YEARS OF SERVICE SHALL BE DETERMINED BY DIVIDING THE TOTAL NUMBER OF SERVICE CREDIT MONTHS OF SERVICE BY TWELVE. ANY FRACTION OF A SERVICE CREDIT YEAR OF SERVICE AS SO DETERMINED SHALL BE TAKEN INTO ACCOUNT IN THE COMPUTATION OF SUCH RETIREMENT ALLOWANCE OR BENEFITS.

IF A MEMBER RECEIVES BASIC SALARY FROM TWO OR MORE EMPLOYERS DURING ANY CALENDAR MONTH, THE INDIVIDUAL SHALL RECEIVE ONE SERVICE CREDIT MONTH'S SERVICE CREDIT DURING ANY CALENDAR MONTH IN WHICH MULTIPLE SERVICE FOR NINETY OR MORE HOURS IS RENDERED; OR ONE-HALF SERVICE CREDIT MONTH'S SERVICE CREDIT DURING ANY CALENDAR MONTH IN WHICH MULTIPLE SERVICE FOR AT LEAST SEVENTY HOURS BUT LESS THAN NINETY HOURS IS RENDERED; OR ONE-QUARTER SERVICE CREDIT MONTH DURING ANY CALENDAR MONTH IN WHICH MULTIPLE SERVICE FOR LESS THAN SEVENTY HOURS IS RENDERED.

(15) "ACCUMULATED CONTRIBUTIONS" MEANS THE EMPLOYEE'S CONTRIBUTIONS MADE BY A MEMBER, INCLUDING ANY AMOUNT PAID UNDER RCW 41.50.165(2), PLUS ACCRUED INTEREST CREDITED THEREON.

(16) "ACTUARIAL RESERVE" MEANS A METHOD OF FINANCING A PENSION OR RETIREMENT PLAN WHEREIN RESERVES ARE ACCUMULATED AS THE LIABILITIES FOR BENEFIT PAYMENTS ARE INCURRED IN ORDER THAT SUFFICIENT FUNDS WILL BE AVAILABLE ON THE DATE OF RETIREMENT OF EACH MEMBER TO PAY THE MEMBER'S FUTURE BENEFITS DURING THE PERIOD OF RETIREMENT.

(17) "ACTUARIAL VALUATION" MEANS A MATHEMATICAL DETERMINATION OF THE FINANCIAL CONDITION OF A RETIREMENT PLAN. IT INCLUDES THE COMPUTATION OF THE PRESENT MONETARY VALUE OF BENEFITS PAYABLE TO PRESENT MEMBERS, AND THE PRESENT MONETARY VALUE OF FUTURE EMPLOYER AND EMPLOYEE CONTRIBUTIONS, GIVING EFFECT TO MORTALITY AMONG ACTIVE AND RETIRED MEMBERS AND ALSO TO THE RATES OF DISABILITY, RETIREMENT, WITHDRAWAL FROM SERVICE, SALARY AND INTEREST EARNED ON INVESTMENTS.

(18) (~~"DISABILITY BOARD" FOR PLAN 1 MEMBERS MEANS EITHER THE COUNTY DISABILITY BOARD OR THE CITY DISABILITY BOARD ESTABLISHED IN RCW 41.26.110.~~

~~(19) "DISABILITY LEAVE" MEANS THE PERIOD OF SIX MONTHS OR ANY PORTION THEREOF DURING WHICH A MEMBER IS ON LEAVE AT AN ALLOWANCE EQUAL TO THE MEMBER'S FULL SALARY PRIOR TO THE COMMENCEMENT OF DISABILITY RETIREMENT. THE DEFINITION CONTAINED IN THIS SUBSECTION SHALL APPLY ONLY TO PLAN 1 MEMBERS.~~

~~(20) "DISABILITY RETIREMENT" FOR PLAN 1 MEMBERS, MEANS THE PERIOD FOLLOWING TERMINATION OF A MEMBER'S DISABILITY LEAVE, DURING WHICH THE MEMBER IS IN RECEIPT OF A DISABILITY RETIREMENT ALLOWANCE.~~

~~(21)) "POSITION" MEANS THE EMPLOYMENT HELD AT ANY PARTICULAR TIME, WHICH MAY OR MAY NOT BE THE SAME AS CIVIL SERVICE RANK.~~

~~((22) "MEDICAL SERVICES" FOR PLAN 1 MEMBERS, SHALL INCLUDE THE FOLLOWING AS MINIMUM SERVICES TO BE PROVIDED. REASONABLE CHARGES FOR THESE SERVICES SHALL BE PAID IN ACCORDANCE WITH RCW 41.26.150.~~

~~(A) HOSPITAL EXPENSES: THESE ARE THE CHARGES MADE BY A HOSPITAL, IN ITS OWN BEHALF, FOR~~

~~(i) BOARD AND ROOM NOT TO EXCEED SEMIPRIVATE ROOM RATE UNLESS PRIVATE ROOM IS REQUIRED BY THE ATTENDING PHYSICIAN DUE TO THE CONDITION OF THE PATIENT;~~

~~(ii) NECESSARY HOSPITAL SERVICES, OTHER THAN BOARD AND ROOM, FURNISHED BY THE HOSPITAL;~~

~~(B) OTHER MEDICAL EXPENSES: THE FOLLOWING CHARGES ARE CONSIDERED "OTHER MEDICAL EXPENSES", PROVIDED THAT THEY HAVE NOT BEEN CONSIDERED AS "HOSPITAL EXPENSES":~~

~~(i) THE FEES OF THE FOLLOWING:~~

~~(A) A PHYSICIAN OR SURGEON LICENSED UNDER THE PROVISIONS OF CHAPTER 18.71 RCW;~~

~~(B) AN OSTEOPATHIC PHYSICIAN AND SURGEON LICENSED UNDER THE PROVISIONS OF CHAPTER 18.57 RCW;~~

~~(C) A CHIROPRACTOR LICENSED UNDER THE PROVISIONS OF CHAPTER 18.25 RCW.~~

~~(ii) THE CHARGES OF A REGISTERED GRADUATE NURSE OTHER THAN A NURSE WHO ORDINARILY RESIDES IN THE MEMBER'S HOME, OR IS A MEMBER OF THE FAMILY OF EITHER THE MEMBER OR THE MEMBER'S SPOUSE.~~

~~(iii) THE CHARGES FOR THE FOLLOWING MEDICAL SERVICES AND SUPPLIES:~~

~~(A) DRUGS AND MEDICINES UPON A PHYSICIAN'S PRESCRIPTION;~~

~~(B) DIAGNOSTIC X-RAY AND LABORATORY EXAMINATIONS;~~

~~(C) X-RAY, RADIUM, AND RADIOACTIVE ISOTOPES THERAPY;~~

~~(D) ANESTHESIA AND OXYGEN;~~

~~(E) RENTAL OF IRON LUNG AND OTHER DURABLE MEDICAL AND SURGICAL EQUIPMENT;~~

~~(F) ARTIFICIAL LIMBS AND EYES, AND CASTS, SPLINTS, AND TRUSSES;~~

~~(G) PROFESSIONAL AMBULANCE SERVICE WHEN USED TO TRANSPORT THE MEMBER TO OR FROM A HOSPITAL WHEN INJURED BY AN ACCIDENT OR STRICKEN BY A DISEASE;~~

~~(H) DENTAL CHARGES INCURRED BY A MEMBER WHO SUSTAINS AN ACCIDENTAL INJURY TO HIS OR HER TEETH AND WHO COMMENCES TREATMENT BY A LEGALLY LICENSED DENTIST WITHIN NINETY DAYS AFTER THE ACCIDENT;~~

~~(I) NURSING HOME CONFINEMENT OR HOSPITAL EXTENDED CARE FACILITY;~~

~~(J) PHYSICAL THERAPY BY A REGISTERED PHYSICAL THERAPIST;~~

~~(K) BLOOD TRANSFUSIONS, INCLUDING THE COST OF BLOOD AND BLOOD PLASMA NOT REPLACED BY VOLUNTARY DONORS;~~

~~(L) AN OPTOMETRIST LICENSED UNDER THE PROVISIONS OF CHAPTER 18.53 RCW.~~

~~(23)) (19) "REGULAR INTEREST" MEANS SUCH RATE AS THE DIRECTOR MAY DETERMINE.~~

~~((24)) (20) "RETIREE" ((FOR PERSONS WHO ESTABLISH MEMBERSHIP IN THE RETIREMENT SYSTEM ON OR AFTER OCTOBER 1, 1977,)) MEANS ANY MEMBER IN RECEIPT OF A RETIREMENT ALLOWANCE OR OTHER BENEFIT PROVIDED BY THIS CHAPTER RESULTING FROM SERVICE RENDERED TO AN EMPLOYER BY SUCH MEMBER.~~

~~((25)) (21) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.~~

~~((26)) (22) "STATE ACTUARY" OR "ACTUARY" MEANS THE PERSON APPOINTED PURSUANT TO RCW 44.44.010(2).~~

~~((27))~~ (23) "STATE ELECTIVE POSITION" MEANS ANY POSITION HELD BY ANY PERSON ELECTED OR APPOINTED TO STATEWIDE OFFICE OR ELECTED OR APPOINTED AS A MEMBER OF THE LEGISLATURE.

~~((28))~~ (24) "PLAN 1" MEANS THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM, PLAN 1 PROVIDING THE BENEFITS AND FUNDING PROVISIONS COVERING PERSONS WHO FIRST BECAME MEMBERS OF THE SYSTEM PRIOR TO OCTOBER 1, 1977, WHICH PLAN WAS TERMINATED EFFECTIVE DECEMBER 1, 2001, AND MEMBERS TRANSFERRED TO THE RETIREMENT SYSTEM ESTABLISHED BY CHAPTER 41.26A RCW.

~~((29))~~ (25) "PLAN 2" MEANS THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM, PLAN 2 PROVIDING THE BENEFITS AND FUNDING PROVISIONS COVERING PERSONS WHO FIRST BECAME MEMBERS OF THE SYSTEM ON AND AFTER OCTOBER 1, 1977.

~~((30))~~ (26) "SERVICE CREDIT YEAR" MEANS AN ACCUMULATION OF MONTHS OF SERVICE CREDIT WHICH IS EQUAL TO ONE WHEN DIVIDED BY TWELVE.

~~((31))~~ (27) "SERVICE CREDIT MONTH" MEANS A FULL SERVICE CREDIT MONTH OR AN ACCUMULATION OF PARTIAL SERVICE CREDIT MONTHS THAT ARE EQUAL TO ONE.

~~((32))~~ (28) "GENERAL AUTHORITY LAW ENFORCEMENT AGENCY" MEANS ANY AGENCY, DEPARTMENT, OR DIVISION OF A MUNICIPAL CORPORATION, POLITICAL SUBDIVISION, OR OTHER UNIT OF LOCAL GOVERNMENT OF THIS STATE, AND ANY AGENCY, DEPARTMENT, OR DIVISION OF STATE GOVERNMENT, HAVING AS ITS PRIMARY FUNCTION THE DETECTION AND APPREHENSION OF PERSONS COMMITTING INFRACTIONS OR VIOLATING THE TRAFFIC OR CRIMINAL LAWS IN GENERAL, BUT NOT INCLUDING THE WASHINGTON STATE PATROL. SUCH AN AGENCY, DEPARTMENT, OR DIVISION IS DISTINGUISHED FROM A LIMITED AUTHORITY LAW ENFORCEMENT AGENCY HAVING AS ONE OF ITS FUNCTIONS THE APPREHENSION OR DETECTION OF PERSONS COMMITTING INFRACTIONS OR VIOLATING THE TRAFFIC OR CRIMINAL LAWS RELATING TO LIMITED SUBJECT AREAS, INCLUDING BUT NOT LIMITED TO, THE STATE DEPARTMENTS OF NATURAL RESOURCES, FISH AND WILDLIFE, AND SOCIAL AND HEALTH SERVICES, THE STATE GAMBLING COMMISSION, THE STATE LOTTERY COMMISSION, THE STATE PARKS AND RECREATION COMMISSION, THE STATE UTILITIES AND TRANSPORTATION COMMISSION, THE STATE LIQUOR CONTROL BOARD, AND THE STATE DEPARTMENT OF CORRECTIONS.

Sec. 103. RCW 41.26.040 AND 1991 C 35 S 15 ARE EACH AMENDED TO READ AS FOLLOWS:

THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2 IS HEREBY CREATED FOR FIRE FIGHTERS AND LAW ENFORCEMENT OFFICERS.

(1) ~~((NOTWITHSTANDING RCW 41.26.030(8),))~~ ALL FIRE FIGHTERS AND LAW ENFORCEMENT OFFICERS EMPLOYED AS SUCH ON OR AFTER ~~((MARCH 1, 1970))~~ OCTOBER 1, 1977, ON A FULL TIME FULLY COMPENSATED BASIS IN THIS STATE SHALL BE MEMBERS OF THE RETIREMENT SYSTEM ESTABLISHED BY THIS CHAPTER WITH RESPECT TO ALL PERIODS OF SERVICE AS SUCH, TO THE EXCLUSION OF ANY PENSION SYSTEM EXISTING UNDER ANY PRIOR ACT.

(2) ~~((ANY EMPLOYEE SERVING AS A LAW ENFORCEMENT OFFICER OR FIRE FIGHTER ON MARCH 1, 1970, WHO IS THEN MAKING RETIREMENT CONTRIBUTIONS UNDER ANY PRIOR ACT SHALL HAVE HIS MEMBERSHIP TRANSFERRED TO THE SYSTEM ESTABLISHED BY THIS CHAPTER AS OF SUCH DATE. UPON RETIREMENT FOR SERVICE OR FOR DISABILITY, OR DEATH, OF ANY SUCH EMPLOYEE, HIS RETIREMENT BENEFITS EARNED UNDER THIS CHAPTER SHALL BE COMPUTED AND PAID. IN ADDITION, HIS BENEFITS UNDER THE PRIOR RETIREMENT ACT TO WHICH HE WAS MAKING CONTRIBUTIONS AT THE TIME OF THIS TRANSFER SHALL BE COMPUTED AS IF HE HAD NOT TRANSFERRED. FOR THE PURPOSE OF SUCH COMPUTATIONS, THE EMPLOYEE'S CREDITABILITY OF SERVICE AND ELIGIBILITY FOR SERVICE OR DISABILITY RETIREMENT AND SURVIVOR AND ALL OTHER BENEFITS SHALL CONTINUE TO BE AS PROVIDED IN SUCH PRIOR RETIREMENT ACT, AS IF TRANSFER OF MEMBERSHIP HAD NOT OCCURRED. THE EXCESS, IF ANY, OF THE BENEFITS SO COMPUTED, GIVING FULL VALUE TO SURVIVOR BENEFITS, OVER THE BENEFITS PAYABLE UNDER THIS CHAPTER SHALL BE PAID WHETHER OR NOT THE EMPLOYEE HAS MADE APPLICATION UNDER THE PRIOR ACT. IF THE EMPLOYEE'S PRIOR RETIREMENT SYSTEM WAS THE WASHINGTON PUBLIC EMPLOYEES' RETIREMENT SYSTEM, PAYMENT OF SUCH EXCESS SHALL BE MADE BY THAT SYSTEM; IF THE EMPLOYEE'S PRIOR RETIREMENT SYSTEM WAS THE STATEWIDE CITY EMPLOYEES' RETIREMENT SYSTEM, PAYMENT OF SUCH EXCESS SHALL BE MADE BY THE EMPLOYER WHICH WAS THE MEMBER'S EMPLOYER WHEN HIS TRANSFER OF MEMBERSHIP OCCURRED. PROVIDED, THAT ANY DEATH IN LINE OF DUTY LUMP SUM BENEFIT PAYMENT SHALL CONTINUE TO BE THE OBLIGATION OF THAT SYSTEM AS PROVIDED IN RCW 41.44.210; IN THE CASE OF ALL OTHER PRIOR RETIREMENT SYSTEMS, PAYMENT OF SUCH EXCESS SHALL BE MADE BY THE EMPLOYER WHICH WAS THE MEMBER'S EMPLOYER WHEN HIS TRANSFER OF MEMBERSHIP OCCURRED.~~

~~(3))~~ ALL FUNDS HELD BY ANY FIREMEN'S OR POLICEMEN'S RELIEF AND PENSION FUND SHALL REMAIN IN THAT FUND FOR THE PURPOSE OF PAYING THE OBLIGATIONS OF THE FUND. THE MUNICIPALITY SHALL CONTINUE TO LEVY THE DOLLAR RATE AS PROVIDED IN RCW 41.16.060, AND THIS DOLLAR RATE SHALL BE USED FOR THE PURPOSE OF PAYING THE BENEFITS PROVIDED IN CHAPTERS 41.16 AND 41.18 RCW. THE OBLIGATIONS OF CHAPTER 41.20 RCW SHALL CONTINUE TO BE PAID FROM WHATEVER FINANCIAL SOURCES THE CITY HAS BEEN USING FOR THIS PURPOSE.

Sec. 104. RCW 41.26.061 AND 1997 C 103 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

A MEMBER SHALL NOT RECEIVE A DISABILITY RETIREMENT BENEFIT UNDER RCW ~~((41.26.120, 41.26.125, 41.26.130, OR))~~ 41.26.470 IF THE DISABILITY IS THE RESULT OF CRIMINAL CONDUCT BY THE MEMBER COMMITTED AFTER APRIL 21, 1997.

PART II

CHAPTER 41.26A RCW: RESTATED LEOFF RETIREMENT SYSTEM

NEW SECTION. Sec. 201. APPLICATION OF CHAPTER. THIS CHAPTER APPLIES TO MEMBERS OF THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM. MEMBERSHIP IN THE SYSTEM IS LIMITED TO THOSE PERSONS WHO WERE MEMBERS OF PLAN 1 OF THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM UNDER CHAPTER 41.26 RCW PRIOR TO DECEMBER 1, 2001.

NEW SECTION. Sec. 202. DEFINITIONS. THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS CHAPTER UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE.

(1) "RETIREMENT SYSTEM" MEANS THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM.

(2) "EMPLOYER" MEANS THE LEGISLATIVE AUTHORITY OF ANY CITY, TOWN, COUNTY, OR DISTRICT OR THE ELECTED OFFICIALS OF ANY MUNICIPAL CORPORATION THAT EMPLOYS ANY LAW ENFORCEMENT OFFICER AND/OR FIRE FIGHTER, ANY AUTHORIZED ASSOCIATION OF SUCH MUNICIPALITIES, AND, EXCEPT FOR THE PURPOSES OF SECTION 225 OF THIS ACT, ANY LABOR GUILD, ASSOCIATION, OR ORGANIZATION, WHICH REPRESENTS THE FIRE FIGHTERS OR LAW ENFORCEMENT OFFICERS OF AT LEAST SEVEN CITIES OF OVER TWENTY THOUSAND

POPULATION AND THE MEMBERSHIP OF EACH LOCAL LODGE OR DIVISION OF WHICH IS COMPOSED OF AT LEAST SIXTY PERCENT LAW ENFORCEMENT OFFICERS OR FIRE FIGHTERS AS DEFINED IN THIS CHAPTER.

(3) "LAW ENFORCEMENT OFFICER" BEGINNING JANUARY 1, 1994, MEANS ANY PERSON WHO IS COMMISSIONED AND EMPLOYED BY AN EMPLOYER ON A FULL-TIME, FULLY COMPENSATED BASIS TO ENFORCE THE CRIMINAL LAWS OF THE STATE OF WASHINGTON GENERALLY, WITH THE FOLLOWING QUALIFICATIONS:

(A) NO PERSON WHO IS SERVING IN A POSITION THAT IS BASICALLY CLERICAL OR SECRETARIAL IN NATURE, AND WHO IS NOT COMMISSIONED SHALL BE CONSIDERED A LAW ENFORCEMENT OFFICER;

(B) ONLY THOSE DEPUTY SHERIFFS, INCLUDING THOSE SERVING UNDER A DIFFERENT TITLE PURSUANT TO COUNTY CHARTER, WHO HAVE SUCCESSFULLY COMPLETED A CIVIL SERVICE EXAMINATION FOR DEPUTY SHERIFF OR THE EQUIVALENT POSITION, WHERE A DIFFERENT TITLE IS USED, AND THOSE PERSONS SERVING IN UNCLASSIFIED POSITIONS AUTHORIZED BY RCW 41.14.070 EXCEPT A PRIVATE SECRETARY WILL BE CONSIDERED LAW ENFORCEMENT OFFICERS;

(C) ONLY SUCH FULL-TIME COMMISSIONED LAW ENFORCEMENT PERSONNEL AS HAVE BEEN APPOINTED TO OFFICES, POSITIONS, OR RANKS IN THE POLICE DEPARTMENT WHICH HAVE BEEN SPECIFICALLY CREATED OR OTHERWISE EXPRESSLY PROVIDED FOR AND DESIGNATED BY CITY CHARTER PROVISION OR BY ORDINANCE ENACTED BY THE LEGISLATIVE BODY OF THE CITY SHALL BE CONSIDERED CITY POLICE OFFICERS;

(D) THE TERM "LAW ENFORCEMENT OFFICER" ALSO INCLUDES THE EXECUTIVE SECRETARY OF A LABOR GUILD, ASSOCIATION, OR ORGANIZATION (WHICH IS AN EMPLOYER UNDER THIS SECTION) IF THAT INDIVIDUAL HAS FIVE YEARS PREVIOUS MEMBERSHIP IN THE RETIREMENT SYSTEM ESTABLISHED IN CHAPTER 41.20 RCW; AND

(E) THE TERM "LAW ENFORCEMENT OFFICER" ALSO INCLUDES A PERSON EMPLOYED ON OR AFTER JANUARY 1, 1993, AS A PUBLIC SAFETY OFFICER OR DIRECTOR OF PUBLIC SAFETY, SO LONG AS THE JOB DUTIES SUBSTANTIALLY INVOLVE ONLY EITHER POLICE OR FIRE DUTIES, OR BOTH, AND NO OTHER DUTIES IN A CITY OR TOWN WITH A POPULATION OF LESS THAN TEN THOUSAND. THE PROVISIONS OF THIS SUBSECTION (3)(E) SHALL NOT APPLY TO ANY PUBLIC SAFETY OFFICER OR DIRECTOR OF PUBLIC SAFETY WHO IS RECEIVING A RETIREMENT ALLOWANCE UNDER THIS CHAPTER AS OF MAY 12, 1993.

(4) "FIRE FIGHTER" MEANS:

(A) ANY PERSON WHO IS SERVING ON A FULL-TIME, FULLY COMPENSATED BASIS AS A MEMBER OF A FIRE DEPARTMENT OF AN EMPLOYER AND WHO IS SERVING IN A POSITION WHICH REQUIRES PASSING A CIVIL SERVICE EXAMINATION FOR FIRE FIGHTER, AND WHO IS ACTIVELY EMPLOYED AS SUCH;

(B) ANYONE WHO IS ACTIVELY EMPLOYED AS A FULL-TIME FIRE FIGHTER WHERE THE FIRE DEPARTMENT DOES NOT HAVE A CIVIL SERVICE EXAMINATION;

(C) SUPERVISORY FIRE FIGHTER PERSONNEL;

(D) ANY FULL-TIME EXECUTIVE SECRETARY OF AN ASSOCIATION OF FIRE PROTECTION DISTRICTS AUTHORIZED UNDER RCW 52.12.031;

(E) THE EXECUTIVE SECRETARY OF A LABOR GUILD, ASSOCIATION, OR ORGANIZATION (WHICH IS AN EMPLOYER UNDER THIS SECTION), IF SUCH INDIVIDUAL HAS FIVE YEARS PREVIOUS MEMBERSHIP IN A RETIREMENT SYSTEM ESTABLISHED IN CHAPTER 41.16 OR 41.18 RCW;

(F) ANY PERSON WHO IS SERVING ON A FULL-TIME, FULLY COMPENSATED BASIS FOR AN EMPLOYER, AS A FIRE DISPATCHER, IN A DEPARTMENT IN WHICH, ON MARCH 1, 1970, A DISPATCHER WAS REQUIRED TO HAVE PASSED A CIVIL SERVICE EXAMINATION FOR FIRE FIGHTER; AND

(G) ANY PERSON WHO ON MARCH 1, 1970, WAS EMPLOYED ON A FULL-TIME, FULLY COMPENSATED BASIS BY AN EMPLOYER, AND WHO ON MAY 21, 1971, WAS MAKING RETIREMENT CONTRIBUTIONS UNDER THE PROVISIONS OF CHAPTER 41.16 OR 41.18 RCW.

(5) "DEPARTMENT" MEANS THE DEPARTMENT OF RETIREMENT SYSTEMS CREATED IN CHAPTER 41.50 RCW.

(6) "SURVIVING SPOUSE" MEANS THE SURVIVING WIDOW OR WIDOWER OF A MEMBER. "SURVIVING SPOUSE" SHALL NOT INCLUDE THE DIVORCED SPOUSE OF A MEMBER EXCEPT AS PROVIDED IN SECTION 228 OF THIS ACT.

(7)(A) "CHILD" OR "CHILDREN" MEANS AN UNMARRIED PERSON WHO IS UNDER THE AGE OF EIGHTEEN OR MENTALLY OR PHYSICALLY HANDICAPPED AS DETERMINED BY THE DEPARTMENT, EXCEPT A HANDICAPPED PERSON IN THE FULL-TIME CARE OF A STATE INSTITUTION, WHO IS:

(I) A NATURAL BORN CHILD;

(II) A STEPCHILD WHERE THAT RELATIONSHIP WAS IN EXISTENCE PRIOR TO THE DATE BENEFITS ARE PAYABLE UNDER THIS CHAPTER;

(III) A POSTHUMOUS CHILD;

(IV) A CHILD LEGALLY ADOPTED OR MADE A LEGAL WARD OF A MEMBER PRIOR TO THE DATE BENEFITS ARE PAYABLE UNDER THIS CHAPTER; OR

(V) AN ILLEGITIMATE CHILD LEGITIMIZED PRIOR TO THE DATE ANY BENEFITS ARE PAYABLE UNDER THIS CHAPTER.

(B) A PERSON SHALL ALSO BE DEEMED TO BE A CHILD UP TO AND INCLUDING THE AGE OF TWENTY YEARS AND ELEVEN MONTHS WHILE ATTENDING ANY HIGH SCHOOL, COLLEGE, OR VOCATIONAL OR OTHER EDUCATIONAL INSTITUTION ACCREDITED, LICENSED, OR APPROVED BY THE STATE, IN WHICH IT IS LOCATED, INCLUDING THE SUMMER VACATION MONTHS AND ALL OTHER NORMAL AND REGULAR VACATION PERIODS AT THE PARTICULAR EDUCATIONAL INSTITUTION AFTER WHICH THE CHILD RETURNS TO SCHOOL.

(8) "MEMBER" MEANS ANY FIRE FIGHTER, LAW ENFORCEMENT OFFICER, OR OTHER PERSON AS WOULD APPLY UNDER SUBSECTION (3) OR (4) OF THIS SECTION WHOSE MEMBERSHIP IS TRANSFERRED TO THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM ON OR AFTER MARCH 1, 1970, AND EVERY LAW ENFORCEMENT OFFICER AND FIRE FIGHTER WHO IS EMPLOYED IN THAT CAPACITY ON OR AFTER SUCH DATE.

(9) "RETIREMENT FUND" MEANS THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT RETIREMENT FUND.

(10) "EMPLOYEE" MEANS ANY LAW ENFORCEMENT OFFICER OR FIRE FIGHTER AS DEFINED IN SUBSECTIONS (3) AND (4) OF THIS SECTION.

(11) "BENEFICIARY" MEANS ANY PERSON IN RECEIPT OF A RETIREMENT ALLOWANCE, DISABILITY ALLOWANCE, DEATH BENEFIT, OR ANY OTHER BENEFIT DESCRIBED HEREIN.

(12) "FINAL AVERAGE SALARY" MEANS (A) FOR A MEMBER HOLDING THE SAME POSITION OR RANK FOR A MINIMUM OF TWELVE MONTHS PRECEDING THE DATE OF RETIREMENT, THE BASIC SALARY ATTACHED TO SUCH SAME POSITION OR RANK AT TIME OF RETIREMENT; (B) FOR ANY OTHER MEMBER, INCLUDING A CIVIL SERVICE MEMBER WHO HAS NOT SERVED A MINIMUM OF TWELVE MONTHS IN THE SAME

POSITION OR RANK PRECEDING THE DATE OF RETIREMENT, THE AVERAGE OF THE GREATEST BASIC SALARIES PAYABLE TO SUCH MEMBER DURING ANY CONSECUTIVE TWENTY-FOUR MONTH PERIOD WITHIN SUCH MEMBER'S LAST TEN YEARS OF SERVICE FOR WHICH SERVICE CREDIT IS ALLOWED, COMPUTED BY DIVIDING THE TOTAL BASIC SALARIES PAYABLE TO SUCH MEMBER DURING THE SELECTED TWENTY-FOUR MONTH PERIOD BY TWENTY-FOUR; (C) IN THE CASE OF DISABILITY OF ANY MEMBER, THE BASIC SALARY PAYABLE TO SUCH MEMBER AT THE TIME OF DISABILITY RETIREMENT; (D) IN THE CASE OF A MEMBER WHO HEREAFTER VESTS PURSUANT TO SECTION 216 OF THIS ACT, THE BASIC SALARY PAYABLE TO SUCH MEMBER AT THE TIME OF VESTING.

(13) "BASIC SALARY" MEANS THE BASIC MONTHLY RATE OF SALARY OR WAGES, INCLUDING LONGEVITY PAY BUT NOT INCLUDING OVERTIME EARNINGS OR SPECIAL SALARY OR WAGES, UPON WHICH PENSION OR RETIREMENT BENEFITS WILL BE COMPUTED AND UPON WHICH EMPLOYER CONTRIBUTIONS AND SALARY DEDUCTIONS WILL BE BASED.

(14) "SERVICE" MEANS ALL PERIODS OF EMPLOYMENT FOR AN EMPLOYER AS A FIRE FIGHTER OR LAW ENFORCEMENT OFFICER, FOR WHICH COMPENSATION IS PAID, TOGETHER WITH PERIODS OF SUSPENSION NOT EXCEEDING THIRTY DAYS IN DURATION. FOR THE PURPOSES OF THIS CHAPTER SERVICE ALSO INCLUDES SERVICE IN THE ARMED FORCES OF THE UNITED STATES AS PROVIDED IN SECTION 230 OF THIS ACT. CREDIT SHALL BE ALLOWED FOR ALL SERVICE CREDIT MONTHS OF SERVICE RENDERED BY A MEMBER FROM AND AFTER THE MEMBER'S INITIAL COMMENCEMENT OF EMPLOYMENT AS A FIRE FIGHTER OR LAW ENFORCEMENT OFFICER, DURING WHICH THE MEMBER WORKED FOR SEVENTY OR MORE HOURS, OR WAS ON DISABILITY LEAVE OR DISABILITY RETIREMENT. ONLY SERVICE CREDIT MONTHS OF SERVICE SHALL BE COUNTED IN THE COMPUTATION OF ANY RETIREMENT ALLOWANCE OR OTHER BENEFIT PROVIDED FOR IN THIS CHAPTER.

(A) FOR MEMBERS RETIRING AFTER MAY 21, 1971, WHO WERE EMPLOYED UNDER THE COVERAGE OF A PRIOR PENSION ACT BEFORE MARCH 1, 1970, "SERVICE" ALSO INCLUDES (I) SUCH MILITARY SERVICE NOT EXCEEDING FIVE YEARS AS WAS CREDITABLE TO THE MEMBER AS OF MARCH 1, 1970, UNDER THE MEMBER'S PARTICULAR PRIOR PENSION ACT, AND (II) SUCH OTHER PERIODS OF SERVICE AS WERE THEN CREDITABLE TO A PARTICULAR MEMBER UNDER THE PROVISIONS OF RCW 41.18.165, 41.20.160 OR 41.20.170. HOWEVER, IN NO EVENT SHALL CREDIT BE ALLOWED FOR ANY SERVICE RENDERED PRIOR TO MARCH 1, 1970, WHERE THE MEMBER AT THE TIME OF RENDITION OF SUCH SERVICE WAS EMPLOYED IN A POSITION COVERED BY A PRIOR PENSION ACT, UNLESS SUCH SERVICE, AT THE TIME CREDIT IS CLAIMED THEREFOR, IS ALSO CREDITABLE UNDER THE PROVISIONS OF SUCH PRIOR ACT.

(B) A MEMBER WHO IS EMPLOYED BY TWO EMPLOYERS AT THE SAME TIME SHALL ONLY BE CREDITED WITH SERVICE TO ONE SUCH EMPLOYER FOR ANY MONTH DURING WHICH THE MEMBER RENDERED SUCH DUAL SERVICE.

(15) "ACCUMULATED CONTRIBUTIONS" MEANS THE EMPLOYEE'S CONTRIBUTIONS MADE BY A MEMBER, INCLUDING ANY AMOUNT PAID UNDER RCW 41.50.165(2), PLUS ACCRUED INTEREST CREDITED THEREON.

(16) "ACTUARIAL RESERVE" MEANS A METHOD OF FINANCING A PENSION OR RETIREMENT PLAN WHEREIN RESERVES ARE ACCUMULATED AS THE LIABILITIES FOR BENEFIT PAYMENTS ARE INCURRED IN ORDER THAT SUFFICIENT FUNDS WILL BE AVAILABLE ON THE DATE OF RETIREMENT OF EACH MEMBER TO PAY THE MEMBER'S FUTURE BENEFITS DURING THE PERIOD OF RETIREMENT.

(17) "ACTUARIAL VALUATION" MEANS A MATHEMATICAL DETERMINATION OF THE FINANCIAL CONDITION OF A RETIREMENT PLAN. IT INCLUDES THE COMPUTATION OF THE PRESENT MONETARY VALUE OF BENEFITS PAYABLE TO PRESENT MEMBERS, AND THE PRESENT MONETARY VALUE OF FUTURE EMPLOYER AND EMPLOYEE CONTRIBUTIONS, GIVING EFFECT TO MORTALITY AMONG ACTIVE AND RETIRED MEMBERS AND ALSO TO THE RATES OF DISABILITY, RETIREMENT, WITHDRAWAL FROM SERVICE, SALARY AND INTEREST EARNED ON INVESTMENTS.

(18) "DISABILITY BOARD" MEANS EITHER THE COUNTY DISABILITY BOARD OR THE CITY DISABILITY BOARD ESTABLISHED IN SECTION 218 OF THIS ACT.

(19) "DISABILITY LEAVE" MEANS THE PERIOD OF SIX MONTHS OR ANY PORTION THEREOF DURING WHICH A MEMBER IS ON LEAVE AT AN ALLOWANCE EQUAL TO THE MEMBER'S FULL SALARY PRIOR TO THE COMMENCEMENT OF DISABILITY RETIREMENT.

(20) "DISABILITY RETIREMENT" MEANS THE PERIOD FOLLOWING TERMINATION OF A MEMBER'S DISABILITY LEAVE, DURING WHICH THE MEMBER IS IN RECEIPT OF A DISABILITY RETIREMENT ALLOWANCE.

(21) "POSITION" MEANS THE EMPLOYMENT HELD AT ANY PARTICULAR TIME, WHICH MAY OR MAY NOT BE THE SAME AS CIVIL SERVICE RANK.

(22) "MEDICAL SERVICES" INCLUDE THE FOLLOWING AS MINIMUM SERVICES TO BE PROVIDED. REASONABLE CHARGES FOR THESE SERVICES SHALL BE PAID IN ACCORDANCE WITH SECTION 225 OF THIS ACT.

(A) HOSPITAL EXPENSES: THESE ARE THE CHARGES MADE BY A HOSPITAL, IN ITS OWN BEHALF, FOR:

(I) BOARD AND ROOM NOT TO EXCEED SEMIPRIVATE ROOM RATE UNLESS PRIVATE ROOM IS REQUIRED BY THE ATTENDING PHYSICIAN DUE TO THE CONDITION OF THE PATIENT.

(II) NECESSARY HOSPITAL SERVICES, OTHER THAN BOARD AND ROOM, FURNISHED BY THE HOSPITAL.

(B) OTHER MEDICAL EXPENSES: THE FOLLOWING CHARGES ARE CONSIDERED "OTHER MEDICAL EXPENSES," PROVIDED THAT THEY HAVE NOT BEEN CONSIDERED AS "HOSPITAL EXPENSES."

(I) THE FEES OF THE FOLLOWING:

(A) A PHYSICIAN OR SURGEON LICENSED UNDER THE PROVISIONS OF CHAPTER 18.71 RCW;

(B) AN OSTEOPATHIC PHYSICIAN AND SURGEON LICENSED UNDER THE PROVISIONS OF CHAPTER 18.57 RCW;

(C) A CHIROPRACTOR LICENSED UNDER THE PROVISIONS OF CHAPTER 18.25 RCW.

(II) THE CHARGES OF A REGISTERED GRADUATE NURSE OTHER THAN A NURSE WHO ORDINARILY RESIDES IN THE MEMBER'S HOME, OR IS A MEMBER OF THE FAMILY OF EITHER THE MEMBER OR THE MEMBER'S SPOUSE.

(III) THE CHARGES FOR THE FOLLOWING MEDICAL SERVICES AND SUPPLIES:

(A) DRUGS AND MEDICINES UPON A PHYSICIAN'S PRESCRIPTION;

(B) DIAGNOSTIC X-RAY AND LABORATORY EXAMINATIONS;

(C) X-RAY, RADIUM, AND RADIOACTIVE ISOTOPES THERAPY;

(D) ANESTHESIA AND OXYGEN;

(E) RENTAL OF IRON LUNG AND OTHER DURABLE MEDICAL AND SURGICAL EQUIPMENT;

(F) ARTIFICIAL LIMBS AND EYES, AND CASTS, SPLINTS, AND TRUSSES;

(G) PROFESSIONAL AMBULANCE SERVICE WHEN USED TO TRANSPORT THE MEMBER TO OR FROM A HOSPITAL WHEN INJURED BY AN ACCIDENT OR STRICKEN BY A DISEASE;

(H) DENTAL CHARGES INCURRED BY A MEMBER WHO SUSTAINS AN ACCIDENTAL INJURY TO HIS OR HER TEETH AND WHO COMMENCES TREATMENT BY A LEGALLY LICENSED DENTIST WITHIN NINETY DAYS AFTER THE ACCIDENT;

(I) NURSING HOME CONFINEMENT OR HOSPITAL EXTENDED CARE FACILITY;

(J) PHYSICAL THERAPY BY A REGISTERED PHYSICAL THERAPIST;

(K) BLOOD TRANSFUSIONS, INCLUDING THE COST OF BLOOD AND BLOOD PLASMA NOT REPLACED BY VOLUNTARY DONORS;

(L) AN OPTOMETRIST LICENSED UNDER THE PROVISIONS OF CHAPTER 18.53 RCW.

(23) "REGULAR INTEREST" MEANS SUCH RATE AS THE DIRECTOR MAY DETERMINE.

(24) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

(25) "STATE ACTUARY" OR "ACTUARY" MEANS THE PERSON APPOINTED PURSUANT TO RCW 44.44.010(2).

(26) "STATE ELECTIVE POSITION" MEANS ANY POSITION HELD BY ANY PERSON ELECTED OR APPOINTED TO STATEWIDE OFFICE OR ELECTED OR APPOINTED AS A MEMBER OF THE LEGISLATURE.

(27) "SERVICE CREDIT YEAR" MEANS AN ACCUMULATION OF MONTHS OF SERVICE CREDIT WHICH IS EQUAL TO ONE WHEN DIVIDED BY TWELVE.

(28) "SERVICE CREDIT MONTH" MEANS A FULL SERVICE CREDIT MONTH OR AN ACCUMULATION OF PARTIAL SERVICE CREDIT MONTHS THAT ARE EQUAL TO ONE.

(29) "GENERAL AUTHORITY LAW ENFORCEMENT AGENCY" MEANS ANY AGENCY, DEPARTMENT, OR DIVISION OF A MUNICIPAL CORPORATION, POLITICAL SUBDIVISION, OR OTHER UNIT OF LOCAL GOVERNMENT OF THIS STATE, AND ANY AGENCY, DEPARTMENT, OR DIVISION OF STATE GOVERNMENT, HAVING AS ITS PRIMARY FUNCTION THE DETECTION AND APPREHENSION OF PERSONS COMMITTING INFRACTIONS OR VIOLATING THE TRAFFIC OR CRIMINAL LAWS IN GENERAL, BUT NOT INCLUDING THE WASHINGTON STATE PATROL. SUCH AN AGENCY, DEPARTMENT, OR DIVISION IS DISTINGUISHED FROM A LIMITED AUTHORITY LAW ENFORCEMENT AGENCY HAVING AS ONE OF ITS FUNCTIONS THE APPREHENSION OR DETECTION OF PERSONS COMMITTING INFRACTIONS OR VIOLATING THE TRAFFIC OR CRIMINAL LAWS RELATING TO LIMITED SUBJECT AREAS, INCLUDING BUT NOT LIMITED TO, THE STATE DEPARTMENTS OF NATURAL RESOURCES, FISH AND WILDLIFE, AND SOCIAL AND HEALTH SERVICES, THE STATE GAMBLING COMMISSION, THE STATE LOTTERY COMMISSION, THE STATE PARKS AND RECREATION COMMISSION, THE STATE UTILITIES AND TRANSPORTATION COMMISSION, THE STATE LIQUOR CONTROL BOARD, AND THE STATE DEPARTMENT OF CORRECTIONS.

NEW SECTION. Sec. 203. SYSTEM CREATED--MEMBERSHIP--FUNDS. THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM IS HEREBY CREATED FOR FIRE FIGHTERS AND LAW ENFORCEMENT OFFICERS.

(1) NOTWITHSTANDING SECTION 202(8) OF THIS ACT, ALL FIRE FIGHTERS AND LAW ENFORCEMENT OFFICERS EMPLOYED AS SUCH ON OR AFTER MARCH 1, 1970, ON A FULL-TIME FULLY COMPENSATED BASIS IN THIS STATE SHALL BE MEMBERS OF THE RETIREMENT SYSTEM ESTABLISHED BY THIS CHAPTER WITH RESPECT TO ALL PERIODS OF SERVICE AS SUCH, TO THE EXCLUSION OF ANY PENSION SYSTEM EXISTING UNDER ANY PRIOR ACT.

(2) ANY EMPLOYEE SERVING AS A LAW ENFORCEMENT OFFICER OR FIRE FIGHTER ON MARCH 1, 1970, WHO IS THEN MAKING RETIREMENT CONTRIBUTIONS UNDER ANY PRIOR ACT SHALL HAVE HIS OR HER MEMBERSHIP TRANSFERRED TO THE SYSTEM ESTABLISHED BY THIS CHAPTER AS OF SUCH DATE. UPON RETIREMENT FOR SERVICE OR FOR DISABILITY, OR DEATH, OF ANY SUCH EMPLOYEE, HIS OR HER RETIREMENT BENEFITS EARNED UNDER THIS CHAPTER SHALL BE COMPUTED AND PAID. IN ADDITION, HIS OR HER BENEFITS UNDER THE PRIOR RETIREMENT ACT TO WHICH HE OR SHE WAS MAKING CONTRIBUTIONS AT THE TIME OF THIS TRANSFER SHALL BE COMPUTED AS IF HE OR SHE HAD NOT TRANSFERRED. FOR THE PURPOSE OF SUCH COMPUTATIONS, THE EMPLOYEE'S CREDITABILITY OF SERVICE AND ELIGIBILITY FOR SERVICE OR DISABILITY RETIREMENT AND SURVIVOR AND ALL OTHER BENEFITS SHALL CONTINUE TO BE AS PROVIDED IN SUCH PRIOR RETIREMENT ACT, AS IF TRANSFER OF MEMBERSHIP HAD NOT OCCURRED. THE EXCESS, IF ANY, OF THE BENEFITS SO COMPUTED, GIVING FULL VALUE TO SURVIVOR BENEFITS, OVER THE BENEFITS PAYABLE UNDER THIS CHAPTER SHALL BE PAID WHETHER OR NOT THE EMPLOYEE HAS MADE APPLICATION UNDER THE PRIOR ACT. IF THE EMPLOYEE'S PRIOR RETIREMENT SYSTEM WAS THE WASHINGTON PUBLIC EMPLOYEES' RETIREMENT SYSTEM, PAYMENT OF SUCH EXCESS SHALL BE MADE BY THAT SYSTEM; IF THE EMPLOYEE'S PRIOR RETIREMENT SYSTEM WAS THE STATEWIDE CITY EMPLOYEES' RETIREMENT SYSTEM, PAYMENT OF SUCH EXCESS SHALL BE MADE BY THE EMPLOYER WHICH WAS THE MEMBER'S EMPLOYER WHEN HIS OR HER TRANSFER OF MEMBERSHIP OCCURRED: PROVIDED, THAT ANY DEATH IN LINE OF DUTY LUMP SUM BENEFIT PAYMENT SHALL CONTINUE TO BE THE OBLIGATION OF THAT SYSTEM AS PROVIDED IN RCW 41.44.210; IN THE CASE OF ALL OTHER PRIOR RETIREMENT SYSTEMS, PAYMENT OF SUCH EXCESS SHALL BE MADE BY THE EMPLOYER WHICH WAS THE MEMBER'S EMPLOYER WHEN HIS OR HER TRANSFER OF MEMBERSHIP OCCURRED.

(3) ALL FUNDS HELD BY ANY FIREMEN'S OR POLICEMEN'S RELIEF AND PENSION FUND SHALL REMAIN IN THAT FUND FOR THE PURPOSE OF PAYING THE OBLIGATIONS OF THE FUND. THE MUNICIPALITY SHALL CONTINUE TO LEVY THE DOLLAR RATE AS PROVIDED IN RCW 41.16.060, AND THIS DOLLAR RATE SHALL BE USED FOR THE PURPOSE OF PAYING THE BENEFITS PROVIDED IN CHAPTERS 41.16 AND 41.18 RCW. THE OBLIGATIONS OF CHAPTER 41.20 RCW SHALL CONTINUE TO BE PAID FROM WHATEVER FINANCIAL SOURCES THE CITY HAS BEEN USING FOR THIS PURPOSE.

NEW SECTION. Sec. 204. "MINIMUM MEDICAL AND HEALTH STANDARDS" DEFINED. THE TERM "MINIMUM MEDICAL AND HEALTH STANDARDS" MEANS MINIMUM MEDICAL AND HEALTH STANDARDS ADOPTED BY THE DEPARTMENT UNDER THIS CHAPTER.

NEW SECTION. Sec. 205. MINIMUM MEDICAL AND HEALTH STANDARDS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW AFTER FEBRUARY 19, 1974, NO LAW ENFORCEMENT OFFICER OR FIRE FIGHTER, MAY BECOME ELIGIBLE FOR COVERAGE IN THE PENSION SYSTEM ESTABLISHED BY THIS CHAPTER UNTIL THE INDIVIDUAL HAS MET AND HAS BEEN CERTIFIED AS HAVING MET MINIMUM MEDICAL AND HEALTH STANDARDS: PROVIDED, THAT AN ELECTED SHERIFF OR AN APPOINTED CHIEF OF POLICE OR FIRE CHIEF, SHALL NOT BE REQUIRED TO MEET THE AGE STANDARD: PROVIDED FURTHER, THAT IN CITIES AND TOWNS HAVING NOT MORE THAN TWO LAW ENFORCEMENT OFFICERS AND/OR NOT MORE THAN TWO FIRE FIGHTERS AND IF ONE OR MORE OF SUCH PERSONS DO NOT MEET THE MINIMUM MEDICAL AND HEALTH STANDARDS AS REQUIRED BY THE PROVISIONS OF THIS CHAPTER, THEN SUCH PERSON OR PERSONS MAY JOIN ANY OTHER PENSION SYSTEM THAT THE CITY HAS AVAILABLE FOR ITS OTHER EMPLOYEES: AND PROVIDED FURTHER, THAT FOR ONE YEAR AFTER FEBRUARY 19, 1974, ANY SUCH MEDICAL OR HEALTH STANDARD NOW EXISTING OR HEREINAFTER ADOPTED, INsofar AS IT ESTABLISHES A MAXIMUM AGE BEYOND WHICH AN APPLICANT IS TO BE DEEMED INELIGIBLE FOR COVERAGE, SHALL BE WAIVED AS TO ANY APPLICANT FOR EMPLOYMENT OR REEMPLOYMENT WHO IS OTHERWISE ELIGIBLE EXCEPT FOR HIS OR HER AGE, WHO HAS BEEN A MEMBER OF ANY ONE OR MORE OF THE RETIREMENT SYSTEMS CREATED BY CHAPTER 41.20 RCW AND WHO HAS RESTORED ALL CONTRIBUTIONS WHICH HE OR SHE HAS PREVIOUSLY WITHDRAWN FROM ANY SUCH SYSTEM OR SYSTEMS.

NEW SECTION. Sec. 206. MINIMUM MEDICAL AND HEALTH STANDARDS--BOARD TO ADOPT--PUBLICATION AND DISTRIBUTION--EMPLOYER CERTIFICATION PROCEDURES. THE DEPARTMENT SHALL ADOPT MINIMUM MEDICAL AND HEALTH STANDARDS FOR MEMBERSHIP COVERAGE INTO THE RETIREMENT SYSTEM. IN ADOPTING SUCH STANDARDS THE DEPARTMENT SHALL CONSIDER EXISTING STANDARDS RECOMMENDED BY THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AND SHALL ADOPT EQUAL OR HIGHER STANDARDS, TOGETHER WITH APPROPRIATE STANDARDS AND PROCEDURES TO ENSURE UNIFORM COMPLIANCE WITH THIS CHAPTER. THE STANDARDS WHEN ADOPTED SHALL BE PUBLISHED AND DISTRIBUTED TO EACH EMPLOYER, AND EACH EMPLOYER SHALL ADOPT CERTIFICATION PROCEDURES AND SUCH OTHER PROCEDURES AS ARE

REQUIRED TO ENSURE THAT NO LAW ENFORCEMENT OFFICER OR FIRE FIGHTER RECEIVES MEMBERSHIP COVERAGE UNLESS AND UNTIL HE OR SHE HAS ACTUALLY MET MINIMUM MEDICAL AND HEALTH STANDARDS: PROVIDED, THAT AN ELECTED SHERIFF OR AN APPOINTED CHIEF OF POLICE, FIRE CHIEF, OR DIRECTOR OF PUBLIC SAFETY SHALL NOT BE REQUIRED TO MEET THE AGE STANDARD. THE DEPARTMENT MAY AMEND THE MINIMUM MEDICAL AND HEALTH STANDARDS AS EXPERIENCE INDICATES, EVEN IF THE STANDARDS AS SO AMENDED ARE LOWER OR LESS RIGID THAN THOSE RECOMMENDED BY THE INTERNATIONAL ASSOCIATIONS MENTIONED ABOVE. THE COST OF THE MEDICAL EXAMINATION CONTEMPLATED BY THIS SECTION IS TO BE PAID BY THE EMPLOYER.

NEW SECTION. Sec. 207. MINIMUM MEDICAL AND HEALTH STANDARDS--EXEMPTIONS--EMPLOYER MAY ADOPT HIGHER STANDARDS. NOTHING IN SECTIONS 204 THROUGH 206 OF THIS ACT SHALL APPLY TO ANY FIRE FIGHTERS OR LAW ENFORCEMENT OFFICERS WHO ARE EMPLOYED AS SUCH ON OR BEFORE AUGUST 1, 1971, AS LONG AS THEY CONTINUE IN SUCH EMPLOYMENT; NOR TO PROMOTIONAL APPOINTMENTS AFTER BECOMING A MEMBER IN THE POLICE OR FIRE DEPARTMENT OF ANY EMPLOYER NOR TO THE REEMPLOYMENT OF A LAW ENFORCEMENT OFFICER OR FIRE FIGHTER BY THE SAME OR A DIFFERENT EMPLOYER WITHIN SIX MONTHS AFTER THE TERMINATION OF HIS OR HER EMPLOYMENT, NOR TO THE REINSTATEMENT OF A LAW ENFORCEMENT OFFICER OR FIRE FIGHTER WHO HAS BEEN ON MILITARY OR DISABILITY LEAVE, DISABILITY RETIREMENT STATUS, OR LEAVE OF ABSENCE STATUS. NOTHING IN THIS CHAPTER SHALL BE DEEMED TO PREVENT ANY EMPLOYER FROM ADOPTING HIGHER MEDICAL AND HEALTH STANDARDS THAN THOSE WHICH ARE ADOPTED BY THE DEPARTMENT.

NEW SECTION. Sec. 208. SPECIAL DEATH BENEFIT--DEATH IN THE COURSE OF EMPLOYMENT. (1) A ONE HUNDRED FIFTY THOUSAND DOLLAR DEATH BENEFIT SHALL BE PAID TO THE MEMBER'S ESTATE, OR SUCH PERSON OR PERSONS, TRUST OR ORGANIZATION AS THE MEMBER SHALL HAVE NOMINATED BY WRITTEN DESIGNATION DULY EXECUTED AND FILED WITH THE DEPARTMENT. IF THERE BE NO SUCH DESIGNATED PERSON OR PERSONS STILL LIVING AT THE TIME OF THE MEMBER'S DEATH, SUCH MEMBER'S DEATH BENEFIT SHALL BE PAID TO THE MEMBER'S SURVIVING SPOUSE AS IF IN FACT SUCH SPOUSE HAD BEEN NOMINATED BY WRITTEN DESIGNATION, OR IF THERE BE NO SUCH SURVIVING SPOUSE, THEN TO SUCH MEMBER'S LEGAL REPRESENTATIVES.

(2) THE BENEFIT UNDER THIS SECTION SHALL BE PAID ONLY WHERE DEATH OCCURS AS A RESULT OF INJURIES SUSTAINED IN THE COURSE OF EMPLOYMENT. THE DETERMINATION OF ELIGIBILITY FOR THE BENEFIT SHALL BE MADE CONSISTENT WITH TITLE 51 RCW BY THE DEPARTMENT OF LABOR AND INDUSTRIES. THE DEPARTMENT OF LABOR AND INDUSTRIES SHALL NOTIFY THE DEPARTMENT OF RETIREMENT SYSTEMS BY ORDER UNDER RCW 51.52.050.

NEW SECTION. Sec. 209. EXEMPTION FROM JUDICIAL PROCESS, TAXES--EXCEPTIONS--DEDUCTION FOR INSURANCE UPON REQUEST. (1) SUBJECT TO SUBSECTIONS (2) AND (3) OF THIS SECTION, THE RIGHT OF A PERSON TO A RETIREMENT ALLOWANCE, DISABILITY ALLOWANCE, OR DEATH BENEFIT, TO THE RETURN OF ACCUMULATED CONTRIBUTIONS, THE RETIREMENT, DISABILITY, OR DEATH ALLOWANCE ITSELF, ANY OPTIONAL BENEFIT, ANY OTHER RIGHT ACCRUED OR ACCRUING TO ANY PERSON UNDER THE PROVISIONS OF THIS CHAPTER, AND THE MONEYS IN THE FUND CREATED UNDER THIS CHAPTER, ARE HEREBY EXEMPT FROM ANY STATE, COUNTY, MUNICIPAL, OR OTHER LOCAL TAX AND SHALL NOT BE SUBJECT TO EXECUTION, GARNISHMENT, ATTACHMENT, THE OPERATION OF BANKRUPTCY OR INSOLVENCY LAWS, OR ANY OTHER PROCESS OF LAW WHATSOEVER, AND SHALL BE UNASSIGNABLE.

(2) ON THE WRITTEN REQUEST OF ANY PERSON ELIGIBLE TO RECEIVE BENEFITS UNDER THIS SECTION, THE DEPARTMENT MAY DEDUCT FROM SUCH PAYMENTS THE PREMIUMS FOR LIFE, HEALTH, OR OTHER INSURANCE. THE REQUEST ON BEHALF OF ANY CHILD OR CHILDREN SHALL BE MADE BY THE LEGAL GUARDIAN OF SUCH CHILD OR CHILDREN. THE DEPARTMENT MAY PROVIDE FOR SUCH PERSONS ONE OR MORE PLANS OF GROUP INSURANCE, THROUGH CONTRACTS WITH REGULARLY CONSTITUTED INSURANCE CARRIERS OR HEALTH CARE SERVICE CONTRACTORS.

(3) SUBSECTION (1) OF THIS SECTION SHALL NOT PROHIBIT THE DEPARTMENT FROM COMPLYING WITH (A) A WAGE ASSIGNMENT ORDER FOR CHILD SUPPORT ISSUED PURSUANT TO CHAPTER 26.18 RCW, (B) AN ORDER TO WITHHOLD AND DELIVER ISSUED PURSUANT TO CHAPTER 74.20A RCW, (C) A NOTICE OF PAYROLL DEDUCTION ISSUED PURSUANT TO RCW 26.23.060, (D) A MANDATORY BENEFITS ASSIGNMENT ORDER ISSUED BY THE DEPARTMENT, (E) A COURT ORDER DIRECTING THE DEPARTMENT TO PAY BENEFITS DIRECTLY TO AN OBLIGEE UNDER A DISSOLUTION ORDER AS DEFINED IN RCW 41.50.500(3) WHICH FULLY COMPLIES WITH RCW 41.50.670 AND 41.50.700, OR (F) ANY ADMINISTRATIVE OR COURT ORDER EXPRESSLY AUTHORIZED BY FEDERAL LAW.

NEW SECTION. Sec. 210. NO BOND REQUIRED ON APPEAL TO COURT. NO BOND OF ANY KIND SHALL BE REQUIRED OF A CLAIMANT APPEALING TO THE SUPERIOR COURT, THE COURT OF APPEALS, OR THE SUPREME COURT FROM A DECISION OF THE DIRECTOR AFFECTING SUCH CLAIMANT'S RIGHT TO RETIREMENT OR DISABILITY BENEFITS.

NEW SECTION. Sec. 211. BENEFIT CALCULATION--LIMITATION. (1) THE ANNUAL COMPENSATION TAKEN INTO ACCOUNT IN CALCULATING RETIREE BENEFITS UNDER THIS SYSTEM SHALL NOT EXCEED THE LIMITS IMPOSED BY SECTION 401(A)(17) OF THE FEDERAL INTERNAL REVENUE CODE FOR QUALIFIED TRUSTS.

(2) THE DEPARTMENT SHALL ADOPT RULES AS NECESSARY TO IMPLEMENT THIS SECTION.

NEW SECTION. Sec. 212. ESTABLISHING, RESTORING SERVICE CREDIT. NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, PERSONS WHO FAIL TO:

(1) ESTABLISH ALLOWABLE MEMBERSHIP SERVICE NOT PREVIOUSLY CREDITED;

(2) RESTORE ALL OR A PART OF THAT PREVIOUSLY CREDITED MEMBERSHIP SERVICE REPRESENTED BY WITHDRAWN CONTRIBUTIONS; OR

(3) RESTORE SERVICE CREDIT REPRESENTED BY A LUMP SUM PAYMENT IN LIEU OF BENEFITS, BEFORE THE DEADLINE ESTABLISHED BY STATUTE, MAY DO SO UNDER THE CONDITIONS SET FORTH IN RCW 41.50.165.

NEW SECTION. Sec. 213. DISABILITY RETIREMENT--CRIMINAL CONDUCT. A MEMBER SHALL NOT RECEIVE A DISABILITY RETIREMENT BENEFIT UNDER SECTIONS 220 THROUGH 222 OF THIS ACT IF THE DISABILITY IS THE RESULT OF CRIMINAL CONDUCT BY THE MEMBER COMMITTED AFTER APRIL 21, 1997.

NEW SECTION. Sec. 214. FALSIFICATION--PENALTY. ANY EMPLOYER, MEMBER, OR BENEFICIARY WHO KNOWINGLY MAKES FALSE STATEMENTS OR FALSIFIES OR PERMITS TO BE FALSIFIED ANY RECORD OR RECORDS OF THE RETIREMENT SYSTEM IN AN ATTEMPT TO DEFRAUD THE RETIREMENT SYSTEM, IS GUILTY OF A FELONY.

NEW SECTION. Sec. 215. FUNDING TOTAL LIABILITY OF SYSTEM. NO EMPLOYER OR MEMBER CONTRIBUTION IS REQUIRED. THE TOTAL LIABILITY OF THE RETIREMENT SYSTEM IS FUNDED AS PROVIDED IN SECTIONS 4 AND 5 OF THIS ACT.

NEW SECTION. Sec. 216. RETIREMENT FOR SERVICE. RETIREMENT OF A MEMBER FOR SERVICE SHALL BE MADE BY THE DEPARTMENT AS FOLLOWS:

(1) ANY MEMBER HAVING FIVE OR MORE SERVICE CREDIT YEARS OF SERVICE AND HAVING ATTAINED THE AGE OF FIFTY YEARS SHALL BE ELIGIBLE FOR A SERVICE RETIREMENT ALLOWANCE AND SHALL BE RETIRED UPON THE MEMBER'S WRITTEN REQUEST EFFECTIVE THE FIRST DAY FOLLOWING THE DATE UPON WHICH THE MEMBER IS SEPARATED FROM SERVICE.

(2) ANY MEMBER HAVING FIVE OR MORE SERVICE CREDIT YEARS OF SERVICE, WHO TERMINATES HIS OR HER EMPLOYMENT WITH ANY EMPLOYER, MAY LEAVE HIS OR HER CONTRIBUTIONS IN THE FUND. ANY EMPLOYEE WHO SO ELECTS, UPON ATTAINING AGE FIFTY, SHALL BE ELIGIBLE TO APPLY FOR AND RECEIVE A SERVICE RETIREMENT ALLOWANCE BASED ON HIS OR HER YEARS OF SERVICE, COMMENCING ON THE FIRST DAY FOLLOWING HIS OR HER ATTAINMENT OF AGE FIFTY.

(3) ANY MEMBER SELECTING OPTIONAL VESTING UNDER SUBSECTION (2) OF THIS SECTION WITH LESS THAN TWENTY SERVICE CREDIT YEARS OF SERVICE SHALL NOT BE COVERED BY THE PROVISIONS OF SECTION 225 OF THIS ACT, AND THE MEMBER'S SURVIVORS SHALL NOT BE ENTITLED TO THE BENEFITS OF SECTION 226 OF THIS ACT UNLESS HIS OR HER DEATH OCCURS AFTER HE OR SHE HAS ATTAINED THE AGE OF FIFTY YEARS. THOSE MEMBERS SELECTING THIS OPTIONAL VESTING WITH TWENTY OR MORE YEARS SERVICE SHALL NOT BE COVERED BY THE PROVISIONS OF SECTION 225 OF THIS ACT UNTIL THE ATTAINMENT OF THE AGE OF FIFTY YEARS. A MEMBER SELECTING THIS OPTIONAL VESTING, WITH LESS THAN TWENTY SERVICE CREDIT YEARS OF SERVICE CREDIT, WHO DIES PRIOR TO ATTAINING THE AGE OF FIFTY YEARS, SHALL HAVE PAID FROM THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT RETIREMENT FUND, TO SUCH MEMBER'S SURVIVING SPOUSE, IF ANY, OTHERWISE TO SUCH BENEFICIARY AS THE MEMBER SHALL HAVE DESIGNATED IN WRITING, OR IF NO SUCH DESIGNATION HAS BEEN MADE, TO THE PERSONAL REPRESENTATIVE OF HIS OR HER ESTATE, A LUMP SUM WHICH IS EQUAL TO THE AMOUNT OF SUCH MEMBER'S ACCUMULATED CONTRIBUTIONS PLUS ACCRUED INTEREST. IF THE VESTED MEMBER HAS TWENTY OR MORE SERVICE CREDIT YEARS OF SERVICE CREDIT THE SURVIVING SPOUSE OR CHILDREN SHALL THEN BECOME ELIGIBLE FOR THE BENEFITS OF SECTION 226 OF THIS ACT REGARDLESS OF THE MEMBER'S AGE AT THE TIME OF HIS OR HER DEATH, TO THE EXCLUSION OF THE LUMP SUM AMOUNT PROVIDED BY THIS SUBSECTION.

(4) ANY MEMBER WHO HAS ATTAINED THE AGE OF SIXTY YEARS SHALL BE RETIRED ON THE FIRST DAY OF THE CALENDAR MONTH NEXT SUCCEEDING THAT IN WHICH SAID MEMBER SHALL HAVE ATTAINED THE AGE OF SIXTY AND MAY NOT THEREAFTER BE EMPLOYED AS A LAW ENFORCEMENT OFFICER OR FIRE FIGHTER: PROVIDED, THAT FOR ANY MEMBER WHO IS ELECTED OR APPOINTED TO THE OFFICE OF SHERIFF, CHIEF OF POLICE, OR FIRE CHIEF, HIS OR HER ELECTION OR APPOINTMENT SHALL BE CONSIDERED AS A WAIVER OF THE AGE SIXTY PROVISION FOR RETIREMENT AND NONEMPLOYMENT FOR WHATEVER NUMBER OF YEARS REMAIN IN HIS OR HER PRESENT TERM OF OFFICE AND ANY SUCCEEDING PERIODS FOR WHICH HE OR SHE MAY BE SO ELECTED OR APPOINTED. THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO ANY MEMBER WHO IS EMPLOYED AS A LAW ENFORCEMENT OFFICER OR FIRE FIGHTER ON MARCH 1, 1970.

NEW SECTION. Sec. 217. ALLOWANCE ON RETIREMENT FOR SERVICE. A MEMBER UPON RETIREMENT FOR SERVICE SHALL RECEIVE A MONTHLY RETIREMENT ALLOWANCE COMPUTED ACCORDING TO HIS OR HER COMPLETED CREDITABLE SERVICE CREDIT YEARS OF SERVICE AS FOLLOWS: FIVE YEARS BUT UNDER TEN YEARS, ONE-TWELFTH OF ONE PERCENT OF HIS OR HER FINAL AVERAGE SALARY FOR EACH MONTH OF SERVICE; TEN YEARS BUT UNDER TWENTY YEARS, ONE-TWELFTH OF ONE AND ONE-HALF PERCENT OF HIS OR HER FINAL AVERAGE SALARY FOR EACH MONTH OF SERVICE; AND TWENTY YEARS AND OVER ONE-TWELFTH OF TWO PERCENT OF HIS OR HER FINAL AVERAGE SALARY FOR EACH MONTH OF SERVICE: PROVIDED, THAT THE RECIPIENT OF A RETIREMENT ALLOWANCE WHO SHALL RETURN TO SERVICE AS A LAW ENFORCEMENT OFFICER OR FIRE FIGHTER SHALL BE CONSIDERED TO HAVE TERMINATED HIS OR HER RETIREMENT STATUS AND HE OR SHE SHALL IMMEDIATELY BECOME A MEMBER OF THE RETIREMENT SYSTEM WITH THE STATUS OF MEMBERSHIP HE OR SHE HAD AS OF THE DATE OF RETIREMENT. RETIREMENT BENEFITS SHALL BE SUSPENDED DURING THE PERIOD OF HIS OR HER RETURN TO SERVICE AND HE OR SHE SHALL MAKE CONTRIBUTIONS AND RECEIVE SERVICE CREDIT. SUCH A MEMBER SHALL HAVE THE RIGHT TO AGAIN RETIRE AT ANY TIME AND HIS OR HER RETIREMENT ALLOWANCE SHALL BE RECOMPUTED, AND PAID, BASED UPON ADDITIONAL SERVICE RENDERED AND ANY CHANGE IN FINAL AVERAGE SALARY: PROVIDED FURTHER, THAT NO RETIREMENT ALLOWANCE PAID PURSUANT TO THIS SECTION SHALL EXCEED SIXTY PERCENT OF FINAL AVERAGE SALARY, EXCEPT AS SUCH ALLOWANCE MAY BE INCREASED BY VIRTUE OF SECTION 238 OF THIS ACT.

NEW SECTION. Sec. 218. CITY AND COUNTY DISABILITY BOARDS AUTHORIZED. (1) ALL CLAIMS FOR DISABILITY SHALL BE ACTED UPON AND EITHER APPROVED OR DISAPPROVED BY EITHER TYPE OF DISABILITY BOARD CREATED UNDER THIS SECTION.

(A) EACH CITY HAVING A POPULATION OF TWENTY THOUSAND OR MORE SHALL ESTABLISH A DISABILITY BOARD HAVING JURISDICTION OVER ALL MEMBERS EMPLOYED BY THE CITIES AND COMPOSED OF THE FOLLOWING FIVE MEMBERS: TWO MEMBERS OF THE CITY LEGISLATIVE BODY TO BE APPOINTED BY THE MAYOR, ONE ACTIVE OR RETIRED FIRE FIGHTER TO BE ELECTED BY THE FIRE FIGHTERS EMPLOYED BY OR RETIRED FROM THE CITY, ONE ACTIVE OR RETIRED LAW ENFORCEMENT OFFICER TO BE ELECTED BY THE LAW ENFORCEMENT OFFICERS EMPLOYED BY OR RETIRED FROM THE CITY, AND ONE MEMBER FROM THE PUBLIC AT LARGE WHO RESIDES WITHIN THE CITY TO BE APPOINTED BY THE OTHER FOUR MEMBERS DESIGNATED IN THIS SUBSECTION. RETIRED MEMBERS WHO ARE SUBJECT TO THE JURISDICTION OF THE BOARD HAVE BOTH THE RIGHT TO ELECT AND THE RIGHT TO BE ELECTED UNDER THIS SECTION. EACH OF THE ELECTED MEMBERS SHALL SERVE A TWO-YEAR TERM. THE MEMBERS APPOINTED PURSUANT TO THIS SUBSECTION SHALL SERVE FOR TWO-YEAR TERMS: PROVIDED, THAT CITIES OF THE FIRST CLASS ONLY, SHALL RETAIN EXISTING FIREMEN'S PENSION BOARDS ESTABLISHED PURSUANT TO RCW 41.16.020 AND EXISTING BOARDS OF TRUSTEES OF THE RELIEF AND PENSION FUND OF THE POLICE DEPARTMENT AS ESTABLISHED PURSUANT TO RCW 41.20.010 WHICH SUCH BOARDS SHALL HAVE AUTHORITY TO ACT UPON AND APPROVE OR DISAPPROVE CLAIMS FOR DISABILITY BY FIRE FIGHTERS OR LAW ENFORCEMENT OFFICERS AS PROVIDED UNDER THIS CHAPTER. NO DISABILITY BOARDS SHALL BE ESTABLISHED UNDER THE AUTHORITY OF THIS SUBSECTION (1)(A) AFTER DECEMBER 31, 2001.

(B) EACH COUNTY SHALL ESTABLISH A DISABILITY BOARD HAVING JURISDICTION OVER ALL MEMBERS RESIDING IN THE COUNTY AND NOT EMPLOYED BY A CITY IN WHICH A DISABILITY BOARD IS ESTABLISHED. THE COUNTY DISABILITY BOARD SO CREATED SHALL BE COMPOSED OF FIVE MEMBERS TO BE CHOSEN AS FOLLOWS: ONE MEMBER OF THE LEGISLATIVE BODY OF THE COUNTY TO BE APPOINTED BY THE COUNTY LEGISLATIVE BODY, ONE MEMBER OF A CITY OR TOWN LEGISLATIVE BODY LOCATED WITHIN THE COUNTY WHICH DOES NOT CONTAIN A CITY DISABILITY BOARD ESTABLISHED PURSUANT TO (A) OF THIS SUBSECTION TO BE CHOSEN BY A MAJORITY OF THE MAYORS OF SUCH CITIES AND TOWNS WITHIN THE COUNTY WHICH DOES NOT CONTAIN A CITY DISABILITY BOARD, ONE FIRE FIGHTER OR RETIRED FIRE FIGHTER TO BE ELECTED BY THE FIRE FIGHTERS EMPLOYED OR RETIRED IN THE COUNTY WHO ARE NOT EMPLOYED BY OR RETIRED FROM A CITY IN WHICH A DISABILITY BOARD IS ESTABLISHED, ONE LAW ENFORCEMENT OFFICER OR RETIRED LAW ENFORCEMENT OFFICER TO BE ELECTED BY THE LAW ENFORCEMENT OFFICERS EMPLOYED IN OR RETIRED FROM THE COUNTY WHO ARE NOT EMPLOYED BY OR RETIRED FROM A CITY IN WHICH A DISABILITY BOARD IS ESTABLISHED, AND ONE MEMBER FROM THE PUBLIC AT LARGE WHO RESIDES WITHIN THE COUNTY BUT DOES NOT RESIDE WITHIN A CITY IN WHICH A CITY DISABILITY BOARD IS ESTABLISHED, TO BE APPOINTED BY THE OTHER FOUR MEMBERS DESIGNATED IN THIS SUBSECTION. HOWEVER, IN COUNTIES WITH A POPULATION LESS THAN SIXTY THOUSAND, THE MEMBER OF THE DISABILITY BOARD APPOINTED BY A MAJORITY OF THE MAYORS OF THE CITIES AND TOWNS WITHIN THE COUNTY THAT DO NOT CONTAIN A CITY DISABILITY BOARD MUST BE A RESIDENT OF ONE OF THE CITIES AND TOWNS BUT NEED NOT BE A MEMBER OF A CITY OR TOWN LEGISLATIVE BODY. RETIRED MEMBERS WHO ARE SUBJECT TO THE JURISDICTION OF THE BOARD HAVE BOTH THE RIGHT TO ELECT AND THE RIGHT TO BE ELECTED UNDER THIS SECTION. ALL MEMBERS APPOINTED OR ELECTED PURSUANT TO THIS SUBSECTION SHALL SERVE FOR TWO-YEAR TERMS.

(2) THE MEMBERS OF BOTH THE COUNTY AND CITY DISABILITY BOARDS SHALL NOT RECEIVE COMPENSATION FOR THEIR SERVICE UPON THE BOARDS BUT THE MEMBERS SHALL BE REIMBURSED BY THEIR RESPECTIVE COUNTY OR CITY FOR ALL EXPENSES INCIDENTAL TO SUCH SERVICE AS TO THE AMOUNT AUTHORIZED BY LAW.

(3) THE DISABILITY BOARDS AUTHORIZED FOR ESTABLISHMENT BY THIS SECTION SHALL PERFORM ALL FUNCTIONS, EXERCISE ALL POWERS, AND MAKE ALL SUCH DETERMINATIONS AS SPECIFIED IN THIS CHAPTER.

NEW SECTION. Sec. 219. DIRECTOR TO ADOPT RULES GOVERNING DISABILITY BOARDS. (1) THE DIRECTOR SHALL ADOPT RULES, IN ACCORDANCE WITH CHAPTER 34.05 RCW, UNDER WHICH EACH DISABILITY BOARD SHALL EXECUTE ITS DISABILITY RETIREMENT DUTIES UNDER THIS CHAPTER. THE RULES SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

(A) STANDARDS GOVERNING THE TYPE AND MANNER OF PRESENTATION OF MEDICAL, EMPLOYABILITY, AND OTHER EVIDENCE BEFORE DISABILITY BOARDS; AND

(B) STANDARDS GOVERNING THE NECESSITY AND FREQUENCY OF MEDICAL AND EMPLOYABILITY REEXAMINATIONS OF PERSONS RECEIVING DISABILITY BENEFITS.

(2) IF THE DIRECTOR DETERMINES THAT AN ORDER OR DETERMINATION OF A DISABILITY BOARD WAS NOT PROCESSED IN ACCORDANCE WITH THE RULES ESTABLISHED UNDER THIS SECTION, THE DIRECTOR MAY REMAND THE ORDER OR DETERMINATION FOR FURTHER PROCEEDINGS CONSISTENT WITH THE RULES.

NEW SECTION. Sec. 220. RETIREMENT FOR DISABILITY INCURRED IN THE LINE OF DUTY. ANY MEMBER, REGARDLESS OF AGE OR YEARS OF SERVICE, MAY BE RETIRED BY THE DISABILITY BOARD, SUBJECT TO APPROVAL BY THE DIRECTOR, FOR ANY DISABILITY INCURRED IN THE LINE OF DUTY WHICH HAS BEEN CONTINUOUS SINCE HIS OR HER DISCONTINUANCE OF SERVICE AND WHICH RENDERS THE MEMBER UNABLE TO CONTINUE SERVICE. NO DISABILITY RETIREMENT ALLOWANCE SHALL BE PAID UNTIL THE EXPIRATION OF A PERIOD OF SIX MONTHS AFTER THE DISCONTINUANCE OF SERVICE DURING WHICH PERIOD THE MEMBER, IF FOUND TO BE PHYSICALLY OR MENTALLY UNFIT FOR DUTY BY THE DISABILITY BOARD FOLLOWING RECEIPT OF HIS OR HER APPLICATION FOR DISABILITY RETIREMENT, SHALL BE GRANTED A DISABILITY LEAVE BY THE DISABILITY BOARD AND SHALL RECEIVE AN ALLOWANCE EQUAL TO THE FULL MONTHLY SALARY AND SHALL CONTINUE TO RECEIVE ALL OTHER BENEFITS PROVIDED TO ACTIVE EMPLOYEES FROM THE EMPLOYER FOR SUCH PERIOD. HOWEVER, IF, AT ANY TIME DURING THE INITIAL SIX-MONTH PERIOD, THE DISABILITY BOARD FINDS THE BENEFICIARY IS NO LONGER DISABLED, THE DISABILITY LEAVE ALLOWANCE SHALL BE CANCELED AND THE MEMBER SHALL BE RESTORED TO DUTY IN THE SAME RANK OR POSITION, IF ANY, HELD BY THE BENEFICIARY AT THE TIME THE MEMBER BECAME DISABLED. APPLICATIONS FOR DISABILITY RETIREMENT SHALL BE PROCESSED IN ACCORDANCE WITH THE FOLLOWING PROCEDURES:

(1) ANY MEMBER WHO BELIEVES HE OR SHE IS OR IS BELIEVED TO BE PHYSICALLY OR MENTALLY DISABLED SHALL BE EXAMINED BY SUCH MEDICAL AUTHORITY AS THE DISABILITY BOARD SHALL EMPLOY, UPON APPLICATION OF THE MEMBER, OR A PERSON ACTING IN HIS OR HER BEHALF, STATING THAT THE MEMBER IS DISABLED, EITHER PHYSICALLY OR MENTALLY: PROVIDED, THAT NO SUCH APPLICATION SHALL BE CONSIDERED UNLESS THE MEMBER OR SOMEONE IN HIS OR HER BEHALF, IN CASE OF THE INCAPACITY OF A MEMBER, SHALL HAVE FILED THE APPLICATION WITHIN A PERIOD OF ONE YEAR FROM AND AFTER THE DISCONTINUANCE OF SERVICE OF THE MEMBER.

(2) IF THE EXAMINATION SHOWS, TO THE SATISFACTION OF THE DISABILITY BOARD, THAT THE MEMBER IS PHYSICALLY OR MENTALLY DISABLED FROM THE FURTHER PERFORMANCE OF DUTY, THAT SUCH DISABILITY WAS INCURRED IN THE LINE OF DUTY, AND THAT SUCH DISABILITY HAS BEEN CONTINUOUS FROM THE DISCONTINUANCE OF SERVICE, THE DISABILITY BOARD SHALL ENTER ITS WRITTEN DECISION AND ORDER, ACCOMPANIED BY APPROPRIATE FINDINGS OF FACT AND BY CONCLUSIONS EVIDENCING COMPLIANCE WITH THIS CHAPTER, GRANTING THE MEMBER A DISABILITY RETIREMENT ALLOWANCE; OTHERWISE, IF THE MEMBER IS NOT FOUND BY THE DISABILITY BOARD TO BE SO DISABLED, THE APPLICATION SHALL BE DENIED PURSUANT TO A SIMILAR WRITTEN DECISION AND ORDER, SUBJECT TO APPEAL TO THE DIRECTOR IN ACCORDANCE WITH SECTION 235 OF THIS ACT: PROVIDED, THAT IN ANY ORDER GRANTING A DUTY DISABILITY RETIREMENT ALLOWANCE, THE DISABILITY BOARD SHALL MAKE A FINDING THAT THE DISABILITY WAS INCURRED IN LINE OF DUTY.

(3) EVERY ORDER OF A DISABILITY BOARD GRANTING A DUTY DISABILITY RETIREMENT ALLOWANCE SHALL IMMEDIATELY BE REVIEWED BY THE DIRECTOR EXCEPT THE FINDING THAT THE DISABILITY WAS INCURRED IN THE LINE OF DUTY. THE DIRECTOR MAY AFFIRM THE DECISION OF THE DISABILITY BOARD OR REMAND THE CASE FOR FURTHER PROCEEDINGS, OR THE DIRECTOR MAY REVERSE THE DECISION OF THE DISABILITY BOARD IF THE DIRECTOR FINDS THE DISABILITY BOARD'S FINDINGS, INFERENCES, CONCLUSIONS, OR DECISIONS ARE:

(A) IN VIOLATION OF CONSTITUTIONAL PROVISIONS;

(B) IN EXCESS OF THE STATUTORY AUTHORITY OR JURISDICTION OF THE DISABILITY BOARD;

(C) MADE UPON UNLAWFUL PROCEDURE;

(D) AFFECTED BY OTHER ERROR OF LAW;

(E) CLEARLY ERRONEOUS IN VIEW OF THE ENTIRE RECORD AS SUBMITTED AND THE PUBLIC POLICY CONTAINED IN THIS CHAPTER;

OR

(F) ARBITRARY OR CAPRICIOUS.

(4) EVERY MEMBER WHO CAN ESTABLISH, TO THE DISABILITY BOARD, THAT HE OR SHE IS PHYSICALLY OR MENTALLY DISABLED FROM THE FURTHER PERFORMANCE OF DUTY, THAT SUCH DISABILITY WAS INCURRED IN THE LINE OF DUTY, AND THAT SUCH DISABILITY WILL BE IN EXISTENCE FOR A PERIOD OF AT LEAST SIX MONTHS MAY WAIVE THE SIX-MONTH PERIOD OF DISABILITY LEAVE AND BE IMMEDIATELY GRANTED A DUTY DISABILITY RETIREMENT ALLOWANCE, SUBJECT TO THE APPROVAL OF THE DIRECTOR AS PROVIDED IN SUBSECTION (3) OF THIS SECTION.

NEW SECTION. Sec. 221. RETIREMENT FOR DISABILITY NOT INCURRED IN THE LINE OF DUTY. ANY MEMBER, REGARDLESS OF AGE OR YEARS OF SERVICE, MAY BE RETIRED BY THE DISABILITY BOARD, SUBJECT TO APPROVAL BY THE DIRECTOR AS PROVIDED IN THIS SECTION, FOR ANY DISABILITY NOT INCURRED IN THE LINE OF DUTY WHICH HAS BEEN CONTINUOUS SINCE DISCONTINUANCE OF SERVICE AND WHICH RENDERS THE MEMBER UNABLE TO CONTINUE SERVICE. NO DISABILITY RETIREMENT ALLOWANCE MAY BE PAID UNTIL THE EXPIRATION OF A PERIOD OF SIX MONTHS AFTER THE DISCONTINUANCE OF SERVICE DURING WHICH PERIOD THE MEMBER, IF FOUND TO BE PHYSICALLY OR MENTALLY UNFIT FOR DUTY BY THE DISABILITY BOARD FOLLOWING RECEIPT OF THE MEMBER'S APPLICATION FOR DISABILITY RETIREMENT, SHALL BE GRANTED A DISABILITY LEAVE BY THE DISABILITY BOARD AND SHALL RECEIVE AN ALLOWANCE EQUAL TO THE MEMBER'S FULL MONTHLY SALARY AND SHALL CONTINUE TO RECEIVE ALL OTHER BENEFITS PROVIDED TO ACTIVE EMPLOYEES FROM THE MEMBER'S EMPLOYER FOR THE PERIOD. HOWEVER, IF, AT ANY TIME DURING THE INITIAL SIX-MONTH PERIOD, THE DISABILITY BOARD FINDS THE BENEFICIARY IS NO LONGER DISABLED, THE DISABILITY LEAVE ALLOWANCE SHALL BE CANCELED AND THE MEMBER SHALL BE RESTORED TO DUTY IN THE SAME RANK OR POSITION, IF ANY, HELD BY THE MEMBER AT THE TIME THE MEMBER BECAME DISABLED. APPLICATIONS FOR DISABILITY RETIREMENT SHALL BE PROCESSED IN ACCORDANCE WITH THE FOLLOWING PROCEDURES:

(1) ANY MEMBER WHO BELIEVES HE OR SHE IS, OR IS BELIEVED TO BE, PHYSICALLY OR MENTALLY DISABLED SHALL BE EXAMINED BY SUCH MEDICAL AUTHORITY AS THE DISABILITY BOARD SHALL EMPLOY, UPON APPLICATION OF THE MEMBER, OR A PERSON ACTING IN THE MEMBER'S BEHALF, STATING THAT THE MEMBER IS DISABLED, EITHER PHYSICALLY OR MENTALLY: PROVIDED, THAT NO SUCH APPLICATION SHALL BE CONSIDERED UNLESS THE MEMBER OR SOMEONE ACTING IN THE MEMBER'S BEHALF, IN CASE OF THE INCAPACITY OF A MEMBER, HAS FILED THE APPLICATION WITHIN A PERIOD OF ONE YEAR FROM AND AFTER THE DISCONTINUANCE OF SERVICE OF THE MEMBER.

(2) IF THE EXAMINATION SHOWS, TO THE SATISFACTION OF THE DISABILITY BOARD, THAT THE MEMBER IS PHYSICALLY OR MENTALLY DISABLED FROM THE FURTHER PERFORMANCE OF DUTY, THAT SUCH DISABILITY WAS NOT INCURRED IN THE LINE OF DUTY, AND THAT SUCH DISABILITY HAD BEEN CONTINUOUS FROM THE DISCONTINUANCE OF SERVICE, THE DISABILITY BOARD SHALL ENTER ITS WRITTEN DECISION AND ORDER, ACCOMPANIED BY APPROPRIATE FINDINGS OF FACT AND BY CONCLUSIONS EVIDENCING COMPLIANCE WITH THIS CHAPTER, GRANTING THE MEMBER A DISABILITY RETIREMENT ALLOWANCE. OTHERWISE, IF THE MEMBER IS NOT FOUND BY THE DISABILITY BOARD TO BE SO DISABLED, THE APPLICATION SHALL BE DENIED PURSUANT TO A SIMILAR WRITTEN DECISION AND ORDER, SUBJECT TO APPEAL TO THE DIRECTOR IN ACCORDANCE WITH SECTION 235 OF THIS ACT: PROVIDED, THAT IN ANY ORDER GRANTING A NONDUTY DISABILITY RETIREMENT ALLOWANCE, THE DISABILITY BOARD SHALL MAKE A FINDING THAT THE DISABILITY WAS NOT INCURRED IN THE LINE OF DUTY.

(3) EVERY ORDER OF A DISABILITY BOARD GRANTING A NONDUTY DISABILITY RETIREMENT ALLOWANCE SHALL IMMEDIATELY BE REVIEWED BY THE DIRECTOR EXCEPT THE FINDING THAT THE DISABILITY WAS NOT INCURRED IN THE LINE OF DUTY. THE DIRECTOR MAY AFFIRM THE DECISION OF THE DISABILITY BOARD OR REMAND THE CASE FOR FURTHER PROCEEDINGS, OR THE DIRECTOR MAY REVERSE THE DECISION OF THE DISABILITY BOARD IF THE DIRECTOR FINDS THE DISABILITY BOARD'S FINDINGS, INFERENCES, CONCLUSIONS, OR DECISIONS ARE:

- (A) IN VIOLATION OF CONSTITUTIONAL PROVISIONS;
- (B) IN EXCESS OF THE STATUTORY AUTHORITY OR JURISDICTION OF THE DISABILITY BOARD;
- (C) MADE UPON UNLAWFUL PROCEDURE;
- (D) AFFECTED BY OTHER ERROR OF LAW;
- (E) CLEARLY ERRONEOUS IN VIEW OF THE ENTIRE RECORD AS SUBMITTED AND THE PUBLIC POLICY CONTAINED IN THIS CHAPTER;

OR

- (F) ARBITRARY OR CAPRICIOUS.

(4) EVERY MEMBER WHO CAN ESTABLISH TO THE DISABILITY BOARD THAT THE MEMBER IS PHYSICALLY OR MENTALLY DISABLED FROM THE FURTHER PERFORMANCE OF DUTY, THAT SUCH DISABILITY WAS NOT INCURRED IN THE LINE OF DUTY, AND THAT SUCH DISABILITY WILL BE IN EXISTENCE FOR A PERIOD OF AT LEAST SIX MONTHS, MAY WAIVE THE SIX-MONTH PERIOD OF DISABILITY LEAVE AND BE IMMEDIATELY GRANTED A NONDUTY DISABILITY RETIREMENT ALLOWANCE, SUBJECT TO THE APPROVAL OF THE DIRECTOR AS PROVIDED IN SUBSECTION (3) OF THIS SECTION.

NEW SECTION. Sec. 222. ALLOWANCE ON RETIREMENT FOR DISABILITY. (1) UPON RETIREMENT FOR DISABILITY A MEMBER SHALL BE ENTITLED TO RECEIVE A MONTHLY RETIREMENT ALLOWANCE COMPUTED AS FOLLOWS: (A) A BASIC AMOUNT OF FIFTY PERCENT OF FINAL AVERAGE SALARY AT TIME OF DISABILITY RETIREMENT, AND (B) AN ADDITIONAL FIVE PERCENT OF FINAL AVERAGE SALARY FOR EACH CHILD AS DEFINED IN SECTION 202(7) OF THIS ACT, (C) THE COMBINED TOTAL OF (A) AND (B) OF THIS SUBSECTION SHALL NOT EXCEED A MAXIMUM OF SIXTY PERCENT OF FINAL AVERAGE SALARY.

(2) A DISABLED MEMBER SHALL BEGIN RECEIVING THE DISABILITY RETIREMENT ALLOWANCE AS OF THE EXPIRATION OF HIS OR HER SIX-MONTH PERIOD OF DISABILITY LEAVE OR, IF HIS OR HER APPLICATION WAS FILED AFTER THE SIXTH MONTH OF DISCONTINUANCE OF SERVICE BUT PRIOR TO THE ONE-YEAR TIME LIMIT, THE MEMBER'S DISABILITY RETIREMENT ALLOWANCE SHALL BE RETROACTIVE TO THE END OF THE SIXTH MONTH.

(3) BENEFITS UNDER THIS SECTION WILL BE PAYABLE UNTIL THE MEMBER RECOVERS FROM THE DISABILITY OR DIES. IF AT THE TIME THAT THE DISABILITY CEASES THE MEMBER IS OVER THE AGE OF FIFTY, HE OR SHE SHALL THEN RECEIVE EITHER DISABILITY RETIREMENT ALLOWANCE OR RETIREMENT FOR SERVICE ALLOWANCE, WHICHEVER IS GREATER.

(4) BENEFITS UNDER THIS SECTION FOR A DISABILITY THAT IS INCURRED WHILE IN OTHER EMPLOYMENT WILL BE REDUCED BY ANY AMOUNT THE MEMBER RECEIVES OR IS ENTITLED TO RECEIVE FROM WORKERS' COMPENSATION, SOCIAL SECURITY, GROUP INSURANCE, OTHER PENSION PLAN, OR ANY OTHER SIMILAR SOURCE PROVIDED BY ANOTHER EMPLOYER ON ACCOUNT OF THE SAME DISABILITY.

(5) A MEMBER RETIRED FOR DISABILITY SHALL BE SUBJECT TO PERIODIC EXAMINATIONS BY A PHYSICIAN APPROVED BY THE DISABILITY BOARD PRIOR TO ATTAINMENT OF AGE FIFTY, PURSUANT TO RULES ADOPTED BY THE DIRECTOR UNDER SECTION 219 OF THIS ACT. EXAMINATIONS OF MEMBERS WHO RETIRED FOR DISABILITY PRIOR TO JULY 26, 1981, SHALL NOT EXCEED TWO MEDICAL EXAMINATIONS PER YEAR.

NEW SECTION. Sec. 223. CESSATION OF DISABILITY--DETERMINATION. (1) A DISABLED MEMBER WHO BELIEVES THAT HIS OR HER DISABILITY HAS CEASED IN ACCORDANCE WITH SECTION 222(3) OF THIS ACT MAY MAKE APPLICATION TO THE DISABILITY BOARD WHICH ORIGINALLY FOUND THE MEMBER TO BE DISABLED, FOR A DETERMINATION THAT THE DISABILITY HAS CEASED.

(2) EVERY ORDER OF A DISABILITY BOARD DETERMINING THAT A MEMBER'S DISABILITY HAS CEASED PURSUANT TO SECTION 222(3) OF THIS ACT SHALL IMMEDIATELY BE REVIEWED BY THE DIRECTOR. THE DIRECTOR MAY AFFIRM THE DECISION OF THE DISABILITY BOARD OR REMAND THE CASE FOR FURTHER PROCEEDINGS IF THE DIRECTOR FINDS THE DISABILITY BOARD'S FINDINGS, INFERENCES, CONCLUSIONS, OR DECISIONS ARE:

- (A) IN VIOLATION OF CONSTITUTIONAL PROVISIONS;
- (B) IN EXCESS OF THE STATUTORY AUTHORITY OR JURISDICTION OF THE DISABILITY BOARD;
- (C) MADE UPON UNLAWFUL PROCEDURE;
- (D) AFFECTED BY OTHER ERROR OF LAW;
- (E) CLEARLY ERRONEOUS IN VIEW OF THE ENTIRE RECORD AS SUBMITTED AND THE PUBLIC POLICY CONTAINED IN THIS CHAPTER;

OR

- (F) ARBITRARY OR CAPRICIOUS.

(3) DETERMINATIONS OF WHETHER A DISABILITY HAS CEASED UNDER SECTION 222(3) OF THIS ACT AND THIS SECTION SHALL BE MADE IN ACCORDANCE WITH THE SAME PROCEDURES AND STANDARDS GOVERNING OTHER CANCELLATIONS OF DISABILITY RETIREMENT.

NEW SECTION. Sec. 224. REEXAMINATIONS OF DISABILITY BENEFICIARIES--REENTRY--APPEAL. (1) UPON THE BASIS OF REEXAMINATIONS OF MEMBERS ON DISABILITY RETIREMENT AS PROVIDED IN SECTION 222 OF THIS ACT, THE DISABILITY BOARD SHALL DETERMINE WHETHER SUCH DISABILITY BENEFICIARY IS STILL UNABLE TO PERFORM HIS OR HER DUTIES EITHER PHYSICALLY OR MENTALLY FOR SERVICE IN THE DEPARTMENT WHERE HE OR SHE WAS EMPLOYED.

(2) IF THE DISABILITY BOARD DETERMINES THAT THE BENEFICIARY IS NOT SO INCAPACITATED THE RETIREMENT ALLOWANCE SHALL BE CANCELED AND THE MEMBER SHALL BE RESTORED TO DUTY IN THE SAME CIVIL SERVICE RANK, IF ANY, HELD BY THE BENEFICIARY AT THE TIME OF HIS OR HER RETIREMENT OR IF UNABLE TO PERFORM THE DUTIES OF THAT RANK, THEN, AT HIS OR HER REQUEST, IN SUCH OTHER LIKE OR LESSER RANK AS MAY BE OR BECOME OPEN AND AVAILABLE, THE DUTIES OF WHICH HE OR SHE IS THEN ABLE TO PERFORM. IN NO EVENT, SHALL A BENEFICIARY PREVIOUSLY DRAWING A DISABILITY ALLOWANCE BE RETURNED OR BE RESTORED TO DUTY AT A SALARY OR RATE OF PAY LESS THAN THE CURRENT SALARY ATTACHED TO THE RANK OR POSITION HELD BY THE BENEFICIARY AT THE DATE OF RETIREMENT FOR DISABILITY. IF THE DISABILITY BOARD DETERMINES THAT THE BENEFICIARY IS ABLE TO RETURN TO SERVICE HE OR SHE SHALL BE ENTITLED TO NOTICE AND A HEARING, BOTH THE NOTICE AND THE HEARING SHALL COMPLY WITH THE REQUIREMENTS OF CHAPTER 34.05 RCW.

(3) SHOULD A DISABILITY BENEFICIARY REENTER SERVICE AND BE ELIGIBLE FOR MEMBERSHIP IN THE RETIREMENT SYSTEM, THE RETIREMENT ALLOWANCE SHALL BE CANCELED AND HE OR SHE SHALL IMMEDIATELY BECOME A MEMBER OF THE RETIREMENT SYSTEM.

(4) SHOULD ANY DISABILITY BENEFICIARY UNDER AGE FIFTY REFUSE TO SUBMIT TO EXAMINATION, THE RETIREMENT ALLOWANCE SHALL BE DISCONTINUED UNTIL WITHDRAWAL OF SUCH REFUSAL, AND SHOULD SUCH REFUSAL CONTINUE FOR ONE YEAR OR MORE, THE RETIREMENT ALLOWANCE SHALL BE CANCELED.

(5) SHOULD THE DISABILITY RETIREMENT ALLOWANCE OF ANY DISABILITY BENEFICIARY BE CANCELED FOR ANY CAUSE OTHER THAN REENTRANCE INTO SERVICE OR RETIREMENT FOR SERVICE, HE OR SHE SHALL BE PAID THE EXCESS, IF ANY, OF THE ACCUMULATED CONTRIBUTIONS AT THE TIME OF RETIREMENT OVER ALL PAYMENTS MADE ON HIS OR HER BEHALF UNDER THIS CHAPTER.

(6) ANY PERSON FEELING AGGRIEVED BY AN ORDER OF A DISABILITY BOARD DETERMINING THAT A BENEFICIARY'S DISABILITY HAS NOT CEASED, PURSUANT TO SECTION 222(3) OF THIS ACT HAS THE RIGHT TO APPEAL THE ORDER OR DETERMINATION TO THE DIRECTOR. THE DIRECTOR SHALL HAVE NO JURISDICTION TO ENTERTAIN THE APPEAL UNLESS A NOTICE OF APPEAL IS FILED WITH THE DIRECTOR WITHIN THIRTY DAYS FOLLOWING THE RENDITION OF THE ORDER BY THE DISABILITY BOARD. A COPY OF THE NOTICE OF APPEAL SHALL BE SERVED UPON THE DIRECTOR AND THE APPLICABLE DISABILITY BOARD AND, WITHIN NINETY DAYS THEREOF, THE DISABILITY BOARD SHALL CERTIFY ITS DECISION AND ORDER WHICH SHALL INCLUDE FINDINGS OF FACT AND CONCLUSIONS OF LAW, TOGETHER WITH A TRANSCRIPT OF ALL PROCEEDINGS IN CONNECTION THEREWITH, TO THE DIRECTOR FOR REVIEW. UPON REVIEW OF THE RECORD, THE DIRECTOR MAY AFFIRM THE ORDER OF THE DISABILITY BOARD OR MAY REMAND THE CASE FOR FURTHER PROCEEDINGS IF THE DIRECTOR FINDS THAT THE DISABILITY BOARD'S FINDINGS, INFERENCES, CONCLUSIONS, OR DECISIONS ARE:

(A) IN VIOLATION OF CONSTITUTIONAL PROVISIONS;

(B) IN EXCESS OF THE STATUTORY AUTHORITY OR JURISDICTION OF THE DISABILITY BOARD;

(C) MADE UPON UNLAWFUL PROCEDURE;

(D) AFFECTED BY OTHER ERROR OF LAW;

(E) CLEARLY ERRONEOUS IN VIEW OF THE ENTIRE RECORD AS SUBMITTED AND THE PUBLIC POLICY CONTAINED IN THIS CHAPTER;

OR

(F) ARBITRARY OR CAPRICIOUS.

NEW SECTION. Sec. 225. SICKNESS OR DISABILITY BENEFITS--MEDICAL SERVICES. (1) WHENEVER ANY ACTIVE MEMBER, OR ANY MEMBER HEREAFTER RETIRED, ON ACCOUNT OF SERVICE, SICKNESS, OR DISABILITY, NOT CAUSED OR BROUGHT ON BY DISSIPATION OR ABUSE, OF WHICH THE DISABILITY BOARD SHALL BE JUDGE, IS CONFINED IN ANY HOSPITAL OR IN HOME, AND WHETHER OR NOT SO CONFINED, REQUIRES MEDICAL SERVICES, THE EMPLOYER SHALL PAY FOR THE ACTIVE OR RETIRED MEMBER THE NECESSARY MEDICAL SERVICES NOT PAYABLE FROM SOME OTHER SOURCE AS PROVIDED FOR IN SUBSECTION (2) OF THIS SECTION. IN THE CASE OF ACTIVE OR RETIRED FIRE FIGHTERS THE EMPLOYER MAY MAKE THE PAYMENTS PROVIDED FOR IN THIS SECTION FROM THE FIREMEN'S PENSION FUND ESTABLISHED PURSUANT TO RCW 41.16.050 WHERE THE FUND HAD BEEN ESTABLISHED PRIOR TO MARCH 1, 1970. IF THIS PENSION FUND IS DEPLETED, THE EMPLOYER SHALL HAVE THE OBLIGATION TO PAY ALL BENEFITS PAYABLE UNDER CHAPTERS 41.16 AND 41.18 RCW.

(A) THE DISABILITY BOARD IN ALL CASES MAY HAVE THE ACTIVE OR RETIRED MEMBER SUFFERING FROM SUCH SICKNESS OR DISABILITY EXAMINED AT ANY TIME BY A LICENSED PHYSICIAN OR PHYSICIANS, TO BE APPOINTED BY THE DISABILITY BOARD, FOR THE PURPOSE OF ASCERTAINING THE NATURE AND EXTENT OF THE SICKNESS OR DISABILITY, THE PHYSICIAN OR PHYSICIANS TO REPORT TO THE DISABILITY BOARD THE RESULT OF THE EXAMINATION WITHIN THREE DAYS THEREAFTER. ANY ACTIVE OR RETIRED MEMBER WHO REFUSES TO SUBMIT TO SUCH EXAMINATION OR EXAMINATIONS SHALL FORFEIT ALL RIGHTS TO BENEFITS UNDER THIS SECTION FOR THE PERIOD OF THE REFUSAL.

(B) THE DISABILITY BOARD SHALL DESIGNATE THE MEDICAL SERVICES AVAILABLE TO ANY SICK OR DISABLED MEMBER.

(2) THE MEDICAL SERVICES PAYABLE UNDER THIS SECTION WILL BE REDUCED BY ANY AMOUNT RECEIVED OR ELIGIBLE TO BE RECEIVED BY THE MEMBER UNDER WORKERS' COMPENSATION, SOCIAL SECURITY INCLUDING THE CHANGES INCORPORATED UNDER PUBLIC LAW 89-97, INSURANCE PROVIDED BY ANOTHER EMPLOYER, OTHER PENSION PLAN, OR ANY OTHER SIMILAR SOURCE. FAILURE TO APPLY FOR COVERAGE IF OTHERWISE ELIGIBLE UNDER THE PROVISIONS OF PUBLIC LAW 89-97 SHALL NOT BE DEEMED A REFUSAL OF PAYMENT OF BENEFITS THEREBY ENABLING COLLECTION OF CHARGES UNDER THE PROVISIONS OF THIS CHAPTER.

(3) UPON MAKING THE PAYMENTS PROVIDED FOR IN SUBSECTION (1) OF THIS SECTION, THE EMPLOYER SHALL BE SUBROGATED TO ALL RIGHTS OF THE MEMBER AGAINST ANY THIRD PARTY WHO MAY BE HELD LIABLE FOR THE MEMBER'S INJURIES OR FOR PAYMENT OF THE COST OF MEDICAL SERVICES IN CONNECTION WITH A MEMBER'S SICKNESS OR DISABILITY TO THE EXTENT NECESSARY TO RECOVER THE AMOUNT OF PAYMENTS MADE BY THE EMPLOYER.

(4) ANY EMPLOYER UNDER THIS CHAPTER, EITHER SINGLY, OR JOINTLY WITH ANY OTHER SUCH EMPLOYER OR EMPLOYERS THROUGH AN ASSOCIATION THEREOF AS PROVIDED FOR IN CHAPTER 48.21 RCW, MAY PROVIDE FOR ALL OR PART OF ONE OR MORE PLANS OF GROUP HOSPITALIZATION AND MEDICAL AID INSURANCE TO COVER ANY OF ITS EMPLOYEES WHO ARE MEMBERS OF THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM, AND/OR RETIRED FORMER EMPLOYEES WHO WERE, BEFORE RETIREMENT, MEMBERS OF THE RETIREMENT SYSTEM, THROUGH CONTRACTS WITH REGULARLY CONSTITUTED INSURANCE CARRIERS, WITH HEALTH MAINTENANCE ORGANIZATIONS AS DEFINED IN CHAPTER 48.46 RCW, OR WITH HEALTH CARE SERVICE CONTRACTORS AS DEFINED IN CHAPTER 48.44 RCW. BENEFITS PAYABLE UNDER THE PLAN OR PLANS SHALL BE DEEMED TO BE AMOUNTS RECEIVED OR ELIGIBLE TO BE RECEIVED BY THE ACTIVE OR RETIRED MEMBER UNDER SUBSECTION (2) OF THIS SECTION.

(5) ANY EMPLOYER, JOINTLY WITH ANY OTHER EMPLOYER OR EMPLOYERS OF THE STATE, MAY PARTICIPATE IN THE MEDICAL BENEFITS RISK POOL ESTABLISHED UNDER CHAPTER 41.---- RCW (SECTIONS 301 THROUGH 310 OF THIS ACT).

(6) ANY EMPLOYER UNDER THIS CHAPTER MAY, AT ITS DISCRETION, ELECT TO REIMBURSE A RETIRED FORMER EMPLOYEE UNDER THIS CHAPTER FOR PREMIUMS THE RETIRED FORMER EMPLOYEE HAS PAID FOR MEDICAL INSURANCE THAT SUPPLEMENTS MEDICARE, INCLUDING PREMIUMS THE RETIRED FORMER EMPLOYEE HAS PAID FOR MEDICARE PART B COVERAGE.

NEW SECTION. Sec. 226. DEATH BENEFITS--DUTY CONNECTED. (1) IN THE EVENT OF THE DUTY CONNECTED DEATH OF ANY MEMBER WHO IS IN ACTIVE SERVICE, OR WHO HAS VESTED UNDER SECTION 216 OF THIS ACT WITH TWENTY OR MORE SERVICE CREDIT YEARS OF SERVICE, OR WHO IS ON DUTY CONNECTED DISABILITY LEAVE OR RETIRED FOR DUTY CONNECTED DISABILITY, THE SURVIVING SPOUSE SHALL BECOME ENTITLED TO RECEIVE A MONTHLY ALLOWANCE EQUAL TO FIFTY PERCENT OF THE FINAL AVERAGE SALARY AT THE DATE OF DEATH IF ACTIVE, OR THE AMOUNT OF RETIREMENT ALLOWANCE THE VESTED MEMBER WOULD HAVE RECEIVED AT AGE FIFTY, OR THE AMOUNT OF THE RETIREMENT ALLOWANCE SUCH RETIRED MEMBER WAS RECEIVING AT THE TIME OF DEATH IF RETIRED FOR DUTY CONNECTED DISABILITY. THE AMOUNT OF THIS ALLOWANCE WILL BE INCREASED FIVE PERCENT OF FINAL AVERAGE SALARY FOR EACH CHILD AS DEFINED IN SECTION 202(7) OF THIS ACT, SUBJECT TO A MAXIMUM COMBINED ALLOWANCE OF SIXTY PERCENT OF FINAL AVERAGE SALARY: PROVIDED, THAT IF THE CHILD OR CHILDREN IS OR ARE IN THE CARE OF A LEGAL GUARDIAN, PAYMENT OF THE INCREASE ATTRIBUTABLE TO EACH CHILD WILL BE MADE TO THE CHILD'S LEGAL GUARDIAN OR, IN THE ABSENCE OF A LEGAL GUARDIAN AND IF THE MEMBER HAS CREATED A TRUST FOR THE BENEFIT OF THE CHILD OR CHILDREN, PAYMENT OF THE INCREASE ATTRIBUTABLE TO EACH CHILD WILL BE MADE TO THE TRUST.

(2) IF AT THE TIME OF THE DUTY CONNECTED DEATH OF A VESTED MEMBER WITH TWENTY OR MORE SERVICE CREDIT YEARS OF SERVICE AS PROVIDED IN SUBSECTION (1) OF THIS SECTION OR A MEMBER RETIRED FOR DUTY CONNECTED DISABILITY, THE SURVIVING SPOUSE HAS NOT BEEN LAWFULLY MARRIED TO SUCH MEMBER FOR ONE YEAR PRIOR TO RETIREMENT OR SEPARATION FROM SERVICE IF A VESTED MEMBER, THE SURVIVING SPOUSE SHALL NOT BE ELIGIBLE TO RECEIVE THE BENEFITS UNDER THIS SECTION: PROVIDED, THAT IF A MEMBER DIES AS A RESULT OF A DISABILITY INCURRED IN THE LINE OF DUTY, THEN IF HE OR SHE WAS MARRIED AT THE TIME HE OR SHE WAS DISABLED, THE SURVIVING SPOUSE SHALL BE ELIGIBLE TO RECEIVE THE BENEFITS UNDER THIS SECTION.

(3) IF THERE BE NO SURVIVING SPOUSE ELIGIBLE TO RECEIVE BENEFITS AT THE TIME OF SUCH MEMBER'S DUTY CONNECTED DEATH, THEN THE CHILD OR CHILDREN OF SUCH MEMBER SHALL RECEIVE A MONTHLY ALLOWANCE EQUAL TO THIRTY PERCENT OF FINAL AVERAGE SALARY FOR ONE CHILD AND AN ADDITIONAL TEN PERCENT FOR EACH ADDITIONAL CHILD SUBJECT TO A MAXIMUM COMBINED PAYMENT, UNDER THIS SUBSECTION, OF SIXTY PERCENT OF FINAL AVERAGE SALARY. WHEN THERE CEASE TO BE ANY ELIGIBLE CHILDREN AS DEFINED IN SECTION 202(7) OF THIS ACT, THERE SHALL BE PAID TO THE LEGAL HEIRS OF THE MEMBER THE EXCESS, IF ANY, OF ACCUMULATED CONTRIBUTIONS OF THE MEMBER AT THE TIME OF DEATH OVER ALL PAYMENTS MADE TO SURVIVORS ON HIS OR HER BEHALF UNDER THIS CHAPTER: PROVIDED, THAT PAYMENTS UNDER THIS SUBSECTION TO CHILDREN SHALL BE PRORATED EQUALLY AMONG THE CHILDREN, IF MORE THAN ONE. IF THE MEMBER HAS CREATED A TRUST FOR THE BENEFIT OF THE CHILD OR CHILDREN, THE PAYMENT SHALL BE MADE TO THE TRUST.

(4) IN THE EVENT THAT THERE IS NO SURVIVING SPOUSE ELIGIBLE TO RECEIVE BENEFITS UNDER THIS SECTION, AND THAT THERE BE NO CHILD OR CHILDREN ELIGIBLE TO RECEIVE BENEFITS UNDER THIS SECTION, THEN THE ACCUMULATED CONTRIBUTIONS SHALL BE PAID TO THE ESTATE OF THE MEMBER.

(5) IF A SURVIVING SPOUSE RECEIVING BENEFITS UNDER THE PROVISIONS OF THIS SECTION THEREAFTER DIES AND THERE ARE CHILDREN AS DEFINED IN SECTION 202(7) OF THIS ACT, PAYMENT TO THE SPOUSE SHALL CEASE AND THE CHILD OR CHILDREN SHALL RECEIVE THE BENEFITS AS PROVIDED IN SUBSECTION (3) OF THIS SECTION.

(6) THE PAYMENT PROVIDED BY THIS SECTION SHALL BECOME DUE THE DAY FOLLOWING THE DATE OF DEATH AND PAYMENTS SHALL BE RETROACTIVE TO THAT DATE.

NEW SECTION. Sec. 227. DEATH BENEFITS--NONDUTY CONNECTED. (1) IN THE EVENT OF THE NONDUTY CONNECTED DEATH OF ANY MEMBER WHO IS IN ACTIVE SERVICE, OR WHO HAS VESTED UNDER SECTION 216 OF THIS ACT WITH TWENTY OR MORE SERVICE CREDIT YEARS OF SERVICE, OR WHO IS ON DISABILITY LEAVE OR RETIRED, WHETHER FOR NONDUTY CONNECTED DISABILITY OR SERVICE, THE SURVIVING SPOUSE SHALL BECOME ENTITLED TO RECEIVE A MONTHLY ALLOWANCE EQUAL TO FIFTY PERCENT OF THE FINAL AVERAGE SALARY AT THE DATE OF DEATH IF ACTIVE, OR THE AMOUNT OF RETIREMENT ALLOWANCE THE VESTED MEMBER WOULD HAVE RECEIVED AT AGE FIFTY, OR THE AMOUNT OF THE RETIREMENT ALLOWANCE SUCH RETIRED MEMBER WAS RECEIVING AT THE TIME OF DEATH IF RETIRED FOR SERVICE OR NONDUTY CONNECTED DISABILITY. THE AMOUNT OF THIS ALLOWANCE WILL BE INCREASED FIVE PERCENT OF FINAL AVERAGE SALARY FOR EACH CHILD AS DEFINED IN SECTION 202(7) OF THIS ACT, SUBJECT TO A MAXIMUM COMBINED ALLOWANCE OF SIXTY PERCENT OF FINAL AVERAGE SALARY: PROVIDED, THAT IF THE CHILD OR CHILDREN IS OR ARE IN THE CARE OF A LEGAL GUARDIAN, PAYMENT OF THE INCREASE ATTRIBUTABLE TO EACH CHILD WILL BE MADE TO THE CHILD'S LEGAL GUARDIAN OR, IN THE ABSENCE OF A LEGAL GUARDIAN AND IF THE MEMBER HAS CREATED A TRUST FOR THE BENEFIT OF THE CHILD OR CHILDREN, PAYMENT OF THE INCREASE ATTRIBUTABLE TO EACH CHILD WILL BE MADE TO THE TRUST.

(2) IF AT THE TIME OF THE DEATH OF A VESTED MEMBER WITH TWENTY OR MORE SERVICE CREDIT YEARS OF SERVICE AS PROVIDED IN SUBSECTION (1) OF THIS SECTION OR A MEMBER RETIRED FOR SERVICE OR DISABILITY, THE SURVIVING SPOUSE HAS NOT BEEN LAWFULLY MARRIED TO SUCH MEMBER FOR ONE YEAR PRIOR TO RETIREMENT OR SEPARATION FROM SERVICE IF A VESTED MEMBER, THE SURVIVING SPOUSE SHALL NOT BE ELIGIBLE TO RECEIVE THE BENEFITS UNDER THIS SECTION.

(3) IF THERE BE NO SURVIVING SPOUSE ELIGIBLE TO RECEIVE BENEFITS AT THE TIME OF SUCH MEMBER'S DEATH, THEN THE CHILD OR CHILDREN OF SUCH MEMBER SHALL RECEIVE A MONTHLY ALLOWANCE EQUAL TO THIRTY PERCENT OF FINAL AVERAGE SALARY FOR ONE CHILD AND AN ADDITIONAL TEN PERCENT FOR EACH ADDITIONAL CHILD SUBJECT TO A MAXIMUM COMBINED PAYMENT, UNDER THIS SUBSECTION, OF SIXTY PERCENT OF FINAL AVERAGE SALARY. WHEN THERE CEASE TO BE ANY ELIGIBLE CHILDREN AS DEFINED IN SECTION 202(7) OF THIS ACT, THERE SHALL BE PAID TO THE LEGAL HEIRS OF THE MEMBER THE EXCESS, IF ANY, OF ACCUMULATED CONTRIBUTIONS OF THE MEMBER AT THE TIME OF DEATH OVER ALL PAYMENTS MADE TO SURVIVORS ON HIS OR HER BEHALF UNDER THIS CHAPTER: PROVIDED, THAT PAYMENTS UNDER THIS SUBSECTION TO CHILDREN SHALL BE PRORATED EQUALLY AMONG THE CHILDREN, IF MORE THAN ONE. IF THE MEMBER HAS CREATED A TRUST FOR THE BENEFIT OF THE CHILD OR CHILDREN, THE PAYMENT SHALL BE MADE TO THE TRUST.

(4) IN THE EVENT THAT THERE IS NO SURVIVING SPOUSE ELIGIBLE TO RECEIVE BENEFITS UNDER THIS SECTION, AND THAT THERE BE NO CHILD OR CHILDREN ELIGIBLE TO RECEIVE BENEFITS UNDER THIS SECTION, THEN THE ACCUMULATED CONTRIBUTIONS SHALL BE PAID TO THE ESTATE OF THE MEMBER.

(5) IF A SURVIVING SPOUSE RECEIVING BENEFITS UNDER THE PROVISIONS OF THIS SECTION THEREAFTER DIES AND THERE ARE CHILDREN AS DEFINED IN SECTION 202(7) OF THIS ACT, PAYMENT TO THE SPOUSE SHALL CEASE AND THE CHILD OR CHILDREN SHALL RECEIVE THE BENEFITS AS PROVIDED IN SUBSECTION (3) OF THIS SECTION.

(6) THE PAYMENT PROVIDED BY THIS SECTION SHALL BECOME DUE THE DAY FOLLOWING THE DATE OF DEATH AND PAYMENTS SHALL BE RETROACTIVE TO THAT DATE.

NEW SECTION. Sec. 228. EX SPOUSE QUALIFYING AS SURVIVING SPOUSE--WHEN. (1) AN EX SPOUSE OF A RETIREE SHALL QUALIFY AS SURVIVING SPOUSE UNDER SECTION 226 OF THIS ACT IF THE EX SPOUSE:

(A) HAS BEEN PROVIDED BENEFITS UNDER ANY CURRENTLY EFFECTIVE COURT DECREE OF DISSOLUTION OR LEGAL SEPARATION OR IN ANY COURT ORDER OR COURT-APPROVED PROPERTY SETTLEMENT AGREEMENT INCIDENT TO ANY COURT DECREE OF DISSOLUTION OR LEGAL SEPARATION ENTERED AFTER THE MEMBER'S RETIREMENT AND PRIOR TO DECEMBER 31, 1979; AND

(B) WAS MARRIED TO THE RETIREE FOR AT LEAST THIRTY YEARS, INCLUDING AT LEAST TWENTY YEARS PRIOR TO THE MEMBER'S RETIREMENT OR SEPARATION FROM SERVICE IF A VESTED MEMBER.

(2) IF TWO OR MORE PERSONS ARE ELIGIBLE FOR A SURVIVING SPOUSE BENEFIT UNDER THIS SUBSECTION, BENEFITS SHALL BE DIVIDED BETWEEN THE SURVIVING SPOUSES BASED ON THE PERCENTAGE OF TOTAL SERVICE CREDIT THE MEMBER ACCRUED DURING EACH MARRIAGE.

(3) THIS SECTION SHALL APPLY RETROACTIVELY.

NEW SECTION. Sec. 229. REFUND OF CONTRIBUTIONS ON DISCONTINUANCE OF SERVICE--REENTRY. (1) SHOULD SERVICE OF A MEMBER BE DISCONTINUED EXCEPT BY DEATH, DISABILITY, OR RETIREMENT, THE MEMBER SHALL, UPON APPLICATION THEREFOR, BE PAID THE ACCUMULATED CONTRIBUTIONS WITHIN SIXTY DAYS AFTER THE DAY OF APPLICATION AND THE RIGHTS TO ALL BENEFITS AS A MEMBER SHALL CEASE: PROVIDED, THAT ANY MEMBER WITH AT LEAST FIVE YEARS' SERVICE MAY ELECT THE PROVISIONS OF SECTION 216(2) OF THIS ACT.

(2) ANY MEMBER WHOSE CONTRIBUTIONS HAVE BEEN PAID IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION AND WHO REENTERS THE SERVICE OF AN EMPLOYER SHALL UPON THE RESTORATION OF WITHDRAWN CONTRIBUTIONS, WHICH RESTORATION MUST BE COMPLETED WITHIN A TOTAL PERIOD OF FIVE YEARS OF SERVICE FOLLOWING RESUMPTION OF EMPLOYMENT, THEN RECEIVE CREDIT TOWARD RETIREMENT FOR THE PERIOD OF PREVIOUS SERVICE WHICH THESE CONTRIBUTIONS ARE TO COVER.

(3) IF THE MEMBER FAILS TO MEET THE TIME LIMITATIONS OF SUBSECTION (2) OF THIS SECTION, THE MEMBER MAY MAKE THE PAYMENT REQUIRED UNDER RCW 41.50.165(2) PRIOR TO RETIREMENT. THE MEMBER SHALL THEN RECEIVE CREDIT TOWARD RETIREMENT FOR THE PERIOD OF PREVIOUS SERVICE THAT THE WITHDRAWN CONTRIBUTIONS COVER.

NEW SECTION. Sec. 230. CREDIT FOR MILITARY SERVICE. EACH PERSON AFFECTED BY THIS CHAPTER WHO AT THE TIME OF ENTERING THE ARMED SERVICES WAS A MEMBER OF THIS SYSTEM OR PLAN 1 UNDER CHAPTER 41.26 RCW, AND HAS HONORABLY SERVED IN THE ARMED SERVICES OF THE UNITED STATES, SHALL HAVE ADDED TO THE PERIOD OF SERVICE AS COMPUTED UNDER THIS CHAPTER, THE PERIOD OF SERVICE IN THE ARMED FORCES: PROVIDED, THAT SUCH CREDITED SERVICE SHALL NOT EXCEED FIVE YEARS.

NEW SECTION. Sec. 231. CREDIT FOR SERVICE UNDER PRIOR PENSION SYSTEM--RESTORATION OF WITHDRAWN CONTRIBUTIONS. IF A MEMBER OF THIS RETIREMENT SYSTEM SERVED AS A LAW ENFORCEMENT OFFICER OR FIRE FIGHTER UNDER A PRIOR PENSION SYSTEM AND THAT SERVICE IS NOT CREDITABLE TO THIS RETIREMENT SYSTEM BECAUSE THE MEMBER WITHDREW HIS OR HER CONTRIBUTIONS PLUS ACCRUED INTEREST FROM THE PRIOR PENSION SYSTEM, THE MEMBER'S PRIOR SERVICE AS A LAW ENFORCEMENT OFFICER SHALL BE CREDITED TO THIS RETIREMENT SYSTEM IF THE MEMBER PAYS TO THE RETIREMENT SYSTEM THE AMOUNT UNDER RCW 41.50.165(2) PRIOR TO RETIREMENT.

NEW SECTION. Sec. 232. CREDIT FOR SERVICE UNDER PRIOR PENSION SYSTEM--SERVICE NOT COVERED UNDER PRIOR SYSTEM. IF A MEMBER'S PRIOR SERVICE AS A LAW ENFORCEMENT OFFICER OR FIRE FIGHTER UNDER A PRIOR PENSION SYSTEM IS NOT CREDITABLE BECAUSE, ALTHOUGH EMPLOYED IN A POSITION COVERED BY A PRIOR PENSION ACT, THE MEMBER HAD NOT YET BECOME A MEMBER OF THE PENSION SYSTEM GOVERNED BY THE ACT, THE MEMBER'S PRIOR SERVICE AS A LAW ENFORCEMENT OFFICER OR FIRE FIGHTER SHALL BE CREDITABLE IF THE MEMBER PAYS TO THE PLAN THE AMOUNT SET FORTH UNDER RCW 41.50.165(2) PRIOR TO RETIREMENT.

NEW SECTION. Sec. 233. TRANSFER OF SERVICE CREDIT FROM OTHER RETIREMENT SYSTEM--IRREVOCABLE ELECTION ALLOWED. ANY MEMBER OF THE TEACHERS' RETIREMENT SYSTEM PLANS 1, 2, OR 3, THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLANS 1 OR 2, OR THE WASHINGTON STATE PATROL RETIREMENT SYSTEM WHO HAS PREVIOUSLY ESTABLISHED SERVICE CREDIT IN THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM MAY MAKE AN IRREVOCABLE ELECTION TO HAVE SUCH SERVICE TRANSFERRED TO THEIR CURRENT RETIREMENT SYSTEM AND PLAN SUBJECT TO THE FOLLOWING CONDITIONS:

(1) IF THE INDIVIDUAL IS EMPLOYED BY AN EMPLOYER IN AN ELIGIBLE POSITION, AS OF JULY 1, 1997, THE ELECTION TO TRANSFER SERVICE MUST BE FILED IN WRITING WITH THE DEPARTMENT NO LATER THAN JULY 1, 1998. IF THE INDIVIDUAL IS NOT EMPLOYED BY AN EMPLOYER IN AN ELIGIBLE POSITION, AS OF JULY 1, 1997, THE ELECTION TO TRANSFER SERVICE MUST BE FILED IN WRITING WITH THE DEPARTMENT NO LATER THAN ONE YEAR FROM THE DATE THEY ARE EMPLOYED BY AN EMPLOYER IN AN ELIGIBLE POSITION.

(2) AN INDIVIDUAL TRANSFERRING SERVICE UNDER THIS SECTION FORFEITS THE RIGHTS TO ALL BENEFITS AS A MEMBER OF THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM AND WILL BE PERMANENTLY EXCLUDED FROM MEMBERSHIP.

(3) ANY INDIVIDUAL CHOOSING TO TRANSFER SERVICE UNDER THIS SECTION WILL HAVE TRANSFERRED TO THEIR CURRENT RETIREMENT SYSTEM AND PLAN: (A) ALL THE INDIVIDUAL'S ACCUMULATED CONTRIBUTIONS; (B) AN AMOUNT SUFFICIENT TO ENSURE THAT THE EMPLOYER CONTRIBUTION RATE IN THE INDIVIDUAL'S CURRENT SYSTEM AND PLAN WILL NOT INCREASE DUE TO THE TRANSFER; AND (C) ALL APPLICABLE MONTHS OF SERVICE, AS DEFINED IN SECTION 202(14) OF THIS ACT.

(4) IF AN INDIVIDUAL HAS WITHDRAWN CONTRIBUTIONS FROM THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 1 OR THE PLAN ESTABLISHED BY THIS CHAPTER, THE INDIVIDUAL MAY RESTORE THE CONTRIBUTIONS, TOGETHER WITH INTEREST AS DETERMINED BY THE DIRECTOR, AND RECOVER THE SERVICE REPRESENTED BY THE CONTRIBUTIONS FOR THE SOLE PURPOSE OF TRANSFERRING SERVICE UNDER THIS SECTION. THE CONTRIBUTIONS MUST BE RESTORED BEFORE THE TRANSFER CAN OCCUR AND THE RESTORATION MUST BE COMPLETED WITHIN THE TIME LIMITATIONS SPECIFIED IN SUBSECTION (1) OF THIS SECTION.

(5) ANY SERVICE TRANSFERRED UNDER THIS SECTION DOES NOT APPLY TO THE ELIGIBILITY REQUIREMENTS FOR MILITARY SERVICE CREDIT AS DEFINED IN RCW 41.40.170(3) OR 43.43.260(3).

(6) IF AN INDIVIDUAL DOES NOT MEET THE TIME LIMITATIONS OF SUBSECTION (1) OF THIS SECTION, THE INDIVIDUAL MAY ELECT TO RESTORE ANY WITHDRAWN CONTRIBUTIONS AND TRANSFER SERVICE UNDER THIS SECTION BY PAYING THE AMOUNT REQUIRED UNDER SUBSECTION (3)(B) OF THIS SECTION LESS ANY EMPLOYEE CONTRIBUTIONS TRANSFERRED.

NEW SECTION. Sec. 234. SERVICE CREDIT FOR PAID LEAVE OF ABSENCE--APPLICATION TO ELECTED OFFICIALS OF LABOR ORGANIZATIONS. (1) A MEMBER WHO IS ON A PAID LEAVE OF ABSENCE AUTHORIZED BY A MEMBER'S EMPLOYER SHALL CONTINUE TO RECEIVE SERVICE CREDIT AS PROVIDED UNDER THIS CHAPTER.

(2) A MEMBER WHO RECEIVES COMPENSATION FROM AN EMPLOYER WHILE ON AN AUTHORIZED LEAVE OF ABSENCE TO SERVE AS AN ELECTED OFFICIAL OF A LABOR ORGANIZATION, AND WHOSE EMPLOYER IS REIMBURSED BY THE LABOR ORGANIZATION FOR THE

COMPENSATION PAID TO THE MEMBER DURING THE PERIOD OF ABSENCE, MAY ALSO BE CONSIDERED TO BE ON A PAID LEAVE OF ABSENCE. THIS SUBSECTION SHALL ONLY APPLY IF THE MEMBER'S LEAVE OF ABSENCE IS AUTHORIZED BY A COLLECTIVE BARGAINING AGREEMENT THAT PROVIDES THAT THE MEMBER RETAINS SENIORITY RIGHTS WITH THE EMPLOYER DURING THE PERIOD OF LEAVE. THE BASIC SALARY REPORTED FOR A MEMBER WHO ESTABLISHES SERVICE CREDIT UNDER THIS SUBSECTION MAY NOT BE GREATER THAN THE SALARY PAID TO THE HIGHEST PAID JOB CLASS COVERED BY THE COLLECTIVE BARGAINING AGREEMENT.

NEW SECTION. Sec. 235. APPEAL TO DIRECTOR. ANY PERSON FEELING AGGRIEVED BY ANY ORDER OR DETERMINATION OF A DISABILITY BOARD DENYING DISABILITY LEAVE OR DISABILITY RETIREMENT, OR CANCELING A PREVIOUSLY GRANTED DISABILITY RETIREMENT ALLOWANCE, SHALL HAVE THE RIGHT TO APPEAL THE ORDER OR DETERMINATION TO THE DIRECTOR. THE DIRECTOR SHALL HAVE NO JURISDICTION TO ENTERTAIN THE APPEAL UNLESS A NOTICE OF APPEAL IS FILED WITH THE DIRECTOR WITHIN THIRTY DAYS FOLLOWING THE RENDITION OF THE ORDER BY THE APPLICABLE DISABILITY BOARD. A COPY OF THE NOTICE OF APPEAL SHALL BE SERVED UPON THE DIRECTOR AND THE APPLICABLE DISABILITY BOARD AND, WITHIN NINETY DAYS THEREOF, THE DISABILITY BOARD SHALL CERTIFY ITS DECISION AND ORDER WHICH SHALL INCLUDE FINDINGS OF FACT AND CONCLUSIONS OF LAW, TOGETHER WITH A TRANSCRIPT OF ALL PROCEEDINGS IN CONNECTION THEREWITH, TO THE DIRECTOR FOR REVIEW. UPON REVIEW OF THE RECORD, THE DIRECTOR MAY AFFIRM THE ORDER OF THE DISABILITY BOARD OR MAY REMAND THE CASE FOR SUCH FURTHER PROCEEDINGS AS HE OR SHE MAY DIRECT, IN ACCORDANCE WITH SUCH RULES OF PROCEDURE AS THE DIRECTOR SHALL ADOPT.

NEW SECTION. Sec. 236. NOTICE FOR HEARING REQUIRED PRIOR TO PETITIONING FOR JUDICIAL REVIEW. ANY PERSON AGGRIEVED BY ANY FINAL DECISION OF THE DIRECTOR MUST, BEFORE PETITIONING FOR JUDICIAL REVIEW, FILE WITH THE DIRECTOR BY MAIL OR PERSONALLY WITHIN SIXTY DAYS FROM THE DAY THE DECISION WAS COMMUNICATED TO THE PERSON, A NOTICE FOR A HEARING. THE NOTICE OF HEARING SHALL SET FORTH IN FULL DETAIL THE GROUNDS UPON WHICH SUCH PERSON CONSIDERS SUCH DECISION UNJUST OR UNLAWFUL AND SHALL INCLUDE EVERY ISSUE TO BE CONSIDERED, AND IT MUST CONTAIN A DETAILED STATEMENT OF FACTS UPON WHICH SUCH PERSON RELIES IN SUPPORT THEREOF. SUCH PERSONS SHALL BE DEEMED TO HAVE WAIVED ALL OBJECTIONS OR IRREGULARITIES CONCERNING THE MATTER ON WHICH SUCH APPEAL IS TAKEN OTHER THAN THOSE SPECIFICALLY SET FORTH IN THE NOTICE OF HEARING OR APPEARING IN THE RECORDS OF THE RETIREMENT SYSTEM.

NEW SECTION. Sec. 237. HEARING--CONDUCT. A HEARING SHALL BE HELD BY THE DIRECTOR, OR THE DIRECTOR'S DULY AUTHORIZED REPRESENTATIVE, IN THE COUNTY OF THE RESIDENCE OF THE CLAIMANT AT A TIME AND PLACE DESIGNATED BY THE DIRECTOR. SUCH HEARING SHALL BE DE NOVO AND SHALL CONFORM TO THE PROVISIONS OF CHAPTER 34.05 RCW. THE DISABILITY BOARD AND THE DEPARTMENT SHALL BE ENTITLED TO APPEAR IN ALL SUCH PROCEEDINGS AND INTRODUCE TESTIMONY IN SUPPORT OF THE DECISION. JUDICIAL REVIEW OF ANY FINAL DECISION BY THE DIRECTOR SHALL BE GOVERNED BY THE PROVISIONS OF CHAPTER 34.05 RCW.

NEW SECTION. Sec. 238. INCREASES OR DECREASES IN RETIREMENT ALLOWANCES TO BE DETERMINED BY DEPARTMENT IN ACCORDANCE WITH CONSUMER PRICE INDEX. FOR PURPOSES OF THIS SECTION:

(1) "INDEX" MEANS, FOR ANY CALENDAR YEAR, THAT YEAR'S AVERAGE CONSUMER PRICE INDEX FOR THE SEATTLE, WASHINGTON AREA FOR URBAN WAGE EARNERS AND CLERICAL WORKERS, ALL ITEMS (1957-1959=100), COMPILED BY THE BUREAU OF LABOR STATISTICS OF THE UNITED STATES DEPARTMENT OF LABOR;

(2) "RETIREMENT ALLOWANCE" MEANS THE RETIREMENT ALLOWANCE PROVIDED FOR IN SECTIONS 217 AND 222 OF THIS ACT, AND THE MONTHLY ALLOWANCE PROVIDED FOR IN SECTION 226 OF THIS ACT.

ON APRIL 1ST OF EACH YEAR, EVERY RETIREMENT ALLOWANCE WHICH HAS BEEN IN EFFECT FOR MORE THAN ONE YEAR SHALL BE ADJUSTED TO THAT DOLLAR AMOUNT WHICH EXCEEDS ITS ORIGINAL DOLLAR AMOUNT BY THE PERCENTAGE DIFFERENCE WHICH THE DEPARTMENT FINDS TO EXIST BETWEEN THE INDEX FOR THE PREVIOUS CALENDAR YEAR AND THE INDEX FOR THE CALENDAR YEAR PRIOR TO THE EFFECTIVE RETIREMENT DATE OF THE PERSON TO WHOM, OR ON BEHALF OF WHOM, SUCH RETIREMENT ALLOWANCE IS BEING PAID.

FOR THE PURPOSES OF THIS SECTION, "BASIC ALLOWANCE" MEANS THAT PORTION OF A TOTAL RETIREMENT ALLOWANCE, AND ANY COST-OF-LIVING ADJUSTMENT THEREON, ATTRIBUTABLE TO A MEMBER (INDIVIDUALLY) AND SHALL NOT INCLUDE THE INCREASED AMOUNTS ATTRIBUTABLE TO THE EXISTENCE OF A CHILD OR CHILDREN. IN THOSE CASES WHERE A CHILD CEASES TO BE QUALIFIED AS AN ELIGIBLE CHILD, SO AS TO LESSEN THE TOTAL ALLOWANCE, THE ALLOWANCE SHALL, AT THAT TIME, BE REDUCED TO THE BASIC ALLOWANCE PLUS THE AMOUNT ATTRIBUTABLE FOR THE APPROPRIATE NUMBER OF ELIGIBLE CHILDREN. IN THOSE CASES WHERE A CHILD QUALIFIES AS AN ELIGIBLE CHILD SUBSEQUENT TO THE RETIREMENT OF A MEMBER SO AS TO INCREASE THE TOTAL ALLOWANCE PAYABLE, SUCH INCREASED ALLOWANCE SHALL AT THE TIME OF THE NEXT AND APPROPRIATE SUBSEQUENT COST-OF-LIVING ADJUSTMENTS, BE CONSIDERED THE ORIGINAL DOLLAR AMOUNT OF THE ALLOWANCE.

NEW SECTION. Sec. 239. INCREASE IN PRESENTLY PAYABLE BENEFITS FOR SERVICE OR DISABILITY AUTHORIZED. ALL BENEFITS PRESENTLY PAYABLE PURSUANT TO THE PROVISIONS OF RCW 41.20.050, 41.20.060, AND 41.20.080 AS SUCH RCW SECTIONS EXISTED PRIOR TO THE EFFECTIVE DATE OF THE AMENDMENT OF SUCH RCW SECTIONS BY SECTIONS 1, 2, 3, CHAPTER 191, LAWS OF 1961 TO PERSONS WHO RETIRED PRIOR TO THE EFFECTIVE DATE OF THE 1961 AMENDATORY ACT, SHALL BE INCREASED ANNUALLY AS PROVIDED IN THIS SECTION. THE LOCAL PENSION BOARD SHALL MEET SUBSEQUENT TO MARCH 31ST BUT PRIOR TO JUNE 30TH OF EACH YEAR FOR THE PURPOSE OF ADJUSTING BENEFIT ALLOWANCES PAYABLE PURSUANT TO RCW 41.20.050, 41.20.060, AND 41.20.080. THE LOCAL BOARD SHALL DETERMINE THE INCREASE IN THE CONSUMER PRICE INDEX BETWEEN JANUARY 1ST AND DECEMBER 31ST OF THE PREVIOUS YEAR AND INCREASE IN DOLLAR AMOUNT THE BENEFITS PAYABLE SUBSEQUENT TO JULY 1ST OF THE YEAR IN WHICH THE BOARD MAKES SUCH DETERMINATION BY A DOLLAR AMOUNT PROPORTIONATE TO THE INCREASE IN THE CONSUMER PRICE INDEX: PROVIDED, THAT REGARDLESS OF THE CHANGE IN THE CONSUMER PRICE INDEX, SUCH INCREASE SHALL BE AT LEAST TWO PERCENT EACH YEAR SUCH ADJUSTMENT IS MADE.

EACH YEAR EFFECTIVE WITH THE JULY PAYMENT ALL BENEFITS SPECIFIED IN THIS SECTION, SHALL BE INCREASED AS AUTHORIZED BY THIS SECTION. THIS BENEFIT INCREASE SHALL BE PAID MONTHLY AS PART OF THE REGULAR PENSION PAYMENT AND SHALL BE CUMULATIVE.

FOR THE PURPOSE OF THIS SECTION, "CONSUMER PRICE INDEX" MEANS, FOR ANY CALENDAR YEAR, THE CONSUMER PRICE INDEX FOR THE SEATTLE, WASHINGTON AREA AS COMPILED BY THE BUREAU OF LABOR STATISTICS OF THE UNITED STATES DEPARTMENT OF LABOR.

NEW SECTION. Sec. 240. INCREASE IN CERTAIN PRESENTLY PAYABLE DEATH BENEFITS AUTHORIZED. ALL BENEFITS PRESENTLY PAYABLE PURSUANT TO THE PROVISIONS OF RCW 41.20.085 WHICH ARE NOT RELATED TO THE AMOUNT OF CURRENT SALARY ATTACHED TO THE POSITION HELD BY THE DECEASED MEMBER SHALL BE INCREASED ANNUALLY IN THE SAME MANNER AND TO THE SAME EXTENT AS PROVIDED FOR PURSUANT TO SECTION 239 OF THIS ACT.

NEW SECTION. Sec. 241. DECLARATION OF POLICY RESPECTING BENEFITS FOR INJURY OR DEATH--CIVIL ACTIONS ABOLISHED. THE LEGISLATURE OF THE STATE OF WASHINGTON HEREBY DECLARES THAT THE RELATIONSHIP BETWEEN

MEMBERS OF THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM AND THEIR GOVERNMENTAL EMPLOYERS IS SIMILAR TO THAT OF WORKERS TO THEIR EMPLOYERS AND THAT THE SURE AND CERTAIN RELIEF GRANTED BY THIS CHAPTER IS DESIRABLE, AND AS BENEFICIAL TO SUCH LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS AS WORKERS' COMPENSATION COVERAGE IS TO PERSONS COVERED BY TITLE 51 RCW. THE LEGISLATURE FURTHER DECLARES THAT REMOVAL OF LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS FROM WORKERS' COMPENSATION COVERAGE UNDER TITLE 51 RCW NECESSITATES THE (1) CONTINUANCE OF SURE AND CERTAIN RELIEF FOR PERSONAL INJURIES INCURRED IN THE COURSE OF EMPLOYMENT OR OCCUPATIONAL DISEASE, WHICH THE LEGISLATURE FINDS TO BE ACCOMPLISHED BY THE PROVISIONS OF THIS CHAPTER AND (2) PROTECTION FOR THE GOVERNMENTAL EMPLOYER FROM ACTIONS AT LAW; AND TO THIS END THE LEGISLATURE FURTHER DECLARES THAT THE BENEFITS AND REMEDIES CONFERRED BY THIS CHAPTER UPON LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS COVERED UNDER THIS CHAPTER SHALL BE TO THE EXCLUSION OF ANY OTHER REMEDY, PROCEEDING, OR COMPENSATION FOR PERSONAL INJURIES OR SICKNESS, CAUSED BY THE GOVERNMENTAL EMPLOYER EXCEPT AS OTHERWISE PROVIDED BY THIS CHAPTER; AND TO THAT END ALL CIVIL ACTIONS AND CIVIL CAUSES OF ACTIONS BY SUCH LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS AGAINST THEIR GOVERNMENTAL EMPLOYERS FOR PERSONAL INJURIES OR SICKNESS ARE HEREBY ABOLISHED, EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER.

NEW SECTION. Sec. 242. CAUSE OF ACTION FOR INJURY OR DEATH, WHEN. IF INJURY OR DEATH RESULTS TO A MEMBER FROM THE INTENTIONAL OR NEGLIGENT ACT OR OMISSION OF A MEMBER'S GOVERNMENTAL EMPLOYER, THE MEMBER, THE WIDOW, WIDOWER, CHILD, OR DEPENDENT OF THE MEMBER SHALL HAVE THE PRIVILEGE TO BENEFIT UNDER THIS CHAPTER AND ALSO HAVE CAUSE OF ACTION AGAINST THE GOVERNMENTAL EMPLOYER AS OTHERWISE PROVIDED BY LAW, FOR ANY EXCESS OF DAMAGES OVER THE AMOUNT RECEIVED OR RECEIVABLE UNDER THIS CHAPTER.

NEW SECTION. Sec. 243. SECTIONS 1 THROUGH 10 AND 201 THROUGH 242 OF THIS ACT CONSTITUTE A NEW CHAPTER IN TITLE 41 RCW, TO BE DESIGNATED CHAPTER 41.26A RCW.

PART III LEOFF MEDICAL BENEFITS RISK POOL

NEW SECTION. Sec. 301. THE PURPOSE OF THIS CHAPTER IS TO ESTABLISH A RISK ASSUMPTION PROGRAM WHEREBY EMPLOYERS OF ACTIVE AND RETIRED MEMBERS OF THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM UNDER CHAPTER 41.26A RCW VOLUNTARILY ENTER INTO MEMBERSHIP IN A RISK POOL FOR THE PURPOSE OF SHARING THE NONINSURED MEDICAL COSTS OF LONG-TERM CARE AND MAJOR MEDICAL SERVICES FOR RETIRED MEMBERS OF THE RETIREMENT SYSTEM. SUCH LONG-TERM CARE AND MAJOR MEDICAL SERVICES ARE THOSE REQUIRED UNDER CHAPTER 41.26A RCW AND APPROVED BY CITY AND COUNTY DISABILITY BOARDS.

NEW SECTION. Sec. 302. THE DEFINITIONS IN THIS SECTION APPLY TO THIS CHAPTER UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE.

(1) "ACTUARY" MEANS THE STATE ACTUARY, OFFICE OF THE STATE ACTUARY.

(2) "BENEFICIARY" MEANS ANY PERSON IN RECEIPT OF A RETIREMENT ALLOWANCE OR DISABILITY ALLOWANCE WHO IS ELIGIBLE FOR MEDICAL SERVICES UNDER THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM UNDER CHAPTER 41.26A RCW.

(3) "EMPLOYER" MEANS THE LEGISLATIVE AUTHORITY OF ANY CITY, TOWN, COUNTY, OR DISTRICT OR THE ELECTED OFFICIALS OF ANY MUNICIPAL CORPORATION THAT EMPLOYS ANY MEMBER OF THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM, OR ANY AUTHORIZED ASSOCIATION OF SUCH MUNICIPALITIES.

(4) "EXECUTIVE BOARD" MEANS THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RISK POOL EXECUTIVE BOARD.

(5) "LONG-TERM CARE" MEANS THOSE MEDICALLY NECESSARY SERVICES REQUIRED UNDER SECTION 202(22) OF THIS ACT, AUTHORIZED UNDER SECTION 225 OF THIS ACT, AND RECEIVED IN A FACILITY FOR SKILLED NURSING CARE, INTERMEDIATE CARE, CUSTODIAL CARE, HOSPICE CARE, DAY CARE, IN-HOME NURSING CARE, OR OTHER IN-HOME CARE OR SERVICES. FOR PURPOSES OF EXPENDITURES FROM THE MEDICAL ACCOUNT, LONG-TERM CARE ONLY INCLUDES QUALIFIED LONG-TERM CARE SERVICES AS DEFINED IN INTERNAL REVENUE CODE SECTION 7702B(2), AND QUALIFIED LONG-TERM CARE INSURANCE CONTRACT AS DEFINED IN INTERNAL REVENUE CODE SECTION 7702B(b).

(6) "MEDICAL COSTS" MEANS THOSE COSTS INCURRED IN THE PROVISION OF THE MEDICALLY NECESSARY MEDICAL SERVICES REQUIRED UNDER SECTION 202(22) OF THIS ACT AND AUTHORIZED UNDER SECTION 225 OF THIS ACT. FOR PURPOSES OF EXPENDITURES FROM THE MEDICAL ACCOUNT, MEDICAL COSTS ONLY INCLUDE COST OF MEDICAL CARE AS DEFINED IN INTERNAL REVENUE CODE SECTION 213(d).

(7) "RISK ASSUMPTION" MEANS A DECISION TO ABSORB THE ENTITY'S FINANCIAL EXPOSURE TO A RISK OF LOSS WITHOUT THE CREATION OF A FORMAL PROGRAM OF ADVANCE FUNDING OF ANTICIPATED LOSSES.

(8) "RISK POOL" MEANS THE LONG-TERM CARE AND MEDICAL COSTS RISK POOL CREATED FOR THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' MEDICAL BENEFITS RISK POOL.

(9) "STATE RISK MANAGER" MEANS THE RISK MANAGER, RISK MANAGEMENT DIVISION, DEPARTMENT OF GENERAL ADMINISTRATION.

NEW SECTION. Sec. 303. (1) THERE IS HEREBY ESTABLISHED THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' MEDICAL BENEFITS RISK POOL.

(2) THE RISK POOL IS A RISK ASSUMPTION INSURANCE PROGRAM FOR THE SOLE PURPOSE OF EMPLOYERS SHARING THE NONINSURED MEDICAL COSTS OF LONG-TERM CARE AND MEDICAL COSTS FOR BENEFICIARIES.

(3) AN EMPLOYER'S PARTICIPATION AND WITHDRAWAL FROM THE RISK POOL IS SUBJECT TO RULES ESTABLISHED BY THE EXECUTIVE BOARD.

NEW SECTION. Sec. 304. (1) THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RISK POOL EXECUTIVE BOARD IS HEREBY ESTABLISHED.

(2)(A) THE MEMBERSHIP OF THE EXECUTIVE BOARD SHALL CONSIST OF SEVEN PERSONS AS FOLLOWS:

(i) THE CHAIR IS APPOINTED BY THE GOVERNOR FOR A FOUR-YEAR TERM OF OFFICE. THE CHAIR SHALL BE FAMILIAR WITH RISK POOL OPERATION, MEDICAL, AND LONG-TERM CARE MATTERS BUT SHALL NOT HAVE BEEN EMPLOYED AS A LAW ENFORCEMENT OFFICER OR FIRE FIGHTER OR SERVED ON A LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DISABILITY BOARD; AND

(ii) SIX OTHERS SELECTED BY THE GOVERNOR FROM LISTS OF RECOMMENDED PERSONS MADE BY THEIR RESPECTIVE ORGANIZATIONS AS FOLLOWS:

(A) TWO PERSONS REPRESENTING COUNTIES, ONE OF WHICH IS AN ELECTED OFFICIAL;

(B) TWO PERSONS REPRESENTING CITIES AND TOWNS, ONE OF WHICH IS AN ELECTED OFFICIAL; AND

(C) TWO PERSONS REPRESENTING FIRE PROTECTION DISTRICTS, ONE OF WHICH IS AN ELECTED COMMISSIONER.

(B) IF A MEMBER VACATES HIS OR HER POSITION, THE GOVERNOR SHALL SELECT A PERSON FROM A LIST RECOMMENDED BY HIS OR HER RESPECTIVE ORGANIZATION TO REPLACE THE VACATING MEMBER FOR THE REMAINDER OF THE TERM OF OFFICE FOR THE VACATED POSITION.

(3) ONE POSITION OF THE COUNTY, CITY, OR TOWN, AND FIRE PROTECTION DISTRICT GROUPS HAS AN INITIAL TERM OF TWO YEARS AND FOUR YEARS THEREAFTER. THE REMAINING POSITIONS HAVE TERMS OF FOUR YEARS.

(4) A VICE-CHAIR SHALL BE ELECTED AT THE FIRST MEETING OF THE EXECUTIVE BOARD AND EVERY TWO YEARS THEREAFTER. UPON THE ABSENCE OF THE CHAIR, THE VICE-CHAIR SHALL ACT IN HIS OR HER PLACE.

(5) THE EXECUTIVE BOARD SHALL MEET AT LEAST QUARTERLY AND SHALL MAINTAIN MINUTES OF EACH MEETING AND ANY RECORDS AS MAY BE NECESSARY, WHICH ARE PUBLIC RECORDS.

(6) THE CHAIR AND THREE OTHER MEMBERS CONSTITUTE A QUORUM.

(7) THE MEMBERS OF THE EXECUTIVE BOARD SHALL NOT RECEIVE COMPENSATION FOR THEIR SERVICE UPON THE EXECUTIVE BOARD BUT SHALL BE REIMBURSED FOR ALL EXPENSES INCIDENTAL TO SUCH SERVICE AS TO THE AMOUNT AUTHORIZED BY EITHER RCW 42.24.090 OR 43.03.050 AND 43.03.060, WHICHEVER IS APPLICABLE.

NEW SECTION. Sec. 305. THE DUTIES OF THE EXECUTIVE BOARD ARE AS FOLLOWS:

(1) ESTABLISH THE BASIS OF MEMBERSHIP IN THE RISK POOL;

(2) DEFINE AND ESTABLISH THE BENEFITS TO BE REIMBURSED BY THE RISK POOL;

(3) AUTHORIZE DISTRIBUTION OF MONEYS FROM THE RISK POOL ACCOUNT;

(4) DETERMINE, WITH THE ASSISTANCE OF THE ACTUARY, EMPLOYER PREMIUMS TO THE RISK POOL;

(5) AUTHORIZE REIMBURSEMENT FOR MEDICAL AND LONG-TERM CARE COSTS, REQUIRED UNDER SECTION 202(22) OF THIS ACT AND AUTHORIZED UNDER SECTION 225 OF THIS ACT THAT ARE NOT COVERED BY STANDARD MEDICAL INSURANCE POLICIES. THE BOARD SHALL ADOPT RULES GOVERNING THESE REIMBURSEMENTS CONSISTENT WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE AND RULES AND REGULATIONS ESTABLISHED BY THE INTERNAL REVENUE SERVICE;

(6) PURCHASE REINSURANCE AS NECESSARY;

(7) APPOINT OTHER STAFF AS NECESSARY FOR THE OPERATION OF THE RISK POOL; FIX THEIR COMPENSATION WITHIN THE LIMITS PROVIDED BY LAW; AND PRESCRIBE THEIR DUTIES; AND

(8) ENTER INTO CONTRACTS NECESSARY FOR THE OPERATION OF THE RISK POOL, INCLUDING RISK MANAGEMENT, CLAIMS, AND ADMINISTRATIVE SERVICES.

NEW SECTION. Sec. 306. FUNDING FOR THE RISK POOL ACCOUNT, ESTABLISHED IN SECTION 310 OF THIS ACT, MAY COME FROM THREE SOURCES: (1) EMPLOYER PREMIUMS; (2) SURPLUS ASSETS WHICH ARE TRANSFERRED FROM THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 1 RETIREMENT FUND UNDER SECTION 8 OF THIS ACT; AND (3) INVESTMENT EARNINGS.

NEW SECTION. Sec. 307. THE STATE RISK MANAGER SHALL ADOPT RULES GOVERNING THE IMPLEMENTATION, MANAGEMENT, AND OPERATION OF THE RISK POOL IN CONSULTATION WITH THE HEALTH AND WELFARE ADVISORY BOARD UNDER RCW 48.62.051. ALL RULES SHALL BE APPROPRIATE FOR THE TYPE OF PROGRAM AND CLASS OF RISK COVERED. THE STATE RISK MANAGER'S RULES SHALL INCLUDE:

(1) STANDARDS FOR THE IMPLEMENTATION, MANAGEMENT, OPERATION, AND SOLVENCY OF THE RISK POOL, INCLUDING THE NECESSITY AND FREQUENCY OF ACTUARIAL ANALYSES AND CLAIMS AUDITS;

(2) STANDARDS FOR CLAIMS MANAGEMENT PROCEDURES;

(3) STANDARDS FOR CONTRACTS BETWEEN THE RISK POOL AND PRIVATE BUSINESSES INCLUDING STANDARDS FOR CONTRACTS BETWEEN THIRD-PARTY ADMINISTRATORS AND THE RISK POOL; AND

(4) STANDARDS FOR AN ANNUAL REPORT WITH THE STATE RISK MANAGER AND STATE AUDITOR INCLUDING, BUT NOT LIMITED TO:

(A) COPIES OF ALL THE INSURANCE COVERAGE DOCUMENTS;

(B) A DESCRIPTION OF THE PROGRAM STRUCTURE;

(C) AN ACTUARIAL ANALYSIS, IF REQUIRED;

(D) A LIST OF CONTRACTORS AND SERVICE PROVIDERS;

(E) THE FINANCIAL AND LOSS EXPERIENCE OF THE PROGRAM; AND

(F) SUCH OTHER INFORMATION AS REQUIRED BY RULE OF THE STATE RISK MANAGER.

NEW SECTION. Sec. 308. THE RISK POOL MAY NOT ENGAGE IN AN ACT OR PRACTICE THAT IN ANY RESPECT SIGNIFICANTLY DIFFERS FROM THE MANAGEMENT AND OPERATION PLAN THAT FORMED THE BASIS FOR THE STATE RISK MANAGER'S APPROVAL UNLESS THE RISK POOL FIRST NOTIFIES THE STATE RISK MANAGER IN WRITING AND OBTAINS THE STATE RISK MANAGER'S APPROVAL. THE STATE RISK MANAGER SHALL APPROVE OR DISAPPROVE THE PROPOSED CHANGE WITHIN SIXTY DAYS OF RECEIPT OF THE NOTICE. IF THE STATE RISK MANAGER DENIES A REQUESTED CHANGE, THE RISK MANAGER SHALL SPECIFY IN DETAIL THE REASONS FOR DENIAL AND THE MANNER IN WHICH THE RISK POOL WOULD FAIL TO MEET THE REQUIREMENTS OF THIS CHAPTER OR ANY RULES ADOPTED IN ACCORDANCE WITH THIS CHAPTER.

NEW SECTION. Sec. 309. (1) THE STATE RISK MANAGER SHALL ESTABLISH AND CHARGE AN INVESTIGATION FEE IN AN AMOUNT NECESSARY TO COVER THE COSTS FOR THE INITIAL REVIEW AND APPROVAL OF THE RISK POOL. THE FEE MUST ACCOMPANY THE INITIAL SUBMISSION OF THE PLAN OF OPERATION AND MANAGEMENT.

(2) THE COSTS OF SUBSEQUENT REVIEWS AND INVESTIGATIONS SHALL BE CHARGED TO THE RISK POOL BEING REVIEWED OR INVESTIGATED IN ACCORDANCE WITH THE ACTUAL TIME AND EXPENSES INCURRED IN THE REVIEW OR INVESTIGATION.

(3) THE RISK POOL SHALL PAY ANY REQUIRED FEE OR ASSESSMENT REQUIRED BY THE HEALTH AND WELFARE ADVISORY BOARD UNDER RCW 48.62.051.

NEW SECTION. Sec. 310. (1) THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' MEDICAL BENEFITS RISK POOL ACCOUNT IS HEREBY ESTABLISHED IN THE CUSTODY OF THE STATE TREASURER. THE ACCOUNT SHALL BE INVESTED BY THE WASHINGTON STATE INVESTMENT BOARD PURSUANT TO SECTION 7 OF THIS ACT.

(2) THE ACCOUNT SHALL CONSIST OF SUCH MONEY AS IS DIRECTED BY LAW FOR DEPOSIT IN THE ACCOUNT, AND SUCH OTHER MONEY NOT SUBJECT TO APPROPRIATION THAT THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RISK POOL EXECUTIVE BOARD AUTHORIZES TO BE DEPOSITED IN THE ACCOUNT. ANY MONEY DEPOSITED IN THE ACCOUNT, THE USE OF WHICH HAS BEEN RESTRICTED BY LAW, MAY ONLY BE EXPENDED IN ACCORDANCE WITH THOSE RESTRICTIONS.

(3) ONLY THE EXECUTIVE BOARD OR THE BOARD'S DESIGNEE MAY MAKE DISBURSEMENTS FROM THE ACCOUNT.

NEW SECTION. Sec. 311. SECTIONS 301 THROUGH 310 OF THIS ACT CONSTITUTE A NEW CHAPTER IN TITLE 41 RCW.

Sec. 312. RCW 44.44.040 AND 1987 C 25 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

THE OFFICE OF THE STATE ACTUARY SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

(1) PERFORM ALL ACTUARIAL SERVICES FOR THE DEPARTMENT OF RETIREMENT SYSTEMS, INCLUDING ALL STUDIES REQUIRED BY LAW, ~~THE STATE BOARD FOR VOLUNTEER FIRE FIGHTERS AND RESERVE OFFICERS, AND THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RISK POOL EXECUTIVE BOARD.~~ REIMBURSEMENT FOR SUCH SERVICES SHALL BE MADE TO THE STATE ACTUARY PURSUANT TO THE PROVISIONS OF RCW 39.34.130 AS NOW OR HEREAFTER AMENDED.

(2) ADVISE THE LEGISLATURE AND THE GOVERNOR REGARDING PENSION BENEFIT PROVISIONS, AND FUNDING POLICIES AND INVESTMENT POLICIES OF THE STATE INVESTMENT BOARD.

(3) CONSULT WITH THE LEGISLATURE AND THE GOVERNOR CONCERNING DETERMINATION OF ACTUARIAL ASSUMPTIONS USED BY THE DEPARTMENT OF RETIREMENT SYSTEMS.

(4) PREPARE A REPORT, TO BE KNOWN AS THE ACTUARIAL FISCAL NOTE, ON EACH PENSION BILL INTRODUCED IN THE LEGISLATURE WHICH BRIEFLY EXPLAINS THE FINANCIAL IMPACT OF THE BILL. THE ACTUARIAL FISCAL NOTE SHALL INCLUDE: (A) THE STATUTORILY REQUIRED CONTRIBUTION FOR THE BIENNIUM AND THE FOLLOWING TWENTY-FIVE YEARS; (B) THE BIENNIAL COST OF THE INCREASED BENEFITS IF THESE EXCEED THE REQUIRED CONTRIBUTION; AND (C) ANY CHANGE IN THE PRESENT VALUE OF THE UNFUNDED ACCRUED BENEFITS. AN ACTUARIAL FISCAL NOTE SHALL ALSO BE PREPARED FOR ALL AMENDMENTS WHICH ARE OFFERED IN COMMITTEE OR ON THE FLOOR OF THE HOUSE OF REPRESENTATIVES OR THE SENATE TO ANY PENSION BILL. HOWEVER, A MAJORITY OF THE MEMBERS PRESENT MAY SUSPEND THE REQUIREMENT FOR AN ACTUARIAL FISCAL NOTE FOR AMENDMENTS OFFERED ON THE FLOOR OF THE HOUSE OF REPRESENTATIVES OR THE SENATE.

(5) PROVIDE SUCH ACTUARIAL SERVICES TO THE LEGISLATURE AS MAY BE REQUESTED FROM TIME TO TIME.

(6) PROVIDE STAFF AND ASSISTANCE TO THE COMMITTEE ESTABLISHED UNDER ~~((RCW 46.44.050))~~ RCW 44.44.050.

~~(7) PROVIDE ASSISTANCE AS REQUIRED UNDER SECTION 305 OF THIS ACT.~~

Sec. 313. RCW 48.62.031 AND 1991 SP.S. C 30 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE GOVERNING BODY OF A LOCAL GOVERNMENT ENTITY MAY INDIVIDUALLY SELF-INSURE, MAY JOIN OR FORM A SELF-INSURANCE PROGRAM TOGETHER WITH OTHER ENTITIES, AND MAY JOINTLY PURCHASE INSURANCE OR REINSURANCE WITH OTHER ENTITIES FOR PROPERTY AND LIABILITY RISKS, AND HEALTH AND WELFARE BENEFITS ONLY AS PERMITTED UNDER THIS CHAPTER. IN ADDITION, THE ENTITY OR ENTITIES MAY CONTRACT FOR OR HIRE PERSONNEL TO PROVIDE RISK MANAGEMENT, CLAIMS, AND ADMINISTRATIVE SERVICES IN ACCORDANCE WITH THIS CHAPTER.

~~(2) THE GOVERNING BODY OF A LOCAL GOVERNMENT ENTITY INDIVIDUALLY MAY JOIN OR FORM A RISK ASSUMPTION PROGRAM TOGETHER WITH OTHER ENTITIES, AND MAY JOINTLY PURCHASE INSURANCE OR REINSURANCE WITH OTHER ENTITIES FOR HEALTH AND WELFARE BENEFITS. IN ADDITION, THE ENTITY OR ENTITIES MAY CONTRACT FOR OR HIRE PERSONNEL TO PROVIDE RISK MANAGEMENT, CLAIMS, AND ADMINISTRATIVE SERVICES IN ACCORDANCE WITH THIS CHAPTER.~~

~~(3) THE AGREEMENT TO FORM A JOINT SELF-INSURANCE OR RISK ASSUMPTION PROGRAM SHALL BE MADE UNDER CHAPTER 39.34 RCW.~~

~~((3)) (4) EVERY INDIVIDUAL AND JOINT SELF-INSURANCE PROGRAM AND A HEALTH AND WELFARE RISK ASSUMPTION PROGRAM IS SUBJECT TO AUDIT BY THE STATE AUDITOR.~~

~~((4)) (5) IF PROVIDED FOR IN THE AGREEMENT OR CONTRACT ESTABLISHED UNDER CHAPTER 39.34 RCW, A JOINT SELF-INSURANCE OR RISK ASSUMPTION PROGRAM MAY, IN CONFORMANCE WITH THIS CHAPTER:~~

~~(A) CONTRACT OR OTHERWISE PROVIDE FOR RISK MANAGEMENT AND LOSS CONTROL SERVICES;~~

~~(B) CONTRACT OR OTHERWISE PROVIDE LEGAL COUNSEL FOR THE DEFENSE OF CLAIMS AND OTHER LEGAL SERVICES;~~

~~(C) CONSULT WITH THE STATE INSURANCE COMMISSIONER AND THE STATE RISK MANAGER;~~

~~(D) JOINTLY PURCHASE INSURANCE AND REINSURANCE COVERAGE IN SUCH FORM AND AMOUNT AS THE PROGRAM'S PARTICIPANTS AGREE BY CONTRACT; AND~~

~~(E) POSSESS ANY OTHER POWERS AND PERFORM ALL OTHER FUNCTIONS REASONABLY NECESSARY TO CARRY OUT THE PURPOSES OF THIS CHAPTER.~~

~~((5)) (6) A LOCAL GOVERNMENT ENTITY OR A HEALTH AND WELFARE RISK ASSUMPTION PROGRAM THAT HAS DECIDED TO ASSUME A RISK OF LOSS MUST HAVE AVAILABLE FOR INSPECTION BY THE STATE AUDITOR A WRITTEN REPORT INDICATING THE CLASS OF RISK OR RISKS THE GOVERNING BODY OF THE ENTITY HAS DECIDED TO ASSUME.~~

~~((6)) (7) EVERY JOINT SELF-INSURANCE OR RISK ASSUMPTION PROGRAM GOVERNED BY THIS CHAPTER SHALL APPOINT THE RISK MANAGER AS ITS ATTORNEY TO RECEIVE SERVICE OF, AND UPON WHOM SHALL BE SERVED, ALL LEGAL PROCESS ISSUED AGAINST IT IN THIS STATE UPON CAUSES OF ACTION ARISING IN THIS STATE.~~

~~(A) SERVICE UPON THE RISK MANAGER AS ATTORNEY SHALL CONSTITUTE SERVICE UPON THE PROGRAM. SERVICE UPON JOINT INSURANCE PROGRAMS SUBJECT TO CHAPTER 30, LAWS OF 1991 1ST SP. SESS. CAN BE HAD ONLY BY SERVICE UPON THE RISK MANAGER. AT THE TIME OF SERVICE, THE PLAINTIFF SHALL PAY TO THE RISK MANAGER A FEE TO BE SET BY THE RISK MANAGER, TAXABLE AS COSTS IN THE ACTION.~~

~~(B) WITH THE INITIAL FILING FOR APPROVAL WITH THE RISK MANAGER, EACH JOINT SELF-INSURANCE PROGRAM SHALL DESIGNATE BY NAME AND ADDRESS THE PERSON TO WHOM THE RISK MANAGER SHALL FORWARD LEGAL PROCESS SO SERVED UPON HIM OR HER. THE JOINT SELF-INSURANCE PROGRAM MAY CHANGE SUCH PERSON BY FILING A NEW DESIGNATION.~~

~~(C) THE APPOINTMENT OF THE RISK MANAGER AS ATTORNEY SHALL BE IRREVOCABLE, SHALL BIND ANY SUCCESSOR IN INTEREST OR TO THE ASSETS OR LIABILITIES OF THE JOINT SELF-INSURANCE PROGRAM, AND SHALL REMAIN IN EFFECT AS LONG AS THERE IS IN FORCE IN THIS STATE ANY CONTRACT MADE BY THE JOINT SELF-INSURANCE PROGRAM OR LIABILITIES OR DUTIES ARISING THEREFROM.~~

~~(D) THE RISK MANAGER SHALL KEEP A RECORD OF THE DAY AND HOUR OF SERVICE UPON HIM OR HER OF ALL LEGAL PROCESS. A COPY OF THE PROCESS, BY REGISTERED MAIL WITH RETURN RECEIPT REQUESTED, SHALL BE SENT BY THE RISK MANAGER, TO THE PERSON DESIGNATED FOR THE PURPOSE BY THE JOINT SELF-INSURANCE OR RISK ASSUMPTION PROGRAM IN ITS MOST RECENT SUCH DESIGNATION FILED WITH THE RISK MANAGER. NO PROCEEDINGS SHALL BE HAD AGAINST THE JOINT SELF-INSURANCE OR RISK ASSUMPTION PROGRAM, AND THE PROGRAM SHALL NOT BE REQUIRED TO APPEAR, PLEAD, OR ANSWER, UNTIL THE EXPIRATION OF FORTY DAYS AFTER THE DATE OF SERVICE UPON THE RISK MANAGER.~~

Sec. 314. RCW 48.62.051 AND 1991 SP.S. C 30 S 5 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE HEALTH AND WELFARE ADVISORY BOARD IS CREATED CONSISTING OF THE INSURANCE COMMISSIONER AND THE STATE RISK MANAGER, OR THEIR DESIGNEES, AS EX OFFICIO MEMBERS AND SIX MEMBERS APPOINTED BY THE GOVERNOR ON THE BASIS OF THEIR EXPERIENCE AND KNOWLEDGE PERTAINING TO LOCAL GOVERNMENT SELF-INSURED HEALTH AND WELFARE BENEFITS PROGRAMS. THE BOARD SHALL INCLUDE ONE CITY MANAGEMENT REPRESENTATIVE; ONE COUNTY MANAGEMENT REPRESENTATIVE; TWO MANAGEMENT REPRESENTATIVES FROM LOCAL GOVERNMENT SELF-INSURED HEALTH AND WELFARE PROGRAMS; AND TWO REPRESENTATIVES OF STATEWIDE EMPLOYEE ORGANIZATIONS REPRESENTING LOCAL GOVERNMENT EMPLOYEES.

(2) THE BOARD SHALL ASSIST THE STATE RISK MANAGER IN:

(A) ADOPTING RULES GOVERNING THE OPERATION AND MANAGEMENT OF BOTH INDIVIDUAL AND JOINT SELF-INSURED HEALTH AND WELFARE BENEFITS PROGRAMS AND THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' MEDICAL BENEFITS RISK POOL;

(B) REVIEWING AND APPROVING THE CREATION OF BOTH INDIVIDUAL AND JOINT SELF-INSURED HEALTH AND WELFARE BENEFITS PROGRAMS;

(C) REVIEWING ANNUAL REPORTS FILED BY HEALTH AND WELFARE BENEFITS PROGRAMS AND IN RECOMMENDING THAT CORRECTIVE ACTION BE TAKEN BY THE PROGRAMS WHEN NECESSARY; AND

(D) RESPONDING TO CONCERNS OF THE STATE AUDITOR RELATED TO THE MANAGEMENT AND OPERATION OF HEALTH AND WELFARE BENEFITS PROGRAMS.

(3) THE BOARD SHALL ANNUALLY ELECT A CHAIR AND A VICE-CHAIR FROM ITS MEMBERS. THE BOARD SHALL MEET AT LEAST QUARTERLY AT SUCH TIMES AS THE STATE RISK MANAGER MAY FIX. THE BOARD MEMBERS WHO ARE APPOINTED SHALL SERVE WITHOUT COMPENSATION FROM THE STATE BUT SHALL SUFFER NO LOSS BECAUSE OF ABSENCE FROM THEIR REGULAR EMPLOYMENT. MEMBERS OF THE BOARD WHO ARE NOT PUBLIC EMPLOYEES SHALL BE COMPENSATED IN ACCORDANCE WITH RCW 43.03.240.

(4) A MAJORITY OF THE BOARD CONSTITUTES A QUORUM FOR THE TRANSACTION OF BUSINESS.

(5) THE BOARD SHALL KEEP PUBLIC RECORDS OF ITS PROCEEDINGS.

PART IV MISCELLANEOUS AMENDATORY SECTIONS

Sec. 401. RCW 2.10.155 AND 1990 c 274 s 14 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) NO JUDGE SHALL BE ELIGIBLE TO RECEIVE THE JUDGE'S MONTHLY SERVICE OR DISABILITY RETIREMENT ALLOWANCE IF THE RETIRED JUDGE IS EMPLOYED:

(A) FOR MORE THAN EIGHT HUNDRED TEN HOURS IN A CALENDAR YEAR AS A PRO TEMPORE JUDGE; OR

(B) IN AN ELIGIBLE POSITION AS DEFINED IN RCW 41.40.010 OR 41.32.010, OR AS A LAW ENFORCEMENT OFFICER OR FIRE FIGHTER AS DEFINED IN RCW 41.26.030 OR SECTION 202 OF THIS ACT.

(2) SUBSECTION (1) OF THIS SECTION NOTWITHSTANDING, A PREVIOUSLY ELECTED JUDGE OF THE SUPERIOR COURT WHO RETIRED BEFORE JUNE 7, 1990, LEAVING A PENDING CASE IN WHICH THE JUDGE HAD MADE DISCRETIONARY RULINGS MAY HEAR THE PENDING CASE AS A JUDGE PRO TEMPORE WITHOUT HAVING HIS OR HER RETIREMENT ALLOWANCE SUSPENDED.

(3) IF A RETIRED JUDGE'S BENEFITS HAVE BEEN SUSPENDED UNDER THIS SECTION, HIS OR HER BENEFITS SHALL BE REINSTATED WHEN THE RETIREE TERMINATES THE EMPLOYMENT THAT CAUSED HIS OR HER BENEFITS TO BE SUSPENDED. UPON REINSTATEMENT, THE RETIRED JUDGE'S BENEFITS SHALL BE ACTUARIALLY RECOMPUTED PURSUANT TO THE RULES ADOPTED BY THE DEPARTMENT.

(4) THE DEPARTMENT SHALL ADOPT RULES IMPLEMENTING THIS SECTION.

Sec. 402. RCW 6.15.020 AND 1999 c 81 s 1 AND 1999 c 42 s 603 ARE EACH REENACTED AND AMENDED TO READ AS FOLLOWS:

(1) IT IS THE POLICY OF THE STATE OF WASHINGTON TO ENSURE THE WELL-BEING OF ITS CITIZENS BY PROTECTING RETIREMENT INCOME TO WHICH THEY ARE OR MAY BECOME ENTITLED. FOR THAT PURPOSE GENERALLY AND PURSUANT TO THE AUTHORITY GRANTED TO THE STATE OF WASHINGTON UNDER 11 U.S.C. SEC. 522(B)(2), THE EXEMPTIONS IN THIS SECTION RELATING TO RETIREMENT BENEFITS ARE PROVIDED.

(2) UNLESS OTHERWISE PROVIDED BY FEDERAL LAW, ANY MONEY RECEIVED BY ANY CITIZEN OF THE STATE OF WASHINGTON AS A PENSION FROM THE GOVERNMENT OF THE UNITED STATES, WHETHER THE SAME BE IN THE ACTUAL POSSESSION OF SUCH PERSON OR BE DEPOSITED OR LOANED, SHALL BE EXEMPT FROM EXECUTION, ATTACHMENT, GARNISHMENT, OR SEIZURE BY OR UNDER ANY LEGAL PROCESS WHATEVER, AND WHEN A DEBTOR DIES, OR ABSCONDS, AND LEAVES HIS OR HER FAMILY ANY MONEY EXEMPTED BY THIS SUBSECTION, THE SAME SHALL BE EXEMPT TO THE FAMILY AS PROVIDED IN THIS SUBSECTION. THIS SUBSECTION SHALL NOT APPLY TO CHILD SUPPORT COLLECTION ACTIONS ISSUED UNDER CHAPTER 26.18, 26.23, OR 74.20A RCW, IF OTHERWISE PERMITTED BY FEDERAL LAW.

(3) THE RIGHT OF A PERSON TO A PENSION, ANNUITY, OR RETIREMENT ALLOWANCE OR DISABILITY ALLOWANCE, OR DEATH BENEFITS, OR ANY OPTIONAL BENEFIT, OR ANY OTHER RIGHT ACCRUED OR ACCRUING TO ANY CITIZEN OF THE STATE OF WASHINGTON UNDER ANY EMPLOYEE BENEFIT PLAN, AND ANY FUND CREATED BY SUCH A PLAN OR ARRANGEMENT, SHALL BE EXEMPT FROM EXECUTION, ATTACHMENT, GARNISHMENT, OR SEIZURE BY OR UNDER ANY LEGAL PROCESS WHATEVER. THIS SUBSECTION SHALL NOT APPLY TO CHILD SUPPORT COLLECTION ACTIONS ISSUED UNDER CHAPTER 26.18, 26.23, OR 74.20A RCW IF OTHERWISE PERMITTED BY FEDERAL LAW. THIS SUBSECTION SHALL PERMIT BENEFITS UNDER ANY SUCH PLAN OR ARRANGEMENT TO BE PAYABLE TO A SPOUSE, FORMER SPOUSE, CHILD, OR OTHER DEPENDENT OF A PARTICIPANT IN SUCH PLAN TO THE EXTENT EXPRESSLY PROVIDED FOR IN A QUALIFIED DOMESTIC RELATIONS ORDER THAT MEETS THE REQUIREMENTS FOR SUCH ORDERS UNDER THE PLAN, OR, IN THE CASE OF BENEFITS PAYABLE UNDER A PLAN DESCRIBED IN SECTIONS 403(B) OR 408 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, OR SECTION 409 OF SUCH CODE AS IN EFFECT BEFORE JANUARY 1, 1984, TO THE EXTENT PROVIDED IN ANY ORDER ISSUED BY A COURT OF COMPETENT JURISDICTION THAT PROVIDES FOR MAINTENANCE OR SUPPORT. THIS SUBSECTION SHALL NOT PROHIBIT ACTIONS AGAINST AN EMPLOYEE BENEFIT PLAN, OR FUND FOR VALID OBLIGATIONS INCURRED BY THE PLAN OR FUND FOR THE BENEFIT OF THE PLAN OR FUND.

(4) FOR THE PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE BENEFIT PLAN" MEANS ANY PLAN OR ARRANGEMENT THAT IS DESCRIBED IN RCW 49.64.020, INCLUDING ANY KEOGH PLAN, WHETHER FUNDED BY A TRUST OR BY AN ANNUITY CONTRACT, AND IN SECTIONS 401(A) OR 403(A) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; OR THAT IS A TAX-SHELTERED ANNUITY DESCRIBED IN SECTION 403(B) OF SUCH CODE OR AN INDIVIDUAL RETIREMENT ACCOUNT DESCRIBED IN SECTION 408 OF SUCH CODE; OR A ROTH INDIVIDUAL RETIREMENT ACCOUNT DESCRIBED IN SECTION 408A OF SUCH CODE; OR A MEDICAL SAVINGS ACCOUNT DESCRIBED IN SECTION 220 OF SUCH CODE; OR AN EDUCATION INDIVIDUAL RETIREMENT ACCOUNT DESCRIBED IN SECTION 530 OF SUCH CODE; OR A RETIREMENT BOND DESCRIBED IN SECTION 409 OF SUCH CODE AS IN EFFECT BEFORE JANUARY 1, 1984. THE TERM "EMPLOYEE BENEFIT PLAN" ALSO

MEANS ANY RIGHTS ACCRUING ON ACCOUNT OF MONEY PAID CURRENTLY OR IN ADVANCE FOR PURCHASE OF TUITION UNITS UNDER THE ADVANCED COLLEGE TUITION PAYMENT PROGRAM IN CHAPTER 28B.95 RCW. THE TERM "EMPLOYEE BENEFIT PLAN" SHALL NOT INCLUDE ANY EMPLOYEE BENEFIT PLAN THAT IS ESTABLISHED OR MAINTAINED FOR ITS EMPLOYEES BY THE GOVERNMENT OF THE UNITED STATES, BY THE STATE OF WASHINGTON UNDER CHAPTER 2.10, 2.12, 41.26, 41.26A, 41.32, 41.34, 41.35, 41.40 OR 43.43 RCW OR RCW 41.50.770, OR BY ANY AGENCY OR INSTRUMENTALITY OF THE GOVERNMENT OF THE UNITED STATES.

(5) AN EMPLOYEE BENEFIT PLAN SHALL BE DEEMED TO BE A SPENDTHRIFT TRUST, REGARDLESS OF THE SOURCE OF FUNDS, THE RELATIONSHIP BETWEEN THE TRUSTEE OR CUSTODIAN OF THE PLAN AND THE BENEFICIARY, OR THE ABILITY OF THE DEBTOR TO WITHDRAW OR BORROW OR OTHERWISE BECOME ENTITLED TO BENEFITS FROM THE PLAN BEFORE RETIREMENT. THIS SUBSECTION SHALL NOT APPLY TO CHILD SUPPORT COLLECTION ACTIONS ISSUED UNDER CHAPTER 26.18, 26.23, OR 74.20A RCW, IF OTHERWISE PERMITTED BY FEDERAL LAW. THIS SUBSECTION SHALL PERMIT BENEFITS UNDER ANY SUCH PLAN OR ARRANGEMENT TO BE PAYABLE TO A SPOUSE, FORMER SPOUSE, CHILD, OR OTHER DEPENDENT OF A PARTICIPANT IN SUCH PLAN TO THE EXTENT EXPRESSLY PROVIDED FOR IN A QUALIFIED DOMESTIC RELATIONS ORDER THAT MEETS THE REQUIREMENTS FOR SUCH ORDERS UNDER THE PLAN, OR, IN THE CASE OF BENEFITS PAYABLE UNDER A PLAN DESCRIBED IN SECTIONS 403(B) OR 408 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, OR SECTION 409 OF SUCH CODE AS IN EFFECT BEFORE JANUARY 1, 1984, TO THE EXTENT PROVIDED IN ANY ORDER ISSUED BY A COURT OF COMPETENT JURISDICTION THAT PROVIDES FOR MAINTENANCE OR SUPPORT.

(6) UNLESS CONTRARY TO APPLICABLE FEDERAL LAW, NOTHING CONTAINED IN SUBSECTION (3), (4), OR (5) OF THIS SECTION SHALL BE CONSTRUED AS A TERMINATION OR LIMITATION OF A SPOUSE'S COMMUNITY PROPERTY INTEREST IN AN INDIVIDUAL RETIREMENT ACCOUNT HELD IN THE NAME OF OR ON ACCOUNT OF THE OTHER SPOUSE, THE ACCOUNT HOLDER SPOUSE. AT THE DEATH OF THE NONACCOUNT HOLDER SPOUSE, THE NONACCOUNT HOLDER SPOUSE MAY TRANSFER OR DISTRIBUTE THE COMMUNITY PROPERTY INTEREST OF THE NONACCOUNT HOLDER SPOUSE IN THE ACCOUNT HOLDER SPOUSE'S INDIVIDUAL RETIREMENT ACCOUNT TO THE NONACCOUNT HOLDER SPOUSE'S ESTATE, TESTAMENTARY TRUST, INTER VIVOS TRUST, OR OTHER SUCCESSOR OR SUCCESSORS PURSUANT TO THE LAST WILL OF THE NONACCOUNT HOLDER SPOUSE OR THE LAW OF INTESTATE SUCCESSION, AND THAT DISTRIBUTEE MAY, BUT SHALL NOT BE REQUIRED TO, OBTAIN AN ORDER OF A COURT OF COMPETENT JURISDICTION, INCLUDING A NONJUDICIAL DISPUTE RESOLUTION AGREEMENT ENTERED INTO PURSUANT TO RCW 11.96.170 OR OTHER ORDER ENTERED UNDER CHAPTER 11.96A RCW, TO CONFIRM THE DISTRIBUTION. FOR PURPOSES OF SUBSECTION (3) OF THIS SECTION, THE DISTRIBUTEE OF THE NONACCOUNT HOLDER SPOUSE'S COMMUNITY PROPERTY INTEREST IN AN INDIVIDUAL RETIREMENT ACCOUNT SHALL BE CONSIDERED A PERSON ENTITLED TO THE FULL PROTECTION OF SUBSECTION (3) OF THIS SECTION. THE NONACCOUNT HOLDER SPOUSE'S CONSENT TO A BENEFICIARY DESIGNATION BY THE ACCOUNT HOLDER SPOUSE WITH RESPECT TO AN INDIVIDUAL RETIREMENT ACCOUNT SHALL NOT, ABSENT CLEAR AND CONVINCING EVIDENCE TO THE CONTRARY, BE DEEMED A RELEASE, GIFT, RELINQUISHMENT, TERMINATION, LIMITATION, OR TRANSFER OF THE NONACCOUNT HOLDER SPOUSE'S COMMUNITY PROPERTY INTEREST IN AN INDIVIDUAL RETIREMENT ACCOUNT. FOR PURPOSES OF THIS SUBSECTION, THE TERM "NONACCOUNT HOLDER SPOUSE" MEANS THE SPOUSE OF THE PERSON IN WHOSE NAME THE INDIVIDUAL RETIREMENT ACCOUNT IS MAINTAINED. THE TERM "INDIVIDUAL RETIREMENT ACCOUNT" INCLUDES AN INDIVIDUAL RETIREMENT ACCOUNT AND AN INDIVIDUAL RETIREMENT ANNUITY BOTH AS DESCRIBED IN SECTION 408 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, A ROTH INDIVIDUAL RETIREMENT ACCOUNT AS DESCRIBED IN SECTION 408A OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND AN INDIVIDUAL RETIREMENT BOND AS DESCRIBED IN SECTION 409 OF THE INTERNAL REVENUE CODE AS IN EFFECT BEFORE JANUARY 1, 1984. AS USED IN THIS SUBSECTION, AN ORDER OF A COURT OF COMPETENT JURISDICTION INCLUDES AN AGREEMENT, AS THAT TERM IS USED UNDER RCW 11.96A.220.

SEC. 403. RCW 26.09.138 AND 1991 C 365 S 24 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) ANY OBLIGEE OF A COURT ORDER OR DECREE ESTABLISHING A SPOUSAL MAINTENANCE OBLIGATION MAY SEEK A MANDATORY BENEFITS ASSIGNMENT ORDER UNDER CHAPTER 41.50 RCW IF ANY SPOUSAL MAINTENANCE PAYMENT IS MORE THAN FIFTEEN DAYS PAST DUE AND THE TOTAL OF SUCH PAST DUE PAYMENTS IS EQUAL TO OR GREATER THAN ONE HUNDRED DOLLARS, OR IF THE OBLIGOR REQUESTS A WITHDRAWAL OF ACCUMULATED CONTRIBUTIONS FROM THE DEPARTMENT OF RETIREMENT SYSTEMS.

(2) ANY COURT ORDER OR DECREE ESTABLISHING A SPOUSAL MAINTENANCE OBLIGATION MAY STATE THAT, IF ANY SPOUSAL MAINTENANCE PAYMENT IS MORE THAN FIFTEEN DAYS PAST DUE AND THE TOTAL OF SUCH PAST DUE PAYMENTS IS EQUAL TO OR GREATER THAN ONE HUNDRED DOLLARS, OR IF THE OBLIGOR REQUESTS A WITHDRAWAL OF ACCUMULATED CONTRIBUTIONS FROM THE DEPARTMENT OF RETIREMENT SYSTEMS, THE OBLIGEE MAY SEEK A MANDATORY BENEFITS ASSIGNMENT ORDER UNDER CHAPTER 41.50 RCW WITHOUT PRIOR NOTICE TO THE OBLIGOR. ANY SUCH COURT ORDER OR DECREE MAY ALSO, OR IN THE ALTERNATIVE, CONTAIN A PROVISION THAT WOULD ALLOW THE DEPARTMENT TO MAKE A DIRECT PAYMENT OF ALL OR PART OF A WITHDRAWAL OF ACCUMULATED CONTRIBUTIONS PURSUANT TO RCW 41.50.550(3). FAILURE TO INCLUDE THIS PROVISION DOES NOT AFFECT THE VALIDITY OF THE COURT ORDER OR DECREE ESTABLISHING THE SPOUSAL MAINTENANCE, NOR DOES SUCH FAILURE AFFECT THE GENERAL APPLICABILITY OF RCW 41.50.500 THROUGH 41.50.650 TO SUCH OBLIGATIONS.

(3) THE REMEDIES IN RCW 41.50.530 THROUGH 41.50.630 ARE THE EXCLUSIVE PROVISIONS OF LAW ENFORCEABLE AGAINST THE DEPARTMENT OF RETIREMENT SYSTEMS IN CONNECTION WITH ANY ACTION FOR ENFORCEMENT OF A SPOUSAL MAINTENANCE OBLIGATION ORDERED PURSUANT TO A DIVORCE, DISSOLUTION, OR LEGAL SEPARATION, AND NO OTHER REMEDY ORDERED BY A COURT UNDER THIS CHAPTER SHALL BE ENFORCEABLE AGAINST THE DEPARTMENT OF RETIREMENT SYSTEMS FOR COLLECTION OF SPOUSAL MAINTENANCE.

(4)(A) NOTHING IN THIS SECTION REGARDING MANDATORY ASSIGNMENT OF BENEFITS TO ENFORCE A SPOUSAL MAINTENANCE OBLIGATION SHALL ABRIDGE THE RIGHT OF AN EX SPOUSE TO RECEIVE DIRECT PAYMENT OF RETIREMENT BENEFITS PAYABLE PURSUANT TO: (I) A COURT DECREE OF DISSOLUTION OR LEGAL SEPARATION; OR (II) ANY COURT ORDER OR COURT-APPROVED PROPERTY SETTLEMENT AGREEMENT; OR (III) INCIDENT TO ANY COURT DECREE OF DISSOLUTION OR LEGAL SEPARATION, IF SUCH DISSOLUTION ORDERS FULLY COMPLY WITH RCW 41.50.670 AND 41.50.700, OR AS APPLICABLE, RCW 2.10.180, 2.12.090, 41.04.310, 41.04.320, 41.04.330, (~~41.26.180~~) 41.26.053, SECTION 209 OF THIS ACT, 41.32.052, 41.40.052, OR 43.43.310 AS THOSE STATUTES EXISTED BEFORE JULY 1, 1987, AND AS THOSE STATUTES EXIST ON AND AFTER JULY 28, 1991.

(B) PERSONS WHOSE DISSOLUTION ORDERS AS DEFINED IN RCW 41.50.500(3) WERE ENTERED BETWEEN JULY 1, 1987, AND JULY 28, 1991, SHALL BE ENTITLED TO RECEIVE DIRECT PAYMENTS OF RETIREMENT BENEFITS TO SATISFY COURT-ORDERED PROPERTY DIVISIONS IF THE DISSOLUTION ORDERS FILED WITH THE DEPARTMENT COMPLY OR ARE AMENDED TO COMPLY WITH RCW 41.50.670 THROUGH 41.50.720 AND, AS APPLICABLE, RCW 2.10.180, 2.12.090, (~~41.26.180~~) 41.26.053, SECTION 209 OF THIS ACT, 41.32.052, 41.40.052, OR 43.43.310.

SEC. 404. RCW 36.28A.010 AND 1975 1ST EX.S. C 172 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

THE WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS IS HEREBY DECLARED TO BE A COMBINATION OF UNITS OF LOCAL GOVERNMENT: PROVIDED, THAT SUCH ASSOCIATION SHALL NOT BE CONSIDERED AN "EMPLOYER" WITHIN THE MEANING OF RCW

41.26.030(2), SECTION 202 OF THIS ACT, OR 41.40.010(4): PROVIDED FURTHER, THAT NO COMPENSATION RECEIVED AS AN EMPLOYEE OF THE ASSOCIATION SHALL BE CONSIDERED SALARY FOR PURPOSES OF THE PROVISIONS OF ANY RETIREMENT SYSTEM CREATED PURSUANT TO THE GENERAL LAWS OF THIS STATE: PROVIDED FURTHER, THAT SUCH ASSOCIATION SHALL NOT QUALIFY FOR INCLUSION UNDER THE UNALLOCATED TWO MILLS OF THE PROPERTY TAX OF ANY POLITICAL SUBDIVISION: PROVIDED FURTHER, THAT THE ASSOCIATION SHALL NOT HAVE THE AUTHORITY TO ASSESS ANY EXCESS LEVY OR BOND MEASURE.

Sec. 405. RCW 41.04.205 AND 1995 1ST SP.S. C 6 S 8 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) NOTWITHSTANDING THE PROVISIONS OF RCW 41.04.180, THE EMPLOYEES, WITH THEIR DEPENDENTS, OF ANY COUNTY, MUNICIPALITY, OR OTHER POLITICAL SUBDIVISION OF THIS STATE SHALL BE ELIGIBLE TO PARTICIPATE IN ANY INSURANCE OR SELF-INSURANCE PROGRAM FOR EMPLOYEES ADMINISTERED UNDER CHAPTER 41.05 RCW IF THE LEGISLATIVE AUTHORITY OF ANY SUCH COUNTY, MUNICIPALITY, OR OTHER POLITICAL SUBDIVISIONS OF THIS STATE DETERMINES, SUBJECT TO COLLECTIVE BARGAINING UNDER APPLICABLE STATUTES, A TRANSFER TO AN INSURANCE OR SELF-INSURANCE PROGRAM ADMINISTERED UNDER CHAPTER 41.05 RCW SHOULD BE MADE. IN THE EVENT OF A SPECIAL DISTRICT EMPLOYEE TRANSFER PURSUANT TO THIS SECTION, MEMBERS OF THE GOVERNING AUTHORITY SHALL BE ELIGIBLE TO BE INCLUDED IN SUCH TRANSFER IF SUCH MEMBERS ARE AUTHORIZED BY LAW AS OF JUNE 25, 1976, TO PARTICIPATE IN THE INSURANCE PROGRAM BEING TRANSFERRED FROM AND SUBJECT TO PAYMENT BY SUCH MEMBERS OF ALL COSTS OF INSURANCE FOR MEMBERS.

(2) WHEN THE LEGISLATIVE AUTHORITY OF A COUNTY, MUNICIPALITY, OR OTHER POLITICAL SUBDIVISION DETERMINES TO SO TRANSFER, THE STATE HEALTH CARE AUTHORITY SHALL:

(A) ESTABLISH THE CONDITIONS FOR PARTICIPATION; AND

(B) HAVE THE SOLE RIGHT TO REJECT THE APPLICATION.

APPROVAL OF THE APPLICATION BY THE STATE HEALTH CARE AUTHORITY SHALL EFFECT A TRANSFER OF THE EMPLOYEES INVOLVED TO THE INSURANCE, SELF-INSURANCE, OR HEALTH CARE PROGRAM APPLIED FOR.

(3) ANY APPLICATION OF THIS SECTION TO MEMBERS OF THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM UNDER CHAPTER 41.26 OR 41.26A RCW IS SUBJECT TO CHAPTER 41.56 RCW.

(4) SCHOOL DISTRICTS MAY VOLUNTARILY TRANSFER, EXCEPT THAT ALL ELIGIBLE EMPLOYEES IN A BARGAINING UNIT OF A SCHOOL DISTRICT MAY TRANSFER ONLY AS A UNIT AND ALL NONREPRESENTED EMPLOYEES IN A DISTRICT MAY TRANSFER ONLY AS A UNIT.

Sec. 406. RCW 41.04.270 AND 1988 C 195 S 5 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) NOTWITHSTANDING ANY PROVISION OF CHAPTER 2.10, 2.12, 41.26, 41.26A, 41.28, 41.32, 41.40, OR 43.43 RCW TO THE CONTRARY, ON AND AFTER MARCH 19, 1976, ANY MEMBER OR FORMER MEMBER WHO (A) RECEIVES A RETIREMENT ALLOWANCE EARNED BY SAID FORMER MEMBER AS DEFERRED COMPENSATION FROM ANY PUBLIC RETIREMENT SYSTEM AUTHORIZED BY THE GENERAL LAWS OF THIS STATE, OR (B) IS ELIGIBLE TO RECEIVE A RETIREMENT ALLOWANCE FROM ANY PUBLIC RETIREMENT SYSTEM LISTED IN RCW 41.50.030, BUT CHOOSES NOT TO APPLY, OR (C) IS THE BENEFICIARY OF A DISABILITY ALLOWANCE FROM ANY PUBLIC RETIREMENT SYSTEM LISTED IN RCW 41.50.030 SHALL BE ESTOPPED FROM BECOMING A MEMBER OF OR ACCRUING ANY CONTRACTUAL RIGHTS WHATSOEVER IN ANY OTHER PUBLIC RETIREMENT SYSTEM LISTED IN RCW 41.50.030: PROVIDED, THAT (A) AND (B) OF THIS SUBSECTION SHALL NOT APPLY TO PERSONS WHO HAVE ACCUMULATED LESS THAN FIFTEEN YEARS SERVICE CREDIT IN ANY SUCH SYSTEM.

(2) NOTHING IN THIS SECTION IS INTENDED TO APPLY TO ANY RETIREMENT SYSTEM EXCEPT THOSE LISTED IN RCW 41.50.030 AND THE CITY EMPLOYEE RETIREMENT SYSTEMS FOR SEATTLE, TACOMA, AND SPOKANE. SUBSECTION (1)(B) OF THIS SECTION DOES NOT APPLY TO A DUAL MEMBER AS DEFINED IN RCW 41.54.010.

Sec. 407. RCW 41.04.350 AND 1979 EX.S. C 159 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, NO EMPLOYEE OF THE STATE OF WASHINGTON OR ANY OF ITS POLITICAL SUBDIVISIONS OR ANY INSTITUTION SUPPORTED IN TOTAL OR IN PART BY THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS, OTHER THAN EMPLOYEES COVERED BY CHAPTERS 41.26, 41.26A, AND 43.43 RCW, SHALL BE COMPELLED TO RETIRE SOLELY ON THE BASIS OF AGE PRIOR TO ATTAINING SEVENTY YEARS OF AGE.

(2) ALL COMPULSORY RETIREMENT PROVISIONS RELATING TO PUBLIC EMPLOYEES, OTHER THAN EMPLOYEES COVERED BY CHAPTERS 41.26, 41.26A, AND 43.43 RCW, MAY BE WAIVED FOR INDIVIDUALS ATTAINING SEVENTY YEARS OF AGE BY THE INDIVIDUAL'S EMPLOYER.

Sec. 408. RCW 41.04.400 AND 1984 C 184 S 22 ARE EACH AMENDED TO READ AS FOLLOWS:

IT IS THE PURPOSE OF RCW 41.04.405 THROUGH 41.04.430 TO GOVERN THE RETIREMENT RIGHTS OF PERSONS WHOSE EMPLOYMENT STATUS IS ALTERED WHEN: (1) TWO OR MORE UNITS OF LOCAL GOVERNMENT OF THIS STATE, AT LEAST ONE OF WHICH IS A FIRST CLASS CITY WITH ITS OWN RETIREMENT SYSTEM, ENTER INTO AN AGREEMENT FOR THE CONSOLIDATED PERFORMANCE OF A GOVERNMENTAL SERVICE, ACTIVITY, OR UNDERTAKING; (2) THE SERVICE, ACTIVITY, OR UNDERTAKING IS TO BE PERFORMED EITHER BY ONE OF THE PARTICIPATING LOCAL GOVERNMENTAL UNITS OR BY A NEWLY ESTABLISHED SEPARATE LEGAL ENTITY; AND (3) THE EMPLOYEES OF THE PARTICIPATING LOCAL GOVERNMENTAL UNITS ARE NOT ALL MEMBERS OF THE SAME WASHINGTON PUBLIC RETIREMENT SYSTEM.

RCW 41.04.405 THROUGH 41.04.430 ARE NOT INTENDED TO AND DO NOT GOVERN RETIREMENT RIGHTS OF ANY MEMBERS OF THE RETIREMENT SYSTEMS ESTABLISHED BY CHAPTER 41.16, 41.18, 41.20, ((OR)) 41.26, OR 41.26A RCW, OR OF EMPLOYEES DESCRIBED IN RCW 35.58.265, 35.58.390, OR 70.08.070. TO THE EXTENT THERE IS ANY CONFLICT BETWEEN RCW 41.04.405 THROUGH 41.04.430 AND RCW 41.04.110, THE PROVISIONS OF RCW 41.04.405 THROUGH 41.04.430 SHALL GOVERN.

Sec. 409. RCW 41.05.320 AND 1995 1ST SP.S. C 6 S 13 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) ELECTED OFFICIALS AND ALL PERMANENT EMPLOYEES OF THE STATE ARE ELIGIBLE TO PARTICIPATE IN THE BENEFITS CONTRIBUTION PLAN AND CONTRIBUTE AMOUNT(S) BY AGREEMENT WITH THE AUTHORITY. THE AUTHORITY MAY ADOPT RULES TO PERMIT PARTICIPATION IN THE PLAN BY TEMPORARY EMPLOYEES OF THE STATE.

(2) PERSONS ELIGIBLE UNDER SUBSECTION (1) OF THIS SECTION MAY ENTER INTO BENEFITS CONTRIBUTION AGREEMENTS WITH THE STATE.

(3)(A) IN THE INITIAL YEAR OF THE MEDICAL FLEXIBLE SPENDING ARRANGEMENT OR CAFETERIA PLAN, IF AUTHORIZED, AN ELIGIBLE PERSON MAY BECOME A PARTICIPANT AFTER THE ADOPTION OF THE PLAN AND BEFORE ITS EFFECTIVE DATE BY AGREEING TO HAVE A PORTION OF HIS OR HER GROSS SALARY CONTRIBUTED AND DEPOSITED INTO A HEALTH CARE AND OTHER BENEFITS ACCOUNT TO BE USED FOR REIMBURSEMENT OF EXPENSES COVERED BY THE PLAN.

(B) AFTER THE INITIAL YEAR OF THE MEDICAL FLEXIBLE SPENDING ARRANGEMENT OR CAFETERIA PLAN, IF AUTHORIZED, AN ELIGIBLE PERSON MAY BECOME A PARTICIPANT FOR A FULL PLAN YEAR, WITH ANNUAL BENEFIT SELECTION FOR EACH NEW PLAN YEAR MADE BEFORE THE BEGINNING OF THE PLAN YEAR, AS DETERMINED BY THE AUTHORITY, OR UPON BECOMING ELIGIBLE.

(C) ONCE AN ELIGIBLE PERSON ELECTS TO PARTICIPATE AND THE AMOUNT OF GROSS SALARY THAT HE OR SHE SHALL CONTRIBUTE AND THE BENEFIT FOR WHICH THE FUNDS ARE TO BE USED DURING THE PLAN YEAR IS DETERMINED, THE AGREEMENT SHALL BE IRREVOCABLE AND MAY NOT BE AMENDED DURING THE PLAN YEAR EXCEPT AS PROVIDED IN (D) OF THIS SUBSECTION. PRIOR TO MAKING AN ELECTION TO PARTICIPATE IN THE ~~((BENEFIT(S)))~~ BENEFITS CONTRIBUTION PLAN, THE ELIGIBLE PERSON SHALL BE INFORMED IN WRITING OF ALL THE BENEFITS AND CONTRIBUTIONS THAT WILL OCCUR AS A RESULT OF SUCH ELECTION.

(D) THE AUTHORITY SHALL PROVIDE IN THE BENEFITS CONTRIBUTION PLAN THAT A PARTICIPANT MAY ENROLL, TERMINATE, OR CHANGE HIS OR HER ELECTION AFTER THE PLAN YEAR HAS BEGUN IF THERE IS A SIGNIFICANT CHANGE IN A PARTICIPANT'S STATUS, AS PROVIDED BY 26 U.S.C. SEC. 125 AND THE REGULATIONS ADOPTED UNDER THAT SECTION AND DEFINED BY THE AUTHORITY.

(4) THE AUTHORITY SHALL ESTABLISH AS PART OF THE BENEFITS CONTRIBUTION PLAN THE PROCEDURES FOR AND EFFECT OF WITHDRAWAL FROM THE PLAN BY REASON OF RETIREMENT, DEATH, LEAVE OF ABSENCE, OR TERMINATION OF EMPLOYMENT. TO THE EXTENT POSSIBLE UNDER FEDERAL LAW, THE AUTHORITY SHALL PROTECT PARTICIPANTS FROM FORFEITURE OF RIGHTS UNDER THE PLAN.

(5) ANY CONTRIBUTION UNDER THE BENEFITS CONTRIBUTION PLAN SHALL CONTINUE TO BE INCLUDED AS REPORTABLE COMPENSATION FOR THE PURPOSE OF COMPUTING THE STATE RETIREMENT AND PENSION BENEFITS EARNED BY THE EMPLOYEE PURSUANT TO CHAPTERS 41.26, 41.26A, 41.32, 41.40, AND 43.43 RCW.

SEC. 410. RCW 41.18.210 AND 1974 EX.S. C 148 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

ANY FORMER EMPLOYEE OF A DEPARTMENT OF A CITY OF THE FIRST CLASS, WHO (1) WAS A MEMBER OF THE EMPLOYEES' RETIREMENT SYSTEM OF SUCH CITY, AND (2) IS NOW EMPLOYED WITHIN THE FIRE DEPARTMENT OF SUCH CITY, MAY TRANSFER HIS FORMER MEMBERSHIP CREDIT FROM THE CITY EMPLOYEES' RETIREMENT SYSTEM TO THE FIREMAN'S PENSION SYSTEM CREATED BY CHAPTERS 41.16 AND 41.18 RCW BY FILING A WRITTEN REQUEST WITH THE BOARD OF ADMINISTRATION AND THE MUNICIPAL FIREMAN'S PENSION BOARD, RESPECTIVELY.

UPON THE RECEIPT OF SUCH REQUEST, THE TRANSFER OF MEMBERSHIP TO THE CITY'S FIREMAN'S PENSION SYSTEM SHALL BE MADE, TOGETHER WITH A TRANSFER OF ALL ACCUMULATED CONTRIBUTIONS CREDITED TO SUCH MEMBER. THE BOARD OF ADMINISTRATION SHALL TRANSMIT TO THE MUNICIPAL FIREMAN'S PENSION BOARD A RECORD OF SERVICE CREDITED TO SUCH MEMBER WHICH SHALL BE COMPUTED AND CREDITED TO SUCH MEMBER AS A PART OF HIS PERIOD OF EMPLOYMENT IN THE CITY'S FIREMAN'S PENSION SYSTEM. FOR THE PURPOSE OF THE TRANSFER CONTEMPLATED BY THIS SECTION, THOSE AFFECTED INDIVIDUALS WHO HAVE FORMERLY WITHDRAWN FUNDS FROM THE CITY EMPLOYEES' RETIREMENT SYSTEM SHALL BE ALLOWED TO RESTORE CONTRIBUTIONS WITHDRAWN FROM THAT RETIREMENT SYSTEM DIRECTLY TO THE FIREMAN'S PENSION SYSTEM AND RECEIVE CREDIT IN THE FIREMAN'S PENSION SYSTEM FOR THEIR FORMER MEMBERSHIP SERVICE IN THE PRIOR SYSTEM.

ANY EMPLOYEE SO TRANSFERRING SHALL HAVE ALL THE RIGHTS, BENEFITS, AND PRIVILEGES THAT HE WOULD HAVE BEEN ENTITLED TO HAD HE BEEN A MEMBER OF THE CITY'S FIREMAN'S PENSION SYSTEM FROM THE BEGINNING OF HIS EMPLOYMENT WITH THE CITY.

NO PERSON SO TRANSFERRING SHALL THEREAFTER BE ENTITLED TO ANY OTHER PUBLIC PENSION, EXCEPT THAT PROVIDED BY CHAPTER 41.26 OR 41.26A RCW OR SOCIAL SECURITY, WHICH IS BASED UPON SUCH SERVICE WITH THE CITY.

THE RIGHT OF ANY EMPLOYEE TO FILE A WRITTEN REQUEST FOR TRANSFER OF MEMBERSHIP AS SET FORTH IN THIS SECTION SHALL EXPIRE DECEMBER 31, 1974.

SEC. 411. RCW 41.20.170 AND 1973 C 143 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

ANY FORMER EMPLOYEE OF A DEPARTMENT OF A CITY OF THE FIRST CLASS WHO (1) WAS A MEMBER OF THE EMPLOYEES' RETIREMENT SYSTEM OF SUCH CITY, AND (2) IS NOW EMPLOYED WITHIN THE POLICE DEPARTMENT OF SUCH CITY, MAY TRANSFER HIS OR HER MEMBERSHIP FROM THE CITY EMPLOYEES' RETIREMENT SYSTEM TO THE CITY'S POLICE RELIEF AND PENSION FUND SYSTEM BY FILING A WRITTEN REQUEST WITH THE BOARD OF ADMINISTRATION AND THE BOARD OF TRUSTEES, RESPECTIVELY, OF THE TWO SYSTEMS.

UPON THE RECEIPT OF SUCH REQUEST, THE TRANSFER OF MEMBERSHIP TO THE CITY'S POLICE RELIEF AND PENSION FUND SYSTEM SHALL BE MADE, TOGETHER WITH A TRANSFER OF ALL ACCUMULATED CONTRIBUTIONS CREDITED TO SUCH MEMBER. THE BOARD OF ADMINISTRATION OF THE CITY'S EMPLOYEES' RETIREMENT SYSTEM SHALL TRANSMIT TO THE BOARD OF TRUSTEES OF THE CITY'S POLICE RELIEF AND PENSION FUND SYSTEM A RECORD OF SERVICE CREDITED TO SUCH MEMBER WHICH SHALL BE COMPUTED AND CREDITED TO SUCH MEMBER AS A PART OF HIS OR HER PERIOD OF EMPLOYMENT IN THE CITY'S POLICE RELIEF AND PENSION FUND SYSTEM. FOR THE PURPOSE OF THE TRANSFER CONTEMPLATED BY THIS SECTION, THE AFFECTED INDIVIDUALS SHALL BE ALLOWED TO RESTORE WITHDRAWN CONTRIBUTIONS TO THE CITY EMPLOYEES' RETIREMENT SYSTEM AND REINSTATE THEIR MEMBERSHIP SERVICE RECORDS.

ANY EMPLOYEE SO TRANSFERRING SHALL HAVE ALL THE RIGHTS, BENEFITS AND PRIVILEGES THAT HE OR SHE WOULD HAVE BEEN ENTITLED TO HAD HE OR SHE BEEN A MEMBER OF THE CITY'S POLICE RELIEF AND PENSION FUND SYSTEM FROM THE BEGINNING OF HIS OR HER EMPLOYMENT WITH THE CITY.

NO PERSON SO TRANSFERRING SHALL THEREAFTER BE ENTITLED TO ANY OTHER PUBLIC PENSION, EXCEPT THAT PROVIDED BY CHAPTER 41.26 OR 41.26A RCW OR SOCIAL SECURITY, WHICH IS BASED UPON SERVICE WITH THE CITY.

THE RIGHT OF ANY EMPLOYEE TO FILE A WRITTEN REQUEST FOR TRANSFER OF MEMBERSHIP AS SET FORTH HEREIN SHALL EXPIRE DECEMBER 31, 1973.

SEC. 412. RCW 41.20.175 AND 1974 EX.S. C 148 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

A FORMER EMPLOYEE OF A FIRE DEPARTMENT OF A CITY OF THE FIRST CLASS WHO (1) WAS A MEMBER OF THE FIREMAN'S PENSION SYSTEM CREATED BY CHAPTERS 41.16 OR 41.18 RCW, AND (2) IS NOW EMPLOYED WITHIN THE POLICE DEPARTMENT OF SUCH CITY, WILL BE REGARDED AS HAVING RECEIVED MEMBERSHIP SERVICE CREDIT FOR SUCH SERVICE TO THE FIRE DEPARTMENT IN THE CITY'S POLICE AND RELIEF PENSION SYSTEM AT THE TIME HE RECOVERS SUCH SERVICE CREDIT BY PAYING WITHDRAWN CONTRIBUTIONS TO THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PURSUANT TO RCW 41.26.030(~~((14))~~) OR SECTION 202 OF THIS ACT.

SEC. 413. RCW 41.24.400 AND 1999 C 148 S 31 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, ANY MUNICIPALITY MAY MAKE PROVISION BY APPROPRIATE LEGISLATION AND PAYMENT OF FEES REQUIRED BY RCW 41.24.030(1) SOLELY FOR THE PURPOSE OF ENABLING ANY RESERVE OFFICER TO ENROLL UNDER THE RETIREMENT PENSION PROVISIONS OF THIS CHAPTER OR FEES REQUIRED UNDER RCW 41.24.030(1) TO PAY FOR THE COSTS OF EXTENDING THE RELIEF PROVISIONS OF THIS CHAPTER TO ITS RESERVE OFFICERS.

(2) A RESERVE OFFICER IS NOT ELIGIBLE TO RECEIVE A BENEFIT UNDER THE RETIREMENT PROVISIONS OF THIS CHAPTER FOR SERVICE UNDER CHAPTER 41.26, 41.26A, 41.32, OR 41.40 RCW.

(3) EVERY MUNICIPALITY SHALL MAKE PROVISIONS FOR THE COLLECTION AND PAYMENT OF THE FEES REQUIRED UNDER THIS CHAPTER, AND SHALL CONTINUE TO MAKE PROVISIONS FOR ALL RESERVE OFFICERS WHO COME UNDER THIS CHAPTER AS LONG AS THEY CONTINUE TO BE EMPLOYED AS RESERVE OFFICERS.

(4) EXCEPT AS PROVIDED UNDER RCW 41.24.450, A RESERVE OFFICER IS NOT ELIGIBLE TO RECEIVE A BENEFIT UNDER THE RELIEF PROVISIONS OF THIS CHAPTER.

SEC. 414. RCW 41.32.800 AND 1998 C 341 S 605 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS PROVIDED IN RCW 41.32.802, NO RETIREE UNDER THE PROVISIONS OF PLAN 2 SHALL BE ELIGIBLE TO RECEIVE SUCH RETIREE'S MONTHLY RETIREMENT ALLOWANCE IF HE OR SHE IS EMPLOYED IN AN ELIGIBLE POSITION AS DEFINED IN RCW 41.40.010, 41.32.010, OR 41.35.010, OR AS A LAW ENFORCEMENT OFFICER OR FIRE FIGHTER AS DEFINED IN RCW 41.26.030 OR SECTION 202 OF THIS ACT.

IF A RETIREE'S BENEFITS HAVE BEEN SUSPENDED UNDER THIS SECTION, HIS OR HER BENEFITS SHALL BE REINSTATED WHEN THE RETIREE TERMINATES THE EMPLOYMENT THAT CAUSED HIS OR HER BENEFITS TO BE SUSPENDED. UPON REINSTATEMENT, THE RETIREE'S BENEFITS SHALL BE ACTUARIALLY RECOMPUTED PURSUANT TO THE RULES ADOPTED BY THE DEPARTMENT.

(2) THE DEPARTMENT SHALL ADOPT RULES IMPLEMENTING THIS SECTION.

SEC. 415. RCW 41.32.860 AND 1997 C 254 S 7 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT UNDER RCW 41.32.862, NO RETIREE SHALL BE ELIGIBLE TO RECEIVE SUCH RETIREE'S MONTHLY RETIREMENT ALLOWANCE IF HE OR SHE IS EMPLOYED IN AN ELIGIBLE POSITION AS DEFINED IN RCW 41.40.010 OR 41.32.010, OR AS A LAW ENFORCEMENT OFFICER OR FIRE FIGHTER AS DEFINED IN RCW 41.26.030 OR SECTION 202 OF THIS ACT.

(2) IF A RETIREE'S BENEFITS HAVE BEEN SUSPENDED UNDER THIS SECTION, HIS OR HER BENEFITS SHALL BE REINSTATED WHEN THE RETIREE TERMINATES THE EMPLOYMENT THAT CAUSED THE SUSPENSION OF BENEFITS. UPON REINSTATEMENT, THE RETIREE'S BENEFITS SHALL BE ACTUARIALLY RECOMPUTED PURSUANT TO THE RULES ADOPTED BY THE DEPARTMENT.

SEC. 416. RCW 41.35.230 AND 1998 C 341 S 24 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS PROVIDED IN RCW 41.35.060, NO RETIREE UNDER THE PROVISIONS OF PLAN 2 SHALL BE ELIGIBLE TO RECEIVE SUCH RETIREE'S MONTHLY RETIREMENT ALLOWANCE IF HE OR SHE IS EMPLOYED IN AN ELIGIBLE POSITION AS DEFINED IN RCW 41.35.010, RCW 41.40.010 OR 41.32.010, OR AS A LAW ENFORCEMENT OFFICER OR FIRE FIGHTER AS DEFINED IN RCW 41.26.030 OR SECTION 202 OF THIS ACT, EXCEPT THAT A RETIREE WHO ENDS HIS OR HER MEMBERSHIP IN THE RETIREMENT SYSTEM PURSUANT TO RCW 41.40.023(3)(B) IS NOT SUBJECT TO THIS SECTION IF THE RETIREE'S ONLY EMPLOYMENT IS AS AN ELECTIVE OFFICIAL.

(2) IF A RETIREE'S BENEFITS HAVE BEEN SUSPENDED UNDER THIS SECTION, HIS OR HER BENEFITS SHALL BE REINSTATED WHEN THE RETIREE TERMINATES THE EMPLOYMENT THAT CAUSED HIS OR HER BENEFITS TO BE SUSPENDED. UPON REINSTATEMENT, THE RETIREE'S BENEFITS SHALL BE ACTUARIALLY RECOMPUTED PURSUANT TO THE RULES ADOPTED BY THE DEPARTMENT.

(3) THE DEPARTMENT SHALL ADOPT RULES IMPLEMENTING THIS SECTION.

SEC. 417. RCW 41.40.690 AND 1998 C 341 S 606 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS PROVIDED IN RCW 41.40.037, NO RETIREE UNDER THE PROVISIONS OF PLAN 2 SHALL BE ELIGIBLE TO RECEIVE SUCH RETIREE'S MONTHLY RETIREMENT ALLOWANCE IF HE OR SHE IS EMPLOYED IN AN ELIGIBLE POSITION AS DEFINED IN RCW 41.40.010, 41.32.010, OR 41.35.010, OR AS A LAW ENFORCEMENT OFFICER OR FIRE FIGHTER AS DEFINED IN RCW 41.26.030 OR SECTION 202 OF THIS ACT, EXCEPT THAT A RETIREE WHO ENDS HIS OR HER MEMBERSHIP IN THE RETIREMENT SYSTEM PURSUANT TO RCW 41.40.023(3)(B) IS NOT SUBJECT TO THIS SECTION IF THE RETIREE'S ONLY EMPLOYMENT IS AS AN ELECTIVE OFFICIAL OF A CITY OR TOWN.

(2) IF A RETIREE'S BENEFITS HAVE BEEN SUSPENDED UNDER THIS SECTION, HIS OR HER BENEFITS SHALL BE REINSTATED WHEN THE RETIREE TERMINATES THE EMPLOYMENT THAT CAUSED HIS OR HER BENEFITS TO BE SUSPENDED. UPON REINSTATEMENT, THE RETIREE'S BENEFITS SHALL BE ACTUARIALLY RECOMPUTED PURSUANT TO THE RULES ADOPTED BY THE DEPARTMENT.

(3) THE DEPARTMENT SHALL ADOPT RULES IMPLEMENTING THIS SECTION.

SEC. 418. RCW 41.40.850 AND 2000 C 247 S 315 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS PROVIDED IN RCW 41.40.037, NO RETIREE UNDER THE PROVISIONS OF PLAN 3 SHALL BE ELIGIBLE TO RECEIVE SUCH RETIREE'S MONTHLY RETIREMENT ALLOWANCE IF HE OR SHE IS EMPLOYED IN AN ELIGIBLE POSITION AS DEFINED IN RCW 41.40.010, 41.32.010, OR 41.35.010, OR AS A LAW ENFORCEMENT OFFICER OR FIRE FIGHTER AS DEFINED IN RCW 41.26.030 OR SECTION 202 OF THIS ACT, EXCEPT THAT A RETIREE WHO ENDS HIS OR HER MEMBERSHIP IN THE RETIREMENT SYSTEM PURSUANT TO RCW 41.40.023(3)(B) IS NOT SUBJECT TO THIS SECTION IF THE RETIREE'S ONLY EMPLOYMENT IS AS AN ELECTIVE OFFICIAL OF A CITY OR TOWN.

(2) IF A RETIREE'S BENEFITS HAVE BEEN SUSPENDED UNDER THIS SECTION, HIS OR HER BENEFITS SHALL BE REINSTATED WHEN THE RETIREE TERMINATES THE EMPLOYMENT THAT CAUSED HIS OR HER BENEFITS TO BE SUSPENDED. UPON REINSTATEMENT, THE RETIREE'S BENEFITS SHALL BE ACTUARIALLY RECOMPUTED PURSUANT TO THE RULES ADOPTED BY THE DEPARTMENT.

(3) THE DEPARTMENT SHALL ADOPT RULES IMPLEMENTING THIS SECTION.

SEC. 419. RCW 41.45.010 AND 1998 C 341 S 401 ARE EACH AMENDED TO READ AS FOLLOWS:

IT IS THE INTENT OF THE LEGISLATURE TO PROVIDE A DEPENDABLE AND SYSTEMATIC PROCESS FOR FUNDING THE BENEFITS PROVIDED TO MEMBERS AND RETIREES OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, CHAPTER 41.40 RCW; THE TEACHERS' RETIREMENT SYSTEM, CHAPTER 41.32 RCW; THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEMS, CHAPTER 41.26 AND 41.26A RCW; THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM, CHAPTER 41.35 RCW; AND THE WASHINGTON STATE PATROL RETIREMENT SYSTEM, CHAPTER 43.43 RCW.

THE FUNDING PROCESSES ESTABLISHED BY THIS CHAPTER ((HS)) ARE INTENDED TO ACHIEVE THE FOLLOWING GOALS:

(1) TO CONTINUE TO FULLY FUND THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 2, THE TEACHERS' RETIREMENT SYSTEM PLANS 2 AND 3, THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM PLANS 2 AND 3, AND THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2 AS PROVIDED BY LAW;

(2) TO FULLY AMORTIZE THE TOTAL COSTS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1((;)) AND THE TEACHERS' RETIREMENT SYSTEM PLAN 1((, AND THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 4)) NOT LATER THAN JUNE 30, 2024;

(3) TO MAINTAIN THE SOUND ACTUARIALLY FUNDING OF THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM;

(4) TO ENABLE TAXPAYERS AND RETIREMENT SYSTEM MEMBERS TO BENEFIT FROM FAVORABLE ACTUARIAL EXPERIENCE AND INVESTMENT RETURNS BY MEANS OF CONTRIBUTION RATE REDUCTIONS FOR PLAN 2 MEMBERS AND EMPLOYERS, AND BY A RETURN OF SURPLUS ASSETS FROM THE TERMINATION OF THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 1 TO EMPLOYEES, EMPLOYERS, AND THE STATE;

(5) TO ESTABLISH PREDICTABLE LONG-TERM EMPLOYER CONTRIBUTION RATES WHICH WILL REMAIN A RELATIVELY CONSTANT PROPORTION OF THE FUTURE STATE BUDGETS; AND

~~((4))~~ (6) TO FUND, TO THE EXTENT FEASIBLE, BENEFIT INCREASES FOR PLAN 1 MEMBERS AND ALL BENEFITS FOR PLAN 2 AND 3 MEMBERS OVER THE WORKING LIVES OF THOSE MEMBERS SO THAT THE COST OF THOSE BENEFITS ARE PAID BY THE TAXPAYERS WHO RECEIVE THE BENEFIT OF THOSE MEMBERS' SERVICE.

Sec. 420. RCW 41.45.010 AND 2000 C 247 S 501 ARE EACH AMENDED TO READ AS FOLLOWS:

IT IS THE INTENT OF THE LEGISLATURE TO PROVIDE A DEPENDABLE AND SYSTEMATIC PROCESS FOR FUNDING THE BENEFITS PROVIDED TO MEMBERS AND RETIREES OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, CHAPTER 41.40 RCW; THE TEACHERS' RETIREMENT SYSTEM, CHAPTER 41.32 RCW; THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEMS, CHAPTER 41.26 AND 41.26A RCW; THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM, CHAPTER 41.35 RCW; AND THE WASHINGTON STATE PATROL RETIREMENT SYSTEM, CHAPTER 43.43 RCW.

THE FUNDING PROCESSES ESTABLISHED BY THIS CHAPTER ((IS)) ARE INTENDED TO ACHIEVE THE FOLLOWING GOALS:

(1) TO CONTINUE TO FULLY FUND THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLANS 2 AND 3, THE TEACHERS' RETIREMENT SYSTEM PLANS 2 AND 3, THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM PLANS 2 AND 3, AND THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2 AS PROVIDED BY LAW;

(2) TO FULLY AMORTIZE THE TOTAL COSTS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1((;)) AND THE TEACHERS' RETIREMENT SYSTEM PLAN 1((, AND THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 4)) NOT LATER THAN JUNE 30, 2024;

(3) TO MAINTAIN THE SOUND ACTUARIAL FUNDING OF THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM;

(4) TO ENABLE TAXPAYERS AND RETIREMENT SYSTEM MEMBERS TO BENEFIT FROM FAVORABLE ACTUARIAL EXPERIENCE AND INVESTMENT RETURNS BY MEANS OF CONTRIBUTION RATE REDUCTIONS FOR PLAN 2 MEMBERS AND EMPLOYERS, AND BY A RETURN OF SURPLUS ASSETS FROM THE TERMINATION OF THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 1 TO EMPLOYEES, EMPLOYERS, AND THE STATE;

(5) TO ESTABLISH PREDICTABLE LONG-TERM EMPLOYER CONTRIBUTION RATES WHICH WILL REMAIN A RELATIVELY CONSTANT PROPORTION OF THE FUTURE STATE BUDGETS; AND

~~((4))~~ (6) TO FUND, TO THE EXTENT FEASIBLE, BENEFIT INCREASES FOR PLAN 1 MEMBERS AND ALL BENEFITS FOR PLAN 2 AND 3 MEMBERS OVER THE WORKING LIVES OF THOSE MEMBERS SO THAT THE COST OF THOSE BENEFITS ARE PAID BY THE TAXPAYERS WHO RECEIVE THE BENEFIT OF THOSE MEMBERS' SERVICE.

Sec. 421. RCW 41.45.020 AND 1998 C 341 S 402 AND 1998 C 283 S 1 ARE EACH REENACTED AND AMENDED TO READ AS FOLLOWS:

AS USED IN THIS CHAPTER, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE.

(1) "COUNCIL" MEANS THE PENSION FUNDING COUNCIL CREATED IN RCW 41.45.100.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF RETIREMENT SYSTEMS.

(3) "RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM ((PLAN 4))" AND "LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2" MEAN THE BENEFITS AND FUNDING PROVISIONS UNDER CHAPTER 41.26A AND 41.26 RCW, RESPECTIVELY.

(4) "PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1" AND "PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 2" MEAN THE BENEFITS AND FUNDING PROVISIONS UNDER CHAPTER 41.40 RCW.

(5) "TEACHERS' RETIREMENT SYSTEM PLAN 1," "TEACHERS' RETIREMENT SYSTEM PLAN 2," AND "TEACHERS' RETIREMENT SYSTEM PLAN 3" MEAN THE BENEFITS AND FUNDING PROVISIONS UNDER CHAPTER 41.32 RCW.

(6) "SCHOOL EMPLOYEES' RETIREMENT SYSTEM PLAN 2" AND "SCHOOL EMPLOYEES' RETIREMENT SYSTEM PLAN 3" MEAN THE BENEFITS AND FUNDING PROVISIONS UNDER CHAPTER 41.35 RCW.

(7) "WASHINGTON STATE PATROL RETIREMENT SYSTEM" MEANS THE RETIREMENT BENEFITS PROVIDED UNDER CHAPTER 43.43 RCW.

(8) "UNFUNDED LIABILITY" MEANS THE UNFUNDED ACTUARIAL ACCRUED LIABILITY OF A RETIREMENT SYSTEM.

(9) "ACTUARY" OR "STATE ACTUARY" MEANS THE STATE ACTUARY EMPLOYED UNDER CHAPTER 44.44 RCW.

(10) "STATE RETIREMENT SYSTEMS" MEANS THE RETIREMENT SYSTEMS LISTED IN RCW 41.50.030.

(11) "WORK GROUP" MEANS THE PENSION FUNDING WORK GROUP CREATED IN RCW 41.45.120.

(12) "CLASSIFIED EMPLOYEE" MEANS A MEMBER OF THE WASHINGTON SCHOOL EMPLOYEES' RETIREMENT SYSTEM PLAN 2 OR PLAN 3 AS DEFINED IN RCW 41.35.010.

(13) "TEACHER" MEANS A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM AS DEFINED IN RCW 41.32.010(15).

Sec. 422. RCW 41.45.020 AND 2000 C 247 S 502 ARE EACH AMENDED TO READ AS FOLLOWS:

AS USED IN THIS CHAPTER, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE.

(1) "COUNCIL" MEANS THE PENSION FUNDING COUNCIL CREATED IN RCW 41.45.100.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF RETIREMENT SYSTEMS.

(3) "RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM ((PLAN 4))" AND "LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2" MEAN THE BENEFITS AND FUNDING PROVISIONS UNDER CHAPTER 41.26A AND 41.26 RCW, RESPECTIVELY.

(4) "PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1," "PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 2," AND "PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 3" MEAN THE BENEFITS AND FUNDING PROVISIONS UNDER CHAPTER 41.40 RCW.

(5) "TEACHERS' RETIREMENT SYSTEM PLAN 1," "TEACHERS' RETIREMENT SYSTEM PLAN 2," AND "TEACHERS' RETIREMENT SYSTEM PLAN 3" MEAN THE BENEFITS AND FUNDING PROVISIONS UNDER CHAPTER 41.32 RCW.

(6) "SCHOOL EMPLOYEES' RETIREMENT SYSTEM PLAN 2" AND "SCHOOL EMPLOYEES' RETIREMENT SYSTEM PLAN 3" MEAN THE BENEFITS AND FUNDING PROVISIONS UNDER CHAPTER 41.35 RCW.

(7) "WASHINGTON STATE PATROL RETIREMENT SYSTEM" MEANS THE RETIREMENT BENEFITS PROVIDED UNDER CHAPTER 43.43 RCW.

(8) "UNFUNDED LIABILITY" MEANS THE UNFUNDED ACTUARIAL ACCRUED LIABILITY OF A RETIREMENT SYSTEM.

(9) "ACTUARY" OR "STATE ACTUARY" MEANS THE STATE ACTUARY EMPLOYED UNDER CHAPTER 44.44 RCW.

(10) "STATE RETIREMENT SYSTEMS" MEANS THE RETIREMENT SYSTEMS LISTED IN RCW 41.50.030.

(11) "WORK GROUP" MEANS THE PENSION FUNDING WORK GROUP CREATED IN RCW 41.45.120.

(12) "CLASSIFIED EMPLOYEE" MEANS A MEMBER OF THE WASHINGTON SCHOOL EMPLOYEES' RETIREMENT SYSTEM PLAN 2 OR PLAN 3 AS DEFINED IN RCW 41.35.010.

(13) "TEACHER" MEANS A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM AS DEFINED IN RCW 41.32.010(15).

SEC. 423. RCW 41.45.050 AND 1998 C 341 S 403 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EMPLOYERS OF MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, THE TEACHERS' RETIREMENT SYSTEM, THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM, AND THE WASHINGTON STATE PATROL RETIREMENT SYSTEM SHALL MAKE CONTRIBUTIONS TO THOSE SYSTEMS BASED ON THE RATES ESTABLISHED IN RCW 41.45.060 AND 41.45.070.

(2) THE STATE SHALL MAKE CONTRIBUTIONS TO THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2 BASED ON THE RATES ESTABLISHED IN RCW 41.45.060 AND 41.45.070. THE STATE TREASURER SHALL TRANSFER THE REQUIRED CONTRIBUTIONS EACH MONTH ON THE BASIS OF SALARY DATA PROVIDED BY THE DEPARTMENT. THE STATE SHALL MAKE CONTRIBUTIONS PURSUANT TO SECTION 5 OF THIS ACT TO MAINTAIN THE SOUND ACTUARIAL STATUS OF THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT RETIREMENT PLAN.

(3) THE DEPARTMENT SHALL BILL EMPLOYERS, AND THE STATE SHALL MAKE CONTRIBUTIONS TO THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2, USING THE COMBINED RATES ESTABLISHED IN RCW 41.45.060 AND 41.45.070 REGARDLESS OF THE LEVEL OF PENSION FUNDING PROVIDED IN THE BIENNIAL BUDGET. ANY MEMBER OF AN AFFECTED RETIREMENT SYSTEM MAY, BY MANDAMUS OR OTHER APPROPRIATE PROCEEDING, REQUIRE THE TRANSFER AND PAYMENT OF FUNDS AS DIRECTED IN THIS SECTION.

(4) THE CONTRIBUTIONS RECEIVED FOR THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM SHALL BE ALLOCATED BETWEEN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 FUND AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 2 FUND AS FOLLOWS: THE CONTRIBUTIONS NECESSARY TO FULLY FUND THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 2 EMPLOYER CONTRIBUTION REQUIRED BY RCW 41.40.650 SHALL FIRST BE DEPOSITED IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 2 FUND. ALL REMAINING PUBLIC EMPLOYEES' RETIREMENT SYSTEM EMPLOYER CONTRIBUTIONS SHALL BE DEPOSITED IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 FUND.

(5) THE CONTRIBUTIONS RECEIVED FOR THE TEACHERS' RETIREMENT SYSTEM SHALL BE ALLOCATED BETWEEN THE PLAN 1 FUND AND THE COMBINED PLAN 2 AND PLAN 3 FUND AS FOLLOWS: THE CONTRIBUTIONS NECESSARY TO FULLY FUND THE COMBINED PLAN 2 AND PLAN 3 EMPLOYER CONTRIBUTION SHALL FIRST BE DEPOSITED IN THE COMBINED PLAN 2 AND PLAN 3 FUND. ALL REMAINING TEACHERS' RETIREMENT SYSTEM EMPLOYER CONTRIBUTIONS SHALL BE DEPOSITED IN THE PLAN 1 FUND.

(6) THE CONTRIBUTIONS RECEIVED FOR THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM SHALL BE ALLOCATED BETWEEN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 FUND AND THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM COMBINED PLAN 2 AND PLAN 3 FUND AS FOLLOWS: THE CONTRIBUTIONS NECESSARY TO FULLY FUND THE COMBINED PLAN 2 AND PLAN 3 EMPLOYER CONTRIBUTION SHALL FIRST BE DEPOSITED IN THE COMBINED PLAN 2 AND PLAN 3 FUND. ALL REMAINING SCHOOL EMPLOYEES' RETIREMENT SYSTEM EMPLOYER CONTRIBUTIONS SHALL BE DEPOSITED IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 FUND.

(7) THE CONTRIBUTIONS RECEIVED UNDER RCW 41.26.450 FOR THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM SHALL BE ALLOCATED ~~((BETWEEN THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 1 AND))~~ TO THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2 FUND ~~((AS FOLLOWS: THE CONTRIBUTIONS NECESSARY TO FULLY FUND THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2 EMPLOYER CONTRIBUTIONS SHALL BE FIRST DEPOSITED IN THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2 FUND. ALL REMAINING LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM EMPLOYER CONTRIBUTIONS SHALL BE DEPOSITED IN THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 1 FUND)).~~

(8) THE FUNDING OF THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT RETIREMENT PLAN SHALL BE PROVIDED PURSUANT TO SECTION 5 OF THIS ACT.

SEC. 424. RCW 41.45.050 AND 2000 C 247 S 503 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EMPLOYERS OF MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, THE TEACHERS' RETIREMENT SYSTEM, THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM, AND THE WASHINGTON STATE PATROL RETIREMENT SYSTEM SHALL MAKE CONTRIBUTIONS TO THOSE SYSTEMS BASED ON THE RATES ESTABLISHED IN RCW 41.45.060 AND 41.45.070.

(2) THE STATE SHALL MAKE CONTRIBUTIONS TO THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2 BASED ON THE RATES ESTABLISHED IN RCW 41.45.060 AND 41.45.070. THE STATE TREASURER SHALL TRANSFER THE REQUIRED CONTRIBUTIONS EACH MONTH ON THE BASIS OF SALARY DATA PROVIDED BY THE DEPARTMENT. THE STATE SHALL MAKE CONTRIBUTIONS PURSUANT TO SECTION 5 OF THIS ACT TO MAINTAIN THE SOUND ACTUARIAL STATUS OF THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT RETIREMENT PLAN.

(3) THE DEPARTMENT SHALL BILL EMPLOYERS, AND THE STATE SHALL MAKE CONTRIBUTIONS TO THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2, USING THE COMBINED RATES ESTABLISHED IN RCW 41.45.060 AND 41.45.070 REGARDLESS OF THE LEVEL OF PENSION FUNDING PROVIDED IN THE BIENNIAL BUDGET. ANY MEMBER OF AN AFFECTED RETIREMENT SYSTEM MAY, BY MANDAMUS OR OTHER APPROPRIATE PROCEEDING, REQUIRE THE TRANSFER AND PAYMENT OF FUNDS AS DIRECTED IN THIS SECTION.

(4) THE CONTRIBUTIONS RECEIVED FOR THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM SHALL BE ALLOCATED BETWEEN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 FUND AND THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM COMBINED PLAN 2 AND PLAN 3 FUND AS FOLLOWS: THE CONTRIBUTIONS NECESSARY TO FULLY FUND THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM COMBINED PLAN 2 AND PLAN 3 EMPLOYER CONTRIBUTION SHALL FIRST BE DEPOSITED IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM COMBINED PLAN 2 AND PLAN 3 FUND. ALL REMAINING PUBLIC EMPLOYEES' RETIREMENT SYSTEM EMPLOYER CONTRIBUTIONS SHALL BE DEPOSITED IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 FUND.

(5) THE CONTRIBUTIONS RECEIVED FOR THE TEACHERS' RETIREMENT SYSTEM SHALL BE ALLOCATED BETWEEN THE PLAN 1 FUND AND THE COMBINED PLAN 2 AND PLAN 3 FUND AS FOLLOWS: THE CONTRIBUTIONS NECESSARY TO FULLY FUND THE COMBINED PLAN 2 AND PLAN 3 EMPLOYER CONTRIBUTION SHALL FIRST BE DEPOSITED IN THE COMBINED PLAN 2 AND PLAN 3 FUND. ALL REMAINING TEACHERS' RETIREMENT SYSTEM EMPLOYER CONTRIBUTIONS SHALL BE DEPOSITED IN THE PLAN 1 FUND.

(6) THE CONTRIBUTIONS RECEIVED FOR THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM SHALL BE ALLOCATED BETWEEN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 FUND AND THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM COMBINED PLAN 2 AND PLAN 3 FUND AS FOLLOWS: THE CONTRIBUTIONS NECESSARY TO FULLY FUND THE COMBINED PLAN 2 AND PLAN 3 EMPLOYER CONTRIBUTION SHALL

FIRST BE DEPOSITED IN THE COMBINED PLAN 2 AND PLAN 3 FUND. ALL REMAINING SCHOOL EMPLOYEES' RETIREMENT SYSTEM EMPLOYER CONTRIBUTIONS SHALL BE DEPOSITED IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 FUND.

(7) THE CONTRIBUTIONS RECEIVED UNDER RCW 41.45.060, 41.45.061, AND 41.45.067 FOR THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM SHALL BE ALLOCATED ~~((BETWEEN THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 1 AND))~~ TO THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2 FUND ~~((AS FOLLOWS: THE CONTRIBUTIONS NECESSARY TO FULLY FUND THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2 EMPLOYER CONTRIBUTIONS SHALL BE FIRST DEPOSITED IN THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2 FUND. ALL REMAINING LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM EMPLOYER CONTRIBUTIONS SHALL BE DEPOSITED IN THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 1 FUND))~~.

(8) THE FUNDING OF THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT RETIREMENT PLAN SHALL BE PROVIDED PURSUANT TO SECTION 5 OF THIS ACT.

SEC. 425. RCW 41.45.060 AND 2000 2ND SP.S. C 1 S 905 AND 2000 C 247 S 504 ARE EACH REENACTED AND AMENDED TO READ AS FOLLOWS:

(1) THE STATE ACTUARY SHALL PROVIDE ACTUARIAL VALUATION RESULTS BASED ON THE ASSUMPTIONS ADOPTED UNDER RCW 41.45.030.

(2) NOT LATER THAN SEPTEMBER 30, 1998, AND EVERY TWO YEARS THEREAFTER, CONSISTENT WITH THE ASSUMPTIONS ADOPTED UNDER RCW 41.45.030, THE COUNCIL SHALL ADOPT AND MAY MAKE CHANGES TO:

(A) A BASIC STATE CONTRIBUTION RATE FOR THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2;

(B) BASIC EMPLOYER CONTRIBUTION RATES FOR THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, THE TEACHERS' RETIREMENT SYSTEM, AND THE WASHINGTON STATE PATROL RETIREMENT SYSTEM TO BE USED IN THE ENSUING BIENNIAL PERIOD; AND

(C) A BASIC EMPLOYER CONTRIBUTION RATE FOR THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM FOR FUNDING THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1.

FOR THE 1999-2001 FISCAL BIENNIUM, THE RATES ADOPTED BY THE COUNCIL SHALL BE EFFECTIVE FOR THE PERIOD DESIGNATED IN SECTION 902, CHAPTER 1, LAWS OF 2000 2ND SP. SESS. AND RCW 41.45.0602.

(3) THE EMPLOYER AND STATE CONTRIBUTION RATES ADOPTED BY THE COUNCIL SHALL BE THE LEVEL PERCENTAGES OF PAY THAT ARE NEEDED:

(A) TO FULLY AMORTIZE THE TOTAL COSTS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1, THE TEACHERS' RETIREMENT SYSTEM PLAN 1, ~~((THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 1-))~~ AND THE UNFUNDED LIABILITY OF THE WASHINGTON STATE PATROL RETIREMENT SYSTEM NOT LATER THAN JUNE 30, 2024, EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION;

(B) TO ALSO CONTINUE TO FULLY FUND THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLANS 2 AND 3, THE TEACHERS' RETIREMENT SYSTEM PLANS 2 AND 3, THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM PLANS 2 AND 3, AND THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2 IN ACCORDANCE WITH RCW 41.45.061, 41.45.067, AND THIS SECTION; AND

(C) FOR THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 2, THE RATE CHARGED TO EMPLOYERS, EXCEPT AS PROVIDED IN RCW 41.26.450, SHALL BE THIRTY PERCENT OF THE COST OF THE RETIREMENT SYSTEM AND THE RATE CHARGED TO THE STATE SHALL BE TWENTY PERCENT OF THE COST OF THE RETIREMENT SYSTEM.

(4) THE AGGREGATE ACTUARIAL COST METHOD SHALL BE USED TO CALCULATE A COMBINED PLAN 2 AND 3 EMPLOYER CONTRIBUTION RATE.

(5) AN AMOUNT EQUAL TO THE AMOUNT OF EXTRAORDINARY INVESTMENT GAINS AS DEFINED IN RCW 41.31.020 SHALL BE USED TO SHORTEN THE AMORTIZATION PERIOD FOR THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 AND THE TEACHERS' RETIREMENT SYSTEM PLAN 1.

(6) THE COUNCIL SHALL IMMEDIATELY NOTIFY THE DIRECTORS OF THE OFFICE OF FINANCIAL MANAGEMENT AND DEPARTMENT OF RETIREMENT SYSTEMS OF THE STATE AND EMPLOYER CONTRIBUTION RATES ADOPTED.

(7) THE DIRECTOR OF THE DEPARTMENT OF RETIREMENT SYSTEMS SHALL COLLECT THOSE RATES ADOPTED BY THE COUNCIL.

SEC. 426. RCW 41.45.070 AND 1998 C 340 S 10 AND 1998 C 341 S 406 ARE EACH REENACTED AND AMENDED TO READ AS FOLLOWS:

(1) IN ADDITION TO THE BASIC EMPLOYER CONTRIBUTION RATE ESTABLISHED IN RCW 41.45.060, THE DEPARTMENT SHALL ALSO CHARGE EMPLOYERS OF PUBLIC EMPLOYEES' RETIREMENT SYSTEM, TEACHERS' RETIREMENT SYSTEM, SCHOOL EMPLOYEES' RETIREMENT SYSTEM, OR WASHINGTON STATE PATROL RETIREMENT SYSTEM MEMBERS AN ADDITIONAL SUPPLEMENTAL RATE TO PAY FOR THE COST OF ADDITIONAL BENEFITS, IF ANY, GRANTED TO MEMBERS OF THOSE SYSTEMS. EXCEPT AS PROVIDED IN SUBSECTIONS (6) AND (7) OF THIS SECTION, THE SUPPLEMENTAL CONTRIBUTION RATES REQUIRED BY THIS SECTION SHALL BE CALCULATED BY THE STATE ACTUARY AND SHALL BE CHARGED REGARDLESS OF LANGUAGE TO THE CONTRARY CONTAINED IN THE STATUTE WHICH AUTHORIZES ADDITIONAL BENEFITS.

(2) IN ADDITION TO THE BASIC STATE CONTRIBUTION RATE ESTABLISHED IN RCW 41.45.060 FOR THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2 THE DEPARTMENT SHALL ALSO ESTABLISH A SUPPLEMENTAL RATE TO PAY FOR THE COST OF ADDITIONAL BENEFITS, IF ANY, GRANTED TO MEMBERS OF THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2. EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION, THIS SUPPLEMENTAL RATE SHALL BE CALCULATED BY THE STATE ACTUARY AND THE STATE TREASURER SHALL TRANSFER THE ADDITIONAL REQUIRED CONTRIBUTIONS REGARDLESS OF LANGUAGE TO THE CONTRARY CONTAINED IN THE STATUTE WHICH AUTHORIZES THE ADDITIONAL BENEFITS.

(3) THE SUPPLEMENTAL RATE CHARGED UNDER THIS SECTION TO FUND BENEFIT INCREASES PROVIDED TO ACTIVE MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1, THE TEACHERS' RETIREMENT SYSTEM PLAN 1, ~~((THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 1-))~~ AND WASHINGTON STATE PATROL RETIREMENT SYSTEM, SHALL BE CALCULATED AS THE LEVEL PERCENTAGE OF ALL MEMBERS' PAY NEEDED TO FUND THE COST OF THE BENEFIT NOT LATER THAN JUNE 30, 2024.

(4) THE SUPPLEMENTAL RATE CHARGED UNDER THIS SECTION TO FUND BENEFIT INCREASES PROVIDED TO ACTIVE AND RETIRED MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 2, THE TEACHERS' RETIREMENT SYSTEM PLAN 2 AND PLAN 3, THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM PLAN 2 AND PLAN 3, OR THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2, SHALL BE CALCULATED AS THE LEVEL PERCENTAGE OF ALL MEMBERS' PAY NEEDED TO FUND THE COST OF THE BENEFIT, AS CALCULATED UNDER RCW 41.40.650 OR 41.26.450, RESPECTIVELY.

(5) THE SUPPLEMENTAL RATE CHARGED UNDER THIS SECTION TO FUND POSTRETIREMENT ADJUSTMENTS WHICH ARE PROVIDED ON A NONAUTOMATIC BASIS TO CURRENT RETIREES SHALL BE CALCULATED AS THE PERCENTAGE OF PAY NEEDED TO FUND THE

ADJUSTMENTS AS THEY ARE PAID TO THE RETIREES. THE SUPPLEMENTAL RATE CHARGED UNDER THIS SECTION TO FUND AUTOMATIC POSTRETIREMENT ADJUSTMENTS FOR ACTIVE OR RETIRED MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 AND THE TEACHERS' RETIREMENT SYSTEM PLAN 1 SHALL BE CALCULATED AS THE LEVEL PERCENTAGE OF PAY NEEDED TO FUND THE COST OF THE AUTOMATIC ADJUSTMENTS NOT LATER THAN JUNE 30, 2024.

(6) A SUPPLEMENTAL RATE SHALL NOT BE CHARGED TO PAY FOR THE COST OF ADDITIONAL BENEFITS GRANTED TO MEMBERS PURSUANT TO CHAPTER 340, LAWS OF 1998.

(7) A SUPPLEMENTAL RATE SHALL NOT BE CHARGED TO PAY FOR THE COST OF ADDITIONAL BENEFITS GRANTED TO MEMBERS PURSUANT TO CHAPTER 41.31A RCW; SECTION 309, CHAPTER 341, LAWS OF 1998; OR SECTION 701, CHAPTER 341, LAWS OF 1998.

Sec. 427. RCW 41.45.070 AND 2000 C 247 S 505 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) IN ADDITION TO THE BASIC EMPLOYER CONTRIBUTION RATE ESTABLISHED IN RCW 41.45.060, THE DEPARTMENT SHALL ALSO CHARGE EMPLOYERS OF PUBLIC EMPLOYEES' RETIREMENT SYSTEM, TEACHERS' RETIREMENT SYSTEM, SCHOOL EMPLOYEES' RETIREMENT SYSTEM, OR WASHINGTON STATE PATROL RETIREMENT SYSTEM MEMBERS AN ADDITIONAL SUPPLEMENTAL RATE TO PAY FOR THE COST OF ADDITIONAL BENEFITS, IF ANY, GRANTED TO MEMBERS OF THOSE SYSTEMS. EXCEPT AS PROVIDED IN SUBSECTIONS (6) AND (7) OF THIS SECTION, THE SUPPLEMENTAL CONTRIBUTION RATES REQUIRED BY THIS SECTION SHALL BE CALCULATED BY THE STATE ACTUARY AND SHALL BE CHARGED REGARDLESS OF LANGUAGE TO THE CONTRARY CONTAINED IN THE STATUTE WHICH AUTHORIZES ADDITIONAL BENEFITS.

(2) IN ADDITION TO THE BASIC STATE CONTRIBUTION RATE ESTABLISHED IN RCW 41.45.060 FOR THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2 THE DEPARTMENT SHALL ALSO ESTABLISH A SUPPLEMENTAL RATE TO PAY FOR THE COST OF ADDITIONAL BENEFITS, IF ANY, GRANTED TO MEMBERS OF THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2. EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION, THIS SUPPLEMENTAL RATE SHALL BE CALCULATED BY THE STATE ACTUARY AND THE STATE TREASURER SHALL TRANSFER THE ADDITIONAL REQUIRED CONTRIBUTIONS REGARDLESS OF LANGUAGE TO THE CONTRARY CONTAINED IN THE STATUTE WHICH AUTHORIZES THE ADDITIONAL BENEFITS.

(3) THE SUPPLEMENTAL RATE CHARGED UNDER THIS SECTION TO FUND BENEFIT INCREASES PROVIDED TO ACTIVE MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1, THE TEACHERS' RETIREMENT SYSTEM PLAN 1, ~~((THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 1,))~~ AND WASHINGTON STATE PATROL RETIREMENT SYSTEM, SHALL BE CALCULATED AS THE LEVEL PERCENTAGE OF ALL MEMBERS' PAY NEEDED TO FUND THE COST OF THE BENEFIT NOT LATER THAN JUNE 30, 2024.

(4) THE SUPPLEMENTAL RATE CHARGED UNDER THIS SECTION TO FUND BENEFIT INCREASES PROVIDED TO ACTIVE AND RETIRED MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 2 AND PLAN 3, THE TEACHERS' RETIREMENT SYSTEM PLAN 2 AND PLAN 3, THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM PLAN 2 AND PLAN 3, OR THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2, SHALL BE CALCULATED AS THE LEVEL PERCENTAGE OF ALL MEMBERS' PAY NEEDED TO FUND THE COST OF THE BENEFIT, AS CALCULATED UNDER RCW 41.45.060, 41.45.061, OR 41.45.067.

(5) THE SUPPLEMENTAL RATE CHARGED UNDER THIS SECTION TO FUND POSTRETIREMENT ADJUSTMENTS WHICH ARE PROVIDED ON A NONAUTOMATIC BASIS TO CURRENT RETIREES SHALL BE CALCULATED AS THE PERCENTAGE OF PAY NEEDED TO FUND THE ADJUSTMENTS AS THEY ARE PAID TO THE RETIREES. THE SUPPLEMENTAL RATE CHARGED UNDER THIS SECTION TO FUND AUTOMATIC POSTRETIREMENT ADJUSTMENTS FOR ACTIVE OR RETIRED MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 AND THE TEACHERS' RETIREMENT SYSTEM PLAN 1 SHALL BE CALCULATED AS THE LEVEL PERCENTAGE OF PAY NEEDED TO FUND THE COST OF THE AUTOMATIC ADJUSTMENTS NOT LATER THAN JUNE 30, 2024.

(6) A SUPPLEMENTAL RATE SHALL NOT BE CHARGED TO PAY FOR THE COST OF ADDITIONAL BENEFITS GRANTED TO MEMBERS PURSUANT TO CHAPTER 340, LAWS OF 1998.

(7) A SUPPLEMENTAL RATE SHALL NOT BE CHARGED TO PAY FOR THE COST OF ADDITIONAL BENEFITS GRANTED TO MEMBERS PURSUANT TO CHAPTER 41.31A RCW; SECTION 309, CHAPTER 341, LAWS OF 1998; OR SECTION 701, CHAPTER 341, LAWS OF 1998.

Sec. 428. RCW 41.48.030 AND 1971 EX.S. C 257 S 19 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE GOVERNOR IS HEREBY AUTHORIZED TO ENTER ON BEHALF OF THE STATE INTO AN AGREEMENT WITH THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE CONSISTENT WITH THE TERMS AND PROVISIONS OF THIS CHAPTER, FOR THE PURPOSE OF EXTENDING THE BENEFITS OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE SYSTEM TO EMPLOYEES OF THE STATE OR ANY POLITICAL SUBDIVISION NOT MEMBERS OF AN EXISTING RETIREMENT SYSTEM, OR TO MEMBERS OF A RETIREMENT SYSTEM ESTABLISHED BY THE STATE OR BY A POLITICAL SUBDIVISION THEREOF OR BY AN INSTITUTION OF HIGHER LEARNING WITH RESPECT TO SERVICES SPECIFIED IN SUCH AGREEMENT WHICH CONSTITUTE "EMPLOYMENT" AS DEFINED IN RCW 41.48.020. SUCH AGREEMENT MAY CONTAIN SUCH PROVISIONS RELATING TO COVERAGE, BENEFITS, CONTRIBUTIONS, EFFECTIVE DATE, MODIFICATION AND TERMINATION OF THE AGREEMENT, ADMINISTRATION, AND OTHER APPROPRIATE PROVISIONS AS THE GOVERNOR AND SECRETARY OF HEALTH, EDUCATION, AND WELFARE SHALL AGREE UPON, BUT, EXCEPT AS MAY BE OTHERWISE REQUIRED BY OR UNDER THE SOCIAL SECURITY ACT AS TO THE SERVICES TO BE COVERED, SUCH AGREEMENT SHALL PROVIDE IN EFFECT THAT--

(A) BENEFITS WILL BE PROVIDED FOR EMPLOYEES WHOSE SERVICES ARE COVERED BY THE AGREEMENT (AND THEIR DEPENDENTS AND SURVIVORS) ON THE SAME BASIS AS THOUGH SUCH SERVICES CONSTITUTED EMPLOYMENT WITHIN THE MEANING OF TITLE II OF THE SOCIAL SECURITY ACT;

(B) THE STATE WILL PAY TO THE SECRETARY OF THE TREASURY, AT SUCH TIME OR TIMES AS MAY BE PRESCRIBED UNDER THE SOCIAL SECURITY ACT, CONTRIBUTIONS WITH RESPECT TO WAGES (AS DEFINED IN RCW 41.48.020), EQUAL TO THE SUM OF THE TAXES WHICH WOULD BE IMPOSED BY THE FEDERAL INSURANCE CONTRIBUTIONS ACT IF THE SERVICES COVERED BY THE AGREEMENT CONSTITUTED EMPLOYMENT WITHIN THE MEANING OF THAT ACT;

(C) SUCH AGREEMENT SHALL BE EFFECTIVE WITH RESPECT TO SERVICES IN EMPLOYMENT COVERED BY THE AGREEMENT OR MODIFICATION THEREOF PERFORMED AFTER A DATE SPECIFIED THEREIN BUT IN NO EVENT MAY IT BE EFFECTIVE WITH RESPECT TO ANY SUCH SERVICES PERFORMED PRIOR TO THE FIRST DAY OF THE CALENDAR YEAR IMMEDIATELY PRECEDING THE CALENDAR YEAR IN WHICH SUCH AGREEMENT OR MODIFICATION OF THE AGREEMENT IS ACCEPTED BY THE SECRETARY OF HEALTH, EDUCATION AND WELFARE.

(D) ALL SERVICES WHICH CONSTITUTE EMPLOYMENT AS DEFINED IN RCW 41.48.020 AND ARE PERFORMED IN THE EMPLOY OF THE STATE BY EMPLOYEES OF THE STATE, SHALL BE COVERED BY THE AGREEMENT;

(E) ALL SERVICES WHICH (i) CONSTITUTE EMPLOYMENT AS DEFINED IN RCW 41.48.020, (ii) ARE PERFORMED IN THE EMPLOY OF A POLITICAL SUBDIVISION OF THE STATE, AND (iii) ARE COVERED BY A PLAN WHICH IS IN CONFORMITY WITH THE TERMS OF THE AGREEMENT AND HAS BEEN APPROVED BY THE GOVERNOR UNDER RCW 41.48.050, SHALL BE COVERED BY THE AGREEMENT; AND

(F) AS MODIFIED, THE AGREEMENT SHALL INCLUDE ALL SERVICES DESCRIBED IN EITHER PARAGRAPH (D) OR PARAGRAPH (E) OF THIS SUBSECTION AND PERFORMED BY INDIVIDUALS TO WHOM SECTION 218(C)(3)(C) OF THE SOCIAL SECURITY ACT IS APPLICABLE, AND

SHALL PROVIDE THAT THE SERVICE OF ANY SUCH INDIVIDUAL SHALL CONTINUE TO BE COVERED BY THE AGREEMENT IN CASE HE THEREAFTER BECOMES ELIGIBLE TO BE A MEMBER OF A RETIREMENT SYSTEM; AND

(G) AS MODIFIED, THE AGREEMENT SHALL INCLUDE ALL SERVICES DESCRIBED IN EITHER PARAGRAPH (D) OR PARAGRAPH (E) OF THIS SUBSECTION AND PERFORMED BY INDIVIDUALS IN POSITIONS COVERED BY A RETIREMENT SYSTEM WITH RESPECT TO WHICH THE GOVERNOR HAS ISSUED A CERTIFICATE TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(H) LAW ENFORCEMENT OFFICERS AND FIREMEN OF EACH POLITICAL SUBDIVISION OF THIS STATE WHO ARE COVERED BY THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEMS (~~ACT (CHAPTER 209, LAWS OF 1969 EX. SESS.)~~) UNDER CHAPTERS 41.26 AND 41.26A RCW AS NOW IN EXISTENCE OR HEREAFTER AMENDED SHALL CONSTITUTE A SEPARATE "COVERAGE GROUP" FOR PURPOSES OF THE AGREEMENT ENTERED INTO UNDER THIS SECTION AND FOR PURPOSES OF SECTION 218 OF THE SOCIAL SECURITY ACT. TO THE EXTENT THAT THE AGREEMENT BETWEEN THIS STATE AND THE FEDERAL SECRETARY OF HEALTH, EDUCATION, AND WELFARE IN EXISTENCE ON THE DATE OF ADOPTION OF THIS SUBSECTION IS INCONSISTENT WITH THIS SUBSECTION, THE GOVERNOR SHALL SEEK TO MODIFY THE INCONSISTENCY.

(2) ANY INSTRUMENTALITY JOINTLY CREATED BY THIS STATE AND ANY OTHER STATE OR STATES IS HEREBY AUTHORIZED, UPON THE GRANTING OF LIKE AUTHORITY BY SUCH OTHER STATE OR STATES, (A) TO ENTER INTO AN AGREEMENT WITH THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE WHEREBY THE BENEFITS OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE SYSTEM SHALL BE EXTENDED TO EMPLOYEES OF SUCH INSTRUMENTALITY, (B) TO REQUIRE ITS EMPLOYEES TO PAY (AND FOR THAT PURPOSE TO DEDUCT FROM THEIR WAGES) CONTRIBUTIONS EQUAL TO THE AMOUNTS WHICH THEY WOULD BE REQUIRED TO PAY UNDER RCW 41.48.040(1) IF THEY WERE COVERED BY AN AGREEMENT MADE PURSUANT TO SUBSECTION (1) OF THIS SECTION, AND (C) TO MAKE PAYMENTS TO THE SECRETARY OF THE TREASURY IN ACCORDANCE WITH SUCH AGREEMENT, INCLUDING PAYMENTS FROM ITS OWN FUNDS, AND OTHERWISE TO COMPLY WITH SUCH AGREEMENTS. SUCH AGREEMENT SHALL, TO THE EXTENT PRACTICABLE, BE CONSISTENT WITH THE TERMS AND PROVISIONS OF SUBSECTION (1) AND OTHER PROVISIONS OF THIS CHAPTER.

(3) THE GOVERNOR IS EMPOWERED TO AUTHORIZE A REFERENDUM, AND TO DESIGNATE AN AGENCY OR INDIVIDUAL TO SUPERVISE ITS CONDUCT, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 218(D)(3) OF THE SOCIAL SECURITY ACT, AND SUBSECTION (4) OF THIS SECTION ON THE QUESTION OF WHETHER SERVICE IN ALL POSITIONS COVERED BY A RETIREMENT SYSTEM ESTABLISHED BY THE STATE OR BY A POLITICAL SUBDIVISION THEREOF SHOULD BE EXCLUDED FROM OR INCLUDED UNDER AN AGREEMENT UNDER THIS CHAPTER. IF A RETIREMENT SYSTEM COVERS POSITIONS OF EMPLOYEES OF THE STATE OF WASHINGTON, OF THE INSTITUTIONS OF HIGHER LEARNING, AND POSITIONS OF EMPLOYEES OF ONE OR MORE OF THE POLITICAL SUBDIVISIONS OF THE STATE, THEN FOR THE PURPOSE OF THE REFERENDUM AS PROVIDED HEREIN, THERE MAY BE DEEMED TO BE A SEPARATE RETIREMENT SYSTEM WITH RESPECT TO EMPLOYEES OF THE STATE, OR ANY ONE OR MORE OF THE POLITICAL SUBDIVISIONS, OR INSTITUTIONS OF HIGHER LEARNING AND THE GOVERNOR SHALL AUTHORIZE A REFERENDUM UPON REQUEST OF THE SUBDIVISIONS' OR INSTITUTIONS' OF HIGHER LEARNING GOVERNING BODY: PROVIDED HOWEVER, THAT IF A REFERENDUM OF STATE EMPLOYEES GENERALLY FAILS TO PRODUCE A FAVORABLE MAJORITY VOTE THEN THE GOVERNOR MAY AUTHORIZE A REFERENDUM COVERING POSITIONS OF EMPLOYEES IN ANY STATE DEPARTMENT WHO ARE COMPENSATED IN WHOLE OR IN PART FROM GRANTS MADE TO THIS STATE UNDER TITLE III OF THE FEDERAL SOCIAL SECURITY ACT: PROVIDED, THAT ANY CITY OR TOWN AFFILIATED WITH THE STATEWIDE CITY EMPLOYEES RETIREMENT SYSTEM ORGANIZED UNDER CHAPTER 41.44 RCW MAY AT ITS OPTION AGREE TO A PLAN SUBMITTED BY THE BOARD OF TRUSTEES OF SAID STATEWIDE CITY EMPLOYEES RETIREMENT SYSTEM FOR INCLUSION UNDER AN AGREEMENT UNDER THIS CHAPTER IF THE REFERENDUM TO BE HELD AS PROVIDED HEREIN INDICATES A FAVORABLE RESULT: PROVIDED FURTHER, THAT THE TEACHERS' RETIREMENT SYSTEM BE CONSIDERED ONE SYSTEM FOR THE PURPOSE OF THE REFERENDUM EXCEPT AS APPLIED TO THE SEVERAL COLLEGES OF EDUCATION. THE NOTICE OF REFERENDUM REQUIRED BY SECTION 218(D)(3)(C) OF THE SOCIAL SECURITY ACT TO BE GIVEN TO EMPLOYEES SHALL CONTAIN OR SHALL BE ACCOMPANIED BY A STATEMENT, IN SUCH FORM AND SUCH DETAIL AS THE AGENCY OR INDIVIDUAL DESIGNATED TO SUPERVISE THE REFERENDUM SHALL DEEM NECESSARY AND SUFFICIENT, TO INFORM THE EMPLOYEES OF THE RIGHTS WHICH WILL ACCRUE TO THEM AND THEIR DEPENDENTS AND SURVIVORS, AND THE LIABILITIES TO WHICH THEY WILL BE SUBJECT, IF THEIR SERVICES ARE INCLUDED UNDER AN AGREEMENT UNDER THIS CHAPTER.

(4) THE GOVERNOR, BEFORE AUTHORIZING A REFERENDUM, SHALL REQUIRE THE FOLLOWING CONDITIONS TO BE MET:

(A) THE REFERENDUM SHALL BE BY SECRET WRITTEN BALLOT ON THE QUESTION OF WHETHER SERVICE IN POSITIONS COVERED BY SUCH RETIREMENT SYSTEM SHALL BE EXCLUDED FROM OR INCLUDED UNDER THE AGREEMENT BETWEEN THE GOVERNOR AND THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE PROVIDED FOR IN RCW 41.48.030(1);

(B) AN OPPORTUNITY TO VOTE IN SUCH REFERENDUM SHALL BE GIVEN AND SHALL BE LIMITED TO ELIGIBLE EMPLOYEES;

(C) NOT LESS THAN NINETY DAYS' NOTICE OF SUCH REFERENDUM SHALL BE GIVEN TO ALL SUCH EMPLOYEES;

(D) SUCH REFERENDUM SHALL BE CONDUCTED UNDER THE SUPERVISION (OF THE GOVERNOR OR) OF AN AGENCY OR INDIVIDUAL DESIGNATED BY THE GOVERNOR;

(E) THE PROPOSAL FOR COVERAGE SHALL BE APPROVED ONLY IF A MAJORITY OF THE ELIGIBLE EMPLOYEES VOTE IN FAVOR OF INCLUDING SERVICES IN SUCH POSITIONS UNDER THE AGREEMENT;

(F) THE STATE LEGISLATURE, IN THE CASE OF A REFERENDUM AFFECTING THE RIGHTS AND LIABILITIES OF STATE EMPLOYEES COVERED UNDER THE STATE EMPLOYEES' RETIREMENT SYSTEM AND EMPLOYEES UNDER THE TEACHERS' RETIREMENT SYSTEM, AND IN ALL OTHER CASES THE LOCAL LEGISLATIVE AUTHORITY OR GOVERNING BODY, SHALL HAVE SPECIFICALLY APPROVED THE PROPOSED PLAN AND APPROVED ANY NECESSARY STRUCTURAL ADJUSTMENT TO THE EXISTING SYSTEM TO CONFORM WITH THE PROPOSED PLAN.

(5) UPON RECEIVING SATISFACTORY EVIDENCE THAT WITH RESPECT TO ANY SUCH REFERENDUM THE CONDITIONS SPECIFIED IN SUBSECTION (4) OF THIS SECTION AND SECTION 218(D)(3) OF THE SOCIAL SECURITY ACT HAVE BEEN MET, THE GOVERNOR SHALL SO CERTIFY TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE.

(6) IF THE LEGISLATIVE BODY OF ANY POLITICAL SUBDIVISION OF THIS STATE CERTIFIES TO THE GOVERNOR THAT A REFERENDUM HAS BEEN HELD UNDER THE TERMS OF RCW 41.48.050(1)(i) AND GIVES NOTICE TO THE GOVERNOR OF TERMINATION OF SOCIAL SECURITY FOR ANY COVERAGE GROUP OF THE POLITICAL SUBDIVISION, THE GOVERNOR SHALL GIVE TWO YEARS ADVANCE NOTICE IN WRITING TO THE FEDERAL DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE OF SUCH TERMINATION OF THE AGREEMENT ENTERED INTO UNDER THIS SECTION WITH RESPECT TO SAID COVERAGE GROUP.

Sec. 429. RCW 41.48.050 AND 1981 c 119 s 1 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EACH POLITICAL SUBDIVISION OF THE STATE IS HEREBY AUTHORIZED TO SUBMIT FOR APPROVAL BY THE GOVERNOR A PLAN FOR EXTENDING THE BENEFITS OF TITLE II OF THE SOCIAL SECURITY ACT, IN CONFORMITY WITH THE APPLICABLE PROVISIONS OF SUCH ACT, TO THOSE EMPLOYEES OF SUCH POLITICAL SUBDIVISIONS WHO ARE NOT COVERED BY AN EXISTING PENSION OR RETIREMENT SYSTEM. EACH PENSION OR RETIREMENT SYSTEM ESTABLISHED BY THE STATE OR A POLITICAL SUBDIVISION THEREOF IS HEREBY AUTHORIZED TO SUBMIT

FOR APPROVAL BY THE GOVERNOR A PLAN FOR EXTENDING THE BENEFITS OF TITLE II OF THE SOCIAL SECURITY ACT, IN CONFORMITY WITH APPLICABLE PROVISIONS OF SUCH ACT, TO MEMBERS OF SUCH PENSION OR RETIREMENT SYSTEM. EACH SUCH PLAN AND ANY AMENDMENT THEREOF SHALL BE APPROVED BY THE GOVERNOR IF HE FINDS THAT SUCH PLAN, OR SUCH PLAN AS AMENDED, IS IN CONFORMITY WITH SUCH REQUIREMENTS AS ARE PROVIDED IN REGULATIONS OF THE GOVERNOR, EXCEPT THAT NO SUCH PLAN SHALL BE APPROVED UNLESS--

(A) IT IS IN CONFORMITY WITH THE REQUIREMENTS OF THE SOCIAL SECURITY ACT AND WITH THE AGREEMENT ENTERED INTO UNDER RCW 41.48.030;

(B) IT PROVIDES THAT ALL SERVICES WHICH CONSTITUTE EMPLOYMENT AS DEFINED IN RCW 41.48.020 AND ARE PERFORMED IN THE EMPLOY OF THE POLITICAL SUBDIVISION BY EMPLOYEES THEREOF, SHALL BE COVERED BY THE PLAN;

(C) IT SPECIFIES THE SOURCE OR SOURCES FROM WHICH THE FUNDS NECESSARY TO MAKE THE PAYMENTS REQUIRED BY PARAGRAPH (A) OF SUBSECTION (3) AND BY SUBSECTION (4) OF THIS SECTION ARE EXPECTED TO BE DERIVED AND CONTAINS REASONABLE ASSURANCE THAT SUCH SOURCES WILL BE ADEQUATE FOR SUCH PURPOSES;

(D) IT PROVIDES THAT IN THE PLAN OF COVERAGE FOR MEMBERS OF THE STATE TEACHERS' RETIREMENT SYSTEM OR FOR STATE EMPLOYEE MEMBERS OF THE STATE EMPLOYEES' RETIREMENT SYSTEM, THERE SHALL BE NO ADDITIONAL COST TO OR INVOLVEMENT OF THE STATE UNTIL SUCH PLAN HAS RECEIVED PRIOR APPROVAL BY THE LEGISLATURE;

(E) IT PROVIDES FOR SUCH METHODS OF ADMINISTRATION OF THE PLAN BY THE POLITICAL SUBDIVISION AS ARE FOUND BY THE GOVERNOR TO BE NECESSARY FOR THE PROPER AND EFFICIENT ADMINISTRATION OF THE PLAN;

(F) IT PROVIDES THAT THE POLITICAL SUBDIVISION WILL MAKE SUCH REPORTS, IN SUCH FORM AND CONTAINING SUCH INFORMATION, AS THE GOVERNOR MAY FROM TIME TO TIME REQUIRE AND COMPLY WITH SUCH PROVISIONS AS THE GOVERNOR OR THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE MAY FROM TIME TO TIME FIND NECESSARY TO ASSURE THE CORRECTNESS AND VERIFICATION OF SUCH REPORTS; AND

(G) IT AUTHORIZES THE GOVERNOR TO TERMINATE THE PLAN IN ITS ENTIRETY, IN HIS DISCRETION, IF HE FINDS THAT THERE HAS BEEN A FAILURE TO COMPLY SUBSTANTIALLY WITH ANY PROVISION CONTAINED IN SUCH PLAN, SUCH TERMINATION TO TAKE EFFECT AT THE EXPIRATION OF SUCH NOTICE AND ON SUCH CONDITIONS AS MAY BE PROVIDED BY REGULATIONS OF THE GOVERNOR AND MAY BE CONSISTENT WITH THE PROVISIONS OF THE SOCIAL SECURITY ACT.

(H) IT PROVIDES THAT LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS OF EACH POLITICAL SUBDIVISION OF THIS STATE WHO ARE COVERED BY THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEMS ((ACT CHAPTER 209, LAWS OF 1969 EX. SESS.)) UNDER CHAPTERS 41.26 AND 41.26A RCW AS NOW IN EXISTENCE OR HEREAFTER AMENDED SHALL CONSTITUTE A SEPARATE "COVERAGE GROUP" FOR PURPOSES OF THE PLAN OR AGREEMENT ENTERED INTO UNDER THIS SECTION AND FOR PURPOSES OF SECTION 216 OF THE SOCIAL SECURITY ACT. TO THE EXTENT THAT THE PLAN OR AGREEMENT ENTERED INTO BETWEEN THE STATE AND ANY POLITICAL SUBDIVISION OF THIS STATE IS INCONSISTENT WITH THIS SUBSECTION, THE GOVERNOR SHALL SEEK TO MODIFY THE INCONSISTENCY.

(I) IT PROVIDES THAT THE PLAN OR AGREEMENT MAY BE TERMINATED BY ANY POLITICAL SUBDIVISION AS TO ANY SUCH COVERAGE GROUP UPON GIVING AT LEAST TWO YEARS ADVANCE NOTICE IN WRITING TO THE GOVERNOR, EFFECTIVE AT THE END OF THE CALENDAR QUARTER SPECIFIED IN THE NOTICE. IT SHALL SPECIFY THAT BEFORE NOTICE OF SUCH TERMINATION IS GIVEN, A REFERENDUM SHALL BE HELD AMONG THE MEMBERS OF THE COVERAGE GROUP UNDER THE FOLLOWING CONDITIONS:

(i) THE REFERENDUM SHALL BE CONDUCTED UNDER THE SUPERVISION OF THE LEGISLATIVE BODY OF THE POLITICAL SUBDIVISION.

(ii) NOT LESS THAN SIXTY DAYS' NOTICE OF SUCH REFERENDUM SHALL BE GIVEN TO MEMBERS OF THE COVERAGE GROUP.

(iii) AN OPPORTUNITY TO VOTE BY SECRET BALLOT IN SUCH REFERENDUM SHALL BE GIVEN AND SHALL BE LIMITED TO ALL MEMBERS OF THE COVERAGE GROUP.

(iv) THE PROPOSAL FOR TERMINATION SHALL BE APPROVED ONLY IF A MAJORITY OF THE COVERAGE GROUP VOTE IN FAVOR OF TERMINATION.

(v) IF A MAJORITY OF THE COVERAGE GROUP VOTE IN FAVOR OF TERMINATION, THE LEGISLATIVE BODY OF THE POLITICAL SUBDIVISION SHALL CERTIFY THE RESULTS OF THE REFERENDUM TO THE GOVERNOR AND GIVE NOTICE OF TERMINATION OF SUCH COVERAGE GROUP.

(2) THE GOVERNOR SHALL NOT FINALLY REFUSE TO APPROVE A PLAN SUBMITTED BY A POLITICAL SUBDIVISION UNDER SUBSECTION (1), AND SHALL NOT TERMINATE AN APPROVED PLAN, WITHOUT REASONABLE NOTICE AND OPPORTUNITY FOR HEARING TO THE POLITICAL SUBDIVISION AFFECTED THEREBY.

(3)(A) EACH POLITICAL SUBDIVISION AS TO WHICH A PLAN HAS BEEN APPROVED UNDER THIS SECTION SHALL PAY INTO THE CONTRIBUTION ((FUND)) ACCOUNT, WITH RESPECT TO WAGES (AS DEFINED IN RCW 41.48.020), AT SUCH TIME OR TIMES AS THE GOVERNOR MAY BY REGULATION PRESCRIBE, CONTRIBUTIONS IN THE AMOUNTS AND AT THE RATES SPECIFIED IN THE APPLICABLE AGREEMENT ENTERED INTO BY THE GOVERNOR UNDER RCW 41.48.030.

(B) EACH POLITICAL SUBDIVISION REQUIRED TO MAKE PAYMENTS UNDER PARAGRAPH (A) OF THIS SUBSECTION IS AUTHORIZED, IN CONSIDERATION OF THE EMPLOYEE'S RETENTION IN, OR ENTRY UPON, EMPLOYMENT AFTER ENACTMENT OF THIS CHAPTER, TO IMPOSE UPON EACH OF ITS EMPLOYEES, AS TO SERVICES WHICH ARE COVERED BY AN APPROVED PLAN, A CONTRIBUTION WITH RESPECT TO HIS WAGES (AS DEFINED IN RCW 41.48.020), NOT EXCEEDING THE AMOUNT OF EMPLOYEE TAX WHICH IS IMPOSED BY THE FEDERAL INSURANCE CONTRIBUTIONS ACT, AND TO DEDUCT THE AMOUNT OF SUCH CONTRIBUTION FROM HIS WAGES AS AND WHEN PAID. CONTRIBUTIONS SO COLLECTED SHALL BE PAID INTO THE OASI CONTRIBUTION ((FUND)) ACCOUNT IN PARTIAL DISCHARGE OF THE LIABILITY OF SUCH POLITICAL SUBDIVISION OR INSTRUMENTALITY UNDER PARAGRAPH (A) OF THIS SUBSECTION. FAILURE TO DEDUCT SUCH CONTRIBUTION SHALL NOT RELIEVE THE EMPLOYEE OR EMPLOYER OF LIABILITY THEREFOR.

(4) DELINQUENT REPORTS AND PAYMENTS DUE UNDER PARAGRAPH (F) OF SUBSECTION (1) AND PARAGRAPH (A) OF SUBSECTION (3) OF THIS SECTION WILL BE SUBJECT TO AN ADDED INTEREST CHARGE OF SIX PERCENT PER YEAR OR, IF HIGHER, THE RATE CHARGEABLE TO THE STATE BY THE SECRETARY BY VIRTUE OF FEDERAL LAW, IF THE LATE REPORT OR PAYMENT CONTRIBUTES TO ANY FEDERAL PENALTY FOR LATE FILING OF REPORTS OR FOR LATE DEPOSIT OF CONTRIBUTIONS. DELINQUENT CONTRIBUTIONS, INTEREST AND PENALTIES MAY BE RECOVERED BY CIVIL ACTION OR MAY, AT THE REQUEST OF THE GOVERNOR, BE DEDUCTED FROM ANY OTHER MONEYS PAYABLE TO THE POLITICAL SUBDIVISION BY ANY DEPARTMENT OR AGENCY OF THE STATE.

SEC. 430. RCW 41.50.030 AND 1998 c 341 s 501 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) AS SOON AS POSSIBLE BUT NOT MORE THAN ONE HUNDRED AND EIGHTY DAYS AFTER MARCH 19, 1976, THERE IS TRANSFERRED TO THE DEPARTMENT OF RETIREMENT SYSTEMS, EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, ALL POWERS, DUTIES, AND FUNCTIONS OF:

(A) THE WASHINGTON PUBLIC EMPLOYEES' RETIREMENT SYSTEM;

(B) THE WASHINGTON STATE TEACHERS' RETIREMENT SYSTEM;
(C) THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM;
(D) THE WASHINGTON STATE PATROL RETIREMENT SYSTEM;
(E) THE WASHINGTON JUDICIAL RETIREMENT SYSTEM; AND
(F) THE STATE TREASURER WITH RESPECT TO THE ADMINISTRATION OF THE JUDGES' RETIREMENT FUND IMPOSED PURSUANT TO CHAPTER 2.12 RCW.

(2) ON JULY 1, 1996, THERE IS TRANSFERRED TO THE DEPARTMENT ALL POWERS, DUTIES, AND FUNCTIONS OF THE DEFERRED COMPENSATION COMMITTEE.

(3) THE DEPARTMENT SHALL ADMINISTER CHAPTER 41.34 RCW.

(4) THE DEPARTMENT SHALL ADMINISTER THE WASHINGTON SCHOOL EMPLOYEES' RETIREMENT SYSTEM CREATED UNDER CHAPTER 41.35 RCW.

(5) THE DEPARTMENT SHALL ADMINISTER THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM UNDER CHAPTER 41.26A RCW.

SEC. 431. RCW 41.50.055 AND 1991 C 35 S 16 ARE EACH AMENDED TO READ AS FOLLOWS:

THE ADMINISTRATION OF THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEMS ~~((HS))~~ UNDER CHAPTERS 41.26 AND 41.26A RCW ARE HEREBY VESTED IN THE DIRECTOR OF RETIREMENT SYSTEMS, AND THE DIRECTOR SHALL:

(1) KEEP IN CONVENIENT FORM SUCH DATA AS SHALL BE DEEMED NECESSARY FOR ACTUARIAL EVALUATION PURPOSES;

(2) AS OF MARCH 1, 1970, AND AT LEAST EVERY TWO YEARS THEREAFTER, THROUGH THE STATE ACTUARY, MAKE AN ACTUARIAL VALUATION AS TO THE MORTALITY AND SERVICE EXPERIENCE OF THE BENEFICIARIES UNDER THIS CHAPTER AND THE VARIOUS ACCOUNTS CREATED FOR THE PURPOSE OF SHOWING THE FINANCIAL STATUS OF THE RETIREMENT FUND;

(3) ADOPT FOR THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEMS THE MORTALITY TABLES AND SUCH OTHER TABLES AS SHALL BE DEEMED NECESSARY;

(4) KEEP A RECORD OF ALL ITS PROCEEDINGS, WHICH SHALL BE OPEN TO INSPECTION BY THE PUBLIC;

(5) FROM TIME TO TIME ADOPT SUCH RULES AND REGULATIONS NOT INCONSISTENT WITH CHAPTERS 41.26 AND 41.26A RCW, FOR THE ADMINISTRATION OF THE PROVISIONS OF THIS CHAPTER, FOR THE ADMINISTRATION OF THE FUNDS CREATED BY THIS CHAPTER AND CHAPTER 41.26A RCW AND THE SEVERAL ACCOUNTS THEREOF, AND FOR THE TRANSACTION OF THE BUSINESS OF THE SYSTEM;

(6) PREPARE AND PUBLISH ANNUALLY A FINANCIAL STATEMENT SHOWING THE CONDITION OF THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' FUNDS AND THE VARIOUS ACCOUNTS THEREOF, AND SETTING FORTH SUCH OTHER FACTS, RECOMMENDATIONS AND DATA AS MAY BE OF USE IN THE ADVANCEMENT OF KNOWLEDGE CONCERNING THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEMS, AND FURNISH A COPY THEREOF TO EACH EMPLOYER, AND TO SUCH MEMBERS AS MAY REQUEST COPIES THEREOF;

(7) PERFORM SUCH OTHER FUNCTIONS AS ARE REQUIRED FOR THE EXECUTION OF THE PROVISIONS OF CHAPTERS 41.26 AND 41.26A RCW;

(8) FIX THE AMOUNT OF INTEREST TO BE CREDITED AT A RATE WHICH SHALL BE BASED UPON THE NET ANNUAL EARNINGS OF THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' FUNDS FOR THE PRECEDING TWELVE-MONTH PERIOD AND FROM TIME TO TIME MAKE ANY NECESSARY CHANGES IN SUCH RATE;

(9) PAY FROM THE DEPARTMENT OF RETIREMENT SYSTEMS EXPENSE FUND THE EXPENSES INCURRED IN ADMINISTRATION OF THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEMS FROM THOSE FUNDS APPROPRIATED FOR THAT PURPOSE;

(10) PERFORM ANY OTHER DUTIES PRESCRIBED ELSEWHERE IN CHAPTER 41.26 OR 41.26A RCW;

(11) ISSUE DECISIONS RELATING TO APPEALS INITIATED PURSUANT TO RCW 41.16.145 AND 41.18.104 AS NOW OR HEREAFTER AMENDED AND SHALL BE AUTHORIZED TO ORDER INCREASED BENEFITS PURSUANT TO RCW 41.16.145 AND 41.18.104 AS NOW OR HEREAFTER AMENDED.

SEC. 432. RCW 41.50.075 AND 1998 C 341 S 503 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) ~~((TWO FUNDS ARE))~~ A FUND IS HEREBY CREATED AND ESTABLISHED IN THE STATE TREASURY TO BE KNOWN AS ~~((THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 1 RETIREMENT FUND, AND))~~ THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 2 RETIREMENT FUND WHICH SHALL CONSIST OF ALL MONEYS PAID INTO ~~((THEM))~~ THE FUND IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER AND CHAPTER 41.26 RCW, WHETHER SUCH MONEYS TAKE THE FORM OF CASH, SECURITIES, OR OTHER ASSETS. ~~THE ((PLAN 1 FUND SHALL CONSIST OF ALL MONEYS PAID TO FINANCE THE BENEFITS PROVIDED TO MEMBERS OF THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 1, AND THE))~~ PLAN 2 FUND SHALL CONSIST OF ALL MONEYS PAID TO FINANCE THE BENEFITS PROVIDED TO MEMBERS OF THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2.

(2) ALL OF THE ASSETS OF THE WASHINGTON STATE TEACHERS' RETIREMENT SYSTEM SHALL BE CREDITED ACCORDING TO THE PURPOSES FOR WHICH THEY ARE HELD, TO TWO FUNDS TO BE MAINTAINED IN THE STATE TREASURY, NAMELY, THE TEACHERS' RETIREMENT SYSTEM PLAN 1 FUND AND THE TEACHERS' RETIREMENT SYSTEM COMBINED PLAN 2 AND 3 FUND. THE PLAN 1 FUND SHALL CONSIST OF ALL MONEYS PAID TO FINANCE THE BENEFITS PROVIDED TO MEMBERS OF THE WASHINGTON STATE TEACHERS' RETIREMENT SYSTEM PLAN 1, AND THE COMBINED PLAN 2 AND 3 FUND SHALL CONSIST OF ALL MONEYS PAID TO FINANCE THE BENEFITS PROVIDED TO MEMBERS OF THE WASHINGTON STATE TEACHERS' RETIREMENT SYSTEM PLAN 2 AND 3.

(3) THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY TWO SEPARATE FUNDS, NAMELY THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 FUND AND THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 2 FUND. THE PLAN 1 FUND SHALL CONSIST OF ALL MONEYS PAID TO FINANCE THE BENEFITS PROVIDED TO MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1, AND THE PLAN 2 FUND SHALL CONSIST OF ALL MONEYS PAID TO FINANCE THE BENEFITS PROVIDED TO MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 2.

(4) THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM COMBINED PLAN 2 AND 3 FUND. THE COMBINED PLAN 2 AND 3 FUND SHALL CONSIST OF ALL MONEYS PAID TO FINANCE THE BENEFITS PROVIDED TO MEMBERS OF THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM PLAN 2 AND PLAN 3.

SEC. 433. RCW 41.50.075 AND 2000 C 247 S 601 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) ~~((TWO FUNDS ARE))~~ A FUND IS HEREBY CREATED AND ESTABLISHED IN THE STATE TREASURY TO BE KNOWN AS ~~((THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 1 RETIREMENT FUND, AND))~~ THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 2 RETIREMENT FUND WHICH SHALL CONSIST OF ALL MONEYS PAID INTO

~~((THEM)) THE FUND~~ IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER AND CHAPTER 41.26 RCW, WHETHER SUCH MONEYS TAKE THE FORM OF CASH, SECURITIES, OR OTHER ASSETS. ~~THE ((PLAN 1 FUND SHALL CONSIST OF ALL MONEYS PAID TO FINANCE THE BENEFITS PROVIDED TO MEMBERS OF THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 1, AND THE))~~ PLAN 2 FUND SHALL CONSIST OF ALL MONEYS PAID TO FINANCE THE BENEFITS PROVIDED TO MEMBERS OF THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2.

(2) ALL OF THE ASSETS OF THE WASHINGTON STATE TEACHERS' RETIREMENT SYSTEM SHALL BE CREDITED ACCORDING TO THE PURPOSES FOR WHICH THEY ARE HELD, TO TWO FUNDS TO BE MAINTAINED IN THE STATE TREASURY, NAMELY, THE TEACHERS' RETIREMENT SYSTEM PLAN 1 FUND AND THE TEACHERS' RETIREMENT SYSTEM COMBINED PLAN 2 AND 3 FUND. THE PLAN 1 FUND SHALL CONSIST OF ALL MONEYS PAID TO FINANCE THE BENEFITS PROVIDED TO MEMBERS OF THE WASHINGTON STATE TEACHERS' RETIREMENT SYSTEM PLAN 1, AND THE COMBINED PLAN 2 AND 3 FUND SHALL CONSIST OF ALL MONEYS PAID TO FINANCE THE BENEFITS PROVIDED TO MEMBERS OF THE WASHINGTON STATE TEACHERS' RETIREMENT SYSTEM PLAN 2 AND 3.

(3) THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY TWO SEPARATE FUNDS, NAMELY THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 FUND AND THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM COMBINED PLAN 2 AND PLAN 3 FUND. THE PLAN 1 FUND SHALL CONSIST OF ALL MONEYS PAID TO FINANCE THE BENEFITS PROVIDED TO MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1, AND THE COMBINED PLAN 2 AND PLAN 3 FUND SHALL CONSIST OF ALL MONEYS PAID TO FINANCE THE BENEFITS PROVIDED TO MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLANS 2 AND 3.

(4) THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM COMBINED PLAN 2 AND 3 FUND. THE COMBINED PLAN 2 AND 3 FUND SHALL CONSIST OF ALL MONEYS PAID TO FINANCE THE BENEFITS PROVIDED TO MEMBERS OF THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM PLAN 2 AND PLAN 3.

(5) THE DEPARTMENT SHALL ADMINISTER THE FUNDS ESTABLISHED UNDER THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM UNDER CHAPTER 41.26A RCW, INCLUDING:

(A) THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT RETIREMENT FUND; AND

(B) THE STATE SURPLUS ASSETS RESERVE FUND.

Sec. 434. RCW 41.50.080 AND 1998 C 341 S 504 ARE EACH AMENDED TO READ AS FOLLOWS:

THE STATE INVESTMENT BOARD SHALL PROVIDE FOR THE INVESTMENT OF ALL FUNDS OF THE WASHINGTON PUBLIC EMPLOYEES' RETIREMENT SYSTEM, THE TEACHERS' RETIREMENT SYSTEM, THE SCHOOL EMPLOYEES' RETIREMENT SYSTEM, THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEMS UNDER CHAPTERS 41.26 AND 41.26A RCW, THE WASHINGTON STATE PATROL RETIREMENT SYSTEM, THE WASHINGTON JUDICIAL RETIREMENT SYSTEM, AND THE JUDGES' RETIREMENT FUND, PURSUANT TO RCW 43.84.150, AND MAY SELL OR EXCHANGE INVESTMENTS ACQUIRED IN THE EXERCISE OF THAT AUTHORITY.

Sec. 435. RCW 41.50.090 AND 1985 C 102 S 6 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ON THE EFFECTIVE DATE OF TRANSFER AS PROVIDED IN RCW 41.50.030, THE DEPARTMENT SHALL SUCCEED TO AND IS VESTED WITH ALL POWERS, DUTIES, AND FUNCTIONS NOW OR BY ANY CONCURRENT ACT OF THIS 1976 LEGISLATURE VESTED IN THE INDIVIDUAL RETIREMENT BOARDS SET FORTH IN RCW 41.50.030 RELATING TO THE ADMINISTRATION OF THEIR VARIOUS RETIREMENT SYSTEMS, INCLUDING BUT NOT LIMITED TO THE POWER TO APPOINT A STAFF AND DEFINE THE DUTIES THEREOF: PROVIDED, THAT ACTUARIAL SERVICES REQUIRED BY THE DEPARTMENT SHALL BE PERFORMED BY THE STATE ACTUARY AS PROVIDED IN RCW 44.44.040.

(2) THE DEPARTMENT SHALL KEEP EACH RETIREMENT BOARD FULLY INFORMED ON THE ADMINISTRATION OF THE CORRESPONDING RETIREMENT SYSTEM, AND SHALL FURNISH ANY INFORMATION REQUESTED BY A RETIREMENT BOARD.

(3) RULES PROPOSED BY THE DIRECTOR UNDER RCW 2.10.070, 41.50.055, 41.32.025, OR 41.40.020 SHALL BE SUBMITTED TO THE APPROPRIATE RETIREMENT BOARDS FOR REVIEW PRIOR TO ADOPTION. AFTER RECEIVING APPROVAL OF THE MEMBERS OF THE APPROPRIATE BOARD, SUCH RULES SHALL BECOME EFFECTIVE AS PROVIDED BY THE ADMINISTRATIVE PROCEDURE ACT, CHAPTER 34.05 RCW.

(4) EACH RETIREMENT BOARD SHALL CONTINUE TO PERFORM ALL FUNCTIONS AS ARE VESTED IN IT BY LAW WITH RESPECT TO APPLICATIONS FOR BENEFITS PAID UPON EITHER TEMPORARY OR PERMANENT DISABILITY, WITH SUCH STAFF ASSISTANCE FROM THE DEPARTMENT AS MAY BE REQUIRED. THE DIRECTOR SHALL PERFORM THOSE FUNCTIONS WITH RESPECT TO DISABILITY BENEFITS AS ARE VESTED IN HIM OR HER BY ~~((RCW 41.26.120, 41.26.125, AND 41.26.200))~~ CHAPTER 41.26A RCW.

Sec. 436. RCW 41.50.110 AND 1998 C 341 S 508 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS PROVIDED BY RCW 41.50.255 AND SUBSECTION (6) OF THIS SECTION, ALL EXPENSES OF THE ADMINISTRATION OF THE DEPARTMENT AND THE EXPENSES OF ADMINISTRATION OF THE RETIREMENT SYSTEMS CREATED IN CHAPTERS 2.10, 2.12, 41.26, ~~41.26A~~, 41.32, 41.40, 41.34, 41.35, AND 43.43 RCW SHALL BE PAID FROM THE DEPARTMENT OF RETIREMENT SYSTEMS EXPENSE FUND.

(2) IN ORDER TO REIMBURSE THE DEPARTMENT OF RETIREMENT SYSTEMS EXPENSE FUND ON AN EQUITABLE BASIS THE DEPARTMENT SHALL ASCERTAIN AND REPORT TO EACH EMPLOYER, AS DEFINED IN RCW 41.26.030, SECTION 202 OF THIS ACT, 41.32.010, 41.35.010, OR 41.40.010, THE SUM NECESSARY TO DEFRAY ITS PROPORTIONAL SHARE OF THE ENTIRE EXPENSE OF THE ADMINISTRATION OF THE RETIREMENT SYSTEM THAT THE EMPLOYER PARTICIPATES IN DURING THE ENSUING BIENNIUM OR FISCAL YEAR WHICHEVER MAY BE REQUIRED. SUCH SUM IS TO BE COMPUTED IN AN AMOUNT DIRECTLY PROPORTIONAL TO THE ESTIMATED ENTIRE EXPENSE OF THE ADMINISTRATION AS THE RATIO OF MONTHLY SALARIES OF THE EMPLOYER'S MEMBERS BEARS TO THE TOTAL SALARIES OF ALL MEMBERS IN THE ENTIRE SYSTEM. IT SHALL THEN BE THE DUTY OF ALL SUCH EMPLOYERS TO INCLUDE IN THEIR BUDGETS OR OTHERWISE PROVIDE THE AMOUNTS SO REQUIRED.

(3) THE DEPARTMENT SHALL COMPUTE AND BILL EACH EMPLOYER, AS DEFINED IN RCW 41.26.030, SECTION 202 OF THIS ACT, 41.32.010, 41.35.010, OR 41.40.010, AT THE END OF EACH MONTH FOR THE AMOUNT DUE FOR THAT MONTH TO THE DEPARTMENT OF RETIREMENT SYSTEMS EXPENSE FUND AND THE SAME SHALL BE PAID AS ARE ITS OTHER OBLIGATIONS. SUCH COMPUTATION AS TO EACH EMPLOYER SHALL BE MADE ON A PERCENTAGE RATE OF SALARY ESTABLISHED BY THE DEPARTMENT. HOWEVER, THE DEPARTMENT MAY AT ITS DISCRETION ESTABLISH A SYSTEM OF BILLING BASED UPON CALENDAR YEAR QUARTERS IN WHICH EVENT THE SAID BILLING SHALL BE AT THE END OF EACH SUCH QUARTER.

(4) THE DIRECTOR MAY ADJUST THE EXPENSE FUND CONTRIBUTION RATE FOR EACH SYSTEM AT ANY TIME WHEN NECESSARY TO REFLECT UNANTICIPATED COSTS OR SAVINGS IN ADMINISTERING THE DEPARTMENT.

(5) AN EMPLOYER WHO FAILS TO SUBMIT TIMELY AND ACCURATE REPORTS TO THE DEPARTMENT MAY BE ASSESSED AN ADDITIONAL FEE RELATED TO THE INCREASED COSTS INCURRED BY THE DEPARTMENT IN PROCESSING THE DEFICIENT REPORTS. FEES PAID UNDER THIS SUBSECTION SHALL BE DEPOSITED IN THE RETIREMENT SYSTEM EXPENSE FUND.

(A) EVERY SIX MONTHS THE DEPARTMENT SHALL DETERMINE THE AMOUNT OF AN EMPLOYER'S FEE BY REVIEWING THE TIMELINESS AND ACCURACY OF THE REPORTS SUBMITTED BY THE EMPLOYER IN THE PRECEDING SIX MONTHS. IF THOSE REPORTS WERE NOT BOTH TIMELY AND ACCURATE THE DEPARTMENT MAY PROSPECTIVELY ASSESS AN ADDITIONAL FEE UNDER THIS SUBSECTION.

(B) AN ADDITIONAL FEE ASSESSED BY THE DEPARTMENT UNDER THIS SUBSECTION SHALL NOT EXCEED FIFTY PERCENT OF THE STANDARD FEE.

(C) THE DEPARTMENT SHALL ADOPT RULES IMPLEMENTING THIS SECTION.

(6) EXPENSES OTHER THAN THOSE UNDER RCW 41.34.060(~~(2)~~) (3) SHALL BE PAID PURSUANT TO SUBSECTION (1) OF THIS SECTION.

SEC. 437. RCW 41.50.112 AND 2000 C 247 S 1107 ARE EACH AMENDED TO READ AS FOLLOWS:

EMPLOYERS, AS DEFINED IN RCW 41.26.030, SECTION 202 OF THIS ACT, 41.32.010, 41.34.020, 41.35.010, AND 41.40.010, MUST REPORT ALL MEMBER DATA TO THE DEPARTMENT IN A FORMAT DESIGNED AND COMMUNICATED BY THE DEPARTMENT. EMPLOYERS FAILING TO COMPLY WITH THIS REPORTING REQUIREMENT SHALL BE ASSESSED AN ADDITIONAL FEE AS DEFINED UNDER RCW 41.50.110(5).

SEC. 438. RCW 41.50.150 AND 1998 C 341 S 509 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE EMPLOYER OF ANY EMPLOYEE WHOSE RETIREMENT BENEFITS ARE BASED IN PART ON EXCESS COMPENSATION, AS DEFINED IN THIS SECTION, SHALL, UPON RECEIPT OF A BILLING FROM THE DEPARTMENT, PAY INTO THE APPROPRIATE RETIREMENT SYSTEM THE PRESENT VALUE AT THE TIME OF THE EMPLOYEE'S RETIREMENT OF THE TOTAL ESTIMATED COST OF ALL PRESENT AND FUTURE BENEFITS FROM THE RETIREMENT SYSTEM ATTRIBUTABLE TO THE EXCESS COMPENSATION. THE STATE ACTUARY SHALL DETERMINE THE ESTIMATED COST USING THE SAME METHOD AND PROCEDURE AS IS USED IN PREPARING FISCAL NOTE COSTS FOR THE LEGISLATURE. HOWEVER, THE DIRECTOR MAY IN THE DIRECTOR'S DISCRETION DECLINE TO BILL THE EMPLOYER IF THE AMOUNT DUE IS LESS THAN FIFTY DOLLARS. ACCOUNTS UNSETTLED WITHIN THIRTY DAYS OF THE RECEIPT OF THE BILLING SHALL BE ASSESSED AN INTEREST PENALTY OF ONE PERCENT OF THE AMOUNT DUE FOR EACH MONTH OR FRACTION THEREOF BEYOND THE ORIGINAL THIRTY-DAY PERIOD.

(2) "EXCESS COMPENSATION," AS USED IN THIS SECTION, INCLUDES THE FOLLOWING PAYMENTS, IF USED IN THE CALCULATION OF THE EMPLOYEE'S RETIREMENT ALLOWANCE:

(A) A CASH OUT OF UNUSED ANNUAL LEAVE IN EXCESS OF TWO HUNDRED FORTY HOURS OF SUCH LEAVE. "CASH OUT" FOR PURPOSES OF THIS SUBSECTION MEANS:

(I) ANY PAYMENT IN LIEU OF AN ACCRUAL OF ANNUAL LEAVE; OR

(II) ANY PAYMENT ADDED TO SALARY OR WAGES, CONCURRENT WITH A REDUCTION OF ANNUAL LEAVE;

(B) A CASH OUT OF ANY OTHER FORM OF LEAVE;

(C) A PAYMENT FOR, OR IN LIEU OF, ANY PERSONAL EXPENSE OR TRANSPORTATION ALLOWANCE TO THE EXTENT THAT PAYMENT QUALIFIES AS REPORTABLE COMPENSATION IN THE MEMBER'S RETIREMENT SYSTEM;

(D) THE PORTION OF ANY PAYMENT, INCLUDING OVERTIME PAYMENTS, THAT EXCEEDS TWICE THE REGULAR DAILY OR HOURLY RATE OF PAY; AND

(E) ANY TERMINATION OR SEVERANCE PAYMENT.

(3) THIS SECTION APPLIES TO THE RETIREMENT SYSTEMS LISTED IN RCW 41.50.030 AND TO RETIREMENTS OCCURRING ON OR AFTER MARCH 15, 1984. NOTHING IN THIS SECTION IS INTENDED TO AMEND OR DETERMINE THE MEANING OF ANY DEFINITION IN CHAPTER 2.10, 2.12, 41.26, 41.26A, 41.32, 41.40, 41.35, OR 43.43 RCW OR TO DETERMINE IN ANY MANNER WHAT PAYMENTS ARE INCLUDABLE IN THE CALCULATION OF A RETIREMENT ALLOWANCE UNDER SUCH CHAPTERS.

(4) AN EMPLOYER IS NOT RELIEVED OF LIABILITY UNDER THIS SECTION BECAUSE OF THE DEATH OF ANY PERSON EITHER BEFORE OR AFTER THE BILLING FROM THE DEPARTMENT.

SEC. 439. RCW 41.50.255 AND 1998 C 341 S 511 ARE EACH AMENDED TO READ AS FOLLOWS:

THE DIRECTOR IS AUTHORIZED TO PAY FROM THE INTEREST EARNINGS OF THE TRUST FUNDS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, THE TEACHERS' RETIREMENT SYSTEM, THE WASHINGTON STATE PATROL RETIREMENT SYSTEM, THE WASHINGTON JUDICIAL RETIREMENT SYSTEM, THE JUDGES' RETIREMENT SYSTEM, THE SCHOOL DISTRICT EMPLOYEES' RETIREMENT SYSTEM, OR THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEMS UNDER CHAPTER 41.26 AND 41.26A RCW LAWFUL OBLIGATIONS OF THE APPROPRIATE SYSTEM FOR LEGAL EXPENSES AND MEDICAL EXPENSES WHICH EXPENSES ARE PRIMARILY INCURRED FOR THE PURPOSE OF PROTECTING THE APPROPRIATE TRUST FUND OR ARE INCURRED IN COMPLIANCE WITH STATUTES GOVERNING SUCH FUNDS.

THE TERM "LEGAL EXPENSE" INCLUDES, BUT IS NOT LIMITED TO, LEGAL SERVICES PROVIDED THROUGH THE LEGAL SERVICES REVOLVING FUND, FEES FOR EXPERT WITNESSES, TRAVEL EXPENSES, FEES FOR COURT REPORTERS, COST OF TRANSCRIPT PREPARATION, AND REPRODUCTION OF DOCUMENTS.

THE TERM "MEDICAL COSTS" INCLUDES, BUT IS NOT LIMITED TO, EXPENSES FOR THE MEDICAL EXAMINATION OR REEXAMINATION OF MEMBERS OR RETIREES, THE COSTS OF PREPARATION OF MEDICAL REPORTS, AND FEES CHARGED BY MEDICAL PROFESSIONALS FOR ATTENDANCE AT DISCOVERY PROCEEDINGS OR HEARINGS.

THE DIRECTOR MAY ALSO PAY FROM THE INTEREST EARNINGS OF THE TRUST FUNDS SPECIFIED IN THIS SECTION COSTS INCURRED IN INVESTIGATING FRAUD AND COLLECTING OVERPAYMENTS, INCLUDING EXPENSES INCURRED TO REVIEW AND INVESTIGATE CASES OF POSSIBLE FRAUD AGAINST THE TRUST FUNDS AND COLLECTION AGENCY FEES AND OTHER COSTS INCURRED IN RECOVERING OVERPAYMENTS. RECOVERED FUNDS MUST BE RETURNED TO THE APPROPRIATE TRUST FUNDS.

SEC. 440. RCW 41.50.500 AND 1998 C 341 S 512 ARE EACH AMENDED TO READ AS FOLLOWS:

UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT RCW 41.50.500 THROUGH 41.50.650, 41.50.670 THROUGH 41.50.720, AND 26.09.138.

(1) "BENEFITS" MEANS PERIODIC RETIREMENT PAYMENTS OR A WITHDRAWAL OF ACCUMULATED CONTRIBUTIONS.

(2) "DISPOSABLE BENEFITS" MEANS THAT PART OF THE BENEFITS OF AN INDIVIDUAL REMAINING AFTER THE DEDUCTION FROM THOSE BENEFITS OF ANY AMOUNT REQUIRED BY LAW TO BE WITHHELD. THE TERM "REQUIRED BY LAW TO BE WITHHELD" DOES NOT INCLUDE ANY DEDUCTION ELECTIVE TO THE MEMBER.

(3) "DISSOLUTION ORDER" MEANS ANY JUDGMENT, DECREE, OR ORDER OF SPOUSAL MAINTENANCE, PROPERTY DIVISION, OR COURT-APPROVED PROPERTY SETTLEMENT INCIDENT TO A DECREE OF DIVORCE, DISSOLUTION, INVALIDITY, OR LEGAL SEPARATION ISSUED BY THE SUPERIOR COURT OF THE STATE OF WASHINGTON OR A JUDGMENT, DECREE, OR OTHER ORDER OF SPOUSAL SUPPORT ISSUED BY A COURT OF COMPETENT JURISDICTION IN ANOTHER STATE OR COUNTRY, THAT HAS BEEN REGISTERED OR OTHERWISE MADE ENFORCEABLE IN THIS STATE.

(4) "MANDATORY BENEFITS ASSIGNMENT ORDER" MEANS AN ORDER ISSUED TO THE DEPARTMENT OF RETIREMENT SYSTEMS PURSUANT TO RCW 41.50.570 TO WITHHOLD AND DELIVER BENEFITS PAYABLE TO AN OBLIGOR UNDER CHAPTER 2.10, 2.12, 41.26, 41.26A, 41.32, 41.40, 41.35, OR 43.43 RCW.

(5) "OBLIGEE" MEANS AN EX SPOUSE OR SPOUSE TO WHOM A DUTY OF SPOUSAL MAINTENANCE OR PROPERTY DIVISION OBLIGATION IS OWED.

(6) "OBLIGOR" MEANS THE SPOUSE OR EX SPOUSE OWING A DUTY OF SPOUSAL MAINTENANCE OR A PROPERTY DIVISION OBLIGATION.

(7) "PERIODIC RETIREMENT PAYMENTS" MEANS PERIODIC PAYMENTS OF RETIREMENT ALLOWANCES, INCLUDING BUT NOT LIMITED TO SERVICE RETIREMENT ALLOWANCES, DISABILITY RETIREMENT ALLOWANCES, AND SURVIVORS' ALLOWANCES. THE TERM DOES NOT INCLUDE A WITHDRAWAL OF ACCUMULATED CONTRIBUTIONS.

(8) "PROPERTY DIVISION OBLIGATION" MEANS ANY OUTSTANDING COURT-ORDERED PROPERTY DIVISION OR COURT-APPROVED PROPERTY SETTLEMENT OBLIGATION INCIDENT TO A DECREE OF DIVORCE, DISSOLUTION, OR LEGAL SEPARATION.

(9) "STANDARD ALLOWANCE" MEANS A BENEFIT PAYMENT OPTION SELECTED UNDER RCW 2.10.146(1)(A), 41.26.460(1)(A), 41.32.785(1)(A), 41.40.188(1)(A), 41.40.660(1), OR 41.35.220 THAT CEASES UPON THE DEATH OF THE RETIREE. STANDARD ALLOWANCE ALSO MEANS THE BENEFIT ALLOWANCE PROVIDED UNDER RCW 2.10.110, 2.10.130, 43.43.260, (~~41.26.100, 41.26.130(1)(A)~~) SECTION 217 OF THIS ACT, SECTION 222(1)(A) OF THIS ACT, OR CHAPTER 2.12 RCW. STANDARD ALLOWANCE ALSO MEANS THE MAXIMUM RETIREMENT ALLOWANCE AVAILABLE UNDER RCW 41.32.530(1) FOLLOWING MEMBER WITHDRAWAL OF ACCUMULATED CONTRIBUTIONS, IF ANY.

(10) "WITHDRAWAL OF ACCUMULATED CONTRIBUTIONS" MEANS A LUMP SUM PAYMENT TO A RETIREMENT SYSTEM MEMBER OF ALL OR A PART OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS, INCLUDING ACCRUED INTEREST, AT THE REQUEST OF THE MEMBER INCLUDING ANY LUMP SUM AMOUNT PAID UPON THE DEATH OF THE MEMBER.

Sec. 441. RCW 41.50.500 AND 2000 C 247 S 603 ARE EACH AMENDED TO READ AS FOLLOWS:

UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT RCW 41.50.500 THROUGH 41.50.650, 41.50.670 THROUGH 41.50.720, AND 26.09.138.

(1) "BENEFITS" MEANS PERIODIC RETIREMENT PAYMENTS OR A WITHDRAWAL OF ACCUMULATED CONTRIBUTIONS.

(2) "DISPOSABLE BENEFITS" MEANS THAT PART OF THE BENEFITS OF AN INDIVIDUAL REMAINING AFTER THE DEDUCTION FROM THOSE BENEFITS OF ANY AMOUNT REQUIRED BY LAW TO BE WITHHELD. THE TERM "REQUIRED BY LAW TO BE WITHHELD" DOES NOT INCLUDE ANY DEDUCTION ELECTIVE TO THE MEMBER.

(3) "DISSOLUTION ORDER" MEANS ANY JUDGMENT, DECREE, OR ORDER OF SPOUSAL MAINTENANCE, PROPERTY DIVISION, OR COURT-APPROVED PROPERTY SETTLEMENT INCIDENT TO A DECREE OF DIVORCE, DISSOLUTION, INVALIDITY, OR LEGAL SEPARATION ISSUED BY THE SUPERIOR COURT OF THE STATE OF WASHINGTON OR A JUDGMENT, DECREE, OR OTHER ORDER OF SPOUSAL SUPPORT ISSUED BY A COURT OF COMPETENT JURISDICTION IN ANOTHER STATE OR COUNTRY, THAT HAS BEEN REGISTERED OR OTHERWISE MADE ENFORCEABLE IN THIS STATE.

(4) "MANDATORY BENEFITS ASSIGNMENT ORDER" MEANS AN ORDER ISSUED TO THE DEPARTMENT OF RETIREMENT SYSTEMS PURSUANT TO RCW 41.50.570 TO WITHHOLD AND DELIVER BENEFITS PAYABLE TO AN OBLIGOR UNDER CHAPTER 2.10, 2.12, 41.26, 41.26A, 41.32, 41.40, 41.35, OR 43.43 RCW.

(5) "OBLIGEE" MEANS AN EX SPOUSE OR SPOUSE TO WHOM A DUTY OF SPOUSAL MAINTENANCE OR PROPERTY DIVISION OBLIGATION IS OWED.

(6) "OBLIGOR" MEANS THE SPOUSE OR EX SPOUSE OWING A DUTY OF SPOUSAL MAINTENANCE OR A PROPERTY DIVISION OBLIGATION.

(7) "PERIODIC RETIREMENT PAYMENTS" MEANS PERIODIC PAYMENTS OF RETIREMENT ALLOWANCES, INCLUDING BUT NOT LIMITED TO SERVICE RETIREMENT ALLOWANCES, DISABILITY RETIREMENT ALLOWANCES, AND SURVIVORS' ALLOWANCES. THE TERM DOES NOT INCLUDE A WITHDRAWAL OF ACCUMULATED CONTRIBUTIONS.

(8) "PROPERTY DIVISION OBLIGATION" MEANS ANY OUTSTANDING COURT-ORDERED PROPERTY DIVISION OR COURT-APPROVED PROPERTY SETTLEMENT OBLIGATION INCIDENT TO A DECREE OF DIVORCE, DISSOLUTION, OR LEGAL SEPARATION.

(9) "STANDARD ALLOWANCE" MEANS A BENEFIT PAYMENT OPTION SELECTED UNDER RCW 2.10.146(1)(A), 41.26.460(1)(A), 41.32.785(1)(A), 41.40.188(1)(A), 41.40.660(1), 41.40.845(1)(A), OR 41.35.220 THAT CEASES UPON THE DEATH OF THE RETIREE. STANDARD ALLOWANCE ALSO MEANS THE BENEFIT ALLOWANCE PROVIDED UNDER RCW 2.10.110, 2.10.130, 43.43.260, (~~41.26.100, 41.26.130(1)(A)~~) SECTION 217 OF THIS ACT, SECTION 222(1)(A) OF THIS ACT, OR CHAPTER 2.12 RCW. STANDARD ALLOWANCE ALSO MEANS THE MAXIMUM RETIREMENT ALLOWANCE AVAILABLE UNDER RCW 41.32.530(1) FOLLOWING MEMBER WITHDRAWAL OF ACCUMULATED CONTRIBUTIONS, IF ANY.

(10) "WITHDRAWAL OF ACCUMULATED CONTRIBUTIONS" MEANS A LUMP SUM PAYMENT TO A RETIREMENT SYSTEM MEMBER OF ALL OR A PART OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS, INCLUDING ACCRUED INTEREST, AT THE REQUEST OF THE MEMBER INCLUDING ANY LUMP SUM AMOUNT PAID UPON THE DEATH OF THE MEMBER.

Sec. 442. RCW 41.50.670 AND 1998 C 341 S 513 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) NOTHING IN THIS CHAPTER REGARDING MANDATORY ASSIGNMENT OF BENEFITS TO ENFORCE A SPOUSAL MAINTENANCE OBLIGATION SHALL ABRIDGE THE RIGHT OF AN OBLIGEE TO DIRECT PAYMENTS OF RETIREMENT BENEFITS TO SATISFY A PROPERTY DIVISION OBLIGATION ORDERED PURSUANT TO A COURT DECREE OF DISSOLUTION OR LEGAL SEPARATION OR ANY COURT ORDER OR COURT-APPROVED PROPERTY SETTLEMENT AGREEMENT INCIDENT TO ANY COURT DECREE OF DISSOLUTION OR LEGAL SEPARATION AS PROVIDED IN RCW 2.10.180, 2.12.090, 41.04.310, 41.04.320, 41.04.330, 41.26.053, SECTION 209 OF THIS ACT, 41.32.052, 41.35.100, 41.34.070(~~(3)~~) (4), 41.40.052, 43.43.310, OR 26.09.138, AS THOSE STATUTES EXISTED BEFORE JULY 1, 1987, AND AS THOSE STATUTES EXIST ON AND AFTER JULY 28, 1991. THE DEPARTMENT SHALL PAY BENEFITS UNDER THIS CHAPTER IN A LUMP SUM OR AS A PORTION OF PERIODIC RETIREMENT PAYMENTS AS EXPRESSLY PROVIDED BY THE DISSOLUTION ORDER. A DISSOLUTION ORDER MAY NOT ORDER THE DEPARTMENT TO PAY A PERIODIC RETIREMENT PAYMENT OR LUMP SUM UNLESS THAT PAYMENT IS SPECIFICALLY AUTHORIZED UNDER THE PROVISIONS OF CHAPTER 2.10, 2.12, 41.26, 41.26A, 41.32, 41.35, 41.34, 41.40, OR 43.43 RCW, AS APPLICABLE.

(2) THE DEPARTMENT SHALL PAY DIRECTLY TO AN OBLIGEE THE AMOUNT OF PERIODIC RETIREMENT PAYMENTS OR LUMP SUM PAYMENT, AS APPROPRIATE, SPECIFIED IN THE DISSOLUTION ORDER IF THE DISSOLUTION ORDER FILED WITH THE DEPARTMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION INCLUDES A PROVISION THAT STATES IN THE FOLLOWING FORM:

IF (THE OBLIGOR) RECEIVES PERIODIC RETIREMENT PAYMENTS AS DEFINED IN RCW 41.50.500, THE DEPARTMENT OF RETIREMENT SYSTEMS SHALL PAY TO (THE OBLIGEE) DOLLARS FROM SUCH PAYMENTS OR . . . PERCENT OF SUCH PAYMENTS.

IF THE OBLIGOR'S DEBT IS EXPRESSED AS A PERCENTAGE OF HIS OR HER PERIODIC RETIREMENT PAYMENT AND THE OBLIGEE DOES NOT HAVE A SURVIVORSHIP INTEREST IN THE OBLIGOR'S BENEFIT, THE AMOUNT RECEIVED BY THE OBLIGEE SHALL BE THE PERCENTAGE OF THE PERIODIC RETIREMENT PAYMENT THAT THE OBLIGOR WOULD HAVE RECEIVED HAD HE OR SHE SELECTED A STANDARD ALLOWANCE.

IF (THE OBLIGOR) REQUESTS OR HAS REQUESTED A WITHDRAWAL OF ACCUMULATED CONTRIBUTIONS AS DEFINED IN RCW 41.50.500, OR BECOMES ELIGIBLE FOR A LUMP SUM DEATH BENEFIT, THE DEPARTMENT OF RETIREMENT SYSTEMS SHALL PAY TO (THE OBLIGEE) DOLLARS PLUS INTEREST AT THE RATE PAID BY THE DEPARTMENT OF RETIREMENT SYSTEMS ON MEMBER CONTRIBUTIONS. SUCH INTEREST TO ACCRUE FROM THE DATE OF THIS ORDER'S ENTRY WITH THE COURT OF RECORD.

(3) THIS SECTION DOES NOT REQUIRE A MEMBER TO SELECT A STANDARD ALLOWANCE UPON RETIREMENT NOR DOES IT REQUIRE THE DEPARTMENT TO RECALCULATE THE AMOUNT OF A RETIREE'S PERIODIC RETIREMENT PAYMENT BASED ON A CHANGE IN SURVIVOR OPTION.

(4) A COURT ORDER UNDER THIS SECTION MAY NOT ORDER THE DEPARTMENT TO PAY MORE THAN SEVENTY-FIVE PERCENT OF AN OBLIGOR'S PERIODIC RETIREMENT PAYMENT TO AN OBLIGEE.

(5) PERSONS WHOSE COURT DECREES WERE ENTERED BETWEEN JULY 1, 1987, AND JULY 28, 1991, SHALL ALSO BE ENTITLED TO RECEIVE DIRECT PAYMENTS OF RETIREMENT BENEFITS TO SATISFY COURT-ORDERED PROPERTY DIVISIONS IF THE DISSOLUTION ORDERS COMPLY OR ARE MODIFIED TO COMPLY WITH THIS SECTION AND RCW 41.50.680 THROUGH 41.50.720 AND, AS APPLICABLE, RCW 2.10.180, 2.12.090, 41.26.053, SECTION 209 OF THIS ACT, 41.32.052, 41.35.100, 41.34.070, 41.40.052, 43.43.310, AND 26.09.138.

(6) THE OBLIGEE MUST FILE A COPY OF THE DISSOLUTION ORDER WITH THE DEPARTMENT WITHIN NINETY DAYS OF THAT ORDER'S ENTRY WITH THE COURT OF RECORD.

(7) A DIVISION OF BENEFITS PURSUANT TO A DISSOLUTION ORDER UNDER THIS SECTION SHALL BE BASED UPON THE OBLIGOR'S GROSS BENEFIT PRIOR TO ANY DEDUCTIONS. IF THE DEPARTMENT IS REQUIRED TO WITHHOLD A PORTION OF THE MEMBER'S BENEFIT PURSUANT TO 26 U.S.C. SEC. 3402 AND THE SUM OF THAT AMOUNT PLUS THE AMOUNT OWED TO THE OBLIGEE EXCEEDS THE TOTAL BENEFIT, THE DEPARTMENT SHALL SATISFY THE WITHHOLDING REQUIREMENTS UNDER 26 U.S.C. SEC. 3402 AND THEN PAY THE REMAINDER TO THE OBLIGEE. THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY TO AMOUNTS WITHHELD PURSUANT TO 26 U.S.C. SEC. 3402(i).

Sec. 443. RCW 41.56.030 AND 2000 C 23 S 1 AND 2000 C 19 S 1 ARE EACH REENACTED AND AMENDED TO READ AS FOLLOWS:
AS USED IN THIS CHAPTER:

(1) "PUBLIC EMPLOYER" MEANS ANY OFFICER, BOARD, COMMISSION, COUNCIL, OR OTHER PERSON OR BODY ACTING ON BEHALF OF ANY PUBLIC BODY GOVERNED BY THIS CHAPTER, OR ANY SUBDIVISION OF SUCH PUBLIC BODY. FOR THE PURPOSES OF THIS SECTION, THE PUBLIC EMPLOYER OF DISTRICT COURT OR SUPERIOR COURT EMPLOYEES FOR WAGE-RELATED MATTERS IS THE RESPECTIVE COUNTY LEGISLATIVE AUTHORITY, OR PERSON OR BODY ACTING ON BEHALF OF THE LEGISLATIVE AUTHORITY, AND THE PUBLIC EMPLOYER FOR NONWAGE-RELATED MATTERS IS THE JUDGE OR JUDGE'S DESIGNEE OF THE RESPECTIVE DISTRICT COURT OR SUPERIOR COURT.

(2) "PUBLIC EMPLOYEE" MEANS ANY EMPLOYEE OF A PUBLIC EMPLOYER EXCEPT ANY PERSON (A) ELECTED BY POPULAR VOTE, OR (B) APPOINTED TO OFFICE PURSUANT TO STATUTE, ORDINANCE OR RESOLUTION FOR A SPECIFIED TERM OF OFFICE AS A MEMBER OF A MULTIMEMBER BOARD, COMMISSION, OR COMMITTEE, WHETHER APPOINTED BY THE EXECUTIVE HEAD OR BODY OF THE PUBLIC EMPLOYER, OR (C) WHOSE DUTIES AS DEPUTY, ADMINISTRATIVE ASSISTANT OR SECRETARY NECESSARILY IMPLY A CONFIDENTIAL RELATIONSHIP TO (I) THE EXECUTIVE HEAD OR BODY OF THE APPLICABLE BARGAINING UNIT, OR (II) ANY PERSON ELECTED BY POPULAR VOTE, OR (III) ANY PERSON APPOINTED TO OFFICE PURSUANT TO STATUTE, ORDINANCE OR RESOLUTION FOR A SPECIFIED TERM OF OFFICE AS A MEMBER OF A MULTIMEMBER BOARD, COMMISSION, OR COMMITTEE, WHETHER APPOINTED BY THE EXECUTIVE HEAD OR BODY OF THE PUBLIC EMPLOYER, OR (D) WHO IS A COURT COMMISSIONER OR A COURT MAGISTRATE OF SUPERIOR COURT, DISTRICT COURT, OR A DEPARTMENT OF A DISTRICT COURT ORGANIZED UNDER CHAPTER 3.46 RCW, OR (E) WHO IS A PERSONAL ASSISTANT TO A DISTRICT COURT JUDGE, SUPERIOR COURT JUDGE, OR COURT COMMISSIONER, OR (F) EXCLUDED FROM A BARGAINING UNIT UNDER RCW 41.56.201(2)(A). FOR THE PURPOSE OF (E) OF THIS SUBSECTION, NO MORE THAN ONE ASSISTANT FOR EACH JUDGE OR COMMISSIONER MAY BE EXCLUDED FROM A BARGAINING UNIT.

(3) "BARGAINING REPRESENTATIVE" MEANS ANY LAWFUL ORGANIZATION WHICH HAS AS ONE OF ITS PRIMARY PURPOSES THE REPRESENTATION OF EMPLOYEES IN THEIR EMPLOYMENT RELATIONS WITH EMPLOYERS.

(4) "COLLECTIVE BARGAINING" MEANS THE PERFORMANCE OF THE MUTUAL OBLIGATIONS OF THE PUBLIC EMPLOYER AND THE EXCLUSIVE BARGAINING REPRESENTATIVE TO MEET AT REASONABLE TIMES, TO CONFER AND NEGOTIATE IN GOOD FAITH, AND TO EXECUTE A WRITTEN AGREEMENT WITH RESPECT TO GRIEVANCE PROCEDURES AND COLLECTIVE NEGOTIATIONS ON PERSONNEL MATTERS, INCLUDING WAGES, HOURS AND WORKING CONDITIONS, WHICH MAY BE PECULIAR TO AN APPROPRIATE BARGAINING UNIT OF SUCH PUBLIC EMPLOYER, EXCEPT THAT BY SUCH OBLIGATION NEITHER PARTY SHALL BE COMPELLED TO AGREE TO A PROPOSAL OR BE REQUIRED TO MAKE A CONCESSION UNLESS OTHERWISE PROVIDED IN THIS CHAPTER.

(5) "COMMISSION" MEANS THE PUBLIC EMPLOYMENT RELATIONS COMMISSION.

(6) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE COMMISSION.

(7) "UNIFORMED PERSONNEL" MEANS: (A) LAW ENFORCEMENT OFFICERS AS DEFINED IN RCW 41.26.030 AND SECTION 202 OF THIS ACT EMPLOYED BY THE GOVERNING BODY OF ANY CITY OR TOWN WITH A POPULATION OF TWO THOUSAND FIVE HUNDRED OR MORE AND LAW ENFORCEMENT OFFICERS EMPLOYED BY THE GOVERNING BODY OF ANY COUNTY WITH A POPULATION OF TEN THOUSAND OR MORE; (B) CORRECTIONAL EMPLOYEES WHO ARE UNIFORMED AND NONUNIFORMED, COMMISSIONED AND NONCOMMISSIONED SECURITY PERSONNEL EMPLOYED IN A JAIL AS DEFINED IN RCW 70.48.020(5), BY A COUNTY WITH A POPULATION OF SEVENTY THOUSAND OR MORE, AND WHO ARE TRAINED FOR AND CHARGED WITH THE RESPONSIBILITY OF CONTROLLING AND MAINTAINING CUSTODY OF INMATES IN THE JAIL AND SAFEGUARDING INMATES FROM OTHER INMATES; (C) GENERAL AUTHORITY WASHINGTON PEACE OFFICERS AS DEFINED IN RCW 10.93.020 EMPLOYED BY A PORT DISTRICT IN A COUNTY WITH A POPULATION OF ONE MILLION OR MORE; (D) SECURITY FORCES ESTABLISHED UNDER RCW 43.52.520; (E) FIRE FIGHTERS AS THAT TERM IS DEFINED IN RCW 41.26.030 AND SECTION 202 OF THIS ACT; (F) EMPLOYEES OF A PORT DISTRICT IN A COUNTY WITH A POPULATION OF ONE MILLION OR MORE WHOSE DUTIES INCLUDE CRASH FIRE RESCUE OR OTHER FIRE FIGHTING DUTIES; (G) EMPLOYEES OF FIRE DEPARTMENTS OF PUBLIC EMPLOYERS WHO DISPATCH EXCLUSIVELY EITHER FIRE OR EMERGENCY MEDICAL SERVICES, OR BOTH; OR (H) EMPLOYEES IN THE SEVERAL CLASSES OF ADVANCED LIFE SUPPORT TECHNICIANS, AS DEFINED IN RCW 18.71.200, WHO ARE EMPLOYED BY A PUBLIC EMPLOYER.

(8) "INSTITUTION OF HIGHER EDUCATION" MEANS THE UNIVERSITY OF WASHINGTON, WASHINGTON STATE UNIVERSITY, CENTRAL WASHINGTON UNIVERSITY, EASTERN WASHINGTON UNIVERSITY, WESTERN WASHINGTON UNIVERSITY, THE EVERGREEN STATE COLLEGE, AND THE VARIOUS STATE COMMUNITY COLLEGES.

Sec. 444. RCW 43.84.092 AND 2000 2ND SP.S. C 4 S 5 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) ALL EARNINGS OF INVESTMENTS OF SURPLUS BALANCES IN THE STATE TREASURY SHALL BE DEPOSITED TO THE TREASURY INCOME ACCOUNT, WHICH ACCOUNT IS HEREBY ESTABLISHED IN THE STATE TREASURY.

(2) THE TREASURY INCOME ACCOUNT SHALL BE UTILIZED TO PAY OR RECEIVE FUNDS ASSOCIATED WITH FEDERAL PROGRAMS AS REQUIRED BY THE FEDERAL CASH MANAGEMENT IMPROVEMENT ACT OF 1990. THE TREASURY INCOME ACCOUNT IS SUBJECT IN ALL RESPECTS TO CHAPTER 43.88 RCW, BUT NO APPROPRIATION IS REQUIRED FOR REFUNDS OR ALLOCATIONS OF INTEREST EARNINGS REQUIRED BY THE CASH MANAGEMENT IMPROVEMENT ACT. REFUNDS OF INTEREST TO THE FEDERAL TREASURY REQUIRED UNDER THE CASH MANAGEMENT IMPROVEMENT ACT FALL UNDER RCW 43.88.180 AND SHALL NOT REQUIRE APPROPRIATION. THE OFFICE OF FINANCIAL MANAGEMENT SHALL DETERMINE THE AMOUNTS DUE TO OR FROM THE FEDERAL GOVERNMENT PURSUANT TO THE CASH MANAGEMENT IMPROVEMENT ACT. THE OFFICE OF FINANCIAL MANAGEMENT MAY DIRECT TRANSFERS OF FUNDS BETWEEN ACCOUNTS AS DEEMED NECESSARY TO IMPLEMENT THE PROVISIONS OF THE CASH MANAGEMENT IMPROVEMENT ACT, AND THIS SUBSECTION. REFUNDS OR ALLOCATIONS SHALL OCCUR PRIOR TO THE DISTRIBUTIONS OF EARNINGS SET FORTH IN SUBSECTION (4) OF THIS SECTION.

(3) EXCEPT FOR THE PROVISIONS OF RCW 43.84.160, THE TREASURY INCOME ACCOUNT MAY BE UTILIZED FOR THE PAYMENT OF PURCHASED BANKING SERVICES ON BEHALF OF TREASURY FUNDS INCLUDING, BUT NOT LIMITED TO, DEPOSITORY, SAFEKEEPING, AND DISBURSEMENT FUNCTIONS FOR THE STATE TREASURY AND AFFECTED STATE AGENCIES. THE TREASURY INCOME ACCOUNT IS SUBJECT IN ALL RESPECTS TO CHAPTER 43.88 RCW, BUT NO APPROPRIATION IS REQUIRED FOR PAYMENTS TO FINANCIAL INSTITUTIONS. PAYMENTS SHALL OCCUR PRIOR TO DISTRIBUTION OF EARNINGS SET FORTH IN SUBSECTION (4) OF THIS SECTION.

(4) MONTHLY, THE STATE TREASURER SHALL DISTRIBUTE THE EARNINGS CREDITED TO THE TREASURY INCOME ACCOUNT. THE STATE TREASURER SHALL CREDIT THE GENERAL FUND WITH ALL THE EARNINGS CREDITED TO THE TREASURY INCOME ACCOUNT EXCEPT:

(A) THE FOLLOWING ACCOUNTS AND FUNDS SHALL RECEIVE THEIR PROPORTIONATE SHARE OF EARNINGS BASED UPON EACH ACCOUNT'S AND FUND'S AVERAGE DAILY BALANCE FOR THE PERIOD: THE CAPITOL BUILDING CONSTRUCTION ACCOUNT, THE CEDAR RIVER CHANNEL CONSTRUCTION AND OPERATION ACCOUNT, THE CENTRAL WASHINGTON UNIVERSITY CAPITAL PROJECTS ACCOUNT, THE CHARITABLE, EDUCATIONAL, PENAL AND REFORMATORY INSTITUTIONS ACCOUNT, THE COMMON SCHOOL CONSTRUCTION FUND, THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT, THE COUNTY SALES AND USE TAX EQUALIZATION ACCOUNT, THE DATA PROCESSING BUILDING CONSTRUCTION ACCOUNT, THE DEFERRED COMPENSATION ADMINISTRATIVE ACCOUNT, THE DEFERRED COMPENSATION PRINCIPAL ACCOUNT, THE DEPARTMENT OF RETIREMENT SYSTEMS EXPENSE ACCOUNT, THE DRINKING WATER ASSISTANCE ACCOUNT, THE EASTERN WASHINGTON UNIVERSITY CAPITAL PROJECTS ACCOUNT, THE EDUCATION CONSTRUCTION FUND, THE EMERGENCY RESERVE FUND, THE FEDERAL FOREST REVOLVING ACCOUNT, THE HEALTH SERVICES ACCOUNT, THE PUBLIC HEALTH SERVICES ACCOUNT, THE HEALTH SYSTEM CAPACITY ACCOUNT, THE PERSONAL HEALTH SERVICES ACCOUNT, THE STATE HIGHER EDUCATION CONSTRUCTION ACCOUNT, THE HIGHER EDUCATION CONSTRUCTION ACCOUNT, THE HIGHWAY INFRASTRUCTURE ACCOUNT, THE INDUSTRIAL INSURANCE PREMIUM REFUND ACCOUNT, THE JUDGES' RETIREMENT ACCOUNT, THE JUDICIAL RETIREMENT ADMINISTRATIVE ACCOUNT, THE JUDICIAL RETIREMENT PRINCIPAL ACCOUNT, THE LOCAL LEASEHOLD EXCISE TAX ACCOUNT, THE LOCAL REAL ESTATE EXCISE TAX ACCOUNT, THE LOCAL SALES AND USE TAX ACCOUNT, THE MEDICAL AID ACCOUNT, THE MOBILE HOME PARK RELOCATION FUND, THE MULTIMODAL TRANSPORTATION ACCOUNT, THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT, THE MUNICIPAL SALES AND USE TAX EQUALIZATION ACCOUNT, THE NATURAL RESOURCES DEPOSIT ACCOUNT, THE PERPETUAL SURVEILLANCE AND MAINTENANCE ACCOUNT, THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 ACCOUNT, THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 2 ACCOUNT, THE PUYALLUP TRIBAL SETTLEMENT ACCOUNT, THE RESOURCE MANAGEMENT COST ACCOUNT, THE SITE CLOSURE ACCOUNT, THE SPECIAL WILDLIFE ACCOUNT, THE STATE EMPLOYEES' INSURANCE ACCOUNT, THE STATE EMPLOYEES' INSURANCE RESERVE ACCOUNT, THE STATE INVESTMENT BOARD EXPENSE ACCOUNT, THE STATE INVESTMENT BOARD COMMINGLED TRUST FUND ACCOUNTS, THE STATE SURPLUS ASSETS RESERVE ACCOUNT, THE SUPPLEMENTAL PENSION ACCOUNT, THE TEACHERS' RETIREMENT SYSTEM PLAN 1 ACCOUNT, THE TEACHERS' RETIREMENT SYSTEM COMBINED PLAN 2 AND PLAN 3 ACCOUNT, THE TOBACCO PREVENTION AND CONTROL ACCOUNT, THE TOBACCO SETTLEMENT ACCOUNT, THE TRANSPORTATION INFRASTRUCTURE ACCOUNT, THE TUITION RECOVERY TRUST FUND, THE UNIVERSITY OF WASHINGTON BOND RETIREMENT FUND, THE UNIVERSITY OF WASHINGTON BUILDING ACCOUNT, THE VOLUNTEER FIRE FIGHTERS' AND RESERVE OFFICERS' RELIEF AND PENSION PRINCIPAL FUND, THE VOLUNTEER FIRE FIGHTERS' AND RESERVE OFFICERS' ADMINISTRATIVE FUND, THE WASHINGTON JUDICIAL RETIREMENT SYSTEM ACCOUNT, ~~((THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 1 RETIREMENT ACCOUNT.))~~ THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 2 RETIREMENT ACCOUNT, THE WASHINGTON SCHOOL EMPLOYEES' RETIREMENT SYSTEM COMBINED PLAN 2 AND 3 ACCOUNT, THE WASHINGTON STATE HEALTH INSURANCE POOL ACCOUNT, THE WASHINGTON STATE PATROL RETIREMENT ACCOUNT, THE WASHINGTON STATE UNIVERSITY BUILDING ACCOUNT, THE WASHINGTON STATE UNIVERSITY BOND RETIREMENT FUND, THE WATER POLLUTION CONTROL REVOLVING FUND, AND THE WESTERN WASHINGTON UNIVERSITY CAPITAL PROJECTS ACCOUNT. EARNINGS DERIVED FROM INVESTING BALANCES OF THE AGRICULTURAL PERMANENT FUND, THE NORMAL SCHOOL PERMANENT FUND, THE PERMANENT COMMON SCHOOL FUND, THE SCIENTIFIC PERMANENT FUND, AND THE STATE UNIVERSITY PERMANENT FUND SHALL BE ALLOCATED TO THEIR RESPECTIVE BENEFICIARY ACCOUNTS. ALL EARNINGS TO BE DISTRIBUTED UNDER THIS SUBSECTION (4)(A) SHALL FIRST BE REDUCED BY THE ALLOCATION TO THE STATE TREASURER'S SERVICE FUND PURSUANT TO RCW 43.08.190.

(B) THE FOLLOWING ACCOUNTS AND FUNDS SHALL RECEIVE EIGHTY PERCENT OF THEIR PROPORTIONATE SHARE OF EARNINGS BASED UPON EACH ACCOUNT'S OR FUND'S AVERAGE DAILY BALANCE FOR THE PERIOD: THE AERONAUTICS ACCOUNT, THE AIRCRAFT SEARCH AND RESCUE ACCOUNT, THE COUNTY ARTERIAL PRESERVATION ACCOUNT, THE DEPARTMENT OF LICENSING SERVICES ACCOUNT, THE ESSENTIAL RAIL ASSISTANCE ACCOUNT, THE FERRY BOND RETIREMENT FUND, THE GRADE CROSSING PROTECTIVE FUND, THE HIGH CAPACITY TRANSPORTATION ACCOUNT, THE HIGHWAY BOND RETIREMENT FUND, THE HIGHWAY SAFETY ACCOUNT, THE MOTOR VEHICLE FUND, THE MOTORCYCLE SAFETY EDUCATION ACCOUNT, THE PILOTAGE ACCOUNT, THE PUBLIC TRANSPORTATION SYSTEMS ACCOUNT, THE PUGET SOUND CAPITAL CONSTRUCTION ACCOUNT, THE PUGET SOUND FERRY OPERATIONS ACCOUNT, THE RECREATIONAL VEHICLE ACCOUNT, THE RURAL ARTERIAL TRUST ACCOUNT, THE SAFETY AND EDUCATION ACCOUNT, THE SPECIAL CATEGORY C ACCOUNT, THE STATE PATROL HIGHWAY ACCOUNT, THE TRANSPORTATION EQUIPMENT FUND, THE TRANSPORTATION FUND, THE TRANSPORTATION IMPROVEMENT ACCOUNT, THE TRANSPORTATION IMPROVEMENT BOARD BOND RETIREMENT ACCOUNT, AND THE URBAN ARTERIAL TRUST ACCOUNT.

(5) IN CONFORMANCE WITH ARTICLE II, SECTION 37 OF THE STATE CONSTITUTION, NO TREASURY ACCOUNTS OR FUNDS SHALL BE ALLOCATED EARNINGS WITHOUT THE SPECIFIC AFFIRMATIVE DIRECTIVE OF THIS SECTION.

SEC. 445. RCW 43.84.092 AND 2000 2ND SP.S. C 4 S 6 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) ALL EARNINGS OF INVESTMENTS OF SURPLUS BALANCES IN THE STATE TREASURY SHALL BE DEPOSITED TO THE TREASURY INCOME ACCOUNT, WHICH ACCOUNT IS HEREBY ESTABLISHED IN THE STATE TREASURY.

(2) THE TREASURY INCOME ACCOUNT SHALL BE UTILIZED TO PAY OR RECEIVE FUNDS ASSOCIATED WITH FEDERAL PROGRAMS AS REQUIRED BY THE FEDERAL CASH MANAGEMENT IMPROVEMENT ACT OF 1990. THE TREASURY INCOME ACCOUNT IS SUBJECT IN ALL RESPECTS TO CHAPTER 43.88 RCW, BUT NO APPROPRIATION IS REQUIRED FOR REFUNDS OR ALLOCATIONS OF INTEREST EARNINGS REQUIRED BY THE CASH MANAGEMENT IMPROVEMENT ACT. REFUNDS OF INTEREST TO THE FEDERAL TREASURY REQUIRED UNDER THE CASH

MANAGEMENT IMPROVEMENT ACT FALL UNDER RCW 43.88.180 AND SHALL NOT REQUIRE APPROPRIATION. THE OFFICE OF FINANCIAL MANAGEMENT SHALL DETERMINE THE AMOUNTS DUE TO OR FROM THE FEDERAL GOVERNMENT PURSUANT TO THE CASH MANAGEMENT IMPROVEMENT ACT. THE OFFICE OF FINANCIAL MANAGEMENT MAY DIRECT TRANSFERS OF FUNDS BETWEEN ACCOUNTS AS DEEMED NECESSARY TO IMPLEMENT THE PROVISIONS OF THE CASH MANAGEMENT IMPROVEMENT ACT, AND THIS SUBSECTION. REFUNDS OR ALLOCATIONS SHALL OCCUR PRIOR TO THE DISTRIBUTIONS OF EARNINGS SET FORTH IN SUBSECTION (4) OF THIS SECTION.

(3) EXCEPT FOR THE PROVISIONS OF RCW 43.84.160, THE TREASURY INCOME ACCOUNT MAY BE UTILIZED FOR THE PAYMENT OF PURCHASED BANKING SERVICES ON BEHALF OF TREASURY FUNDS INCLUDING, BUT NOT LIMITED TO, DEPOSITORY, SAFEKEEPING, AND DISBURSEMENT FUNCTIONS FOR THE STATE TREASURY AND AFFECTED STATE AGENCIES. THE TREASURY INCOME ACCOUNT IS SUBJECT IN ALL RESPECTS TO CHAPTER 43.88 RCW, BUT NO APPROPRIATION IS REQUIRED FOR PAYMENTS TO FINANCIAL INSTITUTIONS. PAYMENTS SHALL OCCUR PRIOR TO DISTRIBUTION OF EARNINGS SET FORTH IN SUBSECTION (4) OF THIS SECTION.

(4) MONTHLY, THE STATE TREASURER SHALL DISTRIBUTE THE EARNINGS CREDITED TO THE TREASURY INCOME ACCOUNT. THE STATE TREASURER SHALL CREDIT THE GENERAL FUND WITH ALL THE EARNINGS CREDITED TO THE TREASURY INCOME ACCOUNT EXCEPT:

(A) THE FOLLOWING ACCOUNTS AND FUNDS SHALL RECEIVE THEIR PROPORTIONATE SHARE OF EARNINGS BASED UPON EACH ACCOUNT'S AND FUND'S AVERAGE DAILY BALANCE FOR THE PERIOD: THE CAPITOL BUILDING CONSTRUCTION ACCOUNT, THE CEDAR RIVER CHANNEL CONSTRUCTION AND OPERATION ACCOUNT, THE CENTRAL WASHINGTON UNIVERSITY CAPITAL PROJECTS ACCOUNT, THE CHARITABLE, EDUCATIONAL, PENAL AND REFORMATORY INSTITUTIONS ACCOUNT, THE COMMON SCHOOL CONSTRUCTION FUND, THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT, THE COUNTY SALES AND USE TAX EQUALIZATION ACCOUNT, THE DATA PROCESSING BUILDING CONSTRUCTION ACCOUNT, THE DEFERRED COMPENSATION ADMINISTRATIVE ACCOUNT, THE DEFERRED COMPENSATION PRINCIPAL ACCOUNT, THE DEPARTMENT OF RETIREMENT SYSTEMS EXPENSE ACCOUNT, THE DRINKING WATER ASSISTANCE ACCOUNT, THE EASTERN WASHINGTON UNIVERSITY CAPITAL PROJECTS ACCOUNT, THE EDUCATION CONSTRUCTION FUND, THE EMERGENCY RESERVE FUND, THE FEDERAL FOREST REVOLVING ACCOUNT, THE HEALTH SERVICES ACCOUNT, THE PUBLIC HEALTH SERVICES ACCOUNT, THE HEALTH SYSTEM CAPACITY ACCOUNT, THE PERSONAL HEALTH SERVICES ACCOUNT, THE STATE HIGHER EDUCATION CONSTRUCTION ACCOUNT, THE HIGHER EDUCATION CONSTRUCTION ACCOUNT, THE HIGHWAY INFRASTRUCTURE ACCOUNT, THE INDUSTRIAL INSURANCE PREMIUM REFUND ACCOUNT, THE JUDGES' RETIREMENT ACCOUNT, THE JUDICIAL RETIREMENT ADMINISTRATIVE ACCOUNT, THE JUDICIAL RETIREMENT PRINCIPAL ACCOUNT, THE LOCAL LEASEHOLD EXCISE TAX ACCOUNT, THE LOCAL REAL ESTATE EXCISE TAX ACCOUNT, THE LOCAL SALES AND USE TAX ACCOUNT, THE MEDICAL AID ACCOUNT, THE MOBILE HOME PARK RELOCATION FUND, THE MULTIMODAL TRANSPORTATION ACCOUNT, THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT, THE MUNICIPAL SALES AND USE TAX EQUALIZATION ACCOUNT, THE NATURAL RESOURCES DEPOSIT ACCOUNT, THE PERPETUAL SURVEILLANCE AND MAINTENANCE ACCOUNT, THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 ACCOUNT, THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM COMBINED PLAN 2 AND PLAN 3 ACCOUNT, THE PUYALLUP TRIBAL SETTLEMENT ACCOUNT, THE RESOURCE MANAGEMENT COST ACCOUNT, THE SITE CLOSURE ACCOUNT, THE SPECIAL WILDLIFE ACCOUNT, THE STATE EMPLOYEES' INSURANCE ACCOUNT, THE STATE EMPLOYEES' INSURANCE RESERVE ACCOUNT, THE STATE INVESTMENT BOARD EXPENSE ACCOUNT, THE STATE INVESTMENT BOARD COMMINGLED TRUST FUND ACCOUNTS, ~~THE STATE SURPLUS ASSETS RESERVE ACCOUNT~~, THE SUPPLEMENTAL PENSION ACCOUNT, THE TEACHERS' RETIREMENT SYSTEM PLAN 1 ACCOUNT, THE TEACHERS' RETIREMENT SYSTEM COMBINED PLAN 2 AND PLAN 3 ACCOUNT, THE TOBACCO PREVENTION AND CONTROL ACCOUNT, THE TOBACCO SETTLEMENT ACCOUNT, THE TRANSPORTATION INFRASTRUCTURE ACCOUNT, THE TUITION RECOVERY TRUST FUND, THE UNIVERSITY OF WASHINGTON BOND RETIREMENT FUND, THE UNIVERSITY OF WASHINGTON BUILDING ACCOUNT, THE VOLUNTEER FIRE FIGHTERS' AND RESERVE OFFICERS' RELIEF AND PENSION PRINCIPAL FUND, THE VOLUNTEER FIRE FIGHTERS' AND RESERVE OFFICERS' ADMINISTRATIVE FUND, THE WASHINGTON JUDICIAL RETIREMENT SYSTEM ACCOUNT, ~~((THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 1 RETIREMENT ACCOUNT,))~~ THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 2 RETIREMENT ACCOUNT, THE WASHINGTON SCHOOL EMPLOYEES' RETIREMENT SYSTEM COMBINED PLAN 2 AND 3 ACCOUNT, THE WASHINGTON STATE HEALTH INSURANCE POOL ACCOUNT, THE WASHINGTON STATE PATROL RETIREMENT ACCOUNT, THE WASHINGTON STATE UNIVERSITY BUILDING ACCOUNT, THE WASHINGTON STATE UNIVERSITY BOND RETIREMENT FUND, THE WATER POLLUTION CONTROL REVOLVING FUND, AND THE WESTERN WASHINGTON UNIVERSITY CAPITAL PROJECTS ACCOUNT. EARNINGS DERIVED FROM INVESTING BALANCES OF THE AGRICULTURAL PERMANENT FUND, THE NORMAL SCHOOL PERMANENT FUND, THE PERMANENT COMMON SCHOOL FUND, THE SCIENTIFIC PERMANENT FUND, AND THE STATE UNIVERSITY PERMANENT FUND SHALL BE ALLOCATED TO THEIR RESPECTIVE BENEFICIARY ACCOUNTS. ALL EARNINGS TO BE DISTRIBUTED UNDER THIS SUBSECTION (4)(A) SHALL FIRST BE REDUCED BY THE ALLOCATION TO THE STATE TREASURER'S SERVICE FUND PURSUANT TO RCW 43.08.190.

(B) THE FOLLOWING ACCOUNTS AND FUNDS SHALL RECEIVE EIGHTY PERCENT OF THEIR PROPORTIONATE SHARE OF EARNINGS BASED UPON EACH ACCOUNT'S OR FUND'S AVERAGE DAILY BALANCE FOR THE PERIOD: THE AERONAUTICS ACCOUNT, THE AIRCRAFT SEARCH AND RESCUE ACCOUNT, THE COUNTY ARTERIAL PRESERVATION ACCOUNT, THE DEPARTMENT OF LICENSING SERVICES ACCOUNT, THE ESSENTIAL RAIL ASSISTANCE ACCOUNT, THE FERRY BOND RETIREMENT FUND, THE GRADE CROSSING PROTECTIVE FUND, THE HIGH CAPACITY TRANSPORTATION ACCOUNT, THE HIGHWAY BOND RETIREMENT FUND, THE HIGHWAY SAFETY ACCOUNT, THE MOTOR VEHICLE FUND, THE MOTORCYCLE SAFETY EDUCATION ACCOUNT, THE PILOTAGE ACCOUNT, THE PUBLIC TRANSPORTATION SYSTEMS ACCOUNT, THE PUGET SOUND CAPITAL CONSTRUCTION ACCOUNT, THE PUGET SOUND FERRY OPERATIONS ACCOUNT, THE RECREATIONAL VEHICLE ACCOUNT, THE RURAL ARTERIAL TRUST ACCOUNT, THE SAFETY AND EDUCATION ACCOUNT, THE SPECIAL CATEGORY C ACCOUNT, THE STATE PATROL HIGHWAY ACCOUNT, THE TRANSPORTATION EQUIPMENT FUND, THE TRANSPORTATION FUND, THE TRANSPORTATION IMPROVEMENT ACCOUNT, THE TRANSPORTATION IMPROVEMENT BOARD BOND RETIREMENT ACCOUNT, AND THE URBAN ARTERIAL TRUST ACCOUNT.

(5) IN CONFORMANCE WITH ARTICLE II, SECTION 37 OF THE STATE CONSTITUTION, NO TREASURY ACCOUNTS OR FUNDS SHALL BE ALLOCATED EARNINGS WITHOUT THE SPECIFIC AFFIRMATIVE DIRECTIVE OF THIS SECTION.

Sec. 446. RCW 43.79A.040 AND 2000 C 79 S 45 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) MONEY IN THE TREASURER'S TRUST FUND MAY BE DEPOSITED, INVESTED, AND REINVESTED BY THE STATE TREASURER IN ACCORDANCE WITH RCW 43.84.080 IN THE SAME MANNER AND TO THE SAME EXTENT AS IF THE MONEY WERE IN THE STATE TREASURY.

(2) ALL INCOME RECEIVED FROM INVESTMENT OF THE TREASURER'S TRUST FUND SHALL BE SET ASIDE IN AN ACCOUNT IN THE TREASURY TRUST FUND TO BE KNOWN AS THE INVESTMENT INCOME ACCOUNT.

(3) THE INVESTMENT INCOME ACCOUNT MAY BE UTILIZED FOR THE PAYMENT OF PURCHASED BANKING SERVICES ON BEHALF OF TREASURER'S TRUST FUNDS INCLUDING, BUT NOT LIMITED TO, DEPOSITORY, SAFEKEEPING, AND DISBURSEMENT FUNCTIONS FOR THE STATE TREASURER OR AFFECTED STATE AGENCIES. THE INVESTMENT INCOME ACCOUNT IS SUBJECT IN ALL RESPECTS TO CHAPTER 43.88 RCW, BUT NO APPROPRIATION IS REQUIRED FOR PAYMENTS TO FINANCIAL INSTITUTIONS. PAYMENTS SHALL OCCUR PRIOR TO DISTRIBUTION OF EARNINGS SET FORTH IN SUBSECTION (4) OF THIS SECTION.

(4)(A) MONTHLY, THE STATE TREASURER SHALL DISTRIBUTE THE EARNINGS CREDITED TO THE INVESTMENT INCOME ACCOUNT TO THE STATE GENERAL FUND EXCEPT UNDER (B) AND (C) OF THIS SUBSECTION.

(B) THE FOLLOWING ACCOUNTS AND FUNDS SHALL RECEIVE THEIR PROPORTIONATE SHARE OF EARNINGS BASED UPON EACH ACCOUNT'S OR FUND'S AVERAGE DAILY BALANCE FOR THE PERIOD: THE WASHINGTON ADVANCED COLLEGE TUITION PAYMENT PROGRAM ACCOUNT, THE AGRICULTURAL LOCAL FUND, THE AMERICAN INDIAN SCHOLARSHIP ENDOWMENT FUND, THE BASIC HEALTH PLAN SELF-INSURANCE RESERVE ACCOUNT, THE WASHINGTON INTERNATIONAL EXCHANGE SCHOLARSHIP ENDOWMENT FUND, THE DEVELOPMENTAL DISABILITIES ENDOWMENT TRUST FUND, THE ENERGY ACCOUNT, THE FAIR FUND, THE GAME FARM ALTERNATIVE ACCOUNT, THE GRAIN INSPECTION REVOLVING FUND, THE JUVENILE ACCOUNTABILITY INCENTIVE ACCOUNT, THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' MEDICAL BENEFITS RISK POOL ACCOUNT, THE RURAL REHABILITATION ACCOUNT, THE STADIUM AND EXHIBITION CENTER ACCOUNT, THE YOUTH ATHLETIC FACILITY ((GRANT)) ACCOUNT, THE SELF-INSURANCE REVOLVING FUND, THE SULFUR DIOXIDE ABATEMENT ACCOUNT, THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' DEFINED BENEFIT RETIREMENT FUND, AND THE CHILDREN'S TRUST FUND. HOWEVER, THE EARNINGS TO BE DISTRIBUTED SHALL FIRST BE REDUCED BY THE ALLOCATION TO THE STATE TREASURER'S SERVICE FUND PURSUANT TO RCW 43.08.190.

(C) THE FOLLOWING ACCOUNTS AND FUNDS SHALL RECEIVE EIGHTY PERCENT OF THEIR PROPORTIONATE SHARE OF EARNINGS BASED UPON EACH ACCOUNT'S OR FUND'S AVERAGE DAILY BALANCE FOR THE PERIOD: THE ADVANCED RIGHT OF WAY REVOLVING FUND, THE ADVANCED ENVIRONMENTAL MITIGATION REVOLVING ACCOUNT, THE FEDERAL NARCOTICS ASSET FORFEITURES ACCOUNT, THE HIGH OCCUPANCY VEHICLE ACCOUNT, THE LOCAL RAIL SERVICE ASSISTANCE ACCOUNT, AND THE MISCELLANEOUS TRANSPORTATION PROGRAMS ACCOUNT.

(5) IN CONFORMANCE WITH ARTICLE II, SECTION 37 OF THE STATE CONSTITUTION, NO TRUST ACCOUNTS OR FUNDS SHALL BE ALLOCATED EARNINGS WITHOUT THE SPECIFIC AFFIRMATIVE DIRECTIVE OF THIS SECTION.

Sec. 447. RCW 46.52.130 AND 1998 c 165 s 11 ARE EACH AMENDED TO READ AS FOLLOWS:

A CERTIFIED ABSTRACT OF THE DRIVING RECORD SHALL BE FURNISHED ONLY TO THE INDIVIDUAL NAMED IN THE ABSTRACT, AN EMPLOYER OR PROSPECTIVE EMPLOYER OR AN AGENT ACTING ON BEHALF OF AN EMPLOYER OR PROSPECTIVE EMPLOYER, THE INSURANCE CARRIER THAT HAS INSURANCE IN EFFECT COVERING THE EMPLOYER OR A PROSPECTIVE EMPLOYER, THE INSURANCE CARRIER THAT HAS INSURANCE IN EFFECT COVERING THE NAMED INDIVIDUAL, THE INSURANCE CARRIER TO WHICH THE NAMED INDIVIDUAL HAS APPLIED, AN ALCOHOL/DRUG ASSESSMENT OR TREATMENT AGENCY APPROVED BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, TO WHICH THE NAMED INDIVIDUAL HAS APPLIED OR BEEN ASSIGNED FOR EVALUATION OR TREATMENT, OR CITY AND COUNTY PROSECUTING ATTORNEYS. CITY ATTORNEYS AND COUNTY PROSECUTING ATTORNEYS MAY PROVIDE THE DRIVING RECORD TO ALCOHOL/DRUG ASSESSMENT OR TREATMENT AGENCIES APPROVED BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES TO WHICH THE NAMED INDIVIDUAL HAS APPLIED OR BEEN ASSIGNED FOR EVALUATION OR TREATMENT. THE DIRECTOR, UPON PROPER REQUEST, SHALL FURNISH A CERTIFIED ABSTRACT COVERING THE PERIOD OF NOT MORE THAN THE LAST THREE YEARS TO INSURANCE COMPANIES. UPON PROPER REQUEST, THE DIRECTOR SHALL FURNISH A CERTIFIED ABSTRACT COVERING A PERIOD OF NOT MORE THAN THE LAST FIVE YEARS TO STATE APPROVED ALCOHOL/DRUG ASSESSMENT OR TREATMENT AGENCIES, EXCEPT THAT THE CERTIFIED ABSTRACT SHALL ALSO INCLUDE RECORDS OF ALCOHOL-RELATED OFFENSES AS DEFINED IN RCW 46.01.260(2) COVERING A PERIOD OF NOT MORE THAN THE LAST TEN YEARS. UPON PROPER REQUEST, A CERTIFIED ABSTRACT OF THE FULL DRIVING RECORD MAINTAINED BY THE DEPARTMENT SHALL BE FURNISHED TO A CITY OR COUNTY PROSECUTING ATTORNEY, TO THE INDIVIDUAL NAMED IN THE ABSTRACT OR TO AN EMPLOYER OR PROSPECTIVE EMPLOYER OR AN AGENT ACTING ON BEHALF OF AN EMPLOYER OR PROSPECTIVE EMPLOYER OF THE NAMED INDIVIDUAL. THE ABSTRACT, WHENEVER POSSIBLE, SHALL INCLUDE AN ENUMERATION OF MOTOR VEHICLE ACCIDENTS IN WHICH THE PERSON WAS DRIVING; THE TOTAL NUMBER OF VEHICLES INVOLVED; WHETHER THE VEHICLES WERE LEGALLY PARKED OR MOVING; WHETHER THE VEHICLES WERE OCCUPIED AT THE TIME OF THE ACCIDENT; WHETHER THE ACCIDENT RESULTED IN ANY FATALITY; ANY REPORTED CONVICTIONS, FORFEITURES OF BAIL, OR FINDINGS THAT AN INFRACTION WAS COMMITTED BASED UPON A VIOLATION OF ANY MOTOR VEHICLE LAW; AND THE STATUS OF THE PERSON'S DRIVING PRIVILEGE IN THIS STATE. THE ENUMERATION SHALL INCLUDE ANY REPORTS OF FAILURE TO APPEAR IN RESPONSE TO A TRAFFIC CITATION OR FAILURE TO RESPOND TO A NOTICE OF INFRACTION SERVED UPON THE NAMED INDIVIDUAL BY AN ARRESTING OFFICER. CERTIFIED ABSTRACTS FURNISHED TO PROSECUTORS AND ALCOHOL/DRUG ASSESSMENT OR TREATMENT AGENCIES SHALL ALSO INDICATE WHETHER A RECORDED VIOLATION IS AN ALCOHOL-RELATED OFFENSE AS DEFINED IN RCW 46.01.260(2) THAT WAS ORIGINALLY CHARGED AS ONE OF THE ALCOHOL-RELATED OFFENSES DESIGNATED IN RCW 46.01.260(2)(b)(i).

THE ABSTRACT PROVIDED TO THE INSURANCE COMPANY SHALL EXCLUDE ANY INFORMATION, EXCEPT THAT RELATED TO THE COMMISSION OF MISDEMEANORS OR FELONIES BY THE INDIVIDUAL, PERTAINING TO LAW ENFORCEMENT OFFICERS OR FIRE FIGHTERS AS DEFINED IN RCW 41.26.030 OR SECTION 202 OF THIS ACT, OR ANY OFFICER OF THE WASHINGTON STATE PATROL, WHILE DRIVING OFFICIAL VEHICLES IN THE PERFORMANCE OF OCCUPATIONAL DUTY. THE ABSTRACT PROVIDED TO THE INSURANCE COMPANY SHALL INCLUDE CONVICTIONS FOR RCW 46.61.5249 AND 46.61.525 EXCEPT THAT THE ABSTRACT SHALL REPORT THEM ONLY AS NEGLIGENT DRIVING WITHOUT REFERENCE TO WHETHER THEY ARE FOR FIRST OR SECOND DEGREE NEGLIGENT DRIVING. THE ABSTRACT PROVIDED TO THE INSURANCE COMPANY SHALL EXCLUDE ANY DEFERRED PROSECUTION UNDER RCW 10.05.060, EXCEPT THAT IF A PERSON IS REMOVED FROM A DEFERRED PROSECUTION UNDER RCW 10.05.090, THE ABSTRACT SHALL SHOW THE DEFERRED PROSECUTION AS WELL AS THE REMOVAL.

THE DIRECTOR SHALL COLLECT FOR EACH ABSTRACT THE SUM OF FOUR DOLLARS AND FIFTY CENTS WHICH SHALL BE DEPOSITED IN THE HIGHWAY SAFETY FUND.

ANY INSURANCE COMPANY OR ITS AGENT RECEIVING THE CERTIFIED ABSTRACT SHALL USE IT EXCLUSIVELY FOR ITS OWN UNDERWRITING PURPOSES AND SHALL NOT DIVULGE ANY OF THE INFORMATION CONTAINED IN IT TO A THIRD PARTY. NO POLICY OF INSURANCE MAY BE CANCELED, NONRENEWED, DENIED, OR HAVE THE RATE INCREASED ON THE BASIS OF SUCH INFORMATION UNLESS THE POLICYHOLDER WAS DETERMINED TO BE AT FAULT. NO INSURANCE COMPANY OR ITS AGENT FOR UNDERWRITING PURPOSES RELATING TO THE OPERATION OF COMMERCIAL MOTOR VEHICLES MAY USE ANY INFORMATION CONTAINED IN THE ABSTRACT RELATIVE TO ANY PERSON'S OPERATION OF MOTOR VEHICLES WHILE NOT ENGAGED IN SUCH EMPLOYMENT, NOR MAY ANY INSURANCE COMPANY OR ITS AGENT FOR UNDERWRITING PURPOSES RELATING TO THE OPERATION OF NONCOMMERCIAL MOTOR VEHICLES USE ANY INFORMATION CONTAINED IN THE ABSTRACT RELATIVE TO ANY PERSON'S OPERATION OF COMMERCIAL MOTOR VEHICLES.

ANY EMPLOYER OR PROSPECTIVE EMPLOYER OR AN AGENT ACTING ON BEHALF OF AN EMPLOYER OR PROSPECTIVE EMPLOYER RECEIVING THE CERTIFIED ABSTRACT SHALL USE IT EXCLUSIVELY FOR HIS OR HER OWN PURPOSE TO DETERMINE WHETHER THE LICENSEE SHOULD BE PERMITTED TO OPERATE A COMMERCIAL VEHICLE OR SCHOOL BUS UPON THE PUBLIC HIGHWAYS OF THIS STATE AND SHALL NOT DIVULGE ANY INFORMATION CONTAINED IN IT TO A THIRD PARTY.

ANY ALCOHOL/DRUG ASSESSMENT OR TREATMENT AGENCY APPROVED BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES RECEIVING THE CERTIFIED ABSTRACT SHALL USE IT EXCLUSIVELY FOR THE PURPOSE OF ASSISTING ITS EMPLOYEES IN MAKING A DETERMINATION AS TO WHAT LEVEL OF TREATMENT, IF ANY, IS APPROPRIATE. THE AGENCY, OR ANY OF ITS EMPLOYEES, SHALL NOT DIVULGE ANY INFORMATION CONTAINED IN THE ABSTRACT TO A THIRD PARTY.

RELEASE OF A CERTIFIED ABSTRACT OF THE DRIVING RECORD OF AN EMPLOYEE OR PROSPECTIVE EMPLOYEE REQUIRES A STATEMENT SIGNED BY: (1) THE EMPLOYEE OR PROSPECTIVE EMPLOYEE THAT AUTHORIZES THE RELEASE OF THE RECORD, AND (2) THE EMPLOYER ATTESTING THAT THE INFORMATION IS NECESSARY TO DETERMINE WHETHER THE LICENSEE SHOULD BE EMPLOYED TO OPERATE A COMMERCIAL VEHICLE OR SCHOOL BUS UPON THE PUBLIC HIGHWAYS OF THIS STATE. IF THE EMPLOYER OR PROSPECTIVE EMPLOYER AUTHORIZES AN AGENT TO OBTAIN THIS INFORMATION ON THEIR BEHALF, THIS MUST BE NOTED IN THE STATEMENT.

ANY VIOLATION OF THIS SECTION IS A GROSS MISDEMEANOR.

Sec. 448. RCW 72.72.060 AND 1983 C 279 S 5 ARE EACH AMENDED TO READ AS FOLLOWS:

THE STATE SHALL REIMBURSE CITIES AND COUNTIES FOR THEIR COSTS INCURRED UNDER CHAPTERS 41.26 AND 41.26A RCW IF THE COSTS ARE THE DIRECT RESULT OF PHYSICAL INJURIES SUSTAINED IN THE IMPLEMENTATION OF A CONTINGENCY PLAN ADOPTED UNDER RCW 72.02.150 AND IF REIMBURSEMENT IS NOT PRECLUDED BY THE FOLLOWING PROVISIONS: IF THE SECRETARY OF CORRECTIONS IDENTIFIES IN THE CONTINGENCY PLAN THE PRISON WALLS OR OTHER PERIMETER OF THE SECURED AREA, THEN REIMBURSEMENT WILL NOT BE MADE UNLESS THE INJURIES OCCUR WITHIN THE WALLS OR OTHER PERIMETER OF THE SECURED AREA. IF THE SECRETARY OF CORRECTIONS DOES NOT IDENTIFY PRISON WALLS OR OTHER PERIMETER OF THE SECURED AREA, THEN REIMBURSEMENT SHALL NOT BE MADE UNLESS THE INJURIES RESULT FROM PROVIDING ASSISTANCE, REQUESTED BY THE SECRETARY OF CORRECTIONS OR THE SECRETARY'S DESIGNEE, WHICH IS BEYOND THE DESCRIPTION OF THE ASSISTANCE CONTAINED IN THE CONTINGENCY PLAN. IN NO CASE SHALL REIMBURSEMENT BE MADE WHEN THE INJURIES RESULT FROM CONDUCT WHICH EITHER IS NOT REQUESTED BY THE SECRETARY OF CORRECTIONS OR THE SECRETARY'S DESIGNEE, OR IS IN VIOLATION OF ORDERS BY SUPERIORS OF THE LOCAL LAW ENFORCEMENT AGENCY.

NEW SECTION. Sec. 449. EFFECTIVE DATES AND EXPIRATION DATES. (1) SECTIONS 419, 421, 423, 426, 432, 440, AND 444 OF THIS ACT EXPIRE MARCH 1, 2002.

(2) SECTIONS 418, 420, 422, 424, 427, 433, 437, 441, AND 445 OF THIS ACT TAKE EFFECT MARCH 1, 2002.

PART V MISCELLANEOUS

NEW SECTION. Sec. 501. REPEALER. THE FOLLOWING ACTS OR PARTS OF ACTS ARE EACH REPEALED:

(1) RCW 41.26.005 (PROVISIONS APPLICABLE TO "PLAN 1" AND "PLAN 2") AND 1992 C 72 S 2, 1991 C 35 S 12, 1989 C 273 S 10, 1985 C 102 S 5, 1979 EX.S. C 249 S 1, & 1977 EX.S. C 294 S 18;

(2) RCW 41.26.035 ("MINIMUM MEDICAL AND HEALTH STANDARDS" DEFINED) AND 1991 C 35 S 14 & 1971 EX.S. C 257 S 2;

(3) RCW 41.26.045 (MINIMUM MEDICAL AND HEALTH STANDARDS) AND 1979 EX.S. C 249 S 3, 1977 EX.S. C 294 S 20, 1974 EX.S. C 120 S 8, & 1971 EX.S. C 257 S 3;

(4) RCW 41.26.046 (MINIMUM MEDICAL AND HEALTH STANDARDS--BOARD TO ADOPT--PUBLICATION AND DISTRIBUTION--EMPLOYER CERTIFICATION PROCEDURES) AND 1987 C 418 S 2, 1977 EX.S. C 294 S 21, 1974 EX.S. C 120 S 12, 1972 EX.S. C 131 S 2, & 1971 EX.S. C 257 S 4;

(5) RCW 41.26.047 (MINIMUM MEDICAL AND HEALTH STANDARDS--EXEMPTIONS--EMPLOYER MAY ADOPT HIGHER STANDARDS) AND 1972 EX.S. C 131 S 3 & 1971 EX.S. C 257 S 5;

(6) RCW 41.26.075 (PROVISIONS APPLICABLE TO PLAN 1) AND 1992 C 72 S 3 & 1991 C 35 S 101;

(7) RCW 41.26.080 (FUNDING TOTAL LIABILITY OF PLAN 1 SYSTEM) AND 2000 2ND SP.S. C 1 S 907, 1991 C 35 S 17, 1989 C 273 S 13, & 1969 EX.S. C 209 S 8;

(8) RCW 41.26.090 (RETIREMENT FOR SERVICE) AND 1991 SP.S. C 11 S 4;

(9) RCW 41.26.100 (ALLOWANCE ON RETIREMENT FOR SERVICE) AND 1991 C 343 S 16, 1974 EX.S. C 120 S 3, 1972 EX.S. C 131 S 7, 1971 EX.S. C 257 S 9, 1970 EX.S. C 6 S 5, & 1969 EX.S. C 209 S 10;

(10) RCW 41.26.110 (CITY AND COUNTY DISABILITY BOARDS AUTHORIZED--COMPOSITION--TERMS--REIMBURSEMENT FOR TRAVEL EXPENSES--DUTIES) AND 2000 C 234 S 1, 1988 C 164 S 1, 1982 C 12 S 1, 1974 EX.S. C 120 S 9, 1970 EX.S. C 6 S 6, 1969 EX.S. C 219 S 3, & 1969 EX.S. C 209 S 11;

(11) RCW 41.26.115 (DIRECTOR OF RETIREMENT SYSTEMS TO ADOPT RULES GOVERNING DISABILITY BOARDS--REMAND OF ORDERS NOT IN ACCORDANCE WITH RULES) AND 1981 C 294 S 1;

(12) RCW 41.26.120 (RETIREMENT FOR DISABILITY INCURRED IN THE LINE OF DUTY) AND 1991 C 35 S 19, 1986 C 176 S 5, 1985 C 102 S 2, 1981 C 294 S 2, 1974 EX.S. C 120 S 10, 1972 EX.S. C 131 S 8, 1970 EX.S. C 6 S 7, & 1969 EX.S. C 209 S 12;

(13) RCW 41.26.125 (RETIREMENT FOR DISABILITY NOT INCURRED IN THE LINE OF DUTY) AND 1986 C 176 S 6 & 1985 C 102 S 3;

(14) RCW 41.26.130 (ALLOWANCE ON RETIREMENT FOR DISABILITY) AND 1991 C 35 S 20, 1987 C 185 S 11, 1981 C 294 S 3, 1970 EX.S. C 6 S 8, & 1969 EX.S. C 209 S 13;

(15) RCW 41.26.135 (CESSATION OF DISABILITY--DETERMINATION) AND 1985 C 103 S 1;

(16) RCW 41.26.140 (REEXAMINATIONS OF DISABILITY BENEFICIARIES--REENTRY--APPEAL) AND 1991 C 35 S 21, 1985 C 103 S 2, 1981 C 294 S 4, 1974 EX.S. C 120 S 4, 1970 EX.S. C 6 S 9, & 1969 EX.S. C 209 S 14;

(17) RCW 41.26.150 (SICKNESS OR DISABILITY BENEFITS--MEDICAL SERVICES) AND 1992 C 22 S 3, 1991 C 35 S 22, 1987 C 185 S 12, 1983 C 106 S 23, 1974 EX.S. C 120 S 11, 1971 EX.S. C 257 S 10, 1970 EX.S. C 6 S 10, 1969 EX.S. C 219 S 4, & 1969 EX.S. C 209 S 15;

(18) RCW 41.26.160 (DEATH BENEFITS--DUTY CONNECTED) AND 1999 C 134 S 2 & 1991 SP.S. C 11 S 5;

(19) RCW 41.26.161 (DEATH BENEFITS--NONDUTY CONNECTED) AND 1999 C 134 S 3;

(20) RCW 41.26.162 (EX SPOUSE QUALIFYING AS SURVIVING SPOUSE--WHEN) AND 1991 SP.S. C 12 S 2;

(21) RCW 41.26.170 (REFUND OF CONTRIBUTIONS ON DISCONTINUANCE OF SERVICE--REENTRY) AND 1994 C 197 S 6, 1991 C 35 S 24, 1970 EX.S. C 6 S 14, & 1969 EX.S. C 209 S 22;

(22) RCW 41.26.190 (CREDIT FOR MILITARY SERVICE) AND 1991 C 35 S 26, 1970 EX.S. C 6 S 13, & 1969 EX.S. C 209 S 18;

(23) RCW 41.26.192 (CREDIT FOR SERVICE UNDER PRIOR PENSION SYSTEM--RESTORATION OF WITHDRAWN CONTRIBUTIONS) AND 1994 C 197 S 7 & 1992 C 157 S 1;

(24) RCW 41.26.194 (CREDIT FOR SERVICE UNDER PRIOR PENSION SYSTEM--SERVICE NOT COVERED UNDER PRIOR SYSTEM) AND 1994 c 197 s 8 & 1992 c 157 s 2;

(25) RCW 41.26.195 (TRANSFER OF SERVICE CREDIT FROM OTHER RETIREMENT SYSTEM--IRREVOCABLE ELECTION ALLOWED) AND 1997 c 122 s 1;

(26) RCW 41.26.197 (SERVICE CREDIT FOR PAID LEAVE OF ABSENCE--APPLICATION TO ELECTED OFFICIALS OF LABOR ORGANIZATIONS) AND 1993 c 95 s 3;

(27) RCW 41.26.200 (APPEAL TO DIRECTOR OF RETIREMENT SYSTEMS) AND 1981 c 294 s 5, 1974 ex.s. c 120 s 6, 1971 ex.s. c 257 s 13, 1970 ex.s. c 6 s 11, & 1969 ex.s. c 209 s 16;

(28) RCW 41.26.211 (NOTICE FOR HEARING REQUIRED PRIOR TO PETITIONING FOR JUDICIAL REVIEW) AND 1984 c 184 s 16, 1981 c 294 s 6, & 1969 ex.s. c 209 s 19;

(29) RCW 41.26.221 (HEARING--CONDUCT) AND 1984 c 184 s 17, 1981 c 294 s 7, & 1969 ex.s. c 209 s 20;

(30) RCW 41.26.240 (INCREASES OR DECREASES IN RETIREMENT ALLOWANCES TO BE DETERMINED BY DEPARTMENT IN ACCORDANCE WITH CONSUMER PRICE INDEX) AND 1991 c 35 s 27, 1974 ex.s. c 120 s 13, 1970 ex.s. c 6 s 16, & 1969 ex.s. c 209 s 24;

(31) RCW 41.26.250 (INCREASE IN PRESENTLY PAYABLE BENEFITS FOR SERVICE OR DISABILITY AUTHORIZED) AND 1975 1ST EX.S. c 178 s 3, 1974 ex.s. c 190 s 3, 1970 ex.s. c 37 s 2, & 1969 ex.s. c 209 s 34;

(32) RCW 41.26.260 (INCREASE IN CERTAIN PRESENTLY PAYABLE DEATH BENEFITS AUTHORIZED) AND 1974 ex.s. c 190 s 4 & 1969 ex.s. c 209 s 35;

(33) RCW 41.26.270 (DECLARATION OF POLICY RESPECTING BENEFITS FOR INJURY OR DEATH--CIVIL ACTIONS ABOLISHED) AND 1989 c 12 s 13, 1987 c 185 s 13, 1985 c 102 s 4, & 1971 ex.s. c 257 s 14;

(34) RCW 41.26.281 (CAUSE OF ACTION FOR INJURY OR DEATH, WHEN) AND 1991 c 35 s 28 & 1971 ex.s. c 257 s 15;

(35) RCW 41.26.3901 (SEVERABILITY--1969 EX.S. C 209) AND 1969 EX.S. C 209 S 42;

(36) RCW 41.26.3902 (ACT TO CONTROL INCONSISTENCIES) AND 1969 EX.S. C 209 S 43;

(37) RCW 41.26.3903 (EFFECTIVE DATE--1969 EX.S. C 209) AND 1969 EX.S. C 209 S 45; AND

(38) RCW 41.26.410 (PROVISIONS APPLICABLE TO PLAN 2) AND 1991 c 35 s 29 & 1977 ex.s. c 294 s 2.

NEW SECTION. Sec. 502. SAVINGS. THE REPEALS IN SECTION 501 OF THIS ACT DO NOT AFFECT ANY EXISTING RIGHT ACQUIRED OR LIABILITY OR OBLIGATION INCURRED UNDER THE STATUTES REPEALED OR UNDER ANY RULE OR ORDER ADOPTED UNDER THOSE STATUTES NOR DO THEY AFFECT ANY PROCEEDING INSTITUTED UNDER THEM. RULES ADOPTED BY THE DEPARTMENT OF RETIREMENT SYSTEMS RELATING TO PLAN 1 OF THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM UNDER CHAPTER 41.26 RCW SHALL CONTINUE IN EFFECT AND APPLY TO THE RESTATED LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM UNDER CHAPTER 41.26A RCW UNLESS EXPRESSLY INCONSISTENT THEREWITH AND UNTIL REPEALED OR SUPERSEDED.

NEW SECTION. Sec. 503. NONSEVERABILITY. SECTIONS 1 THROUGH 10 OF THIS ACT ARE NOT SEVERABLE, AND IF ANY PROVISION OF THOSE SECTIONS IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THIS ENTIRE ACT IS NULL AND VOID.

NEW SECTION. Sec. 504. CAPTIONS. PART HEADINGS AND CAPTIONS USED IN THIS ACT ARE NOT ANY PART OF THE LAW.

NEW SECTION. Sec. 505. EFFECTIVE DATE. EXCEPT AS PROVIDED IN SECTION 449 OF THIS ACT, THIS ACT TAKES EFFECT DECEMBER 1, 2001."

MOTION

SENATOR ROSSI MOVED THAT THE FOLLOWING AMENDMENT BY SENATORS ROSSI AND LONG TO THE STRIKING AMENDMENT BE ADOPTED:

ON PAGE 4, BEGINNING ON LINE 30, STRIKE "MAY BE EXPENDED EXCLUSIVELY TO FUND ANY UNFUNDED ACTUARIAL ACCRUED LIABILITIES OF THE PUBLIC RETIREMENT SYSTEMS UNDER CHAPTER 41.45 RCW, AND FOR OTHER ONE-TIME COSTS OF THE STATE" INSERT "SHALL BE EXPENDED IN AN AMOUNT NECESSARY TO RETIRE UNFUNDED ACTUARIAL ACCRUED LIABILITIES OF PLAN 1 OF THE TEACHERS' RETIREMENT SYSTEM"

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATORS ROSSI AND LONG ON PAGE 4, BEGINNING ON LINE 30, TO THE STRIKING AMENDMENT BY SENATOR BROWN TO ENGROSSED SUBSTITUTE SENATE BILL NO. 6166, UNDER SUSPENSION OF THE RULES.

THE MOTION BY SENATOR ROSSI FAILED AND THE AMENDMENT TO THE STRIKING AMENDMENT WAS NOT ADOPTED ON A RISING VOTE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE STRIKING AMENDMENT BY SENATOR BROWN TO ENGROSSED SUBSTITUTE SENATE BILL NO. 6166, UNDER SUSPENSION OF THE RULES.

THE MOTION BY SENATOR BROWN CARRIED AND THE STRIKING AMENDMENT WAS ADOPTED.

MOTIONS

ON MOTION OF SENATOR BROWN, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:

ON PAGE 1, LINE 2 OF THE TITLE, AFTER "SYSTEM;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 41.26.010, 41.26.040, 41.26.061, 44.44.040, 48.62.031, 48.62.051, 2.10.155, 26.09.138, 36.28A.010, 41.04.205, 41.04.270, 41.04.350, 41.04.400, 41.05.320, 41.18.210, 41.20.170, 41.20.175, 41.24.400, 41.32.800, 41.32.860, 41.35.230, 41.40.690, 41.40.850, 41.45.010, 41.45.010, 41.45.020, 41.45.050, 41.45.050, 41.45.070, 41.48.030, 41.48.050, 41.50.030, 41.50.055, 41.50.075, 41.50.075, 41.50.080, 41.50.090, 41.50.110, 41.50.112, 41.50.150, 41.50.255, 41.50.500, 41.50.500, 41.50.670, 43.84.092, 43.84.092, 43.79A.040, 46.52.130, AND 72.72.060; REENACTING AND AMENDING RCW 41.26.030, 6.15.020, 41.45.020, 41.45.060, 41.45.070, AND 41.56.030; ADDING NEW CHAPTERS TO TITLE 41 RCW; CREATING NEW SECTIONS; REPEALING RCW

41.26.005, 41.26.035, 41.26.045, 41.26.046, 41.26.047, 41.26.075, 41.26.080, 41.26.090, 41.26.100, 41.26.110, 41.26.115, 41.26.120, 41.26.125, 41.26.130, 41.26.135, 41.26.140, 41.26.150, 41.26.160, 41.26.161, 41.26.162, 41.26.170, 41.26.190, 41.26.192, 41.26.194, 41.26.195, 41.26.197, 41.26.200, 41.26.211, 41.26.221, 41.26.240, 41.26.250, 41.26.260, 41.26.270, 41.26.281, 41.26.3901, 41.26.3902, 41.26.3903, AND 41.26.410; PROVIDING EFFECTIVE DATES; AND PROVIDING AN EXPIRATION DATE."

ON MOTION OF SENATOR BROWN, THE RULES WERE SUSPENDED, SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6166, UNDER SUSPENSION OF THE RULES, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6166.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6166, UNDER SUSPENSION OF THE RULES, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 33; NAYS, 10; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, LONG, McAULIFFE, McCASLIN, McDONALD, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHELDON, B., SHELDON, T., SNYDER, SPANEL, THIBAudeau AND WINSLEY - 33.

VOTING NAY: SENATORS FINKBEINER, HEWITT, HOCHSTATTER, HONEYFORD, JOHNSON, MORTON, ROACH, SHEAHAN, SWECKER AND WEST - 10.

EXCUSED: SENATORS BENTON, HORN, PARLETTE, SHIN, STEVENS AND ZARELLI - 6.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6166, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, UNDER SUSPENSION OF THE RULES, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

PRESIDENT PRO TEMPORE FRANKLIN ASSUMED THE CHAIR.

THIRD READING

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5327, BY SENATE COMMITTEE ON TRANSPORTATION (ORIGINALLY SPONSORED BY SENATORS HAUGEN, WEST AND GARDNER) (BY REQUEST OF GOVERNOR LOCKE)

FUNDING TRANSPORTATION DURING THE 2001-03 BIENNIUM.

MOTIONS

ON MOTION OF SENATOR HAUGEN, THE RULES WERE SUSPENDED, SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5327 WAS RETURNED TO SECOND READING AND READ THE SECOND TIME.

SENATOR HAUGEN MOVED THAT THE FOLLOWING STRIKING AMENDMENT BE ADOPTED:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"2001-03 BIENNIUM

NEW SECTION. Sec. 1. (1) THE TRANSPORTATION BUDGET OF THE STATE IS HEREBY ADOPTED AND, SUBJECT TO THE PROVISIONS SET FORTH, THE SEVERAL AMOUNTS SPECIFIED, OR AS MUCH THEREOF AS MAY BE NECESSARY TO ACCOMPLISH THE PURPOSES DESIGNATED, ARE HEREBY APPROPRIATED FROM THE SEVERAL ACCOUNTS AND FUNDS NAMED TO THE DESIGNATED STATE AGENCIES AND OFFICES FOR EMPLOYEE COMPENSATION AND OTHER EXPENSES, FOR CAPITAL PROJECTS, AND FOR OTHER SPECIFIED PURPOSES, INCLUDING THE PAYMENT OF ANY FINAL JUDGMENTS ARISING OUT OF SUCH ACTIVITIES, FOR THE PERIOD ENDING JUNE 30, 2003.

(2) LEGISLATION WITH FISCAL IMPACTS ENACTED IN THE 2001 LEGISLATIVE SESSION NOT ASSUMED IN THIS ACT ARE NOT FUNDED IN THE 2001-03 TRANSPORTATION BUDGET.

(3) UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, THE DEFINITIONS IN THIS SUBSECTION APPLY THROUGHOUT THIS ACT.

(A) "FISCAL YEAR 2002" OR "FY 2002" MEANS THE FISCAL YEAR ENDING JUNE 30, 2002.

(B) "FISCAL YEAR 2003" OR "FY 2003" MEANS THE FISCAL YEAR ENDING JUNE 30, 2003.

(C) "FTE" MEANS FULL-TIME EQUIVALENT.

(D) "LAPSE" OR "REVERT" MEANS THE AMOUNT SHALL RETURN TO AN UNAPPROPRIATED STATUS.

(E) "PROVIDED SOLELY" MEANS THE SPECIFIED AMOUNT MAY BE SPENT ONLY FOR THE SPECIFIED PURPOSE.

(F) "PERFORMANCE-BASED BUDGETING" MEANS A BUDGET THAT BASES RESOURCE NEEDS ON QUANTIFIED OUTCOMES AND RESULTS EXPECTED FROM USE OF THE TOTAL APPROPRIATION. "PERFORMANCE-BASED BUDGETING" DOES NOT MEAN INCREMENTAL BUDGETING THAT FOCUSES ON JUSTIFYING CHANGES FROM THE HISTORIC BUDGET OR TO LINE-ITEM INPUT-DRIVEN BUDGETS.

(G) "GOALS" MEANS THE STATEMENTS OF PURPOSE THAT IDENTIFY A DESIRED RESULT OR OUTCOME. THE STATEMENTS SHALL BE REALISTIC, ACHIEVABLE, DIRECTIVE, ASSIGNABLE, EVALUATIVE, AND LOGICALLY LINKED TO THE AGENCY'S MISSION AND STATUTORY MANDATE.

(H) "STRATEGIC PLAN" MEANS THE STRATEGIES AGENCIES CREATE FOR INVESTMENT CHOICES IN THE FUTURE. ALL AGENCY STRATEGIC PLANS SHALL PRESENT ALTERNATIVE INVESTMENT STRATEGIES FOR PROVIDING SERVICES.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 305,000

THE APPROPRIATION IN THIS SECTION IS SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY: THE ENTIRE APPROPRIATION IS PROVIDED SOLELY FOR COSTS ASSOCIATED WITH THE MOTOR FUEL QUALITY PROGRAM.

NEW SECTION. Sec. 102. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 488,000

NEW SECTION. Sec. 103. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

GRADE CROSSING PROTECTIVE ACCOUNT--

STATE APPROPRIATION \$ 126,000

THE APPROPRIATION IN THIS SECTION IS SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY: THE UTILITIES AND TRANSPORTATION COMMISSION SHALL DEVELOP A RAIL GRADE CROSSING SAFETY GRANT PROGRAM WHICH WILL FULLY FUND SELECTED SAFETY PROJECTS TO THE EXTENT ALLOWABLE UNDER CHAPTER 81.53 RCW.

NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 819,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF STATE AUDITOR

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 126,000

THE APPROPRIATION IN THIS SECTION IS SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY: THE APPROPRIATION IS A ONE-TIME APPROPRIATION FOR THE DEVELOPMENT OF THE LOCAL GOVERNMENT FINANCE PROJECT.

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

STATE PATROL HIGHWAY ACCOUNT--STATE

APPROPRIATION \$ 50,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

THE ENTIRE APPROPRIATION IS PROVIDED TO THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE FOR FISCAL YEAR 2002 SOLELY FOR A STUDY OF THE STATE PATROL'S COMMUNICATIONS SYSTEMS PLANNING PROCESS. THE FOCUS OF THE STUDY IS: A REVIEW OF THE PLANNING PROCESS AND ANALYSES EMPLOYED BY THE WASHINGTON STATE PATROL IN DEVELOPING BUDGET REQUESTS FOR ITS COMMUNICATIONS SYSTEMS INCLUDING THE MENG VALUE ANALYSIS AS REPORTED ON MARCH 22, 1999; AN ASSESSMENT OF THE ADEQUACY OF THE INFORMATION SUPPORTING THE BUDGET REQUESTS; AND RECOMMENDATIONS FOR ANY IMPROVEMENTS TO SUCH INFORMATION FOR PRESENT AND FUTURE BUDGET REQUESTS. THE COMMITTEE MAY CONTRACT FOR CONSULTING SERVICES IN CONDUCTING THE STUDY. THE STUDY FINAL REPORT SHALL BE SUBMITTED TO THE APPROPRIATE COMMITTEES OF THE LEGISLATURE BY DECEMBER 31, 2001.

A JOINT WORKGROUP OF REPRESENTATIVES FROM THE STATE PATROL, OFFICE OF FINANCIAL MANAGEMENT, AND DEPARTMENT OF INFORMATION SYSTEMS SHALL REVIEW FUTURE STATE PATROL TECHNOLOGY PLANS OR BUDGET REPORTS FOR CONSISTENCY WITH THE RECOMMENDATIONS IDENTIFIED BY THIS STUDY.

GENERAL GOVERNMENT AGENCIES--CAPITAL

NEW SECTION. Sec. 107. FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 763,000

TRANSPORTATION AGENCIES

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

HIGHWAY SAFETY ACCOUNT--STATE APPROPRIATION \$ 1,638,000

HIGHWAY SAFETY ACCOUNT--FEDERAL APPROPRIATION \$ 5,671,000

SCHOOL ZONE SAFETY ACCOUNT--STATE APPROPRIATION \$ 1,504,000

TOTAL APPROPRIATION \$ 8,813,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY: THE WASHINGTON TRAFFIC SAFETY COMMISSION MAY OVERSEE NO MORE THAN FOUR PILOT PROJECTS IMPLEMENTING THE USE OF TRAFFIC SAFETY CAMERAS AT SCHOOL ZONES, RAILROAD CROSSINGS, CONSTRUCTION ZONES OR STOPLIGHTS, AND NO MORE THAN ONE PILOT PROJECT REGARDING THE USE OF TRAFFIC SAFETY CAMERAS IN RESIDENTIAL NEIGHBORHOODS, AT SCHOOL ZONES, RAILROAD CROSSINGS, CONSTRUCTION ZONES, OR STOPLIGHTS.

(1) IN ORDER TO ENSURE ADEQUATE TIME IN THE 2001-03 BIENNIUM TO EVALUATE THE EFFECTIVENESS OF THE PILOT PROGRAM, ANY PROGRAMS AUTHORIZED BY THE COMMISSION MUST BE AUTHORIZED BY DECEMBER 31, 2001.

(2) IF THE STATE, A COUNTY, OR A CITY HAS ESTABLISHED AN AUTHORIZED TRAFFIC SAFETY CAMERA PILOT PROGRAM UNDER THIS SECTION, THE COMPENSATION PAID TO THE MANUFACTURER OR VENDOR OF THE EQUIPMENT USED: MUST BE BASED UPON THE VALUE OF THE EQUIPMENT AND SERVICES PROVIDED OR RENDERED IN SUPPORT OF THE SYSTEM; AND MAY NOT BE BASED UPON A PORTION OF THE FINE OR CIVIL PENALTY IMPOSED OR THE REVENUE GENERATED BY THE EQUIPMENT.

(3) THE TRAFFIC SAFETY COMMISSION SHALL USE THE FOLLOWING GUIDELINES TO ADMINISTER THE PROGRAM:

(A) TRAFFIC SAFETY CAMERAS MAY TAKE PICTURES OF THE VEHICLE AND VEHICLE LICENSE PLATE ONLY;

(B) THE LAW ENFORCEMENT AGENCY OF THE CITY OR COUNTY GOVERNMENT SHALL PLAINLY MARK THE LOCATIONS WHERE THE AUTOMATED TRAFFIC ENFORCEMENT SYSTEM IS USED BY PLACING SIGNS ON STREET LOCATIONS THAT CLEARLY INDICATE TO A DRIVER THAT HE OR SHE IS ENTERING A ZONE WHERE TRAFFIC LAWS ARE ENFORCED BY AN AUTOMATED TRAFFIC ENFORCEMENT SYSTEM;

(C) CITIES AND COUNTIES USING TRAFFIC SAFETY CAMERAS MUST PROVIDE PERIODIC NOTICE BY MAIL TO ITS CITIZENS INDICATING THE ZONES IN WHICH THE TRAFFIC SAFETY CAMERAS WILL BE USED;

(D) NOTICES OF INFRACTIONS MUST BE MAILED TO THE REGISTERED OWNER OF A VEHICLE WITHIN FOURTEEN DAYS OF THE INFRACTION OCCURRING;

(E) THE OWNER OF THE VEHICLE IS NOT RESPONSIBLE FOR THE VIOLATION IF THE OWNER OF THE VEHICLE, WITHIN FIFTEEN DAYS AFTER NOTIFICATION OF THE VIOLATION, FURNISHES THE OFFICIALS OR AGENTS OF THE MUNICIPALITY THAT ISSUED THE CITATION WITH:

(I) AN AFFIDAVIT MADE UNDER OATH, STATING THAT THE VEHICLE INVOLVED WAS, AT THE TIME, STOLEN OR IN THE CARE, CUSTODY, OR CONTROL OF SOME PERSON OTHER THAN THE REGISTERED OWNER; OR

(II) TESTIMONY IN OPEN COURT UNDER OATH THAT THE PERSON WAS NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF THE ALLEGED VIOLATION;

(F) INFRACTIONS DETECTED THROUGH THE USE OF TRAFFIC SAFETY CAMERAS ARE NOT PART OF THE REGISTERED OWNER'S DRIVING RECORD UNDER RCW 46.52.101 AND 46.52.120; AND

(G) BY JANUARY 1, 2003, THE TRAFFIC SAFETY COMMISSION SHALL PROVIDE A REPORT TO THE LEGISLATURE REGARDING THE USE, PUBLIC ACCEPTANCE, OUTCOMES, AND OTHER RELEVANT ISSUES REGARDING TRAFFIC SAFETY CAMERAS DEMONSTRATED BY THE PILOT PROJECTS.

NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS

PILOTAGE ACCOUNT--STATE APPROPRIATION \$ 305,000

NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD

RURAL ARTERIAL TRUST ACCOUNT--STATE

APPROPRIATION \$ 50,182,000

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 1,887,000

COUNTY ARTERIAL PRESERVATION ACCOUNT--

STATE APPROPRIATION \$ 28,551,000

TOTAL APPROPRIATION \$ 80,620,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

IT IS THE INTENT OF THE LEGISLATURE THAT THE COUNTY ROAD ADMINISTRATION BOARD RECEIVE SEPARATE PROGRAMMATIC APPROPRIATIONS FOR THE OPERATING PROGRAM AND THE CAPITAL PROGRAM FOR THE 2001-03 BIENNium, AND THEREAFTER. AGENCY ADMINISTRATIVE COSTS MAY NOT BE CHARGED AGAINST PROJECTS OR FUNDED FROM THE CAPITAL PROGRAM APPROPRIATIONS.

(1) \$1,540,000 OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION, \$870,000 OF THE COUNTY ARTERIAL PRESERVATION ACCOUNT--STATE APPROPRIATION, AND \$917,000 OF THE RURAL ARTERIAL TRUST ACCOUNT--STATE APPROPRIATION ARE PROVIDED FOR THE OPERATIONS PROGRAM. OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION, \$368,000 IS PROVIDED FOR COUNTY FERRIES AS SET FORTH IN RCW 47.56.724(4).

(2) \$347,000 OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION, \$27,681,000 OF THE COUNTY ARTERIAL PRESERVATION ACCOUNT--STATE APPROPRIATION, AND \$49,265,000 OF THE RURAL ARTERIAL TRUST ACCOUNT--STATE APPROPRIATION ARE PROVIDED FOR THE CAPITAL PROGRAM.

NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD

URBAN ARTERIAL TRUST ACCOUNT--STATE

APPROPRIATION \$ 94,690,000

TRANSPORTATION IMPROVEMENT ACCOUNT--

STATE APPROPRIATION \$ 118,605,000

TOTAL APPROPRIATION \$ 213,295,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

IT IS THE INTENT OF THE LEGISLATURE THAT THE TRANSPORTATION IMPROVEMENT BOARD RECEIVE SEPARATE PROGRAMMATIC APPROPRIATIONS FOR THE OPERATING PROGRAM AND THE CAPITAL PROGRAM FOR THE 2001-03 BIENNium, AND THEREAFTER. AGENCY ADMINISTRATIVE COSTS MAY NOT BE CHARGED AGAINST PROJECTS OR FUNDED FROM THE CAPITAL PROGRAM APPROPRIATIONS.

(1) \$1,551,000 OF THE TRANSPORTATION IMPROVEMENT ACCOUNT--STATE APPROPRIATION AND \$1,552,000 OF THE URBAN ARTERIAL TRUST ACCOUNT--STATE APPROPRIATION ARE PROVIDED FOR THE OPERATIONS PROGRAM.

(2) \$117,054,000 OF THE TRANSPORTATION IMPROVEMENT ACCOUNT--STATE APPROPRIATION AND \$93,138,000 OF THE URBAN ARTERIAL TRUST ACCOUNT--STATE APPROPRIATION ARE PROVIDED FOR THE CAPITAL PROGRAM.

(3) THE TRANSPORTATION IMPROVEMENT ACCOUNT--STATE APPROPRIATION INCLUDES \$47,325,000 IN PROCEEDS FROM THE SALE OF BONDS AUTHORIZED IN RCW 47.26.500. THE TRANSPORTATION IMPROVEMENT BOARD MAY AUTHORIZE THE USE OF CURRENT REVENUES AVAILABLE TO THE AGENCY IN-LIEU OF BOND PROCEEDS FOR ANY PART OF THE STATE APPROPRIATION.

NEW SECTION. Sec. 205. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 3,746,000

THE APPROPRIATION IN THIS SECTION IS SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

(1) \$2,467,000 OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION IS PROVIDED FOR THE OPERATION OF THE HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE.

(2) TO THE EXTENT POSSIBLE, THIS APPROPRIATION SHALL UTILIZE FUNDS ALLOCATED UNDER RCW 46.68.110(2).

(3) THE HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE SHALL CONDUCT A STUDY OF THE USE OF MOTORIZED SCOOTERS. THE STUDY SHALL, AT A MINIMUM, IDENTIFY AND ANALYZE THE SAFETY ISSUES ASSOCIATED WITH USE OF MOTORIZED SCOOTERS, INCLUDING USE BY CHILDREN, COMMUTERS, AND THE DISABLED. HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE COCHAIRS SHALL EACH APPOINT ONE MEMBER FROM THEIR RESPECTIVE CAUCUS TO SERVE AS COCHAIR OF THE STUDY GROUP. THE CHAIR OF THE SENATE TRANSPORTATION COMMITTEE MAY ALSO APPOINT TWO MEMBERS FROM THE SENATE TRANSPORTATION COMMITTEE, ONE FROM EACH CAUCUS, TO PARTICIPATE IN THE STUDY. THE STUDY SHALL BE STAFFED BY HOUSE OF REPRESENTATIVES TRANSPORTATION

COMMITTEE STAFF. THE STUDY GROUP SHALL REPORT BACK TO THE HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE BY JANUARY 1, 2002.

(4) THE HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE SHALL CONDUCT A STUDY OF THE EFFECT OF THE WEIGHT OF FIRE-FIGHTING APPARATUS ON STATE ROADWAYS. THE STUDY SHALL DETERMINE, AT A MINIMUM, THE VARIOUS TYPES OF FIRE-FIGHTING APPARATUS CURRENTLY IN USE ON STATE ROADWAYS; THE SIZE, WEIGHT AND LOAD EFFECT OF FIRE-FIGHTING APPARATUS THAT ARE CURRENTLY IN USE OR THAT POTENTIALLY COULD BE IN USE ON THE STATE ROADWAYS, AS WELL AS ON STATE BRIDGES; AND THE EFFECT ON PUBLIC SAFETY. THE STUDY MAY EXAMINE STATE AND FEDERAL LAWS THAT AFFECT FIRE-FIGHTING APPARATUSES. HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE COCHAIRS SHALL EACH APPOINT ONE MEMBER FROM THEIR RESPECTIVE CAUCUS TO SERVE AS COCHAIR OF THE STUDY GROUP. THE STUDY SHALL BE STAFFED BY HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE STAFF. THE STUDY GROUP WILL REPORT BACK TO THE HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE BY JANUARY 1, 2002.

(5) THE LEGISLATIVE TRANSPORTATION COMMITTEE SHALL CONDUCT A FEASIBILITY STUDY OF POTENTIAL FOR ECONOMIC PARTNERSHIPS BETWEEN THE WASHINGTON STATE FERRIES AND LOCAL GOVERNMENT ENTITIES, INCLUDING BUT NOT LIMITED TO PORT DISTRICTS. THE STUDY IS INTENDED TO IMPROVE FERRY TERMINALS. THE STUDY SHALL, AT A MINIMUM, IDENTIFY THE MARKET, PHYSICAL, AND ECONOMIC FACTORS THAT SHOULD BE EXAMINED IN DETERMINING WHETHER AN ECONOMIC OR COMMERCIAL DEVELOPMENT PARTNERSHIP PROJECT ON OR AROUND WASHINGTON STATE FERRY TERMINALS IS LIKELY TO PRODUCE REVENUE FOR THE PARTNERS. THE STUDY SHALL APPLY THOSE FACTORS TO AN ANALYSIS OF EACH TERMINAL USED BY WASHINGTON STATE FERRIES AND RECOMMEND WHETHER FURTHER EXPLORATION OF STATE AND LOCAL PARTNERSHIPS WOULD BE OF POTENTIAL ECONOMIC BENEFIT TO THE PARTNERS. THE ENTITY SELECTED TO PERFORM THE STUDY THROUGH THE REQUEST FOR PROPOSALS PROCESS WILL REPORT BACK TO THE TRANSPORTATION COMMITTEES OF THE LEGISLATURE BY DECEMBER 1, 2001.

NEW SECTION. Sec. 206. FOR THE MARINE EMPLOYEES COMMISSION

PUGET SOUND FERRY OPERATIONS ACCOUNT--

STATE APPROPRIATION \$ 332,000

NEW SECTION. Sec. 207. FOR THE TRANSPORTATION COMMISSION

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 773,000

NEW SECTION. Sec. 208. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 697,000

THE APPROPRIATION IN THIS SECTION IS SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY: \$100,000 OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION IS PROVIDED SOLELY FOR A COMPREHENSIVE, LONG-TERM, STATEWIDE FREIGHT NEEDS ANALYSIS. THESE FUNDS REPRESENT 20 PERCENT OF THE BIENNIAL COST AND SHALL LAPSE IF THE ADDITIONAL 80 PERCENT FUNDING IS NOT SECURED FROM PARTNERS.

NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

STATE PATROL HIGHWAY ACCOUNT--

STATE APPROPRIATION \$ 162,081,000

STATE PATROL HIGHWAY ACCOUNT--

FEDERAL APPROPRIATION \$ 7,084,000

STATE PATROL HIGHWAY ACCOUNT--

PRIVATE/LOCAL APPROPRIATION \$ 169,000

TOTAL APPROPRIATION \$ 169,334,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THE ACTIVITIES OF THE FIELD OPERATIONS BUREAU:

(1) AS A RESULT OF THE ELIMINATION OF THE VEHICLE INSPECTION NUMBER (VIN) PROGRAM, NO PERMANENT WASHINGTON STATE PATROL EMPLOYEE SHALL BE DISPLACED FROM EMPLOYMENT WITHOUT THE OPPORTUNITY TO FILL A VACANT PATROL POSITION FOR WHICH HE OR SHE HAS A PREFERENCE AND MEETS THE MINIMUM QUALIFICATIONS. FOR THE PURPOSE OF THE VIN PROGRAM ELIMINATION, THE GUIDELINES UNDER CHAPTER 356-26 WAC (REGISTERS-CERTIFICATIONS) SHALL BE SUSPENDED FOR THOSE EMPLOYEES HOLDING THE CLASSIFICATION OF VIN 1 OR 2.

(2) TO THE EXTENT POSSIBLE, THE AGENCY SHALL TRANSFER DISPLACED VIN PERSONNEL INTO THE 20 NEWLY CREATED SCHOOL BUS INSPECTION AND MOTOR CARRIER SAFETY ASSISTANCE PROGRAM POSITIONS. THE AGENCY SHALL EMPHASIZE FILLING EXISTING VACANT POSITIONS WITHIN THE COMMERCIAL VEHICLE DIVISION WITH DISPLACED VIN PERSONNEL. THE AGENCY SHALL REPORT BY DECEMBER 31, 2001, TO THE SENATE AND HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEES ON EFFORTS TO RELOCATE DISPLACED VIN PERSONNEL.

NEW SECTION. Sec. 210. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU

STATE PATROL HIGHWAY ACCOUNT--

STATE APPROPRIATION \$ 69,960,000

STATE PATROL HIGHWAY ACCOUNT--

PRIVATE/LOCAL APPROPRIATION \$ 735,000

TOTAL APPROPRIATION \$ 70,695,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THE ACTIVITIES OF THE SUPPORT SERVICES BUREAU. THE WASHINGTON STATE PATROL SHALL IMPROVE RESPONSE TIMES DURING EMERGENCY RADIO OUTAGES BY ALLOWING ELECTRONIC SERVICES FIELD TECHNICIANS TO TAKE HOME THEIR ASSIGNED VEHICLE AND EQUIPMENT EVEN THOUGH THEY MAY BE OFF DUTY.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES

MARINE FUEL TAX REFUND ACCOUNT--STATE

APPROPRIATION \$ 7,000

MOTORCYCLE SAFETY EDUCATION ACCOUNT--

STATE APPROPRIATION \$ 114,000

WILDLIFE ACCOUNT--STATE APPROPRIATION \$ 89,000

HIGHWAY SAFETY ACCOUNT--STATE APPROPRIATION \$ 7,740,000

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 4,230,000

LICENSING SERVICES ACCOUNT--STATE

APPROPRIATION \$ 123,000

TOTAL APPROPRIATION \$ 12,303,000

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

MARINE FUEL TAX REFUND ACCOUNT--STATE
APPROPRIATION \$ 2,000
MOTORCYCLE SAFETY EDUCATION ACCOUNT--
STATE APPROPRIATION \$ 50,000
WILDLIFE ACCOUNT--STATE APPROPRIATION \$ 34,000
HIGHWAY SAFETY ACCOUNT--STATE APPROPRIATION \$ 5,655,000
MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 3,304,000
LICENSING SERVICES ACCOUNT--STATE
APPROPRIATION \$ 292,000
TOTAL APPROPRIATION \$ 9,337,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS: THE DEPARTMENT OF LICENSING SHALL REPORT TO THE LEGISLATIVE TRANSPORTATION COMMITTEES ON THE PROGRESS OF THE EXPANDED INTERNET SERVICE NO LATER THAN DECEMBER 15, 2002.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

MARINE FUEL TAX REFUND ACCOUNT--
STATE APPROPRIATION \$ 26,000
WILDLIFE ACCOUNT--STATE APPROPRIATION \$ 578,000
MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 57,043,000
LICENSING SERVICES ACCOUNT--STATE
APPROPRIATION \$ 3,123,000
TOTAL APPROPRIATION \$ 60,770,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

MOTORCYCLE SAFETY EDUCATION ACCOUNT--
STATE APPROPRIATION \$ 2,223,000
HIGHWAY SAFETY ACCOUNT--STATE APPROPRIATION \$ 81,366,000
TOTAL APPROPRIATION \$ 83,589,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS: THE DEPARTMENT OF LICENSING SHALL PREPARE A CAPITAL PROJECT PLAN ADOPTING A PROCESS FOR USING CERTIFICATES OF PARTICIPATION TO PURCHASE LICENSING SERVICES OFFICES IF THE COMBINED PRINCIPLE AND INTEREST PAYMENTS ARE THE SAME OR LESS THAN EXISTING OR FUTURE LEASES ON COMPARABLE FACILITIES.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 47,353,000
MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION \$ 400,000
TOTAL APPROPRIATION \$ 47,753,000

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

AERONAUTICS ACCOUNT--STATE APPROPRIATION \$ 4,852,000
AIRCRAFT SEARCH AND RESCUE SAFETY AND
EDUCATION ACCOUNT--STATE APPROPRIATION \$ 160,000
TOTAL APPROPRIATION \$ 5,012,000

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 577,085,000
MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION \$ 230,232,000
MOTOR VEHICLE ACCOUNT--PRIVATE/LOCAL
APPROPRIATION \$ 43,504,000
SPECIAL CATEGORY C ACCOUNT--STATE
APPROPRIATION \$ 65,813,000
MULTIMODAL TRANSPORTATION ACCOUNT--STATE
APPROPRIATION \$ 4,880,000
TOTAL APPROPRIATION \$ 921,514,000

THE APPROPRIATIONS IN THIS SECTION ARE PROVIDED FOR THE LOCATION, DESIGN, RIGHT OF WAY ACQUISITION, OR CONSTRUCTION OF STATE HIGHWAY PROJECTS DESIGNATED AS IMPROVEMENTS UNDER RCW 47.05.030. THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

(1) THE SPECIAL CATEGORY C ACCOUNT--STATE APPROPRIATION OF \$65,813,000 INCLUDES \$56,500,000 IN PROCEEDS FROM THE SALE OF BONDS AUTHORIZED IN RCW 47.10.812. THE TRANSPORTATION COMMISSION MAY AUTHORIZE THE USE OF CURRENT REVENUES AVAILABLE TO THE DEPARTMENT OF TRANSPORTATION IN LIEU OF BOND PROCEEDS FOR ANY PART OF THE STATE APPROPRIATION.

(2) THE DEPARTMENT SHALL REPORT DECEMBER 1ST AND JUNE 1ST OF EACH YEAR TO THE SENATE AND THE HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEES AND THE OFFICE OF FINANCIAL MANAGEMENT ON THE TIMING AND THE SCOPE OF WORK BEING PERFORMED FOR THE REGIONAL TRANSIT AUTHORITY KNOWN AS SOUND TRANSIT. THIS REPORT SHALL PROVIDE A DESCRIPTION OF ALL DEPARTMENT ACTIVITIES RELATED TO THE REGIONAL TRANSIT AUTHORITY INCLUDING INVESTMENTS IN STATE-OWNED INFRASTRUCTURE.

(3) THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION INCLUDES \$378,952,000 IN PROCEEDS FROM THE SALE OF BONDS AUTHORIZED BY RCW 47.10.843. THE TRANSPORTATION COMMISSION MAY AUTHORIZE THE USE OF CURRENT REVENUES AVAILABLE TO THE DEPARTMENT OF TRANSPORTATION IN LIEU OF BOND PROCEEDS FOR ANY PART OF THE STATE APPROPRIATION.

(4) \$305,448,000 OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION, \$192,141,000 OF THE MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION, \$41,173,000 OF THE MOTOR VEHICLE ACCOUNT--PRIVATE/LOCAL APPROPRIATION, AND \$65,813,000 OF THE SPECIAL CATEGORY C--STATE APPROPRIATION, AND \$4,880,000 OF THE MULTIMODAL TRANSPORTATION ACCOUNT--STATE APPROPRIATION ARE PROVIDED FOR THE CONSTRUCTION PHASE OF THE IMPROVEMENT PROGRAM.

(5) \$4,880,000 OF THE MULTIMODAL TRANSPORTATION ACCOUNT--STATE APPROPRIATION IS PROVIDED SOLELY FOR THE STATE PROGRAM SHARE OF FREIGHT MOBILITY PROJECTS AS IDENTIFIED BY THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD.

(6) THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION INCLUDES \$3,898,000 IN UNEXPENDED PROCEEDS FROM THE JANUARY 2001 BOND SALE AUTHORIZED IN RCW 47.10.834 FOR THE TACOMA NARROWS BRIDGE PROJECT. THE TRANSPORTATION COMMISSION MAY AUTHORIZE THE USE OF CURRENT REVENUES AVAILABLE TO THE DEPARTMENT OF TRANSPORTATION IN-LIEU OF BOND PROCEEDS FOR ANY PART OF THE STATE APPROPRIATION.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 2,553,000

THE APPROPRIATION IN THIS SECTION IS SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

(1) THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION INCLUDES \$1,400,000 IN PROCEEDS FROM THE SALE OF BONDS AUTHORIZED IN RCW 47.10.834 FOR ALL FORMS OF CASH CONTRIBUTIONS, OR THE PAYMENT OF OTHER COSTS INCIDENT TO THE LOCATION, DEVELOPMENT, DESIGN, RIGHT OF WAY, AND CONSTRUCTION OF THE TACOMA NARROWS BRIDGE IMPROVEMENTS UNDER THE PUBLIC-PRIVATE TRANSPORTATION INITIATIVE PROGRAM AUTHORIZED UNDER CHAPTER 47.46 RCW; AND FOR SUPPORT COSTS OF THE PUBLIC-PRIVATE TRANSPORTATION INITIATIVES PROGRAM.

(2) THE TRANSPORTATION COMMISSION MAY AUTHORIZE THE USE OF CURRENT REVENUES AVAILABLE TO THE DEPARTMENT OF TRANSPORTATION IN-LIEU OF BOND PROCEEDS FOR ANY PART OF THE STATE APPROPRIATION.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 273,594,000

MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION \$ 512,000

MOTOR VEHICLE ACCOUNT--PRIVATE/LOCAL

APPROPRIATION \$ 4,067,000

TOTAL APPROPRIATION \$ 278,173,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

(1) IF PORTIONS OF THE APPROPRIATIONS IN THIS SECTION ARE REQUIRED TO FUND MAINTENANCE WORK RESULTING FROM MAJOR DISASTERS NOT COVERED BY FEDERAL EMERGENCY FUNDS SUCH AS FIRE, FLOODING, AND MAJOR SLIDES, SUPPLEMENTAL APPROPRIATIONS WILL BE REQUESTED TO RESTORE STATE FUNDING FOR ONGOING MAINTENANCE ACTIVITIES.

(2) THE DEPARTMENT SHALL REQUEST AN UNANTICIPATED RECEIPT FOR ANY FEDERAL MONEYS RECEIVED FOR EMERGENCY SNOW AND ICE REMOVAL AND SHALL PLACE AN EQUAL AMOUNT OF THE MOTOR VEHICLE ACCOUNT--STATE INTO UNALLOTTED STATUS. THIS EXCHANGE SHALL NOT AFFECT THE AMOUNT OF FUNDING AVAILABLE FOR SNOW AND ICE REMOVAL.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 155,015,000

MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION \$ 414,477,000

MOTOR VEHICLE ACCOUNT--PRIVATE/LOCAL

APPROPRIATION \$ 8,718,000

TOTAL APPROPRIATION \$ 578,210,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

(1) IF PORTIONS OF THE APPROPRIATIONS IN THIS SECTION ARE REQUIRED TO FUND PRESERVATION WORK RESULTING FROM MAJOR DISASTERS NOT COVERED BY FEDERAL EMERGENCY FUNDS SUCH AS FIRE, FLOODING, AND MAJOR SLIDES, SUPPLEMENTAL APPROPRIATIONS WILL BE REQUESTED TO RESTORE STATE FUNDING FOR ONGOING MAINTENANCE ACTIVITIES.

(2) THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION INCLUDES \$6,524,000 FOR EARTHQUAKE REPAIRS AND TO MATCH FEDERAL EMERGENCY RELIEF FUNDS AND \$3,750,000 IN PROCEEDS FROM THE SALE OF BONDS AUTHORIZED IN RCW 47.10.761 AND 47.10.762 FOR EMERGENCY PURPOSES.

(3) THE DEPARTMENT OF TRANSPORTATION IS AUTHORIZED TO MAXIMIZE THE USE OF FEDERAL AND STATE FUNDS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

(4) \$85,471,000 OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION, \$378,225,000 OF THE MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION, AND \$8,107,000 OF THE MOTOR VEHICLE ACCOUNT--PRIVATE/LOCAL APPROPRIATION ARE PROVIDED FOR THE CONSTRUCTION PHASE OF THE PRESERVATION PROGRAM.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 39,569,000

MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION \$ 16,678,000

MULTIMODAL TRANSPORTATION ACCOUNT--STATE

APPROPRIATION \$ 500,000

TOTAL APPROPRIATION \$ 56,747,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND THE SPECIFIED AMOUNT IS PROVIDED SOLELY FOR THAT ACTIVITY: THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION INCLUDES \$2,986,000 FOR STATE MATCHING FUNDS FOR FEDERALLY SELECTED COMPETITIVE GRANT OR CONGRESSIONAL EARMARK PROJECTS OTHER THAN COMMERCIAL VEHICLE INFORMATION SYSTEM AND NETWORK (CVISN). THESE MONEYS SHALL BE PLACED INTO RESERVE STATUS UNTIL SUCH TIME AS FEDERAL FUNDS ARE SECURED AND A STATE MATCH IS REQUIRED.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 95,350,000

MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION \$ 2,654,000

PUGET SOUND FERRY OPERATIONS ACCOUNT--

STATE APPROPRIATION \$ 6,774,000

MULTIMODAL TRANSPORTATION ACCOUNT--STATE

APPROPRIATION \$ 2,082,000
TOTAL APPROPRIATION \$ 106,860,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 11,496,000
MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION \$ 18,800,000
MULTIMODAL TRANSPORTATION ACCOUNT--STATE
APPROPRIATION \$ 987,000
MULTIMODAL TRANSPORTATION ACCOUNT--FEDERAL
APPROPRIATION \$ 2,000,000
TOTAL APPROPRIATION \$ 33,283,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

PAYMENTS IN THIS SECTION REPRESENT CHARGES FROM OTHER STATE AGENCIES TO THE DEPARTMENT OF TRANSPORTATION.

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 464,000
PUGET SOUND FERRY OPERATIONS--STATE

APPROPRIATION \$ 154,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 731,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 4,128,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 2,240,000

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 13,892,000

MOTOR VEHICLE FUND--PUGET SOUND FERRY OPERATIONS ACCOUNT--

STATE APPROPRIATION \$ 4,204,000

(6) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 278,000

(7) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 1,547,000

(8) FOR ARCHIVES AND RECORDS MANAGEMENT

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 469,000

TOTAL APPROPRIATION \$ 28,107,000

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

MULTIMODAL TRANSPORTATION ACCOUNT--STATE

APPROPRIATION \$ 11,160,000

MULTIMODAL TRANSPORTATION ACCOUNT--FEDERAL

APPROPRIATION \$ 3,074,000

MULTIMODAL TRANSPORTATION ACCOUNT--

PRIVATE/LOCAL APPROPRIATION \$ 205,000

TOTAL APPROPRIATION \$ 14,439,000

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

MOTOR VEHICLE ACCOUNT--STATE

APPROPRIATION \$ 144,404,000

MOTOR VEHICLE ACCOUNT--FEDERAL

APPROPRIATION \$ 37,472,000

PASSENGER FERRY ACCOUNT--STATE APPROPRIATION \$ 1,500,000

PASSENGER FERRY ACCOUNT--FEDERAL

APPROPRIATION \$ 4,000,000

TOTAL APPROPRIATION \$ 187,376,000

THE APPROPRIATIONS IN THIS SECTION ARE PROVIDED FOR IMPROVING THE WASHINGTON STATE FERRY SYSTEM, INCLUDING, BUT NOT LIMITED TO, VESSEL ACQUISITION, VESSEL CONSTRUCTION, MAJOR AND MINOR VESSEL IMPROVEMENTS, AND TERMINAL CONSTRUCTION AND IMPROVEMENTS. THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

(1) THE APPROPRIATIONS IN THIS SECTION, UNLESS OTHERWISE SPECIFIED, ARE PROVIDED TO CARRY OUT ONLY THE PROJECTS IN THE WASHINGTON STATE FERRIES CAPITAL PROGRAM PLAN - VERSION 4. THE DEPARTMENT SHALL RECONCILE THE 1999-2001 CAPITAL EXPENDITURES WITHIN NINETY DAYS OF THE END OF THE BIENNIUM AND SUBMIT A FINAL REPORT TO THE SENATE TRANSPORTATION COMMITTEE, THE HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE, AND THE OFFICE OF FINANCIAL MANAGEMENT.

(2) THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION INCLUDES \$81,648,000 IN PROCEEDS FROM THE SALE OF BONDS AUTHORIZED BY RCW 47.10.843 FOR VESSEL AND TERMINAL ACQUISITION, MAJOR AND MINOR IMPROVEMENTS, AND LONG LEAD TIME MATERIALS ACQUISITION FOR THE WASHINGTON STATE FERRIES. THE TRANSPORTATION COMMISSION MAY AUTHORIZE THE USE OF CURRENT REVENUES AVAILABLE TO THE MOTOR VEHICLE ACCOUNT IN LIEU OF BOND PROCEEDS FOR ANY PART OF THE STATE APPROPRIATION.

(3) APPROPRIATIONS IN THIS SECTION INCLUDE FUNDING FOR THE PURCHASE OR LEASE-PURCHASE OF ONE PASSENGER FERRY AND ASSUME THE PROCEEDS OF THE SALE OF THE MV KALAMA AND MV SKAGIT PASSENGER FERRIES SHALL BE DEPOSITED IN THE PASSENGER FERRY ACCOUNT.

(4) THE FERRY SYSTEM SHALL CONTRACT WITH AN OUTSIDE CONSULTING FIRM TO CONDUCT A STUDY ON THE PRESERVATION, REPLACEMENT, OR SUPPLEMENTATION OF THE EAGLE HARBOR MAINTENANCE FACILITY. THE STUDY MUST ANALYZE: (A) THE COSTS AND BENEFITS TO PRESERVE AND MAINTAIN OR RELOCATE THE FACILITY; (B) THE IMPACT OF EAGLE HARBOR EMPLOYMENT ON THE LOCAL COMMUNITY AND KITSAP COUNTY; AND (C) A RECOMMENDATION ON FUTURE INVESTMENT IN THE EAGLE HARBOR MAINTENANCE FACILITY OR POSSIBLE ALTERNATIVES. THE CONTRACTOR MUST REPORT BACK TO THE LEGISLATURE'S TRANSPORTATION COMMITTEES NO LATER THAN DECEMBER 10, 2002.

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

PUGET SOUND FERRY OPERATIONS ACCOUNT--STATE

APPROPRIATION \$ 321,673,000

THE APPROPRIATION IN THIS SECTION IS SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

(1) THE APPROPRIATION IS BASED ON THE BUDGETED EXPENDITURE OF \$46,440,000 FOR VESSEL OPERATING FUEL IN THE 2001-2003 BIENNIUM. IF THE ACTUAL COST OF FUEL IS LESS THAN THIS BUDGETED AMOUNT, THE EXCESS AMOUNT MAY NOT BE EXPENDED. IF THE ACTUAL COST EXCEEDS THIS AMOUNT, THE DEPARTMENT SHALL REQUEST A SUPPLEMENTAL APPROPRIATION.

(2) THE APPROPRIATION PROVIDES FOR THE COMPENSATION OF FERRY EMPLOYEES. THE EXPENDITURES FOR COMPENSATION PAID TO FERRY EMPLOYEES DURING THE 2001-2003 BIENNIUM MAY NOT EXCEED \$206,696,000 PLUS A DOLLAR AMOUNT, AS PRESCRIBED BY THE OFFICE OF FINANCIAL MANAGEMENT, THAT IS EQUAL TO ANY INSURANCE BENEFIT INCREASE GRANTED GENERAL GOVERNMENT EMPLOYEES IN EXCESS OF \$432.82 A MONTH ANNUALIZED PER ELIGIBLE MARINE EMPLOYEE MULTIPLIED BY THE NUMBER OF ELIGIBLE MARINE EMPLOYEES FOR THE RESPECTIVE FISCAL YEAR, A DOLLAR AMOUNT AS PRESCRIBED BY THE OFFICE OF FINANCIAL MANAGEMENT FOR COSTS ASSOCIATED WITH PENSION AMORTIZATION CHARGES, AND A DOLLAR AMOUNT PRESCRIBED BY THE OFFICE OF FINANCIAL MANAGEMENT FOR SALARY INCREASES DURING THE 2001-2003 BIENNIUM. FOR THE PURPOSES OF THIS SECTION, THE EXPENDITURES FOR COMPENSATION PAID TO FERRY EMPLOYEES SHALL BE LIMITED TO SALARIES AND WAGES AND EMPLOYEE BENEFITS AS DEFINED IN THE OFFICE OF FINANCIAL MANAGEMENT'S POLICIES, REGULATIONS, AND PROCEDURES NAMED UNDER OBJECTS OF EXPENDITURE "A" AND "B" (7.2.6.2).

THE PRESCRIBED SALARY AND INSURANCE BENEFIT INCREASE OR DECREASE DOLLAR AMOUNT THAT SHALL BE ALLOCATED FROM THE GOVERNOR'S COMPENSATION APPROPRIATIONS IS IN ADDITION TO THE APPROPRIATION CONTAINED IN THIS SECTION AND MAY BE USED TO INCREASE OR DECREASE COMPENSATION COSTS, EFFECTIVE JULY 1, 2001, AND THEREAFTER, AS ESTABLISHED IN THE 2001-2003 GENERAL FUND OPERATING BUDGET.

(3) THE DEPARTMENT SHALL ISSUE A REQUEST FOR INFORMATION FROM ENTITIES INTERESTED IN PURCHASING ADVERTISING ON BOARD WASHINGTON STATE FERRY VESSELS. THE DEPARTMENT SHALL EVALUATE THE PROPOSALS AND REPORT BACK TO THE LEGISLATURE'S TRANSPORTATION COMMITTEES IN JANUARY 2002 REGARDING THE POTENTIAL FOR REVENUE FROM DIFFERENT TYPES OF ADVERTISING.

(4) THE DEPARTMENT MAY ENTER INTO CONTRACTS WITH PRIVATE VENDORS TO SELL FERRY TICKETS AND MEDIUM AT LOCATIONS OTHER THAN WASHINGTON STATE FERRY TERMINALS OR FACILITIES.

(A) THE DEPARTMENT MAY ENTER INTO THE CONTRACTS ONLY (I) WITH PRIVATE VENDORS THAT ARE ALREADY ESTABLISHED BUSINESSES OFFERING GOODS FOR SALE TO THE GENERAL PUBLIC; AND (II) IF IT DETERMINES THAT THE VENDOR'S ESTABLISHED LOCATION HAS THE POTENTIAL TO SERVE A SIGNIFICANT PERCENTAGE OF THE CUSTOMERS USING A PARTICULAR FERRY ROUTE.

(B) THE DEPARTMENT MAY ADOPT NECESSARY RULES AND PROCEDURES TO ALLOW THE USE OF CREDIT AND DEBIT CARDS TO PURCHASE FERRY TICKETS OR MEDIUM FROM A PRIVATE VENDOR WHO HAS CONTRACTED WITH THE DEPARTMENT TO SELL FERRY TICKETS OR MEDIUM. THE DEPARTMENT MAY ESTABLISH A CONVENIENCE FEE TO BE PAID BY ALL PERSONS PURCHASING FERRY TICKETS AND MEDIUM AT LOCATIONS OTHER THAN WASHINGTON STATE FERRY TERMINALS OR FACILITIES. THE CONVENIENCE FEE MUST BE SUFFICIENT TO OFFSET THE CHARGES IMPOSED ON THE DEPARTMENT BY THE CREDIT AND DEBIT CARD COMPANIES. IN NO EVENT MAY THE USE OF CREDIT OR DEBIT CARDS AUTHORIZED BY THIS SECTION CREATE A LOSS OF REVENUE TO THE STATE. THE USE OF A PERSONAL CREDIT CARD DOES NOT RELY UPON THE CREDIT OF THE STATE AS PROHIBITED BY ARTICLE VIII, SECTION 5 OF THE STATE CONSTITUTION.

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y

ESSENTIAL RAIL ASSISTANCE ACCOUNT--STATE

APPROPRIATION \$ 200,000

MULTIMODAL TRANSPORTATION ACCOUNT--STATE

APPROPRIATION \$ 43,814,000

MULTIMODAL TRANSPORTATION ACCOUNT--FEDERAL

APPROPRIATION \$ 9,630,000

WASHINGTON FRUIT EXPRESS ACCOUNT--STATE

APPROPRIATION \$ 500,000

TOTAL APPROPRIATION \$ 54,144,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

(1) \$32,704,000 OF THE MULTIMODAL TRANSPORTATION ACCOUNT--STATE APPROPRIATION IS PROVIDED FOR THE RAIL OPERATING PROGRAM.

(2) \$3,965,000 OF THE MULTIMODAL TRANSPORTATION ACCOUNT--STATE APPROPRIATION AND \$9,630,000 OF THE MULTIMODAL TRANSPORTATION ACCOUNT--FEDERAL APPROPRIATION ARE PROVIDED FOR THE RAIL CAPITAL PROGRAM.

(3) \$2,000,000 OF THE MULTIMODAL TRANSPORTATION ACCOUNT--STATE APPROPRIATION IS PROVIDED SOLELY FOR THE GRAYS HARBOR LOOP PROJECT.

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 76,943,000

MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION \$ 2,569,000

HIGHWAY INFRASTRUCTURE ACCOUNT--FEDERAL

APPROPRIATION \$ 1,500,000

HIGHWAY INFRASTRUCTURE ACCOUNT--STATE

APPROPRIATION \$ 234,000

MULTIMODAL TRANSPORTATION ACCOUNT--STATE

APPROPRIATION \$ 10,300,000

URBAN ARTERIAL TRUST ACCOUNT--STATE
APPROPRIATION \$ 4,674,000
TOTAL APPROPRIATION \$ 96,220,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

(1) THE HIGHWAYS AND LOCAL PROGRAMS DIVISION SHALL NOT ADMINISTER OR DISTRIBUTE FEDERAL TRANSPORTATION ENHANCEMENT FUNDS FOR THE PROJECT KNOWN AS EAST LAKE SAMMAMISH TRAIL INTERIM IMPROVEMENT - ISSAQUAH TO REDMOND - UNTIL INTERLOCAL AGREEMENTS BETWEEN KING COUNTY AND THE CITIES OF SAMMAMISH, REDMOND, AND ISSAQUAH HAVE BEEN FINALIZED FOR THE PORTIONS OF THE TRAIL WITHIN EACH OF THESE AFFECTED JURISDICTIONS. THESE AGREEMENTS SHALL ADDRESS SAFETY, SECURITY, PUBLIC PARKING, DESIGN, PUBLIC FACILITIES, AND PUBLIC ACCESS TO THE TRAIL, MAINTAIN KING COUNTY AS THE LEAD AGENCY ON THE DEVELOPMENT OF THE TRAIL, AND PRESERVE THE RAILBANKING STATUS OF THE RAILROAD RIGHT-OF-WAY ACCORDING TO FEDERAL LAW.

(2) \$10,000,000 OF THE MULTIMODAL TRANSPORTATION ACCOUNT--STATE APPROPRIATION IS PROVIDED SOLELY TO FUND THE FIRST PHASE OF A MULTIPHASE COOPERATIVE PROJECT WITH THE STATE OF OREGON TO DREDGE THE COLUMBIA RIVER. THE DEPARTMENT SHALL NOT EXPEND THE APPROPRIATION IN THIS SECTION UNLESS AGREEMENT ON OCEAN DISPOSAL SITES HAS BEEN REACHED WHICH PROTECTS THE STATE'S COMMERCIAL CRAB FISHERY. THE AMOUNT PROVIDED IN THIS SUBSECTION SHALL LAPSE UNLESS THE STATE OF OREGON APPROPRIATES A DOLLAR-FOR-DOLLAR MATCH TO FUND ITS SHARE OF THE PROJECT.

(3) THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION INCLUDES \$28,420,000 IN PROCEEDS FROM THE SALE OF BONDS AUTHORIZED BY RCW 47.10.843, INCLUDING \$16,420,000 IN UNEXPENDED PROCEEDS FROM THE JANUARY 2001 SALE. THE TRANSPORTATION COMMISSION MAY AUTHORIZE THE USE OF CURRENT REVENUES AVAILABLE TO THE DEPARTMENT OF TRANSPORTATION IN LIEU OF BOND PROCEEDS FOR ANY PART OF THE STATE APPROPRIATION.

(4) PURSUANT TO RCW 46.68.110(2), \$150,000 OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION IS PROVIDED TO THE WHATCOM COUNTY COUNCIL OF GOVERNMENTS FOR THE SOLE PURPOSE OF DEVELOPING AND IMPLEMENTING A MODEL OF REGIONAL TRANSPORTATION GOVERNANCE. THIS MODEL SHALL BE DEVELOPED IN ACCORDANCE WITH RECOMMENDATION 6 OF THE BLUE RIBBON COMMISSION ON TRANSPORTATION'S FINAL REPORT.

THE COUNCIL SHALL DEVELOP A MODEL THAT CAN BE USED IN OTHER PARTS OF THE STATE AND SHALL REPORT TO THE TRANSPORTATION COMMITTEES IN THE SENATE AND HOUSE OF REPRESENTATIVES ON THE POSITIVE AND NEGATIVE ASPECTS OF THE MODEL AS WELL AS COSTS ASSOCIATED WITH IT NO LATER THAN JUNE 30, 2002.

(5) \$250,000 OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION IS PROVIDED SOLELY FOR A STUDY OF CONCURRENCY ISSUES IN URBAN AREAS MARKED BY MULTIPLE CONTIGUOUS JURISDICTIONS. THE STUDY, LEAD BY THE CITY OF BELLEVUE, WILL FOCUS ON THE JURISDICTIONS OF BELLEVUE, KIRKLAND, ISSAQUAH, AND REDMOND AND WILL LOOK AT EXISTING AND UNUSED METHODOLOGIES FOR INCLUDING DEVELOPMENT IN NEIGHBORING JURISDICTIONS IN CONCURRENCY CALCULATIONS. THE STUDY WILL ALSO INVESTIGATE WHAT CHANGES IN STATE AND LOCAL LAWS ARE NEEDED IN ORDER TO PROVIDE A MORE EFFECTIVE WAY OF DEALING WITH CONCURRENCY ISSUES. BY NOVEMBER 1, 2003, A REPORT OF THE FINDINGS WILL BE MADE TO THE TRANSPORTATION COMMITTEES OF THE LEGISLATURE.

NEW SECTION. Sec. 230. NOTWITHSTANDING THE LIMITATIONS OF RCW 36.82.070 AND 2001 c 221 s 3, COUNTY ROAD FUNDS MAY BE USED DURING THIS BIENNIUM BEYOND THE COUNTY RIGHT-OF-WAY FOR ACTIVITIES CLEARLY ASSOCIATED WITH REMOVAL OF FISH PASSAGE BARRIERS THAT ARE THE RESPONSIBILITY OF THE COUNTY IN THE AMOUNT DEEMED APPROPRIATE BY THE COUNTY.

TRANSPORTATION AGENCIES CAPITAL FACILITIES

NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL

STATE PATROL HIGHWAY ACCOUNT--STATE
APPROPRIATION \$ 780,000
MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 2,705,000
TOTAL APPROPRIATION \$ 3,485,000

NEW SECTION. Sec. 302. THE WASHINGTON STATE PATROL IS AUTHORIZED TO CONTINUE WITH THE EXCHANGE OF THE OLYMPIA, WASHINGTON MARTIN WAY PROPERTY FOR A LIGHT INDUSTRIAL LAND COMPLEX TO BE USED TO CONSOLIDATE EXISTING SEPARATELY LOCATED STATE ACTIVITIES AND FUNCTIONS. THE AGENCY WILL WORK WITH THE OFFICE OF FINANCIAL MANAGEMENT, DEPARTMENT OF GENERAL ADMINISTRATION, THE SENATE TRANSPORTATION COMMITTEE, AND THE HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE IN THE EXCHANGE AND APPROVAL PROCESSES.

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 13,046,000

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE

HIGHWAY BOND RETIREMENT ACCOUNT APPROPRIATION \$ 222,596,000
FERRY BOND RETIREMENT ACCOUNT APPROPRIATION \$ 48,675,000
TRANSPORTATION IMPROVEMENT BOARD BOND RETIREMENT
ACCOUNT--STATE APPROPRIATION \$ 39,526,000
MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 5,261,000
SPECIAL CATEGORY C ACCOUNT--STATE APPROPRIATION \$ 595,000
TRANSPORTATION IMPROVEMENT ACCOUNT--STATE
APPROPRIATION \$ 473,000
TOTAL APPROPRIATION \$ 317,126,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 505,000

SPECIAL CATEGORY C ACCOUNT APPROPRIATION \$ 57,000

TRANSPORTATION IMPROVEMENT ACCOUNT--STATE

APPROPRIATION \$ 46,000

TOTAL APPROPRIATION \$ 608,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

MOTOR VEHICLE FUND APPROPRIATION FOR

MOTOR VEHICLE FUEL TAX AND OVERLOAD PENALTIES

DISTRIBUTION \$ 458,895,000

NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTIONS TO CITIES AND COUNTIES

MOTOR VEHICLE FUND APPROPRIATION FOR

MOTOR VEHICLE FUEL TAX AND OVERLOAD PENALTIES

DISTRIBUTION \$ 428,546,000

NEW SECTION. Sec. 405. STATUTORY APPROPRIATIONS. IN ADDITION TO THE AMOUNTS APPROPRIATED IN THIS ACT FOR REVENUE FOR DISTRIBUTION, STATE CONTRIBUTIONS TO THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM, AND BOND RETIREMENT AND INTEREST INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES, TRANSFERS, INTEREST ON REGISTERED WARRANTS, AND CERTIFICATES OF INDEBTEDNESS, THERE IS ALSO APPROPRIATED SUCH FURTHER AMOUNTS AS MAY BE REQUIRED OR AVAILABLE FOR THESE PURPOSES UNDER ANY STATUTORY FORMULA OR UNDER ANY PROPER BOND COVENANT MADE UNDER LAW.

NEW SECTION. Sec. 406. THE DEPARTMENT OF TRANSPORTATION IS AUTHORIZED TO UNDERTAKE FEDERAL ADVANCE CONSTRUCTION PROJECTS UNDER THE PROVISIONS OF 23 U.S.C. SEC. 115 IN ORDER TO MAINTAIN PROGRESS IN MEETING APPROVED HIGHWAY CONSTRUCTION AND PRESERVATION OBJECTIVES. THE LEGISLATURE RECOGNIZES THAT THE USE OF STATE FUNDS MAY BE REQUIRED TO TEMPORARILY FUND EXPENDITURES OF THE FEDERAL APPROPRIATIONS FOR THE HIGHWAY CONSTRUCTION AND PRESERVATION PROGRAMS FOR FEDERAL ADVANCE CONSTRUCTION PROJECTS PRIOR TO CONVERSION TO FEDERAL FUNDING.

NEW SECTION. Sec. 407. FOR THE STATE TREASURER--TRANSFERS

(1) RV ACCOUNT--STATE APPROPRIATION:

FOR TRANSFER TO THE MOTOR VEHICLE FUND--STATE \$ 1,185,000

(2) PUBLIC TRANSPORTATION SYSTEMS ACCOUNT--

STATE APPROPRIATION: FOR TRANSFER TO THE

MULTIMODAL TRANSPORTATION ACCOUNT--STATE \$ 1,911,000

THE DEPARTMENT OF TRANSPORTATION SHALL ONLY TRANSFER FUNDS PROVIDED UNDER SUBSECTION (1) OF THIS SECTION ON AN AS-NEEDED BASIS.

NEW SECTION. Sec. 408. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

(1) MOTOR VEHICLE FUND--STATE APPROPRIATION:

FOR TRANSFER TO PUGET SOUND FERRY OPERATIONS

ACCOUNT \$ 27,000,000

(2) ADVANCED RIGHT OF WAY REVOLVING ACCOUNT

APPROPRIATION: FOR TRANSFER TO THE MOTOR

VEHICLE FUND \$ 15,000,000

(3) MULTIMODAL TRANSPORTATION ACCOUNT--STATE

APPROPRIATION: FOR TRANSFER TO THE MOTOR VEHICLE

ACCOUNT--STATE APPROPRIATION \$ 59,000,000

\$350,000 OF THE MULTIMODAL TRANSPORTATION ACCOUNT--STATE APPROPRIATION IS TRANSFERRED TO THE MOTOR VEHICLE ACCOUNT SOLELY TO REIMBURSE THE MOTOR VEHICLE ACCOUNT FOR T2 RESEARCH, COMPLYING WITH STATE AUDIT FINDINGS.

PERFORMANCE BASED BUDGETING PROVISIONS

NEW SECTION. Sec. 501. TRANSPORTATION AGENCIES SHALL CONTINUE TO REFINE THE FOLLOWING ACTIVITIES IN ORDER TO ESTABLISH A PERFORMANCE-BASED BUDGETING PROCESS FOR THE 2003-05 BIENNIAL BUDGET:

(1) THE DEPARTMENT OF LICENSING, THE DEPARTMENT OF TRANSPORTATION, AND THE WASHINGTON STATE PATROL, IN COOPERATION WITH THE OFFICE OF FINANCIAL MANAGEMENT AND THE SENATE AND HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEES, SHALL IMPLEMENT A PERFORMANCE BUDGETING PROCESS THAT PROVIDES A MEASURABLE LINK BETWEEN AGENCY OBJECTIVES, SERVICE LEVELS, AND BUDGET PROPOSALS. THE AGENCIES SHALL ALSO DEVELOP INDICATORS OF PERFORMANCE, STATED IN TERMS OF EXPECTED RESULTS, TO MEASURE THE AGENCIES' PROGRESS IN ACHIEVING THE AGENCIES' GOALS.

(2) THE TRANSPORTATION AGENCIES SHALL SUBMIT A STRATEGIC PLAN WITH THEIR AGENCY REQUEST BUDGETS. THE STRATEGIC PLAN MUST INCLUDE A SIX- YEAR OUTLOOK AND DEFINE AND CLARIFY THE AGENCY MISSION AND VISION, PROVIDE THE BASIS FOR BUDGET DEVELOPMENT, AND OUTLINE THE AGENCY'S GOALS AND STRATEGIES. FURTHERMORE, THE STRATEGIC PLAN SHALL REFLECT AGENCY PRIORITIES WHICH FORMED THE BASIS OF THE AGENCIES' BUDGET DEVELOPMENT.

(3) THE TRANSPORTATION AGENCIES SHALL ESTABLISH PERFORMANCE INDICATORS THAT MEASURE ACTIVITIES AND ASSOCIATED GOALS AND STRATEGIES IN THE STRATEGIC PLAN. THE AGENCIES SHALL ALSO PROVIDE A PREFERRED LEVEL OF PERFORMANCE OVER THE NEXT SIX YEARS.

(4) THE SENATE AND HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEES, THE OFFICE OF FINANCIAL MANAGEMENT, AND THE TRANSPORTATION AGENCIES SHALL ESTABLISH THE MEANS OF CONDUCTING PROGRAM AUTHORIZATION REVIEWS OF ALL TRANSPORTATION PROGRAMS. THE REVIEWS SHALL INCLUDE:

(A) AN AGENCY SELF-ASSESSMENT TO JUDGE THE QUALITY AND USEFULNESS OF: (i) THE AGENCY'S LONG-TERM STRATEGIC PROGRAM GOALS; (ii) CURRENT ORGANIZATIONAL STRUCTURE; (iii) PROGRAM PRIORITIES AND OBJECTIVES; (iv) ACTIVITIES NECESSARY TO ACHIEVE PROGRAM PRIORITIES AND OBJECTIVES; (v) SERVICE LEVEL CRITERIA AND PERFORMANCE TARGETS OF EXISTING PROGRAMS AND

ACTIVITIES; (VI) BEST PRACTICES BY OTHER STATES AS A POSSIBLE BENCHMARK OF THE PERFORMANCE OF THEIR PROGRAMS; AND (VII) RESULTS OR OUTCOME MEASURES AS THEY RELATE TO ACHIEVEMENT OF BENCHMARKS GIVEN DIFFERENT FUNDING LEVELS;

(B) A REVIEW OF THE AGENCY SELF-ASSESSMENT AND A REPORT TO THE LEGISLATURE; AND

(C) A REPORT WHICH RECOMMENDS WHETHER TO RETAIN, ELIMINATE, OR MODIFY FUNDING AND RELATED STATUTORY REFERENCES FOR THE AGENCY. THE PARTIES CONDUCTING THE REVIEW SHALL CONSIDER: (I) WHETHER THE AGENCY PERFORMANCE MEASURES ADEQUATELY MEASURE THE AGENCY GOALS; (II) WHETHER THE PROGRAM PERFORMS EFFICIENTLY AND EFFECTIVELY, INCLUDING COMPARISONS WITH OTHER JURISDICTIONS, IF APPLICABLE; (III) WHETHER THERE ARE OTHER COST-EFFECTIVE ALTERNATIVE METHODS OF ACCOMPLISHING THE PROGRAM'S MISSION; AND (IV) WHETHER THERE ARE ANY FUNDS SAVED BY THE AGENCY'S PERFORMANCE.

(5) THE TRANSPORTATION AGENCIES SHALL EACH DESIGNATE A PROGRAM OR PROGRAMS TO TEST THE EFFECTIVENESS OF PERFORMANCE-BASED BUDGETING FOR THE 2003-05 BUDGET SUBMITTAL PERIOD.

(6) EACH AGENCY SHALL SUBMIT A PROGRAM LIST TO THE TRANSPORTATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE AND THE OFFICE OF FINANCIAL MANAGEMENT AT THE END OF EACH FISCAL YEAR, WHICH DESCRIBES THE FUNCTIONS OF THE PROGRAM, THE FUND SOURCES FOR THE PROGRAM, AND THE NUMBER OF FULL-TIME EQUIVALENTS, IN ADDITION TO OTHER PERFORMANCE TARGETS OF THE PROGRAM AND THEIR RELATIONSHIP TO THE AGENCY STRATEGIC PLAN.

(7) THE TRANSPORTATION AGENCIES SHALL DEVELOP AGENCY BIENNIAL BUDGET REQUESTS AT THE AGENCY BUDGET PROGRAM LEVEL, RATHER THAN THE OBJECT LEVEL, AND SUBMIT THEIR BIENNIAL AND SUPPLEMENTAL BUDGET REQUESTS TO THE OFFICE OF FINANCIAL MANAGEMENT VIA A COMMON BUDGET SYSTEM BEGINNING JULY 1, 2003.

(8) THE AGENCIES SHALL INPUT MONTHLY THEIR FINANCIAL INFORMATION AND QUARTERLY PROGRAM PERFORMANCE MEASUREMENTS INTO THE TRANSPORTATION EXECUTIVE INFORMATION SYSTEM AND OTHER SYSTEMS AS REQUIRED BY THE OFFICE OF FINANCIAL MANAGEMENT. THE AGENCIES SHALL REPORT ACTUALS TO DATE AGAINST ORIGINAL ALLOTMENTS, IN ADDITION TO PLAN TO DATE. ORIGINAL ALLOTMENTS MAY REFLECT SUPPLEMENTAL BUDGET CHANGES AS CHANGED BY THE LEGISLATURE AND THE GOVERNOR.

PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS

NEW SECTION. Sec. 601. THE HIGHWAYS AND LOCAL PROGRAMS DIVISION OF THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, THE TRANSPORTATION IMPROVEMENT BOARD, THE COUNTY ROAD ADMINISTRATION BOARD, THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD, THE ASSOCIATION OF WASHINGTON CITIES, AND THE WASHINGTON STATE ASSOCIATION OF COUNTIES SHALL ESTABLISH AND STAFF A JOINT TASK FORCE THAT WILL DEVELOP RECOMMENDATIONS TO ESTABLISH A ONE-STOP FUNDING CENTER FOR STATE FUNDED LOCAL GRANT PROGRAMS. THE TASK FORCE SHALL REPORT ITS RECOMMENDATIONS TO THE LEGISLATURE NO LATER THAN DECEMBER 1, 2001. THE RECOMMENDATIONS OF THE TASK FORCE SHALL ADDRESS THE FOLLOWING:

(1) DEVELOP A MEMORANDUM OF UNDERSTANDING THAT GOVERNS A MULTIAGENCY GRANT COUNCIL TO COORDINATE STATE AND FEDERAL GRANT EFFORTS;

(2) DEVELOP A SIMPLIFIED GRANT APPLICATION FORM THAT CAN BE USED BY ALL LOCAL GRANT-SEEKING AGENCIES;

(3) COORDINATE CALLS FOR LOCAL GRANT APPLICATIONS;

(4) INCREASE AWARENESS OF STATE-FUNDED LOCAL GRANT PROGRAMS; AND

(5) DEVELOP A PROCESS TO FORWARD APPLICATIONS TO OTHER APPROPRIATE STATE AND FEDERAL FUNDING PROGRAMS.

NEW SECTION. Sec. 602. THE SENATE TRANSPORTATION COMMITTEE SHALL CONVENE A TASK FORCE TO STUDY THE ISSUES REGARDING ABANDONED VEHICLES, TITLE TRANSFERS, LICENSE PLATE TRANSFERS, BUYER AND SELLER REPORTS, AND ELECTRONIC AVAILABILITY OF CURRENT VEHICLE OWNER INFORMATION. THE TASK FORCE SHALL INCLUDE THE FOLLOWING MEMBERS IN ADDITION TO THE DEPARTMENT OF LICENSING: THE WASHINGTON STATE TOW TRUCK ASSOCIATION; THE WASHINGTON STATE AUTO DEALERS; THE INDEPENDENT TOWERS OF WASHINGTON; THE WASHINGTON STATE PATROL; AND REPRESENTATIVES OF TWO LOCAL LAW ENFORCEMENT AGENCIES.

THE TASK FORCE SHALL CONSIDER METHODS BY WHICH VEHICLE OWNERSHIP CHANGES CAN OCCUR MORE EXPEDITIOUSLY, INCLUDING BUT NOT LIMITED TO THE TIMING AND COMPLETENESS OF THE SELLER REPORTING THE SALE OF A VEHICLE, METHODS TO ENCOURAGE BUYERS TO RETITLE VEHICLES IN A TIMELY MANNER, AND CHANGES IN THE PROCESSING OF ABANDONED VEHICLE REPORTS TO PROVIDE MORE TIMELY ACCESS TO REGISTERED OWNER INFORMATION. THE TASK FORCE SHALL ALSO CONSIDER WHO BEARS LIABILITY FOR ABANDONED VEHICLES AS WELL AS THE ISSUE OF IMPOUNDING A REGISTERED OWNER'S CAR WHEN SOMEONE OTHER THAN THE OWNER IS DRIVING.

NEW SECTION. Sec. 603. THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE SHALL CONDUCT A PERFORMANCE AUDIT TO EVALUATE THE ADVANTAGES AND DISADVANTAGES OF REMOVING THE AVIATION DIVISION FROM THE DEPARTMENT OF TRANSPORTATION AND CREATING A WASHINGTON STATE DEPARTMENT OF AVIATION. AT A MINIMUM THE EVALUATION MUST INCLUDE: (1) A SURVEY OF AVIATION DIVISION CUSTOMERS TO DETERMINE WHETHER THE CURRENT AVIATION DIVISION MEETS THE NEEDS OF THOSE CUSTOMERS; (2) A COMPARISON OF PROCEDURES, REGULATIONS, AND REQUIREMENTS OF THE FEDERAL AVIATION ADMINISTRATION AND THE FEDERAL HIGHWAY ADMINISTRATION TO DETERMINE IF THE FEDERAL LAWS GOVERNING THE AVIATION DIVISION CONFLICT WITH THOSE GOVERNING THE DEPARTMENT OF TRANSPORTATION; (3) AN ANALYSIS OF THE DEPARTMENT OF TRANSPORTATION'S PROCESSES TO DETERMINE WHETHER THE CREATION OF A SEPARATE AVIATION DEPARTMENT WOULD RESULT IN A COST SAVINGS TO THE STATE; AND (4) A FINANCIAL ANALYSIS TO DETERMINE IF THE AVIATION FUEL TAX, AIRCRAFT REGISTRATION FEES, AND OTHER REVENUE FROM AVIATION SERVICES WOULD ENABLE A SEPARATE AVIATION DIVISION TO OPERATE WITHOUT ADDITIONAL STATE RESOURCES. THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE MUST REPORT ITS FINDINGS TO THE LEGISLATURE AND THE OFFICE OF FINANCIAL MANAGEMENT BY DECEMBER 1, 2002.

NEW SECTION. Sec. 604. THE APPROPRIATIONS ASSUMED IN SECTIONS 217 AND 220 OF THIS ACT ARE BASED UPON THE PROJECT LIST WITHIN THE TRANSPORTATION EXECUTIVE INFORMATION SYSTEM, CAPITAL PROJECTS AND FACILITIES REPORTING SYSTEM KNOWN AS 2001-03 SENATE FLOOR HIGHWAY CONSTRUCTION PROGRAM CURRENT LAW BUDGET-SPECIAL SESSION, DATED APRIL 27, 2001.

NEW SECTION. Sec. 605. A NEW SECTION IS ADDED TO CHAPTER 47.04 RCW TO READ AS FOLLOWS:

(1) FOR THE PURPOSES OF THIS SECTION ONLY, "ASSAULT" MEANS AN ACT BY A MOTORIST THAT RESULTS IN PHYSICAL INJURY TO AN EMPLOYEE OF THE DEPARTMENT WHILE ENGAGED IN HIGHWAY CONSTRUCTION OR MAINTENANCE ACTIVITIES ALONG A ROADWAY RIGHT-OF-WAY (FENCE LINE TO FENCE LINE, LANDSCAPED AREAS) OR IN THE LOADING AND UNLOADING OF PASSENGER VEHICLES IN SERVICE OF THE VESSEL AS A MARITIME EMPLOYEE NOT COVERED UNDER CHAPTER 51.32 RCW OR ENGAGED IN THOSE WORK ACTIVITIES AS A WASHINGTON STATE FERRIES TERMINAL EMPLOYEE COVERED UNDER CHAPTER 51.32 RCW.

(2) IN RECOGNITION OF THE NATURE OF EMPLOYMENT IN DEPARTMENTAL HIGHWAY CONSTRUCTION OR MAINTENANCE ACTIVITIES AND BY THE WASHINGTON STATE FERRIES, THIS SECTION PROVIDES A SUPPLEMENTARY PROGRAM TO REIMBURSE EMPLOYEES OF THE DEPARTMENT FOR SOME OF THEIR COSTS ATTRIBUTABLE TO THEIR BEING THE VICTIMS OF ASSAULT BY MOTORISTS. THIS PROGRAM IS LIMITED TO THE REIMBURSEMENT PROVIDED IN THIS SECTION.

(3) AN EMPLOYEE IS ENTITLED TO RECEIVE THE REIMBURSEMENT PROVIDED IN THIS SECTION ONLY IF THE SECRETARY FINDS THAT EACH OF THE FOLLOWING HAS OCCURRED:

(A) A MOTORIST HAS ASSAULTED THE EMPLOYEE WHO IS ENGAGED IN HIGHWAY CONSTRUCTION OR MAINTENANCE ALONG A ROADWAY RIGHT-OF-WAY (FENCE LINE TO FENCE LINE, LANDSCAPED AREAS) OR SERVICE OF THE VESSEL AS A MARITIME EMPLOYEE OR TERMINAL EMPLOYEE ENGAGED IN THE LOADING OR UNLOADING OF PASSENGER VEHICLES AND AS A RESULT THE EMPLOYEE HAS SUSTAINED DEMONSTRATED PHYSICAL INJURIES THAT HAVE REQUIRED THE EMPLOYEE TO MISS ONE OR MORE DAYS OF WORK;

(B) THE ASSAULT IS NOT ATTRIBUTABLE TO ANY EXTENT TO THE EMPLOYEE'S NEGLIGENCE, MISCONDUCT, OR FAILURE TO COMPLY WITH ANY RULES OR CONDITIONS OF EMPLOYMENT; AND

(C) THE DEPARTMENT OF LABOR AND INDUSTRIES HAS APPROVED THE EMPLOYEE'S WORKERS' COMPENSATION APPLICATION UNDER CHAPTER 51.32 RCW, OR FOR MARITIME EMPLOYEES THE DEPARTMENT OF TRANSPORTATION RISK MANAGEMENT OFFICE HAS APPROVED MAINTENANCE AND CURE BENEFITS UNDER 46 U.S.C. SEC. 688 ET SEQ.

(4) THE REIMBURSEMENT AUTHORIZED UNDER THIS SECTION IS AS FOLLOWS:

(A) THE EMPLOYEE'S ACCUMULATED SICK LEAVE DAYS WILL NOT BE REDUCED FOR THE WORKDAYS MISSED. THE INJURED WORKER WHO QUALIFIES FOR AND RECEIVES ASSAULT BENEFITS WILL ALSO RECEIVE FULL STANDARD BENEFITS (VACATION LEAVE, SICK LEAVE, HEALTH INSURANCE, ETC.) AS IF UNINJURED;

(B) FOR AN EMPLOYEE COVERED BY CHAPTER 51.32 RCW, FOR EACH WORKDAY MISSED FOR WHICH THE EMPLOYEE IS NOT ELIGIBLE TO RECEIVE COMPENSATION UNDER CHAPTER 51.32 RCW, THE EMPLOYEE WILL RECEIVE THE FULL AMOUNT OF THE INJURED WORKER'S NET PAY AT THE TIME OF INJURY; AND

(C) IN RESPECT TO WORKDAYS MISSED FOR WHICH THE EMPLOYEE WILL RECEIVE OR HAS RECEIVED COMPENSATION UNDER CHAPTER 51.32 RCW, OR UNDER FEDERAL MARITIME LAW BENEFITS, INCLUDING THE JONES ACT, FOR AN EMPLOYEE DEEMED A MARITIME EMPLOYEE ASSIGNED TO WORK IN SERVICE OF THE VESSEL OR A NONMARITIME TERMINAL EMPLOYEE COVERED UNDER CHAPTER 51.32 RCW, THE EMPLOYEE WILL BE REIMBURSED IN AN AMOUNT THAT, WHEN ADDED TO THAT COMPENSATION, WILL RESULT IN THE EMPLOYEE RECEIVING NO MORE THAN FULL NET PAY (GROSS PAY LESS MANDATORY AND VOLUNTARY DEDUCTIONS) FOR THE WORKDAYS MISSED.

(5) REIMBURSEMENT UNDER THIS SECTION MAY NOT LAST LONGER THAN THREE HUNDRED SIXTY-FIVE CONSECUTIVE DAYS AFTER THE DATE OF THE INJURY. NO APPLICATION FOR ASSAULT BENEFITS IS VALID NOR MAY A CLAIM BE ENFORCED UNLESS IT WAS MADE WITHIN ONE YEAR AFTER THE DAY UPON WHICH THE INJURY OCCURRED.

(6) THE EMPLOYEE IS NOT ENTITLED TO THE REIMBURSEMENT PROVIDED IN SUBSECTION (4) OF THIS SECTION FOR A WORKDAY FOR WHICH THE SECRETARY OR AN APPLICABLE DESIGNEE FINDS THAT THE EMPLOYEE HAS NOT DILIGENTLY PURSUED HIS OR HER COMPENSATION REMEDIES UNDER CHAPTER 51.32 RCW OR FEDERAL MARITIME LAW, INCLUDING THE JONES ACT.

(7) THE REIMBURSEMENT MAY BE MADE ONLY FOR ABSENCES THAT THE SECRETARY OR AN APPLICABLE DESIGNEE BELIEVES ARE JUSTIFIED.

(8) WHILE THE EMPLOYEE IS RECEIVING REIMBURSEMENT UNDER THIS SECTION, HE OR SHE WILL CONTINUE TO BE CLASSIFIED AS A STATE EMPLOYEE, AND THE REIMBURSEMENT AMOUNT IS CONSIDERED AS SALARY OR WAGES.

(9) THE DEPARTMENT SHALL MAKE ALL REIMBURSEMENT PAYMENTS REQUIRED TO BE MADE TO EMPLOYEES UNDER THIS SECTION. THE PAYMENTS ARE CONSIDERED AS A SALARY OR WAGE EXPENSE AND MUST BE PAID BY THE DEPARTMENT IN THE SAME MANNER AND FROM THE SAME APPROPRIATIONS AS OTHER SALARY AND WAGE EXPENSES FOR THE DEPARTMENT.

(10) NOTHING IN THIS SECTION PRECLUDES THE DEPARTMENT FROM RECOVERING THE SUPPLEMENTAL PAYMENTS AUTHORIZED BY THIS SECTION FROM THE ASSAULTING MOTORIST, AND THAT RECOVERY IS CONSIDERED EXCLUSIVE OF RECOVERY UNDER CHAPTER 51.24 RCW.

(11) IF THE LEGISLATURE REVOKES THE REIMBURSEMENT AUTHORIZED UNDER THIS SECTION OR REPEALS THIS SECTION, NO AFFECTED EMPLOYEE IS ENTITLED AFTER THAT TO RECEIVE THE REIMBURSEMENT AS A MATTER OF CONTRACTUAL RIGHT.

NEW SECTION. Sec. 606. A NEW SECTION IS ADDED TO CHAPTER 47.01 RCW TO READ AS FOLLOWS:

THE WASHINGTON FRUIT EXPRESS ACCOUNT IS CREATED IN THE STATE TREASURY. ALL RECEIPTS FROM THE OPERATIONS OF THE WASHINGTON FRUIT EXPRESS PROGRAM MUST BE DEPOSITED INTO THE ACCOUNT. MONEYS IN THE ACCOUNT MAY BE SPENT ONLY AFTER APPROPRIATION. EXPENDITURES FROM THE ACCOUNT MAY BE USED ONLY FOR THE OPERATIONS OF THE WASHINGTON FRUIT EXPRESS PROGRAM.

Sec. 607. RCW 43.84.092 AND 2000 2ND SP.S. C 4 S 5 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) ALL EARNINGS OF INVESTMENTS OF SURPLUS BALANCES IN THE STATE TREASURY SHALL BE DEPOSITED TO THE TREASURY INCOME ACCOUNT, WHICH ACCOUNT IS HEREBY ESTABLISHED IN THE STATE TREASURY.

(2) THE TREASURY INCOME ACCOUNT SHALL BE UTILIZED TO PAY OR RECEIVE FUNDS ASSOCIATED WITH FEDERAL PROGRAMS AS REQUIRED BY THE FEDERAL CASH MANAGEMENT IMPROVEMENT ACT OF 1990. THE TREASURY INCOME ACCOUNT IS SUBJECT IN ALL RESPECTS TO CHAPTER 43.88 RCW, BUT NO APPROPRIATION IS REQUIRED FOR REFUNDS OR ALLOCATIONS OF INTEREST EARNINGS REQUIRED BY THE CASH MANAGEMENT IMPROVEMENT ACT. REFUNDS OF INTEREST TO THE FEDERAL TREASURY REQUIRED UNDER THE CASH MANAGEMENT IMPROVEMENT ACT FALL UNDER RCW 43.88.180 AND SHALL NOT REQUIRE APPROPRIATION. THE OFFICE OF FINANCIAL MANAGEMENT SHALL DETERMINE THE AMOUNTS DUE TO OR FROM THE FEDERAL GOVERNMENT PURSUANT TO THE CASH MANAGEMENT IMPROVEMENT ACT. THE OFFICE OF FINANCIAL MANAGEMENT MAY DIRECT TRANSFERS OF FUNDS BETWEEN ACCOUNTS AS DEEMED NECESSARY TO IMPLEMENT THE PROVISIONS OF THE CASH MANAGEMENT IMPROVEMENT ACT, AND THIS SUBSECTION. REFUNDS OR ALLOCATIONS SHALL OCCUR PRIOR TO THE DISTRIBUTIONS OF EARNINGS SET FORTH IN SUBSECTION (4) OF THIS SECTION.

(3) EXCEPT FOR THE PROVISIONS OF RCW 43.84.160, THE TREASURY INCOME ACCOUNT MAY BE UTILIZED FOR THE PAYMENT OF PURCHASED BANKING SERVICES ON BEHALF OF TREASURY FUNDS INCLUDING, BUT NOT LIMITED TO, DEPOSITORY, SAFEKEEPING, AND DISBURSEMENT FUNCTIONS FOR THE STATE TREASURY AND AFFECTED STATE AGENCIES. THE TREASURY INCOME ACCOUNT IS SUBJECT IN ALL RESPECTS TO CHAPTER 43.88 RCW, BUT NO APPROPRIATION IS REQUIRED FOR PAYMENTS TO FINANCIAL INSTITUTIONS. PAYMENTS SHALL OCCUR PRIOR TO DISTRIBUTION OF EARNINGS SET FORTH IN SUBSECTION (4) OF THIS SECTION.

(4) MONTHLY, THE STATE TREASURER SHALL DISTRIBUTE THE EARNINGS CREDITED TO THE TREASURY INCOME ACCOUNT. THE STATE TREASURER SHALL CREDIT THE GENERAL FUND WITH ALL THE EARNINGS CREDITED TO THE TREASURY INCOME ACCOUNT EXCEPT:

(A) THE FOLLOWING ACCOUNTS AND FUNDS SHALL RECEIVE THEIR PROPORTIONATE SHARE OF EARNINGS BASED UPON EACH ACCOUNT'S AND FUND'S AVERAGE DAILY BALANCE FOR THE PERIOD: THE CAPITOL BUILDING CONSTRUCTION ACCOUNT, THE CEDAR RIVER CHANNEL CONSTRUCTION AND OPERATION ACCOUNT, THE CENTRAL WASHINGTON UNIVERSITY CAPITAL PROJECTS ACCOUNT, THE CHARITABLE, EDUCATIONAL, PENAL AND REFORMATORY INSTITUTIONS ACCOUNT, THE COMMON SCHOOL CONSTRUCTION FUND, THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT, THE COUNTY SALES AND USE TAX EQUALIZATION ACCOUNT, THE DATA PROCESSING BUILDING CONSTRUCTION ACCOUNT, THE DEFERRED COMPENSATION ADMINISTRATIVE ACCOUNT, THE DEFERRED COMPENSATION PRINCIPAL ACCOUNT, THE DEPARTMENT OF RETIREMENT SYSTEMS EXPENSE ACCOUNT, THE DRINKING WATER ASSISTANCE ACCOUNT, THE EASTERN WASHINGTON UNIVERSITY CAPITAL PROJECTS ACCOUNT, THE EDUCATION CONSTRUCTION FUND, THE EMERGENCY RESERVE FUND, THE FEDERAL FOREST REVOLVING ACCOUNT, THE HEALTH SERVICES ACCOUNT, THE PUBLIC HEALTH SERVICES ACCOUNT, THE HEALTH SYSTEM CAPACITY ACCOUNT, THE PERSONAL HEALTH SERVICES ACCOUNT, THE STATE HIGHER EDUCATION CONSTRUCTION ACCOUNT, THE HIGHER EDUCATION CONSTRUCTION ACCOUNT, THE HIGHWAY INFRASTRUCTURE ACCOUNT, THE INDUSTRIAL INSURANCE PREMIUM REFUND ACCOUNT, THE JUDGES' RETIREMENT ACCOUNT, THE JUDICIAL RETIREMENT ADMINISTRATIVE ACCOUNT, THE JUDICIAL RETIREMENT PRINCIPAL ACCOUNT, THE LOCAL LEASEHOLD EXCISE TAX ACCOUNT, THE LOCAL REAL ESTATE EXCISE TAX ACCOUNT, THE LOCAL SALES AND USE TAX ACCOUNT, THE MEDICAL AID ACCOUNT, THE MOBILE HOME PARK RELOCATION FUND, THE MULTIMODAL TRANSPORTATION ACCOUNT, THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT, THE MUNICIPAL SALES AND USE TAX EQUALIZATION ACCOUNT, THE NATURAL RESOURCES DEPOSIT ACCOUNT, THE PERPETUAL SURVEILLANCE AND MAINTENANCE ACCOUNT, THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 ACCOUNT, THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 2 ACCOUNT, THE PUYALLUP TRIBAL SETTLEMENT ACCOUNT, THE RESOURCE MANAGEMENT COST ACCOUNT, THE SITE CLOSURE ACCOUNT, THE SPECIAL WILDLIFE ACCOUNT, THE STATE EMPLOYEES' INSURANCE ACCOUNT, THE STATE EMPLOYEES' INSURANCE RESERVE ACCOUNT, THE STATE INVESTMENT BOARD EXPENSE ACCOUNT, THE STATE INVESTMENT BOARD COMMINGLED TRUST FUND ACCOUNTS, THE SUPPLEMENTAL PENSION ACCOUNT, THE TEACHERS' RETIREMENT SYSTEM PLAN 1 ACCOUNT, THE TEACHERS' RETIREMENT SYSTEM COMBINED PLAN 2 AND PLAN 3 ACCOUNT, THE TOBACCO PREVENTION AND CONTROL ACCOUNT, THE TOBACCO SETTLEMENT ACCOUNT, THE TRANSPORTATION INFRASTRUCTURE ACCOUNT, THE TUITION RECOVERY TRUST FUND, THE UNIVERSITY OF WASHINGTON BOND RETIREMENT FUND, THE UNIVERSITY OF WASHINGTON BUILDING ACCOUNT, THE VOLUNTEER FIRE FIGHTERS' AND RESERVE OFFICERS' RELIEF AND PENSION PRINCIPAL FUND, THE VOLUNTEER FIRE FIGHTERS' AND RESERVE OFFICERS' ADMINISTRATIVE FUND, THE WASHINGTON FRUIT EXPRESS ACCOUNT, THE WASHINGTON JUDICIAL RETIREMENT SYSTEM ACCOUNT, THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 1 RETIREMENT ACCOUNT, THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 2 RETIREMENT ACCOUNT, THE WASHINGTON SCHOOL EMPLOYEES' RETIREMENT SYSTEM COMBINED PLAN 2 AND 3 ACCOUNT, THE WASHINGTON STATE HEALTH INSURANCE POOL ACCOUNT, THE WASHINGTON STATE PATROL RETIREMENT ACCOUNT, THE WASHINGTON STATE UNIVERSITY BUILDING ACCOUNT, THE WASHINGTON STATE UNIVERSITY BOND RETIREMENT FUND, THE WATER POLLUTION CONTROL REVOLVING FUND, AND THE WESTERN WASHINGTON UNIVERSITY CAPITAL PROJECTS ACCOUNT. EARNINGS DERIVED FROM INVESTING BALANCES OF THE AGRICULTURAL PERMANENT FUND, THE NORMAL SCHOOL PERMANENT FUND, THE PERMANENT COMMON SCHOOL FUND, THE SCIENTIFIC PERMANENT FUND, AND THE STATE UNIVERSITY PERMANENT FUND SHALL BE ALLOCATED TO THEIR RESPECTIVE BENEFICIARY ACCOUNTS. ALL EARNINGS TO BE DISTRIBUTED UNDER THIS SUBSECTION (4)(A) SHALL FIRST BE REDUCED BY THE ALLOCATION TO THE STATE TREASURER'S SERVICE FUND PURSUANT TO RCW 43.08.190.

(B) THE FOLLOWING ACCOUNTS AND FUNDS SHALL RECEIVE EIGHTY PERCENT OF THEIR PROPORTIONATE SHARE OF EARNINGS BASED UPON EACH ACCOUNT'S OR FUND'S AVERAGE DAILY BALANCE FOR THE PERIOD: THE AERONAUTICS ACCOUNT, THE AIRCRAFT SEARCH AND RESCUE ACCOUNT, THE COUNTY ARTERIAL PRESERVATION ACCOUNT, THE DEPARTMENT OF LICENSING SERVICES ACCOUNT, THE ESSENTIAL RAIL ASSISTANCE ACCOUNT, THE FERRY BOND RETIREMENT FUND, THE GRADE CROSSING PROTECTIVE FUND, THE HIGH CAPACITY TRANSPORTATION ACCOUNT, THE HIGHWAY BOND RETIREMENT FUND, THE HIGHWAY SAFETY ACCOUNT, THE MOTOR VEHICLE FUND, THE MOTORCYCLE SAFETY EDUCATION ACCOUNT, THE PILOTAGE ACCOUNT, THE PUBLIC TRANSPORTATION SYSTEMS ACCOUNT, THE PUGET SOUND CAPITAL CONSTRUCTION ACCOUNT, THE PUGET SOUND FERRY OPERATIONS ACCOUNT, THE RECREATIONAL VEHICLE ACCOUNT, THE RURAL ARTERIAL TRUST ACCOUNT, THE SAFETY AND EDUCATION ACCOUNT, THE SPECIAL CATEGORY C ACCOUNT, THE STATE PATROL HIGHWAY ACCOUNT, THE TRANSPORTATION EQUIPMENT FUND, THE TRANSPORTATION FUND, THE TRANSPORTATION IMPROVEMENT ACCOUNT, THE TRANSPORTATION IMPROVEMENT BOARD BOND RETIREMENT ACCOUNT, AND THE URBAN ARTERIAL TRUST ACCOUNT.

(5) IN CONFORMANCE WITH ARTICLE II, SECTION 37 OF THE STATE CONSTITUTION, NO TREASURY ACCOUNTS OR FUNDS SHALL BE ALLOCATED EARNINGS WITHOUT THE SPECIFIC AFFIRMATIVE DIRECTIVE OF THIS SECTION.

SEC. 608. RCW 43.84.092 AND 2000 2ND SP.S. C 4 S 6 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) ALL EARNINGS OF INVESTMENTS OF SURPLUS BALANCES IN THE STATE TREASURY SHALL BE DEPOSITED TO THE TREASURY INCOME ACCOUNT, WHICH ACCOUNT IS HEREBY ESTABLISHED IN THE STATE TREASURY.

(2) THE TREASURY INCOME ACCOUNT SHALL BE UTILIZED TO PAY OR RECEIVE FUNDS ASSOCIATED WITH FEDERAL PROGRAMS AS REQUIRED BY THE FEDERAL CASH MANAGEMENT IMPROVEMENT ACT OF 1990. THE TREASURY INCOME ACCOUNT IS SUBJECT IN ALL RESPECTS TO CHAPTER 43.88 RCW, BUT NO APPROPRIATION IS REQUIRED FOR REFUNDS OR ALLOCATIONS OF INTEREST EARNINGS REQUIRED BY THE CASH MANAGEMENT IMPROVEMENT ACT. REFUNDS OF INTEREST TO THE FEDERAL TREASURY REQUIRED UNDER THE CASH MANAGEMENT IMPROVEMENT ACT FALL UNDER RCW 43.88.180 AND SHALL NOT REQUIRE APPROPRIATION. THE OFFICE OF FINANCIAL MANAGEMENT SHALL DETERMINE THE AMOUNTS DUE TO OR FROM THE FEDERAL GOVERNMENT PURSUANT TO THE CASH MANAGEMENT IMPROVEMENT ACT. THE OFFICE OF FINANCIAL MANAGEMENT MAY DIRECT TRANSFERS OF FUNDS BETWEEN ACCOUNTS AS DEEMED NECESSARY TO IMPLEMENT THE PROVISIONS OF THE CASH MANAGEMENT IMPROVEMENT ACT, AND THIS SUBSECTION. REFUNDS OR ALLOCATIONS SHALL OCCUR PRIOR TO THE DISTRIBUTIONS OF EARNINGS SET FORTH IN SUBSECTION (4) OF THIS SECTION.

(3) EXCEPT FOR THE PROVISIONS OF RCW 43.84.160, THE TREASURY INCOME ACCOUNT MAY BE UTILIZED FOR THE PAYMENT OF PURCHASED BANKING SERVICES ON BEHALF OF TREASURY FUNDS INCLUDING, BUT NOT LIMITED TO, DEPOSITORY, SAFEKEEPING, AND DISBURSEMENT FUNCTIONS FOR THE STATE TREASURY AND AFFECTED STATE AGENCIES. THE TREASURY INCOME ACCOUNT IS SUBJECT IN ALL RESPECTS TO CHAPTER 43.88 RCW, BUT NO APPROPRIATION IS REQUIRED FOR PAYMENTS TO FINANCIAL INSTITUTIONS. PAYMENTS SHALL OCCUR PRIOR TO DISTRIBUTION OF EARNINGS SET FORTH IN SUBSECTION (4) OF THIS SECTION.

(4) MONTHLY, THE STATE TREASURER SHALL DISTRIBUTE THE EARNINGS CREDITED TO THE TREASURY INCOME ACCOUNT. THE STATE TREASURER SHALL CREDIT THE GENERAL FUND WITH ALL THE EARNINGS CREDITED TO THE TREASURY INCOME ACCOUNT EXCEPT:

(A) THE FOLLOWING ACCOUNTS AND FUNDS SHALL RECEIVE THEIR PROPORTIONATE SHARE OF EARNINGS BASED UPON EACH ACCOUNT'S AND FUND'S AVERAGE DAILY BALANCE FOR THE PERIOD: THE CAPITOL BUILDING CONSTRUCTION ACCOUNT, THE CEDAR RIVER CHANNEL CONSTRUCTION AND OPERATION ACCOUNT, THE CENTRAL WASHINGTON UNIVERSITY CAPITAL PROJECTS ACCOUNT, THE CHARITABLE, EDUCATIONAL, PENAL AND REFORMATORY INSTITUTIONS ACCOUNT, THE COMMON SCHOOL CONSTRUCTION FUND, THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT, THE COUNTY SALES AND USE TAX EQUALIZATION ACCOUNT, THE DATA PROCESSING BUILDING

CONSTRUCTION ACCOUNT, THE DEFERRED COMPENSATION ADMINISTRATIVE ACCOUNT, THE DEFERRED COMPENSATION PRINCIPAL ACCOUNT, THE DEPARTMENT OF RETIREMENT SYSTEMS EXPENSE ACCOUNT, THE DRINKING WATER ASSISTANCE ACCOUNT, THE EASTERN WASHINGTON UNIVERSITY CAPITAL PROJECTS ACCOUNT, THE EDUCATION CONSTRUCTION FUND, THE EMERGENCY RESERVE FUND, THE FEDERAL FOREST REVOLVING ACCOUNT, THE HEALTH SERVICES ACCOUNT, THE PUBLIC HEALTH SERVICES ACCOUNT, THE HEALTH SYSTEM CAPACITY ACCOUNT, THE PERSONAL HEALTH SERVICES ACCOUNT, THE STATE HIGHER EDUCATION CONSTRUCTION ACCOUNT, THE HIGHER EDUCATION CONSTRUCTION ACCOUNT, THE HIGHWAY INFRASTRUCTURE ACCOUNT, THE INDUSTRIAL INSURANCE PREMIUM REFUND ACCOUNT, THE JUDGES' RETIREMENT ACCOUNT, THE JUDICIAL RETIREMENT ADMINISTRATIVE ACCOUNT, THE JUDICIAL RETIREMENT PRINCIPAL ACCOUNT, THE LOCAL LEASEHOLD EXCISE TAX ACCOUNT, THE LOCAL REAL ESTATE EXCISE TAX ACCOUNT, THE LOCAL SALES AND USE TAX ACCOUNT, THE MEDICAL AID ACCOUNT, THE MOBILE HOME PARK RELOCATION FUND, THE MULTIMODAL TRANSPORTATION ACCOUNT, THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT, THE MUNICIPAL SALES AND USE TAX EQUALIZATION ACCOUNT, THE NATURAL RESOURCES DEPOSIT ACCOUNT, THE PERPETUAL SURVEILLANCE AND MAINTENANCE ACCOUNT, THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 ACCOUNT, THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM COMBINED PLAN 2 AND PLAN 3 ACCOUNT, THE PUYALLUP TRIBAL SETTLEMENT ACCOUNT, THE RESOURCE MANAGEMENT COST ACCOUNT, THE SITE CLOSURE ACCOUNT, THE SPECIAL WILDLIFE ACCOUNT, THE STATE EMPLOYEES' INSURANCE ACCOUNT, THE STATE EMPLOYEES' INSURANCE RESERVE ACCOUNT, THE STATE INVESTMENT BOARD EXPENSE ACCOUNT, THE STATE INVESTMENT BOARD COMMINGLED TRUST FUND ACCOUNTS, THE SUPPLEMENTAL PENSION ACCOUNT, THE TEACHERS' RETIREMENT SYSTEM PLAN 1 ACCOUNT, THE TEACHERS' RETIREMENT SYSTEM COMBINED PLAN 2 AND PLAN 3 ACCOUNT, THE TOBACCO PREVENTION AND CONTROL ACCOUNT, THE TOBACCO SETTLEMENT ACCOUNT, THE TRANSPORTATION INFRASTRUCTURE ACCOUNT, THE TUITION RECOVERY TRUST FUND, THE UNIVERSITY OF WASHINGTON BOND RETIREMENT FUND, THE UNIVERSITY OF WASHINGTON BUILDING ACCOUNT, THE VOLUNTEER FIRE FIGHTERS' AND RESERVE OFFICERS' RELIEF AND PENSION PRINCIPAL FUND, THE VOLUNTEER FIRE FIGHTERS' AND RESERVE OFFICERS' ADMINISTRATIVE FUND, THE WASHINGTON FRUIT EXPRESS ACCOUNT, THE WASHINGTON JUDICIAL RETIREMENT SYSTEM ACCOUNT, THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 1 RETIREMENT ACCOUNT, THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 2 RETIREMENT ACCOUNT, THE WASHINGTON SCHOOL EMPLOYEES' RETIREMENT SYSTEM COMBINED PLAN 2 AND 3 ACCOUNT, THE WASHINGTON STATE HEALTH INSURANCE POOL ACCOUNT, THE WASHINGTON STATE PATROL RETIREMENT ACCOUNT, THE WASHINGTON STATE UNIVERSITY BUILDING ACCOUNT, THE WASHINGTON STATE UNIVERSITY BOND RETIREMENT FUND, THE WATER POLLUTION CONTROL REVOLVING FUND, AND THE WESTERN WASHINGTON UNIVERSITY CAPITAL PROJECTS ACCOUNT. EARNINGS DERIVED FROM INVESTING BALANCES OF THE AGRICULTURAL PERMANENT FUND, THE NORMAL SCHOOL PERMANENT FUND, THE PERMANENT COMMON SCHOOL FUND, THE SCIENTIFIC PERMANENT FUND, AND THE STATE UNIVERSITY PERMANENT FUND SHALL BE ALLOCATED TO THEIR RESPECTIVE BENEFICIARY ACCOUNTS. ALL EARNINGS TO BE DISTRIBUTED UNDER THIS SUBSECTION (4)(A) SHALL FIRST BE REDUCED BY THE ALLOCATION TO THE STATE TREASURER'S SERVICE FUND PURSUANT TO RCW 43.08.190.

(B) THE FOLLOWING ACCOUNTS AND FUNDS SHALL RECEIVE EIGHTY PERCENT OF THEIR PROPORTIONATE SHARE OF EARNINGS BASED UPON EACH ACCOUNT'S OR FUND'S AVERAGE DAILY BALANCE FOR THE PERIOD: THE AERONAUTICS ACCOUNT, THE AIRCRAFT SEARCH AND RESCUE ACCOUNT, THE COUNTY ARTERIAL PRESERVATION ACCOUNT, THE DEPARTMENT OF LICENSING SERVICES ACCOUNT, THE ESSENTIAL RAIL ASSISTANCE ACCOUNT, THE FERRY BOND RETIREMENT FUND, THE GRADE CROSSING PROTECTIVE FUND, THE HIGH CAPACITY TRANSPORTATION ACCOUNT, THE HIGHWAY BOND RETIREMENT FUND, THE HIGHWAY SAFETY ACCOUNT, THE MOTOR VEHICLE FUND, THE MOTORCYCLE SAFETY EDUCATION ACCOUNT, THE PILOTAGE ACCOUNT, THE PUBLIC TRANSPORTATION SYSTEMS ACCOUNT, THE PUGET SOUND CAPITAL CONSTRUCTION ACCOUNT, THE PUGET SOUND FERRY OPERATIONS ACCOUNT, THE RECREATIONAL VEHICLE ACCOUNT, THE RURAL ARTERIAL TRUST ACCOUNT, THE SAFETY AND EDUCATION ACCOUNT, THE SPECIAL CATEGORY C ACCOUNT, THE STATE PATROL HIGHWAY ACCOUNT, THE TRANSPORTATION EQUIPMENT FUND, THE TRANSPORTATION FUND, THE TRANSPORTATION IMPROVEMENT ACCOUNT, THE TRANSPORTATION IMPROVEMENT BOARD BOND RETIREMENT ACCOUNT, AND THE URBAN ARTERIAL TRUST ACCOUNT.

(5) IN CONFORMANCE WITH ARTICLE II, SECTION 37 OF THE STATE CONSTITUTION, NO TREASURY ACCOUNTS OR FUNDS SHALL BE ALLOCATED EARNINGS WITHOUT THE SPECIFIC AFFIRMATIVE DIRECTIVE OF THIS SECTION.

NEW SECTION. Sec. 609. SECTION 607 OF THIS ACT EXPIRES MARCH 1, 2002.

NEW SECTION. Sec. 610. SECTION 608 OF THIS ACT TAKES EFFECT MARCH 1, 2002.

NEW SECTION. Sec. 611. IF ANY PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE REMAINDER OF THE ACT OR THE APPLICATION OF THE PROVISION TO OTHER PERSONS OR CIRCUMSTANCES IS NOT AFFECTED.

NEW SECTION. Sec. 612. EXCEPT FOR SECTION 608 OF THIS ACT, THIS ACT IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY, OR SUPPORT OF THE STATE GOVERNMENT AND ITS EXISTING PUBLIC INSTITUTIONS, AND TAKES EFFECT IMMEDIATELY.

MOTION

SENATOR FINKBEINER MOVED THAT THE FOLLOWING AMENDMENT BY SENATORS FINKBEINER AND JACOBSEN TO THE STRIKING AMENDMENT BE ADOPTED:

ON PAGE 13, AFTER LINE 2, INSERT THE FOLLOWING:

"(7) ALL APPROPRIATIONS FOR MOBILITY SHALL BE EXPENDED SOLELY ON PROJECTS AND PROGRAMS WITHIN THE COUNTIES OF SNOHOMISH, PIERCE, AND KING TO RELIEVE TRAFFIC CONGESTION. NO EXPENDITURES ON ANY CAPITAL PROJECT OUTSIDE OF THE COUNTIES OF SNOHOMISH, KING, AND PIERCE SHALL BE MADE. ONE-THIRD OF THESE EXPENDITURES SHALL BE FOR ALTERNATIVES TO SINGLE-OCCUPANCY VEHICLE TRAVEL, INCLUDING HIGH-OCCUPANCY VEHICLE LANES, TRANSIT SERVICES, FERRY SERVICE, COMMUTE TRIP REDUCTION, PARK AND RIDE FACILITIES, BIKE PATHS, PEDESTRIAN PATHS, AND ANY OTHER EXPENDITURES WHICH IMPROVE MOBILITY WITHIN THE COUNTIES OF SNOHOMISH, KING, AND PIERCE."

RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATORS FINKBEINER AND JACOBSEN ON PAGE 13, AFTER LINE 2, TO THE STRIKING AMENDMENT BY SENATOR HAUGEN TO SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5327.

THE MOTION BY SENATOR FINKBEINER FAILED AND THE AMENDMENT TO THE STRIKING AMENDMENT WAS NOT ADOPTED.

MOTION

ON MOTION OF SENATOR HAUGEN, THE FOLLOWING AMENDMENT WAS ADOPTED:
ON PAGE 29, AFTER "SENATE" ON LINE 20 STRIKE ALL MATERIAL THROUGH "2001" ON LINE 22 AND INSERT THE FOLLOWING:
"HIGHWAY CONSTRUCTION PROGRAM CURRENT LAW BUDGET - SECOND SPECIAL SESSION - JUNE 7, 2001."
THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE STRIKING AMENDMENT, AS AMENDED, BY SENATOR HAUGEN TO SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5327.
DEBATE ENSUED.
THE MOTION BY SENATOR HAUGEN CARRIED AND THE STRIKING AMENDMENT, AS AMENDED, WAS ADOPTED.

MOTIONS

ON MOTION OF SENATOR HAUGEN, THE FOLLOWING TITLE AMENDMENT WAS ADOPTED:
ON PAGE 1, LINE 1 OF THE TITLE, AFTER "APPROPRIATIONS;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 43.84.092 AND 43.84.092; ADDING A NEW SECTION TO CHAPTER 47.04 RCW; ADDING A NEW SECTION TO CHAPTER 47.01 RCW; CREATING NEW SECTIONS; MAKING APPROPRIATIONS AND AUTHORIZING EXPENDITURES FOR CAPITAL IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE; PROVIDING AN EXPIRATION DATE; AND DECLARING AN EMERGENCY."
ON MOTION OF SENATOR HAUGEN, THE RULES WERE SUSPENDED, THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5327, UNDER SUSPENSION OF THE RULES, WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.
DEBATE ENSUED.
THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5327, UNDER SUSPENSION OF THE RULES.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5327, UNDER SUSPENSION OF THE RULES, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 39; NAYS, 4; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BROWN, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SNYDER, SPANEL, SWECKER, THIBAudeau AND WINSLEY - 39.

VOTING NAY: SENATORS CARLSON, HALE, HARGROVE AND WEST - 4.

EXCUSED: SENATORS BENTON, HORN, PARLETTE, SHIN, STEVENS AND ZARELLI - 6.

THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5327, UNDER SUSPENSION OF THE RULES, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

STATEMENT FOR THE JOURNAL

I CAST MY VOTE TODAY IN FAVOR OF THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5327, THE CURRENT LAW TRANSPORTATION BUDGET, WITH GRAVE RESERVATIONS. I RECOGNIZE THE LEGITIMACY OF THE PROPOSITION, IMPLICIT IN THIS BILL, THAT NO NEW PROJECT SHOULD BE UNDERTAKEN WITHOUT THE AUTHORIZATION OF THE REVENUE NECESSARY TO PAY FOR IT. SIMILARLY, I RECOGNIZE THAT RECENT FERRY FARE INCREASES ARE INTENDED TO MAINTAIN CURRENT LEVELS OF SERVICE, NOT TO EXPAND SERVICE. THE ASSERTION IS THAT RESTORATION OF NECESSARY OPERATIONS ON THE TAHLEQUAH--POINT DEFIANCE FERRY RUN WILL COME FROM NEW REVENUE APPROVED LATER IN THIS SPECIAL SESSION AND/OR AT THE POLLS THIS FALL. HOWEVER, DESPITE MY PERSONAL WILLINGNESS TO IMMEDIATELY VOTE FOR A NEW TRANSPORTATION PACKAGE, I STRONGLY QUESTION WHETHER THE WILL EXISTS AMONG A MAJORITY OF MEMBERS IN THE OTHER BODY TO PASS SUCH A REVENUE MEASURE. I ALSO STRONGLY QUESTION WHETHER THE RESTORATION OF SERVICE ON AN EXISTING FERRY RUN SHOULD BE DEFINED AS A "NEW PROJECT." FINALLY, I WILL NOT SUPPORT ANY NEW STATE TRANSPORTATION REVENUE PACKAGE THAT DOES NOT INCLUDE RESTORATION OF SERVICE ON THE TAHLEQUAH--POINT DEFIANCE FERRY RUN.

SENATOR DOW CONSTANTINE, THIRTY-FOURTH DISTRICT

MOTION

ON MOTION OF SENATOR HONEYFORD, SENATOR LONG WAS EXCUSED.

PRESIDENT OWEN ASSUMED THE CHAIR.

THERE BEING NO OBJECTION, THE SENATE RESUMED CONSIDERATION OF ENGROSSED SUBSTITUTE SENATE BILL NO. 6153, DEFERRED EARLIER TODAY.

RULING BY THE PRESIDENT

PRESIDENT OWEN: "IN RULING UPON THE POINT OF ORDER RAISED BY SENATOR JOHNSON THAT ENGROSSED SUBSTITUTE SENATE BILL NO. 6153 CONTAINS TWO SUBJECTS IN VIOLATION OF SENATE RULE 25, THE PRESIDENT FINDS THAT THIS RULE IS TAKEN VERBATIM FROM ARTICLE II, SECTION 19 OF THE STATE CONSTITUTION. IN 1998, THE PRESIDENT RULED, IN INTERPRETING SENATE RULE 25, THAT IT IS APPROPRIATE TO RELY ON DECISIONS BY THE SUPREME COURT INTERPRETING ARTICLE II, SECTION 19.

"IN 1991, THE SUPREME COURT HELD WITHOUT DISSENT IN *LEGISLATURE V. LOCKE* THAT UNDER ARTICLE II, SECTION 19, SUBSTANTIVE LAW MAY NOT BE INCLUDED WITHIN AN OMNIBUS APPROPRIATIONS MEASURE. THE COURT STATED: 'WE DECLINE TO ADOPT A CATEGORICAL DEFINITION OF 'SUBSTANTIVE LAW,' BUT WHERE THE POLICY SET FORTH IN THE BUDGET HAS BEEN TREATED IN A SEPARATE SUBSTANTIVE BILL, ITS DURATION EXTENDS BEYOND THE TWO YEAR TIME PERIOD OF THE BUDGET, OR THE POLICY DEFINES RIGHTS OR ELIGIBILITY FOR SERVICES, SUCH FACTORS MAY CERTAINLY INDICATE SUBSTANTIVE LAW IS PRESENT. THESE ARE NOT THE EXCLUSIVE FACTORS, HOWEVER.'

"IN ADDRESSING SENATOR SNYDER'S ARGUMENT ABOUT THE PREVIOUS PRACTICES OF THE SENATE, THE PRESIDENT FINDS THAT THE CHANGE IN THE SUPREME COURT'S POSITION IN *LOCKE* DICTATES THAT PRIOR SENATE PRACTICE ON THE SUBJECT IS NO LONGER HELPFUL IN ASSISTING THE PRESIDENT IN THIS QUESTION. IN APPLYING THE *LOCKE* TEST, THE PRESIDENT FINDS THAT SECTION 514 (17) OF THE BUDGET BILL CONTAINS SOME MANDATES THAT EXCEED THE DURATION OF THE BUDGET AND SOME THAT DO NOT. THIS FACTOR IS NOT CONCLUSIVE. HOWEVER, THERE IS NO QUESTION WHATSOEVER THAT THE POLICY SET FORTH IN SECTION 514(17) HAS BEEN TREATED IN A SUBSTANTIVE BILL, NAMELY ENGROSSED SUBSTITUTE SENATE BILL NO. 5625. EXTRAORDINARILY, SECTION 514(17) PROVIDES THAT IF ENGROSSED SUBSTITUTE BILL NO. 5625 DOES NOT PASS, THEN ITS PROVISIONS SHALL BE ADOPTED IN THE BUDGET BILL. THE PRESIDENT NEED NOT EVEN LOOK BEHIND SECTION 514(17) TO MAKE A DETERMINATION. SENATOR BROWN ARGUES THAT THIS IS 'TYPICAL' BUDGET LANGUAGE. THE PRESIDENT DISAGREES.

"FOR THIS REASON, THE PRESIDENT FINDS THAT ENGROSSED SUBSTITUTE SENATE BILL NO. 6153 DOES VIOLATE SENATE RULE 25 AND THAT SENATOR JOHNSON'S POINT OF ORDER IS WELL TAKEN."

THE PRESIDENT RULED THAT ENGROSSED SUBSTITUTE SENATE BILL NO. 6153 WAS OUT OF ORDER.

THIRD READING

SUBSTITUTE SENATE BILL NO. 6167, BY SENATE COMMITTEE ON WAYS AND MEANS (ORIGINALLY SPONSORED BY SENATORS BROWN, SNYDER, SPANEL AND B. SHELDON)

ENSURING SOUND ACTUARIAL FUNDING OF THE STATE RETIREMENT SYSTEMS.

MOTIONS

ON MOTION OF SENATOR BROWN, THE RULES WERE SUSPENDED, SUBSTITUTE SENATE BILL NO. 6167 WAS RETURNED TO SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR BROWN, THE FOLLOWING AMENDMENTS WERE CONSIDERED SIMULTANEOUSLY AND WERE ADOPTED:

ON PAGE 10, LINE 35, DELETE "1.58" AND INSERT "1.54"

ON PAGE 11, LINE 6, DELETE "1.58" AND INSERT "1.54"

ON PAGE 11, LINE 7, DELETE "2.85" AND INSERT "2.75"

ON PAGE 19, AFTER LINE 6, DELETE ALL OF SECTION 19.

RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

MOTION

ON MOTION OF SENATOR BROWN, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE SENATE BILL NO. 6167 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 6167, UNDER SUSPENSION OF THE RULES.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SENATE BILL NO. 6167, UNDER SUSPENSION OF THE RULES, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 26; NAYS, 16; ABSENT, 0; EXCUSED, 7.

VOTING YEA: SENATORS BROWN, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HARGROVE, HAUGEN, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, MCAULIFFE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, SHELDON, B., SHELDON, T., SNYDER, SPANEL, THIBAudeau AND WINSLEY - 26.

VOTING NAY: SENATORS CARLSON, FINKBEINER, HALE, HEWITT, HOCHSTATTER, HONEYFORD, JOHNSON, MCCASLIN, McDONALD, MORTON, OKE, ROACH, ROSSI, SHEAHAN, SWECKER AND WEST - 16.

EXCUSED: SENATORS BENTON, HORN, LONG, PARLETTE, SHIN, STEVENS AND ZARELLI - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6167, UNDER SUSPENSION OF THE RULES, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5078, BY SENATE COMMITTEE ON TRANSPORTATION (ORIGINALLY SPONSORED BY SENATOR HAUGEN)

REVISING THE DISPOSITION OF VEHICLE LICENSE FEES.

THE BILL WAS READ THE THIRD TIME.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5078.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5078 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 40; NAYS, 1; ABSENT, 1; EXCUSED, 7.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, MCAULIFFE, MCCASLIN, McDONALD, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SNYDER, SPANEL, SWECKER, THIBAUDEAU, WEST AND WINSLEY - 40.

VOTING NAY: SENATOR HARGROVE - 1.

ABSENT: SENATOR MORTON - 1.

EXCUSED: SENATORS BENTON, HORN, LONG, PARLETTE, SHIN, STEVENS AND ZARELLI - 7.

SUBSTITUTE SENATE BILL NO. 5078, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE RETURNED TO THE SIXTH ORDER OF BUSINESS.

SECOND READING

HOUSE BILL NO. 1162, BY REPRESENTATIVES McMORRIS, CODY, ALEXANDER, SCHUAL-BERKE, MASTIN, COX, MULLIKEN, SUMP, G. CHANDLER, LISK, B. CHANDLER, HATFIELD, SCHOESLER, GRANT, ARMSTRONG, KESSLER, DOUMIT, DEBOLT, DELVIN, DICKERSON, KENNEY, BUSH, CONWAY, EDMONDS, PFLUG AND HAIGH

PROVIDING MEDICAL ASSISTANCE REIMBURSEMENTS FOR SMALL, RURAL HOSPITALS.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR THIBAUDEAU, THE RULES WERE SUSPENDED, HOUSE BILL NO. 1162 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1162.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 1162 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 40; NAYS, 0; ABSENT, 2; EXCUSED, 7.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SNYDER, SPANEL, SWECKER, THIBAUDEAU, WEST AND WINSLEY - 40.

ABSENT: SENATORS BROWN AND ROACH - 2.

EXCUSED: SENATORS BENTON, HORN, LONG, PARLETTE, SHIN, STEVENS AND ZARELLI - 7.
HOUSE BILL NO. 1162, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR EIDE, SENATOR BROWN WAS EXCUSED.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2227, BY HOUSE COMMITTEE ON APPROPRIATIONS (ORIGINALLY SPONSORED BY REPRESENTATIVES AHERN, GOMBOSKY, SCHOESLER, WOOD, BENSON, HAIGH, SCHINDLER, CONWAY, COX, REARDON, D. SCHMIDT, TALCOTT, CAMPBELL AND BUSH) (BY REQUEST OF DEPARTMENT OF VETERANS AFFAIRS)

ESTABLISHING THE EASTERN WASHINGTON VETERANS' HOME.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR CONSTANTINE, THE RULES WERE SUSPENDED, SUBSTITUTE HOUSE BILL NO. 2227 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 2227.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 2227 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 42; NAYS, 0; ABSENT, 0; EXCUSED, 7.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SNYDER, SPANEL, SWECKER, THIBAudeau, WEST AND WINSLEY - 42.

EXCUSED: SENATORS BENTON, HORN, LONG, PARLETTE, SHIN, STEVENS AND ZARELLI - 7.

SUBSTITUTE HOUSE BILL NO. 2227, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

SECOND READING

HOUSE BILL NO. 2233, BY REPRESENTATIVES H. SOMMERS AND SEHLIN

AUTHORIZING CONTRACTUAL AGREEMENTS WITH FEDERAL GOVERNMENT FOR ADMINISTRATION OF STATE SUPPLEMENTATION OF SUPPLEMENTAL SECURITY INCOME.

THE BILL WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR CONSTANTINE, THE RULES WERE SUSPENDED, HOUSE BILL NO. 2233 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF HOUSE BILL NO. 2233.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF HOUSE BILL NO. 2233 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES,

LONG, MCAULIFFE, MCCASLIN, McDONALD, MORTON, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SNYDER, SPANEL, SWECKER, THIBAudeau, WEST AND WINSLEY - 43.

EXCUSED: SENATORS BENTON, HORN, PARLETTE, SHIN, STEVENS AND ZARELLI - 6.

HOUSE BILL NO. 2233, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTIONS

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADVANCED TO THE SEVENTH ORDER OF BUSINESS.

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE WILL RESUME CONSIDERATION OF ENGROSSED SUBSTITUTE SENATE BILL NO. 6153 WHICH WAS ADVANCED TO THIRD READING AND THEN RULED OUT OF ORDER BY THE PRESIDENT EARLIER TODAY.

EDITOR'S NOTE: THIS BILL WAS CONSIDERED AS AN ENGROSSED BILL ON FINAL PASSAGE, RATHER THAN THE SECOND ENGROSSED BILL AS THE MOTION WAS MADE TO ADVANCE TO THIRD READING AND FINAL PASSAGE EARLIER IN THE DAY. SINCE THE BILL DID NOT PASS AT THAT TIME AND FURTHER AMENDMENTS WERE CONSIDERED, IT WAS STILL CONSIDERED AS AN ENGROSSED BILL AND NOT A SECOND ENGROSSED BILL.

MOTION

ON MOTION OF SENATOR BETTI SHELDON,, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE SENATE BILL NO. 6153 WAS RETURNED TO SECOND READING AND READ THE SECOND TIME.

MOTION FOR RECONSIDERATION

HAVING VOTED ON THE PREVAILING SIDE, SENATOR SNYDER MOVED TO RECONSIDER THE VOTE BY WHICH THE AMENDMENT BY SENATOR JOHNSON ON PAGE 135, LINE 39, TO SUBSTITUTE SENATE BILL NO. 6153 WAS NOT ADOPTED EARLIER TODAY.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATOR JOHNSON ON PAGE 135, LINE 39, ON RECONSIDERATION, TO ENGROSSED SUBSTITUTE SENATE BILL NO. 6153.

THE AMENDMENT, ON RECONSIDERATION, WAS ADOPTED.

MOTION

SENATOR ROSSI MOVED THAT THE FOLLOWING AMENDMENT BY SENATORS ROSSI AND TIM SHELDON BE ADOPTED:

ON PAGE 16, AFTER LINE 10, DELETE SUBSECTIONS (3) AND (4), LINES 11 THROUGH 29, IN THEIR ENTIRETY.

RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

DEBATE ENSUED.

SENATOR SHEAHAN DEMANDED A ROLL CALL AND THE DEMAND WAS SUSTAINED.

FURTHER DEBATE ENSUED.

SENATORS SNYDER, MCCASLIN AND SPANEL DEMANDED THE PREVIOUS QUESTION AND THE DEMAND WAS SUSTAINED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE SHALL THE MAIN QUESTION BE NOW PUT.

THE DEMAND FOR THE PREVIOUS QUESTION CARRIED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE ADOPTION OF THE AMENDMENT BY SENATORS ROSSI AND TIM SHELDON ON PAGE 16, AFTER LINE 10, TO ENGROSSED SUBSTITUTE SENATE BILL NO. 6153.

ROLL CALL

THE SECRETARY CALLED THE ROLL AND THE AMENDMENT FAILED TO RECEIVE THE SIXTY PERCENT MAJORITY BY THE FOLLOWING VOTE: YEAS, 23; NAYS, 20; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS CARLSON, DECCIO, HALE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, JACOBSEN, JOHNSON, KOHL-WELLES, LONG, MCCASLIN, McDONALD, MORTON, OKE, PRENTICE, RASMUSSEN, ROSSI, SHEAHAN, SHELDON, T., SWECKER, WEST AND WINSLEY - 23.

VOTING NAY: SENATORS BROWN, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HARGROVE, KASTAMA, KLINE, MCAULIFFE, PATTERSON, REGALA, ROACH, SHELDON, B., SNYDER, SPANEL AND THIBAudeau - 20.

EXCUSED: SENATORS BENTON, HORN, PARLETTE, SHIN, STEVENS AND ZARELLI - 6.

MOTION

SENATOR ROACH MOVED THAT THE FOLLOWING AMENDMENT BE ADOPTED:

ON PAGE 16, LINE 12, AFTER "YEAR 2002 AND", DELETE "\$120,000" AND INSERT "210,000"

RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATOR ROACH ON PAGE 16, LINE 12, TO ENGROSSED SUBSTITUTE SENATE BILL NO. 6153.

THE MOTION BY SENATOR ROACH FAILED AND THE AMENDMENT WAS NOT ADOPTED.

MOTION

SENATOR HONEYFORD MOVED THAT THE FOLLOWING AMENDMENT BE ADOPTED:

ON PAGE 16, LINE 14, AFTER "RUNWAY PROJECT" INSERT "AND THE REGIONAL TRANSIT AUTHORITY"

RENUMBER THE SECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

DEBATE ENSUED.

SENATORS SNYDER, FRANKLIN AND SPANEL DEMANDED THE PREVIOUS QUESTION AND THE DEMAND WAS SUSTAINED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENT BY SENATOR HONEYFORD ON PAGE 16, LINE 14, TO ENGROSSED SUBSTITUTE SENATE BILL NO. 6153. THE MOTION BY SENATOR HONEYFORD FAILED AND THE AMENDMENT WAS NOT ADOPTED.

MOTION

ON MOTION OF SENATOR BROWN, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE SENATE BILL NO. 6153 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 6153. UNDER SUSPENSION OF THE RULES.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL NO. 6153, UNDER SUSPENSION OF THE RULES, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 28; NAYS, 15; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HARGROVE, HAUGEN, JACOBSEN, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, SHELDON, B., SNYDER, SPANEL, THIBAudeau AND WINSLEY - 28.

VOTING NAY: SENATORS FINKBEINER, HALE, HEWITT, HOCHSTATTER, HONEYFORD, JOHNSON, McCASLIN, McDONALD, MORTON, OKE, ROSSI, SHEAHAN, SHELDON, T., SWECKER AND WEST - 15.

EXCUSED: SENATORS BENTON, HORN, PARLETTE, SHIN, STEVENS AND ZARELLI - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6153, UNDER SUSPENSION OF THE RULES, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

AT 3:30 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 12:00 NOON, MONDAY, JUNE 11, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

FIFTH DAY, SECOND SPECIAL SESSION, JUNE 8, 2001

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

EIGHTH DAY, SECOND SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Monday, June 11, 2001
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MESSAGES FROM THE HOUSE

June 8, 2001

MR. PRESIDENT:

The Co-Speakers have signed:
HOUSE BILL NO. 1984,
ENGROSSED HOUSE BILL NO. 2266, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

June 11, 2001

MR. PRESIDENT:

The Co-Speakers have signed:
HOUSE BILL NO. 1162,
SUBSTITUTE HOUSE BILL NO. 2227,
HOUSE BILL NO. 2233, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1984,
ENGROSSED HOUSE BILL NO. 2266.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1162,
SUBSTITUTE HOUSE BILL NO. 2227,
HOUSE BILL NO. 2233.

INTRODUCTION AND FIRST READING

SB 6202 by Senator Roach

AN ACT Relating to authorizing a pilot program on state route 520; and creating a new section.
Referred to Committee on Transportation.

SJR 8218 by Senators Kohl-Welles, Patterson, Snyder, McCaslin, Finkbeiner, Jacobsen and Fraser

Providing for election of state representatives from single districts.

Referred to Committee on State and Local Government.

MOTION

At 12:03 p.m., on motion of Senator Fraser, the Senate adjourned until 12:00 noon, Tuesday, June 12, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTH DAY, SECOND SPECIAL SESSION, JUNE 11, 2001

NINTH DAY, SECOND SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Tuesday, June 12, 2001

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MESSAGE FROM THE GOVERNOR

June 12, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on June 11, 2001, Governor Locke approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5407

Relating to changing provisions relating to the import of simulcast horse races from out of state racing facilities to class 1 racing associations' live racing facilities.

Engrossed Substitute Senate Bill No. 6007

Relating to extending unemployment insurance coverage to employees of Indian tribes.

Substitute Senate Bill No. 6012

Relating to customary agricultural practices in the urban growth area.

Sincerely,
EVERETT H. BILLINGSLEA, General Counsel

INTRODUCTION AND FIRST READING

SB 6203 by Senators Roach, Rasmussen, Sheahan, McCaslin, Honeyford, Zarelli, Oke, Long, Hochstatter, Swecker, Patterson and West

AN ACT Relating to waivers of the state history and government course requirement; and amending RCW 28A.230.060.

Referred to Committee on Education.

MOTION

At 12:02 p.m., on motion of Senator Fraser, the Senate adjourned until 12:00 noon, Wednesday, June 13, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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

TENTH DAY, SECOND SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Wednesday, June 13, 2001

The Senate was called to order at 12:00 noon by President Pro Tempore Franklin. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Prentice and Shin.

The Sergeant at Arms Color Guard, consisting of staff members Terry Hoye and Dale Larson, presented the Colors. Secretary of the Senate Tony Cook offered the prayer.

MOTION

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

MOTION

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

SENATE RESOLUTION 2001-8707

By Senator Eide

WHEREAS, The Washington State Legislature values and encourages excellence in all fields of endeavor;
and

WHEREAS, Participation in athletics inspires students to develop attitudes and skills necessary for scholastic and life success, such as perseverance, teamwork, loyalty, and sportsmanship; and

WHEREAS, The Federal Way High School Baseball Team is the 2000-2001 Class 4A Baseball Champion;
and

WHEREAS, The Eagles have distinguished themselves and brought honor to their school by winning their first-ever state title; and

WHEREAS, Under the coaching and supervision of Eric Fielder, the team finished the season with an outstanding 23-3 record; and

WHEREAS, The Eagles combined outstanding pitching with timely hitting throughout the season; and

WHEREAS, The team is made up of student-athletes who work as hard in the classroom as on the baseball field; and

WHEREAS, This team has deservedly, and through team effort, commitment, and sacrifice, achieved the title of Washington State Class 4A Baseball Champion;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor the Federal Way High School Baseball Team and Coach Eric Fielder for their accomplishments and hard work; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Coach Eric Fielder, the members of the Eagles Baseball Team, and the Principal and Faculty of Federal Way High School.

MOTION

Senator Sheahan moved that the Senate advance to the ninth order of business.

Senator Snyder demanded a roll call and the demand was sustained.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the motion to advance to the ninth order of business.

ROLL CALL

The Secretary called the roll and the motion by Senator Sheahan to advance to the ninth order of business carried by the following vote: Yeas, 25; Nays, 21; Absent, 3; Excused, 0.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Rasmussen, Regala, Sheldon, B., Snyder, Spanel and Thibaudeau - 21.

Absent: Senators Hargrove, Prentice and Shin - 3.

MOTION

On motion of Senator Eide, Senator Shin was excused.

MOTION

Senator Sheahan moved that the Committee on Rules be relieved of the following bills and that the bills be placed on the second reading or third reading calendars as designated:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5094 (Third Reading Calendar);

ENGROSSED SUBSTITUTE SENATE BILL NO. 5378 (Third Reading Calendar);

ENGROSSED SENATE BILL NO. 5959 (Third Reading Calendar);

SENATE BILL NO. 5496 (Second Reading Calendar);

SUBSTITUTE HOUSE BILL NO. 1624 (Second Reading Calendar);

SUBSTITUTE HOUSE BILL NO. 1906 (Second Reading Calendar);

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138 (Second Reading Calendar);

MOTION

Senator Sheahan moved that the Committee on Transportation be relieved of SENATE BILL NO. 5362 and the bill be placed on the second reading calendar.

MOTION

On motion of Senator Snyder the question was divided.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Sheahan to relieve the Committee on Rules of Engrossed Second Substitute Senate Bill No. 5094 and place on the third reading calendar; Engrossed Substitute Senate Bill No. 5378 and place on the third reading calendar; Engrossed Senate Bill No. 5959 and place on the third reading calendar; Senate Bill No. 5496 and place on the second reading calendar; Substitute House Bill No. 1624 and place on the second reading calendar; Substitute House Bill No. 1906 and place on the second reading calendar and Engrossed Substitute House Bill No. 2138 and place on the second reading calendar.

Debate ensued.

Senators Sheahan, McCaslin and Johnson demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

Senator Sheahan demanded a roll call and the demand was sustained

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Sheahan to relieve the Committee on Rules of Engrossed Second Substitute Senate Bill No. 5094 and place on the third reading calendar; Engrossed Substitute Senate Bill No. 5378 and place on the third reading calendar; Engrossed Senate Bill No. 5959 and place on the third reading calendar; Senate Bill No. 5496 and place on the second reading calendar; Substitute House Bill No. 1624 and place on the second reading calendar; Substitute House Bill No. 1906 and place on the second reading calendar and Engrossed Substitute House Bill No. 2138 and place on the second reading calendar.

ROLL CALL

The Secretary called the roll and the motion to relieve the Committee on Rules of the listed bills carried by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Snyder, Spanel and Thibaudeau - 23.

Excused: Senator Shin - 1.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Sheahan to relieve the Committee on Transportation of Senate Bill No. 5362 and place on the second reading calendar.

Debate ensued.

Senator Snyder demanded a roll call and the demand was sustained

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Sheahan to relieve the Committee on Transportation of Senate Bill No. 5362 and to place the bill on the second reading calendar.

ROLL CALL

The Secretary called the roll and the motion to relieve the Committee on Transportation of Senate Bill No. 5362 failed by the following tied vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 24.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Snyder, Spanel and Thibaudeau - 24.

Excused: Senator Shin - 1.

MOTION

On motion of Senator Betti Sheldon, the Committee on Rules was relieved of Senate Bill No. 5189 and the bill will take its place on the third reading calendar..

MOTION TO RECONSIDER VOTE

Senator Hale moved that the Senate reconsider the vote by which the motion to relieve the Committee on Transportation of Senate Bill No. 5362 failed.

PARLIAMENTARY INQUIRY

Senator Snyder: "A parliamentary inquiry, Madam President. For a motion to immediately reconsider, does it take a majority or a two-thirds majority? I believe it takes two-thirds, because we are not at the last few days to a cutoff or prior to adjournment?"

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Franklin: "In answer to Senator Snyder's question, it was a motion which just needs a simple majority. It is not on the passage of a bill. On passage of a bill, it would take a two-thirds majority."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Hale to reconsider the vote by which the motion failed to relieve the Committee on Transportation of Senate Bill No. 5362.

The motion by Senator Hale carried and the Senate will reconsider the vote by which the motion failed to relieve the Committee on Transportation of Senate Bill No. 5362.

The President Pro Tempore declared the question before the Senate to be the roll call on reconsideration on the motion by Senator Sheahan to relieve the Committee on Transportation of Senate Bill No. 5362 and to place the bill on the second reading calendar.

PARLIAMENTARY INQUIRY

Senator Snyder: "A parliamentary inquiry. What are we voting on now?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Franklin: "For clarification, Senator, we are voting on the motion by Senator Sheahan to relieve the Committee on Transportation of Senate Bill No. 5362, on reconsideration."

Senator Snyder: "So, the vote was affirmative and we have voted to reconsider the vote and the question before the Senate now is to relieve the Committee on Transportation of Senate Bill No. 5362?"

President Pro Tempore Franklin: "That is correct, Senator."
Senator Betti Sheldon demanded a roll call and the demand was sustained.

ROLL CALL

The Secretary called the roll and the motion, on reconsideration, to relieve the Committee on Transportation of Senate Bill No. 5362 carried by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Snyder, Spanel and Thibaudeau - 23.

Excused: Senator Shin - 1.

MOTION

Senator Sheahan moved that the Senate revert to the seventh order of business.

MOTION

At 1:05 p.m., Senator Betti Sheldon moved that the Senate adjourn until 12:00 noon, Thursday, June 14, 2001.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Snyder: "A parliamentary inquiry, Madam President. Is the motion to adjourn debatable?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Franklin: "Senator, your question is well taken. The motion is not debatable."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Betti Sheldon to adjourn until 12 noon, Thursday, June 14, 2001.

The motion by Senator Betti Sheldon to adjourn failed by a voice vote.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Sheahan to revert to the seventh order of business.

Senator Sheahan demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Sheahan to revert to the seventh order of business.

ROLL CALL

The Secretary called the roll and the motion by Senator Sheahan to revert to the seventh order of business carried by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Snyder, Spanel and Thibaudeau - 23.

Excused: Senator Shin - 1.

MOTION

At 1:11 p.m., on motion of Senator Sheahan, the Senate recessed until 1:30 p.m.
The Senate was called to order at 1:35 p.m. by President Pro Tempore Franklin.

MOTION

On motion of Senator Sheahan, the Senate commenced consideration of Engrossed Second Substitute Senate Bill No. 5904.

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5094, by Senate Committee on Ways and Means (originally sponsored by Senators T. Sheldon, Sheahan, Gardner, Honeyford, Hargrove and Costa)

Authorizing sales and use tax exemptions for call centers.

The bill was read the third time.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5094.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5094 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Deccio, Eide, Finkbeiner, Franklin, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Long, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Stevens, Swecker, West, Winsley and Zarelli - 35.

Voting nay: Senators Brown, Constantine, Costa, Fairley, Fraser, Jacobsen, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Spanel and Thibaudeau - 13.

Excused: Senator Shin - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5094, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, the Senate commenced consideration of Engrossed Senate Bill No. 5959.

THIRD READING

ENGROSSED SENATE BILL NO. 5959, by Senators Benton, Swecker, McDonald, Hochstatter, Johnson, Stevens, Honeyford, Roach, Rossi, Long, West and T. Sheldon

Repealing local motor vehicle taxes.

The bill was read the third time.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5959.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5959 and the bill passed the Senate by the following vote:

Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Constantine, Deccio, Eide, Finkbeiner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Long, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Snyder, Stevens, Swecker, West, Winsley and Zarelli - 32.

Voting nay: Senators Brown, Costa, Fairley, Franklin, Fraser, Gardner, Haugen, Jacobsen, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 16.

Excused: Senator Shin - 1.

ENGROSSED SENATE BILL NO. 5959, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Roach was excused.

MOTIONS

On motion of Senator Sheahan, the Senate reverted to the sixth order of business.
On motion of Senator Sheahan, the Senate commenced consideration of Substitute House Bill No. 1906.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1906, by House Committee on Finance (originally sponsored by Representatives Linville, G. Chandler (co-prime sponsors), Schoesler, Haigh, B. Chandler, Hunt, Morris, Kirby, Grant, Jackley, Cox, Hatfield, Mielke, Armstrong, Delvin, Mulliken, Sump, McMorris, Barlean, Pflug, Kessler, Pearson and Conway)

Exempting farming machinery and equipment from the state property tax.

The bill was read the second time.

MOTION

Senator Brown moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 84.36 RCW to read as follows:

(1) All machinery and equipment owned by a farmer that is personal property is exempt from property taxes levied for any state purpose if it is used exclusively in growing and producing agricultural products during the calendar year for which the claim for exemption is made.

(2) "Farmer" has the same meaning as defined in RCW 82.04.213.

(3) A claim for exemption under this section shall be filed with the county assessor together with the verified statement required under RCW 84.40.190, for exemption from taxes payable the following year. The claim shall be made solely upon forms as prescribed and furnished by the department of revenue.

(4) This section applies to taxes levied for collection in 2003 through 2009."

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

Further debate ensued.

MOTION

On motion of Senator Betti Sheldon, the demand for the roll call on the adoption of the committee amendment was withdrawn.

Further debate ensued.

The President Pro declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Substitute House Bill No. 1906.

The motion by Senator Brown carried and the committee striking amendment was adopted.

MOTIONS

On motion of Senator Brown, the following title amendment was adopted:

On page 1, line 3 of the title, after "taxes;" strike the remainder of the title and insert "and adding a new section to chapter 84.36 RCW."

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 1906, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1906, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1906, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kline, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 40.

Voting nay: Senators Constantine, Costa, Fairley, Jacobsen, Kohl-Welles, Regala and Thibaudeau - 7.

Excused: Senators, Roach and Shin - 2

SUBSTITUTE HOUSE BILL NO. 1906, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5496, by Senators Rasmussen, Swecker and Honeyford

Reducing the tax on health products for animals.

MOTION

On motion of Senator Sheahan, Substitute Senate Bill No. 5496 was substituted for Senate Bill No. 5496 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Rasmussen moved that the rules be suspended and Substitute Senate Bill No. 5496 be advanced to third reading the second reading considered the third and the bill be placed on final passage.

Senator Betti Sheldon objected to the motion to suspend the rules and advance Substitute Senate Bill No. 5496 to third reading.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Rasmussen that the rules be suspended and Substitute Senate Bill No. 5496 be advanced to third reading and final passage.

The motion to suspend the rules and advance the bill to third reading failed to receive the constitutional two-thirds majority and Substitute Senate Bill No. 5496 was referred to the Committee on Rules.

MOTION

On motion of Senator Sheahan, the Senate commenced consideration of Engrossed Substitute House Bill No. 2138.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138, by House Committee on Finance (originally sponsored by Representatives G. Chandler, Linville, (prime co-sponsors), Mulliken, Clements, Ericksen, Hatfield, Sump, Doumit, Morell, Grant, Pearson, Schoesler, Barlean, Buck, B Chandler, Edwards and Jackley)

Promoting rural economic development.

The bill was read the second time.

MOTION

Senator Sheahan moved that the rules be suspended and Engrossed Substitute House Bill No. 2138 be advanced to third reading the second reading considered the third and the bill be placed on final passage.

Senator Betti Sheldon objected to the motion to suspend the rules and advance Engrossed Substitute House Bill No. 2138 to third reading.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Sheahan that the rules be suspended and Engrossed Substitute House Bill No. 2138 be advanced to third reading and final passage.

The motion to suspend the rules and advance the bill to third reading failed to receive the constitutional two-thirds majority and Engrossed Substitute House Bill No. 2138 was referred to the Committee on Rules.

MOTION

On motion of Senator Sheahan, the Senate commenced consideration of Substitute House Bill No. 1624.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1624, by House Committee on Finance (originally sponsored by Representatives Morris, Cairnes (prime co-sponsors), Reardon, Conway, Dunshee, Ogden, Pennington, Van Luven, Doumit, Veloria, Dickerson, Fromhold, Anderson and Edwards)

Clarifying the taxation of amounts received by public entities for health or welfare services.

The bill was read the second time.

MOTION

Senator Sheahan moved that the rules be suspended and Substitute House Bill No. 1624 be advanced to third reading the second reading considered the third and the bill be placed on final passage.

Senator Betti Sheldon objected to the motion to suspend the rules and advance Substitute House Bill No. 1624 to third reading.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Sheahan that the rules be suspended and Substitute House Bill No. 1624 be advanced to third reading and final passage.

The motion to suspend the rules and advance the bill to third reading failed to receive the constitutional two-thirds majority and Substitute House Bill No. 1624 was referred to the Committee on Rules.

MOTION

On motion of Senator Sheahan, the Senate commenced consideration of Senate Bill No. 5362.

SECOND READING

SENATE BILL NO. 5362, by Senators Rossi, Horn, Johnson, Finkbeiner, Long, T. Sheldon, Stevens and Oke

Regional transit authorities.

The bill was read the second time.

MOTION

Senator Sheahan moved that the rules be suspended and Senate Bill No. 5362 be advanced to third reading the second reading considered the third and the bill be placed on final passage.

Senator Betti Sheldon objected to the motion to suspend the rules and advance Senate Bill No. 5362 to third reading.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Sheahan that the rules be suspended and Senate Bill No. 5362 be advanced to third reading and final passage.

The motion to suspend the rules and advance the bill to third reading failed to receive the constitutional two-thirds majority and Senate Bill No. 5362 was referred to the Committee on Rules.

PERSONAL PRIVILEGE

Senator Costa: "I rise to a point of personal privilege, Madam President. I'm sorry, people are hollering for me, because I cannot holler to get your attention. I just wanted to take a moment, because it is hard to get a word in edgewise with what we have going on. Most of you know that on the seventeenth of May, my mother entered the hospital in an emergency situation. On the eighteenth of May, we got word that her father, her ninety-six year old father and my grandfather had died. On the twenty-fourth of May, my fifty-nine year old mother passed away.

"My mom and I were colleagues, not only daughter and mother, but colleagues for twenty-five years in the victims' field and I will miss the opportunity to see her beaming face at all the meetings that we both appeared at--not knowing the other one was going to be there. Knowing how busy we are down here, that usually was the only time I got to see her any length of time.

"I want to thank you all for the support that you gave me during the week that we were in the hospital waiting to find out what was going on, dealing with all the situations there while I know we were in the final throws of the special session here. This weekend I had the opportunity to sit down and read through some of the letters and cards and the notes that I received. I want to thank you from the bottom of my heart for the kind words of support that you gave. We often forget when we have this back and forth going on that here we are all family and that what happens to one does have an influence on the rest of us. So, again, I want to thank you for all the wonderful things that you said that have helped me through this very trying period. Thank you."

MOTION

At 2:35 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, June 14, 2001.

TONY M. COOK, Secretary of the Senate

BRAD OWEN, President of the Senate

JOURNAL OF THE SENATE

TENTH DAY, SECOND SPECIAL SESSION, JUNE 13, 2001

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

ELEVENTH DAY, SECOND SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Thursday, June 14, 2001

The Senate was called to order at 12:00 noon by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Hargrove, Kline and Shin. On motion of Senator Eide, Senator Shin was excused.

The Sergeant at Arms Color Guard, consisting of staff members Catherine Young and Mary Ann Sigman, presented the Colors. Senator Dan Swecker offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6204 by Senators Rasmussen, Honeyford and Swecker

AN ACT Relating to the fruit and vegetable inspection district fund; amending RCW 15.17.240 and 15.17.243; creating a new section; and declaring an emergency.
HOLD.

SB 6205 by Senators Rasmussen, Swecker and Jacobsen

AN ACT Relating to sabotage resulting in damage to land, facilities, and property; amending RCW 4.24.630 and 9.05.060; reenacting and amending RCW 9.94A.320; creating a new section; and prescribing penalties.
Referred to Committee on Judiciary.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6204 was held on the desk.

MOTION

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

MOTION

On motion of Senator Sheahan, the Committee on Rules was relieved of further consideration of Senate Bill No. 5362, Substitute Senate Bill No. 5496, Substitute House Bill No. 1624 and Engrossed Substitute House Bill No. 2138 and the bills were placed on the third reading calendar.

MOTION

On motion of Senator Sheahan, the Senate reverted to the seventh order of business.

MOTION

On motion of Senator Sheahan, the Senate commenced consideration of Substitute Senate Bill No 5496.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5496, by Senate Committee on Ways and Means (originally sponsored by Senators Rasmussen, Swecker and Honeyford)

Modifying taxes on animal health products.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5496.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5496 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 43.

Voting nay: Senators Jacobsen, Kohl-Welles and Thibaudeau - 3.

Absent: Senators Hargrove and Kline - 2.

Excused: Senator Shin - 1.

SUBSTITUTE SENATE BILL NO. 5496, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Hargrove was excused.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138, by House Committee on Finance (originally sponsored by Representatives G. Chandler, Linville, Mulliken, Clements, Ericksen, Hatfield, Sump, Doumit, Morell, Grant, Pearson, Schoesler, Barlean, Buck, B. Chandler, Edwards and Jackley)

Promoting rural economic development.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2138.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2138 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Voting nay: Senators Jacobsen and Thibaudeau - 2.

Excused: Senators Hargrove and Shin - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1624, by House Committee on Finance (originally sponsored by Representatives Morris, Cairnes, Reardon, Conway, Dunshee, Ogden, Pennington, Van Luven, Doumit, Veloria, Dickerson, Fromhold, Anderson and Edwards)

Clarifying the taxation of amounts received by public entities for health or welfare services.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1624.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1624 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

SUBSTITUTE HOUSE BILL NO. 1624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SENATE BILL NO. 5362, by Senators Rossi, Horn, Johnson, Finkbeiner, Long, T. Sheldon, Stevens and Oke

Requiring a vote on the continuation of regional transit authorities.

The bill was read the third time.

Debate ensued.

Senators Sheahan, West and Zarelli demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried on a rising vote.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5362.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5362 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Snyder, Spanel and Thibaudeau - 23.

Excused: Senator Shin - 1.

SENATE BILL NO. 5362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 12:57 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 11:00 a.m., Friday, June 15, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

ELEVENTH DAY, SECOND SPECIAL SESSION, JUNE 14, 2001

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

TWELFTH DAY, SECOND SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Friday, June 15, 2001

The Senate was called to order at 11:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Brown, Carlson, Eide, Hale, Hewitt, Honeyford, Morton, Oke, Parlette, Patterson, Roach, Rossi, Sheahan, Shin, Stevens, Swecker and Thibaudeau. On motion of Senator Johnson, Senators Benton, Carlson, Hale, Hewitt, Honeyford, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Stevens and Swecker were excused. On motion of Senator Kastama, Senators Brown, Eide, Patterson, Shin and Thibaudeau were excused.

The Sergeant at Arms Color Guard, consisting of Juanita Hamre and Ron McClinton, presented the Colors. Senator Alex Deccio offered the prayer.

MOTION

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

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

May 29, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jeffrey R. Kelly, to be appointed June 1, 2001, for a term ending May 31, 2002, as a member of the Board of Trustees for Western Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Higher Education.

May 31, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Patrick J. Oshie, to be appointed June 22, 2001, for a term ending January 1, 2007, as a member of the Utilities and Transportation Commission.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Transportation.

INTRODUCTION AND FIRST READING

SB 6206 by Senators Kline, Deccio, Rossi, Constantine, Costa, Spanel and Kohl-Welles

AN ACT Relating to a property tax exemption for chemical dependency services; and adding a new section to chapter 84.36 RCW.
Referred to Committee on Ways and Means.

SB 6207 by Senator Gardner

AN ACT Relating to tax incentives for industrial facilities that use large amounts of electricity and that have curtailed production; adding a new chapter to Title 82 RCW; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 6208 by Senator Snyder

AN ACT Relating to shoreline master programs and growth management comprehensive plans and development regulations; amending RCW 36.70A.130, 90.58.060, 90.58.080, 90.58.090, 36.70A.035, 36.70A.140, 90.58.250, 36.70A.290, 36.70A.300, and 36.70A.215; adding new sections to chapter 90.58 RCW; adding new sections to chapter 36.70A RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; creating new sections; making appropriations; providing an expiration date; and declaring an emergency.

MOTIONS

On motion of Senator Betti Sheldon, the rules were suspended, Senate Bill No. 6208 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Betti Sheldon, the rules were suspended, Senate Bill No. 6204, which was held on the desk June 14, was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Bill No. 6198, which was held on the desk June 14, was advanced to second reading and placed on the second reading calendar.

MOTION

At 11:07 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 1:00 p.m., Monday, June 18, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWELFTH DAY, SECOND SPECIAL SESSION, JUNE 15, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

FIFTEENTH DAY, SECOND SPECIAL SESSION

AFTERNOON SESSION

SENATE CHAMBER, OLYMPIA, MONDAY, JUNE 18, 2001

THE SENATE WAS CALLED TO ORDER AT 1:00 P.M. BY PRESIDENT OWEN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS BROWN, HARGROVE, KLINE, KOHL-WELLES, MCCASLIN, McDONALD, PARLETTE, PATTERSON, SHEAHAN AND SWECKER.

THE SERGEANT AT ARMS COLOR GUARD, CONSISTING OF STAFF MEMBERS LAURA BELL AND NANCY ATWOOD, PRESENTED THE COLORS. SENATOR KAREN FRASER OFFERED THE PRAYER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

MESSAGE FROM THE HOUSE

JUNE 15, 2001

MR. PRESIDENT:

THE CO-SPEAKERS HAVE SIGNED:
SUBSTITUTE HOUSE BILL NO. 1624,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138, AND THE SAME ARE HERewith TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK
TIMOTHY A. MARTIN, CO-CHIEF CLERK

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:
SUBSTITUTE HOUSE BILL NO. 1624,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138.

INTRODUCTION AND FIRST READING

SB 6209 BY SENATOR FAIRLEY

AN ACT RELATING TO THE CAPITAL BUDGET.
MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL No. 6209 WAS HELD AT THE DESK.

MOTION

ON MOTION OF SENATOR HONEYFORD, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8708

BY SENATORS HONEYFORD, HEWITT, MORTON, FRASER, DECCIO, HALE, HOCHSTATTER, PARLETTE, SHEAHAN, SWECKER AND RASMUSSEN

WHEREAS, THE STATE OF WASHINGTON IS PRESENTLY IN A DROUGHT EMERGENCY; AND
WHEREAS, WATER STORAGE IS ESSENTIAL TO THE ECONOMIC VITALITY OF THE YAKIMA BASIN; AND
WHEREAS, THE KEECHELUS RESERVOIR IS CAPABLE OF COLLECTING AND STORING UP TO 157,800 ACRE FEET OF WATER, BUT IS PRESENTLY UNABLE TO HOLD ITS CAPACITY AND IS AT AN EXTREMELY LOW LEVEL; AND
WHEREAS, KEECHELUS RESERVOIR MUST HAVE MAJOR REPAIRS PRIOR TO BEING ABLE TO HOLD ITS FULL CAPACITY AGAIN; AND

WHEREAS, THE REPAIRS ARE TO BE FUNDED EIGHTY-FIVE PERCENT BY THE BUREAU OF RECLAMATION'S SAFETY OF DAMS PROGRAM AND FIFTEEN PERCENT BY THE BASIN IRRIGATION DISTRICTS; AND

WHEREAS, DELAY OF THE REPAIR OF KEECHELUS DAM WILL RESULT IN INCREASED COSTS WHICH ARE DETRIMENTAL TO THE AGRICULTURAL ECONOMY, FURTHER HINDERING THE STRUGGLING AGRICULTURAL INDUSTRY AND THE ENTIRE ECONOMY OF THE YAKIMA BASIN; AND

WHEREAS, IMMEDIATE CONSTRUCTION WOULD RESULT IN LESS WATER LOSS AND WOULD IN EFFECT CONSERVE THIS PRECIOUS RESOURCE;

NOW, THEREFORE, BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE RECOGNIZES THE IMPORTANT ROLE OF THE UNITED STATES BUREAU OF RECLAMATION IN THE DEVELOPMENT AND SUSTAINED PROSPERITY OF THE YAKIMA BASIN, ESPECIALLY IN RELATION TO TIMELY DECISION MAKING IN REGARD TO KEECHELUS RESERVOIR ; AND

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO UNITED STATES BUREAU OF RECLAMATION.

SENATORS HONEYFORD AND FRASER SPOKE TO SENATE RESOLUTION 2001-8708.

MOTION

AT 1:10 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 10:00 A.M., TUESDAY, JUNE 19, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

FIFTEENTH DAY, SECOND SPECIAL SESSION, JUNE 18, 2001

SIXTEENTH DAY, SECOND SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Tuesday, June 19, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Constantine, Costa, Hargrove, Kohl-Welles, McCaslin, McDonald, Prentice and Stevens. On motion of Senator Honeyford, Senators Benton, McCaslin, McDonald and Stevens were excused. On motion of Senator Eide, Senators Costa, Hargrove and Kohl-Welles were excused.

The Sergeant at Arms Color Guard, consisting of staff members Rob Drennan and Michael Hoover, presented the Colors. Senator Georgia Gardner offered the prayer.

MOTION

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

POINT OF ORDER

Senator Tim Sheldon: "A point of order, Mr. President. Under the Rules of the Senate, I would like to give twenty-four hour notice of the intention to adopt the rule change to Rule 53. As you know, Rule 53 is the rule that requires a sixty percent vote of the senators elected or appointed to adopt an amendment to the operating budget, the capital budget, or the supplemental budget. I will have that on the bar so that hopefully the members can consider that rule change in twenty-four hours."

EDITOR'S NOTE: Rule 53 states 'No amendment to the budget, capital budget or supplemental budget, not incorporated in the bill, as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected or appointed.'

MESSAGE FROM THE HOUSE

June 18, 2001

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1926,

ENGROSSED HOUSE BILL NO. 2244,

HOUSE BILL NO. 2258, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1926 by House Committee on Appropriations (originally sponsored by Representatives Sehlin, H. Sommers, Romero and Wood) (by request of Secretary of State Reed)

Increasing the surcharge on county auditor recording fees.

EHB 2244 by Representative H. Sommers

Pertaining to the higher education retirement plan.

HB 2258 by Representative H. Sommers and Sehlin

Funding drought and earthquake emergency relief.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Substitute House Bill No. 1926, Engrossed House Bill No. 2244 and House Bill No. 2258 were advanced to second reading and placed on the second reading calendar.

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

MOTION

On motion of Senator Betti Sheldon, Gubernatorial Appointment No. 9071, Karen Gates-Hildt, as a member of the Board of Trustees for Peninsula Community College District No. 1, was confirmed.

APPOINTMENT OF KAREN GATES-HILDT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 2; Excused, 7.
 Voting yea: Senators Brown, Carlson, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Long, McAuliffe, Morton, Oke, Parlette, Patterson, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 40.
 Absent: Senators Constantine and Prentice - 2.
 Excused: Senators Benton, Costa, Hargrove, Kohl-Welles, McCaslin, McDonald and Stevens - 7.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9100, Ann Mottet, as a member of the Board of Trustees for Lower Columbia Community College District No. 13, was confirmed.

APPOINTMENT OF ANN MOTTET

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.
 Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.
 Excused: Senators Benton, Costa, Hargrove, Kohl-Welles, McCaslin, Prentice and Stevens - 7.

MOTION

On motion of Senator Eide, Senator Kastama was excused.

SECOND READING

SENATE BILL NO. 6198, by Senators Prentice, Deccio, B. Sheldon, Honeyford, T. Sheldon, Jacobsen and Rasmussen

Allowing the governor to enter into cigarette sales contracts with certain Indian tribes.

The bill was read the second time.

MOTIONS

On motion of Senator Gardner, the following amendment by Senator Prentice was adopted:

On page 1, line 6, after "Yakama" strike "Indian"

On motion of Senator Gardner, the rules were suspended, Engrossed Senate Bill No. 6198 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6198.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6198 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kline, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Excused: Senators Benton, Costa, Hargrove, Kastama, Kohl-Welles, McCaslin, Prentice and Stevens - 8.

ENGROSSED SENATE BILL NO. 6198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SENATE BILL NO. 5082, by Senators Haugen, T. Sheldon, Rasmussen and Gardner

Defining rural counties for purposes of sales and use tax for public facilities in rural counties.

The bill was read the third time.

Debate ensued

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5082.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5082 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Excused: Senators Benton, Costa, Hargrove, McCaslin, Prentice and Stevens - 6.

SENATE BILL NO. 5082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5947, by Senate Committee on Ways and Means (originally sponsored by Senators Rasmussen, Morton, Gardner and Honeyford)

Providing tax relief to dairy farmers and anaerobic digesters.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5947.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5947 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Voting nay: Senator Fairley - 1.

Excused: Senators Benton, Costa, Hargrove, McCaslin and Stevens - 5.

SECOND SUBSTITUTE SENATE BILL NO. 5947, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5906, by Senate Committee on Education (originally sponsored by Senators Rasmussen, Finkbeiner, McAuliffe, Eide, Regala, Kastama, Hewitt, Hochstatter and Kohl-Welles)

Creating the technology in education task force.

MOTIONS

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5906 was returned to second reading and read the second time.

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen, McAuliffe and Finkbeiner was adopted:

On page 2, line 35, after "and" strike "one representative" and insert "three representatives"

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 5906 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5906, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5906, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Excused: Senators Benton, Costa, Hargrove, McCaslin and Stevens - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5906, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the sixth order of business.

SECOND READING

SENATE JOINT MEMORIAL NO. 8001, by Senators Franklin, Thibaudeau, Winsley, Costa and Kohl-Welles

Exploring the option of managing prescription drug prices through cooperative strategies with other Northwest states.

The joint memorial was read the second time

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Joint Memorial No. 8001 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8001.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8001 and the joint memorial passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Excused: Senators Benton, Costa, Hargrove, McCaslin and Stevens - 5.

SENATE JOINT MEMORIAL NO. 8001, having received the constitutional majority, was declared passed.

SECOND READING

SENATE JOINT MEMORIAL NO. 8014, by Senators Prentice, Winsley, Costa, Deccio, Thibaudeau, B. Sheldon, Fairley, Franklin, Shin, Rasmussen, Regala, Kastama, Patterson, Hochstatter, Gardner, Haugen, Honeyford, Constantine, Jacobsen, McAuliffe, Oke and Kohl-Welles

Requesting improvement to employment and training services for disabled persons.

The joint memorial was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Joint Memorial No. 8014 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8014.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8014 and the joint memorial passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Excused: Senators Benton, Costa, Hargrove, McCaslin and Stevens - 5.

SENATE JOINT MEMORIAL NO. 8014, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1926, by House Committee on Appropriations (originally sponsored by Representatives Sehlin, H. Sommers, Romero and Wood) (by request of Secretary of State Reed)

Increasing the surcharge on county auditor recording fees.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1926 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1926.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1926 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 0; Excused, 5.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 40.

Voting nay: Senators Hochstatter, Johnson, McDonald and Morton - 4.
Excused: Senators Benton, Costa, Hargrove, McCaslin and Stevens - 5.

SUBSTITUTE HOUSE BILL NO. 1926, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6194, by Senators Snyder, Hargrove and T. Sheldon

Authorizing port districts to provide pilots in Grays Harbor.

The bill was read the second time.

MOTION

On motion of Senator Snyder, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 53.08 RCW to read as follows:

A countywide port district located in part or in whole within the Grays Harbor pilotage district, as defined by RCW 88.16.050(2), may commence pilotage service with the following powers and subject to the conditions contained in this section.

(1) Persons employed to perform the pilotage service of a port district must be licensed under chapter 88.16 RCW to provide pilotage.

(2) Before establishing pilotage service, a port district shall give at least sixty days' written notice to the chairman of the board of pilotage commissioners to provide pilotage.

(3) A port district providing pilotage service under this section requiring additional pilots may petition the board of pilotage commissioners to qualify and license as a pilot a person who has passed the examination and is on the waiting list for the training program for the district. If there are no persons on the waiting list, the board shall solicit applicants and offer the examination.

(4) In addition to the power to employ or contract with pilots, a port district providing pilotage services under this section has such other powers as are reasonably necessary to accomplish the purpose of this section including, but not limited to, providing through ownership or contract pilots launches, dispatcher services, or ancillary tug services required for operations or safety.

(5) A port district providing pilotage services under this section may recommend to the board of pilotage commissioners rules of service, rates, and tariffs governing its pilotage services for consideration and adoption pursuant to RCW 88.16.035. The rules, rates, and tariffs recommended by the port district must have been approved in open meetings of the port district ten or more days after published notice in a newspaper of general circulation and after mailing a copy of the notice to the chairman of the board of pilotage commissioners.

(6) A pilot providing pilotage services under this section must comply with all requirements of the pilotage act, chapter 88.16 RCW, and all rules adopted thereunder.

NEW SECTION. Sec. 2. A new section is added to chapter 53.08 RCW to read as follows:

The joint legislative audit and review committee shall study the authorization for the provision of pilotage services in the Grays Harbor pilotage district and issue a report to the house of representatives and senate transportation committees no later than June 30, 2006. Specifically, the joint legislative audit and review committee shall review whether the provisions of this act continue to ensure safe pilotage in the Grays Harbor port, whether there was a shortage of pilots, whether shipping has declined since the effective date of this act, and whether other ports have indicated an interest in providing pilotage services.

NEW SECTION. Sec. 3. Nothing in this act is intended to amend chapter 88.16 RCW.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTIONS

On motion of Senator Snyder, the following title amendment was adopted:

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "adding new sections to chapter 53.08 RCW; creating a new section; and declaring an emergency."

On motion of Senator Snyder, the rules were suspended, Engrossed Senate Bill No. 6194 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6194.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6194 and the bill passed the Senate by the following vote:
Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Excused: Senators Benton, Costa, Hargrove, McCaslin and Stevens - 5.

ENGROSSED SENATE BILL NO. 6194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:11 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, June 20, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

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

SEVENTEENTH DAY, SECOND SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Wednesday, June 20, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Costa, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, Kohl-Welles, McCaslin, McDonald, Oke, Patterson, Roach, Stevens and Zarelli. On motion of Senator Sheahan, Senators Benton, Hale, Hewitt, Honeyford, McCaslin, McDonald, Roach, Stevens and Zarelli were excused. On motion of Senator Eide, Senators Costa, Hargrove, Kohl-Welles and Patterson were excused.

The Sergeant at Arms Color Guard, consisting of staff members Betty Germeau and Peter Dodds, presented the Colors. Rob Drennan, Legislative Assistant to Senator Dino Rossi, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

June 19, 2001

SB 5841 Prime Sponsor, Senator Patterson: Establishing a schedule for review of comprehensive plans and development regulations adopted under the growth management act. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5841 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Gardner, Haugen, Roach, T. Sheldon and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Horn and Kline.

June 19, 2001

SB 6129 Prime Sponsor, Senator Snyder: Adjusting the size of the house of representatives. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Haugen, Kline and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Horn and T. Sheldon.

June 19, 2001

SJR 8218 Prime Sponsor, Senator Kohl-Welles: Providing for election of state representatives from single districts. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Haugen, Kline and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Horn and T. Sheldon.

MOTION

On motion of Senator Betti Sheldon, the Standing Committee Reports on Senate Bill No. 5841, Senate Bill No. 6129 and Senate Joint Resolution No. 8218 were held on the desk.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
WASHINGTON CITIZENS' COMMISSION ON
SALARIES FOR ELECTED OFFICIALS
1210 Eastside Street, P. O. Box 43120
Olympia, WA 98504-3120

June 18, 2001

Tony Cook
Secretary of the Senate
P.O. Box 40482
Olympia, WA 98504-0482

Dear Tony:

Enclosed is a copy of the salary schedule adopted by the Commission for the state's elected officials on May 18. You will note that the adjustments are effective September 1, 2001, and September 1, 2002. The salary schedule will be codified in RCW 43.03.011.

Also enclosed is a report of the Commission's 2001 session. The report provides an overview of the Commission as well as information about the salary setting process.

If you have any questions, please feel free to call me at 586-7542 or send an e-mail message to carols@salaries.wa.gov.

Sincerely,
CAROL SAYER, Executive Director

The Report from the Washington Citizens' Commission on Salaries for Elected Officials is on file in the office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

June 19, 2001

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5237,
SECOND ENGROSSED SENATE BILL NO. 5686, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5237,
SECOND ENGROSSED SENATE BILL NO. 5686.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Shin, Gubernatorial Appointment No. 9040, Reverend Stephen V. Sundborg, S.J., as a member of the Higher Education Facilities Authority, was confirmed.

APPOINTMENT OF REVEREND STEPHEN V. SUNDBORG, S.J.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 33; Nays, 0; Absent, 3; Excused, 13.

Voting yea: Senators Brown, Carlson, Constantine, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hochstatter, Jacobsen, Kastama, Kline, Long, McAuliffe, Morton, Parlette, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Winsley - 33.

Absent: Senators Horn, Johnson and Oke - 3.

Excused: Senators Benton, Costa, Hale, Hargrove, Hewitt, Honeyford, Kohl-Welles, McCaslin, McDonald, Patterson, Roach, Stevens and Zarelli - 13.

MOTION

Senator Tim Sheldon moved that the Senate immediately consider Engrossed House Bill No. 2262.
Debate ensued.

The President declared the question before the Senate to be the motion by Senator Tim Sheldon to immediately consider Engrossed House Bill No. 2262.

The motion by Senator Tim Sheldon failed.

MOTION

On motion of Senator Sheahan, Senators Johnson and Oke were excused.

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9146, Art Wang as Chief Administrative Law Judge for the Administrative Hearings Office, was confirmed.

APPOINTMENT OF ART WANG.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; Nays, 1; Absent, 0; Excused, 13.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hochstatter, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Morton, Parlette, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau and Winsley - 34.

Voting nay: Senator West - 1.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, McDonald, Oke, Patterson, Roach, Stevens and Zarelli - 13.

MOTION

On morion of Senator Betti Sheldon, the Senate returned to the fourth order of business

MESSAGE FROM THE HOUSE

June 15, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6153 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through VIII of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2001, and ending June 30, 2003, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 2002" or "FY 2002" means the fiscal year ending June 30, 2002.

(b) "Fiscal year 2003" or "FY 2003" means the fiscal year ending June 30, 2003.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

NEW SECTION. Sec. 2. If at any time during the 2001-2003 fiscal biennium the state general fund is projected to have a cash deficit as defined by RCW 43.88.050:

(1) The governor shall first exercise his or her authority to make across the board allotment reductions pursuant to RCW 43.88.110.

(2) The governor, in preparing any supplemental budget requests, after making any program reductions, shall first propose expenditure of emergency reserve funds to respond to any remaining general fund cash deficit prior to proposing any general fund tax increase.

(3) The legislature, in adopting any supplemental budget, after making any program reductions, shall first make appropriations from the emergency reserve fund to respond to any remaining general fund cash deficit prior to authorizing any general fund tax increase.

PART I

GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2002) \$ 28,313,000

General Fund--State Appropriation (FY 2003) \$ 28,497,000

Department of Retirement Systems Expense Account--

State Appropriation \$ 45,000

TOTAL APPROPRIATION \$ 56,855,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000 of the general fund--state appropriation is provided solely for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

(2) \$15,000 of the general fund--state appropriation for fiscal year 2002 is provided for the legislature to continue the services of expert counsel on legal and policy issues relating to services for persons with developmental disabilities.

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund--State Appropriation (FY 2002) \$ 22,863,000

General Fund--State Appropriation (FY 2003) \$ 23,999,000

Department of Retirement Systems Expense Account--

State Appropriation \$ 45,000

TOTAL APPROPRIATION \$ 46,907,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000 of the general fund--state appropriation is provided solely for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

(2) \$15,000 of the general fund--state appropriation for fiscal year 2002 is provided for the legislature to continue the services of expert counsel on legal and policy issues relating to services for persons with developmental disabilities.

NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2002) \$ 2,436,000

General Fund--State Appropriation (FY 2003) \$ 1,938,000

TOTAL APPROPRIATION \$ 4,374,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the joint legislative audit and review committee to conduct an evaluation of the client outcomes of the high school transition program operated by the department of social and health services division of developmental disabilities. The study shall identify the different approaches that have been used in providing transition services and whether some approaches are more or less successful in helping young adults with developmental disabilities achieve greater levels of independence. The study shall evaluate how transition programs reduce the level of support provided to clients as they achieve greater levels of independence, and shall be submitted to the appropriate committees of the legislature by December 1, 2002.

(2) \$50,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the joint legislative audit and review committee to conduct a capacity planning study of the capital facilities of the state school for the deaf. The committee's study shall be carried out in conjunction with the study of educational service delivery models conducted by the state institute for public policy. The study shall be submitted to the fiscal committees of the legislature by September 30, 2002.

(3) \$35,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the joint legislative audit and review committee to conduct a review of water conservancy boards. The review shall include an assessment of the operating costs of existing boards; the sources of funding for board operations; sources of in-kind support for board operations; assessment of the value of water rights subject to change or transfer decisions; the range of costs of processing water right transfer applications by the boards as well as by the department of ecology for applications filed directly with the department; the costs to the department of training, assistance, and review of board recommendations on applications; board membership and board recordkeeping; and public participation procedures for both the water conservancy boards and the department of ecology. The committee shall submit its review by January 1, 2003, to the appropriate policy and fiscal committees of the legislature.

(4) \$40,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for a follow-up review to report number 98-3, the performance audit of the department of corrections. The follow-up study shall include but not be limited to a review of:

- (a) Community supervision activities performed by the department;
- (b) The implementation of risk-based classification and community placement models;
- (c) The early implementation of the offender accountability act; and
- (d) The cost impacts of the risk-based models and the offender accountability act.

The committee shall consult with the Washington state institute for public policy regarding data and findings from the institute's current studies on these issues. A report of the follow-up study shall be submitted to the relevant policy and fiscal committees of the legislature by December 21, 2001. Upon the completion of the follow-up review, the committee shall make a determination whether an additional phase of study is needed. If further study is indicated, the committee shall submit to the relevant policy and fiscal committees of the legislature its plan and cost estimate for such study by March 29, 2002.

(5) \$140,000 of the general fund--state appropriation for fiscal year 2002 is provided for a study of children's mental health in Washington. The study shall include but not be limited to:

- (a) A review of plans and services for children, including those for early periodic screening, diagnosis, and treatment;
- (b) A review of the implementation of the plans;
- (c) A review of the availability and reliability of fiscal, program, and outcome data relating to mental health services provided to children; and
- (d) A survey of mental health services for children among the state's regional support networks.

The committee shall make recommendations, as appropriate, for the improvement of services and system performance, including the need for performance and client outcome measures. The committee may contract for consulting services in

conducting the study. The committee shall submit a report to the appropriate policy and fiscal committees of the legislature by July 1, 2002.

(6) Within the amounts provided in this section, the joint legislative audit and review committee shall conduct a study of the Washington management service. The study shall include findings regarding (a) growth in the number of positions in the Washington management service, (b) growth in salary levels and structure since the Washington management service's inception, and (c) other compensation practices used within the Washington management service. The department of personnel shall cooperate with the committee in conducting the study and provide information as requested by the committee. The committee shall provide a report to the fiscal committees of the legislature by December 31, 2001.

(7) Within the amounts provided in this section, the joint legislative audit and review committee shall review all aspects of the mental health prevalence study completed in accordance with section 204 of this act, including but not limited to the contractor selection process, if any; the study design and workplan; the implementation of the study; and the draft and final reports.

(8) The committee shall study and report on pipeline safety as provided in section 149 of this act.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2002) \$ 1,329,000
General Fund--State Appropriation (FY 2003) \$ 1,462,000
Public Works Assistance Account--State
Appropriation \$ 203,000
TOTAL APPROPRIATION \$ 2,994,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Account--
State Appropriation \$ 1,923,000

The appropriation in this section is subject to the following conditions and limitations: The joint committee on pension policy, in collaboration with various interested parties, shall study issues of pension governance and recommend legislation for consideration in the 2002 legislative session.

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2002) \$ 6,421,000
General Fund--State Appropriation (FY 2003) \$ 7,043,000
TOTAL APPROPRIATION \$ 13,464,000

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2002) \$ 3,909,000
General Fund--State Appropriation (FY 2003) \$ 4,038,000
TOTAL APPROPRIATION \$ 7,947,000

The appropriations in this section are subject to the following conditions and limitations: \$41,000 of the general fund fiscal year 2002 appropriation and \$43,000 of the general fund fiscal year 2003 appropriation are provided solely for the uniform legislation commission.

NEW SECTION. Sec. 108. LEGISLATIVE AGENCIES. In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

NEW SECTION. Sec. 109. FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2002) \$ 5,423,000
General Fund--State Appropriation (FY 2003) \$ 5,510,000
TOTAL APPROPRIATION \$ 10,933,000

NEW SECTION. Sec. 110. FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2002) \$ 1,982,000
General Fund--State Appropriation (FY 2003) \$ 1,983,000
TOTAL APPROPRIATION \$ 3,965,000

NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2002) \$ 12,746,000
General Fund--State Appropriation (FY 2003) \$ 12,878,000
TOTAL APPROPRIATION \$ 25,624,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$505,000 of the general fund--state appropriation for fiscal year 2002 and \$606,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for lease increases associated with the division I facility. Within the funds provided in this subsection, the court of appeals shall conduct a space planning study exploring options dealing with remodeling existing space to accommodate needs and evaluating the cost and benefits of moving to another location.

(2) \$168,000 of the general fund--state appropriation for fiscal year 2002 and \$159,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for providing compensation adjustments to nonjudicial staff of the court of appeals. Within the funds provided in this subsection, the court of appeals shall determine the specific positions to receive compensation adjustments based on recruitment and retention difficulties, new duties or responsibilities assigned, and salary inversion or compression within the court of appeals.

NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2002) \$ 955,000
General Fund--State Appropriation (FY 2003) \$ 969,000
TOTAL APPROPRIATION \$ 1,924,000

NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2002) \$ 14,247,000
General Fund--State Appropriation (FY 2003) \$ 14,386,000

Public Safety and Education Account--State
Appropriation \$ 29,634,000
Judicial Information Systems Account--State
Appropriation \$ 27,758,000

TOTAL APPROPRIATION \$ 86,025,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. As required by Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve. The administrator for the courts shall continue to implement procedures for the collection and disbursement of these employer contributions. During each fiscal year in the 2001-03 biennium, the office of the administrator for the courts shall send written notice to the office of community development in the department of community, trade, and economic development when each county pays its fifty percent share for the year.

(3) \$223,000 of the public safety and education account appropriation is provided solely for the gender and justice commission.

(4) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(5) \$278,000 of the general fund--state appropriation for fiscal year 2002, \$285,000 of the general fund--state appropriation for fiscal year 2003, and \$263,000 of the public safety and education account appropriation are provided solely for the workload associated with tax warrants and other state cases filed in Thurston county.

(6) \$750,000 of the general fund--state appropriation for fiscal year 2002 and \$750,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(7) \$750,000 of the public safety and education account--state appropriation is provided solely for judicial program enhancements. Within the funding provided in this subsection, the administrator for the courts, in consultation with the supreme court, shall determine the program or programs to receive an enhancement. Among the programs that may be funded from the amount provided in this subsection are unified family courts.

(8) \$1,618,000 of the public safety and education account--state appropriation is provided solely for increases for juror pay. The office of the administrator for the courts may contract with local governments to provide additional juror pay. The contract shall provide that the local government is responsible for the first ten dollars of juror compensation for each day or partial day of jury service, and the state shall reimburse the local government for any additional compensation, excluding the first day, up to a maximum of fifteen dollars per day.

NEW SECTION. Sec. 114. FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2002) \$ 600,000
Public Safety and Education Account--State
Appropriation \$ 12,626,000

TOTAL APPROPRIATION \$ 13,226,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$233,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.

(2) \$51,000 of the public safety and education account appropriation is provided solely for the implementation of chapter 303, Laws of 1999 (court funding).

(3) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(4) The entire general fund--state appropriation is provided solely for the continuation of a dependency and termination legal representation funding pilot program.

(a) The goal of the pilot program shall be to enhance the quality of legal representation in dependency and termination hearings, thereby reducing the number of continuances requested by contract attorneys, including those based on the unavailability of defense counsel. To meet the goal, the pilot shall include the following components:

(i) A maximum caseload requirement of 90 dependency and termination cases per full-time attorney;

(ii) Implementation of enhanced defense attorney practice standards, including but not limited to those related to reasonable case preparation and the delivery of adequate client advice, as developed by Washington state public defense attorneys and included in the office of public defense December 1999 report *Costs of Defense and Children's Representation in Dependency and Termination Hearings*;

(iii) Use of investigative and expert services in appropriate cases; and

(iv) Effective implementation of indigency screening of all dependency and termination parents, guardians, and legal custodians represented by appointed counsel.

(b) The pilot program shall be established in one eastern and one western Washington juvenile court.

(c) The director shall contract for an independent evaluation of the pilot program benefits and costs. A final evaluation shall be submitted to the governor and the fiscal committees of the legislature no later than February 1, 2002.

(d) The chair of the office of public defense advisory committee shall appoint an implementation committee to:

- (i) Develop criteria for a statewide program to improve dependency and termination defense;
- (ii) Examine caseload impacts to the courts resulting from improved defense practices; and
- (iii) Identify methods for the efficient use of expert services and means by which parents may effectively access services.

If sufficient funds are available, the office of public defense shall contract with the Washington state institute for public policy to research how reducing dependency and termination case delays affects foster care and to identify factors that are reducing the number of family reunifications that occur in dependency and termination cases.

(5) \$50,000 of the public safety and education account--state appropriation is provided solely for the evaluation required in chapter 92, Laws of 2000 (DNA testing).

(6) \$235,000 of the public safety and education account--state appropriation is provided solely for the office of public defense to contract with an existing public defender association to establish a capital defense assistance center.

NEW SECTION. Sec. 115. FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2002) \$ 4,537,000

General Fund--State Appropriation (FY 2003) \$ 4,524,000

General Fund--Federal Appropriation \$ 219,000

Water Quality Account--State

Appropriation \$ 3,908,000

TOTAL APPROPRIATION \$ 13,188,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,908,000 of the water quality account appropriation and \$219,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the salmon recovery office to support the efforts of the independent science panel.

NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2002) \$ 449,000

General Fund--State Appropriation (FY 2003) \$ 451,000

TOTAL APPROPRIATION \$ 900,000

NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2002) \$ 1,910,000

General Fund--State Appropriation (FY 2003) \$ 1,903,000

TOTAL APPROPRIATION \$ 3,813,000

NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2002) \$ 10,513,000

General Fund--State Appropriation (FY 2003) \$ 8,707,000

Archives and Records Management Account--State

Appropriation \$ 7,295,000

Archives and Records Management Account--Private/

Local Appropriation \$ 3,860,000

Department of Personnel Service Account

Appropriation \$ 719,000

TOTAL APPROPRIATION \$ 31,094,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,296,000 of the general fund--state appropriation for fiscal year 2002 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$2,193,000 of the general fund--state appropriation for fiscal year 2002 and \$2,712,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2002 and \$125,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$1,944,004 of the general fund--state appropriation for fiscal year 2002 and \$1,986,772 of the general fund--state appropriation for fiscal year 2003 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2001-2003 biennium.

An eligible nonprofit organization must be formed solely for the purpose of, and be experienced in, providing gavel-to-gavel television coverage of state government deliberations and other events of statewide significance and must have received a determination of tax-exempt status under section 501(c)(3) of the federal internal revenue code. The funding level for each year of the contract shall be based on the amount provided in this subsection and adjusted to reflect the implicit price deflator for the previous year. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a four-year contract with the nonprofit organization to provide public affairs coverage through June 30, 2006.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5)(a) \$149,316 of the archives and records management--state appropriation and \$597,266 of the archives and records management--private/local appropriation are provided solely for the construction of an eastern regional archives. The amounts provided in this subsection shall lapse if:

(i) The financing contract for the construction of an eastern regional archives building is not authorized in the capital budget for the 2001-03 fiscal biennium; or

(ii) Substitute House Bill No. 1926 (increasing the surcharge on county auditor recording fees) is not enacted by July 31, 2001.

(b) \$613,879 of the archives and records management--state appropriation and \$463,102 of the archives and records management--private/local appropriation are provided solely for the design and establishment of an electronic data archive, including the acquisition of hardware and software. The amounts provided in this subsection shall lapse if:

(i) The financing contract for acquisition of technology hardware and software for the electronic data archive is not authorized in the capital budget for the 2001-03 fiscal biennium; or

(ii) Substitute House Bill No. 1926 (increasing the surcharge on county auditor recording fees) is not enacted by June 30, 2001.

(6) If the financing contract for expansion of the state records center is not authorized in the capital budget for fiscal biennium 2001-03, then \$641,000 of the archives and records management account--state appropriation shall lapse.

(7) \$867,000 of the archives and records management account--state appropriation is provided solely for operation of the central microfilming bureau under RCW 40.14.020(8).

NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2002) \$ 269,000

General Fund--State Appropriation (FY 2003) \$ 282,000

TOTAL APPROPRIATION \$ 551,000

NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2002) \$ 233,000

General Fund--State Appropriation (FY 2003) \$ 233,000

TOTAL APPROPRIATION \$ 466,000

NEW SECTION. Sec. 121. FOR THE STATE TREASURER

State Treasurer's Service Account--State

Appropriation \$ 12,870,000

NEW SECTION. Sec. 122. FOR THE REDISTRICTING COMMISSION

General Fund--State Appropriation (FY 2002) \$ 856,000

General Fund--State Appropriation (FY 2003) \$ 20,000

TOTAL APPROPRIATION \$ 876,000

The appropriations in this section are subject to the following conditions and limitations: On January 1, 2003, any unspent portions of this appropriation shall be deposited in the common school construction fund.

NEW SECTION. Sec. 123. FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2002) \$ 1,078,000

General Fund--State Appropriation (FY 2003) \$ 1,324,000

State Auditing Services Revolving Account--State

Appropriation \$ 13,540,000

TOTAL APPROPRIATION \$ 15,942,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$910,000 of the general fund--state appropriation for fiscal year 2002 and \$910,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$300,000 of the general fund--state appropriation for fiscal year 2002 and \$300,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the state auditor to conduct performance audits of three governmental entities as demonstration audits for state and local government agencies. Each audit shall include a financial history and shall identify and review performance measures, benchmarks, quality management practices, and efficiencies achieved. The state auditor may contract for consulting services in completing these audits. The state auditor shall report findings from these audits to the appropriate legislative committees by December 1, 2002.

NEW SECTION. Sec. 124. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2002) \$ 80,000

General Fund--State Appropriation (FY 2003) \$ 152,000

TOTAL APPROPRIATION \$ 232,000

NEW SECTION. Sec. 125. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2002) \$ 4,811,000

General Fund--State Appropriation (FY 2003) \$ 4,806,000

General Fund--Federal Appropriation \$ 2,868,000

Public Safety and Education Account--State

Appropriation \$ 1,789,000
 Tobacco Prevention and Control Account
 Appropriation \$ 277,000
 New Motor Vehicle Arbitration Account--State
 Appropriation \$ 1,163,000
 Legal Services Revolving Account--State
 Appropriation \$ 147,306,000
 TOTAL APPROPRIATION \$ 163,020,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general and the office of financial management shall modify the attorney general billing system to meet the needs of user agencies for greater predictability, timeliness, and explanation of how legal services are being used by the agency. The attorney general shall provide the following information each month to agencies receiving legal services: (a) The full-time equivalent attorney services provided for the month; (b) the full-time equivalent investigator services provided for the month; (c) the full-time equivalent paralegal services provided for the month; and (d) direct legal costs, such as filing and docket fees, charged to the agency for the month.

(3) Prior to entering into any negotiated settlement of a claim against the state, that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

NEW SECTION. Sec. 126. FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2002) \$ 631,000
 General Fund--State Appropriation (FY 2003) \$ 619,000
 TOTAL APPROPRIATION \$ 1,250,000

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2002) \$ 71,083,500
 General Fund--State Appropriation (FY 2003) \$ 70,873,500
 General Fund--Federal Appropriation \$ 173,342,000
 General Fund--Private/Local Appropriation \$ 7,980,000
 Public Safety and Education Account--State
 Appropriation \$ 10,300,000
 Public Works Assistance Account--State
 Appropriation \$ 1,911,000
 Film and Video Promotion Account--State
 Appropriation \$ 25,000
 Building Code Council Account--State
 Appropriation \$ 1,061,000
 Administrative Contingency Account--State
 Appropriation \$ 1,777,000
 Low-Income Weatherization Assistance Account--State
 Appropriation \$ 3,292,000
 Violence Reduction and Drug Enforcement Account--
 State Appropriation \$ 6,081,000
 Manufactured Home Installation Training Account--
 State Appropriation \$ 256,000
 Community Economic Development Account--
 State Appropriation \$ 113,000
 Washington Housing Trust Account--State
 Appropriation \$ 5,597,000
 Public Facility Construction Loan Revolving
 Account--State Appropriation \$ 550,000
 TOTAL APPROPRIATION \$ 354,242,000

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature that the department of community, trade, and economic development receive separate programmatic allotments for the office of community development and the office of trade and economic development. Any appropriation made to the department of community, trade, and economic development for carrying out the powers, functions, and duties of either office shall be credited to the appropriate office.

(2) \$3,085,000 of the general fund--state appropriation for fiscal year 2002 and \$3,085,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(3) \$61,000 of the general fund--state appropriation for fiscal year 2002 and \$62,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item OCD-01.

(4) \$10,403,445 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2002 as follows:

(a) \$3,603,250 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$620,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

- (c) \$1,363,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;
- (d) \$200,000 to the department for grants to support tribal law enforcement needs;
- (e) \$991,000 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;
- (f) \$302,551 to the department for training and technical assistance of public defenders representing clients with special needs;
- (g) \$88,000 to the department to continue a substance abuse treatment in jails program, to test the effect of treatment on future criminal behavior;
- (h) \$697,075 to the department to continue domestic violence legal advocacy;
- (i) \$903,000 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;
- (j) \$60,000 to the Washington association of sheriffs and police chiefs to complete the state and local components of the national incident-based reporting system;
- (k) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;
- (l) \$91,000 to the department to continue the governor's council on substance abuse;
- (m) \$99,000 to the department to continue evaluation of Byrne formula grant programs;
- (n) \$500,469 to the office of financial management for criminal history records improvement; and
- (o) \$825,100 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(5) \$470,000 of the general fund--state appropriation for fiscal year 2002 and \$470,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for rural economic development activities including \$200,000 for the Washington manufacturing service, and \$100,000 for business retention and expansion.

(6) \$1,250,000 of the general fund--state appropriation for fiscal year 2002 and \$1,250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to operate, repair, and staff shelters for homeless families with children.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2002 and \$2,500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to operate transitional housing for homeless families with children. The grants may also be used to make partial payments for rental assistance.

(8) \$1,250,000 of the general fund--state appropriation for fiscal year 2002 and \$1,250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for consolidated emergency assistance to homeless families with children.

(9) \$205,000 of the general fund--state appropriation for fiscal year 2002 and \$205,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to Washington Columbia river gorge counties to implement their responsibilities under the national scenic area management plan. Of this amount, \$390,000 is provided for Skamania county and \$20,000 is provided for Clark county.

(10) \$698,000 of the general fund--state appropriation for fiscal year 2002, \$698,000 of the general fund--state appropriation for fiscal year 2003, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations to maintain existing programs.

(11) \$600,000 of the public safety and education account appropriation is provided solely for sexual assault prevention and treatment programs.

(12) \$680,000 of the Washington housing trust account appropriation is provided solely to conduct a pilot project designed to lower infrastructure costs for residential development.

(13) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided to the department solely for providing technical assistance to developers of housing for farmworkers.

(14) \$370,000 of the general fund--state appropriation for fiscal year 2002, \$371,000 of the general fund--state appropriation for fiscal year 2003, and \$25,000 of the film and video promotion account appropriation are provided solely for the film office to bring film and video production to Washington state.

(15) \$22,000 of the general fund--state appropriation for fiscal year 2002 and \$23,000 of the general fund--state appropriation for fiscal year 2003 are provided solely as a matching grant to support the Washington state senior games. State funding shall be matched with at least an equal amount of private or local governmental funds.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2002 and \$500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to food banks and food distribution centers to increase their ability to accept, store, and deliver perishable food.

(17) \$230,000 of the general fund--state appropriation for fiscal year 2002, \$230,000 of the general fund--state appropriation for fiscal year 2003, and the entire community economic development account appropriation are provided solely for support of the developmental disabilities endowment governing board and startup costs of the endowment program. Startup costs are a loan from the state general fund and will be repaid from funds within the program as determined by the governing board. The governing board may use state appropriations to implement a sliding-scale fee waiver for families earning below 150 percent of the state median family income. The director of the department, or the director of the subsequent department of community development, may implement fees to support the program as provided under RCW 43.330.152.

(18) \$880,000 of the public safety and education account appropriation is provided solely for community-based legal advocates to assist sexual assault victims with both civil and criminal justice issues. If Senate Bill No. 5309 is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(19) \$65,000 of the general fund--state appropriation for fiscal year 2002 and \$65,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(20) \$120,000 of the general fund--state appropriation for fiscal year 2002 and \$120,000 of the general fund--state appropriation for fiscal year 2003 are provided solely as one-time pass-through funding to currently licensed overnight youth shelters.

(21) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(22) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the community connections program in Walla Walla.

(23) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided to the office of community development solely for the purposes of providing assistance to industrial workers who have been displaced by energy cost-related industrial plant closures in rural counties. For purposes of this subsection, "rural county" is as defined in RCW 82.14.370(5). The office of community development shall distribute the amount in this subsection to community agencies that assist the displaced industrial workers in meeting basic needs including, but not limited to, emergency medical and dental services, family and mental health counseling, food, energy costs, mortgage, and rental costs. The department shall not retain more than two percent of the amount provided in this subsection for administrative costs.

(24) \$91,500 of the general fund--state appropriation for fiscal year 2002 and \$91,500 of the general fund--state appropriation for fiscal year 2003 are provided solely for services related to the foreign representative contract for Japan.

(25) \$81,000 of the general fund--state appropriation for fiscal year 2002 and \$81,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for business finance and loan programs.

(26) \$150,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the quick sites initiative program.

(27) \$120,000 of the general fund--state appropriation for fiscal year 2002 and \$120,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for operating a business information hotline.

(28) \$29,000 of the general fund--state appropriation for fiscal year 2002 and \$29,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for travel expenses associated with the office of trade and economic development's provision of outreach and technical assistance services to businesses and local economic development associations.

(29) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for information technology enhancements designed to improve the delivery of agency services to customers.

NEW SECTION. Sec. 128. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2002) \$ 512,000
General Fund--State Appropriation (FY 2003) \$ 514,000
TOTAL APPROPRIATION \$ 1,026,000

NEW SECTION. Sec. 129. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2002) \$ 12,456,000
General Fund--State Appropriation (FY 2003) \$ 12,024,000
General Fund--Federal Appropriation \$ 23,657,000
Violence Reduction and Drug Enforcement
Account--State Appropriation \$ 229,000
State Auditing Services Revolving
Account--State Appropriation \$ 25,000
TOTAL APPROPRIATION \$ 48,391,000

The appropriations in this section are subject to the following conditions and limitations: The office of financial management shall review policies and procedures regarding purchasing of information technology upgrades by state agencies. Information technology upgrades include replacement workstations, network equipment, operating systems and application software. The review shall document existing policies and procedures, and shall compare alternative upgrade policies that reduce the overall cost to state government for maintaining adequate information technology to meet the existing business needs of state agencies. Findings and recommendations from this review shall be reported to appropriate committees of the legislature by December 1, 2001.

NEW SECTION. Sec. 130. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State
Appropriation \$ 21,938,000

NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State
Appropriation \$ 17,297,000
Higher Education Personnel Services Account--State
Appropriation \$ 1,636,000
TOTAL APPROPRIATION \$ 18,933,000

The appropriations in this section are subject to the following conditions and limitations: The department of personnel may charge agencies through the data processing revolving account up to \$561,000 in fiscal year 2002 to study the development of a new personnel and payroll system. Funding to cover these expenses shall be realized from agency FICA savings associated with the pretax benefits contributions plans. Funding is subject to section 902 of this act.

NEW SECTION. Sec. 132. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State

Appropriation \$ 22,130,000

NEW SECTION. Sec. 133. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2002) \$ 226,000

General Fund--State Appropriation (FY 2003) \$ 234,000

TOTAL APPROPRIATION \$ 460,000

NEW SECTION. Sec. 134. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2002) \$ 211,000

General Fund--State Appropriation (FY 2003) \$ 209,000

TOTAL APPROPRIATION \$ 420,000

NEW SECTION. Sec. 135. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Account--State

Appropriation \$ 1,679,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Dependent Care Administrative Account--State

Appropriation \$ 378,000

Department of Retirement Systems Expense Account--

State Appropriation \$ 49,562,000

TOTAL APPROPRIATION \$ 49,940,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the department of retirement systems expense account appropriation is provided solely for support of the information systems project known as the electronic document image management system.

(2) \$120,000 of the department of retirement systems expense account appropriation is provided solely for locating inactive members entitled to retirement benefits.

(3) \$117,000 of the department of retirement systems expense account appropriation is provided solely for modifications to the retirement information systems to accommodate tracking of postretirement employment on an hourly basis.

(4) \$440,000 of the department of retirement systems expense account is provided solely for the implementation of Engrossed Senate Bill No. 5143 (Washington state patrol retirement systems plan 2).

(5) \$6,420,000 of the department of retirement systems expense account is provided solely for the implementation of public employees' retirement system plan 3 (chapter 247, Laws of 2000).

(6) \$101,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5144 (LEOFF survivor benefit). If the bill is not enacted by July 31, 2001, the amount provided in this subsection shall lapse.

(7) \$744,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Second Engrossed Substitute Senate Bill No. 6166 (LEOFF restructuring). If the bill is not enacted by July 31, 2001, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 137. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State

Appropriation \$ 12,876,000

NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2002) \$ 72,820,000

General Fund--State Appropriation (FY 2003) \$ 72,387,000

Timber Tax Distribution Account--State

Appropriation \$ 5,131,000

Waste Education/Recycling/Litter Control--State

Appropriation \$ 101,000

State Toxics Control Account--State

Appropriation \$ 67,000

Oil Spill Administration Account--State

Appropriation \$ 14,000

TOTAL APPROPRIATION \$ 150,520,000

The appropriations in this section are subject to the following conditions and limitations:

\$269,000 of the general fund--state appropriation for fiscal year 2002 and \$49,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to establish and provide staff support to a committee on taxation to study the elasticity, equity, and adequacy of the state's tax system.

(1) The committee shall consist of eleven members. The department shall appoint six academic scholars from the fields of economics, taxation, business administration, public administration, public policy, and other relevant disciplines as determined by the department, after consulting with the majority and minority leaders in the senate, the co-speakers in the house of representatives, the chair of the ways and means committee in the senate, and the co-chairs of the finance committee in the house of representatives. The governor and the chairs of the majority and minority caucuses in each house of the legislature shall each appoint one member to the committee. These appointments may be legislative members. The members of the committee shall either elect a voting chair from among their membership or a nonvoting chair who is not a member of the committee. Members of the committee shall serve without compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(2) The purpose of the study is to determine how well the current tax system functions and how it might be changed to better serve the citizens of the state in the twenty-first century. In reviewing options for changes to the tax system, the committee

shall develop multiple alternatives to the existing tax system. To the extent possible, the alternatives shall be designed to increase the harmony between the tax system of this state and the surrounding states, encourage commerce and business creation, and encourage home ownership. In developing alternatives, the committee shall examine and consider the effects of tax incentives, including exemptions, deferrals, and credits. The alternatives shall range from incremental improvements in the current tax structure to complete replacement of the tax structure. In conducting the study, the committee shall examine the tax structures of other states and review previous studies regarding tax reform in this state. In developing alternatives, the committee shall be guided by administrative simplicity, economic neutrality, fairness, stability, and transparency. Most of the alternatives presented by the committee to the legislature shall be revenue neutral and contain no income tax.

(3) The department shall create an advisory group to include, but not be limited to, representatives of business, state agencies, local governments, labor, taxpayers, and other advocacy groups. The group shall provide advice and assistance to the committee.

(4) The committee shall present a final report of its findings and alternatives to the ways and means committee in the senate and the finance committee in the house of representatives by November 30, 2002.

NEW SECTION. Sec. 139. FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2002) \$ 1,193,000
General Fund--State Appropriation (FY 2003) \$ 1,038,000
TOTAL APPROPRIATION \$ 2,231,000

NEW SECTION. Sec. 140. FOR THE MUNICIPAL RESEARCH COUNCIL

City and Town Research Services Account--
State Appropriation \$ 3,814,000
County Research Services Account--State
Appropriation \$ 761,000
TOTAL APPROPRIATION \$ 4,575,000

NEW SECTION. Sec. 141. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State
Appropriation \$ 2,616,000

NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2002) \$ 549,000
General Fund--State Appropriation (FY 2003) \$ 630,000
General Fund--Federal Appropriation \$ 1,930,000
General Fund--Private/Local Appropriation \$ 444,000
State Capitol Vehicle Parking Account--
State Appropriation \$ 154,000
General Administration Services Account--State
Appropriation \$ 41,419,000
TOTAL APPROPRIATION \$ 45,126,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall conduct a review of the ultimate purchasing system to evaluate the following: (a) The degree to which program objectives and assumptions were achieved; (b) the degree to which planned schedule of phases, tasks, and activities were accomplished; (c) an assessment of estimated and actual costs of each phase; (d) an assessment of project cost recovery/cost avoidance, return on investment, and measurable outcomes as each relate to the agency's business functions and other agencies' business functions; and (e) the degree to which integration with the agency and state information technology infrastructure was achieved. The department will receive written input from participating pilot agencies that describes measurable organizational benefits and cost avoidance opportunities derived from use of the ultimate purchasing system. The performance review shall be submitted to the office of financial management and the appropriate legislative fiscal committees by July 1, 2002.

(2) \$60,000 of the general administration services account appropriation is provided solely for costs associated with the development of the information technology architecture to link the risk management information system and the tort division's case management system, and the reconciliation of defense cost reimbursement information.

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Account--State
Appropriation \$ 3,706,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Fifteen independent private, nonprofit colleges, located in Washington state, have requested connection to the K-20 educational telecommunications network. These K-20 connections shall be provided to the private schools on a full cost reimbursement basis, net of the value of services and information provided by the private institutions, based on criteria approved by the K-20 board.

(2) Some private K-12 schools have requested limited "pilot connections" to the K-20 network to test the technical and economic feasibility of one or more connection models. These K-20 connections shall be provided to the private K-12 schools on a full cost reimbursement basis, net of the value of services and information provided by the private K-12 schools based on criteria approved by the K-20 board.

(3) In the 2001-03 biennium, the department shall incorporate statewide elements for a common technology infrastructure into the state strategic information technology plan that state agencies shall then use in establishing individual agency business applications.

(4) The department shall implement the \$10,800,000 service rate reduction it proposed on August 14, 2000.

NEW SECTION. Sec. 144. FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation \$ 622,000
Insurance Commissioners Regulatory Account--State
Appropriation \$ 29,053,000
TOTAL APPROPRIATION \$ 29,675,000

The appropriations in this section are subject to the following conditions and limitations: \$693,000 of the insurance commissioner's regulatory account appropriation is provided solely for moving and renovation costs associated with the colocation of the agency's Olympia-area facilities. Expenditures from this amount shall be subject to the approval of the department of general administration.

NEW SECTION. Sec. 145. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State

Appropriation \$ 1,716,000

The appropriation in this section is subject to the following conditions and limitations: \$355,000 of the certified public accountants' account appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5593 (public accountancy act). If the bill is not enacted by June 30, 2001, this amount shall lapse. During fiscal years 2002 and 2003, the board is authorized to increase fees in excess of the fiscal growth factor pursuant to RCW 43.135.055.

NEW SECTION. Sec. 146. FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account--State

Appropriation \$ 276,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

NEW SECTION. Sec. 147. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Account--State

Appropriation \$ 4,504,000

NEW SECTION. Sec. 148. FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2002) \$ 1,483,000

General Fund--State Appropriation (FY 2003) \$ 1,484,000

Liquor Control Board Construction and Maintenance

Account--State Appropriation \$ 8,114,000

Liquor Revolving Account--State

Appropriation \$ 142,148,000

TOTAL APPROPRIATION \$ 153,229,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,573,000 of the liquor revolving account appropriation is provided solely for the agency information technology upgrade. This amount provided in this subsection is conditioned upon satisfying the requirements of section 902 of this act.

(2) \$4,803,000 of the liquor revolving account appropriation is provided solely for the costs associated with the development and implementation of a merchandising business system. Expenditures of any funds for this system are conditioned upon the approval of the merchandising business system's feasibility study by the information services board. The amount provided in this subsection is also conditioned upon satisfying the requirements of section 902 of this act.

NEW SECTION. Sec. 149. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Account--State

Appropriation \$ 27,108,000

Pipeline Safety Account--State

Appropriation \$ 3,305,000

Pipeline Safety Account--Federal

Appropriation \$ 822,000

TOTAL APPROPRIATION \$ 31,235,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,011,000 of the pipeline safety account--state appropriation and \$822,000 of the pipeline safety account--federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5182 (pipeline safety). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(2) \$294,000 of the pipeline safety account--state appropriation is provided solely for an interagency agreement with the joint legislative audit and review committee for a report on hazardous liquid and gas pipeline safety programs. The committee shall review staff use, inspection activity, fee methodology, and costs of the hazardous liquid and gas pipeline safety programs and report to the appropriate legislative committees by July 1, 2003. The report shall include a comparison of interstate and intrastate programs, including but not limited to the number and complexity of regular and specialized inspections, mapping requirements for each program, and allocation of administrative costs to each program. If Substitute Senate Bill No. 5182 (pipeline safety) is not enacted by June 30, 2001, the amount provided in this section shall lapse.

NEW SECTION. Sec. 150. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' Relief and Pension

Administrative Account--State

Appropriation \$ 569,000

NEW SECTION. Sec. 151. FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2002) \$ 9,165,000

General Fund--State Appropriation (FY 2003) \$ 8,979,000

General Fund--Federal Appropriation \$ 22,509,000

General Fund--Private/Local Appropriation \$ 234,000

Enhanced 911 Account--State Appropriation \$ 16,544,000

Disaster Response Account--State Appropriation \$ 582,000

Disaster Response Account--Federal Appropriation \$ 3,392,000

Worker and Community Right to Know Fund--State

Appropriation \$ 283,000

Nisqually Earthquake Account--State

Appropriation \$ 37,884,000
Nisqually Earthquake Account--Federal
Appropriation \$ 157,795,000
TOTAL APPROPRIATION \$ 257,367,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$582,000 of the disaster response account--state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disasters approved in the 1999-01 biennium budget. The military department may, upon approval of the director of financial management, use portions of the disaster response account--state appropriation to offset costs of new disasters occurring before June 30, 2003. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing disaster costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (d) estimates of future payments by biennium. This information shall be displayed by individual disaster, by fund, and by type of assistance. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2001-03 biennium based on current revenue and expenditure patterns.

(2) \$100,000 of the general fund--state fiscal year 2002 appropriation and \$100,000 of the general fund--state fiscal year 2003 appropriation are provided solely for implementation of the conditional scholarship program pursuant to chapter 28B.103 RCW.

(3) \$60,000 of the general fund--state appropriation for fiscal year 2002 and \$60,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Senate Bill No. 5256 (emergency management compact). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(4) \$35,000 of the general fund--state fiscal year 2002 appropriation and \$35,000 of the general fund--state fiscal year 2003 appropriation are provided solely for the north county emergency medical service.

(5) \$1,374,000 of the Nisqually earthquake account--state appropriation and \$3,861,000 of the Nisqually earthquake account--federal appropriation are provided solely for the military department's costs associated with coordinating the state's response to the February 28, 2001, earthquake.

(6) \$1,347,000 of the Nisqually earthquake account--state appropriation and \$5,359,000 of the Nisqually earthquake account--federal appropriation are provided solely for mitigation costs associated with the earthquake for state and local agencies. Of the amount from the Nisqually earthquake account--state appropriation, \$898,000 is provided for the state matching share for state agencies and \$449,000 is provided for one-half of the local matching share for local entities. The amount provided for the local matching share constitutes a revenue distribution for purposes of RCW 43.135.060(1).

(7) \$35,163,000 of the Nisqually earthquake account--state appropriation and \$148,575,000 of the Nisqually earthquake account--federal appropriation are provided solely for public assistance costs associated with the earthquake for state and local agencies. Of the amount from the Nisqually earthquake account--state appropriation, \$20,801,000 is provided for the state matching share for state agencies and \$14,362,000 is provided for one-half of the local matching share for local entities. The amount provided for the local matching share constitutes a revenue distribution for purposes of RCW 43.135.060(1). Upon approval of the director of financial management, the military department may use portions of the Nisqually earthquake account--state appropriations to cover other response and recovery costs associated with the Nisqually earthquake that are not eligible for federal emergency management agency reimbursement. The military department is to submit a quarterly report detailing the costs authorized under this subsection to the office of financial management and the legislative fiscal committees.

NEW SECTION. Sec. 152. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2002) \$ 2,154,000
General Fund--State Appropriation (FY 2003) \$ 2,164,000
TOTAL APPROPRIATION \$ 4,318,000

NEW SECTION. Sec. 153. FOR THE GROWTH PLANNING HEARINGS BOARD

General Fund--State Appropriation (FY 2002) \$ 1,497,000
General Fund--State Appropriation (FY 2003) \$ 1,506,000
TOTAL APPROPRIATION \$ 3,003,000

NEW SECTION. Sec. 154. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Operating
Account--State Appropriation \$ 37,848,000
State Convention and Trade Center Account--State
Appropriation \$ 29,886,000
TOTAL APPROPRIATION \$ 67,734,000

**PART II
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose, except as expressly provided in subsection (3) of this section.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing

appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

(4) In the event the department receives additional unrestricted federal funds or achieves savings in excess of that anticipated in this act, the department shall use up to \$5,000,000 of such funds to initiate a pilot project providing integrated support services to homeless individuals needing mental health services, alcohol or substance abuse treatment, medical care, or who demonstrate community safety concerns. Before such a pilot project is initiated, the department shall notify the fiscal committees of the legislature of the plans for such a pilot project including the source of funds to be used.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2002) \$ 225,789,000

General Fund--State Appropriation (FY 2003) \$ 239,013,000

General Fund--Federal Appropriation \$ 372,408,000

General Fund--Private/Local Appropriation \$ 400,000

Public Safety and Education Account--

State Appropriation \$ 987,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$ 5,702,000

TOTAL APPROPRIATION \$ 844,299,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,237,000 of the fiscal year 2002 general fund--state appropriation, \$2,288,000 of the fiscal year 2003 general fund--state appropriation, and \$1,590,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$685,000 of the general fund--state fiscal year 2002 appropriation and \$701,000 of the general fund--state fiscal year 2003 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$524,000 of the general fund--state fiscal year 2002 appropriation and \$536,000 of the general fund--state fiscal year 2003 appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$1,260,000 of the fiscal year 2002 general fund--state appropriation, \$1,248,000 of the fiscal year 2003 general fund--state appropriation, and \$4,196,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks. The funding level for the family policy council and community public health and safety networks represents a 25 percent reduction below the funding level for the 1999-2001 biennium. Funding levels shall be reduced 25 percent for both the family policy council and network grants. Reductions to network grants shall be allocated so as to maintain current funding levels, to the greatest extent possible, for projects with the strongest evidence of positive outcomes and for networks with substantial compliance with contracts for network grants.

(5) \$2,215,000 of the fiscal year 2002 general fund--state appropriation, \$4,394,000 of the fiscal year 2003 general fund--state appropriation, and \$5,604,000 of the general fund--federal appropriation are provided solely for reducing the average caseload level per case-carrying social worker. Average caseload reductions are intended to increase the amount of time social workers spend in direct contact with the children, families, and foster parents involved with their open cases. The department shall use some of the funds provided in several local offices to increase staff that support case-carrying social workers in ways that will allow social workers to increase direct contact time with children, families, and foster parents. To achieve the goal of reaching an average caseload ratio of 1:24 by the end of fiscal year 2003, the department shall develop a plan for redeploying 30 FTEs to case-carrying social worker and support positions from other areas in the children and family services budget. The FTE redeployment plan shall be submitted to the fiscal committees of the legislature by December 1, 2001.

(6) \$1,000,000 of the fiscal year 2002 general fund--state appropriation and \$1,000,000 of the fiscal year 2003 general fund--state appropriation are provided solely for increasing foster parent respite care services that improve the retention of foster parents and increase the stability of foster placements. The department shall report quarterly to the appropriate committees of the legislature progress against appropriate baseline measures for foster parent retention and stability of foster placements.

(7) \$1,050,000 of the general fund--federal appropriation is provided solely for increasing kinship care placements for children who otherwise would likely be placed in foster care. These funds shall be used for extraordinary costs incurred by relatives at the time of placement, or for extraordinary costs incurred by relatives after placement if such costs would likely cause a disruption in the kinship care placement. \$50,000 of the funds provided shall be contracted to the Washington institute for public policy to conduct a study of kinship care placements. The study shall examine the prevalence and needs of families who are raising related children and shall compare services and policies of Washington state with other states that have a higher rate of kinship care placements in lieu of foster care placements. The study shall identify possible changes in services and policies that are likely to increase appropriate kinship care placements.

(8) \$3,386,000 of the fiscal year 2002 general fund--state appropriation, \$7,671,000 of the fiscal year 2003 general fund--state appropriation, and \$20,819,000 of the general fund--federal appropriation are provided solely for increases in the cost per case for foster care and adoption support. \$16,000,000 of the general fund--federal amount shall remain unallotted until the office of

financial management approves a plan submitted by the department to achieve a higher rate of federal earnings in the foster care program. That plan shall also be submitted to the fiscal committees of the legislature and shall indicate projected federal revenue compared to actual fiscal year 2001 levels. Within the amounts provided for foster care, the department shall increase the basic rate for foster care to an average of \$420 per month on July 1, 2001, and to an average of \$440 per month on July 1, 2002. The department shall use the remaining funds provided in this subsection to pay for increases in the cost per case for foster care and adoption support. The department shall seek to control rate increases and reimbursement decisions for foster care and adoption support cases such that the cost per case for family foster care, group care, receiving homes, and adoption support does not exceed the amount assumed in the projected caseload expenditures plus the amounts provided in this subsection.

(9) \$1,767,000 of the general fund--state appropriation for fiscal year 2002, \$2,461,000 of the general fund--state appropriation for fiscal year 2003, and \$1,485,000 of the general fund--federal appropriation are provided solely for rate and capacity increases for child placing agencies. Child placing agencies shall increase their capacity by 15 percent in fiscal year 2002 and 30 percent in fiscal year 2003.

(10) The department shall provide secure crisis residential facilities across the state in a manner that: (a) Retains geographic provision of these services; and (b) retains beds in high use areas.

(11) \$125,000 of the general fund--state appropriation for fiscal year 2002 and \$125,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually, as described in House Bill No. 1525 (foster parent retention program).

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2002) \$ 36,625,000

General Fund--State Appropriation (FY 2003) \$ 38,125,000

General Fund--Federal Appropriation \$ 14,609,000

General Fund--Private/Local Appropriation \$ 380,000

Juvenile Accountability Incentive

Account--Federal Appropriation \$ 9,361,000

Public Safety and Education

Account--State Appropriation \$ 6,196,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$ 21,972,000

TOTAL APPROPRIATION \$ 127,268,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$686,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) \$5,980,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(c) \$1,161,000 of the general fund--state appropriation for fiscal year 2002, \$1,162,000 of the general fund--state appropriation for fiscal year 2003, and \$5,190,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(d) \$2,515,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(e) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for juvenile rehabilitation administration to contract with the institute for public policy for responsibilities assigned in chapter 338, Laws of 1997 (juvenile code revisions).

(f) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract for expanded services of the teamchild project.

(g) \$423,000 of the general fund--state appropriation for fiscal year 2002, \$924,000 of the general fund--state appropriation for fiscal year 2003, \$174,000 of the general fund--federal appropriation, \$196,000 of the public safety and education assistance account appropriation, and \$690,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates for contracted service providers.

(h) \$16,000 of the general fund--state appropriation for fiscal year 2002 and \$16,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of chapter 167, Laws of 1999 (firearms on school property). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 167, Laws of 1999, and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(i) \$3,441,000 of the general fund--state appropriation for fiscal year 2002 and \$3,441,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators,

shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(j) \$6,000,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. To the extent that distributions made under (i) and (j) of this subsection and pursuant to section 801 of this act exceed actual costs of processing truancy, children in need of services, and at-risk youth petitions, the department, in consultation with the respective juvenile court administrator and the county, may approve expenditure of funds provided in this subsection on other costs of the civil or criminal justice system. When this occurs, the department shall notify the office of financial management and the legislative fiscal committees. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(k) The distributions made under (i) and (j) of this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(l) Each quarter during the 2001-03 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing the petitions in each of the following categories: Truancy, children in need of services, and at-risk youth. Counties shall submit the reports to the department no later than 45 days after the end of the quarter. The department shall forward this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a quarter ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(m) \$1,692,000 of the juvenile accountability incentive account--federal appropriation is provided solely for the continued implementation of a pilot program to provide for postrelease planning and treatment of juvenile offenders with co-occurring disorders.

(n) \$22,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program implemented pursuant to (m) of this subsection.

(o) \$900,000 of the general fund--state appropriation for fiscal year 2002 and \$900,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the continued implementation of the juvenile violence prevention grant program established in section 204, chapter 309, Laws of 1999.

(p) \$33,000 of the general fund--state appropriation for fiscal year 2002 and \$29,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of House Bill No. 1070 (juvenile offender basic training). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(q) \$21,000 of the general fund--state appropriation for fiscal year 2002 and \$42,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Senate Bill No. 5468 (chemical dependency). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(r) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative.

(s) \$1,377,000 of the general fund--state appropriation for fiscal year 2002 and \$1,669,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for contracted beds at local county detention facilities. The juvenile rehabilitation administration shall contract for these beds and shall not consider these beds to achieve reductions in bed capacity.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002) \$ 46,773,000
General Fund--State Appropriation (FY 2003) \$ 48,735,000
General Fund--Federal Appropriation \$ 14,000
General Fund--Private/Local Appropriation \$ 740,000
Violence Reduction and Drug Enforcement Account--
State Appropriation \$ 15,280,000
TOTAL APPROPRIATION \$ 111,542,000

The appropriations in this subsection are subject to the following conditions and limitations: \$40,000 of the general fund--state appropriation for fiscal year 2002 and \$84,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted service providers.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2002) \$ 1,738,000
General Fund--State Appropriation (FY 2003) \$ 1,765,000
General Fund--Federal Appropriation \$ 307,000
Juvenile Accountability Incentive Account--Federal
Appropriation \$ 1,100,000
Violence Reduction and Drug Enforcement Account--
State Appropriation \$ 421,000
TOTAL APPROPRIATION \$ 5,331,000

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH

PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2002) \$ 191,089,000
General Fund--State Appropriation (FY 2003) \$ 194,884,000
General Fund--Federal Appropriation \$ 339,077,000
General Fund--Local Appropriation \$ 4,363,000
Health Services Account--State
Appropriation \$ 2,450,000

TOTAL APPROPRIATION \$ 731,863,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$388,000 of the general fund--state appropriation for fiscal year 2002, \$1,927,000 of the general fund--state appropriation for fiscal year 2003, and \$2,349,000 of the general fund--federal appropriation are provided solely for development and operation of community residential and support services for persons whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and who are clinically ready for discharge from a state psychiatric hospital. In the event that enough patients are not transitioned or diverted from the state hospitals to close at least two hospital wards by July 2002, and two additional wards by April 2003, a proportional share of these funds shall be transferred to the appropriations in subsection (2) of this section to support continued care of the patients in the state hospitals. Primary responsibility and accountability for provision of appropriate community support for persons placed with these funds shall reside with the mental health program and the regional support networks, with partnership and active support from the alcohol and substance abuse and from the aging and adult services programs. The department shall negotiate performance-based incentive contracts with those regional support networks which have the most viable plans for providing appropriate community support services for significant numbers of persons from their area who would otherwise be served in the state hospitals. The funds appropriated in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(d) At least \$1,000,000 of the federal block grant funding appropriated in this subsection shall be used for (i) initial development, training, and operation of the community support teams which will work with long-term state hospital residents prior and subsequent to their return to the community; and (ii) development of support strategies which will reduce the unnecessary and excessive use of state and local hospitals for short-term crisis stabilization services. Such strategies may include training and technical assistance to community long-term care and substance abuse providers; the development of diversion beds and stabilization support teams; examination of state hospital policies regarding admissions; and the development of new contractual standards to assure that the statutory requirement that 85 percent of short-term detentions be managed locally is being fulfilled. The department shall report to the fiscal and policy committees of the legislature on the results of these efforts by November 1, 2001, and again by November 1, 2002.

(e) The department is authorized to implement a new formula for allocating available resources among the regional support networks. The distribution formula shall use the number of persons eligible for the state medical programs funded under chapter 74.09 RCW as the measure of the requirement for the number of acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed in accordance with RCW 71.24.035(13)(a). The new formula shall be phased in over a period of no less than six years. Furthermore, the department shall increase the medicaid capitation rates which a regional support network would otherwise receive under the formula by an amount sufficient to assure that total funding allocated to the regional support network in fiscal year 2002 increases by up to 2.1 percent over the amount actually paid to that regional support network in fiscal year 2001, and by up to an additional 2.3 percent in fiscal year 2003, if total funding to the regional support network would otherwise increase by less than those percentages under the new formula, and provided that the nonfederal share of the higher medicaid payment rate is provided by the regional support network from local funds.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; and (ii) an intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) The health services account appropriation is provided solely for implementation of strategies which the department and the affected regional support networks conclude will best assure continued availability of community-based inpatient psychiatric services in all areas of the state. Such strategies may include, but are not limited to, emergency contracts for continued operation of inpatient facilities otherwise at risk of closure because of demonstrated uncompensated care; start-up grants for development of evaluation and treatment facilities; and increases in the rate paid for inpatient psychiatric services for medically indigent and/or general assistance for the unemployed patients. The funds provided in this subsection must be: (i) Prioritized for use in those areas of the state which are at greatest risk of lacking sufficient inpatient psychiatric treatment capacity, rather than being distributed on a formula basis; (ii) prioritized for use by those hospitals which do not receive low-income disproportionate share hospital payments as of the date of application for funding; and (iii) matched on a one-quarter local, three-quarters state basis by funding from the regional support network or networks in the area in which the funds are expended. Payments from the amount provided in this subsection shall not be made to any provider that has not agreed that, except for prospective rate increases, the payment shall offset, on a dollar-for-dollar basis, any liability that may be established against, or any settlement that may be agreed to by the state, regarding the rate of state reimbursement for inpatient psychiatric care. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002) \$ 85,836,000

General Fund--State Appropriation (FY 2003) \$ 83,001,000

General Fund--Federal Appropriation \$ 139,098,000

General Fund--Private/Local Appropriation \$ 29,289,000
TOTAL APPROPRIATION \$ 337,224,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(c) The department shall seek to reduce the census of the two state psychiatric hospitals by 120 beds by April 2003 by arranging and providing community residential, mental health, and other support services for long-term state hospital patients whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and who are clinically ready for discharge from a state psychiatric hospital. No such patient is to move from the hospital until a team of community professionals has become familiar with the person and their treatment plan; assessed their strengths, preferences, and needs; arranged a safe, clinically-appropriate, and stable place for them to live; assured that other needed medical, behavioral, and social services are in place; and is contracted to monitor the person's progress on an ongoing basis. The department and the regional support networks shall endeavor to assure that hospital patients are able to return to their area of origin, and that placements are not concentrated in proximity to the hospitals.

(d) For each month subsequent to the month in which a state hospital bed has been closed in accordance with (c) of this subsection, the mental health program shall transfer to the medical assistance program state funds equal to the state share of the monthly per capita expenditure amount estimated for categorically needy-disabled persons in the most recent forecast of medical assistance expenditures.

(e) The department shall report to the appropriate committees of the legislature by November 1, 2001, and by November 1, 2002, on its plans for and progress toward achieving the objectives set forth in (c) of this subsection.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2002) \$ 20,037,000
General Fund--State Appropriation (FY 2003) \$ 22,441,000
TOTAL APPROPRIATION \$ 42,478,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$2,062,000 of the general fund--state appropriation for fiscal year 2002 and \$3,698,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for operational costs associated with a less restrictive step-down placement facility on McNeil Island.

(b) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for mitigation funding for jurisdictions affected by the placement of less restrictive alternative facilities for persons conditionally released from the special commitment center facility being constructed on McNeil Island.

(c) By October 1, 2001, the department shall report to the office of financial management and the fiscal committees of the house of representatives and senate detailing information on plans for increasing the efficiency of staffing patterns at the new civil commitment center facility being constructed on McNeil Island.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2002) \$ 444,000
General Fund--State Appropriation (FY 2003) \$ 443,000
General Fund--Federal Appropriation \$ 2,082,000
TOTAL APPROPRIATION \$ 2,969,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2002) \$ 3,104,000
General Fund--State Appropriation (FY 2003) \$ 3,231,000
General Fund--Federal Appropriation \$ 5,796,000
TOTAL APPROPRIATION \$ 12,131,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,000 of the general fund--state appropriation for fiscal year 2002, \$125,000 of the general fund--state appropriation for fiscal year 2003, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to evaluate the impacts of chapter 214, Laws of 1999 (mentally ill offenders), chapter 217, Laws of 2000 (atypical anti-psychotic medications), chapter 297, Laws of 1998 (commitment of mentally ill persons), and chapter 334, Laws of 2001 (mental health performance audit).

(b) \$168,000 of the general fund--state appropriation for fiscal year 2002, \$243,000 of the general fund--state appropriation for fiscal year 2003, and \$411,000 of the general fund--federal appropriation are provided solely for the development and implementation of a uniform outcome-oriented performance measurement system to be used in evaluating and managing the community mental health service delivery system consistent with the recommendations contained in the joint legislative audit and review committee's audit of the public mental health system. Once implemented, the use of performance measures will allow comparison of measurement results to established standards and benchmarks among regional support networks, service providers, and against other states. The department shall provide a report to the appropriate committees of the legislature on the development and implementation of the use of performance measures by October 2002.

(c) \$125,000 of the general fund--state appropriation for fiscal year 2002, \$125,000 of the general fund--state appropriation for fiscal year 2003, and \$250,000 of the general fund--federal appropriation are provided solely for a study of the prevalence of mental illness among the state's regional support networks. The study shall examine how reasonable estimates of the prevalence of mental illness relate to the incidence of persons enrolled in medical assistance programs in each regional support network area. In conducting this study, the department shall consult with the joint legislative audit and review committee, regional support networks, community mental health providers, and mental health consumer representatives. The department shall submit a final report on its findings to the fiscal, health care, and human services committees of the legislature by November 1, 2003.

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2002) \$ 231,693,000
General Fund--State Appropriation (FY 2003) \$ 242,347,000
General Fund--Federal Appropriation \$ 396,151,000
Health Services Account--State
Appropriation \$ 741,000

TOTAL APPROPRIATION \$ 870,932,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health services account appropriation and \$753,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(b) \$902,000 of the general fund--state appropriation for fiscal year 2002, \$3,372,000 of the general fund--state appropriation for fiscal year 2003, and \$4,056,000 of the general fund--federal appropriation are provided solely for community services for residents of residential habilitation centers (RHCs) who are able to be adequately cared for in community settings and who choose to live in those community settings. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$280. If the number and timing of residents choosing to move into community settings is not sufficient to achieve the RHC cottage consolidation plan assumed in the appropriations in subsection (2) of this section, the department shall transfer sufficient appropriations from this subsection to subsection (2) of this section to cover the added costs incurred in the RHCs. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.

(c) \$1,440,000 of the general fund--state appropriation for fiscal year 2002, \$3,041,000 of the general fund--state appropriation for fiscal year 2003, and \$4,311,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues or are diverted or discharged from state psychiatric hospitals. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$275. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$1,005,000 of the general fund--state appropriation for fiscal year 2002, \$2,262,000 of the general fund--state appropriation for fiscal year 2003, and \$2,588,000 of the general fund--federal appropriation are provided solely for increasing case/resource management resources to improve oversight and quality of care for persons enrolled in the medicaid home and community services waiver for persons with developmental disabilities. The department shall not increase total enrollment in home and community based waivers for persons with developmental disabilities except for increases assumed in additional funding provided in subsections (b) and (c) of this section. Prior to submitting to the health care financing authority any additional home and community based waiver request for persons with developmental disabilities, the department shall submit a summary of the waiver request to the appropriate committees of the legislature. The summary shall include eligibility criteria, program description, enrollment projections and limits, and budget and cost effectiveness projections that distinguish the requested waiver from other existing or proposed waivers.

(e) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for employment, or other day activities and training programs, for young adults with developmental disabilities who complete their high school curriculum in 2001 or 2002. These services are intended to assist with the transition to work and more independent living. Funding shall be used to the greatest extent possible for vocational rehabilitation services matched with federal funding. In recent years, the state general fund appropriation for employment and day programs has been underspent. These surpluses, built into the carry forward level budget, shall be redeployed for high school transition services.

(f) \$369,000 of the fiscal year 2002 general fund--state appropriation and \$369,000 of the fiscal year 2003 general fund--state appropriation are provided solely for continuation of the autism pilot project started in 1999.

(g) \$4,049,000 of the general fund--state appropriation for fiscal year 2002, \$1,734,000 of the general fund--state appropriation for fiscal year 2003, and \$5,369,000 of the general fund--federal appropriation are provided solely to increase compensation by an average of fifty cents per hour for low-wage workers providing state-funded services to persons with developmental disabilities. These funds, along with funding provided for vendor rate increases, are sufficient to raise wages an average of fifty cents and cover the employer share of unemployment and social security taxes on the amount of the wage increase. In consultation with the statewide associations representing such agencies, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002) \$ 71,977,000
General Fund--State Appropriation (FY 2003) \$ 69,303,000
General Fund--Federal Appropriation \$ 145,641,000
General Fund--Private/Local Appropriation \$ 10,230,000
TOTAL APPROPRIATION \$ 297,151,000

The appropriations in this subsection are subject to the following conditions and limitations: Pursuant to RCW 71A.12.160, if residential habilitation center capacity is not being used for permanent residents, the department may make residential habilitation center vacancies available for respite care and any other services needed to care for clients who are not currently being served in a residential habilitation center and whose needs require staffing levels similar to current residential

habilitation center residents. Providing respite care shall not impede the department's ability to consolidate cottages as assumed in the appropriations in this subsection.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2002) \$ 2,601,000
General Fund--State Appropriation (FY 2003) \$ 2,623,000
General Fund--Federal Appropriation \$ 2,413,000
TOTAL APPROPRIATION \$ 7,637,000

The appropriations in this subsection are subject to the following conditions and limitations: \$50,000 of the fiscal year 2002 general fund--state appropriation and \$50,000 of the fiscal year 2003 general fund--state appropriation are provided solely for increasing the contract amount for the southeast Washington deaf and hard of hearing services center due to increased workload.

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 11,995,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2002) \$ 518,911,000
General Fund--State Appropriation (FY 2003) \$ 537,907,000
General Fund--Federal Appropriation \$ 1,078,417,000
General Fund--Private/Local Appropriation \$ 4,324,000
Health Services Account--State
Appropriation \$ 4,523,000
TOTAL APPROPRIATION \$ 2,144,082,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$1,210,000 of the general fund--state appropriation for fiscal year 2002, \$1,423,000 of the general fund--state appropriation for fiscal year 2003, and \$6,794,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan, and only for persons with incomes below 200 percent of the federal poverty level. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,706,000 of the general fund--state appropriation for fiscal year 2002 and \$1,706,000 of the general fund--state appropriation for fiscal year 2003, plus the associated vendor rate increase for each year, are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall be no more than \$128.79 for fiscal year 2002, and no more than \$134.45 for fiscal year 2003. For all facilities, the therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 2.1 percent effective July 1, 2001, and by an additional 2.3 percent effective July 1, 2002. For case-mix facilities, direct care component rates established in accordance with chapter 74.46 RCW shall also be adjusted for economic trends and conditions by 2.1 percent effective July 1, 2001, and by an additional 2.3 percent effective July 1, 2002. Additionally, to facilitate the transition to a fully case-mix based direct care payment system, the median price per case-mix unit for each of the applicable direct care peer groups shall be increased on a one-time basis by 2.64 percent effective July 1, 2002.

(4) In accordance with Substitute House Bill No. 2242 (nursing home rates), the department shall issue certificates of capital authorization which result in up to \$10 million of increased asset value completed and ready for occupancy in fiscal year 2003; in up to \$27 million of increased asset value completed and ready for occupancy in fiscal year 2004; and in up to \$27 million of increased asset value completed and ready for occupancy in fiscal year 2005.

(5) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(6) Within funds appropriated in this section and in section 204 of this act, the aging and adult services program shall coordinate with and actively support the efforts of the mental health program and of the regional support networks to provide stable community living arrangements for persons with dementia and traumatic brain injuries who have been long-term residents of the state psychiatric hospitals. The aging and adult services program shall report to the health care and fiscal committees of the legislature by November 1, 2001, and by November 1, 2002, on the actions it has taken to achieve this objective.

(7) Within funds appropriated in this section and in section 204 of this act, the aging and adult services program shall devise and implement strategies in partnership with the mental health program and the regional support networks to reduce the use of state and local psychiatric hospitals for the short-term stabilization of persons with dementia and traumatic brain injuries. Such strategies may include training and technical assistance to help long-term care providers avoid and manage behaviors which might otherwise result in psychiatric hospitalizations; monitoring long-term care facilities to assure residents are receiving appropriate mental health care and are not being inappropriately medicated or hospitalized; the development of diversion beds and stabilization support teams; and the establishment of systems to track the use of psychiatric hospitals by long-term care providers. The aging and adult services program shall report to the health care and fiscal committees of the legislature by November 1, 2001, and by November 1, 2002, on the actions it has taken to achieve this objective.

(8) In accordance with Substitute House Bill No. 1341, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of home-based services, and the second shall include coverage of care in community residential facilities. Enrollment in the waiver covering home-based services shall not exceed 150 persons by the end of fiscal year 2002, nor 200 persons by the end of fiscal year 2003. Enrollment in the waiver covering community residential services shall not exceed 500 persons by the end of fiscal year 2002, nor 900 persons by the end of fiscal year 2003.

(b) For each month of waiver service delivered to a person who was not covered by medicaid prior to their enrollment in the waiver, the aging and adult services program shall transfer to the medical assistance program state and federal funds equal to the monthly per capita expenditure amount, net of drug rebates, estimated for medically needy-aged persons in the most recent forecast of medical assistance expenditures.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) The department shall track and report to health care and fiscal committees of the legislature by November 15, 2002, on the types of long-term care support a sample of waiver participants were receiving prior to their enrollment in the waiver, how those services were being paid for, and an assessment of their adequacy.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(10) \$364,000 of the general fund--state appropriation for fiscal year 2002, \$364,000 of the general fund--state appropriation for fiscal year 2003, and \$740,000 of the general fund--federal appropriation are provided solely for payment of exceptional care rates so that persons with Alzheimer's disease and related dementias who might otherwise require nursing home or state hospital care can instead be served in boarding home-licensed facilities which specialize in the care of such conditions.

(11) From funds appropriated in this section, the department shall increase compensation for individual and for agency home care providers. Payments to individual home care providers are to be increased from \$7.18 per hour to \$7.68 per hour on July 1, 2001. Payments to agency providers are to be increased to \$13.30 per hour on July 1, 2001, and to \$13.44 per hour on July 1, 2002. All but 18 cents per hour of the July 1, 2001, increase to agency providers is to be used to increase wages for direct care workers. The appropriations in this section also include the funds needed for the employer share of unemployment and social security taxes on the amount of the wage increase required by this subsection.

(12) \$2,507,000 of the general fund--state appropriation for fiscal year 2002, \$2,595,000 of the general fund--state appropriation for fiscal year 2003, and \$5,100,000 of the general fund--federal appropriation are provided solely for prospective rate increases intended to increase compensation by an average of fifty cents per hour for low-wage workers in agencies which contract with the state to provide community residential services for persons with functional disabilities. In consultation with the statewide associations representing such agencies, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the wage increase.

(13) \$1,082,000 of the general fund--state appropriation for fiscal year 2002, \$1,082,000 of the general fund--state appropriation for fiscal year 2003, and \$2,204,000 of the general fund--federal appropriation are provided solely for prospective rate increases intended to increase compensation for low-wage workers in nursing homes which contract with the state. For fiscal year 2002, the department shall add forty-five cents per patient day to the direct care rate which would otherwise be paid to each nursing facility in accordance with chapter 74.46 RCW. For fiscal year 2003, the department shall increase the median price per case-mix unit for each of the applicable peer groups by six-tenths of one percent in order to distribute the available funds. In consultation with the statewide associations representing nursing facilities, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2002) \$ 436,440,000
General Fund--State Appropriation (FY 2003) \$ 424,870,000
General Fund--Federal Appropriation \$ 1,356,351,000
General Fund--Private/Local Appropriation \$ 31,788,000
TOTAL APPROPRIATION \$ 2,249,449,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$282,081,000 of the general fund--state appropriation for fiscal year 2002, \$278,277,000 of the general fund--state appropriation for fiscal year 2003, \$1,254,197,000 of the general fund--federal appropriation, and \$29,352,000 of the general fund--local appropriation are provided solely for the WorkFirst program and child support operations. WorkFirst expenditures include TANF grants, diversion services, subsidized child care, employment and training, other WorkFirst related services, allocated field services operating costs, and allocated economic services program administrative costs. Within the amounts provided in this subsection, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. An increased attention to job retention and wage progression is necessary to emphasize the legislature's goal that the WorkFirst program succeed in helping recipients gain long-term economic independence and not cycle on and off public assistance. The wage progression measure shall report the median percentage increase in quarterly earnings and hourly wage after 12 months, 24 months, and 36 months. The wage progression report shall also report the percent with earnings above one hundred percent and two hundred percent of the federal poverty level. The report shall compare former WorkFirst participants with similar workers who did not participate in WorkFirst. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months.

(b) Develop informational materials that educate families about the difference between cash assistance and work support benefits. These materials must explain, among other facts, that the benefits are designed to support their employment, that there are no time limits on the receipt of work support benefits, and that immigration or residency status will not be affected by the receipt of benefits. These materials shall be posted in all community service offices and distributed to families. Materials must be available in multiple languages. When a family leaves the temporary assistance for needy families program, receives cash diversion assistance, or withdraws a temporary assistance for needy families application, the department of social and health services shall educate them about the difference between cash assistance and work support benefits and offer them the opportunity to begin or to continue receiving work support benefits, so long as they are eligible. The department shall provide this information through in-person interviews, over the telephone, and/or through the mail. Work support benefits include food stamps, medicaid for all family

members, medicaid or state children's health insurance program for children, and child care assistance. The department shall report annually to the legislature the number of families who have had exit interviews, been reached successfully by phone, and been sent mail. The report shall also include the percentage of families who elect to continue each of the benefits and the percentage found ineligible by each substantive reason code. A substantive reason code shall not be "other." The report shall identify barriers to informing families about work support benefits and describe existing and future actions to overcome such barriers.

(c) From the amounts provided in this subsection, provide \$50,000 from the general fund--state appropriation for fiscal year 2002 and \$50,000 from the general fund--state appropriation for fiscal year 2003 to the Washington institute for public policy for continuation of the WorkFirst evaluation database.

(d) Submit a report by December 1, 2001, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2001-2003 biennium will be adjusted by June 30, 2003, to be sustainable within available federal grant levels and the carryforward level of state funds.

(2) \$48,341,000 of the general fund--state appropriation for fiscal year 2002 and \$48,341,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided.

(3) \$5,632,000 of the general fund--state appropriation for fiscal year 2002 and \$5,632,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(4) \$48,000 of the general fund--state appropriation for fiscal year 2002 is provided solely to implement chapter 111, Laws of 2001 (veterans/Philippines).

(5) The department shall apply the provisions of RCW 74.04.005(10) to simplify resource eligibility policy, make such policy consistent with other federal public assistance programs, and achieve the budgetary savings assumed in this section.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2002) \$ 38,047,000

General Fund--State Appropriation (FY 2003) \$ 38,938,000

General Fund--Federal Appropriation \$ 91,695,000

General Fund--Private/Local Appropriation \$ 723,000

Public Safety and Education Account--State

Appropriation \$ 13,733,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$ 52,510,000

TOTAL APPROPRIATION \$ 235,646,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,610,000 of the general fund--state appropriation for fiscal year 2002 and \$1,622,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for expansion of 35 drug and alcohol treatment beds for persons committed under RCW 70.96A.140. Patients meeting the commitment criteria of RCW 70.96A.140 but who voluntarily agree to treatment in lieu of commitment shall also be eligible for treatment in these additional treatment beds. The department shall develop specific placement criteria for these expanded treatment beds to ensure that this new treatment capacity is prioritized for persons incapacitated as a result of chemical dependency and who are also high utilizers of hospital services. These additional treatment beds shall be located in the eastern part of the state.

(2) \$2,800,000 of the public safety and education account--state appropriation is provided solely for expansion of treatment for persons gravely disabled by abuse and addiction to alcohol and other drugs including methamphetamine.

(3) \$1,083,000 of the public safety and education account--state appropriation is provided solely for adult and juvenile drug courts that have a net loss of federal grant funding in state fiscal year 2002 and state fiscal year 2003. This appropriation is intended to cover approximately one-half of lost federal funding. It is the intent of the legislature to provide state assistance to counties to cover a part of lost federal funding for drug courts for a maximum of three years.

(4) \$1,993,000 of the public safety and education account--state appropriation and \$951,000 of the general fund--federal appropriation are provided solely for drug and alcohol treatment for SSI clients. The department shall continue research and post-program evaluation of these clients to further determine the post-treatment utilization of medical services and the service effectiveness of consolidation.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2002) \$ 1,028,885,000

General Fund--State Appropriation (FY 2003) \$ 1,130,904,000

General Fund--Federal Appropriation \$ 3,637,511,000

General Fund--Private/Local Appropriation \$ 276,147,000

Emergency Medical Services and Trauma Care Systems

Trust Account--State Appropriation \$ 9,200,000

Health Services Account--State Appropriation \$ 1,043,310,000

TOTAL APPROPRIATION \$ 7,125,957,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall increase its efforts to restrain the growth of health care costs. The appropriations in this section anticipate that the department implements a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs by approximately 3 percent below the level projected for the 2001-03 biennium in the March 2001 forecast. The department shall report to the fiscal committees of the legislature by October 1, 2001, on its specific plans and semiannual targets for accomplishing these savings. The department shall report again to the fiscal committees by March 1, 2002, and by September

1, 2002, on actual performance relative to the semiannual targets. If satisfactory progress is not being made to achieve the targeted savings, the reports shall include recommendations for additional or alternative measures to control costs.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) \$502,000 of the health services account appropriation, \$400,000 of the general fund--private/local appropriation, and \$1,676,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1058 (breast and cervical cancer treatment). If the bill is not enacted by June 30, 2001, or if private funding is not contributed equivalent to the general fund--private/local appropriation, the funds appropriated in this subsection shall lapse.

(5) \$620,000 of the health services account appropriation for fiscal year 2002, \$1,380,000 of the health services account appropriation for fiscal year 2003, and \$2,000,000 of the general fund--federal appropriation are provided solely for implementation of a "ticket to work" medicaid buy-in program for working persons with disabilities, operated in accordance with the following conditions:

(a) To be eligible, a working person with a disability must have total income which is less than 450 percent of poverty;

(b) Participants shall participate in the cost of the program by paying (i) a monthly enrollment fee equal to fifty percent of any unearned income in excess of the medicaid medically needy standard; and (ii) a monthly premium equal to 5 percent of all unearned income, plus 5 percent of all earned income after disregarding the first sixty-five dollars of monthly earnings, and half the remainder;

(c) The department shall establish more restrictive eligibility standards than specified in this subsection to the extent necessary to operate the program within appropriated funds;

(d) The department may require point-of-service copayments as appropriate, except that copayments shall not be so high as to discourage appropriate service utilization, particularly of prescription drugs needed for the treatment of psychiatric conditions; and

(e) The department shall establish systems for tracking and reporting enrollment and expenditures in this program, and the prior medical assistance eligibility status of new program enrollees. The department shall additionally survey the prior and current employment status and approximate hours worked of program enrollees, and report the results to the fiscal and health care committees of the legislature by January 15, 2003.

(6) From funds appropriated in this section, the department shall design, implement, and evaluate pilot projects to assist individuals with at least three different diseases to improve their health, while reducing total medical expenditures. The projects shall involve (a) identifying persons who are seriously or chronically ill due to a combination of medical, social, and functional problems; and (b) working with the individuals and their care providers to improve adherence to state-of-the-art treatment regimens. The department shall report to the health care and the fiscal committees of the legislature by January 1, 2002, on the particular disease states, intervention protocols, and delivery mechanisms it proposes to test.

(7) Sufficient funds are appropriated in this section for the department to continue full-scope dental coverage, vision coverage, and podiatry services for medicaid-eligible adults.

(8) The legislature reaffirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(9) \$80,000 of the general fund--state appropriation for fiscal year 2002, \$80,000 of the general fund--state appropriation for fiscal year 2003, and \$160,000 of the general fund--federal appropriation are provided solely for the newborn referral program to provide access and outreach to reduce infant mortality.

(10) \$30,000 of the general fund--state appropriation for fiscal year 2002, \$31,000 of the general fund--state appropriation for fiscal year 2003, and \$62,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 6020 (dental sealants). If Substitute Senate Bill No. 6020 is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(11) In accordance with RCW 74.46.625, \$376,318,000 of the health services account appropriation for fiscal year 2002, \$144,896,000 of the health services account appropriation for fiscal year 2003, and \$542,089,000 of the general fund--federal appropriation are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. The payments shall be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least 98 percent of the supplemental payments; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than a total of \$20,000,000 for the 2001-03 biennium.

(12) \$38,690,000 of the health services account appropriation for fiscal year 2002, \$40,189,000 of the health services account appropriation for fiscal year 2003, and \$80,241,000 of the general fund--federal appropriation are provided solely for additional disproportionate share and medicare upper payment limit payments to public hospital districts.

(a) The payments shall be conditioned upon a contractual commitment by the participating public hospital districts to make an intergovernmental transfer to the health services account equal to at least 91 percent of the additional payments. At least 28 percent of the amounts retained by the participating hospital districts shall be allocated to the state's teaching hospitals.

(b) An additional 4.5 percent of the additional payments may be retained by the participating public hospital districts contingent upon the receipt of \$446,500,000 in newly identified proshare reimbursement from the federal government over the 2001-03 biennium. If the actual amount received is less than \$446,500,000, the amount retained pursuant to this subsection (12)(b) shall be prorated accordingly. The state teaching hospitals shall receive a distribution of the amount retained by the participating hospital districts in this subsection (12)(b) as allocated in (a) of this subsection.

(13) \$412,000 of the general fund--state appropriation for fiscal year 2002, \$862,000 of the general fund--state appropriation for fiscal year 2003, and \$730,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1162 (small rural hospitals). If Substitute House Bill No. 1162 is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(14) The department may continue to use any federal money available to continue to provide medicaid matching funds for funds contributed by local governments for purposes of conducting eligibility outreach to children and underserved groups. The

department shall ensure cooperation with the anticipated audit of the school districts' matchable expenditures for this program and advise the appropriate legislative fiscal committees of the findings.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2002) \$ 11,309,000
General Fund--State Appropriation (FY 2003) \$ 9,780,000
General Fund--Federal Appropriation \$ 83,738,000
General Fund--Private/Local Appropriation \$ 360,000
TOTAL APPROPRIATION \$ 105,187,000

The appropriations in this section are subject to the following conditions and limitations: The division of vocational rehabilitation shall negotiate cooperative interagency agreements with state and local organizations to improve and expand employment opportunities for people with severe disabilities.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2002) \$ 30,444,000
General Fund--State Appropriation (FY 2003) \$ 29,369,000
General Fund--Federal Appropriation \$ 50,562,000
General Fund--Private/Local Appropriation \$ 810,000
TOTAL APPROPRIATION \$ 111,185,000

The appropriations in this section are subject to the following conditions and limitations:

(1) By November 1, 2001, the secretary shall report to the fiscal committees of the legislature on the actions the secretary has taken, or proposes to take, within current funding levels to resolve the organizational problems identified in the department's February 2001 report to the legislature on current systems for billing third-party payers for services delivered by the state psychiatric hospitals. The secretary is authorized to transfer funds from this section to the mental health program to the extent necessary to achieve the organizational improvements recommended in that report.

(2) By November 1, 2001, the department shall report to the fiscal committees of the legislature with the least costly plan for assuring that billing and accounting technologies in the state psychiatric hospitals adequately and efficiently comply with standards set by third-party payers. The plan shall be developed with participation by and oversight from the office of financial management, the department's information systems services division, and the department of information services.

(3) The department shall reconstitute the payment integrity program to place greater emphasis upon the prevention of future billing errors, ensure billing and administrative errors are treated in a manner distinct from allegations of fraud and abuse, and shall rename the program. In keeping with this revised focus, the department shall also increase to one thousand dollars the cumulative total of apparent billing errors allowed before a provider is contacted for repayment.

(4) By September 1, 2001, the department shall report to the fiscal committees of the legislature results from the payment review program. The report shall include actual costs recovered and estimated costs avoided for fiscal year 2001 and the costs incurred by the department to administer the program. The report shall document criteria and methodology used for determining avoided costs. In addition, the department shall seek input from health care providers and consumer organizations on modifications to the program. The department shall provide annual updates to the report to the fiscal committees of the legislature by September 1st of each year for the preceding fiscal year.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2002) \$ 43,053,000
General Fund--State Appropriation (FY 2003) \$ 43,053,000
General Fund--Federal Appropriation \$ 26,665,000
TOTAL APPROPRIATION \$ 112,771,000

NEW SECTION. Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2002) \$ 6,655,000
General Fund--State Appropriation (FY 2003) \$ 6,654,000
State Health Care Authority Administrative
Account--State Appropriation \$ 20,091,000
Health Services Account--State Appropriation \$ 499,148,000
General Fund--Federal Appropriation \$ 3,611,000
TOTAL APPROPRIATION \$ 536,159,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,551,000 of the general fund--state appropriation for fiscal year 2002 and \$6,550,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for health care services provided through local community clinics.

(2) Within funds appropriated in this section and sections 205 and 206 of this 2001 act, the health care authority shall continue to provide an enhanced basic health plan subsidy option for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of ten dollars per covered worker per month.

(3) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay the following: (i) A minimum of fifteen dollars per enrollee per month for persons below 100 percent of the federal poverty level; and (ii) a minimum of twenty dollars per enrollee per month for persons whose family income is 100 percent to 125 percent of the federal poverty level.

(4) The health care authority shall solicit information from the United States office of personnel management, health plans, and other relevant sources, regarding the cost of implementation of mental health parity by the federal employees health benefits program in 2001. A progress report shall be provided to the senate and house of representatives fiscal committees by July 1, 2002, and a final report shall be provided to the legislature by November 15, 2002, on the study findings.

NEW SECTION. Sec. 214. FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2002) \$ 2,688,000
General Fund--State Appropriation (FY 2003) \$ 2,700,000
General Fund--Federal Appropriation \$ 1,544,000
General Fund--Private/Local Appropriation \$ 100,000
TOTAL APPROPRIATION \$ 7,032,000

NEW SECTION. Sec. 215. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State
Appropriation \$ 20,000
Accident Account--State Appropriation \$ 14,692,000
Medical Aid Account--State Appropriation \$ 14,694,000
TOTAL APPROPRIATION \$ 29,406,000

NEW SECTION. Sec. 216. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Municipal Criminal Justice Assistance Account--
Local Appropriation \$ 460,000
Death Investigations Account--State
Appropriation \$ 148,000
Public Safety and Education Account--State
Appropriation \$ 18,439,000
TOTAL APPROPRIATION \$ 19,047,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$124,000 of the public safety and education account appropriation is provided solely to allow the Washington association of sheriffs and police chiefs to increase the technical and training support provided to the local criminal justice agencies on the new incident-based reporting system and the national incident-based reporting system.
- (2) \$136,000 of the public safety and education account appropriation is provided solely to allow the Washington association of prosecuting attorneys to enhance the training provided to criminal justice personnel.
- (3) \$22,000 of the public safety and education account appropriation is provided solely to increase payment rates for the criminal justice training commission's contracted food service provider.
- (4) \$31,000 of the public safety and education account appropriation is provided solely to increase payment rates for the criminal justice training commission's contract with the Washington association of sheriffs and police chiefs.
- (5) \$65,000 of the public safety and education account appropriation is provided solely for regionalized training programs for school district and local law enforcement officials on school safety issues.
- (6) \$233,000 of the public safety and education account appropriation is provided solely for training and equipping local law enforcement officers to respond to methamphetamine crime.
- (7) \$374,000 of the public safety and education account appropriation is provided solely for the implementation of House Bill No. 1062 (certification of peace officers). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.
- (8) \$450,000 of the public safety and education account appropriation is provided solely for grants to be distributed by the Washington association of sheriffs and police chiefs for electronic mapping of school facilities.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2002) \$ 7,738,000
General Fund--State Appropriation (FY 2003) \$ 7,682,000
General Fund--Federal Appropriation \$ 1,250,000
Public Safety and Education Account--State
Appropriation \$ 19,862,000
Public Safety and Education Account--Federal
Appropriation \$ 6,950,000
Public Safety and Education Account--Private/Local
Appropriation \$ 4,200,000
Asbestos Account--State Appropriation \$ 688,000
Electrical License Account--State
Appropriation \$ 28,412,000
Farm Labor Revolving Account--Private/Local
Appropriation \$ 28,000
Worker and Community Right-to-Know Account--State
Appropriation \$ 2,281,000
Public Works Administration Account--State
Appropriation \$ 2,856,000
Accident Account--State Appropriation \$ 179,186,000
Accident Account--Federal Appropriation \$ 11,568,000
Medical Aid Account--State Appropriation \$ 176,715,000
Medical Aid Account--Federal Appropriation \$ 2,438,000
Plumbing Certificate Account--State
Appropriation \$ 1,015,000
Pressure Systems Safety Account--State
Appropriation \$ 2,274,000
TOTAL APPROPRIATION \$ 455,143,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider contracts; or (c) other cost containment

measures. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods. No more than \$5,248,000 of the public safety and education account appropriation shall be expended for department administration of the crime victims compensation program.

(2) \$1,438,000 of the accident account--state appropriation and \$1,438,000 of the medical aid account--state appropriation are provided for the one-time cost of implementing a recent state supreme court ruling regarding the calculation of workers' compensation benefits. This decision significantly increases the complexity of calculating benefits and therefore increases the administrative and legal costs of the workers' compensation program. The department shall develop and report to appropriate committees of the legislature proposed statutory language that provides greater certainty and simplicity in the calculation of benefits. The report shall be submitted by October 1, 2001.

(3) It is the intent of the legislature that elevator inspection fees shall fully cover the cost of the elevator inspection program. Pursuant to RCW 43.135.055, during the 2001-03 fiscal biennium the department may increase fees in excess of the fiscal growth factor, if the increases are necessary to fully fund the cost of the elevator inspection program.

(4) The department shall not expend any funds from amounts provided in this section for the occupational safety and health impact grants program unless separate legislation is passed that specifically authorizes such expenditures, appropriates funds, and provides accountability for the program.

NEW SECTION. Sec. 218. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund--State Appropriation (FY 2002) \$ 999,000
General Fund--State Appropriation (FY 2003) \$ 999,000
TOTAL APPROPRIATION \$ 1,998,000

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2002) \$ 1,529,000
General Fund--State Appropriation (FY 2003) \$ 1,533,000
Charitable, Educational, Penal, and Reformatory
Institutions Account--State
Appropriation \$ 7,000
TOTAL APPROPRIATION \$ 3,069,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2002) \$ 2,619,000
General Fund--State Appropriation (FY 2003) \$ 2,643,000
General Fund--Federal Appropriation \$ 155,000
General Fund--Private/Local Appropriation \$ 1,663,000
TOTAL APPROPRIATION \$ 7,080,000

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002) \$ 6,832,000
General Fund--State Appropriation (FY 2003) \$ 4,600,000
General Fund--Federal Appropriation \$ 28,699,000
General Fund--Private/Local Appropriation \$ 25,614,000
TOTAL APPROPRIATION \$ 65,745,000

The appropriations in this subsection are subject to the following terms and conditions: \$3,664,000 of the general fund--federal appropriation and \$7,377,000 of the general fund--local appropriation are provided solely for the department to acquire, establish, and operate a nursing facility dedicated to serving men and women from Washington who have served in the nation's armed forces.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2002) \$ 65,308,000
General Fund--State Appropriation (FY 2003) \$ 66,941,000
Health Services Account--State Appropriation \$ 24,186,000
General Fund--Federal Appropriation \$ 276,840,000
General Fund--Private/Local Appropriation \$ 81,526,000
Hospital Commission Account--State
Appropriation \$ 1,718,000
Health Professions Account--State
Appropriation \$ 38,456,000
Emergency Medical Services and Trauma Care Systems
Trust Account--State Appropriation \$ 14,858,000
Safe Drinking Water Account--State
Appropriation \$ 2,701,000
Drinking Water Assistance Account--Federal
Appropriation \$ 13,400,000
Waterworks Operator Certification--State
Appropriation \$ 622,000
Water Quality Account--State Appropriation \$ 3,328,000
Accident Account--State Appropriation \$ 257,000
Medical Aid Account--State Appropriation \$ 45,000
State Toxics Control Account--State
Appropriation \$ 2,817,000
Medical Test Site Licensure Account--State
Appropriation \$ 1,369,000
Youth Tobacco Prevention Account--State
Appropriation \$ 1,797,000

Tobacco Prevention and Control Account--State

Appropriation \$ 34,992,000

TOTAL APPROPRIATION \$ 631,161,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged to the drinking water operator certification, newborn screening, radioactive materials, x-ray compliance, drinking water plan review, midwifery, hearing and speech, veterinarians, psychologists, pharmacists, hospitals, podiatrists, and home health and home care programs, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(2) \$339,000 of the general fund--state appropriation for fiscal year 2002 and \$339,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for technical assistance to local governments and special districts on water conservation and reuse.

(3) \$1,675,000 of the general fund--state fiscal year 2002 appropriation and \$1,676,000 of the general fund--state fiscal year 2003 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(4) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(5) \$5,779,000 of the health services account--state appropriation for fiscal year 2002 and \$4,665,000 of the health services account--state appropriation for fiscal year 2003 are provided solely for purchase and distribution of the pneumococcal conjugate vaccine as part of the state's program of universal access to essential childhood vaccines.

(6) \$85,000 of the general fund--state appropriation for fiscal year 2002 and \$65,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute House Bill No. 1365 (infant and child products). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(7) \$58,000 of the general fund--state appropriation for fiscal year 2002 and \$25,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Second Substitute House Bill No. 1590 (breastfeeding). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(8) From funds appropriated in this section, the state board of health shall convene a broadly-based task force to review the available information on the potential risks and benefits to public and personal health and safety, and to individual privacy, of emerging technologies involving human deoxyribonucleic acid (DNA). The board may reimburse task force members for travel expenses according to RCW 43.03.220. The task force shall consider information provided to it by interested persons on: (a) The incidence of discriminatory actions based upon genetic information; (b) strategies to safeguard civil rights and privacy related to genetic information; (c) remedies to compensate individuals for inappropriate use of their genetic information; and (d) incentives for further research and development on the use of DNA to promote public health, safety, and welfare. The task force shall report on its findings and any recommendations to appropriate committees of the legislature by October 1, 2002.

(9) \$533,000 of the general fund--state appropriation for fiscal year 2002 and \$1,067,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for performance-based contracts with local jurisdictions to assure the safety of drinking water provided by small "group B" water systems.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2002) \$ 36,156,000

General Fund--State Appropriation (FY 2003) \$ 36,365,000

Public Safety and Education Account--State

Appropriation \$ 1,576,000

Violence Reduction and Drug Enforcement

Account Appropriation \$ 3,254,000

TOTAL APPROPRIATION \$ 77,351,000

The appropriations in this subsection are subject to the following conditions and limitations: \$4,623,000 of the general fund--state appropriation for fiscal year 2002, \$4,623,000 of the general fund--state appropriation for fiscal year 2003, and \$3,254,000 of the violence reduction and drug enforcement account appropriation are provided solely for the replacement of the department's offender-based tracking system. This amount is conditioned on the department satisfying the requirements of section 902 of this act. The department shall prepare an assessment of the fiscal impact of any changes to the replacement project. The assessment shall:

(a) Include a description of any changes to the replacement project;

(b) Provide the estimated costs for each component in the 2001-03 and subsequent biennia;

(c) Include a schedule that provides the time estimated to complete changes to each component of the replacement project; and

(d) Be provided to the office of financial management, the department of information services, the information services board, and the staff of the fiscal committees of the senate and the house of representatives no later than November 1, 2002.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2002) \$ 397,231,000

General Fund--State Appropriation (FY 2003) \$ 407,078,000

General Fund--Federal Appropriation \$ 12,096,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$ 1,614,000
Public Health Services Account Appropriation \$ 1,453,000
TOTAL APPROPRIATION \$ 819,472,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) \$553,000 of the general fund--state appropriation for fiscal year 2002 and \$1,171,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted education providers, contracted chemical dependency providers, and contracted work release facilities.

(e) During the 2001-03 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account as of January 1, 2000.

(f) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2002 and \$76,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Second Substitute Senate Bill No. 6151 (high risk sex offenders in the civil commitment and criminal justice systems). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(h) The department may acquire a ferry for no more than \$1,000,000 from Washington state ferries. Funds expended for this purpose will be recovered from the sale of marine assets.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2002) \$ 61,427,000
General Fund--State Appropriation (FY 2003) \$ 62,934,000
General Fund--Federal Appropriation \$ 1,125,000
Public Safety and Education

Account--State Appropriation \$ 15,841,000
TOTAL APPROPRIATION \$ 141,327,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$16,000 of the general fund--state appropriation for fiscal year 2002 and \$34,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted chemical dependency providers.

(d) \$30,000 of the general fund--state appropriation for fiscal year 2002 and \$30,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute Senate Bill No. 5118 (interstate compact for adult offender supervision). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2002) \$ 631,000
General Fund--State Appropriation (FY 2003) \$ 629,000
TOTAL APPROPRIATION \$ 1,260,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2002 and \$110,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2002) \$ 18,568,000
General Fund--State Appropriation (FY 2003) \$ 18,569,000
TOTAL APPROPRIATION \$ 37,137,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2002) \$ 1,693,000
General Fund--State Appropriation (FY 2003) \$ 1,628,000
General Fund--Federal Appropriation \$ 11,140,000
General Fund--Private/Local Appropriation \$ 80,000
TOTAL APPROPRIATION \$ 14,541,000

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase state assistance for a comprehensive program of training and support services for persons who are both deaf and blind.

NEW SECTION. Sec. 223. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2002) \$ 936,000
General Fund--State Appropriation (FY 2003) \$ 857,000
TOTAL APPROPRIATION \$ 1,793,000

The appropriations in this section are subject to the following conditions and limitations:

\$78,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the sentencing guidelines commission to conduct a comprehensive review and evaluation of state sentencing policy. The review and evaluation shall include an analysis of whether current sentencing ranges and standards, as well as existing mandatory minimum sentences, existing sentence enhancements, and special sentencing alternatives, are consistent with the purposes of the sentencing reform act as set out in RCW 9.94A.010, including the intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender. The review and evaluation shall also examine whether current sentencing ranges and standards are consistent with existing corrections capacity.

The review and evaluation shall consider studies on the cost-effectiveness of sentencing alternatives, as well as the fiscal impact of sentencing policies on state and local government. In conducting the review and evaluation, the commission shall consult with the superior court judges' association, the Washington association of prosecuting attorneys, the Washington defenders' association, the Washington association of criminal defense lawyers, the Washington association of sheriffs and police chiefs, organizations representing crime victims, and other organizations and individuals with expertise and interest in sentencing policy.

Not later than December 1, 2001, the commission shall present to the appropriate standing committees of the legislature the report of its comprehensive review and evaluation, together with any recommendations for revisions and modifications to state sentencing policy, including sentencing ranges and standards, mandatory minimum sentences, and sentence enhancements. If implementation of the recommendations of the commission would result in exceeding the capacity of correctional facilities, the commission shall at the same time present to the legislature a list of revised standard sentence ranges which are consistent with currently authorized rated and operational corrections capacity, and consistent with the purposes of the sentencing reform act.

NEW SECTION. Sec. 224. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--Federal Appropriation \$ 180,628,000
General Fund--Private/Local Appropriation \$ 30,119,000
Unemployment Compensation Administration Account--
Federal Appropriation \$ 181,677,000
Administrative Contingency Account--State
Appropriation \$ 13,914,000
Employment Service Administrative Account--State
Appropriation \$ 20,001,000
TOTAL APPROPRIATION \$ 426,339,000

**PART III
NATURAL RESOURCES**

NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2002) \$ 398,000
General Fund--State Appropriation (FY 2003) \$ 391,000
General Fund--Private/Local Appropriation \$ 749,000
TOTAL APPROPRIATION \$ 1,538,000

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund--state appropriation for fiscal year 2002 and \$40,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement the scenic area management plan for Klickitat county. If Klickitat county adopts an ordinance to implement the scenic area management plan in accordance with the national scenic area act, P.L. 99-663, then the amounts provided in this subsection shall be provided as a grant to Klickitat county to implement its responsibilities under the act.

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2002) \$ 46,633,000
General Fund--State Appropriation (FY 2003) \$ 44,481,000
General Fund--Federal Appropriation \$ 56,805,000
General Fund--Private/Local Appropriation \$ 4,351,000
Special Grass Seed Burning Research Account--
State Appropriation \$ 14,000
Reclamation Revolving Account--State
Appropriation \$ 1,810,000
Flood Control Assistance Account--
State Appropriation \$ 4,098,000
State Emergency Water Projects Revolving Account--
State Appropriation \$ 878,000
Waste Reduction/Recycling/Litter Control Account--
State Appropriation \$ 13,537,000
State Drought Preparedness Account--State
Appropriation \$ 5,325,000
State and Local Improvements Revolving Account
(Water Supply Facilities)--State

Appropriation \$ 587,000
 Water Quality Account--State Appropriation \$ 12,481,000
 Wood Stove Education and Enforcement Account--
 State Appropriation \$ 353,000
 Worker and Community Right-to-Know Account--
 State Appropriation \$ 3,288,000
 State Toxics Control Account--State
 Appropriation \$ 68,931,000
 State Toxics Control Account--Private/Local
 Appropriation \$ 350,000
 Local Toxics Control Account--State
 Appropriation \$ 4,751,000
 Water Quality Permit Account--State
 Appropriation \$ 23,827,000
 Underground Storage Tank Account--State
 Appropriation \$ 2,682,000
 Environmental Excellence Account--State
 Appropriation \$ 504,000
 Biosolids Permit Account--State Appropriation \$ 589,000
 Hazardous Waste Assistance Account--State
 Appropriation \$ 4,308,000
 Air Pollution Control Account--State
 Appropriation \$ 1,066,000
 Oil Spill Prevention Account--State
 Appropriation \$ 7,921,000
 Air Operating Permit Account--State
 Appropriation \$ 3,608,000
 Freshwater Aquatic Weeds Account--State
 Appropriation \$ 1,898,000
 Oil Spill Response Account--State
 Appropriation \$ 7,078,000
 Metals Mining Account--State Appropriation \$ 5,000
 Water Pollution Control Revolving Account--
 State Appropriation \$ 467,000
 Water Pollution Control Revolving Account--
 Federal Appropriation \$ 2,316,000
 TOTAL APPROPRIATION \$ 324,942,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,874,000 of the general fund--state appropriation for fiscal year 2002, \$3,874,000 of the general fund--state appropriation for fiscal year 2003, \$394,000 of the general fund--federal appropriation, \$2,070,000 of the oil spill prevention account--state appropriation, and \$3,686,000 of the water quality permit account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$500,000 of the state toxics control account appropriation is provided for an assessment of the financial assurance requirements of hazardous waste management facilities. By September 30, 2002, the department shall provide to the governor and appropriate committees of the legislature a report that: (a) Evaluates current statutes and regulations governing hazardous waste management facilities; (b) analyzes and makes recommendations for improving financial assurance regulatory control; and (c) makes recommendations for funding financial assurance regulatory control of hazardous waste management facilities.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2002, \$250,000 of the general fund--state appropriation for fiscal year 2003, \$564,000 of the state drought preparedness account--state appropriation, and \$549,000 of the water quality account--state appropriation are provided solely for enhanced streamflow monitoring in critical salmon recovery basins. \$640,000 of this amount is provided solely to implement the Puget Sound work plan and agency action item DOE-01.

(4) \$1,000,000 of the state toxics control account appropriation in this section is provided solely for the department to work in cooperation with local jurisdictions to address emerging storm water management requirements. This work shall include developing a storm water manual for eastern Washington, technical assistance to local jurisdictions, and increased implementation of the department's existing storm water program. \$200,000 of this amount is provided solely for implementation of the Puget Sound work plan and agency action item DOE-06.

(5) \$383,000 of the general fund--state appropriation for fiscal year 2002 and \$383,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for water conservation plan review, technical assistance, and project review for water conservation and reuse projects. By December 1, 2003, the department in cooperation with the department of health shall report to the governor and appropriate committees of the legislature on the activities and achievements related to water conservation and reuse during the past two biennia. The report shall include an overview of technical assistance provided, reuse project development activities, and water conservation achievements.

(6) \$3,424,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean up activities.

(7) \$800,000 of the state toxics control account appropriation is provided solely to implement the department's persistent, bioaccumulative toxic chemical strategy. \$54,000 of this amount shall be allocated to the department of health to assist with this effort.

(8) Up to \$11,365,000 of the state toxics control account appropriation is provided for the remediation of contaminated sites. Of this amount, up to \$2,000,000 may be used to pay existing site remediation liabilities owed to the federal environmental

protection agency for clean-up work that has been completed. The department shall carefully monitor actual revenue collections into the state toxics control account, and is authorized to limit actual expenditures of the appropriation provided in this section consistent with available revenue.

(9) \$200,000 of the state toxics control account appropriation is provided to assess the effectiveness of the state's current toxic pollution prevention and dangerous waste programs and policies. The department shall work with affected stakeholder groups and the public to evaluate the performance of existing programs, and identify feasible methods of reducing the generation of these wastes. The department shall report its findings to the governor and the appropriate committees of the legislature by September 30, 2002.

(10) \$1,200,000 of the state toxics control account appropriation is provided solely for the department, in conjunction with affected local governments, to address emergent areawide soil contamination problems. The department's efforts will include public involvement processes and completing assessments of the geographical extent of toxic contamination including highly contaminated areas.

(11) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(12) \$1,500,000 of the general fund--state appropriation for fiscal year 2002, \$1,500,000 of the general fund--state appropriation for fiscal year 2003, and \$3,000,000 of the water quality account appropriation are provided solely to implement chapter 237, Laws of 2001 (Engrossed Substitute House Bill No. 1832, water resources management) and to support the processing of applications for changes and transfers of existing water rights.

(13) \$4,500,000 of the general fund--state appropriation for fiscal year 2002 and \$4,500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to local governments to conduct watershed planning.

(14) \$3,114,000 of the water quality account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1832 (water resources management). Of this amount: (a) \$2,100,000 is provided for grants to local governments for targeted watershed assessments consistent with Engrossed Substitute House Bill No. 1832; and (b) the remainder of the funding is provided solely for development of a state environmental policy act template to streamline environmental review, creation of a blue ribbon panel to develop long-term watershed planning implementation funding options, and technical assistance.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2002 is for a conservation district in the Moses Lake region for a culvert removal project on Rocky Ford creek for the purpose of reducing flooding and improving water quality.

(16) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are for the conservation commission for the Washington grazing lands conservation initiative's establishment of the Washington watershed, science, and technology program to provide technical assistance to private landowners in conducting water quality monitoring, riparian vegetation management, and noxious weed control.

(17) \$75,000 of the general fund--state appropriation for fiscal year 2002 is for a conservation district in the Palouse region for a pilot project to evaluate the ability of existing voluntary and regulatory programs to improve water quality in water quality limited segments listed pursuant to section 303(d) of the federal clean water act.

(18) \$200,000 of the water quality account appropriation is provided solely to provide coordination and assistance to groups established for the purpose of protecting, enhancing, and restoring the biological, chemical, and physical processes of watersheds. These groups may include those involved in coordinated resource management, regional fisheries enhancement groups, conservation districts, watershed councils, and private nonprofit organizations incorporated under Title 24 RCW.

(19) \$325,000 of the state drought preparedness account--state appropriation is provided solely for an environmental impact statement of the Pine Hollow reservoir project to be conducted in conjunction with the local irrigation district.

(20) \$1,700,000 of the general fund--state appropriation for fiscal year 2002 and \$280,000 of the oil spill prevention account appropriation are provided solely for oil spill prevention measures in Puget Sound. Of these amounts:

(a) The general fund appropriation is provided solely for the department of ecology to provide for charter safety tug services. Safety tug services shall include: (i) The placement of a dedicated tug at Neah Bay for not less than 200 days in fiscal year 2002; and (ii) other safety tug services that may be released by the department at the request of the United States coast guard captain of the port for Puget Sound to the areas or incidents that the department deems to be of highest concern. By January 10, 2002, the department shall report to the appropriate committees of the legislature regarding the number of dispatches, response time and distance, and other factors pertaining to the safety tug services. The general fund--state appropriation in this subsection is provided solely for implementation of the Puget Sound work plan and agency action item DOE-09;

(b) \$100,000 of the oil spill prevention account appropriation is provided solely for the department to conduct a vessel transponder feasibility study for Washington waters and undertake a trial vessel tracking program using transponders. In conducting the feasibility study and trial program, the department of ecology shall consult with state pilotage authorities, the maritime industry and the United States coast guard; and

(c) \$180,000 of the oil spill prevention account appropriation is provided solely to acquire vessel incident reporting information.

The governor shall request the federal government to provide ongoing resources to station a dedicated rescue tug at Neah Bay.

(21) \$600,000 of the water quality account--state appropriation is provided solely for setting instream flows in six basins not currently planning under the watershed planning act.

NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2002) \$ 32,298,000

General Fund--State Appropriation (FY 2003) \$ 32,866,000

General Fund--Federal Appropriation \$ 2,690,000

General Fund--Private/Local Appropriation \$ 60,000

Winter Recreation Program Account--State

Appropriation \$ 787,000

Off Road Vehicle Account--State Appropriation \$ 274,000

Snowmobile Account--State Appropriation \$ 4,682,000

Aquatic Lands Enhancement Account--State

Appropriation \$ 337,000
Public Safety and Education Account--State
Appropriation \$ 48,000
Water Trail Program Account--State
Appropriation \$ 24,000
Parks Renewal and Stewardship Account--
State Appropriation \$ 26,420,000
TOTAL APPROPRIATION \$ 100,486,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in 2001 are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) The state parks and recreation commission, in collaboration with the office of financial management and legislative staff, shall develop a cost-effective and readily accessible approach for reporting revenues and expenditures at each state park. The reporting system shall be complete and operational by December 1, 2001.

(3) The appropriation in this section from the off-road vehicle account--state is provided under RCW 46.09.170(1)(c) and is provided solely to bring off-road vehicle recreation facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(4) \$79,000 of the general fund--state appropriation for fiscal year 2002, \$79,000 of the general fund--state appropriation for fiscal year 2003, and \$8,000 of the winter recreation program account--state appropriation are provided solely for a grant for the operation of the Northwest avalanche center.

(5) \$432,000 of the parks renewal and stewardship account appropriation is provided for the operation of the Silver Lake visitor center. If a long-term management agreement is not reached with the U.S. forest service by September 30, 2001, the amount provided in this subsection shall lapse.

(6) \$189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan and agency action item P+RC-02.

NEW SECTION. Sec. 304. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund--State Appropriation (FY 2002) \$ 393,000
General Fund--State Appropriation (FY 2003) \$ 395,000
General Fund--Federal Appropriation \$ 8,358,000
Firearms Range Account--State Appropriation \$ 13,000
Recreation Resources Account--State Appropriation \$ 2,584,000
Recreation Resources Account--Federal Appropriation \$ 481,000
NOVA Program Account--State Appropriation \$ 611,000
Water Quality Account--State Appropriation \$ 700,000
State Toxics Control Account--State Appropriation \$ 500,000
Aquatic Lands Enhancement Account--State
Appropriation \$ 200,000
TOTAL APPROPRIATION \$ 14,235,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund--state appropriation for fiscal year 2002, \$250,000 of the general fund--state appropriation for fiscal year 2003, \$500,000 of the water quality account appropriation, and \$500,000 of the state toxics control account appropriation are provided solely to implement chapter 298, Laws of 2001, Substitute Senate Bill No. 5637 (watershed health monitoring and assessment) and for the development of a comprehensive salmon recovery and watershed health monitoring strategy and action plan. The strategy and action plan shall address the monitoring recommendations of the independent science panel in its report, *Recommendations for Monitoring Salmonid Recovery in Washington State* (December 2000), and of the joint legislative audit and review committee in its report *Investing in the Environment: Environmental Quality Grant and Loan Programs Performance Audit* (January 2001). The action plan shall include an assessment of state agency operations related to monitoring, evaluation, and adaptive management of salmon recovery and watershed health; any operational or statutory changes necessary to implement the strategy and action plan; and funding recommendations.

(2) \$8,000,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds will be passed through to the department of natural resources and the department of fish and wildlife.

(3) By August 1, 2001, the interagency committee for outdoor recreation shall complete the public lands inventory project and submit the project report to the joint legislative audit and review committee for review.

(4) \$200,000 of the aquatic lands enhancement account--state appropriation is provided solely to develop and implement a conservation initiative for Maury Island. The interagency committee for outdoor recreation shall contract with the Cascade Land Conservancy to develop and implement the initiative and to provide the following services: (a) Land and resource appraisal; (b) development of a plan of finance for acquisition of land or interests in land; and (c) conduct negotiations among purchasers and willing sellers.

NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2002) \$ 846,000
General Fund--State Appropriation (FY 2003) \$ 847,000
TOTAL APPROPRIATION \$ 1,693,000

NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2002) \$ 2,207,000
General Fund--State Appropriation (FY 2003) \$ 2,196,000
Water Quality Account--State Appropriation \$ 3,739,000
TOTAL APPROPRIATION \$ 8,142,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the water quality account--state appropriation is provided solely for the agriculture, fish, and water negotiations to develop best management practices that will protect and recover salmon. The commission shall make grants to allow interest groups to participate in the negotiations.

(2) \$1,601,000 of the water quality account--state appropriation is provided solely for the completion of limiting factors analysis for watersheds affected by listings of salmon and bull trout under the federal endangered species act.

(3) \$247,000 of the general fund--state appropriation for fiscal year 2002 and \$247,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item CC-01.

(4) By March 1, 2002, the conservation reserve enhancement program contract with the federal farm service agency shall be proposed for amendment to allow funding of flexible riparian buffer standards consistent with: (a) The recommendations of the state's agriculture/fish/water negotiation process; or (b) ordinances adopted through municipal regulations in compliance with the state growth management act requirement to protect critical areas. These ordinances shall be scientifically defensible and include programs for monitoring and adaptive management.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2002) \$ 51,600,000

General Fund--State Appropriation (FY 2003) \$ 50,762,000

General Fund--Federal Appropriation \$ 37,366,000

General Fund--Private/Local Appropriation \$ 24,365,000

Off Road Vehicle Account--State

Appropriation \$ 475,000

Aquatic Lands Enhancement Account--State

Appropriation \$ 6,094,000

Public Safety and Education Account--State

Appropriation \$ 586,000

Recreational Fisheries Enhancement Account--

State Appropriation \$ 3,032,000

Warm Water Game Fish Account--State

Appropriation \$ 2,567,000

Eastern Washington Pheasant Enhancement Account--

State Appropriation \$ 750,000

Wildlife Account--State Appropriation \$ 48,518,000

Wildlife Account--Federal Appropriation \$ 38,182,000

Wildlife Account--Private/Local

Appropriation \$ 15,133,000

Game Special Wildlife Account--State

Appropriation \$ 1,941,000

Game Special Wildlife Account--Federal

Appropriation \$ 9,591,000

Game Special Wildlife Account--Private/Local

Appropriation \$ 350,000

Water Quality Account--State Appropriation \$ 1,000,000

Environmental Excellence Account--State

Appropriation \$ 15,000

Regional Fisheries Salmonid Recovery Account--

Federal Appropriation \$ 1,750,000

Oil Spill Administration Account--State

Appropriation \$ 963,000

Oyster Reserve Land Account--State

Appropriation \$ 135,000

TOTAL APPROPRIATION \$ 295,175,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,682,000 of the general fund--state appropriation for fiscal year 2002 and \$1,682,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action items DFW-01 through DFW-07.

(2) \$200,000 of the general fund--state appropriation for fiscal year 2002 and \$200,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department to update the salmon and steelhead stock inventory.

(3) \$550,000 of the general fund--state appropriation for fiscal year 2002 and \$550,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for salmonid smolt production monitoring.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2002 and \$250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department to implement a hatchery endangered species act response. The response shall include emergency hatchery responses, production, and retrofitting of hatcheries for salmon recovery.

(5) \$600,000 of the general fund--state appropriation for fiscal year 2002 and \$600,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for local salmon recovery technical assistance.

(6) \$1,625,000 of the general fund--state appropriation for fiscal year 2002 and \$1,625,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to fund grants to lead entities established under chapter 77.85 RCW. The department, in consultation with the lead entity advisory group and individual lead entities, shall establish an application process and evaluation criteria to allocate funds to up to 26 lead entities to provide core activities identified in chapter 77.85 RCW. Grants to individual lead entities may range from \$37,500 to \$150,000 per year.

(7) \$125,000 of the general fund--state appropriation for fiscal year 2002 and \$125,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a grant to the lower Skykomish River habitat conservation group for the

purpose of developing a salmon recovery plan, in coordination with the lead entity established under chapter 77.85 RCW for that area. The salmon recovery plan must be consistent with the regional recovery plans of the Puget Sound shared strategy and criteria developed by the department for the regional salmon recovery planning program.

(8) \$1,000,000 of the water quality--state appropriation is provided solely to fund grants to lead entities established under chapter 77.85 RCW or watershed planning units established under chapter 90.82 RCW that agree to coordinate the development of comprehensive local and regional salmon recovery plans. The department shall establish a model for local and regional plans as well as eligibility and evaluation criteria for distribution of funds to lead entities and watershed planning units. No annual grant shall exceed \$125,000 per year.

(9) \$91,000 of the warm water game fish account appropriation is provided solely for warm water fish culture at the Rod Meseberg warm water fish production facility.

(10) \$300,000 of the general fund--state appropriation for fiscal year 2002 and \$300,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to fund four cooperative compliance programs, two in Western Washington and two in Eastern Washington. The cooperative compliance program shall conduct fish screen, fish way, and fish passage barrier assessments and correction plans for landowners seeking cooperative compliance agreements with the department.

(11) \$1,300,000 of the general fund--state appropriation for fiscal year 2002 and \$5,000,000 of the general fund--federal appropriation are provided solely for economic adjustment assistance to fishermen pursuant to the 1999 Pacific salmon treaty agreement.

(12) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.

(13) \$810,000 of the general fund--state appropriation for fiscal year 2002, \$790,000 of the general fund--state appropriation for fiscal year 2003, and \$250,000 of the wildlife account--state appropriation are provided solely for enforcement and biological staff to respond and take appropriate action to public complaints regarding bear and cougar.

(14) The department shall evaluate the fish program to determine if activities are aligned with agency objectives and if specific activities support the agency's strategic plan.

(15) The department shall implement a lands program manager consolidation program. The consolidation program shall target the department's south central region. The savings from this consolidation shall be used by the department for additional maintenance on agency lands within the south central region.

(16) The department shall implement a survey of all agency lands to evaluate whether agency lands support the agency's strategic plan and goals. The department shall submit a report to the governor and legislature by September 1, 2002, identifying those lands not conforming with the agency's strategic plan and which should be divested.

(17) \$388,000 of the general fund--state appropriation for fiscal year 2002 and \$388,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement the forests and fish agreement and includes funding to continue statewide coordination and implementation of the forests and fish rules, integration of portions of the hydraulic code into the forest practices rules to provide permit streamlining, and sharing the responsibility of developing and implementing the required forests and fish agreement monitoring and adaptive management program.

(18) \$194,000 of the general fund--state appropriation for fiscal year 2002 and \$195,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for staff to represent the state's fish and wildlife interests in hydroelectric project relicensing processes by the federal energy regulatory commission.

(19) \$156,000 of the wildlife account--state appropriation is provided solely for a youth fishing coordinator to develop partnerships with local communities, and to identify, develop, fund, and promote youth fishing events and opportunities. Event coordination and promotion services shall be contracted to a private consultant.

(20) \$135,000 of the oyster reserve land account appropriation is provided solely to implement chapter 273, Laws of 2001, Engrossed Second Substitute House Bill No. 1658 (state oyster reserve lands).

(21) \$43,000 of the general fund--state appropriation for fiscal year 2002 and \$42,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for staffing and operation of the Tennant Lake interpretive center.

(22) \$32,000 of the general fund--state appropriation for fiscal year 2002 and \$33,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(23) \$25,000 of the wildlife account--state appropriation is provided solely for the WildWatchCam program to provide internet transmission of live views of wildlife.

(24) \$8,000 of the general fund--state appropriation for fiscal year 2002 and \$7,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the payment of the department's share of approved lake management district assessments. By December 15, 2001, the department shall provide the legislature a summary of its activities related to lake management districts as well as recommendations for establishing equitable lake management district assessments.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2002) \$ 36,709,000

General Fund--State Appropriation (FY 2003) \$ 36,266,000

General Fund--Federal Appropriation \$ 3,440,000

General Fund--Private/Local Appropriation \$ 1,865,000

Forest Development Account--State

Appropriation \$ 52,511,000

Off Road Vehicle Account--State

Appropriation \$ 3,684,000

Surveys and Maps Account--State

Appropriation \$ 2,689,000

Aquatic Lands Enhancement Account--State

Appropriation \$ 4,458,000

Resources Management Cost Account--State

Appropriation \$ 85,979,000

Surface Mining Reclamation Account--State

Appropriation \$ 2,549,000
 Salmon Recovery Account--State
 Appropriation \$ 625,000
 Water Quality Account--State Appropriation \$ 2,900,000
 Aquatic Land Dredged Material Disposal Site
 Account--State Appropriation \$ 1,056,000
 Natural Resource Conservation Areas Stewardship
 Account Appropriation \$ 34,000
 Air Pollution Control Account--State
 Appropriation \$ 629,000
 Metals Mining Account--State Appropriation \$ 64,000
 Agricultural College Trust Management Account
 Appropriation \$ 1,790,000

TOTAL APPROPRIATION \$ 237,248,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2002, \$18,000 of the general fund--state appropriation for fiscal year 2003, and \$998,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2)(a) \$625,000 of the salmon recovery account appropriation, \$1,250,000 of the general fund--state appropriation for fiscal year 2002, \$1,250,000 of the general fund--state appropriation for fiscal year 2003, and \$2,900,000 of the water quality account--state appropriation are provided solely for implementation of chapter 4, Laws of 1999 sp. sess. (forest practices and salmon recovery).

(b) \$250,000 of the salmon recovery account appropriation is provided solely for and shall be expended to develop a small forest landowner data base in ten counties. \$150,000 of the amount in this subsection shall be used to purchase the data. \$100,000 of the amount in this subsection shall purchase contracted analysis of the data.

(3) \$2,000,000 of the forest development account appropriation is provided solely for road decommissioning, maintenance, and repair in the Lake Whatcom watershed.

(4) \$543,000 of the forest fire protection assessment account appropriation, \$22,000 of the forest development account appropriation, and \$76,000 of the resource management cost account appropriation are provided solely to implement chapter 279, Laws of 2001, Substitute House Bill No. 2104, (modifying forest fire protection assessments).

(5) \$895,000 of the general fund--state appropriation for fiscal year 2002 and \$895,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(6) The entire appropriation from the access road revolving fund is provided solely for and shall be expended to survey, map, and evaluate and construct, improve, or abandon trust land roads to meet the requirements of the forests and fish agreement.

(7) \$4,000 of the general fund--state appropriation for fiscal year 2002 and \$4,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.12.055.

(8) The appropriation from the off-road vehicle account--state is provided under RCW 46.09.170(1)(a)(ii) and is provided solely for projects that bring off-road vehicle recreation facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act and do not compromise or impair sensitive natural resources.

(9) \$828,000 of the surface mine reclamation account appropriation is provided to implement Engrossed House Bill No. 1845 (surface mining fees). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(10) \$800,000 of the aquatic lands enhancement account appropriation and \$200,000 of the resources management cost account appropriation are provided solely to improve asset management on state-owned aquatic lands. The department shall streamline the use authorization process for businesses operating on state-owned aquatic lands and issue decisions on 325 pending lease applications by June 30, 2002. The department, in consultation with the attorney general, shall develop a strategic program to resolve claims related to contaminated sediments on state-owned aquatic lands.

(11) \$246,000 of the resource management cost account appropriation is provided to the department for continuing control of spruce budworm.

(12) \$100,000 of the aquatic lands enhancement account is provided solely for the development and initial implementation of a statewide management plan for marine reserves.

(13) \$7,657,859 of the general fund--state appropriation for fiscal year 2002 and \$7,657,859 of the general fund--state appropriation for fiscal year 2003 are provided solely for emergency fire suppression.

(14) \$7,216,000 of the general fund--state appropriation for fiscal year 2002 and \$6,584,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for fire protection activities and to implement provisions of the 1997 tridata fire program review.

(15) \$275,000 of the general fund--state appropriation for fiscal year 2002, \$275,000 of the general fund--state appropriation for fiscal year 2003, and \$550,000 of the aquatic lands enhancement account--state appropriation are provided solely to the department for planning, management, and stewardship of natural area preserves and natural resources conservation areas.

(16) \$187,000 of the general fund--state appropriation for fiscal year 2002, \$188,000 of the general fund--state appropriation for fiscal year 2003, and \$375,000 of the aquatic lands enhancement account--state appropriation are provided solely to the department for maintenance and stewardship of public lands.

(17) \$100,000 of the general fund--state appropriation for fiscal year 2002, \$100,000 of the general fund--state appropriation for fiscal year 2003, and \$400,000 of the aquatic lands enhancement account appropriation are provided solely for spartina control.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2002) \$ 8,165,000

General Fund--State Appropriation (FY 2003) \$ 8,024,000

General Fund--Federal Appropriation \$ 4,636,000

General fund--Private/Local Appropriation \$ 1,110,000
Aquatic Lands Enhancement Account--State
Appropriation \$ 2,304,000
State Toxics Control Account--State
Appropriation \$ 2,672,000
TOTAL APPROPRIATION \$ 26,911,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,000 of the general fund--state appropriation for fiscal year 2002 and \$37,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for implementation of the Puget Sound work plan and agency action item DOA-01.

(2) \$832,000 of the state toxics control account appropriation and \$298,000 of the agricultural local account are provided solely to establish a program to monitor pesticides in surface water, evaluate pesticide exposure on salmon species listed under the provisions of the endangered species act, and implement actions needed to protect salmonids.

(3) \$1,480,000 of the aquatic lands enhancement account appropriation is provided solely to initiate a four-year plan to eradicate infestations of spartina in Puget Sound, Hood Canal, and Grays Harbor and begin the reduction in spartina infestations in Willapa Bay.

(4) \$75,000 of the general fund--state appropriation for fiscal year 2002, \$75,000 of the general fund--state appropriation for fiscal year 2003, and \$150,000 of the general fund--federal appropriation are provided solely to the small farm and direct marketing program to support small farms in complying with federal, state, and local regulations, facilitating access to food processing centers, and assisting with grant funding requests.

(5) \$350,000 of the general fund--state appropriation for fiscal year 2002, \$350,000 of the general fund--state appropriation for fiscal year 2003, and \$700,000 of the general fund--private/local appropriation are provided solely to implement chapter 324, Laws of 2001 (Substitute House Bill No. 1891, marketing of agriculture). Of these amounts, \$40,000 of the general fund--state appropriation is provided solely to match funds provided by the red raspberry commission to address unfair trade practices by other countries that result in sales in Washington that are below the cost of production in Washington.

(6) \$450,000 of the state toxics control account--state appropriation is provided solely for deposit in the agricultural local nonappropriated account for the plant pest account to reimburse county horticultural pest and disease boards for the costs of pest control activities, including tree removal, conducted under their existing authorities in chapters 15.08 and 15.09 RCW.

(7) The district manager for district two as defined in WAC 16-458-075 shall transfer four hundred fifty thousand dollars from the fruit and vegetable district fund to the plant pest account within the agricultural local fund. The amount transferred must be derived from fees collected for state inspections of tree fruits and shall be used solely to reimburse county horticultural pest and disease boards in district two for the cost of pest control activities, including tree removal, conducted under their existing authority in chapters 15.08 and 15.09 RCW. The transfer of funds shall occur by July 1, 2001. On June 30, 2003, any unexpended portion of the four hundred fifty thousand dollars shall be returned to the fruit and vegetable district fund.

NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust Account--
State Appropriation \$ 1,003,000

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2002) \$ 5,389,000
General Fund--State Appropriation (FY 2003) \$ 5,377,000
Architects' License Account--State
Appropriation \$ 707,000
Cemetery Account--State Appropriation \$ 214,000
Professional Engineers' Account--State
Appropriation \$ 3,032,000
Real Estate Commission--State Appropriation \$ 6,777,000
Master License Account--State Appropriation \$ 8,409,000
Uniform Commercial Code Account--State
Appropriation \$ 3,104,000
Real Estate Education Account--State
Appropriation \$ 301,000
Funeral Directors and Embalmers Account--State
Appropriation \$ 490,000
Washington Real Estate Research Account
Appropriation \$ 316,000
Data Processing Revolving Account--State
Appropriation \$ 23,000
TOTAL APPROPRIATION \$ 34,139,000

The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2001-03 fiscal biennium. Pursuant to RCW 43.135.055, during the 2001-03 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

NEW SECTION. Sec. 402. FOR THE STATE PATROL

General Fund--State Appropriation (FY 2002) \$ 21,890,000

General Fund--State Appropriation (FY 2003) \$ 8,066,000
 General Fund--Federal Appropriation \$ 4,178,000
 General Fund--Private/Local Appropriation \$ 369,000
 Death Investigations Account--State
 Appropriation \$ 3,899,000
 Public Safety and Education Account--State
 Appropriation \$ 16,070,000
 County Criminal Justice Assistance Account--State
 Appropriation \$ 2,490,000
 Municipal Criminal Justice Assistance Account--
 State Appropriation \$ 987,000
 Fire Service Trust Account--State
 Appropriation \$ 125,000
 Fire Service Training Account--State
 Appropriation \$ 6,328,000
 State Toxics Control Account--State
 Appropriation \$ 461,000
 Violence Reduction and Drug Enforcement Account--
 State Appropriation \$ 277,000
 Fingerprint Identification Account--State
 Appropriation \$ 3,684,000

TOTAL APPROPRIATION \$ 68,824,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$354,000 of the public safety and education account appropriation is provided solely for additional law enforcement and security coverage on the west capitol campus.

(2) When a program within the agency is supported by more than one fund and one of the funds is the state general fund, the agency shall charge its expenditures in such a manner as to ensure that each fund is charged in proportion to its support of the program. The agency may adopt guidelines for the implementation of this subsection. The guidelines may account for federal matching requirements, budget provisos, or other requirements to spend other moneys in a particular manner.

(3) \$100,000 of the public safety and education account appropriation is provided solely for the implementation of Substitute Senate Bill No. 5896 (DNA testing of evidence). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(4) \$1,419,000 of the public safety and education account--state appropriation is provided solely for combating the proliferation of methamphetamine labs. The amounts in this subsection are provided solely for the following activities: (a) The establishment of a regional methamphetamine enforcement, training, and education program; (b) additional members for the statewide methamphetamine incident response team; and (c) two forensic scientists with the necessary equipment to perform lab analysis in the crime laboratory division.

(5) A study regarding the mobilization of state fire service resources in response to state declared mobilizations shall be performed by the chief of the Washington state patrol through the director of fire protection. The study shall examine and evaluate the cost effectiveness and efficiency of the fire services mobilization plan, and the fire resources mobilization processes and procedures. One member of each of the following organizations shall be represented and shall provide assistance to the director of fire protection with this task: Emergency management division, department of natural resources, Washington state fire commissioners, Washington state association of fire chiefs, Washington state association of fire fighters, and the Washington state fire fighters council. In addition, one rural fire chief and one urban fire chief shall be designated. The chief of the Washington state patrol shall report the findings through the director of fire protection to the fiscal committees of the legislature by December 1, 2001.

(6) Beginning in fiscal year 2003, the funding provided in this subsection assumes a transfer of \$12,634,000 of state patrol expenditures from the omnibus operating budget to the transportation budget. If new transportation revenue is not enacted before this time, the omnibus budget will restore this funding in the 2002 legislative session.

PART V EDUCATION

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) STATE AGENCY OPERATIONS

General Fund--State Appropriation (FY 2002) \$ 12,357,000
 General Fund--State Appropriation (FY 2003) \$ 12,266,000
 General Fund--Federal Appropriation \$ 23,668,000
 TOTAL APPROPRIATION \$ 48,291,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$11,385,000 of the general fund--state appropriation for fiscal year 2002 and \$11,394,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Of this amount, \$350,000 is provided in each fiscal year for upgrading information systems including the general apportionment and student information systems.

(b) \$541,000 of the general fund--state appropriation for fiscal year 2002 and \$441,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Of the general fund--state appropriation for fiscal year 2002, \$100,000 is provided solely for certificate of mastery development and validation.

(c) \$431,000 of the general fund--state appropriation for fiscal year 2002 and \$431,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the Washington professional educator standards board.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2002) \$ 17,274,000
General Fund--State Appropriation (FY 2003) \$ 19,407,000
General Fund--Federal Appropriation \$ 213,016,000
TOTAL APPROPRIATION \$ 249,697,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$150,000 of the fiscal year 2003 appropriation are provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(ii) A maximum \$2,621,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$2,621,000 of the general fund--state appropriation for fiscal year 2003 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided to create a school safety center subject to the following conditions and limitations.

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center shall be established in the office of the superintendent of public instruction. The superintendent of public instruction shall participate in a school safety center advisory committee that includes representatives of educators, classified staff, principals, superintendents, administrators, the American society for industrial security, the state criminal justice training commission, and others deemed appropriate and approved by the school safety center advisory committee. Members of the committee shall be chosen by the groups they represent. In addition, the Washington association of sheriffs and police chiefs shall appoint representatives of law enforcement to participate on the school safety center advisory committee. The advisory committee shall select a chair.

(C) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iv) A maximum of \$113,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$103,000 of the general fund--state appropriation for fiscal year 2003 are provided for a school safety training program provided by the criminal justice training commission subject to the following conditions and limitations:

(A) The criminal justice training commission with assistance of the school safety center advisory committee established in section 2(b)(iii) of this section shall develop manuals and curricula for a training program for all school safety personnel.

(B) The Washington state criminal justice training commission, in collaboration with the advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(v) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$250,000 of the general fund--state appropriation for fiscal year 2003 are provided for training in school districts regarding the prevention of bullying and harassment. The superintendent of public instruction shall use the funds to develop a model bullying and harassment prevention policy and training materials for school and educational service districts. The information may be disseminated in a variety of ways, including workshops and other staff development activities such as videotape or broadcasts.

(vi) A maximum of \$6,042,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$6,028,000 of the general fund--state appropriation for fiscal year 2003 are provided for a safety allocation to districts subject to the following conditions and limitations:

(A) The funds shall be allocated at a maximum rate of \$6.36 per year per full-time equivalent K-12 student enrolled in each school district in the prior school year.

(B) Districts shall expend funds allocated under this section to develop and implement strategies identified in a comprehensive safe school plan pursuant to House Bill No. 1818 (student safety) or Senate Bill No. 5543 (student safety). If neither bill is enacted by June 30, 2001, expenditures of the safety allocation shall be subject to (i), (ii), and (iii) of this subsection (a)(vi)(B).

(i) School districts shall use the funds for school safety purposes and are encouraged to prioritize the use of funds allocated under this section for the development, by September 1, 2002, of school-based comprehensive safe school plans that include prevention, intervention, all-hazards/crisis response, and post crisis recovery components. When developing comprehensive safe school plans, school districts are encouraged to use model school safety plans as developed by the school safety center. Implementation of comprehensive safe school plans may include, but is not limited to, employing or contracting for building security monitors in schools during school hours and school events; research-based early prevention and intervention programs; training for school staff, including security personnel; equipment; school safety hotlines; before, during, and after-school student and staff safety; minor building renovations related to student and staff safety and security; and other purposes identified in the comprehensive safe school plan.

(ii) Each school may conduct an evaluation of its comprehensive safe school plan and conduct reviews, drills, or simulated practices in coordination with local fire, law enforcement, and medical emergency management agencies.

(iii) By September 1, 2002, school districts shall provide the superintendent of public instruction information regarding the purposes for which the safety allocation funding was used and the status of the comprehensive safe school plans for the schools in the school district.

(vii) A maximum of \$200,000 of the general fund--state appropriation for fiscal year 2002, a maximum of \$200,000 of the general fund--state appropriation for fiscal year 2003, and \$400,000 of the general fund--federal appropriation transferred from the department of health are provided for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced

by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(viii) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide the following:

(A) Statewide nonviolence leadership coaches training program for certification of educational employees and community members in nonviolence leadership workshops;

(B) Statewide leadership nonviolence student exchanges, training, and speaking opportunities for student workshop participants; and

(C) A request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(ix) A maximum of \$1,500,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,500,000 of the general fund--state appropriation for fiscal year 2003 are provided for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed.

(b) TECHNOLOGY

(i) A maximum of \$2,000,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$2,000,000 of the general fund--state appropriation for fiscal year 2003 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network. A maximum of \$650,000 of this amount may be expended for state-level administration and staff training on the K-20 network.

(ii) A maximum of \$617,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,112,000 of the general fund--state appropriation for fiscal year 2003 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(c) GRANTS AND ALLOCATIONS

(i) A maximum of \$25,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,975,000 of the general fund--state appropriation for fiscal year 2003 are provided for Senate Bill No. 5695 (alternative certification routes). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse. The stipend allocation per teacher candidate and mentor pair shall not exceed \$28,318. The professional educator standards board shall report to the education committees of the legislature by December 15, 2002, on the districts applying for partnership grants, the districts receiving partnership grants, and the number of interns per route enrolled in each district.

(ii) A maximum of \$31,500 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$31,500 of the general fund--state appropriation for fiscal year 2003 are provided for operation of the Cispus environmental learning center.

(iii) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided for the Washington civil liberties education program.

(iv) A maximum of \$2,150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$2,150,000 of the general fund--state appropriation for fiscal year 2003 are provided for complex need grants. The maximum grants for eligible districts are specified in LEAP Document 30C as developed on April 27, 1997, at 03:00 hours.

(v) A maximum of \$1,377,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,377,000 of the general fund--state appropriation for fiscal year 2003 are provided for educational centers, including state support activities. \$100,000 of this amount is provided to help stabilize funding through distribution among existing education centers that are currently funded by the state at an amount less than \$100,000 a biennium.

(vi) A maximum of \$50,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided for an organization in southwest Washington that received funding from the Spokane educational center in the 1995-97 biennium and provides educational services to students who have dropped out of school.

(vii) A maximum of \$1,262,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,262,000 of the general fund--state appropriation for fiscal year 2003 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(viii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided to support vocational student leadership organizations.

(ix) \$9,900,000 of the general fund--federal appropriation is provided for the Washington Reads project to enhance high quality reading instruction and school programs.

(x) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided for the World War II oral history project.

(xi) \$30,700,000 of the general fund--federal appropriation is provided for school renovation grants for school districts with urgent school renovation needs, special education-related renovations, and technology related renovations.

(xii) \$1,952,000 of the general fund--federal appropriation is provided for LINKS technology challenge grants to integrate educational reform with state technology systems and development of technology products that enhance professional development and classroom instruction.

(xiii) \$423,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(xiv) \$12,318,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xv) \$4,228,000 of the general fund--federal appropriation is provided for teacher quality enhancement through provision of consortia grants to school districts and higher education institutions to improve teacher preparation and professional development.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2002) \$ 3,760,826,000

General Fund--State Appropriation (FY 2003) \$ 3,751,350,000

TOTAL APPROPRIATION \$ 7,512,176,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2001-02 and 2002-03 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(v) For class size reduction and expanded learning opportunities under the better schools program, an additional 2.2 certificated instructional staff units for grades K-4 per thousand full-time equivalent students. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used for reducing class sizes in grades K-4 or to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(A) Funds provided under this subsection (2)(a)(iv) and (v) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students in grades K-4. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 55.4 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students in grades K-4 may use allocations generated under this subsection (2)(a)(iv) and (v) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) and (v) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students; and

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2001-02 and 2002-03 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 11.27 percent in the 2001-02 school year and 11.27 percent in the 2002-03 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 12.92 percent in the 2001-02 school year and 12.92 percent in the 2002-03 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(3) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,519 per certificated staff unit in the 2001-02 school year and a maximum of \$8,715 per certificated staff unit in the 2002-03 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$20,920 per certificated staff unit in the 2001-02 school year and a maximum of \$21,401 per certificated staff unit in the 2002-03 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$16,233 per certificated staff unit in the 2001-02 school year and a maximum of \$16,606 per certificated staff unit in the 2002-03 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$494.34 for the 2001-02 and 2002-03 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$6,510,000 outside the basic education formula during fiscal years 2002 and 2003 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$480,000 may be expended in fiscal year 2002 and a maximum of \$491,000 may be expended in fiscal year 2003;

(b) For summer vocational programs at skills centers, a maximum of \$2,098,000 may be expended each fiscal year;

(c) A maximum of \$343,000 may be expended for school district emergencies; and
 (d) A maximum of \$500,000 per fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.5 percent from the 2000-01 school year to the 2001-02 school year, and 3.3 percent from the 2000-01 school year to the 2002-03 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E for the appropriate year, by the district's average staff mix factor for basic education and special education certificated instructional staff in that school year, computed using LEAP Document 1S; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E for the appropriate year.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100 and "special education certificated staff" means staff assigned to the state-supported special education program pursuant to chapter 28A.155 RCW in positions requiring a certificate;

(b) "LEAP Document 1S" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 25, 1999, at 16:55 hours; and

(c) "LEAP Document 12E" means the computerized tabulation of 2001-02 and 2002-03 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 13, 2001, at 16:32 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 10.63 percent for school years 2001-02 and 2002-03 for certificated staff and 9.42 percent for school years 2001-02 and 2002-03 for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Schedule for Certificated Instructional Staff
2001-02 School Year

Years of
Service BA BA+15 BA+30 BA+45 BA+90

0	27,467	28,209	28,977	29,746	32,219
1	27,836	28,588	29,366	30,171	32,668
2	28,464	29,231	30,025	30,900	33,414
3	29,401	30,192	31,009	31,931	34,490
4	30,063	30,896	31,727	32,689	35,290
5	30,750	31,595	32,443	33,468	36,085
6	31,147	31,974	32,850	33,928	36,531
7	32,164	33,010	33,909	35,055	37,724
8	33,195	34,088	35,008	36,248	38,954
9	35,205	36,169	37,455	40,223	
10	37,344	38,724	41,529		
11	40,029	42,895			
12	41,293	44,298			
13	45,736				
14	47,181				
15	48,408				
16 or more	49,376				

Years of MA+90
Service BA+135 MA MA+45 or PHD

0	33,811	32,931	35,403	36,996
1	34,252	33,297	35,793	37,377
2	35,030	33,995	36,509	38,124
3	36,177	35,027	37,585	39,273

4	37,007	35,755	38,355	40,072
5	37,853	36,503	39,121	40,889
6	38,308	36,904	39,508	41,285
7	39,569	38,031	40,700	42,546
8	40,867	39,225	41,930	43,843
9	42,201	40,430	43,200	45,177
10	43,572	41,700	44,505	46,549
11	44,979	43,005	45,872	47,956
12	46,446	44,362	47,275	49,422
13	47,947	45,766	48,712	50,923
14	49,505	47,212	50,251	52,481
15	50,792	48,439	51,557	53,846
16 or more	51,808	49,407	52,589	54,923

K-12 Allocation Salary Schedule For Certificated Instructional Staff

Years of
Service BA BA+15 BA+30 BA+45 BA+90

0	28,318	29,083	29,875	30,668	33,217
1	28,699	29,473	30,276	31,106	33,680
2	29,345	30,137	30,955	31,857	34,449
3	30,312	31,127	31,970	32,920	35,559
4	30,994	31,854	32,710	33,702	36,383
5	31,703	32,574	33,448	34,505	37,203
6	32,112	32,964	33,868	34,979	37,663
7	33,160	34,033	34,959	36,141	38,893
8	34,223	35,145	36,092	37,372	40,161
9	36,295	37,289	38,616	41,470	
10	38,501	39,923	42,815		
11	41,269	44,225			
12	42,572	45,671			
13	47,153				
14	48,642				
15	49,907				
16 or more	50,906				

Years of MA+90
Service BA+135 MA MA+45 or PHD

0	34,859	33,951	36,500	38,142
1	35,313	34,328	36,902	38,535
2	36,116	35,048	37,640	39,305
3	37,298	36,112	38,750	40,490
4	38,153	36,863	39,544	41,314
5	39,026	37,634	40,333	42,156
6	39,495	38,047	40,732	42,564
7	40,795	39,210	41,961	43,864
8	42,133	40,440	43,229	45,201
9	43,509	41,683	44,538	46,577
10	44,922	42,992	45,884	47,991
11	46,373	44,337	47,293	49,442
12	47,885	45,736	48,739	50,953
13	49,432	47,184	50,221	52,501
14	51,039	48,675	51,808	54,107
15	52,366	49,940	53,155	55,514
16 or more	53,413	50,938	54,218	56,624

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and
(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.
- (d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.
- (e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include three learning improvement days originally added in the 1999-00 school year. A school district is eligible for the learning improvement day funds for school years 2001-02 and 2002-03, only if three learning improvement days have been added to the 180-day contract year. If fewer than three days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be for activities related to improving student learning consistent with education reform implementation. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

NEW SECTION. Sec. 1. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2002) \$ 124,130,000

General Fund--State Appropriation (FY 2003) \$ 274,529,000

TOTAL APPROPRIATION \$ 398,659,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$318,024,000 is provided for a cost of living adjustment for state formula staff units of 3.7 percent effective September 1, 2001, and another salary adjustment effective on September 1, 2002, in a percentage amount to be determined by the 2002 legislature consistent with the provisions of chapter 4, Laws of 2001 (Initiative Measure No. 732). The appropriations include associated incremental fringe benefit allocations at rates of 10.63 percent for school years 2001-02 and 2002-03 for certificated staff and 9.42 percent for school years 2001-02 and 2002-03 for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act, in accordance with chapter 4, Laws of 2001 (Initiative Measure No. 732). Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide cost-of-living and incremental fringe benefit allocations based on formula adjustments as follows:

School Year
2001-02 2002-03

Pupil Transportation (per weighted pupil mile) \$ 0.77 \$ 1.44
 Highly Capable (per formula student) \$ 8.75 \$ 16.35
 Transitional Bilingual Education (per eligible bilingual student) \$ 22.73 \$ 42.48
 Learning Assistance (per entitlement unit) \$ 11.23 \$ 20.99
 Substitute Teacher (allocation per teacher, section 502(7)) \$ 18.29 \$ 34.18

(2) This act appropriates general fund--state funds for the purpose of providing the annual salary cost-of-living increase required by section 2, chapter 4, Laws of 2001 (Initiative Measure No. 732) for teachers and other school district employees in the state-funded salary base. For employees not included in the state-funded salary base, the annual salary cost-of-living increase may be provided by school districts from the federal funds appropriated in this act and local revenues, including the adjusted levy base as provided in RCW 84.52.053 and section 502 of this act, and state discretionary funds provided under this act.

(3) \$80,635,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$427.73 per month for the 2001-02 and 2002-03 school years. The appropriations in this section provide for a rate increase to \$455.27 per month for the 2001-02 school year and \$493.59 per month for the 2002-03 school year at the following rates:

School Year
2001-02 2002-03

Pupil Transportation (per weighted pupil mile) \$ 0.25 \$ 0.60
 Highly Capable (per formula student) \$ 1.74 \$ 4.18
 Transitional Bilingual Education (per eligible bilingual student) \$ 4.46 \$ 10.66

Learning Assistance (per entitlement unit) \$ 3.51 \$ 8.38

(4) The rates specified in this section are subject to revision each year by the legislature.

NEW SECTION. Sec. 2. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2002) \$ 193,198,000

General Fund--State Appropriation (FY 2003) \$ 194,293,000

TOTAL APPROPRIATION \$ 387,491,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$767,000 of this fiscal year 2002 appropriation and a maximum of \$785,000 of the fiscal year 2003 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$15,000 of the fiscal year 2002 appropriation and \$20,000 of the fiscal year 2003 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$37.11 per weighted mile in the 2001-02 school year and \$37.38 per weighted mile in the 2002-03 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

NEW SECTION. Sec. 3. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2002) \$ 3,100,000

General Fund--State Appropriation (FY 2003) \$ 3,100,000

General Fund--Federal Appropriation \$ 225,630,000

TOTAL APPROPRIATION \$ 231,830,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2002 and \$3,000,000 of the general fund--state appropriation for fiscal year 2003 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the 2003 fiscal year appropriation are provided for summer food programs for children in low-income areas.

NEW SECTION. Sec. 4. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2002) \$ 419,264,000

General Fund--State Appropriation (FY 2003) \$ 420,644,000

General Fund--Federal Appropriation \$ 256,092,000

TOTAL APPROPRIATION \$ 1,096,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) Effective with the 2001-02 school year, the superintendent of public instruction shall change the S-275 personnel reporting system and all related accounting requirements to ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) Effective with the 2001-02 school year, the S-275 and accounting changes shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2001-02 and 2002-03 school years, the superintendent shall distribute state funds to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 2001-02 and the 2002-03 school years, each district's funded enrollment percent shall be the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent for the 2001-02 school year or 13.0 percent for the 2002-03 school year.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be 12.7 percent for the 2001-02 school year and 13.0 percent for the 2002-03 school year, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) A maximum of \$12,000,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$10,623,000 of the general fund--state appropriation for fiscal year 2003 are provided as safety net funding for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. Safety net funding shall be awarded by the state safety net oversight committee.

(a) The safety net oversight committee shall first consider the needs of districts adversely affected by the 1995 change in the special education funding formula. Awards shall be based on the lesser of the amount required to maintain the 1994-95 state special education excess cost allocation to the school district in aggregate or on a dollar per funded student basis.

(b) The committee shall then consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) The superintendent may expend up to \$120,000 per year of the amounts provided in this subsection to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff of the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) To the extent necessary, \$5,500,000 of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of one or more individual special education students. If safety net awards to meet the extraordinary needs exceed \$5,500,000 of the general fund--federal appropriation, the superintendent shall expend all available federal discretionary funds necessary to meet this need. General fund--state funds shall not be expended for this purpose.

(12) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(13) \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(15) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

(16) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

NEW SECTION. Sec. 5. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2002) \$ 3,595,000

General Fund--State Appropriation (FY 2003) \$ 2,588,000

TOTAL APPROPRIATION \$ 6,183,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations include such funds as are necessary to complete the school year ending in each fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$253,000 of the fiscal year 2002 general fund appropriation and a maximum of \$254,000 of the fiscal year 2003 general fund appropriation may be expended for regional traffic safety education coordinators.

(3) Allocations to provide tuition assistance for students eligible for free and reduced price lunch who complete the program shall be a maximum of \$203.97 per eligible student in the 2001-02 and 2002-03 school years.

NEW SECTION. Sec. 6. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2002) \$ 4,768,000
General Fund--State Appropriation (FY 2003) \$ 4,768,000
TOTAL APPROPRIATION \$ 9,536,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$250,000 of the general fund appropriation for fiscal year 2000 and \$250,000 of the general fund appropriation for fiscal year 2001 are provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) A maximum of \$250,000 of the fiscal year 2002 general fund appropriation and a maximum of \$250,000 of the fiscal year 2003 general fund appropriation are provided for centers for the improvement of teaching pursuant to RCW 28A.415.010.

NEW SECTION. Sec. 7. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2002) \$ 136,315,000
General Fund--State Appropriation (FY 2003) \$ 148,329,000
TOTAL APPROPRIATION \$ 284,644,000

NEW SECTION. Sec. 8. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2002) \$ 19,133,000
General Fund--State Appropriation (FY 2003) \$ 19,115,000
General Fund--Federal Appropriation \$ 8,548,000
TOTAL APPROPRIATION \$ 46,796,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$141,000 of the general fund--state appropriation for fiscal year 2002 and \$139,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

NEW SECTION. Sec. 9. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2002) \$ 6,443,000
General Fund--State Appropriation (FY 2003) \$ 6,397,000
TOTAL APPROPRIATION \$ 12,840,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$328.10 per funded student for the 2001-02 school year and \$328.05 per funded student for the 2002-03 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$175,000 of the fiscal year 2002 appropriation and \$175,000 of the fiscal year 2003 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$93,000 of the fiscal year 2002 appropriation and \$93,000 of the fiscal year 2003 appropriation are provided for the Washington imagination network and future problem-solving programs.

NEW SECTION. Sec. 10. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT

General Fund--Federal Appropriation \$ 288,166,000

NEW SECTION. Sec. 11. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2002) \$ 35,882,000
General Fund--State Appropriation (FY 2003) \$ 36,363,000
General Fund--Federal Appropriation \$ 3,000,000
TOTAL APPROPRIATION \$ 75,245,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$322,000 of the general fund--state appropriation for fiscal year 2002 and \$322,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the academic achievement and accountability commission.

(2) \$11,209,000 of the general fund--state appropriation for fiscal year 2002, \$10,872,000 of the general fund--state appropriation for fiscal year 2003, and \$3,000,000 of the general fund--federal appropriation are provided for development and implementation of the Washington assessments of student learning. Up to \$689,000 of the appropriation may be expended for data analysis and data management of test results.

(3) \$1,095,000 of the fiscal year 2002 general fund--state appropriation and \$1,095,000 of the fiscal year 2003 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$4,695,000 of the general fund--state appropriation for fiscal year 2002 and \$4,695,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(a) A teacher assistance program is a program that provides to a first year beginning teacher peer mentor services that include but are not limited to:

(i) An orientation process and individualized assistance to help beginning teachers who have been hired prior to the start of the school year prepare for the start of a school year;

(ii) The assignment of a peer mentor whose responsibilities to the beginning teacher include but are not limited to constructive feedback, the modeling of instructional strategies, and frequent meetings and other forms of contact;

(iii) The provision by peer mentors of strategies, training, and guidance in critical areas such as classroom management, student discipline, curriculum management, instructional skill, assessment, communication skills, and professional conduct. A district may provide these components through a variety of means including one-on-one contact and workshops offered by peer mentors to groups, including cohort groups, of beginning teachers;

(iv) The provision of release time, substitutes, mentor training in observation techniques, and other measures for both peer mentors and beginning teachers, to allow each an adequate amount of time to observe the other and to provide the classroom experience that each needs to work together effectively;

(v) Assistance in the incorporation of the essential academic learning requirements into instructional plans and in the development of complex teaching strategies, including strategies to raise the achievement of students with diverse learning styles and backgrounds; and

(vi) Guidance and assistance in the development and implementation of a professional growth plan. The plan shall include a professional self-evaluation component and one or more informal performance assessments. A peer mentor may not be involved in any evaluation under RCW 28A.405.100 of a beginning teacher whom the peer mentor has assisted through this program.

(b) In addition to the services provided in (a) of this subsection, an eligible peer mentor program shall include but is not limited to the following components:

(i) Strong collaboration among the peer mentor, the beginning teacher's principal, and the beginning teacher;

(ii) Stipends for peer mentors and, at the option of a district, for beginning teachers. The stipends shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200 and are not subject to the continuing contract provisions of Title 28A RCW; and

(iii) To the extent that resources are available for this purpose and that assistance to beginning teachers is not adversely impacted, the program may serve second year and more experienced teachers who request the assistance of peer mentors.

(5) \$2,025,000 of the general fund--state appropriation for fiscal year 2002 and \$2,025,000 of the general fund--state appropriation for fiscal year 2003 are provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(6) \$3,600,000 of the general fund--state appropriation for fiscal year 2002 and \$3,600,000 of the general fund--state appropriation for fiscal year 2003 are provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2002 and \$2,500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$1,409,000 of the general fund--state appropriation for fiscal year 2002 and \$1,409,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(9) \$1,828,000 of the general fund--state appropriation for fiscal year 2002 and \$1,828,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics

improvement specialists shall serve on a rotating basis from one to three years and shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;
(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics;

and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(10) A maximum of \$500,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$500,000 of the general fund--state appropriation for fiscal year 2003 are provided for summer accountability institutes offered by the superintendent of public instruction and the academic achievement and accountability commission. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling.

(11) \$3,930,000 of the general fund--state appropriation for fiscal year 2002 and \$3,829,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(ii) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(iii) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(iv) It has measurable goals for student reading aligned with the essential academic learning requirements; and

(v) It contains an evaluation component to determine the effectiveness of the program.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from September 2001 through August 31, 2003.

(12) \$377,000 of the general fund--state appropriation for fiscal year 2002 and \$701,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards.

(a) In the 2001-02 school year, teachers who have attained certification by the national board in the 1999-00 school year or the 2000-01 school year or the 2001-02 school year shall receive an annual bonus not to exceed \$3,500.

(b) In the 2002-03 school year, teachers who have attained certification by the national board in the 2000-01 school year or the 2001-02 school year or the 2002-03 school year shall receive an annual bonus not to exceed \$3,500.

(c) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(d) It is the intent of the legislature that teachers achieving certification by the national board of professional teaching standards will receive no more than three annual bonus payments for attaining certification by the national board.

(13) \$625,000 of the general fund--state appropriation for fiscal year 2002 and \$625,000 of the general fund--state appropriation for fiscal year 2003 are provided for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(14) \$71,000 of the general fund--state appropriation for fiscal year 2002 and \$71,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the second grade reading test. The funds shall be expended for assessment training for new second grade teachers and replacement of assessment materials.

(15) \$384,000 of the general fund--state appropriation for fiscal year 2002 and \$384,000 of the general fund--state appropriation for fiscal year 2003 are provided for the superintendent to assist schools in implementing high academic standards, aligning curriculum with these standards, and training teachers to use assessments to improve student learning. Funds may also be used to increase community and parental awareness of education reform.

(16) \$130,000 of the general fund--state appropriation for fiscal year 2002 and \$130,000 of the general fund--state appropriation for fiscal year 2003 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(17) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,800,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Of the amounts provided, \$219,000 of the fiscal year 2002 appropriation and \$207,000 of the fiscal year 2003 appropriation are provided to the office of the superintendent of public instruction for the administrative duties arising under this subsection. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(18) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for grants to school districts to adopt or revise district-wide and school-level plans to achieve performance improvement goals established under RCW 28A.655.030, and to post a summary of the improvement plans on district websites using a common format provided by the office of the superintendent of public instruction.

(19) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for recognition plaques for schools that successfully met the fourth grade reading improvement goal established under RCW 28A.655.050.

NEW SECTION. Sec. 12. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2002) \$ 43,044,000

General Fund--State Appropriation (FY 2003) \$ 45,171,000

TOTAL APPROPRIATION \$ 88,215,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$687.19 per eligible bilingual student in the 2001-02 school year and \$687.19 in the 2002-03 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to \$295,000 in school year 2001-02 and up to \$268,000 in school year 2002-03, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, for the central provision of assessments as provided in section 2(1) and (2) of Engrossed Second Substitute House Bill No. 2025.

(4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(5) Sufficient funding is provided to implement Engrossed Second Substitute House Bill No. 2025 (schools/bilingual instruction).

NEW SECTION. Sec. 13. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2002) \$ 70,593,000

General Fund--State Appropriation (FY 2003) \$ 68,817,000

TOTAL APPROPRIATION \$ 139,410,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funding for school district learning assistance programs shall be allocated at maximum rates of \$408.38 per funded unit for the 2001-02 school year and \$409.41 per funded unit for the 2002-03 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(3) For purposes of this section, "test results" refers to the district results from the norm-referenced test administered in the specified grade level. The norm-referenced test results used for the third and sixth grade calculations shall be consistent with the third and sixth grade tests required under RCW 28A.230.190 and 28A.230.193.

(4) A school district's funded units for the 2001-02 and 2002-03 school years shall be the sum of the following:

(a) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag; and

(b) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(c) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.92. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(d) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

(5) School districts may carry over from one year to the next up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

NEW SECTION. Sec. 14. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS

General Fund--State Appropriation (FY 2002) \$ 19,515,000

General Fund--State Appropriation (FY 2003) \$ 17,516,000

TOTAL APPROPRIATION \$ 37,031,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funds are provided for local education program enhancements to meet educational needs as identified by the school district, including alternative education programs.

(3) Allocations for the 2001-02 school year shall be at a maximum annual rate of \$18.48 per full-time equivalent student and \$18.48 per full-time equivalent student for the 2002-03 school year. Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250 and shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve: PROVIDED, That for school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than sixty average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than twenty average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than sixty average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(5) The superintendent shall not allocate up to one-fourth of a district's funds under this section if:

(a) The district is not maximizing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); or

(b) The district is not in compliance in filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030.

NEW SECTION. Sec. 15. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BETTER SCHOOLS PROGRAM

General Fund--State Appropriation (FY 2002) \$ 8,996,000

The appropriation in this section is subject to the following conditions and limitations: \$8,996,000 is provided solely to complete the 2000-01 school year allocation for class size reduction and expanded learning opportunities pursuant to section 518, chapter 1, Laws of 2000 2nd sp. sess.

NEW SECTION. Sec. 16. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Fund--State

Appropriation (FY 2002) \$ 184,232,000

Student Achievement Fund--State

Appropriation (FY 2003) \$ 209,068,000

TOTAL APPROPRIATION \$ 393,300,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is allocated for the following uses as specified in chapter 28A.505 RCW as amended by chapter 3, Laws of 2001 (Initiative Measure No. 728):

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extend day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection.

(2) Funding for school district student achievement programs shall be allocated at a maximum rate of \$193.92 per FTE student for the 2001-02 school year and \$220.59 per FTE student for the 2002-03 school year. For the purposes of this section and in accordance with RCW 84.52--- (section 5 of Initiative Measure No. 728), FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year.

(3) The office of the superintendent of public instruction shall distribute ten percent of the annual allocation to districts each month for the months of September through June.

NEW SECTION. Sec. 17. K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS. State general fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.

NEW SECTION. Sec. 18. FOR THE STATE BOARD OF EDUCATION

Education Savings Account--State

Appropriation \$ 36,720,000

Education Construction Account--State

Appropriation \$ 154,500,000

TOTAL APPROPRIATION \$ 191,220,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000,000 in fiscal year 2002 and \$18,720,000 in fiscal year 2003 of the education savings account appropriation shall be deposited in the common school construction account.

(2) \$154,500,000 of the education construction account appropriation shall be deposited in the common school construction account.

PART VI HIGHER EDUCATION

NEW SECTION. Sec. 601. The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1).

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management, except for classified staff at the technical colleges, a salary increase of 3.7 percent on July 1, 2001. The technical colleges shall provide to classified employees under chapter 41.56 RCW an average salary increase of 3.7 percent on July 1, 2001. Funds are also provided for salary increases for all classified employees on July 1, 2002, in a percentage amount to be determined by the 2002 legislature and, in the case of technical college classified staff, consistent with the provisions of Initiative 732.

(c) Each institution of higher education, except for the community and technical colleges, shall provide to state-funded instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management, and all other state-funded nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 3.7 percent on July 1, 2001. Funds are also provided for salary increases for these employee groups on July 1, 2002, in a percentage amount to be determined by the 2002 legislature. Each institution may provide the same average increases to similar positions that are not state-funded.

(d) The community and technical colleges shall provide to academic employees, exempt professional staff, and academic administrators an average salary increase of 3.7 percent on July 1, 2001. Funds are also provided for salary increases for these groups on July 1, 2002, in a percentage amount to be determined by the 2002 legislature and, in the case of community college academic employees and technical college employees, consistent with the provisions of Initiative 732.

(e) For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1), distribution of the salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(f) Each institution of higher education receiving appropriations under sections 604 through 609 of this act may provide additional salary increases to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Any salary increase granted under the authority of this subsection (2)(f) shall not be included in an institution's salary base. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(f).

(g) To collect consistent data for use by the legislature, the office of financial management, and other state agencies for policy and planning purposes, institutions of higher education shall report personnel data to be used in the department of personnel's human resource data warehouse in compliance with uniform reporting procedures established by the department of personnel.

(h) Specific salary increases authorized in sections 603 through 609 of this act are in addition to any salary increase provided in this subsection.

(3) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's institutions of higher education for the 2001-02 and 2002-03 academic years, other than the summer term, may be adjusted by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges as provided in this subsection.

(a) For the 2001-02 academic year, the governing boards and the state board may implement an increase no greater than six and seven-tenths percent over tuition fees charged to full-time students for the 2000-01 academic year.

(b) For the 2002-03 academic year, the governing boards and the state board may implement an increase no greater than six and one-tenth percent over the tuition fees charged to full-time students for the 2001-02 academic year.

(c) For the 2001-02 academic year, the governing boards may implement an increase for law and graduate business programs no greater than twelve percent over tuition fees charged to law and graduate business students for the 2000-01 academic year, except as provided in (e) of this subsection.

(d) For the 2002-03 academic year, the governing boards may implement an increase for law and graduate business programs no greater than twelve percent over tuition fees charged to law and graduate business students for the 2001-02 academic year, except as provided in (f) of this subsection.

(e) For the 2001-02 academic year, the governing boards of the University of Washington may implement an increase for graduate business programs no greater than 15 percent over tuition fees charged to graduate business students for the 2000-01 academic year.

(f) For the 2002-03 academic year, the governing boards of the University of Washington may implement an increase for graduate business programs no greater than 20 percent over tuition fees charged to graduate business students for the 2001-02 academic year.

(g) For the 2001-02 and the 2002-03 academic years, the state board for community and technical colleges may increase fees differentially based on student credit hour load, but the percentage increase for students taking fifteen or fewer credits shall not exceed the limits in subsection (3)(a) and (b) of this section.

(h) For the 2001-03 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

(i) The tuition increases adopted under (a), (b), (g), and (h) of this subsection need not apply uniformly across student categories as defined in chapter 28B.15 RCW so long as the increase for each student category does not exceed the percentages specified in this subsection.

(4) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of the operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(5) Pursuant to RCW 43.15.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 2001-03 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(6) Community colleges may increase services and activities fee charges in excess of the fiscal growth factor up to the maximum level authorized by the state board for community and technical colleges.

(7) Each institution receiving appropriations under sections 604 through 609 of this act shall submit a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress towards the achievement of long-term performance goals. The plans, to be prepared at the direction of the higher education coordinating board, shall be submitted by August 15, 2001. The higher education coordinating board shall set biennial performance targets for each institution and shall review actual achievements annually. Institutions shall track their actual performance on the statewide measures as well as faculty productivity, the goals and targets for which may be unique to each institution. A report on progress towards statewide and institution-specific goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2003.

(8) The state board for community and technical colleges shall develop a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress to achieve long-term performance goals. The board shall set biennial performance targets for each college or district, where appropriate, and shall review actual achievements annually. Colleges shall track their actual performance on the statewide measures. A report on progress towards the statewide goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2003.

NEW SECTION. Sec. 602. The appropriations in sections 603 through 609 of this act provide state general fund support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2001-2002	2002-2003
	Annual	Annual
	Average	
University of Washington		
Main campus	32,321	32,427
Bothell branch	1,169	1,235
Tacoma branch	1,330	1,484
Washington State University		
Main campus	17,332	17,332
Sokane branch		551
Tri-Cities branch	616	616
Vancouver branch	1,071	1,153
Central Washington University	7,470	7,470
Eastern Washington University	7,933	8,017
The Evergreen State College	3,754	3,837
Western Washington University	10,976	11,126
State Board for Community and Technical Colleges	125,082	126,902

When allocating newly budgeted enrollments, each institution of higher education shall give priority to high demand fields, including but not limited to technology, health professions, and education. At the end of each fiscal year, each institution of higher education and the state board for community and technical colleges shall submit a report to the higher education coordinating board detailing how newly budgeted enrollments have been allocated.

NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2002) \$ 514,399,000
 General Fund--State Appropriation (FY 2003) \$ 543,731,000
 General Fund--Federal Appropriation \$ 11,404,000
 Education Savings Account--State

Appropriation \$ 4,500,000

TOTAL APPROPRIATION \$ 1,074,034,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2) \$2,475,000 of the general fund--state appropriation for fiscal year 2002 and \$5,025,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase salaries and related benefits for part-time faculty. The board shall report by December 1 of each fiscal year to the office of financial management and legislative fiscal and higher education committees on (a) the distribution of state funds; (b) wage adjustments for part-time faculty; and (c) progress to achieve the long-term performance targets for each district, with respect to use of part-time faculty, pursuant to the faculty mix study conducted under section 603, chapter 309, Laws of 1999.

(3) \$1,155,000 of the general fund--state appropriation for fiscal year 2002 and \$2,345,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments and associated benefits. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided for a program to fund the start-up of new community and technical college programs in rural counties as defined under RCW 43.160.020(12) and in communities impacted by business closures and job reductions. Successful proposals must respond to local economic development strategies and must include a plan to continue programs developed with this funding.

(5) \$326,000 of the general fund--state appropriation for fiscal year 2002 and \$640,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for allocation to twelve college districts identified in (a) through (l) of this subsection to prepare students for transfer to the state technology institute at the Tacoma branch campus of the University of Washington. The appropriations in this section are intended to supplement, not supplant, general enrollment allocations by the board to the districts under (a) through (l) of this subsection:

- (a) Bates Technical College;
- (b) Bellevue Community College;
- (c) Centralia Community College;
- (d) Clover Park Community College;
- (e) Grays Harbor Community College;
- (f) Green River Community College;
- (g) Highline Community College;
- (h) Tacoma Community College;
- (i) Olympic Community College;
- (j) Pierce District;
- (k) Seattle District; and
- (l) South Puget Sound Community College.

(6) \$28,761,000 of the general fund--state appropriation for fiscal year 2002 and \$28,761,000 of the general fund--state appropriation for fiscal year 2003 are provided solely as special funds for training and related support services, including financial aid, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers).

(a) Funding is provided to support up to 7,200 full-time equivalent students in each fiscal year.

(b) In directing these resources during the 2001-03 biennium, the state board for community and technical colleges shall give considerable attention to the permanent dislocation of workers from industries facing rapidly rising energy costs, such as direct service industries.

(7) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for tuition support for students enrolled in work-based learning programs.

(8) \$567,000 of the general fund--state appropriation for fiscal year 2002 and \$568,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for administration and customized training contracts through the job skills program.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are solely for higher education student child care matching grants under chapter 28B.135 RCW.

(10) \$212,000 of the general fund--state appropriation for fiscal year 2002 and \$212,000 of the general fund--state appropriation for fiscal year 2003 are provided for allocation to Olympic college. The college shall contract with accredited baccalaureate institution(s) to bring a program of upper-division courses to Bremerton. Funds provided are sufficient to support at least 30 additional annual full-time equivalent students. The state board for community and technical colleges shall report to the office of financial management and the fiscal and higher education committees of the legislature on the implementation of this subsection by December 1st of each fiscal year.

(11) The entire education savings account appropriation is provided solely to support the development of a multicollge student-centered online service center for distance learners, including self-service internet applications and staff support 24 hours per day. Moneys may be allocated by the office of financial management upon certification that sufficient cash is available beyond the appropriations made for the 2001-03 biennium for the purposes of common school construction.

(12) The appropriations in this section assume that \$3,000,000 of the colleges' operating fee accounts will be used to deliver adult basic education courses including English-as-a-Second Language and general education development exam preparation. The legislature intends that colleges stop waiving fees universally and charge not less than \$5.00 a credit hour for adult basic education to help defray state expense and increase positive educational outcomes for enrolled students. Fees may be waived for students with limited income.

NEW SECTION. Sec. 604. FOR UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2002) \$ 345,974,000

General Fund--State Appropriation (FY 2003) \$ 361,114,000

Death Investigations Account--State
Appropriation \$ 259,000
University of Washington Building Account--
State Appropriation \$ 1,103,000
Accident Account--State Appropriation \$ 5,891,000
Medical Aid Account--State Appropriation \$ 5,945,000
TOTAL APPROPRIATION \$ 720,286,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university may reallocate 10 percent of newly budgeted enrollments to campuses other than as specified by the legislature in section 602 of this act in order to focus on high demand areas. The university shall report the details of these reallocations to the office of financial management and the fiscal and higher education committees of the legislature for monitoring purposes by the 10th day of the academic quarter that follows the reallocation actions. The report shall provide details of undergraduate and graduate enrollments at the main campus and each of the branch campuses.

(2) \$2,000,000 of the general fund--state appropriation for fiscal year 2002 and \$2,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to create a state resource for technology education in the form of an institute located at the University of Washington, Tacoma. It is the intent of the legislature that at least ninety-nine of the full-time equivalent enrollments allocated to the university's Tacoma branch campus for the 2002-03 academic year may be used to establish the technology institute. The university will expand undergraduate and graduate degree programs meeting regional technology needs including, but not limited to, computing and software systems. As a condition of these appropriations:

(a) The university will work with the state board for community and technical colleges, or individual colleges where necessary, to establish articulation agreements in addition to the existing associate of arts and associate of science transfer degrees. Such agreements shall improve the transferability of students and in particular, students with substantial applied information technology credits.

(b) The university will establish performance measures for recruiting, retaining and graduating students, including nontraditional students, and report back to the governor and legislature by September 2002 as to its progress and future steps.

(3) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for research faculty clusters in the advanced technology initiative program.

(4) The department of environmental health shall report to the legislature the historical, current, and anticipated use of funds provided from the accident and medical aid accounts. The report shall be submitted prior to the convening of the 2002 legislative session.

(5) \$259,000 of the death investigations account appropriation is provided solely for the forensic pathologist fellowship program.

(6) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the Olympic natural resource center.

(8) \$50,000 of the general fund--state appropriations are provided solely for the school of medicine to conduct a survey designed to evaluate characteristics, factors and probable causes for the high incidence of multiple sclerosis cases in Washington state.

(9) \$1,103,000 of the University of Washington building account--state appropriation is provided solely for the repair and reconstruction of the Urban Horticulture Center (Merrill Hall).

NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2002) \$ 201,416,000
General Fund--State Appropriation (FY 2003) \$ 209,939,000
TOTAL APPROPRIATION \$ 411,355,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university may reallocate 10 percent of newly budgeted enrollments to campuses other than specified by the legislature in section 602 of this act in order to focus on high demand areas. The university will report the details of these reallocations to the office of financial management and the fiscal and higher education committees of the legislature for monitoring purposes by the 10th day of the academic quarter that follows the reallocation actions. The report will provide details of undergraduate and graduate enrollments at the main campus and each of the branch campuses.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for research faculty clusters in the advanced technology initiative program.

(3) \$165,000 of the general fund--state appropriation for fiscal year 2002 and \$166,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2002) \$ 45,532,000
General Fund--State Appropriation (FY 2003) \$ 47,382,000
TOTAL APPROPRIATION \$ 92,914,000

NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2002) \$ 44,164,000
General Fund--State Appropriation (FY 2003) \$ 44,976,000
TOTAL APPROPRIATION \$ 89,140,000

The appropriations in this section are subject to the following conditions and limitations: \$700,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the development and implementation of the university's enrollment stabilization recovery and growth plan. The university shall report back to the fiscal committees of the legislature, the office of financial management, and the higher education coordinating board at the end of each fiscal year with details of its actions and progress.

NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2002) \$ 25,334,000
General Fund--State Appropriation (FY 2003) \$ 26,260,000
TOTAL APPROPRIATION \$ 51,594,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$75,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to complete studies of services described in section 202(1), chapter 1, Laws of 2000 2nd sp. sess.

(2) \$11,000 of the general fund--state appropriation for fiscal year 2002 and \$54,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to conduct an outcome evaluation pursuant to Substitute Senate Bill No. 5416 (drug-affected infants). The institute shall provide a report to the fiscal, health, and human services committees of the legislature by December 1, 2003. If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall be used to evaluate outcomes across state health and social service pilot projects and other national models involving women who have given birth to a drug-affected infant, comparing gains in positive birth outcomes for resources invested, in which case the institute's findings and recommendations will be provided by November 15, 2002.

(3) \$11,000 of the general fund--state appropriation for fiscal year 2002 and \$33,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to evaluate partnership grant programs for alternative teacher certification pursuant to Engrossed Second Substitute Senate Bill No. 5695. An interim report shall be provided to the fiscal and education committees of the legislature by December 1, 2002, and a final report by December 1, 2004.

(4) \$60,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to examine options for revising the state's funding formula for the learning assistance program to enhance accountability for school performance in meeting education reform goals. The institute shall submit its report to the appropriate legislative fiscal and policy committees by June 30, 2002.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to study the prevalence and needs of families who are raising related children. The study shall compare services and policies of Washington state with other states that have a high rate of kinship care placements in lieu of foster care placements. The study shall identify possible changes in services and policies that are likely to increase appropriate kinship care placements. A report shall be provided to the fiscal and human services committees of the legislature by June 1, 2002.

(6) \$35,000 of the general fund--state appropriation for fiscal year 2002 and \$15,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to examine various educational delivery models for providing services and education for students through the Washington state school for the deaf. The institute's report, in conjunction with the capacity planning study from the joint legislative audit and review committee, shall be submitted to the fiscal committees of the legislature by September 30, 2002.

(7) \$30,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to examine the structure, policies, and recent experience in states where welfare recipients may attend college full-time as their required TANF work activity. The institute will provide findings and recommend how Washington could consider adding this feature in a targeted, cost-neutral manner that would complement the present-day WorkFirst efforts and caseload. The institute shall provide a report to the human services, higher education, and fiscal committees of the legislature by November 15, 2001.

(8) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to research and evaluate strategies for constraining the growth in state health expenditures. Specific research topics, approaches, and timelines shall be identified in consultation with the fiscal committees of the legislature.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to conduct a comprehensive review of the costs and benefits of existing juvenile crime prevention and intervention programs. This evaluation shall also consider what changes could result in more cost-effective and efficient funding for juvenile crime prevention and intervention programs presently supported with state funds. The institute for public policy shall report its findings and recommendations to the appropriate legislative fiscal and policy committees by October 1, 2002.

NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2002) \$ 59,755,000
General Fund--State Appropriation (FY 2003) \$ 62,881,000
TOTAL APPROPRIATION \$ 122,636,000

The appropriations in this section are subject to the following conditions and limitations: \$753,000 of the general fund--state appropriation for fiscal year 2002 and \$1,032,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operations of the North Snohomish, Island, Skagit (NSIS) higher education consortium.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2002) \$ 2,345,000
General Fund--State Appropriation (FY 2003) \$ 2,408,000
General Fund--Federal Appropriation \$ 636,000
TOTAL APPROPRIATION \$ 5,389,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to continue the teacher training pilot program pursuant to chapter 177, Laws of 1999.

(2) \$105,000 of the general fund--state appropriation for fiscal year 2002 and \$245,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to continue a demonstration project to improve rural access to post-secondary education by bringing distance learning technologies into Jefferson county.

NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2002) \$ 123,645,000

General Fund--State Appropriation (FY 2003) \$ 136,205,000
General Fund--Federal Appropriation \$ 7,511,000
Advanced College Tuition Payment Program Account--
State Appropriation \$ 3,604,000

TOTAL APPROPRIATION \$ 270,965,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$534,000 of the general fund--state appropriation for fiscal year 2002 and \$529,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the displaced homemakers program.

(2) \$234,000 of the general fund--state appropriation for fiscal year 2002 and \$240,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the western interstate commission for higher education.

(3) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the health professional conditional scholarship and loan program under chapter 28B.115 RCW. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(4) \$1,000,000 of the general fund--state appropriations is provided solely to continue a demonstration project that enables classified public K-12 employees to become future teachers, subject to the following conditions and limitations:

(a) Within available funds, the board may renew and offer conditional scholarships of up to \$4,000 per year for full or part-time studies that may be forgiven in exchange for teaching service in Washington's public K-12 schools. In selecting loan recipients, the board shall take into account the applicant's demonstrated academic ability and commitment to serve as a teacher within the state of Washington.

(b) Loans shall be forgiven at the rate of one year of loan for two years of teaching service. Recipients who teach in geographic or subject-matter shortage areas, as specified by the office of the superintendent for public instruction, may have their loans forgiven at the rate of one year of loan for one year of teaching service;

(c) Recipients who fail to fulfill the required teaching service shall be required to repay the conditional loan with interest. The board shall define the terms for repayment, including applicable interest rates, fees and deferments, and may adopt other rules as necessary to implement this demonstration project.

(d) The board may deposit this appropriation and all collections into the student loan account authorized in RCW 28B.102.060.

(e) The board will provide the legislature and governor with findings about the impact of this demonstration project on persons entering the teaching profession in shortage areas by no later than January of 2002.

(5) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(6) \$25,000 of the general fund--state appropriation for fiscal year 2002 and \$25,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2001-02 and 2002-03 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(7) \$120,156,000 of the general fund--state appropriation for fiscal year 2002 and \$133,965,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for student financial aid, including all administrative costs. Of these amounts:

(a) \$90,566,000 of the general fund--state appropriation for fiscal year 2002 and \$102,667,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the state need grant program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program;

(b) \$16,340,000 of the general fund--state appropriation for fiscal year 2002 and \$17,360,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the state work study program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program;

(c) \$2,920,000 of the general fund--state appropriation for fiscal year 2002 and \$2,920,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for educational opportunity grants. The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.10.821 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award. For the purpose of establishing eligibility for the equal opportunity grant program for placebound students under RCW 28B.101.020, Thurston county lies within the branch campus service area of the Tacoma branch campus of the University of Washington;

(d) A maximum of 2.1 percent of the general fund--state appropriation for fiscal year 2002 and 2.1 percent of the general fund--state appropriation for fiscal year 2003 may be expended for financial aid administration, excluding the 4 percent state work study program administrative allowance provision;

(e) \$1,241,000 of the general fund--state appropriation for fiscal year 2002 and \$1,428,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence;

(f) \$588,000 of the general fund--state appropriation for fiscal year 2002 and \$589,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program;

(g) \$251,000 of the general fund--state appropriation for fiscal year 2002 and \$251,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for community scholarship matching grants of \$2,000 each. Of the amounts provided, no more than \$5,200 each year is for the administration of the community scholarship matching grant program. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this act. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with the citizens' scholarship foundation; and

(h) \$8,250,000 of the general fund--state appropriation for fiscal year 2002 and \$8,750,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the Washington promise scholarship program subject to the following conditions and limitations:

(i) Within available funds, the higher education coordinating board shall award scholarships for use at accredited institutions of higher education in the state of Washington to as many students as possible from among those qualifying under (iv) of this subsection. Each qualifying student will receive two consecutive annual installments, the value of each not to exceed the full-time annual resident tuition rates charged by community colleges.

(ii) Of the amounts provided, no more than \$260,000 each year is for administration of the Washington promise scholarship program.

(iii) Other than funds provided for program administration, the higher education coordinating board shall deposit all money received for the program in the Washington promise scholarship account, a nonappropriated fund in the custody of the state treasurer. The account shall be self-sustaining and consist of funds appropriated by the legislature for these scholarships, private contributions, and receipts from refunds of tuition and fees.

(iv) Scholarships in the 2001-03 biennium shall be awarded to students who graduate from high school or its equivalent whose family income does not exceed one hundred thirty-five percent of the state's median family income, adjusted for family size, if they meet any of the following academic criteria:

(A) Students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top fifteen percent of their graduating class, or must equal or exceed a cumulative scholastic assessment test score of 1200 on their first attempt;

(B) Students participating in home-based instruction as provided in chapter 28A.200 RCW must equal or exceed a cumulative scholastic assessment test score of 1200 on their first attempt.

(v) For students eligible under (iv) of this subsection, the superintendent of public instruction shall provide the higher education coordinating board with the names, addresses, and unique numeric identifiers of students in the top fifteen percent or who meet the scholastic aptitude test score requirement, as appropriate in each of the respective high school senior or home based instruction classes in Washington state. This shall be provided no later than October 1 of each year.

(vi) Scholarships awarded under this section may only be used at accredited institutions of higher education in the state of Washington for college-related expenses, including but not limited to, tuition, room and board, books, materials, and transportation. The Washington promise scholarship award shall not supplant other scholarship awards, financial aid, or tax programs related to postsecondary education. Scholarships may not be transferred or refunded to students.

(vii) The higher education coordinating board shall evaluate the impact and effectiveness of the Washington promise scholarship program. The evaluation shall include, but not be limited to: (A) An analysis of other financial assistance promise scholarship recipients are receiving through other federal, state, and institutional programs, including grants, work study, tuition waivers, tax credits, and loan programs; (B) an analysis of whether the implementation of the promise scholarship program has had an impact on student indebtedness; and (C) an evaluation of what types of students are successfully completing high school but do not have the financial ability to attend college because they cannot obtain financial aid or the financial aid is insufficient. The board shall report its findings to the governor and the legislature by December 1, 2002.

(viii) The higher education coordinating board may adopt rules as necessary to implement this program.

NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2002) \$ 1,762,000
General Fund--State Appropriation (FY 2003) \$ 1,720,000
General Fund--Federal Appropriation \$ 44,987,000
TOTAL APPROPRIATION \$ 48,469,000

The appropriations in this section are subject to the following conditions and limitations: \$500,000 of the general fund--state appropriation for fiscal year 2002 and \$500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operations and development of the inland northwest technology education center (INTEC) as a regional resource and model for the rapid deployment of skilled workers trained in the latest technologies for Washington. The board shall serve as an advisor to and fiscal agent for INTEC, and will report back to the governor and legislature by September 2002 as to the progress and future steps for INTEC as this new public-private partnership evolves.

NEW SECTION. Sec. 613. FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund--State Appropriation (FY 2002) \$ 1,500,000
General Fund--State Appropriation (FY 2003) \$ 1,500,000
TOTAL APPROPRIATION \$ 3,000,000

NEW SECTION. Sec. 614. FOR WASHINGTON STATE LIBRARY

General Fund--State Appropriation (FY 2002) \$ 8,791,000
General Fund--State Appropriation (FY 2003) \$ 8,786,000
General Fund--Federal Appropriation \$ 6,976,000
TOTAL APPROPRIATION \$ 24,553,000

The appropriations in this section are subject to the following conditions and limitations: At least \$2,700,000 shall be expended for a contract with the Seattle public library for library services for the Washington book and braille library.

NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2002) \$ 2,873,000
General Fund--State Appropriation (FY 2003) \$ 2,874,000
General Fund--Federal Appropriation \$ 1,000,000
TOTAL APPROPRIATION \$ 6,747,000

NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2002) \$ 2,899,000
General Fund--State Appropriation (FY 2003) \$ 3,129,000
TOTAL APPROPRIATION \$ 6,028,000

The appropriations in this section are subject to the following conditions and limitations: \$90,000 of the general fund--state appropriation for fiscal year 2002 and \$285,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for activities related to the Lewis and Clark Bicentennial.

NEW SECTION. Sec. 617. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2002) \$ 1,674,000
General Fund--State Appropriation (FY 2003) \$ 1,535,000
TOTAL APPROPRIATION \$ 3,209,000

NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2002) \$ 4,520,000
General Fund--State Appropriation (FY 2003) \$ 4,591,000
General Fund--Private/Local Appropriation \$ 1,173,000
TOTAL APPROPRIATION \$ 10,284,000

NEW SECTION. Sec. 619. FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2002) \$ 7,395,000
General Fund--State Appropriation (FY 2003) \$ 7,439,000
General Fund--Private/Local Appropriation \$ 232,000
TOTAL APPROPRIATION \$ 15,066,000

**PART VII
SPECIAL APPROPRIATIONS**

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2002) \$ 629,097,000
General Fund--State Appropriation (FY 2003) \$ 567,290,000
State Building Construction Account--State
Appropriation \$ 11,351,000
Debt-Limit Reimbursable Bond Retire Account--
State Appropriation \$ 2,591,000
TOTAL APPROPRIATION \$ 1,210,329,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2002 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2002.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account--
State Appropriation \$ 39,950,000
Accident Account--State Appropriation \$ 5,590,000
Medical Aid Account--State Appropriation \$ 5,590,000
TOTAL APPROPRIATION \$ 51,130,000

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2002) \$ 24,542,000
General Fund--State Appropriation (FY 2003) \$ 26,706,000
Capitol Historic District Construction
Account--State Appropriation \$ 454,000
Higher Education Construction Account--State
Appropriation \$ 815,000
State Higher Education Construction Account--
State Appropriation \$ 348,000
State Vehicle Parking Account--State
Appropriation \$ 35,000
Nondebt-Limit Reimbursable Bond Retirement Account--
State Appropriation \$ 128,043,000
TOTAL APPROPRIATION \$ 180,943,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2002) \$ 567,000
General Fund--State Appropriation (FY 2003) \$ 568,000
Higher Education Construction Account--State
Appropriation \$ 77,000
State Higher Education Construction Account--
State Appropriation \$ 42,000
State Building Construction Account--State
Appropriation \$ 1,488,000

State Vehicle Parking Account--State
Appropriation \$ 5,000
Capitol Historic District Construction
Account--State Appropriation \$ 130,000
TOTAL APPROPRIATION \$ 2,877,000

NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND

General Fund--State Appropriation (FY 2002) \$ 850,000
General Fund--State Appropriation (FY 2003) \$ 850,000
TOTAL APPROPRIATION \$ 1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL. The sum of three million dollars, or so much thereof as may be available on June 30, 2001, from the total amount of unspent fiscal year 2001 fire contingency funding in the disaster response account and the moneys appropriated to the disaster response account in section 707 of this act, is appropriated for the purpose of making allocations to the military department for fire mobilizations costs or to the department of natural resources for fire suppression costs.

NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY INITIATIVE.

General Fund--State Appropriation (FY 2002) \$ 2,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire amount is appropriated to the disaster response account for the purposes specified in section 706 of this act.

NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS

Public Safety and Education--State
Appropriation \$ 975,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute the appropriation to the following counties in the amounts designated for extraordinary criminal justice costs:

Cowlitz \$ 89,000
Franklin \$ 303,000
Klickitat \$ 45,000
Skagit \$ 102,000
Spokane \$ 192,000
Thurston \$ 122,000
Yakima \$ 121,000
TOTAL \$ 975,000

NEW SECTION. Sec. 709. BELATED CLAIMS. The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 710. FOR THE DEPARTMENT OF NATURAL RESOURCES--DISTRIBUTION OF EXCESS FUNDS FROM THE FOREST DEVELOPMENT ACCOUNT

Forest Development Account--State
Appropriation \$ 5,000,000

The appropriation in this section is provided solely for distribution of state forest land revenues to taxing authorities that received such revenue from fiscal year 1996 through fiscal year 2000.

(1) Within fifteen days of the effective date of this section, the department shall transmit funds in the amounts specified in subsection (3) of this section to the county treasurers of the counties receiving the funds.

(2) The county treasurers of the counties listed in this section shall distribute funds received from this appropriation to taxing authorities in proportion to the state forest board land funds distributed to the taxing authorities based on information available for the fiscal years 1996 through 2000. Funds to be credited to the state of Washington and funds credited to school district general levies shall be remitted to the state of Washington within thirty days after the effective date of this section for deposit into the general fund--state account.

(3) Funds shall be distributed in the following amounts:

Clallam \$ 744,095
Clark \$ 255,258
Cowlitz \$ 169,595
Grays Harbor \$ 155,473
Jefferson \$ 106,406
King \$ 106,217
Kitsap \$ 63,651
Klickita \$ 37,364
Lewis \$ 766,556
Mason \$ 111,119
Pacific \$ 177,158
Pierce \$ 50,465
Skagit \$ 580,536
Skamania \$ 106,717
Snohomish \$ 631,797
Stevens \$ 1,897
Thurston \$ 425,197
Wahkiakum \$ 146,173

Whatcom \$ 364,326
TOTAL \$ 5,000,000

NEW SECTION. Sec. 711. FOR THE OFFICE OF FINANCIAL MANAGEMENT--DIGITAL GOVERNMENT POOL

Digital Government Revolving Account

Appropriation \$ 5,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The digital government revolving account appropriation is provided solely to provide digital services of government to citizens, businesses, and to state and other governments. The office of financial management, in consultation with the department of information services, shall allocate these funds as needed for digital government projects.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the digital government revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management for digital government projects.

(3) Agencies receiving these allocations shall report at a minimum to the information services board and to the office of financial management on the progress of digital government projects and efforts.

NEW SECTION. Sec. 712. FOR THE OFFICE OF FINANCIAL MANAGEMENT--TECHNOLOGY POOL

Digital Government Revolving Account

Appropriation \$ 7,518,456

The appropriation in this section is subject to the following conditions and limitations:

(1) The digital government revolving account appropriation is provided solely for an information technology funding pool for state executive branch agencies, excluding schools and institutions of higher education. The department may distribute funding from the pool for information technology purposes, including infrastructure improvements, technology required to satisfy federal reporting requirements, equipment purchase and replacement, web site and internet services, and software and systems upgrades. Projects may include information technology projects that were requested in agency budget requests but that are not specifically funded in agency appropriations (for example technology improvements in the department of community, trade, and economic development, data warehouse in the department of revenue, and system security and infrastructure in small agencies).

(2) Agencies that wish to receive these funds may make an application to the office of financial management. The office of financial management, in consultation with the department of information services and using criteria adopted by the information services board, shall allocate these funds as needed for digital government projects. The office of financial management shall not distribute funding for a specific project unless it is determined that there will be no net increase in ongoing operating costs resulting from the project.

(3) Allocations from this section may be made only for items and in proportion to the extent to which items would be typically funded by the state general fund.

NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT--DIGITAL GOVERNMENT REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2002) \$ 2,050,000

General Fund--State Appropriation (FY 2003) \$ 2,050,000

TOTAL APPROPRIATION \$ 4,100,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for deposit in the digital government revolving account.

NEW SECTION. Sec. 714. DEATH BENEFIT--COMMON SCHOOLS. For the period from July 1, 2001, through June 30, 2003, a one hundred fifty thousand dollar death benefit shall be paid as a sundry claim to the estate of an employee in the common school system of the state who is killed in the course of employment. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the director of the department of general administration by order under RCW 51.52.050.

NEW SECTION. Sec. 715. DEATH BENEFIT--STATE AGENCIES. For the period from July 1, 2001, through June 30, 2003, a one hundred fifty thousand dollar death benefit shall be paid as a sundry claim to the estate of an employee of any state agency or higher education institution not otherwise provided a death benefit through coverage under their enrolled retirement system. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the director of the department of general administration by order under RCW 51.52.050.

NEW SECTION. Sec. 716. FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS

General Fund--State Appropriation (FY 2002) \$ 7,218,000

General Fund--State Appropriation (FY 2003) \$ 19,947,000

General Fund--Federal Appropriation \$ 8,692,000

General Fund--Private/Local Appropriation \$ 456,000

Salary and Insurance Increase Revolving Account

Appropriation \$ 19,468,000

TOTAL APPROPRIATION \$ 55,781,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$457.29 per eligible employee for fiscal year 2002, and \$497.69 for fiscal year 2003.

(b) Within the rates in (a) of this subsection, \$2.02 per eligible employee shall be included in the employer funding rate for fiscal year 2002, and \$4.10 per eligible employee shall be included in the employer funding rate for fiscal year 2003, solely to increase life insurance coverage in accordance with a court approved settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8).

(c) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 2002, through December 31, 2002, the subsidy shall be \$85.84. Starting January 1, 2003, the subsidy shall be \$102.55 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$32.41 per month beginning September 1, 2001, and \$37.48 beginning September 1, 2002;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$32.41 each month beginning September 1, 2001, and \$37.48 beginning September 1, 2002, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The salary and insurance increase revolving account appropriation includes amounts sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 2001-2003 transportation appropriations act.

NEW SECTION. Sec. 717. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS. The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2001, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2002) \$ 15,552,000

General Fund--State Appropriation (FY 2003) \$ 16,668,000

The appropriations in this subsection are subject to the following conditions and limitations: The appropriations include reductions to reflect savings resulting from the implementation of state pension contribution rates effective July 1, 2001, as provided in Senate Bill No. 6167 or House Bill No. 2236.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2002) \$ 6,000,000

General Fund--State Appropriation (FY 2003) \$ 6,000,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2002) \$ 250,000

General Fund--State Appropriation (FY 2003) \$ 250,000

TOTAL APPROPRIATION \$ 44,720,000

NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2002) \$ (17,246,000)

General Fund--State Appropriation (FY 2003) \$ (17,499,000)

General Fund--Federal Appropriation \$ (11,469,000)

General Fund--Private/Local Appropriation \$ (683,000)

Special Account Retirement Contribution Increase

Revolving Account Appropriation \$ (25,895,000)

TOTAL APPROPRIATION \$ (72,792,000)

The appropriations in this section are provided solely to reduce agency and higher education institutions appropriations to reflect savings resulting from the implementation of employer pension contribution rates, effective July 1, 2001, for the public employees' retirement system, and effective September 1, 2001, for the teachers' retirement system, as provided in Senate Bill No. 6167 or House Bill No. 2236.

NEW SECTION. Sec. 719. SALARY COST OF LIVING ADJUSTMENT

General Fund--State Appropriation (FY 2002) \$ 41,712,000

General Fund--State Appropriation (FY 2003) \$ 73,358,000

General Fund--Federal Appropriation \$ 37,955,000

General Fund--Private/Local Appropriation \$ 2,325,000

Salary and Insurance Increase Revolving Account

Appropriation \$ 92,156,000

TOTAL APPROPRIATION \$ 247,506,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) In addition to the purposes set forth in subsections (2) and (3) of this section, appropriations in this section are provided solely for a 3.7 percent salary increase effective July 1, 2001, for all classified employees, except the certificated employees of the state schools for the deaf and blind, and including those employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board. Funds are also provided for salary increases for classified employees on July 1, 2002, in a percentage amount to be determined by the 2002 legislature.

(2) The appropriations in this section are sufficient to fund a 3.7 percent salary increase effective July 1, 2001, for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials. Funds are also provided for salary increases for these employees on July 1, 2002, in a percentage amount to be determined by the 2002 legislature.

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 3.7 percent salary increase effective July 1, 2001, for ferry workers consistent with the 2001-03 transportation appropriations act. Funds are also provided for salary increases for ferry workers on July 1, 2002, in a percentage amount to be determined by the 2002 legislature.

(4)(a) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

(b) The average salary increases paid under this section to agency officials whose maximum salaries are established by the committee on agency official salaries shall not exceed the average increases provided by subsection (2) of this section.

NEW SECTION. Sec. 720. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2002) \$ 11,264,000

General Fund--State Appropriation (FY 2003) \$ 11,264,000

TOTAL APPROPRIATION \$ 22,528,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are for appropriation to the education technology revolving account for the purpose of covering operational and transport costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

(2) Use of these moneys to connect public libraries are limited to public libraries which have in place a policy of internet safety applied to publicly available computers with internet access via the K-20 educational network that protects against access to visual depictions that are (a) obscene under chapter 9.68 RCW; or (b) sexual exploitation of children under chapter 9.68A RCW.

NEW SECTION. Sec. 721. FOR THE ATTORNEY GENERAL--SALARY ADJUSTMENTS

General Fund--State Appropriation (FY 2002) \$ 989,000

General Fund--State Appropriation (FY 2003) \$ 2,082,000

Legal Services Revolving Account--State

Appropriation \$ 3,071,000

TOTAL APPROPRIATION \$ 6,142,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for increases in salaries and related benefits of assistant attorneys general effective July 1, 2001, and another increase effective July 1, 2002. This funding is provided solely for: (1) Increases in beginning salaries; (2) merit-based increases to recognize outstanding performance; and (3) increases to address critical recruitment and retention problems in specialty practice areas.

NEW SECTION. Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD

General Fund--State Appropriation (FY 2002) \$ 9,179,000

General Fund--State Appropriation (FY 2003) \$ 18,359,000

General Fund--Federal Appropriation \$ 10,392,000

Salary and Insurance Increase Revolving Account

Appropriation \$ 2,735,000

TOTAL APPROPRIATION \$ 40,665,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations: Funding is provided to implement the salary increase recommendations of the Washington personnel resources board for the priority classes identified through item 8B pursuant to RCW 41.06.152. The salary increases shall be effective January 1, 2002.

NEW SECTION. Sec. 723. INCENTIVE SAVINGS--FY 2002. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2002, from the total amount of unspent fiscal year 2002 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(3) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

NEW SECTION. Sec. 724. INCENTIVE SAVINGS--FY 2003. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2003, from the total amount of unspent fiscal year 2003 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(3) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

NEW SECTION. Sec. 725. PUGET SOUND FERRY OPERATIONS ACCOUNT

State Surplus Assets Reserve Fund--State

Appropriation \$ 30,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations in this section are for appropriation to the Puget Sound ferry operations account to carry out the purposes of the account.

NEW SECTION. Sec. 726. LOCAL GOVERNMENT FINANCIAL ASSISTANCE

(1) It is the intent of the legislature to provide state funding for the 2001-03 biennium for a portion of local governments' costs for public safety, criminal justice, public health, and other operations.

(2) Moneys appropriated in sections 727, 728, and 729 of this act constitute a transfer to the state of local government costs under RCW 43.135.060(2).

NEW SECTION. Sec. 727. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT-- COUNTY CORPORATION ASSISTANCE

General Fund--State Appropriation (FY 2002) \$ 24,410,534

General Fund--State Appropriation (FY 2003) \$ 25,137,970

TOTAL APPROPRIATION \$ 49,548,504

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The department shall withhold distributions under subsection (2) of this section to any county that has not paid its fifty percent share of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits for the fiscal year. As required by Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve.

(b) After receiving written notification from the office of the administrator for the courts that a county has paid its fifty percent share as required under (a) of this subsection, the department shall distribute the amount designated for the fiscal year under subsection (2) of this section.

(2) The director of community, trade, and economic development shall distribute the appropriations to the following counties in the amounts designated:

2001-03

County FY 2002 FY 2003 Biennium

Adams 290,303 295,993 586,296
Asotin 422,074 434,598 856,672
Benton 966,480 999,163 1,965,643
Chelan 637,688 651,982 1,289,670
Clallam 444,419 454,391 898,810
Clark 641,571 678,997 1,320,568
Columbia 561,888 572,901 1,134,789
Cowlitz 771,879 795,808 1,567,687
Douglas 505,585 528,184 1,033,769
Ferry 389,909 397,551 787,460
Franklin 442,624 464,018 906,642
Garfield 571,303 582,501 1,153,804
Grant 579,631 604,072 1,183,703
Grays Harbor 540,315 550,905 1,091,220
Island 483,589 503,205 986,794
Jefferson 239,914 249,924 489,838
King 2,661,862 2,720,716 5,382,578
Kitsap 469,992 480,178 950,170
Kittitas 366,971 383,027 749,998
Klickitat 204,726 217,555 422,281
Lewis 583,702 598,004 1,181,706
Lincoln 290,754 302,151 592,905
Mason 905,060 930,959 1,836,019
Okanogan 548,848 560,332 1,109,180
Pacific 344,047 350,790 694,837
Pend Oreille 280,342 285,837 566,179
Pierce 1,246,530 1,284,087 2,530,617
San Juan 85,712 91,859 177,571
Skagit 911,491 944,914 1,856,405
Skamania 172,840 176,228 349,068
Snohomish 1,017,209 1,058,571 2,075,780
Spokane 804,124 823,359 1,627,483
Stevens 811,482 835,598 1,647,080
Thurston 1,031,888 1,061,579 2,093,467
Wahkiakum 507,528 517,476 1,025,004
Walla Walla 241,341 247,105 488,446
Whatcom 408,025 429,069 837,094
Whitman 134,870 138,191 273,061
Yakima 1,892,018 1,936,192 3,828,210
TOTAL APPROPRIATIONS 24,410,534 25,137,970 49,548,504

NEW SECTION. Sec. 728. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--MUNICIPAL CORPORATION ASSISTANCE

General Fund--State Appropriation (FY 2002) \$ 45,884,610

General Fund--State Appropriation (FY 2003) \$ 47,251,839

TOTAL APPROPRIATION \$ 93,136,449

The appropriations in this section are subject to the following conditions and limitations:

(1) The director of community, trade, and economic development shall distribute the appropriation to the following cities and municipalities in the amounts designated:

2001-03

City FY 2002 FY 2003 Biennium

Aberdeen 119,986 123,562 243,548
Airway Heights 111,259 114,575 225,834
Albion 66,339 68,316 134,655
Algona 32,672 33,646 66,318
Almira 12,519 12,892 25,411
Anacortes 70,930 73,044 143,974
Arlington 42,344 43,606 85,950
Asotin 57,623 59,340 116,963
Auburn 192,405 198,139 390,544
Bainbridge Island 293,851 302,608 596,459
Battle Ground 118,303 121,828 240,131
Beaux Arts 1,784 1,837 3,621
Bellevue 524,203 539,824 1,064,027
Bellingham 369,121 380,121 749,242
Benton City 111,380 114,699 226,079
Bingen 6,602 6,799 13,401
Black Diamond 254,698 262,288 516,986
Blaine 20,853 21,474 42,327
Bonney Lake 158,738 163,468 322,206
Bothell 137,270 141,361 278,631
Bremerton 214,020 220,398 434,418
Brewster 11,250 11,585 22,835
Bridgeport 188,216 193,825 382,041
Brier 532,011 547,865 1,079,876
Buckley 68,227 70,260 138,487
Bucoda 52,876 54,452 107,328
Burien 284,265 292,736 577,001
Burlington 27,407 28,224 55,631
Camas 53,654 55,253 108,907
Carbonado 56,785 58,477 115,262
Carnation 9,593 9,879 19,472
Cashmere 120,801 124,401 245,202
Castle Rock 29,980 30,873 60,853
Cathlamet 6,265 6,452 12,717
Centralia 101,426 104,448 205,874
Chehalis 34,601 35,632 70,233
Chelan 19,515 20,097 39,612
Cheney 314,316 323,683 637,999
Chewelah 66,731 68,720 135,451
Clarkston 83,910 86,411 170,321
Cle Elum 8,692 8,951 17,643
Clyde Hill 136,778 140,854 277,632
Colfax 74,672 76,897 151,569
College Place 526,480 542,169 1,068,649
Colton 27,473 28,292 55,765
Colville 23,389 24,086 47,475
Conconully 13,675 14,083 27,758
Concrete 27,006 27,811 54,817
Connell 164,950 169,866 334,816
Cosmopolis 15,395 15,854 31,249
Coulee City 2,804 2,888 5,692
Coulee Dam 61,408 63,238 124,646
Coupeville 7,708 7,938 15,646
Covington 690,851 711,438 1,402,289
Creston 12,905 13,290 26,195
Cusick 9,341 9,619 18,960
Darrington 59,838 61,621 121,459
Davenport 66,350 68,327 134,677
Dayton 92,685 95,447 188,132
Deer Park 16,059 16,538 32,597
Des Moines 1,482,120 1,526,287 3,008,407
Dupont 8,109 8,351 16,460
Duvall 66,128 68,099 134,227
East Wenatchee 30,678 31,592 62,270

Eatonville 8,848 9,112 17,960
Edgewood 901,766 928,639 1,830,405
Edmonds 456,336 469,935 926,271
Electric City 87,243 89,843 177,086
Ellensburg 81,982 84,425 166,407
Elma 84,676 87,199 171,875
Elmer City 29,811 30,699 60,510
Endicott 28,758 29,615 58,373
Entiat 58,244 59,980 118,224
Enumclaw 53,013 54,593 107,606
Ephrata 59,987 61,775 121,762
Everett 495,428 510,192 1,005,620
Everson 67,517 69,529 137,046
Fairfield 18,540 19,092 37,632
Farmington 12,072 12,432 24,504
Federal Way 470,179 484,190 954,369
Ferndale 74,669 76,894 151,563
Fife 25,411 26,168 51,579
Fircrest 386,146 397,653 783,799
Forks 110,712 114,011 224,723
Friday Harbor 9,791 10,083 19,874
Garfield 45,263 46,612 91,875
George 19,319 19,895 39,214
Gig Harbor 31,615 32,557 64,172
Gold Bar 134,531 138,540 273,071
Goldendale 49,519 50,995 100,514
Grand Coulee 5,805 5,978 11,783
Grandview 256,347 263,986 520,333
Granger 173,094 178,252 351,346
Granite Falls 10,946 11,272 22,218
Hamilton 17,437 17,957 35,394
Harrah 46,947 48,346 95,293
Harrington 18,107 18,647 36,754
Hartline 11,392 11,731 23,123
Hatton 12,176 12,539 24,715
Hoquiam 374,903 386,075 760,978
Hunts Point 2,432 2,504 4,936
Ilwaco 13,150 13,542 26,692
Index 4,181 4,306 8,487
Ione 17,566 18,089 35,655
Issaquah 50,002 51,492 101,494
Kahlotus 20,210 20,812 41,022
Kalama 7,892 8,127 16,019
Kelso 68,904 70,957 139,861
Kenmore 1,099,395 1,132,157 2,231,552
Kennewick 293,534 302,281 595,815
Kent 360,624 371,371 731,995
Kettle Falls 64,422 66,342 130,764
Kirkland 221,429 228,028 449,457
Kittitas 72,698 74,864 147,562
Krupp 4,445 4,577 9,022
La Center 34,415 35,441 69,856
La Conner 3,817 3,931 7,748
La Crosse 20,141 20,741 40,882
Lacey 143,243 147,512 290,755
Lake Forest Park 897,932 924,690 1,822,622
Lake Stevens 142,295 146,535 288,830
Lakewood 2,955,109 3,043,171 5,998,280
Lamont 7,492 7,715 15,207
Langley 5,303 5,461 10,764
Latah 11,962 12,318 24,280
Leavenworth 12,189 12,552 24,741
Lind 2,217 2,283 4,500
Long Beach 10,269 10,575 20,844
Longview 249,836 257,281 507,117
Lyman 16,741 17,240 33,981
Lynden 42,717 43,990 86,707
Lynnwood 163,579 168,454 332,033
Mabton 142,491 146,737 289,228
Malden 21,588 22,231 43,819

Mansfield 26,744 27,541 54,285
Maple Valley 359,478 370,190 729,668
Marcus 14,126 14,547 28,673
Marysville 102,028 105,068 207,096
Mattawa 100,064 103,046 203,110
McCleary 105,807 108,960 214,767
Medical Lake 114,323 117,730 232,053
Medina 14,355 14,783 29,138
Mercer Island 383,527 394,956 778,483
Mesa 16,835 17,337 34,172
Metaline 14,150 14,572 28,722
Metaline Falls 7,718 7,948 15,666
Mill Creek 174,495 179,695 354,190
Millwood 22,619 23,293 45,912
Milton 28,030 28,865 56,895
Monroe 56,517 58,201 114,718
Montesano 60,229 62,024 122,253
Morton 5,891 6,067 11,958
Moses Lake 105,670 108,819 214,489
Mossyrock 16,545 17,038 33,583
Mount Vernon 130,780 134,677 265,457
Mountlake Terrace 711,188 732,381 1,443,569
Moxee 40,448 41,653 82,101
Mukilteo 274,482 282,662 557,144
Naches 7,632 7,859 15,491
Napavine 96,030 98,892 194,922
Nespelem 17,614 18,139 35,753
Newcastle 290,801 299,467 590,268
Newport 13,223 13,617 26,840
Nooksack 58,178 59,912 118,090
Normandy Park 489,113 503,689 992,802
North Bend 20,754 21,372 42,126
North Bonneville 30,574 31,485 62,059
Northport 23,489 24,189 47,678
Oak Harbor 278,157 286,446 564,603
Oakesdale 31,060 31,986 63,046
Oakville 43,411 44,705 88,116
Ocean Shores 64,837 66,769 131,606
Odessa 4,721 4,862 9,583
Okanogan 12,323 12,690 25,013
Olympia 198,476 204,391 402,867
Omak 26,117 26,895 53,012
Oroville 12,506 12,879 25,385
Orting 191,211 196,909 388,120
Othello 26,808 27,607 54,415
Pacific 69,124 71,184 140,308
Palouse 55,067 56,708 111,775
Pasco 131,298 135,211 266,509
Pateros 28,021 28,856 56,877
Pe Ell 54,800 56,433 111,233
Pomeroy 52,485 54,049 106,534
Port Angeles 124,595 128,308 252,903
Port Orchard 41,797 43,043 84,840
Port Townsend 47,126 48,530 95,656
Poulsbo 31,812 32,760 64,572
Prescott 12,349 12,717 25,066
Prosser 24,137 24,856 48,993
Pullman 584,659 602,082 1,186,741
Puyallup 151,732 156,254 307,986
Quincy 20,244 20,847 41,091
Rainier 111,521 114,844 226,365
Raymond 85,311 87,853 173,164
Reardan 38,184 39,322 77,506
Redmond 215,259 221,674 436,933
Renton 235,053 242,058 477,111
Republic 25,085 25,833 50,918
Richland 441,733 454,897 896,630
Ridgefield 55,637 57,295 112,932
Ritzville 8,498 8,751 17,249
Riverside 27,204 28,015 55,219

Rock Island 36,527 37,616 74,143
Rockford 18,965 19,530 38,495
Rosalia 36,719 37,813 74,532
Roslyn 64,571 66,495 131,066
Roy 1,709 1,760 3,469
Royal City 66,657 68,643 135,300
Ruston 50,309 51,808 102,117
Sammamish 2,361,433 2,431,804 4,793,237
Seatac 132,183 136,122 268,305
Seattle 3,189,346 3,284,389 6,473,735
Sedro-Woolley 54,896 56,532 111,428
Selah 80,704 83,109 163,813
Sequim 21,867 22,519 44,386
Shelton 58,160 59,893 118,053
Shoreline 1,485,138 1,529,395 3,014,533
Skykomish 1,417 1,459 2,876
Snohomish 40,722 41,936 82,658
Snoqualmie 9,587 9,873 19,460
Soap Lake 102,783 105,846 208,629
South Bend 75,826 78,086 153,912
South Cle Elum 46,847 48,243 95,090
South Prairie 18,788 19,348 38,136
Spangle 1,397 1,439 2,836
Spokane 1,116,419 1,149,688 2,266,107
Sprague 22,930 23,613 46,543
Springdale 11,080 11,410 22,490
St. John 4,245 4,372 8,617
Stanwood 21,141 21,771 42,912
Starbuck 8,949 9,216 18,165
Steilacoom 285,807 294,324 580,131
Stevenson 11,673 12,021 23,694
Sultan 63,199 65,082 128,281
Sumas 7,885 8,120 16,005
Sumner 41,931 43,181 85,112
Sunnyside 70,805 72,915 143,720
Tacoma 1,384,646 1,425,908 2,810,554
Tekoa 49,373 50,844 100,217
Tenino 68,820 70,871 139,691
Tieton 74,506 76,726 151,232
Toledo 8,084 8,325 16,409
Tonasket 5,500 5,664 11,164
Toppenish 443,488 456,704 900,192
Tukwila 75,320 77,565 152,885
Tumwater 61,848 63,691 125,539
Twisp 4,793 4,936 9,729
Union Gap 27,129 27,937 55,066
Uniontown 19,805 20,395 40,200
University Place 1,889,912 1,946,231 3,836,143
Vader 40,643 41,854 82,497
Vancouver 1,177,584 1,212,676 2,390,260
Waitsburg 81,097 83,514 164,611
Walla Walla 318,679 328,176 646,855
Wapato 230,783 237,660 468,443
Warden 105,612 108,759 214,371
Washougal 177,022 182,297 359,319
Washtucna 20,654 21,269 41,923
Waterville 72,880 75,052 147,932
Waverly 10,256 10,562 20,818
Wenatchee 147,602 152,001 299,603
West Richland 489,752 504,347 994,099
Westport 13,715 14,124 27,839
White Salmon 53,746 55,348 109,094
Wilbur 23,614 24,318 47,932
Wilkeson 18,762 19,321 38,083
Wilson Creek 18,403 18,951 37,354
Winlock 35,212 36,261 71,473
Winthrop 1,756 1,808 3,564
Woodinville 56,052 57,722 113,774
Woodland 17,960 18,495 36,455
Woodway 12,513 12,886 25,399

Yacolt 36,636 37,728 74,364
Yakima 487,766 502,301 990,067
Yarrow Point 32,121 33,078 65,199
Yelm 15,677 16,144 31,821
Zillah 100,818 103,822 204,640
TOTAL APPROPRIATIONS 45,545,942 46,903,217 92,449,159

(2) \$338,668 for fiscal year 2002 and \$348,622 for fiscal year 2003 from this appropriation are provided solely to address the contingencies listed in this subsection. The department shall distribute the moneys no later than March 31, 2002, and March 31, 2003, for the respective appropriations. Moneys shall be distributed for the following purposes, ranked in order of priority:

- (a) To correct for data errors in the determination of distributions in subsection (1) of this section;
- (b) To distribute to newly qualifying jurisdictions as if the jurisdiction had been in existence prior to November 1999;
- (c) To allocate under emergency situations as determined by the director of the department of community, trade, and economic development in consultation with the association of Washington cities; and
- (d) After April 1st of each year in the fiscal biennium ending June 30, 2003, any moneys remaining from the amounts provided in this subsection shall be prorated and distributed to cities and towns on the basis of the amounts distributed for emergency considerations in November 2000 as provided in section 729, chapter 1, Laws of 2000, 2nd sp. sess.

NEW SECTION. Sec. 729. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY PUBLIC HEALTH ASSISTANCE

Health Services Account--State Appropriation \$ 48,270,802

The appropriation in this section is subject to the following conditions and limitations: The director of the department of community, trade, and economic development shall distribute the appropriations to the following counties and health districts in the amounts designated:

2001-03

Health District FY 2002 FY 2003 Biennium
Adams County Health District 30,824 31,428 62,252
Asotin County Health District 65,375 70,818 136,193
Benton-Franklin Health District 1,147,987 1,196,390 2,344,377
Chelan-Douglas Health District 176,979 194,628 371,607
Clallam County Health and Human Services Department 140,557 144,547 285,104
Southwest Washington Health District 1,067,962 1,113,221 2,181,183
Columbia County Health District 40,362 41,153 81,515
Cowlitz County Health Department 273,147 287,116 560,263
Garfield County Health District 14,966 15,259 30,225
Grant County Health District 111,767 126,762 238,529
Grays Harbor Health Department 183,113 186,702 369,815
Island County Health Department 86,600 98,221 184,821
Jefferson County Health and Human Services 82,856 89,676 172,532
Seattle-King County Department of Public Health 9,489,273 9,681,772 19,171,045

Bremerton-Kitsap County Health District 551,913 563,683 1,115,596
Kittitas County Health Department 87,822 98,219 186,041
Klickitat County Health Department 57,872 67,636 125,508
Lewis County Health Department 103,978 108,817 212,795
Lincoln County Health Department 26,821 32,924 59,745
Mason County Department of Health Services 91,638 101,422 193,060
Okanogan County Health District 62,844 64,788 127,632
Pacific County Health Department 77,108 78,619 155,727
Tacoma-Pierce County Health Department 2,802,613 2,870,392 5,673,005
San Juan County Health and Community Services 35,211 40,274 75,485
Skagit County Health Department 215,464 234,917 450,381
Snohomish Health District 2,238,523 2,303,371 4,541,894
Spokane County Health District 2,091,092 2,135,477 4,226,569
Northeast Tri-County Health District 106,019 116,135 222,154
Thurston County Health Department 593,358 614,255 1,207,613
Wahkiakum County Health Department 13,715 13,984 27,699
Walla Walla County-City Health Department 170,852 175,213 346,065
Whatcom County Health Department 846,015 875,369 1,721,384
Whitman County Health Department 78,081 80,274 158,355
Yakima Health District 617,792 636,841 1,254,633
TOTAL APPROPRIATIONS \$23,780,499 \$24,490,303 \$48,270,802

NEW SECTION. Sec. 730. FOR THE LIABILITY ACCOUNT

General Fund--State Appropriation (FY 2003) \$ 6,392,000

State Surplus Assets Reserve Fund--State

Appropriation \$ 25,000,000

TOTAL APPROPRIATION \$ 31,392,000

The appropriations in this section are provided solely for deposit in the liability account.

Sec. 731. 2000 2nd sp.s. c 1 s 603 (uncodified) is amended to read as follows:

FOR UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2000) \$ 316,379,000

General Fund--State Appropriation (FY 2001) \$ 335,568,000

Death Investigations Account--State
Appropriation \$ 111,000

Accident Account--State Appropriation \$ 5,777,000

Medical Aid Account--State Appropriation \$ 5,818,000

TOTAL APPROPRIATION \$ 663,653,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,617,000 of the general fund--state appropriation for fiscal year 2000 and \$10,528,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Bothell branch campus. Of these amounts: The office of financial management shall hold and release funds to the university at the rate of \$9,636 per enrolled state FTE student at the Bothell branch campus in excess of fiscal year 2000 actual annualized enrollment as determined in the budget driver tracking report prepared by the office of financial management. Moneys not earned by the university for enrolling additional state students during the 2000-2001 academic year (~~shall lapse to the education savings account at the close of the biennium~~) are appropriated to the University of Washington building account.

(2) \$9,934,000 of the general fund--state appropriation for fiscal year 2000 and \$11,226,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Tacoma branch campus. Of these amounts: The office of financial management shall hold and release funds to the university at the rate of \$8,520 per enrolled state FTE student at the Tacoma branch campus in excess of fiscal year 2000 actual annualized enrollment as determined in the budget driver tracking report prepared by the office of financial management. Moneys not earned by the university for enrolling additional state students during the 2000-2001 academic year (~~shall lapse to the education savings account at the close of the biennium~~) are appropriated to the University of Washington building account.

(3) \$2,312,000 of the general fund--state appropriation for fiscal year 2000 and \$2,312,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(4) \$1,975,000 of the general fund--state appropriation for fiscal year 2000 and \$1,975,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to extend the next-generation internet hub and related expertise.

(5) \$90,000 of the death investigations account appropriation is provided solely for the forensic pathologist fellowship program.

(6) \$136,000 of the general fund--state appropriation for fiscal year 2000 and \$137,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Olympic natural resource center.

(8) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the dental education in care of persons with disabilities program.

(9) \$904,000 of the accident account and medical aid account appropriations is provided to establish a bio-contaminant laboratory and consultation service, create a demonstration project, and enhance laboratory and computing equipment in the department of environmental health.

(10) \$958,000 of the general fund--state appropriation for fiscal year 2000 and \$958,000 of the general fund--state appropriation for fiscal year 2001 are provided for the mathematics, engineering, science achievement (MESA) program.

(11) \$1,250,000 of the general fund--state appropriation for fiscal year 2000 and \$1,250,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for research faculty clusters in the advanced technology initiative program.

(12) \$450,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to enhance university expenditures for graduate student appointee health insurance. For fiscal year 2001, the university shall provide the remainder of funding necessary to maintain the benefits and terms of health insurance in effect for graduate student appointees as of the effective date of this section.

(13) \$375,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to provide internet connectivity.

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance
premium distributions \$ 6,528,600

General Fund Appropriation for public utility
district excise tax distributions \$ 36,427,306

General Fund Appropriation for prosecuting
attorney distributions \$ 3,090,000

General Fund Appropriation for boating safety/
education and law enforcement
distributions \$ 3,780,000

General Fund Appropriation for other tax
distributions \$ 39,566

Death Investigations Account Appropriation for
distribution to counties for publicly
funded autopsy \$ 1,621,537

Aquatic Lands Enhancement Account Appropriation
for harbor improvement revenue
distribution \$ 147,500

Timber Tax Distribution Account Appropriation for
distribution to "timber" countie \$ 68,562,000

County Criminal Justice Assistance
Appropriation \$ 49,835,213

Municipal Criminal Justice Assistance
Appropriation \$ 19,988,097

Liquor Excise Tax Account Appropriation for
liquor excise tax distribution \$ 28,659,331

Liquor Revolving Account Appropriation for
liquor profits distribution \$ 55,344,817
TOTAL APPROPRIATION \$ 274,023,967

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation \$ 1,843,260

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2001-03 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation \$ 1,228,840

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2001-03 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal grazing
fees distribution \$ 2,050,334

General Fund Appropriation for federal flood
control funds distribution \$ 26,524

Forest Reserve Fund Appropriation for federal
forest reserve fund distribution \$ 47,689,181

TOTAL APPROPRIATION \$ 49,766,039

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS

Public Facilities Construction Loan and
Grant Revolving Account: For transfer
to the digital government revolving account
on or before December 31, 2001 \$ 1,418,456

Financial Services Regulation Fund: To be
transferred from the financial services
regulation fund to the digital government
revolving account during the period
between July 1, 2001, and December 31,
2001 \$ 2,000,000

Local Toxics Control Account: For transfer
to the state toxics control account.
Transferred funds will be utilized
for methamphetamine lab cleanup, to
address areawide soil contamination
problems, and clean up contaminated
sites as part of the clean sites
initiative \$ 6,000,000

State Toxics Control Account: For transfer
to the water quality account for water
quality related projects funded in the
capital budget \$ 9,000,000

General Fund: For transfer to the flood
control assistance account \$ 4,000,000

Water Quality Account: For transfer to the
water pollution control account. Transfers
shall be made at intervals coinciding with
deposits of federal capitalization grant
money into the account. The amounts
transferred shall not exceed the match
required for each federal deposit \$ 12,564,487

State Treasurer's Service Account: For
transfer to the general fund on or
before June 30, 2003, an amount in excess
of the cash requirements of the state
treasurer's service account. Pursuant to
RCW 43.135.035(5), the state expenditure
limit shall be increased in fiscal
year 2003 to reflect this transfer \$ 8,000,000

Public Works Assistance Account: For
transfer to the drinking water
assistance account \$ 7,700,000

Tobacco Settlement Account: For transfer
to the health services account, in an

amount not to exceed the actual balance
of the tobacco settlement account \$ 310,000,000
General Fund: For transfer to the water quality
account \$ 60,325,000

Health Services Account: For
transfer to the state general fund
by June 30, 2002. Pursuant to RCW
43.135.035(5), the state expenditure
limit shall be increased in fiscal
year 2002 to reflect this transfer \$ 130,000,000

Health Services Account: For
transfer to the state general fund
by June 30, 2003. Pursuant to RCW
43.135.035(5), the state expenditure
limit shall be increased in fiscal
year 2003 to reflect this transfe \$ 20,000,000

State Surplus Assets Reserve Fund: For
transfer to the multimodal transportation
account by June 30, 2002 \$ 70,000,000

Multimodal Transportation Account: For
transfer to the state general fund
by June 30, 2002. Pursuant to RCW
43.135.035(5), the state expenditure
limit shall be increased in fiscal
year 2002 to reflect this transfer \$ 70,000,000

NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

General Fund--State Appropriation: For
transfer to the department of retirement
systems expense account: For the
administrative expenses of the judicial
retirement system \$ 26,605

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1999-01 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
- (e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 904. PROGRAM COST SHIFTS. Any program costs or moneys in this act that are shifted to the general fund from another fund or account require an adjustment to the expenditure limit under RCW 43.135.035(5).

NEW SECTION. Sec. 905. RECONCILIATION OF TREASURER TRANSFERS. (1) To reflect the fact that Initiative 728 (chapter 3, Laws of 2001) took effect January 1, 2001, after transfers are made based on prior fiscal year calculations, any balance in the emergency reserve fund in excess of five percent of annual general fund--state revenues for fiscal year 2001 shall be deposited as follows: Pursuant to section 3(3), chapter 2, Laws of 2000 2nd sp. sess., 50 percent to the education construction fund; and pursuant to section 9(3), chapter 3, Laws of 2001, 37.5 percent to the student achievement fund and 12.5 percent to the general fund.

(2) After the close of the fiscal year, to reconcile these accounts, the treasurer shall make transfers between accounts as necessary to ensure that the amounts deposited are consistent with these percentages and reflect the revised expenditure limit, actual revenues as reported by the economic and revenue forecast council, and the balance in the emergency reserve fund after the close of the fiscal year.

NEW SECTION. Sec. 906. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 907. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system plan 2, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

NEW SECTION. Sec. 908. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 909. VOLUNTARY SEPARATION INCENTIVES. As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, or temporary separation for development purposes. No employee shall have a contractual right to a financial incentive offered pursuant to this section.

Agencies shall report on the outcomes of their plans, and offers shall be reviewed and monitored jointly by the department of personnel and the department of retirement systems, for reporting to the office of financial management by December 1, 2002.

NEW SECTION. Sec. 910. VOLUNTARY RETIREMENT INCENTIVES. It is the intent of the legislature that agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such a program is approved by the director of retirement systems and the office of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2003, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state, and the projected or actual net dollar savings over the 2001-03 biennium.

Sec. 911. RCW 43.320.110 and 2001 c 177 s 2 are each amended to read as follows:

There is created a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except for the division of securities which shall deposit thirteen percent of all moneys received, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

Between July 1, 2001, and December 31, 2001, the legislature may transfer up to two million dollars from the financial services regulation fund to the state general fund.

Sec. 912. RCW 76.12.110 and 2000 2nd sp.s. c 1 s 915 are each amended to read as follows:

There is created a forest development account in the state treasury. The state treasurer shall keep an account of all sums deposited therein and expended or withdrawn therefrom. Any sums placed in the account shall be pledged for the purpose of paying interest and principal on the bonds issued by the department, and for the purchase of land for growing timber. Any bonds issued shall constitute a first and prior claim and lien against the account for the payment of principal and interest. No sums for the above purposes shall be withdrawn or paid out of the account except upon approval of the department.

Appropriations may be made by the legislature from the forest development account to the department for the purpose of carrying on the activities of the department on state forest lands, lands managed on a sustained yield basis as provided for in RCW 79.68.040, and for reimbursement of expenditures that have been made or may be made from the resource management cost account in the management of state forest lands. For the ~~((1999-2001))~~ 2001-2003 fiscal biennium, moneys from the account shall be distributed as directed in the omnibus appropriations act to the beneficiaries of the revenues derived from state forest lands. Funds that accrue to the state from such a distribution shall be deposited into the salmon recovery account. These funds shall be used for a grant program for cities and counties for the preservation and restoration of riparian, marine, and estuarine areas.

Sec. 913. RCW 49.70.170 and 1999 c 309 s 917 are each amended to read as follows:

(1) The worker and community right to know fund is hereby established in the custody of the state treasurer. The department shall deposit all moneys received under this chapter in the fund. Moneys in the fund may be spent only for the purposes of this chapter following legislative appropriation. Disbursements from the fund shall be on authorization of the director or the director's designee. During the ~~((1999-2001))~~ 2001-2003

fiscal biennium, moneys in the fund may also be used by the military department for the purpose of assisting the state emergency response commission and coordinating local emergency planning activities. The fund is subject to the allotment procedure provided under chapter 43.88 RCW.

(2) The department shall assess each employer who reported ten thousand four hundred or more worker hours in the prior calendar year an annual fee to provide for the implementation of this chapter. The department shall promulgate rules establishing a fee schedule for all employers who reported ten thousand four hundred or more worker hours in the prior calendar year and are engaged in business operations having a standard industrial classification, as designated in the standard industrial classification manual prepared by the federal office of management and budget, within major group numbers 01 through 08 (agriculture and forestry industries), numbers 10 through 14 (mining industries), numbers 15 through 17 (construction industries), numbers 20 through 39 (manufacturing industries), numbers 41, 42, and 44 through 49 (transportation, communications, electric, gas, and sanitary services), number 75 (automotive repair, services, and garages), number 76 (miscellaneous repair services), number 80 (health services), and number 82 (educational services). The department shall establish the annual fee for each employer who reported ten thousand four hundred or more worker hours in the prior calendar year in industries identified by this section, provided that fees assessed shall not be more than two dollars and fifty cents per full time equivalent employee. The annual fee shall not exceed fifty thousand dollars. The fees shall be collected solely from employers whose industries have been identified by rule under this chapter. The department shall promulgate rules allowing employers who do not have hazardous substances at their workplace to request an exemption from the assessment and shall establish penalties for fraudulent exemption requests. All fees collected by the department pursuant to this section shall be collected in a cost-efficient manner and shall be deposited in the fund.

(3) Records required by this chapter shall at all times be open to the inspection of the director, or his designee including, the traveling auditors, agents or assistants of the department provided for in RCW 51.16.070 and 51.48.040. The information obtained from employer records under the provisions of this section shall be subject to the same confidentiality requirements as set forth in RCW 51.16.070.

(4) An employer may appeal the assessment of the fee or penalties pursuant to the procedures set forth in Title 51 RCW and accompanying rules except that the employer shall not have the right of appeal to superior court as provided in Title 51 RCW. The employer from whom the fee or penalty is demanded or enforced, may however, within thirty days of the board of industrial insurance appeal's final order, pay the fee or penalty under written protest setting forth all the grounds upon which such fee or penalty is claimed to be unlawful, excessive or otherwise improper and thereafter bring an action in superior court against the department to recover such fee or penalty or any portion of the fee or penalty which was paid under protest.

(5) Repayment shall be made to the general fund of any moneys appropriated by law in order to implement this chapter.

Sec. 914. RCW 43.08.250 and 2000 2nd sp.s. c 1 s 911 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, ((2004)) 2003, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, treatment for supplemental security income clients, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, ((department of ecology methamphetamine-related activities,)) unified family courts, local court backlog assistance, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, ((and)) the replacement of the department of corrections' offender-based tracking system, and methamphetamine-related enforcement, education, training, and drug and alcohol treatment services.

Sec. 915. RCW 82.14.310 and 1999 c 309 s 920 are each amended to read as follows:

(1) The county criminal justice assistance account is created in the state treasury. Beginning in fiscal year 2000, the state treasurer shall transfer into the county criminal justice assistance account from the general fund the sum of twenty-three million two hundred thousand dollars divided into four equal deposits occurring on July 1, October 1, January 1, and April 1. For each fiscal year thereafter, the state treasurer shall increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.025, forecast for that fiscal year by the office of financial management in November of the preceding year.

(2) The moneys deposited in the county criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under subsection (4) of this section, shall be distributed at such times as distributions are made under RCW 82.44.150 and on the relative basis of each county's funding factor as determined under this subsection.

(a) A county's funding factor is the sum of:

(i) The population of the county, divided by one thousand, and multiplied by two-tenths;

(ii) The crime rate of the county, multiplied by three-tenths; and

(iii) The annual number of criminal cases filed in the county superior court, for each one thousand in population, multiplied by five-tenths.

(b) Under this section and RCW 82.14.320 and 82.14.330:

(i) The population of the county or city shall be as last determined by the office of financial management;

(ii) The crime rate of the county or city is the annual occurrence of specified criminal offenses, as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs, for each one thousand in population;

(iii) The annual number of criminal cases filed in the county superior court shall be determined by the most recent annual report of the courts of Washington, as published by the office of the administrator for the courts;

(iv) Distributions and eligibility for distributions in the 1989-91 biennium shall be based on 1988 figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection. Future distributions shall be based on the most recent figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection.

(3) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil or juvenile justice system occurs, and which includes (a) domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020, and (b) during the ((1999-2004)) 2001-2003 fiscal biennium, juvenile dispositional hearings relating to petitions for at-risk youth, truancy, and children in need of services. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(4) Not more than five percent of the funds deposited to the county criminal justice assistance account shall be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Funds appropriated from this account for such enhancements shall not supplant existing funds from the state general fund.

Sec. 916. RCW 43.72.902 and 2000 2nd sp.s. c 1 s 913 are each amended to read as follows:

The public health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended only for maintaining and improving the health of Washington residents through the public health system. For purposes of this section, the public health system shall consist of the state board of health, the state department of health, and local health

departments and districts. During the ~~((1999-2004))~~ 2001-2003 biennium, moneys in the fund may also be used for costs associated with hepatitis C testing and treatment in correctional facilities.

Sec. 917. RCW 43.79.465 and 1998 c 302 s 2 are each amended to read as follows:

The education savings account is created in the state treasury. The account shall consist of all moneys appropriated to the account by the legislature.

(1) Ten percent of legislative appropriations to the education savings account shall be distributed as follows: (a) Fifty percent to the distinguished professorship trust fund under RCW 28B.10.868; (b) seventeen percent to the graduate fellowship trust fund under RCW 28B.10.882; and (c) thirty-three percent to the college faculty awards trust fund under RCW 28B.50.837.

(2) The remaining moneys in the education savings account may be appropriated solely for (a) common school construction projects that are eligible for funding from the common school construction account, ~~((and))~~ (b) technology improvements in the common schools, and (c) during the 2001-03 fiscal biennium, technology improvements in public higher education institutions.

Sec. 918. RCW 46.10.040 and 1997 c 241 s 2 are each amended to read as follows:

Application for registration shall be made to the department in the manner and upon forms the department prescribes, and shall state the name and address of each owner of the snowmobile to be registered, and shall be signed by at least one such owner, and shall be accompanied by an annual registration fee to be established by the commission, after consultation with the committee and any state-wide snowmobile user groups. ~~((The fee shall be fifteen dollars pending action by the commission to increase the fee.))~~ The commission shall increase the current fee of twenty dollars by ~~((two))~~ five dollars ~~((and fifty cents))~~ effective September 30, ~~((1996))~~ 2001, and the commission shall increase the fee by another ~~((two))~~ five dollars ~~((and fifty cents))~~ effective September 30, ~~((1997))~~ 2002. After the fee increase effective September 30, ~~((1997))~~ 2002, the commission shall not increase the fee. Upon receipt of the application and the application fee, the snowmobile shall be registered and a registration number assigned, which shall be affixed to the snowmobile in a manner provided in RCW 46.10.070.

The registration provided in this section shall be valid for a period of one year. At the end of the period of registration, every owner of a snowmobile in this state shall renew his or her registration in the manner the department prescribes, for an additional period of one year, upon payment of the annual registration fee as determined by the commission.

Any person acquiring a snowmobile already validly registered under the provisions of this chapter must, within ten days of the acquisition or purchase of the snowmobile, make application to the department for transfer of the registration, and the application shall be accompanied by a transfer fee of one dollar and twenty-five cents.

A snowmobile owned by a resident of another state or Canadian province where registration is not required by law may be issued a nonresident registration permit valid for not more than sixty days. Application for the permit shall state the name and address of each owner of the snowmobile to be registered and shall be signed by at least one owner and shall be accompanied by a registration fee of five dollars. The registration permit shall be carried on the vehicle at all times during its operation in this state.

The registration fees provided in this section shall be in lieu of any personal property or excise tax heretofore imposed on snowmobiles by this state or any political subdivision thereof, and no city, county, or other municipality, and no state agency shall hereafter impose any other registration or license fee on any snowmobile in this state.

The department shall make available a pair of uniform decals consistent with the provisions of RCW 46.10.070. In addition to the registration fee provided in this section the department shall charge each applicant for registration the actual cost of the decal. The department shall make available replacement decals for a fee equivalent to the actual cost of the decals.

Sec. 919. RCW 72.11.040 and 2000 2nd sp.s. c 1 s 914 are each amended to read as follows:

The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.270 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. During the ~~((1999-2004))~~ 2001-2003 biennium, funds from the account may also be used for costs associated with the department's supervision of the offenders in the community ~~((and the replacement of the department of corrections' offender-based tracking system)).~~ Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 920. RCW 69.50.520 and 2000 2nd sp.s. c 1 s 917 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(8), 66.24.210(4), 66.24.290(2), 69.50.505(h)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. Funds from the account may also be appropriated to reimburse local governments for costs associated with implementing criminal justice legislation including chapter 338, Laws of 1997. During the ~~((1999-2004))~~ 2001-2003 biennium, funds from the account may also be used for costs associated with providing grants to local governments in accordance with chapter 338, Laws of 1997, ~~((the design, sitework, and construction of the special commitment center.))~~ the replacement of the department of corrections' offender-based tracking system, maintenance and operating costs of the Washington association of sheriffs and police chiefs jail reporting system, and for multijurisdictional narcotics task forces. After July 1, ~~((2004))~~ 2003, at least seven and one-half percent of expenditures from the account shall be used for providing grants to community networks under chapter 70.190 RCW by the family policy council.

Sec. 921. RCW 79A.05.070 and 1999 c 249 s 307 are each amended to read as follows:

The commission may:

(1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group shall agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper, except that during the 2001-03 fiscal biennium the commission shall not charge fees for basic parkland access;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed ten years;

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

Sec. 922. RCW 70.146.030 and 1996 c 37 s 2 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, 2001, to June 30, 2003, moneys in the account may be used to process applications received by the department that seek to make changes to or transfer existing water rights. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

(4) During the fiscal biennium ending June 30, 1997, moneys in the account may be transferred by the legislature to the water right permit processing account.

NEW SECTION. Sec. 923. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 924. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 911 of this act which takes effect July 1, 2001.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 43.320.110, 76.12.110, 49.70.170, 43.08.250, 82.14.310, 43.72.902, 43.79.465, 46.10.040, 72.11.040, 69.50.520, 79A.05.070, and 70.146.030; amending 2000 2nd sp.s. c 1 s 603 (uncodified); creating new sections; making appropriations; providing an effective date; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

Senator Brown moved that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 6153.

POINT OF ORDER

Senator West: "A point of order, Mr. President. Under Senate Rule 25, which stipulates that no bills shall embrace more than one subject and that should be representative in the title, I would argue that this amendment that has been given to us by the House of Representatives violates Rule 25. In fact, I have learned that there are six different areas in this budget where we authorize fee increases. This is a budget which spends money and in Senator Snyder's arguments the other day, he argued that, if in fact, the budget perhaps had some revenue increases in it, that then might violate the two subjects rule. Well, I learned since then that there actually are six different components. Section 145, under the Board of Accountancy, authorizes fee increases. Section 217, under L & I authorizes fee increases. Section 220, under the Department of Health, authorizes fee increases. Section 401, under the Department of Licensing authorizes fee increases. Section 601, under Higher Education, authorizes tuition and fee increases and Section 603, under the Community and Technical Colleges, authorizes tuition and fee increases.

"Mr. President, Initiative 601 was passed by the people of the state of Washington and specifically states that the Legislature shall authorize any fee increases that go outside the revenue growth factor. To put these in the budget places the Senate in the position of not considering these individually on their merit. There are other much more things in the budget--good spending practices, some bad spending practices that we would consider when we are voting for the budget. But in order to vote for the good in the budget, we would have to consider these fee increases. Now, a budget is spending money. There are tax bills and fee bills that would be introduced separately as a different subject that would raise these fees or authorize these fees to be raised. So, Mr. President, under that, I would ask that you rule consistent with your ruling the other day that this amendment sent to us by the House of Representatives violates the two subjects rule."

REPLY BY THE PRESIDENT

President Owen: "Senator West, the President needs clarification. In your opening statement, you said that the amendment violates Rule 25. Then you stated a number of sections. Is your challenge to the amendment or a challenge to all the sections?"

Senator West: "Mr. President, the challenge is to those specific sections within the amendment. The amendment is the document that was sent to us by the House. The document sent to the House was a striking amendment, which is the entire budget that is before us now. When I spoke to the amendment, I was speaking to the striking amendment by the House of Representatives."

President Owen: "Thank you."

REQUEST TO DEFER RULING

Senator Brown: "Mr. President, I would respectfully request that you defer your ruling on Senator West's point for a brief amount of time and give us a chance to prepare a response. He raised several specific sections of the bill and I would like to have a chance to check those and incorporate those particular sections in my response."

REPLY BY THE PRESIDENT

President Owen: "The President believes that the question is complex enough to honor that request. I would probably need that time anyway."

POINT OF ORDER

Senator West: "Mr. President, a point or order. In light of Senator Brown's request, we are venturing into uncharted territory and how you rule on that particular request will determine the future. She has requested time to go off and prepare arguments against a point of order that was made on the floor. This is something that has never been allowed. It has never been allowed in the past. Allowing folks to do that, could in future cases, cause considerable delay and also put people at an extreme disadvantage in their arguments, unfair to both sides."

REPLY BY THE PRESIDENT

President Owen: "Senator West, the President would take considerable time to review your point of order at any rate, and I will be doing that during that period of time. The President also believes that each situation demands a consideration as it comes up. This is a very complex issue and we do not want to make a mistake. The President feels that it is only appropriate that each side be able to present their remarks. In other situations, that are not quite so complex, that may not be the case. The President maintains his discretion to make that decision."

MOTION

On motion of Senator Betti Sheldon, further consideration of Engrossed Substitute Senate Bill No. 6153 was deferred.

MESSAGE FROM THE HOUSE

June 19, 2001

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6155 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 2003, out of the several funds specified in this act.

PART 1 GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE OFFICE OF THE SECRETARY OF STATE

Deferred Maintenance Reduction Backlog Projects: Regional Archive (02-1-002)

Appropriation:

State Building Construction Account--State \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 415,000

TOTAL \$ 515,000

NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE

Eastern Branch Archives--Design (98-2-001)

The appropriation in this section is provided solely for the design of the eastern regional archives facility to be sited on the Eastern Washington University campus in Cheney. Construction of the facility will be financed through alternative financing authority provided in section 907 of this act.

Reappropriation:

State Building Construction Account--State \$ 295,482
Prior Biennia (Expenditures) \$ 530,972
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 826,454

NEW SECTION. Sec. 103. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Rural Washington Loan Fund (RWLF)(88-2-002)

Reappropriation:

State Building Construction Account--State \$ 558,554
Rural Washington Loan Account--Federal \$ 441,000
Subtotal Reappropriation \$ 999,554

Appropriation:

Rural Washington Loan Account--Federa \$ 5,650,367

Prior Biennia (Expenditures) \$ 19,309,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 25,958,921

NEW SECTION. Sec. 104. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Grays Harbor Dredging (88-2-006)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 982,500
Prior Biennia (Expenditures) \$ 17,500
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,000,000

NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Snohomish County Drainage (92-2-011)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 128,584
Prior Biennia (Expenditures) \$ 79,584
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 208,168

NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Seventh Street Theatre (90-2-008)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 51,110
Prior Biennia (Expenditures) \$ 78,890
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 130,000

NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Mirabeau Point Community Complex (98-2-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) The amount is provided solely for a grant to Spokane county for design and development costs for Mirabeau Point community complex.

(2) The amount represents the entire state contribution to the project and shall be matched by \$8,500,000 in contributions toward the project from nonstate sources.

(3) The reappropriation is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 351,255

Appropriation:

State Building Construction Account--State \$ 2,000,000
Prior Biennia (Expenditures) \$ 1,148,745
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,500,000

NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Sand Point Shoreline Restoration (00-1-002)

The reappropriation in this section is provided to the city of Seattle for shoreline improvements and wetland restoration at Sand Point. The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 500,000

NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Building for the Arts (00-2-005)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$750,000 of the reappropriation in this section shall support the projects as listed in section 113, chapter 379, Laws of 1999.

(2) \$250,000 of the reappropriation in this section and the new appropriation from the state building construction account is subject to the provisions of RCW 43.63A.750.

(3) The following projects are eligible for funding:

Projects Recommendation

Orcas Theatre, Eastsound \$400,000
Empty Space Theatre, Fremont \$29,000
Music Works Northwest, Bellevue \$475,000
Hands on Children's Museum, Olympia \$130,000
Spokane Symphony, Spokane \$230,000
Mt. Baker Theatre, Bellingham \$128,000
IKEA Performing Arts Center, Renton \$135,000
Seattle Art Museum, Seattle \$1,000,000
Town Hall, Seattle \$175,000
Gladish Center, Pullman \$29,000
Broadway Center, Tacoma \$50,000
CREATE, Newport \$21,000
Spectrum Dance Theatre, Seattle \$78,000
Gallery One, Ellensburg \$225,000
Lake Chelan Bachfest, Chelan \$38,000
Historic Seattle Preservation, Seattle \$390,000
Historic Everett Theatre, Everett \$350,000
Holy Names Music Center, Spokane \$50,000
Youth Theatre Northwest, Mercer Island \$67,000
Arts West, Seattle \$87,000
Harrington Opera House, Harrington \$13,000
Subtotal \$4,100,000

Alternate Projects

Youth Theatre Northwest, Mercer Island \$158,000
Subtotal \$158,000

Total \$4,258,000

Reappropriation:

State Building Construction Account--State \$ 1,000,000

Appropriation:

State Building Construction Account--State \$ 3,850,000
Prior Biennia (Expenditures) \$ 30,848,000
Future Biennia (Projected Costs) \$ 16,000,000
TOTAL \$ 51,698,000

NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Services Facilities Program (00-02-006)

The reappropriation in this section shall support the projects as listed in section 1007, chapter 1, Laws of 2000 2nd sp.

sess.

Reappropriation:

State Building Construction Account--State \$ 1,400,000
Prior Biennia (Expenditures) \$ 10,253,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 11,653,000

NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Services Facilities Program (02-4-007)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the provisions of RCW 43.63A.125. The following projects are eligible for

funding:

Projects Recommendation

YMCA of Grays Harbor, Aberdeen \$300,000
Community Youth Services, Olympia \$300,000
Skagit County Community Action, Concrete \$300,000
Kindering Center, Bellevue \$300,000
Bellevue Family YMCA, Bellevue \$300,000
Refugee Women's Alliance, Seattle \$300,000
YWCA of Walla Walla, Walla Walla \$300,000
Pierce County Alliance (facility), Tacoma \$61,000
Compass Health, Everett \$300,000
Mid-City Concerns, Spokane \$28,000
Children's Home Society, Vaughn \$70,000
Children's Home society, Spokane \$238,000
Catholic Family/Child Services, Yakima \$152,000
Korean Women's Association, Tacoma \$218,000
Factory Small Biz Incubator, Tacoma \$300,000

Lao Highland Association of King County, Seattle \$119,000
First Place, Seattle \$300,000
NE Washington Rural Resources, Colville \$300,000
Filipino Community Center, Seattle \$200,000
Filipino Community Center, Wapato \$25,000
Subtotal \$4,411,000
Alternate Projects
Nooksack Community Aid Society, Deming \$165,000
Childhaven, Seattle \$149,000
Subtotal \$314,000
Total \$4,725,000

(2) \$200,000 of the appropriation in this section for the Filipino Community Center in Seattle shall be matched by \$200,000 in additional contributions toward the project from local government.

Appropriation:

State Building Construction Account--State \$ 4,411,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,000,000
TOTAL \$ 20,411,000

NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing for Homeless Families With Children Program (00-2-009)

The reappropriation in this section is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children. The department shall minimize the amount of funds that are utilized for staff and administrative purposes.

Reappropriation:

State Building Construction Account--State \$ 500,000
Prior Biennia (Expenditures) \$ 4,500,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,000,000

NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing for Homeless Families with Children Program (02-4-012)

The appropriation in this section is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children. The department shall minimize the amount of funds that are utilized for staff and administrative purposes.

Appropriation:

State Building Construction Account--State \$ 5,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 20,000,000
TOTAL \$ 25,000,000

NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Farmworker Housing Assistance (00-2-011)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is provided solely for facilities housing low-income migrant, seasonal, and temporary farmworkers.
- (2) It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C.

Sec. 1342.

(3) The department shall minimize the amount of these funds that are utilized for staff and administrative purposes or for other administrative purposes.

(4) By December 15, 2001, the department shall submit a report to the governor and the appropriate committees of the legislature on the progress of the development of housing for farmworkers, including a list of projects funded under this section.

(5) The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need.

Reappropriation:

State Building Construction Account--State \$ 500,000
Prior Biennia (Expenditures) \$ 7,500,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 8,000,000

NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Farmworker Housing Assistance (02-4-011)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers.
- (2) It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C.

Sec. 1342.

(3) The department shall minimize the amount of these funds that are utilized for staff and administrative purposes or other operational expenses.

(4) By September 1, 2002, the department shall submit a report to the governor and the appropriate committees of the legislature on the progress of the development of housing for farmworkers, including a list of projects funded under this section.

(5) The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need.

- (6) Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

Appropriation:

State Building Construction Account--State \$ 8,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 32,000,000
TOTAL \$ 40,000,000

NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Housing Assistance, Weatherization, and Affordable Housing (00-2-003)

The reappropriation in this section is subject to the conditions and limitations set forth in section 111, chapter 379, Laws of

1999.

Reappropriation:

State Building Construction Account--State \$ 26,800,000
Prior Biennia (Expenditures) \$ 35,000,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 61,800,000

NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Housing Assistance, Weatherization, and Affordable Housing (02-4-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$9,000,000 of the new appropriation from the state building construction account is provided solely for weatherization administered through the energy matchmakers program.

(2) \$5,000,000 of the new appropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$2,000,000 of the appropriation from the state building construction account is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

(4) \$1,000,000 of the new appropriation from the state building construction account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(5) Reappropriations in this section shall not be included in the annual funds available for determining the administrative costs authorized under RCW 43.185.050.

Appropriation:

State Building Construction Account--State \$ 60,000,000
Washington Housing Trust Account \$ 5,000,000
Subtotal Appropriation \$ 65,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 200,000,000
TOTAL \$ 265,000,000

NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Burke Museum Governance and Siting Study (00-2-012)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funds are provided for a study of the governance of the Burke museum and for an examination of the potential expansion of the museum facility including siting issues. The study shall be facilitated by the University of Washington, the department of community, trade, and economic development's tourism and economic development units, the executive director of the Washington state historical society, the city of Seattle, King county, and members of the community and businesses from various geographic regions of the state. The department shall provide a report to the legislature by June 30, 2002, outlining funding strategies for an expanded state natural history museum that recognizes the limited state resources for capital facilities programmatic enhancements, and outlines alternative funding resources and partners.

(2) The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

University of Washington Building
Account--State \$ 350,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 350,000

NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Clark County Skills Center (00-4-100)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section must be matched by at least \$1,300,000 from other sources.

(2) The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 350,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 350,000

NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Holly Park Education Center (00-4-101)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for education space in the Holly Park housing development for South Seattle Community College.

(2) The reappropriation in this section must be matched by an equal amount from other sources.

(3) The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 500,000
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0
TOTAL \$ 500,000

NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
County Public Facility Construction (00-2-010)

The reappropriations in this section shall be used solely for financial assistance to distressed counties that have experienced extraordinary costs due to the location of a major new business facility or the substantial expansion of an existing business facility in the county. The entire reappropriation from the state building construction account shall be provided as a grant to support the Grays Harbor water system project and is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 3,500,000
Distressed County Facilities Construction Loan
Account--State \$ 2,619,000
Subtotal Reappropriation \$ 6,119,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,119,000

NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Community Economic Revitalization (CERB) (86-1-001)

Reappropriation:

Public Works Assistance Account--State \$ 655,517
Public Facility Construction Loan
Revolving Account--State \$ 4,868,347
Subtotal Reappropriation \$ 5,523,864
Prior Biennia (Expenditures) \$ 7,433,892
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 12,957,756

NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Community Economic Revitalization (CERB)(00-2-001)

The reappropriation in this section from the public facilities construction loan revolving account is subject to the following conditions and limitations:

(1) The department shall ensure that all funds transferred from the public works assistance account into the public facility construction loan revolving account during the 1999-2001 biennium are used only for loans to local governments.

(2) The department shall ensure that all principal and interest payments from these loans are paid into the public works assistance account.

Reappropriation:

Public Facility Construction Loan Revolving
Account--State \$ 5,519,054
Prior Biennia (Expenditures) \$ 1,121,946
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,641,000

NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Community Economic Revitalization (CERB) (02-4-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) Appropriations from the public facility construction loan revolving account shall be used solely to provide loans to eligible local governments and grants to the extent permissible by law. The department shall ensure that all principal and interest payments from loans made on moneys from this account are paid into this account.

(2) By December 15, 2002, the office of financial management shall make recommendations to the appropriate fiscal committees of the legislature on a permanent funding source for the CERB program.

Appropriation:

Public Facility Construction Loan Revolving
Account--State \$ 2,275,000
State Building Construction Account--State \$ 3,000,000
Subtotal Appropriation \$ 5,275,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,275,000

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Drinking Water Assistance Program (98-2-008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funding from the state public works trust fund program shall be matched with federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

(2) The department shall report to the appropriate committees of the legislature by January 1, 2002, on the progress of the program, including administrative and technical assistance procedures, the application process and funding priorities.

Reappropriation:

Drinking Water Assistance Account--State \$ 3,926,937
Prior Biennia (Expenditures) \$ 13,722,063
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 17,649,000

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Drinking Water Assistance Program (00-2-007)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funding from the state public works trust fund program shall be matched with new federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

(2) The department shall report to the appropriate committees of the legislature by January 1, 2002, on the progress of the program, including administrative and technical assistance procedures, the application process, and funding priorities.

Reappropriation:

Drinking Water Assistance Account--State \$ 7,700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,700,000

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Program (02-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding from the state public works trust fund program shall be matched with new federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

(2) The department shall report to the appropriate committees of the legislature by January 1, 2002, on the progress of the program, including administrative and technical assistance procedures, the application process, and funding priorities.

Appropriation:

Drinking Water Assistance Account--State \$ 7,700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 30,800,000

TOTAL \$ 38,500,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (94-2-001)

Reappropriation:

Public Works Assistance Account--State \$ 75,159,028

Prior Biennia (Expenditures) \$ 68,460,146

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 143,619,174

NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (00-2-002)

Reappropriation:

Public Works Assistance Account--State \$ 143,971,288

Prior Biennia (Expenditures) \$ 59,178,712

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 203,150,000

NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (01-H-001)

Reappropriation:

Public Works Assistance Account--State \$ 93,593,068

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 93,593,068

NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (02-4-013)

The appropriation in this section is subject to the following conditions and limitations:

\$20,000,000 of the general fund federal appropriation is provided solely for infrastructure projects that will improve water quality and benefit salmon. Projects should be designed to have immediate benefits to water quality and salmon as alternatives to habitat acquisition and improvements. The public works board is authorized and directed to seek funding through the Northwest power planning council, the conservation and reinvestment act, and other federal funding sources to supplement existing loan programs with grants or loans for water quality projects. The public works board shall utilize existing programs within chapter 43.155 RCW to distribute these additional grants or loans, with an emphasis on projects providing immediate benefits to water quality and salmon habitat. For the purposes of this section, the public works board may utilize federal funds as grants in conjunction with loans from chapter 43.155 RCW.

Appropriation:

Public Works Assistance Account--State \$ 230,300,000

General Fund--Federal \$ 20,000,000

Subtotal Appropriation \$ 250,300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,215,700,000

TOTAL \$ 1,466,000,000

NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Seattle Center Redevelopment (01-S-001)

Appropriation:

State Building Construction Account--State \$ 2,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000

NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Fort Vancouver National Historic Reserve (01-S-002)

Appropriation:

State Building Construction Account--State \$ 2,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,000,000

NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Chewelah Peak Environmental Learning Center (01-S-003)

Appropriation:

State Building Construction Account--State \$ 2,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,000,000

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Cancer Research Facility Grant (01-S-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided as a grant for equipment and facilities improvements for a prostate cancer research project at the University of Washington medical center. The appropriation shall be matched by an equal amount from nonstate sources.

Appropriation:

State Building Construction Account--State \$ 2,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,000,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Fox Theater Project (01-S-006)

Appropriation:

State Building Construction Account--State \$ 2,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,000,000

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Des Moines Beach Park - Structure Relocation (01-S-010)

Appropriation:

State Building Construction Account--State \$ 250,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 250,000

NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Upper Kittitas County, Emergency Management Service Facility (01-S-16)

The appropriation in this section is subject to the following conditions and limitations: Funds are provided as a matching grant for enhanced emergency services related to highway travel and incidental local needs. The funds shall be retained in allotment reserve until the office of financial management approves a plan submitted by the recipient organization for the generation of matching funds and the provision for emergency services needs on Interstate 90. The office of financial management shall identify the recipient entity or organization that is best suited to provide enhanced emergency services for the Cle Elum, I-90 region.

Appropriation:

State Building Construction Account--State \$ 920,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 920,000

NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Republic Baseball and Softball Fields (01-H-002)

Appropriation:

State Building Construction Account--State \$ 30,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 30,000

NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Nevitt Pool Renovation (01-H-003)

Appropriation:

State Building Construction Account--State \$ 70,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 70,000

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Lake Forest Park Elementary School - Americans with Disabilities Act Equipment (01-S-015)

Appropriation:

State Building Construction Account--State \$ 25,000
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0
TOTAL \$ 25,000

NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
West Central Community Center (01-S-016)

Appropriation:

State Building Construction Account--State \$ 100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 100,000

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Milton Skate Park (01-H-016)

Appropriation:

State Building Construction Account--State \$ 117,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 117,000

NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Pierce County Fairgrounds (01-H-017)

Appropriation:

State Building Construction Account--State \$ 150,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 150,000

NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Clark Lake Park (01-S-013)

Appropriation:

State Building Construction Account--State \$ 250,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 250,000

NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Coastal Erosion Grants (01-S-019)

The appropriation in this section is subject to the following conditions and limitations: Funds are provided for coastal erosion grants in southwest Washington in partnership with other state and federal funds. Grays Harbor county is the lead agency in the administration of the grants.

Appropriation:

State Building Construction Account--State \$ 1,250,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,250,000

NEW SECTION. Sec. 147. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Budget System Improvements (02-1-004)

The appropriation in this section is subject to the following conditions and limitations:

Funds are provided solely for the following studies and activities:

- (1) Budget evaluation study team reviews of project proposals;
- (2) The compilation of benchmarking data and the development of standards for construction costs;
- (3) Contracts associated with a higher education facility financial responsibility study to be conducted in conjunction with the higher education coordinating board and the state board for community and technical colleges that shall provide guidelines for project cost sharing between state and federal funds, institutional funds, student fees and charges, and private donations; and
- (4) Other studies and system improvements planned in consultation with the house capital budget committee and the senate committee on ways and means.

Appropriation:

State Building Construction Account--State \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,200,000
TOTAL \$ 1,400,000

NEW SECTION. Sec. 148. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Residential Habilitation Study (01-S-002)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management shall enter into a contract with the joint legislative audit and review committee to conduct a study of the possible alternative uses of the land and facilities currently used by state operated residential habilitation centers and nursing facilities for persons with developmental disabilities.

Appropriation:

Charitable, Educational, Penal and
Reformatory Institutions Account--State \$ 100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 100,000

NEW SECTION. Sec. 149. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Higher Education Condition Assessment (01-H-019)

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management shall contract with the joint legislative audit and review committee to conduct a study of higher education facility conditions, maintenance, repair, and renovation. The study shall assess the relationship between facility management and health and safety requirements, educational program delivery priorities, operating costs, and long-term capital costs. The study shall evaluate, and make recommendations on, the following topics:

(a) The capability and reliability of current management systems and controls, including facility condition assessment processes and their results;

(b) Current maintenance, repair, and renovation planning and budgeting processes;

(c) Comparable methods across institutions for developing maintenance, repair, and renovation backlog lists and setting priorities for associated budget requests;

(d) Appropriate operating and capital budgeting processes to provide both means and incentives for effective facility stewardship; and

(e) Options for statewide, long-term facility maintenance, repair, and renovation investment strategies that are linked to anticipated future demands for public higher education enrollments and associated educational program delivery priorities.

(2) In conducting the study under this section, the joint legislative audit and review committee shall work closely with the appropriate legislative policy and fiscal committees and shall consult with the office of financial management, the higher education coordinating board, the state board for community and technical colleges, and, as necessary, with individual public institutions of higher education. The committee may contract for consulting services in conducting this study. The committee shall provide a preliminary report to the appropriate legislative committees by December 15, 2001, and a final report by September 15, 2002.

Appropriation:

Eastern Washington Capital Projects
Account--State \$ 35,000
The Evergreen State College Capital Projects
Account--State \$ 35,000
The Western Washington University Capital Projects
Account--State \$ 35,000
The Central Washington University Capital Projects
Account--State \$ 35,000
Washington State University Building
Account--State \$ 55,000
University of Washington Building
Account--State \$ 55,000
State Building Construction Account--State \$ 250,000
Subtotal Appropriation \$ 500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 500,000

NEW SECTION. Sec. 150. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Merrill Hall Fire Repairs - Horticulture Building (01-H-020)

The appropriation in this section is subject to the following conditions and limitations: In addition to the funds provided in this section, the University of Washington may utilize appropriated funds for minor works allotted under section 905 of this act to address emergent needs for Merrill Hall.

Appropriation:

State Building Construction Account--State \$ 3,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,000,000

NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

East Plaza Repairs (96-1-002)

The appropriations in this section are subject to the following conditions and limitations: \$16,000,000 of the appropriation from the state vehicle parking account--state is subject to the approval of a reimbursable bond for this project in a bond bill; if the bond bill is not enacted by June 30, 2001, authorizing bonds for this project, the appropriation from the state vehicle parking account--state in this section shall lapse.

Reappropriation:

Capitol Building Construction Account--State \$ 900,000

Appropriation:

State Vehicle Parking Account--State \$ 19,000,000
Prior Biennia (Expenditures) \$ 21,667,150
Future Biennia (Projected Costs) \$ 14,200,000
TOTAL \$ 55,767,150

NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Transportation Building Preservation (98-1-008)

Reappropriation:

Thurston County Capital Facilities
Account--State \$ 350,000
Prior Biennia (Expenditures) \$ 1,884,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,234,000

NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Transportation Building Preservation - Elevator (02-1-008)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Thurston County Capital Facilities
Account--State \$ 1,001,250
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 19,098,000
TOTAL \$ 20,099,250

NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Park/Capitol Lake (00-1-007)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Capitol Building Construction
Account--State \$ 250,000
State Building Construction Account--State \$ 700,000
Subtotal Reappropriation \$ 950,000
Prior Biennia (Expenditures) \$ 2,650,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,600,000

NEW SECTION. Sec. 155. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Park Development (01-H-004)

Appropriation:

Capitol Building Construction
Account--Stat \$ 2,100,000
Prior Biennia (Expenditures) \$ 10,765,000
Future Biennia (Projected Costs) \$ 6,358,000
TOTAL \$ 19,223,000

NEW SECTION. Sec. 156. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building: Safety and Infrastructure (98-1-005)

Reappropriation:

Capitol Building Construction Account--State \$ 660,000
Thurston County Capital Facilities
Account--State \$ 440,000
Subtotal Reappropriation \$ 1,100,000
Prior Biennia (Expenditures) \$ 4,210,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,310,000

NEW SECTION. Sec. 157. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building: Rehabilitation (01-1-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

(2) The department of general administration, in consultation with the legislature, the governor, and the state capitol committee, shall immediately begin planning and initiate an accelerated design/construction schedule for the renovation of the state legislative building as follows:

(a) No new permanent buildings shall be constructed, and the department shall follow standards for historic preservation;

(b) The goal shall be to reoccupy the building in time for the 2005 legislative session;

(c) The department shall make temporary accommodations for the displacement of legislators and legislative staff in the John L. O'Brien building, the Pritchard building, the Cherberg building, and the Newhouse building, and may use modular space. Decisions on the use of space for the Pritchard building will be made by legislative leadership by July 1, 2001, to make it available for use by the legislature by April 1, 2002;

(d) The department shall temporarily move the state library from the Pritchard building by October 1, 2001, and, if needed, the department shall lease storage facilities in Thurston county for books and other library assets;

(e) The department shall make temporary accommodations for other tenants of the state legislative building as follows:

(i) The office of the insurance commissioner shall be temporarily moved to leased space in Thurston county;

(ii) The office of the governor shall be moved to the Insurance building;

(iii) The primary office of the code reviser and the lieutenant governor shall be moved to a location on the west capitol campus; and

(iv) The other tenants, including the office of the state treasurer, the office of the state auditor, and the office of the secretary of state shall be moved to leased space in Thurston county;

(f) The state legislative building shall be completely vacated by the office of the governor, the office of the secretary of state, the office of treasurer, and the office of the state auditor by November 1, 2001, and by the legislature fourteen days after the end of the 2002 legislative session to make it available for renovation by the contractor; and

(g) State contracts for the legislative building renovation, Nisqually earthquake repair, and future earthquake mitigation shall conform to all rules, regulations, and requirements of the federal emergency management agency.

(3) The state capitol committee, in conjunction with a legislative building renovation oversight committee consisting of two members from both the house of representatives and senate, each appointed by legislative leadership, shall periodically advise the department regarding the rehabilitation, the receipt and use of private funds, and other issues that may arise.

(4) The department shall report on the progress of accelerated planning, design, and relocations related to the renovation of the state legislative building to the legislature and the governor by July 15, 2001, and November 15, 2001, and shall consult with the legislature and governor on major decisions including placement of the cafeteria and exiting stairs in the legislative building by August 31, 2001.

(5) In the event of any conflicts between the conditions and limitations in this section and section 3, chapter 123, Laws of 2001, the conditions and limitations of this section shall apply.

Reappropriation:

Capitol Building Construction Account--State \$ 2,000,000
Thurston County Capital Facilities
Account--State \$ 2,500,000
Subtotal Reappropriation \$ 4,500,000

Appropriation:

Capitol Historic District Construction
Account--State \$ 81,681,000
Thurston County Capital Facilities
Account--State \$ 1,300,000
Subtotal Appropriation \$ 82,981,000
Prior Biennia (Expenditures) \$ 1,000,000
Future Biennia (Projected Costs) \$ 2,300,000
TOTAL \$ 90,781,000

NEW SECTION. Sec. 158. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Buildings - O'Brien and Newhouse Building Improvements (01-H-021)

Appropriation:

Capitol Building Construction Account--State \$ 1,000,000
Thurston County Capital Facilities
Account--State \$ 1,000,000
Subtotal Appropriation \$ 2,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,000,000

NEW SECTION. Sec. 159. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Emergency/Small Repairs and Improvements (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Capitol Building Construction Account--State \$ 100,000
State Building Construction Account--State \$ 400,000
Thurston County Capital Facilities
Account--State \$ 900,000
Subtotal Appropriation \$ 1,400,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 6,500,000
TOTAL \$ 7,900,000

NEW SECTION. Sec. 160. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Thurston County Facilities: Preservation (00-1-009)

Reappropriation:

Thurston County Capital Facilities
Account--State \$ 250,000
Prior Biennia (Expenditures) \$ 1,450,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,700,000

NEW SECTION. Sec. 161. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Thurston County Facilities: Preservation (02-1-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Capitol Building Construction Account--State \$ 1,110,000
State Building Construction Account--State \$ 1,860,000
Thurston County Capital Facilities
Account--State \$ 3,861,000
Subtotal Appropriation \$ 6,831,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 35,636,000
TOTAL \$ 42,467,000

NEW SECTION. Sec. 162. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus Facilities: Preservation (00-1-003)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Capitol Building Construction Account--State \$ 900,000
State Building Construction Account--State \$ 75,000
Thurston County Capital Facilities
Account--State \$ 1,025,000
Subtotal Reappropriation \$ 2,000,000
Prior Biennia (Expenditures) \$ 4,140,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,140,000

NEW SECTION. Sec. 163. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus Infrastructure Preservation (02-1-003)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Capitol Building Construction Account--State \$ 75,000
State Building Construction Account--State \$ 1,750,000
Subtotal Appropriation \$ 1,825,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 24,050,000
TOTAL \$ 25,875,000

NEW SECTION. Sec. 164. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

North Cascades Gateway Center: Preservation (00-1-010)

Reappropriation:

General Fund--Private/Local \$ 210,000
Prior Biennia (Expenditures) \$ 397,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 607,000

NEW SECTION. Sec. 165. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

North Cascades Gateway Center Minor Works (02-1-004)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

General Fund/Private/Local \$ 500,000
State Building Construction Account--State \$ 850,000
Subtotal Appropriation \$ 1,350,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 6,685,000
TOTAL \$ 8,035,000

NEW SECTION. Sec. 166. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Cherberg Building: Rehabilitation (02-1-005)

Appropriation:

Thurston County Capital Facilities
Account--State \$ 695,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 7,000,000
TOTAL \$ 7,695,000

NEW SECTION. Sec. 167. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Pritchard Library: Rehabilitation (02-1-006)

Appropriation:

Thurston County Capital Facilities
Account--State \$ 300,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,000,000
TOTAL \$ 1,300,000

NEW SECTION. Sec. 168. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Infrastructure Project: Savings (02-1-999)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$ 1
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1

NEW SECTION. Sec. 169. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus Chiller Plant and Loop (02-2-006)

Appropriation:

Capitol Building Construction Account--State \$ 50,000
State Building Construction Account--State \$ 550,000
Subtotal Appropriation \$ 600,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 21,220,000
TOTAL \$ 21,820,000

NEW SECTION. Sec. 170. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Engineering and Architectural Services (02-2-012)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage

exceptional projects including projects financed with alternative financing or for services above core services as described as optional and extra services in the task list.

Appropriation:

Capitol Building Construction Account--State \$ 220,700
Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$ 772,700
State Building Construction Account--State \$ 8,057,800
Thurston County Capital Facilities
Account--State \$ 386,000
Subtotal Appropriation \$ 9,437,200
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 43,049,325
TOTAL \$ 52,486,525

NEW SECTION. Sec. 171. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Isabella Bush Records Center: Expansion (02-3-001)

Appropriation:

Thurston County Capital Facilities Account--State \$ 344,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 344,000

NEW SECTION. Sec. 172. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Tumwater Office Building 1 (01-S-003)

The appropriation in this section is subject to the following conditions and limitations: Planning funds are provided to lease/develop a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense.

Appropriation:

State Building Construction Account--State \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 200,000

NEW SECTION. Sec. 173. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Office Building Two Rehabilitation (98-1-007)

Reappropriation:

Thurston County Capital Facilities Account--
State \$ 2,000,000

Appropriation:

Thurston County Capital Facilities Account--
State \$ 5,850,000
Prior Biennia (Expenditures) \$ 9,250,000
Future Biennia (Projected Costs) \$ 5,310,000
TOTAL \$ 22,410,000

NEW SECTION. Sec. 174. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Administration Building Renovation or Redevelopment (00-1-004)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--
State \$ 150,000
Prior Biennia (Expenditures) \$ 850,000
Future Biennia (Projected Costs) \$ 7,635,000
TOTAL \$ 8,635,000

NEW SECTION. Sec. 175. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Americans with Disabilities Act: Pool (00-1-011)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The moneys provided in this section shall be solely allocated to agencies and institutions, except for the state community and technical colleges, for improvements to state-owned facilities for program access enhancements.

(2) No money appropriated in this section or in any section specifically referencing this section shall be expended unless the department of general administration has reviewed and approved the cost estimates for the project. The department of general administration shall implement an agency request and evaluation procedure similar to the one adopted in the 1999-2001 biennium for distribution of funds.

(3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

Reappropriation:

State Building Construction Account--State \$ 150,000
Prior Biennia (Expenditures) \$ 2,850,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,000,000

NEW SECTION. Sec. 176. FOR THE MILITARY DEPARTMENT

Minor Works to Support Federal Construction Projects (98-1-001)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

General Fund--Federal \$ 280,913
State Building Construction Account--State \$ 305,193
Subtotal Reappropriation \$ 586,106
Prior Biennia (Expenditures) \$ 5,766,394
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,352,500

NEW SECTION. Sec. 177. FOR THE MILITARY DEPARTMENT

Minor Works to Support Federal Construction Projects (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

General Fund--Federal \$ 10,248,000
State Building Construction Account--State \$ 2,277,000
Subtotal Appropriation \$ 12,525,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 62,340,000
TOTAL \$ 74,865,000

NEW SECTION. Sec. 178. FOR THE MILITARY DEPARTMENT

Yakima Readiness Center: Construction (98-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) Funds expended on this project for off-site utility infrastructure that may include the provision of electricity, natural gas service, water service, or sewer service shall be for the benefit of the state. Entities that subsequently connect or use this off-site utility infrastructure shall reimburse the state at a rate proportional to their use. The department shall develop policies and procedures to ensure that this reimbursement occurs.

(2) The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

(3) No money shall be committed or expended from the state building construction account until the general fund--federal construction funds are received and allotted in accordance with section 903 of this act.

(4) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department will file quarterly project progress reports with the office of financial management. These reports will contain local, state, and federal funding reconciliations and balance sheets for this project and will detail any federal intentions on future readiness center projects.

Reappropriation:

General Fund--Federal \$ 1,523,000
State Building Construction Account--State \$ 1,520,966
Subtotal Reappropriation \$ 3,043,966

Appropriation:

General Fund--Federal \$ 6,522,000
State Building Construction Account--State \$ 653,000
Subtotal Appropriation \$ 7,175,000
Prior Biennia (Expenditures) \$ 11,737,876
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 21,956,842

NEW SECTION. Sec. 179. FOR THE MILITARY DEPARTMENT

Centralia Readiness Center: Preservation (00-1-030)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 350,000
Prior Biennia (Expenditures) \$ 700,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,050,000

NEW SECTION. Sec. 180. FOR THE MILITARY DEPARTMENT

Preservation Projects-Statewide (02-1-006)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 1,478,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 7,116,000
TOTAL \$ 8,594,000

NEW SECTION. Sec. 181. FOR THE MILITARY DEPARTMENT

Infrastructure Projects-Savings (02-1-009)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$ 1
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1

NEW SECTION. Sec. 182. FOR THE MILITARY DEPARTMENT

Spokane Combined Public Safety Training Center (02-2-003)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.
- (2) No money shall be committed or expended from the state building construction account until the general fund--federal construction funds are received and allotted in accordance with section 903 of this act.
- (3) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department will file quarterly project progress reports with the office of financial management. These reports will contain local, state, and federal funding reconciliations and balance sheets for this project and will detail any federal intentions on future readiness center projects.

Appropriation:

General Fund--Federal \$ 9,996,000
State Building Construction Account--State \$ 5,267,000
Subtotal Appropriation \$ 15,263,000
Prior Biennia (Expenditures) \$ 7,899,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 23,162,000

NEW SECTION. Sec. 183. FOR THE MILITARY DEPARTMENT

Bremerton Readiness Center (02-2-004)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.
- (2) No money shall be committed or expended from the state building construction account until the general fund--federal construction funds are received and allotted in accordance with section 903 of this act.
- (3) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department will file quarterly project progress reports with the office of financial management. These reports will contain local, state, and federal funding reconciliations and balance sheets for this project and will detail any federal intentions on future readiness center projects.

Appropriation:

General Fund--Federal \$ 5,446,000
State Building Construction Account--State \$ 4,728,000
Subtotal Appropriation \$ 10,174,000
Prior Biennia (Expenditures) \$ 1,000,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 11,174,000

NEW SECTION. Sec. 184. FOR THE MILITARY DEPARTMENT

Fort Lewis Readiness Center (02-2-010)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

General Fund--Federal \$ 19,941,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 19,941,000

NEW SECTION. Sec. 185. FOR THE MILITARY DEPARTMENT

Combined Support Maintenance Shop (02-2-011)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

General Fund--Federal \$ 17,032,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 17,032,000

NEW SECTION. Sec. 186. FOR THE MILITARY DEPARTMENT

Combined Regional Training Institute (02-2-012)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

General Fund--Federal \$ 14,712,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 14,712,000

NEW SECTION. Sec. 187. FOR THE MILITARY DEPARTMENT

Phase 2 Yakima Maneuver and Training Equipment Site (02-2-013)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

General Fund--Federal \$ 11,304,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 11,304,000

NEW SECTION. Sec. 188. FOR THE STATE CONVENTION AND TRADE CENTER

Seattle Convention Center: Replacement Housing (00-2-002)

Reappropriation:

State Convention and Trade Center
Account--State \$ 2,745,000
Prior Biennia (Expenditures) \$ 2,255,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

NEW SECTION. Sec. 189. FOR THE STATE CONVENTION AND TRADE CENTER

Repairs and Improvements (01-S-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$545,000 is provided for payment to the department of transportation for fire control and other improvements to the I-90 tunnel.

(2) \$2,650,000 is provided for chiller and window replacement and roof repairs.

Appropriation:

State Convention and Trade Center

Account--State \$ 3,195,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,195,000

**PART 2
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Site Improvements - Minor Works (02-1-005)

Appropriation:

State Building Construction Account--State \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 600,000

TOTAL \$ 800,000

NEW SECTION. Sec. 202. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Building Omnibus Minor Works (02-1-007)

Appropriation:

State Building Construction Account--State \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 600,000

TOTAL \$ 750,000

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Facilities Preservation and Improvement (02-1-001)

Appropriation:

Accident Account--State \$ 325,000

Medical Aid Account--State \$ 325,000

Subtotal Appropriation \$ 650,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,700,000

TOTAL \$ 3,350,000

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Wastewater Treatment Plant (94-1-201)

Reappropriation:

State Building Construction Account--State \$ 339,945

Prior Biennia (Expenditures) \$ 3,767,109

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,107,054

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Crisis Residential Centers (96-1-900)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 350,000

Prior Biennia (Expenditures) \$ 2,450,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,800,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen Children's Center - Site: Infrastructure Improvements (96-2-229)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,215,229

Prior Biennia (Expenditures) \$ 1,312,523

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,527,752

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School Redevelopment: 416 Bed Institution (96-2-230)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,853,668

Prior Biennia (Expenditures) \$ 14,995,479

Future Biennia (Projected Costs) \$ 0
TOTAL \$ 16,849,147

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Medical Lake Wastewater Treatment Facility (96-1-301)

Reappropriation:

State Building Construction Account--State \$ 921,597
Prior Biennia (Expenditures) \$ 8,459,550
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 9,381,147

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Legal Offender Unit (98-2-002)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 2,365,463
Prior Biennia (Expenditures) \$ 15,330,537
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 17,696,000

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen Children's Center - Vocational Education: Construction (98-2-211)

Reappropriation:

State Building Construction Account--State \$ 298,838

Appropriation:

State Building Construction Account--State \$ 2,916,667
Prior Biennia (Expenditures) \$ 156,162
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,371,667

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Legal Offender Unit (98-2-052)

Reappropriation:

State Building Construction Account--State \$ 25,829,040

Appropriation:

State Building Construction Account--State \$ 2,059,000
Prior Biennia (Expenditures) \$ 22,406,301
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 50,294,341

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane: 124 Bed Housing (98-2-216)

Reappropriation:

State Building Construction Account--State \$ 126,545
Prior Biennia (Expenditures) \$ 1,620,021
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,746,566

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Security Improvements (99-1-001)

Reappropriation:

State Building Construction Account--State \$ 487,963
Prior Biennia (Expenditures) \$ 166,037
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 654,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Americans with Disabilities Act (00-9-036)

Reappropriation:

State Building Construction Account--State \$ 103,348
Prior Biennia (Expenditures) \$ 14,852
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 118,200

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center - Cottages: Modifications (00-1-015)

Reappropriation:

State Building Construction Account--State \$ 1,376,682

Appropriation:

State Building Construction Account--State \$ 1,500,000
Prior Biennia (Expenditures) \$ 23,318
Future Biennia (Projected Costs) \$ 2,678,262
TOTAL \$ 5,578,262

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Campus Renovation, Phase 5 (00-2-002)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this

act.

Reappropriation:

State Building Construction Account--State \$ 677,100

Appropriation:

State Building Construction Account--State \$ 9,154,750
 Prior Biennia (Expenditures) \$ 268,150
 Future Biennia (Projected Costs) \$ 0
 TOTAL \$ 10,100,000

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Echo Glen Children's Center - Eleven Cottages: Renovation (00-1-041)

Appropriation:

State Building Construction Account--State \$ 700,000
 Prior Biennia (Expenditures) \$ 75,000
 Future Biennia (Projected Costs) \$ 16,131,000
 TOTAL \$ 16,906,000

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Emergency and Small Repairs (00-1-006)

Reappropriation:

State Building Construction Account--State \$ 400,000
 Prior Biennia (Expenditures) \$ 475,165
 Future Biennia (Projected Costs) \$ 0
 TOTAL \$ 875,165

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Statewide: Emergency and Small Repair Projects (02-1-042)

Appropriation:

State Building Construction Account--State \$ 750,000
 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 3,609,000
 TOTAL \$ 4,359,000

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Lakeland Village: Cottage Renovation (00-1-002)

Reappropriation:

State Building Construction Account--State \$ 425,057
 Prior Biennia (Expenditures) \$ 24,943
 Future Biennia (Projected Costs) \$ 0
 TOTAL \$ 450,000

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Maple Lane School - Multi-Services Building: Renovation (00-1-003)

Reappropriation:

State Building Construction Account--State \$ 640,000

Appropriation:

State Building Construction Account--State \$ 300,000
 Prior Biennia (Expenditures) \$ 60,000
 Future Biennia (Projected Costs) \$ 5,550,000
 TOTAL \$ 6,550,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Minor Works: Preservation (00-1-018)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Charitable, Educational, Penal, and Reformatory
 Institutions Account--State \$ 3,200,000
 State Building Construction Account--State \$ 3,700,000
 Subtotal Reappropriation \$ 6,900,000
 Prior Biennia (Expenditures) \$ 3,459,966
 Future Biennia (Projected Costs) \$ 0
 TOTAL \$ 10,359,966

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Statewide: Omnibus Preservation Projects (02-1-069)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Charitable, Educational, Penal, and Reformatory
 Institutions Account--State \$ 2,700,000
 State Building Construction Account--State \$ 2,800,000
 Subtotal Appropriation \$ 5,500,000
 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 42,253,000
 TOTAL \$ 47,753,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Minor Works: Program (00-2-019)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 148,725
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,148,725

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Omnibus Programmatic Projects (02-2-070)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--Stat \$ 500,000
State Building Construction Account--State \$ 500,000
Subtotal Appropriation \$ 1,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,812,000
TOTAL \$ 5,812,000

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mission Creek Youth Camp - Main Building: Renovation Phase 2 (00-1-010)

Reappropriation:

State Building Construction Account--State \$ 1,642,973
Prior Biennia (Expenditures) \$ 357,027
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,000,000

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center - Secure Facility: Construction (00-2-001)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act. To the extent that the department projects savings and efficiencies through design or scope changes, funds appropriated in this section may be transferred to the statewide omnibus preservation project (02-1-069) for expenditure for minor works projects in accordance with the provisions of section 905 of this act.

Reappropriation:

State Building Construction Account--State \$ 13,100,000

Appropriation:

State Building Construction Account--State \$ 47,665,000
Prior Biennia (Expenditures) \$ 3,400,000
Future Biennia (Projected Costs) \$ 5,970,000
TOTAL \$ 70,135,000

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center - Less Restrictive Alternative (02-2-075)

Appropriation:

State Building Construction Account--State \$ 3,207,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,207,000

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital - Activity Therapy Building: Renovation (02-1-060)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 150,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 5,765,000
TOTAL \$ 5,915,000

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School - Entry/Security/Visitation: Addition (02-2-064)

Appropriation:

State Building Construction Account--State \$ 400,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,000,000
TOTAL \$ 3,400,000

NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School - Health Center Building: Renovation (02-1-061)

Appropriation:

State Building Construction Account--State \$ 400,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,000,000
TOTAL \$ 4,400,000

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School - Intensive Management Unit: Renovation (02-1-054)

Appropriation:

State Building Construction Account--State \$ 3,200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,200,000

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Infrastructure Project: Savings (00-1-053)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 563,057
Prior Biennia (Expenditures) \$ 436,944
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,000,001

NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Infrastructure Project: Savings (02-1-053)

Projects that are completed in accordance with section 915 of this act, may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$ 1
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Capital Project Management (02-1-041)

Appropriation:

Charitable, Penal, Educational, and
Reformatory Institutions Account--State \$ 2,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 9,625,800
TOTAL \$ 11,625,800

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School - Laundry: Equipment (00-1-001)

Reappropriation:

State Building Construction Account--State \$ 435,602
Prior Biennia (Expenditures) \$ 14,398
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 450,000

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Facilities Condition Assessment and Preservation Plan (02-1-047)

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$ 185,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 800,000
TOTAL \$ 985,000

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Hazardous Materials Abatement (02-1-043)

Appropriation:

State Building Construction Account--State \$ 300,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,430,000
TOTAL \$ 1,730,000

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Care Facilities for Students and State Employees (01-S-003)

Funds are provided to recapitalize child care facilities grant programs. These funds may be used by state agencies and higher education institutions to provide child care facilities for employees and students. Grants to state agencies will be provided and administered per chapter 41.04 RCW. The department shall develop guidelines for grant application for student child care facilities at institutions of higher education in conjunction with the office of financial management, the higher education coordinating board, and the state board for community and technical colleges. Grants for higher education child care facilities will be transferred into accounts administered through chapter 28B.135 RCW.

Appropriation:

State Building Construction Account--State \$ 4,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,000,000

NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF HEALTH

Referendum 38 (86-2-099)

Reappropriation:

State and Local Improvements Revolving Account
(Water Supply Facilities)--State \$ 158,000
Prior Biennia (Expenditures) \$ 541,483
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 699,483

NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Repairs and Improvements (96-1-001)

Reappropriation:

State Building Construction Account--State \$ 1,292,693
Prior Biennia (Expenditures) \$ 1,203,406
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,496,099

NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratories: Consolidation of Facilities (96-2-001)

Reappropriation:

State Building Construction Account--State \$ 1,228,332
Prior Biennia (Expenditures) \$ 4,444,719
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,673,051

NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Wastewater Treatment Systems (00-1-008)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 208,802
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 208,802

NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Chiller Plant Upgrade (02-1-004)

Appropriation:

State Building Construction Account--State \$ 2,355,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,355,000

NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Repairs and Improvements (02-1-005)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 172,400
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,944,200
TOTAL \$ 3,116,600

NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Biosafety Level 3 Facility (02-2-001)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 2,231,485
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,231,485

NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: C-Wing Remodel (02-2-002)

Appropriation:

State Building Construction Account--State \$ 295,900
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 295,900

NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: E-Wing Remodel (02-2-003)

Appropriation:

State Building Construction Account--State \$ 295,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 295,000

NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (97-2-001)

The reappropriation in this section is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Reappropriation:

Drinking Water Assistance Account--Federal \$ 5,000,000
Prior Biennia (Expenditures) \$ 30,086,024
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 35,086,024

NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (02-4-004)

The appropriation in this section is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Appropriation:

Drinking Water Assistance Account--Federal \$ 24,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 77,000,000
TOTAL \$ 101,000,000

NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Retsil Veterans' Home: Minor Works Mechanical/Electrical/HVAC (02-1-001)

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$ 1,070,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 777,750
TOTAL \$ 1,847,750

NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Orting Soldiers' Home: Minor Works Mechanical/Electrical/HVAC (02-1-002)

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$ 127,736
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,060,835
TOTAL \$ 1,188,571

NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Orting Soldiers' Home: Minor Works Buildings (02-1-004)

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$ 140,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,813,590
TOTAL \$ 1,953,590

NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Emergency Funds (02-1-007)

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$ 500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 500,000

NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Retsil Veterans' Home: Steam Plant Seismic Upgrade (02-1-010)

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--Stat \$ 1,391,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,391,000

NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

240 Bed Nursing Facility (02-2-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section, combined with the authorities granted in section 907(5) of this act, for a total of \$16.5 million, are authorized to apply for a matching grant from the federal department of veterans' affairs.

(2) The department shall not commit or expend funds from these authorities until the federal construction grant has been certified and is available to Washington state for the purpose of constructing replacement nursing care beds.

(3) By September 1, 2002, the department shall submit recommendations to the appropriate committees of the legislature on a transition plan and program for the Orting soldiers' home, including costs and funding assumptions.

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$ 3,000,000
State Building Construction Account--State \$ 1,500,000
Subtotal Appropriation \$ 4,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 30,477,200
TOTAL \$ 34,977,200

NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF CORRECTIONS

Expand Coyote Ridge Corrections Center (98-2-011)

Reappropriation:

State Building Construction Account--State \$ 447,348

Appropriation:

State Building Construction Account--State \$ 1,150,000
Prior Biennia (Expenditures) \$ 802,069
Future Biennia (Projected Costs) \$ 227,763,000
TOTAL \$ 230,162,417

NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF CORRECTIONS

Clallam Bay Corrections Center - Youthful Offender Facility Improvements (97-2-005)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,170,000
Prior Biennia (Expenditures) \$ 3,330,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,500,000

NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF CORRECTIONS

Stafford Creek Corrections Center Construction (98-2-001)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

General Fund--Federal \$ 7,648,233
State Building Construction Account--State \$ 16,389,590
Subtotal Reappropriation \$ 24,037,823
Prior Biennia (Expenditures) \$ 172,988,377
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 197,026,200

NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center - Expand Special Offender Unit (98-2-010)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 5,436,000
Prior Biennia (Expenditures) \$ 37,499,280
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 42,935,280

NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center for Women - Special Needs and Reception Unit (96-2-006)

The reappropriation in this section is subject to the following conditions and limitations: To the extent that funds appropriated in this section are not needed to complete the project, up to \$3,000,000 may be transferred to the statewide omnibus preservation project (02-1-015) for minor work projects in accordance with the provisions of section 905 of this act.

Reappropriation:

State Building Construction Account--State \$ 18,336,885
Prior Biennia (Expenditures) \$ 6,463,115
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 24,800,000

NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Infrastructure Evaluation (99-2-005)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 310,438
Prior Biennia (Expenditures) \$ 39,562
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 350,000

NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF CORRECTIONS

Violent Offender/Truth in Sentencing Grant Administration (99-2-004)

Reappropriation:

General Fund--Federal \$ 359,000
Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$ 55,000
Subtotal Reappropriation \$ 414,000

Appropriation:

General Fund--Federal \$ 386,536
Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$ 42,592
Subtotal Appropriation \$ 429,128
Prior Biennia (Expenditures) \$ 194,514
Future Biennia (Projected Costs) \$ 214,743
TOTAL \$ 1,252,385

NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF CORRECTIONS

Americans with Disabilities Act (00-1-011)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 66,500
Prior Biennia (Expenditures) \$ 20,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 86,500

NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS

Local Criminal Justice Facilities (99-2-003)

The appropriations in this section are subject to the following conditions and limitations: \$3,000,000 of the state building construction account--state appropriation is provided solely for grants to local jurisdictions for jail capacity expansion projects. Grants provided in this section shall be limited to up to \$500,000 per jurisdiction.

Reappropriation:

General Fund--Federal \$ 2,952,091

Appropriation:

General Fund--Federal \$ 1,335,619

State Building Construction Account--State \$ 3,000,000

Subtotal Appropriation \$ 4,335,619

Prior Biennia (Expenditures) \$ 1,193,270

Future Biennia (Projected Costs) \$ 966,338

TOTAL \$ 9,447,318

NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island - Special Commitment Center (00-2-005)

Reappropriation:

State Building Construction Account--State \$ 259,665

Prior Biennia (Expenditures) \$ 2,240,335

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,500,000

NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Underground Storage Tank (00-1-001)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 377,896

Prior Biennia (Expenditures) \$ 414,415

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 792,311

NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: Kitchen Consolidations/Modifications (00-2-011)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 952,109

Prior Biennia (Expenditures) \$ 147,891

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,100,000

NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center - Hazardous Materials (00-1-002)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 52,950

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 52,950

NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center - 100 Bed Intensive Management and Segregation Units (00-2-008)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 40,665

Appropriation:

General Fund--Federal \$ 18,162,205

State Building Construction Account--State \$ 2,521,795

Subtotal Appropriation \$ 20,684,000

Prior Biennia (Expenditures) \$ 149,335

Future Biennia (Projected Costs) \$ 17,727,000

TOTAL \$ 38,601,000

NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary - Intensive Management Unit Improvements (00-1-025)

Reappropriation:

State Building Construction Account--State \$ 3,199,502

Appropriation:

State Building Construction Account--State \$ 852,462

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,351,964

NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS

Correctional Industries Space Statewide (98-2-005)

Reappropriation:

State Building Construction Account--State \$ 327,206
Appropriation:
State Building Construction Account--State \$ 4,500,000
Prior Biennia (Expenditures) \$ 2,972,794
Future Biennia (Projected Costs) \$ 4,652,000
TOTAL \$ 12,452,000
NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS
Minor Works: Preservation (00-1-020)
The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:
State Building Construction Account--State \$ 15,530,719
Prior Biennia (Expenditures) \$ 4,479,281
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 20,010,000
NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS
Minor Works: Omnibus Preservation (02-1-015)
The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:
State Building Construction Account--State \$ 619,247
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 20,000,000
TOTAL \$ 20,619,247
NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS
Minor Works: Program (00-2-010)
The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:
State Building Construction Account--State \$ 3,933,797
Prior Biennia (Expenditures) \$ 1,066,203
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,000,000
NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS
Minor Works: Omnibus Program (02-2-030)
The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:
State Building Construction Account--State \$ 1,525,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 8,000,000
TOTAL \$ 9,525,000
NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS
Monroe Corrections Center: Regional Training Center (02-2-016)

Appropriation:
State Building Construction Account--State \$ 2,955,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,955,000
NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS
Statewide: Department of Corrections Emergency Funds (02-1-028)

Appropriation:
Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$ 1,700,000
Prior Biennia (Expenditures) \$ 901,000
Future Biennia (Projected Costs) \$ 7,800,000
TOTAL \$ 10,401,000
NEW SECTION. Sec. 279. FOR THE DEPARTMENT OF CORRECTIONS
Statewide: Intensive Management Unit Repairs (02-1-040)

Appropriation:
State Building Construction Account--State \$ 1,612,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,612,000
NEW SECTION. Sec. 280. FOR THE DEPARTMENT OF CORRECTIONS
Washington Corrections Center - Building Water Pipe Replacement Phase 2 (02-1-008)

Appropriation:
State Building Construction Account--State \$ 2,694,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,694,000
NEW SECTION. Sec. 281. FOR THE DEPARTMENT OF CORRECTIONS
Washington Corrections Center - Domestic Water Systems Improvements (02-1-007)

Appropriation:

State Building Construction Account--State \$ 3,531,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,531,000

NEW SECTION. Sec. 282. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center - Replace Steam and Condensate Piping (02-1-006)

Appropriation:

State Building Construction Account--State \$ 6,170,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,170,000

NEW SECTION. Sec. 283. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary - Replace Old Sanitary and Domestic Water Lines (02-1-026)

Appropriation:

State Building Construction Account--State \$ 1,070,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,640,000
TOTAL \$ 3,710,000

NEW SECTION. Sec. 284. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary - Replace Electrical Supply System (02-1-024)

Appropriation:

State Building Construction Account--State \$ 4,061,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,655,000
TOTAL \$ 6,716,000

NEW SECTION. Sec. 285. FOR THE DEPARTMENT OF CORRECTIONS

Olympic Corrections Center - Replace Telecommunications Systems (02-1-041)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 2,406,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,406,000

NEW SECTION. Sec. 286. FOR THE DEPARTMENT OF CORRECTIONS

Pine Lodge - Replace Telecommunications System (02-1-009)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 1,139,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,139,000

NEW SECTION. Sec. 287. FOR THE DEPARTMENT OF CORRECTIONS

Statewide: Emergency Funds (R) (00-1-021)

Reappropriation:

Charitable, Educational, Penal and Reformatory
Institutions Account--State \$ 742,000
Prior Biennia (Expenditures) \$ 13,723,016
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 14,465,016

NEW SECTION. Sec. 288. FOR THE DEPARTMENT OF CORRECTIONS

Tacoma: Design 400 Bed Prerelease Facility (98-2-003)

The reappropriation in this section is subject to the following conditions and limitations: To the extent that funds reappropriated in this section are not needed to complete the project, funds may be utilized for design of the McNeil Island water storage project.

Reappropriation:

State Building Construction Account--State \$ 250,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 250,000

**PART 3
NATURAL RESOURCES**

NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY

Referendum 26 Waste Disposal Facilities (74-2-004)

Reappropriation:

State and Local Improvements Revolving
Account (Waste Facilities)--State \$ 398,083
Prior Biennia (Expenditures) \$ 3,810,539

Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,208,622

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

Referendum 39 Waste Disposal Facilities (82-2-005)

Reappropriation:

State and Local Improvements Revolving
Account - Waste Facilities 1980--State \$ 500,000
Prior Biennia (Expenditures) \$ 9,928,221
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 10,428,221

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants to Locals for Cleanup and Prevention (88-2-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for projects under contract on or before June 30, 2001. Reappropriated funds not associated with contracted projects shall lapse on June 30, 2001. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(2) The department shall submit a report to the office of financial management and house of representatives capital budget committee and senate ways and means committee by December 1, 2001, listing all projects funded from this section.

(3) The department of ecology shall offer the port of Ridgefield a funding package totaling \$8,400,000 to conduct an emergency cleanup action on port-owned property. A portion of the appropriation in this section shall be combined with funds from the appropriation to the department from the state toxics control account in the omnibus operating budget for the 2001-2003 biennium to provide a funding package consisting of sixty-five percent grant and thirty-five percent loan. The terms of the loan shall provide for repayment by the port of Ridgefield commencing ten years from the effective date of this section and is contingent upon an independent financial audit conducted at the direction of the department to determine the port's ability to repay the loan. It is the intent of the legislature to support necessary action by the port of Ridgefield to protect public health and the environment without jeopardizing the port's financial standing.

Reappropriation:

Local Toxics Control Account--State \$ 20,749,772

Appropriation:

Local Toxics Control Account--State \$ 50,000,000
Prior Biennia (Expenditures) \$ 84,103,008
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 154,852,780

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY

Methow Basin Water Conservation (92-2-009)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for projects under contract on or before June 30, 2001. Reappropriated funds not associated with contracted projects shall lapse on June 30, 2001.

Reappropriation:

State Building Construction Account--State \$ 87,689
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 87,689

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY

Low-Level Nuclear Waste Disposal Trench Closure (97-2-012)

Reappropriation:

Site Closure Account--State \$ 5,292,009
Prior Biennia (Expenditures) \$ 1,045,451
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,337,460

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY

Water Rights Purchase/Lease (99-1-005)

The appropriation in this section is provided for the purchase or lease of water rights under the trust water rights program under chapters 90.42 and 90.38 RCW, for the purpose of improving stream and river flows in fish critical basins.

Appropriation:

State Building Construction Account--State \$ 1,000,000
General Fund--Federal \$ 6,000,000
Subtotal Appropriation \$ 7,000,000
Prior Biennia (Expenditures) \$ 1,000,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 8,000,000

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY

Minor Works (02-1-003)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act and is limited to projects that protect the health and safety of the public and agency employees.

Appropriation:

State Building Construction Account--State \$ 865,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 12,291,745

TOTAL \$ 13,156,745

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay (02-2-006)

Appropriation:

General Fund--Federal \$ 1,885,800
State Building Construction Account--State \$ 808,200
Subtotal Appropriation \$ 2,694,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,694,000

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF ECOLOGY

Local Hazardous Waste Liability (02-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for grants to local governmental agencies named as potentially liable persons or potentially responsible parties when those agencies have conducted a moderate risk waste or similar program, and have become financially liable for clean-up and corrective action due to circumstances at a facility they used for hazardous waste treatment, storage, recycling, or disposal services.

(2) The department shall adopt rules for this financial assistance program. For the purposes of this grant program, the department may offer grants up to one hundred percent of total eligible costs. Eligible costs may include retroactive costs and legal fees associated with facility cleanup or corrective action.

Appropriation:

Local Toxics Control Account--State \$ 2,000,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,000,000

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (90-2-002)

Reappropriation:

Water Pollution Control Revolving Account--
State \$ 38,403,302
Water Pollution Control Revolving Account--
Federal \$ 44,795,830
Subtotal Reappropriation \$ 83,199,132
Prior Biennia (Expenditures) \$ 169,901,509
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 253,100,641

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (02-4-002)

Appropriation:

Water Pollution Control Revolving Account--
State \$ 113,835,792
Water Pollution Control Revolving Account--
Federal \$ 45,277,010
Subtotal Appropriation \$ 159,112,802
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 467,108,040
TOTAL \$ 626,220,842

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF ECOLOGY

Referendum 38 Water Supply Facilities (74-2-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for projects under contracts on or before June 30, 2001. Reappropriated funds not associated with contracted projects shall lapse on June 30, 2001.

(2) The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(3) The department shall submit a report to the office of financial management and house of representatives capital budget committee and senate ways and means committee by December 1, 2001, listing all projects funded from this section.

(4) \$2,500,000 of the reappropriation from the state drought preparedness account is provided solely to purchase or lease water pursuant to section 306 of this act.

Reappropriation:

State Drought Preparedness--State \$ 5,525,000
State and Local Improvements Revolving
Account (Water Supply Facilities)--State \$ 6,000,000
Subtotal Reappropriation \$ 11,525,000
Prior Biennia (Expenditures) \$ 6,029,098
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 17,554,098

NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF ECOLOGY

Referendum 38 Water Supply Facilities (02-4-006)

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the appropriation is provided solely to study the development of the Lake Wenatchee water storage project.

Appropriation:

State and Local Improvements Revolving
Account (Water Supply Facilities)--
State \$ 6,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 12,000,000
TOTAL \$ 18,000,000

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund (86-2-007)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section is provided solely for projects under contract on or before June 30, 2001. Reappropriated funds not associated with contracted projects shall lapse on June 30, 2001.
- (2) The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.
- (3) The department shall submit a report to the office of financial management and house of representatives capital budget committee and senate ways and means committee by December 1, 2001, listing all projects funded from this section.
- (4) The entire public works assistance account reappropriation is provided for water quality facility grants for communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

Reappropriation:

Public Works Assistance Account--State \$ 7,013,151
Water Quality Account--State \$ 27,318,809
Subtotal Reappropriation \$ 34,331,960
Prior Biennia (Expenditures) \$ 131,764,921
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 166,096,881

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund (02-4-007)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Up to \$15,097,000 of the water quality account appropriation is provided for the extended grant payment to Metro/King county.
- (2) Up to \$10,000,000 of the water quality account appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.
- (3) \$2,000,000 of the water quality account--state appropriation is provided for water quality facility grants for communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.
- (4) \$250,000 is provided solely for a water reclamation project for the city of Pullman and Washington State University; the appropriation in this subsection (4) does not imply a commitment of future funding for this project to either the city of Pullman or Washington State University.
- (5) The remaining appropriation in this section is provided for statewide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.

Appropriation:

Water Quality Account--State \$ 50,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 208,000,000
TOTAL \$ 258,000,000

NEW SECTION. Sec. 316. FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies (01-H-010)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely to provide grants to conservation districts to assist the agricultural community to implement water conservation measures and irrigation efficiencies in the 16 critical basins. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed 85 percent of the total cost of the conservation measure or irrigation efficiency. In awarding grants, a conservation district shall give first priority to family farms.
- (2) By February 1, 2003, the state conservation commission shall submit a progress report to the appropriate standing committees of the legislature on: (1) The amount of public funds expended from this section; and (2) the location and amount of water placed in the trust water rights program pursuant to this section.
- (3) \$1,000,000 of the water quality account appropriation is provided for water leases or projects in the Yakima River basin for aquifer recharge necessary to allow the use of drought wells to meet essential irrigation needs. Essential irrigation needs is defined as eighty percent of the amount of water a farmer would ordinarily receive from the irrigation district, less the water that is actually delivered and regardless of crops grown.

Appropriation:

State and Local Improvements Revolving Account
(Water Supply Facilities)--State \$ 4,000,000
Water Quality Account--State \$ 5,000,000

Subtotal Appropriation \$ 9,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 9,000,000

NEW SECTION. Sec. 317. FOR THE DEPARTMENT OF ECOLOGY

Water Measuring Devices and Gauges (01-H-009)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for water measuring devices and gauges. The department shall prioritize the distribution of water measuring devices and gauges to locations participating in the department of fish and wildlife fish screens and cooperative compliance programs.

Appropriation:

State Building Construction Account--State \$ 3,400,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,400,000

NEW SECTION. Sec. 318. FOR THE STATE PARKS AND RECREATION COMMISSION

Spokane Centennial Trail (89-5-112)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

General Fund--Federal \$ 206,534
Prior Biennia (Expenditures) \$ 89,888
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 296,422

NEW SECTION. Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Recreation Development Program (98-2-008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

(2) \$33,881 of the general fund--federal reappropriation is provided for the continuation of the United States national park service and the United States department of energy grants as described in section 325, chapter 379, Laws of 1999.

(3) \$647,240 of the general fund--federal reappropriation is provided for the continuation of the United States forest service grant as described in section 325, chapter 379, Laws of 1999.

Reappropriation:

General Fund--Federal \$ 868,255
General Fund--Private/Local \$ 29,294
State Building Construction Account--State \$ 1,502,376
Subtotal Reappropriation \$ 2,399,925
Prior Biennia (Expenditures) \$ 2,154,673
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,554,598

NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION

Recreation Development (02-2-007)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 is provided solely for Grayland Beach state park development, including expanding campsites, installing yurts, adding comfort stations, and related park infrastructure development.

(2) \$164,000 of this appropriation is provided as state match to federal funds for the Iron Horse depot.

Appropriation:

State Building Construction Account--State \$ 664,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 8,000,000
TOTAL \$ 8,664,000

NEW SECTION. Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION

Cama Beach State Park Development (99-2-001)

Reappropriation:

Parks Renewal and Stewardship Account--State \$ 310,000
Prior Biennia (Expenditures) \$ 690,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,000,000

NEW SECTION. Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION

Major Park Renovation - Cama Beach (02-1-022)

The appropriation in this section is provided to complete electrical power, water, and sewer utilities, and for other park development and renovation.

Appropriation:

State Building Construction Account--State \$ 4,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,000,000

NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION

Coastal Facility Relocation (00-1-005)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 500,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,000,000

NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION

Coastal Facility Relocation (02-1-017)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.
- (2) The commission shall ensure that all funds transferred from the public works assistance account to the parks renewal and stewardship account during the 2001-2003 biennium are used only for this project.
- (3) Funds expended on this project for off-site utility infrastructure that may include the provision of electricity, water service, or sewer service shall be for the benefit of the state. Entities that subsequently connect to or use this off-site utility infrastructure shall reimburse the state at a rate proportional to their use. The commission, in consultation with the public works board, shall develop policies and procedures to ensure this reimbursement occurs.
- (4) The commission shall ensure that all reimbursement recovered as specified in subsection (3) of this section is paid into the public works assistance account.
- (5) Ownership of the off-site sewer and water utility infrastructure constructed in this section shall transfer to the city of Ilwaco.

Appropriation:

Parks Renewal and Stewardship Account--State \$ 5,700,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,700,000

NEW SECTION. Sec. 325. FOR THE STATE PARKS AND RECREATION COMMISSION

Historic Structure and Land Use Program (00-1-007)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 2,477,393
Prior Biennia (Expenditures) \$ 4,022,607
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,500,000

NEW SECTION. Sec. 326. FOR THE STATE PARKS AND RECREATION COMMISSION

Lewis and Clark Trail Bicentennial (00-1-010)

The appropriation in this section is provided solely to renovate facilities and enhance exhibits at Lewis and Clark trail interpretive centers located at Sacajawea state park and Fort Canby state park.

Reappropriation:

State Building Construction Account--State \$ 1,250,000

Appropriation:

State Building Construction Account--State \$ 2,000,000
Prior Biennia (Expenditures) \$ 250,000
Future Biennia (Projected Costs) \$ 1,000,000
TOTAL \$ 4,500,000

NEW SECTION. Sec. 327. FOR THE STATE PARKS AND RECREATION COMMISSION

Park Housing (00-1-014)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 250,000
Prior Biennia (Expenditures) \$ 250,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 500,000

NEW SECTION. Sec. 328. FOR THE STATE PARKS AND RECREATION COMMISSION

Park Housing (02-2-008)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.
- (2) The appropriation in this section is provided solely to replace existing substandard housing or construct new housing at park locations that presently do not have a full-time, on-site ranger.

Appropriation:

State Building Construction Account--State \$ 500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,000,000
TOTAL \$ 2,500,000

NEW SECTION. Sec. 329. FOR THE STATE PARKS AND RECREATION COMMISSION

Americans with Disabilities Act (00-9-036)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.
- (2) The department shall minimize the expenditure of these funds for staff and administrative purposes or for other operational expenses.

Reappropriation:

State Building Construction Account--State \$ 226,845
Prior Biennia (Expenditures) \$ 195,887
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 422,732

NEW SECTION. Sec. 330. FOR THE STATE PARKS AND RECREATION COMMISSION

Facilities Preservation: Statewide (98-1-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

(2) \$399,000 of the reappropriation and \$50,000 of the new appropriation from the state building construction account--state are provided solely to transfer Mukilteo state park to the city of Mukilteo.

Reappropriation:

State Building Construction Account--State \$ 5,700,000

Appropriation:

State Building Construction Account--State \$ 50,000

Prior Biennia (Expenditures) \$ 3,934,532

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,684,532

NEW SECTION. Sec. 331. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Facility Preservation and Deferred Maintenance (99-1-001)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 2,700,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000

NEW SECTION. Sec. 332. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Facility Preservation (02-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

(2) The appropriation in this section is provided solely to continue minor works projects that reduce the deferred maintenance backlog.

Appropriation:

State Building Construction Account--State \$ 10,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 40,000,000

TOTAL \$ 50,000,000

NEW SECTION. Sec. 333. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden State Park Preservation and Multi-Purpose Facilities (02-1-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

(2) The appropriation in this section is provided solely for park preservation and for development of the multi-purpose dining and meeting facility.

Appropriation:

State Building Construction Account--State \$ 6,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 14,500,000

NEW SECTION. Sec. 334. FOR THE STATE PARKS AND RECREATION COMMISSION

Emergency and Unforeseen Needs (02-1-004)

Appropriation:

State Building Construction Account--State \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,200,000

TOTAL \$ 3,700,000

NEW SECTION. Sec. 335. FOR THE STATE PARKS AND RECREATION COMMISSION

Natural/Historic Stewardship (02-1-006)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,000,000

TOTAL \$ 8,000,000

NEW SECTION. Sec. 336. FOR THE STATE PARKS AND RECREATION COMMISSION

Environmental Learning Centers (02-1-010)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the Seahurst environmental learning center.

Appropriation:

State Building Construction Account--State \$ 250,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

NEW SECTION. Sec. 337. FOR THE STATE PARKS AND RECREATION COMMISSION

Facilities Assessment Program (02-2-005)

The appropriation in this section shall lapse on June 30, 2003.

Appropriation:

State Building Construction Account--State \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 200,000

NEW SECTION. Sec. 338. FOR THE STATE PARKS AND RECREATION COMMISSION
Parkland Acquisition Account (02-2-016)

Appropriation:

Parkland Acquisition Account--State \$ 2,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 8,000,000
TOTAL \$ 10,000,000

NEW SECTION. Sec. 339. FOR THE STATE PARKS AND RECREATION COMMISSION
Statewide Boat Pumpouts Federal Clean Vessel Act (02-2-020)

Appropriation:

General Fund--Federal \$ 1,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,000,000
TOTAL \$ 5,000,000

NEW SECTION. Sec. 340. FOR THE STATE PARKS AND RECREATION COMMISSION
Beacon Rock State Park: Pierce Trust Donation (02-3-018)

Appropriation:

Parks Renewal Stewardship Account--State \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 800,000
TOTAL \$ 1,000,000

NEW SECTION. Sec. 341. FOR THE STATE PARKS AND RECREATION COMMISSION
Facility Improvements (01-S-005)

The appropriation in this section is subject to the following conditions and limitations: \$200,000 of the appropriation is provided solely for funding of the twin tunnels bridge on the Iron Goat trail.

Appropriation:

State Building Construction Account--State \$ 3,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,500,000

NEW SECTION. Sec. 342. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Firearms Range Program (FARR) (98-2-004)

Reappropriation:

Firearms Range Account--State \$ 256,120
Prior Biennia (Expenditures) \$ 1,021,638
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,277,758

NEW SECTION. Sec. 343. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Boating Facilities Projects (98-2-001)

Reappropriation:

Recreation Resources Account--State \$ 13,331,774
Prior Biennia (Expenditures) \$ 9,825,791
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 23,157,565

NEW SECTION. Sec. 344. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Boating Facilities Projects (02-4-001)

Appropriation:

Recreation Resources Account--State \$ 8,318,013
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 40,300,368
TOTAL \$ 48,618,381

NEW SECTION. Sec. 345. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Nonhighway Road and Off-Road Vehicle Activities (NOVA) (98-2-002)

Reappropriation:

NOVA Program Account--State \$ 7,273,884
Prior Biennia (Expenditures) \$ 7,682,997
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 14,956,881

NEW SECTION. Sec. 346. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Nonhighway Road and Off-Road Vehicle Activities (NOVA) (02-4-002)

(1) The appropriation in this section for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(i) is subject to the following conditions and limitations: Fifty percent of the new appropriation is provided solely for grants to projects to research, develop, publish, and distribute informational guides and maps of nonhighway and off-road vehicle trails and associated facilities meeting the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(2) The appropriation in this section for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(ii) is subject to the following conditions and limitations: The portion of the new appropriation that applies to grants for capital facilities is provided solely for grants to projects that meet the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act and do not compromise or impair sensitive natural resources. The portion of the new appropriation that applies to grants for management, maintenance, and operation of existing off-road vehicle recreation facilities may be used to bring the facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(3) The appropriation in this section for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(iii) is subject to the following conditions and limitations: \$175,000 is provided solely for the interagency committee for outdoor recreation to contract with an independent entity to study the source and make recommendations on the distribution and use of funds provided to off-road vehicle and nonhighway road recreational activities under RCW 46.09.170. The study shall determine the relative portion of the motor vehicle fuel tax revenues that are attributable to vehicles operating off-road or on nonhighway roads for recreational purposes as provided in RCW 46.09.170. The study shall include the types of vehicles and location of their use, the types of recreational activities, the types of recreational facilities used, and the recreational use of forest roads relative to other, nonrecreational uses. The interagency committee for outdoor recreation shall review the analysis and submit a report to the standing committees of the legislature, including recommendations regarding amendments to RCW 46.09.170 to: (a) Allocate revenues consistent with the relative proportion of the uses generating such revenues, and (b) ensure funding for existing off-road vehicle facilities operated by the state parks and recreation commission and local governments. The report shall be submitted no later than December 1, 2002.

Appropriation:

NOVA Program Account--State \$ 5,527,551
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 23,559,218
TOTAL \$ 29,086,769

NEW SECTION. Sec. 347. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (98-2-003)

The reappropriation in this section is subject to the following conditions and limitations: Reappropriated funds that are not obligated to a specific project may be used to fund projects from the list of alternate projects in biennia succeeding the biennium in which the funds were originally appropriated.

Reappropriation:

State Building Construction Account--State \$ 3,663,227
Outdoor Recreation Account--State \$ 28,237,251
Habitat Conservation Account--State \$ 37,205,932
Subtotal Reappropriation \$ 69,106,410
Prior Biennia (Expenditures) \$ 247,993,590
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 317,100,000

NEW SECTION. Sec. 348. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (02-4-003)

The appropriation in this section for the wildlife and recreation program under chapter 43.99A RCW and RCW 43.99A.040 is subject to the following conditions and limitations:

(1) The new appropriation is provided for the approved list of projects included in LEAP capital document No. 2001-24, as developed on June 7, 2001.

(2) The department of natural resources shall manage lands acquired through project No. 00-1427 "North Bay NAP" as a natural resources conservation area under chapter 79.71 RCW.

Appropriation:

Outdoor Recreation Account--State \$ 22,500,000
Habitat Conservation Account--State \$ 22,500,000
Subtotal Appropriation \$ 45,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 180,000,000
TOTAL \$ 225,000,000

NEW SECTION. Sec. 349. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Land and Water Conservation Fund (LWCF) (98-2-005)

Reappropriation:

Outdoor Recreation Account--Federal \$ 975,325
Prior Biennia (Expenditures) \$ 849,761
Future Biennia (Projected Costs) \$ 1
TOTAL \$ 1,825,087

NEW SECTION. Sec. 350. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Land and Water Conservation Fund (LWCF) (02-4-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,500,000 of the recreation resources account--federal is appropriated for projects chosen by the interagency committee for outdoor recreation.

(2) By January 1, 2002, the interagency committee for outdoor recreation shall provide a report to the legislature that:

(a) Describes those projects funded subject to subsection (1) of this section; and

(b) Recommends legislation creating a competitive process for the selection of projects that will result in a list of projects to be submitted to the legislature for its approval.

Appropriation:

Recreation Resources Account--Federal \$ 2,500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,500,000

NEW SECTION. Sec. 351. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
National Recreation Trails (NRTP) (98-2-006)

Reappropriation:

Recreation Resources Account--Federal \$ 1,768,874
Prior Biennia (Expenditures) \$ 782,443
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,551,317

NEW SECTION. Sec. 352. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
National Recreation Trails (NRTP) (02-4-006)

Appropriation:

Recreation Resources Account--Federal \$ 2,132,936
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 977,000
TOTAL \$ 3,109,936

NEW SECTION. Sec. 353. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Salmon Recovery (00-2-001)

Reappropriation:

General Fund--Federal \$ 56,200,530
State Building Construction Account--State \$ 3,121,243
Salmon Recovery Account--State \$ 24,285,080
Subtotal Reappropriation \$ 83,606,853
Prior Biennia (Expenditures) \$ 36,321,147
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 119,928,000

NEW SECTION. Sec. 354. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Salmon Recovery (02-4-007)

The appropriation in this section is subject to the following conditions and limitations:

(1) Activities funded through grants provided in this section shall be consistent with the salmon recovery funding board's goals, mission, and responsibilities.

(2) Jobs for the environment projects submitted by lead entities are eligible to receive funding, including wages for jobs for the environment participants.

(3) \$1,000,000 is provided solely for a grant to the people for salmon organization to coordinate and implement volunteer salmon recovery efforts.

Appropriation:

General Fund--Federal \$ 27,642,000
State Building Construction Account--State \$ 28,000,000
Subtotal Appropriation \$ 55,642,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 264,000,000
TOTAL \$ 318,189,000

NEW SECTION. Sec. 355. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Hatchery Management (02-4-009)

Appropriation:

General Fund--Federal \$ 11,200,000
Prior Biennia (Expenditures) \$ 440,627
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 11,640,627

NEW SECTION. Sec. 356. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Boating Infrastructure Grant (BIG) Program (02-4-010)

Appropriation:

Recreation Resources Account--Federal \$ 2,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,000,000

NEW SECTION. Sec. 357. FOR THE STATE CONSERVATION COMMISSION
Water Quality Grants Program (98-2-001)

Reappropriation:

Water Quality Account--State \$ 1,227,740
Prior Biennia (Expenditures) \$ 14,272,260
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 15,500,000

NEW SECTION. Sec. 358. FOR THE STATE CONSERVATION COMMISSION
Conservation Reserve Enhancement Program (00-2-004)

Reappropriation:

State Building Construction Account--State \$ 4,100,000

Appropriation:

State Building Construction Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 6,053,148
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 11,153,148

NEW SECTION. Sec. 359. FOR THE STATE CONSERVATION COMMISSION

Water Quality Grants Program (02-4-001)

Appropriation:

Water Quality Account--State \$ 3,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 20,000,000
TOTAL \$ 23,500,000

NEW SECTION. Sec. 360. FOR THE STATE CONSERVATION COMMISSION

Dairy Waste Management Grants Program (98-2-002)

Reappropriation:

Water Quality Account--State \$ 971,830
State Building Construction Account--State \$ 2,304,535
Subtotal Reappropriation \$ 3,276,365
Prior Biennia (Expenditures) \$ 5,223,635
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 8,500,000

NEW SECTION. Sec. 361. FOR THE STATE CONSERVATION COMMISSION

Dairy Nutrient Management Grants Program (02-4-002)

Appropriation:

Water Quality Account--State \$ 5,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 22,000,000
TOTAL \$ 27,500,000

NEW SECTION. Sec. 362. FOR THE STATE CONSERVATION COMMISSION

Puget Sound District Grants (02-4-003)

Appropriation:

Water Quality Account--State \$ 840,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,360,000
TOTAL \$ 4,200,000

NEW SECTION. Sec. 363. FOR THE STATE CONSERVATION COMMISSION

Skykomish Flood Mitigation Project (01-H-013)

Appropriation:

State Building Construction Account--State \$ 618,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 618,000

NEW SECTION. Sec. 364. FOR THE STATE CONSERVATION COMMISSION

Water Irrigation System Improvements (01-S-001)

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided for irrigation district system enhancements.

Appropriation:

Water Quality Account--State \$ 750,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 750,000

NEW SECTION. Sec. 365. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Tideland Acquisition (94-2-003)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

General Fund--Federal \$ 640,000
Prior Biennia (Expenditures) \$ 4,360,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,000,000

NEW SECTION. Sec. 366. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Nemah Hatchery Building and Incubation System Replacement (96-1-006)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

General Fund--Federal \$ 110,000
Prior Biennia (Expenditures) \$ 1,590,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,700,000

NEW SECTION. Sec. 367. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Shellfish Laboratory and Hatchery Upgrades (96-1-009)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

Aquatic Lands Enhancement Account--State \$ 120,000

State Building Construction Account--State \$ 30,000
Subtotal Reappropriation \$ 150,000
Prior Biennia (Expenditures) \$ 354,947
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 504,947

NEW SECTION. Sec. 368. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works Preservation (98-1-001)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 1,030,000
Prior Biennia (Expenditures) \$ 2,998,572
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,028,572

NEW SECTION. Sec. 369. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Facilities Renovation (98-1-005)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--
State \$ 420,000
Prior Biennia (Expenditures) \$ 1,831,201
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,251,201

NEW SECTION. Sec. 370. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hatchery Renovation (98-1-006)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,227,000
Prior Biennia (Expenditures) \$ 6,165,326
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 7,392,326

NEW SECTION. Sec. 371. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Recreational Access Redevelopment (98-1-007)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 80,000
Prior Biennia (Expenditures) \$ 5,357,787
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,437,787

NEW SECTION. Sec. 372. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Coast and Puget Sound Wild Salmonid Habitat Restoration (98-1-009)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 200,000
Prior Biennia (Expenditures) \$ 3,300,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,500,000

NEW SECTION. Sec. 373. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Coast and Puget Sound Wildstock Restoration: Hatcheries (98-1-010)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 110,000
Prior Biennia (Expenditures) \$ 890,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,000,000

NEW SECTION. Sec. 374. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Statewide Fencing Renovation and Construction (98-1-012)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.
- (2) Expenditures of the reappropriation in this section for fencing shall comply with chapter 16.60 RCW.

Reappropriation:

State Building Construction Account--State \$ 185,000
Prior Biennia (Expenditures) \$ 826,118
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,011,118

NEW SECTION. Sec. 375. FOR THE DEPARTMENT OF FISH AND WILDLIFE

ADA Projects (01-S-003)

Reappropriation:

State Building Construction Account--State \$ 155,200
Prior Biennia (Expenditures) \$ 63,800
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 219,000

NEW SECTION. Sec. 376. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Wildlife Renovation (98-1-013)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 80,000

Prior Biennia (Expenditures) \$ 170,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

NEW SECTION. Sec. 377. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Issaquah Hatchery Improvements (98-1-015)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 2,150,000

Prior Biennia (Expenditures) \$ 5,285,955

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,435,955

NEW SECTION. Sec. 378. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Warm Water Game Fish Access Facilities (98-2-006)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

Warm Water Game Fish Account--State \$ 340,000

Prior Biennia (Expenditures) \$ 7,095,955

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,435,955

NEW SECTION. Sec. 379. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Recreational Fish Enhancement (98-2-007)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

Recreational Fisheries Enhancement--State \$ 400,000

Prior Biennia (Expenditures) \$ 678,313

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,078,313

NEW SECTION. Sec. 380. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Mitigation Projects and Dedicated Funds (98-2-008)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

Game Special Wildlife Account--State \$ 81,000

Game Special Wildlife Account--Private/Local \$ 898,000

Subtotal Reappropriation \$ 979,000

Prior Biennia (Expenditures) \$ 342,383

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,321,383

NEW SECTION. Sec. 381. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Migratory Waterfowl Habitat Acquisition and Development (98-2-009)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

Wildlife Account--State \$ 200,000

Prior Biennia (Expenditures) \$ 669,849

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 869,849

NEW SECTION. Sec. 382. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Clam and Oyster Beach Enhancement (98-2-019)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

Aquatic Lands Enhancement Account--State \$ 35,000

Prior Biennia (Expenditures) \$ 2,988,803

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,023,803

NEW SECTION. Sec. 383. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Deep Water Slough Restoration (98-2-013)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 400,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000

NEW SECTION. Sec. 384. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Salmon Restoration (99-2-001)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 210,000
Salmon Recovery Account--State \$ 500,000
Subtotal Reappropriation \$ 710,000
Prior Biennia (Expenditures) \$ 1,040,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,750,000

NEW SECTION. Sec. 385. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Upland Wildlife Habitat: Replacement (00-2-005)

Reappropriation:

Wildlife Account--State \$ 600,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 600,000

NEW SECTION. Sec. 386. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Goldsborough Creek Restoration (00-2-008)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 63,000
Prior Biennia (Expenditures) \$ 2,067,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,130,000

NEW SECTION. Sec. 387. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hatchery Reform Facility Retrofits (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

General Fund--Federal \$ 10,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 60,000,000
TOTAL \$ 70,000,000

NEW SECTION. Sec. 388. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Forest and Fish Road Upgrade and Abandonment on Agency Lands (02-1-003)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

General Fund--Federal \$ 1,900,000
State Building Construction Account--State \$ 500,000
Subtotal Appropriation \$ 2,400,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 11,600,000
TOTAL \$ 14,000,000

NEW SECTION. Sec. 389. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Code Compliance and Protection (02-1-005)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

General Fund--Federal \$ 550,000
General Fund--Private/Local \$ 1,250,000
State Building Construction Account--State \$ 2,350,000
Subtotal Appropriation \$ 4,150,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 28,500,000
TOTAL \$ 32,650,000

NEW SECTION. Sec. 390. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Facility and Infrastructure Standards and Renovations (02-1-009)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.
(2) \$305,000 of the appropriation in this section shall be used to replace or renovate the caretaker residence and construct pheasant rearing pens at the Lewis county game farm.

(3) The department shall expend the \$300,000 wildlife account--state appropriation to construct a capture and acclimation pond at Grandy Creek.

(4) \$871,000 of the state building construction account--state appropriation is provided solely for renovation and reconstruction of the Samish hatchery.

Appropriation:

General Fund--Federal \$ 3,100,000
General Fund--Private/Local \$ 1,500,000
Aquatic Lands Enhancement Account--State \$ 150,000
State Building Construction Account--State \$ 7,571,000
Wildlife Account--State \$ 300,000
Subtotal Appropriation \$ 12,621,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 46,420,000

TOTAL \$ 58,741,000

NEW SECTION. Sec. 391. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Infrastructure Savings (02-1-010)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 392. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Endangered Species Act Compliance on Agency Lands (02-2-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

General Fund--Federal \$ 8,800,000

State Building Construction Account--State \$ 1,000,000

Subtotal Appropriation \$ 9,800,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 39,200,000

TOTAL \$ 49,000,000

NEW SECTION. Sec. 393. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Diverse Fish and Wildlife Population Health and Protection (02-2-004)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 250,000

Wildlife Account--State \$ 1,200,000

Subtotal Appropriation \$ 1,450,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 5,800,000

TOTAL \$ 7,250,000

NEW SECTION. Sec. 394. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Commercial and Recreational Customer Satisfaction Improvements (02-2-006)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Warm Water Game Fish Account--State \$ 560,000

Wildlife Account--State \$ 500,000

Subtotal Appropriation \$ 1,060,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,700,000

TOTAL \$ 5,760,000

NEW SECTION. Sec. 395. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Watchable Wildlife Program (00-2-007)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 42,000

Prior Biennia (Expenditures) \$ 58,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

NEW SECTION. Sec. 396. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Watchable Fish and Wildlife and Recreation Sites (02-2-007)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Wildlife Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,628,000

TOTAL \$ 8,628,000

NEW SECTION. Sec. 397. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Partnership Improvements with Internal and External Customers (02-2-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

(2) Expenditures of the appropriation in this section for fencing shall comply with chapter 16.60 RCW.

Appropriation:

General Fund--Federal \$ 4,000,000

General Fund--Private/Local \$ 2,000,000

Aquatic Lands Enhancement Account--State \$ 150,000

State Building Construction Account--State \$ 400,000

Game Special Wildlife Account--State \$ 50,000

Game Special Wildlife Account--Federal \$ 3,725,400

Game Special Wildlife Account--Private/Local \$ 50,000

Subtotal Appropriation \$ 10,375,400

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 46,824,700
TOTAL \$ 57,200,100

NEW SECTION. Sec. 398. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Youth Sport Fishing Program (01-H-008)

Appropriation:

Wildlife Account--State \$ 250,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 250,000

NEW SECTION. Sec. 399. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Dole Property Acquisition (01-S-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be used solely to acquire property and the associated water rights adjacent to the Chelan fish hatchery.

Appropriation:

State Building Construction account--State \$ 786,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 786,000

NEW SECTION. Sec. 400. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Fish Screens (01-H-011)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the inventory, design, construction, and installation of fish screens and fishways. To the extent practicable and cost effective, the department shall contract for the design, construction, and installation of fish screens and fishways. Funds provided by this appropriation may be used to match federal funds appropriated under HR 1444, the Fisheries Restoration and Irrigation Mitigation Act of 2000.

Appropriation:

State Building Construction Account--State \$ 1,500,000
General Fund--Federal \$ 3,500,000
Subtotal Appropriation \$ 5,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,000,000

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF NATURAL RESOURCES
Administrative Site Preservation (02-1-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Forest Development Account--State \$ 231,089
Resources Management Cost Account--State \$ 375,535
State Building Construction Account--State \$ 331,563
Agricultural College Trust Management
Account--State \$ 66,550
Subtotal Appropriation \$ 1,004,737
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 7,365,000
TOTAL \$ 8,369,737

NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF NATURAL RESOURCES
Real Estate Repair, Maintenance, and Tenant Improvements (02-1-005)

Appropriation:

Resources Management Cost Account--State \$ 146,923
Prior Biennia (Expenditures) \$ 911,220
Future Biennia (Projected Costs) \$ 3,065,000
TOTAL \$ 4,123,143

NEW SECTION. Sec. 403. FOR THE DEPARTMENT OF NATURAL RESOURCES
Hazardous Waste Removal (02-1-006)

Appropriation:

Forest Development Account--State \$ 25,000
Resources Management Cost Account--State \$ 25,000
Subtotal Appropriation \$ 50,000
Prior Biennia (Expenditures) \$ 107,110
Future Biennia (Projected Costs) \$ 200,000
TOTAL \$ 357,110

NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation Facilities Preservation (02-1-011)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 340,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,360,000
TOTAL \$ 1,700,000

NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural Area Facilities Preservation (02-1-016)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 508,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,032,000
TOTAL \$ 2,540,000

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF NATURAL RESOURCES

Agricultural Asset Preservation (02-1-017)

Appropriation:

Resources Management Cost Account--State \$ 53,041
Prior Biennia (Expenditures) \$ 154,000
Future Biennia (Projected Costs) \$ 1,620,000
TOTAL \$ 1,827,041

NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF NATURAL RESOURCES

Communication Site Repairs (02-1-024)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Forest Development Account--State \$ 230,000
Resources Management Cost Account--Stat \$ 169,730
Subtotal Appropriation \$ 399,730
Prior Biennia (Expenditures) \$ 202,750
Future Biennia (Projected Costs) \$ 1,220,000
TOTAL \$ 1,822,480

NEW SECTION. Sec. 408. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor Works - Programmatic (00-2-011)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

Forest Development Account--State \$ 119,610
Resources Management Cost Account--State \$ 301,305
State Building Construction Account--State \$ 212,695
Agricultural College Trust Management
Account--State \$ 31,000
Subtotal Reappropriation \$ 664,610
Prior Biennia (Expenditures) \$ 631,480
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,296,090

NEW SECTION. Sec. 409. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor Works - Programmatic (02-2-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Forest Development Account--State \$ 136,620
Resources Management Cost Account--State \$ 181,161
State Building Construction Account--State \$ 242,880
Agricultural College Trust Management
Account--State \$ 37,950
Subtotal Appropriation \$ 598,611
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 7,289,000
TOTAL \$ 7,887,611

NEW SECTION. Sec. 410. FOR THE DEPARTMENT OF NATURAL RESOURCES

Small Timber Landowner Program (00-5-001)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 2,500,000
Prior Biennia (Expenditures) \$ 2,500,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,000,000

NEW SECTION. Sec. 411. FOR THE DEPARTMENT OF NATURAL RESOURCES

Small Timber Landowner Program (02-2-003)

Appropriation:

State Building Construction Account--State \$ 1,250,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 18,000,000
TOTAL \$ 19,250,000

NEW SECTION. Sec. 412. FOR THE DEPARTMENT OF NATURAL RESOURCES

Right-of-Way Acquisition (02-2-007)

Appropriation:

Forest Development Account--State \$ 321,400

Resources Management Cost Account--State \$ 124,009
Subtotal Appropriation \$ 445,409
Prior Biennia (Expenditures) \$ 1,355,480
Future Biennia (Projected Costs) \$ 5,248,000
TOTAL \$ 7,048,889

NEW SECTION. Sec. 413. FOR THE DEPARTMENT OF NATURAL RESOURCES

Mineral Resource Testing (02-2-008)

Appropriation:

Forest Development Account--State \$ 11,900
Resources Management Cost Account--State \$ 6,100
Subtotal Appropriation \$ 18,000
Prior Biennia (Expenditures) \$ 18,000
Future Biennia (Projected Costs) \$ 300,000
TOTAL \$ 336,000

NEW SECTION. Sec. 414. FOR THE DEPARTMENT OF NATURAL RESOURCES

Commercial Development/Local Improvement Districts (02-2-009)

Appropriation:

Resources Management Cost Account--Stat \$ 90,000
Prior Biennia (Expenditures) \$ 245,120
Future Biennia (Projected Costs) \$ 450,000
TOTAL \$ 785,120

NEW SECTION. Sec. 415. FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer Program (02-2-010)

The state building construction account appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status or enter into thirty-year timber harvest restrictive easements for certain trust lands of state-wide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring real property of equal value to be managed as common school trust land.

(3) Property subject to easement agreements under this section shall be appraised at fair market value both with and without the imposition of the easement. The entire difference in appraised value shall be deposited by the department to the common school construction fund in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of this appropriation. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section for a minimum period of thirty years. The department of natural resources, in consultation with the receiving state agencies, shall develop policy to address requests to replace transferred properties subject to the recorded property instrument that are no longer deemed appropriate for the purposes identified in subsection (1) of this section.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(8) The department shall execute trust land transfers and easements such that 80 percent of the appropriation in this section is deposited in the common school construction fund. To achieve the 80:20 ratio, the department may offset transfers of property with low timber-to-land ratios with easements on other properties.

(9) On June 30, 2003, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund and the appropriation in this section shall be reduced by an equivalent amount.

(10) The appropriation in this section is provided for a list of projects in LEAP capital document No. 2001-42, as developed on June 7, 2001.

Appropriation:

State Building Construction Account--State \$ 50,000,000
Natural Resources Real Property Replacement
Account--State \$ 10,000,000
Subtotal Appropriation \$ 60,000,000
Prior Biennia (Expenditures) \$ 66,000,000
Future Biennia (Projected Costs) \$ 320,000,000
TOTAL \$ 446,000,000

NEW SECTION. Sec. 416. FOR THE DEPARTMENT OF NATURAL RESOURCES

Land Bank (02-2-013)

Appropriation:

Resources Management Cost Account--State \$ 4,000,000
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 18,000,000
TOTAL \$ 22,000,000

NEW SECTION. Sec. 417. FOR THE DEPARTMENT OF NATURAL RESOURCES

Community and Technical College Trust Land Acquisition (02-2-014)

Appropriation:

Community and Technical College Forest Reserve

Account--State \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,500,000

TOTAL \$ 3,700,000

NEW SECTION. Sec. 418. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Legacy and Wetlands Conservation Grants (00-2-020)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

General Fund--Federal \$ 2,270,000

Prior Biennia (Expenditures) \$ 6,517,480

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,787,480

NEW SECTION. Sec. 419. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Legacy and Wetlands Conservation Grants (02-2-015)

Appropriation:

General Fund--Federal \$ 5,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 21,500,000

TOTAL \$ 26,500,000

NEW SECTION. Sec. 420. FOR THE DEPARTMENT OF NATURAL RESOURCES

Marine Station Public Access (02-2-019)

Appropriation:

Aquatic Lands Enhancement Account--State \$ 175,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,175,000

NEW SECTION. Sec. 421. FOR THE DEPARTMENT OF NATURAL RESOURCES

Commencement Bay Freshwater Channel (02-2-020)

Appropriation:

Aquatic Lands Enhancement Account--State \$ 2,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000

NEW SECTION. Sec. 422. FOR THE DEPARTMENT OF NATURAL RESOURCES

Mobile Radio System Upgrade (02-2-022)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Forest Development Account--State \$ 405,000

Resources Management Cost Account--State \$ 776,000

State Building Construction Account--State \$ 582,000

Subtotal Appropriation \$ 1,763,000

Prior Biennia (Expenditures) \$ 783,500

Future Biennia (Projected Costs) \$ 2,273,700

TOTAL \$ 4,820,200

NEW SECTION. Sec. 423. FOR THE DEPARTMENT OF NATURAL RESOURCES

Riparian Open Space Program (02-2-023)

Appropriation:

State Building Construction Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 5,000,000

NEW SECTION. Sec. 424. FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic Lands Enhancement Grants (00-2-014)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

Aquatic Lands Enhancement Account--State \$ 2,100,000

Prior Biennia (Expenditures) \$ 10,422,070

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,522,070

NEW SECTION. Sec. 425. FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic Lands Enhancement Grants (02-4-018)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided for a list of projects in LEAP capital document No. 2001-44, as developed on June 7, 2001.

(2) The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2003-2005 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community support for the project; and a statewide geographic distribution of projects. The list of projects shall be submitted to the office of financial management by September 15, 2002.

Appropriation:

Aquatic Lands Enhancement Account--State \$ 5,565,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 22,000,000
TOTAL \$ 27,565,000

NEW SECTION. Sec. 426. FOR THE DEPARTMENT OF NATURAL RESOURCES

Blanchard Mountain Asset Evaluation (01-S-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for an evaluation of the social, ecological, and financial values of forest board lands on Blanchard Mountain in Skagit county. The department may contract for the conduct of the evaluation.

(2) The evaluation shall be completed by June 30, 2002. The department shall provide a report to the legislature on the evaluation.

(3) For the duration of the study, the department shall defer timber sales in the project area that prescribe conifer harvest by clear cut.

(4) If the appropriation in this section is not matched equally by contributions of nonstate funds, these funds shall lapse.

Appropriation:

Forest Development Account--State \$ 25,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 25,000

NEW SECTION. Sec. 427. FOR THE DEPARTMENT OF NATURAL RESOURCES

Larch Mountain Road Reconstruction (01-S-001)

The appropriation in this section is provided solely to reconstruct the Larch Mountain road to provide safe access to the Larch Mountain correction camp and department-managed state forest lands. Expenditure of the \$1,000,000 state building and construction account appropriation is contingent upon the department of natural resources utilizing the nonappropriated access road revolving fund to complete reconstruction of the Larch Mountain road. The expenditure of total state appropriated funds for this project shall not exceed \$1,000,000.

Appropriation:

Access Road Revolving Fund--Nonappropriated \$ 3,000,000
State Building Construction Account--State \$ 1,000,000
Subtotal Appropriation \$ 4,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,000,000

**PART 4
TRANSPORTATION**

NEW SECTION. Sec. 501. FOR THE WASHINGTON STATE PATROL

Seattle Crime Laboratory - New Forensic Laboratory (00-2-008)

The reappropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 9,100,000
Death Investigations Account--State \$ 2,500,000
County Criminal Justice Assistance Account--
State \$ 350,000
Municipal Criminal Justice Assistance Account--
State \$ 249,795
Subtotal Reappropriation \$ 12,199,795
Prior Biennia (Expenditures) \$ 300,205
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 12,500,000

NEW SECTION. Sec. 502. FOR THE WASHINGTON STATE PATROL

Fire Training Academy - Water System (00-2-009)

The reappropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 652,211
Prior Biennia (Expenditures) \$ 1,192,789
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,845,000

NEW SECTION. Sec. 503. FOR THE WASHINGTON STATE PATROL

Boarding Home Fire Safety Program (00-4-010)

The reappropriation in this section is provided solely for grants for the installation or retrofit of fire sprinklers in boarding homes. The reappropriation in this section is subject to the following conditions and limitations:

(1) The state fire marshal, in consultation with the department of social and health services, shall implement the grant program.

(2) To be eligible for a grant under this section, the boarding home must be licensed with the department of social and health services.

(3) Determination of grant eligibility and the percentage of grant funding shall be determined by the following formula:

(a) At the time of application for a grant, a boarding home with a resident ratio of fifteen percent or greater department of social and health services clients and/or low-income residents is eligible for one hundred percent of the difference between the cost of retrofitting and the cost of installing sprinklers during original construction.

(b) At the time of application for a grant, a boarding home with a resident ratio of less than fifteen percent department of social and health services clients and/or low-income residents is eligible for fifty percent of the difference between the cost of retrofitting and the cost of installing sprinklers during original construction.

(c) At the time of application for a grant, a boarding home with a resident ratio of seventy-five percent or greater department of social and health services clients and/or low-income residents is eligible for one hundred percent of the cost of installing fire sprinklers.

(4) Any boarding home receiving this grant, or that has previously entered into a contract to receive grant funding, shall complete the installation of the fire sprinklers by June 30, 2003.

Reappropriation:

State Building Construction Account--State \$ 2,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,000,000

NEW SECTION. Sec. 504. FOR THE WASHINGTON STATE PATROL

Fire Training Academy - Preservation (02-1-006)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,000,000
TOTAL \$ 1,200,000

NEW SECTION. Sec. 505. FOR THE WASHINGTON STATE PATROL

Spokane Crime Laboratory - Design (02-2-013)

Appropriation:

State Building Construction Account--State \$ 400,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 7,950,000
TOTAL \$ 8,350,000

NEW SECTION. Sec. 506. FOR THE WASHINGTON STATE PATROL

Vancouver Crime Laboratory - Predesign (02-2-010)

Appropriation:

State Building Construction Account--State \$ 130,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 7,400,000
TOTAL \$ 7,530,000

PART 5 EDUCATION

NEW SECTION. Sec. 601. FOR THE STATE BOARD OF EDUCATION

Public School Building Construction (00-2-001 and 00-2-002)

Reappropriation:

State Building Construction Account--State \$ 37,000
Common School Construction Account--Stat \$ 150,000,000
Subtotal Reappropriation \$ 150,037,000
Prior Biennia (Expenditures) \$ 588,570,973
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 738,607,973

NEW SECTION. Sec. 602. FOR THE STATE BOARD OF EDUCATION

State School Construction Assistance Grants (02-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$200,000 from this appropriation is provided to fund up to two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) Of the fiscal year 2002 appropriation, \$80,000 is provided solely for skills centers study and survey.

(3) For state assistance grants starting July 1, 2001, for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(4) \$5,400,000 from this appropriation is provided for skills centers capital improvements. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform with state board of education rules and procedures for reimbursement of capital items. Funds not expended by June 30, 2003, shall lapse.

(5)(a) \$30,530,000 of this appropriation is provided solely to enhance the state contribution as follows:

(i) For the state board to increase the eligible square feet allocation by 1.5 square feet for grades 1-12; and

(ii) For the state board to increase the area cost allowance by \$8 per square foot for grades K-12.

(b) If chapter . . . (House Bill No. 2173), Laws of 2001 2nd sp. sess. is not enacted by June 30, 2001, both the appropriation and the state board's authority to increase the eligible square feet and area cost allowance in this subsection (5) shall lapse.

Appropriation:

Common School Construction
Account--State (FY 2002) \$ 212,040,308
Common School Construction
Account--State (FY 2003) \$ 226,846,421
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,831,522,031
TOTAL \$ 2,269,909,260

NEW SECTION. Sec. 603. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

State School Construction Assistance Program Staff (02-4-001)

Appropriation:

Common School Construction Account--State \$ 1,930,989
Prior Biennia (Expenditures) \$ 3,457,312
Future Biennia (Projected Costs) \$ 9,554,976
TOTAL \$ 14,943,277

NEW SECTION. Sec. 604. FOR THE STATE SCHOOL FOR THE BLIND

Old Main and Alsten Buildings, HVAC: Upgrade (00-1-002)

Reappropriation:

State Building Construction Account--State \$ 850,000
Prior Biennia (Expenditures) \$ 1,064,160
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,914,160

NEW SECTION. Sec. 605. FOR THE STATE SCHOOL FOR THE BLIND

Irwin, Old Main, Kennedy, and Dry Building Preservation (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 1,981,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,981,000

NEW SECTION. Sec. 606. FOR THE STATE SCHOOL FOR THE BLIND

School for the Blind: Campus Preservation (02-1-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 600,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,060,000
TOTAL \$ 3,660,000

NEW SECTION. Sec. 607. FOR THE STATE SCHOOL FOR THE BLIND

Alsten Material Center and Braille Production (02-2-003)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 2,341,278
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,341,278

NEW SECTION. Sec. 608. FOR THE STATE SCHOOL FOR THE BLIND

Distance Learning Center (02-2-004)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 2,789,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,789,000

NEW SECTION. Sec. 609. FOR THE STATE SCHOOL FOR THE DEAF

Clark Hall/Lloyd: Upgrade (00-1-006)

Reappropriation:

State Building Construction Account--State \$ 1,000,000
Prior Biennia (Expenditures) \$ 400,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,400,000

NEW SECTION. Sec. 610. FOR THE STATE SCHOOL FOR THE DEAF

Clark Hall/Lloyd: Seismic Stabilization (02-1-008)

Reappropriation:

State Building Construction Account--State \$ 1,000,000
Prior Biennia (Expenditures) \$ 400,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,400,000

NEW SECTION. Sec. 611. FOR THE STATE SCHOOL FOR THE DEAF

School for the Deaf: Campus Preservation (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 1,760,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,759,000
TOTAL \$ 3,519,000

NEW SECTION. Sec. 612. FOR THE STATE SCHOOL FOR THE DEAF

School for the Deaf: Phase 2B (02-2-001)

The appropriation in this section shall be held in allotment reserve by the office of financial management until completion of the study of capacity planning and educational delivery systems to be performed by the institute for public policy and the joint legislative audit and review committee.

Appropriation:

State Building Construction Account--State \$ 1,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 17,616,000
TOTAL \$ 18,616,000

NEW SECTION. Sec. 613. FOR THE UNIVERSITY OF WASHINGTON

UW CSE/EE Phase (90-2-013)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The appropriation in this section is subject to the University of Washington obtaining sufficient local funds to complete this project.

Reappropriation:

State Building Construction Account--State \$ 7,300,000

Appropriation:

State Building Construction Account--State \$ 2,700,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 10,000,000

NEW SECTION. Sec. 614. FOR THE UNIVERSITY OF WASHINGTON

Power Plant Boiler No. 7 (96-2-020)

Reappropriation:

State Building Construction Account--State \$ 486,000
Prior Biennia (Expenditures) \$ 3,325,384
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,811,384

NEW SECTION. Sec. 615. FOR THE UNIVERSITY OF WASHINGTON

Minor Works: Safety (98-1-001)

The reappropriation in this section is subject to the conditions and limitations of section 905 of this act.

Reappropriation:

University of Washington Building Account--
State \$ 500,000
Prior Biennia (Expenditures) \$ 2,174,684
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,671,684

NEW SECTION. Sec. 616. FOR THE UNIVERSITY OF WASHINGTON

Building Communications: Upgrade (98-2-009)

Reappropriation:

University of Washington Building Account--
State \$ 400,000
Prior Biennia (Expenditures) \$ 285,855
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 685,855

NEW SECTION. Sec. 617. FOR THE UNIVERSITY OF WASHINGTON

Bothell/Cascadia Community College Phase I (98-2-899)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act. No money may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 1,486,336
Prior Biennia (Expenditures) \$ 43,126,889
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 44,613,225

NEW SECTION. Sec. 618. FOR THE UNIVERSITY OF WASHINGTON

UW Bothell/Cascadia Community College Future Phase (98-2-999)

No money from the reappropriation in this section may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 273,645
Prior Biennia (Expenditures) \$ 1,085,268
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,358,913

NEW SECTION. Sec. 619. FOR THE UNIVERSITY OF WASHINGTON

Health Sciences Center BB Tower Elevators (96-1-007)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this

act.

Reappropriation:

State Building Construction Account--State \$ 5,740,000
University of Washington Building Account--
State \$ 93,100
Subtotal Reappropriation \$ 5,833,100
Prior Biennia (Expenditures) \$ 715,910
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,549,010

NEW SECTION. Sec. 620. FOR THE UNIVERSITY OF WASHINGTON

Harborview Medical Research Center (94-2-013)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this

act.

Reappropriation:

Higher Education Construction Account--State \$ 2,316,618
State Building Construction Account--State \$ 2,613,678
Subtotal Reappropriation \$ 4,930,296
Prior Biennia (Expenditures) \$ 6,851,453
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 11,781,749

NEW SECTION. Sec. 621. FOR THE UNIVERSITY OF WASHINGTON

New Law School Building (94-2-017)

The reappropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

Higher Education Construction Account--State \$ 44,801,500
Higher Education Nonproprietary Local
Capital Account--Private/Local \$ 24,186,000
Subtotal Reappropriation \$ 68,987,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 68,987,500

NEW SECTION. Sec. 622. FOR THE UNIVERSITY OF WASHINGTON

Tacoma Branch Campus (94-2-500)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act. No money may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 4,456,934
Prior Biennia (Expenditures) \$ 5,472,660
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 9,929,594

NEW SECTION. Sec. 623. FOR THE UNIVERSITY OF WASHINGTON

Classroom Improvements and Minor Works (00-1-001)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act. This reappropriation is a combination of section 616, chapter 379, Laws of 1999, and section 1036, chapter 1, Laws of 2000 2nd sp.

sess.

Reappropriation:

State Building Construction Account--State \$ 1,773,674
University of Washington Building Account--
State \$ 23,760,694
Subtotal Reappropriation \$ 25,534,368
Prior Biennia (Expenditures) \$ 1,252,792
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 26,787,160

NEW SECTION. Sec. 624. FOR THE UNIVERSITY OF WASHINGTON

UW Bothell 2A/Cascadia Community College (00-2-015)

The reappropriation in this section is subject to the conditions and limitations under sections 902 through 904 of this act. No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 29,123,099
Prior Biennia (Expenditures) \$ 20,976,901
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 50,100,000

NEW SECTION. Sec. 625. FOR THE UNIVERSITY OF WASHINGTON

Tacoma Branch Campus Phase 2A (00-2-017)

The reappropriation in this section is subject to the conditions and limitations of sections 902, 903, 904, and 906 of this act. No money may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 16,000,000
Prior Biennia (Expenditures) \$ 21,635,933
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 37,635,933

NEW SECTION. Sec. 626. FOR THE UNIVERSITY OF WASHINGTON

Tacoma Branch Campus Phase 3 (00-2-021)

No money from the reappropriation in this section may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 100,000
Prior Biennia (Expenditures) \$ 400,000
Future Biennia (Projected Costs) \$ 69,846,000
TOTAL \$ 70,346,000

NEW SECTION. Sec. 627. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Land Acquisition (01-2-029)

Reappropriation:

Education Construction Account--State \$ 2,500,000

Appropriation:

Education Construction Account--State \$ 3,450,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,950,000

NEW SECTION. Sec. 628. FOR THE UNIVERSITY OF WASHINGTON

UW Wire Plant Upgrade (02-1-011)

Appropriation:

University of Washington Building
Account--State \$ 2,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 10,000,000
TOTAL \$ 12,500,000

NEW SECTION. Sec. 629. FOR THE UNIVERSITY OF WASHINGTON

Special Projects - Code Requirements (02-1-025)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 2,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 8,000,000
TOTAL \$ 10,000,000

NEW SECTION. Sec. 630. FOR THE UNIVERSITY OF WASHINGTON

Minor Repairs Programs (02-1-026)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.
- (2) The University of Washington shall provide \$19,000,000 in local nonappropriated funds for this project.

Appropriation:

State Building Construction Account--State \$ 1,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,000,000
TOTAL \$ 5,000,000

NEW SECTION. Sec. 631. FOR THE UNIVERSITY OF WASHINGTON

Deferred Renewal/Modernization/Current Access (02-1-031)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

University of Washington Building
Account--State \$ 3,500,000
Education Construction Account--State \$ 6,500,000

Subtotal Appropriation \$ 10,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 48,000,000
TOTAL \$ 58,000,000

NEW SECTION. Sec. 632. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma - Technology Institute (02-1-150)

This appropriation is being made as part of an assumed \$4,550,000 total equipment capitalization plan. The state share will be released once at least \$3,000,000 in nonstate matching contributions have been raised.

Appropriation:

Education Construction Account--State \$ 550,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 550,000

NEW SECTION. Sec. 633. FOR THE UNIVERSITY OF WASHINGTON

UW Bothell Phase 2B Offramp (02-2-014)

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act. No money may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) If funds are appropriated in the 2001-03 omnibus transportation budget for this project, the appropriation in this section shall lapse.

Appropriation:

State Building Construction Account--State \$ 2,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 9,650,000
TOTAL \$ 12,150,000

NEW SECTION. Sec. 634. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Phase 2B (02-2-027)

The appropriation in this section is subject to the conditions and limitations of sections 902, 903, and 904 of this act. No money may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$ 40,899,000
University of Washington Building
Account--State \$ 1,000,000
Subtotal Appropriation \$ 41,899,000

Prior Biennia (Expenditures) \$ 3,450,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 45,349,000

NEW SECTION. Sec. 635. FOR THE UNIVERSITY OF WASHINGTON

UW Bioengineering Research (02-2-028)

The appropriation in this section is subject to the University of Washington providing sufficient evidence to the office of financial management of local revenue to support issuance of bonded debt and accompanying debt service associated with this project.

Appropriation:

Higher Education Construction Account--State \$ 29,025,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 29,025,000

NEW SECTION. Sec. 636. FOR THE UNIVERSITY OF WASHINGTON

Suzzallo Library Renovation (94-1-015)

The appropriations in this section are subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 24,000,000

Appropriation:

State Building Construction Account--State \$ 1,563,375
University of Washington Building
Account--State \$ 3,000,000
Subtotal Appropriation \$ 4,563,375
Prior Biennia (Expenditures) \$ 17,415,445
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 45,978,820

NEW SECTION. Sec. 637. FOR THE UNIVERSITY OF WASHINGTON

UW Emergency Power Expansion - Phase I (02-1-009)

Appropriation:

University of Washington Building
Account--State \$ 11,700,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 11,700,000

NEW SECTION. Sec. 638. FOR THE UNIVERSITY OF WASHINGTON

UW Medical Center Improvements (99-2-010)

Reappropriation:

Higher Education Construction Account--State \$ 30,000,000
Prior Biennia (Expenditures) \$ 50,000,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 80,000,000

NEW SECTION. Sec. 639. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Minor Works: Safety and Environmental Projects (00-1-001)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 250,000
Prior Biennia (Expenditures) \$ 1,750,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,000,000

NEW SECTION. Sec. 640. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Minor Capital Safety/Environmental (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Education Construction Account--State \$ 1,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,000,000
TOTAL \$ 5,000,000

NEW SECTION. Sec. 641. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Minor Works - Preservation (00-1-004)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 275,000
Washington State University Building
Account--State \$ 1,300,000
Subtotal Reappropriation \$ 1,575,000
Prior Biennia (Expenditures) \$ 4,425,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,000,000

NEW SECTION. Sec. 642. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Americans with Disabilities Act Projects (00-1-011)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 25,000
Prior Biennia (Expenditures) \$ 72,374
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 97,374

NEW SECTION. Sec. 643. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Child Care Facility: Renovation (00-1-039)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Washington State University Building
Account--State \$ 2,100,000
Prior Biennia (Expenditures) \$ 1,000,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,100,000

NEW SECTION. Sec. 644. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Scholars Hall/White Hall Renovation: Renovation (00-1-078)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,750,000
Prior Biennia (Expenditures) \$ 5,000,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,750,000

NEW SECTION. Sec. 645. FOR WASHINGTON STATE UNIVERSITY

WSU Branch Campuses - Minor Works: Branch Campuses (00-1-901)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Washington State University Building
Account--State \$ 550,000
Prior Biennia (Expenditures) \$ 450,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,000,000

NEW SECTION. Sec. 646. FOR WASHINGTON STATE UNIVERSITY

WSU Branch Campuses - Minor Capital Projects (02-1-901)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Washington State University Building
Account--State \$ 1,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,000,000
TOTAL \$ 5,000,000

NEW SECTION. Sec. 647. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Minor Works Program (00-2-002)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Washington State University Building
Account--State \$ 2,800,000
Prior Biennia (Expenditures) \$ 2,200,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,000,000

NEW SECTION. Sec. 648. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Minor Capital Improvements (02-2-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Washington State University Building
Account--State \$ 6,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 28,000,000
TOTAL \$ 34,000,000

NEW SECTION. Sec. 649. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Equipment Omnibus Acquisition (00-2-003)

Reappropriation:

Washington State University Building
Account--State \$ 100,000
Prior Biennia (Expenditures) \$ 3,400,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,500,000

NEW SECTION. Sec. 650. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Equipment Omnibus Appropriation (02-2-003)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely for the purchase of equipment to improve, upgrade, or replace necessary instructional and research apparatus throughout the university.
- (2) At least \$1,000,000 of the appropriation shall be used by the college of veterinary medicine for equipment.

Appropriation:

Washington State University Building
Account--State \$ 6,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,000,000
TOTAL \$ 22,000,000

NEW SECTION. Sec. 651. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Johnson Hall Addition-Plant BioScience Building: New (00-2-007)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

Washington State University Building
Account--State \$ 96,500

Appropriation:

State Building Construction Account--State \$ 3,500,000
Prior Biennia (Expenditures) \$ 203,500
Future Biennia (Projected Costs) \$ 45,200,000
TOTAL \$ 49,000,000

NEW SECTION. Sec. 652. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Shock Physics Building: New Facility (00-2-080)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,000,000

Appropriation:

State Building Construction Account--State \$ 3,540,000
Washington State University Building
Account--State \$ 5,875,000
Education Construction Account--State \$ 1,225,000
Subtotal Appropriation \$ 10,640,000
Prior Biennia (Expenditures) \$ 760,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 12,400,000

NEW SECTION. Sec. 653. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver - Engineering and Life Sciences Building: New Facility (00-2-904)

The reappropriation in this section is subject to the conditions and limitations of sections 903, 904, and 906 of this act. No money from the reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 7,000,000
Prior Biennia (Expenditures) \$ 22,470,650
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 29,470,650

NEW SECTION. Sec. 654. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver - Student Services Center: New Facility (00-2-905)

The appropriations in this section are subject to the conditions and limitations of sections 903, 904, and 906 of this act. No money from the appropriations may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 55,213

Appropriation:

State Building Construction Account--State \$ 1,500,000
Prior Biennia (Expenditures) \$ 194,787
Future Biennia (Projected Costs) \$ 14,001,000
TOTAL \$ 15,751,000

NEW SECTION. Sec. 655. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Minor Capital Preservation/Renewal (02-1-004)

The appropriation in this section is subject to the conditions and limitations of section 905 of this act.

Appropriation:

Washington State University Building
Account--State \$ 3,000,000
Education Construction Account--State \$ 3,000,000
Subtotal Appropriation \$ 6,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 28,000,000
TOTAL \$ 34,000,000

NEW SECTION. Sec. 656. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Campus Infrastructure: Preservation (98-1-073)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Washington State University Building
Account--State \$ 2,044,984
Prior Biennia (Expenditures) \$ 1,505,016
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,550,000

NEW SECTION. Sec. 657. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Campus Infrastructure: Preservation (02-1-073)

The appropriation in this section is subject to the conditions and limitations of section 905 of this act.

Appropriation:

Washington State University Building
Account--State \$ 2,019,300
State Building Construction Account--State \$ 9,460,000
Subtotal Appropriation \$ 11,479,300
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 24,000,000
TOTAL \$ 35,479,300

NEW SECTION. Sec. 658. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Energy Plant - Heat: Renovation (02-1-501)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

(2)(a) Any agreement or contract for the modernization or replacement of the existing steam generation plant currently located on the Pullman campus must comply with chapter 39.35C RCW. Prior to entering into an agreement or contract obligating itself on this project, the university shall have the project reviewed by the appropriate staff of the energy division of the department of community, trade, and economic development and the department of general administration, and shall consider any comments and suggestions made by these departments. If the project involves a private energy development firm, the following issues shall be considered in the development and implementation of the project:

- (i) Regional and local utility needs for power;
- (ii) Cost and certainty of fuel supplies;
- (iii) Value of electricity produced and options for sale of surplus electricity;
- (iv) The capability of the university to own and operate the facility should the private party terminate its involvement;
- (v) Costs associated with interconnection with the local electric utility's transmission system;
- (vi) Capability of the local electric utility to wheel electricity generated by the facility and the costs associated with

wheeling;

(vii) Potential financial risks to the state or the university and measures to mitigate any risks; and
(viii) Benefits to the state and the university from the project including design configuration, ownership arrangement, operations, and financial arrangements for the project based on the selection of project participants.

(b) The university shall report to the office of financial management and the energy and fiscal committees of the legislature on the development and implementation of this project, including consideration of the issues and the agency suggestions under subsection (2)(a) of this section, in December of 2001 and 2002.

Appropriation:

State Building Construction Account--State \$ 23,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 23,000,000

NEW SECTION. Sec. 659. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - WSUnet Infrastructure (98-2-074)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

Washington State University Building
Account--State \$ 100,000
Prior Biennia (Expenditures) \$ 6,975,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 7,075,000

NEW SECTION. Sec. 660. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - WSUnet Infrastructure (02-2-074)

Appropriation:

Washington State University Building
Account--State \$ 4,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 18,000,000
TOTAL \$ 22,000,000

NEW SECTION. Sec. 661. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver - Multimedia/Electronic Communication Classroom Building: (02-2-907)

The appropriation in this section is subject to the conditions and limitations of sections 902 through 904 of this act. No money from the appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$ 12,900,000
Washington State University Building Account--
State \$ 3,000,000
Subtotal Appropriation \$ 15,900,000
Prior Biennia (Expenditures) \$ 600,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 16,500,000

NEW SECTION. Sec. 662. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Bohler Renovation: Renovation (94-1-010)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

Washington State University Building
Account--State \$ 98,845
Prior Biennia (Expenditures) \$ 1,249,412
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,348,257

NEW SECTION. Sec. 663. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Kimbrough Hall Renovation/Addition: Renovation (94-2-019)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 89,475
Washington State University Building
Account--State \$ 121,875
Subtotal Reappropriation \$ 211,350
Prior Biennia (Expenditures) \$ 11,521,650
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 11,733,000

NEW SECTION. Sec. 664. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Infrastructure: Savings (94-1-999)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 496,542
Prior Biennia (Expenditures) \$ 214,924
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 711,466

NEW SECTION. Sec. 665. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Hazardous Waste Facilities - Statewide: New (94-2-006)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

Washington State University Building
Account--State \$ 3,400,000
Prior Biennia (Expenditures) \$ 1,100,001
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,500,001

NEW SECTION. Sec. 666. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Cleveland Hall Renovation/Addition (98-2-032)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,000,000
Prior Biennia (Expenditures) \$ 400,000
Future Biennia (Projected Costs) \$ 10,210,000
TOTAL \$ 11,610,000

NEW SECTION. Sec. 667. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Murrow Hall Addition: New Facility (98-2-008)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,250,000

Appropriation:

State Building Construction Account--State \$ 10,910,000
Prior Biennia (Expenditures) \$ 400,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 12,560,000

NEW SECTION. Sec. 668. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Teaching and Learning Center: New Facility (98-2-062)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 8,000,000
Prior Biennia (Expenditures) \$ 22,870,175
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 30,870,175

NEW SECTION. Sec. 669. FOR WASHINGTON STATE UNIVERSITY

WSU Spokane - Health Sciences Building: New Facility (98-2-903)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act. No money from the reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Higher Education Construction
Account--State \$ 13,500,000
Prior Biennia (Expenditures) \$ 22,800,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 36,300,000

NEW SECTION. Sec. 670. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver - Phase 2 Construction (98-2-911)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act. No money from the reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 1,350,000
Prior Biennia (Expenditures) \$ 11,715,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 13,065,000

NEW SECTION. Sec. 671. FOR WASHINGTON STATE UNIVERSITY

WSU Spokane Riverpoint - Academic Center Building: New Facility (00-2-906)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 2,000,000
Prior Biennia (Expenditures) \$ 250,000
Future Biennia (Projected Costs) \$ 42,729,000
TOTAL \$ 44,979,000

NEW SECTION. Sec. 672. FOR EASTERN WASHINGTON UNIVERSITY

EWU Senior Hall Design (00-1-003)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 43,000

Appropriation:

State Building Construction Account--State \$ 1,211,000
Prior Biennia (Expenditures) \$ 57,000
Future Biennia (Projected Costs) \$ 13,999,000
TOTAL \$ 15,310,000

NEW SECTION. Sec. 673. FOR EASTERN WASHINGTON UNIVERSITY

EWU Minor Works Programs (00-2-002)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Eastern Washington University Capital Projects
Account--State \$ 1,210,000
Prior Biennia (Expenditures) \$ 980,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,190,000

NEW SECTION. Sec. 674. FOR EASTERN WASHINGTON UNIVERSITY

EWU Childcare Center (00-2-003)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 47,000
Eastern Washington University Capital Projects
Account--State \$ 546,000
Subtotal Reappropriation \$ 593,000
Prior Biennia (Expenditures) \$ 546,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,139,000

NEW SECTION. Sec. 675. FOR EASTERN WASHINGTON UNIVERSITY

EWU Cheney Hall - Design (00-2-009)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

Eastern Washington University Capital Projects
Account--State \$ 225,000

Appropriation:

State Building Construction Account--State \$ 3,600,000
Prior Biennia (Expenditures) \$ 75,000
Future Biennia (Projected Costs) \$ 24,000,000
TOTAL \$ 27,900,000

NEW SECTION. Sec. 676. FOR EASTERN WASHINGTON UNIVERSITY

EWU Infrastructure Preservation (98-1-007)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 725,000
Prior Biennia (Expenditures) \$ 3,831,879
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,556,879

NEW SECTION. Sec. 677. FOR EASTERN WASHINGTON UNIVERSITY

EWU Infrastructure Preservation (02-1-002)

The appropriation in this section is subject to the conditions and limitations of section 905 of this act.

Appropriation:

Education Construction Account--State \$ 5,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 21,000,000
TOTAL \$ 26,000,000

NEW SECTION. Sec. 678. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works: Preservation (00-1-004)

The reappropriation in this section is subject to the conditions and limitations of section 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 74,000
Eastern Washington University Capital Projects
Account--State \$ 1,375,000
Subtotal Reappropriation \$ 1,449,000
Prior Biennia (Expenditures) \$ 926,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,375,000

NEW SECTION. Sec. 679. FOR EASTERN WASHINGTON UNIVERSITY

EWU Minor Works Preservation (02-1-003)

The appropriations in this section are subject to the conditions and limitations of section 905 of this act.

Appropriation:

State Building Construction Account--State \$ 2,000,000
Eastern Washington University Capital Projects
Account--State \$ 3,000,000
Subtotal Appropriation \$ 5,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 21,000,000
TOTAL \$ 26,000,000

NEW SECTION. Sec. 680. FOR EASTERN WASHINGTON UNIVERSITY
EWU Roof Replacement (02-1-004)

Appropriation:

State Building Construction Account--State \$ 2,619,000
Prior Biennia (Expenditures) \$ 2,425,000
Future Biennia (Projected Costs) \$ 6,000,000
TOTAL \$ 11,044,000

NEW SECTION. Sec. 681. FOR EASTERN WASHINGTON UNIVERSITY
EWU HVAC Systems Upgrade (02-1-007)

Appropriation:

State Building Construction Account--State \$ 3,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 5,500,000
TOTAL \$ 8,500,000

NEW SECTION. Sec. 682. FOR EASTERN WASHINGTON UNIVERSITY
EWU Water System Preservation and Expansion (02-1-008)

Appropriation:

State Building Construction Account--State \$ 2,236,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 7,500,000
TOTAL \$ 9,736,000

NEW SECTION. Sec. 683. FOR EASTERN WASHINGTON UNIVERSITY
EWU Property Acquisition (02-2-001)

Appropriation:

Eastern Washington University Capital Projects
Account--State \$ 650,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,000,000
TOTAL \$ 1,650,000

NEW SECTION. Sec. 684. FOR EASTERN WASHINGTON UNIVERSITY
EWU Campus Network Upgrade (02-2-004)

Appropriation:

State Building Construction Account--State \$ 2,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,000,000
TOTAL \$ 6,500,000

NEW SECTION. Sec. 685. FOR EASTERN WASHINGTON UNIVERSITY
EWU Classroom Renewal (96-2-001)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

Eastern Washington University Capital Projects
Account--State \$ 143,000
Prior Biennia (Expenditures) \$ 801,838
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 944,838

NEW SECTION. Sec. 686. FOR EASTERN WASHINGTON UNIVERSITY
EWU Classroom Renewal (02-2-007)

The appropriation in this section is subject to the conditions and limitations of section 905 of this act.

Appropriation:

State Building Construction Account--State \$ 1,566,000
Eastern Washington University Capital Projects
Account--State \$ 800,000
Subtotal Appropriation \$ 2,366,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 13,400,000
TOTAL \$ 15,766,000

NEW SECTION. Sec. 687. FOR EASTERN WASHINGTON UNIVERSITY
EWU Minor Works Programs (02-2-008)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 515,000
Eastern Washington University Capital Projects
Account--State \$ 1,703,000
Subtotal Appropriation \$ 2,218,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 10,800,000
TOTAL \$ 13,018,000

NEW SECTION. Sec. 688. FOR EASTERN WASHINGTON UNIVERSITY

EWU Monroe Hall Renovation (96-1-002)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 2,617,000
Eastern Washington University Capital Projects
Account--State \$ 125,000
Subtotal Reappropriation \$ 2,742,000
Prior Biennia (Expenditures) \$ 5,514,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 8,256,000

NEW SECTION. Sec. 689. FOR EASTERN WASHINGTON UNIVERSITY

EWU Water System Preservation and Expansion (98-1-002)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

Eastern Washington University Capital Projects
Account--State \$ 615,000
Prior Biennia (Expenditures) \$ 265,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 880,000

NEW SECTION. Sec. 690. FOR EASTERN WASHINGTON UNIVERSITY

EWU Boiler Plant Expansion/Upgrade (98-1-011)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 4,695,000
Prior Biennia (Expenditures) \$ 2,327,844
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 7,022,844

NEW SECTION. Sec. 691. FOR EASTERN WASHINGTON UNIVERSITY

EWU Hargreaves Hall Renovation (02-1-005)

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

State Building Construction Account--State \$ 75,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 11,337,000
TOTAL \$ 11,412,000

NEW SECTION. Sec. 692. FOR CENTRAL WASHINGTON UNIVERSITY

Electrical Utility: Upgrades (98-1-110)

The reappropriation in this section is subject to the review and allotment procedures under sections 902, 903, and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 2,200,000
Prior Biennia (Expenditures) \$ 2,842,824
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,042,824

NEW SECTION. Sec. 693. FOR CENTRAL WASHINGTON UNIVERSITY

Music Facility (00-2-001)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,200,000

Appropriation:

Education Construction Account--State \$ 14,000,000
Prior Biennia (Expenditures) \$ 1,225,000
Future Biennia (Projected Costs) \$ 14,000,000
TOTAL \$ 30,425,000

NEW SECTION. Sec. 694. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works Program (00-2-110)

The reappropriation in this section is subject to the conditions and limitations of section 905 and 906 of this act.

Reappropriation:

Central Washington University Capital Projects
Account--State \$ 850,000
Prior Biennia (Expenditures) \$ 2,150,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,000,000

NEW SECTION. Sec. 695. FOR CENTRAL WASHINGTON UNIVERSITY

Fiber Optic Backbone Upgrade (00-2-130)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

Central Washington University Capital Projects
Account--State \$ 150,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 150,000

NEW SECTION. Sec. 696. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works Preservation (00-1-120)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

Central Washington University Capital Projects
Account--State \$ 740,000
Prior Biennia (Expenditures) \$ 2,260,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,000,000

NEW SECTION. Sec. 697. FOR CENTRAL WASHINGTON UNIVERSITY

Omnibus Preservation (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Central Washington University Capital Projects
Account--Stat \$ 3,775,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 17,471,000
TOTAL \$ 21,246,000

NEW SECTION. Sec. 698. FOR CENTRAL WASHINGTON UNIVERSITY

Infrastructure Savings (02-1-002)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$ 1
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1

NEW SECTION. Sec. 699. FOR CENTRAL WASHINGTON UNIVERSITY

Randall/Michaelsen Life Safety and Mechanical System Improvements (02-1-003)

The appropriation in this section is subject to the conditions and limitations of section 906 of this act.

Appropriation:

Education Construction Account--State \$ 3,800,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,800,000

NEW SECTION. Sec. 700. FOR CENTRAL WASHINGTON UNIVERSITY

McConnell Stage and Classroom Remodel (02-1-004)

The appropriation in this section is subject to the conditions and limitations of section 906 of this act.

Appropriation:

State Building Construction Account--State \$ 2,100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,100,000

NEW SECTION. Sec. 701. FOR CENTRAL WASHINGTON UNIVERSITY

Omnibus - Program (02-2-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Central Washington University Capital Projects
Account--State \$ 3,750,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 12,559,000
TOTAL \$ 16,309,000

NEW SECTION. Sec. 702. FOR CENTRAL WASHINGTON UNIVERSITY

Steam/Electric/Chilled Water/Fiber Optic (98-1-120)

The appropriations in this section are subject to the conditions and limitations of section 906 of this act.

Appropriation:

State Building Construction Account--State \$ 6,000,000
Education Construction Account--State \$ 2,000,000
Subtotal Appropriation \$ 8,000,000
Prior Biennia (Expenditures) \$ 1,500,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 9,500,000

NEW SECTION. Sec. 703. FOR CENTRAL WASHINGTON UNIVERSITY

Lynnwood Higher Education Center (98-2-080)

The reappropriation in this section is subject to the conditions and limitations of sections 902, 903, and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 4,000,000
Central Washington University Capital Projects
Account--State \$ 1,000,000
Subtotal Reappropriation \$ 5,000,000
Prior Biennia (Expenditures) \$ 875,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,875,000

NEW SECTION. Sec. 704. FOR CENTRAL WASHINGTON UNIVERSITY

CWU/Highline Higher Education Center (02-2-101)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 2,500,000
Prior Biennia (Expenditures) \$ 75,000
Future Biennia (Projected Costs) \$ 10,000,000
TOTAL \$ 12,575,000

NEW SECTION. Sec. 705. FOR THE EVERGREEN STATE COLLEGE

Minor Works: Safety and Code (00-1-001)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 226,000
Prior Biennia (Expenditures) \$ 1,674,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,900,000

NEW SECTION. Sec. 706. FOR THE EVERGREEN STATE COLLEGE

Infrastructure Project: Savings (00-1-004)

Reappropriation:

State Building Construction Account--State \$ 249,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 249,000

NEW SECTION. Sec. 707. FOR THE EVERGREEN STATE COLLEGE

Minor Works Preservation (00-1-002)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

The Evergreen State College Capital Projects
Account--State \$ 832,630
Prior Biennia (Expenditures) \$ 2,767,370
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,600,000

NEW SECTION. Sec. 708. FOR THE EVERGREEN STATE COLLEGE

Minor Works Preservation (02-1-014)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

The Evergreen State College Capital Projects
Account--State \$ 2,200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 22,000,000
TOTAL \$ 24,200,000

NEW SECTION. Sec. 709. FOR THE EVERGREEN STATE COLLEGE

Emergency Repairs (02-1-003)

Appropriation:

The Evergreen State College Capital Projects
Account--Stat \$ 560,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,700,000
TOTAL \$ 3,260,000

NEW SECTION. Sec. 710. FOR THE EVERGREEN STATE COLLEGE

Life Safety/Code Compliance (02-1-013)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

The Evergreen State College Capital Projects
Account--State \$ 2,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 13,000,000
TOTAL \$ 15,500,000

NEW SECTION. Sec. 711. FOR THE EVERGREEN STATE COLLEGE

Minor Works Program (02-2-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

The Evergreen State College Capital Projects
Account--State \$ 450,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,800,000
TOTAL \$ 2,250,000

NEW SECTION. Sec. 712. FOR THE EVERGREEN STATE COLLEGE

Seminar Building Phase 2 - Construction (02-2-004)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 37,550,000
Education Construction Account--State \$ 2,750,000
The Evergreen State College Capital
Projects Account--State \$ 700,000
Subtotal Appropriation \$ 41,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 41,000,000

NEW SECTION. Sec. 713. FOR THE EVERGREEN STATE COLLEGE

COM Building Renovation and Expansion (02-2-011)

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

The Evergreen State College Capital Projects
Account--State \$ 100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 15,750,000
TOTAL \$ 15,850,000

NEW SECTION. Sec. 714. FOR WESTERN WASHINGTON UNIVERSITY

Infrastructure Projects: Savings (94-1-999)

Reappropriation:

State Building Construction Account--State \$ 249,801
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 249,801

NEW SECTION. Sec. 715. FOR WESTERN WASHINGTON UNIVERSITY

Infrastructure Savings (02-1-999)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$ 1
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1

NEW SECTION. Sec. 716. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works: Preservation (00-1-068)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,500,000
Prior Biennia (Expenditures) \$ 3,000,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,500,000

NEW SECTION. Sec. 717. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works: Preservation - Infrastructure (02-1-070)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 3,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 20,000,000
TOTAL \$ 23,000,000

NEW SECTION. Sec. 718. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works: Preservation - Safety (02-1-071)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 3,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 20,000,000
TOTAL \$ 23,000,000

NEW SECTION. Sec. 719. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works: Program (00-2-069)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

Western Washington University Capital
Projects Account--State \$ 3,000,000
Prior Biennia (Expenditures) \$ 3,730,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,730,000

NEW SECTION. Sec. 720. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works: Program (02-2-072)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Western Washington University Capital Projects
Account--State \$ 6,831,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 40,000,000
TOTAL \$ 46,831,000

NEW SECTION. Sec. 721. FOR WESTERN WASHINGTON UNIVERSITY

Campus Services Facility (96-2-025)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 8,300,000
Prior Biennia (Expenditures) \$ 2,887,050
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 11,187,050

NEW SECTION. Sec. 722. FOR WESTERN WASHINGTON UNIVERSITY

Integrated Signal Distribution (96-2-056)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,700,000
Prior Biennia (Expenditures) \$ 11,548,250
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 13,248,250

NEW SECTION. Sec. 723. FOR WESTERN WASHINGTON UNIVERSITY

Campus Infrastructure Development (98-2-024)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,200,000

Appropriation:

State Building Construction Account--State \$ 11,000,000
Western Washington University Capital Projects
Account--State \$ 669,000
Subtotal Appropriation \$ 11,669,000
Prior Biennia (Expenditures) \$ 1,250,000
Future Biennia (Projected Costs) \$ 8,780,000
TOTAL \$ 22,899,000

NEW SECTION. Sec. 724. FOR WESTERN WASHINGTON UNIVERSITY

Communications Facility (98-2-053)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 2,500,000

Appropriation:

State Building Construction Account--State \$ 27,519,000
Education Construction Account--State \$ 5,000,000
Subtotal Appropriation \$ 32,519,000
Prior Biennia (Expenditures) \$ 1,454,400
Future Biennia (Projected Costs) \$ 4,000,000
TOTAL \$ 40,473,400

NEW SECTION. Sec. 725. FOR WESTERN WASHINGTON UNIVERSITY

Academic Instructional Center (02-2-026)

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

State Building Construction Account--State \$ 115,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 40,665,000
TOTAL \$ 40,780,000

NEW SECTION. Sec. 726. FOR THE HIGHER EDUCATION COORDINATING BOARD

NSIS Consortium Development (00-2-001)

Reappropriation:

State Building Construction Account--State \$ 1,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,000,000

NEW SECTION. Sec. 727. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Stadium Way Facility: Seismic (96-1-102)

Reappropriation:

State Building Construction Account--State \$ 120,000
Prior Biennia (Expenditures) \$ 4,545,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,665,000

NEW SECTION. Sec. 728. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

State Capital Museum: Preservation (98-1-001)

Reappropriation:

State Building Construction Account--State \$ 69,000
Prior Biennia (Expenditures) \$ 415,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 484,000

NEW SECTION. Sec. 729. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Olympia - State Capital Museum Preservation (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 238,679
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 129,423
TOTAL \$ 368,102

NEW SECTION. Sec. 730. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Tacoma - State History Museum Preservation Projects (02-1-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 373,016
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,738,605
TOTAL \$ 2,111,621

NEW SECTION. Sec. 731. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Tacoma - Stadium Way Research Center Preservation Projects (02-1-004)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 339,847
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 527,721
TOTAL \$ 867,568

NEW SECTION. Sec. 732. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Lewis and Clark Trail Interpretive Infrastructure Grant Program (02-4-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided for development of station camp 1805 as a national historic park in conjunction with the projected relocation of highway 101 in Pacific county. If full capitalization of this project is not accomplished by federal/state/local and private partners by June 30, 2002, the Lewis and Clark bicentennial advisory committee may distribute this sum to other priority projects along the trail using criteria they may establish.

Appropriation:

State Building Construction Account--State \$ 1,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,000,000
TOTAL \$ 2,000,000

NEW SECTION. Sec. 733. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Projects (98-2-004)

The reappropriation in this section shall support the projects as listed in section 748, chapter 379, Laws of 1999.

Reappropriation:

State Building Construction Account--State \$ 1,200,000
Prior Biennia (Expenditures) \$ 8,978,904
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 10,178,904

NEW SECTION. Sec. 734. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Projects (02-4-004)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 27.34.330.
- (2) The appropriation is provided for the following list of projects:

Organization	Recommended Cost	Amount	Project	Total
Jefferson County Historical Society - Bell Tower	\$ 100,000	386,083		
Spokane Parks and Recreation - Corbin and Moore-Turner Heritage Gardens	54,437	6,831		
Clallam County Historical Society - Lincoln School	83,500	250,000		
Orcas Island Historical Society - Museum	54,136	167,604		
Gig Harbor Peninsula Historical Society - Heritage and Arts Center	400,000	7,301,518		
Vashon-Maury Island Historical Society - Heritage Museum	175,000	526,879		
Loon Lake Historical Society - Old Schoolhouse		8,292	29,896	
Northwest School of Wooden Boatbuilding - Port Hadlock		97,500		463,832
Drayton Harbor Maritime Group - Dock Restoration and Replacement	216,790	650,372		
Historic Seattle PDA - Dearborn House		200,000	2,131,227	
Vancouver National Historic Reserve - American Red Cross House	400,000	2,195,000		
Maritime Heritage Foundation - Historic Ship Wharf	400,000	2,031,000		
Cowlitz County Museum - Museum Expansion and Remodel	350,000	1,059,152		
Mansfield Museum and Historical Society - Museum Renovation		10,916		35,750
Fox Island Chapel - Chapel on Echo Bay	49,665		149,000	
Kirkman House Museum -Repair and Stabilization		20,000	64,080	
City of Mount Vernon - Lincoln Theatre	250,000	1,535,082		
Squaxin Island Tribe - Tu Ha'Buts Cultural Center - Phase 2	225,000	1,734,000		
Western Forest Industries Museum - Train Shed and Baldwin Locomotive	150,000	450,000		
Steamer Virginia V Foundation - Restoration of Virginia V	100,000	4,077,663		
Ferry County Fair Association - Carousel Restoration		60,000	190,500	
White River Valley Museum - Olson Farm	200,000	1,647,750		
Alderwood Manor Heritage Association - Superintendent's Cottage	24,000	150,000		
Kitsap County Historical Society Museum - Storage Systems for Artifact	70,000	516,422		
Kalakala Foundation - Dry-dock and Renovation Phase		100,000		2,321,550
Museum of Flight	50,000	5,009,667		
Friends of Skamokawa	9,900	30,199		
City of Raymond	239,000	719,000		
City of Morton	100,000	301,230		
Total	\$ 4,198,136	35,864,408		

Appropriation:

State Building Construction Account--State \$ 4,198,136

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ 20,198,136

NEW SECTION. Sec. 735. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Cheney Cowles Museum: Preservation (02-1-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 250,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,250,000

NEW SECTION. Sec. 736. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Cheney Cowles Museum: Addition and Remodel (98-2-001)

The reappropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 8,150,774

Prior Biennia (Expenditures) \$ 11,033,406

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 19,184,180

NEW SECTION. Sec. 737. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Project Artwork Consolidation Account (96-2-400)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 92,634

Prior Biennia (Expenditures) \$ 71,788

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 164,422

NEW SECTION. Sec. 738. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Community College - Vocational/Child Care Building: Construction (96-2-651)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 877,226

Prior Biennia (Expenditures) \$ 7,016,077

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,893,303

NEW SECTION. Sec. 739. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College - Instructional Technical Center: Construction (96-2-652)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 931,266

Prior Biennia (Expenditures) \$ 941,435

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,872,701

NEW SECTION. Sec. 740. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle Community College - Integrated Learning Assistance Resource Center: Construction (96-2-653)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 520,099

Prior Biennia (Expenditures) \$ 3,928,519

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,448,618

NEW SECTION. Sec. 741. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College - Poulsbo Center: Construction (96-2-654)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

act.

Reappropriation:

State Building Construction Account--State \$ 12,932,340

Prior Biennia (Expenditures) \$ 114,335

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,046,675

NEW SECTION. Sec. 742. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park - Transportation Trade: Construction (96-2-662)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

act.

Reappropriation:

State Building Construction Account--State \$ 955,049

Appropriation:

State Building Construction Account--State \$ 16,784,000

Prior Biennia (Expenditures) \$ 306,351

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 18,045,400

NEW SECTION. Sec. 743. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park Technical College - Aviation Trades Complex: Construction (96-2-998)

The reappropriation in this section is subject to the conditions and limitations under section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 2,497,614

Community and Technical College Capital Projects

Account--State \$ 1,338,879

Subtotal Reappropriation \$ 3,836,493

Prior Biennia (Expenditures) \$ 6,021,159

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,857,652

NEW SECTION. Sec. 744. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Underground Storage Tanks (98-1-003)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 132,055

Prior Biennia (Expenditures) \$ 77,950

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 210,005

NEW SECTION. Sec. 745. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates Technical College: Renovation (98-1-190)

Reappropriation:

State Building Construction Account--State \$ 78,915

Prior Biennia (Expenditures) \$ 6,815,502

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,894,417

NEW SECTION. Sec. 746. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College - Library: Replacement (98-2-500)

Reappropriation:

State Building Construction Account--State \$ 89,666

Prior Biennia (Expenditures) \$ 2,480,944

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,570,610

NEW SECTION. Sec. 747. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College - Classroom/Laboratory Building: Construction (98-2-660)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this

act.

Reappropriation:

State Building Construction Account--State \$ 4,748,626

Education Construction Account--State \$ 1,315,000

Subtotal Reappropriation \$ 6,063,626

Prior Biennia (Expenditures) \$ 1,151,374

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,215,000

NEW SECTION. Sec. 748. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Community College - Allied Health Building: Addition (98-2-661)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this

act.

Reappropriation:

State Building Construction Account--State \$ 5,203,134

Prior Biennia (Expenditures) \$ 5,833,641

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,036,775

NEW SECTION. Sec. 749. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College - Health/Business Building: New Facility (98-2-672)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this

act.

Reappropriation:

State Building Construction Account--State \$ 661,660

Appropriation:

State Building Construction Account--State \$ 8,086,600

Prior Biennia (Expenditures) \$ 188,339

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,936,599

NEW SECTION. Sec. 750. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington - Phase 3: New Facility (98-2-673)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this

act.

Reappropriation:

State Building Construction Account--State \$ 642,251

Appropriation:

State Building Construction Account--State \$ 15,840,000

Prior Biennia (Expenditures) \$ 522,749

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,005,000

NEW SECTION. Sec. 751. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Renton Technical College - Technology Resource Center (98-2-674)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this

act.

Reappropriation:

State Building Construction Account--State \$ 663,699

Appropriation:

State Building Construction Account--State \$ 10,591,000

Prior Biennia (Expenditures) \$ 516,301

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,771,000

NEW SECTION. Sec. 752. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College - Whidbey Higher Education Center (98-2-675)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 455,201

Appropriation:

State Building Construction Account--State \$ 9,175,300

Prior Biennia (Expenditures) \$ 289,112

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,919,613

NEW SECTION. Sec. 753. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Community College/University of Washington Bothell: Construction (98-2-999)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act. No money from the reappropriation in this section may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 1,664,903

Prior Biennia (Expenditures) \$ 28,384,506

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,049,409

NEW SECTION. Sec. 754. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Centralia College - Instructional Building: Replacement (99-2-001)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this

act.

Reappropriation:

State Building Construction Account--State \$ 7,262,736

Prior Biennia (Expenditures) \$ 7,137,264

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 14,400,000

NEW SECTION. Sec. 755. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin College - Electrical Substation (99-H-004)

Reappropriation:

State Building Construction Account--State \$ 770,134

Prior Biennia (Expenditures) \$ 229,866

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 756. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Repair and Minor Improvements (98-1-001)

Reappropriation:

State Building Construction Account--State \$ 367,779

Prior Biennia (Expenditures) \$ 2,037,224

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,405,003

NEW SECTION. Sec. 757. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

HVAC Repairs (98-1-040)

Reappropriation:

State Building Construction Account--State \$ 289,513

Prior Biennia (Expenditures) \$ 1,178,354

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,467,867

NEW SECTION. Sec. 758. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Mechanical Repairs (98-1-070)

Reappropriation:

State Building Construction Account--State \$ 322,215

Prior Biennia (Expenditures) \$ 128,190

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,405

NEW SECTION. Sec. 759. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Electrical Repairs (98-1-090)

Reappropriation:

State Building Construction Account--State \$ 807,423

Prior Biennia (Expenditures) \$ 1,070,769

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,878,192

NEW SECTION. Sec. 760. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Exterior Repairs (98-1-110)

Reappropriation:

State Building Construction Account--State \$ 1,131,342

Prior Biennia (Expenditures) \$ 1,310,007

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,441,349

NEW SECTION. Sec. 761. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Interior Repairs (98-1-130)

Reappropriation:

State Building Construction Account--State \$ 592,634

Prior Biennia (Expenditures) \$ 256,037

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 848,671

NEW SECTION. Sec. 762. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Statewide Minor Works: Preservation (00-1-001)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Community and Technical College Capital Projects

Account--State \$ 5,060,145

Prior Biennia (Expenditures) \$ 6,639,855

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,700,000

NEW SECTION. Sec. 763. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs (98-1-010)

The reappropriation in this section is provided for Corbert Hall at Centralia College, subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,800,360

Prior Biennia (Expenditures) \$ 1,477,124

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,277,484

NEW SECTION. Sec. 764. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Statewide Roof Repairs: Infrastructure Improvements (00-1-010)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

Community and Technical College Capital Projects

Account--State \$ 2,064,310

Prior Biennia (Expenditures) \$ 2,532,690

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,597,000

NEW SECTION. Sec. 765. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Statewide Facility Repairs (00-1-050)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 12,964,850

Community and Technical College Capital Projects

Account--State \$ 2,285,563

Subtotal Reappropriation \$ 15,250,413

Prior Biennia (Expenditures) \$ 12,149,587

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 27,400,000

NEW SECTION. Sec. 766. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Statewide Site Repairs (00-1-090)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the conditions and limitations set forth in section 753, chapter 379, Laws of 1999.

(2) The reappropriation is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 2,209,931

Prior Biennia (Expenditures) \$ 1,632,069

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,842,000

NEW SECTION. Sec. 767. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Improvements (98-2-200)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,278,167

Prior Biennia (Expenditures) \$ 3,025,487

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,303,654

NEW SECTION. Sec. 768. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Statewide Minor Works: Program (00-1-130)

The reappropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Reappropriation:

State Building Construction Account--State \$ 5,285,830

Community and Technical College Capital Projects

Account--State \$ 531,792
Subtotal Reappropriation \$ 5,817,622
Prior Biennia (Expenditures) \$ 11,032,378
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 16,850,000

NEW SECTION. Sec. 769. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College - Portable Buildings: Replacement (00-1-223)

The reappropriation in this section is subject to the conditions and limitations under sections 902 and 903 of this act.

Reappropriation:

Community and Technical College Capital Projects

Account--State \$ 5,327,170
Prior Biennia (Expenditures) \$ 312,830
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,640,000

NEW SECTION. Sec. 770. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College - Relocatable Buildings: Replacement (00-1-236)

The reappropriation in this section is subject to the conditions and limitations under sections 902 and 903 of this act.

Reappropriation:

Community and Technical College Capital Projects

Account--State \$ 5,371,732
Prior Biennia (Expenditures) \$ 1,028,268
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,400,000

NEW SECTION. Sec. 771. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College - Portable Buildings Replacement (00-1-237)

Reappropriation:

Community and Technical College Capital Projects

Account--State \$ 4,364,576
Prior Biennia (Expenditures) \$ 247,824
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,612,400

NEW SECTION. Sec. 772. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College - General Education Complex (00-2-679)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this

act.

Reappropriation:

State Building Construction Account--State \$ 24,046

Appropriation:

State Building Construction Account--State \$ 1,781,000
Prior Biennia (Expenditures) \$ 99,954
Future Biennia (Projected Costs) \$ 16,937,000
TOTAL \$ 18,842,000

NEW SECTION. Sec. 773. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College - Physical Plant Building: Replacement (00-2-002)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Education Construction Account--State \$ 5,086,600
Prior Biennia (Expenditures) \$ 1,029,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,115,600

NEW SECTION. Sec. 774. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellevue Community College - Robinswood School: Replacement (00-2-005)

The reappropriation in this section is subject to the conditions and limitations under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 10,197,017
Prior Biennia (Expenditures) \$ 5,609,583
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 15,806,600

NEW SECTION. Sec. 775. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline Community College - Library/Technical Center: New Facility (00-2-319)

The reappropriation in this section is subject to the conditions and limitations under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 6,708,051
Prior Biennia (Expenditures) \$ 541,949
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 7,250,000

NEW SECTION. Sec. 776. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College - Drama/Music Class/Laboratories: Renovation (00-2-322)

Reappropriation:

State Building Construction Account--State \$ 3,336,754

Prior Biennia (Expenditures) \$ 93,246
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,430,000

NEW SECTION. Sec. 777. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark Community College - Applied Arts 4 Building Renovation (00-2-326)

Reappropriation:

State Building Construction Account--State \$ 759,936
Prior Biennia (Expenditures) \$ 1,780,064
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,540,000

NEW SECTION. Sec. 778. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College/WSU Vancouver - Classroom/Laboratories: Design (00-2-680)

The appropriations in this section are subject to the review and allotment procedures under sections 902 through 904 of this act. No money from the appropriations may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 11,997

Appropriation:

State Building Construction Account--State \$ 1,644,000
Prior Biennia (Expenditures) \$ 108,003
Future Biennia (Projected Costs) \$ 17,712,900
TOTAL \$ 19,476,900

NEW SECTION. Sec. 779. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley College - Sexton Hall Computer Laboratories: Renovation (00-2-327)

Reappropriation:

State Building Construction Account--State \$ 104,395
Prior Biennia (Expenditures) \$ 595,605
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 700,000

NEW SECTION. Sec. 780. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley College - Omak Science Laboratory: New Facility (00-2-952)

Reappropriation:

State Building Construction Account--State \$ 59,366
Prior Biennia (Expenditures) \$ 840,634
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 900,000

NEW SECTION. Sec. 781. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley Community College - Mechanics Complex: Renovation (00-2-328)

Reappropriation:

State Building Construction Account--State \$ 1,425,106
Prior Biennia (Expenditures) \$ 289,894
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,715,000

NEW SECTION. Sec. 782. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College - Building 5: Renovation (00-2-335)

Reappropriation:

State Building Construction Account--State \$ 1,492,736
Prior Biennia (Expenditures) \$ 7,264
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,500,000

NEW SECTION. Sec. 783. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College - Building B: Renovation (00-2-338)

Reappropriation:

State Building Construction Account--State \$ 482,087
Prior Biennia (Expenditures) \$ 1,444,713
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,926,800

NEW SECTION. Sec. 784. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Community College: Development (00-2-501)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904, and 906 of this act. No money may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 26,581,595

Prior Biennia (Expenditures) \$ 23,518,405
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 50,100,000

NEW SECTION. Sec. 785. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin College - Emergency Roof: Replacement (00-2-600)

Reappropriation:

Education Construction Account--State \$ 92,792
Prior Biennia (Expenditures) \$ 907,208
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,000,000

NEW SECTION. Sec. 786. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Puyallup - Phase 3 Expansion: Design (00-2-676)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 1,743,000
Prior Biennia (Expenditures) \$ 217,200
Future Biennia (Projected Costs) \$ 19,917,000
TOTAL \$ 21,877,200

NEW SECTION. Sec. 787. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Whatcom Community College - Design Classroom/Laboratory Building: New Facility (00-2-677)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

act.

Reappropriation:

State Building Construction Account--State \$ 13,117

Appropriation:

State Building Construction Account--State \$ 891,900
Prior Biennia (Expenditures) \$ 66,883
Future Biennia (Projected Costs) \$ 10,653,200
TOTAL \$ 11,625,100

NEW SECTION. Sec. 788. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College - Higher Education Center and Childcare (00-2-678)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 2,228,000
Prior Biennia (Expenditures) \$ 117,000
Future Biennia (Projected Costs) \$ 20,991,000
TOTAL \$ 23,336,000

NEW SECTION. Sec. 789. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Statewide Hazardous Material Pool (00-9-031)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 256,373
Prior Biennia (Expenditures) \$ 281,286
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 537,659

NEW SECTION. Sec. 790. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Statewide Americans with Disabilities Pool (00-9-036)

The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

State Building Construction Account--State \$ 555,788
Prior Biennia (Expenditures) \$ 381,583
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 937,371

NEW SECTION. Sec. 791. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Preservation (Emergency Funds) (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 12,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 58,000,000
TOTAL \$ 70,000,000

NEW SECTION. Sec. 792. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs "A" (02-1-010)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Education Construction Account--State \$ 7,473,077
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 20,000,000
TOTAL \$ 27,473,077

NEW SECTION. Sec. 793. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Facility Repairs "A" (02-1-050)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

Education Construction Account--State \$ 21,660,328
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 100,000,000
TOTAL \$ 121,660,328

NEW SECTION. Sec. 794. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs "A" - Community and Technical College System (02-1-090)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

(2) \$200,000 of the appropriation from the state building construction account--state is provided solely to South Seattle Community College for the Seattle Chinese gardens. The appropriation shall be matched by \$200,000 in additional contributions toward the project from local government.

Appropriation:

Education Construction Account--State \$ 8,343,232
State Building Construction Account--State \$ 200,000
Subtotal Appropriation \$ 8,543,232

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 24,000,000
TOTAL \$ 32,543,232

NEW SECTION. Sec. 795. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program - Community and Technical College System (02-1-130)

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding is provided from the education construction account as capital project matching funds to the following colleges: Olympic College-Shelton, \$500,000; Skagit Valley, \$500,000; Seattle Central, \$500,000; South Seattle, \$500,000; Yakima Valley, \$500,000; Spokane Falls, \$500,000; Whatcom, \$267,500; Tacoma, \$500,000; Clover Park, \$500,000; and Edmonds, \$500,000. Matching funds provided in this subsection do not imply commitments or guarantees that the legislature will provide future expenses of properties and facilities acquired, constructed, or improved. State funds shall be matched by an equal or greater amount of nonstate moneys.

(2) Following the allocation of funds for the projects in subsection (1) of this section, the appropriation in this section is subject to the requirements of sections 905 and 906 of this act.

Appropriation:

State Building Construction Account--State \$ 15,732,500
Education Construction Account--State \$ 5,535,000
Subtotal Appropriation \$ 21,267,500

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 80,000,000
TOTAL \$ 101,267,500

NEW SECTION. Sec. 796. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College - Office Space: Replacement (02-1-213)

Appropriation:

Community and Technical College Capital Projects
Account--State \$ 762,689

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 762,689

NEW SECTION. Sec. 797. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College - Portables: Replacement (02-1-215)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 6,897,400
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,897,400

NEW SECTION. Sec. 798. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College - Edison Hall: Renovation (02-1-315)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 5,809,200
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,809,200

NEW SECTION. Sec. 799. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle Community College - Building A: Replacement (02-1-217)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Community and Technical College Capital Projects
Account--State \$ 5,477,400

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,477,400

NEW SECTION. Sec. 800. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley College - Greenhouse: Replacement (02-1-220)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Education Construction Account--State \$ 441,360
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 441,360

NEW SECTION. Sec. 801. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley College - Agriculture Program: Renovation (02-1-328)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 794,536
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 794,536

NEW SECTION. Sec. 802. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College - International Program: Replacement (02-1-222)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Community and Technical College Capital Projects
Account--State \$ 587,070
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 587,070

NEW SECTION. Sec. 803. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Fort Steilacoom - Portables: Replacement (02-1-223)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Community and Technical College Capital Projects
Account--State \$ 2,452,100
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,452,100

NEW SECTION. Sec. 804. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lower Columbia College - Physical Science Portables: Replacement (02-1-226)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Community and Technical College Capital Projects
Account--State \$ 1,959,800
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,959,800

NEW SECTION. Sec. 805. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lower Columbia College - Vocational Building: Renovation/Addition (02-1-326)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Education Construction Account--State \$ 1,090,700
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,090,700

NEW SECTION. Sec. 806. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley Community College - Child Care: Replacement (02-1-229)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Community and Technical College Capital Projects
Account--State \$ 969,900
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 969,900

NEW SECTION. Sec. 807. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley College - Higher Education Center (00-2-954)

(1) The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The new appropriation in this section is subject to the conditions and limitations of section 911 of this act.

Reappropriation:

State Building Construction Account--State \$ 635,279

Appropriation:

State Building Construction Account--State \$ 16,500,000
Prior Biennia (Expenditures) \$ 3,364,721
Future Biennia (Projected Costs) \$ 2,000,000
TOTAL \$ 22,500,000

NEW SECTION. Sec. 808. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls Community College - Fine Arts Building: Replacement (02-1-231)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Community and Technical College Capital Projects

Account--State \$ 672,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 672,000

NEW SECTION. Sec. 809. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls Community College - Library: Renovation (02-1-331)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 5,602,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,602,000

NEW SECTION. Sec. 810. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College - Replacement: New Facility (02-1-239)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 4,357,900

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,357,900

NEW SECTION. Sec. 811. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington Community College - Replacement: New Facility (02-1-240)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 6,915,300

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,915,300

NEW SECTION. Sec. 812. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College - Buildings D and E: Renovation (02-1-310)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 2,669,800

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,669,800

NEW SECTION. Sec. 813. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor Community College - Library: Renovation (02-1-311)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Community and Technical College Capital Projects

Account--State \$ 4,579,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,579,500

NEW SECTION. Sec. 814. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline Community College - Building 800: Renovation (02-1-319)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 6,021,100

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,021,100

NEW SECTION. Sec. 815. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Belleve Community College - "A" Building: Renovation (02-1-320)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 5,566,100

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,566,100

NEW SECTION. Sec. 816. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin Community College - Building A: Renovation (02-1-333)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 6,434,100

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,434,100

NEW SECTION. Sec. 817. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park - Building 18 Machine Trades: New Facility (02-1-343)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 4,791,800
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,791,800

NEW SECTION. Sec. 818. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Community College - Multicultural Student Service Center (02-2-230)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Community and Technical College Capital Projects
Account--State \$ 235,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 235,000

NEW SECTION. Sec. 819. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

University of Washington - Bothell/Cascadia Phase 2B: Offramp (02-2-999)

(1) The appropriation in this section is provided solely for the south campus access and is subject to the review and allotment procedures under sections 902 through 904, and 906 of this act. No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) If funds are appropriated in the 2001-03 omnibus transportation budget for this project, the appropriation in this section shall lapse.

Appropriation:

State Building Construction Account--State \$ 2,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 17,476,750
TOTAL \$ 19,976,750

NEW SECTION. Sec. 820. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Big Bend Community College - Library Replacement: New Facility (02-1-232)

The appropriation in this section is subject to the conditions and limitations under sections 902 and 903 of this act.

Appropriation:

Education Construction Account--State \$ 7,497,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 7,497,000

NEW SECTION. Sec. 821. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Walla Walla Community College - Parent/Child Center: Replacement (02-1-234)

Appropriation:

Community and Technical Colleges Capital Projects
Account--State \$ 391,230
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 391,230

NEW SECTION. Sec. 822. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College - Portable Buildings: Replacement (02-1-236)

The appropriation in this section is subject to the conditions and limitations under sections 902 and 903 of this act.

Appropriation:

Education Construction Account--State \$ 3,457,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,457,000

NEW SECTION. Sec. 823. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College - Family Education/Child Center (02-1-238)

The appropriation in this section is subject to the conditions and limitations under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 7,132,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 7,132,000

NEW SECTION. Sec. 824. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Technology Institute Partner College Computer Labs (01-S-003)

The appropriation in this section is provided to construct and equip three computer science and language labs, an approximate size being 1,200 square feet, one at each of the following college districts: Highline, Olympic, and South Puget Sound.

Appropriation:

State Building Construction Account--State \$ 1,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,500,000

NEW SECTION. Sec. 825. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College - Information Technology/Vocational Center: New Facility (02-2-683)

The appropriation in this section is for all design phases of the project described in this section. A predesign of the project shall be completed first, on or before September 1, 2001, in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submission of design documents, program, and related cost schedules on or before July 1, 2002.

Appropriation:

State Building Construction Account--State \$ 1,198,100
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 13,049,900
TOTAL \$ 14,248,000

NEW SECTION. Sec. 826. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle Community College - Instructional Technology Building (04-2-681)

The appropriation in this section is for all design phases of the project described in this section. A predesign of the project shall be completed first, on or before September 1, 2001, in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submission of design documents, program, and related cost schedules on or before July 1, 2002.

Appropriation:

State Building Construction Account--State \$ 1,624,400
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,587,400
TOTAL \$ 18,211,800

NEW SECTION. Sec. 827. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College - Computer Laboratory Building (04-2-682)

The appropriation in this section is for all design phases of the project described in this section. A predesign of the project shall be completed first, on or before September 1, 2001, in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submission of design documents, program, and related cost schedules on or before July 1, 2002.

Appropriation:

State Building Construction Account--State \$ 1,014,700
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 9,287,500
TOTAL \$ 10,302,200

NEW SECTION. Sec. 828. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Science Building: New Facility (01-S-001)

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

State Building Construction Account--State \$ 100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 18,300,000
TOTAL \$ 18,400,000

NEW SECTION. Sec. 829. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College - Sciences Building: New Facility (01-S-002)

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

State Building Construction Account--State \$ 100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 18,300,000
TOTAL \$ 18,400,000

NEW SECTION. Sec. 830. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates Technical College - Phase III Expansion: New Facility (02-2-684)

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

State Building Construction Account--State \$ 94,346
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,965,108
TOTAL \$ 17,059,454

NEW SECTION. Sec. 831. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College - Instructional Lab: New Facility (02-2-685)

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

State Building Construction Account--State \$ 68,838
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 15,159,624
TOTAL \$ 15,228,462

NEW SECTION. Sec. 832. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Walla Walla Basic Skills Lab: New Addition (02-2-686)

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

State Building Construction Account--State \$ 36,300
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 5,309,540
TOTAL \$ 5,345,870

**PART 6
MISCELLANEOUS**

NEW SECTION. Sec. 901. The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$18,427,449 during the 2001-2003 fiscal period; \$106,954,937 during the 2003-2005 fiscal period; \$149,523,472 during the 2005-2007 fiscal period; \$149,899,611 during the 2007-2009 fiscal period; and \$149,899,611 during the 2009-2011 fiscal period.

NEW SECTION. Sec. 902. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section or in excess of \$5,000,000 shall not be expended until the office of financial management has reviewed and approved the agency's predesign and other documents and approved an allotment for the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

NEW SECTION. Sec. 903. Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations referring to this section until the office of financial management has approved the allotment of the funds to be expended. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

NEW SECTION. Sec. 904. Appropriations for design and construction of facilities on higher education branch campuses shall be expended only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; and (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board.

NEW SECTION. Sec. 905. To ensure that minor works appropriations are carried out in accordance with legislative intent, funds shall not be allotted until project lists are on file at the office of financial management. No expenditure may be incurred or obligation entered into for appropriations referring to this section until the office of financial management has approved the allotment of the funds to be expended. When approving allotments for minor works, the office of financial management shall place a high priority on projects that provide improved accessibility to public building and public spaces. The office of financial management shall encourage state agencies to incorporate accessibility planning and improvements into the normal and customary capital program.

NEW SECTION. Sec. 906. (1) Agencies shall expedite the expenditure of reappropriations and appropriations in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(2) In order to meet the goals of this section, the following conditions apply to appropriations that reference this section: (a) To the extent feasible, agencies are directed to accelerate expenditure rates at the current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section; and (b) reappropriations that reference this subsection (2)(b) shall lapse on June 30, 2003.

(3) The office of financial management shall report the following to the appropriate fiscal committees of the legislature by January 30, 2003: (a) A listing of reappropriations in the governor's 2003-2005 capital budget recommendation that have been reappropriated one or more times and have ten percent or more of the original appropriation unexpended; and (b) an explanation of why the appropriation remains unexpended.

NEW SECTION. Sec. 907. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for

the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract may be reimbursed from proceeds of the financial contract to the extent provided in the financing plan approved by the state finance committee.

The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Secretary of state:

(a) Enter into a financing contract in the amount of \$13,582,200 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a regional archives building in eastern Washington to be sited on the Eastern Washington University campus in Cheney.

(b) Enter into a financing contract in the amount of \$653,800 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase technology equipment and software for an electronic data archive, provided that authority to expend funding for acquisition of technology equipment and software associated with the electronic data archive is conditioned on compliance with section 902 of the 2001-2003 operating budget bill (information services projects).

(2) Department of general administration:

(a) Enter into a financing contract in the amount of \$3,956,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to expand the existing Isabella Bush records center in Tumwater for use by state agencies.

(b) Enter into a financing contract in the amount of \$35,656,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase two existing office buildings and associated land in Tacoma for use by the department of social and health services.

(c) Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense. The office of financial management shall certify to the state treasurer:

(i) The project description and dollar amount; and (ii) that all requirements of this subsection (2)(c) have been met.

(3) Military department:

(a) Enter into a financing contract in the amount of \$653,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additional space at the Spokane combined public safety training center.

(b) Enter into a financing contract in the amount of \$807,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additional space at the Bremerton readiness center.

(4) Department of corrections:

Enter into a financing contract in the amount of \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a correctional industries transportation services warehouse.

(5) Department of veterans affairs:

(a) Enter into a financing contract in the amount of \$12,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a skilled nursing home in Retsil.

(b) Enter into a financing contract in an amount not to exceed \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase a state veterans' home in eastern Washington.

(6) State parks and recreation: It is the intent of the legislature that the operating revenues of the department provide the primary source of funds necessary to meet financing contract obligations for the projects financed under this authority. In addition, state parks and recreation is authorized to pledge to make payments from appropriated funds pursuant to chapter 39.94 RCW in order to:

(a) Enter into financing contracts in the amount of \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and install cabins and yurts statewide.

(b) Enter into a financing contract in an amount not to exceed \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for development of a multi-purpose dining and meeting facility at Fort Worden state park.

(7) Community and technical colleges:

(a) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$4,106,300 plus financing expenses and reserves pursuant to chapter 39.94 RCW to renovate Lynnwood hall and Montlake Terrace hall.

(b) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$3,134,900 plus financing expenses and reserves pursuant to chapter 39.94 RCW to construct an addition to the student center building.

(c) Enter into a financing contract on behalf of Highline Community College in the amount of \$15,006,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to replace the student union building.

(d) Enter into a financing contract on behalf of Lower Columbia College in the amount of \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for up to \$2,500,000 to purchase the maple terrace apartments.

(e) Enter into a financing contract on behalf of Everett Community College in the amount of \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for remodeling of the fitness center.

(f) Enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase two buildings and property contiguous to the college campus.

(g) Enter into a financing contract on behalf of Olympic College in the amount of \$900,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for development of off-street student parking.

(h) Enter into a financing contract on behalf of Renton Technical College in the amount of \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of approximately ten acres within the district boundary to support a future relocation of apprenticeship programs off the main campus.

(8) Central Washington University: Enter into a financing contract in the amount of \$5,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Central Washington University/Edmonds Community College center.

(9) University of Washington:

(a) Enter into a financing contract in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for renovation of Sand Point building 5.

(b) Enter into a financing contract in the amount of \$5,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for renovation of Sand Point building 29.

NEW SECTION. Sec. 908. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.020 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2001-2003 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

NEW SECTION. Sec. 909. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 910. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2001, from the 1999-2001 biennial appropriations for each project.

NEW SECTION. Sec. 911. To carry out the provisions of this act, the governor may assign responsibility for pre-design, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 912. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives capital budget committee.

NEW SECTION. Sec. 913. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 914. Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation, collocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 915. The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 916. NONTAXABLE AND TAXABLE BOND PROCEEDS. Portions of the appropriation authority granted by this act from the state building construction account may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority from the state building construction account to the state taxable building construction account is necessary.

NEW SECTION. Sec. 917. The joint legislative audit and review committee shall study the following topics and shall submit a preliminary report to the appropriate legislative committees by December 1, 2001, and a final report, including recommendations, by September 15, 2002:

(1) FTEs funded by the capital budget. There appears to be over four hundred fifty FTEs funded in the capital budget, many of these not directly related to specific capital projects, and many funded with state general obligation bonds. The committee, with assistance from the office of financial management, shall: (a) Estimate the number of FTEs funded in the capital budget by agency, including those who are partially funded by the capital budget, whether they are paid for through bonds or other sources, what their function is related to capital projects, and whether they work directly or indirectly on capital projects; and (b) estimate the extent to which overhead and administrative costs are paid for through the capital budget, and the extent to which other indirect costs such as rent are funded through the capital budget. The committee shall make recommendations regarding how these FTEs and indirect costs can be better accounted for in the budgeting process, and regarding the policy implications of funding personnel and indirect costs in the capital budget; and

(2) Deferred renewal in higher education institutions. According to higher education institutions, deferred renewal of their facilities, such as capital maintenance and minor works preservation projects needed but not done, runs in the hundreds of millions of dollars statewide. The committee shall: (a) Study the reasons for this extensive deferred renewal of facilities; (b) estimate, with the assistance of the office of financial management and the higher education coordinating board, the deferred renewal for each four year institution and for the community and technical college system, and to what extent this deferred renewal poses a health and safety threat to persons using the campus; (c) review how other states approach higher education facility capital maintenance; (d) make recommendations regarding how this deferred renewal problem could be addressed; and (e) develop options to better coordinate facility maintenance with the operating budget and other options to increase the useful life of these facilities.

NEW SECTION. Sec. 918. The office of financial management, in consultation with the department of general administration, shall identify capital projects that may benefit from an energy analysis to determine whether there are alternate, more economical, and energy efficient means of completing the work. The office of financial management shall hold appropriations in allotment reserve on the following types of capital projects until this analysis can be completed: Heating, ventilation, and air conditioning modifications, chiller plants, steam plants, boilers, chilled water or steam lines, building control systems, lighting improvements, or other major energy using systems that may warrant additional analysis. Agencies receiving appropriations for such projects are encouraged to utilize energy performance contracts or alternative financing for equipment in lieu of state appropriated funds. The office of financial management may transfer funds remaining in allotment reserve to infrastructure savings projects within the agency that has realized savings from energy efficiency alternatives.

NEW SECTION. Sec. 919. State contracts for the legislative building renovation, Nisqually earthquake repair, and future earthquake mitigation shall conform to all rules, regulations, and requirements of the federal emergency management agency.

NEW SECTION. Sec. 920. FOR THE STATE TREASURER--TRANSFER

Public Works Assistance Account: For transfer to the parks renewal/stewardship account on or before December 31, 2001, for the purpose of providing funds for the coastal facility relocation project in section 324 of this ac \$ 5,700,000

NEW SECTION. Sec. 921. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 922. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

Senator Fairley moved that the Senate concur in the House amendment to Substitute Senate Bill No. 6155.
Debate ensued.

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment to Substitute Senate Bill No. 6155.

The motion by Senator Fairley carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 6155.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6155, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6155, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 2; Absent, 0; Excused, 11.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hochstatter, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Winsley - 36.

Voting nay: Senators Morton, Sheldon, T. - 2.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Oke, Roach, Stevens and Zarelli - 11.

SUBSTITUTE SENATE BILL NO. 6155, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

June 19, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5990 with the following amendment(s):

On page 1, line 10, after "sum of" strike "nine hundred thirty-eight million" and insert "nine hundred thirty-five million five hundred thousand"

On page 2, line 3, strike "Seven hundred eighty-seven million" and insert "Seven hundred seventy-four million two hundred thousand", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

On motion of Senator Fairley, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5990.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5990, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5990, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 2; Absent, 1 Excused, 10.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hochstatter, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 36.

Voting nay: Senators Morton, Sheldon, T. - 2.

Absent: Senator McDonald - 1.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Oke, Roach and Stevens - 10.

ENGROSSED SENATE BILL NO. 5990, as amended by the House, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2258, by Representatives H. Sommers and Sehlin

Funding drought and earthquake emergency relief.

The bill was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, House Bill No. 2258 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2258.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2258 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hochstatter, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 39.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Oke, Roach and Stevens - 10.

HOUSE BILL NO. 2258, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Gardner, Gubernatorial Appointment No. 9133, James Wilson, as a member of the Board of Trustees for Whatcom Community College District No. 21, was confirmed.

APPOINTMENT OF JAMES WILSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hochstatter, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 39.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Oke, Roach and Stevens - 10.

MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9069, Dave Fisher, as a member of the Academic Achievement and Accountability Commission, was confirmed.

Senators McAuliffe and Finkbeiner spoke to the confirmation of Dave Fisher as a member of the Academic Achievement and Accountability Commission.

APPOINTMENT OF DAVE FISHER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 1; Excused, 10.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hochstatter, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 38.

Absent: Senator Snyder - 1.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Oke, Roach and Stevens - 10.

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9085, Tim Knue, as a member of the Professional Educator Standards Board, was confirmed.

APPOINTMENT OF TIM KNUE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hochstatter, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson,

Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 39.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Oke, Roach and Stevens - 10.

PERSONAL PRIVILEGE

Senator Deccio: "Mr. President, a point of personal privilege. Hopefully, Mr. President, I was trying to find a long white sheet and a grey beard, but I didn't have time. Hopefully this will be significant and we will be able to get out of here. Otherwise, the wrath of God is going to be upon us."

EDITOR'S NOTE: During his point of personal privilege, Senator Deccio held a large sign that read, 'THE END IS NEAR.'

MOTION

On motion of Senator Betti Sheldon, Gubernatorial Appointment No. 9107, Douglas D. Peters, as a member of the Board of Trustees for Yakima Valley Community College District No. 16, was confirmed.

Senators Betti Sheldon and Deccio spoke to the confirmation of Douglas D. Peters as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

APPOINTMENT OF DOUGLAS D. PETERS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hochstatter, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 39.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Oke, Roach and Stevens - 10.

MOTION

On motion of Senator Eide, Senator Patterson was excused.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9135, Michele Yapp, as a member of the Board of Regents for the University of Washington, was confirmed.

Senators Kohl-Welles and Thibaudeau spoke to the confirmation of Michelle Yapp as a member of the Board of Regents for the University of Washington.

APPOINTMENT OF MICHELLE YAPP

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hochstatter, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 38.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Oke, Patterson, Roach and Stevens - 11.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business and further consideration of the point of order raised by Senator West to the House amendment to Engrossed Substitute Senate Bill No. 6153.

CHALLENGE TO SCOPE AND OBJECT REQUEST

Senator Brown: "Mr. President, I would like to respond to the objection raised on the House amendments to Engrossed Substitute Senate Bill No. 6153. I respectfully take the position that none of the six sections cited in the objection create a separate subject in the omnibus appropriations act. As the President observed in his ruling on June 8 of this year, the *Legislature v. Locke* provides some guidance on this issue. Factors used in that case include whether the provision in question has continuing effect beyond the duration of the budget, whether the provision enacts substantive law by defining rights or restricting eligibility for services, and whether the subject was previously treated in a separate substantive bill.

"First, none of the six sections challenged by this objection have any continuing effect beyond the duration of the budget act. As declared in section 1 of this act, the budget bill appropriates funds, subject to various conditions and limitations, 'for the fiscal biennium beginning July 1, 2001, and ending June 30, 2003.' Thus, the budget appropriations and all of the conditions and limitations on those appropriations expire on June 30, 2003, and have no continuing effect. The budget provisos are all uncodified fiscal provisions.

"Second, none of the budget provisos being challenged defines rights or restricts eligibility for services. Each of these six budget provisos authorizes state agencies to adjust current fees, which are already authorized under existing statutes, as necessary to support the appropriation levels contained in the budget act. Existing statutes, enacted as part of Initiative 601, expressly empower the Legislature to authorize these fee adjustments. Moreover, they are directly related to the budget appropriations to which they are attached.

"Thirdly, none of these six budget provisions have been treated in separate substantive legislation. In examining each of these six budget provisos, some brief comments are in order:

"Section 145 authorizes the Board of Accountancy to increase fee revenue in order to support the appropriation level from the dedicated account from which the Board operates. Section 145 expressly limits this authorization to Fiscal Years 2002 and 2003. There is no continuing effect.

"Section 217 appropriates funds for the operation of the Department of Labor and Industries, including the elevator inspection program. The budget proviso attached to this appropriation directs the agency to generate sufficient fee revenue to support the appropriation; it is directly related to the subject of the bill — making appropriations for the operation of state agencies.

"Section 220 similarly authorizes the Department of Health to generate sufficient fee revenue to support the licensing of health professions under the jurisdiction of the Department. This budget proviso merely reflects existing statutory law that requires all health-related licensing programs to be self-supporting through fee revenue. This statute can be found in RCW 43.70.110.

"Section 401 provides the same fee-generating revenue to the Department of Licensing, which has an identical statute requiring all professional licensing program to be self-sufficient. This statute is RCW 43.24.086.

"Sections 601 and 603 relates to the tuition and fee revenue received by the state's institutions of higher education. RCW 28B.15.067 expressly authorizes the Legislature to establish tuition and fee levels in the omnibus appropriations act. These sections implement this statutory mandate and provide the tuition and fee revenue assumptions that are reflected in the appropriation levels contained in this act.

"Finally, Mr. President, I respectfully submit that ESSB 6153 is a fiscal bill, as reflected in the title of the bill: 'An act relating to fiscal matters.' Each of the six budget provisos that are the subject of this objection are fiscal provisions that are inextricably linked to the budget appropriations to which they are attached. Simply put, these provisos make the appropriations work.

"For these reasons, I respectfully urge the President to find that the point of order is not well taken."
Debate ensued.

At 11:15 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 11:21 a.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Finkbeiner, Gubernatorial Appointment No. 9039, Pat Stanford, as a member of the Higher Education Coordinating Board, was confirmed.

APPOINTMENT OF PAT STANFORD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hochstatter, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 39.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Oke, Roach and Stevens - 10.

MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9097, Gloria Mitchell, as a member of the Board of Trustees for Cascadia Community College District No. 30, was confirmed.

APPOINTMENT OF GLORIA MITCHELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 40.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, McCaslin, Oke, Roach and Stevens - 9.

MOTION

On motion of Senator Kastama, Gubernatorial Appointment No. 9103, Kathryn A. Nelson, as a member of the Professional Educator Standards Board, was confirmed.

APPOINTMENT OF KATHRYN A. NELSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 40.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, McCaslin, Oke, Roach and Stevens - 9.

MOTION

On motion of Senator Swecker, Gubernatorial Appointment No. 9012, Franklin D. DeVaul, Jr., as a member of the Board of Trustees for Centralia Community College District No. 12, was confirmed.

APPOINTMENT OF FRANKLIN D. DeVAUL, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 40.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, McCaslin, Oke, Roach and Stevens - 9.

MOTION

On motion of Senator Hochstatter, Gubernatorial Appointment No. 9112, Jay Reich, as a member of the Board of Trustees for Central Washington University, was confirmed.

Senators Hochstatter and Kline spoke to the confirmation of Jay Reich as a member of the Board of Trustees for Central Washington University.

APPOINTMENT OF JAY REICH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 39.

Absent: Senator Franklin - 1.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, McCaslin, Oke, Roach and Stevens - 9.

MOTION

Senator Tim Sheldon moved that the Senate immediately consider Engrossed House Bill No. 2262.

Debate ensued.

Senator Tim Sheldon demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be roll call on the motion by Senator Tim Sheldon to immediately consider Engrossed House Bill No. 2262.

ROLL CALL

The Secretary called the roll and the motion by Senator Tim Sheldon failed by the following vote: Yeas, 17; Nays, 23; Absent, 0; Excused, 9.

Voting yea: Senators Carlson, Deccio, Finkbeiner, Hochstatter, Horn, Johnson, Kastama, McDonald, Morton, Parlette, Patterson, Rossi, Sheahan, Sheldon, T., Swecker, West and Zarelli - 17.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Haugen, Jacobsen, Kline, Kohl-Welles, Long, McAuliffe, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Winsley - 23.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, McCaslin, Oke, Roach and Stevens - 9.

MOTION

At 11:43 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 2:10 p.m. by President Owen.

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

MESSAGE FROM THE HOUSE

June 20, 2001

MR. PRESIDENT:

The Co-Speakers have signed SUBSTITUTE HOUSE BILL NO. 1926, and the same is herewith transmitted.
CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1926.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5990,
SUBSTITUTE SENATE BILL NO. 6155.

There being no objection, the Senate resumed consideration of the Message from the House on Engrossed Substitute Senate Bill No. 6153 and the motion by Senator Brown to concur in the House amendments made earlier today.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator West that the House striking amendment to Engrossed Substitute Senate Bill No. 6153 violates Senate Rule 25, the President finds that four of the fees cited by Senator West were previously authorized in statute to cover the cost of preexisting statutory programs. The Board of Accountancy fee in Section 145 is authorized in RCW 18.04.065; The Labor and Industries elevator fee in Section 217 is authorized in RCW 70.87.030; The Department of Health licensing fee in Section 220 is authorized in RCW 43.70.110; The Department of Licencing business license fee in Section 401 is authorized in RCW 43.24.086; and additionally, the tuition and fee increases set forth in Sections 601 and 603 are specifically authorized to occur in a budget bill in RCW 28B.15.067(3).

"The President would distinguish the preexisting fees in this budget bill from the child care co-pay provision addressed in *Legislature v. Locke*. In *Locke*, the court determined specifically that the 'intent and effect of the co-payment provision here is to restrict access to public assistance eligibility, (therefore) its inclusion by the Legislature in a budget bill violates Article II, Sec. 19.'

"The President does not find that the pre-existing administrative fees at issue in this budget are substantive provisions prohibited in a budget under Senate Rule 25. The President believes there is a distinction between a tax created or increased in a budget bill, for example, and the preexisting administrative fees addressed in this budget. For the distinction between a 'fee' and a 'tax,' the President would refer the members to the President's rulings on the subject under I-601.

"In short, the President finds that the preexisting fees at issue are rationally related to the appropriation sections in question and that Senator West's point of order is not well taken."

The President ruled that the point of order by Senator West was not well taken and Engrossed Substitute Senate Bill No. 6153 was properly before the Senate.

POINT OF ORDER

Senator Johnson: "A point of order, Mr. President. If the matter of Engrossed Substitute Senate Bill No. 6153 is again before the Senate, which I gather that it is from the President's Ruling, I raise a point of order with respect to Section 514, Sub. 17, which provides substantive provisions regarding assistance for schools. Most of which is taken from Senate Bill No. 5625 which passed the Senate, but did not pass the House and, therefore, did not pass the Legislature. The argument has been made once before and ruled upon in a slightly different form that the inclusion of those provisions in this bill, Engrossed Substitute Senate Bill No. 6153 violate Rule 25, which is the rewrite of Article II, Section 19, of the State Constitution providing that no bill shall embrace more than one subject and that shall be expressed in the title. While the language of this particular section is not precisely the same as the prior ruling of the President, I urge that it is really a distinction without substantive difference. Now the language provides, among other things, that the Superintendent of Public Instruction shall conduct educational audits; shall enter into performance agreements; shall undertake recommendations from the community; which necessarily involves community hearings. The audit then shall address the needs and there again will be a public meeting, so it is trimmed down some, but has the same defects and therefore I urge the point of order."

REMARKS BY SENATOR BROWN

Senator Brown: "Mr. President, I respectfully take the position that the House amendment does not create a second subject in the budget bill. The amendment honors and does not violate Senate Rule 25 and Article II, section 19 of the State Constitution. As the President noted last week, this has been the subject of several rulings by the state supreme court. In *Flanders v. Morris* (1977) and most recently in *Legislature v. Locke* (1999) the court ruled that a budget item violated Article II, section 19 of the Constitution because 'the intent and effect was to restrict access to public assistance eligibility.'

"The fact patterns in *Locke*, *Flanders* and other cases involved a dispute between the legislative and executive branches which the court was compelled to resolve. In so doing, the court has stated clearly that the budget bill cannot include substantive law. The *Locke* court said that it would not adopt a categorical definition of 'substantive law,' but rather said that the presence of certain factors may indicate the presence of substantive law in an appropriations measure. These factors include whether or not rights or entitlement to services are restricted, whether the policy extends beyond the two years of the budget period, and whether there was treatment of the policy in a separate substantive bill.

"The House amendment does not qualify as 'substantive law' under any of the three potential tests for the presence of substantive law set forth in *Locke*. These are the tests:

"First, does the language establish or restrict rights or entitlements? It does not. The amendment simply establishes a 2-year grant program. School districts are not required to accept the funds. The grant award of assistance to schools is voluntary and creates no rights or entitlements on the part of individuals or school districts, but simply gives struggling schools an opportunity to receive additional funds.

"Second, does the grant program extend beyond the two-year budget period? It does not. The program expires when the budget expires.

"Third, does the policy in the amendment differ from policies proposed in separate substantive bills? Yes, it does. While a variety of policy proposals over the years have treated the topic of assistance to struggling schools, the House amendment does not establish a change in statutory law that would, as the *Locke* court said, have no 'expiration date.'

"Mr. President, the House amendment appropriates \$2.8 million for the biennium to the Superintendent of Public Instruction. The language describes how the funds can be spent during the biennium. OSPI's use of these funds during the fiscal biennium is limited to spending these funds to conduct educational audits of low performing schools and enter into performance agreements with school districts to implement the recommendations, administer the program, provide grants to school districts to develop plans, and to award plaques for achievement.

"The House amendment's provisions, Mr. President, do not affect rights or entitlements to services as did the provisions in *Locke* and *Flanders*. They do not extend beyond two years, nor do they make the changes in permanent law that other measures on the same subject would have made. The House amendment simply adds an appropriation, not a new subject to the budget. The amendment allocates funds for a biennium and protects the interests of the legislature and the public by attaching appropriate conditions to their use during that period. The restrictions and directions on the expenditure of the new appropriation do not constitute substantive law by any measure.

"In short, Mr. President, this amendment does not raise the type of concerns over "log rolling" that Art. II, Sec. 19 is designed to protect all of us from. For these reasons, I respectfully urge the President to find that the point of order is not well taken."

WITHDRAWAL OF POINT OF ORDER

Senator Johnson: "Mr. President, with reference to the point of order, the President having ruled on the Republican Leader's point of order against that point, it appears to me now, that the only impediment to the budget going to the Governor would be this point that I have raised. While I strenuously oppose the budget, it being in my view, unsustainable, I will respectfully withdraw that point of order."

The President declared the question before the Senate to be the motion by Senator Brown to concur in the House amendments to Engrossed Substitute Senate Bill No. 6153.

Debate ensued.

The motion by Senator Brown carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6153.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6153, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6153, as amended by the House, and the bill passed by the following vote: Yeas, 26; Nays, 14; Absent, 0; Excused, 9.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Winsley - 26.

Voting nay: Senators Finkbeiner, Hochstatter, Horn, Johnson, Long, McDonald, Morton, Parlette, Rossi, Sheahan, Sheldon, T., Swecker, West and Zarelli - 14.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, McCaslin, Oke, Roach and Stevens - 9.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6153, as amended by the House, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion on Senator Betti Sheldon, the Senate advanced to the seventh order of business.

THIRD READING

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, by Senate Committee on Human Services and Corrections (originally sponsored by Senators Long and Hargrove)

Revising provisions relating to sex offenders.

MOTIONS

On motion of Senator Long, the rules were suspended, Second Engrossed Substitute Senate Bill No. 6151 was returned to second reading and read the second time.

Senator Long moved that the following striking amendment by Senators Long, Costa, Snyder and Carlson be adopted:

Strike everything after the enacting clause and insert the following:

"PART I GENERAL PROVISIONS

NEW SECTION. Sec. 101. The legislature intends the following omnibus bill to address the management of sex offenders in the civil commitment and criminal justice systems for purposes of public health, safety, and welfare. Provisions address siting of and continued operation of facilities for persons civilly committed under chapter 71.09 RCW and sentencing of persons who have committed sex offenses. Other provisions address the need for sex offender treatment providers with specific credentials. Additional provisions address the continued operation or authorized expansion of criminal justice facilities at McNeil Island, because these facilities are impacted by the civil facilities on McNeil Island for persons committed under chapter 71.09 RCW.

Sec. 102. RCW 71.09.020 and 2001 c 286 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

~~(1) ("Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.~~

~~(2) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.) "Department" means the department of social and health services.~~

~~(2) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092.~~

~~(3) "Likely to engage in predatory acts of sexual violence if not confined in a secure facility" means that the person more probably than not will engage in such acts if released unconditionally from detention on the sexually violent predator petition. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.~~

~~(4) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.~~

~~(5) "Predatory" means acts directed towards: (a) Strangers; (b) individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or (c) persons of casual acquaintance with whom no substantial personal relationship exists.~~

~~((5)) (6) "Recent overt act" means any act or threat that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm in the mind of an objective person who knows of the history and mental condition of the person engaging in the act.~~

~~((6)) (7) "Risk potential activity" or "risk potential facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, and public libraries.~~

~~(8) "Secretary" means the secretary of social and health services or the secretary's designee.~~

~~(9) "Secure facility" means a residential facility for persons civilly confined under the provisions of this chapter that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement under RCW 71.09.096.~~

~~(10) "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to section 201 of this act and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.~~

~~(11) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter ((71.09 RCW)), has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.~~

~~((7) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092.~~

~~(8) "Secretary" means the secretary of social and health services or his or her designee.)~~

(12) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

(13) "Total confinement facility" means a facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a secure facility by the secretary.

PART II SITING AND OPERATION OF SECURE COMMUNITY TRANSITION FACILITIES

NEW SECTION. Sec. 201. A new section is added to chapter 71.09 RCW to read as follows:

(1)(a) The secretary is authorized to site, construct, occupy, and operate a secure community transition facility on McNeil Island for persons authorized to petition for a less restrictive alternative under RCW 71.09.090(1) and who are conditionally released and a special commitment center on McNeil Island with up to four hundred four beds as a total confinement facility under this chapter, subject to appropriated funding for those purposes. The secure community transition facility shall be authorized for the number of beds needed to ensure compliance with the orders of the superior courts under this chapter and the federal district court for the western district of Washington. The total number of beds shall be comprised of fifteen transitional beds and nine long-term beds.

(b) For purposes of this subsection, "long-term beds" means beds for persons whose progress toward a less restrictive alternative at a level less secure than the secure community transition facility established in this subsection and whose transition into more complete community involvement is projected to take substantially longer than the average resident of this facility.

(2) Notwithstanding RCW 36.70A.103 or any other law, this statute preempts and supersedes local plans, development regulations, permitting requirements, inspection requirements, and all other laws as necessary to enable the secretary to site, construct, occupy, and operate a secure community transition facility on McNeil Island and a total confinement facility on McNeil Island.

(3) To the greatest extent possible, until June 30, 2003, persons who were not civilly committed from the county in which the secure community transition facility established pursuant to subsection (1) of this section is located may not be conditionally released to a setting in that same county less restrictive than that facility.

(4) The department must:

(a) Identify the minimum and maximum number of secure community transition facility beds in addition to the facility established under subsection (1) of this section that may be necessary for the period of May 2004 through May 2007 and provide notice of these numbers to all counties by August 31, 2001;

(b) In consultation with the joint select committee established in section 225 of this act, develop and publish a notice of proposed rules containing criteria for the siting and operation of secure community transition facilities by October 1, 2001; and

(c) Provide a status report to the appropriate committees of the legislature by December 1, 2002, on the development of facilities under the incentive program established in section 204 of this act. The report shall include a projection of the anticipated number of secure community transition facility beds that will become operational between May 2004 and May 2007. If it appears that an insufficient number of beds will be operational, the department's report shall recommend a progression of methods to facilitate siting in counties and cities including, if necessary, preemption of local land use planning process and other laws.

(5)(a) The total number of secure community transition facility beds that may be required to be sited in a county between the effective date of this section and June 30, 2008, may be no greater than the total number of persons civilly committed from that county, or detained at the special commitment center under a pending civil commitment petition from that county where a finding of probable cause had been made on April 1, 2001. The total number of secure community transition facility beds required to be sited in each county between July 1, 2008, and June 30, 2015, may be no greater than the total number of persons civilly committed from that county or detained at the special commitment center under a pending civil commitment petition from that county where a finding of probable cause had been made as of July 1, 2008.

(b) Counties and cities that provide secure community transition facility beds above the maximum number that they could be required to site under this subsection are eligible for a bonus grant under the incentive provisions in section 204 of this act. The county where the special commitment center is located shall receive this bonus grant for the number of beds in the facility established in subsection (1) of this section in excess of the maximum number established by this subsection.

(c) No secure community transition facilities in addition to the one established in subsection (1) of this section may be required to be sited in the county where the special commitment center is located until after June 30, 2008, provided however, that the county and its cities may elect to site additional secure community transition facilities and shall be eligible under the incentive provisions of section 204 of this act for any additional facilities meeting the requirements of that section.

(6) In identifying potential sites within a county for the location of a secure community transition facility, the department shall work with and assist local governments to provide for the equitable distribution of such facilities unless the local government affirmatively decides to group similar facilities.

(7)(a) "Equitable distribution" means siting or locating secure community transition facilities in a manner that will not cause a disproportionate grouping of similar facilities either in any one county, or in any one jurisdiction or community within a county, as relevant; and

(b) "Jurisdiction" means a city, town, or geographic area of a county in which district political or judicial authority may be exercised.

NEW SECTION. Sec. 202. A new section is added to chapter 72.09 RCW to read as follows:

The secretary is authorized to operate a correctional facility on McNeil Island for the confinement of sex offenders and other offenders sentenced by the courts, and to make necessary repairs, renovations, additions, and improvements to state property for that purpose, notwithstanding any local comprehensive plans, development regulations, permitting requirements, or any other local laws. Operation of the correctional facility and other state facilities authorized by this section and other law includes access to adequate docking facilities on state-owned tidelands at the town of Steilacoom.

Sec. 203. RCW 36.70A.103 and 1991 sp.s. c 32 s 4 are each amended to read as follows:

State agencies shall comply with the local comprehensive plans and development regulations and amendments thereto adopted pursuant to this chapter except as otherwise provided in sections 201 (1) and (2) and 202 of this act.

The provisions of this act do not affect the state's authority to site any other essential public facility under RCW 36.70A.200 in conformance with local comprehensive plans and development regulations adopted pursuant to chapter 36.70A RCW.

NEW SECTION. Sec. 204. A new section is added to chapter 71.09 RCW to read as follows:

(1) Upon receiving the notification required by section 201 of this act, counties must promptly notify the cities within the county of the maximum number of secure community transition facility beds that may be required and the projected number of beds to be needed in that county.

(2) The incentive grants provided under this section are subject to the following provisions:

(a) Counties and the cities within the county must notify each other of siting plans to promote the establishment and equitable distribution of secure community transition facilities. In coordinating and deciding upon the siting of secure community transition facilities, great weight shall be given by the county and cities within the county to the number and location of existing residential facility beds operated by the department of corrections or the mental health division of the department of social and health services in the county;

(b) Development regulations, ordinances, plans, laws, and criteria established for siting must be consistent with statutory requirements and rules applicable to siting and operating secure community transition facilities;

(c) The minimum size for any facility is three beds; and

(d) The department must approve any sites selected.

(3) Any county or city that makes a commitment to initiate the process to site one or more secure community transition facilities by February 1, 2002, shall receive a planning grant as proposed and approved by the department of community, trade, and economic development.

(4) Any county or city that has issued all necessary permits by May 1, 2003, for one or more secure community transition facilities that comply with the requirements of this section shall receive an incentive grant in the amount of fifty thousand dollars for each bed sited.

(5) To encourage the rapid permitting of sites, any county or city that has issued all necessary permits by January 1, 2003, for one or more secure community transition facilities that comply with the requirements of this section shall receive a bonus in the amount of twenty percent of the amount provided under subsection (4) of this section.

(6) Any county or city that establishes secure community transition facility beds in excess of the maximum number that could be required to be sited in that county shall receive a bonus payment of one hundred thousand dollars for each bed established in excess of the maximum requirement.

(7) No payment shall be made under this section until all necessary permits have been issued.

Sec. 205. RCW 36.70A.200 and 1998 c 171 s 3 are each amended to read as follows:

(1) The comprehensive plan of each county and city that is planning under ~~((this chapter))~~ RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, ~~((and))~~ group homes, and secure community transition facilities as defined in RCW 71.09.020.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than the deadline specified in RCW 36.70A.130, establish a process, or amend its existing process, for identifying and siting essential public facilities, and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements and rules applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than the deadline specified in RCW 36.70A.130, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements and rules applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities. No county or city may preclude the siting of secure community transition facilities.

NEW SECTION. Sec. 206. A new section is added to chapter 71.09 RCW to read as follows:

The provisions of this act shall not be construed to limit siting of secure community transition facilities to residential neighborhoods.

NEW SECTION. Sec. 207. Beginning on the effective date of this section, the state shall immediately enter into negotiations for a mitigation agreement with: (1) The county in which the secure community transition facility established pursuant to section 201(1) of this act is located; (2) each community in which the persons from that facility will reside or regularly spend time in pursuant to court orders for regular work or education, or to receive social services, or will regularly be transported through to reach those other communities; and (3) educational institutions in the communities identified in subsections (1) and (2) of this section. The negotiations must be toward an agreement that will provide state funding, as appropriated for this purpose, in an amount adequate to mitigate anticipated or realized increased costs resulting from any increased risks to public safety brought about by the presence of sexually violent predators in those communities due to the siting of the secure community transition facility established pursuant to section 201(1) of this act. This section expires June 30, 2003.

NEW SECTION. Sec. 208. A new section is added to chapter 71.09 RCW to read as follows:

(1) The department shall make reasonable efforts to distribute the impact of the employment, education, and social services needs of the residents of the secure community transition facility established pursuant to section 201(1) of this act among the adjoining counties and not to concentrate the residents' use of resources in any one community.

(2) The department shall develop policies to ensure that, to the extent possible, placement of persons eligible in the future for conditional release to a setting less restrictive than the facility established pursuant to section 201(1) of this act will be equitably distributed among the counties and within jurisdictions in the county.

NEW SECTION. Sec. 209. The department of social and health services shall, by August 1, 2001, and prior to operating the secure community transition facility established pursuant to section 201(1) of this act, hold at least three public hearings in the affected communities within the county where the facility is located.

The purpose of the public hearings is to seek input from county and city officials, local law enforcement officials, and the public regarding operations and security measures needed to adequately protect the community from any increased risk to public safety brought about by the presence of persons conditionally released from the special commitment center in these communities due to the siting of the facility. The department shall ensure that persons have a full opportunity to speak to the issues to be addressed during each hearing.

NEW SECTION. Sec. 210. The secretary of social and health services shall coordinate with the secretary of corrections and the appropriate local or state law enforcement agency or agencies to establish a twenty-four-hour law enforcement presence on McNeil Island before any person is admitted to the secure community transition facility established under section 201(1) of this act. Law enforcement shall coordinate with the emergency response team for McNeil Island to provide planning and coordination in the event of an escape from the special commitment center or the secure community transition facility.

In addition, or if no law enforcement agency will provide a law enforcement presence on the island, not more than ten correctional employees, as selected by the secretary of corrections, who are members of the emergency response team for the McNeil Island correctional facility, shall have the powers and duties of a general authority peace officer while acting in a law enforcement capacity. If there is no law enforcement agency to provide the law enforcement presence, those correctional employees selected as peace officers shall provide a twenty-four-hour presence and shall not have correctional duties at the correctional facility in addition to the emergency response team while acting in a law enforcement capacity.

NEW SECTION. Sec. 211. A new section is added to chapter 71.09 RCW to read as follows:

(1) By August 1, 2001, the department must provide the appropriate committees of the legislature with a transportation plan to address the issues of coordinating the movement of residents of the secure community transition facility established pursuant to section 201(1) of this act between McNeil Island and the mainland with the movement of others who must use the same docks or equipment within the funds appropriated for this purpose.

(2) If the department does not provide a separate vessel for transporting residents of the secure community transition facility established in section 201(1) of this act between McNeil Island and the mainland, the plan shall include at least the following components:

(a) The residents shall be separated from minors and vulnerable adults, except vulnerable adults who have been found to be sexually violent predators.

(b) The residents shall not be transported during times when children are normally coming to and from the mainland for school.

(3) The department shall designate a separate waiting area at the points of debarkation, and residents shall be required to remain in this area while awaiting transportation.

(4) The department shall provide law enforcement agencies in the counties and cities in which residents of the secure community transition facility established pursuant to section 201(1) of this act regularly participate in employment, education, or social services, or through which these persons are regularly transported, with a copy of the court's order of conditional release with respect to these persons.

NEW SECTION. Sec. 212. A new section is added to chapter 71.09 RCW to read as follows:

When considering whether a person civilly committed under this chapter and conditionally released to a secure community transition facility is appropriate for release to a placement that is less restrictive than that facility, the court shall comply with the procedures set forth in RCW 71.09.090 through 71.09.096. In addition, the court shall consider whether the person has progressed in treatment to the point that a significant change in the person's routine, including but not limited to a change of employment, education, residence, or sex offender treatment provider will not cause the person to regress to the point that the person presents a greater risk to the community than can reasonably be addressed in the proposed placement.

NEW SECTION. Sec. 213. A new section is added to chapter 71.09 RCW to read as follows:

(1) Except with respect to the secure community transition facility established pursuant to section 201 of this act, the secretary shall adopt rules that balance the average response time of emergency services to the general area of a proposed secure community transition facility against the proximity of the proposed site to risk potential activities and facilities in existence at the time the site is listed for consideration.

(2) In balancing the competing criteria of proximity and response time the rule shall endeavor to achieve an average law enforcement response time not greater than five minutes and in no case shall the rule permit location of a facility adjacent to, immediately across a street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time a site is listed for consideration. "Within the line of sight" means that it is possible to reasonably visually distinguish and recognize individuals.

(3) The rule shall require that great weight be given to sites that are the farthest removed from any risk potential activity.

(4) The rule shall specify how distance from the location is measured and any variations in the measurement based on the size of the property within which a proposed facility is to be located.

(5) The rule shall establish a method to analyze and compare the criteria for each site in terms of public safety and security, site characteristics, and program components. In making a decision regarding a site following the analysis and comparison, the secretary shall give priority to public safety and security considerations. The analysis and comparison of the criteria are to be documented and made available at the public hearings prescribed in section 219 of this act.

NEW SECTION. Sec. 214. A new section is added to chapter 71.09 RCW to read as follows:

The secretary shall establish criteria for the siting of secure community transition facilities, other than the secure community transition facility established pursuant to section 201 of this act, which shall include at least the following minimum requirements:

(1) Any real property listed for consideration for the location of or use as a secure community transition facility must meet all of the following criteria:

(a) The proximity and response time criteria established under section 213 of this act;

(b) The site or building is available for lease for the anticipated use period or for purchase;

(c) Security monitoring services and appropriate back-up systems are available and reliable;

(d) Appropriate mental health and sex offender treatment providers must be available within a reasonable commute; and
(e) Appropriate permitting for a secure community transition facility must be possible under the zoning code of the local jurisdiction.

(2) For sites which meet the criteria of subsection (1) of this section, the department shall analyze and compare the criteria in subsections (3) through (5) of this section using the method established in section 213 of this act.

(3) Public safety and security criteria shall include at least the following:

(a) Whether limited visibility between the facility and adjacent properties can be achieved prior to placement of any person;

(b) The distance from, and number of, risk potential activities and facilities, as measured using the rules adopted under section 213 of this act;

(c) The existence of or ability to establish barriers between the site and the risk potential facilities and activities;

(d) Suitability of the buildings to be used for the secure community transition facility with regard to existing or feasibly modified features; and

(e) The availability of electronic monitoring that allows a resident's location to be determined with specificity.

(4) Site characteristics criteria shall include at least the following:

(a) Reasonableness of rental, lease, or sale terms including length and renewability of a lease or rental agreement;

(b) Traffic and access patterns associated with the real property;

(c) Feasibility of complying with zoning requirements within the necessary time frame; and

(d) A contractor or contractors are available to install, monitor, and repair the necessary security and alarm systems.

(5) Program characteristics criteria shall include at least the following:

(a) Reasonable proximity to available medical, mental health, sex offender, and chemical dependency treatment providers and facilities;

(b) Suitability of the location for programming, staffing, and support considerations;

(c) Proximity to employment, educational, vocational, and other treatment plan components.

(6) For purposes of this section "available" or "availability" of qualified treatment providers includes provider qualifications and willingness to provide services, average commute time, and cost of services.

NEW SECTION. Sec. 215. A new section is added to chapter 71.09 RCW to read as follows:

(1) Security systems for all secure community transition facilities shall meet the following minimum qualifications:

(a) The security panel must be a commercial grade panel with tamper-proof switches and a key-lock to prevent unauthorized access.

(b) There must be an emergency electrical supply system which shall include a battery back-up system and a generator.

(c) The system must include personal panic devices for all staff.

(d) The security system must be capable of being monitored and signaled either by telephone through either a land or cellular telephone system or by private radio network in the event of a total dial-tone failure or through equivalent technologies.

(e) The department shall issue photo-identification badges to all staff which must be worn at all times.

(2) Security systems for the secure community transition facility established pursuant to section 201(1) of this act shall also include a fence and provide the maximum protection appropriate in a civil facility for persons in less than total confinement.

NEW SECTION. Sec. 216. A new section is added to chapter 71.09 RCW to read as follows:

(1) Secure community transition facilities shall meet the following minimum staffing requirements:

(a) At any time the census of a facility is six or fewer residents, the facility shall maintain a minimum staffing ratio of one staff per resident during normal waking hours and two awake staff per three residents during normal sleeping hours.

(b) At any time the census of a facility is six or fewer residents, all staff shall be classified as residential rehabilitation counselor II or have a classification that indicates a higher level of skill, experience, and training.

(c) Before being assigned to a facility, all staff shall have training in sex offender issues, self-defense, and crisis de-escalation skills in addition to departmental orientation and, as appropriate, management training. All staff with resident treatment or care duties must participate in ongoing in-service training.

(d) All staff must pass a departmental background check and the check is not subject to the limitations in chapter 9.96A RCW. A person who has been convicted of a felony, or any sex offense, may not be employed at the secure community transition facility or be approved as an escort for a resident of the facility.

(2) With respect to the facility established pursuant to section 201(1) of this act, the department shall, no later than December 1, 2001, provide a staffing plan to the appropriate committees of the legislature that will cover the growth of that facility to its full capacity.

NEW SECTION. Sec. 217. A new section is added to chapter 71.09 RCW to read as follows:

(1) Unless otherwise ordered by the court:

(a) Residents of a secure community transition facility shall wear electronic monitoring devices at all times. To the extent that electronic monitoring devices that employ global positioning system technology are available and funds for this purpose are appropriated by the legislature, the department shall use these devices.

(b) At least one staff member, or other court-authorized and department-approved person must escort each resident when the resident leaves the secure community transition facility for appointments, employment, or other approved activities. Escorting persons must supervise the resident closely and maintain close proximity to the resident. The escort must immediately notify the department of any serious violation, as defined in section 221 of this act, by the resident and must immediately notify law enforcement of any violation of law by the resident.

(2) Staff members of the special commitment center and any other total confinement facility and any secure community transition facility must be trained in self-defense and appropriate crisis responses including incident de-escalation. Prior to escorting a person outside of a facility, staff members must also have training in the offense pattern of the offender they are escorting.

(3) Any escort must carry a cellular telephone or a similar device at all times when escorting a resident of a secure community transition facility.

(4) The department shall require training in offender pattern, self-defense, and incident response for all court-authorized escorts who are not employed by the department or the department of corrections.

NEW SECTION. Sec. 218. A new section is added to chapter 71.09 RCW to read as follows:

Notwithstanding the provisions of section 217 of this act, residents of the secure community transition facility established pursuant to section 201(1) of this act must be escorted at any time the resident leaves the facility.

NEW SECTION. Sec. 219. A new section is added to chapter 71.09 RCW to read as follows:

(1) Whenever the department operates, or the secretary enters into a contract to operate, a secure community transition facility except the secure community transition facility established pursuant to section 201(1) of this act, the secure community transition facility may be operated only after the public notification and opportunities for review and comment as required by this section.

(2) The secretary shall establish a process for early and continuous public participation in establishing or relocating secure community transition facilities. The process shall include, at a minimum, public meetings in the local communities affected, as well as opportunities for written and oral comments, in the following manner:

(a) If there are more than three sites initially selected as potential locations and the selection process by the secretary or a service provider reduces the number of possible sites for a secure community transition facility to no fewer than three, the secretary or the chief operating officer of the service provider shall notify the public of the possible siting and hold at least two public hearings in each community where a secure community transition facility may be sited.

(b) When the secretary or service provider has determined the secure community transition facility's location, the secretary or the chief operating officer of the service provider shall hold at least one additional public hearing in the community where the secure community transition facility will be sited.

(c) When the secretary has entered negotiations with a service provider and only one site is under consideration, then at least two public hearings shall be held.

(d) To provide adequate notice of, and opportunity for interested persons to comment on, a proposed location, the secretary or the chief operating officer of the service provider shall provide at least fourteen days' advance notice of the meeting to all newspapers of general circulation in the community, all radio and television stations generally available to persons in the community, any school district in which the secure community transition facility would be sited or whose boundary is within two miles of a proposed secure community transition facility, any library district in which the secure community transition facility would be sited, local business or fraternal organizations that request notification from the secretary or agency, and any person or property owner within a one-half mile radius of the proposed secure community transition facility. Before initiating this process, the department of social and health services shall contact local government planning agencies in the communities containing the proposed secure community transition facility. The department of social and health services shall coordinate with local government agencies to ensure that opportunities are provided for effective citizen input and to reduce the duplication of notice and meetings.

(3) If local government land use regulations require that a special use or conditional use permit be submitted and approved before a secure community transition facility can be sited, and the process for obtaining such a permit includes public notice and hearing requirements similar to those required under this section, the requirements of this section shall not apply to the extent they would duplicate requirements under the local land use regulations.

(4) This section applies only to secure community transition facilities sited after the effective date of this section.

NEW SECTION. Sec. 220. A new section is added to chapter 71.09 RCW to read as follows:

(1) The secretary shall develop a process with local governments that allows each community in which a secure community transition facility is located to establish operational advisory boards of at least seven persons for the secure community transition facilities. The department may conduct community awareness activities to publicize this opportunity. The operational advisory boards developed under this section shall be implemented following the decision to locate a secure community transition facility in a particular community.

(2) The operational advisory boards may review and make recommendations regarding the security and operations of the secure community transition facility and conditions or modifications necessary with relation to any person who the secretary proposes to place in the secure community transition facility.

(3) The facility management must consider the recommendations of the community advisory boards. Where the facility management does not implement an operational advisory board recommendation, the management must provide a written response to the operational advisory board stating its reasons for its decision not to implement the recommendation.

(4) The operational advisory boards, their members, and any agency represented by a member shall not be liable in any cause of action as a result of its recommendations unless the advisory board acts with gross negligence or bad faith in making a recommendation.

NEW SECTION. Sec. 221. A new section is added to chapter 71.09 RCW to read as follows:

(1) The secretary shall adopt a violation reporting policy for persons conditionally released to less restrictive alternative placements. The policy shall require written documentation by the department and service providers of all violations of conditions set by the department, the department of corrections, or the court and establish criteria for returning a violator to the special commitment center or a secure community transition facility with a higher degree of security. Any conditionally released person who commits a serious violation of conditions shall be returned to the special commitment center, unless arrested by a law enforcement officer, and the court shall be notified immediately and shall initiate proceedings under RCW 71.09.098 to revoke or modify the less restrictive alternative placement. Nothing in this section limits the authority of the department to return a person to the special commitment center based on a violation that is not a serious violation as defined in this section. For the purposes of this section, "serious violation" includes but is not limited to:

(a) The commission of any criminal offense;

(b) Any unlawful use or possession of a controlled substance; and

(c) Any violation of conditions targeted to address the person's documented pattern of offense that increases the risk to public safety.

(2) When a person is conditionally released to a less restrictive alternative under this chapter and is under the supervision of the department of corrections, notice of any violation of the person's conditions of release must also be made to the department of corrections.

(3) Whenever the secretary contracts with a service provider to operate a secure community transition facility, the contract shall include a requirement that the service provider must report to the department of social and health services any known violation of conditions committed by any resident of the secure community transition facility.

(4) The secretary shall document in writing all violations, penalties, actions by the department of social and health services to remove persons from a secure community transition facility, and contract terminations. The secretary shall compile this information and submit it to the appropriate committees of the legislature on an annual basis. The secretary shall give great weight to a service provider's record of violations, penalties, actions by the department of social and health services or the department of corrections to remove persons from a secure community transition facility, and contract terminations in determining whether to execute, renew, or renegotiate a contract with a service provider.

NEW SECTION. Sec. 222. A new section is added to chapter 71.09 RCW to read as follows:

Whenever the secretary contracts with a provider to operate a secure community transition facility, the secretary shall include in the contract provisions establishing intermediate contract enforcement remedies.

NEW SECTION. Sec. 223. A new section is added to chapter 71.09 RCW to read as follows:

A conditional release from a total confinement facility to a less restrictive alternative is a release that subjects the conditionally released person to the registration requirements specified in RCW 9A.44.130 and to community notification under RCW 4.24.550.

When a person is conditionally released to the secure community transition facility established pursuant to section 201(1) of this act, the sheriff must provide each household on McNeil Island with the community notification information provided for under RCW 4.24.550.

NEW SECTION. Sec. 224. A new section is added to chapter 71.09 RCW to read as follows:

When a person civilly committed under this chapter is conditionally released to a less restrictive alternative placement at a facility owned or operated under contract with the state, any employer who hires the person for a position or any educational institution that enrolls the person for a program is eligible for an incentive grant from the state up to five thousand dollars per year that the person remains employed or enrolled on at least a half-time basis in a job or program that meets requirements approved by the court. The provisions of this section may not establish employer or educational institution liability for the subsequent criminal acts of a conditionally released person for the decision to hire or enroll that person. An employer or educational institution that accepts an incentive grant under this section shall not be civilly liable for the subsequent criminal acts of a conditionally released person unless the employer's or educational institution's conduct constitutes gross negligence or intentional misconduct. An employer that hires a conditionally released person must notify all other employees of the conditionally released person's status. Notification for conditionally released persons who enroll in an institution of higher education shall be made pursuant to the provisions of RCW 9A.44.130 related to sex offenders enrolled in institutions of higher education and RCW 4.24.550. This section applies only to conditionally released persons whose court approved treatment plan includes permission or a requirement for the person to obtain education or employment and to employment positions or educational programs that meet the requirements of the court-approved treatment plan.

NEW SECTION. Sec. 225. (1) A joint select committee on the equitable distribution of secure community transition facilities is established.

(2) The joint select committee shall consist of the following persons:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate, at least one member being a member of the senate human services and corrections committee;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the co-speakers of the house of representatives, at least one member being a member of the house criminal justice and corrections committee;

(c) One member from the department of social and health services;

(d) One member from the Washington state association of counties;

(e) One member from the association of Washington cities;

(f) One member representing crime victims, appointed jointly by the president of the senate and the co-speakers of the house of representatives;

(g) One person selected by the governor; and

(h) Two persons representing local law enforcement, one representing cities and one representing counties.

(3) The chair of the joint select committee shall be a legislative member chosen by the joint select committee members.

(4) The joint select committee shall review and make recommendations regarding:

(a) Any necessary specifications or revisions to the policy of equitable distribution of secure community transition facilities;

(b) Any necessary revisions to the provisions related to siting and operating secure community transition facilities in sections 213 through 218 and 222 of this act; and

(c) Except with respect to the facility established pursuant to section 201(1) of this act, a method for determining possible mitigation measures for compensating communities for any increased risks to public safety brought about by the siting of a secure community transition facility in a community.

(5) The joint select committee shall present a report of its findings and recommendations to the governor and the appropriate committees of the legislature, including any proposed legislation, not later than November 15, 2001.

(6) The joint select committee may, where feasible, consult with individuals from the public and private sector in carrying out its duties under this section.

(7) Nonlegislative members of the joint select committee shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members of the joint select committee shall be reimbursed for travel expenses as provided in RCW 44.04.120.

(8) Staff of senate committee services and the office of program research of the house of representatives shall provide support to the joint select committee.

(9) This section expires March 1, 2002.

NEW SECTION. Sec. 226. A new section is added to chapter 71.09 RCW to read as follows:

Nothing in this act shall operate to restrict a court's authority to make less restrictive alternative placements to a committed person's individual residence or to a setting less restrictive than a secure community transition facility. A court-ordered less restrictive alternative placement to a committed person's individual residence is not a less restrictive alternative placement to a secure community transition facility.

SENTENCING STRUCTURE

Sec. 301. RCW 9.94A.030 and 2001 c 287 s 4 and 2001 c 95 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.145, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

((2)) (3) "Commission" means the sentencing guidelines commission.

((3)) (4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

((4)) (5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.120(2)(b), 9.94A.650 through 9.94A.670, 9.94A.137, 9.94A.700 through 9.94A.715, or 9.94A.383, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

((5)) (6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.040, for crimes committed on or after July 1, 2000.

((6)) (7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

((7)) (8) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

((8)) (9) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

((9)) (10) "Confinement" means total or partial confinement.

((10)) (11) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

((11)) (12) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

((12)) (13) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

((13)) (14) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

((14)) (15) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

((15)) (16) "Department" means the department of corrections.

((16)) (17) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

((17)) (18) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

((18)) (19) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

((19)) (20) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((20))~~ (21) "Earned release" means earned release from confinement as provided in RCW 9.94A.150.

~~((24))~~ (22) "Escape" means:

(a) ~~((Escape by a))~~ Sexually violent predator escape (RCW 9A.76.--- (section 1, chapter 287, Laws of 2001, as amended by section 360, chapter ... (this act), Laws of 2001 2nd sp. sess.)), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((22))~~ (23) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((23))~~ (24) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

~~((24))~~ (25) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

~~((25))~~ (26) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

~~((26))~~ (27) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

~~((27))~~ (28) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

~~((28))~~ (29) "Nonviolent offense" means an offense which is not a violent offense.

~~((29))~~ (30) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((30))~~ (31) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

~~((34))~~ (32) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree(~~(-with a finding of sexual motivation)~~); or (C) an attempt to commit any crime listed in this subsection (~~((34))~~) (32)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

~~((32))~~ (33) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

~~((33))~~ (34) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((34))~~ (35) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

~~((35))~~ (36) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((36))~~ (37) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((37))~~ (38) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.070 or 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((38))~~ (39) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((39))~~ (40) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((40))~~ (41) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((41))~~ (42) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

((42)) (43) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

((43)) (44) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

((44)) (45) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

((45)) (46) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.135.

((46)) (47) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.137 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

((47)) (48) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 302. RCW 9.94A.715 and 2001 c 10 s 5 are each amended to read as follows:

(1) When a court sentences a person to the custody of the department for a sex offense not sentenced under section 303 of this act, a violent offense, any crime against persons under RCW 9.94A.440(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to community custody for the community custody range established under RCW 9.94A.040 or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin: (a) Upon completion of the term of confinement; (b) at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2); or (c) with regard to offenders sentenced under RCW 9.94A.660, upon failure to complete or administrative termination from the special drug offender sentencing alternative program.

(2)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to subsection (6) of this section.

(b) As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department under RCW 9.94A.720. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. In addition, the department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws.

(c) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(3) If an offender violates conditions imposed by the court or the department pursuant to this section during community custody, the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.205 and 9.94A.207.

(4) Except for terms of community custody under RCW 9.94A.670, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(5) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040. If the court extends a

condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(6) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection.

(7) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (a) The crime of conviction; (b) the offender's risk of reoffending; or (c) the safety of the community.

NEW SECTION. Sec. 303. A new section is added to chapter 9.94A RCW to read as follows:

(1) An offender who is not a persistent offender shall be sentenced under this section if the offender:

(a) Is convicted of:

(i) Rape in the first degree, rape in the second degree, rape of a child in the first degree, child molestation in the first degree, rape of a child in the second degree, or indecent liberties by forcible compulsion;

(ii) Any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or

(iii) An attempt to commit any crime listed in this subsection (1)(a); committed on or after the effective date of this section; or

(b) Has a prior conviction for an offense listed in RCW 9.94A.030(32)(b), and is convicted of any sex offense which was committed after the effective date of this section.

For purposes of this subsection (1)(b), failure to register is not a sex offense.

(2) An offender convicted of rape of a child in the first or second degree or child molestation in the first degree who was seventeen years of age or younger at the time of the offense shall not be sentenced under this section.

(3) Upon a finding that the offender is subject to sentencing under this section, the court shall impose a sentence to a maximum term consisting of the statutory maximum sentence for the offense and a minimum term either within the standard sentence range for the offense, or outside the standard sentence range pursuant to RCW 9.94A.390, if the offender is otherwise eligible for such a sentence.

(4) A person sentenced under subsection (3) of this section shall serve the sentence in a facility or institution operated, or utilized under contract, by the state.

(5) When a court sentences a person to the custody of the department under this section, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody under the supervision of the department and the authority of the board for any period of time the person is released from total confinement before the expiration of the maximum sentence.

(6)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department and the board shall enforce such conditions pursuant to sections 304, 307, and 308 of this act.

(b) As part of any sentence under this section, the court shall also require the offender to comply with any conditions imposed by the board under sections 304 and 306 through 309 of this act.

NEW SECTION. Sec. 304. A new section is added to chapter 9.94A RCW to read as follows:

(1) When an offender is sentenced under section 303 of this act, the department shall assess the offender's risk of recidivism and shall recommend to the board any additional or modified conditions of the offender's community custody based upon the risk to community safety. In addition, the department shall make a recommendation with regard to, and the board may require the offender to participate in, rehabilitative programs, or otherwise perform affirmative conduct, and obey all laws. The board must consider and may impose department-recommended conditions.

(2) The department may not recommend and the board may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court-imposed conditions. The board shall notify the offender in writing of any such conditions or modifications.

(3) In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(4) If an offender violates conditions imposed by the court, the department, or the board during community custody, the board or the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in section 309 of this act.

(5) By the close of the next business day, after receiving notice of a condition imposed by the board or the department, an offender may request an administrative hearing under rules adopted by the board. The condition shall remain in effect unless the hearing examiner finds that it is not reasonably related to any of the following:

(a) The crime of conviction;

(b) The offender's risk of reoffending; or

(c) The safety of the community.

(6) An offender released by the board under section 306 of this act shall be subject to the supervision of the department until the expiration of the maximum term of the sentence. The department shall monitor the offender's compliance with conditions of community custody imposed by the court, department, or board, and promptly report any violations to the board. Any violation of conditions of community custody established or modified by the board shall be subject to the provisions of sections 307 through 310 of this act.

(7) If the department finds that an emergency exists requiring the immediate imposition of conditions of release in addition to those set by the board under section 306 of this act and subsection (1) of this section in order to prevent the offender from committing a crime, the department may impose additional conditions. The department may not impose conditions that are contrary to those set by the board or the court and may not contravene or decrease court-imposed or board-imposed conditions. Conditions

imposed under this subsection shall take effect immediately after notice to the offender by personal service, but shall not remain in effect longer than seven working days unless approved by the board under subsection (1) of this section within seven working days.

NEW SECTION. Sec. 305. A new section is added to chapter 72.09 RCW to read as follows:

The department shall provide offenders sentenced under section 303 of this act with the opportunity for sex offender treatment during incarceration.

NEW SECTION. Sec. 306. A new section is added to chapter 9.95 RCW to read as follows:

(1)(a) Before the expiration of the minimum term, as part of the end of sentence review process under RCW 72.09.340, 72.09.345, and where appropriate, 72.09.370, the department shall conduct, and the offender shall participate in, an examination of the offender, incorporating methodologies that are recognized by experts in the prediction of sexual dangerousness, and including a prediction of the probability that the offender will engage in sex offenses if released.

(b) The board may contract for an additional, independent examination, subject to the standards in this section.

(2) The board shall impose the conditions and instructions provided for in RCW 9.94A.720. The board shall consider the department's recommendations and may impose conditions in addition to those recommended by the department. The board may impose or modify conditions of community custody following notice to the offender.

(3) No later than ninety days before expiration of the minimum term, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions to be set by the board. The board may consider an offender's failure to participate in an evaluation under subsection (1) of this section in determining whether to release the offender. The board shall order the offender released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released. If the board does not order the offender released, the board shall establish a new minimum term, not to exceed an additional two years.

NEW SECTION. Sec. 307. A new section is added to chapter 9.95 RCW to read as follows:

(1) Whenever the board or a community corrections officer of this state has reason to believe an offender released under section 306 of this act has violated a condition of community custody or the laws of this state, any community corrections officer may arrest or cause the arrest and detention of the offender pending a determination by the board whether sanctions should be imposed or the offender's community custody should be revoked. The community corrections officer shall report all facts and circumstances surrounding the alleged violation to the board, with recommendations.

(2) If the board or the department causes the arrest or detention of an offender for a violation that does not amount to a new crime and the offender is arrested or detained by local law enforcement or in a local jail, the board or department, whichever caused the arrest or detention, shall be financially responsible for local costs. Jail bed costs shall be allocated at the rate established under RCW 9.94A.207(3).

NEW SECTION. Sec. 308. A new section is added to chapter 9.95 RCW to read as follows:

Any offender released under section 306 of this act who is arrested and detained in physical custody by the authority of a community corrections officer, or upon the written order of the board, shall not be released from custody on bail or personal recognizance, except upon approval of the board and the issuance by the board of an order reinstating the offender's release on the same or modified conditions. All chiefs of police, marshals of cities and towns, sheriffs of counties, and all police, prison, and peace officers and constables shall execute any such order in the same manner as any ordinary criminal process.

NEW SECTION. Sec. 309. A new section is added to chapter 9.95 RCW to read as follows:

(1) If an offender released by the board under section 306 of this act violates any condition or requirement of community custody, the board may transfer the offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (2) of this section.

(2) Following the hearing specified in subsection (3) of this section, the board may impose sanctions such as work release, home detention with electronic monitoring, work crew, community service, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community, or may suspend or revoke the release to community custody whenever an offender released by the board under section 306 of this act violates any condition or requirement of community custody.

(3) If an offender released by the board under section 306 of this act is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the board prior to the imposition of sanctions. The hearing shall be considered as offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The board shall develop hearing procedures and a structure of graduated sanctions consistent with the hearing procedures and graduated sanctions developed pursuant to RCW 9.94A.205. The board may suspend the offender's release to community custody and confine the offender in a correctional institution owned, operated by, or operated under contract with the state prior to the hearing unless the offender has been arrested and confined for a new criminal offense.

(4) The hearing procedures required under subsection (3) of this section shall be developed by rule and include the following:

(a) Hearings shall be conducted by members of the board unless the board enters into an agreement with the department to use the hearing officers established under RCW 9.94A.205;

(b) The board shall provide the offender with written notice of the violation, the evidence relied upon, and the reasons the particular sanction was imposed. The notice shall include a statement of the rights specified in this subsection, and the offender's right to file a personal restraint petition under court rules after the final decision of the board;

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within fifteen working days, but not less than twenty-four hours after notice of the violation. For offenders in total confinement, the hearing shall be held within five working days, but not less than twenty-four hours after notice of the violation;

(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the hearing examiner if the offender has a language or communications barrier; (iii)

testify or remain silent; (iv) call witnesses and present documentary evidence; (v) question witnesses who appear and testify; and (vi) be represented by counsel if revocation of the release to community custody is a possible sanction for the violation; and

(e) The sanction shall take effect if affirmed by the hearing examiner. Within seven days after the hearing examiner's decision, the offender may appeal the decision to a panel of three reviewing examiners designated by the chair of the board or by the chair's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: (i) The crime of conviction; (ii) the violation committed; (iii) the offender's risk of reoffending; or (iv) the safety of the community.

(5) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.

NEW SECTION. Sec. 310. A new section is added to chapter 9.95 RCW to read as follows:

In the event the board suspends release status of an offender released under section 306 of this act by reason of an alleged violation of a condition of release, or pending disposition of a new criminal charge, the board may nullify the suspension order and reinstate release under previous conditions or any new conditions the board determines advisable. Before the board may nullify a suspension order and reinstate release, it shall determine that the best interests of society and the offender shall be served by such reinstatement rather than return to confinement.

Sec. 311. RCW 9.94A.060 and 1996 c 232 s 3 are each amended to read as follows:

(1) The commission consists of twenty voting members, one of whom the governor shall designate as chairperson. With the exception of ex officio voting members, the voting members of the commission shall be appointed by the governor, subject to confirmation by the senate.

(2) The voting membership consists of the following:

(a) The head of the state agency having general responsibility for adult correction programs, as an ex officio member;

(b) The director of financial management or designee, as an ex officio member;

(c) ~~((Until the indeterminate sentence review board ceases to exist pursuant to RCW 9.95.0011.))~~ The chair of the indeterminate sentence review board, as an ex officio member;

(d) The head of the state agency, or the agency head's designee, having responsibility for juvenile corrections programs, as an ex officio member;

(e) Two prosecuting attorneys;

(f) Two attorneys with particular expertise in defense work;

(g) Four persons who are superior court judges;

(h) One person who is the chief law enforcement officer of a county or city;

(i) Four members of the public who are not prosecutors, defense attorneys, judges, or law enforcement officers, one of whom is a victim of crime or a crime victims' advocate;

(j) One person who is an elected official of a county government, other than a prosecuting attorney or sheriff;

(k) One person who is an elected official of a city government;

(l) One person who is an administrator of juvenile court services.

In making the appointments, the governor shall endeavor to assure that the commission membership includes adequate representation and expertise relating to both the adult criminal justice system and the juvenile justice system. In making the appointments, the governor shall seek the recommendations of Washington prosecutors in respect to the prosecuting attorney members, of the Washington state bar association in respect to the defense attorney members, of the association of superior court judges in respect to the members who are judges, of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer, of the Washington state association of counties in respect to the member who is a county official, of the association of Washington cities in respect to the member who is a city official, of the office of crime victims advocacy and other organizations of crime victims in respect to the member who is a victim of crime or a crime victims' advocate, and of the Washington association of juvenile court administrators in respect to the member who is an administrator of juvenile court services.

(3)(a) All voting members of the commission, except ex officio voting members, shall serve terms of three years and until their successors are appointed and confirmed.

(b) The governor shall stagger the terms of the members appointed under subsection (2)(j), (k), and (l) of this section by appointing one of them for a term of one year, one for a term of two years, and one for a term of three years.

(4) The speaker of the house of representatives and the president of the senate may each appoint two nonvoting members to the commission, one from each of the two largest caucuses in each house. The members so appointed shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

(5) The members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed by their respective houses as provided under RCW 44.04.120(~~(, as now existing or hereafter amended)~~). Members shall be compensated in accordance with RCW 43.03.250.

Sec. 312. RCW 9.94A.120 and 2001 c 10 s 2 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, the court shall impose a sentence within the standard sentence range established in RCW 9.94A.310;

(ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

(iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

(iv) RCW 9.94A.383, relating to community custody for offenders whose term of confinement is one year or less;

(v) RCW 9.94A.560, relating to persistent offenders;

(vi) RCW 9.94A.590, relating to mandatory minimum terms;

(vii) RCW 9.94A.650, relating to the first-time offender waiver;

(viii) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(ix) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(x) Section 303 of this act, relating to certain sex offenses;

(xi) RCW 9.94A.390, relating to exceptional sentences;

~~((xii))~~ (xii) RCW 9.94A.400, relating to consecutive and concurrent sentences.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community service work; until July 1, 2000, a term of community supervision not to exceed one year and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.390.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145.

(5) Except as provided under RCW 9.94A.140(4) and 9.94A.142(4), a court may not impose a sentence providing for a term of confinement or community supervision, community placement, or community custody which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The court shall order restitution as provided in RCW 9.94A.140 and 9.94A.142.

(8) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter.

(9) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(11) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may, as part of any term of community supervision, community placement, or community custody, order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

Sec. 313. RCW 9.94A.190 and 2000 c 28 s 4 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. Except as provided in subsection (3) or (5) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the offender or a member of the offender's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.400.

(4) Notwithstanding any other provision of this section, a sentence imposed pursuant to RCW 9.94A.660 which has a standard sentence range of over one year, regardless of length, shall be served in a facility or institution operated, or utilized under contract, by the state.

(5) Sentences imposed pursuant to section 303 of this act shall be served in a facility or institution operated, or utilized under contract, by the state.

Sec. 314. RCW 9.94A.390 and 2000 c 28 s 8 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence unless it is imposed on an offender sentenced under section 303 of this act. An exceptional sentence imposed on an offender sentenced under section 303 of this act shall be to a minimum term set by the court and a maximum term equal to the statutory maximum sentence for the offense of conviction under chapter 9A.20 RCW.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.210(4).

A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.210 (2) through (6).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(j) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(k) The offense resulted in the pregnancy of a child victim of rape.

(l) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

Sec. 315. RCW 9.94A.590 and 2000 c 28 s 7 are each amended to read as follows:

(1) The following minimum terms of total confinement are mandatory and shall not be varied or modified under RCW 9.94A.390:

(a) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years.

(b) An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years.

(c) An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years.

(d) An offender convicted of the crime of sexually violent predator escape shall be sentenced to a minimum term of total confinement not less than sixty months.

(2) During such minimum terms of total confinement, no offender subject to the provisions of this section is eligible for community custody, earned release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release authorized under RCW 9.94A.150, or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer. The provisions of this subsection shall not apply: (a) In the case of an offender in need of emergency medical treatment; (b) for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree; or (c) for an extraordinary medical placement when authorized under RCW 9.94A.150(4).

Sec. 316. RCW 9.94A.670 and 2000 c 28 s 20 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply to this section only.

(a) "Sex offender treatment provider" or "treatment provider" means a certified sex offender treatment provider as defined in RCW 18.155.020.

(b) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(2) An offender is eligible for the special sex offender sentencing alternative if:

(a) The offender has been convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense;

(b) The offender has no prior convictions for a sex offense as defined in RCW 9.94A.030 or any other felony sex offenses in this or any other state; and

(c) The offender's standard sentence range for the offense includes the possibility of confinement for less than eleven years.

(3) If the court finds the offender is eligible for this alternative, the court, on its own motion or the motion of the state or the offender, may order an examination to determine whether the offender is amenable to treatment.

(a) The report of the examination shall include at a minimum the following:

(i) The offender's version of the facts and the official version of the facts;

(ii) The offender's offense history;

(iii) An assessment of problems in addition to alleged deviant behaviors;

(iv) The offender's social and employment situation; and

(v) Other evaluation measures used.

The report shall set forth the sources of the examiner's information.

(b) The examiner shall assess and report regarding the offender's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(i) Frequency and type of contact between offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions.

(c) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The examiner shall be selected by the party making the motion. The offender shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(4) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this alternative is appropriate, the court shall then impose a sentence or, pursuant to section 303 of this act, a minimum term of sentence, within the standard sentence range. If the sentence imposed is less ~~((then [than]))~~ than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(a) The court shall place the offender on community custody for the length of the suspended sentence, the length of the maximum term imposed pursuant to section 303 of this act, or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department under RCW 9.94A.720.

(b) The court shall order treatment for any period up to three years in duration. The court, in its discretion, shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court. If any party or the court objects to a proposed change, the offender shall not change providers or conditions without court approval after a hearing.

(5) As conditions of the suspended sentence, the court may impose one or more of the following:

(a) Up to six months of confinement, not to exceed the sentence range of confinement for that offense;

(b) Crime-related prohibitions;

(c) Require the offender to devote time to a specific employment or occupation;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer;

(f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030;

(g) Perform community service work; or

(h) Reimburse the victim for the cost of any counseling required as a result of the offender's crime.

(6) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment.

(7) The sex offender treatment provider shall submit quarterly reports on the offender's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance,

offender's compliance with requirements, treatment activities, the offender's relative progress in treatment, and any other material specified by the court at sentencing.

(8) Prior to the treatment termination hearing, the treatment provider and community corrections officer shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community custody conditions. Either party may request, and the court may order, another evaluation regarding the advisability of termination from treatment. The offender shall pay the cost of any additional evaluation ordered unless the court finds the offender to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (a) Modify conditions of community custody, and either (b) terminate treatment, or (c) extend treatment for up to the remaining period of community custody.

(9) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in subsections (6) and (8) of this section.

(10) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (a) The offender violates the conditions of the suspended sentence, or (b) the court finds that the offender is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(11) Examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW unless the court finds that:

(a) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; or

(b)(i) No certified providers are available for treatment within a reasonable geographical distance of the offender's home; and

(ii) The evaluation and treatment plan comply with this section and the rules adopted by the department of health.

(12) If the offender is less than eighteen years of age when the charge is filed, the state shall pay for the cost of initial evaluation and treatment.

NEW SECTION. Sec. 317. A new section is added to chapter 9.95 RCW to read as follows:

(1) "Board" means the indeterminate sentence review board.

(2) "Community custody" means that portion of an offender's sentence subject to controls including crime-related prohibitions and affirmative conditions from the court, the board, or the department of corrections based on risk to community safety, that is served under supervision in the community, and which may be modified or revoked for violations of release conditions.

(3) "Crime-related prohibition" has the meaning defined in RCW 9.94A.030.

(4) "Department" means the department of corrections.

(5) "Parole" means that portion of a person's sentence for a crime committed before July 1, 1984, served on conditional release in the community subject to board controls and revocation and under supervision of the department.

(6) "Secretary" means the secretary of the department of corrections or his or her designee.

Sec. 318. RCW 9.95.005 and 1986 c 224 s 4 are each amended to read as follows:

The board shall meet at ~~((the penitentiary and the reformatory))~~ major state correctional institutions at such times as may be necessary for a full and complete study of the cases of all convicted persons whose durations of confinement are to be determined by it ~~((or))~~; whose community custody supervision is under the board's authority; or whose applications for parole come before it. Other times and places of meetings may also be fixed by the board.

The superintendents of the different institutions shall provide suitable quarters for the board and assistants while in the discharge of their duties.

Sec. 319. RCW 9.95.010 and 1955 c 133 s 2 are each amended to read as follows:

When a person, whose crime was committed before July 1, 1984, is convicted of any felony, except treason, murder in the first degree, or carnal knowledge of a child under ten years, and a new trial is not granted, the court shall sentence such person to the penitentiary, or, if the law allows and the court sees fit to exercise such discretion, to the reformatory, and shall fix the maximum term of such person's sentence only.

The maximum term to be fixed by the court shall be the maximum provided by law for the crime of which such person was convicted, if the law provides for a maximum term. If the law does not provide a maximum term for the crime of which such person was convicted the court shall fix such maximum term, which may be for any number of years up to and including life imprisonment but in any case where the maximum term is fixed by the court it shall be fixed at not less than twenty years.

Sec. 320. RCW 9.95.011 and 1993 c 144 s 3 are each amended to read as follows:

(1) When the court commits a convicted person to the department of corrections on or after July 1, 1986, for an offense committed before July 1, 1984, the court shall, at the time of sentencing or revocation of probation, fix the minimum term. The term so fixed shall not exceed the maximum sentence provided by law for the offense of which the person is convicted.

The court shall attempt to set the minimum term reasonably consistent with the purposes, standards, and sentencing ranges adopted under RCW 9.94A.040, but the court is subject to the same limitations as those placed on the board under RCW 9.92.090, 9.95.040 (1) through (4), 9.95.115, 9A.32.040, 9A.44.045, and chapter 69.50 RCW. The court's minimum term decision is subject to review to the same extent as a minimum term decision by the parole board before July 1, 1986.

Thereafter, the expiration of the minimum term set by the court minus any time credits earned under RCW 9.95.070 and 9.95.110 constitutes the parole eligibility review date, at which time the board may consider the convicted person for parole under RCW 9.95.100 and 9.95.110 and chapter 72.04A RCW. Nothing in this section affects the board's authority to reduce or increase the minimum term, once set by the court, under RCW 9.95.040, 9.95.052, 9.95.055, 9.95.070, 9.95.080, 9.95.100, 9.95.115, 9.95.125, or 9.95.047.

(2) Not less than ninety days prior to the expiration of the minimum term of a person sentenced under section 303 of this act, for a sex offense committed on or after July 1, 2001, less any time credits permitted by statute, the board shall review the person for conditional release to community custody as provided in section 306 of this act. If the board does not release the person, it shall set a new minimum term not to exceed an additional two years. The board shall review the person again not less than ninety days prior to the expiration of the new minimum term.

Sec. 321. RCW 9.95.017 and 1986 c 224 s 11 are each amended to read as follows:

(1) The board shall cause to be prepared criteria for duration of confinement, release on parole, and length of parole for persons committed to prison for crimes committed before July 1, 1984.

The proposed criteria should take into consideration RCW 9.95.009(2). Before submission to the governor, the board shall solicit comments and review on their proposed criteria for parole release. These proposed criteria shall be submitted for consideration by the 1987 legislature.

(2) Persons committed to the department of corrections and who are under the authority of the board for crimes committed on or after July 1, 2001, are subject to the provisions for duration of confinement, release to community custody, and length of community custody established in sections 303 through 310 of this act.

Sec. 322. RCW 9.95.020 and 1955 c 133 s 3 are each amended to read as follows:

If the sentence of a person so convicted is not suspended by the court, the superintendent of ~~((the penitentiary or the superintendent of the reformatory))~~ a major state correctional institution shall receive such person, if committed to his or her institution, and imprison ~~((him))~~ the person until released under the provisions of this chapter, under section 306 of this act, upon the completion of the statutory maximum sentence, or through the action of the governor.

Sec. 323. RCW 9.95.032 and 1984 c 114 s 3 are each amended to read as follows:

Such statement shall be signed by the prosecuting attorney and approved by the judge by whom the judgment was rendered and shall be delivered to the sheriff, traveling guard, department of corrections personnel, or other officer executing the sentence, and a copy of such statement shall be furnished to the defendant or his or her attorney. Such officer shall deliver the statement, at the time of the prisoner's commitment, to the superintendent of the institution to which such prisoner has been ~~((sentenced and))~~ committed. The superintendent shall make such statement available for use by the board ~~((of prison terms and paroles))~~.

Sec. 324. RCW 9.95.052 and 1986 c 224 s 10 are each amended to read as follows:

At any time after the board (or the court after July 1, 1986) has determined the minimum term of confinement of any person subject to confinement in a state correctional institution for a crime committed before July 1, 1984, the board may request the superintendent of such correctional institution to conduct a full review of such person's prospects for rehabilitation and report to the board the facts of such review and the resulting findings. Upon the basis of such report and such other information and investigation that the board deems appropriate, the board may redetermine and refix such convicted person's minimum term of confinement whether the term was set by the board or the court.

The board shall not reduce a person's minimum term of confinement unless the board has received from the department of corrections all institutional conduct reports relating to the person.

Sec. 325. RCW 9.95.055 and 1992 c 7 s 25 are each amended to read as follows:

The indeterminate sentence review board is hereby granted authority, in the event of a declaration by the governor that a war emergency exists, including a general mobilization, and for the duration thereof only, to reduce downward the minimum term, as set by the board, of any inmate under the jurisdiction of the board confined in a state correctional facility, who will be accepted by and inducted into the armed services: PROVIDED, That a reduction downward shall not be made under this section for those inmates who are confined for treason, murder in the first degree or carnal knowledge of a female child under ten years: AND PROVIDED FURTHER, That no such inmate shall be released under this section who is ~~((found to be a sexual psychopath under the provisions of and as defined by chapter 71.12 RCW))~~ being considered for civil commitment as a sexually violent predator under chapter 71.09 RCW or was sentenced under section 303 of this act for a crime committed on or after July 1, 2001.

Sec. 326. RCW 9.95.064 and 1989 c 276 s 4 are each amended to read as follows:

(1) In order to minimize the trauma to the victim, the court may attach conditions on release of ~~((a defendant))~~ an offender under RCW 9.95.062, convicted of a crime committed before July 1, 1984, regarding the whereabouts of the defendant, contact with the victim, or other conditions.

(2) Offenders released under section 306 of this act are subject to crime-related prohibitions and affirmative conditions established by the court, the department of corrections, or the board pursuant to RCW 9.94A.715 and sections 303 through 310 of this act.

Sec. 327. RCW 9.95.070 and 1999 c 143 s 19 are each amended to read as follows:

(1) Every prisoner, convicted of a crime committed before July 1, 1984, who has a favorable record of conduct at the penitentiary or the reformatory, and who performs in a faithful, diligent, industrious, orderly and peaceable manner the work, duties, and tasks assigned to him or her to the satisfaction of the superintendent of the penitentiary or reformatory, and in whose behalf the superintendent of the penitentiary or reformatory files a report certifying that his or her conduct and work have been meritorious and recommending allowance of time credits to him or her, shall upon, but not until, the adoption of such recommendation by the indeterminate sentence review board, be allowed time credit reductions from the term of imprisonment fixed by the board.

(2) Offenders sentenced under section 303 of this act for a crime committed on or after July 1, 2001, are subject to the earned release provisions for sex offenders established in RCW 9.94A.150.

Sec. 328. RCW 9.95.080 and 1992 c 7 s 26 are each amended to read as follows:

In case any ~~((convicted))~~ person convicted of a crime committed before July 1, 1984, and under the jurisdiction of the indeterminate sentence review board undergoing sentence in a state correctional ~~((facility))~~ institution commits any infractions of the rules and regulations of the institution, the board may revoke any order theretofore made determining the length of time such convicted person shall be imprisoned, including the forfeiture of all or a portion of credits earned or to be earned, pursuant to the provisions of RCW 9.95.110, and make a new order determining the length of time the person shall serve, not exceeding the maximum penalty provided by law for the crime for which the person was convicted, or the maximum fixed by the court. Such revocation and redetermination shall not be had except upon a hearing before the indeterminate sentence review board. At such hearing the convicted person shall be present and entitled to be heard and may present evidence and witnesses in his or her behalf.

Sec. 329. RCW 9.95.090 and 1999 c 143 s 20 are each amended to read as follows:

(1) The board shall require of every able bodied ~~((convicted person imprisoned in the penitentiary or the reformatory))~~ offender confined in a state correctional institution for a crime committed before July 1, 1984, as many hours of faithful labor in each and every day during his or her term of imprisonment as shall be prescribed by the rules and regulations of the institution in which he or she is confined.

(2) Offenders sentenced under section 303 of this act for crimes committed on or after July 1, 2001, shall perform work or other programming as required by the department of corrections during their term of confinement.

Sec. 330. RCW 9.95.100 and 1955 c 133 s 11 are each amended to read as follows:

Any ~~((convicted))~~ person convicted of a felony committed before July 1, 1984, and undergoing sentence in ~~((the penitentiary or the reformatory))~~ a state correctional institution, not sooner released under the provisions of this chapter, shall, in accordance with the provisions of law, be discharged from custody on serving the maximum punishment provided by law for the offense of which such person was convicted, or the maximum term fixed by the court where the law does not provide for a maximum term. The board shall not, however, until his or her maximum term expires, release a prisoner, unless in its opinion his or her rehabilitation has been complete and he or she is a fit subject for release.

Sec. 331. RCW 9.95.110 and 1999 c 143 s 21 are each amended to read as follows:

(1) The board may permit ~~((a convicted person))~~ an offender convicted of a crime committed before July 1, 1984, to leave the buildings and enclosures of ~~((the penitentiary or the reformatory))~~ a state correctional institution on parole, after such convicted person has served the period of confinement fixed for him or her by the board, less time credits for good behavior and diligence in work: PROVIDED, That in no case shall an inmate be credited with more than one-third of his or her sentence as fixed by the board.

The board may establish rules and regulations under which ~~((a convicted person))~~ an offender may be allowed to leave the confines of ~~((the penitentiary or the reformatory))~~ a state correctional institution on parole, and may return such person to the confines of the institution from which he or she was paroled, at its discretion.

(2) The board may permit an offender convicted of a crime committed on or after July 1, 2001, and sentenced under section 303 of this act, to leave a state correctional institution on community custody according to the provisions of sections 303 through 310 of this act. The person may be returned to the institution following a violation of his or her conditions of release to community custody pursuant to the hearing provisions of section 309 of this act.

Sec. 332. RCW 9.95.115 and 1989 c 259 s 3 are each amended to read as follows:

The indeterminate sentence review board is hereby granted authority to parole any person sentenced to the custody of the department of corrections, under a mandatory life sentence for a crime committed ~~((prior to))~~ before July 1, 1984, except those persons sentenced to life without the possibility of parole. No such person shall be granted parole unless the person has been continuously confined therein for a period of twenty consecutive years less earned good time: PROVIDED, That no such person shall be released under parole who is ~~((found to be a sexual psychopath under the provisions of and as defined by chapter 71.06 RCW))~~ subject to civil commitment as a sexually violent predator under chapter 71.09 RCW.

Sec. 333. RCW 9.95.120 and 1999 c 143 s 22 are each amended to read as follows:

Whenever the board or a ~~((probation and parole))~~ community corrections officer of this state has reason to believe a ~~((convicted))~~ person convicted of a crime committed before July 1, 1984, has breached a condition of his or her parole or violated the law of any state where he or she may then be or the rules and regulations of the board, any ~~((probation and parole))~~ community corrections officer of this state may arrest or cause the arrest and detention and suspension of parole of such convicted person pending a determination by the board whether the parole of such convicted person shall be revoked. All facts and circumstances surrounding the violation by such convicted person shall be reported to the board by the ~~((probation and parole))~~ community corrections officer, with recommendations. The board, after consultation with the secretary of corrections, shall make all rules and regulations concerning procedural matters, which shall include the time when state ~~((probation and parole))~~ community corrections officers shall file with the board reports required by this section, procedures pertaining thereto and the filing of such information as may be necessary to enable the board to perform its functions under this section. On the basis of the report by the ~~((probation and parole))~~ community corrections officer, or at any time upon its own discretion, the board may revise or modify the conditions of parole or order the suspension of parole by the issuance of a written order bearing its seal, which order shall be sufficient warrant for all peace officers to take into custody any convicted person who may be on parole and retain such person in their custody until arrangements can be made by the board for his or her return to a state correctional institution for convicted felons. Any such revision or modification of the conditions of parole or the order suspending parole shall be personally served upon the parolee.

Any parolee arrested and detained in physical custody by the authority of a state ~~((probation and parole))~~ community corrections officer, or upon the written order of the board, shall not be released from custody on bail or personal recognizance, except upon approval of the board and the issuance by the board of an order of reinstatement on parole on the same or modified conditions of parole.

All chiefs of police, marshals of cities and towns, sheriffs of counties, and all police, prison, and peace officers and constables shall execute any such order in the same manner as any ordinary criminal process.

Whenever a paroled prisoner is accused of a violation of his or her parole, other than the commission of, and conviction for, a felony or misdemeanor under the laws of this state or the laws of any state where he or she may then be, he or she shall be entitled to a fair and impartial hearing of such charges within thirty days from the time that he or she is served with charges of the violation of conditions of ~~((his))~~ parole after his or her arrest and detention. The hearing shall be held before one or more members of the board at a place or places, within this state, reasonably near the site of the alleged violation or violations of parole.

In the event that the board suspends a parolee by reason of an alleged parole violation or in the event that a parolee is suspended pending the disposition of a new criminal charge, the board shall have the power to nullify the order of suspension and reinstate the individual to parole under previous conditions or any new conditions that the board may determine advisable. Before the board shall nullify an order of suspension and reinstate a parolee they shall have determined that the best interests of society and the individual shall best be served by such reinstatement rather than a return to a penal institution.

Sec. 334. RCW 9.95.121 and 1981 c 136 s 38 are each amended to read as follows:

(1) For offenders convicted of crimes committed before July 1, 1984, within fifteen days from the date of notice to the department of corrections of the arrest and detention of the alleged parole violator, he or she shall be personally served by a state ~~((probation and parole))~~ community corrections officer with a copy of the factual allegations of the violation of the conditions of parole, and, at the same time shall be advised of his or her right to an on-site parole revocation hearing and of his or her rights and privileges as provided in RCW 9.95.120 through 9.95.126. The alleged parole violator, after service of the allegations of violations of the conditions of parole and the advice of rights may waive the on-site parole revocation hearing as provided in RCW 9.95.120, and admit one or more of the alleged violations of the conditions of parole. If the board accepts the waiver it shall either, (1) reinstate the parolee on parole under the same or modified conditions, or (2) revoke the parole of the parolee and enter an order of parole revocation and return to state custody. A determination of a new minimum sentence shall be made within thirty days of

return to state custody which shall not exceed the maximum sentence as provided by law for the crime of which the parolee was originally convicted or the maximum fixed by the court.

If the waiver made by the parolee is rejected by the board it shall hold an on-site parole revocation hearing under the provisions of RCW 9.95.120 through 9.95.126.

(2) Offenders sentenced under section 303 of this act are subject to the violation hearing process established in section 309 of this act.

Sec. 335. RCW 9.95.122 and 1999 c 143 s 23 are each amended to read as follows:

(1) At any on-site parole revocation hearing for a person convicted of a crime committed before July 1, 1984, the alleged parole violator shall be entitled to be represented by an attorney of his or her own choosing and at his or her own expense, except, upon the presentation of satisfactory evidence of indigency and the request for the appointment of an attorney by the alleged parole violator, the board may cause the appointment of an attorney to represent the alleged parole violator to be paid for at state expense, and, in addition, the board may assume all or such other expenses in the presentation of evidence on behalf of the alleged parole violator as it may have authorized: PROVIDED, That funds are available for the payment of attorneys' fees and expenses. Attorneys for the representation of alleged parole violators in on-site hearings shall be appointed by the superior courts for the counties wherein the on-site parole revocation hearing is to be held and such attorneys shall be compensated in such manner and in such amount as shall be fixed in a schedule of fees adopted by rule of the board.

(2) The rights of offenders sentenced under section 303 of this act are defined in section 309 of this act.

Sec. 336. RCW 9.95.123 and 1999 c 143 s 24 are each amended to read as follows:

In conducting on-site parole or community custody revocation hearings or community custody violations hearings, the board shall have the authority to administer oaths and affirmations, examine witnesses, receive evidence, and issue subpoenas for the compulsory attendance of witnesses and the production of evidence for presentation at such hearings. Subpoenas issued by the board shall be effective throughout the state. Witnesses in attendance at any on-site parole or community custody revocation hearing shall be paid the same fees and allowances, in the same manner and under the same conditions as provided for witnesses in the courts of the state in accordance with chapter 2.40 RCW (~~as now or hereafter amended~~). If any person fails or refuses to obey a subpoena issued by the board, or obeys the subpoena but refuses to testify concerning any matter under examination at the hearing, the board may petition the superior court of the county where the hearing is being conducted for enforcement of the subpoena: PROVIDED, That an offer to pay statutory fees and mileage has been made to the witness at the time of the service of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the board. The court, upon such petition, shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he or she has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant, the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey ~~(said)~~ the order, the witness shall be dealt with as for contempt of court.

Sec. 337. RCW 9.95.124 and 1999 c 143 s 25 are each amended to read as follows:

At all on-site parole revocation hearings for offenders convicted of crimes committed before July 1, 1984, the (~~probation and parole~~) community corrections officers of the department of corrections, having made the allegations of the violations of the conditions of parole, may be represented by the attorney general. The attorney general may make independent recommendations to the board about whether the violations constitute sufficient cause for the revocation of the parole and the return of the parolee to a state correctional institution for convicted felons. The hearings shall be open to the public unless the board for specifically stated reasons closes the hearing in whole or in part. The hearings shall be recorded either manually or by a mechanical recording device. An alleged parole violator may be requested to testify and any such testimony shall not be used against him or her in any criminal prosecution. The board shall adopt rules governing the formal and informal procedures authorized by this chapter and make rules of practice before the board in on-site parole revocation hearings, together with forms and instructions.

Sec. 338. RCW 9.95.125 and 1993 c 140 s 2 are each amended to read as follows:

After the on-site parole revocation hearing for a person convicted of a crime committed before July 1, 1984, has been concluded, the members of the board having heard the matter shall enter their decision of record within ten days, and make findings and conclusions upon the allegations of the violations of the conditions of parole. If the member, or members having heard the matter, should conclude that the allegations of violation of the conditions of parole have not been proven by a preponderance of the evidence, or, those which have been proven by a preponderance of the evidence are not sufficient cause for the revocation of parole, then the parolee shall be reinstated on parole on the same or modified conditions of parole. For parole violations not resulting in new convictions, modified conditions of parole may include sanctions according to an administrative sanction grid. If the member or members having heard the matter should conclude that the allegations of violation of the conditions of parole have been proven by a preponderance of the evidence and constitute sufficient cause for the revocation of parole, then such member or members shall enter an order of parole revocation and return the parole violator to state custody. Within thirty days of the return of such parole violator to a state correctional institution (~~for convicted felons~~) the board shall enter an order determining a new minimum term not exceeding the maximum penalty provided by law for the crime for which the parole violator was originally convicted or the maximum fixed by the court.

Sec. 339. RCW 9.95.126 and 1969 c 98 s 8 are each amended to read as follows:

All officers and employees of the state, counties, cities and political subdivisions of this state shall cooperate with the board (~~of prison terms and paroles~~) in making available suitable facilities for conducting parole or community custody revocation hearings.

Sec. 340. RCW 9.95.130 and 1993 c 140 s 3 are each amended to read as follows:

From and after the suspension, cancellation, or revocation of the parole of any (~~convicted person~~) offender convicted of a crime committed before July 1, 1984, and until his or her return to custody the (~~convicted person~~) offender shall be deemed an

escapee and a fugitive from justice. The indeterminate sentence review board may deny credit against the maximum sentence any time during which he or she is an escapee and fugitive from justice.

Sec. 341. RCW 9.95.140 and 1992 c 7 s 27 are each amended to read as follows:

(1) The ~~((indeterminate sentence review))~~ board shall cause a complete record to be kept of every prisoner under the jurisdiction of the board released on parole or community custody. Such records shall be organized in accordance with the most modern methods of filing and indexing so that there will be always immediately available complete information about each such prisoner. Subject to information sharing provisions related to mentally ill offenders, the end of sentence review committee, and the department of corrections, the board may make rules as to the privacy of such records and their use by others than the board and its staff. ((In determining the rules regarding dissemination of information regarding convicted)) Sex offenders convicted of crimes committed before July 1, 1984, who are under the board's jurisdiction((;)) shall be subject to the determinations of the end of sentence review committee regarding risk level and subject to sex offender registration and community notification. The board ~~((shall consider the provisions of section 116, chapter 3, Laws of 1990 and RCW 4.24.550 and))~~ shall be immune from liability for the release of information concerning sex offenders as provided in RCW 4.24.550.

The superintendents of state correctional facilities and all officers and employees thereof and all other public officials shall at all times cooperate with the board and furnish to the board, its officers, and employees such information as may be necessary to enable it to perform its functions, and such superintendents and other employees shall at all times give the members of the board, its officers, and employees free access to all prisoners confined in the state correctional facilities.

(2) Offenders sentenced under section 303 of this act shall be subject to the determinations of the end of sentence review committee regarding risk level and subject to sex offender registration and community notification.

(3) The end of sentence review committee shall make law enforcement notifications for offenders under board jurisdiction on the same basis that it notifies law enforcement regarding offenders sentenced under chapter 9.94A RCW for crimes committed after July 1, 1984.

Sec. 342. RCW 9.95.190 and 1992 c 7 s 28 are each amended to read as follows:

The provisions of RCW 9.95.010 through 9.95.170, inclusive, shall apply to all convicted persons serving time in a state correctional facility for crimes committed before July 1, 1984, to the end that at all times the same provisions relating to sentences, imprisonments, and paroles of prisoners shall apply to all inmates thereof.

Sec. 343. RCW 9.95.250 and 1981 c 136 s 43 are each amended to read as follows:

In order to carry out the provisions of this chapter 9.95 RCW the parole officers working under the supervision of the secretary of corrections shall be known as ~~((probation and parole))~~ community corrections officers.

Sec. 344. RCW 9.95.280 and 1999 c 143 s 31 are each amended to read as follows:

The board may deputize any person (regularly employed by another state) to act as an officer and agent of this state in effecting the return of any person convicted of a crime committed before July 1, 1984, who has violated the terms and conditions of parole or probation as granted by this state. In any matter relating to the return of such a person, any agent so deputized shall have all the powers of a police officer of this state.

Sec. 345. RCW 9.95.290 and 1955 c 183 s 2 are each amended to read as follows:

Any deputization pursuant to this statute with regard to an offender convicted of a crime committed before July 1, 1984, shall be in writing and any person authorized to act as an agent of this state pursuant hereto shall carry formal evidence of his or her deputization and shall produce the same upon demand.

Sec. 346. RCW 9.95.300 and 1999 c 143 s 32 are each amended to read as follows:

The board may enter into contracts with similar officials of any other state or states for the purpose of sharing an equitable portion of the cost of effecting the return of any person who has violated the terms and conditions of parole ~~((or))~~ probation, or community custody as granted by this state.

Sec. 347. RCW 9.95.310 and 1986 c 125 s 1 are each amended to read as follows:

The purpose of RCW 9.95.310 through 9.95.370 is to provide necessary assistance, other than assistance which is authorized to be provided under the vocational rehabilitation laws, Title 28A RCW, under the public assistance laws, Title 74 RCW or the ~~((department of))~~ employment security department or other state agency, for parolees, inmates assigned to work/training release facilities, discharged prisoners and persons convicted of a felony committed before July 1, 1984, and granted probation in need and whose capacity to earn a living under these circumstances is impaired; and to help such persons attain self-care and/or self-support for rehabilitation and restoration to independence as useful citizens as rapidly as possible thereby reducing the number of returnees to the institutions of this state to the benefit of such person and society as a whole.

Sec. 348. RCW 9.95.320 and 1986 c 125 s 2 are each amended to read as follows:

The secretary of corrections or his or her designee may provide to any parolee, inmate assigned to a work/training release facility, discharged prisoner and persons convicted of a felony committed before July 1, 1984, and granted probation in need and without necessary means, from any funds legally available therefor, such reasonable sums as he or she deems necessary for the subsistence of such person and his or her family until such person has become gainfully employed. Such aid may be made under such terms and conditions, and through local parole or probation officers if necessary, as the secretary of corrections or his or her designee may require and shall be supplementary to any moneys which may be provided under public assistance or from any other source.

Sec. 349. RCW 9.95.340 and 1986 c 125 s 3 are each amended to read as follows:

Any funds in the hands of the department of corrections, or which may come into its hands, which belong to discharged prisoners, inmates assigned to work/training release facilities, parolees or persons convicted of a felony and granted probation who absconded, or whose whereabouts are unknown, shall be deposited in the community services revolving fund. Said funds shall be used to defray the expenses of clothing and other necessities and for transporting discharged prisoners, inmates assigned to work/training release facilities, parolees and persons convicted of a felony and granted probation who are without means to secure the same. All payments disbursed from these funds shall be repaid, whenever possible, by discharged prisoners, inmates assigned to work/training release facilities, parolees and persons convicted of a felony and granted probation for whose benefit they are made. Whenever any money belonging to such persons is so paid into the revolving fund, it shall be repaid to them in accordance with law if a claim therefor is filed with the department of corrections within five years of deposit into said fund and upon a clear showing of a legal right of such claimant to such money. This section applies to persons convicted of a felony committed before July 1, 1984.

Sec. 350. RCW 9.95.350 and 1986 c 125 s 4 are each amended to read as follows:

All money or other property paid or delivered to a ~~((probation or parole))~~ community corrections officer or employee of the department of corrections by or for the benefit of any discharged prisoner, inmate assigned to a work/training release facility, parolee or persons convicted of a felony and granted probation shall be immediately transmitted to the department of corrections and it shall enter the same upon its books to his or her credit. Such money or other property shall be used only under the direction of the department of corrections.

If such person absconds, the money shall be deposited in the revolving fund created by RCW 9.95.360, and any other property, if not called for within one year, shall be sold by the department of corrections and the proceeds credited to the revolving fund.

If any person, files a claim within five years after the deposit or crediting of such funds, and satisfies the department of corrections that he or she is entitled thereto, the department may make a finding to that effect and may make payment to the claimant in the amount to which he or she is entitled.

This section applies to persons convicted of a felony committed before July 1, 1984.

Sec. 351. RCW 9.95.360 and 1986 c 125 s 5 are each amended to read as follows:

The department of corrections shall create, maintain, and administer outside the state treasury a permanent revolving fund to be known as the "community services revolving fund" into which shall be deposited all moneys received by it under RCW 9.95.310 through 9.95.370 and any appropriation made for the purposes of RCW 9.95.310 through 9.95.370. All expenditures from this revolving fund shall be made by check or voucher signed by the secretary of corrections or his or her designee. The community services revolving fund shall be deposited by the department of corrections in such banks or financial institutions as it may select which shall give to the department a surety bond executed by a surety company authorized to do business in this state, or collateral eligible as security for deposit of state funds in at least the full amount of deposit.

This section applies to persons convicted of a felony committed before July 1, 1984.

Sec. 352. RCW 9.95.370 and 1981 c 136 s 50 are each amended to read as follows:

The secretary of corrections or his or her designee shall enter into a written agreement with every person receiving funds under RCW 9.95.310 through 9.95.370 that such person will repay such funds under the terms and conditions in said agreement. No person shall receive funds until such an agreement is validly made. This section applies to persons convicted of a felony committed before July 1, 1984.

Sec. 353. RCW 9.95.900 and 1981 c 137 s 32 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the following sections of law do not apply to any felony offense committed on or after July 1, 1984: RCW ~~((9.95.003, 9.95.005, 9.95.007,))~~ 9.95.010, 9.95.011, 9.95.013, 9.95.015, 9.95.017, ((9.95.020, 9.95.030, 9.95.031, 9.95.032,)) 9.95.040, 9.95.045, 9.95.047, 9.95.052, ((9.95.070,)) 9.95.080, ~~((9.95.090,))~~ 9.95.100, ~~((9.95.110,))~~ 9.95.115, 9.95.116, 9.95.120, ((9.95.121, 9.95.122, 9.95.123,)) 9.95.124, 9.95.125, ~~((9.95.126,))~~ 9.95.130, ~~((9.95.140, 9.95.150, 9.95.160, 9.95.170,))~~ 9.95.190, 9.95.200, 9.95.204, 9.95.206, 9.95.210, 9.95.212, 9.95.214, 9.95.220, 9.95.230, 9.95.240, 9.95.250, 9.95.260, 9.95.265, 9.95.280, 9.95.290, 9.95.310, 9.95.320, 9.95.330, 9.95.340, 9.95.350, ((and)) 9.95.360, 9.95.370, 72.04A.070, and 72.04A.080.

(2) The following sections apply to any felony offense committed before July 1, 1984, and to any offense sentenced under section 303 of this act and committed on or after July 1, 2001: RCW 9.95.003, 9.95.005, 9.95.007, 9.95.020, 9.95.030, 9.95.031, 9.95.032, 9.95.055, 9.95.060, 9.95.062, 9.95.063, 9.95.064, 9.95.070, 9.95.090, 9.95.110, 9.95.121, 9.95.122, 9.95.123, 9.95.126, 9.95.140, 9.95.150, 9.95.160, 9.95.170, 9.95.300, and 9.96.050.

Sec. 354. RCW 9A.28.020 and 1994 c 271 s 101 are each amended to read as follows:

(1) A person is guilty of an attempt to commit a crime if, with intent to commit a specific crime, he or she does any act which is a substantial step toward the commission of that crime.

(2) If the conduct in which a person engages otherwise constitutes an attempt to commit a crime, it is no defense to a prosecution of such attempt that the crime charged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission.

(3) An attempt to commit a crime is a:

(a) Class A felony when the crime attempted is murder in the first degree, murder in the second degree, ~~((or))~~ arson in the first degree, child molestation in the first degree, indecent liberties by forcible compulsion, rape in the first degree, rape in the second degree, rape of a child in the first degree, or rape of a child in the second degree;

(b) Class B felony when the crime attempted is a class A felony other than ~~((murder in the first degree, murder in the second degree, or arson in the first degree))~~ an offense listed in (a) of this subsection;

(c) Class C felony when the crime attempted is a class B felony;

(d) Gross misdemeanor when the crime attempted is a class C felony;

(e) Misdemeanor when the crime attempted is a gross misdemeanor or misdemeanor.

Sec. 355. RCW 9A.36.021 and 1997 c 196 s 2 are each amended to read as follows:

(1) A person is guilty of assault in the second degree if he or she, under circumstances not amounting to assault in the first degree:

(a) Intentionally assaults another and thereby recklessly inflicts substantial bodily harm; or

(b) Intentionally and unlawfully causes substantial bodily harm to an unborn quick child by intentionally and unlawfully inflicting any injury upon the mother of such child; or

(c) Assaults another with a deadly weapon; or

(d) With intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance; or

(e) With intent to commit a felony, assaults another; or

(f) Knowingly inflicts bodily harm which by design causes such pain or agony as to be the equivalent of that produced by torture.

(2) Assault in the second degree is a class B felony, except that assault in the second degree with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135 is a class A felony.

Sec. 356. RCW 9A.40.030 and 1975 1st ex.s. c 260 s 9A.40.030 are each amended to read as follows:

(1) A person is guilty of kidnapping in the second degree if he or she intentionally abducts another person under circumstances not amounting to kidnapping in the first degree.

(2) In any prosecution for kidnapping in the second degree, it is a defense if established by the defendant by a preponderance of the evidence that (a) the abduction does not include the use of or intent to use or threat to use deadly force, and (b) the actor is a relative of the person abducted, and (c) the actor's sole intent is to assume custody of that person. Nothing contained in this paragraph shall constitute a defense to a prosecution for, or preclude a conviction of, any other crime.

(3) Kidnapping in the second degree is a class B felony, except that kidnapping in the second degree with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135 is a class A felony.

Sec. 357. RCW 9A.44.093 and 1994 c 271 s 306 are each amended to read as follows:

(1) A person is guilty of sexual misconduct with a minor in the first degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual intercourse with the victim; or (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with a registered student of the school who is at least sixteen years old and not married to the employee, if the employee is at least sixty months older than the student.

(2) Sexual misconduct with a minor in the first degree is a class C felony.

(3) For the purposes of this section, "school employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school.

Sec. 358. RCW 9A.44.096 and 1994 c 271 s 307 are each amended to read as follows:

(1) A person is guilty of sexual misconduct with a minor in the second degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual contact with the victim; or (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual contact with a registered student of the school who is at least sixteen years old and not married to the employee, if the employee is at least sixty months older than the student.

(2) Sexual misconduct with a minor in the second degree is a gross misdemeanor.

(3) For the purposes of this section, "school employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school.

Sec. 359. RCW 9A.44.100 and 1997 c 392 s 515 are each amended to read as follows:

(1) A person is guilty of indecent liberties when he or she knowingly causes another person who is not his or her spouse to have sexual contact with him or her or another:

(a) By forcible compulsion;

(b) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless;

(c) When the victim is developmentally disabled and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim;

(d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual contact occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual contact with the knowledge that the sexual contact was not for the purpose of treatment;

(e) When the victim is a resident of a facility for mentally disordered or chemically dependent persons and the perpetrator is a person who is not married to the victim and has supervisory authority over the victim; or

(f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the victim and who has a significant relationship with the victim.

(2) Indecent liberties is a class B felony, except that indecent liberties by forcible compulsion is a class A felony.

Sec. 360. RCW 9A.76.--- and 2001 c 287 s 1 are each amended to read as follows:

(1) A person is guilty of ~~((escape by a))~~ sexually violent predator escape if ~~((, having been committed to the department of social and health services as a sexually violent predator under chapter 71.09 RCW, he or she:~~

~~(a) Escapes from custody;~~

~~(b) Escapes from a commitment facility;~~

~~(c) Escapes from a less restrictive alternative facility; or~~

~~(d) While on conditional release and residing in a location other than at a commitment center or less restrictive alternative facility, leaves or remains absent from the state of Washington without prior court authorization));~~

(a) Having been found to be a sexually violent predator and confined to the special commitment center or another secure facility under court order, the person escapes from the secure facility;

(b) Having been found to be a sexually violent predator and being under an order of conditional release, the person leaves or remains absent from the state of Washington without prior court authorization; or

(c) Having been found to be a sexually violent predator and being under an order of conditional release, the person: (i) Without authorization, leaves or remains absent from his or her residence, place of employment, educational institution, or authorized outing; (ii) tampers with his or her electronic monitoring device or removes it without authorization; or (iii) escapes from his or her escort.

(2) ~~((Escape by a))~~ Sexually violent predator escape is a class ~~((B))~~ A felony with a minimum sentence of sixty months, and shall be sentenced under section 303 of this act.

Sec. 361. RCW 9.94A.320 and 2001 c 310 s 4, 2001 c 287 s 3, 2001 c 224 s 3, 2001 c 222 s 24, and 2001 c 207 s 3 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
 - Malicious explosion 1 (RCW 70.74.280(1))
 - Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- XIII Malicious explosion 2 (RCW 70.74.280(2))
 - Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
 - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
 - Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)
- XI Manslaughter 1 (RCW 9A.32.060)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)
 - ~~((Escape by a))~~ Sexually Violent Predator Escape (RCW 9A.76.--- (section 1, chapter 287, Laws of 2001, as amended by section 360, chapter ... (this act), Laws of 2001 2nd sp. sess.))
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 - Kidnapping 1 (RCW 9A.40.020)
 - Leading Organized Crime (RCW 9A.82.060(1)(a))
 - Malicious explosion 3 (RCW 70.74.280(3))
 - Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
- IX Assault of a Child 2 (RCW 9A.36.130)
 - Controlled Substance Homicide (RCW 69.50.415)
 - Explosive devices prohibited (RCW 70.74.180)
 - Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
 - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
 - Malicious placement of an explosive 2 (RCW 70.74.270(2))
 - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
 - Robbery 1 (RCW 9A.56.200)
 - Sexual Exploitation (RCW 9.68A.040)
 - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
 - Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Hit and Run--Death (RCW 46.52.020(4)(a))
 - Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
 - Manslaughter 2 (RCW 9A.32.070)
 - Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))
 - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
 - Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440)
 - Promoting Prostitution 1 (RCW 9A.88.070)
 - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
 - Theft of Anhydrous Ammonia (RCW 69.55.010)
 - Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
 - Child Molestation 2 (RCW 9A.44.086)
 - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 - Drive-by Shooting (RCW 9A.36.045)

- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
 - Introducing Contraband 1 (RCW 9A.76.140)
 - Involving a minor in drug dealing (RCW 69.50.401(f))
 - Malicious placement of an explosive 3 (RCW 70.74.270(3))
 - Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
 - Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
 - Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
 - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(~~(2)~~) (3)(a))
 - Bribery (RCW 9A.68.010)
 - Incest 1 (RCW 9A.64.020(1))
 - Intimidating a Judge (RCW 9A.72.160)
 - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 - Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
 - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
 - Rape of a Child 3 (RCW 9A.44.079)
 - Theft of a Firearm (RCW 9A.56.300)
 - Unlawful Storage of Anhydrous Ammonia (RCW 69.55.020)
- V Abandonment of dependent person 1 (RCW 9A.42.060)
 - Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 - Bail Jumping with class A Felony (RCW 9A.76.170(~~(2)~~) (3)(b))
 - Child Molestation 3 (RCW 9A.44.089)
 - Criminal Mistreatment 1 (RCW 9A.42.020)
 - Custodial Sexual Misconduct 1 (RCW 9A.44.160)
 - Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
 - Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
 - Extortion 1 (RCW 9A.56.120)
 - Extortionate Extension of Credit (RCW 9A.82.020)
 - Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 - Incest 2 (RCW 9A.64.020(2))
 - Kidnapping 2 (RCW 9A.40.030)
 - Perjury 1 (RCW 9A.72.020)
 - Persistent prison misbehavior (RCW 9.94.070)
 - Possession of a Stolen Firearm (RCW 9A.56.310)
 - Rape 3 (RCW 9A.44.060)
 - Rendering Criminal Assistance 1 (RCW 9A.76.070)
 - Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 - Sexually Violating Human Remains (RCW 9A.44.105)
 - Stalking (RCW 9A.46.110)
- IV Arson 2 (RCW 9A.48.030)
 - Assault 2 (RCW 9A.36.021)
 - Assault by Watercraft (RCW 79A.60.060)
 - Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 - Commercial Bribery (RCW 9A.68.060)
 - Counterfeiting (RCW 9.16.035(4))
 - Escape 1 (RCW 9A.76.110)
 - Hit and Run--Injury (RCW 46.52.020(4)(b))
 - Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
 - Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
 - Influencing Outcome of Sporting Event (RCW 9A.82.070)
 - Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
 - Malicious Harassment (RCW 9A.36.080)
 - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
 - Residential Burglary (RCW 9A.52.025)
 - Robbery 2 (RCW 9A.56.210)
 - Theft of Livestock 1 (RCW 9A.56.080)
 - Threats to Bomb (RCW 9.61.160)

- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault (RCW 46.61.522)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Abandonment of dependent person 2 (RCW 9A.42.070)
 - Assault 3 (RCW 9A.36.031)
 - Assault of a Child 3 (RCW 9A.36.140)
 - Bail Jumping with class B or C Felony (RCW 9A.76.170(~~(2)~~)) (3)(c)
 - Burglary 2 (RCW 9A.52.030)
 - Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 - Criminal Gang Intimidation (RCW 9A.46.120)
 - Criminal Mistreatment 2 (RCW 9A.42.030)
 - Custodial Assault (RCW 9A.36.100)
 - Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
 - Escape 2 (RCW 9A.76.120)
 - Extortion 2 (RCW 9A.56.130)
 - Harassment (RCW 9A.46.020)
 - Intimidating a Public Servant (RCW 9A.76.180)
 - Introducing Contraband 2 (RCW 9A.76.150)
 - Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
 - Malicious Injury to Railroad Property (RCW 81.60.070)
 - Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
 - Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
 - Patronizing a Juvenile Prostitute (RCW 9.68A.100)
 - Perjury 2 (RCW 9A.72.030)
 - Possession of Incendiary Device (RCW 9.40.120)
 - Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
 - Promoting Prostitution 2 (RCW 9A.88.080)
 - Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
 - Securities Act violation (RCW 21.20.400)
 - Tampering with a Witness (RCW 9A.72.120)
 - Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
 - Theft of Livestock 2 (RCW 9A.56.080)
 - Unlawful Imprisonment (RCW 9A.40.040)
 - Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
 - Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
 - Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
 - Counterfeiting (RCW 9.16.035(3))
 - Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
 - Escape from Community Custody (RCW 72.09.310)
 - Health Care False Claims (RCW 48.80.030)
 - Malicious Mischief 1 (RCW 9A.48.070)
 - Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
 - Possession of phencyclidine (PCP) (RCW 69.50.401(d))
 - Possession of Stolen Property 1 (RCW 9A.56.150)
 - Theft 1 (RCW 9A.56.030)
 - Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
 - Trafficking in Insurance Claims (RCW 48.30A.015)
 - Unlawful Practice of Law (RCW 2.48.180)
 - Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 - False Verification for Welfare (RCW 74.08.055)
 - Forged Prescription (RCW 69.41.020)
 - Forged Prescription for a Controlled Substance (RCW 69.50.403)
 - Forgery (RCW 9A.60.020)
 - Malicious Mischief 2 (RCW 9A.48.080)
 - Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
 - Possession of Stolen Property 2 (RCW 9A.56.160)
 - Reckless Burning 1 (RCW 9A.48.040)
 - Taking Motor Vehicle Without Permission (RCW 9A.56.070)

Theft 2 (RCW 9A.56.040)
Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 362. RCW 72.09.370 and 1999 c 214 s 2 are each amended to read as follows:

(1) The secretary shall identify offenders in confinement or partial confinement who: (a) Are reasonably believed to be dangerous to themselves or others; and (b) have a mental disorder. In determining an offender's dangerousness, the secretary shall consider behavior known to the department and factors, based on research, that are linked to an increased risk for dangerousness of mentally ill offenders and shall include consideration of an offender's chemical dependency or abuse.

(2) Prior to release of an offender identified under this section, a team consisting of representatives of the department of corrections, the division of mental health, and, as necessary, the indeterminate sentence review board, other divisions or administrations within the department of social and health services, specifically including the division of alcohol and substance abuse and the division of developmental disabilities, the appropriate regional support network, and the providers, as appropriate, shall develop a plan, as determined necessary by the team, for delivery of treatment and support services to the offender upon release. The team may include a school district representative for offenders under the age of twenty-one. The team shall consult with the offender's counsel, if any, and, as appropriate, the offender's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 9.94A.155 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific offender. The team may recommend: (a) That the offender be evaluated by the county designated mental health professional, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or chemical dependency or abuse treatment.

(3) Prior to release of an offender identified under this section, the team shall determine whether or not an evaluation by a county designated mental health professional is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate county designated mental health professional. The supporting documentation shall include the offender's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a county designated mental health professional is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a county designated mental health professional shall occur on the day of release if requested by the team, based upon new information or a change in the offender's mental condition, and the initial evaluation did not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the county designated mental health professional determines an emergency detention under chapter 71.05 RCW is necessary, the department shall release the offender only to a state hospital or to a consenting evaluation and treatment facility. The department shall arrange transportation of the offender to the hospital or facility.

(7) If the county designated mental health professional believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require the offender to appear at an evaluation and treatment facility. If a summons is issued, the offender shall remain within the corrections facility until completion of his or her term of confinement and be transported, by corrections personnel on the day of completion, directly to the identified evaluation and treatment facility.

(8) The secretary shall adopt rules to implement this section.

NEW SECTION. Sec. 363. A new section is added to chapter 9.95 RCW to read as follows:

The indeterminate sentence review board, in fulfilling its duties under the provisions of this act, shall be considered a parole board as that concept was treated in law under the state's indeterminate sentencing statutes.

PART IV SEX OFFENDER TREATMENT PROVIDERS

Sec. 401. RCW 18.155.020 and 2000 c 171 s 33 and 2000 c 28 s 38 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Certified sex offender treatment provider" means a licensed, certified, or registered health professional who is certified to examine and treat sex offenders pursuant to chapters 9.94A and 13.40 RCW (~~9.94A.670 and 13.40.160~~) and sexually violent predators under chapter 71.09 RCW.

(2) "Department" means the department of health.

(3) "Secretary" means the secretary of health.

(4) "Sex offender treatment provider" means a person who counsels or treats sex offenders accused of or convicted of a sex offense as defined by RCW 9.94A.030.

Sec. 402. RCW 18.155.030 and 2000 c 171 s 34 and 2000 c 28 s 39 are each reenacted and amended to read as follows:

(1) No person shall represent himself or herself as a certified sex offender treatment provider without first applying for and receiving a certificate pursuant to this chapter.

(2) Only a certified sex offender treatment provider may perform or provide the following services:

(a) Evaluations conducted for the purposes of and pursuant to RCW 9.94A.670 and 13.40.160;

(b) Treatment of convicted sex offenders who are sentenced and ordered into treatment pursuant to ((RCW 9.94A.670)) chapter 9.94A RCW and adjudicated juvenile sex offenders who are ordered into treatment pursuant to ((RCW 13.40.160)) chapter 13.40 RCW:

(c) Except as provided under subsection (3) of this section, treatment of sexually violent predators who are conditionally released to a less restrictive alternative pursuant to chapter 71.09 RCW.

(3) A certified sex offender treatment provider may not perform or provide treatment of sexually violent predators under subsection (2)(c) of this section if the certified sex offender treatment provider has been:

(a) Convicted of a sex offense, as defined in RCW 9.94A.030;

(b) Convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; or

(c) Suspended or otherwise restricted from practicing any health care profession by competent authority in any state, federal, or foreign jurisdiction.

NEW SECTION. Sec. 403. A new section is added to chapter 4.24 RCW to read as follows:

(1) A certified sex offender treatment provider, acting in the course of his or her duties, providing treatment to a person who has been released to a less restrictive alternative under chapter 71.09 RCW or to a level III sex offender on community custody as a court or department ordered condition of sentence is not negligent because he or she treats a high risk offender; sex offenders are known to have a risk of reoffense. The treatment provider is not liable for civil damages resulting from the reoffense of a client unless the treatment provider's acts or omissions constituted gross negligence or willful or wanton misconduct. This limited liability provision does not eliminate the treatment provider's duty to warn of and protect from a client's threatened violent behavior if the client communicates a serious threat of physical violence against a reasonably ascertainable victim or victims. This limited liability provision applies only to the conduct of certified sex offender treatment providers and not the conduct of the state.

(2) Sex offender treatment providers who provide services to the department of corrections by identifying risk factors and notifying the department of risks for the subset of high risk offenders who are not amenable to treatment and who are under court order for treatment or supervision are practicing within the scope of their profession.

NEW SECTION. Sec. 404. A new section is added to chapter 71.09 RCW to read as follows:

(1) Examinations and treatment of sexually violent predators who are conditionally released to a less restrictive alternative under this chapter shall be conducted only by sex offender treatment providers certified by the department of health under chapter 18.155 RCW unless the court or the department of social and health services finds that: (a) The court-ordered less restrictive alternative placement is located in another state; (b) the treatment provider is employed by the department; or (c)(i) all certified treatment providers become unavailable to provide treatment within a reasonable geographic distance of the person's home, as determined in rules adopted by the department of social and health services; and (ii) the evaluation and treatment plan comply with the rules adopted by the department of social and health services.

A treatment provider approved by the department of social and health services under (c) of this subsection, who is not certified by the department of health, shall consult with a certified provider during the person's period of treatment to ensure compliance with the rules adopted by the department of health. The frequency and content of the consultation shall be based on the recommendation of the certified provider.

(2) A treatment provider, whether or not he or she is employed or approved by the department of social and health services under subsection (1) of this section or otherwise certified, may not perform or provide treatment of sexually violent predators under this section if the treatment provider has been:

(a) Convicted of a sex offense, as defined in RCW 9.94A.030;

(b) Convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; or

(c) Suspended or otherwise restricted from practicing any health care profession by competent authority in any state, federal, or foreign jurisdiction.

(3) Nothing in this section prohibits a qualified expert from examining or evaluating a sexually violent predator who has been conditionally released for purposes of presenting an opinion in court proceedings.

PART V TECHNICAL PROVISIONS

NEW SECTION. Sec. 501. The following acts or parts of acts are each repealed:

(1) RCW 9.95.0011 (Indeterminate sentence review board--Report--Recommendation of governor) and 1997 c 350 s 1, 1989 c 259 s 4, & 1986 c 224 s 12; and

(2) RCW 9.95.145 (Sex offenders--Release of information--Classification of offenders) and 1997 c 364 s 5 & 1990 c 3 s 127.

NEW SECTION. Sec. 502. The secretary of corrections, the secretary of social and health services, and the indeterminate sentence review board may adopt rules to implement this act.

NEW SECTION. Sec. 503. (1) Sections 301 through 363 of this act shall not affect the validity of any sentence imposed under any other law for any offense committed before, on, or after the effective date of this section.

(2) Sections 301 through 363 of this act shall apply to offenses committed on or after the effective date of this section.

NEW SECTION. Sec. 504. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 505. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001, except for sections 101 through 226 of this act which take effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Long, Costa, Snyder and Carlson to Second Engrossed Substitute Senate Bill No. 6151.

The motion by Senator Long carried and the striking amendment was adopted.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Long moved to reconsider the vote by which the striking amendment by Senators Long, Costa, Snyder and Carlson was adopted.

The motion for reconsideration of the striking amendment was adopted.

MOTION

On motion of Senator Long, the following amendment to the striking amendment, on reconsideration, was adopted: On page 89, beginning on line 19 of the amendment, strike "July 1, 2001, except for sections 101 through 226 of this act which take effect immediately." and insert "immediately, except for sections 301 through 363 and 501 of this act which take effect September 1, 2001."

The President declared the question before the Senate to be the adoption of the striking amendment, as amended on reconsideration, by Senators Long, Costa, Snyder and Carlson to Second Engrossed Substitute Senate Bill No. 6151.

The motion by Senator Long carried and the striking amendment, as amended on reconsideration, was adopted.

MOTIONS

On motion of Senator Long, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the management of sex offenders in the civil commitment and criminal justice systems; amending RCW 71.09.020, 36.70A.103, 36.70A.200, 9.94A.715, 9.94A.060, 9.94A.120, 9.94A.190, 9.94A.390, 9.94A.590, 9.94A.670, 9.95.005, 9.95.010, 9.95.011, 9.95.017, 9.95.020, 9.95.032, 9.95.052, 9.95.055, 9.95.064, 9.95.070, 9.95.080, 9.95.090, 9.95.100, 9.95.110, 9.95.115, 9.95.120, 9.95.121, 9.95.122, 9.95.123, 9.95.124, 9.95.125, 9.95.126, 9.95.130, 9.95.140, 9.95.190, 9.95.250, 9.95.280, 9.95.290, 9.95.300, 9.95.310, 9.95.320, 9.95.340, 9.95.350, 9.95.360, 9.95.370, 9.95.900, 9A.28.020, 9A.36.021, 9A.40.030, 9A.44.093, 9A.44.096, 9A.44.100, 9A.76.--, and 72.09.370; reenacting and amending RCW 9.94A.030, 9.94A.320, 18.155.020, and 18.155.030; adding new sections to chapter 71.09 RCW; adding new sections to chapter 72.09 RCW; adding new sections to chapter 9.94A RCW; adding new sections to chapter 9.95 RCW; adding a new section to chapter 4.24 RCW; creating new sections; repealing RCW 9.95.0011 and 9.95.145; prescribing penalties; providing an effective date; providing expirations dates; and declaring an emergency."

On motion of Senator Long, the rules were suspended, Third Engrossed Substitute Senate Bill No. 6151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Third Engrossed Substitute Senate Bill No. 6151, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Third Engrossed Substitute Senate Bill No. 6151, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 11; Absent, 0; Excused, 9.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Fraser, Gardner, Haugen, Horn, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Parlette, Patterson, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West and Zarelli - 29.

Voting nay: Senators Constantine, Franklin, Hochstatter, Jacobsen, Kastama, Morton, Prentice, Rasmussen, Regala, Swecker and Winsley - 11.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, McCaslin, Oke, Roach and Stevens - 9.

THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, Third Engrossed Substitute Senate Bill No. 6151 was ordered to be immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Eide, Senator Kline was excused.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

June 19, 2001

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5937 with the following amendment(s),

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of retirement systems, the office of the superintendent of public instruction, the department of personnel, and the health care authority shall jointly develop publications for use during the 2001-03 biennium to explain options for, and implications of, postretirement employment for members and retirees of the teachers' retirement system plan 1 and the public employees' retirement system plan 1.

(2) The publications shall address such issues as: (a) Health insurance coverage upon reemployment; (b) health benefit options upon termination of postretirement employment; (c) sick leave, annual leave, and other compensation practices; (d) options for, and implications of, reentry into active retirement system membership; (e) hiring procedures for retirees; and (f) collective bargaining rights and responsibilities.

Sec. 2. RCW 28A.405.900 and 1990 c 33 s 404 are each amended to read as follows:

Certificated employees subject to the provisions of RCW 28A.310.250, 28A.405.010 through 28A.405.240, 28A.405.400 through 28A.405.410, 28A.415.250, and 28A.405.900 shall not include those certificated employees hired to replace certificated employees who have been granted sabbatical, regular, or other leave by school districts, and shall not include retirees hired for postretirement employment under the provisions of this act.

It is not the intention of the legislature that this section apply to any regularly hired certificated employee or that the legal or constitutional rights of such employee be limited, abridged, or abrogated.

Sec. 3. RCW 41.32.570 and 1999 c 387 s 1 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any monthly benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) Any retired teacher or retired administrator who enters service in any public educational institution in Washington state and who has satisfied the break in employment requirement of subsection (1) of this section shall cease to receive pension payments while engaged in such service ~~(: PROVIDED, That service may be rendered up to five hundred twenty-five hours per school year without reduction of pension.~~

~~(3) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section, a retired teacher or retired administrator may also serve only as a substitute teacher for up to an additional three hundred fifteen hours per school year without reduction of pension if:~~

~~(a) A school district, which is not a member of a multidistrict substitute cooperative, determines that it has exhausted or can reasonably anticipate that it will exhaust its list of qualified and available substitutes and the school board of the district adopts a resolution to make its substitute teachers who are retired teachers or retired administrators eligible for the extended service once the list of qualified and available substitutes has been exhausted. The resolution by the school district shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection; or~~

~~(b) A multidistrict substitute cooperative determines that the school districts have exhausted or can reasonably anticipate that they will exhaust their list of qualified and available substitutes and each of the school boards adopts a resolution to make their substitute teachers who are retired teachers or retired administrators eligible for the extended service once the list of qualified and available substitutes has been exhausted. The resolutions by each of the school districts shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolutions shall be valid only for the school year in which they are adopted. The cooperative shall forward a copy of the resolutions with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection.~~

~~(4) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section, a retired administrator or retired teacher may also serve as a substitute administrator up to an additional one hundred five hours per school year without reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired administrator or retired teacher are necessary because it cannot find a replacement administrator to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired administrator or retired teacher who has been employed as a substitute administrator to the department.~~

~~(5) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section and the one hundred five hours permitted under subsection (4) of this section, a retired principal may also serve as a substitute principal up to an additional two hundred ten hours per school year without a reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired principal are necessary because it cannot find a replacement principal to fill a~~

vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired principal who has been employed as a substitute principal to the department.

(6) Subsection (2) of this section shall apply to all persons governed by the provisions of plan 1, regardless of the date of their retirement, but shall apply only to benefits payable after June 11, 1986.

(7) Subsection (3) of this section shall apply to all persons governed by the provisions of plan 1, regardless of the date of their retirement, but shall only apply to benefits payable after September 1, 1994), after the retiree has rendered service for more than one thousand five hundred hours in a school year. When a retired teacher or administrator renders service beyond eight hundred sixty-seven hours, the department shall collect from the employer the applicable employer retirement contributions for the entire duration of the member's employment during that fiscal year.

(3) The department shall collect and provide the state actuary with information relevant to the use of this section for the joint committee on pension policy.

(4) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five hundred twenty-five hours per year without a reduction of his or her pension.

Sec. 4. RCW 41.40.037 and 1997 c 254 s 14 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) A retiree from plan 1 who has satisfied the break in employment requirement of subsection (1) of this section and who enters employment with an employer may continue to receive pension payments while engaged in such service for up to one thousand five hundred hours of service in a calendar year without a reduction of pension. When a plan 1 member renders service beyond eight hundred sixty-seven hours, the department shall collect from the employer the applicable employer retirement contributions for the entire duration of the member's employment during that calendar year.

(b) A retiree from plan 2 or plan 3 who has satisfied the break in employment requirement of subsection (1) of this section may work up to ((five months per)) eight hundred sixty-seven hours in a calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

(4) The department shall collect and provide the state actuary with information relevant to the use of this section for the joint committee on pension policy.

(5) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five months in a calendar year without a reduction of his or her pension.

NEW SECTION. Sec. 5. Sections 2 and 3 of this act expire June 30, 2004.

NEW SECTION. Sec. 6. Section 4 of this act expires December 31, 2004.

NEW SECTION. Sec. 7. The office of the state actuary shall review the actuarial impact of the temporary expansion of the postretirement employment limitations provided by sections 3 and 4 of this act. No later than July 1, 2003, the state actuary shall prepare a report for the joint committee on pension policy regarding the fiscal and policy impacts of this act. The joint committee shall solicit information from the superintendent of public instruction, the department of personnel, the office of financial management, the department of retirement systems, and the health care authority regarding the program impacts of this act and shall report to the legislative fiscal committees no later than October 1, 2003, on any proposed changes or improvements to this act. If the state actuary determines the expansion of postretirement options under sections 3 and 4 of this act has resulted in increased costs for the state retirement funds, the joint committee report shall include a proposal for a process to charge those employers who employ retirees pursuant to an extension of sections 3 and 4 of this act for the costs incurred by the retirement funds under the extension.

Sec. 8. RCW 41.32.802 and 1997 c 254 s 8 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to ((five months)) eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

Sec. 9. RCW 41.32.860 and 1997 c 254 s 7 are each amended to read as follows:

(1) Except under RCW 41.32.862, no retiree shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010 ((or)), 41.32.010, or 41.35.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused the suspension of benefits. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

Sec. 10. RCW 41.32.862 and 1997 c 254 s 9 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to ~~((five months))~~ eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

Sec. 11. RCW 41.35.060 and 1998 c 341 s 7 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section may work up to ~~((five months))~~ eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.35.030, he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.35.420 or 41.35.680. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

Sec. 12. RCW 41.40.037 and 1997 c 254 s 14 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to ~~((five months))~~ eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

Sec. 13. RCW 41.40.750 and 1998 c 341 s 113 are each amended to read as follows:

(1) Effective September 1, 2000, the membership of all plan 2 members currently employed in eligible positions in a school district or educational service district and all plan 2 service credit for such members, is transferred to the Washington school employees' retirement system plan 2. Plan 2 members who have withdrawn their member contributions for prior plan 2 service may restore contributions and service credit to the Washington school employees' retirement system plan 2 as provided under RCW 41.40.740.

(2)(a) The membership and previous service credit of a plan 2 member not employed in an eligible position on September 1, 2000, will be transferred to the Washington school employees' retirement system plan 2 when he or she becomes employed in an eligible position. Plan 2 members not employed in an eligible position on September 1, 2000, who have withdrawn their member contributions for prior plan 2 service may restore contributions and service credit to the Washington school employees' retirement system plan 2 as provided under RCW 41.40.740.

(b) The membership and previous service credit of a plan 2 member last employed by a school district or educational service district and retired prior to September 1, 2000, will be transferred to the Washington school employees' retirement system plan 2 if the member opts to reestablish membership.

(3) Members who restore contributions and service credit under subsection (1) or (2) of this section shall have their contributions and service credit transferred to the Washington school employees' retirement system.

NEW SECTION. Sec. 14. Except for section 12 of this act which takes effect December 31, 2004, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001."

Correct the title., and the same is herewith transmitted.

TIMOTHY A. MARTIN, Co-Chief Clerk
CYNTHIA ZEHNDER, Co-Chief Clerk

MOTION

Senator Brown moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5937.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Brown to concur in the House amendments to Engrossed Substitute Senate Bill No. 5937.

The motion by Senator Brown carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5937.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5937, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5937, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Brown, Carlson, Costa, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 39.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, Kline, McCaslin, Oke, Roach and Stevens - 10.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5937, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

June 20, 2001

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL No. 2230, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 2230 by Representatives Cody, Pflug, Linville, G. Chandler, Quall and Morris

Revising state health and employment support benefits for incapacitated or disabled individuals.

MOTIONS

On motion of Senator Betti Sheldon, the rules were suspended, Engrossed House Bill No. 2230 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Betti Sheldon, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 2230, by Representatives Cody, Pflug, Linville, G. Chandler, Quall and Morris

Revising state health and employment support benefits for incapacitated or disabled individuals.

The bill was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed House Bill No. 2230 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2230, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2230, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Parlette, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 39.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, Kline, McCaslin, Oke, Roach and Stevens -10.

ENGROSSED HOUSE BILL NO. 2230, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5514, by Senate Committee on Ways and Means (originally sponsored by Senators Spanel, Carlson, Hale, Gardner, Rasmussen, Winsley, Regala, Costa and Fraser)

Revising public facility district provisions.

MOTIONS

On motion of Senator Spanel, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5514 was returned to second reading and read the second time.

On motion of Senator Spanel, the following amendments by Senators Spanel and West were considered simultaneously and were adopted:

On page 6, on line 5, strike "2001" and insert "2002"

On page 6, on line 7 strike "2003" and insert "~~((2003))~~ 2004"

MOTION

On motion of Senator Spanel, the rules were suspended, Second Engrossed Second Substitute Senate Bill No. 5514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Second Substitute Senate Bill No. 5514, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 5514, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 7; Absent, 2; Excused, 9.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Haugen, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Parlette, Patterson, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West and Winsley - 31.

Voting nay: Senators Hochstatter, Johnson, McDonald, Morton, Rossi, Swecker and Zarelli - 7.

Absent: Senators Constantine and Finkbeiner - 2.

Excused: Senators Benton, Hale, Hargrove, Hewitt, Honeyford, McCaslin, Oke, Roach and Stevens - 9.

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5514, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Sheahan, Senator Finkbeiner was excused.

On motion of Senator Carlson, Senator Parlette was excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5236, by Senate Committee on Human Services and Corrections (originally sponsored by Senators Kohl-Welles, Long, Thibaudeau, Costa, McAuliffe, Eide, Stevens, Fairley, Prentice, Franklin, Fraser, Carlson, Spanel, Regala, Hargrove, Oke and Patterson)

Ensuring the health and safety of newborn infants who have been abandoned and exempting from criminal liability persons who abandon them into the custody of a qualified person.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5236.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5236 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 1; Excused, 11.

Voting yea: Senators Carlson, Constantine, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 37.

Absent: Senator Brown - 1.

Excused: Senators Benton, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, McCaslin, Oke, Parlette, Roach and Stevens - 11.

SUBSTITUTE SENATE BILL NO. 5236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Carlson, Senator Deccio was excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 6008, by Senate Committee on Ways and Means (originally sponsored by Senators Eide, Finkbeiner, Haugen, Kline, Winsley and McAuliffe) (by request of Office of Financial Management)

Providing commute trip reduction incentives.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6008.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6008 and the bill passed the Senate by the following vote:

Yeas, 33; Nays, 4; Absent, 0; Excused, 12.

Voting yea: Senators Brown, Carlson, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Haugen, Hochstatter, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Long, McAuliffe, Morton, Patterson, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 33.

Voting nay: Senators Johnson, McDonald, Sheldon, T. and West - 4.

Excused: Senators Benton, Deccio, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, McCaslin, Oke, Parlette, Roach and Stevens - 12.

SUBSTITUTE SENATE BILL NO. 6008, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 3:34 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Thursday, June 21, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTEENTH DAY, SECOND SPECIAL SESSION, JUNE 20, 2001

SEVENTEENTH DAY, SECOND SPECIAL SESSION, JUNE 20, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

EIGHTEENTH DAY, SECOND SPECIAL SESSION

MORNING SESSION

SENATE CHAMBER, OLYMPIA, THURSDAY, JUNE 21, 2001

THE SENATE WAS CALLED TO ORDER AT 10:00 A.M. BY PRESIDENT OWEN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS BENTON, BROWN, DECCIO, HALE, HARGROVE, HEWITT, HONEYFORD, KLINE, McCASLIN AND PARLETTE. ON MOTION OF SENATOR HONEYFORD, SENATORS BENTON, DECCIO, HALE, HEWITT, HONEYFORD AND McCASLIN WERE EXCUSED. ON MOTION OF SENATOR EIDE, SENATORS BROWN AND HARGROVE WERE EXCUSED.

THE SERGEANT AT ARMS COLOR GUARD, CONSISTING OF STAFF MEMBERS SYD LOCKE AND TIMOTHY FARRELL, PRESENTED THE COLORS. SENATOR JIM KASTAMA, OFFERED THE PRAYER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

MESSAGES FROM THE HOUSE

JUNE 20, 2001

MR. PRESIDENT:

THE HOUSE HAS PASSED:

SUBSTITUTE SENATE BILL NO. 5496,
SUBSTITUTE SENATE BILL NO. 5919,
SECOND SUBSTITUTE SENATE BILL NO. 5947,
ENGROSSED SENATE BILL NO. 6194,
ENGROSSED SENATE BILL NO. 6198, AND THE SAME ARE HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, Co-CHIEF CLERK
TIMOTHY A. MARTIN, Co-CHIEF CLERK

JUNE 20, 2001

MR. PRESIDENT:

THE Co-SPEAKERS HAVE SIGNED:

ENGROSSED HOUSE BILL NO. 2230,
HOUSE BILL NO. 2258, AND THE SAME ARE HEREWITH TRANSMITTED.

TIMOTHY A. MARTIN, Co-CHIEF CLERK
CYNTHIA ZEHNDER, Co-CHIEF CLERK

JUNE 20, 2001

MR. PRESIDENT:

THE Co-SPEAKERS HAVE SIGNED:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5237,
SECOND ENGROSSED SENATE BILL NO. 5686,
ENGROSSED SENATE BILL NO. 5990.
SUBSTITUTE SENATE BILL NO. 6155, AND THE SAME ARE HEREWITH TRANSMITTED.

TIMOTHY A. MARTIN, Co-CHIEF CLERK
CYNTHIA ZEHNDER, Co-CHIEF CLERK

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5937,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6153.

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:

SUBSTITUTE SENATE BILL NO. 5496,
SUBSTITUTE SENATE BILL NO. 5919,
SECOND SUBSTITUTE SENATE BILL NO. 5947,
ENGROSSED SENATE BILL NO. 6194,

ENGROSSED SENATE BILL NO. 6198.

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:
ENGROSSED HOUSE BILL NO. 2230,
HOUSE BILL NO. 2258.

APPOINTMENT TO INTERIM COMMITTEE

THE PRESIDENT APPOINTED THE FOLLOWING SENATORS TO THE JOINT SELECT COMMITTEE ON ECONOMIC DEVELOPMENT: SENATORS FRANKLIN, HALE, SHEAHAN, BETTI SHELDON, SHIN AND WEST.

MOTION

ON MOTION OF SENATOR GARDNER, THE APPOINTMENTS WERE CONFIRMED.

INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT WELCOMED AND INTRODUCED A DELEGATION OF ELECTED OFFICIALS FROM SPAIN, WHO WERE SEATED IN THE GALLERY. THE GROUP IS VISITING THE STATE OF WASHINGTON AND CONDUCTING BUSINESS WITH THE BOEING COMPANY.

MOTION

AT 10:11 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE WAS DECLARED TO BE AT EASE.

THE SENATE WAS CALLED TO ORDER AT 11:40 A.M. BY PRESIDENT OWEN.

MOTION

AT 11:40 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE RECESSED UNTIL 1:30 P.M.

THE SENATE WAS CALLED TO ORDER AT 1:30 P.M BY PRESIDENT OWEN.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE REVERTED TO THE THIRD ORDER OF BUSINESS.

MESSAGES FROM THE GOVERNOR

AUGUST 9, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I HAVE THE HONOR TO SUBMIT THE FOLLOWING REAPPOINTMENT, SUBJECT TO YOUR CONFIRMATION.
JAMES P. DAWSON, REAPPOINTED FOR A TERM TO BEGIN OCTOBER 1, 2000, AND ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR PIERCE COMMUNITY COLLEGE DISTRICT No. 11.

SINCERELY,
GARY LOCKE, GOVERNOR

REFERRED TO COMMITTEE ON HIGHER EDUCATION.

MAY 17, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I HAVE THE HONOR TO SUBMIT THE FOLLOWING APPOINTMENT, SUBJECT TO YOUR CONFIRMATION.
DARREN EASTMAN, APPOINTED FOR A TERM TO BEGIN JUNE 1, 2001, AND ENDING MAY 30, 2002, AS A MEMBER OF THE BOARD OF REGENTS FOR WASHINGTON STATE UNIVERSITY.

SINCERELY,
GARY LOCKE, GOVERNOR

REFERRED TO COMMITTEE ON HIGHER EDUCATION.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADVANCED TO THE FOURTH ORDER OF BUSINESS.

MESSAGE FROM THE HOUSE

JUNE 21, 2001

MR. PRESIDENT:

THE HOUSE HAS PASSED ENGROSSED SUBSTITUTE SENATE BILL NO. 6167, AND THE SAME IS HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK
TIMOTHY A. MARTIN, CO-CHIEF CLERK

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:
ENGROSSED SUBSTITUTE SENATE BILL NO. 6167.

MOTION

ON MOTION OF SENATOR SHEAHAN, SENATOR STEVENS WAS EXCUSED.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

ON MOTION OF SENATOR CARLSON, GUBERNATORIAL APPOINTMENT No. 9080, ALLIE M. JOINER, AS A MEMBER OF THE BOARD OF TRUSTEES FOR THE STATE SCHOOL FOR THE DEAF, WAS CONFIRMED
APPOINTMENT OF ALLIE M. JOINER

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 36; NAYS, 1; ABSENT, 3; EXCUSED, 9.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HAUGEN, HOCHSTATTER, HORN, JACOBSEN, JOHNSON, KASTAMA, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, THIBAudeau, WEST AND WINSLEY - 36.

VOTING NAY: SENATOR ZARELLI - 1.

ABSENT: SENATORS FINKBEINER, KLINE AND PARLETTE - 3.

EXCUSED: SENATORS BENTON, BROWN, DECCIO, HALE, HARGROVE, HEWITT, HONEYFORD, MCCASLIN AND STEVENS - 9.

MOTIONS

ON MOTION OF SENATOR EIDE, SENATORS KLINE AND THIBAudeau WERE EXCUSED.

ON MOTION OF SENATOR SHEAHAN, SENATORS FINKBEINER, PARLETTE AND ZARELLI WERE EXCUSED.

MOTION

ON MOTION OF SENATOR KASTAMA, GUBERNATORIAL APPOINTMENT No. 9057, LAWTON CASE, AS A MEMBER OF THE BOARD OF TRUSTEES FOR GREEN RIVER COMMUNITY COLLEGE DISTRICT No. 10, WAS CONFIRMED

APPOINTMENT OF LAWTON CASE

THE SECRETARY CALLED THE ROLL. THE APPOINTMENT WAS CONFIRMED BY THE FOLLOWING VOTE: YEAS, 36; NAYS, 0; ABSENT, 0; EXCUSED, 13.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HAUGEN, HOCHSTATTER, HORN, JACOBSEN, JOHNSON, KASTAMA, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, OKE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, WEST, WINSLEY AND ZARELLI - 36.

EXCUSED: SENATORS BENTON, BROWN, DECCIO, FINKBEINER, HALE, HARGROVE, HEWITT, HONEYFORD, KLINE, MCCASLIN, PARLETTE, STEVENS AND THIBAudeau - 13.

SECOND READING

SENATE BILL NO. 6208, BY SENATOR SNYDER

COORDINATING THE PLANNING PROCESS OF THE GROWTH MANAGEMENT ACT AND THE SHORELINE MANAGEMENT ACT.

THE BILL WAS READ THE SECOND TIME.

MOTIONS

ON MOTION OF SENATOR SNYDER, THE FOLLOWING TITLE AMENDMENT BY SENATORS SNYDER AND MORTON WAS ADOPTED: ON PAGE 1, BEGINNING ON LINE 1 OF THE TITLE, AFTER "RELATING TO" STRIKE "SHORELINE MASTER PROGRAMS AND GROWTH MANAGEMENT COMPREHENSIVE PLANS AND DEVELOPMENT REGULATIONS;" AND INSERT "PLANNING UNDER THE GROWTH MANAGEMENT ACT AND THE SHORELINE MANAGEMENT ACT;"

ON MOTION OF SENATOR SNYDER, THE RULES WERE SUSPENDED, ENGROSSED SENATE BILL NO. 6208 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SENATE BILL NO. 6208.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SENATE BILL NO. 6208 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 27; NAYS, 11; ABSENT, 0; EXCUSED, 11.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HAUGEN, JACOBSEN, KASTAMA, KOHL-WELLES, MCAULIFFE, MORTON, PARLETTE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, ROACH, SHEAHAN, SHELDON, B., SHIN, SNYDER, SPANEL, THIBAudeau AND WINSLEY - 27.

VOTING NAY: SENATORS HOCHSTATTER, HORN, JOHNSON, LONG, McDONALD, OKE, ROSSI, SHELDON, T., SWECKER, WEST AND ZARELLI - 11.

EXCUSED: SENATORS BENTON, BROWN, DECCIO, FINKBEINER, HALE, HARGROVE, HEWITT, HONEYFORD, KLINE, McCASLIN AND STEVENS - 11.

ENGROSSED SENATE BILL NO. 6208, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

AT 1:58 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE WAS DECLARED TO BE AT EASE.

THE SENATE WAS CALLED TO ORDER AT 2:20 P.M. BY PRESIDENT OWEN.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADVANCED TO THE EIGHTH ORDER OF BUSINESS.

MOTION

ON MOTION OF SENATOR CONSTANTINE, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8704

BY SENATORS CONSTANTINE AND RASMUSSEN

WHEREAS, THE KENNEY PRESBYTERIAN RETIREMENT COMMUNITY WAS THE DREAM OF SAMUEL AND JESSIE KENNEY;
AND

WHEREAS, THE FIRST KENNEY "HOME FOR THE AGED" WAS ESTABLISHED AT THE KENNEYS' PRIVATE HOME AND COTTAGES ON THEIR LAND; AND

WHEREAS, THE LAST WILL AND TESTAMENT OF THE KENNEYS INSTRUCTED THAT A HOME BE FOUND AND MAINTAINED TO BE CALLED THE SAMUEL AND JESSIE KENNEY PRESBYTERIAN HOME, NOW KNOWN AS "THE KENNEY PRESBYTERIAN RETIREMENT COMMUNITY" AND "THE KENNEY"; AND

WHEREAS, THE RESIDENTS, STAFF AND TRUSTEES HAVE DONE A COMMENDABLE JOB AND HAVE CONSISTENTLY STRIVED TO MAINTAIN THE SPIRIT AND INTENT OF THE KENNEYS TO PROVIDE A COMFORTABLE HOME FOR THE CARE OF THE ELDERLY; AND

WHEREAS, THE KENNEY HAS EXPANDED AND GROWN THROUGHOUT THE YEARS AS THE RESULT OF GIFTS AND COMMITMENTS BY FRIENDS AND RESIDENTS; AND

WHEREAS, THE KENNEY HAS BEEN NATIONALLY ACCREDITED BY THE CONTINUING CARE ACCREDITATION COMMISSION SINCE 1989; AND

WHEREAS, THE KENNEY HAS SERVED THE ELDERLY OF WEST SEATTLE AND THE PUGET SOUND REGION FOR ONE HUNDRED YEARS;

NOW, THEREFORE, BE IT RESOLVED THAT THE WASHINGTON STATE SENATE RECOGNIZE AND COMMEND THE RESIDENTS, STAFF AND BOARD OF TRUSTEES OF THE KENNEY PRESBYTERIAN RETIREMENT COMMUNITY FOR ONE HUNDRED YEARS OF CONTINUOUS CARE TO THE ELDERLY AND FOR THEIR DEVOTION TO THE DREAM CREATED BY SAMUEL AND JESSIE KENNEY.

MOTION

ON MOTION OF SENATOR MORTON, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8684

BY SENATORS MORTON AND JOHNSON

WHEREAS, THE MEN AND WOMEN WHO WORK IN THE FORESTS OF WASHINGTON ENDURE DIFFICULT WORKING CONDITIONS TO PROVIDE THE CITIZENS OF THIS STATE AND THE WORLD WITH QUALITY WOOD PRODUCTS; AND

WHEREAS, TIMBER PRODUCTION PROVIDES AN ESSENTIAL ECONOMIC BASE TO THE ECONOMY OF OUR STATE AND NATION; AND

WHEREAS, TIMBER DEPENDENT COMMUNITIES HAVE EXPERIENCED A SEVERE ECONOMIC DOWNTURN IN RECENT YEARS; AND

WHEREAS, THE IMPACT ON THE ALREADY HURTING TIMBER DEPENDENT COMMUNITIES MAY BECOME DEVASTATING WITHOUT A FAIR SOFTWOOD LUMBER AGREEMENT; AND

WHEREAS, FREE TRADE IS NECESSARY, BUT IT MUST BE FAIR TRADE TO ALLOW FULL AND FAIR COMPETITION;

NOW, THEREFORE, BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE APPLAUDS THE HARD WORK OF THE MEN AND WOMEN INVOLVED IN TIMBER PRODUCTION AND HARVEST IN THE STATE, AND IS COMMITTED TO DOING ITS UTMOST TO AID THE CONTINUED VIABILITY OF OUR RURAL COMMUNITIES; AND

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO GOVERNOR GARY LOCKE AND THE WASHINGTON FOREST PROTECTION ASSOCIATION.

SENATORS MORTON AND RASMUSSEN SPOKE TO SENATE RESOLUTION 2001-8684.

MOTION

ON MOTION OF SENATOR SHEAHAN, SENATORS HORN AND McDONALD WERE EXCUSED.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE RETURNED TO THE FOURTH ORDER OF BUSINESS.

MESSAGE FROM THE HOUSE

JUNE 20, 2001

MR. PRESIDENT:

THE HOUSE REFUSES TO CONCUR IN THE HOUSE AMENDMENT(S) TO SUBSTITUTE HOUSE BILL NO. 1906 AND ASKS THE SENATE TO RECEDE THEREFROM, AND THE SAME ARE HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, Co-CHIEF CLERK
TIMOTHY A. MARTIN, Co-CHIEF CLERK

MOTION

ON MOTION OF SENATOR RASMUSSEN, THE SENATE RECEDED FROM ITS AMENDMENT(S) TO SUBSTITUTE HOUSE BILL No. 1906.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1906, WITHOUT THE SENATE AMENDMENT(S).

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE HOUSE BILL NO. 1906, WITHOUT THE SENATE AMENDMENT(S) AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 26; NAYS, 11; ABSENT, 1; EXCUSED, 11.

VOTING YEA: SENATORS CARLSON, CONSTANTINE, EIDE, FINKBEINER, FRANKLIN, GARDNER, HAUGEN, HOCHSTATTER, JOHNSON, KASTAMA, LONG, MCAULIFFE, MORTON, OKE, PARLETTE, PATTERSON, RASMUSSEN, ROSSI, SHEAHAN, SHELDON, T., SHIN, SNYDER, SWECKER, WEST, WINSLEY AND ZARELLI - 26.

VOTING NAY: SENATORS COSTA, FAIRLEY, FRASER, JACOBSEN, KLINE, KOHL-WELLES, PRENTICE, REGALA, SHELDON, B., SPANEL AND THIBAudeau - 11.

ABSENT: SENATOR ROACH - 1.

EXCUSED: SENATORS BENTON, BROWN, DECCIO, HALE, HARGROVE, HEWITT, HONEYFORD, HORN, MCCASLIN, McDONALD AND STEVENS - 11.

SUBSTITUTE HOUSE BILL NO. 1906, WITHOUT THE SENATE AMENDMENT(S), HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTION

ON MOTION OF SENATOR SHEAHAN, SENATOR ROACH WAS EXCUSED.

MOTIONS

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE REVERTED TO THE FIRST ORDER OF BUSINESS.

ON MOTION OF SENATOR BETTI SHELDON, THE RULES WERE SUSPENDED AND SENATE BILL NO. 5841, WHICH WAS HELD ON THE STANDING COMMITTEE REPORT CALENDAR JUNE 20, 2001, WAS ADVANCED TO SECOND READING AND PLACED ON THE SECOND READING CALENDAR.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADVANCED TO THE SIXTH ORDER OF BUSINESS.

SECOND READING

SENATE BILL NO. 5841, BY SENATORS PATTERSON, MCCASLIN, GARDNER, SHEAHAN, T. SHELDON, DECCIO, HAUGEN, WINSLEY AND HOCHSTATTER

ESTABLISHING A SCHEDULE FOR REVIEW OF COMPREHENSIVE PLANS AND DEVELOPMENT REGULATIONS ADOPTED UNDER THE GROWTH MANAGEMENT ACT.

MOTIONS

ON MOTION OF SENATOR PATTERSON, SUBSTITUTE SENATE BILL NO. 5841 WAS SUBSTITUTED FOR SENATE BILL NO. 5841 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR PATTERSON, THE RULES WERE SUSPENDED, SUBSTITUTE SENATE BILL NO. 5841 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5841, UNDER SUSPENSION OF THE RULES.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5841, UNDER SUSPENSION OF THE RULES, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 35; NAYS, 3; ABSENT, 0; EXCUSED, 11.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FINKBEINER, FRANKLIN, FRASER, GARDNER, HAUGEN, HOCHSTATTER, JACOBSEN, JOHNSON, KASTAMA, LONG, MCAULIFFE, MORTON, OKE, PARLETTE, PATTERSON, PRENTICE,

RASMUSSEN, REGALA, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, SWECKER, WEST, WINSLEY AND ZARELLI - 35.

VOTING NAY: SENATORS KLINE, KOHL-WELLES AND THIBAudeau - 3.

EXCUSED: SENATORS BENTON, DECCIO, HALE, HARGROVE, HEWITT, HONEYFORD, HORN, MCCASLIN, McDONALD, ROACH AND STEVENS - 11.

SUBSTITUTE SENATE BILL NO. 5841, UNDER SUSPENSION OF THE RULES, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

AT 2:59 P.M., THERE BEING NO OBJECTION, THE PRESIDENT DECLARED THE SENATE TO BE AT EASE.

THE SENATE WAS CALLED TO ORDER AT 10:33 P.M.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE RETURNED TO THE FOURTH ORDER OF BUSINESS.

MESSAGES FROM THE HOUSE

JUNE 21, 2001

MR. PRESIDENT:

THE CO-SPEAKERS HAVE SIGNED SUBSTITUTE HOUSE BILL NO. 1906, AND THE SAME IS HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK
TIMOTHY A. MARTIN, CO-CHIEF CLERK

JUNE 21, 2001

MR. PRESIDENT:

THE CO-SPEAKERS HAVE SIGNED:

SUBSTITUTE SENATE BILL NO. 5496,
SUBSTITUTE SENATE BILL NO. 5919,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5937,
SECOND SUBSTITUTE SENATE BILL NO. 5947,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6153,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6167,
ENGROSSED SENATE BILL NO. 6194,
ENGROSSED SENATE BILL NO, 6198, AND THE SAME ARE HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK
TIMOTHY A. MARTIN, CO-CHIEF CLERK

JUNE 21, 2001

MR. PRESIDENT:

THE HOUSE HAS PASSED ENGROSSED SUBSTITUTE HOUSE BILL NO. 1502, AND THE SAME IS HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK
TIMOTHY A. MARTIN, CO-CHIEF CLERK

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:

SUBSTITUTE HOUSE BILL NO. 1906.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADVANCED TO THE FIFTH ORDER OF BUSINESS.

INTRODUCTION AND FIRST READING

SB 6210 BY SENATORS SWECKER, CARLSON, MORTON, OKE AND ROACH

AN ACT RELATING TO COMPENSATION FOR LAND USE ACTIONS THAT CAUSE REDUCTIONS IN THE VALUE OF PROPERTY; ADDING A NEW SECTION TO CHAPTER 19.85 RCW; ADDING A NEW CHAPTER TO TITLE 64 RCW; AND PROVIDING AN EFFECTIVE DATE.
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SJR 8219 BY SENATORS SWECKER, CARLSON, OKE AND ROACH

DECLARING THAT PROPERTY SHALL BE CONSIDERED TO BE TAKEN FOR PUBLIC USE WHEN A LAND USE ACTION CAUSES AT LEAST A THIRTY PERCENT REDUCTION IN VALUE.

REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1502 BY HOUSE COMMITTEE ON AGRICULTURE AND ECOLOGY (ORIGINALLY SPONSORED BY REPRESENTATIVES G. CHANDLER, GRANT, SCHOESLER AND MASTIN)

REVISING PROVISIONS RELATING TO CONSERVATION DISTRICTS.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1502 WAS HELD AT THE DESK.

MOTION

ON MOTION OF SENATOR SHEAHAN, SENATORS HOCHSTATTER, PARLETTE AND ZARELLI WERE EXCUSED.

MESSAGE FROM THE HOUSE

JUNE 21, 2001

MR. PRESIDENT:

THE HOUSE HAS PASSED THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 6151 WITH THE FOLLOWING AMENDMENTS:

ON PAGE 5, LINE 13, AFTER "WASHINGTON." STRIKE EVERYTHING THROUGH "(2)" ON LINE 21 AND INSERT THE FOLLOWING: "THE TOTAL NUMBER OF TRANSITIONAL BEDS SHALL BE LIMITED TO FIFTEEN. THE RESIDENTS OCCUPYING THESE BEDS SHALL BE THE ONLY RESIDENTS ELIGIBLE FOR TRANSITIONAL SERVICES OCCURRING IN PIERCE COUNTY. IN NO EVENT SHALL MORE THAN FIFTEEN RESIDENTS OF THE SECURE COMMUNITY TRANSITION FACILITY BE PARTICIPATING IN OFF-ISLAND TRANSITIONAL, EDUCATIONAL, OR EMPLOYMENT ACTIVITY AT THE SAME TIME IN PIERCE COUNTY. THE DEPARTMENT SHALL PROVIDE THE PIERCE COUNTY SHERIFF, OR HIS OR HER DESIGNEE, WITH A LIST OF THE FIFTEEN RESIDENTS SO DESIGNATED, ALONG WITH THEIR PHOTOGRAPHS AND PHYSICAL DESCRIPTIONS, AND IT SHALL BE IMMEDIATELY UPDATED WHENEVER A RESIDENTIAL CHANGE OCCURS. THE PIERCE COUNTY SHERIFF, OR HIS OR HER DESIGNEE, SHALL BE PROVIDED AN OPPORTUNITY TO CONFIRM THE RESIDENTIAL STATUS OF EACH RESIDENT LEAVING McNEIL ISLAND.

(B) FOR PURPOSES OF THIS SUBSECTION, "TRANSITIONAL BEDS" MEANS BEDS ONLY FOR RESIDENTS IN HALFWAY HOUSE STATUS WHO ARE JUDGED BY A QUALIFIED EXPERT TO BE SUITABLE TO LEAVE THE ISLAND FOR TREATMENT, EDUCATION, AND EMPLOYMENT.

(2)(A) THE SECRETARY IS AUTHORIZED TO SITE, EITHER WITHIN THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SUBSECTION (1) OF THIS SECTION, OR WITHIN THE SPECIAL COMMITMENT CENTER, UP TO NINE PRE-TRANSITIONAL BEDS.

(B) RESIDENTS ASSIGNED TO PRE-TRANSITIONAL BEDS SHALL NOT BE PERMITTED TO LEAVE McNEIL ISLAND FOR EDUCATION, EMPLOYMENT, TREATMENT, OR COMMUNITY ACTIVITIES IN PIERCE COUNTY.

(C) FOR PURPOSES OF THIS SUBSECTION, "PRE-TRANSITIONAL BEDS" MEANS BEDS FOR RESIDENTS WHOSE PROGRESS TOWARD A LESS SECURE RESIDENTIAL ENVIRONMENT AND TRANSITION INTO MORE COMPLETE COMMUNITY INVOLVEMENT IS PROJECTED TO TAKE SUBSTANTIALLY LONGER THAN A TYPICAL RESIDENT OF THE SPECIAL COMMITMENT CENTER.

(3)"

RENUMBER REMAINING SUBSECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

ON PAGE 5, AFTER LINE 31, INSERT THE FOLLOWING:

"(4) AS OF THE EFFECTIVE DATE OF THIS SECTION, THE STATE SHALL IMMEDIATELY CEASE ANY EFFORTS IN EFFECT ON SUCH DATE TO SITE SECURE COMMUNITY TRANSITION FACILITIES, OTHER THAN THE FACILITY AUTHORIZED BY SUBSECTION (1) OF THIS SECTION, AND SHALL INSTEAD SITE SUCH FACILITIES IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION."

RENUMBER THE REMAINING SUBSECTIONS CONSECUTIVELY AND CORRECT ANY INTERNAL REFERENCES ACCORDINGLY.

ON PAGE 5, BEGINNING ON LINE 39, AFTER "PUBLISH" STRIKE "A NOTICE OF PROPOSED RULES CONTAINING CRITERIA" AND INSERT "POLICY GUIDELINES"

ON PAGE 7, LINE 6, AFTER "SUCH" STRIKE EVERYTHING THROUGH "FACILITIES" ON LINE 7 AND INSERT THE FOLLOWING: "FACILITIES. IN COORDINATING AND DECIDING UPON THE SITING OF SECURE COMMUNITY TRANSITION FACILITIES, GREAT WEIGHT SHALL BE GIVEN BY THE COUNTY AND CITIES WITHIN THE COUNTY TO:

(A) THE NUMBER AND LOCATION OF EXISTING RESIDENTIAL FACILITY BEDS

OPERATED BY THE DEPARTMENT OF CORRECTIONS OR THE MENTAL HEALTH DIVISION OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES IN EACH JURISDICTION IN THE COUNTY; AND

(B) THE NUMBER OF REGISTERED SEX OFFENDERS CLASSIFIED AS LEVEL II OR LEVEL III AND THE NUMBER OF SEX OFFENDERS REGISTERED AS HOMELESS RESIDING IN EACH JURISDICTION IN THE COUNTY"

ON PAGE 8, LINE 11, AFTER "FACILITIES" STRIKE EVERYTHING THROUGH "COUNTY" ON LINE 17

ON PAGE 9, LINE 6, AFTER "UNDER" INSERT "SUBSECTION (4), (5), OR (6) OF"

ON PAGE 9, LINE 25, AFTER "REQUIREMENTS" STRIKE "AND RULES"

ON PAGE 9, BEGINNING ON LINE 31, AFTER "REQUIREMENTS" STRIKE "AND RULES"

ON PAGE 10, LINE 2, AFTER "FACILITIES." STRIKE EVERYTHING THROUGH "FACILITIES." ON LINE 3

ON PAGE 13, LINE 6, AFTER "SHALL" STRIKE "ADOPT RULES" AND INSERT "DEVELOP POLICY GUIDELINES"

ON PAGE 13, LINE 13, AFTER "TIME THE" STRIKE "RULE" AND INSERT "POLICY GUIDELINES"

ON PAGE 13, LINE 14, AFTER "SHALL THE" STRIKE "RULE" AND INSERT "POLICY GUIDELINES"

ON PAGE 13, LINE 20, AFTER "THE" STRIKE "RULE" AND INSERT "POLICY GUIDELINES"

ON PAGE 13, LINE 22, AFTER "THE" STRIKE "RULE" AND INSERT "POLICY GUIDELINES"

ON PAGE 13, LINE 25, AFTER "THE" STRIKE "RULE" AND INSERT "POLICY GUIDELINES"

ON PAGE 13, LINE 31, AFTER "THIS ACT." INSERT THE FOLLOWING:

"(6) POLICY GUIDELINES ADOPTED BY THE SECRETARY UNDER THIS SECTION SHALL BE CONSIDERED BY COUNTIES AND CITIES WHEN PROVIDING FOR THE SITING OF SECURE COMMUNITY TRANSITION FACILITIES AS REQUIRED UNDER RCW 36.70A.200."

ON PAGE 13, LINE 34, AFTER "ESTABLISH" STRIKE "CRITERIA" AND INSERT "POLICY GUIDELINES"

ON PAGE 14, LINE 1, AFTER "(1)" STRIKE ALL MATERIAL THROUGH "CRITERIA" ON LINE 3, AND INSERT "THE FOLLOWING CRITERIA MUST BE CONSIDERED PRIOR TO ANY REAL PROPERTY BEING LISTED FOR CONSIDERATION FOR THE LOCATION OF OR USE AS A SECURE COMMUNITY TRANSITION FACILITY"

ON PAGE 17, LINE 8, AFTER "ESCORTING." INSERT THE FOLLOWING:

"THE ESCORT MAY NOT BE A RELATIVE OF THE RESIDENT."

ON PAGE 21, BEGINNING ON LINE 17, STRIKE EVERYTHING THROUGH "PERSON" ON LINE 32 AND INSERT THE FOLLOWING: "AN EMPLOYER WHO HIRES A PERSON WHO HAS BEEN CONDITIONALLY RELEASED TO A LESS RESTRICTIVE ALTERNATIVE"

ON PAGE 22, LINE 31, AFTER "TO" STRIKE "THE POLICY OF" AND INSERT "ENSURE"

ON PAGE 22, LINE 32, AFTER "FACILITIES" INSERT "THROUGHOUT THE STATE"

ON PAGE 88, LINE 16, AFTER "VICTIMS." INSERT "IN ADDITION TO ANY OTHER REQUIREMENTS TO REPORT VIOLATIONS, THE SEX OFFENDER TREATMENT PROVIDER IS OBLIGATED TO REPORT AN OFFENDER'S EXPRESSIONS OF INTENT TO HARM OR OTHER PREDATORY BEHAVIOR, WHETHER OR NOT THERE IS AN ASCERTAINABLE VICTIM, IN PROGRESS REPORTS AND OTHER ESTABLISHED PROCESSES THAT ENABLE COURTS AND SUPERVISING ENTITIES TO ASSESS AND ADDRESS THE PROGRESS AND APPROPRIATENESS OF TREATMENT."

ON PAGE 90, LINE 14, AFTER "501" INSERT "AND 503", AND THE SAME ARE HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, Co-CHIEF CLERK

TIMOTHY A. MARTIN, Co-CHIEF CLERK

MOTION

SENATOR LONG MOVED THAT THE SENATE CONCUR IN THE HOUSE AMENDMENTS TO THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 6151.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE MOTION BY SENATOR LONG THAT THE SENATE CONCUR IN THE HOUSE AMENDMENTS TO THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 6151.

THE MOTION BY SENATOR LONG CARRIED AND THE SENATE CONCURRED IN THE HOUSE AMENDMENTS TO THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 6151.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, AS AMENDED BY THE HOUSE.

DEBATE ENSUED.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, AS AMENDED BY THE HOUSE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 26; NAYS, 13; ABSENT, 0; EXCUSED, 10.

VOTING YEA: SENATORS BROWN, CARLSON, COSTA, EIDE, FAIRLEY, FINKBEINER, FRASER, GARDNER, HAUGEN, HONEYFORD, HORN, JOHNSON, KLINE, KOHL-WELLES, LONG, MCAULIFFE, PATTERSON, PRENTICE, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL AND THIBAudeau - 26.

VOTING NAY: SENATORS CONSTANTINE, FRANKLIN, JACOBSEN, KASTAMA, McDONALD, MORTON, OKE, RASMUSSEN, REGALA, ROACH, SWECKER, WEST AND WINSLEY - 13.

EXCUSED: SENATORS BENTON, DECCIO, HALE, HARGROVE, HEWITT, HOCHSTATTER, MCCASLIN, PARLETTE, STEVENS AND ZARELLI - 10.

THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, AS AMENDED BY THE HOUSE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

EDITOR'S NOTE: FOR CLARIFICATION, BECAUSE OF THE NUMBER OF INDIVIDUAL HOUSE AMENDMENTS, THE FOLLOWING IS A COPY OF THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, AS AMENDED BY THE HOUSE:

THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, AS AMENDED BY THE HOUSE

**PART I
GENERAL PROVISIONS**

NEW SECTION. Sec. 101. THE LEGISLATURE INTENDS THE FOLLOWING OMNIBUS BILL TO ADDRESS THE MANAGEMENT OF SEX OFFENDERS IN THE CIVIL COMMITMENT AND CRIMINAL JUSTICE SYSTEMS FOR PURPOSES OF PUBLIC HEALTH, SAFETY, AND WELFARE. PROVISIONS ADDRESS SITING OF AND CONTINUED OPERATION OF FACILITIES FOR PERSONS CIVILLY COMMITTED UNDER CHAPTER 71.09 RCW AND SENTENCING OF PERSONS WHO HAVE COMMITTED SEX OFFENSES. OTHER PROVISIONS ADDRESS THE NEED FOR SEX OFFENDER TREATMENT PROVIDERS WITH SPECIFIC CREDENTIALS. ADDITIONAL PROVISIONS ADDRESS THE CONTINUED OPERATION OR AUTHORIZED EXPANSION OF CRIMINAL JUSTICE FACILITIES AT McNEIL ISLAND, BECAUSE THESE FACILITIES ARE IMPACTED BY THE CIVIL FACILITIES ON McNEIL ISLAND FOR PERSONS COMMITTED UNDER CHAPTER 71.09 RCW.

Sec. 102. RCW 71.09.020 AND 2001 C 286 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS CHAPTER.

(1) ~~("SEXUALLY VIOLENT PREDATOR" MEANS ANY PERSON WHO HAS BEEN CONVICTED OF OR CHARGED WITH A CRIME OF SEXUAL VIOLENCE AND WHO SUFFERS FROM A MENTAL ABNORMALITY OR PERSONALITY DISORDER WHICH MAKES THE PERSON LIKELY TO ENGAGE IN PREDATORY ACTS OF SEXUAL VIOLENCE IF NOT CONFINED IN A SECURE FACILITY.~~

~~(2) "MENTAL ABNORMALITY" MEANS A CONGENITAL OR ACQUIRED CONDITION AFFECTING THE EMOTIONAL OR VOLITIONAL CAPACITY WHICH PREDISPOSES THE PERSON TO THE COMMISSION OF CRIMINAL SEXUAL ACTS IN A DEGREE CONSTITUTING SUCH PERSON A MENACE TO THE HEALTH AND SAFETY OF OTHERS.))~~ "DEPARTMENT" MEANS THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

~~(2) "LESS RESTRICTIVE ALTERNATIVE" MEANS COURT-ORDERED TREATMENT IN A SETTING LESS RESTRICTIVE THAN TOTAL CONFINEMENT WHICH SATISFIES THE CONDITIONS SET FORTH IN RCW 71.09.092.~~

~~(3) "LIKELY TO ENGAGE IN PREDATORY ACTS OF SEXUAL VIOLENCE IF NOT CONFINED IN A SECURE FACILITY" MEANS THAT THE PERSON MORE PROBABLY THAN NOT WILL ENGAGE IN SUCH ACTS IF RELEASED UNCONDITIONALLY FROM DETENTION ON THE SEXUALLY VIOLENT PREDATOR PETITION. SUCH LIKELIHOOD MUST BE EVIDENCED BY A RECENT OVERT ACT IF THE PERSON IS NOT TOTALLY CONFINED AT THE TIME THE PETITION IS FILED UNDER RCW 71.09.030.~~

~~(4) "MENTAL ABNORMALITY" MEANS A CONGENITAL OR ACQUIRED CONDITION AFFECTING THE EMOTIONAL OR VOLITIONAL CAPACITY WHICH PREDISPOSES THE PERSON TO THE COMMISSION OF CRIMINAL SEXUAL ACTS IN A DEGREE CONSTITUTING SUCH PERSON A MENACE TO THE HEALTH AND SAFETY OF OTHERS.~~

~~(5) "PREDATORY" MEANS ACTS DIRECTED TOWARDS: (A) STRANGERS; (B) INDIVIDUALS WITH WHOM A RELATIONSHIP HAS BEEN ESTABLISHED OR PROMOTED FOR THE PRIMARY PURPOSE OF VICTIMIZATION; OR (C) PERSONS OF CASUAL ACQUAINTANCE WITH WHOM NO SUBSTANTIAL PERSONAL RELATIONSHIP EXISTS.~~

~~((5)) (6) "RECENT OVERT ACT" MEANS ANY ACT OR THREAT THAT HAS EITHER CAUSED HARM OF A SEXUALLY VIOLENT NATURE OR CREATES A REASONABLE APPREHENSION OF SUCH HARM IN THE MIND OF AN OBJECTIVE PERSON WHO KNOWS OF THE HISTORY AND MENTAL CONDITION OF THE PERSON ENGAGING IN THE ACT.~~

~~((6)) (7) "RISK POTENTIAL ACTIVITY" OR "RISK POTENTIAL FACILITY" MEANS AN ACTIVITY OR FACILITY THAT PROVIDES A HIGHER INCIDENCE OF RISK TO THE PUBLIC FROM PERSONS CONDITIONALLY RELEASED FROM THE SPECIAL COMMITMENT CENTER. RISK POTENTIAL ACTIVITIES AND FACILITIES INCLUDE: PUBLIC AND PRIVATE SCHOOLS, SCHOOL BUS STOPS, LICENSED DAY CARE AND LICENSED PRESCHOOL FACILITIES, PUBLIC PARKS, PUBLICLY DEDICATED TRAILS, SPORTS FIELDS, PLAYGROUNDS, RECREATIONAL AND COMMUNITY CENTERS, CHURCHES, SYNAGOGUES, TEMPLES, MOSQUES, AND PUBLIC LIBRARIES.~~

~~(8) "SECRETARY" MEANS THE SECRETARY OF SOCIAL AND HEALTH SERVICES OR THE SECRETARY'S DESIGNEE.~~

~~(9) "SECURE FACILITY" MEANS A RESIDENTIAL FACILITY FOR PERSONS CIVILLY CONFINED UNDER THE PROVISIONS OF THIS CHAPTER THAT INCLUDES SECURITY MEASURES SUFFICIENT TO PROTECT THE COMMUNITY. SUCH FACILITIES INCLUDE TOTAL CONFINEMENT FACILITIES, SECURE COMMUNITY TRANSITION FACILITIES, AND ANY RESIDENCE USED AS A COURT-ORDERED PLACEMENT UNDER RCW 71.09.096.~~

~~(10) "SECURE COMMUNITY TRANSITION FACILITY" MEANS A RESIDENTIAL FACILITY FOR PERSONS CIVILLY COMMITTED AND CONDITIONALLY RELEASED TO A LESS RESTRICTIVE ALTERNATIVE UNDER THIS CHAPTER. A SECURE COMMUNITY TRANSITION FACILITY HAS SUPERVISION AND SECURITY, AND EITHER PROVIDES OR ENSURES THE PROVISION OF SEX OFFENDER TREATMENT SERVICES. SECURE COMMUNITY TRANSITION FACILITIES INCLUDE BUT ARE NOT LIMITED TO THE FACILITIES ESTABLISHED PURSUANT TO SECTION 201 OF THIS ACT AND ANY COMMUNITY-BASED FACILITIES ESTABLISHED UNDER THIS CHAPTER AND OPERATED BY THE SECRETARY OR UNDER CONTRACT WITH THE SECRETARY.~~

~~(11) "SEXUALLY VIOLENT OFFENSE" MEANS AN ACT COMMITTED ON, BEFORE, OR AFTER JULY 1, 1990, THAT IS: (A) AN ACT DEFINED IN TITLE 9A RCW AS RAPE IN THE FIRST DEGREE, RAPE IN THE SECOND DEGREE BY FORCIBLE COMPULSION, RAPE OF A CHILD IN THE FIRST OR SECOND DEGREE, STATUTORY RAPE IN THE FIRST OR SECOND DEGREE, INDECENT LIBERTIES BY FORCIBLE COMPULSION, INDECENT LIBERTIES AGAINST A CHILD UNDER AGE FOURTEEN, INCEST AGAINST A CHILD UNDER AGE FOURTEEN, OR CHILD MOLESTATION IN THE FIRST OR SECOND DEGREE; (B) A FELONY OFFENSE IN EFFECT AT ANY TIME PRIOR TO JULY 1, 1990, THAT IS COMPARABLE TO A SEXUALLY VIOLENT OFFENSE AS DEFINED IN (A) OF THIS SUBSECTION, OR ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR A FELONY OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A SEXUALLY VIOLENT OFFENSE AS DEFINED IN THIS SUBSECTION; (C) AN ACT OF MURDER IN THE FIRST OR SECOND DEGREE, ASSAULT IN THE FIRST OR SECOND DEGREE, ASSAULT OF A CHILD IN THE FIRST OR SECOND DEGREE, KIDNAPPING IN THE FIRST OR SECOND DEGREE, BURGLARY IN THE FIRST DEGREE, RESIDENTIAL BURGLARY, OR UNLAWFUL IMPRISONMENT, WHICH ACT, EITHER AT THE TIME OF SENTENCING FOR THE OFFENSE OR SUBSEQUENTLY DURING CIVIL COMMITMENT PROCEEDINGS PURSUANT TO THIS CHAPTER ((71.09 RCW)), HAS BEEN DETERMINED BEYOND A REASONABLE DOUBT TO HAVE BEEN SEXUALLY MOTIVATED, AS THAT TERM IS DEFINED IN RCW 9.94A.030; OR (D) AN ACT AS DESCRIBED IN CHAPTER 9A.28 RCW, THAT IS AN ATTEMPT, CRIMINAL SOLICITATION, OR CRIMINAL CONSPIRACY TO COMMIT ONE OF THE FELONIES DESIGNATED IN (A), (B), OR (C) OF THIS SUBSECTION.~~

~~((7) "LESS RESTRICTIVE ALTERNATIVE" MEANS COURT-ORDERED TREATMENT IN A SETTING LESS RESTRICTIVE THAN TOTAL CONFINEMENT WHICH SATISFIES THE CONDITIONS SET FORTH IN RCW 71.09.092.~~

~~(8) "SECRETARY" MEANS THE SECRETARY OF SOCIAL AND HEALTH SERVICES OR HIS OR HER DESIGNEE.))~~

(12) "SEXUALLY VIOLENT PREDATOR" MEANS ANY PERSON WHO HAS BEEN CONVICTED OF OR CHARGED WITH A CRIME OF SEXUAL VIOLENCE AND WHO SUFFERS FROM A MENTAL ABNORMALITY OR PERSONALITY DISORDER WHICH MAKES THE PERSON LIKELY TO ENGAGE IN PREDATORY ACTS OF SEXUAL VIOLENCE IF NOT CONFINED IN A SECURE FACILITY.

(13) "TOTAL CONFINEMENT FACILITY" MEANS A FACILITY THAT PROVIDES SUPERVISION AND SEX OFFENDER TREATMENT SERVICES IN A TOTAL CONFINEMENT SETTING. TOTAL CONFINEMENT FACILITIES INCLUDE THE SPECIAL COMMITMENT CENTER AND ANY SIMILAR FACILITY DESIGNATED AS A SECURE FACILITY BY THE SECRETARY.

PART II SITING AND OPERATION OF SECURE COMMUNITY TRANSITION FACILITIES

NEW SECTION. Sec. 201. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

(1)(A) THE SECRETARY IS AUTHORIZED TO SITE, CONSTRUCT, OCCUPY, AND OPERATE A SECURE COMMUNITY TRANSITION FACILITY ON McNEIL ISLAND FOR PERSONS AUTHORIZED TO PETITION FOR A LESS RESTRICTIVE ALTERNATIVE UNDER RCW 71.09.090(1) AND WHO ARE CONDITIONALLY RELEASED AND A SPECIAL COMMITMENT CENTER ON McNEIL ISLAND WITH UP TO FOUR HUNDRED FOUR BEDS AS A TOTAL CONFINEMENT FACILITY UNDER THIS CHAPTER, SUBJECT TO APPROPRIATED FUNDING FOR THOSE PURPOSES. THE SECURE COMMUNITY TRANSITION FACILITY SHALL BE AUTHORIZED FOR THE NUMBER OF BEDS NEEDED TO ENSURE COMPLIANCE WITH THE ORDERS OF THE SUPERIOR COURTS UNDER THIS CHAPTER AND THE FEDERAL DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON. THE TOTAL NUMBER OF TRANSITIONAL BEDS SHALL BE LIMITED TO FIFTEEN. THE RESIDENTS OCCUPYING THESE BEDS SHALL BE THE ONLY RESIDENTS ELIGIBLE FOR TRANSITIONAL SERVICES OCCURRING IN PIERCE COUNTY. IN NO EVENT SHALL MORE THAN FIFTEEN RESIDENTS OF THE SECURE COMMUNITY TRANSITION FACILITY BE PARTICIPATING IN OFF-ISLAND TRANSITIONAL, EDUCATIONAL, OR EMPLOYMENT ACTIVITY AT THE SAME TIME IN PIERCE COUNTY. THE DEPARTMENT SHALL PROVIDE THE PIERCE COUNTY SHERIFF, OR HIS OR HER DESIGNEE, WITH A LIST OF THE FIFTEEN RESIDENTS SO DESIGNATED, ALONG WITH THEIR PHOTOGRAPHS AND PHYSICAL DESCRIPTIONS, AND IT SHALL BE IMMEDIATELY UPDATED WHENEVER A RESIDENTIAL CHANGE OCCURS. THE PIERCE COUNTY SHERIFF, OR HIS OR HER DESIGNEE, SHALL BE PROVIDED AN OPPORTUNITY TO CONFIRM THE RESIDENTIAL STATUS OF EACH RESIDENT LEAVING McNEIL ISLAND.

(B) FOR PURPOSES OF THIS SUBSECTION, "TRANSITIONAL BEDS" MEANS BEDS ONLY FOR RESIDENTS IN HALFWAY HOUSE STATUS WHO ARE JUDGED BY A QUALIFIED EXPERT TO BE SUITABLE TO LEAVE THE ISLAND FOR TREATMENT, EDUCATION, AND EMPLOYMENT.

(2)(A) THE SECRETARY IS AUTHORIZED TO SITE, EITHER WITHIN THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SUBSECTION (1) OF THIS SECTION, OR WITHIN THE SPECIAL COMMITMENT CENTER, UP TO NINE PRETRANSITIONAL BEDS.

(B) RESIDENTS ASSIGNED TO PRETRANSITIONAL BEDS SHALL NOT BE PERMITTED TO LEAVE McNEIL ISLAND FOR EDUCATION, EMPLOYMENT, TREATMENT, OR COMMUNITY ACTIVITIES IN PIERCE COUNTY.

(C) FOR PURPOSES OF THIS SUBSECTION, "PRETRANSITIONAL BEDS" MEANS BEDS FOR RESIDENTS WHOSE PROGRESS TOWARD A LESS SECURE RESIDENTIAL ENVIRONMENT AND TRANSITION INTO MORE COMPLETE COMMUNITY INVOLVEMENT IS PROJECTED TO TAKE SUBSTANTIALLY LONGER THAN A TYPICAL RESIDENT OF THE SPECIAL COMMITMENT CENTER.

(3) NOTWITHSTANDING RCW 36.70A.103 OR ANY OTHER LAW, THIS STATUTE PREEMPTS AND SUPERSEDES LOCAL PLANS, DEVELOPMENT REGULATIONS, PERMITTING REQUIREMENTS, INSPECTION REQUIREMENTS, AND ALL OTHER LAWS AS NECESSARY TO ENABLE THE SECRETARY TO SITE, CONSTRUCT, OCCUPY, AND OPERATE A SECURE COMMUNITY TRANSITION FACILITY ON McNEIL ISLAND AND A TOTAL CONFINEMENT FACILITY ON McNEIL ISLAND.

(4) TO THE GREATEST EXTENT POSSIBLE, UNTIL JUNE 30, 2003, PERSONS WHO WERE NOT CIVILLY COMMITTED FROM THE COUNTY IN WHICH THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SUBSECTION (1) OF THIS SECTION IS LOCATED MAY NOT BE CONDITIONALLY RELEASED TO A SETTING IN THAT SAME COUNTY LESS RESTRICTIVE THAN THAT FACILITY.

(5) AS OF THE EFFECTIVE DATE OF THIS SECTION, THE STATE SHALL IMMEDIATELY CEASE ANY EFFORTS IN EFFECT ON SUCH DATE TO SITE SECURE COMMUNITY TRANSITION FACILITIES, OTHER THAN THE FACILITY AUTHORIZED BY SUBSECTION (1) OF THIS SECTION, AND SHALL INSTEAD SITE SUCH FACILITIES IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

(6) THE DEPARTMENT MUST:

(A) IDENTIFY THE MINIMUM AND MAXIMUM NUMBER OF SECURE COMMUNITY TRANSITION FACILITY BEDS IN ADDITION TO THE FACILITY ESTABLISHED UNDER SUBSECTION (1) OF THIS SECTION THAT MAY BE NECESSARY FOR THE PERIOD OF MAY 2004 THROUGH MAY 2007 AND PROVIDE NOTICE OF THESE NUMBERS TO ALL COUNTIES BY AUGUST 31, 2001;

(B) IN CONSULTATION WITH THE JOINT SELECT COMMITTEE ESTABLISHED IN SECTION 225 OF THIS ACT, DEVELOP AND PUBLISH POLICY GUIDELINES FOR THE SITING AND OPERATION OF SECURE COMMUNITY TRANSITION FACILITIES BY OCTOBER 1, 2001; AND

(C) PROVIDE A STATUS REPORT TO THE APPROPRIATE COMMITTEES OF THE LEGISLATURE BY DECEMBER 1, 2002, ON THE DEVELOPMENT OF FACILITIES UNDER THE INCENTIVE PROGRAM ESTABLISHED IN SECTION 204 OF THIS ACT. THE REPORT SHALL INCLUDE A PROJECTION OF THE ANTICIPATED NUMBER OF SECURE COMMUNITY TRANSITION FACILITY BEDS THAT WILL BECOME OPERATIONAL BETWEEN MAY 2004 AND MAY 2007. IF IT APPEARS THAT AN INSUFFICIENT NUMBER OF BEDS WILL BE OPERATIONAL, THE DEPARTMENT'S REPORT SHALL RECOMMEND A PROGRESSION OF METHODS TO FACILITATE SITING IN COUNTIES AND CITIES INCLUDING, IF NECESSARY, PREEMPTION OF LOCAL LAND USE PLANNING PROCESS AND OTHER LAWS.

(7)(A) THE TOTAL NUMBER OF SECURE COMMUNITY TRANSITION FACILITY BEDS THAT MAY BE REQUIRED TO BE SITED IN A COUNTY BETWEEN THE EFFECTIVE DATE OF THIS SECTION AND JUNE 30, 2008, MAY BE NO GREATER THAN THE TOTAL NUMBER OF PERSONS CIVILLY COMMITTED FROM THAT COUNTY, OR DETAINED AT THE SPECIAL COMMITMENT CENTER UNDER A PENDING CIVIL COMMITMENT PETITION FROM THAT COUNTY WHERE A FINDING OF PROBABLE CAUSE HAD BEEN MADE ON APRIL 1, 2001. THE TOTAL NUMBER OF SECURE COMMUNITY TRANSITION FACILITY BEDS REQUIRED TO BE SITED IN EACH COUNTY BETWEEN JULY 1, 2008, AND JUNE 30, 2015, MAY BE NO GREATER THAN THE TOTAL NUMBER OF PERSONS CIVILLY COMMITTED FROM THAT COUNTY OR DETAINED AT THE SPECIAL COMMITMENT CENTER UNDER A PENDING CIVIL COMMITMENT PETITION FROM THAT COUNTY WHERE A FINDING OF PROBABLE CAUSE HAD BEEN MADE AS OF JULY 1, 2008.

(B) COUNTIES AND CITIES THAT PROVIDE SECURE COMMUNITY TRANSITION FACILITY BEDS ABOVE THE MAXIMUM NUMBER THAT THEY COULD BE REQUIRED TO SITE UNDER THIS SUBSECTION ARE ELIGIBLE FOR A BONUS GRANT UNDER THE INCENTIVE PROVISIONS IN SECTION 204 OF THIS ACT. THE COUNTY WHERE THE SPECIAL COMMITMENT CENTER IS LOCATED SHALL RECEIVE THIS BONUS GRANT FOR THE NUMBER OF BEDS IN THE FACILITY ESTABLISHED IN SUBSECTION (1) OF THIS SECTION IN EXCESS OF THE MAXIMUM NUMBER ESTABLISHED BY THIS SUBSECTION.

(C) NO SECURE COMMUNITY TRANSITION FACILITIES IN ADDITION TO THE ONE ESTABLISHED IN SUBSECTION (1) OF THIS SECTION MAY BE REQUIRED TO BE SITED IN THE COUNTY WHERE THE SPECIAL COMMITMENT CENTER IS LOCATED UNTIL AFTER JUNE 30, 2008,

PROVIDED HOWEVER, THAT THE COUNTY AND ITS CITIES MAY ELECT TO SITE ADDITIONAL SECURE COMMUNITY TRANSITION FACILITIES AND SHALL BE ELIGIBLE UNDER THE INCENTIVE PROVISIONS OF SECTION 204 OF THIS ACT FOR ANY ADDITIONAL FACILITIES MEETING THE REQUIREMENTS OF THAT SECTION.

(8) IN IDENTIFYING POTENTIAL SITES WITHIN A COUNTY FOR THE LOCATION OF A SECURE COMMUNITY TRANSITION FACILITY, THE DEPARTMENT SHALL WORK WITH AND ASSIST LOCAL GOVERNMENTS TO PROVIDE FOR THE EQUITABLE DISTRIBUTION OF SUCH FACILITIES. IN COORDINATING AND DECIDING UPON THE SITING OF SECURE COMMUNITY TRANSITION FACILITIES, GREAT WEIGHT SHALL BE GIVEN BY THE COUNTY AND CITIES WITHIN THE COUNTY TO:

(A) THE NUMBER AND LOCATION OF EXISTING RESIDENTIAL FACILITY BEDS OPERATED BY THE DEPARTMENT OF CORRECTIONS OR THE MENTAL HEALTH DIVISION OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES IN EACH JURISDICTION IN THE COUNTY; AND

(B) THE NUMBER OF REGISTERED SEX OFFENDERS CLASSIFIED AS LEVEL II OR LEVEL III AND THE NUMBER OF SEX OFFENDERS REGISTERED AS HOMELESS RESIDING IN EACH JURISDICTION IN THE COUNTY.

(9)(A) "EQUITABLE DISTRIBUTION" MEANS SITING OR LOCATING SECURE COMMUNITY TRANSITION FACILITIES IN A MANNER THAT WILL NOT CAUSE A DISPROPORTIONATE GROUPING OF SIMILAR FACILITIES EITHER IN ANY ONE COUNTY, OR IN ANY ONE JURISDICTION OR COMMUNITY WITHIN A COUNTY, AS RELEVANT; AND

(B) "JURISDICTION" MEANS A CITY, TOWN, OR GEOGRAPHIC AREA OF A COUNTY IN WHICH DISTRICT POLITICAL OR JUDICIAL AUTHORITY MAY BE EXERCISED.

NEW SECTION. Sec. 202. A NEW SECTION IS ADDED TO CHAPTER 72.09 RCW TO READ AS FOLLOWS:

THE SECRETARY IS AUTHORIZED TO OPERATE A CORRECTIONAL FACILITY ON McNEIL ISLAND FOR THE CONFINEMENT OF SEX OFFENDERS AND OTHER OFFENDERS SENTENCED BY THE COURTS, AND TO MAKE NECESSARY REPAIRS, RENOVATIONS, ADDITIONS, AND IMPROVEMENTS TO STATE PROPERTY FOR THAT PURPOSE, NOTWITHSTANDING ANY LOCAL COMPREHENSIVE PLANS, DEVELOPMENT REGULATIONS, PERMITTING REQUIREMENTS, OR ANY OTHER LOCAL LAWS. OPERATION OF THE CORRECTIONAL FACILITY AND OTHER STATE FACILITIES AUTHORIZED BY THIS SECTION AND OTHER LAW INCLUDES ACCESS TO ADEQUATE DOCKING FACILITIES ON STATE-OWNED TIDELANDS AT THE TOWN OF STEILACOOM.

Sec. 203. RCW 36.70A.103 AND 1991 SP.S. C 32 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

STATE AGENCIES SHALL COMPLY WITH THE LOCAL COMPREHENSIVE PLANS AND DEVELOPMENT REGULATIONS AND AMENDMENTS THERETO ADOPTED PURSUANT TO THIS CHAPTER EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 201 (1) THROUGH (3) AND 202 OF THIS ACT.

THE PROVISIONS OF THIS ACT DO NOT AFFECT THE STATE'S AUTHORITY TO SITE ANY OTHER ESSENTIAL PUBLIC FACILITY UNDER RCW 36.70A.200 IN CONFORMANCE WITH LOCAL COMPREHENSIVE PLANS AND DEVELOPMENT REGULATIONS ADOPTED PURSUANT TO CHAPTER 36.70A RCW.

NEW SECTION. Sec. 204. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

(1) UPON RECEIVING THE NOTIFICATION REQUIRED BY SECTION 201 OF THIS ACT, COUNTIES MUST PROMPTLY NOTIFY THE CITIES WITHIN THE COUNTY OF THE MAXIMUM NUMBER OF SECURE COMMUNITY TRANSITION FACILITY BEDS THAT MAY BE REQUIRED AND THE PROJECTED NUMBER OF BEDS TO BE NEEDED IN THAT COUNTY.

(2) THE INCENTIVE GRANTS PROVIDED UNDER THIS SECTION ARE SUBJECT TO THE FOLLOWING PROVISIONS:

(A) COUNTIES AND THE CITIES WITHIN THE COUNTY MUST NOTIFY EACH OTHER OF SITING PLANS TO PROMOTE THE ESTABLISHMENT AND EQUITABLE DISTRIBUTION OF SECURE COMMUNITY TRANSITION FACILITIES;

(B) DEVELOPMENT REGULATIONS, ORDINANCES, PLANS, LAWS, AND CRITERIA ESTABLISHED FOR SITING MUST BE CONSISTENT WITH STATUTORY REQUIREMENTS AND RULES APPLICABLE TO SITING AND OPERATING SECURE COMMUNITY TRANSITION FACILITIES;

(C) THE MINIMUM SIZE FOR ANY FACILITY IS THREE BEDS; AND

(D) THE DEPARTMENT MUST APPROVE ANY SITES SELECTED.

(3) ANY COUNTY OR CITY THAT MAKES A COMMITMENT TO INITIATE THE PROCESS TO SITE ONE OR MORE SECURE COMMUNITY TRANSITION FACILITIES BY FEBRUARY 1, 2002, SHALL RECEIVE A PLANNING GRANT AS PROPOSED AND APPROVED BY THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT.

(4) ANY COUNTY OR CITY THAT HAS ISSUED ALL NECESSARY PERMITS BY MAY 1, 2003, FOR ONE OR MORE SECURE COMMUNITY TRANSITION FACILITIES THAT COMPLY WITH THE REQUIREMENTS OF THIS SECTION SHALL RECEIVE AN INCENTIVE GRANT IN THE AMOUNT OF FIFTY THOUSAND DOLLARS FOR EACH BED SITED.

(5) TO ENCOURAGE THE RAPID PERMITTING OF SITES, ANY COUNTY OR CITY THAT HAS ISSUED ALL NECESSARY PERMITS BY JANUARY 1, 2003, FOR ONE OR MORE SECURE COMMUNITY TRANSITION FACILITIES THAT COMPLY WITH THE REQUIREMENTS OF THIS SECTION SHALL RECEIVE A BONUS IN THE AMOUNT OF TWENTY PERCENT OF THE AMOUNT PROVIDED UNDER SUBSECTION (4) OF THIS SECTION.

(6) ANY COUNTY OR CITY THAT ESTABLISHES SECURE COMMUNITY TRANSITION FACILITY BEDS IN EXCESS OF THE MAXIMUM NUMBER THAT COULD BE REQUIRED TO BE SITED IN THAT COUNTY SHALL RECEIVE A BONUS PAYMENT OF ONE HUNDRED THOUSAND DOLLARS FOR EACH BED ESTABLISHED IN EXCESS OF THE MAXIMUM REQUIREMENT.

(7) NO PAYMENT SHALL BE MADE UNDER SUBSECTION (4), (5), OR (6) OF THIS SECTION UNTIL ALL NECESSARY PERMITS HAVE BEEN ISSUED.

Sec. 205. RCW 36.70A.200 AND 1998 C 171 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE COMPREHENSIVE PLAN OF EACH COUNTY AND CITY THAT IS PLANNING UNDER ~~((THIS CHAPTER))~~ RCW 36.70A.040 SHALL INCLUDE A PROCESS FOR IDENTIFYING AND SITING ESSENTIAL PUBLIC FACILITIES. ESSENTIAL PUBLIC FACILITIES INCLUDE THOSE FACILITIES THAT ARE TYPICALLY DIFFICULT TO SITE, SUCH AS AIRPORTS, STATE EDUCATION FACILITIES AND STATE OR

REGIONAL TRANSPORTATION FACILITIES AS DEFINED IN RCW 47.06.140, STATE AND LOCAL CORRECTIONAL FACILITIES, SOLID WASTE HANDLING FACILITIES, AND IN-PATIENT FACILITIES INCLUDING SUBSTANCE ABUSE FACILITIES, MENTAL HEALTH FACILITIES, ~~((AND))~~ GROUP HOMES, AND SECURE COMMUNITY TRANSITION FACILITIES AS DEFINED IN RCW 71.09.020.

(2) EACH COUNTY AND CITY PLANNING UNDER RCW 36.70A.040 SHALL, NOT LATER THAN THE DEADLINE SPECIFIED IN RCW 36.70A.130, ESTABLISH A PROCESS, OR AMEND ITS EXISTING PROCESS, FOR IDENTIFYING AND SITING ESSENTIAL PUBLIC FACILITIES, AND ADOPT OR AMEND ITS DEVELOPMENT REGULATIONS AS NECESSARY TO PROVIDE FOR THE SITING OF SECURE COMMUNITY TRANSITION FACILITIES CONSISTENT WITH STATUTORY REQUIREMENTS APPLICABLE TO THESE FACILITIES.

(3) ANY CITY OR COUNTY NOT PLANNING UNDER RCW 36.70A.040 SHALL, NOT LATER THAN THE DEADLINE SPECIFIED IN RCW 36.70A.130, ESTABLISH A PROCESS FOR SITING SECURE COMMUNITY TRANSITION FACILITIES AND ADOPT OR AMEND ITS DEVELOPMENT REGULATIONS AS NECESSARY TO PROVIDE FOR THE SITING OF SUCH FACILITIES CONSISTENT WITH STATUTORY REQUIREMENTS APPLICABLE TO THESE FACILITIES.

(4) THE OFFICE OF FINANCIAL MANAGEMENT SHALL MAINTAIN A LIST OF THOSE ESSENTIAL STATE PUBLIC FACILITIES THAT ARE REQUIRED OR LIKELY TO BE BUILT WITHIN THE NEXT SIX YEARS. THE OFFICE OF FINANCIAL MANAGEMENT MAY AT ANY TIME ADD FACILITIES TO THE LIST.

(5) NO LOCAL COMPREHENSIVE PLAN OR DEVELOPMENT REGULATION MAY PRECLUDE THE SITING OF ESSENTIAL PUBLIC FACILITIES.

NEW SECTION. Sec. 206. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

THE PROVISIONS OF THIS ACT SHALL NOT BE CONSTRUED TO LIMIT SITING OF SECURE COMMUNITY TRANSITION FACILITIES TO RESIDENTIAL NEIGHBORHOODS.

NEW SECTION. Sec. 207. BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, THE STATE SHALL IMMEDIATELY ENTER INTO NEGOTIATIONS FOR A MITIGATION AGREEMENT WITH: (1) THE COUNTY IN WHICH THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SECTION 201(1) OF THIS ACT IS LOCATED; (2) EACH COMMUNITY IN WHICH THE PERSONS FROM THAT FACILITY WILL RESIDE OR REGULARLY SPEND TIME IN PURSUANT TO COURT ORDERS FOR REGULAR WORK OR EDUCATION, OR TO RECEIVE SOCIAL SERVICES, OR WILL REGULARLY BE TRANSPORTED THROUGH TO REACH THOSE OTHER COMMUNITIES; AND (3) EDUCATIONAL INSTITUTIONS IN THE COMMUNITIES IDENTIFIED IN SUBSECTIONS (1) AND (2) OF THIS SECTION. THE NEGOTIATIONS MUST BE TOWARD AN AGREEMENT THAT WILL PROVIDE STATE FUNDING, AS APPROPRIATED FOR THIS PURPOSE, IN AN AMOUNT ADEQUATE TO MITIGATE ANTICIPATED OR REALIZED INCREASED COSTS RESULTING FROM ANY INCREASED RISKS TO PUBLIC SAFETY BROUGHT ABOUT BY THE PRESENCE OF SEXUALLY VIOLENT PREDATORS IN THOSE COMMUNITIES DUE TO THE SITING OF THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SECTION 201(1) OF THIS ACT. THIS SECTION EXPIRES JUNE 30, 2003.

NEW SECTION. Sec. 208. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

(1) THE DEPARTMENT SHALL MAKE REASONABLE EFFORTS TO DISTRIBUTE THE IMPACT OF THE EMPLOYMENT, EDUCATION, AND SOCIAL SERVICES NEEDS OF THE RESIDENTS OF THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SECTION 201(1) OF THIS ACT AMONG THE ADJOINING COUNTIES AND NOT TO CONCENTRATE THE RESIDENTS' USE OF RESOURCES IN ANY ONE COMMUNITY.

(2) THE DEPARTMENT SHALL DEVELOP POLICIES TO ENSURE THAT, TO THE EXTENT POSSIBLE, PLACEMENT OF PERSONS ELIGIBLE IN THE FUTURE FOR CONDITIONAL RELEASE TO A SETTING LESS RESTRICTIVE THAN THE FACILITY ESTABLISHED PURSUANT TO SECTION 201(1) OF THIS ACT WILL BE EQUITABLY DISTRIBUTED AMONG THE COUNTIES AND WITHIN JURISDICTIONS IN THE COUNTY.

NEW SECTION. Sec. 209. THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES SHALL, BY AUGUST 1, 2001, AND PRIOR TO OPERATING THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SECTION 201(1) OF THIS ACT, HOLD AT LEAST THREE PUBLIC HEARINGS IN THE AFFECTED COMMUNITIES WITHIN THE COUNTY WHERE THE FACILITY IS LOCATED.

THE PURPOSE OF THE PUBLIC HEARINGS IS TO SEEK INPUT FROM COUNTY AND CITY OFFICIALS, LOCAL LAW ENFORCEMENT OFFICIALS, AND THE PUBLIC REGARDING OPERATIONS AND SECURITY MEASURES NEEDED TO ADEQUATELY PROTECT THE COMMUNITY FROM ANY INCREASED RISK TO PUBLIC SAFETY BROUGHT ABOUT BY THE PRESENCE OF PERSONS CONDITIONALLY RELEASED FROM THE SPECIAL COMMITMENT CENTER IN THESE COMMUNITIES DUE TO THE SITING OF THE FACILITY. THE DEPARTMENT SHALL ENSURE THAT PERSONS HAVE A FULL OPPORTUNITY TO SPEAK TO THE ISSUES TO BE ADDRESSED DURING EACH HEARING.

NEW SECTION. Sec. 210. THE SECRETARY OF SOCIAL AND HEALTH SERVICES SHALL COORDINATE WITH THE SECRETARY OF CORRECTIONS AND THE APPROPRIATE LOCAL OR STATE LAW ENFORCEMENT AGENCY OR AGENCIES TO ESTABLISH A TWENTY-FOUR-HOUR LAW ENFORCEMENT PRESENCE ON MCNEIL ISLAND BEFORE ANY PERSON IS ADMITTED TO THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED UNDER SECTION 201(1) OF THIS ACT. LAW ENFORCEMENT SHALL COORDINATE WITH THE EMERGENCY RESPONSE TEAM FOR MCNEIL ISLAND TO PROVIDE PLANNING AND COORDINATION IN THE EVENT OF AN ESCAPE FROM THE SPECIAL COMMITMENT CENTER OR THE SECURE COMMUNITY TRANSITION FACILITY.

IN ADDITION, OR IF NO LAW ENFORCEMENT AGENCY WILL PROVIDE A LAW ENFORCEMENT PRESENCE ON THE ISLAND, NOT MORE THAN TEN CORRECTIONAL EMPLOYEES, AS SELECTED BY THE SECRETARY OF CORRECTIONS, WHO ARE MEMBERS OF THE EMERGENCY RESPONSE TEAM FOR THE MCNEIL ISLAND CORRECTIONAL FACILITY, SHALL HAVE THE POWERS AND DUTIES OF A GENERAL AUTHORITY PEACE OFFICER WHILE ACTING IN A LAW ENFORCEMENT CAPACITY. IF THERE IS NO LAW ENFORCEMENT AGENCY TO PROVIDE THE LAW ENFORCEMENT PRESENCE, THOSE CORRECTIONAL EMPLOYEES SELECTED AS PEACE OFFICERS SHALL PROVIDE A TWENTY-FOUR-HOUR PRESENCE AND SHALL NOT HAVE CORRECTIONAL DUTIES AT THE CORRECTIONAL FACILITY IN ADDITION TO THE EMERGENCY RESPONSE TEAM WHILE ACTING IN A LAW ENFORCEMENT CAPACITY.

NEW SECTION. Sec. 211. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

(1) BY AUGUST 1, 2001, THE DEPARTMENT MUST PROVIDE THE APPROPRIATE COMMITTEES OF THE LEGISLATURE WITH A TRANSPORTATION PLAN TO ADDRESS THE ISSUES OF COORDINATING THE MOVEMENT OF RESIDENTS OF THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SECTION 201(1) OF THIS ACT BETWEEN MCNEIL ISLAND AND THE MAINLAND WITH THE MOVEMENT OF OTHERS WHO MUST USE THE SAME DOCKS OR EQUIPMENT WITHIN THE FUNDS APPROPRIATED FOR THIS PURPOSE.

(2) IF THE DEPARTMENT DOES NOT PROVIDE A SEPARATE VESSEL FOR TRANSPORTING RESIDENTS OF THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED IN SECTION 201(1) OF THIS ACT BETWEEN MCNEIL ISLAND AND THE MAINLAND, THE PLAN SHALL INCLUDE AT LEAST THE FOLLOWING COMPONENTS:

(A) THE RESIDENTS SHALL BE SEPARATED FROM MINORS AND VULNERABLE ADULTS, EXCEPT VULNERABLE ADULTS WHO HAVE BEEN FOUND TO BE SEXUALLY VIOLENT PREDATORS.

(B) THE RESIDENTS SHALL NOT BE TRANSPORTED DURING TIMES WHEN CHILDREN ARE NORMALLY COMING TO AND FROM THE MAINLAND FOR SCHOOL.

(3) THE DEPARTMENT SHALL DESIGNATE A SEPARATE WAITING AREA AT THE POINTS OF DEBARKATION, AND RESIDENTS SHALL BE REQUIRED TO REMAIN IN THIS AREA WHILE AWAITING TRANSPORTATION.

(4) THE DEPARTMENT SHALL PROVIDE LAW ENFORCEMENT AGENCIES IN THE COUNTIES AND CITIES IN WHICH RESIDENTS OF THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SECTION 201(1) OF THIS ACT REGULARLY PARTICIPATE IN EMPLOYMENT, EDUCATION, OR SOCIAL SERVICES, OR THROUGH WHICH THESE PERSONS ARE REGULARLY TRANSPORTED, WITH A COPY OF THE COURT'S ORDER OF CONDITIONAL RELEASE WITH RESPECT TO THESE PERSONS.

NEW SECTION. Sec. 212. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

WHEN CONSIDERING WHETHER A PERSON CIVILLY COMMITTED UNDER THIS CHAPTER AND CONDITIONALLY RELEASED TO A SECURE COMMUNITY TRANSITION FACILITY IS APPROPRIATE FOR RELEASE TO A PLACEMENT THAT IS LESS RESTRICTIVE THAN THAT FACILITY, THE COURT SHALL COMPLY WITH THE PROCEDURES SET FORTH IN RCW 71.09.090 THROUGH 71.09.096. IN ADDITION, THE COURT SHALL CONSIDER WHETHER THE PERSON HAS PROGRESSED IN TREATMENT TO THE POINT THAT A SIGNIFICANT CHANGE IN THE PERSON'S ROUTINE, INCLUDING BUT NOT LIMITED TO A CHANGE OF EMPLOYMENT, EDUCATION, RESIDENCE, OR SEX OFFENDER TREATMENT PROVIDER WILL NOT CAUSE THE PERSON TO REGRESS TO THE POINT THAT THE PERSON PRESENTS A GREATER RISK TO THE COMMUNITY THAN CAN REASONABLY BE ADDRESSED IN THE PROPOSED PLACEMENT.

NEW SECTION. Sec. 213. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

(1) EXCEPT WITH RESPECT TO THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SECTION 201 OF THIS ACT, THE SECRETARY SHALL DEVELOP POLICY GUIDELINES THAT BALANCE THE AVERAGE RESPONSE TIME OF EMERGENCY SERVICES TO THE GENERAL AREA OF A PROPOSED SECURE COMMUNITY TRANSITION FACILITY AGAINST THE PROXIMITY OF THE PROPOSED SITE TO RISK POTENTIAL ACTIVITIES AND FACILITIES IN EXISTENCE AT THE TIME THE SITE IS LISTED FOR CONSIDERATION.

(2) IN BALANCING THE COMPETING CRITERIA OF PROXIMITY AND RESPONSE TIME THE POLICY GUIDELINES SHALL ENDEAVOR TO ACHIEVE AN AVERAGE LAW ENFORCEMENT RESPONSE TIME NOT GREATER THAN FIVE MINUTES AND IN NO CASE SHALL THE POLICY GUIDELINES PERMIT LOCATION OF A FACILITY ADJACENT TO, IMMEDIATELY ACROSS A STREET OR PARKING LOT FROM, OR WITHIN THE LINE OF SIGHT OF A RISK POTENTIAL ACTIVITY OR FACILITY IN EXISTENCE AT THE TIME A SITE IS LISTED FOR CONSIDERATION. "WITHIN THE LINE OF SIGHT" MEANS THAT IT IS POSSIBLE TO REASONABLY VISUALLY DISTINGUISH AND RECOGNIZE INDIVIDUALS.

(3) THE POLICY GUIDELINES SHALL REQUIRE THAT GREAT WEIGHT BE GIVEN TO SITES THAT ARE THE FARTHEST REMOVED FROM ANY RISK POTENTIAL ACTIVITY.

(4) THE POLICY GUIDELINES SHALL SPECIFY HOW DISTANCE FROM THE LOCATION IS MEASURED AND ANY VARIATIONS IN THE MEASUREMENT BASED ON THE SIZE OF THE PROPERTY WITHIN WHICH A PROPOSED FACILITY IS TO BE LOCATED.

(5) THE POLICY GUIDELINES SHALL ESTABLISH A METHOD TO ANALYZE AND COMPARE THE CRITERIA FOR EACH SITE IN TERMS OF PUBLIC SAFETY AND SECURITY, SITE CHARACTERISTICS, AND PROGRAM COMPONENTS. IN MAKING A DECISION REGARDING A SITE FOLLOWING THE ANALYSIS AND COMPARISON, THE SECRETARY SHALL GIVE PRIORITY TO PUBLIC SAFETY AND SECURITY CONSIDERATIONS. THE ANALYSIS AND COMPARISON OF THE CRITERIA ARE TO BE DOCUMENTED AND MADE AVAILABLE AT THE PUBLIC HEARINGS PRESCRIBED IN SECTION 219 OF THIS ACT.

(6) POLICY GUIDELINES ADOPTED BY THE SECRETARY UNDER THIS SECTION SHALL BE CONSIDERED BY COUNTIES AND CITIES WHEN PROVIDING FOR THE SITING OF SECURE COMMUNITY TRANSITION FACILITIES AS REQUIRED UNDER RCW 36.70A.200.

NEW SECTION. Sec. 214. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

THE SECRETARY SHALL ESTABLISH POLICY GUIDELINES FOR THE SITING OF SECURE COMMUNITY TRANSITION FACILITIES, OTHER THAN THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SECTION 201 OF THIS ACT, WHICH SHALL INCLUDE AT LEAST THE FOLLOWING MINIMUM REQUIREMENTS:

(1) THE FOLLOWING CRITERIA MUST BE CONSIDERED PRIOR TO ANY REAL PROPERTY BEING LISTED FOR CONSIDERATION FOR THE LOCATION OF OR USE AS A SECURE COMMUNITY TRANSITION FACILITY:

(A) THE PROXIMITY AND RESPONSE TIME CRITERIA ESTABLISHED UNDER SECTION 213 OF THIS ACT;

(B) THE SITE OR BUILDING IS AVAILABLE FOR LEASE FOR THE ANTICIPATED USE PERIOD OR FOR PURCHASE;

(C) SECURITY MONITORING SERVICES AND APPROPRIATE BACK-UP SYSTEMS ARE AVAILABLE AND RELIABLE;

(D) APPROPRIATE MENTAL HEALTH AND SEX OFFENDER TREATMENT PROVIDERS MUST BE AVAILABLE WITHIN A REASONABLE COMMUTE; AND

(E) APPROPRIATE PERMITTING FOR A SECURE COMMUNITY TRANSITION FACILITY MUST BE POSSIBLE UNDER THE ZONING CODE OF THE LOCAL JURISDICTION.

(2) FOR SITES WHICH MEET THE CRITERIA OF SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT SHALL ANALYZE AND COMPARE THE CRITERIA IN SUBSECTIONS (3) THROUGH (5) OF THIS SECTION USING THE METHOD ESTABLISHED IN SECTION 213 OF THIS ACT.

(3) PUBLIC SAFETY AND SECURITY CRITERIA SHALL INCLUDE AT LEAST THE FOLLOWING:

(A) WHETHER LIMITED VISIBILITY BETWEEN THE FACILITY AND ADJACENT PROPERTIES CAN BE ACHIEVED PRIOR TO PLACEMENT OF ANY PERSON;

(B) THE DISTANCE FROM, AND NUMBER OF, RISK POTENTIAL ACTIVITIES AND FACILITIES, AS MEASURED USING THE RULES ADOPTED UNDER SECTION 213 OF THIS ACT;

(C) THE EXISTENCE OF OR ABILITY TO ESTABLISH BARRIERS BETWEEN THE SITE AND THE RISK POTENTIAL FACILITIES AND ACTIVITIES;

(D) SUITABILITY OF THE BUILDINGS TO BE USED FOR THE SECURE COMMUNITY TRANSITION FACILITY WITH REGARD TO EXISTING OR FEASIBLY MODIFIED FEATURES; AND

(E) THE AVAILABILITY OF ELECTRONIC MONITORING THAT ALLOWS A RESIDENT'S LOCATION TO BE DETERMINED WITH SPECIFICITY.

(4) SITE CHARACTERISTICS CRITERIA SHALL INCLUDE AT LEAST THE FOLLOWING:

(A) REASONABLENESS OF RENTAL, LEASE, OR SALE TERMS INCLUDING LENGTH AND RENEWABILITY OF A LEASE OR RENTAL AGREEMENT;

(B) TRAFFIC AND ACCESS PATTERNS ASSOCIATED WITH THE REAL PROPERTY;

(C) FEASIBILITY OF COMPLYING WITH ZONING REQUIREMENTS WITHIN THE NECESSARY TIME FRAME; AND

(D) A CONTRACTOR OR CONTRACTORS ARE AVAILABLE TO INSTALL, MONITOR, AND REPAIR THE NECESSARY SECURITY AND ALARM SYSTEMS.

(5) PROGRAM CHARACTERISTICS CRITERIA SHALL INCLUDE AT LEAST THE FOLLOWING:

(A) REASONABLE PROXIMITY TO AVAILABLE MEDICAL, MENTAL HEALTH, SEX OFFENDER, AND CHEMICAL DEPENDENCY TREATMENT PROVIDERS AND FACILITIES;

(B) SUITABILITY OF THE LOCATION FOR PROGRAMMING, STAFFING, AND SUPPORT CONSIDERATIONS;

(C) PROXIMITY TO EMPLOYMENT, EDUCATIONAL, VOCATIONAL, AND OTHER TREATMENT PLAN COMPONENTS.

(6) FOR PURPOSES OF THIS SECTION "AVAILABLE" OR "AVAILABILITY" OF QUALIFIED TREATMENT PROVIDERS INCLUDES PROVIDER QUALIFICATIONS AND WILLINGNESS TO PROVIDE SERVICES, AVERAGE COMMUTE TIME, AND COST OF SERVICES.

NEW SECTION. Sec. 215. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

(1) SECURITY SYSTEMS FOR ALL SECURE COMMUNITY TRANSITION FACILITIES SHALL MEET THE FOLLOWING MINIMUM QUALIFICATIONS:

(A) THE SECURITY PANEL MUST BE A COMMERCIAL GRADE PANEL WITH TAMPER-PROOF SWITCHES AND A KEY-LOCK TO PREVENT UNAUTHORIZED ACCESS.

(B) THERE MUST BE AN EMERGENCY ELECTRICAL SUPPLY SYSTEM WHICH SHALL INCLUDE A BATTERY BACK-UP SYSTEM AND A GENERATOR.

(C) THE SYSTEM MUST INCLUDE PERSONAL PANIC DEVICES FOR ALL STAFF.

(D) THE SECURITY SYSTEM MUST BE CAPABLE OF BEING MONITORED AND SIGNALLED EITHER BY TELEPHONE THROUGH EITHER A LAND OR CELLULAR TELEPHONE SYSTEM OR BY PRIVATE RADIO NETWORK IN THE EVENT OF A TOTAL DIAL-TONE FAILURE OR THROUGH EQUIVALENT TECHNOLOGIES.

(E) THE DEPARTMENT SHALL ISSUE PHOTO-IDENTIFICATION BADGES TO ALL STAFF WHICH MUST BE WORN AT ALL TIMES.

(2) SECURITY SYSTEMS FOR THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SECTION 201(1) OF THIS ACT SHALL ALSO INCLUDE A FENCE AND PROVIDE THE MAXIMUM PROTECTION APPROPRIATE IN A CIVIL FACILITY FOR PERSONS IN LESS THAN TOTAL CONFINEMENT.

NEW SECTION. Sec. 216. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

(1) SECURE COMMUNITY TRANSITION FACILITIES SHALL MEET THE FOLLOWING MINIMUM STAFFING REQUIREMENTS:

(A) AT ANY TIME THE CENSUS OF A FACILITY IS SIX OR FEWER RESIDENTS, THE FACILITY SHALL MAINTAIN A MINIMUM STAFFING RATIO OF ONE STAFF PER RESIDENT DURING NORMAL WAKING HOURS AND TWO AWAKE STAFF PER THREE RESIDENTS DURING NORMAL SLEEPING HOURS.

(B) AT ANY TIME THE CENSUS OF A FACILITY IS SIX OR FEWER RESIDENTS, ALL STAFF SHALL BE CLASSIFIED AS RESIDENTIAL REHABILITATION COUNSELOR II OR HAVE A CLASSIFICATION THAT INDICATES A HIGHER LEVEL OF SKILL, EXPERIENCE, AND TRAINING.

(C) BEFORE BEING ASSIGNED TO A FACILITY, ALL STAFF SHALL HAVE TRAINING IN SEX OFFENDER ISSUES, SELF-DEFENSE, AND CRISIS DE-ESCALATION SKILLS IN ADDITION TO DEPARTMENTAL ORIENTATION AND, AS APPROPRIATE, MANAGEMENT TRAINING. ALL STAFF WITH RESIDENT TREATMENT OR CARE DUTIES MUST PARTICIPATE IN ONGOING IN-SERVICE TRAINING.

(D) ALL STAFF MUST PASS A DEPARTMENTAL BACKGROUND CHECK AND THE CHECK IS NOT SUBJECT TO THE LIMITATIONS IN CHAPTER 9.96A RCW. A PERSON WHO HAS BEEN CONVICTED OF A FELONY, OR ANY SEX OFFENSE, MAY NOT BE EMPLOYED AT THE SECURE COMMUNITY TRANSITION FACILITY OR BE APPROVED AS AN ESCORT FOR A RESIDENT OF THE FACILITY.

(2) WITH RESPECT TO THE FACILITY ESTABLISHED PURSUANT TO SECTION 201(1) OF THIS ACT, THE DEPARTMENT SHALL, NO LATER THAN DECEMBER 1, 2001, PROVIDE A STAFFING PLAN TO THE APPROPRIATE COMMITTEES OF THE LEGISLATURE THAT WILL COVER THE GROWTH OF THAT FACILITY TO ITS FULL CAPACITY.

NEW SECTION. Sec. 217. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

(1) UNLESS OTHERWISE ORDERED BY THE COURT:

(A) RESIDENTS OF A SECURE COMMUNITY TRANSITION FACILITY SHALL WEAR ELECTRONIC MONITORING DEVICES AT ALL TIMES. TO THE EXTENT THAT ELECTRONIC MONITORING DEVICES THAT EMPLOY GLOBAL POSITIONING SYSTEM TECHNOLOGY ARE AVAILABLE AND FUNDS FOR THIS PURPOSE ARE APPROPRIATED BY THE LEGISLATURE, THE DEPARTMENT SHALL USE THESE DEVICES.

(B) AT LEAST ONE STAFF MEMBER, OR OTHER COURT-AUTHORIZED AND DEPARTMENT-APPROVED PERSON MUST ESCORT EACH RESIDENT WHEN THE RESIDENT LEAVES THE SECURE COMMUNITY TRANSITION FACILITY FOR APPOINTMENTS, EMPLOYMENT, OR OTHER APPROVED ACTIVITIES. ESCORTING PERSONS MUST SUPERVISE THE RESIDENT CLOSELY AND MAINTAIN CLOSE PROXIMITY TO THE RESIDENT. THE ESCORT MUST IMMEDIATELY NOTIFY THE DEPARTMENT OF ANY SERIOUS VIOLATION, AS DEFINED IN SECTION 221 OF THIS ACT, BY THE RESIDENT AND MUST IMMEDIATELY NOTIFY LAW ENFORCEMENT OF ANY VIOLATION OF LAW BY THE RESIDENT.

(2) STAFF MEMBERS OF THE SPECIAL COMMITMENT CENTER AND ANY OTHER TOTAL CONFINEMENT FACILITY AND ANY SECURE COMMUNITY TRANSITION FACILITY MUST BE TRAINED IN SELF-DEFENSE AND APPROPRIATE CRISIS RESPONSES INCLUDING INCIDENT DE-ESCALATION. PRIOR TO ESCORTING A PERSON OUTSIDE OF A FACILITY, STAFF MEMBERS MUST ALSO HAVE TRAINING IN THE OFFENSE PATTERN OF THE OFFENDER THEY ARE ESCORTING. THE ESCORT MAY NOT BE A RELATIVE OF THE RESIDENT.

(3) ANY ESCORT MUST CARRY A CELLULAR TELEPHONE OR A SIMILAR DEVICE AT ALL TIMES WHEN ESCORTING A RESIDENT OF A SECURE COMMUNITY TRANSITION FACILITY.

(4) THE DEPARTMENT SHALL REQUIRE TRAINING IN OFFENDER PATTERN, SELF-DEFENSE, AND INCIDENT RESPONSE FOR ALL COURT-AUTHORIZED ESCORTS WHO ARE NOT EMPLOYED BY THE DEPARTMENT OR THE DEPARTMENT OF CORRECTIONS.

NEW SECTION. Sec. 218. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

NOTWITHSTANDING THE PROVISIONS OF SECTION 217 OF THIS ACT, RESIDENTS OF THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SECTION 201(1) OF THIS ACT MUST BE ESCORTED AT ANY TIME THE RESIDENT LEAVES THE FACILITY.

NEW SECTION. Sec. 219. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

(1) WHENEVER THE DEPARTMENT OPERATES, OR THE SECRETARY ENTERS INTO A CONTRACT TO OPERATE, A SECURE COMMUNITY TRANSITION FACILITY EXCEPT THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SECTION 201(1) OF THIS ACT, THE SECURE COMMUNITY TRANSITION FACILITY MAY BE OPERATED ONLY AFTER THE PUBLIC NOTIFICATION AND OPPORTUNITIES FOR REVIEW AND COMMENT AS REQUIRED BY THIS SECTION.

(2) THE SECRETARY SHALL ESTABLISH A PROCESS FOR EARLY AND CONTINUOUS PUBLIC PARTICIPATION IN ESTABLISHING OR RELOCATING SECURE COMMUNITY TRANSITION FACILITIES. THE PROCESS SHALL INCLUDE, AT A MINIMUM, PUBLIC MEETINGS IN THE LOCAL COMMUNITIES AFFECTED, AS WELL AS OPPORTUNITIES FOR WRITTEN AND ORAL COMMENTS, IN THE FOLLOWING MANNER:

(A) IF THERE ARE MORE THAN THREE SITES INITIALLY SELECTED AS POTENTIAL LOCATIONS AND THE SELECTION PROCESS BY THE SECRETARY OR A SERVICE PROVIDER REDUCES THE NUMBER OF POSSIBLE SITES FOR A SECURE COMMUNITY TRANSITION FACILITY TO NO FEWER THAN THREE, THE SECRETARY OR THE CHIEF OPERATING OFFICER OF THE SERVICE PROVIDER SHALL NOTIFY THE PUBLIC OF THE POSSIBLE SITING AND HOLD AT LEAST TWO PUBLIC HEARINGS IN EACH COMMUNITY WHERE A SECURE COMMUNITY TRANSITION FACILITY MAY BE SITED.

(B) WHEN THE SECRETARY OR SERVICE PROVIDER HAS DETERMINED THE SECURE COMMUNITY TRANSITION FACILITY'S LOCATION, THE SECRETARY OR THE CHIEF OPERATING OFFICER OF THE SERVICE PROVIDER SHALL HOLD AT LEAST ONE ADDITIONAL PUBLIC HEARING IN THE COMMUNITY WHERE THE SECURE COMMUNITY TRANSITION FACILITY WILL BE SITED.

(C) WHEN THE SECRETARY HAS ENTERED NEGOTIATIONS WITH A SERVICE PROVIDER AND ONLY ONE SITE IS UNDER CONSIDERATION, THEN AT LEAST TWO PUBLIC HEARINGS SHALL BE HELD.

(D) TO PROVIDE ADEQUATE NOTICE OF, AND OPPORTUNITY FOR INTERESTED PERSONS TO COMMENT ON, A PROPOSED LOCATION, THE SECRETARY OR THE CHIEF OPERATING OFFICER OF THE SERVICE PROVIDER SHALL PROVIDE AT LEAST FOURTEEN DAYS' ADVANCE NOTICE OF THE MEETING TO ALL NEWSPAPERS OF GENERAL CIRCULATION IN THE COMMUNITY, ALL RADIO AND TELEVISION STATIONS

GENERALLY AVAILABLE TO PERSONS IN THE COMMUNITY, ANY SCHOOL DISTRICT IN WHICH THE SECURE COMMUNITY TRANSITION FACILITY WOULD BE SITED OR WHOSE BOUNDARY IS WITHIN TWO MILES OF A PROPOSED SECURE COMMUNITY TRANSITION FACILITY, ANY LIBRARY DISTRICT IN WHICH THE SECURE COMMUNITY TRANSITION FACILITY WOULD BE SITED, LOCAL BUSINESS OR FRATERNAL ORGANIZATIONS THAT REQUEST NOTIFICATION FROM THE SECRETARY OR AGENCY, AND ANY PERSON OR PROPERTY OWNER WITHIN A ONE-HALF MILE RADIUS OF THE PROPOSED SECURE COMMUNITY TRANSITION FACILITY. BEFORE INITIATING THIS PROCESS, THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES SHALL CONTACT LOCAL GOVERNMENT PLANNING AGENCIES IN THE COMMUNITIES CONTAINING THE PROPOSED SECURE COMMUNITY TRANSITION FACILITY. THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES SHALL COORDINATE WITH LOCAL GOVERNMENT AGENCIES TO ENSURE THAT OPPORTUNITIES ARE PROVIDED FOR EFFECTIVE CITIZEN INPUT AND TO REDUCE THE DUPLICATION OF NOTICE AND MEETINGS.

(3) IF LOCAL GOVERNMENT LAND USE REGULATIONS REQUIRE THAT A SPECIAL USE OR CONDITIONAL USE PERMIT BE SUBMITTED AND APPROVED BEFORE A SECURE COMMUNITY TRANSITION FACILITY CAN BE SITED, AND THE PROCESS FOR OBTAINING SUCH A PERMIT INCLUDES PUBLIC NOTICE AND HEARING REQUIREMENTS SIMILAR TO THOSE REQUIRED UNDER THIS SECTION, THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO THE EXTENT THEY WOULD DUPLICATE REQUIREMENTS UNDER THE LOCAL LAND USE REGULATIONS.

(4) THIS SECTION APPLIES ONLY TO SECURE COMMUNITY TRANSITION FACILITIES SITED AFTER THE EFFECTIVE DATE OF THIS SECTION.

NEW SECTION. Sec. 220. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

(1) THE SECRETARY SHALL DEVELOP A PROCESS WITH LOCAL GOVERNMENTS THAT ALLOWS EACH COMMUNITY IN WHICH A SECURE COMMUNITY TRANSITION FACILITY IS LOCATED TO ESTABLISH OPERATIONAL ADVISORY BOARDS OF AT LEAST SEVEN PERSONS FOR THE SECURE COMMUNITY TRANSITION FACILITIES. THE DEPARTMENT MAY CONDUCT COMMUNITY AWARENESS ACTIVITIES TO PUBLICIZE THIS OPPORTUNITY. THE OPERATIONAL ADVISORY BOARDS DEVELOPED UNDER THIS SECTION SHALL BE IMPLEMENTED FOLLOWING THE DECISION TO LOCATE A SECURE COMMUNITY TRANSITION FACILITY IN A PARTICULAR COMMUNITY.

(2) THE OPERATIONAL ADVISORY BOARDS MAY REVIEW AND MAKE RECOMMENDATIONS REGARDING THE SECURITY AND OPERATIONS OF THE SECURE COMMUNITY TRANSITION FACILITY AND CONDITIONS OR MODIFICATIONS NECESSARY WITH RELATION TO ANY PERSON WHO THE SECRETARY PROPOSES TO PLACE IN THE SECURE COMMUNITY TRANSITION FACILITY.

(3) THE FACILITY MANAGEMENT MUST CONSIDER THE RECOMMENDATIONS OF THE COMMUNITY ADVISORY BOARDS. WHERE THE FACILITY MANAGEMENT DOES NOT IMPLEMENT AN OPERATIONAL ADVISORY BOARD RECOMMENDATION, THE MANAGEMENT MUST PROVIDE A WRITTEN RESPONSE TO THE OPERATIONAL ADVISORY BOARD STATING ITS REASONS FOR ITS DECISION NOT TO IMPLEMENT THE RECOMMENDATION.

(4) THE OPERATIONAL ADVISORY BOARDS, THEIR MEMBERS, AND ANY AGENCY REPRESENTED BY A MEMBER SHALL NOT BE LIABLE IN ANY CAUSE OF ACTION AS A RESULT OF ITS RECOMMENDATIONS UNLESS THE ADVISORY BOARD ACTS WITH GROSS NEGLIGENCE OR BAD FAITH IN MAKING A RECOMMENDATION.

NEW SECTION. Sec. 221. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

(1) THE SECRETARY SHALL ADOPT A VIOLATION REPORTING POLICY FOR PERSONS CONDITIONALLY RELEASED TO LESS RESTRICTIVE ALTERNATIVE PLACEMENTS. THE POLICY SHALL REQUIRE WRITTEN DOCUMENTATION BY THE DEPARTMENT AND SERVICE PROVIDERS OF ALL VIOLATIONS OF CONDITIONS SET BY THE DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, OR THE COURT AND ESTABLISH CRITERIA FOR RETURNING A VIOLATOR TO THE SPECIAL COMMITMENT CENTER OR A SECURE COMMUNITY TRANSITION FACILITY WITH A HIGHER DEGREE OF SECURITY. ANY CONDITIONALLY RELEASED PERSON WHO COMMITS A SERIOUS VIOLATION OF CONDITIONS SHALL BE RETURNED TO THE SPECIAL COMMITMENT CENTER, UNLESS ARRESTED BY A LAW ENFORCEMENT OFFICER, AND THE COURT SHALL BE NOTIFIED IMMEDIATELY AND SHALL INITIATE PROCEEDINGS UNDER RCW 71.09.098 TO REVOKE OR MODIFY THE LESS RESTRICTIVE ALTERNATIVE PLACEMENT. NOTHING IN THIS SECTION LIMITS THE AUTHORITY OF THE DEPARTMENT TO RETURN A PERSON TO THE SPECIAL COMMITMENT CENTER BASED ON A VIOLATION THAT IS NOT A SERIOUS VIOLATION AS DEFINED IN THIS SECTION. FOR THE PURPOSES OF THIS SECTION, "SERIOUS VIOLATION" INCLUDES BUT IS NOT LIMITED TO:

(A) THE COMMISSION OF ANY CRIMINAL OFFENSE;

(B) ANY UNLAWFUL USE OR POSSESSION OF A CONTROLLED SUBSTANCE; AND

(C) ANY VIOLATION OF CONDITIONS TARGETED TO ADDRESS THE PERSON'S DOCUMENTED PATTERN OF OFFENSE THAT INCREASES THE RISK TO PUBLIC SAFETY.

(2) WHEN A PERSON IS CONDITIONALLY RELEASED TO A LESS RESTRICTIVE ALTERNATIVE UNDER THIS CHAPTER AND IS UNDER THE SUPERVISION OF THE DEPARTMENT OF CORRECTIONS, NOTICE OF ANY VIOLATION OF THE PERSON'S CONDITIONS OF RELEASE MUST ALSO BE MADE TO THE DEPARTMENT OF CORRECTIONS.

(3) WHENEVER THE SECRETARY CONTRACTS WITH A SERVICE PROVIDER TO OPERATE A SECURE COMMUNITY TRANSITION FACILITY, THE CONTRACT SHALL INCLUDE A REQUIREMENT THAT THE SERVICE PROVIDER MUST REPORT TO THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES ANY KNOWN VIOLATION OF CONDITIONS COMMITTED BY ANY RESIDENT OF THE SECURE COMMUNITY TRANSITION FACILITY.

(4) THE SECRETARY SHALL DOCUMENT IN WRITING ALL VIOLATIONS, PENALTIES, ACTIONS BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES TO REMOVE PERSONS FROM A SECURE COMMUNITY TRANSITION FACILITY, AND CONTRACT TERMINATIONS. THE SECRETARY SHALL COMPILE THIS INFORMATION AND SUBMIT IT TO THE APPROPRIATE COMMITTEES OF THE LEGISLATURE ON AN ANNUAL BASIS. THE SECRETARY SHALL GIVE GREAT WEIGHT TO A SERVICE PROVIDER'S RECORD OF VIOLATIONS, PENALTIES, ACTIONS BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES OR THE DEPARTMENT OF CORRECTIONS TO REMOVE PERSONS FROM A SECURE COMMUNITY TRANSITION FACILITY, AND CONTRACT TERMINATIONS IN DETERMINING WHETHER TO EXECUTE, RENEW, OR RENEGOTIATE A CONTRACT WITH A SERVICE PROVIDER.

NEW SECTION. Sec. 222. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

WHENEVER THE SECRETARY CONTRACTS WITH A PROVIDER TO OPERATE A SECURE COMMUNITY TRANSITION FACILITY, THE SECRETARY SHALL INCLUDE IN THE CONTRACT PROVISIONS ESTABLISHING INTERMEDIATE CONTRACT ENFORCEMENT REMEDIES.

NEW SECTION. Sec. 223. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

A CONDITIONAL RELEASE FROM A TOTAL CONFINEMENT FACILITY TO A LESS RESTRICTIVE ALTERNATIVE IS A RELEASE THAT SUBJECTS THE CONDITIONALLY RELEASED PERSON TO THE REGISTRATION REQUIREMENTS SPECIFIED IN RCW 9A.44.130 AND TO COMMUNITY NOTIFICATION UNDER RCW 4.24.550.

WHEN A PERSON IS CONDITIONALLY RELEASED TO THE SECURE COMMUNITY TRANSITION FACILITY ESTABLISHED PURSUANT TO SECTION 201(1) OF THIS ACT, THE SHERIFF MUST PROVIDE EACH HOUSEHOLD ON McNEIL ISLAND WITH THE COMMUNITY NOTIFICATION INFORMATION PROVIDED FOR UNDER RCW 4.24.550.

NEW SECTION. Sec. 224. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

AN EMPLOYER WHO HIRES A PERSON WHO HAS BEEN CONDITIONALLY RELEASED TO A LESS RESTRICTIVE ALTERNATIVE MUST NOTIFY ALL OTHER EMPLOYEES OF THE CONDITIONALLY RELEASED PERSON'S STATUS. NOTIFICATION FOR CONDITIONALLY RELEASED PERSONS WHO ENROLL IN AN INSTITUTION OF HIGHER EDUCATION SHALL BE MADE PURSUANT TO THE PROVISIONS OF RCW 9A.44.130 RELATED TO SEX OFFENDERS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION AND RCW 4.24.550. THIS SECTION APPLIES ONLY TO CONDITIONALLY RELEASED PERSONS WHOSE COURT APPROVED TREATMENT PLAN INCLUDES PERMISSION OR A REQUIREMENT FOR THE PERSON TO OBTAIN EDUCATION OR EMPLOYMENT AND TO EMPLOYMENT POSITIONS OR EDUCATIONAL PROGRAMS THAT MEET THE REQUIREMENTS OF THE COURT-APPROVED TREATMENT PLAN.

NEW SECTION. Sec. 225. (1) A JOINT SELECT COMMITTEE ON THE EQUITABLE DISTRIBUTION OF SECURE COMMUNITY TRANSITION FACILITIES IS ESTABLISHED.

(2) THE JOINT SELECT COMMITTEE SHALL CONSIST OF THE FOLLOWING PERSONS:

(A) ONE MEMBER FROM EACH OF THE TWO LARGEST CAUCUSES OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE, AT LEAST ONE MEMBER BEING A MEMBER OF THE SENATE HUMAN SERVICES AND CORRECTIONS COMMITTEE;

(B) ONE MEMBER FROM EACH OF THE TWO LARGEST CAUCUSES OF THE HOUSE OF REPRESENTATIVES, APPOINTED BY THE CO-SPEAKERS OF THE HOUSE OF REPRESENTATIVES, AT LEAST ONE MEMBER BEING A MEMBER OF THE HOUSE CRIMINAL JUSTICE AND CORRECTIONS COMMITTEE;

(C) ONE MEMBER FROM THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES;

(D) ONE MEMBER FROM THE WASHINGTON STATE ASSOCIATION OF COUNTIES;

(E) ONE MEMBER FROM THE ASSOCIATION OF WASHINGTON CITIES;

(F) ONE MEMBER REPRESENTING CRIME VICTIMS, APPOINTED JOINTLY BY THE PRESIDENT OF THE SENATE AND THE CO-SPEAKERS OF THE HOUSE OF REPRESENTATIVES;

(G) ONE PERSON SELECTED BY THE GOVERNOR; AND

(H) TWO PERSONS REPRESENTING LOCAL LAW ENFORCEMENT, ONE REPRESENTING CITIES AND ONE REPRESENTING COUNTIES.

(3) THE CHAIR OF THE JOINT SELECT COMMITTEE SHALL BE A LEGISLATIVE MEMBER CHOSEN BY THE JOINT SELECT COMMITTEE MEMBERS.

(4) THE JOINT SELECT COMMITTEE SHALL REVIEW AND MAKE RECOMMENDATIONS REGARDING:

(A) ANY NECESSARY SPECIFICATIONS OR REVISIONS TO ENSURE EQUITABLE DISTRIBUTION OF SECURE COMMUNITY TRANSITION FACILITIES THROUGHOUT THE STATE;

(B) ANY NECESSARY REVISIONS TO THE PROVISIONS RELATED TO SITING AND OPERATING SECURE COMMUNITY TRANSITION FACILITIES IN SECTIONS 213 THROUGH 218 AND 222 OF THIS ACT; AND

(C) EXCEPT WITH RESPECT TO THE FACILITY ESTABLISHED PURSUANT TO SECTION 201(1) OF THIS ACT, A METHOD FOR DETERMINING POSSIBLE MITIGATION MEASURES FOR COMPENSATING COMMUNITIES FOR ANY INCREASED RISKS TO PUBLIC SAFETY BROUGHT ABOUT BY THE SITING OF A SECURE COMMUNITY TRANSITION FACILITY IN A COMMUNITY.

(5) THE JOINT SELECT COMMITTEE SHALL PRESENT A REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND THE APPROPRIATE COMMITTEES OF THE LEGISLATURE, INCLUDING ANY PROPOSED LEGISLATION, NOT LATER THAN NOVEMBER 15, 2001.

(6) THE JOINT SELECT COMMITTEE MAY, WHERE FEASIBLE, CONSULT WITH INDIVIDUALS FROM THE PUBLIC AND PRIVATE SECTOR IN CARRYING OUT ITS DUTIES UNDER THIS SECTION.

(7) NONLEGISLATIVE MEMBERS OF THE JOINT SELECT COMMITTEE SHALL SERVE WITHOUT COMPENSATION, BUT SHALL BE REIMBURSED FOR TRAVEL EXPENSES AS PROVIDED IN RCW 43.03.050 AND 43.03.060. LEGISLATIVE MEMBERS OF THE JOINT SELECT COMMITTEE SHALL BE REIMBURSED FOR TRAVEL EXPENSES AS PROVIDED IN RCW 44.04.120.

(8) STAFF OF SENATE COMMITTEE SERVICES AND THE OFFICE OF PROGRAM RESEARCH OF THE HOUSE OF REPRESENTATIVES SHALL PROVIDE SUPPORT TO THE JOINT SELECT COMMITTEE.

(9) THIS SECTION EXPIRES MARCH 1, 2002.

NEW SECTION. Sec. 226. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

NOTHING IN THIS ACT SHALL OPERATE TO RESTRICT A COURT'S AUTHORITY TO MAKE LESS RESTRICTIVE ALTERNATIVE PLACEMENTS TO A COMMITTED PERSON'S INDIVIDUAL RESIDENCE OR TO A SETTING LESS RESTRICTIVE THAN A SECURE COMMUNITY TRANSITION FACILITY. A COURT-ORDERED LESS RESTRICTIVE ALTERNATIVE PLACEMENT TO A COMMITTED PERSON'S INDIVIDUAL RESIDENCE IS NOT A LESS RESTRICTIVE ALTERNATIVE PLACEMENT TO A SECURE COMMUNITY TRANSITION FACILITY.

PART III SENTENCING STRUCTURE

SEC. 301. RCW 9.94A.030 AND 2001 C 287 S 4 AND 2001 C 95 S 1 ARE EACH REENACTED AND AMENDED TO READ AS FOLLOWS:

UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS CHAPTER.

(1) "~~BOARD~~" MEANS THE INDETERMINATE SENTENCE REVIEW BOARD CREATED UNDER CHAPTER 9.95 RCW.

(2) "COLLECT," OR ANY DERIVATIVE THEREOF, "COLLECT AND REMIT," OR "COLLECT AND DELIVER," WHEN USED WITH REFERENCE TO THE DEPARTMENT, MEANS THAT THE DEPARTMENT, EITHER DIRECTLY OR THROUGH A COLLECTION AGREEMENT AUTHORIZED BY RCW 9.94A.145, IS RESPONSIBLE FOR MONITORING AND ENFORCING THE OFFENDER'S SENTENCE WITH REGARD TO THE LEGAL FINANCIAL OBLIGATION, RECEIVING PAYMENT THEREOF FROM THE OFFENDER, AND, CONSISTENT WITH CURRENT LAW, DELIVERING DAILY THE ENTIRE PAYMENT TO THE SUPERIOR COURT CLERK WITHOUT DEPOSITING IT IN A DEPARTMENTAL ACCOUNT.

((2)) (3) "COMMISSION" MEANS THE SENTENCING GUIDELINES COMMISSION.

((3)) (4) "COMMUNITY CORRECTIONS OFFICER" MEANS AN EMPLOYEE OF THE DEPARTMENT WHO IS RESPONSIBLE FOR CARRYING OUT SPECIFIC DUTIES IN SUPERVISION OF SENTENCED OFFENDERS AND MONITORING OF SENTENCE CONDITIONS.

((4)) (5) "COMMUNITY CUSTODY" MEANS THAT PORTION OF AN OFFENDER'S SENTENCE OF CONFINEMENT IN LIEU OF EARNED RELEASE TIME OR IMPOSED PURSUANT TO RCW 9.94A.120(2)(b), 9.94A.650 THROUGH 9.94A.670, 9.94A.137, 9.94A.700 THROUGH 9.94A.715, OR 9.94A.383, SERVED IN THE COMMUNITY SUBJECT TO CONTROLS PLACED ON THE OFFENDER'S MOVEMENT AND ACTIVITIES BY THE DEPARTMENT. FOR OFFENDERS PLACED ON COMMUNITY CUSTODY FOR CRIMES COMMITTED ON OR AFTER JULY 1, 2000, THE DEPARTMENT SHALL ASSESS THE OFFENDER'S RISK OF REOFFENSE AND MAY ESTABLISH AND MODIFY CONDITIONS OF COMMUNITY CUSTODY, IN ADDITION TO THOSE IMPOSED BY THE COURT, BASED UPON THE RISK TO COMMUNITY SAFETY.

~~((5))~~ (6) "COMMUNITY CUSTODY RANGE" MEANS THE MINIMUM AND MAXIMUM PERIOD OF COMMUNITY CUSTODY INCLUDED AS PART OF A SENTENCE UNDER RCW 9.94A.715, AS ESTABLISHED BY THE COMMISSION OR THE LEGISLATURE UNDER RCW 9.94A.040, FOR CRIMES COMMITTED ON OR AFTER JULY 1, 2000.

~~((6))~~ (7) "COMMUNITY PLACEMENT" MEANS THAT PERIOD DURING WHICH THE OFFENDER IS SUBJECT TO THE CONDITIONS OF COMMUNITY CUSTODY AND/OR POSTRELEASE SUPERVISION, WHICH BEGINS EITHER UPON COMPLETION OF THE TERM OF CONFINEMENT (POSTRELEASE SUPERVISION) OR AT SUCH TIME AS THE OFFENDER IS TRANSFERRED TO COMMUNITY CUSTODY IN LIEU OF EARNED RELEASE. COMMUNITY PLACEMENT MAY CONSIST OF ENTIRELY COMMUNITY CUSTODY, ENTIRELY POSTRELEASE SUPERVISION, OR A COMBINATION OF THE TWO.

~~((7))~~ (8) "COMMUNITY SERVICE" MEANS COMPULSORY SERVICE, WITHOUT COMPENSATION, PERFORMED FOR THE BENEFIT OF THE COMMUNITY BY THE OFFENDER.

~~((8))~~ (9) "COMMUNITY SUPERVISION" MEANS A PERIOD OF TIME DURING WHICH A CONVICTED OFFENDER IS SUBJECT TO CRIME-RELATED PROHIBITIONS AND OTHER SENTENCE CONDITIONS IMPOSED BY A COURT PURSUANT TO THIS CHAPTER OR RCW 16.52.200(6) OR 46.61.524. WHERE THE COURT FINDS THAT ANY OFFENDER HAS A CHEMICAL DEPENDENCY THAT HAS CONTRIBUTED TO HIS OR HER OFFENSE, THE CONDITIONS OF SUPERVISION MAY, SUBJECT TO AVAILABLE RESOURCES, INCLUDE TREATMENT. FOR PURPOSES OF THE INTERSTATE COMPACT FOR OUT-OF-STATE SUPERVISION OF PAROLEES AND PROBATIONERS, RCW 9.95.270, COMMUNITY SUPERVISION IS THE FUNCTIONAL EQUIVALENT OF PROBATION AND SHOULD BE CONSIDERED THE SAME AS PROBATION BY OTHER STATES.

~~((9))~~ (10) "CONFINEMENT" MEANS TOTAL OR PARTIAL CONFINEMENT.

~~((10))~~ (11) "CONVICTION" MEANS AN ADJUDICATION OF GUILT PURSUANT TO TITLES 10 OR 13 RCW AND INCLUDES A VERDICT OF GUILTY, A FINDING OF GUILTY, AND ACCEPTANCE OF A PLEA OF GUILTY.

~~((11))~~ (12) "CRIME-RELATED PROHIBITION" MEANS AN ORDER OF A COURT PROHIBITING CONDUCT THAT DIRECTLY RELATES TO THE CIRCUMSTANCES OF THE CRIME FOR WHICH THE OFFENDER HAS BEEN CONVICTED, AND SHALL NOT BE CONSTRUED TO MEAN ORDERS DIRECTING AN OFFENDER AFFIRMATIVELY TO PARTICIPATE IN REHABILITATIVE PROGRAMS OR TO OTHERWISE PERFORM AFFIRMATIVE CONDUCT. HOWEVER, AFFIRMATIVE ACTS NECESSARY TO MONITOR COMPLIANCE WITH THE ORDER OF A COURT MAY BE REQUIRED BY THE DEPARTMENT.

~~((12))~~ (13) "CRIMINAL HISTORY" MEANS THE LIST OF A DEFENDANT'S PRIOR CONVICTIONS AND JUVENILE ADJUDICATIONS, WHETHER IN THIS STATE, IN FEDERAL COURT, OR ELSEWHERE. THE HISTORY SHALL INCLUDE, WHERE KNOWN, FOR EACH CONVICTION (A) WHETHER THE DEFENDANT HAS BEEN PLACED ON PROBATION AND THE LENGTH AND TERMS THEREOF; AND (B) WHETHER THE DEFENDANT HAS BEEN INCARCERATED AND THE LENGTH OF INCARCERATION.

~~((13))~~ (14) "DAY FINE" MEANS A FINE IMPOSED BY THE SENTENCING COURT THAT EQUALS THE DIFFERENCE BETWEEN THE OFFENDER'S NET DAILY INCOME AND THE REASONABLE OBLIGATIONS THAT THE OFFENDER HAS FOR THE SUPPORT OF THE OFFENDER AND ANY DEPENDENTS.

~~((14))~~ (15) "DAY REPORTING" MEANS A PROGRAM OF ENHANCED SUPERVISION DESIGNED TO MONITOR THE OFFENDER'S DAILY ACTIVITIES AND COMPLIANCE WITH SENTENCE CONDITIONS, AND IN WHICH THE OFFENDER IS REQUIRED TO REPORT DAILY TO A SPECIFIC LOCATION DESIGNATED BY THE DEPARTMENT OR THE SENTENCING COURT.

~~((15))~~ (16) "DEPARTMENT" MEANS THE DEPARTMENT OF CORRECTIONS.

~~((16))~~ (17) "DETERMINATE SENTENCE" MEANS A SENTENCE THAT STATES WITH EXACTITUDE THE NUMBER OF ACTUAL YEARS, MONTHS, OR DAYS OF TOTAL CONFINEMENT, OF PARTIAL CONFINEMENT, OF COMMUNITY SUPERVISION, THE NUMBER OF ACTUAL HOURS OR DAYS OF COMMUNITY SERVICE WORK, OR DOLLARS OR TERMS OF A LEGAL FINANCIAL OBLIGATION. THE FACT THAT AN OFFENDER THROUGH EARNED RELEASE CAN REDUCE THE ACTUAL PERIOD OF CONFINEMENT SHALL NOT AFFECT THE CLASSIFICATION OF THE SENTENCE AS A DETERMINATE SENTENCE.

~~((17))~~ (18) "DISPOSABLE EARNINGS" MEANS THAT PART OF THE EARNINGS OF AN OFFENDER REMAINING AFTER THE DEDUCTION FROM THOSE EARNINGS OF ANY AMOUNT REQUIRED BY LAW TO BE WITHHELD. FOR THE PURPOSES OF THIS DEFINITION, "EARNINGS" MEANS COMPENSATION PAID OR PAYABLE FOR PERSONAL SERVICES, WHETHER DENOMINATED AS WAGES, SALARY, COMMISSION, BONUSES, OR OTHERWISE, AND, NOTWITHSTANDING ANY OTHER PROVISION OF LAW MAKING THE PAYMENTS EXEMPT FROM GARNISHMENT, ATTACHMENT, OR OTHER PROCESS TO SATISFY A COURT-ORDERED LEGAL FINANCIAL OBLIGATION, SPECIFICALLY INCLUDES PERIODIC PAYMENTS PURSUANT TO PENSION OR RETIREMENT PROGRAMS, OR INSURANCE POLICIES OF ANY TYPE, BUT DOES NOT INCLUDE PAYMENTS MADE UNDER TITLE 50 RCW, EXCEPT AS PROVIDED IN RCW 50.40.020 AND 50.40.050, OR TITLE 74 RCW.

~~((18))~~ (19) "DRUG OFFENDER SENTENCING ALTERNATIVE" IS A SENTENCING OPTION AVAILABLE TO PERSONS CONVICTED OF A FELONY OFFENSE OTHER THAN A VIOLENT OFFENSE OR A SEX OFFENSE AND WHO ARE ELIGIBLE FOR THE OPTION UNDER RCW 9.94A.660.

~~((19))~~ (20) "DRUG OFFENSE" MEANS:

(A) ANY FELONY VIOLATION OF CHAPTER 69.50 RCW EXCEPT POSSESSION OF A CONTROLLED SUBSTANCE (RCW 69.50.401(D)) OR FORGED PRESCRIPTION FOR A CONTROLLED SUBSTANCE (RCW 69.50.403);

(B) ANY OFFENSE DEFINED AS A FELONY UNDER FEDERAL LAW THAT RELATES TO THE POSSESSION, MANUFACTURE, DISTRIBUTION, OR TRANSPORTATION OF A CONTROLLED SUBSTANCE; OR

(C) ANY OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS A DRUG OFFENSE UNDER (A) OF THIS SUBSECTION.

~~((20))~~ (21) "EARNED RELEASE" MEANS EARNED RELEASE FROM CONFINEMENT AS PROVIDED IN RCW 9.94A.150.

~~((21))~~ (22) "ESCAPE" MEANS:

(A) (~~ESCAPE BY A~~) SEXUALLY VIOLENT PREDATOR ESCAPE (RCW 9A.76.--- (SECTION 1, CHAPTER 287, LAWS OF 2001, AS AMENDED BY SECTION 360, CHAPTER ... (THIS ACT), LAWS OF 2001 2ND SP. SESS.), ESCAPE IN THE FIRST DEGREE (RCW 9A.76.110), ESCAPE IN THE SECOND DEGREE (RCW 9A.76.120), WILLFUL FAILURE TO RETURN FROM FURLOUGH (RCW 72.66.060), WILLFUL FAILURE TO RETURN FROM WORK RELEASE (RCW 72.65.070), OR WILLFUL FAILURE TO BE AVAILABLE FOR SUPERVISION BY THE DEPARTMENT WHILE IN COMMUNITY CUSTODY (RCW 72.09.310); OR

(B) ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS AN ESCAPE UNDER (A) OF THIS SUBSECTION.

~~((22))~~ (23) "FELONY TRAFFIC OFFENSE" MEANS:

(A) VEHICULAR HOMICIDE (RCW 46.61.520), VEHICULAR ASSAULT (RCW 46.61.522), ELUDING A POLICE OFFICER (RCW 46.61.024), OR FELONY HIT-AND-RUN INJURY-ACCIDENT (RCW 46.52.020(4)); OR

(B) ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS A FELONY TRAFFIC OFFENSE UNDER (A) OF THIS SUBSECTION.

~~((23))~~ (24) "FINE" MEANS A SPECIFIC SUM OF MONEY ORDERED BY THE SENTENCING COURT TO BE PAID BY THE OFFENDER TO THE COURT OVER A SPECIFIC PERIOD OF TIME.

~~((24))~~ (25) "FIRST-TIME OFFENDER" MEANS ANY PERSON WHO HAS NO PRIOR CONVICTIONS FOR A FELONY AND IS ELIGIBLE FOR THE FIRST-TIME OFFENDER WAIVER UNDER RCW 9.94A.650.

~~((25))~~ (26) "HOME DETENTION" MEANS A PROGRAM OF PARTIAL CONFINEMENT AVAILABLE TO OFFENDERS WHEREIN THE OFFENDER IS CONFINED IN A PRIVATE RESIDENCE SUBJECT TO ELECTRONIC SURVEILLANCE.

~~((26))~~ (27) "LEGAL FINANCIAL OBLIGATION" MEANS A SUM OF MONEY THAT IS ORDERED BY A SUPERIOR COURT OF THE STATE OF WASHINGTON FOR LEGAL FINANCIAL OBLIGATIONS WHICH MAY INCLUDE RESTITUTION TO THE VICTIM, STATUTORILY IMPOSED CRIME VICTIMS' COMPENSATION FEES AS ASSESSED PURSUANT TO RCW 7.68.035, COURT COSTS, COUNTY OR INTERLOCAL DRUG FUNDS, COURT-APPOINTED ATTORNEYS' FEES, AND COSTS OF DEFENSE, FINES, AND ANY OTHER FINANCIAL OBLIGATION THAT IS ASSESSED TO THE OFFENDER AS A RESULT OF A FELONY CONVICTION. UPON CONVICTION FOR VEHICULAR ASSAULT WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG, RCW 46.61.522(1)(B), OR VEHICULAR HOMICIDE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG, RCW 46.61.520(1)(A), LEGAL FINANCIAL OBLIGATIONS MAY ALSO INCLUDE PAYMENT TO A PUBLIC AGENCY OF THE EXPENSE OF AN EMERGENCY RESPONSE TO THE INCIDENT RESULTING IN THE CONVICTION, SUBJECT TO RCW 38.52.430.

~~((27))~~ (28) "MOST SERIOUS OFFENSE" MEANS ANY OF THE FOLLOWING FELONIES OR A FELONY ATTEMPT TO COMMIT ANY OF THE FOLLOWING FELONIES:

(A) ANY FELONY DEFINED UNDER ANY LAW AS A CLASS A FELONY OR CRIMINAL SOLICITATION OF OR CRIMINAL CONSPIRACY TO COMMIT A CLASS A FELONY;

(B) ASSAULT IN THE SECOND DEGREE;

(C) ASSAULT OF A CHILD IN THE SECOND DEGREE;

(D) CHILD MOLESTATION IN THE SECOND DEGREE;

(E) CONTROLLED SUBSTANCE HOMICIDE;

(F) EXTORTION IN THE FIRST DEGREE;

(G) INCEST WHEN COMMITTED AGAINST A CHILD UNDER AGE FOURTEEN;

(H) INDECENT LIBERTIES;

(I) KIDNAPPING IN THE SECOND DEGREE;

(J) LEADING ORGANIZED CRIME;

(K) MANSLAUGHTER IN THE FIRST DEGREE;

(L) MANSLAUGHTER IN THE SECOND DEGREE;

(M) PROMOTING PROSTITUTION IN THE FIRST DEGREE;

(N) RAPE IN THE THIRD DEGREE;

(O) ROBBERY IN THE SECOND DEGREE;

(P) SEXUAL EXPLOITATION;

(Q) VEHICULAR ASSAULT;

(R) VEHICULAR HOMICIDE, WHEN PROXIMATELY CAUSED BY THE DRIVING OF ANY VEHICLE BY ANY PERSON WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG AS DEFINED BY RCW 46.61.502, OR BY THE OPERATION OF ANY VEHICLE IN A RECKLESS MANNER;

(S) ANY OTHER CLASS B FELONY OFFENSE WITH A FINDING OF SEXUAL MOTIVATION;

(T) ANY OTHER FELONY WITH A DEADLY WEAPON VERDICT UNDER RCW 9.94A.125;

(U) ANY FELONY OFFENSE IN EFFECT AT ANY TIME PRIOR TO DECEMBER 2, 1993, THAT IS COMPARABLE TO A MOST SERIOUS OFFENSE UNDER THIS SUBSECTION, OR ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS A MOST SERIOUS OFFENSE UNDER THIS SUBSECTION;

(V)(I) A PRIOR CONVICTION FOR INDECENT LIBERTIES UNDER RCW 9A.88.100(1) (A), (B), AND (C), CHAPTER 260, LAWS OF 1975 1ST EX. SESS. AS IT EXISTED UNTIL JULY 1, 1979, RCW 9A.44.100(1) (A), (B), AND (C) AS IT EXISTED FROM JULY 1, 1979, UNTIL JUNE 11, 1986, AND RCW 9A.44.100(1) (A), (B), AND (D) AS IT EXISTED FROM JUNE 11, 1986, UNTIL JULY 1, 1988;

(II) A PRIOR CONVICTION FOR INDECENT LIBERTIES UNDER RCW 9A.44.100(1)(C) AS IT EXISTED FROM JUNE 11, 1986, UNTIL JULY 1, 1988, IF: (A) THE CRIME WAS COMMITTED AGAINST A CHILD UNDER THE AGE OF FOURTEEN; OR (B) THE RELATIONSHIP BETWEEN THE VICTIM AND PERPETRATOR IS INCLUDED IN THE DEFINITION OF INDECENT LIBERTIES UNDER RCW 9A.44.100(1)(C) AS IT EXISTED FROM JULY 1, 1988, THROUGH JULY 27, 1997, OR RCW 9A.44.100(1) (D) OR (E) AS IT EXISTED FROM JULY 25, 1993, THROUGH JULY 27, 1997.

~~((28))~~ (29) "NONVIOLENT OFFENSE" MEANS AN OFFENSE WHICH IS NOT A VIOLENT OFFENSE.

~~((29))~~ (30) "OFFENDER" MEANS A PERSON WHO HAS COMMITTED A FELONY ESTABLISHED BY STATE LAW AND IS EIGHTEEN YEARS OF AGE OR OLDER OR IS LESS THAN EIGHTEEN YEARS OF AGE BUT WHOSE CASE IS UNDER SUPERIOR COURT JURISDICTION UNDER RCW 13.04.030 OR HAS BEEN TRANSFERRED BY THE APPROPRIATE JUVENILE COURT TO A CRIMINAL COURT PURSUANT TO RCW 13.40.110. THROUGHOUT THIS CHAPTER, THE TERMS "OFFENDER" AND "DEFENDANT" ARE USED INTERCHANGEABLY.

~~((30))~~ (31) "PARTIAL CONFINEMENT" MEANS CONFINEMENT FOR NO MORE THAN ONE YEAR IN A FACILITY OR INSTITUTION OPERATED OR UTILIZED UNDER CONTRACT BY THE STATE OR ANY OTHER UNIT OF GOVERNMENT, OR, IF HOME DETENTION OR WORK CREW HAS BEEN ORDERED BY THE COURT, IN AN APPROVED RESIDENCE, FOR A SUBSTANTIAL PORTION OF EACH DAY WITH THE BALANCE OF THE DAY SPENT IN THE COMMUNITY. PARTIAL CONFINEMENT INCLUDES WORK RELEASE, HOME DETENTION, WORK CREW, AND A COMBINATION OF WORK CREW AND HOME DETENTION.

~~((34))~~ (32) "PERSISTENT OFFENDER" IS AN OFFENDER WHO:

(A)(I) HAS BEEN CONVICTED IN THIS STATE OF ANY FELONY CONSIDERED A MOST SERIOUS OFFENSE; AND

(II) HAS, BEFORE THE COMMISSION OF THE OFFENSE UNDER (A) OF THIS SUBSECTION, BEEN CONVICTED AS AN OFFENDER ON AT LEAST TWO SEPARATE OCCASIONS, WHETHER IN THIS STATE OR ELSEWHERE, OF FELONIES THAT UNDER THE LAWS OF THIS STATE WOULD BE CONSIDERED MOST SERIOUS OFFENSES AND WOULD BE INCLUDED IN THE OFFENDER SCORE UNDER RCW 9.94A.360; PROVIDED THAT OF THE TWO OR MORE PREVIOUS CONVICTIONS, AT LEAST ONE CONVICTION MUST HAVE OCCURRED BEFORE THE COMMISSION OF ANY OF THE OTHER MOST SERIOUS OFFENSES FOR WHICH THE OFFENDER WAS PREVIOUSLY CONVICTED; OR

(B)(I) HAS BEEN CONVICTED OF: (A) RAPE IN THE FIRST DEGREE, RAPE OF A CHILD IN THE FIRST DEGREE, CHILD MOLESTATION IN THE FIRST DEGREE, RAPE IN THE SECOND DEGREE, RAPE OF A CHILD IN THE SECOND DEGREE, OR INDECENT LIBERTIES BY FORCIBLE COMPULSION; (B) ANY OF THE FOLLOWING OFFENSES WITH A FINDING OF SEXUAL MOTIVATION: MURDER IN THE FIRST DEGREE, MURDER IN THE SECOND DEGREE, HOMICIDE BY ABUSE, KIDNAPPING IN THE FIRST DEGREE, KIDNAPPING IN THE SECOND DEGREE, ASSAULT IN THE FIRST

DEGREE, ASSAULT IN THE SECOND DEGREE, ASSAULT OF A CHILD IN THE FIRST DEGREE, OR BURGLARY IN THE FIRST DEGREE (~~(WITH A FINDING OF SEXUAL MOTIVATION)~~); OR (C) AN ATTEMPT TO COMMIT ANY CRIME LISTED IN THIS SUBSECTION (~~((34))~~) (32)(B)(I); AND

(II) HAS, BEFORE THE COMMISSION OF THE OFFENSE UNDER (B)(I) OF THIS SUBSECTION, BEEN CONVICTED AS AN OFFENDER ON AT LEAST ONE OCCASION, WHETHER IN THIS STATE OR ELSEWHERE, OF AN OFFENSE LISTED IN (B)(I) OF THIS SUBSECTION. A CONVICTION FOR RAPE OF A CHILD IN THE FIRST DEGREE CONSTITUTES A CONVICTION UNDER (B)(I) OF THIS SUBSECTION ONLY WHEN THE OFFENDER WAS SIXTEEN YEARS OF AGE OR OLDER WHEN THE OFFENDER COMMITTED THE OFFENSE. A CONVICTION FOR RAPE OF A CHILD IN THE SECOND DEGREE CONSTITUTES A CONVICTION UNDER (B)(I) OF THIS SUBSECTION ONLY WHEN THE OFFENDER WAS EIGHTEEN YEARS OF AGE OR OLDER WHEN THE OFFENDER COMMITTED THE OFFENSE.

~~((32))~~ (33) "POSTRELEASE SUPERVISION" IS THAT PORTION OF AN OFFENDER'S COMMUNITY PLACEMENT THAT IS NOT COMMUNITY CUSTODY.

~~((33))~~ (34) "RESTITUTION" MEANS A SPECIFIC SUM OF MONEY ORDERED BY THE SENTENCING COURT TO BE PAID BY THE OFFENDER TO THE COURT OVER A SPECIFIED PERIOD OF TIME AS PAYMENT OF DAMAGES. THE SUM MAY INCLUDE BOTH PUBLIC AND PRIVATE COSTS.

~~((34))~~ (35) "RISK ASSESSMENT" MEANS THE APPLICATION OF AN OBJECTIVE INSTRUMENT SUPPORTED BY RESEARCH AND ADOPTED BY THE DEPARTMENT FOR THE PURPOSE OF ASSESSING AN OFFENDER'S RISK OF REOFFENSE, TAKING INTO CONSIDERATION THE NATURE OF THE HARM DONE BY THE OFFENDER, PLACE AND CIRCUMSTANCES OF THE OFFENDER RELATED TO RISK, THE OFFENDER'S RELATIONSHIP TO ANY VICTIM, AND ANY INFORMATION PROVIDED TO THE DEPARTMENT BY VICTIMS. THE RESULTS OF A RISK ASSESSMENT SHALL NOT BE BASED ON UNCONFIRMED OR UNCONFIRMABLE ALLEGATIONS.

~~((35))~~ (36) "SERIOUS TRAFFIC OFFENSE" MEANS:

(A) DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG (RCW 46.61.502), ACTUAL PHYSICAL CONTROL WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG (RCW 46.61.504), RECKLESS DRIVING (RCW 46.61.500), OR HIT-AND-RUN AN ATTENDED VEHICLE (RCW 46.52.020(5)); OR

(B) ANY FEDERAL, OUT-OF-STATE, COUNTY, OR MUNICIPAL CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE CLASSIFIED AS A SERIOUS TRAFFIC OFFENSE UNDER (A) OF THIS SUBSECTION.

~~((36))~~ (37) "SERIOUS VIOLENT OFFENSE" IS A SUBCATEGORY OF VIOLENT OFFENSE AND MEANS:

(A)(I) MURDER IN THE FIRST DEGREE;

(II) HOMICIDE BY ABUSE;

(III) MURDER IN THE SECOND DEGREE;

(IV) MANSLAUGHTER IN THE FIRST DEGREE;

(V) ASSAULT IN THE FIRST DEGREE;

(VI) KIDNAPPING IN THE FIRST DEGREE;

(VII) RAPE IN THE FIRST DEGREE;

(VIII) ASSAULT OF A CHILD IN THE FIRST DEGREE; OR

(IX) AN ATTEMPT, CRIMINAL SOLICITATION, OR CRIMINAL CONSPIRACY TO COMMIT ONE OF THESE FELONIES; OR

(B) ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS A SERIOUS VIOLENT OFFENSE UNDER (A) OF THIS SUBSECTION.

~~((37))~~ (38) "SEX OFFENSE" MEANS:

(A)(I) A FELONY THAT IS A VIOLATION OF CHAPTER 9A.44 RCW OTHER THAN RCW 9A.44.130(11);

(II) A VIOLATION OF RCW 9A.64.020;

(III) A FELONY THAT IS A VIOLATION OF CHAPTER 9.68A RCW OTHER THAN RCW 9.68A.070 OR 9.68A.080; OR

(IV) A FELONY THAT IS, UNDER CHAPTER 9A.28 RCW, A CRIMINAL ATTEMPT, CRIMINAL SOLICITATION, OR CRIMINAL CONSPIRACY TO COMMIT SUCH CRIMES;

(B) ANY CONVICTION FOR A FELONY OFFENSE IN EFFECT AT ANY TIME PRIOR TO JULY 1, 1976, THAT IS COMPARABLE TO A FELONY CLASSIFIED AS A SEX OFFENSE IN (A) OF THIS SUBSECTION;

(C) A FELONY WITH A FINDING OF SEXUAL MOTIVATION UNDER RCW 9.94A.127 OR 13.40.135; OR

(D) ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS A SEX OFFENSE UNDER (A) OF THIS SUBSECTION.

~~((38))~~ (39) "SEXUAL MOTIVATION" MEANS THAT ONE OF THE PURPOSES FOR WHICH THE DEFENDANT COMMITTED THE CRIME WAS FOR THE PURPOSE OF HIS OR HER SEXUAL GRATIFICATION.

~~((39))~~ (40) "STANDARD SENTENCE RANGE" MEANS THE SENTENCING COURT'S DISCRETIONARY RANGE IN IMPOSING A NONAPPEALABLE SENTENCE.

~~((40))~~ (41) "STATUTORY MAXIMUM SENTENCE" MEANS THE MAXIMUM LENGTH OF TIME FOR WHICH AN OFFENDER MAY BE CONFINED AS PUNISHMENT FOR A CRIME AS PRESCRIBED IN CHAPTER 9A.20 RCW, RCW 9.92.010, THE STATUTE DEFINING THE CRIME, OR OTHER STATUTE DEFINING THE MAXIMUM PENALTY FOR A CRIME.

~~((41))~~ (42) "TOTAL CONFINEMENT" MEANS CONFINEMENT INSIDE THE PHYSICAL BOUNDARIES OF A FACILITY OR INSTITUTION OPERATED OR UTILIZED UNDER CONTRACT BY THE STATE OR ANY OTHER UNIT OF GOVERNMENT FOR TWENTY-FOUR HOURS A DAY, OR PURSUANT TO RCW 72.64.050 AND 72.64.060.

~~((42))~~ (43) "TRANSITION TRAINING" MEANS WRITTEN AND VERBAL INSTRUCTIONS AND ASSISTANCE PROVIDED BY THE DEPARTMENT TO THE OFFENDER DURING THE TWO WEEKS PRIOR TO THE OFFENDER'S SUCCESSFUL COMPLETION OF THE WORK ETHIC CAMP PROGRAM. THE TRANSITION TRAINING SHALL INCLUDE INSTRUCTIONS IN THE OFFENDER'S REQUIREMENTS AND OBLIGATIONS DURING THE OFFENDER'S PERIOD OF COMMUNITY CUSTODY.

~~((43))~~ (44) "VICTIM" MEANS ANY PERSON WHO HAS SUSTAINED EMOTIONAL, PSYCHOLOGICAL, PHYSICAL, OR FINANCIAL INJURY TO PERSON OR PROPERTY AS A DIRECT RESULT OF THE CRIME CHARGED.

~~((44))~~ (45) "VIOLENT OFFENSE" MEANS:

(A) ANY OF THE FOLLOWING FELONIES:

(I) ANY FELONY DEFINED UNDER ANY LAW AS A CLASS A FELONY OR AN ATTEMPT TO COMMIT A CLASS A FELONY;

(II) CRIMINAL SOLICITATION OF OR CRIMINAL CONSPIRACY TO COMMIT A CLASS A FELONY;

(III) MANSLAUGHTER IN THE FIRST DEGREE;

(IV) MANSLAUGHTER IN THE SECOND DEGREE;

(V) INDECENT LIBERTIES IF COMMITTED BY FORCIBLE COMPULSION;

(vi) KIDNAPPING IN THE SECOND DEGREE;
(vii) ARSON IN THE SECOND DEGREE;
(viii) ASSAULT IN THE SECOND DEGREE;
(ix) ASSAULT OF A CHILD IN THE SECOND DEGREE;
(x) EXTORTION IN THE FIRST DEGREE;
(xi) ROBBERY IN THE SECOND DEGREE;
(xii) DRIVE-BY SHOOTING;
(xiii) VEHICULAR ASSAULT; AND
(xiv) VEHICULAR HOMICIDE, WHEN PROXIMATELY CAUSED BY THE DRIVING OF ANY VEHICLE BY ANY PERSON WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG AS DEFINED BY RCW 46.61.502, OR BY THE OPERATION OF ANY VEHICLE IN A RECKLESS MANNER;

(b) ANY CONVICTION FOR A FELONY OFFENSE IN EFFECT AT ANY TIME PRIOR TO JULY 1, 1976, THAT IS COMPARABLE TO A FELONY CLASSIFIED AS A VIOLENT OFFENSE IN (A) OF THIS SUBSECTION; AND

(c) ANY FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE A FELONY CLASSIFIED AS A VIOLENT OFFENSE UNDER (A) OR (B) OF THIS SUBSECTION.

~~((45))~~ (46) "WORK CREW" MEANS A PROGRAM OF PARTIAL CONFINEMENT CONSISTING OF CIVIC IMPROVEMENT TASKS FOR THE BENEFIT OF THE COMMUNITY THAT COMPLIES WITH RCW 9.94A.135.

~~((46))~~ (47) "WORK ETHIC CAMP" MEANS AN ALTERNATIVE INCARCERATION PROGRAM AS PROVIDED IN RCW 9.94A.137 DESIGNED TO REDUCE RECIDIVISM AND LOWER THE COST OF CORRECTIONS BY REQUIRING OFFENDERS TO COMPLETE A COMPREHENSIVE ARRAY OF REAL-WORLD JOB AND VOCATIONAL EXPERIENCES, CHARACTER-BUILDING WORK ETHICS TRAINING, LIFE MANAGEMENT SKILLS DEVELOPMENT, SUBSTANCE ABUSE REHABILITATION, COUNSELING, LITERACY TRAINING, AND BASIC ADULT EDUCATION.

~~((47))~~ (48) "WORK RELEASE" MEANS A PROGRAM OF PARTIAL CONFINEMENT AVAILABLE TO OFFENDERS WHO ARE EMPLOYED OR ENGAGED AS A STUDENT IN A REGULAR COURSE OF STUDY AT SCHOOL.

Sec. 302. RCW 9.94A.715 AND 2001 C 10 S 5 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) WHEN A COURT SENTENCES A PERSON TO THE CUSTODY OF THE DEPARTMENT FOR A SEX OFFENSE NOT SENTENCED UNDER SECTION 303 OF THIS ACT, A VIOLENT OFFENSE, ANY CRIME AGAINST PERSONS UNDER RCW 9.94A.440(2), OR A FELONY OFFENSE UNDER CHAPTER 69.50 OR 69.52 RCW, COMMITTED ON OR AFTER JULY 1, 2000, THE COURT SHALL IN ADDITION TO THE OTHER TERMS OF THE SENTENCE, SENTENCE THE OFFENDER TO COMMUNITY CUSTODY FOR THE COMMUNITY CUSTODY RANGE ESTABLISHED UNDER RCW 9.94A.040 OR UP TO THE PERIOD OF EARNED RELEASE AWARDED PURSUANT TO RCW 9.94A.150 (1) AND (2), WHICHEVER IS LONGER. THE COMMUNITY CUSTODY SHALL BEGIN: (A) UPON COMPLETION OF THE TERM OF CONFINEMENT; (B) AT SUCH TIME AS THE OFFENDER IS TRANSFERRED TO COMMUNITY CUSTODY IN LIEU OF EARNED RELEASE IN ACCORDANCE WITH RCW 9.94A.150 (1) AND (2); OR (C) WITH REGARD TO OFFENDERS SENTENCED UNDER RCW 9.94A.660, UPON FAILURE TO COMPLETE OR ADMINISTRATIVE TERMINATION FROM THE SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE PROGRAM.

(2)(A) UNLESS A CONDITION IS WAIVED BY THE COURT, THE CONDITIONS OF COMMUNITY CUSTODY SHALL INCLUDE THOSE PROVIDED FOR IN RCW 9.94A.700(4). THE CONDITIONS MAY ALSO INCLUDE THOSE PROVIDED FOR IN RCW 9.94A.700(5). THE COURT MAY ALSO ORDER THE OFFENDER TO PARTICIPATE IN REHABILITATIVE PROGRAMS OR OTHERWISE PERFORM AFFIRMATIVE CONDUCT REASONABLY RELATED TO THE CIRCUMSTANCES OF THE OFFENSE, THE OFFENDER'S RISK OF REOFFENDING, OR THE SAFETY OF THE COMMUNITY, AND THE DEPARTMENT SHALL ENFORCE SUCH CONDITIONS PURSUANT TO SUBSECTION (6) OF THIS SECTION.

(B) AS PART OF ANY SENTENCE THAT INCLUDES A TERM OF COMMUNITY CUSTODY IMPOSED UNDER THIS SUBSECTION, THE COURT SHALL ALSO REQUIRE THE OFFENDER TO COMPLY WITH ANY CONDITIONS IMPOSED BY THE DEPARTMENT UNDER RCW 9.94A.720. THE DEPARTMENT SHALL ASSESS THE OFFENDER'S RISK OF REOFFENSE AND MAY ESTABLISH AND MODIFY ADDITIONAL CONDITIONS OF THE OFFENDER'S COMMUNITY CUSTODY BASED UPON THE RISK TO COMMUNITY SAFETY. IN ADDITION, THE DEPARTMENT MAY REQUIRE THE OFFENDER TO PARTICIPATE IN REHABILITATIVE PROGRAMS, OR OTHERWISE PERFORM AFFIRMATIVE CONDUCT, AND TO OBEY ALL LAWS.

(C) THE DEPARTMENT MAY NOT IMPOSE CONDITIONS THAT ARE CONTRARY TO THOSE ORDERED BY THE COURT AND MAY NOT CONTRAVENE OR DECREASE COURT IMPOSED CONDITIONS. THE DEPARTMENT SHALL NOTIFY THE OFFENDER IN WRITING OF ANY SUCH CONDITIONS OR MODIFICATIONS. IN SETTING, MODIFYING, AND ENFORCING CONDITIONS OF COMMUNITY CUSTODY, THE DEPARTMENT SHALL BE DEEMED TO BE PERFORMING A QUASI-JUDICIAL FUNCTION.

(3) IF AN OFFENDER VIOLATES CONDITIONS IMPOSED BY THE COURT OR THE DEPARTMENT PURSUANT TO THIS SECTION DURING COMMUNITY CUSTODY, THE DEPARTMENT MAY TRANSFER THE OFFENDER TO A MORE RESTRICTIVE CONFINEMENT STATUS AND IMPOSE OTHER AVAILABLE SANCTIONS AS PROVIDED IN RCW 9.94A.205 AND 9.94A.207.

(4) EXCEPT FOR TERMS OF COMMUNITY CUSTODY UNDER RCW 9.94A.670, THE DEPARTMENT SHALL DISCHARGE THE OFFENDER FROM COMMUNITY CUSTODY ON A DATE DETERMINED BY THE DEPARTMENT, WHICH THE DEPARTMENT MAY MODIFY, BASED ON RISK AND PERFORMANCE OF THE OFFENDER, WITHIN THE RANGE OR AT THE END OF THE PERIOD OF EARNED RELEASE, WHICHEVER IS LATER.

(5) AT ANY TIME PRIOR TO THE COMPLETION OR TERMINATION OF A SEX OFFENDER'S TERM OF COMMUNITY CUSTODY, IF THE COURT FINDS THAT PUBLIC SAFETY WOULD BE ENHANCED, THE COURT MAY IMPOSE AND ENFORCE AN ORDER EXTENDING ANY OR ALL OF THE CONDITIONS IMPOSED PURSUANT TO THIS SECTION FOR A PERIOD UP TO THE MAXIMUM ALLOWABLE SENTENCE FOR THE CRIME AS IT IS CLASSIFIED IN CHAPTER 9A.20 RCW, REGARDLESS OF THE EXPIRATION OF THE OFFENDER'S TERM OF COMMUNITY CUSTODY. IF A VIOLATION OF A CONDITION EXTENDED UNDER THIS SUBSECTION OCCURS AFTER THE EXPIRATION OF THE OFFENDER'S TERM OF COMMUNITY CUSTODY, IT SHALL BE DEEMED A VIOLATION OF THE SENTENCE FOR THE PURPOSES OF RCW 9.94A.195 AND MAY BE PUNISHABLE AS CONTEMPT OF COURT AS PROVIDED FOR IN RCW 7.21.040. IF THE COURT EXTENDS A CONDITION BEYOND THE EXPIRATION OF THE TERM OF COMMUNITY CUSTODY, THE DEPARTMENT IS NOT RESPONSIBLE FOR SUPERVISION OF THE OFFENDER'S COMPLIANCE WITH THE CONDITION.

(6) WITHIN THE FUNDS AVAILABLE FOR COMMUNITY CUSTODY, THE DEPARTMENT SHALL DETERMINE CONDITIONS AND DURATION OF COMMUNITY CUSTODY ON THE BASIS OF RISK TO COMMUNITY SAFETY, AND SHALL SUPERVISE OFFENDERS DURING COMMUNITY CUSTODY ON THE BASIS OF RISK TO COMMUNITY SAFETY AND CONDITIONS IMPOSED BY THE COURT. THE SECRETARY SHALL ADOPT RULES TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.

(7) BY THE CLOSE OF THE NEXT BUSINESS DAY AFTER RECEIVING NOTICE OF A CONDITION IMPOSED OR MODIFIED BY THE DEPARTMENT, AN OFFENDER MAY REQUEST AN ADMINISTRATIVE REVIEW UNDER RULES ADOPTED BY THE DEPARTMENT. THE CONDITION SHALL REMAIN IN EFFECT UNLESS THE REVIEWING OFFICER FINDS THAT IT IS NOT REASONABLY RELATED TO ANY OF THE FOLLOWING: (A) THE CRIME OF CONVICTION; (B) THE OFFENDER'S RISK OF REOFFENDING; OR (C) THE SAFETY OF THE COMMUNITY.

NEW SECTION. Sec. 303. A NEW SECTION IS ADDED TO CHAPTER 9.94A RCW TO READ AS FOLLOWS:

(1) AN OFFENDER WHO IS NOT A PERSISTENT OFFENDER SHALL BE SENTENCED UNDER THIS SECTION IF THE OFFENDER:

(A) IS CONVICTED OF:

(i) RAPE IN THE FIRST DEGREE, RAPE IN THE SECOND DEGREE, RAPE OF A CHILD IN THE FIRST DEGREE, CHILD MOLESTATION IN THE FIRST DEGREE, RAPE OF A CHILD IN THE SECOND DEGREE, OR INDECENT LIBERTIES BY FORCIBLE COMPULSION;

(ii) ANY OF THE FOLLOWING OFFENSES WITH A FINDING OF SEXUAL MOTIVATION: MURDER IN THE FIRST DEGREE, MURDER IN THE SECOND DEGREE, HOMICIDE BY ABUSE, KIDNAPPING IN THE FIRST DEGREE, KIDNAPPING IN THE SECOND DEGREE, ASSAULT IN THE FIRST DEGREE, ASSAULT IN THE SECOND DEGREE, ASSAULT OF A CHILD IN THE FIRST DEGREE, OR BURGLARY IN THE FIRST DEGREE; OR

(iii) AN ATTEMPT TO COMMIT ANY CRIME LISTED IN THIS SUBSECTION (1)(A); COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION; OR

(B) HAS A PRIOR CONVICTION FOR AN OFFENSE LISTED IN RCW 9.94A.030(32)(B), AND IS CONVICTED OF ANY SEX OFFENSE WHICH WAS COMMITTED AFTER THE EFFECTIVE DATE OF THIS SECTION.

FOR PURPOSES OF THIS SUBSECTION (1)(B), FAILURE TO REGISTER IS NOT A SEX OFFENSE.

(2) AN OFFENDER CONVICTED OF RAPE OF A CHILD IN THE FIRST OR SECOND DEGREE OR CHILD MOLESTATION IN THE FIRST DEGREE WHO WAS SEVENTEEN YEARS OF AGE OR YOUNGER AT THE TIME OF THE OFFENSE SHALL NOT BE SENTENCED UNDER THIS SECTION.

(3) UPON A FINDING THAT THE OFFENDER IS SUBJECT TO SENTENCING UNDER THIS SECTION, THE COURT SHALL IMPOSE A SENTENCE TO A MAXIMUM TERM CONSISTING OF THE STATUTORY MAXIMUM SENTENCE FOR THE OFFENSE AND A MINIMUM TERM EITHER WITHIN THE STANDARD SENTENCE RANGE FOR THE OFFENSE, OR OUTSIDE THE STANDARD SENTENCE RANGE PURSUANT TO RCW 9.94A.390, IF THE OFFENDER IS OTHERWISE ELIGIBLE FOR SUCH A SENTENCE.

(4) A PERSON SENTENCED UNDER SUBSECTION (3) OF THIS SECTION SHALL SERVE THE SENTENCE IN A FACILITY OR INSTITUTION OPERATED, OR UTILIZED UNDER CONTRACT, BY THE STATE.

(5) WHEN A COURT SENTENCES A PERSON TO THE CUSTODY OF THE DEPARTMENT UNDER THIS SECTION, THE COURT SHALL, IN ADDITION TO THE OTHER TERMS OF THE SENTENCE, SENTENCE THE OFFENDER TO COMMUNITY CUSTODY UNDER THE SUPERVISION OF THE DEPARTMENT AND THE AUTHORITY OF THE BOARD FOR ANY PERIOD OF TIME THE PERSON IS RELEASED FROM TOTAL CONFINEMENT BEFORE THE EXPIRATION OF THE MAXIMUM SENTENCE.

(6)(A) UNLESS A CONDITION IS WAIVED BY THE COURT, THE CONDITIONS OF COMMUNITY CUSTODY SHALL INCLUDE THOSE PROVIDED FOR IN RCW 9.94A.700(4). THE CONDITIONS MAY ALSO INCLUDE THOSE PROVIDED FOR IN RCW 9.94A.700(5). THE COURT MAY ALSO ORDER THE OFFENDER TO PARTICIPATE IN REHABILITATIVE PROGRAMS OR OTHERWISE PERFORM AFFIRMATIVE CONDUCT REASONABLY RELATED TO THE CIRCUMSTANCES OF THE OFFENSE, THE OFFENDER'S RISK OF REOFFENDING, OR THE SAFETY OF THE COMMUNITY, AND THE DEPARTMENT AND THE BOARD SHALL ENFORCE SUCH CONDITIONS PURSUANT TO SECTIONS 304, 307, AND 308 OF THIS ACT.

(B) AS PART OF ANY SENTENCE UNDER THIS SECTION, THE COURT SHALL ALSO REQUIRE THE OFFENDER TO COMPLY WITH ANY CONDITIONS IMPOSED BY THE BOARD UNDER SECTIONS 304 AND 306 THROUGH 309 OF THIS ACT.

NEW SECTION. Sec. 304. A NEW SECTION IS ADDED TO CHAPTER 9.94A RCW TO READ AS FOLLOWS:

(1) WHEN AN OFFENDER IS SENTENCED UNDER SECTION 303 OF THIS ACT, THE DEPARTMENT SHALL ASSESS THE OFFENDER'S RISK OF RECIDIVISM AND SHALL RECOMMEND TO THE BOARD ANY ADDITIONAL OR MODIFIED CONDITIONS OF THE OFFENDER'S COMMUNITY CUSTODY BASED UPON THE RISK TO COMMUNITY SAFETY. IN ADDITION, THE DEPARTMENT SHALL MAKE A RECOMMENDATION WITH REGARD TO, AND THE BOARD MAY REQUIRE THE OFFENDER TO PARTICIPATE IN, REHABILITATIVE PROGRAMS, OR OTHERWISE PERFORM AFFIRMATIVE CONDUCT, AND OBEY ALL LAWS. THE BOARD MUST CONSIDER AND MAY IMPOSE DEPARTMENT-RECOMMENDED CONDITIONS.

(2) THE DEPARTMENT MAY NOT RECOMMEND AND THE BOARD MAY NOT IMPOSE CONDITIONS THAT ARE CONTRARY TO THOSE ORDERED BY THE COURT AND MAY NOT CONTRAVENE OR DECREASE COURT-IMPOSED CONDITIONS. THE BOARD SHALL NOTIFY THE OFFENDER IN WRITING OF ANY SUCH CONDITIONS OR MODIFICATIONS.

(3) IN SETTING, MODIFYING, AND ENFORCING CONDITIONS OF COMMUNITY CUSTODY, THE DEPARTMENT SHALL BE DEEMED TO BE PERFORMING A QUASI-JUDICIAL FUNCTION.

(4) IF AN OFFENDER VIOLATES CONDITIONS IMPOSED BY THE COURT, THE DEPARTMENT, OR THE BOARD DURING COMMUNITY CUSTODY, THE BOARD OR THE DEPARTMENT MAY TRANSFER THE OFFENDER TO A MORE RESTRICTIVE CONFINEMENT STATUS AND IMPOSE OTHER AVAILABLE SANCTIONS AS PROVIDED IN SECTION 309 OF THIS ACT.

(5) BY THE CLOSE OF THE NEXT BUSINESS DAY, AFTER RECEIVING NOTICE OF A CONDITION IMPOSED BY THE BOARD OR THE DEPARTMENT, AN OFFENDER MAY REQUEST AN ADMINISTRATIVE HEARING UNDER RULES ADOPTED BY THE BOARD. THE CONDITION SHALL REMAIN IN EFFECT UNLESS THE HEARING EXAMINER FINDS THAT IT IS NOT REASONABLY RELATED TO ANY OF THE FOLLOWING:

(A) THE CRIME OF CONVICTION;

(B) THE OFFENDER'S RISK OF REOFFENDING; OR

(C) THE SAFETY OF THE COMMUNITY.

(6) AN OFFENDER RELEASED BY THE BOARD UNDER SECTION 306 OF THIS ACT SHALL BE SUBJECT TO THE SUPERVISION OF THE DEPARTMENT UNTIL THE EXPIRATION OF THE MAXIMUM TERM OF THE SENTENCE. THE DEPARTMENT SHALL MONITOR THE OFFENDER'S COMPLIANCE WITH CONDITIONS OF COMMUNITY CUSTODY IMPOSED BY THE COURT, DEPARTMENT, OR BOARD, AND PROMPTLY REPORT ANY VIOLATIONS TO THE BOARD. ANY VIOLATION OF CONDITIONS OF COMMUNITY CUSTODY ESTABLISHED OR MODIFIED BY THE BOARD SHALL BE SUBJECT TO THE PROVISIONS OF SECTIONS 307 THROUGH 310 OF THIS ACT.

(7) IF THE DEPARTMENT FINDS THAT AN EMERGENCY EXISTS REQUIRING THE IMMEDIATE IMPOSITION OF CONDITIONS OF RELEASE IN ADDITION TO THOSE SET BY THE BOARD UNDER SECTION 306 OF THIS ACT AND SUBSECTION (1) OF THIS SECTION IN ORDER TO PREVENT THE OFFENDER FROM COMMITTING A CRIME, THE DEPARTMENT MAY IMPOSE ADDITIONAL CONDITIONS. THE DEPARTMENT MAY NOT IMPOSE CONDITIONS THAT ARE CONTRARY TO THOSE SET BY THE BOARD OR THE COURT AND MAY NOT CONTRAVENE OR DECREASE COURT-IMPOSED OR BOARD-IMPOSED CONDITIONS. CONDITIONS IMPOSED UNDER THIS SUBSECTION SHALL TAKE EFFECT IMMEDIATELY AFTER NOTICE TO THE OFFENDER BY PERSONAL SERVICE, BUT SHALL NOT REMAIN IN EFFECT LONGER THAN SEVEN WORKING DAYS UNLESS APPROVED BY THE BOARD UNDER SUBSECTION (1) OF THIS SECTION WITHIN SEVEN WORKING DAYS.

NEW SECTION. Sec. 305. A NEW SECTION IS ADDED TO CHAPTER 72.09 RCW TO READ AS FOLLOWS:

THE DEPARTMENT SHALL PROVIDE OFFENDERS SENTENCED UNDER SECTION 303 OF THIS ACT WITH THE OPPORTUNITY FOR SEX OFFENDER TREATMENT DURING INCARCERATION.

NEW SECTION. Sec. 306. A NEW SECTION IS ADDED TO CHAPTER 9.95 RCW TO READ AS FOLLOWS:

(1)(A) BEFORE THE EXPIRATION OF THE MINIMUM TERM, AS PART OF THE END OF SENTENCE REVIEW PROCESS UNDER RCW 72.09.340, 72.09.345, AND WHERE APPROPRIATE, 72.09.370, THE DEPARTMENT SHALL CONDUCT, AND THE OFFENDER SHALL PARTICIPATE

IN, AN EXAMINATION OF THE OFFENDER, INCORPORATING METHODOLOGIES THAT ARE RECOGNIZED BY EXPERTS IN THE PREDICTION OF SEXUAL DANGEROUSNESS, AND INCLUDING A PREDICTION OF THE PROBABILITY THAT THE OFFENDER WILL ENGAGE IN SEX OFFENSES IF RELEASED.

(B) THE BOARD MAY CONTRACT FOR AN ADDITIONAL, INDEPENDENT EXAMINATION, SUBJECT TO THE STANDARDS IN THIS SECTION.

(2) THE BOARD SHALL IMPOSE THE CONDITIONS AND INSTRUCTIONS PROVIDED FOR IN RCW 9.94A.720. THE BOARD SHALL CONSIDER THE DEPARTMENT'S RECOMMENDATIONS AND MAY IMPOSE CONDITIONS IN ADDITION TO THOSE RECOMMENDED BY THE DEPARTMENT. THE BOARD MAY IMPOSE OR MODIFY CONDITIONS OF COMMUNITY CUSTODY FOLLOWING NOTICE TO THE OFFENDER.

(3) NO LATER THAN NINETY DAYS BEFORE EXPIRATION OF THE MINIMUM TERM, BUT AFTER THE BOARD RECEIVES THE RESULTS FROM THE END OF SENTENCE REVIEW PROCESS AND THE RECOMMENDATIONS FOR ADDITIONAL OR MODIFIED CONDITIONS OF COMMUNITY CUSTODY FROM THE DEPARTMENT, THE BOARD SHALL CONDUCT A HEARING TO DETERMINE WHETHER IT IS MORE LIKELY THAN NOT THAT THE OFFENDER WILL ENGAGE IN SEX OFFENSES IF RELEASED ON CONDITIONS TO BE SET BY THE BOARD. THE BOARD MAY CONSIDER AN OFFENDER'S FAILURE TO PARTICIPATE IN AN EVALUATION UNDER SUBSECTION (1) OF THIS SECTION IN DETERMINING WHETHER TO RELEASE THE OFFENDER. THE BOARD SHALL ORDER THE OFFENDER RELEASED, UNDER SUCH AFFIRMATIVE AND OTHER CONDITIONS AS THE BOARD DETERMINES APPROPRIATE, UNLESS THE BOARD DETERMINES BY A PREPONDERANCE OF THE EVIDENCE THAT, DESPITE SUCH CONDITIONS, IT IS MORE LIKELY THAN NOT THAT THE OFFENDER WILL COMMIT SEX OFFENSES IF RELEASED. IF THE BOARD DOES NOT ORDER THE OFFENDER RELEASED, THE BOARD SHALL ESTABLISH A NEW MINIMUM TERM, NOT TO EXCEED AN ADDITIONAL TWO YEARS.

NEW SECTION. Sec. 307. A NEW SECTION IS ADDED TO CHAPTER 9.95 RCW TO READ AS FOLLOWS:

(1) WHENEVER THE BOARD OR A COMMUNITY CORRECTIONS OFFICER OF THIS STATE HAS REASON TO BELIEVE AN OFFENDER RELEASED UNDER SECTION 306 OF THIS ACT HAS VIOLATED A CONDITION OF COMMUNITY CUSTODY OR THE LAWS OF THIS STATE, ANY COMMUNITY CORRECTIONS OFFICER MAY ARREST OR CAUSE THE ARREST AND DETENTION OF THE OFFENDER PENDING A DETERMINATION BY THE BOARD WHETHER SANCTIONS SHOULD BE IMPOSED OR THE OFFENDER'S COMMUNITY CUSTODY SHOULD BE REVOKED. THE COMMUNITY CORRECTIONS OFFICER SHALL REPORT ALL FACTS AND CIRCUMSTANCES SURROUNDING THE ALLEGED VIOLATION TO THE BOARD, WITH RECOMMENDATIONS.

(2) IF THE BOARD OR THE DEPARTMENT CAUSES THE ARREST OR DETENTION OF AN OFFENDER FOR A VIOLATION THAT DOES NOT AMOUNT TO A NEW CRIME AND THE OFFENDER IS ARRESTED OR DETAINED BY LOCAL LAW ENFORCEMENT OR IN A LOCAL JAIL, THE BOARD OR DEPARTMENT, WHICHEVER CAUSED THE ARREST OR DETENTION, SHALL BE FINANCIALLY RESPONSIBLE FOR LOCAL COSTS. JAIL BED COSTS SHALL BE ALLOCATED AT THE RATE ESTABLISHED UNDER RCW 9.94A.207(3).

NEW SECTION. Sec. 308. A NEW SECTION IS ADDED TO CHAPTER 9.95 RCW TO READ AS FOLLOWS:

ANY OFFENDER RELEASED UNDER SECTION 306 OF THIS ACT WHO IS ARRESTED AND DETAINED IN PHYSICAL CUSTODY BY THE AUTHORITY OF A COMMUNITY CORRECTIONS OFFICER, OR UPON THE WRITTEN ORDER OF THE BOARD, SHALL NOT BE RELEASED FROM CUSTODY ON BAIL OR PERSONAL RECOGNIZANCE, EXCEPT UPON APPROVAL OF THE BOARD AND THE ISSUANCE BY THE BOARD OF AN ORDER REINSTATING THE OFFENDER'S RELEASE ON THE SAME OR MODIFIED CONDITIONS. ALL CHIEFS OF POLICE, MARSHALS OF CITIES AND TOWNS, SHERIFFS OF COUNTIES, AND ALL POLICE, PRISON, AND PEACE OFFICERS AND CONSTABLES SHALL EXECUTE ANY SUCH ORDER IN THE SAME MANNER AS ANY ORDINARY CRIMINAL PROCESS.

NEW SECTION. Sec. 309. A NEW SECTION IS ADDED TO CHAPTER 9.95 RCW TO READ AS FOLLOWS:

(1) IF AN OFFENDER RELEASED BY THE BOARD UNDER SECTION 306 OF THIS ACT VIOLATES ANY CONDITION OR REQUIREMENT OF COMMUNITY CUSTODY, THE BOARD MAY TRANSFER THE OFFENDER TO A MORE RESTRICTIVE CONFINEMENT STATUS TO SERVE UP TO THE REMAINING PORTION OF THE SENTENCE, LESS CREDIT FOR ANY PERIOD ACTUALLY SPENT IN COMMUNITY CUSTODY OR IN DETENTION AWAITING DISPOSITION OF AN ALLEGED VIOLATION AND SUBJECT TO THE LIMITATIONS OF SUBSECTION (2) OF THIS SECTION.

(2) FOLLOWING THE HEARING SPECIFIED IN SUBSECTION (3) OF THIS SECTION, THE BOARD MAY IMPOSE SANCTIONS SUCH AS WORK RELEASE, HOME DETENTION WITH ELECTRONIC MONITORING, WORK CREW, COMMUNITY SERVICE, INPATIENT TREATMENT, DAILY REPORTING, CURFEW, EDUCATIONAL OR COUNSELING SESSIONS, SUPERVISION ENHANCED THROUGH ELECTRONIC MONITORING, OR ANY OTHER SANCTIONS AVAILABLE IN THE COMMUNITY, OR MAY SUSPEND OR REVOKE THE RELEASE TO COMMUNITY CUSTODY WHENEVER AN OFFENDER RELEASED BY THE BOARD UNDER SECTION 306 OF THIS ACT VIOLATES ANY CONDITION OR REQUIREMENT OF COMMUNITY CUSTODY.

(3) IF AN OFFENDER RELEASED BY THE BOARD UNDER SECTION 306 OF THIS ACT IS ACCUSED OF VIOLATING ANY CONDITION OR REQUIREMENT OF COMMUNITY CUSTODY, HE OR SHE IS ENTITLED TO A HEARING BEFORE THE BOARD PRIOR TO THE IMPOSITION OF SANCTIONS. THE HEARING SHALL BE CONSIDERED AS OFFENDER DISCIPLINARY PROCEEDINGS AND SHALL NOT BE SUBJECT TO CHAPTER 34.05 RCW. THE BOARD SHALL DEVELOP HEARING PROCEDURES AND A STRUCTURE OF GRADUATED SANCTIONS CONSISTENT WITH THE HEARING PROCEDURES AND GRADUATED SANCTIONS DEVELOPED PURSUANT TO RCW 9.94A.205. THE BOARD MAY SUSPEND THE OFFENDER'S RELEASE TO COMMUNITY CUSTODY AND CONFINE THE OFFENDER IN A CORRECTIONAL INSTITUTION OWNED, OPERATED BY, OR OPERATED UNDER CONTRACT WITH THE STATE PRIOR TO THE HEARING UNLESS THE OFFENDER HAS BEEN ARRESTED AND CONFINED FOR A NEW CRIMINAL OFFENSE.

(4) THE HEARING PROCEDURES REQUIRED UNDER SUBSECTION (3) OF THIS SECTION SHALL BE DEVELOPED BY RULE AND INCLUDE THE FOLLOWING:

(A) HEARINGS SHALL BE CONDUCTED BY MEMBERS OF THE BOARD UNLESS THE BOARD ENTERS INTO AN AGREEMENT WITH THE DEPARTMENT TO USE THE HEARING OFFICERS ESTABLISHED UNDER RCW 9.94A.205;

(B) THE BOARD SHALL PROVIDE THE OFFENDER WITH WRITTEN NOTICE OF THE VIOLATION, THE EVIDENCE RELIED UPON, AND THE REASONS THE PARTICULAR SANCTION WAS IMPOSED. THE NOTICE SHALL INCLUDE A STATEMENT OF THE RIGHTS SPECIFIED IN THIS SUBSECTION, AND THE OFFENDER'S RIGHT TO FILE A PERSONAL RESTRAINT PETITION UNDER COURT RULES AFTER THE FINAL DECISION OF THE BOARD;

(C) THE HEARING SHALL BE HELD UNLESS WAIVED BY THE OFFENDER, AND SHALL BE ELECTRONICALLY RECORDED. FOR OFFENDERS NOT IN TOTAL CONFINEMENT, THE HEARING SHALL BE HELD WITHIN FIFTEEN WORKING DAYS, BUT NOT LESS THAN TWENTY-FOUR HOURS AFTER NOTICE OF THE VIOLATION. FOR OFFENDERS IN TOTAL CONFINEMENT, THE HEARING SHALL BE HELD WITHIN FIVE WORKING DAYS, BUT NOT LESS THAN TWENTY-FOUR HOURS AFTER NOTICE OF THE VIOLATION;

(D) THE OFFENDER SHALL HAVE THE RIGHT TO: (i) BE PRESENT AT THE HEARING; (ii) HAVE THE ASSISTANCE OF A PERSON QUALIFIED TO ASSIST THE OFFENDER IN THE HEARING, APPOINTED BY THE HEARING EXAMINER IF THE OFFENDER HAS A LANGUAGE OR COMMUNICATIONS BARRIER; (iii) TESTIFY OR REMAIN SILENT; (iv) CALL WITNESSES AND PRESENT DOCUMENTARY EVIDENCE; (v) QUESTION WITNESSES WHO APPEAR AND TESTIFY; AND (vi) BE REPRESENTED BY COUNSEL IF REVOCATION OF THE RELEASE TO COMMUNITY CUSTODY IS A POSSIBLE SANCTION FOR THE VIOLATION; AND

(E) THE SANCTION SHALL TAKE EFFECT IF AFFIRMED BY THE HEARING EXAMINER. WITHIN SEVEN DAYS AFTER THE HEARING EXAMINER'S DECISION, THE OFFENDER MAY APPEAL THE DECISION TO A PANEL OF THREE REVIEWING EXAMINERS DESIGNATED BY THE CHAIR OF THE BOARD OR BY THE CHAIR'S DESIGNEE. THE SANCTION SHALL BE REVERSED OR MODIFIED IF A MAJORITY OF THE PANEL FINDS THAT THE SANCTION WAS NOT REASONABLY RELATED TO ANY OF THE FOLLOWING: (I) THE CRIME OF CONVICTION; (II) THE VIOLATION COMMITTED; (III) THE OFFENDER'S RISK OF REOFFENDING; OR (IV) THE SAFETY OF THE COMMUNITY.

(5) FOR PURPOSES OF THIS SECTION, NO FINDING OF A VIOLATION OF CONDITIONS MAY BE BASED ON UNCONFIRMED OR UNCONFIRMABLE ALLEGATIONS.

NEW SECTION. Sec. 310. A NEW SECTION IS ADDED TO CHAPTER 9.95 RCW TO READ AS FOLLOWS:

IN THE EVENT THE BOARD SUSPENDS RELEASE STATUS OF AN OFFENDER RELEASED UNDER SECTION 306 OF THIS ACT BY REASON OF AN ALLEGED VIOLATION OF A CONDITION OF RELEASE, OR PENDING DISPOSITION OF A NEW CRIMINAL CHARGE, THE BOARD MAY NULLIFY THE SUSPENSION ORDER AND REINSTATE RELEASE UNDER PREVIOUS CONDITIONS OR ANY NEW CONDITIONS THE BOARD DETERMINES ADVISABLE. BEFORE THE BOARD MAY NULLIFY A SUSPENSION ORDER AND REINSTATE RELEASE, IT SHALL DETERMINE THAT THE BEST INTERESTS OF SOCIETY AND THE OFFENDER SHALL BE SERVED BY SUCH REINSTATEMENT RATHER THAN RETURN TO CONFINEMENT.

Sec. 311. RCW 9.94A.060 AND 1996 C 232 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE COMMISSION CONSISTS OF TWENTY VOTING MEMBERS, ONE OF WHOM THE GOVERNOR SHALL DESIGNATE AS CHAIRPERSON. WITH THE EXCEPTION OF EX OFFICIO VOTING MEMBERS, THE VOTING MEMBERS OF THE COMMISSION SHALL BE APPOINTED BY THE GOVERNOR, SUBJECT TO CONFIRMATION BY THE SENATE.

(2) THE VOTING MEMBERSHIP CONSISTS OF THE FOLLOWING:

(A) THE HEAD OF THE STATE AGENCY HAVING GENERAL RESPONSIBILITY FOR ADULT CORRECTION PROGRAMS, AS AN EX OFFICIO MEMBER;

(B) THE DIRECTOR OF FINANCIAL MANAGEMENT OR DESIGNEE, AS AN EX OFFICIO MEMBER;

(C) ~~((UNTIL THE INDETERMINATE SENTENCE REVIEW BOARD CEASES TO EXIST PURSUANT TO RCW 9.95.0014,))~~ THE CHAIR OF THE INDETERMINATE SENTENCE REVIEW BOARD, AS AN EX OFFICIO MEMBER;

(D) THE HEAD OF THE STATE AGENCY, OR THE AGENCY HEAD'S DESIGNEE, HAVING RESPONSIBILITY FOR JUVENILE CORRECTIONS PROGRAMS, AS AN EX OFFICIO MEMBER;

(E) TWO PROSECUTING ATTORNEYS;

(F) TWO ATTORNEYS WITH PARTICULAR EXPERTISE IN DEFENSE WORK;

(G) FOUR PERSONS WHO ARE SUPERIOR COURT JUDGES;

(H) ONE PERSON WHO IS THE CHIEF LAW ENFORCEMENT OFFICER OF A COUNTY OR CITY;

(I) FOUR MEMBERS OF THE PUBLIC WHO ARE NOT PROSECUTORS, DEFENSE ATTORNEYS, JUDGES, OR LAW ENFORCEMENT OFFICERS, ONE OF WHOM IS A VICTIM OF CRIME OR A CRIME VICTIMS' ADVOCATE;

(J) ONE PERSON WHO IS AN ELECTED OFFICIAL OF A COUNTY GOVERNMENT, OTHER THAN A PROSECUTING ATTORNEY OR SHERIFF;

(K) ONE PERSON WHO IS AN ELECTED OFFICIAL OF A CITY GOVERNMENT;

(L) ONE PERSON WHO IS AN ADMINISTRATOR OF JUVENILE COURT SERVICES.

IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL ENDEAVOR TO ASSURE THAT THE COMMISSION MEMBERSHIP INCLUDES ADEQUATE REPRESENTATION AND EXPERTISE RELATING TO BOTH THE ADULT CRIMINAL JUSTICE SYSTEM AND THE JUVENILE JUSTICE SYSTEM. IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL SEEK THE RECOMMENDATIONS OF WASHINGTON PROSECUTORS IN RESPECT TO THE PROSECUTING ATTORNEY MEMBERS, OF THE WASHINGTON STATE BAR ASSOCIATION IN RESPECT TO THE DEFENSE ATTORNEY MEMBERS, OF THE ASSOCIATION OF SUPERIOR COURT JUDGES IN RESPECT TO THE MEMBERS WHO ARE JUDGES, OF THE WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS IN RESPECT TO THE MEMBER WHO IS A LAW ENFORCEMENT OFFICER, OF THE WASHINGTON STATE ASSOCIATION OF COUNTIES IN RESPECT TO THE MEMBER WHO IS A COUNTY OFFICIAL, OF THE ASSOCIATION OF WASHINGTON CITIES IN RESPECT TO THE MEMBER WHO IS A CITY OFFICIAL, OF THE OFFICE OF CRIME VICTIMS ADVOCACY AND OTHER ORGANIZATIONS OF CRIME VICTIMS IN RESPECT TO THE MEMBER WHO IS A VICTIM OF CRIME OR A CRIME VICTIMS' ADVOCATE, AND OF THE WASHINGTON ASSOCIATION OF JUVENILE COURT ADMINISTRATORS IN RESPECT TO THE MEMBER WHO IS AN ADMINISTRATOR OF JUVENILE COURT SERVICES.

(3)(A) ALL VOTING MEMBERS OF THE COMMISSION, EXCEPT EX OFFICIO VOTING MEMBERS, SHALL SERVE TERMS OF THREE YEARS AND UNTIL THEIR SUCCESSORS ARE APPOINTED AND CONFIRMED.

(B) THE GOVERNOR SHALL STAGGER THE TERMS OF THE MEMBERS APPOINTED UNDER SUBSECTION (2)(J), (K), AND (L) OF THIS SECTION BY APPOINTING ONE OF THEM FOR A TERM OF ONE YEAR, ONE FOR A TERM OF TWO YEARS, AND ONE FOR A TERM OF THREE YEARS.

(4) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE MAY EACH APPOINT TWO NONVOTING MEMBERS TO THE COMMISSION, ONE FROM EACH OF THE TWO LARGEST CAUCUSES IN EACH HOUSE. THE MEMBERS SO APPOINTED SHALL SERVE TWO-YEAR TERMS, OR UNTIL THEY CEASE TO BE MEMBERS OF THE HOUSE FROM WHICH THEY WERE APPOINTED, WHICHEVER OCCURS FIRST.

(5) THE MEMBERS OF THE COMMISSION SHALL BE REIMBURSED FOR TRAVEL EXPENSES AS PROVIDED IN RCW 43.03.050 AND 43.03.060. LEGISLATIVE MEMBERS SHALL BE REIMBURSED BY THEIR RESPECTIVE HOUSES AS PROVIDED UNDER RCW 44.04.120(~~(, AS NOW EXISTING OR HEREAFTER AMENDED)~~). MEMBERS SHALL BE COMPENSATED IN ACCORDANCE WITH RCW 43.03.250.

Sec. 312. RCW 9.94A.120 AND 2001 C 10 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) WHEN A PERSON IS CONVICTED OF A FELONY, THE COURT SHALL IMPOSE PUNISHMENT AS PROVIDED IN THIS CHAPTER.

(2)(A) THE COURT SHALL IMPOSE A SENTENCE AS PROVIDED IN THE FOLLOWING SECTIONS AND AS APPLICABLE IN THE CASE:

(I) UNLESS ANOTHER TERM OF CONFINEMENT APPLIES, THE COURT SHALL IMPOSE A SENTENCE WITHIN THE STANDARD SENTENCE RANGE ESTABLISHED IN RCW 9.94A.310;

(II) RCW 9.94A.700 AND 9.94A.705, RELATING TO COMMUNITY PLACEMENT;

(III) RCW 9.94A.710 AND 9.94A.715, RELATING TO COMMUNITY CUSTODY;

(IV) RCW 9.94A.383, RELATING TO COMMUNITY CUSTODY FOR OFFENDERS WHOSE TERM OF CONFINEMENT IS ONE YEAR OR LESS;

(V) RCW 9.94A.560, RELATING TO PERSISTENT OFFENDERS;

(VI) RCW 9.94A.590, RELATING TO MANDATORY MINIMUM TERMS;

(VII) RCW 9.94A.650, RELATING TO THE FIRST-TIME OFFENDER WAIVER;

(VIII) RCW 9.94A.660, RELATING TO THE DRUG OFFENDER SENTENCING ALTERNATIVE;

(IX) RCW 9.94A.670, RELATING TO THE SPECIAL SEX OFFENDER SENTENCING ALTERNATIVE;

(X) SECTION 303 OF THIS ACT, RELATING TO CERTAIN SEX OFFENSES:

(xi) RCW 9.94A.390, RELATING TO EXCEPTIONAL SENTENCES;

~~((xii))~~ (xii) RCW 9.94A.400, RELATING TO CONSECUTIVE AND CONCURRENT SENTENCES.

(B) IF A STANDARD SENTENCE RANGE HAS NOT BEEN ESTABLISHED FOR THE OFFENDER'S CRIME, THE COURT SHALL IMPOSE A DETERMINATE SENTENCE WHICH MAY INCLUDE NOT MORE THAN ONE YEAR OF CONFINEMENT; COMMUNITY SERVICE WORK; UNTIL JULY 1, 2000, A TERM OF COMMUNITY SUPERVISION NOT TO EXCEED ONE YEAR AND ON AND AFTER JULY 1, 2000, A TERM OF COMMUNITY CUSTODY NOT TO EXCEED ONE YEAR, SUBJECT TO CONDITIONS AND SANCTIONS AS AUTHORIZED IN RCW 9.94A.710 (2) AND (3); AND/OR OTHER LEGAL FINANCIAL OBLIGATIONS. THE COURT MAY IMPOSE A SENTENCE WHICH PROVIDES MORE THAN ONE YEAR OF CONFINEMENT IF THE COURT FINDS REASONS JUSTIFYING AN EXCEPTIONAL SENTENCE AS PROVIDED IN RCW 9.94A.390.

(3) IF THE COURT IMPOSES A SENTENCE REQUIRING CONFINEMENT OF THIRTY DAYS OR LESS, THE COURT MAY, IN ITS DISCRETION, SPECIFY THAT THE SENTENCE BE SERVED ON CONSECUTIVE OR INTERMITTENT DAYS. A SENTENCE REQUIRING MORE THAN THIRTY DAYS OF CONFINEMENT SHALL BE SERVED ON CONSECUTIVE DAYS. LOCAL JAIL ADMINISTRATORS MAY SCHEDULE COURT-ORDERED INTERMITTENT SENTENCES AS SPACE PERMITS.

(4) IF A SENTENCE IMPOSED INCLUDES PAYMENT OF A LEGAL FINANCIAL OBLIGATION, IT SHALL BE IMPOSED AS PROVIDED IN RCW 9.94A.140, 9.94A.142, AND 9.94A.145.

(5) EXCEPT AS PROVIDED UNDER RCW 9.94A.140(4) AND 9.94A.142(4), A COURT MAY NOT IMPOSE A SENTENCE PROVIDING FOR A TERM OF CONFINEMENT OR COMMUNITY SUPERVISION, COMMUNITY PLACEMENT, OR COMMUNITY CUSTODY WHICH EXCEEDS THE STATUTORY MAXIMUM FOR THE CRIME AS PROVIDED IN CHAPTER 9A.20 RCW.

(6) THE SENTENCING COURT SHALL GIVE THE OFFENDER CREDIT FOR ALL CONFINEMENT TIME SERVED BEFORE THE SENTENCING IF THAT CONFINEMENT WAS SOLELY IN REGARD TO THE OFFENSE FOR WHICH THE OFFENDER IS BEING SENTENCED.

(7) THE COURT SHALL ORDER RESTITUTION AS PROVIDED IN RCW 9.94A.140 AND 9.94A.142.

(8) AS A PART OF ANY SENTENCE, THE COURT MAY IMPOSE AND ENFORCE CRIME-RELATED PROHIBITIONS AND AFFIRMATIVE CONDITIONS AS PROVIDED IN THIS CHAPTER.

(9) THE COURT MAY ORDER AN OFFENDER WHOSE SENTENCE INCLUDES COMMUNITY PLACEMENT OR COMMUNITY SUPERVISION TO UNDERGO A MENTAL STATUS EVALUATION AND TO PARTICIPATE IN AVAILABLE OUTPATIENT MENTAL HEALTH TREATMENT, IF THE COURT FINDS THAT REASONABLE GROUNDS EXIST TO BELIEVE THAT THE OFFENDER IS A MENTALLY ILL PERSON AS DEFINED IN RCW 71.24.025, AND THAT THIS CONDITION IS LIKELY TO HAVE INFLUENCED THE OFFENSE. AN ORDER REQUIRING MENTAL STATUS EVALUATION OR TREATMENT MUST BE BASED ON A PRESENTENCE REPORT AND, IF APPLICABLE, MENTAL STATUS EVALUATIONS THAT HAVE BEEN FILED WITH THE COURT TO DETERMINE THE OFFENDER'S COMPETENCY OR ELIGIBILITY FOR A DEFENSE OF INSANITY. THE COURT MAY ORDER ADDITIONAL EVALUATIONS AT A LATER DATE IF DEEMED APPROPRIATE.

(10) IN ANY SENTENCE OF PARTIAL CONFINEMENT, THE COURT MAY REQUIRE THE OFFENDER TO SERVE THE PARTIAL CONFINEMENT IN WORK RELEASE, IN A PROGRAM OF HOME DETENTION, ON WORK CREW, OR IN A COMBINED PROGRAM OF WORK CREW AND HOME DETENTION.

(11) IN SENTENCING AN OFFENDER CONVICTED OF A CRIME OF DOMESTIC VIOLENCE, AS DEFINED IN RCW 10.99.020, IF THE OFFENDER HAS A MINOR CHILD, OR IF THE VICTIM OF THE OFFENSE FOR WHICH THE OFFENDER WAS CONVICTED HAS A MINOR CHILD, THE COURT MAY, AS PART OF ANY TERM OF COMMUNITY SUPERVISION, COMMUNITY PLACEMENT, OR COMMUNITY CUSTODY, ORDER THE OFFENDER TO PARTICIPATE IN A DOMESTIC VIOLENCE PERPETRATOR PROGRAM APPROVED UNDER RCW 26.50.150.

Sec. 313. RCW 9.94A.190 and 2000 c 28 s 4 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) A SENTENCE THAT INCLUDES A TERM OR TERMS OF CONFINEMENT TOTALING MORE THAN ONE YEAR SHALL BE SERVED IN A FACILITY OR INSTITUTION OPERATED, OR UTILIZED UNDER CONTRACT, BY THE STATE. EXCEPT AS PROVIDED IN SUBSECTION (3) OR (5) OF THIS SECTION, A SENTENCE OF NOT MORE THAN ONE YEAR OF CONFINEMENT SHALL BE SERVED IN A FACILITY OPERATED, LICENSED, OR UTILIZED UNDER CONTRACT, BY THE COUNTY, OR IF HOME DETENTION OR WORK CREW HAS BEEN ORDERED BY THE COURT, IN THE RESIDENCE OF EITHER THE OFFENDER OR A MEMBER OF THE OFFENDER'S IMMEDIATE FAMILY.

(2) IF A COUNTY USES A STATE PARTIAL CONFINEMENT FACILITY FOR THE PARTIAL CONFINEMENT OF A PERSON SENTENCED TO CONFINEMENT FOR NOT MORE THAN ONE YEAR, THE COUNTY SHALL REIMBURSE THE STATE FOR THE USE OF THE FACILITY AS PROVIDED IN THIS SUBSECTION. THE OFFICE OF FINANCIAL MANAGEMENT SHALL SET THE RATE OF REIMBURSEMENT BASED UPON THE AVERAGE PER DIEM COST PER OFFENDER IN THE FACILITY. THE OFFICE OF FINANCIAL MANAGEMENT SHALL DETERMINE TO WHAT EXTENT, IF ANY, REIMBURSEMENT SHALL BE REDUCED OR ELIMINATED BECAUSE OF FUNDS PROVIDED BY THE LEGISLATURE TO THE DEPARTMENT FOR THE PURPOSE OF COVERING THE COST OF COUNTY USE OF STATE PARTIAL CONFINEMENT FACILITIES. THE OFFICE OF FINANCIAL MANAGEMENT SHALL REESTABLISH REIMBURSEMENT RATES EACH EVEN-NUMBERED YEAR.

(3) A PERSON WHO IS SENTENCED FOR A FELONY TO A TERM OF NOT MORE THAN ONE YEAR, AND WHO IS COMMITTED OR RETURNED TO INCARCERATION IN A STATE FACILITY ON ANOTHER FELONY CONVICTION, EITHER UNDER THE INDETERMINATE SENTENCING LAWS, CHAPTER 9.95 RCW, OR UNDER THIS CHAPTER SHALL SERVE ALL TERMS OF CONFINEMENT, INCLUDING A SENTENCE OF NOT MORE THAN ONE YEAR, IN A FACILITY OR INSTITUTION OPERATED, OR UTILIZED UNDER CONTRACT, BY THE STATE, CONSISTENT WITH THE PROVISIONS OF RCW 9.94A.400.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A SENTENCE IMPOSED PURSUANT TO RCW 9.94A.660 WHICH HAS A STANDARD SENTENCE RANGE OF OVER ONE YEAR, REGARDLESS OF LENGTH, SHALL BE SERVED IN A FACILITY OR INSTITUTION OPERATED, OR UTILIZED UNDER CONTRACT, BY THE STATE.

(5) SENTENCES IMPOSED PURSUANT TO SECTION 303 OF THIS ACT SHALL BE SERVED IN A FACILITY OR INSTITUTION OPERATED, OR UTILIZED UNDER CONTRACT, BY THE STATE.

Sec. 314. RCW 9.94A.390 AND 2000 c 28 s 8 ARE EACH AMENDED TO READ AS FOLLOWS:

THE COURT MAY IMPOSE A SENTENCE OUTSIDE THE STANDARD SENTENCE RANGE FOR AN OFFENSE IF IT FINDS, CONSIDERING THE PURPOSE OF THIS CHAPTER, THAT THERE ARE SUBSTANTIAL AND COMPELLING REASONS JUSTIFYING AN EXCEPTIONAL SENTENCE. WHENEVER A SENTENCE OUTSIDE THE STANDARD SENTENCE RANGE IS IMPOSED, THE COURT SHALL SET FORTH THE REASONS FOR ITS DECISION IN WRITTEN FINDINGS OF FACT AND CONCLUSIONS OF LAW. A SENTENCE OUTSIDE THE STANDARD SENTENCE RANGE SHALL BE A DETERMINATE SENTENCE UNLESS IT IS IMPOSED ON AN OFFENDER SENTENCED UNDER SECTION 303 OF THIS ACT. AN EXCEPTIONAL SENTENCE IMPOSED ON AN OFFENDER SENTENCED UNDER SECTION 303 OF THIS ACT SHALL BE TO A MINIMUM TERM SET BY THE COURT AND A MAXIMUM TERM EQUAL TO THE STATUTORY MAXIMUM SENTENCE FOR THE OFFENSE OF CONVICTION UNDER CHAPTER 9A.20 RCW.

IF THE SENTENCING COURT FINDS THAT AN EXCEPTIONAL SENTENCE OUTSIDE THE STANDARD SENTENCE RANGE SHOULD BE IMPOSED, THE SENTENCE IS SUBJECT TO REVIEW ONLY AS PROVIDED FOR IN RCW 9.94A.210(4).

A DEPARTURE FROM THE STANDARDS IN RCW 9.94A.400 (1) AND (2) GOVERNING WHETHER SENTENCES ARE TO BE SERVED CONSECUTIVELY OR CONCURRENTLY IS AN EXCEPTIONAL SENTENCE SUBJECT TO THE LIMITATIONS IN THIS SECTION, AND MAY BE APPEALED BY THE OFFENDER OR THE STATE AS SET FORTH IN RCW 9.94A.210 (2) THROUGH (6).

THE FOLLOWING ARE ILLUSTRATIVE FACTORS WHICH THE COURT MAY CONSIDER IN THE EXERCISE OF ITS DISCRETION TO IMPOSE AN EXCEPTIONAL SENTENCE. THE FOLLOWING ARE ILLUSTRATIVE ONLY AND ARE NOT INTENDED TO BE EXCLUSIVE REASONS FOR EXCEPTIONAL SENTENCES.

(1) MITIGATING CIRCUMSTANCES

(A) TO A SIGNIFICANT DEGREE, THE VICTIM WAS AN INITIATOR, WILLING PARTICIPANT, AGGRESSOR, OR PROVOKER OF THE INCIDENT.

(B) BEFORE DETECTION, THE DEFENDANT COMPENSATED, OR MADE A GOOD FAITH EFFORT TO COMPENSATE, THE VICTIM OF THE CRIMINAL CONDUCT FOR ANY DAMAGE OR INJURY SUSTAINED.

(C) THE DEFENDANT COMMITTED THE CRIME UNDER DURESS, COERCION, THREAT, OR COMPULSION INSUFFICIENT TO CONSTITUTE A COMPLETE DEFENSE BUT WHICH SIGNIFICANTLY AFFECTED HIS OR HER CONDUCT.

(D) THE DEFENDANT, WITH NO APPARENT PREDISPOSITION TO DO SO, WAS INDUCED BY OTHERS TO PARTICIPATE IN THE CRIME.

(E) THE DEFENDANT'S CAPACITY TO APPRECIATE THE WRONGFULNESS OF HIS OR HER CONDUCT, OR TO CONFORM HIS OR HER CONDUCT TO THE REQUIREMENTS OF THE LAW, WAS SIGNIFICANTLY IMPAIRED. VOLUNTARY USE OF DRUGS OR ALCOHOL IS EXCLUDED.

(F) THE OFFENSE WAS PRINCIPALLY ACCOMPLISHED BY ANOTHER PERSON AND THE DEFENDANT MANIFESTED EXTREME CAUTION OR SINCERE CONCERN FOR THE SAFETY OR WELL-BEING OF THE VICTIM.

(G) THE OPERATION OF THE MULTIPLE OFFENSE POLICY OF RCW 9.94A.400 RESULTS IN A PRESUMPTIVE SENTENCE THAT IS CLEARLY EXCESSIVE IN LIGHT OF THE PURPOSE OF THIS CHAPTER, AS EXPRESSED IN RCW 9.94A.010.

(H) THE DEFENDANT OR THE DEFENDANT'S CHILDREN SUFFERED A CONTINUING PATTERN OF PHYSICAL OR SEXUAL ABUSE BY THE VICTIM OF THE OFFENSE AND THE OFFENSE IS A RESPONSE TO THAT ABUSE.

(2) AGGRAVATING CIRCUMSTANCES

(A) THE DEFENDANT'S CONDUCT DURING THE COMMISSION OF THE CURRENT OFFENSE MANIFESTED DELIBERATE CRUELTY TO THE VICTIM.

(B) THE DEFENDANT KNEW OR SHOULD HAVE KNOWN THAT THE VICTIM OF THE CURRENT OFFENSE WAS PARTICULARLY VULNERABLE OR INCAPABLE OF RESISTANCE DUE TO EXTREME YOUTH, ADVANCED AGE, DISABILITY, OR ILL HEALTH.

(C) THE CURRENT OFFENSE WAS A VIOLENT OFFENSE, AND THE DEFENDANT KNEW THAT THE VICTIM OF THE CURRENT OFFENSE WAS PREGNANT.

(D) THE CURRENT OFFENSE WAS A MAJOR ECONOMIC OFFENSE OR SERIES OF OFFENSES, SO IDENTIFIED BY A CONSIDERATION OF ANY OF THE FOLLOWING FACTORS:

(I) THE CURRENT OFFENSE INVOLVED MULTIPLE VICTIMS OR MULTIPLE INCIDENTS PER VICTIM;

(II) THE CURRENT OFFENSE INVOLVED ATTEMPTED OR ACTUAL MONETARY LOSS SUBSTANTIALLY GREATER THAN TYPICAL FOR THE OFFENSE;

(III) THE CURRENT OFFENSE INVOLVED A HIGH DEGREE OF SOPHISTICATION OR PLANNING OR OCCURRED OVER A LENGTHY PERIOD OF TIME; OR

(IV) THE DEFENDANT USED HIS OR HER POSITION OF TRUST, CONFIDENCE, OR FIDUCIARY RESPONSIBILITY TO FACILITATE THE COMMISSION OF THE CURRENT OFFENSE.

(E) THE CURRENT OFFENSE WAS A MAJOR VIOLATION OF THE UNIFORM CONTROLLED SUBSTANCES ACT, CHAPTER 69.50 RCW (VUCSA), RELATED TO TRAFFICKING IN CONTROLLED SUBSTANCES, WHICH WAS MORE ONEROUS THAN THE TYPICAL OFFENSE OF ITS STATUTORY DEFINITION: THE PRESENCE OF ANY OF THE FOLLOWING MAY IDENTIFY A CURRENT OFFENSE AS A MAJOR VUCSA:

(I) THE CURRENT OFFENSE INVOLVED AT LEAST THREE SEPARATE TRANSACTIONS IN WHICH CONTROLLED SUBSTANCES WERE SOLD, TRANSFERRED, OR POSSESSED WITH INTENT TO DO SO;

(II) THE CURRENT OFFENSE INVOLVED AN ATTEMPTED OR ACTUAL SALE OR TRANSFER OF CONTROLLED SUBSTANCES IN QUANTITIES SUBSTANTIALLY LARGER THAN FOR PERSONAL USE;

(III) THE CURRENT OFFENSE INVOLVED THE MANUFACTURE OF CONTROLLED SUBSTANCES FOR USE BY OTHER PARTIES;

(IV) THE CIRCUMSTANCES OF THE CURRENT OFFENSE REVEAL THE OFFENDER TO HAVE OCCUPIED A HIGH POSITION IN THE DRUG DISTRIBUTION HIERARCHY;

(V) THE CURRENT OFFENSE INVOLVED A HIGH DEGREE OF SOPHISTICATION OR PLANNING, OCCURRED OVER A LENGTHY PERIOD OF TIME, OR INVOLVED A BROAD GEOGRAPHIC AREA OF DISBURSEMENT; OR

(VI) THE OFFENDER USED HIS OR HER POSITION OR STATUS TO FACILITATE THE COMMISSION OF THE CURRENT OFFENSE, INCLUDING POSITIONS OF TRUST, CONFIDENCE OR FIDUCIARY RESPONSIBILITY (E.G., PHARMACIST, PHYSICIAN, OR OTHER MEDICAL PROFESSIONAL).

(F) THE CURRENT OFFENSE INCLUDED A FINDING OF SEXUAL MOTIVATION PURSUANT TO RCW 9.94A.127.

(G) THE OFFENSE WAS PART OF AN ONGOING PATTERN OF SEXUAL ABUSE OF THE SAME VICTIM UNDER THE AGE OF EIGHTEEN YEARS MANIFESTED BY MULTIPLE INCIDENTS OVER A PROLONGED PERIOD OF TIME.

(H) THE CURRENT OFFENSE INVOLVED DOMESTIC VIOLENCE, AS DEFINED IN RCW 10.99.020, AND ONE OR MORE OF THE FOLLOWING WAS PRESENT:

(I) THE OFFENSE WAS PART OF AN ONGOING PATTERN OF PSYCHOLOGICAL, PHYSICAL, OR SEXUAL ABUSE OF THE VICTIM MANIFESTED BY MULTIPLE INCIDENTS OVER A PROLONGED PERIOD OF TIME;

(II) THE OFFENSE OCCURRED WITHIN SIGHT OR SOUND OF THE VICTIM'S OR THE OFFENDER'S MINOR CHILDREN UNDER THE AGE OF EIGHTEEN YEARS; OR

(III) THE OFFENDER'S CONDUCT DURING THE COMMISSION OF THE CURRENT OFFENSE MANIFESTED DELIBERATE CRUELTY OR INTIMIDATION OF THE VICTIM.

(I) THE OPERATION OF THE MULTIPLE OFFENSE POLICY OF RCW 9.94A.400 RESULTS IN A PRESUMPTIVE SENTENCE THAT IS CLEARLY TOO LENIENT IN LIGHT OF THE PURPOSE OF THIS CHAPTER, AS EXPRESSED IN RCW 9.94A.010.

(J) THE DEFENDANT'S PRIOR UNSCORED MISDEMEANOR OR PRIOR UNSCORED FOREIGN CRIMINAL HISTORY RESULTS IN A PRESUMPTIVE SENTENCE THAT IS CLEARLY TOO LENIENT IN LIGHT OF THE PURPOSE OF THIS CHAPTER, AS EXPRESSED IN RCW 9.94A.010.

(K) THE OFFENSE RESULTED IN THE PREGNANCY OF A CHILD VICTIM OF RAPE.

(L) THE DEFENDANT KNEW THAT THE VICTIM OF THE CURRENT OFFENSE WAS A YOUTH WHO WAS NOT RESIDING WITH A LEGAL CUSTODIAN AND THE DEFENDANT ESTABLISHED OR PROMOTED THE RELATIONSHIP FOR THE PRIMARY PURPOSE OF VICTIMIZATION.

Sec. 315. RCW 9.94A.590 AND 2000 C 28 S 7 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE FOLLOWING MINIMUM TERMS OF TOTAL CONFINEMENT ARE MANDATORY AND SHALL NOT BE VARIED OR MODIFIED UNDER RCW 9.94A.390:

(A) AN OFFENDER CONVICTED OF THE CRIME OF MURDER IN THE FIRST DEGREE SHALL BE SENTENCED TO A TERM OF TOTAL CONFINEMENT NOT LESS THAN TWENTY YEARS.

(B) AN OFFENDER CONVICTED OF THE CRIME OF ASSAULT IN THE FIRST DEGREE OR ASSAULT OF A CHILD IN THE FIRST DEGREE WHERE THE OFFENDER USED FORCE OR MEANS LIKELY TO RESULT IN DEATH OR INTENDED TO KILL THE VICTIM SHALL BE SENTENCED TO A TERM OF TOTAL CONFINEMENT NOT LESS THAN FIVE YEARS.

(C) AN OFFENDER CONVICTED OF THE CRIME OF RAPE IN THE FIRST DEGREE SHALL BE SENTENCED TO A TERM OF TOTAL CONFINEMENT NOT LESS THAN FIVE YEARS.

(D) AN OFFENDER CONVICTED OF THE CRIME OF SEXUALLY VIOLENT PREDATOR ESCAPE SHALL BE SENTENCED TO A MINIMUM TERM OF TOTAL CONFINEMENT NOT LESS THAN SIXTY MONTHS.

(2) DURING SUCH MINIMUM TERMS OF TOTAL CONFINEMENT, NO OFFENDER SUBJECT TO THE PROVISIONS OF THIS SECTION IS ELIGIBLE FOR COMMUNITY CUSTODY, EARNED RELEASE TIME, FURLOUGH, HOME DETENTION, PARTIAL CONFINEMENT, WORK CREW, WORK RELEASE, OR ANY OTHER FORM OF EARLY RELEASE AUTHORIZED UNDER RCW 9.94A.150, OR ANY OTHER FORM OF AUTHORIZED LEAVE OF ABSENCE FROM THE CORRECTIONAL FACILITY WHILE NOT IN THE DIRECT CUSTODY OF A CORRECTIONS OFFICER. THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY: (A) IN THE CASE OF AN OFFENDER IN NEED OF EMERGENCY MEDICAL TREATMENT; (B) FOR THE PURPOSE OF COMMITMENT TO AN INPATIENT TREATMENT FACILITY IN THE CASE OF AN OFFENDER CONVICTED OF THE CRIME OF RAPE IN THE FIRST DEGREE; OR (C) FOR AN EXTRAORDINARY MEDICAL PLACEMENT WHEN AUTHORIZED UNDER RCW 9.94A.150(4).

Sec. 316. RCW 9.94A.670 AND 2000 C 28 S 20 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, THE DEFINITIONS IN THIS SUBSECTION APPLY TO THIS SECTION ONLY.

(A) "SEX OFFENDER TREATMENT PROVIDER" OR "TREATMENT PROVIDER" MEANS A CERTIFIED SEX OFFENDER TREATMENT PROVIDER AS DEFINED IN RCW 18.155.020.

(B) "VICTIM" MEANS ANY PERSON WHO HAS SUSTAINED EMOTIONAL, PSYCHOLOGICAL, PHYSICAL, OR FINANCIAL INJURY TO PERSON OR PROPERTY AS A RESULT OF THE CRIME CHARGED. "VICTIM" ALSO MEANS A PARENT OR GUARDIAN OF A VICTIM WHO IS A MINOR CHILD UNLESS THE PARENT OR GUARDIAN IS THE PERPETRATOR OF THE OFFENSE.

(2) AN OFFENDER IS ELIGIBLE FOR THE SPECIAL SEX OFFENDER SENTENCING ALTERNATIVE IF:

(A) THE OFFENDER HAS BEEN CONVICTED OF A SEX OFFENSE OTHER THAN A VIOLATION OF RCW 9A.44.050 OR A SEX OFFENSE THAT IS ALSO A SERIOUS VIOLENT OFFENSE;

(B) THE OFFENDER HAS NO PRIOR CONVICTIONS FOR A SEX OFFENSE AS DEFINED IN RCW 9.94A.030 OR ANY OTHER FELONY SEX OFFENSES IN THIS OR ANY OTHER STATE; AND

(C) THE OFFENDER'S STANDARD SENTENCE RANGE FOR THE OFFENSE INCLUDES THE POSSIBILITY OF CONFINEMENT FOR LESS THAN ELEVEN YEARS.

(3) IF THE COURT FINDS THE OFFENDER IS ELIGIBLE FOR THIS ALTERNATIVE, THE COURT, ON ITS OWN MOTION OR THE MOTION OF THE STATE OR THE OFFENDER, MAY ORDER AN EXAMINATION TO DETERMINE WHETHER THE OFFENDER IS AMENABLE TO TREATMENT.

(A) THE REPORT OF THE EXAMINATION SHALL INCLUDE AT A MINIMUM THE FOLLOWING:

(i) THE OFFENDER'S VERSION OF THE FACTS AND THE OFFICIAL VERSION OF THE FACTS;

(ii) THE OFFENDER'S OFFENSE HISTORY;

(iii) AN ASSESSMENT OF PROBLEMS IN ADDITION TO ALLEGED DEVIANT BEHAVIORS;

(iv) THE OFFENDER'S SOCIAL AND EMPLOYMENT SITUATION; AND

(v) OTHER EVALUATION MEASURES USED.

THE REPORT SHALL SET FORTH THE SOURCES OF THE EXAMINER'S INFORMATION.

(B) THE EXAMINER SHALL ASSESS AND REPORT REGARDING THE OFFENDER'S AMENABILITY TO TREATMENT AND RELATIVE RISK TO THE COMMUNITY. A PROPOSED TREATMENT PLAN SHALL BE PROVIDED AND SHALL INCLUDE, AT A MINIMUM:

(i) FREQUENCY AND TYPE OF CONTACT BETWEEN OFFENDER AND THERAPIST;

(ii) SPECIFIC ISSUES TO BE ADDRESSED IN THE TREATMENT AND DESCRIPTION OF PLANNED TREATMENT MODALITIES;

(iii) MONITORING PLANS, INCLUDING ANY REQUIREMENTS REGARDING LIVING CONDITIONS, LIFESTYLE REQUIREMENTS, AND MONITORING BY FAMILY MEMBERS AND OTHERS;

(iv) ANTICIPATED LENGTH OF TREATMENT; AND

(v) RECOMMENDED CRIME-RELATED PROHIBITIONS.

(C) THE COURT ON ITS OWN MOTION MAY ORDER, OR ON A MOTION BY THE STATE SHALL ORDER, A SECOND EXAMINATION REGARDING THE OFFENDER'S AMENABILITY TO TREATMENT. THE EXAMINER SHALL BE SELECTED BY THE PARTY MAKING THE MOTION. THE OFFENDER SHALL PAY THE COST OF ANY SECOND EXAMINATION ORDERED UNLESS THE COURT FINDS THE DEFENDANT TO BE INDIGENT IN WHICH CASE THE STATE SHALL PAY THE COST.

(4) AFTER RECEIPT OF THE REPORTS, THE COURT SHALL CONSIDER WHETHER THE OFFENDER AND THE COMMUNITY WILL BENEFIT FROM USE OF THIS ALTERNATIVE AND CONSIDER THE VICTIM'S OPINION WHETHER THE OFFENDER SHOULD RECEIVE A TREATMENT DISPOSITION UNDER THIS SECTION. IF THE COURT DETERMINES THAT THIS ALTERNATIVE IS APPROPRIATE, THE COURT SHALL THEN IMPOSE A SENTENCE OR, PURSUANT TO SECTION 303 OF THIS ACT, A MINIMUM TERM OF SENTENCE, WITHIN THE STANDARD SENTENCE RANGE. IF THE SENTENCE IMPOSED IS LESS (~~THEN [THAN]~~) THAN ELEVEN YEARS OF CONFINEMENT, THE COURT MAY SUSPEND THE EXECUTION OF THE SENTENCE AND IMPOSE THE FOLLOWING CONDITIONS OF SUSPENSION:

(A) THE COURT SHALL PLACE THE OFFENDER ON COMMUNITY CUSTODY FOR THE LENGTH OF THE SUSPENDED SENTENCE, THE LENGTH OF THE MAXIMUM TERM IMPOSED PURSUANT TO SECTION 303 OF THIS ACT, OR THREE YEARS, WHICHEVER IS GREATER, AND REQUIRE THE OFFENDER TO COMPLY WITH ANY CONDITIONS IMPOSED BY THE DEPARTMENT UNDER RCW 9.94A.720.

(B) THE COURT SHALL ORDER TREATMENT FOR ANY PERIOD UP TO THREE YEARS IN DURATION. THE COURT, IN ITS DISCRETION, SHALL ORDER OUTPATIENT SEX OFFENDER TREATMENT OR INPATIENT SEX OFFENDER TREATMENT, IF AVAILABLE. A COMMUNITY MENTAL HEALTH CENTER MAY NOT BE USED FOR SUCH TREATMENT UNLESS IT HAS AN APPROPRIATE PROGRAM DESIGNED FOR SEX OFFENDER TREATMENT. THE OFFENDER SHALL NOT CHANGE SEX OFFENDER TREATMENT PROVIDERS OR TREATMENT CONDITIONS WITHOUT FIRST

NOTIFYING THE PROSECUTOR, THE COMMUNITY CORRECTIONS OFFICER, AND THE COURT. IF ANY PARTY OR THE COURT OBJECTS TO A PROPOSED CHANGE, THE OFFENDER SHALL NOT CHANGE PROVIDERS OR CONDITIONS WITHOUT COURT APPROVAL AFTER A HEARING.

(5) AS CONDITIONS OF THE SUSPENDED SENTENCE, THE COURT MAY IMPOSE ONE OR MORE OF THE FOLLOWING:

(A) UP TO SIX MONTHS OF CONFINEMENT, NOT TO EXCEED THE SENTENCE RANGE OF CONFINEMENT FOR THAT OFFENSE;

(B) CRIME-RELATED PROHIBITIONS;

(C) REQUIRE THE OFFENDER TO DEVOTE TIME TO A SPECIFIC EMPLOYMENT OR OCCUPATION;

(D) REMAIN WITHIN PRESCRIBED GEOGRAPHICAL BOUNDARIES AND NOTIFY THE COURT OR THE COMMUNITY CORRECTIONS OFFICER PRIOR TO ANY CHANGE IN THE OFFENDER'S ADDRESS OR EMPLOYMENT;

(E) REPORT AS DIRECTED TO THE COURT AND A COMMUNITY CORRECTIONS OFFICER;

(F) PAY ALL COURT-ORDERED LEGAL FINANCIAL OBLIGATIONS AS PROVIDED IN RCW 9.94A.030;

(G) PERFORM COMMUNITY SERVICE WORK; OR

(H) REIMBURSE THE VICTIM FOR THE COST OF ANY COUNSELING REQUIRED AS A RESULT OF THE OFFENDER'S CRIME.

(6) AT THE TIME OF SENTENCING, THE COURT SHALL SET A TREATMENT TERMINATION HEARING FOR THREE MONTHS PRIOR TO THE ANTICIPATED DATE FOR COMPLETION OF TREATMENT.

(7) THE SEX OFFENDER TREATMENT PROVIDER SHALL SUBMIT QUARTERLY REPORTS ON THE OFFENDER'S PROGRESS IN TREATMENT TO THE COURT AND THE PARTIES. THE REPORT SHALL REFERENCE THE TREATMENT PLAN AND INCLUDE AT A MINIMUM THE FOLLOWING: DATES OF ATTENDANCE, OFFENDER'S COMPLIANCE WITH REQUIREMENTS, TREATMENT ACTIVITIES, THE OFFENDER'S RELATIVE PROGRESS IN TREATMENT, AND ANY OTHER MATERIAL SPECIFIED BY THE COURT AT SENTENCING.

(8) PRIOR TO THE TREATMENT TERMINATION HEARING, THE TREATMENT PROVIDER AND COMMUNITY CORRECTIONS OFFICER SHALL SUBMIT WRITTEN REPORTS TO THE COURT AND PARTIES REGARDING THE OFFENDER'S COMPLIANCE WITH TREATMENT AND MONITORING REQUIREMENTS, AND RECOMMENDATIONS REGARDING TERMINATION FROM TREATMENT, INCLUDING PROPOSED COMMUNITY CUSTODY CONDITIONS. EITHER PARTY MAY REQUEST, AND THE COURT MAY ORDER, ANOTHER EVALUATION REGARDING THE ADVISABILITY OF TERMINATION FROM TREATMENT. THE OFFENDER SHALL PAY THE COST OF ANY ADDITIONAL EVALUATION ORDERED UNLESS THE COURT FINDS THE OFFENDER TO BE INDIGENT IN WHICH CASE THE STATE SHALL PAY THE COST. AT THE TREATMENT TERMINATION HEARING THE COURT MAY: (A) MODIFY CONDITIONS OF COMMUNITY CUSTODY, AND EITHER (B) TERMINATE TREATMENT, OR (C) EXTEND TREATMENT FOR UP TO THE REMAINING PERIOD OF COMMUNITY CUSTODY.

(9) IF A VIOLATION OF CONDITIONS OCCURS DURING COMMUNITY CUSTODY, THE DEPARTMENT SHALL EITHER IMPOSE SANCTIONS AS PROVIDED FOR IN RCW 9.94A.205(2)(A) OR REFER THE VIOLATION TO THE COURT AND RECOMMEND REVOCATION OF THE SUSPENDED SENTENCE AS PROVIDED FOR IN SUBSECTIONS (6) AND (8) OF THIS SECTION.

(10) THE COURT MAY REVOKE THE SUSPENDED SENTENCE AT ANY TIME DURING THE PERIOD OF COMMUNITY CUSTODY AND ORDER EXECUTION OF THE SENTENCE IF: (A) THE OFFENDER VIOLATES THE CONDITIONS OF THE SUSPENDED SENTENCE, OR (B) THE COURT FINDS THAT THE OFFENDER IS FAILING TO MAKE SATISFACTORY PROGRESS IN TREATMENT. ALL CONFINEMENT TIME SERVED DURING THE PERIOD OF COMMUNITY CUSTODY SHALL BE CREDITED TO THE OFFENDER IF THE SUSPENDED SENTENCE IS REVOKED.

(11) EXAMINATIONS AND TREATMENT ORDERED PURSUANT TO THIS SUBSECTION SHALL ONLY BE CONDUCTED BY SEX OFFENDER TREATMENT PROVIDERS CERTIFIED BY THE DEPARTMENT OF HEALTH PURSUANT TO CHAPTER 18.155 RCW UNLESS THE COURT FINDS THAT:

(A) THE OFFENDER HAS ALREADY MOVED TO ANOTHER STATE OR PLANS TO MOVE TO ANOTHER STATE FOR REASONS OTHER THAN CIRCUMVENTING THE CERTIFICATION REQUIREMENTS; OR

(B)(i) NO CERTIFIED PROVIDERS ARE AVAILABLE FOR TREATMENT WITHIN A REASONABLE GEOGRAPHICAL DISTANCE OF THE OFFENDER'S HOME; AND

(ii) THE EVALUATION AND TREATMENT PLAN COMPLY WITH THIS SECTION AND THE RULES ADOPTED BY THE DEPARTMENT OF HEALTH.

(12) IF THE OFFENDER IS LESS THAN EIGHTEEN YEARS OF AGE WHEN THE CHARGE IS FILED, THE STATE SHALL PAY FOR THE COST OF INITIAL EVALUATION AND TREATMENT.

NEW SECTION. Sec. 317. A NEW SECTION IS ADDED TO CHAPTER 9.95 RCW TO READ AS FOLLOWS:

(1) "BOARD" MEANS THE INDETERMINATE SENTENCE REVIEW BOARD.

(2) "COMMUNITY CUSTODY" MEANS THAT PORTION OF AN OFFENDER'S SENTENCE SUBJECT TO CONTROLS INCLUDING CRIME-RELATED PROHIBITIONS AND AFFIRMATIVE CONDITIONS FROM THE COURT, THE BOARD, OR THE DEPARTMENT OF CORRECTIONS BASED ON RISK TO COMMUNITY SAFETY, THAT IS SERVED UNDER SUPERVISION IN THE COMMUNITY, AND WHICH MAY BE MODIFIED OR REVOKED FOR VIOLATIONS OF RELEASE CONDITIONS.

(3) "CRIME-RELATED PROHIBITION" HAS THE MEANING DEFINED IN RCW 9.94A.030.

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF CORRECTIONS.

(5) "PAROLE" MEANS THAT PORTION OF A PERSON'S SENTENCE FOR A CRIME COMMITTED BEFORE JULY 1, 1984, SERVED ON CONDITIONAL RELEASE IN THE COMMUNITY SUBJECT TO BOARD CONTROLS AND REVOCATION AND UNDER SUPERVISION OF THE DEPARTMENT.

(6) "SECRETARY" MEANS THE SECRETARY OF THE DEPARTMENT OF CORRECTIONS OR HIS OR HER DESIGNEE.

Sec. 318. RCW 9.95.005 AND 1986 C 224 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

THE BOARD SHALL MEET AT ~~((THE PENITENTIARY AND THE REFORMATORY))~~ MAJOR STATE CORRECTIONAL INSTITUTIONS AT SUCH TIMES AS MAY BE NECESSARY FOR A FULL AND COMPLETE STUDY OF THE CASES OF ALL CONVICTED PERSONS WHOSE DURATIONS OF CONFINEMENT ARE TO BE DETERMINED BY IT ~~((OR))~~; WHOSE COMMUNITY CUSTODY SUPERVISION IS UNDER THE BOARD'S AUTHORITY; OR WHOSE APPLICATIONS FOR PAROLE COME BEFORE IT. OTHER TIMES AND PLACES OF MEETINGS MAY ALSO BE FIXED BY THE BOARD.

THE SUPERINTENDENTS OF THE DIFFERENT INSTITUTIONS SHALL PROVIDE SUITABLE QUARTERS FOR THE BOARD AND ASSISTANTS WHILE IN THE DISCHARGE OF THEIR DUTIES.

Sec. 319. RCW 9.95.010 AND 1955 C 133 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

WHEN A PERSON, WHOSE CRIME WAS COMMITTED BEFORE JULY 1, 1984, IS CONVICTED OF ANY FELONY, EXCEPT TREASON, MURDER IN THE FIRST DEGREE, OR CARNAL KNOWLEDGE OF A CHILD UNDER TEN YEARS, AND A NEW TRIAL IS NOT GRANTED, THE COURT SHALL SENTENCE SUCH PERSON TO THE PENITENTIARY, OR, IF THE LAW ALLOWS AND THE COURT SEES FIT TO EXERCISE SUCH DISCRETION, TO THE REFORMATORY, AND SHALL FIX THE MAXIMUM TERM OF SUCH PERSON'S SENTENCE ONLY.

THE MAXIMUM TERM TO BE FIXED BY THE COURT SHALL BE THE MAXIMUM PROVIDED BY LAW FOR THE CRIME OF WHICH SUCH PERSON WAS CONVICTED, IF THE LAW PROVIDES FOR A MAXIMUM TERM. IF THE LAW DOES NOT PROVIDE A MAXIMUM TERM FOR THE CRIME OF WHICH SUCH PERSON WAS CONVICTED THE COURT SHALL FIX SUCH MAXIMUM TERM, WHICH MAY BE FOR ANY NUMBER OF YEARS UP TO

AND INCLUDING LIFE IMPRISONMENT BUT IN ANY CASE WHERE THE MAXIMUM TERM IS FIXED BY THE COURT IT SHALL BE FIXED AT NOT LESS THAN TWENTY YEARS.

SEC. 320. RCW 9.95.011 AND 1993 C 144 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) WHEN THE COURT COMMITS A CONVICTED PERSON TO THE DEPARTMENT OF CORRECTIONS ON OR AFTER JULY 1, 1986, FOR AN OFFENSE COMMITTED BEFORE JULY 1, 1984, THE COURT SHALL, AT THE TIME OF SENTENCING OR REVOCATION OF PROBATION, FIX THE MINIMUM TERM. THE TERM SO FIXED SHALL NOT EXCEED THE MAXIMUM SENTENCE PROVIDED BY LAW FOR THE OFFENSE OF WHICH THE PERSON IS CONVICTED.

THE COURT SHALL ATTEMPT TO SET THE MINIMUM TERM REASONABLY CONSISTENT WITH THE PURPOSES, STANDARDS, AND SENTENCING RANGES ADOPTED UNDER RCW 9.94A.040, BUT THE COURT IS SUBJECT TO THE SAME LIMITATIONS AS THOSE PLACED ON THE BOARD UNDER RCW 9.92.090, 9.95.040 (1) THROUGH (4), 9.95.115, 9A.32.040, 9A.44.045, AND CHAPTER 69.50 RCW. THE COURT'S MINIMUM TERM DECISION IS SUBJECT TO REVIEW TO THE SAME EXTENT AS A MINIMUM TERM DECISION BY THE PAROLE BOARD BEFORE JULY 1, 1986.

THEREAFTER, THE EXPIRATION OF THE MINIMUM TERM SET BY THE COURT MINUS ANY TIME CREDITS EARNED UNDER RCW 9.95.070 AND 9.95.110 CONSTITUTES THE PAROLE ELIGIBILITY REVIEW DATE, AT WHICH TIME THE BOARD MAY CONSIDER THE CONVICTED PERSON FOR PAROLE UNDER RCW 9.95.100 AND 9.95.110 AND CHAPTER 72.04A RCW. NOTHING IN THIS SECTION AFFECTS THE BOARD'S AUTHORITY TO REDUCE OR INCREASE THE MINIMUM TERM, ONCE SET BY THE COURT, UNDER RCW 9.95.040, 9.95.052, 9.95.055, 9.95.070, 9.95.080, 9.95.100, 9.95.115, 9.95.125, OR 9.95.047.

(2) NOT LESS THAN NINETY DAYS PRIOR TO THE EXPIRATION OF THE MINIMUM TERM OF A PERSON SENTENCED UNDER SECTION 303 OF THIS ACT, FOR A SEX OFFENSE COMMITTED ON OR AFTER JULY 1, 2001, LESS ANY TIME CREDITS PERMITTED BY STATUTE, THE BOARD SHALL REVIEW THE PERSON FOR CONDITIONAL RELEASE TO COMMUNITY CUSTODY AS PROVIDED IN SECTION 306 OF THIS ACT. IF THE BOARD DOES NOT RELEASE THE PERSON, IT SHALL SET A NEW MINIMUM TERM NOT TO EXCEED AN ADDITIONAL TWO YEARS. THE BOARD SHALL REVIEW THE PERSON AGAIN NOT LESS THAN NINETY DAYS PRIOR TO THE EXPIRATION OF THE NEW MINIMUM TERM.

SEC. 321. RCW 9.95.017 AND 1986 C 224 S 11 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE BOARD SHALL CAUSE TO BE PREPARED CRITERIA FOR DURATION OF CONFINEMENT, RELEASE ON PAROLE, AND LENGTH OF PAROLE FOR PERSONS COMMITTED TO PRISON FOR CRIMES COMMITTED BEFORE JULY 1, 1984.

THE PROPOSED CRITERIA SHOULD TAKE INTO CONSIDERATION RCW 9.95.009(2). BEFORE SUBMISSION TO THE GOVERNOR, THE BOARD SHALL SOLICIT COMMENTS AND REVIEW ON THEIR PROPOSED CRITERIA FOR PAROLE RELEASE. THESE PROPOSED CRITERIA SHALL BE SUBMITTED FOR CONSIDERATION BY THE 1987 LEGISLATURE.

(2) PERSONS COMMITTED TO THE DEPARTMENT OF CORRECTIONS AND WHO ARE UNDER THE AUTHORITY OF THE BOARD FOR CRIMES COMMITTED ON OR AFTER JULY 1, 2001, ARE SUBJECT TO THE PROVISIONS FOR DURATION OF CONFINEMENT, RELEASE TO COMMUNITY CUSTODY, AND LENGTH OF COMMUNITY CUSTODY ESTABLISHED IN SECTIONS 303 THROUGH 310 OF THIS ACT.

SEC. 322. RCW 9.95.020 AND 1955 C 133 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

IF THE SENTENCE OF A PERSON SO CONVICTED IS NOT SUSPENDED BY THE COURT, THE SUPERINTENDENT OF ((THE PENITENTIARY OR THE SUPERINTENDENT OF THE REFORMATORY)) A MAJOR STATE CORRECTIONAL INSTITUTION SHALL RECEIVE SUCH PERSON, IF COMMITTED TO HIS OR HER INSTITUTION, AND IMPRISON ((HIM)) THE PERSON UNTIL RELEASED UNDER THE PROVISIONS OF THIS CHAPTER, UNDER SECTION 306 OF THIS ACT, UPON THE COMPLETION OF THE STATUTORY MAXIMUM SENTENCE, OR THROUGH THE ACTION OF THE GOVERNOR.

SEC. 323. RCW 9.95.032 AND 1984 C 114 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

SUCH STATEMENT SHALL BE SIGNED BY THE PROSECUTING ATTORNEY AND APPROVED BY THE JUDGE BY WHOM THE JUDGMENT WAS RENDERED AND SHALL BE DELIVERED TO THE SHERIFF, TRAVELING GUARD, DEPARTMENT OF CORRECTIONS PERSONNEL, OR OTHER OFFICER EXECUTING THE SENTENCE, AND A COPY OF SUCH STATEMENT SHALL BE FURNISHED TO THE DEFENDANT OR HIS OR HER ATTORNEY. SUCH OFFICER SHALL DELIVER THE STATEMENT, AT THE TIME OF THE PRISONER'S COMMITMENT, TO THE SUPERINTENDENT OF THE INSTITUTION TO WHICH SUCH PRISONER HAS BEEN ((SENTENCED AND)) COMMITTED. THE SUPERINTENDENT SHALL MAKE SUCH STATEMENT AVAILABLE FOR USE BY THE BOARD ((OF PRISON TERMS AND PAROLES)).

SEC. 324. RCW 9.95.052 AND 1986 C 224 S 10 ARE EACH AMENDED TO READ AS FOLLOWS:

AT ANY TIME AFTER THE BOARD (OR THE COURT AFTER JULY 1, 1986) HAS DETERMINED THE MINIMUM TERM OF CONFINEMENT OF ANY PERSON SUBJECT TO CONFINEMENT IN A STATE CORRECTIONAL INSTITUTION FOR A CRIME COMMITTED BEFORE JULY 1, 1984, THE BOARD MAY REQUEST THE SUPERINTENDENT OF SUCH CORRECTIONAL INSTITUTION TO CONDUCT A FULL REVIEW OF SUCH PERSON'S PROSPECTS FOR REHABILITATION AND REPORT TO THE BOARD THE FACTS OF SUCH REVIEW AND THE RESULTING FINDINGS. UPON THE BASIS OF SUCH REPORT AND SUCH OTHER INFORMATION AND INVESTIGATION THAT THE BOARD DEEMS APPROPRIATE, THE BOARD MAY REDETERMINE AND REFIX SUCH CONVICTED PERSON'S MINIMUM TERM OF CONFINEMENT WHETHER THE TERM WAS SET BY THE BOARD OR THE COURT.

THE BOARD SHALL NOT REDUCE A PERSON'S MINIMUM TERM OF CONFINEMENT UNLESS THE BOARD HAS RECEIVED FROM THE DEPARTMENT OF CORRECTIONS ALL INSTITUTIONAL CONDUCT REPORTS RELATING TO THE PERSON.

SEC. 325. RCW 9.95.055 AND 1992 C 7 S 25 ARE EACH AMENDED TO READ AS FOLLOWS:

THE INDETERMINATE SENTENCE REVIEW BOARD IS HEREBY GRANTED AUTHORITY, IN THE EVENT OF A DECLARATION BY THE GOVERNOR THAT A WAR EMERGENCY EXISTS, INCLUDING A GENERAL MOBILIZATION, AND FOR THE DURATION THEREOF ONLY, TO REDUCE DOWNWARD THE MINIMUM TERM, AS SET BY THE BOARD, OF ANY INMATE UNDER THE JURISDICTION OF THE BOARD CONFINED IN A STATE CORRECTIONAL FACILITY, WHO WILL BE ACCEPTED BY AND INDUCTED INTO THE ARMED SERVICES: PROVIDED, THAT A REDUCTION DOWNWARD SHALL NOT BE MADE UNDER THIS SECTION FOR THOSE INMATES WHO ARE CONFINED FOR TREASON, MURDER IN THE FIRST DEGREE OR CARNAL KNOWLEDGE OF A FEMALE CHILD UNDER TEN YEARS: AND PROVIDED FURTHER, THAT NO SUCH INMATE SHALL BE RELEASED UNDER THIS SECTION WHO IS ((FOUND TO BE A SEXUAL PSYCHOPATH UNDER THE PROVISIONS OF AND AS DEFINED BY CHAPTER 71.12 RCW)) BEING CONSIDERED FOR CIVIL COMMITMENT AS A SEXUALLY VIOLENT PREDATOR UNDER CHAPTER 71.09 RCW OR WAS SENTENCED UNDER SECTION 303 OF THIS ACT FOR A CRIME COMMITTED ON OR AFTER JULY 1, 2001.

SEC. 326. RCW 9.95.064 AND 1989 C 276 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) IN ORDER TO MINIMIZE THE TRAUMA TO THE VICTIM, THE COURT MAY ATTACH CONDITIONS ON RELEASE OF ((A DEFENDANT)) AN OFFENDER UNDER RCW 9.95.062, CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, REGARDING THE WHEREABOUTS OF THE DEFENDANT, CONTACT WITH THE VICTIM, OR OTHER CONDITIONS.

(2) OFFENDERS RELEASED UNDER SECTION 306 OF THIS ACT ARE SUBJECT TO CRIME-RELATED PROHIBITIONS AND AFFIRMATIVE CONDITIONS ESTABLISHED BY THE COURT, THE DEPARTMENT OF CORRECTIONS, OR THE BOARD PURSUANT TO RCW 9.94A.715 AND SECTIONS 303 THROUGH 310 OF THIS ACT.

SEC. 327. RCW 9.95.070 AND 1999 C 143 S 19 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EVERY PRISONER, CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, WHO HAS A FAVORABLE RECORD OF CONDUCT AT THE PENITENTIARY OR THE REFORMATORY, AND WHO PERFORMS IN A FAITHFUL, DILIGENT, INDUSTRIOUS, ORDERLY AND PEACEABLE MANNER THE WORK, DUTIES, AND TASKS ASSIGNED TO HIM OR HER TO THE SATISFACTION OF THE SUPERINTENDENT OF THE PENITENTIARY OR REFORMATORY, AND IN WHOSE BEHALF THE SUPERINTENDENT OF THE PENITENTIARY OR REFORMATORY FILES A REPORT CERTIFYING THAT HIS OR HER CONDUCT AND WORK HAVE BEEN MERITORIOUS AND RECOMMENDING ALLOWANCE OF TIME CREDITS TO HIM OR HER, SHALL UPON, BUT NOT UNTIL, THE ADOPTION OF SUCH RECOMMENDATION BY THE INDETERMINATE SENTENCE REVIEW BOARD, BE ALLOWED TIME CREDIT REDUCTIONS FROM THE TERM OF IMPRISONMENT FIXED BY THE BOARD.

(2) OFFENDERS SENTENCED UNDER SECTION 303 OF THIS ACT FOR A CRIME COMMITTED ON OR AFTER JULY 1, 2001, ARE SUBJECT TO THE EARNED RELEASE PROVISIONS FOR SEX OFFENDERS ESTABLISHED IN RCW 9.94A.150.

SEC. 328. RCW 9.95.080 AND 1992 C 7 S 26 ARE EACH AMENDED TO READ AS FOLLOWS:

IN CASE ANY ~~((CONVICTED))~~ PERSON CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, AND UNDER THE JURISDICTION OF THE INDETERMINATE SENTENCE REVIEW BOARD UNDERGOING SENTENCE IN A STATE CORRECTIONAL ((FACILITY)) INSTITUTION COMMITS ANY INFRACTIONS OF THE RULES AND REGULATIONS OF THE INSTITUTION, THE BOARD MAY REVOKE ANY ORDER THERETOFORE MADE DETERMINING THE LENGTH OF TIME SUCH CONVICTED PERSON SHALL BE IMPRISONED, INCLUDING THE FORFEITURE OF ALL OR A PORTION OF CREDITS EARNED OR TO BE EARNED, PURSUANT TO THE PROVISIONS OF RCW 9.95.110, AND MAKE A NEW ORDER DETERMINING THE LENGTH OF TIME THE PERSON SHALL SERVE, NOT EXCEEDING THE MAXIMUM PENALTY PROVIDED BY LAW FOR THE CRIME FOR WHICH THE PERSON WAS CONVICTED, OR THE MAXIMUM FIXED BY THE COURT. SUCH REVOCATION AND REDETERMINATION SHALL NOT BE HAD EXCEPT UPON A HEARING BEFORE THE INDETERMINATE SENTENCE REVIEW BOARD. AT SUCH HEARING THE CONVICTED PERSON SHALL BE PRESENT AND ENTITLED TO BE HEARD AND MAY PRESENT EVIDENCE AND WITNESSES IN HIS OR HER BEHALF.

SEC. 329. RCW 9.95.090 AND 1999 C 143 S 20 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE BOARD SHALL REQUIRE OF EVERY ABLE BODIED ~~((CONVICTED PERSON IMPRISONED IN THE PENITENTIARY OR THE REFORMATORY))~~ OFFENDER CONFINED IN A STATE CORRECTIONAL INSTITUTION FOR A CRIME COMMITTED BEFORE JULY 1, 1984, AS MANY HOURS OF FAITHFUL LABOR IN EACH AND EVERY DAY DURING HIS OR HER TERM OF IMPRISONMENT AS SHALL BE PRESCRIBED BY THE RULES AND REGULATIONS OF THE INSTITUTION IN WHICH HE OR SHE IS CONFINED.

(2) OFFENDERS SENTENCED UNDER SECTION 303 OF THIS ACT FOR CRIMES COMMITTED ON OR AFTER JULY 1, 2001, SHALL PERFORM WORK OR OTHER PROGRAMMING AS REQUIRED BY THE DEPARTMENT OF CORRECTIONS DURING THEIR TERM OF CONFINEMENT.

SEC. 330. RCW 9.95.100 AND 1955 C 133 S 11 ARE EACH AMENDED TO READ AS FOLLOWS:

ANY ~~((CONVICTED))~~ PERSON CONVICTED OF A FELONY COMMITTED BEFORE JULY 1, 1984, AND UNDERGOING SENTENCE IN ((THE PENITENTIARY OR THE REFORMATORY)) A STATE CORRECTIONAL INSTITUTION, NOT SOONER RELEASED UNDER THE PROVISIONS OF THIS CHAPTER, SHALL, IN ACCORDANCE WITH THE PROVISIONS OF LAW, BE DISCHARGED FROM CUSTODY ON SERVING THE MAXIMUM PUNISHMENT PROVIDED BY LAW FOR THE OFFENSE OF WHICH SUCH PERSON WAS CONVICTED, OR THE MAXIMUM TERM FIXED BY THE COURT WHERE THE LAW DOES NOT PROVIDE FOR A MAXIMUM TERM. THE BOARD SHALL NOT, HOWEVER, UNTIL HIS OR HER MAXIMUM TERM EXPIRES, RELEASE A PRISONER, UNLESS IN ITS OPINION HIS OR HER REHABILITATION HAS BEEN COMPLETE AND HE OR SHE IS A FIT SUBJECT FOR RELEASE.

SEC. 331. RCW 9.95.110 AND 1999 C 143 S 21 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE BOARD MAY PERMIT ~~((A CONVICTED PERSON))~~ AN OFFENDER CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, TO LEAVE THE BUILDINGS AND ENCLOSURES OF ((THE PENITENTIARY OR THE REFORMATORY)) A STATE CORRECTIONAL INSTITUTION ON PAROLE, AFTER SUCH CONVICTED PERSON HAS SERVED THE PERIOD OF CONFINEMENT FIXED FOR HIM OR HER BY THE BOARD, LESS TIME CREDITS FOR GOOD BEHAVIOR AND DILIGENCE IN WORK: PROVIDED, THAT IN NO CASE SHALL AN INMATE BE CREDITED WITH MORE THAN ONE-THIRD OF HIS OR HER SENTENCE AS FIXED BY THE BOARD.

THE BOARD MAY ESTABLISH RULES AND REGULATIONS UNDER WHICH ~~((A CONVICTED PERSON))~~ AN OFFENDER MAY BE ALLOWED TO LEAVE THE CONFINES OF ~~((THE PENITENTIARY OR THE REFORMATORY))~~ A STATE CORRECTIONAL INSTITUTION ON PAROLE, AND MAY RETURN SUCH PERSON TO THE CONFINES OF THE INSTITUTION FROM WHICH HE OR SHE WAS PAROLED, AT ITS DISCRETION.

(2) THE BOARD MAY PERMIT AN OFFENDER CONVICTED OF A CRIME COMMITTED ON OR AFTER JULY 1, 2001, AND SENTENCED UNDER SECTION 303 OF THIS ACT, TO LEAVE A STATE CORRECTIONAL INSTITUTION ON COMMUNITY CUSTODY ACCORDING TO THE PROVISIONS OF SECTIONS 303 THROUGH 310 OF THIS ACT. THE PERSON MAY BE RETURNED TO THE INSTITUTION FOLLOWING A VIOLATION OF HIS OR HER CONDITIONS OF RELEASE TO COMMUNITY CUSTODY PURSUANT TO THE HEARING PROVISIONS OF SECTION 309 OF THIS ACT.

SEC. 332. RCW 9.95.115 AND 1989 C 259 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

THE INDETERMINATE SENTENCE REVIEW BOARD IS HEREBY GRANTED AUTHORITY TO PAROLE ANY PERSON SENTENCED TO THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS, UNDER A MANDATORY LIFE SENTENCE FOR A CRIME COMMITTED ~~((PRIOR TO))~~ BEFORE JULY 1, 1984, EXCEPT THOSE PERSONS SENTENCED TO LIFE WITHOUT THE POSSIBILITY OF PAROLE. NO SUCH PERSON SHALL BE GRANTED PAROLE UNLESS THE PERSON HAS BEEN CONTINUOUSLY CONFINED THEREIN FOR A PERIOD OF TWENTY CONSECUTIVE YEARS LESS EARNED GOOD TIME: PROVIDED, THAT NO SUCH PERSON SHALL BE RELEASED UNDER PAROLE WHO IS ~~((FOUND TO BE A SEXUAL PSYCHOPATH UNDER THE PROVISIONS OF AND AS DEFINED BY CHAPTER 71.06 RCW))~~ SUBJECT TO CIVIL COMMITMENT AS A SEXUALLY VIOLENT PREDATOR UNDER CHAPTER 71.09 RCW.

SEC. 333. RCW 9.95.120 AND 1999 C 143 S 22 ARE EACH AMENDED TO READ AS FOLLOWS:

WHenever the board or a ~~((PROBATION AND PAROLE))~~ COMMUNITY CORRECTIONS OFFICER OF THIS STATE HAS REASON TO BELIEVE A ~~((CONVICTED))~~ PERSON CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, HAS BREACHED A CONDITION OF HIS OR HER PAROLE OR VIOLATED THE LAW OF ANY STATE WHERE HE OR SHE MAY THEN BE OR THE RULES AND REGULATIONS OF THE BOARD, ANY ~~((PROBATION AND PAROLE))~~ COMMUNITY CORRECTIONS OFFICER OF THIS STATE MAY ARREST OR CAUSE THE ARREST AND DETENTION AND SUSPENSION OF PAROLE OF SUCH CONVICTED PERSON PENDING A DETERMINATION BY THE BOARD WHETHER THE PAROLE OF SUCH CONVICTED PERSON SHALL BE REVOKED. ALL FACTS AND CIRCUMSTANCES SURROUNDING THE VIOLATION BY SUCH CONVICTED PERSON SHALL BE REPORTED TO THE BOARD BY THE ~~((PROBATION AND PAROLE))~~ COMMUNITY CORRECTIONS OFFICER, WITH RECOMMENDATIONS. THE BOARD, AFTER CONSULTATION WITH THE SECRETARY OF CORRECTIONS, SHALL MAKE ALL RULES AND REGULATIONS CONCERNING PROCEDURAL MATTERS, WHICH SHALL INCLUDE THE TIME WHEN STATE ~~((PROBATION AND PAROLE))~~ COMMUNITY CORRECTIONS OFFICERS SHALL FILE WITH THE BOARD REPORTS REQUIRED BY THIS SECTION, PROCEDURES PERTAINING THERETO AND THE FILING OF SUCH INFORMATION AS MAY BE NECESSARY TO ENABLE THE BOARD TO PERFORM ITS FUNCTIONS UNDER THIS SECTION. ON THE BASIS OF THE

REPORT BY THE ((PROBATION AND PAROLE)) COMMUNITY CORRECTIONS OFFICER, OR AT ANY TIME UPON ITS OWN DISCRETION, THE BOARD MAY REVISE OR MODIFY THE CONDITIONS OF PAROLE OR ORDER THE SUSPENSION OF PAROLE BY THE ISSUANCE OF A WRITTEN ORDER BEARING ITS SEAL, WHICH ORDER SHALL BE SUFFICIENT WARRANT FOR ALL PEACE OFFICERS TO TAKE INTO CUSTODY ANY CONVICTED PERSON WHO MAY BE ON PAROLE AND RETAIN SUCH PERSON IN THEIR CUSTODY UNTIL ARRANGEMENTS CAN BE MADE BY THE BOARD FOR HIS OR HER RETURN TO A STATE CORRECTIONAL INSTITUTION FOR CONVICTED FELONS. ANY SUCH REVISION OR MODIFICATION OF THE CONDITIONS OF PAROLE OR THE ORDER SUSPENDING PAROLE SHALL BE PERSONALLY SERVED UPON THE PAROLEE.

ANY PAROLEE ARRESTED AND DETAINED IN PHYSICAL CUSTODY BY THE AUTHORITY OF A STATE ((PROBATION AND PAROLE)) COMMUNITY CORRECTIONS OFFICER, OR UPON THE WRITTEN ORDER OF THE BOARD, SHALL NOT BE RELEASED FROM CUSTODY ON BAIL OR PERSONAL RECOGNIZANCE, EXCEPT UPON APPROVAL OF THE BOARD AND THE ISSUANCE BY THE BOARD OF AN ORDER OF REINSTATEMENT ON PAROLE ON THE SAME OR MODIFIED CONDITIONS OF PAROLE.

ALL CHIEFS OF POLICE, MARSHALS OF CITIES AND TOWNS, SHERIFFS OF COUNTIES, AND ALL POLICE, PRISON, AND PEACE OFFICERS AND CONSTABLES SHALL EXECUTE ANY SUCH ORDER IN THE SAME MANNER AS ANY ORDINARY CRIMINAL PROCESS.

WHENEVER A PAROLED PRISONER IS ACCUSED OF A VIOLATION OF HIS OR HER PAROLE, OTHER THAN THE COMMISSION OF, AND CONVICTION FOR, A FELONY OR MISDEMEANOR UNDER THE LAWS OF THIS STATE OR THE LAWS OF ANY STATE WHERE HE OR SHE MAY THEN BE, HE OR SHE SHALL BE ENTITLED TO A FAIR AND IMPARTIAL HEARING OF SUCH CHARGES WITHIN THIRTY DAYS FROM THE TIME THAT HE OR SHE IS SERVED WITH CHARGES OF THE VIOLATION OF CONDITIONS OF ((HIS)) PAROLE AFTER HIS OR HER ARREST AND DETENTION. THE HEARING SHALL BE HELD BEFORE ONE OR MORE MEMBERS OF THE BOARD AT A PLACE OR PLACES, WITHIN THIS STATE, REASONABLY NEAR THE SITE OF THE ALLEGED VIOLATION OR VIOLATIONS OF PAROLE.

IN THE EVENT THAT THE BOARD SUSPENDS A PAROLE BY REASON OF AN ALLEGED PAROLE VIOLATION OR IN THE EVENT THAT A PAROLEE IS SUSPENDED PENDING THE DISPOSITION OF A NEW CRIMINAL CHARGE, THE BOARD SHALL HAVE THE POWER TO NULLIFY THE ORDER OF SUSPENSION AND REINSTATE THE INDIVIDUAL TO PAROLE UNDER PREVIOUS CONDITIONS OR ANY NEW CONDITIONS THAT THE BOARD MAY DETERMINE ADVISABLE. BEFORE THE BOARD SHALL NULLIFY AN ORDER OF SUSPENSION AND REINSTATE A PAROLEE THEY SHALL HAVE DETERMINED THAT THE BEST INTERESTS OF SOCIETY AND THE INDIVIDUAL SHALL BEST BE SERVED BY SUCH REINSTATEMENT RATHER THAN A RETURN TO A PENAL INSTITUTION.

Sec. 334. RCW 9.95.121 AND 1981 C 136 S 38 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) FOR OFFENDERS CONVICTED OF CRIMES COMMITTED BEFORE JULY 1, 1984, WITHIN FIFTEEN DAYS FROM THE DATE OF NOTICE TO THE DEPARTMENT OF CORRECTIONS OF THE ARREST AND DETENTION OF THE ALLEGED PAROLE VIOLATOR, HE OR SHE SHALL BE PERSONALLY SERVED BY A STATE ((PROBATION AND PAROLE)) COMMUNITY CORRECTIONS OFFICER WITH A COPY OF THE FACTUAL ALLEGATIONS OF THE VIOLATION OF THE CONDITIONS OF PAROLE, AND, AT THE SAME TIME SHALL BE ADVISED OF HIS OR HER RIGHT TO AN ON-SITE PAROLE REVOCATION HEARING AND OF HIS OR HER RIGHTS AND PRIVILEGES AS PROVIDED IN RCW 9.95.120 THROUGH 9.95.126. THE ALLEGED PAROLE VIOLATOR, AFTER SERVICE OF THE ALLEGATIONS OF VIOLATIONS OF THE CONDITIONS OF PAROLE AND THE ADVICE OF RIGHTS MAY WAIVE THE ON-SITE PAROLE REVOCATION HEARING AS PROVIDED IN RCW 9.95.120, AND ADMIT ONE OR MORE OF THE ALLEGED VIOLATIONS OF THE CONDITIONS OF PAROLE. IF THE BOARD ACCEPTS THE WAIVER IT SHALL EITHER, (1) REINSTATE THE PAROLEE ON PAROLE UNDER THE SAME OR MODIFIED CONDITIONS, OR (2) REVOKE THE PAROLE OF THE PAROLEE AND ENTER AN ORDER OF PAROLE REVOCATION AND RETURN TO STATE CUSTODY. A DETERMINATION OF A NEW MINIMUM SENTENCE SHALL BE MADE WITHIN THIRTY DAYS OF RETURN TO STATE CUSTODY WHICH SHALL NOT EXCEED THE MAXIMUM SENTENCE AS PROVIDED BY LAW FOR THE CRIME OF WHICH THE PAROLEE WAS ORIGINALLY CONVICTED OR THE MAXIMUM FIXED BY THE COURT.

IF THE WAIVER MADE BY THE PAROLEE IS REJECTED BY THE BOARD IT SHALL HOLD AN ON-SITE PAROLE REVOCATION HEARING UNDER THE PROVISIONS OF RCW 9.95.120 THROUGH 9.95.126.

(2) OFFENDERS SENTENCED UNDER SECTION 303 OF THIS ACT ARE SUBJECT TO THE VIOLATION HEARING PROCESS ESTABLISHED IN SECTION 309 OF THIS ACT.

Sec. 335. RCW 9.95.122 AND 1999 C 143 S 23 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) AT ANY ON-SITE PAROLE REVOCATION HEARING FOR A PERSON CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, THE ALLEGED PAROLE VIOLATOR SHALL BE ENTITLED TO BE REPRESENTED BY AN ATTORNEY OF HIS OR HER OWN CHOOSING AND AT HIS OR HER OWN EXPENSE, EXCEPT, UPON THE PRESENTATION OF SATISFACTORY EVIDENCE OF INDIGENCY AND THE REQUEST FOR THE APPOINTMENT OF AN ATTORNEY BY THE ALLEGED PAROLE VIOLATOR, THE BOARD MAY CAUSE THE APPOINTMENT OF AN ATTORNEY TO REPRESENT THE ALLEGED PAROLE VIOLATOR TO BE PAID FOR AT STATE EXPENSE, AND, IN ADDITION, THE BOARD MAY ASSUME ALL OR SUCH OTHER EXPENSES IN THE PRESENTATION OF EVIDENCE ON BEHALF OF THE ALLEGED PAROLE VIOLATOR AS IT MAY HAVE AUTHORIZED: PROVIDED, THAT FUNDS ARE AVAILABLE FOR THE PAYMENT OF ATTORNEYS' FEES AND EXPENSES. ATTORNEYS FOR THE REPRESENTATION OF ALLEGED PAROLE VIOLATORS IN ON-SITE HEARINGS SHALL BE APPOINTED BY THE SUPERIOR COURTS FOR THE COUNTIES WHEREIN THE ON-SITE PAROLE REVOCATION HEARING IS TO BE HELD AND SUCH ATTORNEYS SHALL BE COMPENSATED IN SUCH MANNER AND IN SUCH AMOUNT AS SHALL BE FIXED IN A SCHEDULE OF FEES ADOPTED BY RULE OF THE BOARD.

(2) THE RIGHTS OF OFFENDERS SENTENCED UNDER SECTION 303 OF THIS ACT ARE DEFINED IN SECTION 309 OF THIS ACT.

Sec. 336. RCW 9.95.123 AND 1999 C 143 S 24 ARE EACH AMENDED TO READ AS FOLLOWS:

IN CONDUCTING ON-SITE PAROLE OR COMMUNITY CUSTODY REVOCATION HEARINGS OR COMMUNITY CUSTODY VIOLATIONS HEARINGS, THE BOARD SHALL HAVE THE AUTHORITY TO ADMINISTER OATHS AND AFFIRMATIONS, EXAMINE WITNESSES, RECEIVE EVIDENCE, AND ISSUE SUBPOENAS FOR THE COMPULSORY ATTENDANCE OF WITNESSES AND THE PRODUCTION OF EVIDENCE FOR PRESENTATION AT SUCH HEARINGS. SUBPOENAS ISSUED BY THE BOARD SHALL BE EFFECTIVE THROUGHOUT THE STATE. WITNESSES IN ATTENDANCE AT ANY ON-SITE PAROLE OR COMMUNITY CUSTODY REVOCATION HEARING SHALL BE PAID THE SAME FEES AND ALLOWANCES, IN THE SAME MANNER AND UNDER THE SAME CONDITIONS AS PROVIDED FOR WITNESSES IN THE COURTS OF THE STATE IN ACCORDANCE WITH CHAPTER 2.40 RCW ((AS NOW OR HEREAFTER AMENDED)). IF ANY PERSON FAILS OR REFUSES TO OBEY A SUBPOENA ISSUED BY THE BOARD, OR OBEYS THE SUBPOENA BUT REFUSES TO TESTIFY CONCERNING ANY MATTER UNDER EXAMINATION AT THE HEARING, THE BOARD MAY PETITION THE SUPERIOR COURT OF THE COUNTY WHERE THE HEARING IS BEING CONDUCTED FOR ENFORCEMENT OF THE SUBPOENA: PROVIDED, THAT AN OFFER TO PAY STATUTORY FEES AND MILEAGE HAS BEEN MADE TO THE WITNESS AT THE TIME OF THE SERVICE OF THE SUBPOENA. THE PETITION SHALL BE ACCOMPANIED BY A COPY OF THE SUBPOENA AND PROOF OF SERVICE, AND SHALL SET FORTH IN WHAT SPECIFIC MANNER THE SUBPOENA HAS NOT BEEN COMPLIED WITH, AND SHALL ASK AN ORDER OF THE COURT TO COMPEL THE WITNESS TO APPEAR AND TESTIFY BEFORE THE BOARD. THE COURT, UPON SUCH PETITION, SHALL ENTER AN ORDER DIRECTING THE WITNESS TO APPEAR BEFORE THE COURT AT A TIME AND PLACE TO BE FIXED IN SUCH ORDER AND THEN AND THERE TO SHOW CAUSE WHY HE OR SHE HAS NOT RESPONDED TO THE SUBPOENA OR HAS REFUSED TO TESTIFY. A COPY OF THE ORDER SHALL BE SERVED UPON THE WITNESS. IF IT APPEARS TO THE COURT THAT THE SUBPOENA WAS PROPERLY ISSUED AND THAT THE PARTICULAR QUESTIONS WHICH THE WITNESS REFUSES TO ANSWER ARE REASONABLE

AND RELEVANT, THE COURT SHALL ENTER AN ORDER THAT THE WITNESS APPEAR AT THE TIME AND PLACE FIXED IN THE ORDER AND TESTIFY OR PRODUCE THE REQUIRED PAPERS, AND ON FAILING TO OBEY ~~((SAY))~~ THE ORDER, THE WITNESS SHALL BE DEALT WITH AS FOR CONTEMPT OF COURT.

Sec. 337. RCW 9.95.124 AND 1999 C 143 S 25 ARE EACH AMENDED TO READ AS FOLLOWS:

AT ALL ON-SITE PAROLE REVOCATION HEARINGS FOR OFFENDERS CONVICTED OF CRIMES COMMITTED BEFORE JULY 1, 1984, ~~((PROBATION AND PAROLE))~~ COMMUNITY CORRECTIONS OFFICERS OF THE DEPARTMENT OF CORRECTIONS, HAVING MADE THE ALLEGATIONS OF THE VIOLATIONS OF THE CONDITIONS OF PAROLE, MAY BE REPRESENTED BY THE ATTORNEY GENERAL. THE ATTORNEY GENERAL MAY MAKE INDEPENDENT RECOMMENDATIONS TO THE BOARD ABOUT WHETHER THE VIOLATIONS CONSTITUTE SUFFICIENT CAUSE FOR THE REVOCATION OF THE PAROLE AND THE RETURN OF THE PAROLEE TO A STATE CORRECTIONAL INSTITUTION FOR CONVICTED FELONS. THE HEARINGS SHALL BE OPEN TO THE PUBLIC UNLESS THE BOARD FOR SPECIFICALLY STATED REASONS CLOSES THE HEARING IN WHOLE OR IN PART. THE HEARINGS SHALL BE RECORDED EITHER MANUALLY OR BY A MECHANICAL RECORDING DEVICE. AN ALLEGED PAROLE VIOLATOR MAY BE REQUESTED TO TESTIFY AND ANY SUCH TESTIMONY SHALL NOT BE USED AGAINST HIM OR HER IN ANY CRIMINAL PROSECUTION. THE BOARD SHALL ADOPT RULES GOVERNING THE FORMAL AND INFORMAL PROCEDURES AUTHORIZED BY THIS CHAPTER AND MAKE RULES OF PRACTICE BEFORE THE BOARD IN ON-SITE PAROLE REVOCATION HEARINGS, TOGETHER WITH FORMS AND INSTRUCTIONS.

Sec. 338. RCW 9.95.125 AND 1993 C 140 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

AFTER THE ON-SITE PAROLE REVOCATION HEARING FOR A PERSON CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, HAS BEEN CONCLUDED, THE MEMBERS OF THE BOARD HAVING HEARD THE MATTER SHALL ENTER THEIR DECISION OF RECORD WITHIN TEN DAYS, AND MAKE FINDINGS AND CONCLUSIONS UPON THE ALLEGATIONS OF THE VIOLATIONS OF THE CONDITIONS OF PAROLE. IF THE MEMBER, OR MEMBERS HAVING HEARD THE MATTER, SHOULD CONCLUDE THAT THE ALLEGATIONS OF VIOLATION OF THE CONDITIONS OF PAROLE HAVE NOT BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE, OR, THOSE WHICH HAVE BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE ARE NOT SUFFICIENT CAUSE FOR THE REVOCATION OF PAROLE, THEN THE PAROLEE SHALL BE REINSTATED ON PAROLE ON THE SAME OR MODIFIED CONDITIONS OF PAROLE. FOR PAROLE VIOLATIONS NOT RESULTING IN NEW CONVICTIONS, MODIFIED CONDITIONS OF PAROLE MAY INCLUDE SANCTIONS ACCORDING TO AN ADMINISTRATIVE SANCTION GRID. IF THE MEMBER OR MEMBERS HAVING HEARD THE MATTER SHOULD CONCLUDE THAT THE ALLEGATIONS OF VIOLATION OF THE CONDITIONS OF PAROLE HAVE BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE AND CONSTITUTE SUFFICIENT CAUSE FOR THE REVOCATION OF PAROLE, THEN SUCH MEMBER OR MEMBERS SHALL ENTER AN ORDER OF PAROLE REVOCATION AND RETURN THE PAROLE VIOLATOR TO STATE CUSTODY. WITHIN THIRTY DAYS OF THE RETURN OF SUCH PAROLE VIOLATOR TO A STATE CORRECTIONAL INSTITUTION ~~((FOR CONVICTED FELONS))~~ THE BOARD SHALL ENTER AN ORDER DETERMINING A NEW MINIMUM TERM NOT EXCEEDING THE MAXIMUM PENALTY PROVIDED BY LAW FOR THE CRIME FOR WHICH THE PAROLE VIOLATOR WAS ORIGINALLY CONVICTED OR THE MAXIMUM FIXED BY THE COURT.

Sec. 339. RCW 9.95.126 AND 1969 C 98 S 8 ARE EACH AMENDED TO READ AS FOLLOWS:

ALL OFFICERS AND EMPLOYEES OF THE STATE, COUNTIES, CITIES AND POLITICAL SUBDIVISIONS OF THIS STATE SHALL COOPERATE WITH THE BOARD ~~((OF PRISON TERMS AND PAROLES))~~ IN MAKING AVAILABLE SUITABLE FACILITIES FOR CONDUCTING PAROLE OR COMMUNITY CUSTODY REVOCATION HEARINGS.

Sec. 340. RCW 9.95.130 AND 1993 C 140 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

FROM AND AFTER THE SUSPENSION, CANCELLATION, OR REVOCATION OF THE PAROLE OF ANY ~~((CONVICTED PERSON))~~ OFFENDER CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, AND UNTIL HIS OR HER RETURN TO CUSTODY THE ~~((CONVICTED PERSON))~~ OFFENDER SHALL BE DEEMED AN ESCAPEE AND A FUGITIVE FROM JUSTICE. THE INDETERMINATE SENTENCE REVIEW BOARD MAY DENY CREDIT AGAINST THE MAXIMUM SENTENCE ANY TIME DURING WHICH HE OR SHE IS AN ESCAPEE AND FUGITIVE FROM JUSTICE.

Sec. 341. RCW 9.95.140 AND 1992 C 7 S 27 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE ~~((INDETERMINATE SENTENCE REVIEW))~~ BOARD SHALL CAUSE A COMPLETE RECORD TO BE KEPT OF EVERY PRISONER UNDER THE JURISDICTION OF THE BOARD RELEASED ON PAROLE OR COMMUNITY CUSTODY. SUCH RECORDS SHALL BE ORGANIZED IN ACCORDANCE WITH THE MOST MODERN METHODS OF FILING AND INDEXING SO THAT THERE WILL BE ALWAYS IMMEDIATELY AVAILABLE COMPLETE INFORMATION ABOUT EACH SUCH PRISONER. SUBJECT TO INFORMATION SHARING PROVISIONS RELATED TO MENTALLY ILL OFFENDERS, THE END OF SENTENCE REVIEW COMMITTEE, AND THE DEPARTMENT OF CORRECTIONS, THE BOARD MAY MAKE RULES AS TO THE PRIVACY OF SUCH RECORDS AND THEIR USE BY OTHERS THAN THE BOARD AND ITS STAFF. ~~((IN DETERMINING THE RULES REGARDING DISSEMINATION OF INFORMATION REGARDING CONVICTED))~~ SEX OFFENDERS CONVICTED OF CRIMES COMMITTED BEFORE JULY 1, 1984, WHO ARE UNDER THE BOARD'S JURISDICTION~~((,))~~ SHALL BE SUBJECT TO THE DETERMINATIONS OF THE END OF SENTENCE REVIEW COMMITTEE REGARDING RISK LEVEL AND SUBJECT TO SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION. THE BOARD ~~((SHALL CONSIDER THE PROVISIONS OF SECTION 116, CHAPTER 3, LAWS OF 1990 AND RCW 4.24.550 AND))~~ SHALL BE IMMUNE FROM LIABILITY FOR THE RELEASE OF INFORMATION CONCERNING SEX OFFENDERS AS PROVIDED IN RCW 4.24.550.

THE SUPERINTENDENTS OF STATE CORRECTIONAL FACILITIES AND ALL OFFICERS AND EMPLOYEES THEREOF AND ALL OTHER PUBLIC OFFICIALS SHALL AT ALL TIMES COOPERATE WITH THE BOARD AND FURNISH TO THE BOARD, ITS OFFICERS, AND EMPLOYEES SUCH INFORMATION AS MAY BE NECESSARY TO ENABLE IT TO PERFORM ITS FUNCTIONS, AND SUCH SUPERINTENDENTS AND OTHER EMPLOYEES SHALL AT ALL TIMES GIVE THE MEMBERS OF THE BOARD, ITS OFFICERS, AND EMPLOYEES FREE ACCESS TO ALL PRISONERS CONFINED IN THE STATE CORRECTIONAL FACILITIES.

(2) OFFENDERS SENTENCED UNDER SECTION 303 OF THIS ACT SHALL BE SUBJECT TO THE DETERMINATIONS OF THE END OF SENTENCE REVIEW COMMITTEE REGARDING RISK LEVEL AND SUBJECT TO SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION.

(3) THE END OF SENTENCE REVIEW COMMITTEE SHALL MAKE LAW ENFORCEMENT NOTIFICATIONS FOR OFFENDERS UNDER BOARD JURISDICTION ON THE SAME BASIS THAT IT NOTIFIES LAW ENFORCEMENT REGARDING OFFENDERS SENTENCED UNDER CHAPTER 9.94A RCW FOR CRIMES COMMITTED AFTER JULY 1, 1984.

Sec. 342. RCW 9.95.190 AND 1992 C 7 S 28 ARE EACH AMENDED TO READ AS FOLLOWS:

THE PROVISIONS OF RCW 9.95.010 THROUGH 9.95.170, INCLUSIVE, SHALL APPLY TO ALL CONVICTED PERSONS SERVING TIME IN A STATE CORRECTIONAL FACILITY FOR CRIMES COMMITTED BEFORE JULY 1, 1984, TO THE END THAT AT ALL TIMES THE SAME PROVISIONS RELATING TO SENTENCES, IMPRISONMENTS, AND PAROLES OF PRISONERS SHALL APPLY TO ALL INMATES THEREOF.

Sec. 343. RCW 9.95.250 AND 1981 C 136 S 43 ARE EACH AMENDED TO READ AS FOLLOWS:

IN ORDER TO CARRY OUT THE PROVISIONS OF THIS CHAPTER 9.95 RCW THE PAROLE OFFICERS WORKING UNDER THE SUPERVISION OF THE SECRETARY OF CORRECTIONS SHALL BE KNOWN AS ~~((PROBATION AND PAROLE))~~ COMMUNITY CORRECTIONS OFFICERS.

Sec. 344. RCW 9.95.280 AND 1999 C 143 S 31 ARE EACH AMENDED TO READ AS FOLLOWS:

THE BOARD MAY DEPUTIZE ANY PERSON (REGULARLY EMPLOYED BY ANOTHER STATE) TO ACT AS AN OFFICER AND AGENT OF THIS STATE IN EFFECTING THE RETURN OF ANY PERSON CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, WHO HAS VIOLATED THE

TERMS AND CONDITIONS OF PAROLE OR PROBATION AS GRANTED BY THIS STATE. IN ANY MATTER RELATING TO THE RETURN OF SUCH A PERSON, ANY AGENT SO DEPUTIZED SHALL HAVE ALL THE POWERS OF A POLICE OFFICER OF THIS STATE.

Sec. 345. RCW 9.95.290 and 1955 C 183 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

ANY DEPUTIZATION PURSUANT TO THIS STATUTE WITH REGARD TO AN OFFENDER CONVICTED OF A CRIME COMMITTED BEFORE JULY 1, 1984, SHALL BE IN WRITING AND ANY PERSON AUTHORIZED TO ACT AS AN AGENT OF THIS STATE PURSUANT HERETO SHALL CARRY FORMAL EVIDENCE OF HIS OR HER DEPUTIZATION AND SHALL PRODUCE THE SAME UPON DEMAND.

Sec. 346. RCW 9.95.300 and 1999 C 143 S 32 ARE EACH AMENDED TO READ AS FOLLOWS:

THE BOARD MAY ENTER INTO CONTRACTS WITH SIMILAR OFFICIALS OF ANY OTHER STATE OR STATES FOR THE PURPOSE OF SHARING AN EQUITABLE PORTION OF THE COST OF EFFECTING THE RETURN OF ANY PERSON WHO HAS VIOLATED THE TERMS AND CONDITIONS OF PAROLE ((OR)), PROBATION, OR COMMUNITY CUSTODY AS GRANTED BY THIS STATE.

Sec. 347. RCW 9.95.310 and 1986 C 125 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

THE PURPOSE OF RCW 9.95.310 THROUGH 9.95.370 IS TO PROVIDE NECESSARY ASSISTANCE, OTHER THAN ASSISTANCE WHICH IS AUTHORIZED TO BE PROVIDED UNDER THE VOCATIONAL REHABILITATION LAWS, TITLE 28A RCW, UNDER THE PUBLIC ASSISTANCE LAWS, TITLE 74 RCW OR THE ((DEPARTMENT-OF)) EMPLOYMENT SECURITY DEPARTMENT OR OTHER STATE AGENCY, FOR PAROLEES, INMATES ASSIGNED TO WORK/TRAINING RELEASE FACILITIES, DISCHARGED PRISONERS AND PERSONS CONVICTED OF A FELONY COMMITTED BEFORE JULY 1, 1984, AND GRANTED PROBATION IN NEED AND WHOSE CAPACITY TO EARN A LIVING UNDER THESE CIRCUMSTANCES IS IMPAIRED; AND TO HELP SUCH PERSONS ATTAIN SELF-CARE AND/OR SELF-SUPPORT FOR REHABILITATION AND RESTORATION TO INDEPENDENCE AS USEFUL CITIZENS AS RAPIDLY AS POSSIBLE THEREBY REDUCING THE NUMBER OF RETURNEES TO THE INSTITUTIONS OF THIS STATE TO THE BENEFIT OF SUCH PERSON AND SOCIETY AS A WHOLE.

Sec. 348. RCW 9.95.320 and 1986 C 125 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

THE SECRETARY OF CORRECTIONS OR HIS OR HER DESIGNEE MAY PROVIDE TO ANY PAROLEE, INMATE ASSIGNED TO A WORK/TRAINING RELEASE FACILITY, DISCHARGED PRISONER AND PERSONS CONVICTED OF A FELONY COMMITTED BEFORE JULY 1, 1984, AND GRANTED PROBATION IN NEED AND WITHOUT NECESSARY MEANS, FROM ANY FUNDS LEGALLY AVAILABLE THEREFOR, SUCH REASONABLE SUMS AS HE OR SHE DEEMS NECESSARY FOR THE SUBSISTENCE OF SUCH PERSON AND HIS OR HER FAMILY UNTIL SUCH PERSON HAS BECOME GAINFULLY EMPLOYED. SUCH AID MAY BE MADE UNDER SUCH TERMS AND CONDITIONS, AND THROUGH LOCAL PAROLE OR PROBATION OFFICERS IF NECESSARY, AS THE SECRETARY OF CORRECTIONS OR HIS OR HER DESIGNEE MAY REQUIRE AND SHALL BE SUPPLEMENTARY TO ANY MONEYS WHICH MAY BE PROVIDED UNDER PUBLIC ASSISTANCE OR FROM ANY OTHER SOURCE.

Sec. 349. RCW 9.95.340 and 1986 C 125 S 3 ARE EACH AMENDED TO READ AS FOLLOWS:

ANY FUNDS IN THE HANDS OF THE DEPARTMENT OF CORRECTIONS, OR WHICH MAY COME INTO ITS HANDS, WHICH BELONG TO DISCHARGED PRISONERS, INMATES ASSIGNED TO WORK/TRAINING RELEASE FACILITIES, PAROLEES OR PERSONS CONVICTED OF A FELONY AND GRANTED PROBATION WHO ABSCONDED, OR WHOSE WHEREABOUTS ARE UNKNOWN, SHALL BE DEPOSITED IN THE COMMUNITY SERVICES REVOLVING FUND. SAID FUNDS SHALL BE USED TO DEFRAY THE EXPENSES OF CLOTHING AND OTHER NECESSITIES AND FOR TRANSPORTING DISCHARGED PRISONERS, INMATES ASSIGNED TO WORK/TRAINING RELEASE FACILITIES, PAROLEES AND PERSONS CONVICTED OF A FELONY AND GRANTED PROBATION WHO ARE WITHOUT MEANS TO SECURE THE SAME. ALL PAYMENTS DISBURSED FROM THESE FUNDS SHALL BE REPAID, WHENEVER POSSIBLE, BY DISCHARGED PRISONERS, INMATES ASSIGNED TO WORK/TRAINING RELEASE FACILITIES, PAROLEES AND PERSONS CONVICTED OF A FELONY AND GRANTED PROBATION FOR WHOSE BENEFIT THEY ARE MADE. WHENEVER ANY MONEY BELONGING TO SUCH PERSONS IS SO PAID INTO THE REVOLVING FUND, IT SHALL BE REPAID TO THEM IN ACCORDANCE WITH LAW IF A CLAIM THEREFOR IS FILED WITH THE DEPARTMENT OF CORRECTIONS WITHIN FIVE YEARS OF DEPOSIT INTO SAID FUND AND UPON A CLEAR SHOWING OF A LEGAL RIGHT OF SUCH CLAIMANT TO SUCH MONEY. THIS SECTION APPLIES TO PERSONS CONVICTED OF A FELONY COMMITTED BEFORE JULY 1, 1984.

Sec. 350. RCW 9.95.350 and 1986 C 125 S 4 ARE EACH AMENDED TO READ AS FOLLOWS:

ALL MONEY OR OTHER PROPERTY PAID OR DELIVERED TO A ((PROBATION OR PAROLE)) COMMUNITY CORRECTIONS OFFICER OR EMPLOYEE OF THE DEPARTMENT OF CORRECTIONS BY OR FOR THE BENEFIT OF ANY DISCHARGED PRISONER, INMATE ASSIGNED TO A WORK/TRAINING RELEASE FACILITY, PAROLEE OR PERSONS CONVICTED OF A FELONY AND GRANTED PROBATION SHALL BE IMMEDIATELY TRANSMITTED TO THE DEPARTMENT OF CORRECTIONS AND IT SHALL ENTER THE SAME UPON ITS BOOKS TO HIS OR HER CREDIT. SUCH MONEY OR OTHER PROPERTY SHALL BE USED ONLY UNDER THE DIRECTION OF THE DEPARTMENT OF CORRECTIONS.

IF SUCH PERSON ABSCONDS, THE MONEY SHALL BE DEPOSITED IN THE REVOLVING FUND CREATED BY RCW 9.95.360, AND ANY OTHER PROPERTY, IF NOT CALLED FOR WITHIN ONE YEAR, SHALL BE SOLD BY THE DEPARTMENT OF CORRECTIONS AND THE PROCEEDS CREDITED TO THE REVOLVING FUND.

IF ANY PERSON, FILES A CLAIM WITHIN FIVE YEARS AFTER THE DEPOSIT OR CREDITING OF SUCH FUNDS, AND SATISFIES THE DEPARTMENT OF CORRECTIONS THAT HE OR SHE IS ENTITLED THERETO, THE DEPARTMENT MAY MAKE A FINDING TO THAT EFFECT AND MAY MAKE PAYMENT TO THE CLAIMANT IN THE AMOUNT TO WHICH HE OR SHE IS ENTITLED.

THIS SECTION APPLIES TO PERSONS CONVICTED OF A FELONY COMMITTED BEFORE JULY 1, 1984.

Sec. 351. RCW 9.95.360 and 1986 C 125 S 5 ARE EACH AMENDED TO READ AS FOLLOWS:

THE DEPARTMENT OF CORRECTIONS SHALL CREATE, MAINTAIN, AND ADMINISTER OUTSIDE THE STATE TREASURY A PERMANENT REVOLVING FUND TO BE KNOWN AS THE "COMMUNITY SERVICES REVOLVING FUND" INTO WHICH SHALL BE DEPOSITED ALL MONEYS RECEIVED BY IT UNDER RCW 9.95.310 THROUGH 9.95.370 AND ANY APPROPRIATION MADE FOR THE PURPOSES OF RCW 9.95.310 THROUGH 9.95.370. ALL EXPENDITURES FROM THIS REVOLVING FUND SHALL BE MADE BY CHECK OR VOUCHER SIGNED BY THE SECRETARY OF CORRECTIONS OR HIS OR HER DESIGNEE. THE COMMUNITY SERVICES REVOLVING FUND SHALL BE DEPOSITED BY THE DEPARTMENT OF CORRECTIONS IN SUCH BANKS OR FINANCIAL INSTITUTIONS AS IT MAY SELECT WHICH SHALL GIVE TO THE DEPARTMENT A SURETY BOND EXECUTED BY A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THIS STATE, OR COLLATERAL ELIGIBLE AS SECURITY FOR DEPOSIT OF STATE FUNDS IN AT LEAST THE FULL AMOUNT OF DEPOSIT.

THIS SECTION APPLIES TO PERSONS CONVICTED OF A FELONY COMMITTED BEFORE JULY 1, 1984.

Sec. 352. RCW 9.95.370 and 1981 C 136 S 50 ARE EACH AMENDED TO READ AS FOLLOWS:

THE SECRETARY OF CORRECTIONS OR HIS OR HER DESIGNEE SHALL ENTER INTO A WRITTEN AGREEMENT WITH EVERY PERSON RECEIVING FUNDS UNDER RCW 9.95.310 THROUGH 9.95.370 THAT SUCH PERSON WILL REPAY SUCH FUNDS UNDER THE TERMS AND CONDITIONS IN SAID AGREEMENT. NO PERSON SHALL RECEIVE FUNDS UNTIL SUCH AN AGREEMENT IS VALIDLY MADE. THIS SECTION APPLIES TO PERSONS CONVICTED OF A FELONY COMMITTED BEFORE JULY 1, 1984.

Sec. 353. RCW 9.95.900 and 1981 C 137 S 32 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, THE FOLLOWING SECTIONS OF LAW DO NOT APPLY TO ANY FELONY OFFENSE COMMITTED ON OR AFTER JULY 1, 1984: RCW ((9.95.003, 9.95.005, 9.95.007,)) 9.95.010, 9.95.011, 9.95.013, 9.95.015, 9.95.017, ((9.95.020, 9.95.030, 9.95.031, 9.95.032,)) 9.95.040, 9.95.045, 9.95.047, 9.95.052, ((9.95.070,)) 9.95.080, ((9.95.090,)) 9.95.100, ((9.95.110,)) 9.95.115, 9.95.116, 9.95.120, ((9.95.121, 9.95.122, 9.95.123,)) 9.95.124, 9.95.125, ((9.95.126,)) 9.95.130, ((9.95.140, 9.95.150, 9.95.160, 9.95.170,)) 9.95.190, 9.95.200, 9.95.204, 9.95.206, 9.95.210, 9.95.212, 9.95.214, 9.95.220, 9.95.230, 9.95.240, 9.95.250, 9.95.260, 9.95.265, 9.95.280, 9.95.290, 9.95.310, 9.95.320, 9.95.330, 9.95.340, 9.95.350, ((AND)) 9.95.360, 9.95.370, 72.04A.070, AND 72.04A.080.

(2) THE FOLLOWING SECTIONS APPLY TO ANY FELONY OFFENSE COMMITTED BEFORE JULY 1, 1984, AND TO ANY OFFENSE SENTENCED UNDER SECTION 303 OF THIS ACT AND COMMITTED ON OR AFTER JULY 1, 2001: RCW 9.95.003, 9.95.005, 9.95.007, 9.95.020, 9.95.030, 9.95.031, 9.95.032, 9.95.055, 9.95.060, 9.95.062, 9.95.063, 9.95.064, 9.95.070, 9.95.090, 9.95.110, 9.95.121, 9.95.122, 9.95.123, 9.95.126, 9.95.140, 9.95.150, 9.95.160, 9.95.170, 9.95.300, AND 9.96.050.

Sec. 354. RCW 9A.28.020 AND 1994 C 271 S 101 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) A PERSON IS GUILTY OF AN ATTEMPT TO COMMIT A CRIME IF, WITH INTENT TO COMMIT A SPECIFIC CRIME, HE OR SHE DOES ANY ACT WHICH IS A SUBSTANTIAL STEP TOWARD THE COMMISSION OF THAT CRIME.

(2) IF THE CONDUCT IN WHICH A PERSON ENGAGES OTHERWISE CONSTITUTES AN ATTEMPT TO COMMIT A CRIME, IT IS NO DEFENSE TO A PROSECUTION OF SUCH ATTEMPT THAT THE CRIME CHARGED TO HAVE BEEN ATTEMPTED WAS, UNDER THE ATTENDANT CIRCUMSTANCES, FACTUALLY OR LEGALLY IMPOSSIBLE OF COMMISSION.

(3) AN ATTEMPT TO COMMIT A CRIME IS A:

(A) CLASS A FELONY WHEN THE CRIME ATTEMPTED IS MURDER IN THE FIRST DEGREE, MURDER IN THE SECOND DEGREE, ((OR)) ARSON IN THE FIRST DEGREE, CHILD MOLESTATION IN THE FIRST DEGREE, INDECENT LIBERTIES BY FORCIBLE COMPULSION, RAPE IN THE FIRST DEGREE, RAPE IN THE SECOND DEGREE, RAPE OF A CHILD IN THE FIRST DEGREE, OR RAPE OF A CHILD IN THE SECOND DEGREE;

(B) CLASS B FELONY WHEN THE CRIME ATTEMPTED IS A CLASS A FELONY OTHER THAN ((MURDER IN THE FIRST DEGREE, MURDER IN THE SECOND DEGREE, OR ARSON IN THE FIRST DEGREE)) AN OFFENSE LISTED IN (A) OF THIS SUBSECTION;

(C) CLASS C FELONY WHEN THE CRIME ATTEMPTED IS A CLASS B FELONY;

(D) GROSS MISDEMEANOR WHEN THE CRIME ATTEMPTED IS A CLASS C FELONY;

(E) MISDEMEANOR WHEN THE CRIME ATTEMPTED IS A GROSS MISDEMEANOR OR MISDEMEANOR.

Sec. 355. RCW 9A.36.021 AND 1997 C 196 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) A PERSON IS GUILTY OF ASSAULT IN THE SECOND DEGREE IF HE OR SHE, UNDER CIRCUMSTANCES NOT AMOUNTING TO ASSAULT IN THE FIRST DEGREE:

(A) INTENTIONALLY ASSAULTS ANOTHER AND THEREBY RECKLESSLY INFLECTS SUBSTANTIAL BODILY HARM; OR

(B) INTENTIONALLY AND UNLAWFULLY CAUSES SUBSTANTIAL BODILY HARM TO AN UNBORN QUICK CHILD BY INTENTIONALLY AND UNLAWFULLY INFLECTING ANY INJURY UPON THE MOTHER OF SUCH CHILD; OR

(C) ASSAULTS ANOTHER WITH A DEADLY WEAPON; OR

(D) WITH INTENT TO INFLECT BODILY HARM, ADMINISTERS TO OR CAUSES TO BE TAKEN BY ANOTHER, POISON OR ANY OTHER DESTRUCTIVE OR NOXIOUS SUBSTANCE; OR

(E) WITH INTENT TO COMMIT A FELONY, ASSAULTS ANOTHER; OR

(F) KNOWINGLY INFLECTS BODILY HARM WHICH BY DESIGN CAUSES SUCH PAIN OR AGONY AS TO BE THE EQUIVALENT OF THAT PRODUCED BY TORTURE.

(2) ASSAULT IN THE SECOND DEGREE IS A CLASS B FELONY, EXCEPT THAT ASSAULT IN THE SECOND DEGREE WITH A FINDING OF SEXUAL MOTIVATION UNDER RCW 9.94A.127 OR 13.40.135 IS A CLASS A FELONY.

Sec. 356. RCW 9A.40.030 AND 1975 1ST EX.S. C 260 S 9A.40.030 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) A PERSON IS GUILTY OF KIDNAPPING IN THE SECOND DEGREE IF HE OR SHE INTENTIONALLY ABDUCTS ANOTHER PERSON UNDER CIRCUMSTANCES NOT AMOUNTING TO KIDNAPPING IN THE FIRST DEGREE.

(2) IN ANY PROSECUTION FOR KIDNAPPING IN THE SECOND DEGREE, IT IS A DEFENSE IF ESTABLISHED BY THE DEFENDANT BY A PREPONDERANCE OF THE EVIDENCE THAT (A) THE ABDUCTION DOES NOT INCLUDE THE USE OF OR INTENT TO USE OR THREAT TO USE DEADLY FORCE, AND (B) THE ACTOR IS A RELATIVE OF THE PERSON ABDUCTED, AND (C) THE ACTOR'S SOLE INTENT IS TO ASSUME CUSTODY OF THAT PERSON. NOTHING CONTAINED IN THIS PARAGRAPH SHALL CONSTITUTE A DEFENSE TO A PROSECUTION FOR, OR PRECLUDE A CONVICTION OF, ANY OTHER CRIME.

(3) KIDNAPPING IN THE SECOND DEGREE IS A CLASS B FELONY, EXCEPT THAT KIDNAPPING IN THE SECOND DEGREE WITH A FINDING OF SEXUAL MOTIVATION UNDER RCW 9.94A.127 OR 13.40.135 IS A CLASS A FELONY.

Sec. 357. RCW 9A.44.093 AND 1994 C 271 S 306 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) A PERSON IS GUILTY OF SEXUAL MISCONDUCT WITH A MINOR IN THE FIRST DEGREE WHEN: (A) THE PERSON HAS, OR KNOWINGLY CAUSES ANOTHER PERSON UNDER THE AGE OF EIGHTEEN TO HAVE, SEXUAL INTERCOURSE WITH ANOTHER PERSON WHO IS AT LEAST SIXTEEN YEARS OLD BUT LESS THAN EIGHTEEN YEARS OLD AND NOT MARRIED TO THE PERPETRATOR, IF THE PERPETRATOR IS AT LEAST SIXTY MONTHS OLDER THAN THE VICTIM, IS IN A SIGNIFICANT RELATIONSHIP TO THE VICTIM, AND ABUSES A SUPERVISORY POSITION WITHIN THAT RELATIONSHIP IN ORDER TO ENGAGE IN OR CAUSE ANOTHER PERSON UNDER THE AGE OF EIGHTEEN TO ENGAGE IN SEXUAL INTERCOURSE WITH THE VICTIM; OR (B) THE PERSON IS A SCHOOL EMPLOYEE WHO HAS, OR KNOWINGLY CAUSES ANOTHER PERSON UNDER THE AGE OF EIGHTEEN TO HAVE, SEXUAL INTERCOURSE WITH A REGISTERED STUDENT OF THE SCHOOL WHO IS AT LEAST SIXTEEN YEARS OLD AND NOT MARRIED TO THE EMPLOYEE, IF THE EMPLOYEE IS AT LEAST SIXTY MONTHS OLDER THAN THE STUDENT.

(2) SEXUAL MISCONDUCT WITH A MINOR IN THE FIRST DEGREE IS A CLASS C FELONY.

(3) FOR THE PURPOSES OF THIS SECTION, "SCHOOL EMPLOYEE" MEANS AN EMPLOYEE OF A COMMON SCHOOL DEFINED IN RCW 28A.150.020, OR A GRADE KINDERGARTEN THROUGH TWELVE EMPLOYEE OF A PRIVATE SCHOOL UNDER CHAPTER 28A.195 RCW, WHO IS NOT ENROLLED AS A STUDENT OF THE COMMON SCHOOL OR PRIVATE SCHOOL.

Sec. 358. RCW 9A.44.096 AND 1994 C 271 S 307 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) A PERSON IS GUILTY OF SEXUAL MISCONDUCT WITH A MINOR IN THE SECOND DEGREE WHEN: (A) THE PERSON HAS, OR KNOWINGLY CAUSES ANOTHER PERSON UNDER THE AGE OF EIGHTEEN TO HAVE, SEXUAL CONTACT WITH ANOTHER PERSON WHO IS AT LEAST SIXTEEN YEARS OLD BUT LESS THAN EIGHTEEN YEARS OLD AND NOT MARRIED TO THE PERPETRATOR, IF THE PERPETRATOR IS AT LEAST SIXTY MONTHS OLDER THAN THE VICTIM, IS IN A SIGNIFICANT RELATIONSHIP TO THE VICTIM, AND ABUSES A SUPERVISORY POSITION WITHIN THAT RELATIONSHIP IN ORDER TO ENGAGE IN OR CAUSE ANOTHER PERSON UNDER THE AGE OF EIGHTEEN TO ENGAGE IN SEXUAL CONTACT WITH THE VICTIM; OR (B) THE PERSON IS A SCHOOL EMPLOYEE WHO HAS, OR KNOWINGLY CAUSES ANOTHER PERSON UNDER THE AGE OF

EIGHTEEN TO HAVE, SEXUAL CONTACT WITH A REGISTERED STUDENT OF THE SCHOOL WHO IS AT LEAST SIXTEEN YEARS OLD AND NOT MARRIED TO THE EMPLOYEE, IF THE EMPLOYEE IS AT LEAST SIXTY MONTHS OLDER THAN THE STUDENT.

(2) SEXUAL MISCONDUCT WITH A MINOR IN THE SECOND DEGREE IS A GROSS MISDEMEANOR.

(3) FOR THE PURPOSES OF THIS SECTION, "SCHOOL EMPLOYEE" MEANS AN EMPLOYEE OF A COMMON SCHOOL DEFINED IN RCW 28A.150.020, OR A GRADE KINDERGARTEN THROUGH TWELVE EMPLOYEE OF A PRIVATE SCHOOL UNDER CHAPTER 28A.195 RCW, WHO IS NOT ENROLLED AS A STUDENT OF THE COMMON SCHOOL OR PRIVATE SCHOOL.

Sec. 359. RCW 9A.44.100 AND 1997 C 392 S 515 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) A PERSON IS GUILTY OF INDECENT LIBERTIES WHEN HE OR SHE KNOWINGLY CAUSES ANOTHER PERSON WHO IS NOT HIS OR HER SPOUSE TO HAVE SEXUAL CONTACT WITH HIM OR HER OR ANOTHER:

(A) BY FORCIBLE COMPULSION;

(B) WHEN THE OTHER PERSON IS INCAPABLE OF CONSENT BY REASON OF BEING MENTALLY DEFECTIVE, MENTALLY INCAPACITATED, OR PHYSICALLY HELPLESS;

(C) WHEN THE VICTIM IS DEVELOPMENTALLY DISABLED AND THE PERPETRATOR IS A PERSON WHO IS NOT MARRIED TO THE VICTIM AND WHO HAS SUPERVISORY AUTHORITY OVER THE VICTIM;

(D) WHEN THE PERPETRATOR IS A HEALTH CARE PROVIDER, THE VICTIM IS A CLIENT OR PATIENT, AND THE SEXUAL CONTACT OCCURS DURING A TREATMENT SESSION, CONSULTATION, INTERVIEW, OR EXAMINATION. IT IS AN AFFIRMATIVE DEFENSE THAT THE DEFENDANT MUST PROVE BY A PREPONDERANCE OF THE EVIDENCE THAT THE CLIENT OR PATIENT CONSENTED TO THE SEXUAL CONTACT WITH THE KNOWLEDGE THAT THE SEXUAL CONTACT WAS NOT FOR THE PURPOSE OF TREATMENT;

(E) WHEN THE VICTIM IS A RESIDENT OF A FACILITY FOR MENTALLY DISORDERED OR CHEMICALLY DEPENDENT PERSONS AND THE PERPETRATOR IS A PERSON WHO IS NOT MARRIED TO THE VICTIM AND HAS SUPERVISORY AUTHORITY OVER THE VICTIM; OR

(F) WHEN THE VICTIM IS A FRAIL ELDER OR VULNERABLE ADULT AND THE PERPETRATOR IS A PERSON WHO IS NOT MARRIED TO THE VICTIM AND WHO HAS A SIGNIFICANT RELATIONSHIP WITH THE VICTIM.

(2) INDECENT LIBERTIES IS A CLASS B FELONY, EXCEPT THAT INDECENT LIBERTIES BY FORCIBLE COMPULSION IS A CLASS A FELONY.

Sec. 360. RCW 9A.76.--- AND 2001 C 287 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) A PERSON IS GUILTY OF ((ESCAPE-BY-A)) SEXUALLY VIOLENT PREDATOR ESCAPE IF((, HAVING BEEN COMMITTED TO THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES AS A SEXUALLY VIOLENT PREDATOR UNDER CHAPTER 71.09 RCW, HE OR SHE:

(A) ESCAPES FROM CUSTODY;

(B) ESCAPES FROM A COMMITMENT FACILITY;

(C) ESCAPES FROM A LESS RESTRICTIVE ALTERNATIVE FACILITY; OR

(D) WHILE ON CONDITIONAL RELEASE AND RESIDING IN A LOCATION OTHER THAN AT A COMMITMENT CENTER OR LESS RESTRICTIVE ALTERNATIVE FACILITY, LEAVES OR REMAINS ABSENT FROM THE STATE OF WASHINGTON WITHOUT PRIOR COURT AUTHORIZATION));

(A) HAVING BEEN FOUND TO BE A SEXUALLY VIOLENT PREDATOR AND CONFINED TO THE SPECIAL COMMITMENT CENTER OR ANOTHER SECURE FACILITY UNDER COURT ORDER, THE PERSON ESCAPES FROM THE SECURE FACILITY;

(B) HAVING BEEN FOUND TO BE A SEXUALLY VIOLENT PREDATOR AND BEING UNDER AN ORDER OF CONDITIONAL RELEASE, THE PERSON LEAVES OR REMAINS ABSENT FROM THE STATE OF WASHINGTON WITHOUT PRIOR COURT AUTHORIZATION; OR

(C) HAVING BEEN FOUND TO BE A SEXUALLY VIOLENT PREDATOR AND BEING UNDER AN ORDER OF CONDITIONAL RELEASE, THE PERSON: (i) WITHOUT AUTHORIZATION, LEAVES OR REMAINS ABSENT FROM HIS OR HER RESIDENCE, PLACE OF EMPLOYMENT, EDUCATIONAL INSTITUTION, OR AUTHORIZED OUTING; (ii) TAMPERS WITH HIS OR HER ELECTRONIC MONITORING DEVICE OR REMOVES IT WITHOUT AUTHORIZATION; OR (iii) ESCAPES FROM HIS OR HER ESCORT.

(2) ((ESCAPE-BY-A)) SEXUALLY VIOLENT PREDATOR ESCAPE IS A CLASS ((B)) A FELONY WITH A MINIMUM SENTENCE OF SIXTY MONTHS, AND SHALL BE SENTENCED UNDER SECTION 303 OF THIS ACT.

Sec. 361. RCW 9.94A.320 AND 2001 C 310 S 4, 2001 C 287 S 3, 2001 C 224 S 3, 2001 C 222 S 24, AND 2001 C 207 S 3 ARE EACH REENACTED AND AMENDED TO READ AS FOLLOWS:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	AGGRAVATED MURDER 1 (RCW 10.95.020)
XV	HOMICIDE BY ABUSE (RCW 9A.32.055) <ul style="list-style-type: none">MALICIOUS EXPLOSION 1 (RCW 70.74.280(1))MURDER 1 (RCW 9A.32.030)
XIV	MURDER 2 (RCW 9A.32.050)
XIII	MALICIOUS EXPLOSION 2 (RCW 70.74.280(2)) <ul style="list-style-type: none">MALICIOUS PLACEMENT OF AN EXPLOSIVE 1 (RCW 70.74.270(1))
XII	ASSAULT 1 (RCW 9A.36.011) <ul style="list-style-type: none">ASSAULT OF A CHILD 1 (RCW 9A.36.120)MALICIOUS PLACEMENT OF AN IMITATION DEVICE 1 (RCW 70.74.272(1)(A))RAPE 1 (RCW 9A.44.040)RAPE OF A CHILD 1 (RCW 9A.44.073)
XI	MANSLAUGHTER 1 (RCW 9A.32.060) <ul style="list-style-type: none">RAPE 2 (RCW 9A.44.050)RAPE OF A CHILD 2 (RCW 9A.44.076)
X	CHILD MOLESTATION 1 (RCW 9A.44.083) <ul style="list-style-type: none">((ESCAPE-BY-A)) SEXUALLY VIOLENT PREDATOR ESCAPE (RCW 9A.76.--- (SECTION 1, CHAPTER 287, LAWS OF 2001, AS AMENDED BY SECTION 360, CHAPTER ... (THIS ACT), LAWS OF 2001 2ND SP. SESS.))

- INDECENT LIBERTIES (WITH FORCIBLE COMPULSION) (RCW 9A.44.100(1)(A))
- KIDNAPPING 1 (RCW 9A.40.020)
- LEADING ORGANIZED CRIME (RCW 9A.82.060(1)(A))
- MALICIOUS EXPLOSION 3 (RCW 70.74.280(3))
- MANUFACTURE OF METHAMPHETAMINE (RCW 69.50.401(A)(1)(II))
- OVER 18 AND DELIVER HEROIN, METHAMPHETAMINE, A NARCOTIC FROM SCHEDULE I OR II, OR FLUNITRAZEPAM FROM SCHEDULE IV TO SOMEONE UNDER 18 (RCW 69.50.406)
- IX ASSAULT OF A CHILD 2 (RCW 9A.36.130)
 - CONTROLLED SUBSTANCE HOMICIDE (RCW 69.50.415)
 - EXPLOSIVE DEVICES PROHIBITED (RCW 70.74.180)
 - HOMICIDE BY WATERCRAFT, BY BEING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG (RCW 79A.60.050)
 - INCITING CRIMINAL PROFITEERING (RCW 9A.82.060(1)(B))
 - MALICIOUS PLACEMENT OF AN EXPLOSIVE 2 (RCW 70.74.270(2))
 - OVER 18 AND DELIVER NARCOTIC FROM SCHEDULE III, IV, OR V OR A NONNARCOTIC, EXCEPT FLUNITRAZEPAM OR METHAMPHETAMINE, FROM SCHEDULE I-V TO SOMEONE UNDER 18 AND 3 YEARS JUNIOR (RCW 69.50.406)
 - ROBBERY 1 (RCW 9A.56.200)
 - SEXUAL EXPLOITATION (RCW 9.68A.040)
 - VEHICULAR HOMICIDE, BY BEING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG (RCW 46.61.520)
- VIII ARSON 1 (RCW 9A.48.020)
 - DELIVER OR POSSESS WITH INTENT TO DELIVER METHAMPHETAMINE (RCW 69.50.401(A)(1)(II))
 - HIT AND RUN--DEATH (RCW 46.52.020(4)(A))
 - HOMICIDE BY WATERCRAFT, BY THE OPERATION OF ANY VESSEL IN A RECKLESS MANNER (RCW 79A.60.050)
 - MANSLAUGHTER 2 (RCW 9A.32.070)
 - MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER AMPHETAMINE (RCW 69.50.401(A)(1)(II))
 - MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER HEROIN OR COCAINE (RCW 69.50.401(A)(1)(I))
 - POSSESSION OF EPHEDRINE, PSEUDOEPHEDRINE, OR ANHYDROUS AMMONIA WITH INTENT TO MANUFACTURE METHAMPHETAMINE (RCW 69.50.440)
 - PROMOTING PROSTITUTION 1 (RCW 9A.88.070)
 - SELLING FOR PROFIT (CONTROLLED OR COUNTERFEIT) ANY CONTROLLED SUBSTANCE (RCW 69.50.410)
 - THEFT OF ANHYDROUS AMMONIA (RCW 69.55.010)
 - VEHICULAR HOMICIDE, BY THE OPERATION OF ANY VEHICLE IN A RECKLESS MANNER (RCW 46.61.520)
- VII BURGLARY 1 (RCW 9A.52.020)
 - CHILD MOLESTATION 2 (RCW 9A.44.086)
 - DEALING IN DEPICTIONS OF MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT (RCW 9.68A.050)
 - DRIVE-BY SHOOTING (RCW 9A.36.045)
 - HOMICIDE BY WATERCRAFT, BY DISREGARD FOR THE SAFETY OF OTHERS (RCW 79A.60.050)
 - INDECENT LIBERTIES (WITHOUT FORCIBLE COMPULSION) (RCW 9A.44.100(1) (B) AND (C))
 - INTRODUCING CONTRABAND 1 (RCW 9A.76.140)
 - INVOLVING A MINOR IN DRUG DEALING (RCW 69.50.401(F))
 - MALICIOUS PLACEMENT OF AN EXPLOSIVE 3 (RCW 70.74.270(3))
 - SENDING, BRINGING INTO STATE DEPICTIONS OF MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT (RCW 9.68A.060)
 - UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST DEGREE (RCW 9.41.040(1)(A))
 - USE OF A MACHINE GUN IN COMMISSION OF A FELONY (RCW 9.41.225)
 - VEHICULAR HOMICIDE, BY DISREGARD FOR THE SAFETY OF OTHERS (RCW 46.61.520)
- VI BAIL JUMPING WITH MURDER 1 (RCW 9A.76.170((2)) (3)(A))
 - BRIBERY (RCW 9A.68.010)
 - INCEST 1 (RCW 9A.64.020(1))
 - INTIMIDATING A JUDGE (RCW 9A.72.160)
 - INTIMIDATING A JUROR/WITNESS (RCW 9A.72.110, 9A.72.130)
 - MALICIOUS PLACEMENT OF AN IMITATION DEVICE 2 (RCW 70.74.272(1)(B))

MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER
 NARCOTICS FROM SCHEDULE I OR II (EXCEPT HEROIN OR COCAINE) OR
 FLUNITRAZEPAM FROM SCHEDULE IV (RCW 69.50.401(A)(1)(I))
 RAPE OF A CHILD 3 (RCW 9A.44.079)
 THEFT OF A FIREARM (RCW 9A.56.300)
 UNLAWFUL STORAGE OF ANHYDROUS AMMONIA (RCW 69.55.020)

V ABANDONMENT OF DEPENDENT PERSON 1 (RCW 9A.42.060)
 ADVANCING MONEY OR PROPERTY FOR EXTORTIONATE EXTENSION OF
 CREDIT (RCW 9A.82.030)
 BAIL JUMPING WITH CLASS A FELONY (RCW 9A.76.170((2)) (3)(B))
 CHILD MOLESTATION 3 (RCW 9A.44.089)
 CRIMINAL MISTREATMENT 1 (RCW 9A.42.020)
 CUSTODIAL SEXUAL MISCONDUCT 1 (RCW 9A.44.160)
 DELIVERY OF IMITATION CONTROLLED SUBSTANCE BY PERSON EIGHTEEN
 OR OVER TO PERSON UNDER EIGHTEEN (RCW 69.52.030(2))
 DOMESTIC VIOLENCE COURT ORDER VIOLATION (RCW 10.99.040,
 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, OR
 74.34.145)
 EXTORTION 1 (RCW 9A.56.120)
 EXTORTIONATE EXTENSION OF CREDIT (RCW 9A.82.020)
 EXTORTIONATE MEANS TO COLLECT EXTENSIONS OF CREDIT (RCW
 9A.82.040)
 INCEST 2 (RCW 9A.64.020(2))
 KIDNAPPING 2 (RCW 9A.40.030)
 PERJURY 1 (RCW 9A.72.020)
 PERSISTENT PRISON MISBEHAVIOR (RCW 9.94.070)
 POSSESSION OF A STOLEN FIREARM (RCW 9A.56.310)
 RAPE 3 (RCW 9A.44.060)
 RENDERING CRIMINAL ASSISTANCE 1 (RCW 9A.76.070)
 SEXUAL MISCONDUCT WITH A MINOR 1 (RCW 9A.44.093)
 SEXUALLY VIOLATING HUMAN REMAINS (RCW 9A.44.105)
 STALKING (RCW 9A.46.110)

IV ARSON 2 (RCW 9A.48.030)
 ASSAULT 2 (RCW 9A.36.021)
 ASSAULT BY WATERCRAFT (RCW 79A.60.060)
 BRIBING A WITNESS/BRIBE RECEIVED BY WITNESS (RCW 9A.72.090,
 9A.72.100)
 COMMERCIAL BRIBERY (RCW 9A.68.060)
 COUNTERFEITING (RCW 9.16.035(4))
 ESCAPE 1 (RCW 9A.76.110)
 HIT AND RUN--INJURY (RCW 46.52.020(4)(B))
 HIT AND RUN WITH VESSEL--INJURY ACCIDENT (RCW 79A.60.200(3))
 INDECENT EXPOSURE TO PERSON UNDER AGE FOURTEEN (SUBSEQUENT
 SEX OFFENSE) (RCW 9A.88.010)
 INFLUENCING OUTCOME OF SPORTING EVENT (RCW 9A.82.070)
 KNOWINGLY TRAFFICKING IN STOLEN PROPERTY (RCW 9A.82.050(2))
 MALICIOUS HARASSMENT (RCW 9A.36.080)
 MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER
 NARCOTICS FROM SCHEDULE III, IV, OR V OR NONNARCOTICS FROM
 SCHEDULE I-V (EXCEPT MARIJUANA, AMPHETAMINE, METHAMPHETAMINES,
 OR FLUNITRAZEPAM) (RCW 69.50.401(A)(1) (III) THROUGH (V))
 RESIDENTIAL BURGLARY (RCW 9A.52.025)
 ROBBERY 2 (RCW 9A.56.210)
 THEFT OF LIVESTOCK 1 (RCW 9A.56.080)
 THREATS TO BOMB (RCW 9.61.160)
 USE OF PROCEEDS OF CRIMINAL PROFITEERING (RCW 9A.82.080 (1) AND
 (2))
 VEHICULAR ASSAULT (RCW 46.61.522)
 WILLFUL FAILURE TO RETURN FROM FURLOUGH (RCW 72.66.060)

III ABANDONMENT OF DEPENDENT PERSON 2 (RCW 9A.42.070)
 ASSAULT 3 (RCW 9A.36.031)
 ASSAULT OF A CHILD 3 (RCW 9A.36.140)
 BAIL JUMPING WITH CLASS B OR C FELONY (RCW 9A.76.170((2)) (3)(C))
 BURGLARY 2 (RCW 9A.52.030)
 COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES (RCW
 9.68A.090)
 CRIMINAL GANG INTIMIDATION (RCW 9A.46.120)
 CRIMINAL MISTREATMENT 2 (RCW 9A.42.030)
 CUSTODIAL ASSAULT (RCW 9A.36.100)

DELIVERY OF A MATERIAL IN LIEU OF A CONTROLLED SUBSTANCE (RCW 69.50.401(c))
 ESCAPE 2 (RCW 9A.76.120)
 EXTORTION 2 (RCW 9A.56.130)
 HARASSMENT (RCW 9A.46.020)
 INTIMIDATING A PUBLIC SERVANT (RCW 9A.76.180)
 INTRODUCING CONTRABAND 2 (RCW 9A.76.150)
 MAINTAINING A DWELLING OR PLACE FOR CONTROLLED SUBSTANCES (RCW 69.50.402(A)(6))
 MALICIOUS INJURY TO RAILROAD PROPERTY (RCW 81.60.070)
 MANUFACTURE, DELIVER, OR POSSESS WITH INTENT TO DELIVER MARIJUANA (RCW 69.50.401(A)(1)(III))
 MANUFACTURE, DISTRIBUTE, OR POSSESS WITH INTENT TO DISTRIBUTE AN IMITATION CONTROLLED SUBSTANCE (RCW 69.52.030(1))
 PATRONIZING A JUVENILE PROSTITUTE (RCW 9.68A.100)
 PERJURY 2 (RCW 9A.72.030)
 POSSESSION OF INCENDIARY DEVICE (RCW 9.40.120)
 POSSESSION OF MACHINE GUN OR SHORT-BARRELED SHOTGUN OR RIFLE (RCW 9.41.190)
 PROMOTING PROSTITUTION 2 (RCW 9A.88.080)
 RECKLESSLY TRAFFICKING IN STOLEN PROPERTY (RCW 9A.82.050(1))
 SECURITIES ACT VIOLATION (RCW 21.20.400)
 TAMPERING WITH A WITNESS (RCW 9A.72.120)
 TELEPHONE HARASSMENT (SUBSEQUENT CONVICTION OR THREAT OF DEATH) (RCW 9.61.230)
 THEFT OF LIVESTOCK 2 (RCW 9A.56.080)
 UNLAWFUL IMPRISONMENT (RCW 9A.40.040)
 UNLAWFUL POSSESSION OF FIREARM IN THE SECOND DEGREE (RCW 9.41.040(1)(B))
 UNLAWFUL USE OF BUILDING FOR DRUG PURPOSES (RCW 69.53.010)
 WILLFUL FAILURE TO RETURN FROM WORK RELEASE (RCW 72.65.070)

II COMPUTER TRESPASS 1 (RCW 9A.52.110)

COUNTERFEITING (RCW 9.16.035(3))

CREATE, DELIVER, OR POSSESS A COUNTERFEIT CONTROLLED SUBSTANCE (RCW 69.50.401(B))
 ESCAPE FROM COMMUNITY CUSTODY (RCW 72.09.310)
 HEALTH CARE FALSE CLAIMS (RCW 48.80.030)
 MALICIOUS MISCHIEF 1 (RCW 9A.48.070)
 POSSESSION OF CONTROLLED SUBSTANCE THAT IS EITHER HEROIN OR NARCOTICS FROM SCHEDULE I OR II OR FLUNITRAZEPAM FROM SCHEDULE IV (RCW 69.50.401(D))
 POSSESSION OF PHENCYCLIDINE (PCP) (RCW 69.50.401(D))
 POSSESSION OF STOLEN PROPERTY 1 (RCW 9A.56.150)
 THEFT 1 (RCW 9A.56.030)
 THEFT OF RENTAL, LEASED, OR LEASE-PURCHASED PROPERTY (VALUED AT ONE THOUSAND FIVE HUNDRED DOLLARS OR MORE) (RCW 9A.56.096(4))
 TRAFFICKING IN INSURANCE CLAIMS (RCW 48.30A.015)
 UNLAWFUL PRACTICE OF LAW (RCW 2.48.180)
 UNLICENSED PRACTICE OF A PROFESSION OR BUSINESS (RCW 18.130.190(7))

I ATTEMPTING TO ELUDE A PURSUING POLICE VEHICLE (RCW 46.61.024)

FALSE VERIFICATION FOR WELFARE (RCW 74.08.055)
 FORGED PRESCRIPTION (RCW 69.41.020)
 FORGED PRESCRIPTION FOR A CONTROLLED SUBSTANCE (RCW 69.50.403)
 FORGERY (RCW 9A.60.020)
 MALICIOUS MISCHIEF 2 (RCW 9A.48.080)
 POSSESS CONTROLLED SUBSTANCE THAT IS A NARCOTIC FROM SCHEDULE III, IV, OR V OR NON-NARCOTIC FROM SCHEDULE I-V (EXCEPT PHENCYCLIDINE OR FLUNITRAZEPAM) (RCW 69.50.401(D))
 POSSESSION OF STOLEN PROPERTY 2 (RCW 9A.56.160)
 RECKLESS BURNING 1 (RCW 9A.48.040)
 TAKING MOTOR VEHICLE WITHOUT PERMISSION (RCW 9A.56.070)
 THEFT 2 (RCW 9A.56.040)
 THEFT OF RENTAL, LEASED, OR LEASE-PURCHASED PROPERTY (VALUED AT TWO HUNDRED FIFTY DOLLARS OR MORE BUT LESS THAN ONE THOUSAND FIVE HUNDRED DOLLARS) (RCW 9A.56.096(4))
 UNLAWFUL ISSUANCE OF CHECKS OR DRAFTS (RCW 9A.56.060)
 UNLAWFUL USE OF FOOD STAMPS (RCW 9.91.140 (2) AND (3))
 VEHICLE PROWL 1 (RCW 9A.52.095)

SEC. 362. RCW 72.09.370 AND 1999 C 214 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE SECRETARY SHALL IDENTIFY OFFENDERS IN CONFINEMENT OR PARTIAL CONFINEMENT WHO: (A) ARE REASONABLY BELIEVED TO BE DANGEROUS TO THEMSELVES OR OTHERS; AND (B) HAVE A MENTAL DISORDER. IN DETERMINING AN OFFENDER'S DANGEROUSNESS, THE SECRETARY SHALL CONSIDER BEHAVIOR KNOWN TO THE DEPARTMENT AND FACTORS, BASED ON RESEARCH, THAT ARE LINKED TO AN INCREASED RISK FOR DANGEROUSNESS OF MENTALLY ILL OFFENDERS AND SHALL INCLUDE CONSIDERATION OF AN OFFENDER'S CHEMICAL DEPENDENCY OR ABUSE.

(2) PRIOR TO RELEASE OF AN OFFENDER IDENTIFIED UNDER THIS SECTION, A TEAM CONSISTING OF REPRESENTATIVES OF THE DEPARTMENT OF CORRECTIONS, THE DIVISION OF MENTAL HEALTH, AND, AS NECESSARY, THE INDETERMINATE SENTENCE REVIEW BOARD, OTHER DIVISIONS OR ADMINISTRATIONS WITHIN THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, SPECIFICALLY INCLUDING THE DIVISION OF ALCOHOL AND SUBSTANCE ABUSE AND THE DIVISION OF DEVELOPMENTAL DISABILITIES, THE APPROPRIATE REGIONAL SUPPORT NETWORK, AND THE PROVIDERS, AS APPROPRIATE, SHALL DEVELOP A PLAN, AS DETERMINED NECESSARY BY THE TEAM, FOR DELIVERY OF TREATMENT AND SUPPORT SERVICES TO THE OFFENDER UPON RELEASE. THE TEAM MAY INCLUDE A SCHOOL DISTRICT REPRESENTATIVE FOR OFFENDERS UNDER THE AGE OF TWENTY-ONE. THE TEAM SHALL CONSULT WITH THE OFFENDER'S COUNSEL, IF ANY, AND, AS APPROPRIATE, THE OFFENDER'S FAMILY AND COMMUNITY. THE TEAM SHALL NOTIFY THE CRIME VICTIM/WITNESS PROGRAM, WHICH SHALL PROVIDE NOTICE TO ALL PEOPLE REGISTERED TO RECEIVE NOTICE UNDER RCW 9.94A.155 OF THE PROPOSED RELEASE PLAN DEVELOPED BY THE TEAM. VICTIMS, WITNESSES, AND OTHER INTERESTED PEOPLE NOTIFIED BY THE DEPARTMENT MAY PROVIDE INFORMATION AND COMMENTS TO THE DEPARTMENT ON POTENTIAL SAFETY RISK TO SPECIFIC INDIVIDUALS OR CLASSES OF INDIVIDUALS POSED BY THE SPECIFIC OFFENDER. THE TEAM MAY RECOMMEND: (A) THAT THE OFFENDER BE EVALUATED BY THE COUNTY DESIGNATED MENTAL HEALTH PROFESSIONAL, AS DEFINED IN CHAPTER 71.05 RCW; (B) DEPARTMENT-SUPERVISED COMMUNITY TREATMENT; OR (C) VOLUNTARY COMMUNITY MENTAL HEALTH OR CHEMICAL DEPENDENCY OR ABUSE TREATMENT.

(3) PRIOR TO RELEASE OF AN OFFENDER IDENTIFIED UNDER THIS SECTION, THE TEAM SHALL DETERMINE WHETHER OR NOT AN EVALUATION BY A COUNTY DESIGNATED MENTAL HEALTH PROFESSIONAL IS NEEDED. IF AN EVALUATION IS RECOMMENDED, THE SUPPORTING DOCUMENTATION SHALL BE IMMEDIATELY FORWARDED TO THE APPROPRIATE COUNTY DESIGNATED MENTAL HEALTH PROFESSIONAL. THE SUPPORTING DOCUMENTATION SHALL INCLUDE THE OFFENDER'S CRIMINAL HISTORY, HISTORY OF JUDICIALLY REQUIRED OR ADMINISTRATIVELY ORDERED INVOLUNTARY ANTIPSYCHOTIC MEDICATION WHILE IN CONFINEMENT, AND ANY KNOWN HISTORY OF INVOLUNTARY CIVIL COMMITMENT.

(4) IF AN EVALUATION BY A COUNTY DESIGNATED MENTAL HEALTH PROFESSIONAL IS RECOMMENDED BY THE TEAM, SUCH EVALUATION SHALL OCCUR NOT MORE THAN TEN DAYS, NOR LESS THAN FIVE DAYS, PRIOR TO RELEASE.

(5) A SECOND EVALUATION BY A COUNTY DESIGNATED MENTAL HEALTH PROFESSIONAL SHALL OCCUR ON THE DAY OF RELEASE IF REQUESTED BY THE TEAM, BASED UPON NEW INFORMATION OR A CHANGE IN THE OFFENDER'S MENTAL CONDITION, AND THE INITIAL EVALUATION DID NOT RESULT IN AN EMERGENCY DETENTION OR A SUMMONS UNDER CHAPTER 71.05 RCW.

(6) IF THE COUNTY DESIGNATED MENTAL HEALTH PROFESSIONAL DETERMINES AN EMERGENCY DETENTION UNDER CHAPTER 71.05 RCW IS NECESSARY, THE DEPARTMENT SHALL RELEASE THE OFFENDER ONLY TO A STATE HOSPITAL OR TO A CONSENTING EVALUATION AND TREATMENT FACILITY. THE DEPARTMENT SHALL ARRANGE TRANSPORTATION OF THE OFFENDER TO THE HOSPITAL OR FACILITY.

(7) IF THE COUNTY DESIGNATED MENTAL HEALTH PROFESSIONAL BELIEVES THAT A LESS RESTRICTIVE ALTERNATIVE TREATMENT IS APPROPRIATE, HE OR SHE SHALL SEEK A SUMMONS, PURSUANT TO THE PROVISIONS OF CHAPTER 71.05 RCW, TO REQUIRE THE OFFENDER TO APPEAR AT AN EVALUATION AND TREATMENT FACILITY. IF A SUMMONS IS ISSUED, THE OFFENDER SHALL REMAIN WITHIN THE CORRECTIONS FACILITY UNTIL COMPLETION OF HIS OR HER TERM OF CONFINEMENT AND BE TRANSPORTED, BY CORRECTIONS PERSONNEL ON THE DAY OF COMPLETION, DIRECTLY TO THE IDENTIFIED EVALUATION AND TREATMENT FACILITY.

(8) THE SECRETARY SHALL ADOPT RULES TO IMPLEMENT THIS SECTION.

NEW SECTION. SEC. 363. A NEW SECTION IS ADDED TO CHAPTER 9.95 RCW TO READ AS FOLLOWS:
THE INDETERMINATE SENTENCE REVIEW BOARD, IN FULFILLING ITS DUTIES UNDER THE PROVISIONS OF THIS ACT, SHALL BE CONSIDERED A PAROLE BOARD AS THAT CONCEPT WAS TREATED IN LAW UNDER THE STATE'S INDETERMINATE SENTENCING STATUTES.

PART IV SEX OFFENDER TREATMENT PROVIDERS

SEC. 401. RCW 18.155.020 AND 2000 C 171 S 33 AND 2000 C 28 S 38 ARE EACH REENACTED AND AMENDED TO READ AS FOLLOWS:

UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS CHAPTER:

(1) "CERTIFIED SEX OFFENDER TREATMENT PROVIDER" MEANS A LICENSED, CERTIFIED, OR REGISTERED HEALTH PROFESSIONAL WHO IS CERTIFIED TO EXAMINE AND TREAT SEX OFFENDERS PURSUANT TO CHAPTERS 9.94A AND 13.40 RCW ((9.94A.670 AND 13.40.160)) AND SEXUALLY VIOLENT PREDATORS UNDER CHAPTER 71.09 RCW.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH.

(3) "SECRETARY" MEANS THE SECRETARY OF HEALTH.

(4) "SEX OFFENDER TREATMENT PROVIDER" MEANS A PERSON WHO COUNSELS OR TREATS SEX OFFENDERS ACCUSED OF OR CONVICTED OF A SEX OFFENSE AS DEFINED BY RCW 9.94A.030.

SEC. 402. RCW 18.155.030 AND 2000 C 171 S 34 AND 2000 C 28 S 39 ARE EACH REENACTED AND AMENDED TO READ AS FOLLOWS:

(1) NO PERSON SHALL REPRESENT HIMSELF OR HERSELF AS A CERTIFIED SEX OFFENDER TREATMENT PROVIDER WITHOUT FIRST APPLYING FOR AND RECEIVING A CERTIFICATE PURSUANT TO THIS CHAPTER.

(2) ONLY A CERTIFIED SEX OFFENDER TREATMENT PROVIDER MAY PERFORM OR PROVIDE THE FOLLOWING SERVICES:

(A) EVALUATIONS CONDUCTED FOR THE PURPOSES OF AND PURSUANT TO RCW 9.94A.670 AND 13.40.160;

(B) TREATMENT OF CONVICTED SEX OFFENDERS WHO ARE SENTENCED AND ORDERED INTO TREATMENT PURSUANT TO ((RCW 9.94A.670)) CHAPTER 9.94A RCW AND ADJUDICATED JUVENILE SEX OFFENDERS WHO ARE ORDERED INTO TREATMENT PURSUANT TO ((RCW 13.40.160)) CHAPTER 13.40 RCW;

(C) EXCEPT AS PROVIDED UNDER SUBSECTION (3) OF THIS SECTION, TREATMENT OF SEXUALLY VIOLENT PREDATORS WHO ARE CONDITIONALLY RELEASED TO A LESS RESTRICTIVE ALTERNATIVE PURSUANT TO CHAPTER 71.09 RCW.

(3) A CERTIFIED SEX OFFENDER TREATMENT PROVIDER MAY NOT PERFORM OR PROVIDE TREATMENT OF SEXUALLY VIOLENT PREDATORS UNDER SUBSECTION (2)(C) OF THIS SECTION IF THE CERTIFIED SEX OFFENDER TREATMENT PROVIDER HAS BEEN:

(A) CONVICTED OF A SEX OFFENSE, AS DEFINED IN RCW 9.94A.030;

(B) CONVICTED IN ANY OTHER JURISDICTION OF AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE CLASSIFIED AS A SEX OFFENSE AS DEFINED IN RCW 9.94A.030; OR

(C) SUSPENDED OR OTHERWISE RESTRICTED FROM PRACTICING ANY HEALTH CARE PROFESSION BY COMPETENT AUTHORITY IN ANY STATE, FEDERAL, OR FOREIGN JURISDICTION.

NEW SECTION. Sec. 403. A NEW SECTION IS ADDED TO CHAPTER 4.24 RCW TO READ AS FOLLOWS:

(1) A CERTIFIED SEX OFFENDER TREATMENT PROVIDER, ACTING IN THE COURSE OF HIS OR HER DUTIES, PROVIDING TREATMENT TO A PERSON WHO HAS BEEN RELEASED TO A LESS RESTRICTIVE ALTERNATIVE UNDER CHAPTER 71.09 RCW OR TO A LEVEL III SEX OFFENDER ON COMMUNITY CUSTODY AS A COURT OR DEPARTMENT ORDERED CONDITION OF SENTENCE IS NOT NEGLIGENT BECAUSE HE OR SHE TREATS A HIGH RISK OFFENDER; SEX OFFENDERS ARE KNOWN TO HAVE A RISK OF REOFFENSE. THE TREATMENT PROVIDER IS NOT LIABLE FOR CIVIL DAMAGES RESULTING FROM THE REOFFENSE OF A CLIENT UNLESS THE TREATMENT PROVIDER'S ACTS OR OMISSIONS CONSTITUTED GROSS NEGLIGENCE OR WILLFUL OR WANTON MISCONDUCT. THIS LIMITED LIABILITY PROVISION DOES NOT ELIMINATE THE TREATMENT PROVIDER'S DUTY TO WARN OF AND PROTECT FROM A CLIENT'S THREATENED VIOLENT BEHAVIOR IF THE CLIENT COMMUNICATES A SERIOUS THREAT OF PHYSICAL VIOLENCE AGAINST A REASONABLY ASCERTAINABLE VICTIM OR VICTIMS. IN ADDITION TO ANY OTHER REQUIREMENTS TO REPORT VIOLATIONS, THE SEX OFFENDER TREATMENT PROVIDER IS OBLIGATED TO REPORT AN OFFENDER'S EXPRESSIONS OF INTENT TO HARM OR OTHER PREDATORY BEHAVIOR, WHETHER OR NOT THERE IS AN ASCERTAINABLE VICTIM, IN PROGRESS REPORTS AND OTHER ESTABLISHED PROCESSES THAT ENABLE COURTS AND SUPERVISING ENTITIES TO ASSESS AND ADDRESS THE PROGRESS AND APPROPRIATENESS OF TREATMENT. THIS LIMITED LIABILITY PROVISION APPLIES ONLY TO THE CONDUCT OF CERTIFIED SEX OFFENDER TREATMENT PROVIDERS AND NOT THE CONDUCT OF THE STATE.

(2) SEX OFFENDER TREATMENT PROVIDERS WHO PROVIDE SERVICES TO THE DEPARTMENT OF CORRECTIONS BY IDENTIFYING RISK FACTORS AND NOTIFYING THE DEPARTMENT OF RISKS FOR THE SUBSET OF HIGH RISK OFFENDERS WHO ARE NOT AMENABLE TO TREATMENT AND WHO ARE UNDER COURT ORDER FOR TREATMENT OR SUPERVISION ARE PRACTICING WITHIN THE SCOPE OF THEIR PROFESSION.

NEW SECTION. Sec. 404. A NEW SECTION IS ADDED TO CHAPTER 71.09 RCW TO READ AS FOLLOWS:

(1) EXAMINATIONS AND TREATMENT OF SEXUALLY VIOLENT PREDATORS WHO ARE CONDITIONALLY RELEASED TO A LESS RESTRICTIVE ALTERNATIVE UNDER THIS CHAPTER SHALL BE CONDUCTED ONLY BY SEX OFFENDER TREATMENT PROVIDERS CERTIFIED BY THE DEPARTMENT OF HEALTH UNDER CHAPTER 18.155 RCW UNLESS THE COURT OR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES FINDS THAT: (A) THE COURT-ORDERED LESS RESTRICTIVE ALTERNATIVE PLACEMENT IS LOCATED IN ANOTHER STATE; (B) THE TREATMENT PROVIDER IS EMPLOYED BY THE DEPARTMENT; OR (C)(i) ALL CERTIFIED TREATMENT PROVIDERS BECOME UNAVAILABLE TO PROVIDE TREATMENT WITHIN A REASONABLE GEOGRAPHIC DISTANCE OF THE PERSON'S HOME, AS DETERMINED IN RULES ADOPTED BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES; AND (ii) THE EVALUATION AND TREATMENT PLAN COMPLY WITH THE RULES ADOPTED BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

A TREATMENT PROVIDER APPROVED BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES UNDER (C) OF THIS SUBSECTION, WHO IS NOT CERTIFIED BY THE DEPARTMENT OF HEALTH, SHALL CONSULT WITH A CERTIFIED PROVIDER DURING THE PERSON'S PERIOD OF TREATMENT TO ENSURE COMPLIANCE WITH THE RULES ADOPTED BY THE DEPARTMENT OF HEALTH. THE FREQUENCY AND CONTENT OF THE CONSULTATION SHALL BE BASED ON THE RECOMMENDATION OF THE CERTIFIED PROVIDER.

(2) A TREATMENT PROVIDER, WHETHER OR NOT HE OR SHE IS EMPLOYED OR APPROVED BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES UNDER SUBSECTION (1) OF THIS SECTION OR OTHERWISE CERTIFIED, MAY NOT PERFORM OR PROVIDE TREATMENT OF SEXUALLY VIOLENT PREDATORS UNDER THIS SECTION IF THE TREATMENT PROVIDER HAS BEEN:

(A) CONVICTED OF A SEX OFFENSE, AS DEFINED IN RCW 9.94A.030;

(B) CONVICTED IN ANY OTHER JURISDICTION OF AN OFFENSE THAT UNDER THE LAWS OF THIS STATE WOULD BE CLASSIFIED AS A SEX OFFENSE AS DEFINED IN RCW 9.94A.030; OR

(C) SUSPENDED OR OTHERWISE RESTRICTED FROM PRACTICING ANY HEALTH CARE PROFESSION BY COMPETENT AUTHORITY IN ANY STATE, FEDERAL, OR FOREIGN JURISDICTION.

(3) NOTHING IN THIS SECTION PROHIBITS A QUALIFIED EXPERT FROM EXAMINING OR EVALUATING A SEXUALLY VIOLENT PREDATOR WHO HAS BEEN CONDITIONALLY RELEASED FOR PURPOSES OF PRESENTING AN OPINION IN COURT PROCEEDINGS.

PART V TECHNICAL PROVISIONS

NEW SECTION. Sec. 501. THE FOLLOWING ACTS OR PARTS OF ACTS ARE EACH REPEALED:

(1) RCW 9.95.0011 (INDETERMINATE SENTENCE REVIEW BOARD--REPORT--RECOMMENDATION OF GOVERNOR) AND 1997 c 350 s 1, 1989 c 259 s 4, & 1986 c 224 s 12; AND

(2) RCW 9.95.145 (SEX OFFENDERS--RELEASE OF INFORMATION--CLASSIFICATION OF OFFENDERS) AND 1997 c 364 s 5 & 1990 c 3 s 127.

NEW SECTION. Sec. 502. THE SECRETARY OF CORRECTIONS, THE SECRETARY OF SOCIAL AND HEALTH SERVICES, AND THE INDETERMINATE SENTENCE REVIEW BOARD MAY ADOPT RULES TO IMPLEMENT THIS ACT.

NEW SECTION. Sec. 503. (1) SECTIONS 301 THROUGH 363 OF THIS ACT SHALL NOT AFFECT THE VALIDITY OF ANY SENTENCE IMPOSED UNDER ANY OTHER LAW FOR ANY OFFENSE COMMITTED BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

(2) SECTIONS 301 THROUGH 363 OF THIS ACT SHALL APPLY TO OFFENSES COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

NEW SECTION. Sec. 504. IF ANY PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE REMAINDER OF THE ACT OR THE APPLICATION OF THE PROVISION TO OTHER PERSONS OR CIRCUMSTANCES IS NOT AFFECTED.

NEW SECTION. Sec. 505. THIS ACT IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY, OR SUPPORT OF THE STATE GOVERNMENT AND ITS EXISTING PUBLIC INSTITUTIONS, AND TAKES EFFECT IMMEDIATELY, EXCEPT FOR SECTIONS 301 THROUGH 363, 501, AND 503 OF THIS ACT WHICH TAKE EFFECT SEPTEMBER 1, 2001.

MESSAGE FROM THE HOUSE

JUNE 21, 2001

MR. PRESIDENT:

THE HOUSE HAS PASSED THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5327 WITH THE FOLLOWING AMENDMENT(S)

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

STRIKE EVERYTHING AFTER THE ENACTING CLAUSE AND INSERT THE FOLLOWING:

"2001-03 BIENNIUM

NEW SECTION. Sec. 1. (1) THE TRANSPORTATION BUDGET OF THE STATE IS HEREBY ADOPTED AND, SUBJECT TO THE PROVISIONS SET FORTH, THE SEVERAL AMOUNTS SPECIFIED, OR AS MUCH THEREOF AS MAY BE NECESSARY TO ACCOMPLISH THE PURPOSES DESIGNATED, ARE HEREBY APPROPRIATED FROM THE SEVERAL ACCOUNTS AND FUNDS NAMED TO THE DESIGNATED STATE

AGENCIES AND OFFICES FOR EMPLOYEE COMPENSATION AND OTHER EXPENSES, FOR CAPITAL PROJECTS, AND FOR OTHER SPECIFIED PURPOSES, INCLUDING THE PAYMENT OF ANY FINAL JUDGMENTS ARISING OUT OF SUCH ACTIVITIES, FOR THE PERIOD ENDING JUNE 30, 2003.

(2) LEGISLATION WITH FISCAL IMPACTS ENACTED IN THE 2001 LEGISLATIVE SESSION NOT ASSUMED IN THIS ACT ARE NOT FUNDED IN THE 2001-03 TRANSPORTATION BUDGET.

(3) UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, THE DEFINITIONS IN THIS SUBSECTION APPLY THROUGHOUT THIS ACT.

(A) "FISCAL YEAR 2002" OR "FY 2002" MEANS THE FISCAL YEAR ENDING JUNE 30, 2002.

(B) "FISCAL YEAR 2003" OR "FY 2003" MEANS THE FISCAL YEAR ENDING JUNE 30, 2003.

(C) "FTE" MEANS FULL-TIME EQUIVALENT.

(D) "LAPSE" OR "REVERT" MEANS THE AMOUNT SHALL RETURN TO AN UNAPPROPRIATED STATUS.

(E) "PROVIDED SOLELY" MEANS THE SPECIFIED AMOUNT MAY BE SPENT ONLY FOR THE SPECIFIED PURPOSE.

(F) "PERFORMANCE-BASED BUDGETING" MEANS A BUDGET THAT BASES RESOURCE NEEDS ON QUANTIFIED OUTCOMES AND RESULTS EXPECTED FROM USE OF THE TOTAL APPROPRIATION. "PERFORMANCE-BASED BUDGETING" DOES NOT MEAN INCREMENTAL BUDGETING THAT FOCUSES ON JUSTIFYING CHANGES FROM THE HISTORIC BUDGET OR TO LINE-ITEM INPUT-DRIVEN BUDGETS.

(G) "GOALS" MEANS THE STATEMENTS OF PURPOSE THAT IDENTIFY A DESIRED RESULT OR OUTCOME. THE STATEMENTS SHALL BE REALISTIC, ACHIEVABLE, DIRECTIVE, ASSIGNABLE, EVALUATIVE, AND LOGICALLY LINKED TO THE AGENCY'S MISSION AND STATUTORY MANDATE.

(H) "STRATEGIC PLAN" MEANS THE STRATEGIES AGENCIES CREATE FOR INVESTMENT CHOICES IN THE FUTURE. ALL AGENCY STRATEGIC PLANS SHALL PRESENT ALTERNATIVE INVESTMENT STRATEGIES FOR PROVIDING SERVICES.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 305,000

THE APPROPRIATION IN THIS SECTION IS SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY: THE ENTIRE APPROPRIATION IS PROVIDED SOLELY FOR COSTS ASSOCIATED WITH THE MOTOR FUEL QUALITY PROGRAM.

NEW SECTION. Sec. 102. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 1,676,000

THE APPROPRIATION IN THIS SECTION IS SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY: \$1,188,000 OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION IS PROVIDED FOR THE IMPLEMENTATION OF HOUSE BILL NO. 2269 IN THE FORM ENACTED BY THE LEGISLATURE. IF HOUSE BILL NO. 2269 IS NOT ENACTED IN THE FORM PASSED BY THE LEGISLATURE BY JULY 31, 2001, THIS FUNDING WILL LAPSE.

NEW SECTION. Sec. 103. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

GRADE CROSSING PROTECTIVE ACCOUNT--

STATE APPROPRIATION \$ 126,000

THE APPROPRIATION IN THIS SECTION IS SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY: THE UTILITIES AND TRANSPORTATION COMMISSION SHALL DEVELOP A RAIL GRADE CROSSING SAFETY GRANT PROGRAM WHICH WILL FULLY FUND SELECTED SAFETY PROJECTS TO THE EXTENT ALLOWABLE UNDER CHAPTER 81.53 RCW.

NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 819,000

THE APPROPRIATION IN THIS SECTION IS SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY: THE APPROPRIATION IN THIS SECTION IS PROVIDED SOLELY FOR ROAD MAINTENANCE PURPOSES.

NEW SECTION. Sec. 105. FOR THE OFFICE OF STATE AUDITOR

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 126,000

THE APPROPRIATION IN THIS SECTION IS SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY: THE APPROPRIATION IS A ONE-TIME APPROPRIATION FOR THE DEVELOPMENT OF THE LOCAL GOVERNMENT FINANCE PROJECT.

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

STATE PATROL HIGHWAY ACCOUNT--STATE

APPROPRIATION \$ 50,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

THE ENTIRE APPROPRIATION IS PROVIDED TO THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE FOR FISCAL YEAR 2002 SOLELY FOR A STUDY OF THE STATE PATROL'S COMMUNICATIONS SYSTEMS PLANNING PROCESS. THE FOCUS OF THE STUDY IS: A REVIEW OF THE PLANNING PROCESS AND ANALYSES EMPLOYED BY THE WASHINGTON STATE PATROL IN DEVELOPING BUDGET REQUESTS FOR ITS COMMUNICATIONS SYSTEMS INCLUDING THE MENG VALUE ANALYSIS AS REPORTED ON MARCH 22, 1999; AN ASSESSMENT OF THE ADEQUACY OF THE INFORMATION SUPPORTING THE BUDGET REQUESTS; AND RECOMMENDATIONS FOR ANY IMPROVEMENTS TO SUCH INFORMATION FOR PRESENT AND FUTURE BUDGET REQUESTS. THE COMMITTEE MAY CONTRACT FOR CONSULTING SERVICES IN CONDUCTING THE STUDY. THE STUDY FINAL REPORT SHALL BE SUBMITTED TO THE APPROPRIATE COMMITTEES OF THE LEGISLATURE BY DECEMBER 31, 2001.

A JOINT WORKGROUP OF REPRESENTATIVES FROM THE STATE PATROL, OFFICE OF FINANCIAL MANAGEMENT, AND DEPARTMENT OF INFORMATION SYSTEMS SHALL REVIEW FUTURE STATE PATROL TECHNOLOGY PLANS OR BUDGET REPORTS FOR CONSISTENCY WITH THE RECOMMENDATIONS IDENTIFIED BY THIS STUDY.

GENERAL GOVERNMENT AGENCIES--CAPITAL

NEW SECTION. **Sec. 107. FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS**

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 763,000

THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION IS A ONE-TIME REAPPROPRIATION AND IS PROVIDED SOLELY FOR THE PROJECTS SPECIFIED IN THIS SECTION. ANY OF THE APPROPRIATIONS NOT EXPENDED BY JUNE 30, 2003, SHALL REVERT TO THE MOTOR VEHICLE ACCOUNT--STATE.

TRANSPORTATION AGENCIES

NEW SECTION. **Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

HIGHWAY SAFETY ACCOUNT--STATE APPROPRIATION \$ 1,638,000

HIGHWAY SAFETY ACCOUNT--FEDERAL APPROPRIATION \$ 5,671,000

SCHOOL ZONE SAFETY ACCOUNT--STATE APPROPRIATION \$ 1,504,000

TOTAL APPROPRIATION \$ 8,813,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY: THE WASHINGTON TRAFFIC SAFETY COMMISSION MAY OVERSEE NO MORE THAN FOUR PILOT PROJECTS IMPLEMENTING THE USE OF TRAFFIC SAFETY CAMERAS AT SCHOOL ZONES, RAILROAD CROSSINGS, CONSTRUCTION ZONES OR STOPLIGHTS, AND NO MORE THAN ONE PILOT PROJECT REGARDING THE USE OF TRAFFIC SAFETY CAMERAS IN RESIDENTIAL NEIGHBORHOODS, AT SCHOOL ZONES, RAILROAD CROSSINGS, CONSTRUCTION ZONES, OR STOPLIGHTS.

(1) IN ORDER TO ENSURE ADEQUATE TIME IN THE 2001-03 BIENNIUM TO EVALUATE THE EFFECTIVENESS OF THE PILOT PROGRAM, ANY PROGRAMS AUTHORIZED BY THE COMMISSION MUST BE AUTHORIZED BY DECEMBER 31, 2001.

(2) IF THE STATE, A COUNTY, OR A CITY HAS ESTABLISHED AN AUTHORIZED TRAFFIC SAFETY CAMERA PILOT PROGRAM UNDER THIS SECTION, THE COMPENSATION PAID TO THE MANUFACTURER OR VENDOR OF THE EQUIPMENT USED: MUST BE BASED UPON THE VALUE OF THE EQUIPMENT AND SERVICES PROVIDED OR RENDERED IN SUPPORT OF THE SYSTEM; AND MAY NOT BE BASED UPON A PORTION OF THE FINE OR CIVIL PENALTY IMPOSED OR THE REVENUE GENERATED BY THE EQUIPMENT.

(3) THE TRAFFIC SAFETY COMMISSION SHALL USE THE FOLLOWING GUIDELINES TO ADMINISTER THE PROGRAM:

(A) TRAFFIC SAFETY CAMERAS MAY TAKE PICTURES OF THE VEHICLE AND VEHICLE LICENSE PLATE ONLY;

(B) THE LAW ENFORCEMENT AGENCY OF THE CITY OR COUNTY GOVERNMENT SHALL PLAINLY MARK THE LOCATIONS WHERE THE AUTOMATED TRAFFIC ENFORCEMENT SYSTEM IS USED BY PLACING SIGNS ON STREET LOCATIONS THAT CLEARLY INDICATE TO A DRIVER THAT HE OR SHE IS ENTERING A ZONE WHERE TRAFFIC LAWS ARE ENFORCED BY AN AUTOMATED TRAFFIC ENFORCEMENT SYSTEM;

(C) CITIES AND COUNTIES USING TRAFFIC SAFETY CAMERAS MUST PROVIDE PERIODIC NOTICE BY MAIL TO ITS CITIZENS INDICATING THE ZONES IN WHICH THE TRAFFIC SAFETY CAMERAS WILL BE USED;

(D) NOTICES OF INFRACTIONS MUST BE MAILED TO THE REGISTERED OWNER OF A VEHICLE WITHIN FOURTEEN DAYS OF THE INFRACTION OCCURRING;

(E) THE OWNER OF THE VEHICLE IS NOT RESPONSIBLE FOR THE VIOLATION IF THE OWNER OF THE VEHICLE, WITHIN FIFTEEN DAYS AFTER NOTIFICATION OF THE VIOLATION, FURNISHES THE OFFICIALS OR AGENTS OF THE MUNICIPALITY THAT ISSUED THE CITATION WITH:

(I) AN AFFIDAVIT MADE UNDER OATH, STATING THAT THE VEHICLE INVOLVED WAS, AT THE TIME, STOLEN OR IN THE CARE, CUSTODY, OR CONTROL OF SOME PERSON OTHER THAN THE REGISTERED OWNER; OR

(II) TESTIMONY IN OPEN COURT UNDER OATH THAT THE PERSON WAS NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF THE ALLEGED VIOLATION;

(F) INFRACTIONS DETECTED THROUGH THE USE OF TRAFFIC SAFETY CAMERAS ARE NOT PART OF THE REGISTERED OWNER'S DRIVING RECORD UNDER RCW 46.52.101 AND 46.52.120; AND

(G) BY JANUARY 1, 2003, THE TRAFFIC SAFETY COMMISSION SHALL PROVIDE A REPORT TO THE LEGISLATURE REGARDING THE USE, PUBLIC ACCEPTANCE, OUTCOMES, AND OTHER RELEVANT ISSUES REGARDING TRAFFIC SAFETY CAMERAS DEMONSTRATED BY THE PILOT PROJECTS.

NEW SECTION. **Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

PILOTAGE ACCOUNT--STATE APPROPRIATION \$ 305,000

NEW SECTION. **Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

RURAL ARTERIAL TRUST ACCOUNT--STATE

APPROPRIATION \$ 50,182,000

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 1,887,000

COUNTY ARTERIAL PRESERVATION ACCOUNT--

STATE APPROPRIATION \$ 28,551,000

TOTAL APPROPRIATION \$ 80,620,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

IT IS THE INTENT OF THE LEGISLATURE THAT THE COUNTY ROAD ADMINISTRATION BOARD RECEIVE SEPARATE PROGRAMMATIC APPROPRIATIONS FOR THE OPERATING PROGRAM AND THE CAPITAL PROGRAM FOR THE 2001-03 BIENNIUM, AND THEREAFTER. AGENCY ADMINISTRATIVE COSTS MAY NOT BE CHARGED AGAINST PROJECTS OR FUNDED FROM THE CAPITAL PROGRAM APPROPRIATIONS.

(1) \$1,540,000 OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION, \$870,000 OF THE COUNTY ARTERIAL PRESERVATION ACCOUNT--STATE APPROPRIATION, AND \$917,000 OF THE RURAL ARTERIAL TRUST ACCOUNT--STATE APPROPRIATION ARE PROVIDED FOR THE OPERATIONS PROGRAM. OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION, \$368,000 IS PROVIDED FOR COUNTY FERRIES AS SET FORTH IN RCW 47.56.724(4).

(2) \$347,000 OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION, \$27,681,000 OF THE COUNTY ARTERIAL PRESERVATION ACCOUNT--STATE APPROPRIATION, AND \$49,265,000 OF THE RURAL ARTERIAL TRUST ACCOUNT--STATE APPROPRIATION ARE PROVIDED FOR THE CAPITAL PROGRAM.

NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD

URBAN ARTERIAL TRUST ACCOUNT--STATE

APPROPRIATION \$ 94,690,000

TRANSPORTATION IMPROVEMENT ACCOUNT--

STATE APPROPRIATION \$ 118,605,000

TOTAL APPROPRIATION \$ 213,295,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

IT IS THE INTENT OF THE LEGISLATURE THAT THE TRANSPORTATION IMPROVEMENT BOARD RECEIVE SEPARATE PROGRAMMATIC APPROPRIATIONS FOR THE OPERATING PROGRAM AND THE CAPITAL PROGRAM FOR THE 2001-03 BIENNIUM, AND THEREAFTER. AGENCY ADMINISTRATIVE COSTS MAY NOT BE CHARGED AGAINST PROJECTS OR FUNDED FROM THE CAPITAL PROGRAM APPROPRIATIONS.

(1) \$1,551,000 OF THE TRANSPORTATION IMPROVEMENT ACCOUNT--STATE APPROPRIATION AND \$1,552,000 OF THE URBAN ARTERIAL TRUST ACCOUNT--STATE APPROPRIATION ARE PROVIDED FOR THE OPERATIONS PROGRAM.

(2) \$117,054,000 OF THE TRANSPORTATION IMPROVEMENT ACCOUNT--STATE APPROPRIATION AND \$93,138,000 OF THE URBAN ARTERIAL TRUST ACCOUNT--STATE APPROPRIATION ARE PROVIDED FOR THE CAPITAL PROGRAM.

(3) THE TRANSPORTATION IMPROVEMENT ACCOUNT--STATE APPROPRIATION INCLUDES \$47,325,000 IN PROCEEDS FROM THE SALE OF BONDS AUTHORIZED IN RCW 47.26.500. THE TRANSPORTATION IMPROVEMENT BOARD MAY AUTHORIZE THE USE OF CURRENT REVENUES AVAILABLE TO THE AGENCY IN-LIEU OF BOND PROCEEDS FOR ANY PART OF THE STATE APPROPRIATION.

NEW SECTION. Sec. 205. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 3,596,000

THE APPROPRIATION IN THIS SECTION IS SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

(1) \$2,823,000 OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION IS PROVIDED FOR THE OPERATION OF THE HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE.

(2) TO THE EXTENT POSSIBLE, THIS APPROPRIATION SHALL UTILIZE FUNDS ALLOCATED UNDER RCW 46.68.110(2).

(3) THE HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE SHALL CONDUCT A STUDY OF THE USE OF MOTORIZED SCOOTERS. THE STUDY SHALL, AT A MINIMUM, IDENTIFY AND ANALYZE THE SAFETY ISSUES ASSOCIATED WITH USE OF MOTORIZED SCOOTERS, INCLUDING USE BY CHILDREN, COMMUTERS, AND THE DISABLED. HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE COCHAIRS SHALL EACH APPOINT ONE MEMBER FROM THEIR RESPECTIVE CAUCUS TO SERVE AS COCHAIR OF THE STUDY GROUP. THE CHAIR OF THE SENATE TRANSPORTATION COMMITTEE MAY ALSO APPOINT TWO MEMBERS FROM THE SENATE TRANSPORTATION COMMITTEE, ONE FROM EACH CAUCUS, TO PARTICIPATE IN THE STUDY. THE STUDY SHALL BE STAFFED BY HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE STAFF. THE STUDY GROUP SHALL REPORT BACK TO THE HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE BY JANUARY 1, 2002.

(4) THE HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE SHALL CONDUCT A STUDY OF THE EFFECT OF THE WEIGHT OF FIRE-FIGHTING APPARATUS ON STATE ROADWAYS. THE STUDY SHALL DETERMINE, AT A MINIMUM, THE VARIOUS TYPES OF FIRE-FIGHTING APPARATUS CURRENTLY IN USE ON STATE ROADWAYS; THE SIZE, WEIGHT AND LOAD EFFECT OF FIRE-FIGHTING APPARATUS THAT ARE CURRENTLY IN USE OR THAT POTENTIALLY COULD BE IN USE ON THE STATE ROADWAYS, AS WELL AS ON STATE BRIDGES; AND THE EFFECT ON PUBLIC SAFETY. THE STUDY MAY EXAMINE STATE AND FEDERAL LAWS THAT AFFECT FIRE-FIGHTING APPARATUSES. HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE COCHAIRS SHALL EACH APPOINT ONE MEMBER FROM THEIR RESPECTIVE CAUCUS TO SERVE AS COCHAIR OF THE STUDY GROUP. THE STUDY SHALL BE STAFFED BY HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE STAFF. THE STUDY GROUP WILL REPORT BACK TO THE HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE BY JANUARY 1, 2002.

(5) THE LEGISLATIVE TRANSPORTATION COMMITTEE SHALL CONDUCT A FEASIBILITY STUDY OF POTENTIAL FOR ECONOMIC PARTNERSHIPS BETWEEN THE WASHINGTON STATE FERRIES AND LOCAL GOVERNMENT ENTITIES, INCLUDING BUT NOT LIMITED TO PORT DISTRICTS. THE STUDY IS INTENDED TO IMPROVE FERRY TERMINALS. THE STUDY SHALL, AT A MINIMUM, IDENTIFY THE MARKET, PHYSICAL, AND ECONOMIC FACTORS THAT SHOULD BE EXAMINED IN DETERMINING WHETHER AN ECONOMIC OR COMMERCIAL DEVELOPMENT PARTNERSHIP PROJECT ON OR AROUND WASHINGTON STATE FERRY TERMINALS IS LIKELY TO PRODUCE REVENUE FOR THE PARTNERS. THE STUDY SHALL APPLY THOSE FACTORS TO AN ANALYSIS OF EACH TERMINAL USED BY WASHINGTON STATE FERRIES AND RECOMMEND WHETHER FURTHER EXPLORATION OF STATE AND LOCAL PARTNERSHIPS WOULD BE OF POTENTIAL ECONOMIC BENEFIT TO THE PARTNERS. THE ENTITY SELECTED TO PERFORM THE STUDY THROUGH THE REQUEST FOR PROPOSALS PROCESS WILL REPORT BACK TO THE TRANSPORTATION COMMITTEES OF THE LEGISLATURE BY DECEMBER 1, 2001.

(6) THE LEGISLATIVE TRANSPORTATION COMMITTEE, IN COOPERATION WITH AN AREAWIDE TRANSPORTATION SYSTEM OR SYSTEMS, SHALL UNDERTAKE AN EVALUATION OF PROVIDING LOCALLY SPONSORED TRANSIT SERVICES IN A LOCAL COMMUNITY SUPPLEMENTAL TO THOSE SERVICES PROVIDED BY AN AREAWIDE SYSTEM. THE EVALUATION SHALL ADDRESS:

(A) THE COSTS AND BENEFITS OF PROVIDING SUCH SERVICES;

(B) THE IMPACT OF SUCH SERVICE ON RIDERSHIP ON THE AREAWIDE SYSTEM AND ON ANY REGIONAL SYSTEMS;

(C) FUNDING OPTIONS FOR SUPPLEMENTAL SERVICES; AND

(D) INSTITUTIONAL ARRANGEMENTS AFFECTING THE INSTITUTION OF SUPPLEMENTAL SERVICES.

THE COMMITTEE SHALL WORK WITH THE DEPARTMENT OF TRANSPORTATION, AREAWIDE TRANSIT PROVIDERS, COMMUNITY OFFICIALS, PRIVATE BUSINESSES, LABOR ORGANIZATIONS, AND OTHERS AS APPROPRIATE IN CONDUCTING THE EVALUATION, AND IN DEVELOPING A PILOT PROJECT IF FEASIBLE. THE COMMITTEE SHALL PROVIDE AN INTERIM PROGRESS REPORT TO THE LEGISLATURE BY JANUARY 2002. THE COMMITTEE SHALL REPORT ITS FINDINGS TO THE LEGISLATURE NOT LATER THAN DECEMBER 1, 2002.

NEW SECTION. Sec. 206. FOR THE MARINE EMPLOYEES COMMISSION

PUGET SOUND FERRY OPERATIONS ACCOUNT--

STATE APPROPRIATION \$ 332,000

NEW SECTION. Sec. 207. FOR THE TRANSPORTATION COMMISSION

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 773,000

NEW SECTION. Sec. 208. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 717,000

THE APPROPRIATION IN THIS SECTION IS SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY: THE APPROPRIATION IN THIS SECTION INCLUDES \$100,000 DISTRIBUTED UNDER RCW 46.68.110(2) THAT IS PROVIDED SOLELY FOR A COMPREHENSIVE, LONG-TERM, STATEWIDE FREIGHT NEEDS ANALYSIS. THESE FUNDS REPRESENT 20 PERCENT OF THE BIENNIAL COST AND SHALL LAPSE IF THE ADDITIONAL 80 PERCENT FUNDING IS NOT SECURED FROM PARTNERS.

NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

STATE PATROL HIGHWAY ACCOUNT--

STATE APPROPRIATION \$ 162,081,000

STATE PATROL HIGHWAY ACCOUNT--

FEDERAL APPROPRIATION \$ 7,084,000

STATE PATROL HIGHWAY ACCOUNT--

PRIVATE/LOCAL APPROPRIATION \$ 169,000

TOTAL APPROPRIATION \$ 169,334,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THE ACTIVITIES OF THE FIELD OPERATIONS BUREAU:

(1) AS A RESULT OF THE ELIMINATION OF THE VEHICLE INSPECTION NUMBER (VIN) PROGRAM, NO PERMANENT WASHINGTON STATE PATROL EMPLOYEE SHALL BE DISPLACED FROM EMPLOYMENT WITHOUT THE OPPORTUNITY TO FILL A VACANT PATROL POSITION FOR WHICH HE OR SHE HAS A PREFERENCE AND MEETS THE MINIMUM QUALIFICATIONS. FOR THE PURPOSE OF THE VIN PROGRAM ELIMINATION, THE GUIDELINES UNDER CHAPTER 356-26 WAC (REGISTERS-CERTIFICATIONS) SHALL BE SUSPENDED FOR THOSE EMPLOYEES HOLDING THE CLASSIFICATION OF VIN 1 OR 2.

(2) TO THE EXTENT POSSIBLE, THE AGENCY SHALL TRANSFER DISPLACED VIN PERSONNEL INTO THE 20 NEWLY CREATED SCHOOL BUS INSPECTION AND MOTOR CARRIER SAFETY ASSISTANCE PROGRAM POSITIONS. THE AGENCY SHALL FILL EXISTING VACANT POSITIONS WITHIN THE COMMERCIAL VEHICLE DIVISION WITH DISPLACED VIN PERSONNEL. THE AGENCY SHALL REPORT BY DECEMBER 31, 2001, TO THE SENATE AND HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEES ON EFFORTS TO RELOCATE DISPLACED VIN PERSONNEL.

NEW SECTION. Sec. 210. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU

STATE PATROL HIGHWAY ACCOUNT--

STATE APPROPRIATION \$ 69,960,000

STATE PATROL HIGHWAY ACCOUNT--

PRIVATE/LOCAL APPROPRIATION \$ 735,000

TOTAL APPROPRIATION \$ 70,695,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THE ACTIVITIES OF THE SUPPORT SERVICES BUREAU. THE WASHINGTON STATE PATROL SHALL IMPROVE RESPONSE TIMES DURING EMERGENCY RADIO OUTAGES BY ALLOWING ELECTRONIC SERVICES FIELD TECHNICIANS TO TAKE HOME THEIR ASSIGNED VEHICLE AND EQUIPMENT EVEN THOUGH THEY MAY BE OFF DUTY.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES

MARINE FUEL TAX REFUND ACCOUNT--STATE

APPROPRIATION \$ 7,000

MOTORCYCLE SAFETY EDUCATION ACCOUNT--

STATE APPROPRIATION \$ 114,000

WILDLIFE ACCOUNT--STATE APPROPRIATION \$ 89,000

HIGHWAY SAFETY ACCOUNT--STATE APPROPRIATION \$ 7,740,000

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 4,230,000

LICENSING SERVICES ACCOUNT--STATE

APPROPRIATION \$ 123,000

TOTAL APPROPRIATION \$ 12,303,000

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

MARINE FUEL TAX REFUND ACCOUNT--STATE

APPROPRIATION \$ 2,000

MOTORCYCLE SAFETY EDUCATION ACCOUNT--

STATE APPROPRIATION \$ 50,000

WILDLIFE ACCOUNT--STATE APPROPRIATION \$ 34,000

HIGHWAY SAFETY ACCOUNT--STATE APPROPRIATION \$ 5,655,000

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 3,304,000

LICENSING SERVICES ACCOUNT--STATE

APPROPRIATION \$ 292,000

TOTAL APPROPRIATION \$ 9,337,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS: THE DEPARTMENT OF LICENSING SHALL REPORT TO THE LEGISLATIVE TRANSPORTATION COMMITTEES ON THE PROGRESS OF THE EXPANDED INTERNET SERVICE NO LATER THAN DECEMBER 15, 2002.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

MARINE FUEL TAX REFUND ACCOUNT--
STATE APPROPRIATION \$ 26,000
WILDLIFE ACCOUNT--STATE APPROPRIATION \$ 578,000
MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 57,043,000
LICENSING SERVICES ACCOUNT--STATE
APPROPRIATION \$ 3,123,000
TOTAL APPROPRIATION \$ 60,770,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

MOTORCYCLE SAFETY EDUCATION ACCOUNT--
STATE APPROPRIATION \$ 2,223,000
HIGHWAY SAFETY ACCOUNT--STATE APPROPRIATION \$ 81,366,000
TOTAL APPROPRIATION \$ 83,589,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS: THE DEPARTMENT OF LICENSING SHALL PREPARE A CAPITAL PROJECT PLAN ADOPTING A PROCESS FOR USING CERTIFICATES OF PARTICIPATION TO PURCHASE LICENSING SERVICES OFFICES IF THE COMBINED PRINCIPLE AND INTEREST PAYMENTS ARE THE SAME OR LESS THAN EXISTING OR FUTURE LEASES ON COMPARABLE FACILITIES.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 50,649,000
MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION \$ 400,000
TOTAL APPROPRIATION \$ 51,049,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY: \$3,296,000 OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION IS PROVIDED SOLELY FOR THE IMPLEMENTATION OF ENGROSSED SENATE BILL NO. 6188.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

AERONAUTICS ACCOUNT--STATE APPROPRIATION \$ 4,852,000
AIRCRAFT SEARCH AND RESCUE SAFETY AND
EDUCATION ACCOUNT--STATE APPROPRIATION \$ 160,000
TOTAL APPROPRIATION \$ 5,012,000

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 508,936,000
MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION \$ 219,538,000
MOTOR VEHICLE ACCOUNT--PRIVATE/LOCAL
APPROPRIATION \$ 40,904,000
SPECIAL CATEGORY C ACCOUNT--STATE
APPROPRIATION \$ 72,608,000
MULTIMODAL TRANSPORTATION ACCOUNT--STATE
APPROPRIATION \$ 4,880,000
TOTAL APPROPRIATION \$ 846,866,000

THE APPROPRIATIONS IN THIS SECTION ARE PROVIDED FOR THE LOCATION, DESIGN, RIGHT OF WAY ACQUISITION, OR CONSTRUCTION OF STATE HIGHWAY PROJECTS DESIGNATED AS IMPROVEMENTS UNDER RCW 47.05.030. THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

(1) THE SPECIAL CATEGORY C ACCOUNT--STATE APPROPRIATION OF \$72,608,000 INCLUDES \$63,500,000 IN PROCEEDS FROM THE SALE OF BONDS AUTHORIZED IN RCW 47.10.812. THE TRANSPORTATION COMMISSION MAY AUTHORIZE THE USE OF CURRENT REVENUES AVAILABLE TO THE DEPARTMENT OF TRANSPORTATION IN LIEU OF BOND PROCEEDS FOR ANY PART OF THE STATE APPROPRIATION.

(2) THE DEPARTMENT SHALL REPORT DECEMBER 1ST AND JUNE 1ST OF EACH YEAR TO THE SENATE AND THE HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEES AND THE OFFICE OF FINANCIAL MANAGEMENT ON THE TIMING AND THE SCOPE OF WORK BEING PERFORMED FOR THE REGIONAL TRANSIT AUTHORITY KNOWN AS SOUND TRANSIT. THIS REPORT SHALL PROVIDE A DESCRIPTION OF ALL DEPARTMENT ACTIVITIES RELATED TO THE REGIONAL TRANSIT AUTHORITY INCLUDING INVESTMENTS IN STATE-OWNED INFRASTRUCTURE.

(3) THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION INCLUDES \$391,637,000 IN PROCEEDS FROM THE SALE OF BONDS AUTHORIZED BY RCW 47.10.843. THE TRANSPORTATION COMMISSION MAY AUTHORIZE THE USE OF CURRENT REVENUES AVAILABLE TO THE DEPARTMENT OF TRANSPORTATION IN LIEU OF BOND PROCEEDS FOR ANY PART OF THE STATE APPROPRIATION.

(4) AT LEAST \$554,714,000 OF THE TOTAL APPROPRIATION IS PROVIDED FOR THE CONSTRUCTION PHASE OF THE IMPROVEMENT PROGRAM.

(5) \$4,880,000 OF THE MULTIMODAL TRANSPORTATION ACCOUNT--STATE APPROPRIATION IS PROVIDED SOLELY FOR THE STATE PROGRAM SHARE OF FREIGHT MOBILITY PROJECTS AS IDENTIFIED BY THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD.

(6) THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION INCLUDES \$3,898,000 IN UNEXPENDED PROCEEDS FROM THE JANUARY 2001 BOND SALE AUTHORIZED IN RCW 47.10.834 FOR THE TACOMA NARROWS BRIDGE PROJECT. THE TRANSPORTATION COMMISSION MAY AUTHORIZE THE USE OF CURRENT REVENUES AVAILABLE TO THE DEPARTMENT OF TRANSPORTATION IN-LIEU OF BOND PROCEEDS FOR ANY PART OF THE STATE APPROPRIATION.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K--OPERATING

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 1,153,000

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K--CAPITAL

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 1,400,000

THE APPROPRIATION IN THIS SECTION IS SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

(1) THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION CONSISTS OF PROCEEDS FROM THE SALE OF BONDS AUTHORIZED IN RCW 47.10.834 FOR ALL FORMS OF CASH CONTRIBUTIONS, OR THE PAYMENT OF OTHER COSTS INCIDENT TO THE LOCATION, DEVELOPMENT, DESIGN, RIGHT OF WAY, AND CONSTRUCTION OF THE TACOMA NARROWS BRIDGE IMPROVEMENTS UNDER THE PUBLIC-PRIVATE TRANSPORTATION INITIATIVE PROGRAM AUTHORIZED UNDER CHAPTER 47.46 RCW.

(2) THE TRANSPORTATION COMMISSION MAY AUTHORIZE THE USE OF CURRENT REVENUES AVAILABLE TO THE DEPARTMENT OF TRANSPORTATION IN-LIEU OF BOND PROCEEDS FOR ANY PART OF THE STATE APPROPRIATION.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 275,394,000

MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION \$ 512,000

MOTOR VEHICLE ACCOUNT--PRIVATE/LOCAL

APPROPRIATION \$ 4,067,000

TOTAL APPROPRIATION \$ 279,973,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

(1) IF PORTIONS OF THE APPROPRIATIONS IN THIS SECTION ARE REQUIRED TO FUND MAINTENANCE WORK RESULTING FROM MAJOR DISASTERS NOT COVERED BY FEDERAL EMERGENCY FUNDS SUCH AS FIRE, FLOODING, AND MAJOR SLIDES, SUPPLEMENTAL APPROPRIATIONS WILL BE REQUESTED TO RESTORE STATE FUNDING FOR ONGOING MAINTENANCE ACTIVITIES.

(2) THE DEPARTMENT SHALL REQUEST AN UNANTICIPATED RECEIPT FOR ANY FEDERAL MONEYS RECEIVED FOR EMERGENCY SNOW AND ICE REMOVAL AND SHALL PLACE AN EQUAL AMOUNT OF THE MOTOR VEHICLE ACCOUNT--STATE INTO UNALLOTTED STATUS. THIS EXCHANGE SHALL NOT AFFECT THE AMOUNT OF FUNDING AVAILABLE FOR SNOW AND ICE REMOVAL.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 90,760,000

MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION \$ 318,795,000

MOTOR VEHICLE ACCOUNT--PRIVATE/LOCAL

APPROPRIATION \$ 8,717,000

MULTIMODAL TRANSPORTATION ACCOUNT--STATE

APPROPRIATION \$ 64,218,000

MULTIMODAL TRANSPORTATION ACCOUNT--FEDERAL

APPROPRIATION \$ 95,682,000

TOTAL APPROPRIATION \$ 578,172,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

(1) IF PORTIONS OF THE APPROPRIATIONS IN THIS SECTION ARE REQUIRED TO FUND PRESERVATION WORK RESULTING FROM MAJOR DISASTERS NOT COVERED BY FEDERAL EMERGENCY FUNDS SUCH AS FIRE, FLOODING, AND MAJOR SLIDES, SUPPLEMENTAL APPROPRIATIONS WILL BE REQUESTED TO RESTORE STATE FUNDING FOR ONGOING MAINTENANCE ACTIVITIES.

(2) THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION INCLUDES \$6,524,000 FOR EARTHQUAKE REPAIRS AND TO MATCH FEDERAL EMERGENCY RELIEF FUNDS. THIS AMOUNT INCLUDES \$3,750,000 IN PROCEEDS FROM THE SALE OF BONDS AUTHORIZED IN RCW 47.10.761 AND 47.10.762 FOR EMERGENCY PURPOSES.

(3) THE DEPARTMENT OF TRANSPORTATION IS AUTHORIZED TO MAXIMIZE THE USE OF FEDERAL AND STATE FUNDS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

(4) \$471,763,000 OF THE TOTAL APPROPRIATION IS PROVIDED FOR THE CONSTRUCTION PHASE OF THE PRESERVATION PROGRAM.

(5) THE MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION AND THE MULTIMODAL TRANSPORTATION ACCOUNT--FEDERAL APPROPRIATION ARE TRANSFERABLE BETWEEN EACH OTHER TO ENSURE EFFICIENT FUNDS MANAGEMENT AND PROGRAM DELIVERY.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 32,402,000

MOTOR VEHICLE ACCOUNT--PRIVATE/LOCAL

APPROPRIATION \$ 125,000

TOTAL APPROPRIATION \$ 32,527,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 7,542,000

MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION \$ 16,678,000

TOTAL APPROPRIATION \$ 24,220,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND THE SPECIFIED AMOUNT IS PROVIDED SOLELY FOR THAT ACTIVITY: THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION INCLUDES \$2,986,000 FOR STATE MATCHING FUNDS FOR FEDERALLY SELECTED COMPETITIVE GRANT OR CONGRESSIONAL EARMARK PROJECTS OTHER THAN COMMERCIAL VEHICLE INFORMATION SYSTEM AND NETWORK (CVISN). THESE MONEYS SHALL BE PLACED INTO RESERVE STATUS UNTIL SUCH TIME AS FEDERAL FUNDS ARE SECURED AND A STATE MATCH IS REQUIRED.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

STATE PATROL HIGHWAY ACCOUNT--STATE
APPROPRIATION \$ 926,000
MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 94,632,000
MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION \$ 2,654,000
PUGET SOUND FERRY OPERATIONS ACCOUNT--
STATE APPROPRIATION \$ 6,642,000
MULTIMODAL TRANSPORTATION ACCOUNT--STATE
APPROPRIATION \$ 2,082,000
TOTAL APPROPRIATION \$ 106,936,000

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 18,250,000
MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION \$ 18,800,000
MULTIMODAL TRANSPORTATION ACCOUNT--STATE
APPROPRIATION \$ 987,000
MULTIMODAL TRANSPORTATION ACCOUNT--FEDERAL
APPROPRIATION \$ 2,000,000
TOTAL APPROPRIATION \$ 40,037,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND THE SPECIFIED AMOUNT IS PROVIDED SOLELY FOR THAT ACTIVITY:

(1) THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION INCLUDES \$1,000,000 DISTRIBUTED UNDER RCW 46.68.110(2):

(A) \$500,000 OF THE DISTRIBUTION UNDER RCW 46.68.110(2) IS TO BE USED SOLELY BY THE DEPARTMENT OF TRANSPORTATION TO COLLECT AND ENTER COLLISION REPORTS INTO THE STATEWIDE COLLISION REPORTING SYSTEM FOR LOCAL ROADWAY PLANNING AND SAFETY ANALYSIS.

(B) \$500,000 OF THE DISTRIBUTION UNDER RCW 46.68.110(2) IS PROVIDED SOLELY TO THE DEPARTMENT OF TRANSPORTATION FOR THE WASHINGTON STRATEGIC FREIGHT TRANSPORTATION ANALYSIS. THE DEPARTMENT SHALL WORK WITH THE TRANSPORTATION RESEARCH CENTER TO CONDUCT AN ORIGIN AND DESTINATION STUDY TO DETERMINE THE IMPACTS OF TRADE-RELATED TRUCK TRAFFIC AND OTHER TRUCK IMPACTS ON THE HIGHWAY SYSTEM. THE DEPARTMENT MAY ALSO CONDUCT OTHER RESEARCH ELEMENTS, INCLUDING, BUT NOT LIMITED TO, FREIGHT CORRIDOR IDENTIFICATION, STRATEGIC RESOURCE ACCESS, AND ROAD NETWORK REVIEW.

(2) \$6,754,000 OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION IS PROVIDED FOR THE IMPLEMENTATION OF SENATE BILL NO. 5749 IN THE FORM ENACTED BY THE LEGISLATURE. IF SENATE BILL NO. 5749 IS NOT ENACTED IN THE FORM PASSED BY THE LEGISLATURE BY JULY 31, 2001, THIS FUNDING SHALL LAPSE.

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

PAYMENTS IN THIS SECTION REPRESENT CHARGES FROM OTHER STATE AGENCIES TO THE DEPARTMENT OF TRANSPORTATION.

(1) FOR PAYMENT OF DEPARTMENT OF GENERAL ADMINISTRATION OFFICE OF RISK MANAGEMENT FEES

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 464,000

PUGET SOUND FERRY OPERATIONS--STATE

APPROPRIATION \$ 154,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 731,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 4,128,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 2,240,000

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 13,892,000

MOTOR VEHICLE FUND--PUGET SOUND FERRY OPERATIONS ACCOUNT--

STATE APPROPRIATION \$ 4,204,000

THE OFFICE OF RISK MANAGEMENT SHALL EVALUATE THE RISK POOL PREMIUM ASSESSMENTS TO ENSURE THAT PROPER TRACKING, MEASURING, AND REPORTING METHODS HAVE BEEN UTILIZED TO ENSURE FUNDING EQUITY HAS BEEN MAINTAINED. "FUNDING EQUITY" INCLUDES BUT IS NOT LIMITED TO DEMONSTRATING THAT PREMIUMS ASSESSED TO THE DEPARTMENT OF TRANSPORTATION WILL, OVER TIME, NOT EXCEED CLAIMS PAID IN ORDER TO ENSURE THAT PREMIUMS PAID BY THE DEPARTMENT OF TRANSPORTATION ARE NOT UNCONSTITUTIONALLY EXPENDED FOR NONHIGHWAY PURPOSES. THE OFFICE OF RISK MANAGEMENT SHALL MAKE A FULL REPORT OF ITS FINDINGS TO THE LEGISLATURE NO LATER THAN JANUARY 15, 2002.

(6) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 251,000

(7) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 1,547,000

(8) FOR ARCHIVES AND RECORDS MANAGEMENT

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 469,000

TOTAL APPROPRIATION \$ 28,080,000

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--

PROGRAM V

MULTIMODAL TRANSPORTATION ACCOUNT--STATE

APPROPRIATION \$ 11,160,000

MULTIMODAL TRANSPORTATION ACCOUNT--FEDERAL

APPROPRIATION \$ 3,074,000

MULTIMODAL TRANSPORTATION ACCOUNT--

PRIVATE/LOCAL APPROPRIATION \$ 205,000

TOTAL APPROPRIATION \$ 14,439,000

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES

CONSTRUCTION--PROGRAM W

MOTOR VEHICLE ACCOUNT--STATE

APPROPRIATION \$ 144,404,000

MOTOR VEHICLE ACCOUNT--FEDERAL

APPROPRIATION \$ 37,472,000

PASSENGER FERRY ACCOUNT--STATE APPROPRIATION \$ 1,500,000

PASSENGER FERRY ACCOUNT--FEDERAL

APPROPRIATION \$ 4,000,000

TOTAL APPROPRIATION \$ 187,376,000

THE APPROPRIATIONS IN THIS SECTION ARE PROVIDED FOR IMPROVING THE WASHINGTON STATE FERRY SYSTEM, INCLUDING, BUT NOT LIMITED TO, VESSEL ACQUISITION, VESSEL CONSTRUCTION, MAJOR AND MINOR VESSEL IMPROVEMENTS, AND TERMINAL CONSTRUCTION AND IMPROVEMENTS. THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

(1) THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION INCLUDES \$50,000,000 IN PROCEEDS FROM THE SALE OF BONDS AUTHORIZED BY RCW 47.10.843 FOR VESSEL AND TERMINAL ACQUISITION, MAJOR AND MINOR IMPROVEMENTS, AND LONG LEAD TIME MATERIALS ACQUISITION FOR THE WASHINGTON STATE FERRIES. THE TRANSPORTATION COMMISSION MAY AUTHORIZE THE USE OF CURRENT REVENUES AVAILABLE TO THE MOTOR VEHICLE ACCOUNT IN LIEU OF BOND PROCEEDS FOR ANY PART OF THE STATE APPROPRIATION.

(2) APPROPRIATIONS IN THIS SECTION INCLUDE FUNDING FOR THE PURCHASE OR LEASE-PURCHASE OF ONE PASSENGER FERRY AND ASSUME THE PROCEEDS OF THE SALE OF THE MV KALAMA AND MV SKAGIT PASSENGER FERRIES SHALL BE DEPOSITED IN THE PASSENGER FERRY ACCOUNT.

(3) THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT TO A LEGISLATIVE OVERSIGHT COMMITTEE THAT WILL MANAGE A STUDY OF THE EAGLE HARBOR MAINTENANCE FACILITY. THE LEGISLATIVE OVERSIGHT COMMITTEE SHALL CONSIST OF TWO MEMBERS FROM EACH CAUCUS IN EACH HOUSE OF THE LEGISLATURE, APPOINTED BY THE LEADERSHIP OF THE MEMBERS' RESPECTIVE CAUCUS. THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS ON BEHALF OF THE LEGISLATIVE OVERSIGHT COMMITTEE FOR AN OUTSIDE CONSULTING FIRM TO CONDUCT A STUDY ON THE PRESERVATION, REPLACEMENT, OR SUPPLEMENTATION OF THE EAGLE HARBOR MAINTENANCE FACILITY. THE STUDY MUST ANALYZE: (A) THE COSTS AND BENEFITS TO PRESERVE AND MAINTAIN OR RELOCATE THE FACILITY; (B) THE IMPACT OF EAGLE HARBOR EMPLOYMENT ON THE LOCAL COMMUNITY AND KITSAP COUNTY; AND (C) A RECOMMENDATION ON FUTURE INVESTMENT IN THE EAGLE HARBOR MAINTENANCE FACILITY OR POSSIBLE ALTERNATIVES. THE CONTRACTOR AND THE LEGISLATIVE OVERSIGHT COMMITTEE MUST REPORT BACK TO THE LEGISLATURE'S TRANSPORTATION COMMITTEES NO LATER THAN DECEMBER 10, 2002.

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

PUGET SOUND FERRY OPERATIONS ACCOUNT--STATE

APPROPRIATION \$ 321,673,000

THE APPROPRIATION IN THIS SECTION IS SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

(1) THE APPROPRIATION IS BASED ON THE BUDGETED EXPENDITURE OF \$46,881,000 FOR VESSEL OPERATING FUEL IN THE 2001-2003 BIENNIUM. IF THE ACTUAL COST OF FUEL IS LESS THAN THIS BUDGETED AMOUNT, THE EXCESS AMOUNT MAY NOT BE EXPENDED. IF THE ACTUAL COST EXCEEDS THIS AMOUNT, THE DEPARTMENT SHALL REQUEST A SUPPLEMENTAL APPROPRIATION.

(2) THE APPROPRIATION PROVIDES FOR THE COMPENSATION OF FERRY EMPLOYEES. THE EXPENDITURES FOR COMPENSATION PAID TO FERRY EMPLOYEES DURING THE 2001-2003 BIENNIUM MAY NOT EXCEED \$206,696,000 PLUS A DOLLAR AMOUNT, AS PRESCRIBED BY THE OFFICE OF FINANCIAL MANAGEMENT, THAT IS EQUAL TO ANY INSURANCE BENEFIT INCREASE GRANTED GENERAL GOVERNMENT EMPLOYEES IN EXCESS OF \$432.82 A MONTH ANNUALIZED PER ELIGIBLE MARINE EMPLOYEE MULTIPLIED BY THE NUMBER OF ELIGIBLE MARINE EMPLOYEES FOR THE RESPECTIVE FISCAL YEAR, A DOLLAR AMOUNT AS PRESCRIBED BY THE OFFICE OF FINANCIAL MANAGEMENT FOR COSTS ASSOCIATED WITH PENSION AMORTIZATION CHARGES, AND A DOLLAR AMOUNT PRESCRIBED BY THE OFFICE OF FINANCIAL MANAGEMENT FOR SALARY INCREASES DURING THE 2001-2003 BIENNIUM. FOR THE PURPOSES OF THIS SECTION, THE EXPENDITURES FOR COMPENSATION PAID TO FERRY EMPLOYEES SHALL BE LIMITED TO SALARIES AND WAGES AND EMPLOYEE BENEFITS AS DEFINED IN THE OFFICE OF FINANCIAL MANAGEMENT'S POLICIES, REGULATIONS, AND PROCEDURES NAMED UNDER OBJECTS OF EXPENDITURE "A" AND "B" (7.2.6.2).

THE PRESCRIBED SALARY AND INSURANCE BENEFIT INCREASE OR DECREASE DOLLAR AMOUNT THAT SHALL BE ALLOCATED FROM THE GOVERNOR'S COMPENSATION APPROPRIATIONS IS IN ADDITION TO THE APPROPRIATION CONTAINED IN THIS SECTION AND MAY BE USED TO INCREASE OR DECREASE COMPENSATION COSTS, EFFECTIVE JULY 1, 2001, AND THEREAFTER, AS ESTABLISHED IN THE 2001-2003 GENERAL FUND OPERATING BUDGET.

(3) THE DEPARTMENT SHALL ISSUE A REQUEST FOR INFORMATION FROM ENTITIES INTERESTED IN PURCHASING ADVERTISING ON BOARD WASHINGTON STATE FERRY VESSELS. THE DEPARTMENT SHALL EVALUATE THE PROPOSALS AND REPORT BACK TO THE LEGISLATURE'S TRANSPORTATION COMMITTEES IN JANUARY 2002 REGARDING THE POTENTIAL FOR REVENUE FROM DIFFERENT TYPES OF ADVERTISING.

(4) THE DEPARTMENT MAY ENTER INTO CONTRACTS WITH PRIVATE VENDORS TO SELL FERRY TICKETS AND MEDIUM AT LOCATIONS OTHER THAN WASHINGTON STATE FERRY TERMINALS OR FACILITIES.

(A) THE DEPARTMENT MAY ENTER INTO THE CONTRACTS ONLY (I) WITH PRIVATE VENDORS THAT ARE ALREADY ESTABLISHED BUSINESSES OFFERING GOODS FOR SALE TO THE GENERAL PUBLIC; AND (II) IF IT DETERMINES THAT THE VENDOR'S ESTABLISHED LOCATION HAS THE POTENTIAL TO SERVE A SIGNIFICANT PERCENTAGE OF THE CUSTOMERS USING A PARTICULAR FERRY ROUTE.

(B) THE DEPARTMENT MAY ADOPT NECESSARY RULES AND PROCEDURES TO ALLOW THE USE OF CREDIT AND DEBIT CARDS TO PURCHASE FERRY TICKETS OR MEDIUM FROM A PRIVATE VENDOR WHO HAS CONTRACTED WITH THE DEPARTMENT TO SELL FERRY TICKETS OR MEDIUM. THE DEPARTMENT MAY ESTABLISH A CONVENIENCE FEE TO BE PAID BY ALL PERSONS PURCHASING FERRY TICKETS AND MEDIUM AT LOCATIONS OTHER THAN WASHINGTON STATE FERRY TERMINALS OR FACILITIES. THE CONVENIENCE FEE MUST BE SUFFICIENT TO OFFSET THE CHARGES IMPOSED ON THE DEPARTMENT BY THE CREDIT AND DEBIT CARD COMPANIES. IN NO EVENT MAY THE USE OF CREDIT OR DEBIT CARDS AUTHORIZED BY THIS SECTION CREATE A LOSS OF REVENUE TO THE STATE. THE USE OF A PERSONAL CREDIT CARD DOES NOT RELY UPON THE CREDIT OF THE STATE AS PROHIBITED BY ARTICLE VIII, SECTION 5 OF THE STATE CONSTITUTION.

(5) THE LEGISLATURE RECOGNIZES THAT PROJECTED REVENUES TO THE PUGET SOUND FERRY OPERATING ACCOUNT FOR THE 2001-03 BIENNIUM MAY BE UP TO \$30,000,000 LESS THAN WHAT IS REQUIRED TO FUND THE APPROPRIATION PROVIDED IN THIS SECTION. THE LEGISLATURE INTENDS TO FULLY EVALUATE THE EXTENT OF THE SHORTFALL AND MAKE A SUPPLEMENTAL APPROPRIATION DURING THE 2002 LEGISLATIVE SESSION.

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING
MULTIMODAL TRANSPORTATION ACCOUNT--STATE

APPROPRIATION \$ 32,704,000

NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL
ESSENTIAL RAIL ASSISTANCE ACCOUNT--STATE

APPROPRIATION \$ 200,000

MULTIMODAL TRANSPORTATION ACCOUNT--STATE

APPROPRIATION \$ 11,610,000

MULTIMODAL TRANSPORTATION ACCOUNT--FEDERAL

APPROPRIATION \$ 9,630,000

WASHINGTON FRUIT EXPRESS ACCOUNT--STATE

APPROPRIATION \$ 500,000

TOTAL APPROPRIATION \$ 21,940,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY: \$2,000,000 OF THE MULTIMODAL TRANSPORTATION ACCOUNT--STATE APPROPRIATION IS PROVIDED SOLELY FOR THE GRAYS HARBOR LOOP PROJECT.

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 6,231,000

MOTOR VEHICLE ACCOUNT--FEDERAL APPROPRIATION \$ 2,569,000

MULTIMODAL TRANSPORTATION ACCOUNT--STATE

APPROPRIATION \$ 150,000

TOTAL APPROPRIATION \$ 8,950,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

(1) THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION INCLUDES \$150,000 DISTRIBUTED UNDER RCW 46.68.110(2) THAT IS PROVIDED TO THE WHATCOM COUNTY COUNCIL OF GOVERNMENTS FOR THE SOLE PURPOSE OF DEVELOPING AND IMPLEMENTING A MODEL OF REGIONAL TRANSPORTATION GOVERNANCE. THIS MODEL SHALL BE DEVELOPED IN ACCORDANCE WITH RECOMMENDATION 6 OF THE BLUE RIBBON COMMISSION ON TRANSPORTATION'S FINAL REPORT.

THE COUNCIL SHALL DEVELOP A MODEL THAT CAN BE USED IN OTHER PARTS OF THE STATE AND SHALL REPORT TO THE TRANSPORTATION COMMITTEES IN THE SENATE AND HOUSE OF REPRESENTATIVES ON THE POSITIVE AND NEGATIVE ASPECTS OF THE MODEL AS WELL AS COSTS ASSOCIATED WITH IT NO LATER THAN JUNE 30, 2002.

(2) \$250,000 OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION IS PROVIDED SOLELY FOR A STUDY OF CONCURRENCY ISSUES IN URBAN AREAS MARKED BY MULTIPLE CONTIGUOUS JURISDICTIONS. THE STUDY, LEAD BY THE CITY OF BELLEVUE, WILL FOCUS ON THE JURISDICTIONS OF BELLEVUE, KIRKLAND, ISSAQUAH, AND REDMOND AND WILL LOOK AT EXISTING AND UNUSED METHODOLOGIES FOR INCLUDING DEVELOPMENT IN NEIGHBORING JURISDICTIONS IN CONCURRENCY CALCULATIONS. THE STUDY WILL ALSO INVESTIGATE WHAT CHANGES IN STATE AND LOCAL LAWS ARE NEEDED IN ORDER TO PROVIDE A MORE EFFECTIVE WAY OF DEALING WITH CONCURRENCY ISSUES. BY NOVEMBER 1, 2003, A REPORT OF THE FINDINGS WILL BE MADE TO THE TRANSPORTATION COMMITTEES OF THE LEGISLATURE. THE APPROPRIATION IN THIS SUBSECTION SHALL LAPSE UNLESS THE PARTICIPATING CITIES PROVIDE \$100,000 FOR THE STUDY.

(3) UP TO \$500,000 OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION IS PROVIDED SOLELY FOR THE STUDY OF ALTERNATIVES FOR REPAIRING OR REPLACING THE SEATTLE SEA WALL. THE DEPARTMENT'S EXPENDITURE OF FUNDS PROVIDED IN THIS SUBSECTION MAY NOT EXCEED THE MATCHING CONTRIBUTION PROVIDED BY THE CITY OF SEATTLE FOR THE STUDY.

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 77,371,000

HIGHWAY INFRASTRUCTURE ACCOUNT--STATE

APPROPRIATION \$ 234,000

HIGHWAY INFRASTRUCTURE ACCOUNT--FEDERAL

APPROPRIATION \$ 1,500,000

URBAN ARTERIAL TRUST ACCOUNT--STATE

APPROPRIATION \$ 4,674,000

MULTIMODAL TRANSPORTATION ACCOUNT--STATE

APPROPRIATION \$ 10,150,000

TOTAL APPROPRIATION \$ 93,929,000

THE APPROPRIATIONS IN THIS SECTION ARE SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS AND SPECIFIED AMOUNTS ARE PROVIDED SOLELY FOR THAT ACTIVITY:

(1) THE HIGHWAYS AND LOCAL PROGRAMS DIVISION SHALL NOT ADMINISTER OR DISTRIBUTE FEDERAL TRANSPORTATION ENHANCEMENT FUNDS FOR THE PROJECT KNOWN AS EAST LAKE SAMMAMISH TRAIL INTERIM IMPROVEMENT - ISSAQUAH TO REDMOND - UNTIL INTERLOCAL AGREEMENTS BETWEEN KING COUNTY AND THE CITIES OF SAMMAMISH, REDMOND, AND ISSAQUAH HAVE BEEN FINALIZED FOR THE PORTIONS OF THE TRAIL WITHIN EACH OF THESE AFFECTED JURISDICTIONS. THESE AGREEMENTS SHALL ADDRESS SAFETY, SECURITY, PUBLIC PARKING, DESIGN, PUBLIC FACILITIES, AND PUBLIC ACCESS TO THE TRAIL, MAINTAIN KING COUNTY AS THE LEAD AGENCY ON THE DEVELOPMENT OF THE TRAIL, AND PRESERVE THE RAILBANKING STATUS OF THE RAILROAD RIGHT-OF-WAY ACCORDING TO FEDERAL LAW.

(2) \$10,000,000 OF THE MULTIMODAL TRANSPORTATION ACCOUNT--STATE APPROPRIATION IS PROVIDED SOLELY TO FUND THE FIRST PHASE OF A MULTIPHASE COOPERATIVE PROJECT WITH THE STATE OF OREGON TO DREDGE THE COLUMBIA RIVER. THE DEPARTMENT SHALL NOT EXPEND THE APPROPRIATION IN THIS SECTION UNLESS AGREEMENT ON OCEAN DISPOSAL SITES HAS BEEN REACHED WHICH PROTECTS THE STATE'S COMMERCIAL CRAB FISHERY. THE AMOUNT PROVIDED IN THIS SUBSECTION SHALL LAPSE UNLESS THE STATE OF OREGON APPROPRIATES A DOLLAR-FOR-DOLLAR MATCH TO FUND ITS SHARE OF THE PROJECT.

(3) THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION INCLUDES \$12,000,000 IN PROCEEDS FROM THE SALE OF BONDS AUTHORIZED BY RCW 47.10.843 IN ADDITION TO \$16,420,000 IN UNEXPENDED PROCEEDS FROM THE JANUARY 2001 SALE. THE TRANSPORTATION COMMISSION MAY AUTHORIZE THE USE OF CURRENT REVENUES AVAILABLE TO THE DEPARTMENT OF TRANSPORTATION IN LIEU OF BOND PROCEEDS FOR ANY PART OF THE STATE APPROPRIATION.

(4) \$4,159,000 OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION IS PROVIDED SOLELY FOR ADDITIONAL SMALL CITY PAVEMENT PRESERVATION PROGRAM GRANTS, TO BE ADMINISTERED BY THE DEPARTMENT'S HIGHWAYS AND LOCAL PROGRAMS DIVISION.

(5) \$2,000,000 OF THE MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION IS PROVIDED SOLELY FOR ADDITIONAL TRAFFIC AND PEDESTRIAN SAFETY IMPROVEMENTS NEAR SCHOOLS. THE HIGHWAYS AND LOCAL PROGRAMS DIVISION WITHIN THE DEPARTMENT OF TRANSPORTATION SHALL ADMINISTER THIS PROGRAM.

TRANSPORTATION AGENCIES CAPITAL FACILITIES

NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL

STATE PATROL HIGHWAY ACCOUNT--STATE
APPROPRIATION \$ 780,000
MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 2,705,000
TOTAL APPROPRIATION \$ 3,485,000

NEW SECTION. Sec. 302. THE WASHINGTON STATE PATROL IS AUTHORIZED TO CONTINUE WITH THE EXCHANGE OF THE OLYMPIA, WASHINGTON MARTIN WAY PROPERTY FOR A LIGHT INDUSTRIAL LAND COMPLEX TO BE USED TO CONSOLIDATE EXISTING SEPARATELY LOCATED STATE ACTIVITIES AND FUNCTIONS. THE AGENCY WILL WORK WITH THE OFFICE OF FINANCIAL MANAGEMENT, DEPARTMENT OF GENERAL ADMINISTRATION, THE SENATE TRANSPORTATION COMMITTEE, AND THE HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEE IN THE EXCHANGE AND APPROVAL PROCESSES.

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 13,046,000

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE

HIGHWAY BOND RETIREMENT ACCOUNT APPROPRIATION \$ 207,900,000
FERRY BOND RETIREMENT ACCOUNT APPROPRIATION \$ 48,675,000
TRANSPORTATION IMPROVEMENT BOARD BOND RETIREMENT
ACCOUNT--STATE APPROPRIATION \$ 40,856,000

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 4,537,000
SPECIAL CATEGORY C ACCOUNT--STATE APPROPRIATION \$ 635,000
TRANSPORTATION IMPROVEMENT ACCOUNT--STATE
APPROPRIATION \$ 473,000
TOTAL APPROPRIATION \$ 303,076,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

MOTOR VEHICLE ACCOUNT--STATE APPROPRIATION \$ 450,000
SPECIAL CATEGORY C ACCOUNT APPROPRIATION \$ 63,000
TRANSPORTATION IMPROVEMENT ACCOUNT--STATE
APPROPRIATION \$ 47,000
TOTAL APPROPRIATION \$ 560,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

MOTOR VEHICLE ACCOUNT APPROPRIATION FOR
MOTOR VEHICLE FUEL TAX REFUNDS AND
DISTRIBUTIONS \$ 458,895,000
MOTOR VEHICLE ACCOUNT APPROPRIATION FOR

MOTOR VEHICLE FUEL TAX DISTRIBUTIONS TO
CITIES AND COUNTIES \$ 428,546,000
MOTOR VEHICLE ACCOUNT APPROPRIATION FOR
LICENSE, PERMIT, AND FEE DISTRIBUTION TO
OTHER ACCOUNTS \$ 349,936,000

NEW SECTION. Sec. 404. STATUTORY APPROPRIATIONS. IN ADDITION TO THE AMOUNTS APPROPRIATED IN THIS ACT FOR REVENUE FOR DISTRIBUTION, STATE CONTRIBUTIONS TO THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM, AND BOND RETIREMENT AND INTEREST INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES, TRANSFERS, INTEREST ON REGISTERED WARRANTS, AND CERTIFICATES OF INDEBTEDNESS, THERE IS ALSO APPROPRIATED SUCH FURTHER AMOUNTS AS MAY BE REQUIRED OR AVAILABLE FOR THESE PURPOSES UNDER ANY STATUTORY FORMULA OR UNDER ANY PROPER BOND COVENANT MADE UNDER LAW.

NEW SECTION. Sec. 405. THE DEPARTMENT OF TRANSPORTATION IS AUTHORIZED TO UNDERTAKE FEDERAL ADVANCE CONSTRUCTION PROJECTS UNDER THE PROVISIONS OF 23 U.S.C. SEC. 115 IN ORDER TO MAINTAIN PROGRESS IN MEETING APPROVED HIGHWAY CONSTRUCTION AND PRESERVATION OBJECTIVES. THE LEGISLATURE RECOGNIZES THAT THE USE OF STATE FUNDS MAY BE REQUIRED TO TEMPORARILY FUND EXPENDITURES OF THE FEDERAL APPROPRIATIONS FOR THE HIGHWAY CONSTRUCTION AND PRESERVATION PROGRAMS FOR FEDERAL ADVANCE CONSTRUCTION PROJECTS PRIOR TO CONVERSION TO FEDERAL FUNDING.

NEW SECTION. Sec. 406. FOR THE STATE TREASURER--TRANSFERS

(1) RV ACCOUNT--STATE APPROPRIATION:

FOR TRANSFER TO THE MOTOR VEHICLE FUND--STATE \$ 1,135,000

THE DEPARTMENT OF TRANSPORTATION SHALL ONLY TRANSFER FUNDS PROVIDED UNDER SUBSECTION (1) OF THIS SECTION ON AN AS-NEEDED BASIS.

(2) PUBLIC TRANSPORTATION SYSTEMS ACCOUNT--

STATE APPROPRIATION: FOR TRANSFER TO THE
MULTIMODAL TRANSPORTATION ACCOUNT--STATE \$ 1,911,000

(3) STATE PATROL HIGHWAY ACCOUNT--STATE

APPROPRIATION: FOR TRANSFER TO THE MOTOR
VEHICLE ACCOUNT \$ 38,657,000

IF HOUSE BILL NO. 2216 OR SENATE BILL NO. 5078 IS ENACTED IN THE FORM PASSED BY THE LEGISLATURE, THE \$38,737,000 TRANSFER FROM THE STATE PATROL HIGHWAY ACCOUNT--STATE TO THE MOTOR VEHICLE ACCOUNT IS NULL AND VOID. IF NEITHER HOUSE BILL NO. 2216 NOR SENATE BILL NO. 5078 IS ENACTED IN THE FORM PASSED BY THE LEGISLATURE, THE STATE TREASURER SHALL TRANSFER FUNDS FROM THE STATE PATROL HIGHWAY ACCOUNT TO THE MOTOR VEHICLE ACCOUNT ON A QUARTERLY BASIS.

NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

(1) MOTOR VEHICLE FUND--STATE APPROPRIATION:

FOR TRANSFER TO PUGET SOUND FERRY OPERATIONS
ACCOUNT \$ 27,000,000

(2) ADVANCED RIGHT OF WAY REVOLVING ACCOUNT

APPROPRIATION: FOR TRANSFER TO THE MOTOR
VEHICLE FUND \$ 15,000,000

NEW SECTION. Sec. 408. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

MOTOR VEHICLE FUND--STATE PATROL HIGHWAY ACCOUNT:

FOR TRANSFER TO THE DEPARTMENT OF RETIREMENT
SYSTEMS EXPENSE FUND \$ 211,000

PERFORMANCE BASED BUDGETING PROVISIONS

NEW SECTION. Sec. 501. TRANSPORTATION AGENCIES SHALL CONTINUE TO REFINE THE FOLLOWING ACTIVITIES IN ORDER TO ESTABLISH A PERFORMANCE-BASED BUDGETING PROCESS FOR THE 2003-05 BIENNIAL BUDGET:

(1) THE DEPARTMENT OF LICENSING, THE DEPARTMENT OF TRANSPORTATION, AND THE WASHINGTON STATE PATROL, IN COOPERATION WITH THE OFFICE OF FINANCIAL MANAGEMENT AND THE SENATE AND HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEES, SHALL IMPLEMENT A PERFORMANCE BUDGETING PROCESS THAT PROVIDES A MEASURABLE LINK BETWEEN AGENCY OBJECTIVES, SERVICE LEVELS, AND BUDGET PROPOSALS. THE AGENCIES SHALL ALSO DEVELOP INDICATORS OF PERFORMANCE, STATED IN TERMS OF EXPECTED RESULTS, TO MEASURE THE AGENCIES' PROGRESS IN ACHIEVING THE AGENCIES' GOALS.

(2) THE TRANSPORTATION AGENCIES SHALL SUBMIT A STRATEGIC PLAN WITH THEIR AGENCY REQUEST BUDGETS. THE STRATEGIC PLAN MUST INCLUDE A SIX- YEAR OUTLOOK AND DEFINE AND CLARIFY THE AGENCY MISSION AND VISION, PROVIDE THE BASIS FOR BUDGET DEVELOPMENT, AND OUTLINE THE AGENCY'S GOALS AND STRATEGIES. FURTHERMORE, THE STRATEGIC PLAN SHALL REFLECT AGENCY PRIORITIES WHICH FORMED THE BASIS OF THE AGENCIES' BUDGET DEVELOPMENT.

(3) THE TRANSPORTATION AGENCIES SHALL ESTABLISH PERFORMANCE INDICATORS THAT MEASURE ACTIVITIES AND ASSOCIATED GOALS AND STRATEGIES IN THE STRATEGIC PLAN. THE AGENCIES SHALL ALSO PROVIDE A PREFERRED LEVEL OF PERFORMANCE OVER THE NEXT SIX YEARS.

(4) THE SENATE AND HOUSE OF REPRESENTATIVES TRANSPORTATION COMMITTEES, THE OFFICE OF FINANCIAL MANAGEMENT, AND THE TRANSPORTATION AGENCIES SHALL ESTABLISH THE MEANS OF CONDUCTING PROGRAM AUTHORIZATION REVIEWS OF ALL TRANSPORTATION PROGRAMS. THE REVIEWS SHALL INCLUDE:

(A) AN AGENCY SELF-ASSESSMENT TO JUDGE THE QUALITY AND USEFULNESS OF: (I) THE AGENCY'S LONG-TERM STRATEGIC PROGRAM GOALS; (II) CURRENT ORGANIZATIONAL STRUCTURE; (III) PROGRAM PRIORITIES AND OBJECTIVES; (IV) ACTIVITIES NECESSARY TO ACHIEVE PROGRAM PRIORITIES AND OBJECTIVES; (V) SERVICE LEVEL CRITERIA AND PERFORMANCE TARGETS OF EXISTING PROGRAMS AND ACTIVITIES; (VI) BEST PRACTICES BY OTHER STATES AS A POSSIBLE BENCHMARK OF THE PERFORMANCE OF THEIR PROGRAMS; AND (VII) RESULTS OR OUTCOME MEASURES AS THEY RELATE TO ACHIEVEMENT OF BENCHMARKS GIVEN DIFFERENT FUNDING LEVELS;

(B) A REVIEW OF THE AGENCY SELF-ASSESSMENT AND A REPORT TO THE LEGISLATURE; AND

(C) A REPORT WHICH RECOMMENDS WHETHER TO RETAIN, ELIMINATE, OR MODIFY FUNDING AND RELATED STATUTORY REFERENCES FOR THE AGENCY. THE PARTIES CONDUCTING THE REVIEW SHALL CONSIDER: (I) WHETHER THE AGENCY PERFORMANCE MEASURES ADEQUATELY MEASURE THE AGENCY GOALS; (II) WHETHER THE PROGRAM PERFORMS EFFICIENTLY AND EFFECTIVELY, INCLUDING COMPARISONS WITH OTHER JURISDICTIONS, IF APPLICABLE; (III) WHETHER THERE ARE OTHER COST-EFFECTIVE ALTERNATIVE METHODS OF ACCOMPLISHING THE PROGRAM'S MISSION; AND (IV) WHETHER THERE ARE ANY FUNDS SAVED BY THE AGENCY'S PERFORMANCE.

(5) THE TRANSPORTATION AGENCIES SHALL EACH DESIGNATE A PROGRAM OR PROGRAMS TO TEST THE EFFECTIVENESS OF PERFORMANCE-BASED BUDGETING FOR THE 2003-05 BUDGET SUBMITTAL PERIOD.

(6) EACH AGENCY SHALL SUBMIT A PROGRAM LIST TO THE TRANSPORTATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE AND THE OFFICE OF FINANCIAL MANAGEMENT AT THE END OF EACH FISCAL YEAR, WHICH DESCRIBES THE FUNCTIONS OF THE PROGRAM, THE FUND SOURCES FOR THE PROGRAM, AND THE NUMBER OF FULL-TIME EQUIVALENTS, IN ADDITION TO OTHER PERFORMANCE TARGETS OF THE PROGRAM AND THEIR RELATIONSHIP TO THE AGENCY STRATEGIC PLAN.

(7) THE TRANSPORTATION AGENCIES SHALL DEVELOP AGENCY BIENNIAL BUDGET REQUESTS AT THE AGENCY BUDGET PROGRAM LEVEL, RATHER THAN THE OBJECT LEVEL, AND SUBMIT THEIR BIENNIAL AND SUPPLEMENTAL BUDGET REQUESTS TO THE OFFICE OF FINANCIAL MANAGEMENT VIA A COMMON BUDGET SYSTEM BEGINNING JULY 1, 2003.

(8) THE AGENCIES SHALL INPUT MONTHLY THEIR FINANCIAL INFORMATION AND QUARTERLY PROGRAM PERFORMANCE MEASUREMENTS INTO THE TRANSPORTATION EXECUTIVE INFORMATION SYSTEM AND OTHER SYSTEMS AS REQUIRED BY THE OFFICE OF FINANCIAL MANAGEMENT. THE AGENCIES SHALL REPORT ACTUALS TO DATE AGAINST ORIGINAL ALLOTMENTS, IN ADDITION TO PLAN TO DATE. ORIGINAL ALLOTMENTS MAY REFLECT SUPPLEMENTAL BUDGET CHANGES AS CHANGED BY THE LEGISLATURE AND THE GOVERNOR.

PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS

Sec. 601. RCW 47.04.210 AND 1997 C 94 S 1 ARE EACH AMENDED TO READ AS FOLLOWS:

FEDERAL FUNDS THAT ARE ADMINISTERED BY THE DEPARTMENT OF TRANSPORTATION AND ARE PASSED THROUGH TO MUNICIPAL CORPORATIONS OR POLITICAL SUBDIVISIONS OF THE STATE AND MONEYS THAT ARE RECEIVED AS TOTAL REIMBURSEMENT FOR GOODS, SERVICES, OR PROJECTS CONSTRUCTED BY THE DEPARTMENT OF TRANSPORTATION ARE REMOVED FROM THE TRANSPORTATION BUDGET. TO PROCESS AND ACCOUNT FOR THESE EXPENDITURES A NEW TREASURY TRUST ACCOUNT IS CREATED TO BE USED FOR ALL DEPARTMENT OF TRANSPORTATION ONE HUNDRED PERCENT FEDERAL AND LOCAL REIMBURSABLE TRANSPORTATION EXPENDITURES. THIS NEW ACCOUNT IS NONBUDGETED AND NONAPPROPRIATED. AT THE SAME TIME, FEDERAL AND PRIVATE LOCAL APPROPRIATIONS AND FULL-TIME EQUIVALENTS IN SUBPROGRAMS R2, R3, T6, Y6, AND Z2 PROCESSED THROUGH THIS NEW ACCOUNT ARE REMOVED FROM THE DEPARTMENT OF TRANSPORTATION'S 1997-99 BUDGET.

THE DEPARTMENT OF TRANSPORTATION MAY MAKE EXPENDITURES FROM THE ACCOUNT BEFORE RECEIVING FEDERAL AND LOCAL REIMBURSEMENTS. HOWEVER, AT THE END OF EACH BIENNIUM, THE ACCOUNT MUST MAINTAIN A ZERO OR POSITIVE CASH BALANCE. IN THE TWENTY-FOURTH MONTH OF EACH BIENNIUM THE DEPARTMENT OF TRANSPORTATION SHALL CALCULATE AND TRANSFER SUFFICIENT CASH FROM EITHER THE MOTOR VEHICLE FUND OR THE MULTIMODAL TRANSPORTATION ((FUND)) ACCOUNT TO COVER ANY NEGATIVE CASH BALANCES. THE AMOUNT TRANSFERRED IS CALCULATED BASED ON EXPENDITURES FROM EACH FUND. IN ADDITION, ANY INTEREST CHARGES ACCRUING TO THE NEW ACCOUNT MUST BE DISTRIBUTED TO THE MOTOR VEHICLE FUND AND THE MULTIMODAL TRANSPORTATION ((FUND)) ACCOUNT.

THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE AN ANNUAL REPORT TO THE LEGISLATIVE TRANSPORTATION COMMITTEE AND THE OFFICE OF FINANCIAL MANAGEMENT ON EXPENDITURES AND FULL-TIME EQUIVALENTS PROCESSED THROUGH THE NEW ACCOUNT. THE REPORT MUST ALSO INCLUDE RECOMMENDATIONS FOR PROCESS CHANGES, IF NEEDED.

Sec. 602. RCW 47.04.220 AND 1997 C 94 S 2 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) THE MISCELLANEOUS TRANSPORTATION PROGRAMS ACCOUNT IS CREATED IN THE CUSTODY OF THE STATE TREASURER.

(2) MONEYS FROM THE ACCOUNT MAY BE USED ONLY FOR THE COSTS OF:

(A) MISCELLANEOUS TRANSPORTATION SERVICES PROVIDED BY THE DEPARTMENT THAT ARE REIMBURSED BY OTHER PUBLIC AND PRIVATE ENTITIES;

(B) LOCAL TRANSPORTATION PROJECTS FOR WHICH THE DEPARTMENT IS A CONDUIT FOR FEDERAL REIMBURSEMENT TO A MUNICIPAL CORPORATION OR POLITICAL SUBDIVISION; OR

(C) OTHER REIMBURSABLE ACTIVITIES AS RECOMMENDED BY THE LEGISLATIVE TRANSPORTATION COMMITTEE AND APPROVED BY THE OFFICE OF FINANCIAL MANAGEMENT.

(3) MONEYS RECEIVED AS REIMBURSEMENT FOR EXPENDITURES UNDER SUBSECTION (2) OF THIS SECTION MUST BE DEPOSITED INTO THE ACCOUNT.

(4) NO APPROPRIATION IS REQUIRED FOR EXPENDITURES FROM THIS ACCOUNT. THIS FUND IS NOT SUBJECT TO ALLOTMENT PROCEDURES PROVIDED UNDER CHAPTER 43.88 RCW.

(5) ONLY THE SECRETARY OF TRANSPORTATION OR THE SECRETARY'S DESIGNEE MAY AUTHORIZE EXPENDITURES FROM THE ACCOUNT.

(6) IT IS THE INTENT OF THE LEGISLATURE THAT THIS ACCOUNT MAINTAIN A ZERO OR POSITIVE CASH BALANCE AT THE END OF EACH BIENNIUM. TOWARD THIS PURPOSE THE DEPARTMENT MAY MAKE EXPENDITURES FROM THE ACCOUNT BEFORE RECEIVING REIMBURSEMENTS UNDER SUBSECTION (2) OF THIS SECTION. BEFORE THE END OF THE BIENNIUM, THE DEPARTMENT SHALL TRANSFER SUFFICIENT CASH TO COVER ANY NEGATIVE CASH BALANCES FROM THE MOTOR VEHICLE FUND AND THE MULTIMODAL TRANSPORTATION ((FUNDS)) ACCOUNT TO THE MISCELLANEOUS TRANSPORTATION PROGRAMS ACCOUNT FOR UNRECOVERED REIMBURSEMENTS. THE DEPARTMENT SHALL CALCULATE THE DISTRIBUTION OF THIS TRANSFER BASED ON EXPENDITURES. IN THE ENSUING BIENNIUM THE DEPARTMENT SHALL TRANSFER THE REIMBURSEMENTS RECEIVED IN THE MISCELLANEOUS TRANSPORTATION PROGRAMS ACCOUNT BACK TO THE MOTOR VEHICLE FUND AND THE MULTIMODAL TRANSPORTATION ((FUNDS)) ACCOUNT TO THE EXTENT OF THE CASH TRANSFERRED AT BIENNIUM END. THE DEPARTMENT SHALL ALSO DISTRIBUTE ANY INTEREST CHARGES ACCRUING TO THE MISCELLANEOUS TRANSPORTATION PROGRAMS ACCOUNT TO THE MOTOR VEHICLE FUND AND THE MULTIMODAL TRANSPORTATION ((FUNDS)) ACCOUNT. ADJUSTMENTS FOR ANY INDIRECT COST RECOVERIES MAY ALSO BE MADE AT THIS TIME.

(7) THE DEPARTMENT SHALL PROVIDE AN ANNUAL REPORT TO THE LEGISLATIVE TRANSPORTATION COMMITTEE AND THE OFFICE OF FINANCIAL MANAGEMENT ON THE EXPENDITURES AND FULL-TIME EQUIVALENTS PROCESSED THROUGH THE MISCELLANEOUS

TRANSPORTATION PROGRAMS ACCOUNT. THE REPORT MUST ALSO INCLUDE RECOMMENDATIONS FOR CHANGES TO THE PROCESS, IF NEEDED.

NEW SECTION. Sec. 603. THE HIGHWAYS AND LOCAL PROGRAMS DIVISION OF THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, THE TRANSPORTATION IMPROVEMENT BOARD, THE COUNTY ROAD ADMINISTRATION BOARD, THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD, THE ASSOCIATION OF WASHINGTON CITIES, AND THE WASHINGTON STATE ASSOCIATION OF COUNTIES SHALL ESTABLISH AND STAFF A JOINT TASK FORCE THAT WILL DEVELOP RECOMMENDATIONS TO ESTABLISH A ONE-STOP FUNDING CENTER FOR STATE FUNDED LOCAL GRANT PROGRAMS. THE TASK FORCE SHALL REPORT ITS RECOMMENDATIONS TO THE LEGISLATURE NO LATER THAN DECEMBER 1, 2001. THE RECOMMENDATIONS OF THE TASK FORCE SHALL ADDRESS THE FOLLOWING:

- (1) DEVELOP A MEMORANDUM OF UNDERSTANDING THAT GOVERNS A MULTIAGENCY GRANT COUNCIL TO COORDINATE STATE AND FEDERAL GRANT EFFORTS;
- (2) DEVELOP A SIMPLIFIED GRANT APPLICATION FORM THAT CAN BE USED BY ALL LOCAL GRANT-SEEKING AGENCIES;
- (3) COORDINATE CALLS FOR LOCAL GRANT APPLICATIONS;
- (4) INCREASE AWARENESS OF STATE-FUNDED LOCAL GRANT PROGRAMS; AND
- (5) DEVELOP A PROCESS TO FORWARD APPLICATIONS TO OTHER APPROPRIATE STATE AND FEDERAL FUNDING PROGRAMS.

NEW SECTION. Sec. 604. THE SENATE TRANSPORTATION COMMITTEE SHALL CONVENE A TASK FORCE TO STUDY THE ISSUES REGARDING ABANDONED VEHICLES, TITLE TRANSFERS, LICENSE PLATE TRANSFERS, BUYER AND SELLER REPORTS, AND ELECTRONIC AVAILABILITY OF CURRENT VEHICLE OWNER INFORMATION. THE TASK FORCE SHALL INCLUDE THE FOLLOWING MEMBERS IN ADDITION TO THE DEPARTMENT OF LICENSING: THE WASHINGTON STATE TOW TRUCK ASSOCIATION; THE WASHINGTON STATE AUTO DEALERS; THE INDEPENDENT TOWERS OF WASHINGTON; THE WASHINGTON STATE PATROL; AND REPRESENTATIVES OF TWO LOCAL LAW ENFORCEMENT AGENCIES.

THE TASK FORCE SHALL CONSIDER METHODS BY WHICH VEHICLE OWNERSHIP CHANGES CAN OCCUR MORE EXPEDITIOUSLY, INCLUDING BUT NOT LIMITED TO THE TIMING AND COMPLETENESS OF THE SELLER REPORTING THE SALE OF A VEHICLE, METHODS TO ENCOURAGE BUYERS TO RETITLE VEHICLES IN A TIMELY MANNER, AND CHANGES IN THE PROCESSING OF ABANDONED VEHICLE REPORTS TO PROVIDE MORE TIMELY ACCESS TO REGISTERED OWNER INFORMATION. THE TASK FORCE SHALL ALSO CONSIDER WHO BEARS LIABILITY FOR ABANDONED VEHICLES AS WELL AS THE ISSUE OF IMPOUNDING A REGISTERED OWNER'S CAR WHEN SOMEONE OTHER THAN THE OWNER IS DRIVING.

NEW SECTION. Sec. 605. THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE SHALL CONDUCT A PERFORMANCE AUDIT TO EVALUATE THE ADVANTAGES AND DISADVANTAGES OF REMOVING THE AVIATION DIVISION FROM THE DEPARTMENT OF TRANSPORTATION AND CREATING A WASHINGTON STATE DEPARTMENT OF AVIATION. AT A MINIMUM THE EVALUATION MUST INCLUDE: (1) A SURVEY OF AVIATION DIVISION CUSTOMERS TO DETERMINE WHETHER THE CURRENT AVIATION DIVISION MEETS THE NEEDS OF THOSE CUSTOMERS; (2) A COMPARISON OF PROCEDURES, REGULATIONS, AND REQUIREMENTS OF THE FEDERAL AVIATION ADMINISTRATION AND THE FEDERAL HIGHWAY ADMINISTRATION TO DETERMINE IF THE FEDERAL LAWS GOVERNING THE AVIATION DIVISION CONFLICT WITH THOSE GOVERNING THE DEPARTMENT OF TRANSPORTATION; (3) AN ANALYSIS OF THE DEPARTMENT OF TRANSPORTATION'S PROCESSES TO DETERMINE WHETHER THE CREATION OF A SEPARATE AVIATION DEPARTMENT WOULD RESULT IN A COST SAVINGS TO THE STATE; AND (4) A FINANCIAL ANALYSIS TO DETERMINE IF THE AVIATION FUEL TAX, AIRCRAFT REGISTRATION FEES, AND OTHER REVENUE FROM AVIATION SERVICES WOULD ENABLE A SEPARATE AVIATION DIVISION TO OPERATE WITHOUT ADDITIONAL STATE RESOURCES. THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE MUST REPORT ITS FINDINGS TO THE LEGISLATURE AND THE OFFICE OF FINANCIAL MANAGEMENT BY DECEMBER 1, 2002.

NEW SECTION. Sec. 606. A NEW SECTION IS ADDED TO CHAPTER 47.01 RCW TO READ AS FOLLOWS:

THE WASHINGTON FRUIT EXPRESS ACCOUNT IS CREATED IN THE STATE TREASURY. ALL RECEIPTS FROM THE OPERATIONS OF THE WASHINGTON FRUIT EXPRESS PROGRAM MUST BE DEPOSITED INTO THE ACCOUNT. MONEYS IN THE ACCOUNT MAY BE SPENT ONLY AFTER APPROPRIATION. EXPENDITURES FROM THE ACCOUNT MAY BE USED ONLY FOR THE OPERATIONS OF THE WASHINGTON FRUIT EXPRESS PROGRAM AND FOR EAST-WEST PASSENGER RAIL.

Sec. 607. RCW 43.84.092 AND 2000 2ND SP.S. C 4 S 5 ARE EACH AMENDED TO READ AS FOLLOWS:

- (1) ALL EARNINGS OF INVESTMENTS OF SURPLUS BALANCES IN THE STATE TREASURY SHALL BE DEPOSITED TO THE TREASURY INCOME ACCOUNT, WHICH ACCOUNT IS HEREBY ESTABLISHED IN THE STATE TREASURY.
- (2) THE TREASURY INCOME ACCOUNT SHALL BE UTILIZED TO PAY OR RECEIVE FUNDS ASSOCIATED WITH FEDERAL PROGRAMS AS REQUIRED BY THE FEDERAL CASH MANAGEMENT IMPROVEMENT ACT OF 1990. THE TREASURY INCOME ACCOUNT IS SUBJECT IN ALL RESPECTS TO CHAPTER 43.88 RCW, BUT NO APPROPRIATION IS REQUIRED FOR REFUNDS OR ALLOCATIONS OF INTEREST EARNINGS REQUIRED BY THE CASH MANAGEMENT IMPROVEMENT ACT. REFUNDS OF INTEREST TO THE FEDERAL TREASURY REQUIRED UNDER THE CASH MANAGEMENT IMPROVEMENT ACT FALL UNDER RCW 43.88.180 AND SHALL NOT REQUIRE APPROPRIATION. THE OFFICE OF FINANCIAL MANAGEMENT SHALL DETERMINE THE AMOUNTS DUE TO OR FROM THE FEDERAL GOVERNMENT PURSUANT TO THE CASH MANAGEMENT IMPROVEMENT ACT. THE OFFICE OF FINANCIAL MANAGEMENT MAY DIRECT TRANSFERS OF FUNDS BETWEEN ACCOUNTS AS DEEMED NECESSARY TO IMPLEMENT THE PROVISIONS OF THE CASH MANAGEMENT IMPROVEMENT ACT, AND THIS SUBSECTION. REFUNDS OR ALLOCATIONS SHALL OCCUR PRIOR TO THE DISTRIBUTIONS OF EARNINGS SET FORTH IN SUBSECTION (4) OF THIS SECTION.
- (3) EXCEPT FOR THE PROVISIONS OF RCW 43.84.160, THE TREASURY INCOME ACCOUNT MAY BE UTILIZED FOR THE PAYMENT OF PURCHASED BANKING SERVICES ON BEHALF OF TREASURY FUNDS INCLUDING, BUT NOT LIMITED TO, DEPOSITORY, SAFEKEEPING, AND DISBURSEMENT FUNCTIONS FOR THE STATE TREASURY AND AFFECTED STATE AGENCIES. THE TREASURY INCOME ACCOUNT IS SUBJECT IN ALL RESPECTS TO CHAPTER 43.88 RCW, BUT NO APPROPRIATION IS REQUIRED FOR PAYMENTS TO FINANCIAL INSTITUTIONS. PAYMENTS SHALL OCCUR PRIOR TO DISTRIBUTION OF EARNINGS SET FORTH IN SUBSECTION (4) OF THIS SECTION.
- (4) MONTHLY, THE STATE TREASURER SHALL DISTRIBUTE THE EARNINGS CREDITED TO THE TREASURY INCOME ACCOUNT. THE STATE TREASURER SHALL CREDIT THE GENERAL FUND WITH ALL THE EARNINGS CREDITED TO THE TREASURY INCOME ACCOUNT EXCEPT:
 - (A) THE FOLLOWING ACCOUNTS AND FUNDS SHALL RECEIVE THEIR PROPORTIONATE SHARE OF EARNINGS BASED UPON EACH ACCOUNT'S AND FUND'S AVERAGE DAILY BALANCE FOR THE PERIOD: THE CAPITOL BUILDING CONSTRUCTION ACCOUNT, THE CEDAR RIVER CHANNEL CONSTRUCTION AND OPERATION ACCOUNT, THE CENTRAL WASHINGTON UNIVERSITY CAPITAL PROJECTS ACCOUNT, THE CHARITABLE, EDUCATIONAL, PENAL AND REFORMATORY INSTITUTIONS ACCOUNT, THE COMMON SCHOOL CONSTRUCTION FUND, THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT, THE COUNTY SALES AND USE TAX EQUALIZATION ACCOUNT, THE DATA PROCESSING BUILDING CONSTRUCTION ACCOUNT, THE DEFERRED COMPENSATION ADMINISTRATIVE ACCOUNT, THE DEFERRED COMPENSATION PRINCIPAL ACCOUNT,

THE DEPARTMENT OF RETIREMENT SYSTEMS EXPENSE ACCOUNT, THE DRINKING WATER ASSISTANCE ACCOUNT, THE EASTERN WASHINGTON UNIVERSITY CAPITAL PROJECTS ACCOUNT, THE EDUCATION CONSTRUCTION FUND, THE EMERGENCY RESERVE FUND, THE FEDERAL FOREST REVOLVING ACCOUNT, THE HEALTH SERVICES ACCOUNT, THE PUBLIC HEALTH SERVICES ACCOUNT, THE HEALTH SYSTEM CAPACITY ACCOUNT, THE PERSONAL HEALTH SERVICES ACCOUNT, THE STATE HIGHER EDUCATION CONSTRUCTION ACCOUNT, THE HIGHER EDUCATION CONSTRUCTION ACCOUNT, THE HIGHWAY INFRASTRUCTURE ACCOUNT, THE INDUSTRIAL INSURANCE PREMIUM REFUND ACCOUNT, THE JUDGES' RETIREMENT ACCOUNT, THE JUDICIAL RETIREMENT ADMINISTRATIVE ACCOUNT, THE JUDICIAL RETIREMENT PRINCIPAL ACCOUNT, THE LOCAL LEASEHOLD EXCISE TAX ACCOUNT, THE LOCAL REAL ESTATE EXCISE TAX ACCOUNT, THE LOCAL SALES AND USE TAX ACCOUNT, THE MEDICAL AID ACCOUNT, THE MOBILE HOME PARK RELOCATION FUND, THE MULTIMODAL TRANSPORTATION ACCOUNT, THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT, THE MUNICIPAL SALES AND USE TAX EQUALIZATION ACCOUNT, THE NATURAL RESOURCES DEPOSIT ACCOUNT, THE PERPETUAL SURVEILLANCE AND MAINTENANCE ACCOUNT, THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 ACCOUNT, THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 2 ACCOUNT, THE PUYALLUP TRIBAL SETTLEMENT ACCOUNT, THE RESOURCE MANAGEMENT COST ACCOUNT, THE SITE CLOSURE ACCOUNT, THE SPECIAL WILDLIFE ACCOUNT, THE STATE EMPLOYEES' INSURANCE ACCOUNT, THE STATE EMPLOYEES' INSURANCE RESERVE ACCOUNT, THE STATE INVESTMENT BOARD EXPENSE ACCOUNT, THE STATE INVESTMENT BOARD COMMINGLED TRUST FUND ACCOUNTS, THE SUPPLEMENTAL PENSION ACCOUNT, THE TEACHERS' RETIREMENT SYSTEM PLAN 1 ACCOUNT, THE TEACHERS' RETIREMENT SYSTEM COMBINED PLAN 2 AND PLAN 3 ACCOUNT, THE TOBACCO PREVENTION AND CONTROL ACCOUNT, THE TOBACCO SETTLEMENT ACCOUNT, THE TRANSPORTATION INFRASTRUCTURE ACCOUNT, THE TUITION RECOVERY TRUST FUND, THE UNIVERSITY OF WASHINGTON BOND RETIREMENT FUND, THE UNIVERSITY OF WASHINGTON BUILDING ACCOUNT, THE VOLUNTEER FIRE FIGHTERS' AND RESERVE OFFICERS' RELIEF AND PENSION PRINCIPAL FUND, THE VOLUNTEER FIRE FIGHTERS' AND RESERVE OFFICERS' ADMINISTRATIVE FUND, ~~THE WASHINGTON FRUIT EXPRESS ACCOUNT~~, THE WASHINGTON JUDICIAL RETIREMENT SYSTEM ACCOUNT, THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 1 RETIREMENT ACCOUNT, THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 2 RETIREMENT ACCOUNT, THE WASHINGTON SCHOOL EMPLOYEES' RETIREMENT SYSTEM COMBINED PLAN 2 AND 3 ACCOUNT, THE WASHINGTON STATE HEALTH INSURANCE POOL ACCOUNT, THE WASHINGTON STATE PATROL RETIREMENT ACCOUNT, THE WASHINGTON STATE UNIVERSITY BUILDING ACCOUNT, THE WASHINGTON STATE UNIVERSITY BOND RETIREMENT FUND, THE WATER POLLUTION CONTROL REVOLVING FUND, AND THE WESTERN WASHINGTON UNIVERSITY CAPITAL PROJECTS ACCOUNT. EARNINGS DERIVED FROM INVESTING BALANCES OF THE AGRICULTURAL PERMANENT FUND, THE NORMAL SCHOOL PERMANENT FUND, THE PERMANENT COMMON SCHOOL FUND, THE SCIENTIFIC PERMANENT FUND, AND THE STATE UNIVERSITY PERMANENT FUND SHALL BE ALLOCATED TO THEIR RESPECTIVE BENEFICIARY ACCOUNTS. ALL EARNINGS TO BE DISTRIBUTED UNDER THIS SUBSECTION (4)(A) SHALL FIRST BE REDUCED BY THE ALLOCATION TO THE STATE TREASURER'S SERVICE FUND PURSUANT TO RCW 43.08.190.

(B) THE FOLLOWING ACCOUNTS AND FUNDS SHALL RECEIVE EIGHTY PERCENT OF THEIR PROPORTIONATE SHARE OF EARNINGS BASED UPON EACH ACCOUNT'S OR FUND'S AVERAGE DAILY BALANCE FOR THE PERIOD: THE AERONAUTICS ACCOUNT, THE AIRCRAFT SEARCH AND RESCUE ACCOUNT, THE COUNTY ARTERIAL PRESERVATION ACCOUNT, THE DEPARTMENT OF LICENSING SERVICES ACCOUNT, THE ESSENTIAL RAIL ASSISTANCE ACCOUNT, THE FERRY BOND RETIREMENT FUND, THE GRADE CROSSING PROTECTIVE FUND, THE HIGH CAPACITY TRANSPORTATION ACCOUNT, THE HIGHWAY BOND RETIREMENT FUND, THE HIGHWAY SAFETY ACCOUNT, THE MOTOR VEHICLE FUND, THE MOTORCYCLE SAFETY EDUCATION ACCOUNT, THE PILOTAGE ACCOUNT, THE PUBLIC TRANSPORTATION SYSTEMS ACCOUNT, THE PUGET SOUND CAPITAL CONSTRUCTION ACCOUNT, THE PUGET SOUND FERRY OPERATIONS ACCOUNT, THE RECREATIONAL VEHICLE ACCOUNT, THE RURAL ARTERIAL TRUST ACCOUNT, THE SAFETY AND EDUCATION ACCOUNT, THE SPECIAL CATEGORY C ACCOUNT, THE STATE PATROL HIGHWAY ACCOUNT, THE TRANSPORTATION EQUIPMENT FUND, THE TRANSPORTATION FUND, THE TRANSPORTATION IMPROVEMENT ACCOUNT, THE TRANSPORTATION IMPROVEMENT BOARD BOND RETIREMENT ACCOUNT, AND THE URBAN ARTERIAL TRUST ACCOUNT.

(5) IN CONFORMANCE WITH ARTICLE II, SECTION 37 OF THE STATE CONSTITUTION, NO TREASURY ACCOUNTS OR FUNDS SHALL BE ALLOCATED EARNINGS WITHOUT THE SPECIFIC AFFIRMATIVE DIRECTIVE OF THIS SECTION.

Sec. 608. RCW 43.84.092 AND 2000 2ND SP.S. C 4 S 6 ARE EACH AMENDED TO READ AS FOLLOWS:

(1) ALL EARNINGS OF INVESTMENTS OF SURPLUS BALANCES IN THE STATE TREASURY SHALL BE DEPOSITED TO THE TREASURY INCOME ACCOUNT, WHICH ACCOUNT IS HEREBY ESTABLISHED IN THE STATE TREASURY.

(2) THE TREASURY INCOME ACCOUNT SHALL BE UTILIZED TO PAY OR RECEIVE FUNDS ASSOCIATED WITH FEDERAL PROGRAMS AS REQUIRED BY THE FEDERAL CASH MANAGEMENT IMPROVEMENT ACT OF 1990. THE TREASURY INCOME ACCOUNT IS SUBJECT IN ALL RESPECTS TO CHAPTER 43.88 RCW, BUT NO APPROPRIATION IS REQUIRED FOR REFUNDS OR ALLOCATIONS OF INTEREST EARNINGS REQUIRED BY THE CASH MANAGEMENT IMPROVEMENT ACT. REFUNDS OF INTEREST TO THE FEDERAL TREASURY REQUIRED UNDER THE CASH MANAGEMENT IMPROVEMENT ACT FALL UNDER RCW 43.88.180 AND SHALL NOT REQUIRE APPROPRIATION. THE OFFICE OF FINANCIAL MANAGEMENT SHALL DETERMINE THE AMOUNTS DUE TO OR FROM THE FEDERAL GOVERNMENT PURSUANT TO THE CASH MANAGEMENT IMPROVEMENT ACT. THE OFFICE OF FINANCIAL MANAGEMENT MAY DIRECT TRANSFERS OF FUNDS BETWEEN ACCOUNTS AS DEEMED NECESSARY TO IMPLEMENT THE PROVISIONS OF THE CASH MANAGEMENT IMPROVEMENT ACT, AND THIS SUBSECTION. REFUNDS OR ALLOCATIONS SHALL OCCUR PRIOR TO THE DISTRIBUTIONS OF EARNINGS SET FORTH IN SUBSECTION (4) OF THIS SECTION.

(3) EXCEPT FOR THE PROVISIONS OF RCW 43.84.160, THE TREASURY INCOME ACCOUNT MAY BE UTILIZED FOR THE PAYMENT OF PURCHASED BANKING SERVICES ON BEHALF OF TREASURY FUNDS INCLUDING, BUT NOT LIMITED TO, DEPOSITORY, SAFEKEEPING, AND DISBURSEMENT FUNCTIONS FOR THE STATE TREASURY AND AFFECTED STATE AGENCIES. THE TREASURY INCOME ACCOUNT IS SUBJECT IN ALL RESPECTS TO CHAPTER 43.88 RCW, BUT NO APPROPRIATION IS REQUIRED FOR PAYMENTS TO FINANCIAL INSTITUTIONS. PAYMENTS SHALL OCCUR PRIOR TO DISTRIBUTION OF EARNINGS SET FORTH IN SUBSECTION (4) OF THIS SECTION.

(4) MONTHLY, THE STATE TREASURER SHALL DISTRIBUTE THE EARNINGS CREDITED TO THE TREASURY INCOME ACCOUNT. THE STATE TREASURER SHALL CREDIT THE GENERAL FUND WITH ALL THE EARNINGS CREDITED TO THE TREASURY INCOME ACCOUNT EXCEPT:

(A) THE FOLLOWING ACCOUNTS AND FUNDS SHALL RECEIVE THEIR PROPORTIONATE SHARE OF EARNINGS BASED UPON EACH ACCOUNT'S AND FUND'S AVERAGE DAILY BALANCE FOR THE PERIOD: THE CAPITOL BUILDING CONSTRUCTION ACCOUNT, THE CEDAR RIVER CHANNEL CONSTRUCTION AND OPERATION ACCOUNT, THE CENTRAL WASHINGTON UNIVERSITY CAPITAL PROJECTS ACCOUNT, THE CHARITABLE, EDUCATIONAL, PENAL AND REFORMATORY INSTITUTIONS ACCOUNT, THE COMMON SCHOOL CONSTRUCTION FUND, THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT, THE COUNTY SALES AND USE TAX EQUALIZATION ACCOUNT, THE DATA PROCESSING BUILDING CONSTRUCTION ACCOUNT, THE DEFERRED COMPENSATION ADMINISTRATIVE ACCOUNT, THE DEFERRED COMPENSATION PRINCIPAL ACCOUNT, THE DEPARTMENT OF RETIREMENT SYSTEMS EXPENSE ACCOUNT, THE DRINKING WATER ASSISTANCE ACCOUNT, THE EASTERN WASHINGTON UNIVERSITY CAPITAL PROJECTS ACCOUNT, THE EDUCATION CONSTRUCTION FUND, THE EMERGENCY RESERVE FUND, THE FEDERAL FOREST REVOLVING ACCOUNT, THE HEALTH SERVICES ACCOUNT, THE PUBLIC HEALTH SERVICES ACCOUNT, THE HEALTH SYSTEM CAPACITY ACCOUNT, THE PERSONAL HEALTH SERVICES ACCOUNT, THE STATE HIGHER EDUCATION CONSTRUCTION ACCOUNT, THE HIGHER EDUCATION CONSTRUCTION

ACCOUNT, THE HIGHWAY INFRASTRUCTURE ACCOUNT, THE INDUSTRIAL INSURANCE PREMIUM REFUND ACCOUNT, THE JUDGES' RETIREMENT ACCOUNT, THE JUDICIAL RETIREMENT ADMINISTRATIVE ACCOUNT, THE JUDICIAL RETIREMENT PRINCIPAL ACCOUNT, THE LOCAL LEASEHOLD EXCISE TAX ACCOUNT, THE LOCAL REAL ESTATE EXCISE TAX ACCOUNT, THE LOCAL SALES AND USE TAX ACCOUNT, THE MEDICAL AID ACCOUNT, THE MOBILE HOME PARK RELOCATION FUND, THE MULTIMODAL TRANSPORTATION ACCOUNT, THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT, THE MUNICIPAL SALES AND USE TAX EQUALIZATION ACCOUNT, THE NATURAL RESOURCES DEPOSIT ACCOUNT, THE PERPETUAL SURVEILLANCE AND MAINTENANCE ACCOUNT, THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 ACCOUNT, THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM COMBINED PLAN 2 AND PLAN 3 ACCOUNT, THE PUYALLUP TRIBAL SETTLEMENT ACCOUNT, THE RESOURCE MANAGEMENT COST ACCOUNT, THE SITE CLOSURE ACCOUNT, THE SPECIAL WILDLIFE ACCOUNT, THE STATE EMPLOYEES' INSURANCE ACCOUNT, THE STATE EMPLOYEES' INSURANCE RESERVE ACCOUNT, THE STATE INVESTMENT BOARD EXPENSE ACCOUNT, THE STATE INVESTMENT BOARD COMMINGLED TRUST FUND ACCOUNTS, THE SUPPLEMENTAL PENSION ACCOUNT, THE TEACHERS' RETIREMENT SYSTEM PLAN 1 ACCOUNT, THE TEACHERS' RETIREMENT SYSTEM COMBINED PLAN 2 AND PLAN 3 ACCOUNT, THE TOBACCO PREVENTION AND CONTROL ACCOUNT, THE TOBACCO SETTLEMENT ACCOUNT, THE TRANSPORTATION INFRASTRUCTURE ACCOUNT, THE TUITION RECOVERY TRUST FUND, THE UNIVERSITY OF WASHINGTON BOND RETIREMENT FUND, THE UNIVERSITY OF WASHINGTON BUILDING ACCOUNT, THE VOLUNTEER FIRE FIGHTERS' AND RESERVE OFFICERS' RELIEF AND PENSION PRINCIPAL FUND, THE VOLUNTEER FIRE FIGHTERS' AND RESERVE OFFICERS' ADMINISTRATIVE FUND, THE WASHINGTON FRUIT EXPRESS ACCOUNT, THE WASHINGTON JUDICIAL RETIREMENT SYSTEM ACCOUNT, THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 1 RETIREMENT ACCOUNT, THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' SYSTEM PLAN 2 RETIREMENT ACCOUNT, THE WASHINGTON SCHOOL EMPLOYEES' RETIREMENT SYSTEM COMBINED PLAN 2 AND 3 ACCOUNT, THE WASHINGTON STATE HEALTH INSURANCE POOL ACCOUNT, THE WASHINGTON STATE PATROL RETIREMENT ACCOUNT, THE WASHINGTON STATE UNIVERSITY BUILDING ACCOUNT, THE WASHINGTON STATE UNIVERSITY BOND RETIREMENT FUND, THE WATER POLLUTION CONTROL REVOLVING FUND, AND THE WESTERN WASHINGTON UNIVERSITY CAPITAL PROJECTS ACCOUNT. EARNINGS DERIVED FROM INVESTING BALANCES OF THE AGRICULTURAL PERMANENT FUND, THE NORMAL SCHOOL PERMANENT FUND, THE PERMANENT COMMON SCHOOL FUND, THE SCIENTIFIC PERMANENT FUND, AND THE STATE UNIVERSITY PERMANENT FUND SHALL BE ALLOCATED TO THEIR RESPECTIVE BENEFICIARY ACCOUNTS. ALL EARNINGS TO BE DISTRIBUTED UNDER THIS SUBSECTION (4)(A) SHALL FIRST BE REDUCED BY THE ALLOCATION TO THE STATE TREASURER'S SERVICE FUND PURSUANT TO RCW 43.08.190.

(B) THE FOLLOWING ACCOUNTS AND FUNDS SHALL RECEIVE EIGHTY PERCENT OF THEIR PROPORTIONATE SHARE OF EARNINGS BASED UPON EACH ACCOUNT'S OR FUND'S AVERAGE DAILY BALANCE FOR THE PERIOD: THE AERONAUTICS ACCOUNT, THE AIRCRAFT SEARCH AND RESCUE ACCOUNT, THE COUNTY ARTERIAL PRESERVATION ACCOUNT, THE DEPARTMENT OF LICENSING SERVICES ACCOUNT, THE ESSENTIAL RAIL ASSISTANCE ACCOUNT, THE FERRY BOND RETIREMENT FUND, THE GRADE CROSSING PROTECTIVE FUND, THE HIGH CAPACITY TRANSPORTATION ACCOUNT, THE HIGHWAY BOND RETIREMENT FUND, THE HIGHWAY SAFETY ACCOUNT, THE MOTOR VEHICLE FUND, THE MOTORCYCLE SAFETY EDUCATION ACCOUNT, THE PILOTAGE ACCOUNT, THE PUBLIC TRANSPORTATION SYSTEMS ACCOUNT, THE PUGET SOUND CAPITAL CONSTRUCTION ACCOUNT, THE PUGET SOUND FERRY OPERATIONS ACCOUNT, THE RECREATIONAL VEHICLE ACCOUNT, THE RURAL ARTERIAL TRUST ACCOUNT, THE SAFETY AND EDUCATION ACCOUNT, THE SPECIAL CATEGORY C ACCOUNT, THE STATE PATROL HIGHWAY ACCOUNT, THE TRANSPORTATION EQUIPMENT FUND, THE TRANSPORTATION FUND, THE TRANSPORTATION IMPROVEMENT ACCOUNT, THE TRANSPORTATION IMPROVEMENT BOARD BOND RETIREMENT ACCOUNT, AND THE URBAN ARTERIAL TRUST ACCOUNT.

(5) IN CONFORMANCE WITH ARTICLE II, SECTION 37 OF THE STATE CONSTITUTION, NO TREASURY ACCOUNTS OR FUNDS SHALL BE ALLOCATED EARNINGS WITHOUT THE SPECIFIC AFFIRMATIVE DIRECTIVE OF THIS SECTION.

NEW SECTION. Sec. 609. NOTWITHSTANDING THE LIMITATIONS OF RCW 36.82.070 AND 2001 c 221 s 3, COUNTY ROAD FUNDS MAY BE USED DURING THIS BIENNIUM BEYOND THE COUNTY RIGHT-OF-WAY FOR ACTIVITIES CLEARLY ASSOCIATED WITH REMOVAL OF FISH PASSAGE BARRIERS THAT ARE THE RESPONSIBILITY OF THE COUNTY IN THE AMOUNT DEEMED APPROPRIATE BY THE COUNTY.

NEW SECTION. Sec. 610. SECTION 607 OF THIS ACT EXPIRES MARCH 1, 2002.

NEW SECTION. Sec. 611. SECTION 608 OF THIS ACT TAKES EFFECT MARCH 1, 2002.

NEW SECTION. Sec. 612. IF ANY PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE REMAINDER OF THE ACT OR THE APPLICATION OF THE PROVISION TO OTHER PERSONS OR CIRCUMSTANCES IS NOT AFFECTED.

NEW SECTION. Sec. 613. EXCEPT FOR SECTION 608 OF THIS ACT, THIS ACT IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY, OR SUPPORT OF THE STATE GOVERNMENT AND ITS EXISTING PUBLIC INSTITUTIONS, AND TAKES EFFECT IMMEDIATELY.

ON PAGE 1, LINE 1 OF THE TITLE, AFTER "APPROPRIATIONS;" STRIKE THE REMAINDER OF THE TITLE AND INSERT "AMENDING RCW 47.04.210, 47.04.220, 43.84.092, AND 43.84.092; ADDING A NEW SECTION TO CHAPTER 47.01 RCW; CREATING NEW SECTIONS; MAKING APPROPRIATIONS AND AUTHORIZING EXPENDITURES FOR CAPITAL IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE; PROVIDING AN EXPIRATION DATE; AND DECLARING AN EMERGENCY.", AND THE SAME ARE HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, Co-CHIEF CLERK
TIMOTHY A. MARTIN, Co-CHIEF CLERK

MOTION

SENATOR HAUGEN MOVED THAT THE SENATE CONCUR IN THE HOUSE AMENDMENTS TO THIRD ENGROSSED SUBSTITUTE SENATE BILL No. 5327.

DEBATE ENSUED.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE MOTION BY SENATOR HAUGEN THAT THE SENATE CONCUR IN THE HOUSE AMENDMENTS TO THIRD ENGROSSED SUBSTITUTE SENATE BILL No. 5327.

THE MOTION BY SENATOR HAUGEN CARRIED AND THE SENATE CONCURRED IN THE HOUSE AMENDMENTS TO THIRD ENGROSSED SUBSTITUTE SENATE BILL No. 5327.

THE PRESIDENT DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF THIRD ENGROSSED SUBSTITUTE SENATE BILL No. 5327, AS AMENDED BY THE HOUSE.

DEBATE ENSUED.

ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5327, AS AMENDED BY THE HOUSE, AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 25; NAYS, 14; ABSENT, 0; EXCUSED, 10.

VOTING YEA: SENATORS BROWN, CARLSON, CONSTANTINE, COSTA, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HAUGEN, JACOBSEN, KLINE, KOHL-WELLES, LONG, MCAULIFFE, PATTERSON, PRENTICE, RASMUSSEN, REGALA, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL AND THIBAudeau - 25.

VOTING NAY: SENATORS FINKBEINER, HONEYFORD, HORN, JOHNSON, KASTAMA, McDONALD, MORTON, OKE, ROACH, ROSSI, SHEAHAN, SWECKER, WEST AND WINSLEY - 14.

EXCUSED: SENATORS BENTON, DECCIO, HALE, HARGROVE, HEWITT, HOCHSTATTER, McCASLIN, PARLETTE, STEVENS AND ZARELLI - 10.

THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5327, AS AMENDED BY THE HOUSE, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

MOTIONS

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 6129 AND SENATE JOINT MEMORIAL 8218, WHICH WERE HELD ON THE STANDING COMMITTEE REPORT CALENDAR, JUNE 20, 2001, WERE REFERRED TO THE COMMITTEE ON RULES.

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 6199, WHICH WAS HELD ON THE INTRODUCTION AND FIRST READING CALENDAR JUNE 8, 2001, WERE REFERRED TO THE COMMITTEE ON STATE AND LOCAL GOVERNMENT.

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 6204, WHICH WAS HELD ON THE INTRODUCTION AND FIRST READING CALENDAR JUNE 14, 2001, BE REFERRED TO THE COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE.

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 6209, WHICH WAS HELD ON THE INTRODUCTION AND FIRST READING CALENDAR JUNE 18, 2001, WAS REFERRED TO THE COMMITTEE ON WAYS AND MEANS.

ON MOTION OF SENATOR BETTI SHELDON, SENATE MEMORIAL NO. 8025 WHICH WAS HELD INTRODUCTION AND FIRST READING CALENDAR, JUNE 8, 2001, WAS REFERRED TO THE COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

ON MOTION OF SENATOR BETTI SHELDON, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1502, WHICH WAS HELD INTRODUCTION AND FIRST READING CALENDAR, EARLIER TODAY, WILL BE RETURNED TO THE HOUSE OF REPRESENTATIVES.

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:
THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5327.

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:
THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 6151.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE RETURNED TO THE FIFTH ORDER OF BUSINESS.

INTRODUCTION AND FIRST READING

SCR 8420 BY SENATORS SNYDER AND WEST

RETURNING BILLS TO THE HOUSE OF ORIGIN.

SCR 8421 BY SENATORS SNYDER AND WEST

ADJOURNING SINE DIE.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE RULES WERE SUSPENDED, SENATE CONCURRENT RESOLUTION NO. 8420 AND SENATE CONCURRENT RESOLUTION NO. 8421 WERE ADVANCED TO SECOND READING AND PLACED ON THE SECOND READING CALENDAR.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADVANCED TO THE SIXTH ORDER OF BUSINESS.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8420, BY SENATORS SNYDER AND WEST

RETURNING BILLS TO THE HOUSE OF ORIGIN.

THE CONCURRENT RESOLUTION WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE RULES WERE SUSPENDED, SENATE CONCURRENT RESOLUTION NO. 8420 WAS ADVANCED TO THIRD READING THE SECOND READING CONSIDERED THE THIRD AND THE CONCURRENT RESOLUTION WAS PLACED ON FINAL PASSAGE AND ADOPTED.

SENATE CONCURRENT RESOLUTION NO. 8420 WAS ADOPTED BY VOICE VOTE.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8421, BY SENATORS SNYDER AND WEST

ADJOURNING SINE DIE.

THE CONCURRENT RESOLUTION WAS READ THE SECOND TIME.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE RULES WERE SUSPENDED, SENATE CONCURRENT RESOLUTION NO. 8421 WAS ADVANCED TO THIRD READING THE SECOND READING CONSIDERED THE THIRD AND THE CONCURRENT RESOLUTION WAS PLACED ON FINAL PASSAGE AND ADOPTED.

SENATE CONCURRENT RESOLUTION NO. 8421 WAS ADOPTED BY VOICE VOTE.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE RETURNED TO THE FOURTH ORDER OF BUSINESS.

MESSAGES FROM THE HOUSE

JUNE 21, 2001

MR. PRESIDENT:

THE CO-SPEAKERS HAVE SIGNED:

THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5327,

THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, AND THE SAME ARE HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK

TIMOTHY A. MARTIN, CO-CHIEF CLERK

JUNE 21, 2001

MR. PRESIDENT:

THE HOUSE HAS ADOPTED SENATE CONCURRENT RESOLUTION NO. 8420, AND THE SAME IS HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK

TIMOTHY A. MARTIN, CO-CHIEF CLERK

JUNE 21, 2001

MR. PRESIDENT:

THE HOUSE HAS ADOPTED SENATE CONCURRENT RESOLUTION NO. 8421, AND THE SAME IS HEREWITH TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK

TIMOTHY A. MARTIN, Co-CHIEF CLERK

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:
SENATE CONCURRENT RESOLUTION NO. 8420,
SENATE CONCURRENT RESOLUTION NO. 8421.

MESSAGES FROM THE HOUSE

JUNE 21, 2001

MR. PRESIDENT:

THE CO-SPEAKERS HAVE SIGNED:
SENATE CONCURRENT RESOLUTION NO. 8420, AND THE SAME IS HEREWITH TRANSMITTED.

TIMOTHY A. MARTIN, Co-CHIEF CLERK
CYNTHIA ZEHNDER, Co-CHIEF CLERK

JUNE 21, 2001

MR. PRESIDENT:

THE CO-SPEAKERS HAVE SIGNED:
SENATE CONCURRENT RESOLUTION NO. 8421, AND THE SAME IS HEREWITH TRANSMITTED.

TIMOTHY A. MARTIN, Co-CHIEF CLERK
CYNTHIA ZEHNDER, Co-CHIEF CLERK

MOTION

UNDER PROVISIONS OF SENATOR CONCURRENT RESOLUTION No. 8420, ON MOTION OF SENATOR BETTI SHELDON,
THE FOLLOWING SENATE BILLS WERE RETURNED TO THE HOUSE OF REPRESENTATIVES:

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1502,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1517,
SUBSTITUTE HOUSE BILL NO. 1717,
SECOND ENGROSSED HOUSE BILL NO. 1886,
ENGROSSED HOUSE BILL NO. 2244,
ENGROSSED HOUSE BILL NO. 2262.**

MESSAGE FROM THE HOUSE

JUNE 21, 2001

MR. PRESIDENT:

UNDER THE PROVISIONS OF SENATE CONCURRENT RESOLUTION No. 8420, THE FOLLOWING SENATE BILLS WERE
RETURNED TO THE SENATE:

**SUBSTITUTE SENATE BILL NO. 5078,
SENATE BILL NO. 5082,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5094,
SENATE BILL NO. 5130,
SENATE BILL NO. 5144,
SUBSTITUTE SENATE BILL NO. 5236,
SENATE BILL NO. 5362,
SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5514,
SECOND SUBSTITUTE SENATE BILL NO. 5576,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5743,
SUBSTITUTE SENATE BILL NO. 5748,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5749,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5759,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5764,
SUBSTITUTE SENATE BILL NO. 5841,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5906,
ENGROSSED SENATE BILL NO. 5959,
SUBSTITUTE SENATE BILL NO. 6008,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6166,
ENGROSSED SENATE BILL NO. 6208,**

SENATE JOINT MEMORIAL NO. 8001, AND THE SAME ARE HEREWITH TRANSMITTED.

TIMOTHY A. MARTIN, CO-CHIEF CLERK
CYNTHIA ZEHNDER, CO-CHIEF CLERK

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE SENATE JOURNAL FOR THE EIGHTEENTH DAY OF THE 2001 SECOND SPECIAL SESSION OF THE FIFTY-SEVENTH LEGISLATURE WAS APPROVED.

MOTION

AT 11:54 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE 2001 SECOND SPECIAL SESSION OF THE FIFTY-SEVENTH LEGISLATURE ADJOURNED SINE DIE.

TONY M. COOK, SECRETARY OF THE SENATE

BRAD OWEN, PRESIDENT OF THE SENATE

JOURNAL OF THE SENATE

EIGHTEENTH DAY, SECOND SPECIAL SESSION, JUNE 21, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

FIRST DAY, THIRD SPECIAL SESSION

NOON SESSION

SENATE CHAMBER, OLYMPIA, MONDAY, JULY 16, 2001
THE SENATE WAS CALLED TO ORDER AT 12:00 NOON BY PRESIDENT OWEN. NO ROLL CALL WAS TAKEN.

MESSAGE FROM THE SECRETARY OF STATE

THE HONORABLE BRAD OWEN
PRESIDENT OF THE SENATE
THE LEGISLATURE OF THE STATE OF WASHINGTON
OLYMPIA, WASHINGTON 98504

DEAR PRESIDENT OWEN:

I HAVE ATTACHED A FULL, TRUE AND CORRECT COPY OF THE PROCLAMATION BY THE GOVERNOR CALLING THE THIRD SPECIAL SESSION OF THE WASHINGTON STATE LEGISLATURE TO BE CONVENED AT TWELVE O'CLOCK NOON, JULY 16, 2001.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY
HAND AND AFFIXED THE SEAL OF THE STATE OF WASHINGTON
AT OLYMPIA THIS 25TH DAY OF JUNE, A. D., 2001.

SEAL

SAM S. REED
SECRETARY OF STATE

**MESSAGE FROM THE GOVERNOR
PROCLAMATION**

WHEREAS, IN ACCORDANCE WITH ARTICLE II, SECTION 12 (AMENDMENT 68) OF THE WASHINGTON STATE CONSTITUTION, THE LEGISLATURE ADJOURNED ITS 2001 REGULAR SESSION ON APRIL 22, 2001, THE 105TH DAY OF THE SESSION, AND ADJOURNED THE FIRST SPECIAL SESSION OF 2001 ON MAY 24, 2001, THE 30TH DAY OF THE SPECIAL SESSION, AND ADJOURNED THE SECOND SPECIAL SESSION OF 2001 ON JUNE 21, THE 18TH DAY OF THE SPECIAL SESSION; AND

WHEREAS, A COMPREHENSIVE TRANSPORTATION FUNDING PACKAGE IS CRITICAL TO THE FUTURE OF OUR STATE'S ECONOMY AND BUSINESS CLIMATE, AND NO SUCH PACKAGE WAS APPROVED BY THE LEGISLATURE;

NOW, THEREFORE, I, GARY LOCKE, GOVERNOR OF THE STATE OF WASHINGTON, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY ARTICLE II, SECTION 12 (AMENDMENT 68) AND ARTICLE III, SECTION 7 OF THE WASHINGTON STATE CONSTITUTION, DO HEREBY CONVENE THE WASHINGTON STATE LEGISLATURE IN A THIRD SPECIAL SESSION IN THE CAPITOL AT OLYMPIA AT TWELVE O'CLOCK NOON ON JULY 16, 2001, FOR A PERIOD OF NOT MORE THAN TWO WEEKS FOR THE PURPOSE OF ENACTING LEGISLATION AS DESCRIBED ABOVE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND
AND CAUSED THE SEAL OF THE STATE OF WASHINGTON TO BE AFFIXED
AT OLYMPIA THIS 22ND DAY OF JUNE, A. D., TWO THOUSAND ONE.

SEAL GARY LOCKE

GOVERNOR OF WASHINGTON

BY THE GOVERNOR

SAM REED
SECRETARY OF STATE

MESSAGE FROM THE GOVERNOR

JUNE 26, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I HAVE THE HONOR TO ADVISE YOU THAT ON JUNE 26, 2001, GOVERNOR LOCKE APPROVED THE FOLLOWING SENATE BILLS ENTITLED:

ENGROSSED SENATE BILL No. 5990

RELATING TO STATE GENERAL OBLIGATION BONDS AND RELATED ACCOUNTS.

THIRD ENGROSSED SUBSTITUTE SENATE BILL No. 6151

RELATING TO THE MANAGEMENT OF SEX OFFENDERS IN THE CIVIL COMMITMENT AND CRIMINAL JUSTICE SYSTEMS.

SINCERELY,
EVERETT H. BILLINGSLEA, GENERAL COUNSEL

MESSAGE FROM THE GOVERNOR

JULY 13, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I HAVE THE HONOR TO ADVISE YOU THAT ON JULY 13, 2001, GOVERNOR LOCKE APPROVED THE FOLLOWING SENATE BILLS ENTITLED:

ENGROSSED SUBSTITUTE SENATE BILL No. 5237

RELATING TO THE FAIR FUND.

SUBSTITUTE SENATE BILL No. 5496

RELATING TO TAX RATE MODIFICATIONS FOR ANIMAL HEALTH PRODUCTS.

SECOND ENGROSSED SENATE BILL No. 5686

RELATING TO CHANGING ACADEMIC ASSESSMENTS TIMELINES.

ENGROSSED SUBSTITUTE SENATE BILL No. 5919

RELATING TO THE ASSESSMENT OF POTENTIAL SITE LOCATIONS FOR WATER STORAGE PROJECTS.

SECOND SUBSTITUTE SENATE BILL No. 5947

RELATING TO TAX EXEMPTIONS FOR DAIRY FARMERS AND ANAEROBIC DIGESTERS.

ENGROSSED SENATE BILL No. 6198

RELATING TO CONTRACTS CONCERNING THE SALE OF CIGARETTES.

SINCERELY,
EVERETT H. BILLINGSLEA, GENERAL COUNSEL

MESSAGE FROM THE GOVERNOR

PARTIAL VETO MESSAGE ON THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5327

JUNE 26, 2001

TO THE HONORABLE PRESIDENT AND MEMBERS,
THE SENATE OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I AM RETURNING HERewith, WITHOUT MY APPROVAL AS TO SECTIONS 106; 210 (LINES 10-13); 233(1); AND 501 OF THIRD ENGROSSED SUBSTITUTE SENATE BILL No. 5327 ENTITLED:

"AN ACT RELATING TO TRANSPORTATION FUNDING AND APPROPRIATIONS;"

MY REASONS FOR VETOING THESE SECTIONS ARE AS FOLLOWS:

SECTION 106, PAGES 3-4, WASHINGTON STATE PATROL COMMUNICATIONS STUDY (JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE)

THIS SECTION WOULD HAVE PROVIDED \$50,000 FROM THE STATE PATROL HIGHWAY ACCOUNT TO THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE FOR A STUDY OF THE PLANNING PROCESS AND ANALYSIS EMPLOYED BY THE WASHINGTON STATE PATROL IN DEVELOPING ITS 2001-03 BUDGET REQUEST FOR REPLACEMENT OF ITS EMERGENCY COMMUNICATION SYSTEM. THE STUDY AS DESCRIBED IN THE PROVISIO WOULD HAVE EXAMINED THE PLANNING PROCESS RATHER THAN THE NEEDS OF THE PATROL AS THEY RELATE TO STATEWIDE EMERGENCY COMMUNICATIONS. THE PATROL HAS UTILIZED THE EXPERTISE OF ITS EMPLOYEES AND PRIVATE SECTOR ENGINEERS TO ESTABLISH A TEN-YEAR CAPITAL IMPROVEMENT PLAN FOR ITS OUTDATED EMERGENCY COMMUNICATIONS SYSTEM. ADDITIONAL REVIEW OF THE PLANNING PROCESS WOULD SERVE ONLY TO DELAY REAL IMPROVEMENTS TO THE SYSTEM AND WOULD DIVERT RESOURCES FROM MORE CRITICAL FUNCTIONS IN THE BUDGET AND FISCAL AND INFORMATION TECHNOLOGY OFFICES OF THE STATE PATROL.

SECTION 210, PAGE 11, LINE 10 BEGINNING WITH "THE WASHINGTON STATE PATROL . . ." THROUGH LINE 13, ELECTRONIC SERVICES OFF-DUTY VEHICLE ASSIGNMENT (WASHINGTON STATE PATROL-SUPPORT SERVICES BUREAU)

THIS PROVISIO WOULD HAVE REQUIRED THE WASHINGTON STATE PATROL TO ALLOW ELECTRONIC SERVICES FIELD TECHNICIANS TO TAKE HOME THEIR ASSIGNED VEHICLE AND EQUIPMENT EVEN THOUGH THEY MAY BE OFF-DUTY. CURRENTLY, ONLY ON-CALL TECHNICIANS ARE ALLOWED TO TAKE HOME THEIR VEHICLES AND EQUIPMENT. THE AGENCY HAS NOT EXPERIENCED ANY ADVERSE EFFECT FROM THE EXISTING POLICY. THE PROVISION IN THIS SECTION WOULD HAVE REQUIRED AN ADDITIONAL \$200,000 EACH BIENNIUM FOR FUEL, MAINTENANCE AND VEHICLE REPLACEMENT COSTS RESULTING FROM THE INCREASE IN MILEAGE DUE TO OFF-

DUTY PERSONNEL COMMUTING TO AND FROM WORK. THESE INCREASED COSTS CANNOT BE CARVED OUT OF THE AGENCY'S EXISTING BUDGET, AND NO NEW FUNDING WAS PROVIDED IN THE 2001-03 TRANSPORTATION BUDGET.

SECTION 233(1), PAGE 24, EAST LAKE SAMMAMISH TRAIL INTERIM IMPROVEMENT (DEPARTMENT OF TRANSPORTATION - LOCAL PROGRAMS - PROGRAM Z - CAPITAL)

THIS SECTION WOULD HAVE DIRECTED THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION TO WITHHOLD FEDERAL TRANSPORTATION ENHANCEMENT FUNDS FOR THE EAST LAKE SAMMAMISH TRAIL INTERIM IMPROVEMENT PROJECT UNTIL INTERLOCAL AGREEMENTS ARE SECURED BETWEEN KING COUNTY AND THE CITIES OF SAMMAMISH, REDMOND, AND ISSAQUAH. THE TRANSPORTATION ENHANCEMENT FUNDS THAT WERE CONDITIONED BY THIS SECTION ARE FEDERAL PASS-THROUGH DOLLARS DESIGNATED FOR LOCAL AGENCY TRANSPORTATION PROJECTS AND PROGRAMS. WHILE THE STATE PLAYS AN IMPORTANT ROLE IN SELECTING THESE TYPES OF PROJECTS FOR FEDERAL FUNDING, I BELIEVE IT WOULD BE INAPPROPRIATE FOR THE STATE TO CONDITION THE RECEIPT OF THESE FUNDS BEYOND THE LOCAL AGENCY GUIDELINES PREPARED SPECIFICALLY FOR THE ADMINISTRATION OF THESE PROJECTS.

SECTION 501, PAGES 30-31, PERFORMANCE BASED BUDGETING PROVISIONS

SECTION 501 WOULD HAVE OUTLINED PERFORMANCE-BASED BUDGETING REQUIREMENTS FOR STATE TRANSPORTATION AGENCIES. WHILE I SUPPORT PERFORMANCE-BASED BUDGETING AND COMMEND THE TRANSPORTATION COMMITTEES' INTEREST, SOME ELEMENTS OF THE CRITERIA ESTABLISHED IN THIS SECTION WERE INCONSISTENT WITH CURRENT STATEWIDE BUDGET AND ACCOUNTING STANDARDS. THE OFFICE OF FINANCIAL MANAGEMENT IS DESIGNATED IN THE BUDGET, ACCOUNTING AND REPORTING ACT AS THE AGENCY RESPONSIBLE FOR ESTABLISHING BUDGET INSTRUCTIONS AND DEVELOPING AND MAINTAINING STATEWIDE FINANCIAL SYSTEMS. THE CRITERIA IN THIS SECTION WOULD HAVE ESTABLISHED ADDITIONAL AND DUPLICATIVE REPORTING REQUIREMENTS FOR TRANSPORTATION AGENCIES. THE CREATION OF TWO SEPARATE TRACKS FOR THE ANALYSIS OF FINANCIAL DATA WOULD HAVE MADE IT IMPOSSIBLE TO PROVIDE CONSISTENT AND CONNECTED STATEWIDE FINANCIAL INFORMATION. IT IS MY EXPECTATION THAT AGENCIES WILL CONTINUE TO WORK WITH THE OFFICE OF FINANCIAL MANAGEMENT AND THE LEGISLATIVE FISCAL COMMITTEES TO DEVELOP AND IMPLEMENT UNIFORM PERFORMANCE-BASED BUDGETING REPORTING STANDARDS THAT WILL BE APPLICABLE TO ALL STATE AGENCIES.

FOR THESE REASONS, I HAVE VETOED SECTIONS 106; 210 (LINES 10-13); 233(1); AND 501 OF THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5327.

WITH THE EXCEPTION OF SECTIONS 106; 210 (LINES 10-13); 233(1); AND 501, THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5327 IS APPROVED.

RESPECTFULLY SUBMITTED,
GARY LOCKE, GOVERNOR

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5937

JUNE 26, 2001

TO THE HONORABLE PRESIDENT AND MEMBERS,
THE SENATE OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I AM RETURNING HEREWITH, WITHOUT MY APPROVAL AS TO SECTIONS 5 AND 6, ENGROSSED SUBSTITUTE SENATE BILL No. 5937 ENTITLED:

"AN ACT RELATING TO POSTRETIREMENT EMPLOYMENT FOR TEACHERS' RETIREMENT SYSTEM, PUBLIC EMPLOYEES' RETIREMENT SYSTEM, AND SCHOOL EMPLOYEES' RETIREMENT SYSTEM RETIREES;"

THIS BILL ADDRESSES WORKER RETENTION PROBLEMS IN PUBLIC EMPLOYMENT BY EXPANDING POST-RETIREMENT EMPLOYMENT OPPORTUNITIES FOR PLAN 1 MEMBERS OF THE TEACHERS' AND PUBLIC EMPLOYEES' RETIREMENT SYSTEMS.

THE STATE IS FACING A CRITICAL SHORTAGE OF EXPERIENCED TEACHERS AND OTHER EMPLOYEES WITH SKILLS THAT ARE IN HIGH DEMAND. TO MEET THIS SHORTAGE, WE NEED TO ATTRACT RETIREES BACK TO WORK. ENGROSSED SUBSTITUTE SENATE BILL NO. 5937 WILL HELP US IN THIS TASK BY CREATING A PROGRAM FOR POST-RETIREMENT EMPLOYMENT. TO IMPROVE THE EFFECTIVENESS OF THIS PROGRAM AND ENSURE A STEADY SUPPLY OF PEOPLE WITH VALUABLE EXPERTISE IN OUR SCHOOLS AND STATE AND LOCAL AGENCIES, I HAVE VETOED SECTIONS 5 AND 6, WHICH WOULD HAVE TERMINATED THE PROGRAM IN 2004. THIS SUNSET DATE WOULD HAVE BEEN PREMATURE AND WOULD NOT HAVE ALLOWED SUFFICIENT TIME FOR THE PROGRAM TO DEVELOP.

THE BILL CONTAINS PROVISIONS FOR A STUDY OF THE PROGRAM, AND A MEANS TO RECOVER ANY RESULTING COSTS FROM EMPLOYERS. THESE PROVISIONS PROVIDE ADEQUATE SAFEGUARDS FOR THE PROGRAM AND MAKE SECTIONS 5 AND 6 UNNECESSARY.

FOR THESE REASONS, I HAVE VETOED SECTIONS 5 AND 6 OF ENGROSSED SUBSTITUTE SENATE BILL NO. 5937.

WITH THE EXCEPTION OF SECTIONS 5 AND 6, ENGROSSED SUBSTITUTE SENATE BILL 5937 IS APPROVED.

RESPECTFULLY SUBMITTED,
GARY LOCKE, GOVERNOR

MESSAGE FROM THE GOVERNOR

PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6153

JUNE 26, 2001

TO THE HONORABLE PRESIDENT AND MEMBERS,
THE SENATE OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I AM RETURNING HEREWITH, WITHOUT MY APPROVAL AS TO SECTIONS 2; 123(3); 203(1)(s); 217(4); 302(15); 302(16); 302(17); 308(6); 402(5); 514(12)(A); 603(12); 710; 912 AND 921 OF ENGROSSED SUBSTITUTE SENATE BILL NO. 6153 ENTITLED:

"AN ACT RELATING TO FISCAL MATTERS;"

MY REASONS FOR VETOING THESE SECTIONS ARE AS FOLLOWS:

SECTION 2, PAGE 2, RESTRICTIONS ON GOVERNOR'S SUPPLEMENTAL BUDGET

IN THE EVENT OF A PROJECTED CASH DEFICIT IN THE STATE GENERAL FUND, THE GOVERNOR WOULD HAVE BEEN DIRECTED TO MAKE ACROSS-THE-BOARD ALLOTMENT REDUCTIONS, AND TO RECOMMEND EXPENDITURES FROM THE EMERGENCY RESERVE FUND BEFORE PROPOSING ANY GENERAL FUND TAX INCREASES. THIS PROVISION WOULD HAVE RE-STATED EXISTING ALLOTMENT AUTHORITY, AS WELL AS LIMITING THE EXECUTIVE'S PREROGATIVE CONCERNING ITS SUPPLEMENTAL BUDGET RECOMMENDATIONS.

SECTION 123(3), PAGE 16, PERFORMANCE AUDITS (STATE AUDITOR)

THIS SECTION WOULD HAVE DIRECTED THE OFFICE OF STATE AUDITOR TO CONDUCT PERFORMANCE AUDITS OF THREE GOVERNMENTAL ENTITIES AS DEMONSTRATION AUDITS FOR STATE AND LOCAL GOVERNMENT AGENCIES. THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE (JLARC) ALREADY HAS STATUTORY RESPONSIBILITY FOR CONDUCTING PERFORMANCE AUDITS. THERE IS NO COMPELLING REASON TO DUPLICATE JLARC FUNCTIONS WITHIN THE OFFICE OF STATE AUDITOR. ALSO, BECAUSE OF AN APPARENT TECHNICAL ERROR, SUBSECTIONS (2) AND (3) WOULD HAVE AUTHORIZED EXPENDITURES FROM THE STATE GENERAL FUND GREATER THAN THE AGENCY APPROPRIATION. WITH RESPECT TO SUBSECTION (2), IT IS MY INTENT TO PURSUE CORRECTION OF THIS DOLLAR AMOUNT IN THE 2002 SUPPLEMENTAL BUDGET.

SECTION 203(1)(s), PAGE 44, CONTRACTED BEDS AT LOCAL COUNTY DETENTION FACILITIES (DEPARTMENT OF SOCIAL AND HEALTH SERVICES - JUVENILE REHABILITATION PROGRAM)

THIS SUBSECTION WOULD HAVE AFFECTED THE FUNDING FOR THE 33 CONTRACTED LOCAL COUNTY DETENTION FACILITIES AND ALSO DIRECTED THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS) NOT TO CONSIDER BEDS IN THOSE FACILITIES TO ACHIEVE REDUCTIONS IN BED CAPACITY. THE JUNE 2001 FORECAST OF THE CASELOAD FORECAST COUNCIL INDICATES THAT THE JUVENILE REHABILITATION RESIDENTIAL POPULATION WILL BE DECLINING BY APPROXIMATELY 60 BEDS, AND THIS TREND IS EXPECTED TO CONTINUE. BY ELIMINATING THESE CONTRACTED BEDS FROM CONSIDERATION FOR REDUCTIONS, DSHS WOULD HAVE BEEN HINDERED IN ITS ABILITY TO EFFECTIVELY MANAGE AND UTILIZE RESIDENTIAL BEDS WHILE PROVIDING THE APPROPRIATE SERVICES TO YOUTHS.

SECTION 217(4), PAGE 72, SAFETY AND HEALTH GRANTS (DEPARTMENT OF LABOR AND INDUSTRIES)

THIS SECTION ATTEMPTED TO PREVENT THE DEPARTMENT OF LABOR AND INDUSTRIES FROM OPERATING THE SAFETY AND HEALTH GRANT PROGRAM, UNLESS SEPARATE LEGISLATION IS PASSED THAT SPECIFICALLY AUTHORIZES EXPENDITURES FOR THAT PROGRAM. HOWEVER, THE STATUTORY AUTHORITY FOR THAT PROGRAM ALREADY EXISTS AND CANNOT BE CHANGED BY AN APPROPRIATIONS BILL.

SECTION 302(15), PAGE 86, CULVERT REMOVAL ON ROCKY FORD CREEK (DEPARTMENT OF ECOLOGY)

THIS SUBSECTION WOULD HAVE REQUIRED THE DEPARTMENT OF ECOLOGY (DOE) TO PROVIDE \$50,000 TO A LOCAL CONSERVATION DISTRICT IN MOSES LAKE FOR A CULVERT REMOVAL PROJECT ON ROCKY FORD CREEK. I SUPPORT ON-THE-GROUND EFFORTS TO ADDRESS FLOODING AND FISH BARRIER PROBLEMS, AND FUNDING FOR THIS TYPE OF PROJECT IS AVAILABLE FROM SEVERAL EXISTING GRANT AND LOAN PROGRAMS THROUGH THE SALMON RECOVERY FUNDING BOARD, DOE, AND THE PUBLIC WORKS TRUST BOARD.

SECTION 302(16), PAGE 86, WASHINGTON WATERSHED, SCIENCE, AND TECHNOLOGY PROGRAM (DEPARTMENT OF ECOLOGY)

THIS SUBSECTION WOULD HAVE REQUIRED DOE TO PROVIDE \$300,000 TO THE STATE CONSERVATION COMMISSION TO ESTABLISH THE WASHINGTON WATERSHED, SCIENCE, AND TECHNOLOGY PROGRAM. THIS PROGRAM WOULD HAVE PROVIDED TECHNICAL ASSISTANCE TO PRIVATE LANDOWNERS IN CONDUCTING WATER QUALITY MONITORING, RIPARIAN VEGETATION MANAGEMENT, AND NOXIOUS WEED CONTROL. ALTHOUGH I SUPPORT THE GOAL OF THIS PROVISION, THE CREATION OF A NEW TECHNICAL ASSISTANCE PROGRAM FOR THESE ITEMS IS UNNECESSARY SINCE THE CONSERVATION COMMISSION, DOE, AND THE DEPARTMENT OF FISH AND WILDLIFE ALREADY PROVIDE SUCH ASSISTANCE.

SECTION 302(17), PAGES 86-87, PALOUSE CONSERVATION DISTRICT PILOT PROJECT (DEPARTMENT OF ECOLOGY)

THE SUBSECTION WOULD HAVE REQUIRED DOE TO PROVIDE \$75,000 TO A CONSERVATION DISTRICT IN THE PALOUSE REGION FOR A PILOT PROJECT TO EVALUATE THE ABILITY OF EXISTING VOLUNTARY AND REGULATORY PROGRAMS TO IMPROVE WATER QUALITY. FUNDING FOR THIS PROJECT IS AVAILABLE, AND HAS ALREADY BEEN APPLIED FOR, FROM THE CENTENNIAL CLEAN WATER FUND.

SECTION 308(6), PAGE 97, TRUST LAND ROADS NONAPPROPRIATED ACCOUNT (DEPARTMENT OF NATURAL RESOURCES)

THIS SUBSECTION WOULD HAVE RESTRICTED THE APPROPRIATION OF A NONAPPROPRIATED ACCOUNT. SINCE THERE IS NOT AN APPROPRIATION FROM THIS ACCOUNT, THE PROVISION IS NOT BINDING AND SHOULD NOT BE INCLUDED IN THE APPROPRIATIONS BILL.

SECTION 402(5), PAGE 103, MOBILIZATION OF STATE FIRE SERVICE RESOURCES STUDY (WASHINGTON STATE PATROL)

THIS PROVISION WOULD HAVE REQUIRED THE WASHINGTON STATE PATROL, IN CONSULTATION WITH VARIOUS LOCAL AND STATE FIRE SERVICE ENTITIES, TO CONDUCT A STUDY OF THE FIRE MOBILIZATION PLAN AND PROCEDURES. THE STUDY WAS TO INCLUDE AN ANALYSIS OF THE COST EFFECTIVENESS AND EFFICIENCY OF THE FIRE SERVICE MOBILIZATION PLAN. HOWEVER, NO FUNDS

WERE PROVIDED TO THE PATROL FOR THIS ACTIVITY. I WILL DIRECT THE PATROL TO EXAMINE, TO THE EXTENT POSSIBLE WITHIN EXISTING RESOURCES, THE FIRE MOBILIZATION PLAN AND TO MAKE TIMELY RECOMMENDATIONS FOR IMPROVEMENTS.

SECTION 514(12)(A), PAGE 137, NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS BONUS (SUPERINTENDENT OF PUBLIC INSTRUCTION - EDUCATION REFORM)

SECTION 514(12) PROVIDES FUNDING FOR BONUSES FOR TEACHERS WHO ATTAIN CERTIFICATION BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS (NBPTS). THE LEGISLATURE EXTENDED THE LENGTH OF THE BONUS FROM TWO TO THREE YEARS, BUT SUBSECTION (A) WOULD HAVE RESULTED IN TEN TEACHERS LOSING THEIR THIRD YEAR BONUS PAYMENT BECAUSE THEY ACHIEVED NBPTS CERTIFICATION BEFORE THE 1999-00 SCHOOL YEAR. SUFFICIENT FUNDS ARE PROVIDED IN THE FISCAL YEAR 2002 BUDGET TO MAKE THE THIRD BONUS PAYMENT TO THESE OUTSTANDING TEACHERS - WHO WERE THE FIRST IN THIS STATE TO PURSUE AND OBTAIN NBPTS CERTIFICATION. THEREFORE, I HAVE VETOED SECTION 514(12)(A) AND REQUEST THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAKE AN ANNUAL BONUS PAYMENT OF \$3,500 TO EVERY TEACHER WHO ATTAINED NBPTS CERTIFICATION BEFORE OR DURING THE 2001-02 SCHOOL YEAR.

THIS VETO MAKES A TECHNICAL CORRECTION TO ALLOW THE FULL IMPLEMENTATION OF THE THREE-YEAR BONUS LIMIT ADOPTED BY THE LEGISLATURE. NEXT SESSION, I WILL AGAIN ASK THE LEGISLATURE TO PROVIDE FUNDING FOR BONUS PAYMENTS TO TEACHERS FOR EACH YEAR IN WHICH THEIR CERTIFICATION BY THE NBPTS IS MAINTAINED.

SECTION 603(12), PAGE 152, FEE FOR ADULT BASIC EDUCATION COURSES (STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES)

THE PURPOSE OF ADULT BASIC EDUCATION IS TO PROVIDE ADULTS THE BASIC KNOWLEDGE AND SKILLS THAT ARE NORMALLY ACQUIRED FROM KINDERGARTEN THROUGH 12TH GRADE. THEREFORE, IT HAS BEEN THE POLICY OF THE STATE TO PAY FOR THIS EDUCATION. BEFORE WE ASK STUDENTS TO PAY FOR A PORTION OF THIS EDUCATION, THERE SHOULD BE A PUBLIC DISCUSSION ABOUT CHANGING THE CURRENT POLICY.

I AM ASKING THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES TO REVIEW THEIR ADULT BASIC EDUCATION PROGRAMS AND RECOMMEND CHANGES TO OUR POLICY THAT WILL IMPROVE THIS PROGRAM, INCLUDING ANY ALTERATIONS IN THE WAY THIS PROGRAM SHOULD BE FUNDED.

SECTION 710, PAGES 169-170, DISTRIBUTION OF EXCESS FUNDS FROM THE FOREST DEVELOPMENT ACCOUNT (DEPARTMENT OF NATURAL RESOURCES)

DISTRIBUTION OF FOREST MANAGEMENT FUNDS TO COUNTIES AT THIS TIME IS NOT IN THE BEST INTEREST OF THE LONG-TERM HEALTH OF THE ACCOUNT OR THE LONG-TERM MANAGEMENT OF THE RESOURCES ON FOREST BOARD LANDS. PRIOR TRANSFERS FROM THIS ACCOUNT HAVE DEPLETED THE AVAILABLE BALANCE. IN ADDITION, THE DEPARTMENT OF NATURAL RESOURCES' JUNE REVENUE FORECAST PROJECTS AN \$8.8 MILLION DECREASE IN REVENUE FOR THE FOREST DEVELOPMENT ACCOUNT.

SECTION 912, PAGES 202-203, FOREST DEVELOPMENT ACCOUNT DISTRIBUTION OF FUND BALANCE (DEPARTMENT OF NATURAL RESOURCES)

THIS SECTION WOULD HAVE PROVIDED STATUTORY AUTHORIZATION DURING THE 2001-03 BIENNIUM TO DISTRIBUTE FOREST DEVELOPMENT ACCOUNT FUNDS AS DIRECTED IN SECTION 710. SINCE SECTION 710 HAS BEEN VETOED, SECTION 912 IS UNNECESSARY.

SECTION 921, PAGES 210-212, PARKS AND RECREATION FEES (WASHINGTON STATE PARKS AND RECREATION COMMISSION)

THIS SECTION WOULD HAVE TEMPORARILY LIMITED THE STATUTORY AUTHORITY ALLOWING THE WASHINGTON STATE PARKS AND RECREATION COMMISSION TO CHARGE FEES FOR BASIC PARKLAND ACCESS. THE REVENUE FROM SUCH FEES CAN BE USED TO PROVIDE DESPERATELY NEEDED MAINTENANCE TO PARK FACILITIES. CURRENTLY, THE PARKS SYSTEM HAS A \$40 MILLION MAINTENANCE BACKLOG IN ADDITION TO A \$292 MILLION TEN-YEAR CAPITAL FACILITIES FUNDING NEED. I HAVE IN THE PAST SUPPORTED, AND CONTINUE TO BELIEVE IT IS IMPORTANT, THAT WE PRESERVE THE COMMISSION'S ABILITY TO IMPLEMENT FEES AS IT DEEMS APPROPRIATE.

FOR THESE REASONS, I HAVE VETOED SECTIONS 2; 123(3); 203(1)(s); 217(4); 302(15); 302(16); 302(17); 308(6); 402(5); 514(12)(A); 603(12); 710; 912 AND 921 OF ENGROSSED SUBSTITUTE SENATE BILL NO. 6153.

WITH THE EXCEPTION OF SECTIONS 2; 123(3); 203(1)(s); 217(4); 302(15); 302(16); 302(17); 308(6); 402(5); 514(12)(A); 603(12); 710; 912 AND 921, ENGROSSED SUBSTITUTE SENATE BILL NO. 6153 IS APPROVED.

RESPECTFULLY SUBMITTED,
GARY LOCKE, GOVERNOR

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6155

JUNE 26, 2001

TO THE HONORABLE PRESIDENT AND MEMBERS,
THE SENATE OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I AM RETURNING HEREWITH, WITHOUT MY APPROVAL AS TO PARTS OF SECTIONS 354 AND 612 OF SUBSTITUTE SENATE BILL NO. 6155 ENTITLED:

"AN ACT RELATING TO THE CAPITAL BUDGET;"

MY REASONS FOR VETOING THESE SECTIONS ARE AS FOLLOWS:

SECTION 354(3), PAGE 93, INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

THIS SUBSECTION WOULD HAVE PROVIDED \$1 MILLION FOR A GRANT TO THE PEOPLE FOR SALMON ORGANIZATION TO COORDINATE AND IMPLEMENT VOLUNTEER SALMON RECOVERY EFFORTS. I WHOLE-HEARTEDLY ENDORSE VOLUNTEERISM IN SUPPORT OF SALMON RECOVERY. HOWEVER, I CONTINUE TO OPPOSE DIRECT APPROPRIATION OF DOLLARS TO PROJECTS, WHICH HAVE NOT BEEN THROUGH THE NORMAL SALMON RECOVERY FUNDING BOARD REVIEW PROCESS. WE MUST PRESERVE THE BOARD'S AUTHORITY TO MAKE THE BEST DECISIONS ABOUT HOW STATE AND FEDERAL SALMON RECOVERY MONEY IS SPENT.

SECTION 612, PAGE 126, LINES 1 - 5, SCHOOL FOR THE DEAF: PHASE 2B

THIS APPROPRIATION LANGUAGE WOULD HAVE UNNECESSARILY DELAYED THE DESIGN OF THE RENOVATION OF THE SCHOOL FOR THE DEAF BY MORE THAN TWO YEARS. SINCE THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE (JLARC) AND PUBLIC POLICY STUDIES ARE DIRECTED AT CAPACITY PLANNING AND EDUCATIONAL DELIVERY SYSTEMS, THEIR FINDINGS ARE NOT EXPECTED TO SIGNIFICANTLY ALTER THE LEGISLATIVE-DIRECTED MASTER PLAN AND FACILITY PROGRAM STUDIES RECENTLY COMPLETED BY THE SCHOOL. THIS APPROPRIATION FUNDS THE PRELIMINARY DESIGN OF THE CAMPUS RENOVATION TO ADDRESS STUDENT SAFETY, ENERGY EFFICIENCY AND EDUCATIONAL PROGRAM DELIVERY, AND THE PROJECT SHOULD NOT BE DELAYED FOR ADDITIONAL STUDIES.

FOR THESE REASONS I HAVE VETOED PORTIONS OF SECTIONS 354 AND 612 OF SUBSTITUTE SENATE BILL NO. 6155.

WITH THE EXCEPTION OF THOSE PORTIONS OF SECTIONS 354 AND 612 AS SPECIFIED ABOVE, SUBSTITUTE SENATE BILL NO. 6155 IS APPROVED.

RESPECTFULLY SUBMITTED,
GARY LOCKE, GOVERNOR

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6167

JUNE 26, 2001

TO THE HONORABLE PRESIDENT AND MEMBERS,
THE SENATE OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I AM RETURNING HEREWITH, WITHOUT MY APPROVAL AS TO SECTION 18, ENGROSSED SUBSTITUTE SENATE BILL NO. 6167 ENTITLED:

"AN ACT RELATING TO ACTUARIAL FUNDING OF STATE RETIREMENT SYSTEMS;"

THIS BILL ESTABLISHES LONG-TERM ECONOMIC ASSUMPTIONS AND CONTRIBUTION RATES FOR THE STATE PENSION FUNDS. THESE ARE MATTERS OF GREAT CONCERN TO BOTH WORKING AND RETIRED MEMBERS OF THE RETIREMENT SYSTEMS AND FOR THE STATE AS A WHOLE. IMPLEMENTING THESE ASSUMPTIONS REQUIRES A HIGH LEVEL OF EXPERTISE AND APPROPRIATE INPUT FROM THOSE WITH THE EXPERIENCE AND SKILLS TO ENSURE THE CREDIBILITY AND ACCOUNTABILITY OF THE PROCESS.

SECTION 18 WOULD HAVE ABOLISHED THE PENSION FUNDING WORK GROUP ENTIRELY, AND TRANSFERRED STAFFING RESPONSIBILITY TO THE STATE ACTUARY. THIS APPROACH WOULD HAVE REDUCED THE AMOUNT OF EXPERTISE AND INPUT AVAILABLE AND WOULD HAVE ERODED CONFIDENCE IN THE RELIABILITY OF THE PENSION SYSTEM.

I AGREE WITH MEMBERS OF THE LEGISLATURE THAT THE CURRENT PROCESS COULD BE BETTER, AND AM WILLING TO WORK WITH THEM ON ANOTHER SOLUTION.

FOR THESE REASONS, I HAVE VETOED SECTION 18 OF ENGROSSED SUBSTITUTE SENATE BILL NO. 6167.

WITH THE EXCEPTION OF SECTION 18, ENGROSSED SUBSTITUTE SENATE BILL NO. 6167 IS APPROVED.

RESPECTFULLY SUBMITTED,
GARY LOCKE, GOVERNOR

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SENATE BILL NO. 6194

JULY 13, 2001

TO THE HONORABLE PRESIDENT AND MEMBERS,
THE SENATE OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I AM RETURNING HEREWITH, WITHOUT MY APPROVAL AS TO SECTION 2, ENGROSSED SENATE BILL NO. 6194 ENTITLED:

"AN ACT RELATING TO AUTHORIZING THE PROVISION OF PILOTAGE SERVICES IN THE GRAYS HARBOR PILOTAGE DISTRICT BY PORT DISTRICTS;"

ENGROSSED SENATE BILL NO. 6194 AUTHORIZES THE PORT OF GRAYS HARBOR TO UNDERTAKE PILOTAGE SERVICES UNDER CERTAIN CONDITIONS. THIS BILL WILL HELP ENSURE THE SAFE PASSAGE OF MARITIME TRAFFIC IN THE GRAYS HARBOR PILOTAGE DISTRICT WHEN NO PRIVATE SECTOR PILOTS ARE AVAILABLE.

SECTION 2 OF THE BILL MANDATES A STUDY OF THIS AUTHORIZATION BY THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE. ALTHOUGH A REVIEW OF THE PROVISIONS AND EFFECTIVENESS OF THIS ACT SHOULD BE UNDERTAKEN, THE SCOPE OF THE STUDY IS TOO BROAD. IT SPECIFICALLY REQUESTS THAT THE COMMITTEE INVESTIGATE WHETHER *OTHER* PORTS HAVE INDICATED AN INTEREST IN PROVIDING PILOTAGE SERVICES, SUGGESTING THAT WE MIGHT CONSIDER THE PROVISION OF PILOTAGE SERVICES BY PORTS OTHER THAN GRAYS HARBOR.

IN THE CASE OF GRAYS HARBOR, IT IS CLEAR THAT THE PRIVATE SECTOR IS NO LONGER ABLE TO ADEQUATELY PROVIDE THIS ESSENTIAL PUBLIC SERVICE. HOWEVER, THERE IS NO EVIDENCE TO SUGGEST THAT THE PUBLIC NEEDS TO PROVIDE THESE SERVICES IN ANY OTHER AREA. THE PUBLIC SECTOR SHOULD NOT UNNECESSARILY DISPLACE FUNCTIONING PRIVATE SECTOR BUSINESSES.

FOR THESE REASONS I HAVE VETOED SECTION 2 OF ENGROSSED SENATE BILL NO. 6194.

WITH THE EXCEPTION OF SECTION 2, ENGROSSED SENATE BILL NO. 6194 IS APPROVED.

RESPECTFULLY SUBMITTED,
GARY LOCKE, GOVERNOR

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE PARTIAL VETO MESSAGES ON THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5327, ENGROSSED SUBSTITUTE SENATE BILL NO. 5937, ENGROSSED SUBSTITUTE SENATE BILL NO. 6153, SUBSTITUTE SENATE BILL NO. 6155, ENGROSSED SUBSTITUTE SENATE BILL NO. 6167 AND ENGROSSED SENATE BILL NO. 6194 WERE HELD AT THE DESK.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

MAY 17, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I HAVE THE HONOR TO SUBMIT THE FOLLOWING APPOINTMENT, SUBJECT TO YOUR CONFIRMATION.

JENNA TINKLE, TO BE APPOINTED JUNE 1, 2001, FOR A TERM ENDING MAY 31, 2002, AS A MEMBER OF THE BOARD OF TRUSTEES FOR EASTERN WASHINGTON UNIVERSITY.

SINCERELY,
GARY LOCKE, GOVERNOR

REFERRED TO COMMITTEE ON HIGHER EDUCATION.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
OLYMPIA, WASHINGTON 98504-5000
JULY 11, 2001

MR. TONY COOK
SECRETARY OF THE SENATE
P.O. Box 40482
OLYMPIA, WASHINGTON 98504-0482

DEAR MR. COOK:

ENCLOSED IS THE DEPARTMENT'S SEMI-ANNUAL REPORT TO THE LEGISLATURE ENTITLED "FOSTER CHILDREN/LONG TERM CARE." IT IS MANDATED UNDER CHAPTER 232, LAWS OF 2000, SECTION 1(4).

PLEASE CALL LAURA HURTADO-WEBB AT (360) 902-7568 IF YOU HAVE QUESTIONS REGARDING THE REPORT.

SINCERELY,
DENNIS BRADDOCK, SECRETARY

THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES REPORT TO THE LEGISLATURE ENTITLED "FOSTER CHILDREN/LONG TERM CARE" IS ON FILE IN THE OFFICE OF THE SECRETARY OF THE SENATE.

INTRODUCTION AND FIRST READING

SB 6211 BY SENATOR GARDNER

HARMONIZING ELECTION PROCEDURE DATES.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 6211 WAS HELD AT THE DESK.

MOTION

AT 12:06 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 12:00 NOON, TUESDAY, JULY 17, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

FIRST DAY, THIRD SPECIAL SESSION, JULY 16, 2001

SECOND DAY, THIRD SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Tuesday, July 17, 2001

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6212 by Senators Honeyford and Deccio

AN ACT Relating to exempting heating, air conditioning, water heater, and household appliance installation and service from electrical licensing laws; and amending RCW 19.28.261.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6213 by Senators T. Sheldon, Deccio and McCaslin

AN ACT Relating to preserving the blanket primary by advancing to the general election ballot the two candidates receiving the most votes regardless of political party affiliation; amending RCW 29.30.085, 29.15.150, 29.15.160, 29.15.170, 29.15.190, 29.15.210, 29.15.220, 29.27.020, 29.30.101, 29.42.010, 29.42.020, 29.42.050, and 29.62.010; and repealing RCW 29.15.200, 29.15.230, 29.18.150, 29.18.160, and 29.30.095.

Referred to Committee on State and Local Government.

SB 6214 by Senators T. Sheldon, Honeyford, Sheahan, McCaslin and Deccio

AN ACT Relating to tax incentives in rural counties and community empowerment zones; amending RCW 82.60.010, 82.60.020, 82.62.010, 82.62.030, and 82.62.045; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating new sections.

HOLD.

MOTION

Senator Betti Sheldon moved that Senate Bill No. 6212 be referred to the Committee on Labor, Commerce and Financial Institutions, Senate Bill 6213 be referred to the Committee on State and Local Government and Senate Bill No. 6214 be referred to the Committee on Economic Development and Telecommunications.

MOTION

Senator Tim Sheldon moved that the motion be amended and Senate Bill No. 6214 be referred to the Committee on Transportation. Debate ensued.

MOTION

On motion of Senator Tim Sheldon, the motion to amend the motion by Senator Betti Sheldon was withdrawn.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6212 was referred to the Committee on Labor, Commerce and Financial Institutions, Senate Bill No. 6213 was referred to the Committee on State and Local Government and amended her motion to hold Senate Bill No. 6214 on the desk.

MOTION

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

SENATE RESOLUTION 2001-8710

By Senator Deccio, Hochstatter, Parlette, Benton, Brown, Carlson, Constantine, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, and Zarelli

WHEREAS, Firefighting is a most dangerous occupation; and

WHEREAS, The men and women who fight fires take on that danger to protect us and deserve our appreciation and admiration; and

WHEREAS, Strength, endurance, and above all, courage are basic requirements for anyone who chooses to battle fires; and

WHEREAS, The adventure, action and adrenaline involved in firefighting tends to attract youth; and

WHEREAS, Early Tuesday morning July 10, 2001, twenty-one U.S. Forest Service firefighters from the Naches Ranger District were sent in to extinguish a small wildfire; and

WHEREAS, Within a two hour span, the routine wildfire quickly grew from a mere several dozen acres to an estimated 2,500 acres; and

WHEREAS, The crews were ordered to pull out, but the fire caught up, cutting off possible escape routes; and

WHEREAS, Four young members of the twenty-one member firefighting crew lost their lives and several others were injured; and

WHEREAS, Three of the four young firefighters who lost their lives were from Yakima and one from Ellensburg; and

WHEREAS, These fallen firefighters who died protecting their neighbors deserve our remembrance and their families deserve our sympathies; and

WHEREAS, Those firefighters who were injured protecting their neighbors deserve our wishes for speedy recoveries;

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate honor and remember the four young firefighters who lost their lives battling the wildfires in North Central Washington: Tom Craven from Ellensburg; Karen FitzPatrick from Yakima; Devin Weaver from Yakima; and Jessica Johnson from Yakima; and

BE IT FURTHER RESOLVED, That the Washington State Senate wish the injured firefighters speedy recoveries and extends its deepest sympathies to the families, friends and fellow crew members of the firefighters, who lost their lives battling the wildfires in North Central Washington. For the more than 600 firefighters from around the country who have been called in to replace the crew from the Naches Ranger District, we wish a safe and successful assignment; and

BE IT FURTHER RESOLVED, That the Secretary of Senate immediately transmit copies of this resolution to the families and fellow crew members of the fallen U.S. Forest Service firefighters from the Naches Ranger District.

Senators Deccio, Morton and Franklin spoke to Senate Resolution 2001-8710.

MOMENT OF SILENCE

The members of the Senate stood for a moment of silence in memory of the four young fallen United States Forest Service firefighters from the Naches Ranger District.

MOTION

At 12:15 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Wednesday, July 18, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

THIRD DAY, THIRD SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Wednesday, July 18, 2001

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6215 by Senators Rasmussen and Honeyford

AN ACT relating to conservation district supervisors; amending RCW 89.08.020; adding a new section to chapter 89.08 RCW; and declaring an emergency.

HOLD.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6215 was held on the desk.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6214, which was held on the desk July 17, 2001, was referred to the "Committee on Transportation.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the senate adjourned until 12:00 noon, July 19, 2001.

BRAD OWEN, President of the Senate

TONY COOK, Secretary of the Senate

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

FOURTH DAY, THIRD SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Thursday, July 19, 2001

The Senate was called to order at 12:00 noon by Vice President Pro Tempore Shin. No roll call was taken.

MOTION

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

**MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

June 22, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Redmond Byrne, appointed June 22, 2001, for a term ending June 15, 2006, as a member of the Marine Employees' Commission.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Transportation.

June 25, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joseph Fram, to be reappointed July 2, 2001, for a term ending July 2, 2006, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Education.

July 2, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Rene' Ewing appointed July 2, 2001, for a term ending at the pleasure of the Governor, as Chair of the Work Force Training and Education Coordinating Board.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Labor, Commerce and Financial Institutions.

MOTION

At 12:02 p.m., on motion of Senator Fraser, the Senate adjourned until 10:00 a.m., Friday, July 20, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FOURTH DAY, THIRD SPECIAL SESSION, JULY 19, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

FIFTH DAY, THIRD SPECIAL SESSION

MORNING SESSION

SENATE CHAMBER, OLYMPIA, FRIDAY, JULY 20, 2001

THE SENATE WAS CALLED TO ORDER AT 10:00 A.M. BY PRESIDENT OWEN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS BROWN, FRANKLIN, HARGROVE, KLINE, LONG AND WINSLEY. ON MOTION OF SENATOR EIDE, SENATORS BROWN, FRANKLIN, HARGROVE AND KLINE WERE EXCUSED. ON MOTION OF SENATOR HONEYFORD, SENATORS LONG AND WINSLEY WERE EXCUSED.

THE SERGEANT AT ARMS COLOR GUARD, CONSISTING OF STAFF MEMBERS PAM HAHN AND GARY HOLT, PRESENTED THE COLORS. SENATOR PAT HALE OFFERED THE PRAYER.

INTRODUCTION AND FIRST READING

SB 6216 BY SENATORS HONEYFORD, McCASLIN, HOCHSTATTER, DECCIO, HEWITT, LONG, ROSSI, BENTON, HORN, PARLETTE, SWECKER, HALE, SHEAHAN, OKE, STEVENS, JOHNSON, FINKBEINER, ZARELLI, MORTON AND McDONALD

AN ACT RELATING TO INDUSTRIAL INSURANCE FUNDS; AMENDING RCW 51.16.035; AND DECLARING AN EMERGENCY.

REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 6217 BY SENATORS HONEYFORD, RASMUSSEN, T. SHELDON AND DECCIO

AN ACT RELATING TO OFFSTREAM WATER STORAGE; MAKING AN APPROPRIATION; AND DECLARING AN EMERGENCY.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6218 BY SENATORS HONEYFORD, RASMUSSEN, T. SHELDON AND DECCIO

AN ACT RELATING TO SALES AND USE TAX EXEMPTIONS FOR FARM MACHINERY AND EQUIPMENT; ADDING A NEW SECTION TO CHAPTER 82.08 RCW; ADDING A NEW SECTION TO CHAPTER 82.12 RCW; AND DECLARING AN EMERGENCY.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6219 BY SENATORS HONEYFORD, RASMUSSEN, T. SHELDON AND DECCIO

AN ACT RELATING TO TAX RELIEF FOR AGRICULTURAL BUSINESSES; ADDING A NEW SECTION TO CHAPTER 82.04 RCW; AND DECLARING AN EMERGENCY.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6220 BY SENATORS HONEYFORD AND DECCIO

AN ACT RELATING TO MINIMUM HOURLY WAGE; AND AMENDING RCW 49.46.020.

REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 6221 BY SENATORS HONEYFORD, RASMUSSEN, T. SHELDON AND DECCIO

AN ACT RELATING TO AN EXEMPTION OF REAL PROPERTY USED IN FARMING OPERATIONS FROM THE STATE PROPERTY TAX AND PREVENTING A SHIFT OF PROPERTY TAXES; ADDING A NEW SECTION TO CHAPTER 84.36 RCW; ADDING A NEW SECTION TO CHAPTER 84.55 RCW; CREATING A NEW SECTION; PROVIDING EXPIRATION DATES; AND DECLARING AN EMERGENCY.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6222 BY SENATORS HONEYFORD, RASMUSSEN, T. SHELDON AND DECCIO

AN ACT RELATING TO WATER CONSERVATION; MAKING AN APPROPRIATION; AND DECLARING AN EMERGENCY.
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6223 BY SENATORS HONEYFORD, RASMUSSEN, T. SHELDON AND DECCIO

AN ACT RELATING TO DISASTER RELIEF FOR FARMERS; MAKING AN APPROPRIATION; AND DECLARING AN
EMERGENCY.
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6224 BY SENATORS HONEYFORD, RASMUSSEN, T. SHELDON AND DECCIO

AN ACT RELATING TO SHORELINES; ADDING A NEW SECTION TO CHAPTER 90.58 RCW; AND DECLARING AN
EMERGENCY.
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

SB 6225 BY SENATORS McCASLIN, CARLSON, MORTON, T. SHELDON AND DECCIO

AN ACT RELATING TO REISSUANCE OF LICENSE PLATES; AND REPEALING RCW 46.16.233.
REFERRED TO COMMITTEE ON TRANSPORTATION.

CHANGE OF APPOINTMENT TO LEGISLATIVE COMMITTEE ON ECONOMIC DEVELOPMENT

THE PRESIDENT APPOINTED SENATOR HEWITT TO THE LEGISLATIVE COMMITTEE ON ECONOMIC DEVELOPMENT
REPLACING SENATOR WEST, WHO HAD BEEN APPOINTED TO THE COMMITTEE EARLIER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE APPOINTMENT WAS CONFIRMED.

MOTION

AT 10:05 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE WAS DECLARED TO BE AT EASE.

THE SENATE WAS CALLED TO ORDER AT 10:47 A.M. BY PRESIDENT OWEN.

MOTION

ON MOTION OF SENATOR REGALA, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8711

BY SENATOR REGALA, FRANKLIN, SNYDER, WEST, SHELDON, B., McCASLIN, RASMUSSEN, SPANEL, JOHNSON AND KASTAMA

**WHEREAS, DAVE DE FORREST WAS A FRIEND, A COLLEAGUE AND A PUBLIC SERVANT IN THE TRUEST SENSE; AND
WHEREAS, ALTHOUGH DAVE DID NOT MARRY OR HAVE CHILDREN, HE FOUND FAMILY IN HIS COMMUNITY AND HIS
WORK; AND**

**WHEREAS, HE BECAME A CHAMPION OF EAST TACOMA RESIDENTS, HAVING FOUNDED AND SERVED AS PRESIDENT OF
THE GREATER MCKINLEY BOOSTER ASSOCIATION; AND**

**WHEREAS, HIS COMMUNITY ACTIVISM LED HIM TO PUBLIC OFFICE AS A MEMBER OF THE TACOMA CITY COUNCIL; AND
WHEREAS, AS A COUNCIL MEMBER, HE FOUGHT FOR THE UNDERDOG AND WORKED DILIGENTLY TO HELP ENSURE
THAT GOVERNMENT REMAINED AS OPEN AND ACCESSIBLE AS POSSIBLE; AND**

**WHEREAS, WHEN DAVE CAST THE LONE DISSENTING VOTE ON AN ISSUE, WHICH HAPPENED WITH SOME FREQUENCY,
IT WAS NEVER A MATTER OF BEING PETTY OR PERSONAL, IT WAS A MATTER OF WHAT WAS FOR HIM THE RIGHT THING TO DO; AND
WHEREAS, HE WAS HARD-WORKING, HUMBLE, INTELLIGENT, TRUSTWORTHY AND WITHOUT PRETENSION; AND**

**WHEREAS, DAVE SHUNNED ACCOLADES, BELIEVING THAT NO ONE SHOULD EXPECT ATTENTION FOR SIMPLY DOING A
JOB WELL; AND**

WHEREAS, DAVE HIMSELF READ MANY A RESOLUTION SERVING AS SENATE READER IN 1987; AND

**WHEREAS, HIS SENATE SERVICE, WHICH BEGAN IN 1980, ALSO INCLUDED THE JOBS OF CHAUFFEUR, ASSISTANT
SERGEANT AT ARMS AND SENIOR SUPPLY CLERK; AND**

WHEREAS, WHILE HE WAS A VERY PRIVATE PERSON, DAVE WAS GENEROUS AND KIND, AND ALWAYS WILLING TO LEND A HAND WHEN NEEDED; AND

WHEREAS, AFTER MORE THAN A YEAR OF CANCER TREATMENT, DAVE DE FORREST PASSED AWAY ON JULY 11, 2001, AND HIS SPIRIT AND DEDICATION ON THE CAPITOL CAMPUS AND TACOMA WILL TRULY BE MISSED;

NOW, THEREFORE, BE IT RESOLVED, THAT THE SENATE RECOGNIZE AND HONOR THE GREAT LIFE AND COMMITMENT TO PUBLIC SERVICE OF OUR COLLEAGUE, DAVE DE FORREST; AND

BE IT FURTHER RESOLVED, THAT COPIES OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO DAVE DE FORREST'S BROTHERS AND SISTERS, DIANE LANGER, DEBORAH TAYLOR, DUANE DE FORREST, DWIGHT DE FORREST AND MAYNARD DE FORREST.

SENATORS REGALA, SNYDER, MCCASLIN AND RASMUSSEN SPOKE TO SENATE RESOLUTION 2001-8711.

INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT INTRODUCED AND EXPRESSED SYMPATHY TO DIANE LANGER, DEBORAH TAYLOR, DUANE DE FORREST, DWIGHT DE FORREST AND MAYNARD DE FORREST, THE SISTERS AND BROTHERS OF DAVE DE FORREST, WHO WERE SEATED IN THE GALLERY.

MOTION

AT 11:03 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 10:00 A.M., SATURDAY, JULY 21, 2001.

TONY M. COOK, SECRETARY OF THE SENATE

BRAD OWEN, PRESIDENT OF THE SENATE

JOURNAL OF THE SENATE

FIFTH DAY, THIRD SPECIAL SESSION, JULY 20, 2001

NOTICE: FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

SIXTH DAY, THIRD SPECIAL SESSION

MORNING SESSION

SENATE CHAMBER, OLYMPIA, SATURDAY, JULY 21, 2001

THE SENATE WAS CALLED TO ORDER AT 10:00 A.M. BY PRESIDENT OWEN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS FAIRLEY, KLINE AND ZARELLI. ON MOTION OF SENATOR EIDE, SENATORS FAIRLEY AND KLINE WERE EXCUSED. ON MOTION OF SENATOR HONEYFORD, SENATOR ZARELLI WAS EXCUSED.

THE SERGEANT AT ARMS COLOR GUARD, CONSISTING OF STAFF MEMBERS LAURA BELL AND NANCY ATWOOD, PRESENTED THE COLORS. SENATOR KAREN FRASER OFFERED THE PRAYER.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

INTRODUCTION AND FIRST READING

SB 6226 BY SENATORS PRENTICE AND WINSLEY

AN ACT RELATING TO UNIFORM LAWS REGULATING COMMERCIAL TRANSACTIONS; AMENDING RCW 62A.1-107, 62A.1-201, 62A.1-205, 62A.1-206, 62A.2-102, 62A.2-105, 62A.2-201, 62A.2-202, 62A.2-203, 62A.2-205, 62A.2-207, 62A.2-209, 62A.2-316, 62A.2-503, 62A.2-509, 62A.2-605, 62A.2-606, 62A.2-607, 62A.2-609, 62A.2-616, 62A.2-702, 62A.2A-102, 62A.2A-103, 62A.2A-107, 62A.2A-201, 62A.2A-202, 62A.2A-203,

62A.2A-205, 62A.2A-208, 62A.2A-214, 62A.2A-303, 62A.2A-309, 62A.2A-310, 62A.2A-401, 62A.2A-406, 62A.2A-514, AND 62A.2A-516; ADDING A NEW SECTION TO ARTICLE 62A.1 RCW; ADDING A NEW CHAPTER TO TITLE 63 RCW; AND CREATING A NEW SECTION.
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 6227 BY SENATORS RASMUSSEN, DECCIO, HONEYFORD, MORTON AND T. SHELDON (BY REQUEST OF GOVERNOR LOCKE)

AN ACT RELATING TO RELIEF FOR FARMERS, FARMWORKERS, AND COMMUNITIES AFFECTED BY CROP DAMAGE DUE TO SEVERE STORMS OCCURRING ON JUNE 26 AND 27, 2001; AMENDING RCW 82.29A.130; ADDING A NEW SECTION TO CHAPTER 50.22 RCW; ADDING A NEW SECTION TO CHAPTER 84.36 RCW; CREATING A NEW SECTION; MAKING APPROPRIATIONS; AND DECLARING AN EMERGENCY.
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6228 BY SENATORS RASMUSSEN, DECCIO, HONEYFORD, MORTON AND T. SHELDON (BY REQUEST OF GOVERNOR LOCKE)

AN ACT RELATING TO FUNDING CROP DAMAGE; REENACTING AND AMENDING RCW 43.84.092 AND 43.84.092; CREATING NEW SECTIONS; MAKING AN APPROPRIATION; PROVIDING AN EFFECTIVE DATE; PROVIDING AN EXPIRATION DATE; AND DECLARING AN EMERGENCY.
REFERRED TO COMMITTEE ON WAYS AND MEANS.

INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT WELCOMED AND INTRODUCED A DELEGATION FROM YASHIRO JAPAN, WHO WERE HERE CELEBRATING THE TWENTIETH ANNIVERSARY OF THE OLYMPIA/YASHIRO SISTER/CITY RELATIONSHIP. THE PRESIDENT ALSO INTRODUCED MAYOR AGEISH, PRESIDENT OF THE YASHIRO SISTER CITY ASSOCIATION IN YASHIRO AND DR. FUJIMOTO, PRESIDENT OF THE SISTER CITY ASSOCIATION IN OLYMPIA. ALSO SEATED IN THE GALLERY WITH THE GUESTS WITH THE GUESTS WAS TIM MALONE, HUSBAND OF SENATOR KAREN FRASER, AND A PAST PRESIDENT OF THE OLYMPIA/YASHIRO SISTER CITY ASSOCIATION.

MOTION

ON MOTION OF SENATOR EIDE, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8712

BY SENATORS EIDE AND BETTI SHELDON

WHEREAS, THE USS WILLIAM SEIVERLING (DE-441) WAS COMMISSIONED AT THE NEW YORK NAVY YARD ON JUNE 1, 1944, UNDER THE COMMAND OF LT. COMMANDER CHARLES F. ADAMS, JR.. SINCE ITS DE-COMMISSIONING ON SEPTEMBER 27, 1957, AN ANNUAL REUNION IS HELD IN REMEMBRANCE OF THE SHIP AND ITS MATES; AND

WHEREAS, TONY MOLA SERVED ON BOARD THE USS WILLIAM SEIVERLING AS A CHIEF MACHINIST REPAIRMAN FROM 1944 TO 1945 AND IS THE HOST FOR THE 2001 REUNION. TONY RESIDES IN KENT, WASHINGTON, AND THE 2001 REUNION IS THE FIRST EVER TO BE HELD ON THE WEST COAST; AND

WHEREAS, THE DESTROYER ESCORT REACHED OAHU ON SEPTEMBER 17, 1944, AND BEGAN A SERIES OF MISSIONS OUT OF THE PEARL HARBOR BASE INCLUDING TORPEDO, SURFACE GUNNERY, AND SHORE BOMBARDMENT EXERCISES. AFTER OCTOBER 8, 1944, SHE BEGAN ANTISUBMARINE WARFARE DUTY; AND

WHEREAS, THE USS WILLIAM SEIVERLING ARRIVED ON DECEMBER 2, 1944, IN ULITHI AND HELPED PATROL THE SEA LANES BETWEEN VARIOUS ISLANDS IN THE CENTRAL PACIFIC TO KEEP THEM CLEAR OF JAPANESE SUBMARINES. ON JANUARY 7, 1945, DURING THE TRANSIT TO LUZON, HER GUNS WARDED OFF A SINGLE PLANE ATTACK; AND

WHEREAS, ON MARCH 21, 1945, THE USS WILLIAM SEIVERLING GOT UNDERWAY WITH TASK GROUP 52.1 TO SUPPORT THE ASSAULT AND OCCUPATION OF OKINAWA. UPON HER ARRIVAL IN THE RYUKYUS ON MAY 20, 1945, SHE BEGAN PATROL DUTY ON VARIOUS ANTISUBMARINE AND ANTI-AIRCRAFT DEFENSE STATIONS AROUND OKINAWA. DURING THIS PHASE OF HER OKINAWA DUTY, THE USS WILLIAM SEIVERLING CAME UNDER NUMEROUS AIR ATTACKS-INCLUDING THE ATTACK ON MAY 25, 1945. SHE CLAIMED THREE KILLS AND A NUMBER OF HITS BUT SUFFERED NO DAMAGE HERSELF; AND

WHEREAS, THE USS WILLIAM SEIVERLING WAS DE-COMMISSIONED ON MARCH 21, 1947. HOWEVER, THE OUTBREAK OF HOSTILITIES IN KOREA DURING THE SUMMER OF 1950 BROUGHT MANY WARSHIPS IN THE RESERVE FLEET BACK TO ACTIVE DUTY. ACCORDINGLY, ON DECEMBER 27, 1950, THE USS WILLIAM SEIVERLING WAS RE-COMMISSIONED AT SAN DIEGO, UNDER THE COMMAND OF LT. COMANDER WALTER C. COLE; AND

WHEREAS, IN JULY, THE USS WILLIAM SEIVERLING ARRIVED IN THE KOREAN WAR ZONE. FROM THE 6TH TO THE 12TH IN 1951, SHE CONDUCTED SHORE BOMBARDMENT MISSIONS NEAR SONGJIN. ON SEPTEMBER 8, 1951, THE DESTROYER ESCORT DREW FIRE FROM AN ENEMY SHORE BATTERY. THROUGHOUT THE BRIEF ACTION, THE ENEMY CONSISTENTLY STRADDLED THE SHIP AND SUCCEEDED IN SCORING THREE HITS, ONE OF WHICH STRUCK THE SHIP BELOW THE WATERLINE AT THE NUMBER TWO FIRE-ROOM. THAT HIT CAUSED HER TO BREAK OFF THE ACTION AND RETIRE TO SASEBO FOR REPAIRS. SHE RETURNED TO THE UNITED STATES ON NOVEMBER 22, 1951; AND

WHEREAS, THE USS WILLIAM SEIVERLING WAS PLACED OUT OF COMMISSION AT SAN DIEGO ON SEPTEMBER 27, 1957. THE WARSHIP EARNED FOUR BATTLE STARS DURING WORLD WAR II AND THREE BATTLE STARS DURING THE KOREAN CONFLICT;

NOW, THEREFORE, BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE ACKNOWLEDGE AND HONOR THE ACCOMPLISHMENTS OF THE USS WILLIAM SEIVERLING AND THE BRAVERY OF HER MATES IN DEFENDING OUR COUNTRY, AND RECOGNIZE THE SHIP'S THIRTY-SEVENTH REUNION BETWEEN OCTOBER 3-7, 2001; AND

BE IT FURTHER RESOLVED, THAT COPIES OF THIS RESOLUTION BE TRANSMITTED BY THE SECRETARY OF THE SENATE TO THE MATES OF THE USS WILLIAM SEIVERLING ATTENDING THE 2001 REUNION.

SENATORS EIDE AND SHIN SPOKE TO SENATE RESOLUTION 2001-8712.

MOTION

AT 10:12 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE WAS DECLARED TO BE AT EASE.

THE SENATE WAS CALLED TO ORDER AT 2:06 P.M. BY PRESIDENT OWEN.

REMARKS BY SENATOR SNYDER

SENATOR SNYDER: "THANK YOU, MR. PRESIDENT AND MEMBERS OF THE SENATE. THE GOVERNOR CALLED US IN TO TRY AND SOLVE THE TRANSPORTATION PROBLEM THAT WE HAVE IN THE STATE OF WASHINGTON. WE HAD PEOPLE NEGOTIATING IN GOOD FAITH FROM BOTH SIDES OF THE AISLE IN BOTH HOUSES. WE CAME UP WITH AN AGREEMENT FOR A REGIONAL PLAN AND FOR A STATEWIDE PLAN. THE SENATE HAS THE VOTES TO PASS THE STATEWIDE PLAN AND THE REGIONAL PLAN OVER HERE. IN OUR NEGOTIATIONS, WE SAID WE WOULD PASS A REGIONAL PLAN HERE, WHICH WE HAVE THE VOTES FOR AND THAT THE HOUSE WOULD PASS THE STATEWIDE PLAN FIRST. WE HAVE BEEN SITTING HERE NOW AND WE HAVE MADE NO PROGRESS. WE HAVE THE VOTES IN THE SENATE TO PASS BOTH PLANS. THE HOUSE--APPARENTLY, THE WORD THAT WE HAVE IS THAT THE DEMOCRATS HAVE AT LEAST THIRTY VOTES OVER THERE FOR IT AND WE ARE NOT ABLE TO PRODUCE THE FIFTY VOTES OUT OF THERE. AFTER TALKING WITH LEADERSHIP OF THE REPUBLICAN CAUCUS AND THE SENATE, AND IN TALKING WITH MY MEMBERS OF THE SENATE DEMOCRATIC CAUCUS, WE THOUGHT THE BEST THING WE COULD DO--RATHER THAN SIT HERE AND BECOME MORE FRUSTRATED EVERYDAY AND GET PRESSURE TO PASS BILLS THAT WOULDN'T BE CONSIDERED IF WE WEREN'T BACK HERE FOR THE TRANSPORTATION PACKAGE--THAT WE WOULD GO INTO A ROLLING RECESS. WE HOPE THAT, ALONG THE WAY, WE CAN COME UP WITH SOMETHING THAT WOULD GET TWENTY-FIVE AND FIFTY VOTES AND ONE DOWN STAIRS FOR THE PACKAGES.

"UNTIL THAT TIME, WE ARE GOING TO ADJOURN TODAY UNTIL NEXT TUESDAY. WE WILL COME IN ON EITHER A THREE DAY BASIS OR A DAILY BASIS UNTIL WE CAN GET SOMETHING WORKED OUT OR UNTIL WE USE UP OUR THIRTY DAYS. I CERTAINLY THINK THAT THE TRANSPORTATION PROBLEM IN THE STATE OF WASHINGTON IS OF HUGE, HUGE SIGNIFICANCE TO THE STATE. I BELIEVE IF WE DON'T DO SOMETHING, AND START AS SOON AS WE POSSIBLY CAN, OUR ECONOMY IS GOING TO GO INTO SERIOUS DOLDRUMS. WE HAVE ALL HEARD THE STORIES THAT BOEING PROBABLY WON'T BUILD THEIR SUPER SONIC CRUISER IN SEATTLE UNLESS WE CAN SOLVE THE TRANSPORTATION PROBLEM. MICROSOFT IS TALKING ABOUT EXPANDING IN UTAH OR SOME OTHER STATES, RATHER THAN THE STATE OF WASHINGTON. OTHER BUSINESSES ARE TALKING ABOUT MOVING OUT OF THE STATE OF WASHINGTON. I THINK IT IS VERY, VERY CRUCIAL THAT WE KEEP WORKING AND TRY AND COME UP WITH A SOLUTION TO OUR TRANSPORTATION PROBLEMS IN THE STATE OF WASHINGTON. IF NOT, FOUR OR FIVE OR SIX YEARS FROM NOW, WHEN WE COULD VERY POSSIBLY BE IN A DEEP RECESSION OR DEPRESSION, I CERTAINLY DON'T WANT PEOPLE LOOKING BACK AND SAYING, 'WHY DIDN'T THEY DO SOMETHING BACK IN 01 WHEN THEY HAD THE OPPORTUNITY AND WE WOULDN'T BE HAVING THESE PROBLEMS?' I HATE TO COME TO THIS CONCLUSION, BUT I THINK IT IS THE BEST SITUATION AND SOLUTION THAT WE CAN COME UP WITH AT THE PRESENT TIME."

REMARKS BY SENATOR HAUGEN

SENATOR HAUGEN: "THANK YOU, MR. PRESIDENT. WELL, I WANT TO SAY 'THANK YOU' TO MY FELLOW SENATORS ON BOTH SIDES OF THE AISLE, WHO HAVE WORKED SHOULDER TO SHOULDER WITH ME THIS LAST WEEK. WITHOUT THE LEADERSHIP OF PEOPLE LIKE DAN McDONALD AND JIM HORN AND BILL FINKBEINER AND JIM KASTAMA AND GEORGIA GARDNER AND KEN JACOBSEN, WE WOULDN'T HAVE HAD THE PACKAGE THAT WE HAVE HERE. THESE ARE EXTRAORDINARY INDIVIDUALS WHO HAVE WORKED VERY HARD WITH ME. I ALSO WANT TO EXTEND A REAL 'THANK YOU' TO OUR STAFF. I THINK FEW OF US REALIZE THE MANY HOURS THAT OUR STAFF HAS WORKED LATE, LATE INTO THE NIGHT TO PUT TOGETHER THIS PACKAGE.

"WHAT WE HAVE IS A PROPOSAL THAT WE ALL CAN BE PROUD OF. IT IS ONE, BECAUSE WE HAVE WORKED TOGETHER IN A UNITED WAY, THAT NOT ONLY ADDRESSES THE PROBLEMS IN PUGET SOUND, BUT HAS MONEY IN IT THAT WOULD SOLVE PROBLEMS THROUGHOUT THIS STATE. IT TRULY WOULD KEEP THE STATE OF WASHINGTON MOVING. WE ARE GOING HOME HOPING THAT THE HOUSE WILL TAKE ACTION. I WILL SAY THAT THEY HAVE NOT WORKED AS LONG AND AS HARD AS WE HAVE. I DON'T THINK THEY HAD THE UNDERSTANDING THAT WE HAD. PERHAPS, IF WE GIVE THEM A FEW DAYS, THEY WILL COME AROUND. AGAIN, I WANT TO SAY 'THANK YOU' TO MY COLLEAGUES WHO WORKED WITH ME AND TO OUR STAFF WHO WORKED SO VERY HARD."

MOTION

AT 2:12 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 10:00 A.M., TUESDAY, JULY 24, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

SIXTH DAY, THIRD SPECIAL SESSION, JULY 21, 2001

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

NINTH DAY, THIRD SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Tuesday, July 24, 2001

The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6229 by Senators Rasmussen and Swecker

AN ACT Relating to outdoor recreation program provisos in the budgets of the natural resource agencies of the state; amending 2001 2nd sp.s. c 7 ss 303 and 308 (uncodified); amending 2001 2nd sp.s. c 8 s 346 (uncodified); and declaring an emergency.
Referred to Committee on Ways and Means.

MOTION

At 10:01 a.m., on motion of Senator Fraser, the Senate adjourned until 10:00 a.m., Wednesday, July 25, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

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

TENTH DAY, THIRD SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Wednesday, July 25, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Patterson, Prentice, Regala, Rossi, Sheahan, Betti Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli. On motion of Senator Fraser, Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Regala, Betti Sheldon, Shin, Spanel and Thibaudeau were excused. On motion of Senator Honeyford, Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Horn, Johnson, Long, McCaslin, Morton, Oke, Parlette, Rossi, Sheahan, Stevens, Swecker, West, Winsley and Zarelli were excused.

The Sergeant at Arms Color Guard, consisting of staff members Sue LaVack and Nina Weld, presented the Colors. Secretary of the Senate Tony Cook offered the prayer.

MOTION

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

MESSAGE FROM STATE AGENCY

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-5000

July 20, 2001

Mr. Tony Cook
Secretary of the Senate
P. O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Cook:

Enclosed is the department's quarterly Report to the Legislature entitled "Services to Individuals with Developmental Disabilities Diagnosed with Mental Illness." It is mandated under Chapter 1, Laws of 2000, E2, Section 206 (1)(d).

Should you have any questions about the content of the report, please call Pat Buker at (360) 902-8460.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Services to Individuals with Developmental Disabilities Diagnosed with Mental Illness" is on file in the Office of the Secretary of the Senate.

PRESIDENT ANNOUNCES THE BIRTH OF NEW GRANDDAUGHTER

The President announced that he was the proud grandfather for the ninth time. His daughter delivered a beautiful baby girl, Naomi Chere' Zion, early this morning.

MOTION

At 10:05 a.m., on motion of Senator Fraser, the Senate was declared to be at ease.

The Senate was called to order at 11:49 a.m. by President Owen.

MESSAGE FROM THE HOUSE

July 25, 2001

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4419, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

HCR 4419 by Representatives Mastin and Kessler

Adjourning SINE DIE.

MOTION

On motion of Senator Fraser, the rules were suspended, House Concurrent Resolution No. 4419 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Fraser, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4419, by Senators Mastin and Kessler

Adjourning SINE DIE.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, House Concurrent Resolution No.4419 was advanced to third reading the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

HOUSE CONCURRENT RESOLUTION NO. 4419 was adopted by voice vote.

MOTIONS

On motion of Senator Fraser, Senate Bill No. 6211, which was held on the desk July 16, 2001, was referred to the Committee on State and Local Government.

On motion of Senator Fraser, Senate Bill No. 6215, which was held on the desk, July 18, 2001, was referred to the Committee on Agriculture and International Trade.

MOTION

On motion of Senator Fraser, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

July 25, 2001

MR. PRESIDENT:

The Co-Speakers have signed HOUSE CONCURRENT RESOLUTION NO. 4419, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk
TIMOTHY A. MARTIN, Co-Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4419.
MOTION

On motion of Senator Fraser, the Senate Journal for the tenth day of the 2001 Third Special Session of the Fifty-seventh Legislature was approved.

MOTION

At 12:05 p.m., on motion of Senator Fraser, the 2001 Third Special Session of the Fifty-seventh Legislature adjourned SINE DIE.

TONY M. COOK, Secretary of the Senate

BRAD OWEN, President of the Senate

JOURNAL OF THE SENATE

TENTH DAY, THIRD SPECIAL SESSION, JULY 25, 2001
